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Austrian Centre for Country of Origin
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Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law

COI Compilation

July 2015



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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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Table of contents

List of abbreviations	4
1 Background Information	5
1.1 Maps	5
1.1.1 Map of Iran	5
1.1.2 Map of Tehran	6
1.2 Brief overview of political institutions	7
2 Main political developments	15
2.1 Aftermath of the presidential and municipal elections of June 2013	15
2.2 Conservative opposition to the Government/Mahdawayat	17
3 Legal developments	19
3.1 Amendments to the Penal Code	19
3.2 Amendments to the Family Law	22
4 Political opposition groups	26
4.1 Green Movement	26
4.2 Mojahedin-e Khalq Organisation of Iran (MEK/MKO)	30
4.3 Jundallah	36
4.4 Kurdish activists	39
4.5 Democratic Party of Iranian Kurdistan (PDKI/KDPI)	41
4.6 Komala parties	45
4.7 Worker-Communist Party of Iran (WPI)	48
4.8 Party of Free Life of Kurdistan (PJAK)	49
4.9 Azeri political groups	54
4.10 Monarchists	58
4.11 Conservative dissidents	61
4.12 Student activists	62
5 Security and intelligence apparatus and other state organs	68
5.1 Law Enforcement Forces of the Islamic Republic of Iran (LEF)	74
5.1.1 Intelligence Unit	78
5.1.2 Social Corruption Unit	78
5.1.3 Amaken (Edare-ye Amaken Omumi)	79
5.1.4 Cyber Police (FATA)	82
5.2 The Ministry of Intelligence (MOI)	85
5.3 Army of the Guardians of the Islamic Revolution (IRGC)	90
5.3.1 IRGC Intelligence Organisation	95
5.3.2 The Basij	98
5.3.3 Qods/Quds Force	108
5.4 Islamic Republic of Iran Army (Artesh)	110
5.5 Ansar-e-Hezbollah	113
5.6 Ministry of Culture and Islamic Guidance (Ershad)	116
6 Selected human rights issues	119
6.1 Freedom of expression, association, and assembly	119
6.1.1 Treatment of trade unionists and labour activists	120

6.1.2	Treatment of political opposition groups and activists	123
6.1.3	Treatment of minority / cultural movements and activists	124
6.1.4	Treatment of family members of political dissidents living abroad	127
6.1.5	Treatment of human rights, women’s rights and child rights activists	128
6.1.6	Government restrictions on non-governmental organizations and civil society..	132
6.1.7	Treatment of artists, musicians and artisans	134
6.1.8	Treatment of non-conforming academics	137
6.1.9	Treatment of former political prisoners.....	139
6.1.10	Treatment of whistleblowers and others who speak out about corruption and other malpractice.....	140
6.2	Freedom of the media	140
6.2.1	Treatment of journalists and bloggers	140
6.2.2	Internet controls, service providers and social media activism.....	146
6.3	Treatment of failed Iranian asylum-seekers upon return in Iran	156
6.4	Freedom of movement/illegal exit.....	156
7	Rule of Law/Administration of Justice	161
7.1	General overview of the Iranian judicial system	161
7.1.1	Court system.....	163
7.1.2	Procedural law and practice	170
7.1.3	Information on fair trial guarantees and safeguards against double jeopardy	173
7.1.4	Bail requirements	177
7.2	Independence of the judiciary	180
7.3	Arbitrary arrest and detention	181
7.3.1	Detention rules and procedures.....	182
7.3.2	Procedures and practices relating to release of detainees.....	183
7.3.3	Undertakings.....	186
7.4	Unfair trials of political dissidents.....	188
7.5	Unlawful or disproportionate punishments for crimes	189
7.5.1	Torture, amputation and floggings, stoning	189
7.5.2	Punishment for consumption of alcohol, drug smuggling	191
7.6	Death penalty.....	192
7.6.1	Death penalty for political dissidents.....	194
7.6.2	Death penalty for children	195
7.6.3	Death penalty for consensual same-sex acts.....	196
7.6.4	Death penalty as a disproportionate sentence	199
7.7	Conditions in prisons and detention centres	201
7.8	Treatment of Lawyers.....	204
7.9	Administration of Military Justice	207
7.9.1	Military Courts	207
7.9.2	Procedural law and practice	208
7.9.3	Offences of military and security personnel.....	209
7.9.4	Treatment of non-conforming military and law enforcement personnel.....	209
7.9.5	Military service	210
8	Nationality and statelessness	215
	Sources.....	220

List of abbreviations

AFGCH - Armed Forces General Command Headquarters
ANRO - Azerbaijan National Resistance Organization
API - Anjoman-e Padeshahi-e Iran
CC - Civil Code
CCL - Computer Crimes Law
CPI - Communist Party of Iran
DHRC - Defenders of Human Rights Center
FATA - Cyber Police
FPA - Family Protection Act
IPC - Islamic Penal Code
IRGC - Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami)
IRI - Islamic Republic of Iran
KRG - Kurdistan Regional Government (Iraq)
LEF - Law Enforcement Forces of the Islamic Republic of Iran (aka NAJA)
MEK/MKO/PMOI - Mojahedin-e Khalq Organization/People's Mojahedin Organization of Iran
MOI - Ministry of Intelligence (also referred to as MOIS by some sources)
NAJA - Niruha-ye Entezami-ye Jomhuri-ye Eslamiyih Iran (aka LEF)
NCRI - National Council of Resistance of Iran
PBO - Professors' Basij Organization
PDKI/KDPI - Democratic Party of Iranian Kurdistan
PAVA - Public Security and Intelligence Police
PIA - Parallel Intelligence Apparatus
PJAK - Party of Free Life of Iranian Kurdistan
PMOI - People's Mujahedin of Iran
PRMI - People's Resistance Movement of Iran (aka Jundallah)
SANAM - South Azerbaijan National Awakening Movement (aka GAMOH)
SNSC - Supreme National Security Council
SPO – Students' Basij Organization
WPI - Worker-Communist Party of Iran

1 Background Information

1.1 Maps

1.1.1 Map of Iran



Source: UN Cartographic Section: Islamic Republic of Iran, January 2004

<http://www.un.org/depts/Cartographic/map/profile/iran.pdf>

1.1.2 Map of Tehran



Source: National Cartographic Center of Iran: Pocket Map of Tehran, 1998 (available at Iran Traveling Center)

http://www.irantravelingcenter.com/tehran_map.htm

1.2 Brief overview of political institutions

The June 2015 US Department of State (USDOS) country report on human rights practices gives a brief overview of the political system of the Islamic Republic of Iran and the role of the Supreme Leader within it:

“The Islamic Republic of Iran is a theocratic republic with a constitution that created a political system based on the concept in Shia Islam of velayat-e faqih (‘guardianship of the jurist’ or ‘rule by the jurisprudent’). Shia clergy--most notably the ‘supreme jurisprudent’ (or supreme leader) and political leaders vetted by the clergy--dominated key power structures. While mechanisms for popular election existed within the structure of the state, the supreme leader held significant influence over the legislative and executive branches of government (through various unelected councils under his authority) and held constitutional authority over the judiciary, the state-run media, and the armed forces. The supreme leader also indirectly controlled the internal security forces and other key institutions.” (USDOS, 25 June 2015, Executive Summary)

A November 2014 article of the Economist newspaper notes that Iran is “[o]ften described as a constitutional theocracy” but that it also “resembles a democratic oligarchy” with a large elite consisting of “[t]housands of politicians, clerics, generals, judges, journalists, academics, businessmen and others” who “participate in decision-making in one way or another” and where “[b]ig decisions require if not consensus then at least sizeable majorities”. In this system, which is characterised by a “near-absence of political parties”, “[g]roupings and factions form for a time, but few have formal hierarchies”. This “anarchic” system “just about works because at its centre sits a supreme leader (always a high cleric) who draws his authority from the revolution.” The current Supreme Leader is Ali Khamenei (appointed in 1989), whose “way of operating is to wait for consensus to form in debates and step in only when he has to in order to break a deadlock”. Following the June 2013 presidential elections, the Supreme Leader “made it clear that he stood behind the new president”, Hassan Rouhani, a moderate. As the article pursues, the Supreme Leader’s backing “is not indefinite or unconditional, but it created enough breathing space for Mr Rohani to launch controversial initiatives such as engaging the West in nuclear talks”, while “hardliners are showing some restraint”. (Economist, 1 November 2014a)

A May 2015 report of the Congressional Research Service (CRS), a policy research and analysis think tank of the US Congress, notes that the regime includes “[u]nelected or [i]ndirectly elected institutions” (the Supreme Leader, the Council of Guardians and the Expediency Council) as well as “[e]lected institutions” (the presidency, the Majles and the Assembly of Experts). (CRS, 19 May 2015, pp. 2-8)

In an article published in an April 2015 report of the Center for Strategic and International Studies (CSIS), Farideh Farhi, an independent scholar and affiliate graduate faculty at the University of Hawai’i at Manoa, analyses the role of two key institutions of the Islamic Republic: elections and the office of the Supreme Leader:

“The combined presidential and municipal council elections of 2013 were the thirty-first election in the 35-year history of the Islamic Republic. Elections have been the method of

choice for managing popular participation, socializing the newer generations into the Islamic Republic, and regulating and ultimately negotiating inter-elite competition. In 2009, electoral politics failed in all these objectives. The significance of the 2013 election lies less in the election of a centrist president and more in the reaffirmation of the legitimacy, value, and functionality of this foundational institution.

Recent changes in electoral cycles include turning them into biannual affairs through the aggregation of various elections. Elections previously accentuated political competition when they were held almost every year. The slower pace helped rationalize the electoral process. All the same, the problem of who and which political forces can participate in the electoral process remains. That undoubtedly will become a source of tension and conflict unless the conservative Guardian Council, which vets candidates, makes a further adjustment and allows a broader spectrum of candidates to run for office. If it cannot, then it will continue to keep the Islamic Republic vulnerable to and hobbled by periodic and unpredictable outbursts. The security forces of the Islamic Republic may be able to continue to control crowds dissatisfied with electoral outcomes. But the systemic inability to quiet the Iranian political elite's dissatisfaction with the rules of game will assure dysfunction of a political system paralyzed by intense procedural disagreements at the top.

Meanwhile, the office of the Leader poses two problems for the future of the Islamic Republic. The first concerns the length of the term of the occupant, which is effectively for life. The second relates to the question of transition in that office after years of power aggregated by the person who holds that office. Not surprisingly, lack of rotation has proved a recipe for accumulation of power and expansion of reach of the person who occupies that office. While many observers of Iran tend to reduce the Leader's office to the personality and ideological orientation of the office holder, the much deeper problem is constitutional. The Iranian constitution has created two executives, one of which effectively has a life term while the other changes every eight years (and potentially even every four years). Rotation of the Leader is possible only in case of death or mental or physical incapacity to perform constitutional duties as determined by the Council of Experts." (Farhi, 8 April 2015, pp. 52-53)

Farideh Farhi continues to analyze the power relationship between the president and the Supreme Leader:

"This does not mean that the president — explicitly identified in the constitution as the second most important person after the Leader — lacks substantial power. In fact, the powers of the elected president include the power of the purse and control of the government's vast bureaucracy. Those powers spawned the deepest conflicts of the country, first in the early years of the Islamic Republic and then in the second term of Ahmadinejad's presidency. Unless these two executives find a way to work with each other, their conflicts are bound to reverberate up and down the institutions of the Islamic Republic.

The problem lies in the constitutional ambiguity that exists regarding the two executives' power and authority. The Leader is the commander-in-chief, appoints key civilian and military officials, and determines the general policies and direction of the Islamic Republic. He can also step in to resolve conflicts among the three branches of government. He can delegate the resolution of conflicts that cannot be addressed through 'normal' means to the Expediency Council.

At the same time, Article 113 gives the responsibility for implementing the Constitution to the president except in matters directly concerning the office of the Leader. The president sets general policies, makes appointments, and investigates violations of citizens' constitutional rights. To be sure, the latter power may be academic in a country where the judiciary and security forces routinely violate citizen's rights. But these issues sometimes concern the rights and treatment of longstanding officials of the Islamic Republic, such as the unconstitutional house arrests of former Prime Minister Mir Hossein Mussavi and former Speaker of the Parliament Mehdi Karrubi. When such incidents become part of public conversation, they can become sources of great friction. That is especially true when during Khamenei's long rule, he increasingly has encroached on the powers and authority of the president in the name of 'general interest of the state'. [...]

There are also foundational disagreements about the proper rules for politics and whether the republican or Islamic aspects of the Islamic Republic should have more weight. It is unlikely that any of these differences and the forces that align on different sides of the issues will go away. Still, decades of turmoil have not turned the Iranian state into a militarized nation or security state. Political institutions still matter — indeed, they have become increasingly important.” (Farhi, 8 April 2015, pp. 52-55)

Freedom House, a US-based non-governmental human rights organization, in its Freedom in the World 2015 report describes the role of the Guardian Council with regard to elections:

“The Guardian Council, controlled by conservatives, vets all candidates in parliamentary elections, presidential elections, and elections to the Assembly of Experts—a body of 86 clerics who are elected to eight-year terms by popular vote. The council has in the past rejected candidates who are not considered insiders or deemed fully loyal to the clerical establishment, as well as women seeking to run in the presidential election. As a result, Iranian voters are given a limited choice of candidates.” (Freedom House, 28 January 2015)

A chart on Iran's power structure published by the Washington Post shows the interrelations between Iran's various political institutions. It can be found under the following link:

- Washington Post: Iran's power structure, 13 June 2013
<http://www.washingtonpost.com/apps/g/page/world/irans-power-structure/226/>

Supreme Leader

The May 2015 report of the CRS describes the official powers of the Supreme Leader as follows:

“At the apex of the Islamic Republic’s power structure is a ‘Supreme Leader’ who has vast formal powers and no term limits. He is chosen by an elected body—the Assembly of Experts—which also has the constitutional power to remove him. Upon Ayatollah Khomeini’s death, the Assembly [of Experts] selected one of his disciples, Ayatollah Ali Khamene’i, as Supreme Leader. Although he has never had Khomeini’s undisputed political or religious authority, the powers of the office ensure that Khamene’i is Iran’s paramount leader. Under the constitution, the Supreme Leader is Commander-in-Chief of the armed forces, giving him the power to appoint commanders. He is directly represented on the highest national security body, the Supreme National Security Council, composed of top military and civilian security officials. The constitution gives the Supreme Leader the power to approve the removal of an elected president if either the judiciary or the Majles (parliament) decide there is cause for that removal. The Supreme Leader appoints half of the 12-member Council of Guardians; all members of the Expediency Council, and the head of Iran’s judiciary (currently Ayatollah Sadeq Larijani).” (CRS, 19 May 2015, p. 2)

Euronews, a multilingual news television channel based in France, mentions in a June 2013 article that the Supreme Leader also has authority to “set major domestic and foreign policies”, to “pardon or reduce convicts’ sentences”, to “declare war and peace” and to “issue decrees for referendums” (Euronews, 6 June 2013).

Freedom House, a US-based non-governmental human rights organisation, states in its Freedom in the World 2015 report that covers the year 2014:

“The supreme leader, who has no fixed term, is the highest authority in the country. He is the commander in chief of the armed forces and appoints the head of the judiciary, the heads of state broadcast media, and the Expediency Council — a body tasked with mediating disputes between the Guardian Council and the parliament. He also appoints six of the members of the Guardian Council; the other six are jurists nominated by the head of the judiciary and confirmed by the parliament, all for six-year terms. The supreme leader is appointed by the Assembly of Experts, which also monitors his work. However, in practice his decisions appear to go unchallenged by the assembly, whose proceedings are kept confidential.” (Freedom House, 28 January 2015)

Article 109 of the Constitution determines the qualifications and attributes of the Supreme Leader. His functions and authorities are regulated in Article 110 (Constitution of the Islamic Republic of Iran, 1989, Article 109 and 110).

Council of Guardians

Article 91 of the Constitution defines the role and the composition of the Council of Guardians as follows:

“Article 91 - With a view to safeguarding the rules of Islam and the Constitution, and to see that the approvals of the Majlis are not inconsistent with them, a Council known as the Guardian Council shall be established composed of the following:

1. Six Faqihs, just and acquainted with the needs of the time and issue of the day. These individuals shall be appointed by the Leader.
2. Six jurists, specializing in various branches of law, elected by the Majlis from among Muslim jurists proposed to the Majlis by the Head of the Judiciary.” (Constitution of the Islamic Republic of Iran, 1989, Article 91)

The May 2015 report of the CRS gives the following overview of the Council of Guardians:

“The 12-member Council of Guardians (COG) consists of six Islamic jurists appointed by the Supreme Leader, and six secular lawyers selected by the judiciary and confirmed by the Majles. Currently headed by Ayatollah Ahmad Jannati, the conservative-controlled body reviews legislation to ensure it conforms to Islamic law. It also vets election candidates by evaluating their backgrounds according to constitutional requirements that a candidate demonstrate knowledge of Islam, loyalty to the Islamic system of government, and other criteria that are largely subjective. The COG also certifies election results.” (CRS, 19 May 2015, p. 3)

As indicated in the June 2013 Euronews article, “[t]he Council has to approve all bills passed by parliament and it has vetoing power over the bills passed by the parliament. It is charged with approving candidates for presidential, parliamentary and the Assembly of Experts elections.” (Euronews, 6 June 2013)

Expediency Council

The May 2015 report of the CRS describes the Expediency Council as follows:

“The 42-member ‘Expediency Council’ was established in 1988 to resolve legislative disagreements between the Majles and the COG. It has since evolved into a policy advisory body for the Supreme Leader and an overseer of the performance of the president and his cabinet. Its members serve five-year terms; its chairman, Ali Akbar Hashemi-Rafsanjani, was reappointed in February 2007 and again in March 2012. The Expediency Council’s executive officer is former Revolutionary Guard commander-in-chief Mohsen Reza’i.” (CRS, 19 May 2015, p. 3)

The June 2013 Euronews article refers to the Expediency Council as “an administrative assembly set up to resolve deadlocks and conflicts between the Parliament and the Guardian Council” which “also acts as an advisory body for the Supreme Leader on domestic and foreign policies”. Most members of the Council are “appointed by the Supreme Leader” while “[o]ther members include some officials such as president, speaker of parliament, and judiciary chief”. (Euronews, 6 June 2013)

Article 112 of the Constitution defines the functions of the Expediency Council as follows:

“Article 112 - The Majma-e Tashkhis-e- Maslehat-e- Nezam [footnote 2: Regime’s Expedience Council] shall be convened at the order of the Leader to determine such expedience in cases where the Guardian Council finds an approval of the Majlis against the principles of Sharia or the Constitution, and the Majlis in view of the expedience of the System is unable to satisfy the Guardian Council, as well as for consultation in matters referred to it by the Leader, and for discharging other functions laid down in this law. The permanent and mutable members of this Majma shall be appointed by the Leader. [...]”(Constitution of the Islamic Republic of Iran, 1989, Article 112)

President

The May 2015 CRS report outlines the president’s scope of power as follows:

“The main directly elected institution is the presidency, which is clearly subordinate to the Supreme Leader. Each president has tried and generally failed to expand his authority relative to the Supreme Leader. Presidential authority, particularly on matters of national security, is also disputed by key clerics and allies of the Islamic Revolutionary Guard Corps (IRGC) and other powerful institutions. But, the presidency provides vast opportunities for the holder of the post to reward supporters.” (CRS, 19 May 2015, p. 7)

According to Freedom House, the president, who is “the second-highest-ranking official in the Islamic Republic”, is “elected by popular vote for four years and can serve two consecutive terms.” (Freedom House, 28 January 2015)

The June 2013 Euronews article states:

“The President is the head of government and the highest publicly elected official. Unlike many other countries, the president’s role is more administrative than executive. The president does not have full authority over foreign policy, the armed forces or national security matters including the nuclear issue. The president is elected for a four-year term, limited to two consecutive terms, by direct public vote of the public, but presidential candidates are vetted by the Guardian Council. The president selects Cabinet members but they must be approved by parliament.” (Euronews, 6 June 2013)

Provisions concerning the President can be found in Articles 113 through 142 of the Constitution (Constitution of the Islamic Republic of Iran, 1989, Articles 113-142).

Parliament (Majles)

The May 2015 CRS report describes the Iranian parliament (Majles) as follows:

“Iran’s Majles, or parliament, is unicameral, consisting of 290 seats, all elected. Majles elections occur one year prior to the presidential elections; the elections for the ninth Majles were held on March 2, 2012 and the next will be held in on March 26, 2016. The Majles confirms cabinet selections and drafts and acts on legislation. Among its main duties is to consider and enact a proposed national budget, actions that typically take place in advance of the Persian New Year (Nowruz) each March 21. It actively legislates

on domestic economic and social issues, but it tends to defer to the presidency and security institutions on defense and foreign policy issues. [...]

The Majles has always been highly factionalized. However, all factions tend to defer immediately to the authority of the Supreme Leader. There is no 'quota' for the number of women to be elected, but women regularly run and win election. Still, their representation has been small relative to the female population. There is one 'reserved seat' for each of Iran's recognized religious minorities, including Jews and Christians." (CRS, 19 May 2015, p. 8)

The June 2013 Euronews article states that "[m]embers of parliament are elected every four years by direct popular vote". The same article also states that its "candidates must be vetted by the powerful Guardian Council" while in turn half of the council members must be approved by the parliament. Euronews goes on to say:

"Members of parliament propose and pass legislation to be approved by the Guardian Council. Members can summon or impeach ministers or the president. The ministers have to be approved by members of parliament through confidence votes." (Euronews, 6 June 2013)

Provisions concerning the parliament (majlis-e-shura-e-islami) and its competences can be found in Articles 62 through 99 of the Constitution (Constitution of the Islamic Republic of Iran, 1989, Articles 62-99).

Assembly of Experts

The May 2015 CRS report provides the following information about the Assembly of Experts:

"A major although little publicized elected institution is the Assembly of Experts. Akin to a standing electoral college, it is empowered to choose a new Supreme Leader upon the death of the incumbent, and it formally 'oversees' the work of the Supreme Leader. The Assembly can replace him if necessary, although invoking that impeachment power would, in practice, most likely occur in the event of a severe health crisis. It is also empowered to amend the constitution.

The Assembly has 86 seats, elected to an eight-year term, with elections conducted on a provincial basis. It generally meets two times a year, for a few days each." (CRS, 19 May 2015, p. 8)

The June 2013 Euronews article refers to the Assembly of Experts as an "assembly of high clerics whose members are elected by direct popular vote every eight years" and describes its role and scope of power as follows:

"Members of this assembly are supposed to monitor the performance of the supreme leader and to remove him if he is deemed incapable or corrupted. However, in reality it has been proven to be very unlikely as their half-yearly meetings are more ceremonial than anything else. Another twist of power exists in the election process for this assembly. While, its main duty is supervising the Supreme Leader, the candidates for this

assembly are vetted by the Guardian Council, half of whose members are appointed by the Supreme Leader.” (Euronews, 6 June 2013)

The CRS report notes that the current chairman of the Assembly is Mohammad Yazdi who in a March 2015 poll prevailed over Ali Akbar Hashemi Rafsanjani:

“After the death of the leader of the Assembly (Ayatollah Meshkini), Rafsanjani was selected its head in September 2007. Rafsanjani’s opposition to the crackdown on the 2009 uprising ran him afoul of the Supreme Leader and he was not reelected as chair of the body in March 2011. He was replaced by aging and infirm compromise candidate Ayatollah Mohammad Reza Mahdavi-Kani. Poor health has precluded Mahdavi-Kani from performing his duties since June 2014, and he died in late October. He was replaced on an acting basis by deputy Chairman Mahmoud Shahrudi, a former chief of the judiciary. However, the Assembly selected 83-year old Mohammad Yazdi as the new chairman in March 2015; Shahrudi withdrew and Yazdi outpolled Rafsanjani for the slot. Yazdi will serve until the next Assembly of Experts election on March 26, 2016 (concurrent with the Majles elections).” (CRS, 19 May 2015, p. 8)

Provisions concerning the Assembly of Experts (Khobregan) can be found in Articles 107 and 108 of the Constitution (Constitution of the Islamic Republic of Iran, 1989, Articles 107-108).

2 Main political developments

2.1 Aftermath of the presidential and municipal elections of June 2013

An overview of Iranian domestic politics published on the German Foreign Office (Auswärtiges Amt, AA) website states that on 14 June 2013, moderate cleric Hassan Rouhani won an absolute majority (50,71 per cent) in the first election round and was elected 7th president of the Islamic Republic of Iran. He was sworn in in parliament on 4 August 2013. (AA, March 2015a)

An August 2013 Guardian article reports about the formation of the Rouhani government:

“Iran's conservative-dominated parliament has approved most of the cabinet ministers selected by the country's new moderate president, Hassan Rouhani. After four days of parliamentary debates and 18 proposed ministers grilled by MPs, the parliament issued its verdict on Thursday by giving vote of confidence to 15 nominees. [...] Only three nominees were blocked, including Mohammad Ali Najafi and Jafar Mili Monfared, who were rejected apparently because of their past support for the opposition leaders Mir Hossein Mousavi and Mehdi Karroubi, who are currently under house arrest. [...] Rouhani has been criticised by human rights activists for his choice of justice minister, Mostafa Pourmohammadi. Human Rights Watch and the New York-based International Campaign for Human Rights in Iran said this week that Pourmohammadi was implicated in human rights abuses and execution of political prisoners after the 1979 Islamic revolution.” (Guardian, 15 August 2013)

Hadi Ghaemi, executive director of the International Campaign for Human Rights in Iran (ICHR), a New York-based human rights NGO on Iran, notes in an article written for the Iran Primer, a publication of the United States Institute of Peace (USIP):

“On November 26, 2013, President Rouhani's government published a draft Citizens' Rights Charter and solicited public reaction. The publication of this draft within the first 100 days of his presidency was widely seen as a major step by his administration to address his promises to improve the state of human rights in Iran.” (Ghaemi, 10 February 2014)

According to the German Foreign Office (AA), Rouhani has thus far not met the high expectations on the Charter with regard to domestic liberalisation (AA, March 2015a).

The US-based human rights organization Human Rights Watch (HRW) notes that “2014 saw no significant improvements in human rights in the first full year in office of President Hassan Rouhani” (HRW, 29 January 2015).

In an article written for the Iran Primer in June 2014, Shaul Bakhash, Iran expert and professor of history at George Mason University (USA), reviews president Rouhani's first year in office:

“The record of the Rouhani government in the first year is clearly a mixed bag. On the home front, there is an easing of social and press restrictions — everyone agrees the environment is decidedly freer — but arrests of bloggers, dissidents and critics continue.

Publications are closed down. Sporadic crackdowns on women and the young occur. Some political prisoners have been released, including the human rights lawyer, Nasrin Sotoudeh, but many remain in prison — most notably the two Green Movement leaders, Mehdi Karroubi and Mir Hossein Mousavi.

Rouhani clearly controls neither the security services nor the judiciary, which seem determined to flout his desire to open up the political system. For example, political prisoners at Evin Prison were attacked and beaten by guards in April, when they persisted in peaceful protests. Mostafa Tajzadeh, the outspoken member of the former Khatami government was nearing the end of this six-year prison term when the judiciary slapped on another one-year prison term for supposed anti-state activities.

Rouhani's appeal to Iranians to voluntarily give up the monthly government cash subsidy for all Iranians, which was instituted under Ahmadinejad, fell on death ears. Rouhani has talked about the need to reduce the Guards role in the economy, but he has done little on that score. [...]

An entrenched and narrow ruling elite, often described as hardliners or conservatives, control the principle instruments of power: the security agencies, the intelligence ministry, the military and the police, the judiciary, the Council of Guardians (which has the power to veto laws and candidates for elected office), and the Assembly of Experts, which will choose the next Supreme Leader. Connected to them is an economic elite, which has grown enormously wealthy on government contracts and quasi-monopolies of major import goods.

These elites will resist any challenge to their hold on power and privilege. They also fear, perhaps with good reason, that any serious reform, whether political, economic or social, will open the floodgates and trigger a process of change that will end up threatening the whole system. [...]

In early June, Ayatollah Mohammad Taqi Mesbah-Yazdi, the powerful and arch-conservative religious leader, challenged Rouhani's more liberal interpretation of Islam." (Bakhsh, 9 June 2014)

A November 2014 article of the Economist newspaper states that the change of government has not exactly resulted in a "new equilibrium in Iranian politics", given that "[i]n the past year conservatives have impeached one of Mr Rohani's ministers, dragged an adviser into court, tried to keep the president himself off state television and frustrated his attempts to free up the internet". (Economist, 1 November 2014a)

The Financial Times (FT) noted in a November 2013 article:

"Hassan Rouhani, Iran's centrist president, may have regime backing in his efforts to reach an agreement with major powers over his country's nuclear programme, but he is struggling to implement domestic reform as hardliners block his attempts to expand civil liberties.

Mr Rouhani is not a reformist but largely owes his surprise victory in the June presidential election to pro-reform groups who mobilised voters in the hopes that his promises of moderation could bring more social and political freedom and improved economic conditions after eight years of suppression under president Mahmoud Ahmadi-Nejad. [...]

The conservative-dominated parliament is showing its opposition to the president.” (FT, 13 November 2013)

As reported by Agence France-Presse (AFP), several candidates nominated by Rouhani for the post of minister of science, research and technology, have been rejected or sacked by the “conservative-dominated parliament” (AFP, 29 October 2014).

2.2 Conservative opposition to the Government/Mahdawiyat

Among the sources consulted by ACCORD within time constraints, no information could be found on conservative opposition to the current government or the role of Mahdawiyat since 2013. The following information refers to the role of Mahdawiyat prior to the 2013 presidential election:

In June 2011, Zachary Keck, currently a managing editor of The National Interest, a US magazine on foreign policy, published an article in the E-International Relations (E-IR), an open access website for students and scholars of international politics, in which he discusses the role of “Mahdism”, a movement associated with the “principlists”, a group of post-revolution leaders including former president Mahmud Ahmadinejad (2005-2013):

“Mahdi refers to Shi’a Islam’s twelfth Imam who is thought to have gone into hiding during the 9th century where he remains today. According to Shi’a Islam, during a turbulent moment on earth, Mahdi will reappear in order to restore peace and justice in the world. Although most Shi’ites believe in Mahdi’s reappearance only in an allegorical sense, some take a more literal interpretation. The most radical sects proclaim that Madhi’s return is imminent. This paper terms this last belief ‘Mahdism’ in so far as it is used strategically on behalf of other ends.” (Keck, 3 June 2011)

Ahmadinejad’s presidency is representative of a new generation of Iranian leaders trying to take the reins of power from the elder revolutionary leadership. They started ascending to power when Conservative clerics, believing that their power was threatened by the Reformist movement led by former President Mohammad Khatami, began empowering a younger generation of leaders in the security and intelligence agencies. The Principlists, as this second generation of leaders is widely called, went on to enhance their power through electoral victories in the 2003 municipal elections, 2004 Majlis (Parliament) elections, and the 2005 presidential vote that brought Mahmoud Ahmadinejad to power. Their rise to power was in full swing when, after assuming power, President Ahmadinejad carried out extensive purges at all levels of the Iranian government, which in turn helped strengthen the institutional power of the Principlists further.

Although hardly a monolithic force amongst themselves, a number of characteristics distinguish the Principlists from their predecessors. First, in contrast to the clerics who have led Iran since the 1979 revolution, the Principlists have little formal religious training and instead come from the intelligence and security organs of the state. Similarly, while their predecessors were most profoundly shaped by the leading roles they played in the 1979 Iranian revolution, the Principlists are, for the most part, a product of their experience fighting on the frontlines in the war against Iraq during the 1980s. Finally, the Principlists advocate a populist economic agenda that draws from an aspect of Grand Ayatollah Ruhollah Khomeini's revolutionary message that previous factions had largely ignored since Khomeini's death. Mahdism is well-suited to both the Principlists' political strengths and their weaknesses. While there is no way to determine if Ahmadinejad and his allies actually hold the beliefs they profess, it's undeniable that they often use Mahdism for political gain. This is done in a number of ways.

First, the Principlists use Mahdism to make them less vulnerable to charges that their lack of religious training precludes them from being legitimate leaders. Compared to most Shi'a Twelvers, who speak of Mahdi's return in a philosophical, distant sense, those who speak of the Hidden Imam's imminent return are considered religious fanatics. By staking out such an extreme religious stance, the Principlists seek to insulate themselves from criticisms for their lack of religious allegiance and commitment. As one observer has noted, 'Ahmadinejad had no religious credentials, but he also managed to out-believe even the strongest believers in Shia Twelver Islam by constantly invoking the Mahdi's name'. The Principlists also use Mahdi's image to symbolize their own self-described struggle for justice on behalf of ordinary Iranians." (Keck, 3 June 2011)

The same article goes on to mention the "injustices orchestrated by the 'aristocrats' in the Clergy" as one of the issues of importance to the principlists:

"These elder Revolutionary leaders, according to them, have used their privileged position in the Iranian government to amass enormous personal wealth while simultaneously denying positions of power to others. The exemplar of this type of leader is the former President Ayatollah Akbar Hashemi Rafsanjani. Rafsanjani has been a permanent fixture on the Iranian political scene since the 1979 revolution during which time his family has also become one of the richest in Iran." (Keck, 3 June 2011)

The role of the principlists in domestic politics is also discussed in the following academic articles:

- Aydin, Enis Erdem: A Separation? The Principalist Divide and the Parliamentary Elections in Iran, February 2012
http://mercury.ethz.ch/serviceengine/Files/ISN/144682/ipublicationdocument_singledocument/df56c3b8-fbb6-46f5-ae2f-0aa8256d1873/en/TESEV_Erdem_Aydin_Iran_March_elections.pdf
- SWP - Stiftung Wissenschaft und Politik: Ahmadedschad und die Prinzipalisten (author: Walter Posch), December 2011 [in German] (available at academia.edu)
<http://www.academia.edu/7313890/Ahmadedschad>

3 Legal developments

3.1 Amendments to the Penal Code

As the new Penal Code came into force in Iran in early summer 2013, the penal law completed its third major revision since the founding of the Islamic Republic in 1979. (Tellenbach, 2014, p. 775)

In a legal analysis of Islamic Criminal Law Legislation in Iran, Mohammad H. Tavana, lawyer and Ph.D. candidate at the University of Zurich, outlines the legislative history of the 2013 Islamic Penal Code as follows:

“Between December 2009 and January 2012, the bill [of the Islamic Penal Code] was passed several times by the Parliament and forwarded to the Guardian Council for approval, which was sent back to the Parliament for further review and amendment in all instances on the basis of incompatibility with Sharia. Once the bill had been amended in line with the views of the Council, the Code was finally approved in January 2012 and was sent to the President for signature and publication on April 10, 2012. In October 2012, before the Code could be signed by the President, it was recalled by the Guardian Council due to what they considered to be ‘incompatibility with Sharia in 52 cases’ – a very rare and indeed unprecedented action. The Code was last amended by the Parliament in February 2013 and was approved for the second time by the Council on May 1, 2013. Finally, it was signed by the President and published in the official gazette on May 27, 2013 and came into force on June 12, 2013.” (Tavana, 2014, p. 29)

Tavana continues to describe the structure of the 2013 Code which consists of five books:

“The 2013 Code contains 728 articles in four books on Generalities, Hudud, Qisas and Diyat. The 1996 Ta’zirat Law – containing, inter alia, the Computer Crimes Law (passed in July 2009) – is incorporated into the new Islamic Penal Code as its fifth book. Among the four newly enacted books of the 2013 Code, the main changes are to be found in the Generalities – which will be discussed in more detail prior to the review of the changes in the content of the second and fourth books. Finally, it should be added that the book on Qisas has not been considerably changed, except when compared with the third book of the 1991 Code it appears more classified.” (Tavana, 2014, pp. 29-30)

The website of the Iran Human Rights Documentation Center (IHRDC) presents a brief overview of the Islamic Penal Code (IPC) of 2013:

“The new IPC incorporates the main bulk of penal laws in the IRI and replaces Books One, Two, Three, and Four of the old IPC. Book One of the new IPC incorporates the preliminary provisions and definitions. Book Two covers, arguably, the most controversial part of the Code, Islamic hudud which are those crimes with fixed and severe punishments in Islamic sources, including, inter alia, illicit (outside of marriage) sex (known as zina), sodomy and homosexual acts between men (livat) and women (mosahaqa), insulting the Prophet (sabb-e-nabi), and consumption of an intoxicant (shorb-e-khamr). Book Three and Book Four address qisas (retaliation) and diyat (monetary compensation for deaths and bodily injuries). Book Five, which deals with

other crimes, including crimes against national security, remains unchanged.” (IHRDC, 8 April 2014)

Silvia Tellenbach, a specialist on Iranian criminal law at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg (Germany), noted in a 2014 commentary on the new IPC of 2013 that especially the general provisions of the new IPC of 2013 include a number of changes to the previous IPC. The role of the principle of legality has become clearer. At least with regard to *ta'zir* crimes, this principle has been strengthened, while it has been clarified that in the case of *hadd* offences, uncodified law may also apply. The “ne bis in idem” principle (essentially freedom from double jeopardy) has been recognized for most cases pertaining to international criminal law. The IPC of 2013 for the first time provides for criminal responsibility for legal entities and shows greater diversification with regard to punishments for *ta'zir* offences. Further marked changes are visible in juvenile law and in the greater flexibility in the rules of evidence. However, the provisions on *hadd* offences still provide for severe corporal punishments including stoning. The provisions on homicide include a new element stipulating that if the victim is neither a Muslim nor a member of the other religions recognized in the constitution (Christianity, Judaism, Zoroastrianism), a *ta'zir* punishment should be imposed in principle, but that such a victim would in many cases be treated on equal terms with foreign non-Muslims (*mustamin*) entitled to protection. Until now, cases of killings of Baha'is and atheists have not been subject to prosecution. Finally, heirs of female homicide victims are now, in conclusion, entitled to the same amount of blood money as those of male victims. (Tellenbach, 2014, p. 801)

Mohammad H. Tavana states in the conclusion of his legal analysis of the 2013 Islamic Penal Code:

“The comparison between the respective provisions in the 1991 and 2013 Islamic Penal Codes [...] shows that the main distinction between the two Codes is to be found in the organization of the latter, especially as relates to the Generalities. The organization of the first book of the 2013 Code shows an improvement; the Generalities have been enhanced in terms of general criminal law. On the contrary, the organization of the 2013 Code in the related part to special criminal law and the classification of crimes which is based on Islamic criminal law – in books on Hudud, Qisas and Diyat punishments – have not changed considerably. In addition to certain changes in the format, the content of the 2013 Code has undergone partial change in the first, second and fourth books. The most substantial changes in the content of the first book could be summarized under two topics; the provisions related to the Generalities of Ta'zirat punishments and the new regime in respect of Correctional Measures for Minors. Stipulation of the provision on non-applicability of the principle of legality in Hudud punishments, introducing Blasphemy as a Hadd crime and re-classification of Hudud crimes of Muharaba, Corruption on Earth and Baqy can be considered as the main changes in content of the second book. Finally, the most important changes in the content of the fourth book are to be found in the provisions on equality between the amount of Diya for a Muslim and a non-Muslim and the provision related to equality between the amount of Diya for a man and a woman. The analysis of these changes and their rationale leads us to a similar

conclusion in all the instances; the 2013 Code has tried to address and solve – at least – some of the problems that had arisen during the practice of the 1991 Code through designing a number of innovative and practical mechanisms without crossing the boundaries of Sharia or changing the basis, framework, characteristics and features of the 1991 Code.” (Tavana, 2014, p. 37)

The Foreign Policy Centre published an essay of Drewery Dyke, researcher at Amnesty International, in its Iran Human Rights Review in September 2014, summarizing some aspects of the revised Islamic Penal Code (IPC):

“The IPC provides for the death penalty for acts with lethal consequences, usually intentional or unintentional murder, including by juvenile offenders - those accused of committing a capital offense while under the age of 18 – but it does not address drug offenses. The IPC also provides the death penalty for non-lethal but violent crimes including rape; non-lethal or repeated acts, some of which, such as adultery or other consensual sexual relations (both same and different sex) or the ‘crime’ of insult of the Prophet of Islam’, do not amount to internationally recognisable criminal offenses.

The IPC – both the previous and revised version - also contains laws that provide for flogging and amputation, such as for repeated acts of theft, both of which are considered torture under international human rights treaties to which Iran itself is a state party. Other provisions, some of which are also punishable by death, undermine due process rights by containing vaguely worded or sweeping provisions, such as the ‘crime’ of ‘enmity against God’ or ‘sowing corruption on Earth’. Provisions defined as ‘crimes against God’, usually rooted in moral conduct are not eligible for pardon or commutation despite these being internationally recognised legal principles.

The IPC allows judges to base verdicts on non-codified law, such as an interpretation of Islamic law. This is in contravention to the United Nations’ human rights treaties to which Iran is a state party. For example, the state may prosecute for apostasy by using the provision that allows for prosecution of non-codified law.

The code also contains a concept known as *elm-e qazi* (knowledge of the judge), which allows the judge to use ‘his’ (for at least two decades or more there have not been any women judges in the criminal courts) ‘insight’, or personal intuition not clearly based on objectively verifiable evidence. Finally, the IPC contains discriminatory laws that give, in instances, less value to, for example, non-Muslims or testimony provided by women.” (Dyke, September 2014)

In April 2014, the IHRDC published an English translation of the amended books 1 (preliminary provisions and definitions) and 2 (hadd/hudud crimes) of the new Islamic Penal Code (IPC) of 2013. Please refer to the translated legal text directly on matters pertaining to these two books:

- IHRDC – Iran Human Rights Documentation Centre: English Translation of Books I & II of the New Islamic Penal Code, 8 April 2014
<http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html>

3.2 Amendments to the Family Law

M.A. Ansaripour, a former judge in the Iranian judiciary who as of 2010 was working as a legal adviser and attorney in Iran, wrote a journal article on the new Family Protection Act (FPA) of 2013. The article outlines the law's legislative process and coming into force as follows:

“The family law of Iran is one of the areas that has received more attention by the legislature and has undergone more changes than many other areas of law both before and after the revolution of 1979. These changes include both the substantive family law as well as family law procedure. It should be noted, however, that the extent of these changes in substantive law has been much less than procedural law. [...]

The draft bill of the new Family Protection Act ('the FPA') was prepared by the Judiciary and referred to the Council of Ministers. The latter added two more provisions to the draft bill, one of which was dealing with polygamous marriages and the other with levying tax on dowers which were unreasonably high. Both of these provisions were, however, dropped by Parliament. The generalities of the bill were passed in 2008. It was under consideration by the Judicial and Legal Committee of Parliament ('the JLCP') for about two years before being debated by Parliament in 2010. Since certain provisions of the bill were controversial they were sent again to the JLCP for reconsideration.

The bill was debated again by Parliament in early 2012, approved and finally referred to the Council of Guardians as required by the Constitution. Following the examination of the bill by this Council it was passed by Parliament in late February 2013 and it came into force in April 2013.” (Ansaripour, 2013, pp. 70-72)

The same source states:

“[T]he FPA expressly has repealed a number of earlier statutes. Article 58 provides that from the date when the FPA comes into force a number of statutes are to be repealed. Article 642, 645–646 of the Islamic Penal Code (dealing with punishment for refusing to pay the maintenance of the wife and of the relatives entitled to maintenance while he is able to pay, not registering permanent marriage, divorce and revocation of divorce and marrying an underage girl respectively) and 10 statutes wholly and one statute partly have been abolished by this Act. The most important repealed statutes are the Marriage Act 1931, Denial of Marriage Act 1932, Right to Custody Act 1986, ADPA [Amendment of Divorce Provisions Act] (except for clause b of Note 6 dealing with giving gift (nihlah or nahlah) to the divorced wife) and ANECSACA [Allocation of a Number of Existing Courts to the Courts the Subject of Article 21 of the Constitution (Family Court) Act].” (Ansaripour, 2013, p. 99)

Ansaripour indicates that the FPA of 2013 consists of 58 Articles and a number of tabsirahs (Notes) divided into seven chapters, which are examined consecutively” (Ansaripour, 2013, p. 72).

The same source discusses provisions on the establishment and jurisdiction of the family court:

“Chapter 1 of the FPA deals with the establishment of the family court. This court had been proposed by some earlier statutes too but the FPA offers innovative provisions especially in respect of the structure and jurisdiction of this court.” (Ansari-pour, 2013, p. 73)

“The jurisdiction of the family court in comparison to earlier statutes has been broadened by the FPA. Under Article 4, the family court has competence to deal with the following issues:

1. engagement and losses resulting from breaking an engagement;
2. permanent and fixed-term marriage and giving permission for marriage;
3. conditions stipulated in the marriage contract;
4. remarriage of husband;
5. dowry (jahiziyah);
6. dower (mahr);
7. maintenance of the wife and remuneration for work done by her during marital life;
8. fulfillment and non-fulfillment of conjugal duties;
9. divorce, revocation of divorce (ruju‘), rescission and natural dissolution of marriage, husband’s waiver of the remaining period and its expiry (in fixed-term marriage);
10. custody of children and their visitation [visit];
11. lineage or paternity (nasab);
12. prudence (rushd), interdiction (hajr) and its end;
13. natural guardianship, legal guardianship, matters relating to supervisor and trustee for the property of the interdicted and testament with respect to their affairs;
14. maintenance of relatives;
15. matters relating to the missing persons;
16. guardianship of children who have no guardian;
17. donation of embryo; and
18. change of gender.” (Ansari-pour, 2013, p. 75)

Ansari-pour further refers to the establishment of the “Family Counseling Centers” (FCC) as an innovative element in the 2013 FPA:

“One of the innovations of the FPA and probably the most important one for protecting the family is the establishment of the Family Counseling Centers (hereinafter referred to as ‘FCC’). Such an institution had not been proposed in earlier statutes.” (Ansari-pour, 2013, p. 79)

The same source notes with regard to provisions on marriage:

“The FPA introduces new provisions in respect of marriage including fixed-term marriage. The longest debate of Parliament about the FPA related to the registration of fixed-term marriages that resulted in the adoption of Article 21 of the FPA. [...]

Article 20 provides for the registration of a number of issues relating to marriage and its dissolution. It states that the registration of permanent marriage, rescission (faskh) and

natural dissolution of marriage (infisakh), divorce, revocation of divorce (ruju‘) and declaration of invalidity of a marriage or divorce is obligatory.

Article 21 first puts emphasis on permanent marriage and states that in order to realize the stability of family relationships the Iranian legal system would support permanent marriage as the foundation for the formation of the family. Then it is added that fixed term marriage is also governed by Islamic precepts and the CC provisions and its registration are obligatory in the following cases: 1. where the wife gets pregnant; 2. where both parties conclude an agreement on that; 3. where registration as a condition has been stipulated in the contract.” (Ansari-pour, 2013, p. 81)

The same source goes on to address new provisions relating to divorce:

“The FPA has brought about innovative provisions concerning divorce too. The new provisions relate mainly to agreed divorces, arbitration and different kinds of court rulings on divorce. [...]

Article 25 deals with divorces applied by both spouses. [...]

Article 27 provides that in all divorce cases, except for the one that has been applied by both spouses, the court must send them to arbitration for reconciliation and reaching a settlement. [...]

Article 26 generally provides for three kinds of rulings. If divorce is applied by mutual consent of both spouses or by the husband alone, the court would issue the certificate of impossibility of reconciliation (hereinafter referred to as the CIR). If it is applied by the wife the court either would give a judgment compelling the husband to divorce his wife (e.g., where it is applied under Article 1130 of the CC) or it would rule that the conditions for the exercise of attorneyship of the wife (where such an attorneyship has been stipulated in the marriage contract or any other irrevocable contract as provided by Article 1119 of the CC) for getting a divorce have been met.” (Ansari-pour, 2013, pp. 81-85)

Ansari-pour notes with respect to provisions on child custody:

“The substantive law of custody and right of visitation has been enshrined in the CC. But a number of statutes adopted after the CC referred to the issue of custody after divorce proceedings. The FPA refers to these issues too.” (Ansari-pour, 2013, p. 91)

The same source goes on to state that “[i]n Chapter 7 of the FPA several acts or omissions relating to marriage, divorce, custody, maintenance and registration of personal status matters have been criminalized for which different kinds of punishment have been provided”, including the provision in “[a]rticle 50 [...] that if a man contrary to Article 1041 of the CC [Civil Code] gets married (i.e. marrying an underage girl) he would be sentenced to 6th degree imprisonment.” (Ansari-pour, 2013, p. 96)

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran refers to some provisions of the new Family Protection Law in his October 2013 report to the United Nations General Assembly (UNGA):

“33. The Guardian Council approved parliamentary amendments to the Family Protection Law in April 2013 that grant women unconditional entitlement to their husbands’ retirement benefits in cases of death, whereas women who had remarried or were employed could previously be prevented from inheriting their husbands’ retirement payments. The amendments also provide for the presence of legal advisers during all family court matters, such as divorce and adoption cases, to ensure that the best interests of women and their families are represented.” (UNGA, 4 October 2013)

A Persian version of the Family Protection Act adopted in 2013 can be found under the following link:

- The Family Protection Act, 2013, 19 February 2013 (available at Refworld) <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5565b5c84>

Among the sources consulted by ACCORD within time constraints, no English translation of the 2013 Family Protection Act could be found. The Iran Human Rights Documentation Center has published an unofficial working translation of the Family Protection Bill (as amended by the Judicial and Legal Commission of the Majlis on 21 August 2011) which can be found on Refworld via the following link:

- IHRDC - Iran Human Rights Documentation Center: Unofficial translation of Family Protection Bill, as amended by the Judicial and Legal Commission of the Majlis on 21 August 2011 (available on Refworld) <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5565b5d24>

4 Political opposition groups

4.1 Green Movement (Persian: Jonbesh-e Sabz)

A March 2014 report of the Congressional Research Service (CRS), a policy research and analysis think tank of the US Congress, gives a brief overview of the Green Movement which “[d]uring 2013” included “many Iranians who wanted to achieve change”:

“The Green Movement consisted primarily of educated, urban youth, intellectuals, and former regime officials. After the initial post-election daily protests, Green Movement members organized protests around major holidays and called openly for the downfall of the regime, rather than its reform. Some of the protests in late 2009, such as one on the Ashura holy day (December 27, 2009) nearly overwhelmed regime security forces. The movement’s outward activity declined after its demonstration planned for the February 11, 2010, anniversary of the founding of the Islamic Republic (in 1979) was suppressed. Minor protests were held on several occasions in 2010, and the opposition did not experience a resurgence after the start of the Arab uprisings in early 2011, suffering from an inability to win over many traditionally conservative groups such as older Iranians and Iranians who live in rural areas. It also experienced divisions between those who sought reform and those who sought outright regime overthrow.” (CRS, 5 March 2014, S. 13)

In a July 2014 article in *Vacarme*, a French quarterly political magazine, Farhad Khosrokhavar, a French-Iranian sociologist and research director at the School for Advanced Studies in the Social Sciences (EHESS) in Paris, notes that the Green Movement was, by its origins, a mobilisation campaign in support of the reformist candidates Mir-Hossein Mousavi and Mehdi Karroubi at the presidential elections in 2009. Rather than questioning the theocratic power structures as such, the movement’s aim has been democratization and political pluralism within the boundaries of the current constitution. (Khosrokhavar, 13 July 2014 [translated from French])

Victoria Tahmasebi-Birgani, assistant professor of women and gender studies at the University of Toronto, refers to the Green Movement as an indigenous Iranian move for democracy composed of both religious and secular forces that should not be misunderstood as an “off-shoot of Western liberal democratic projects” (Tahmasebi-Birgani, 2010, pp. 78-80).

In February 2013, the British Parliamentary Committee for Iran Freedom (BPCIF), a cross-party committee comprising members of both Houses of the UK Parliament and other UK politicians which advocates for the installation of a secular democracy in Iran, published a report on the Green Movement researched by Sharam Taromsari, a former lecturer on International Relations and Middle Eastern security at the University of Salford (UK). The report refers to the Green Movement as “a coalition of internal factions of the Iranian regime” that were “locked out of power by the dominant faction represented by [president] Mahmoud Ahmadinejad” and which “vied for power” in the 2009 presidential election. (BPCIF, February 2013, pp. 3-4)

As noted by Shahir ShahidSaless, a political analyst and freelance journalist, in a March 2014 article published on the Washington, DC-based media site Al-Monitor, the Green Movement was a “loose coalition of reformers, moderate conservatives and seculars” that was essentially “shaped by the middle- and upper-middle class” and thus “focused on civil rights” while it “never raised any economic demands”. The Green Movement did represent “a sizable faction of a society that sought change as a result of frustration with Ahmadinejad and the system throwing its support behind him”. However, the clashes of 2009 “were not simply about the people against the regime” but rather “the manifestation of the revival of a struggle within a fragmented society”, with Ahmadinejad also enjoying sizeable support in society. (Al-Monitor, 31 March 2014)

The February 2013 BPCIF report notes with regard to the Green Movement’s composition, symbols and goals:

“In the course of the 2009 presidential election in Iran, supporters of former prime minister Mir-Hossein Mousavi, backed by a powerful figure in the Islamic Republic, former president Ali-Akbar Hashemi Rafsanjani, chose the color green to symbolize their election campaign. [...] As the uprising gained momentum and the prospect of change in Iran appeared, a rash of political figures turned ‘green.’ ‘Green spokespersons’ popped out of nowhere to declare what the ‘Green Movement’ meant, while others such as monarchists, including Reza Pahlavi, as well as known lobbyists of the Iranian regime, and former communists, suddenly turned ‘green.’ However, soon a distinction was made between the desire of the people for regime change and those who were seeking change within the current regime. Some, including Mousavi, tried to offer some kind of manifesto to describe what the ‘Green Movement’ is. The core of the manifesto issued by Mousavi and espoused by those operating as the ‘Green Movement’ today was a reiteration of loyalty to the Islamic Republic Constitution [...]” (BPCIF, February 2013, p. 4)

According to French-Iranian sociologist Khosrokhavar, the Green Movement experienced three phases. The first period, which preceded the presidential election of June 2009, saw the mobilization of urban (particularly Tehrani) middle-class youth, reformers and those disappointed with Mahmoud Ahmadinejad’s first presidency (2005-2009). It was a spontaneous movement, despite the guidance provided by leaders of the reformist front and groups closely linked to [former president] Mohammad Khatami. The movement took off barely a month prior to the elections and was above all a movement to mobilise the middle classes from central and north Tehran in which the lower strata of south Tehran did not play a significant role. As it sought to reform, rather than overturn, the existing regime and did not use innovative ways of mobilising the masses or new tactics of engaging the security forces, the government never felt threatened in its existence (except perhaps when a minority of youth supporters started to chant “Death to the dictator!”).

As the election results were announced on 12 June 2009 and were seen as fraudulent by large sections of the population, the movement entered its second phase. While the first period was marked by joviality and a weary belief in the electoral procedures, the second phase was characterized by an attitude of real defiance. The slogans vigorously disputed the election results and called for a vote recount and, if necessary, the scheduling of new elections to be

held under the supervision of impartial bodies. From 20 June 2009 onwards, police and Basij forces started to repress the movement in a much more systematic manner. While Facebook and Twitter were massively used during the first phase, internet connections were slowed down and eventually even completely cut off in areas near those where the demonstrations took place. The government gradually stifled the movement: its two main leaders were put in quarantine and protests were struck down with increasing violence, with more than 100 people killed and over 4000 arrested and tortured.

The Green Movement then entered a period of decomposition. With Mousavi and Karroubi under house arrest and the movement deprived of its leadership, in the months following the elections, the young activists struggled to organize large-scale protests against the government. The movement was increasingly placed under surveillance by the authorities. Even though demonstrations were held at the anniversaries of the original protests, the government could prevent them from expanding, especially since the main activists were either in prison, exiled in the West or in any case powerless given the movement's lack of organization. (Khosrokhavar, 13 July 2014 [translated from French])

The BPCIF report notes on protests staged during the Shi'ite Day of Ashura in December 2009 and the February 2010 anniversary of the Islamic Revolution:

“In December 2009, the protests escalated and government security forces opened fire on protesters on the Shi'a holy day of Ashura (December 27, 2009), a day ‘symbolically about justice’ and during which any kind of violence is forbidden. [...] In 2010, the Green leaders tried to mobilize demonstrations for the February 11 anniversary of the revolution. But besides the regime crackdown, which was also present in all previous protests as well, the protest never materialized.” (BPCIF, February 2013, pp. 16-17)

A February 2015 article by the dissident journalist Akbar Ganji, published in the US international affairs magazine *The National Interest* (TNI), evaluates the stance taken by different state actors towards the Green Movement and its leaders, i.e. former Prime Minister Hossein Mousavi, his wife Zahra Rahnavard and former speaker of the *Majles* [parliament] Mehdi Karroubi who have been under house arrest since 2011:

“Iran's reformists and supporters of the Green Movement have been demanding the release of the trio. As a presidential candidate, for example, Hassan Rouhani promised the trio's release as a way to court reformist voters. In office, he has faced stiff opposition on this issue from Supreme Leader Ayatollah Ali Khamenei, senior Revolutionary Guards, and the clerics and hardliners who support Khamenei. This should not be surprising. After all, from the beginning Khamenei labeled the Green Movement a ‘sedition’ and claimed that only truly ‘insightful’ officials could understand the depth of the threat that the movement posed against the regime. [...] Indeed, Khamenei and his supporters are concerned about the social support of the Green Movement. That is why they fear that the trio will restart the Green Movement if they are freed, and consequently demand that they apologize and repent before being released.” (TNI, 11 February 2015)

A March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) includes details regarding ongoing controversies among different state factions over the house arrest of Mousavi, Karroubi and Rahnavard:

“Green Movement leaders and former presidential candidates Mr. Mehdi Karoubi and Mr. Mir Hossein Mousavi, along with Ms. Zahra Rahnavard, Mr. Mousavi’s wife, have been under house arrest since February 2011. [...]

Messrs. Karoubi and Mousavi and Ms. Rahvanard have called on authorities to grant them a public trial by a competent court, in accordance with the Constitution. Parliamentarian Mr. Ali Motahari has also repeatedly called on Government officials to address the house arrest. On 7 October 2014, Mr. Motahari declared the house arrest to be without judicial warrant and unconstitutional. In addition, he criticized the comments of officials who predicted, prior to due process of law, that the sentence would be heavy, or possibly execution. Mr. Motahari also called for a public trial-by-jury, in accordance with the Constitution, and for the ‘punishment’ of officials responsible for the continuation of the house arrest. He maintained that the President, who is also the head of the Supreme National Security Council, is responsible for the implementation of the Constitution. An administration spokesperson responded by stating that it is ‘not indifferent’ toward this issue, but no action has yet been taken.

On 31 December 2014, the head of Judiciary, Mr. Sadegh Larijani, declared the house arrest to be constitutional and in accordance with the Supreme National Security Council Act. According to Mr. Larijani, the Judiciary has two considerations in deciding whether to hold a trial in this case: a Supreme National Security Council Act regarding the house arrest of ‘secessionists’ (a term used by some officials to describe the post-2009 presidential election protesters) leaders and ‘the explicit comments of some secessionist agents stating that they do not care about the outcome of any trial, and just want a platform to have their say.’ Family members are reportedly concerned regarding the conditions of the house arrest and the lack of medical care available to the individuals.” (HRC, 12 March 2015, p. 30)

As noted by Khosrokhavar, the Green Movement has been marked by its failure on the political level, but its suppression discredited the increasingly repressive government of Ahmadinejad throughout his second term in office. What remains is a “spirit of the Green Movement” which is expressed by its sympathizers sporting its symbols – green banners and bracelets – at “every occasion”. In a way, the Green Movement reemerged during the presidential elections of 2013 (which saw, for example, voters wearing green bracelets or holding photographs of Mousavi and Karroubi), at the end of which Hassan Rouhani prevailed over his conservative opponents with the acquiescence of the Supreme Leader who saw him as the person likely to solve Iran’s nuclear problem with the Western countries. (Khosrokhavar, 13 July 2014 [translated from French])

In his March 2014 article, Shahir ShahidSaless notes that while the Green Movement did not play an active role in the 2013 presidential elections (following the arrests of activists and house arrest of its leaders), one of the major factors contributing to Hassan Rouhani’s

election victory was the support he received of the former president Mohammad Khatami, “the de facto leader of the reform movement” and “a supporter of the Green Movement”. The Green Movement’s significance after the formation of the Rouhani government is outlined as follows:

“With the formation of Rouhani’s moderate government, an opposition movement, namely the Green Movement, almost lost its relevance inside Iran. Particularly because of the daily attacks of hard-line newspapers and websites, as well as hard-liners in the parliament and the conservative clergies on Rouhani and his team, his popularity among the former supporters of the Green Movement remains unshaken, if not enhanced.” (Al-Monitor, 31 March 2014)

A Congressional Research Service (CRS) report of May 2015 notes that while “Rouhani drew support from the Green movement and reform movement to win his election, he is a longtime member of the political establishment” (CRS, 19 May 2015, p. 11).

An assessment of the state’s current perceptions of the political significance of the Green Movement is given by Mohsen Kadivar, an Iranian dissident and visiting research professor of Islamic studies at Duke University (USA), in his November 2014 book “The Green Call”. Kadivar states that the Green Movement has been “the most important populist dissident movement in the history of the Islamic Republic of Iran” and that although it had been suppressed by the regime, it “remains the single greatest internal threat for the regime of the Islamic Republic”, such that “[c]ivilians who had any prior roles in the movement continue to be deprived of their rights and privileges, both politically and socially, due to the regime’s concerns”. (Kadivar, November 2014)

In a January 2014 Al Jazeera article, Hamid Dabashi, a professor of Iranian Studies and Comparative Literature at Columbia University (USA), similarly states that the Green Movement has been the “most serious threat” to the legitimacy of the Islamic Republic (Al Jazeera, 28 January 2014).

4.2 Mojahedin-e Khalq Organisation of Iran (MEK/MKO) (aka People’s Mojahedin Organisation of Iran (PMOI); Persian: Sāzmān-e mojāhedīn-e khalq-e irān)

A July 2014 report of the Council on Foreign Relations, a US think tank specializing on foreign policy and international affairs, states that the Mojahedin-e Khalq Organisation of Iran (MEK) is “reputedly the largest militant Iranian opposition group committed to the overthrow of the Islamic Republic” (CFR, 28 July 2014).

A May 2015 report of the Congressional Research Service (CRS) includes the following overview of the MEK (which is referred to here as People’s Mojahedin Organization of Iran, PMOI):

“The best-known exiled opposition group is the Mojahedin-e-Khalq Organization (MEK), also known as the People’s Mojahedin Organization of Iran (PMOI). Secular and left-leaning, it was formed in the 1960s to try to overthrow the Shah of Iran and has been

characterized by U.S. reports as attempting to blend several ideologies, including Marxism, feminism, and Islam, although the organization denies that it ever advocated Marxism. It allied with pro-Khomeini forces during the Islamic revolution and, according to State Department reports, supported the November 1979 takeover of the U.S. Embassy in Tehran. The group was driven into exile after it unsuccessfully rose up against the Khomeini regime in September 1981. It has been led for decades by spouses Maryam and Massoud Rajavi but in 2011 Ms. Zohreh Akhyani was elected as MEK Secretary-General. Maryam Rajavi is based in France but the whereabouts of Massoud Rajavi are unknown. [...]

The [U.S.] State Department designated the PMOI as an FTO [Foreign Terrorist Organization] in October 1997 — during the presidency of the relatively moderate Mohammad Khatemi. [...] On September 28, 2012, [...] the group was removed from the FTO list as well as from the designation as a terrorism supporter under Executive Order 13224.” (CRS, 19 May 2015, p. 53)

The above-mentioned CFR report of July 2014 includes an outline of the history of the MEK, which focuses on the group’s activities outside of Iran:

“The MEK was founded in 1965 by leftist Iranian students opposed to the monarchy of Shah Mohammad Reza Pahlavi and its supporters in the West, including the United States. Many of the MEK’s most influential founding members — including leader Massoud Rajavi — were imprisoned by the Shah in the 1970s, and several were executed. [...]

The MEK participated in the 1979 revolution that swept Ayatollah Khomeini into power, but refutes U.S. government claims that it also supported the hostage-taking raid on the U.S. Embassy in November of that year. [...]

Experts say MEK’s ideology—initially a blend of Marxism, feminism, and Islamism — as well as its popular support in the initial post-revolutionary period put it at odds with the new clerical regime, which cracked down violently on the potential political rival. [...] Rajavi established in Tehran the National Council of Resistance of Iran (NCRI), also known as the MEK’s ‘parliament in exile,’ but he and the group’s leadership were quickly driven into exile in Paris. [...]

In 1986, the government of Jacques Chirac expelled Rajavi and much of the MEK as part of a deal with Tehran that freed French hostages held by pro-Iranian groups in Lebanon. According to the U.S. State Department, the MEK was then welcomed into Iraq, where it supported Saddam Hussein’s war against Iran (1980-88) and reportedly helped quash Kurdish uprisings in the north and Shia unrest in the south (1991). [...]

The MEK’s campaign against the Islamic Republic, including multiple targeted attacks on high-ranking officials, continued throughout the 1990s and early 2000s. [...]

As part of the 2003 invasion, U.S. forces initially attacked MEK military targets in Iraq despite the group’s claims of neutrality. The two sides eventually negotiated a cease-fire

that disarmed MEK members and confined them to Camp Ashraf, a 14-square-mile former Iraqi military base in the country's northeast. [...]

Iraq and the UN reached an agreement with MEK in December of that year that would relocate Ashraf residents to Camp Liberty outside Baghdad, a 'temporary transit station' from which group members could eventually be taken in by other countries. As of May 2014, approximately 3,000 MEK members resided at Camp Hurriya (Liberty), near Baghdad, awaiting resettlement to third countries." (CFR, 28 July 2014)

The same report mentions that the group, which "has long been led jointly by husband-and-wife team Massoud and Maryam Rajavi" has been viewed by many analysts as a "cult" based on allegiance to the Rajavis (even after Massoud Rajavi disappeared after the 2003 US invasion of Iraq, with his current status unknown). The National Council of Resistance of Iran (NCRI) (see above), which elected Maryam Rajavi as "Iran's future president" in 1993, seeks to oversee a six-month transition process towards democracy in Iran once the present regime has been overthrown. Maryam Rajavi is based in Paris and also acts as the MEK's "chief international ambassador". (CFR, 28 July 2014)

The Agence France-Presse (AFP) news agency report refers to the NCRI as "a political umbrella coalition of five Iranian opposition groups that includes the once blacklisted People's Mujahedin of Iran (MEK)." (AFP, 29 April 2015)

The US Department of State (USDOS) Country Report on Terrorism of July 2012, which is the department's last annual report listing the MEK as a "foreign terrorist organisation", notes with regard to the MEK's size and its sources of external funding:

"Estimates place MEK's worldwide membership at between 5,000 and 10,000 members, with large pockets in Paris and other major European capitals. In Iraq, roughly 3,400 MEK members were gathered at Camp Ashraf, the MEK's main compound north of Baghdad, at the end of 2011. [...]

Before Operation Iraqi Freedom began in 2003, the MEK received all of its military assistance and most of its financial support from Saddam Hussein. The fall of Saddam Hussein's regime has led the MEK increasingly to rely on front organizations to solicit contributions from expatriate Iranian communities." (USDOS, 31 July 2012)

A December 2012 report of the US Library of Congress (LoC) states:

"From 1990–93, MOIS [Ministry of Intelligence and Security] recruited former members of Mojahedin-e-Khalq (MEK)—also known as the People's Mujahedin of Iran (PMOI) or MKO— in Europe and used them to launch a disinformation campaign against MEK. [...] MEK has made numerous terrorist attacks on Iranian interests inside and outside of Iran. The Iranian government and its intelligence apparatus consider MEK the most serious dissident organization with regard to the Revolution." (LoC, December 2012, p. 26)

As indicated by the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) in its December 2013 COI report on Iran, which covers the period from September

2012 to November 2013, the MEK is illegal in Iran and regarded as hostile by the Iranian authorities, although there were no violent activities of the MEK in Iran during the reporting period (BZ, 24 December 2013, p. 39). The MEK's current activities are focused on influencing public opinion and collecting information about the situation in Iran. The country maintains a black list of about 100 MEK supporters (leaders, in particular) who cannot go back to Iran as they would be targeted upon return. (BZ, 24 December 2013, p. 39 [translated from Dutch])

Sources differ with regard to the role of the MEK within Iran:

A number of sources state that the MEK has little or no popular support within Iran (Guardian, 22 April 2014; Payvand, 30 August 2011; USDOS, May 2011; Posch, 13 April 2015).

Walter Posch, senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), explained in an April 2015 interview that the MEK closely cooperated with Saddam's security services and participated in repressing the Shia population in the south and Kurdish population in northern Iraq. In Iran, MEK has been isolated in society ever since they decided to collaborate with Saddam during the Iran-Iraq war. MEK does not have a mass base in Iran and there is no large MEK underground movement. Only a few MEK activists remain in the country. It is likely that they are running an intelligence & reconnaissance service in Iran with the support of some Gulf states. There is, however, a large organisation of MEK members who have switched sides in return for easier conditions of detention. Generally, there is only limited fear that the MEK are posing a serious threat to the regime. (Posch, 13 April 2015)

Posch further indicated that the Ministry of Intelligence (MOI) is the primary institution interested in targeting MEK members, followed by the intelligence service of the Islamic Revolutionary Guard Corps (IRGC). In fact, the MOI is always involved in a coordinating capacity. Operative tasks are often assigned to the IRGC. (Posch, 13 April 2015)

However, Alex Carlile, a member of the UK House of Lords, notes in an October 2012 article published in the Guardian newspaper that the Iranian state "fears the MEK's influence within the country" and its "ability to rally Iranians" in support of their cause. He argues that the fact that the government has "constantly assail[ed] the MEK as the instigator of [...] demonstrations in Tehran and other Iranian cities, and imprison[ed] and execute[ed] [...] MEK activists and supporters" shows the "MEK's popularity among Iranians". (Guardian, 12 October 2012)

An overview of the MEK is provided on the Italian news website Politiquementcorretto.com, which refers to the group as the "largest and most active opposition movement in Iran". Despite being repressed by the government, the network of the MEK has remained active in Iran. Thus all eleven persons sentenced to death for their roles in the protests of 2009 (of whom three have been executed) were accused of MEK membership. (Politiquementcorretto.com, 3 October 2012 [translated from Italian])

Similarly, a November 2014 Forbes magazine article by Amir Basiri, who, by his own account, is an Iranian human rights activist and supporter of the opposition movement seeking regime change in Iran, refers to the MEK as, “the largest and most organized opposition group to the Iranian regime”. (Forbes, 24 November 2014)

In a June 2014 interview with Epoch Times Italia, Giulio Terzi di Sant’Agata, an Italian diplomat and former Minister of Foreign Affairs, mentions that “like the Shah, [the Islamic Republic’s leaders] Khomeini and Khamenei have always viewed the MEK as a danger to the regime. The source notes that many MEK supporters today fear that the West would again be tempted to sacrifice the group’s security and survival in order to achieve a “rapprochement” with Iran. The source notes that 52 Mojahedin in camp Ashraf (Iraq) were killed by Shia militias in September 2013. (Epoch Times Italia, 23 June 2014 [translated from Italian])

In its Jane’s Sentinel Security Assessment of April 2014, the Jane’s Information Group, a British publishing company specialising in military issues, refers to the Ministry of Intelligence (MOI) (Persian: Vezarat-e Ettela’at) as an “agency responsible for fighting opposition to the regime not only at home but also abroad” which “has had a particular focus on the Mujahideen e-Khalq (MEK) opposition militia group and its allied political group, the National Council of Resistance of Iran (NCRI)” (Jane’s Information Group, 23 April 2014).

An August 2014 Human Rights Watch (HRW) report on political prisoners states that there were members or supporters of MEK (or alleged MEK members) among several dozen political opposition members imprisoned in Karaj (Alborz province) on whom the organization has compiled information (HRW, 18 August 2014, p. 30).

The same HRW report documented the following cases of persons convicted of “moharebeh” (“enmity against God”) for activities allegedly linked to MEK:

“[A]uthorities at Rajai Shahr prison [in Karaj] hanged Gholamreza Khosravi Savadjani, convicted of moharebeh for assisting the Mojahedin-e Khalq Organization (MEK), on June 1, 2014.” (HRW, 18 August 2014, p. 12)

“Authorities convicted Jafar Eghdami, a rights activist, on charges of moharebeh or ‘enmity against God,’ according to a source familiar with the case. The source told Human Rights Watch that Eghdami was arrested after attending memorial services at Khavaran Cemetery in Tehran, where hundreds of members of the Mojahedin-e Khalq and leftist groups are believed to have been buried after summary executions in several prisons in and near Tehran, including Rajai Shahr, in 1988 (then called Gohardasht prison). [...] The source told Human Rights Watch that a Tehran revolutionary court initially sentenced Eghdami to five years’ internal exile in a prison in southeastern Iran, but the prosecutor appealed the decision and he ultimately received a 10-year sentence, which he is currently serving in Rajai Shahr prison.” (HRW, 18 August 2014, S. 23)

The Guardian newspaper reported in April 2014 that armed guards at Evin prison in Tehran subjected dozens of inmates to physical abuse, noting that:

“Reports from Iran suggested that guards were particularly violent towards those prisoners accused of having links with the Iranian dissident group the People’s Mujahideen of Iran (MEK) and held for many years. [...] A large number of people reportedly attacked on Thursday had nothing to do with the MEK.” (Guardian, 22 April 2014)

In October 2014, Amnesty International (AI) states that Saeed Shirzad, a human rights activist and member of the Society for Defending Street and Working Children, was detained and placed in solitary confinement in Evin prison for over two months before being transferred to another section in the prison. During solitary confinement, he was interrogated by officials of the Ministry of Intelligence (MOI) who accused him of supporting the MEK and threatened to have him convicted of “enmity against God” (moharebeh) and executed. Saeed Shirzad has denied having any links with the MEK and that the accusation is merely based on his support in 2014 to the daughter of a MEK prisoner “who was at risk of dropping out of university, due to financial difficulties resulting from her father’s imprisonment”. (AI, 3 October 2014)

In July 2014, AI reported that Arzhang Davoodi, a writer and poet who had already been in prison for eleven years was sentenced to death on a new charge of “enmity against God” for alleged membership and support of the MEK. According to AI, he has no ties with the MEK and is believed to have been accused “merely because in prison he insisted on calling PMOI by its official name, Mojahedin, rather than by the term used by the Iranian authorities, Monafeghin (hypocrites).” (AI, 24 July 2014)

In November 2013, AI reports on the appellate decisions on the following cases of persons who were accused of having links with the MEK: Abdolreza Ghanbari (death sentence commuted to 10 years in prison, September 2013), Javad Lari (death sentence commuted to two years in prison in February 2012; released the same month after time served), Farah Vazehan (death sentence overturned in January 2011; released in September 2013), Mohsen Daneshpour Moghadam and Ahmad Daneshpour Moghadam (death sentences upheld in 2010) (AI, 28 November 2013).

The UN Special Rapporteur on human rights in Iran notes in a March 2015 report to the UN Human Rights Council (HRC):

“Ms. Motahareh Bahrami, the wife of Mr. Daneshpour Moghadam, was arrested on 27 December 2009 and sentenced to 15 years in prison for allegedly supporting the Mojahedin-e-Khalq Organization. Mrs. Bahrami is serving her sentence in the women’s ward of Evin Prison and suffers from advanced rheumatoid arthritis, which has reportedly contributed to severe difficulty with mobility.” (HRC, 12 March 2015, p. 36)

In February 2012, Amnesty International (AI) reports on the situation of individuals associated with the MEK (referred to as PMOI here):

“During 2011, a number of individuals appear to have been arrested solely on account of their family links to members of the PMOI. In other cases, unduly harsh sentences appear motivated by family links with PMOI members. [...] Some people with links to the PMOI

have been sentenced to death, and a few even executed. Three alleged PMOI supporters – Ali Saremi, Ja'far Kazemi and Mohammad Ali Haj Aghaei – were executed in Iran in December 2010 and January 2011. All three men had been convicted of 'enmity against God' in relation to contacts with the PMOI." (AI, 28 February 2012, pp. 53-54)

4.3 Jundallah (lit. "Soldiers of God", aka "People's Resistance Movement of Iran" (PRMI))

An article of the HIS Jane's Intelligence Review, published by the Jane's Information Group in January 2015, states that Jundallah, an insurgent group in the Baluchistan region, "was established on 20 April 2003" and "started its armed struggle in 2005". In 2010, its leader, Abdolmalek Rigi, was arrested and executed. The group's current leader is indicated as being Muhammad Zahir Baluch. (Jane's Information Group, 1 January 2015)

According to the US Department of State (USDOS) country report on terrorism 2014, published in June 2015, "Jundallah's stated goals are to secure recognition of Balochi cultural, economic, and political rights from the Government of Iran, and to spread awareness of the plight of the Baloch situation through violent and nonviolent means." (USDOS, June 2015, chapter 6)

The same source indicates the number of Jundallah members as "unknown" (USDOS, June 2015, chapter 6) and that the group "has traditionally operated throughout Sistan va Balochistan province in southeastern Iran and the greater Balochistan area of Afghanistan and Pakistan" (USDOS, June 2015, chapter 6).

Chris Zambelis, a senior analyst specializing in Middle East affairs with Helios Global, Inc., a risk management group based in the Washington, D.C. area, states in a March 2014 article written for the Combating Terrorism Center (CTC), an academic institution at the US Military Academy at West Point (New York):

"Since emerging in 2003, the Jundallah-led insurgency primarily targeted members of the Iranian security services and other symbols of Iranian authority. It eventually widened its targets to include civilians. Attacks by Jundallah claimed hundreds of lives. The group's violent campaign was derived from its self-declared objective of defending ethnic Baluch and Iranian Sunni Muslims from state repression." (CTC, 26 March 2014)

The May 2015 US Congressional Research Service (CRS) report notes that Jundallah is "composed of Sunni Muslims primarily from the Baluchistan region". In November 2010, it was formally named a "foreign terrorist organization" (FTO) by the US Department of State (see also USDOS, June 2015, chapter 6). The CRS notes that the group reportedly carried out two attacks in 2010 following the execution of its leader Abdolmalek Rigi:

"The regime claimed a major victory against the group in February 2010 with the capture of the group's top leader, Abdolmalek Rigi. The regime executed him in June 2010, but the group retaliated in July 2010 with a Zahedan bombing that killed 28 persons, including some IRGC personnel. The group is believed responsible for a December 15,

2010, bombing at a mosque in Chahbahar, also in Baluchistan, that killed 38.” (CRS, 19 May 2015, p. 6)

The above-mentioned March 2014 CTC article by Zambelis notes a weakening of Jundallah’s violent activities by late 2011:

“Despite successfully executing a series of attacks to avenge its leader’s execution, Jundallah’s violent campaign weakened by the end of 2011. The capture and subsequent execution of Rigi in 2010 struck a major blow to Jundallah. The arrest and killing of scores of other Jundallah fighters, including members of Rigi’s immediate family and the Rigi tribe, helped deplete the group’s rank-and-file. Iran’s repressive approach toward its ethnic Baluch minority also undermined Jundallah’s capacity to operate.” (CTC, 26 March 2014)

The January 2015 Jane’s Information Group article states that after Rigi’s death, Jundallah’s activities “have been in decline because of a series of internal splits”, and notes the emergence of a number of other insurgent groups in Baluchistan (Jane’s Information Group, 1 January 2015).

The June 2015 USDOS country report on terrorism noted that while “attacks continued in the Sistan va Balochistan province” in 2013, it was “unclear if Jundallah was involved in these attacks”. The same source goes on to note that “[t]here were no known attacks attributed to Jundallah in 2014”. (USDOS, 25 June 2015)

Zambelis states in his March 2014 article:

“Jundallah’s seeming demise has given way to a new wave of ethnic Baluch insurgents. In contrast to the height of Jundallah’s campaign, the landscape of violent resistance in Sistan-Baluchistan today is obscured by the presence of numerous, albeit seemingly overlapping, factions. These include Harakat Ansar Iran (Movement of the Partisans of Iran, HAI) and Jaish al-Adl Iran (Army of Justice, JAA) — the two most active insurgent detachments to emerge in the post-Jundallah milieu — among others. [...]

After a brief respite, Rigi loyalists and other ethnic Baluch militants appeared to marshal their ranks. Indications that a resurgence of organized and sustained ethnic Baluch-led militancy was on the rise began to manifest in late 2011. For example, HAI reportedly formed around December 2011, although its exact date of creation is unclear. JAA reportedly organized sometime in mid-2012. Both groups claimed responsibility for a multitude of attacks across Sistan-Baluchistan against members of the Iranian security services, particularly the Islamic Revolutionary Guard Corps (IRGC) and its elite Quds Force, Basij militias, police and border guards, as well as symbols of the Iranian state, political and clerical leaders, and soft civilian targets such as Shi’a mosques. In most respects, the tactical and operational character of HAI and JAA activities bore Jundallah’s signature.” (CTC, 26 March 2014)

A March 2014 report of the Jamestown Foundation (JF), a Washington D.C.-based think tank, notes that “[a] faction of Jundallah continues to operate out of Pakistan under the leadership

of Haji Muhammad Zahir, but little reliable information has emerged about his strength and the activities of his forces” (JF, 20 March 2014).

The same report goes on to state that “[i]n 2012, many Jundallah members merged into Jaysh al-Adl”, with “[t]wo little-known figures, Salahuddin Farooqui and Mullah Omar, [...] named leaders of the new organization (JF, 20 March 2014).

A BBC News report of October 2014 notes that Jaysh al-Adl “is widely believed to be the successor to Jundallah” (BBC News, 24 October 2014). A September 2014 Jamestown Foundation (JF) report states that Jaysh al-Adl, referred to as “the successor to Jundallah”, leads the militancy in Balochistan (JF, 11 September 2014).

Daniele Grassi, a senior analyst for the security consulting firm IFI Advisory in Rome, states in an October 2014 article published in the Asia Times:

“JAA is led by Abdulrahim Mulazadeh, who uses the pseudonym of Salah ad-Din al-Farouqi. Among the ranks of JAA, there are elements with links to other terrorist groups operating in the region (mainly in Pakistan) as well as many former members of Jundallah, and this has led many observers to speculate that the group is merely a renaming of Jundallah. The use of Pakistani territory as a refuge by JAA is an element of great tension in relations between Tehran and Islamabad. [...]

Compared to Jundallah, the new generation of Baloch militants show a greater degree of ideological radicalization, as well as more familiarity with the use of the Internet.” (Asia Times, 20 October 2014)

According to the JF, Sunni Baloch militants today “speak increasingly in a sectarian and anti-Shi’a language that is new in the struggle of ethnic Baloch for better socio-economic rights inside Iran”. Moreover, the report notes that Jaysh al-Adl seeks “to internationalize its campaign against Tehran and draw outside Sunni sympathizers to its cause” (JF, 11 September 2014).

In an April 2014 report submitted to the UN Human Rights Council (HRC), the UN Secretary-General notes that 16 ethnic Baloch were reported to have been executed in the city of Zahedan in October 2013. As stated by the public prosecution service, the executions were carried out “in response to the killings of 14 border guards by an armed group at the border with Pakistan”. The Secretary-General states that there was “no reported proof that those executed were involved in the incident, as all 16 individuals had previously been tried, convicted and sentenced to death well before the incident took place”. Eight of them were convicted of drug-related offences. (HRC, 7 April 2014, p. 5)

An October 2012 article by Xinhua news agency, quoting a report by the semi-official Iranian ISNA news agency, reports that three Jundallah members were executed in Zahedan (Sistan-Balochistan province). The executions came after the Chabahar attacks of 19 October 2012. (Xinhua, 21 October 2012)

On 20 December 2010, the BBC reports on the execution of eleven Jundallah members in Zahedan. The executions followed an attack on a mosque the previous week which killed 39 people, for which Jundallah claimed responsibility. The report states that it was “not clear whether those executed were involved in that attack”. (BBC News, 20 December 2010)

4.4 Kurdish activists

An August 2014 report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to the United Nation General Assembly (UNGA) gives the following overview:

„Members of ethnic minority groups, in particular those espousing ethnocultural, linguistic or minority religious rights, appear to be disproportionately charged with moharebeh and mofsed fel-arz, sometimes seemingly for exercising their rights to peaceful expression and association.” (UNGA, 27 August 2014, p. 4)

“At least 58 Kurdish human rights activists were summoned to offices of the Ministry of Intelligence and Security between August 2013 and May 2014. The figure includes 30 labor activists, 21 of whom were summoned by the Intelligence Office in Sanandaj and the Governor of the city of Saqqez between 28 April and 1 May 2014, in relation to their participation in International Workers’ Day on 1 May. Saqqez officials had allegedly suggested to some local labor activists that they should participate in the Government’s official events instead of holding separate events.” (UNGA, 27 August 2014, p. 10)

The UN Secretary General states in a February 2015 report to the UN Human Rights Council (HRC):

“At the end of the period under review, 33 members of the Kurdish community were reportedly on death row after having been sentenced to death on national security-related offences, including spreading propaganda against the system, gathering and colluding against national security, ‘corruption on earth’ and “enmity against God”. Serious concerns remained with regard to their guarantees of due process, given that, during pretrial detention, they were allegedly tortured and ill-treated, held for several months in solitary confinement and denied access to counsel or family members. [...] It is feared that these individuals might have been jailed for their promotion of the Sunni religion by taking part in seminars and distributing religious reading material.” (HRC, 20 February 2015, pp. 13-14)

The US Department of State (USDOS) notes in its Country Report on Human Rights Practices during the reporting year 2014:

“The government continued to use security law, media law, and other legislation to arrest and prosecute Kurds for exercising their rights to freedom of expression and association. The government reportedly banned Kurdish-language newspapers, journals, and books and punished publishers, journalists, and writers for opposing and criticizing government policies. [...] Authorities suppressed legitimate activities of Kurdish NGOs by denying them registration permits or bringing security charges against persons working with such organizations.” (USDOS, 25 June 2015, section 6)

An April 2012 Human Rights Documentation Center (IHRDC) report on the treatment of Kurdish activists includes the following information:

“Today, the IRI’s [Islamic Republic of Iran] suspicions concerning the Kurdish minority are based on fear that Kurdish activism contains separatist undercurrents that challenge the integrity of the state. Activists asserting their Kurdish identity or who engage in social and political criticism of the IRI are prime targets for arbitrary arrest and prosecution on the pretext of endangering national security. While some Kurdish political activists may engage in violent acts against the Iranian state or are involved with PJAK - an armed Kurdish political group - others only engage in peaceful civic activities, yet suffer on account of their larger group association. [...]

Numerous witnesses interviewed by IHRDC stated that Iranian intelligence agents closely monitored their work on Kurdish cultural newspapers and magazines, with groups that organized Kurdish cultural plays and gatherings, and to preserve Kurdish cultural heritage and history.

The work on these publications and events at these gatherings are closely monitored by government officials in direct violation of the Constitution of the IRI. The herasat - the intelligence gathering apparatus and morality police present in all government institutions, including on university campuses - collects intelligence on Kurdish activists and sometimes reports them to local intelligence authorities. When these publications and gatherings attract the attention of the authorities they are often shut down. Sometimes the activists themselves are targeted for arrest and imprisonment.

Activists that engage in peaceful activities related to political parties are also a prime target of the Iranian authorities. Members of groups that offered monetary aid or emotional support to family members of killed Kurdish political party members said they were arrested by the Iranian authorities on allegations of aiding illegal groups. Even poetry and literary writing - if political in tone - can land the author in jail for allegedly sympathizing with political opposition groups.

Once a Kurdish activist is targeted for arrest and imprisonment, they are subjected to the same pattern of mistreatment and deprivation of due process safeguards that political prisoners throughout Iran endure.

It is not just the activists themselves who remain at risk of harassment by authorities for their political initiatives. By extension, the family members of activists in Iran’s Kurdish region are often threatened, intimidated, and otherwise harassed. In more extreme cases, family members are imprisoned by the IRI’s intelligence apparatus to exert pressure on loved ones, or forced into hiding as a result of threats of arrest.” (IHRDC, April 2012, pp. 13-14)

“Evidence demonstrates that the IRI’s arrest of Kurdish activists follow a pattern. First, local branches of the government’s intelligence and security apparatus typically initiate a pretext for arrest, such as allegations related to other illegal activity. Most often these relate to espionage, possession of arms or other materiel, or drug trafficking. Such

pretexts are not, however, always invoked - in some instances, Kurdish minorities have been targeted for simply being in possession of a pamphlet or CD made by Kurdish political parties.” (IHRDC, April 2012, p. 2)

A February 2013 joint fact-finding mission report of the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) states:

“Regarding Kurdish political activities inside Iran, the Iran Watcher [Amy Wilson], US Embassy, London found that organized meetings would not take place in Iran and assessed that many Kurds are too nervous to participate in political activities inside Iran. She also emphasized that it should be considered that after all, only a small percentage of the Kurds in Iran are active members of one of the Kurdish political parties.” (DIS/Landinfo/DRC, February 2013, p. 40)

The same report continues:

“When asked if there are activities in the Kurdish areas that could be perceived as political, Azad Zamani, a human rights activist of Kurdish origin in London said that not only underground members of Kurdish parties may carry out activities. Other groups may also publish for example leaflets on different issues related to human rights and arrange some events that could be perceived as critical or oppositional to the system. The activist further explained that the majority of Kurds in Kordestan tend to be oppositional to the regime and some of these are active as well.” (DIS/Landinfo/DRC, February 2013, pp. 41-42)

4.5 Democratic Party of Iranian Kurdistan (PDKI/KDPI) (Persian: Hezb-e Demokrat-e Kurdistan-e Iran)

This section only refers to the Democratic Party of Iranian Kurdistan (PDKI or KDPI). Information on the Democratic Party of Kurdistan - Iran ('Hezb-e Demokrat-e Kurdistan – Iran') (DPK – Iran or KDP – Iran) has not been included.

According to its website, “the Democratic Party of Iranian Kurdistan (PDKI) was founded in the city of Mahabad in Iranian Kurdistan on August 16, 1945” and “struggles to attain Kurdish national rights within a federal and democratic Iran”. The website states that it is a “democratic socialist party” and “a member of the Socialist International (SI)”. The PDKI’s structure is outlined as follows:

“The highest decision making body of PDKI is its congress, which is held every four years. Between two congresses the Central Committee, which is elected at the congress and is made up of 25 permanent members and 10 substitute members, is the highest decision making body. The Central Committee also elects 7 of its members to the Political Bureau, which also includes the Secretary General. The Chairperson of the PDKI’s affiliated organizations, the Democratic Women’s Union of Iranian Kurdistan, the Democratic Youth Union of Kurdistan and the Democratic Students Union of Kurdistan are automatically members of the Central Committee.” (PDKI website, undated a)

The same website states that the PDKI's current leader is Mustafa Hijri (PDKI website, undated b).

In a June 2013 article, Al Jazeera notes that "[t]he PDKI split in 2006", the larger PDKI faction, led by Mustafa Hejri, is based in three camps in northern Iraq. According to the article, "Hejri claims the party has 800 peshmerga" (Kurdish guerrillas), the article adds that most of them are ageing and "would be no match for Iran's Revolutionary Guards". Al Jazeera also mentions that the PDKI signed a cooperation agreement with one of the Komala factions in August 2012 (Al Jazeera, 29 June 2013).

In January 2014, Al-Monitor, a Washington, DC-based media site on the Middle East, published an article by Wladimir van Wilgenburg, a political analyst specializing in Kurdish politics. The article mentions that the PDKI and Komala "fragmented into several factions after losing the war against the Iranian Revolutionary Guards in the 1990s, moving into exile in the Kurdistan Region of Iraq". The article quotes BBC Persian journalist Jiyar Gol as saying that the Kurdistan Regional Government (KRG) allows these Kurdish parties to stay in the KRG territory if they do not attack Iran (Al-Monitor, 14 January 2014).

An article in The Statesman, an English language newspaper based in Kolkata (India) states:

"KRG already officially hosts remnants of Iranian Kurdish nationalist organizations like the Kurdistan Democratic Party of Iran and the communist Komala. The Kurdish authorities also tolerate PEJAK [PJAK] activities on the mountains bordering Iran." (The Statesman, 19 July 2014)

Detailed information on the PDKI is provided in a joint fact-finding-mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) published in September 2013. The report quotes an Iran scholar specialized in ethnic minorities as saying that the PDKI (referred to as "KDPI" here) "enjoys a high degree of legitimacy and respect among parts of the Kurdish population in Iran" and that it "is particularly the Sunni part of the Kurdish population" that are involved in the PDKI's activities in Iran. The same report quotes analyst Ziryan Roj Helaty of Tanupo Magazine as saying the PDKI does not have a strong presence in the Kurdish areas of Iran, and that the PDKI's activities are "limited" and its organization in Iran "weak". The same analyst is quoted as saying that PDKI is "more popular in Iranian Kurdistan than the other parties" (although this popularity is limited to the Sunni areas). The same report quotes the Kurdish journalist and blogger Fazel Hawramy as saying that it is difficult to estimate the number of Kurds who support the PDKI (and Komala) in practice, as there is "a sense of resentment among some Kurds towards these parties" due to "their inner splits", with the PDKI split in two fractions. Hawramy, however, also noted that PDKI, Komala and PJAK are "the only established channels through which Kurds in Iran can oppose the Iranian regime" (DIS/DRC, 30 September 2013, pp. 9-11).

The same report quotes Ziryan Roj Helaty of Tanupo Magazine as saying the Kurdish opposition parties in Iran, including the KDPI, are not strongly represented by members in Iran but rather by its sympathizers. The report continues:

“According to analyst Ziryan Roj Helaty (Tanupo Magazine), KDPI and Komala originally had guerilla forces, i.e. peshmargas, inside Iran. After they stopped their military activities during the 1990’s, they were unable to change their activities into civil activities and as a result they lost most of their power and influence in the Kurdish area in Iran.” (DIS/DRC, 30 September 2013, p. 13)

The same report quotes Reza Menuchehri of the Kurdish Human Rights Committee in Europe (KMMK) as saying that the PDKI and Komala are focusing their activities on the use of media (such as magazines, newspapers, TV and radio) and “have stopped all their military activities against the Iranian regime”. The same source is quoted as saying that in recent years, KDPI, KDP-Iran, all Komala parties and PJAK have increasingly focused on civil society activities such as working in NGOs (DIS/DRC, 30 September 2013, p. 13).

An August 2014 Human Rights Watch (HRW) report mentions that there were members or supporters of the PDKI (or alleged PDKI members) among several dozen political opposition members imprisoned in Karaj (Alborz province) on whom the organization has compiled information (HRW, 18 August 2014, p. 30).

The September 2013 DIS/DRC report states with regard to the situation of persons with (alleged) links with the PDKI (which is referred to here as “KDPI”):

“A Western diplomat and expert on Iran in Erbil explained that there is no tolerance on the Iranian regime’s side for any kind of activities with connection to the Kurdish political parties and any affiliation with one of these parties would be reason for arrest. The main reason for this is that these parties’ ultimate goal, despite their non-violent opposition, is a change in the regime of Iran which is much worse than support for the Green Movement which aims for reforms within the existing system. [...]

Analyst Ziryan Roj Helaty (Tanupo Magazine) stated that anything related to KDPI, even talking about the Kurdish people and their rights could create a problem. Someone who talks directly about KDPI is, in the eyes of the regime, affiliated with KDPI, and a person speaking about Kurdish rights is seen as a general threat.” (DIS/DRC, 30 September 2013, p. 15)

“UNHCR said that members of KDPI will get approximately two to ten years of prison if they are arrested by the Iranian authorities. Based on information from asylum seekers, UNHCR Erbil stated that KDPI members will be tortured during pre-trial detention in order to confess and disclose names of other KDPI members.” (DIS/DRC, 30 September 2013, p. 16)

“Regarding the sympathizers, UNHCR added that if a person who actively assists and supports KDPI is arrested by the authorities, the person will face serious difficulties. UNHCR Erbil further stated that low profile supporters of KDPI will be taken to detention and be kept there for few days. Sometimes, they are tortured during the interrogation to confess. Later on they will be taken to court and they sign a statement indicating that they will not be involved in any political parties in the future. The source added that

members of Komala, that are Marxist and for this reason seen as a bigger threat to the regime, will get a harsher sentence ranging from years in prison to execution. If someone is caught with a weapon, he or she will be sentenced to 10 years in prison or execution. [...]

Asked to elaborate about the typical consequences for sympathizers caught while for instance distributing leaflets Mohemed Sahebi, Member of Central Committee (KDPI) told the delegation that it does not make any difference whether a person is a sympathizer or a member, the consequences can be imprisonment and torture.” (DIS/DRC, 30 September 2013, p. 17)

The same report also indicates:

“According to KDPI’s representative in Paris, the Iranian authorities monitor the Kurds whom they suspect of being politically active in different ways, including through hacking of e-mails, telephones and mobile phones as well as by using paid informants. In addition, the Iranian authorities put persons who are affiliated with KDPI under pressure by offering them large sums of money to become informants or by forcing the arrested members to carry out activities for the authorities.

KDPI’s representative in Paris stated that KDPI is strictly monitored by the Iranian authorities, especially during the weeks before each of the anniversaries due to the fact that the party becomes more active on such occasions.” (DIS/DRC, 30 September 2013, p. 23)

The same report notes with regard to the situation of family members of PDKI members and sympathizers:

“Family members to KDPI members and sympathizers are, according to Mohemed Sahebi (KDPI), harassed and at risk of imprisonment. As an example, he mentioned that if a party member is arrested, his family might not be given information on his arrest and place of detention.

KDPI’s representative in Paris explained that family members are also under pressure depending on the profile of the member; the higher the profile, the more family members are under pressure.” (DIS/DRC, 30 September 2013, p. 22)

For further information regarding the mode of organization, activities and membership of the PDKI, please refer to chapter 2 of the DIS/DRC report directly (pp. 26-35):

- DIS/DRC – Danish Immigration Service/Danish Refugee Council: Iranian Kurds; On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran; 30 May to 9 June 2013 , 30 September 2013 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/file_upload/1226_1380796700_fact-finding-iranian-kurds-2013.pdf

4.6 Komala parties

As reported by Al Jazeera in June 2013, “five groups claim the name Komala” (Al Jazeera, 29 June 2013). The above-mentioned September 2013 fact-finding-mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) quotes Fazel Hawramy as mentioning that Komala is split in three fractions (DIS/DRC, 30 September 2013, p. 11). The DIS/DRC report identifies the following three Komala parties: 1) the Kurdistan Organization of the Communist Party of Iran, Komala (Sazmane Kurdistane Hezbe Kommuniste Iran, SKHKI), 2) the Komala of Toilers of Kurdistan and the Komala Party of Kurdistan (Komala Zahmatkeshane) Kurdistan, (KZK), and 3) the Komala Party of Iranian Kurdistan (DIS/DRC, 30 September 2013, pp. 40-48).

The same report refers to Ebrahim Alizadeh as the General Secretary of SKHKI (DIS/DRC, 30 September 2013, p. 16), and to Omar Elkhanizade as the Secretary General of the KZK (DIS/DRC, 30 September 2013, p. 44). The Secretary General of the Komala Party of Iranian Kurdistan is Abdullah Mohtadi, according to PR Newswire, a New York-based provider of multimedia solutions to private sector companies (PR Newswire, 13 October 2014). The same PR Newswire press release adds that “[t]he Komala Party is an Iranian opposition party fighting for a free, democratic Iran inclusive of all religious and ethnic minorities” (PR Newswire, 13 October 2014).

As noted by Hashem Ahmadzadeh, a former lecturer at the Kurdish Studies Centre of the University of Exeter (United Kingdom), and Gareth Stansfield, a professor of Middle East politics at the same university, in a January 2010 article published in the Middle East Journal, Komala has experienced a number of splits. The authors list five organisations that are currently active under the name “Komala”: 1) the “The Kurdistan Organization of the Iranian Communist Party-Komalah” (Ibrahim Alizadeh), 2) the “Revolutionary Organization of Toilers of Iranian Kurdistan” (Abdullah Mohtadi), which changed its Persian name to “Hezb-e Komalaye Kordestan-e Iran” (Komala Party of Iranian Kurdistan), 3) the “Organization of Toilers of Kurdistan” (Omar Ilkhanizade), 4) the “Komalay Shorshgeri Zahmatkeshani Kurdistani Eran - Rewti Yekgrtnewe” (English: “Revolutionary Organization of Toilers of Iranian Kurdistan - Reunification Faction”) (Abdullah Konaposhi), and 5) the “Rewti Sosialisti Komala” (English: “Socialist Faction of Komala”):

“In 1991 the main figure of the ICP [Iranian Communist Party], Mansur Hekmat, alongside a major group of the leaders and cadres of the ICP resigned from the party and founded the Worker Communist Party of Iran. There have been at least four major splits in the WCPI during recent years. The Iranian Communist Party also has been subject to a range of splits. Some of the leaders of the ICP, under the leadership of Abdullah Mohtadi, split from the party in 2000 and reorganized the older Komala, i.e., the Revolutionary Organization of the Toilers of the Iranian Kurdistan. There are now five organizations that are active under the same name of Komala: 1) The Kurdistan Organization of the Iranian Communist Party-Komalah (note the ‘h’ at the end of the name, apparently influenced by the Persian pronunciation of the name) under the leadership of Ibrahim Alizadeh; 2) The Revolutionary Organization of Toilers of Iranian Kurdistan, under the leadership of Abdulla Mohtadi. In the 12th congress of Komala in August 2007, Komala modified its

name in Persian to Hezb-e Komala-ye Kordestan-e Iran (Komala Party of Iranian Kurdistan); the Kurdish version remained unchanged. [...] 3) The Organization of Toilers of Kurdistan, led by Omar Ilkhanizade; 4) Komalay Shorshgeri Zahmatkeshani Kurdistani Eran - Rewti Yekgrtnewe (The Revolutionary Organization of Toilers of Iranian Kurdistan - Reunification Faction), led by Abdulla Konaposhi. This faction split to form Mohtadi's Komala on April 29, 2008, accusing Abdullah Mohtadi of non-democratic management of Komala and a policy of cooperation with Reza Pahlavi and the monarchists in Iran. [...] 5) On July 15, 2009 a group of ICP cadres announced that they, following their split from the ICP, would work as Rewti Sosialisti Komala (Socialist Faction of Komala).” (Ahmadzadeh/Stansfield, 1 January 2010)

An April 2004 article by Sam Ghandchi, a dissident and editor of *Iranscope*, a US-based website covering topics such as human rights, secularism and futurism on which no independent information could be found, briefly outlines the development of the Komala parties:

“The history of Komala actually starts at the time of the Shah from the 1966 movement led by Mollah Avareh and Sharifzadeh. Foad Mostafa Soltani who was killed during IRI, as well as current Komala leadership like Abdollah Mohtadi, date back to that time, when Mollah Avareh and Sharifzadeh were killed. The leadership actually were like many other Iranian political groups that originated from Aryamehr University in Tehran. [...] In the years after 1981, they united with a very small group from other parts of Iran by the name of Sahand, and formed a Communist Party of Iran. But soon they saw this is not what they see as their ideal. They had one split where basically the old group they had united with, became the Worker-communist Party of Iran, seeking a Leninist policy. In a short while, Komala even separated from the Communist Party of Iran, and called itself Komala again. A few from Komala stayed with Workers Communist Party. Also there were a number of people from original Komala, who stayed with the Communist Party of Iran, call themselves Komalah (with an ‘h’ at the end), rather than going with the revived Komala, and they are still part of Communist Party of Iran.” (Ghandchi, 28 April 2004)

The above-mentioned September 2013 fact-finding-mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) quotes analyst Ziryan Roj Helaty of *Tanupo Magazine* as saying that Komala does not have a strong presence in the Kurdish areas of Iran, and that Komala’s activities are “limited” and its organization in Iran “weak”. The same analyst explains that “Komala is mainly popular in the cities such as Sanandaj and Bukan”, noting that this popularity is limited to the Sunni areas. The same report quotes Kurdish journalist and blogger Fazel Hawramy as saying that while Komala and the PDKI are fairly respected among the Kurdish population in Iran, it is difficult to estimate how many people practically support these parties, and as saying that there exists a sense of resentment among some Kurds towards these parties due to their inner splits (DIS/DRC, 30 September 2013, pp. 10-11).

The same report quotes Reza Menuchehri of the Kurdish Human Rights Committee in Europe (KMMK) as saying that the Komala, like the PDKI, is focusing its activities on the use of media (such as magazines, newspapers, TV and radio) and has stopped all military opposition

activity. The same source is quoted as saying that in recent years, KDPI, KDP-Iran, all Komala parties and PJAK have increasingly focused on civil society activities such as working in NGOs (DIS/DRC, 30 September 2013, p. 13).

The same DIS/DRC report addresses the situation of persons with (alleged) links to Komala and their family members, citing information provided by representatives of the Kurdistan Organization of the Communist Party of Iran, Komala (Komala, SKHKI) and the Komala Party of Iranian Kurdistan:

“Ebrahim Alizadeh, General Secretary of the Kurdistan Organization of the Communist Party of Iran, Komala (Komala, SKHKI) mentioned that if the authorities in Iran cannot find evidence against a person whom they perceive to be a threat and thus cannot prosecute him, they may terrorize or even assassinate him. [...]

Regarding punishment for being a member of Komala, Ebrahim Alizadeh (Komala, SKHKI) told the delegation that if a Komala cell member is arrested by the Iranian regime, he will be tortured, imprisoned for life or even executed. As regards the consequences for the cell member’s family, Alizadeh explained that his family members may be arrested, but they will be freed on bail after a while.” (DIS/DRC, 30 September 2013, p. 16)

“Asked about the punishment of a Komala sympathizer arrested by the Iranian security forces, Ebrahim Alizadeh (Komala, SKHKI) stated that the punishment depends on the activity of the sympathizer. If the sympathizer gets caught carrying political materials, he may be sentenced to about two years imprisonment. The sources added that the law is arbitrarily enforced and the authorities will sometimes take decisions contrary to the law. However, the source emphasized that if the person caught is a member of the party, the punishment will be much harsher which means 10-15 years imprisonment or even execution.” (DIS/DRC, 30 September 2013, p. 18)

“Regarding party sympathizers, Omar Elkhanizade (Komala, KZK) mentioned that there have been a high number of cases where sympathizers have been caught due to their lack of experience. If caught, the punishment is harsh regardless of whether the person caught is a party member or a sympathizer, which means that he may be prosecuted and sentenced to up to 20 years imprisonment. The source pointed to the particular harsh measures in the Kurdish area of Iran against any kind of criticism against the government.

With regard to the sympathizers, Siamak Modarresi, Head of Political Bureau, Komala Party of Iranian Kurdistan, explained that if a person in the Kurdish area of Iran is sympathetic towards Komala and this inclination is well-known, this does not necessarily pose a danger for him or her. However, having direct links or carrying out activities for the party can be dangerous.” (DIS/DRC, 30 September 2013, p. 18)

“With regard to the risk for family members of people who carry out political activities, Siamak Modarresi, Komala Party of Iranian Kurdistan, said that the regime will harass these family members or even jail them. As an example it was mentioned that among the party leadership in the camp, there is a member who has a brother in Iran who is

imprisoned because of the political activities of the brother living in KRI.” (DIS/DRC, 30 September 2013, p. 22)

The DIS and DRC further write with reference to information provided by the UNHCR in Erbil (Iraq):

“UNHCR Erbil explained that the penalty for a person who is caught with a political flyer varies. If the person involved in the activity is of Kurdish ethnicity, there is a risk of a heavier penalty and a higher risk of torture. UNHCR Erbil further explained that supporters of KDPI will get a lesser sentence compared to Marxist parties such as Komala.” (DIS/DRC, 30 September 2013, p. 18)

For further information regarding the mode of organization, activities and membership of the three Komala parties, please refer to chapter 3 of the DIS/DRC report directly (pp. 40-48):

- DIS/DRC – Danish Immigration Service/Danish Refugee Council: Iranian Kurds; On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran; 30 May to 9 June 2013 , 30 September 2013 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/file_upload/1226_1380796700_fact-finding-iranian-kurds-2013.pdf

An August 2014 Human Rights Watch (HRW) report mentions that there were members or supporters of Komala (or alleged Komala members) among several dozen political opposition members imprisoned in Karaj (Alborz province) on whom the organization has compiled information (HRW, 18 August 2014, p. 30).

The April 2014 report of the UN Secretary-General to the UN Human Rights Council (HRC) notes the execution of the Kurdish political and civil activist Shirko Moarefi, “who was sentenced to death on the charge of muharaba, membership of the Komalah Party, and acting against national security”, in November 2013. (HRC, 7 April 2014, p. 5)

Agence France-Presse (AFP) reports in May 2014 that three persons have been arrested for suspected involvement in a bomb attack during a military parade in Mahabad (West Azerbaijan province) in 2010. According to the Ministry of Intelligence, the three suspects have admitted to belonging to Komala (AFP, 18 May 2014 [translated from French], see also Mehr, 19 May 2014).

4.7 Worker-Communist Party of Iran (WPI)

This section only refers to the Worker-Communist Party of Iran (WPI) and does not include any details on its splinter groups, such as the Worker-Communist Party of Iran-Hekmatist (WPI-Hekmatist) and the Worker-Communism Unity Party (WUP).

A 2006 book by David Romano, an assistant professor of International Studies at Rhodes College (USA) states that in 1991, a “group of mainly non-Kurdish members [...] split off from the CPI [Communist Party of Iran]” (which had emerged in 1983 as a union between Komala and the Union of Communist Militants) and formed the Worker-Communist Party of Iran (WPI) (Romano, 2006, p. 239).

In an article published in the Middle East Journal in January 2010, Hashem Ahmadzadeh, a former lecturer at the Kurdish Studies Centre of the University of Exeter (United Kingdom), and Gareth Stansfield, a professor of Middle East politics at the same university, write that Mansur Hekmat, who is referred to as the “main figure” of the Communist Party of Iran (CPI), “alongside a major group of the leaders and cadres” of the CPI resigned in 1991 and founded the WPI (Ahmadzadeh/Stansfield, 1 January 2010).

In July 2002, the Guardian newspaper published an obituary of Mansoor Hekmat which refers to him as the co-founder of the “Worker-Communist parties of Iran and Iraq” and states that “[t]he Worker-Communist party has backed radical Marxism in Iran, and helped highlight strikes and grassroots activity” in the country (Guardian, 20 July 2002). An August 2009 blog entry by the US college educator and writer Chris Cutrone notes that the Worker-Communist Party of Iran (WPI) is a sister organization of the Worker-Communist Party of Iraq (Cutrone, 1 August 2009).

A section on the WPI in the 2009 “Handbook on extremism and attempts at endangering security” of the Office for the Protection of the Constitution of the German federal state of Saxony (Landesamt für Verfassungsschutz (Freistaat Sachsen)) also indicates that the WPI was founded by Mansoor Hekmat in 1991 after a split from the Communist Party of Iran (CPI). Hekmat remained the chief ideologue and leader of the party until his death in 2002. In 2004, and 2007, groups split from the WPI and formed the Worker-Communist Party of Iran-Hekmatist (WPI-Hekmatist) and the Worker-Communism Unity Party (WUP).

As proclaimed by Hekmat in his 1994 party manifesto “A better world”, the WPI’s goal is a “Communist Society”, which is to be realized not by means of reforms, but through a workers’ revolution. According to this party programme, the most urgent step towards achieving this goal is the overthrow of the Iranian regime. (Landesamt für Verfassungsschutz (Freistaat Sachsen), 2009 [translated from German])

The blog section of the WPI website mentions that Hamid Taqvaee is the current leader of the WPI (WPI, 3 February 2015).

Among the sources consulted by ACCORD within time constraints, no information could be found on the treatment of members of the Worker-Communist Party of Iran (WPI) by the authorities.

4.8 Party of Free Life of Kurdistan (Partiya Jiyana Azad a Kurdistanê - PJAK)

A June 2013 report of the Norwegian Country of Origin Information Centre Landinfo gives the following overview of the Party for Free Life of Kurdistan (PJAK):

“PJAK is a political and military organization among Iranian Kurds. The organization was created in 2004 under the strong influence of the Turkish-Kurdish Kurdistan Workers’ Party (PKK) and have established bases in the Qandil Mountains in northern Iraq. PJAK is the only Kurdish organization which over the past decade has organized armed struggle against the Iranian regime. PJAK has a problematic relationship with the Kurdistan

Regional Government (KRG) which governs Kurdish areas of northern Iraq as there is no formalised agreement regulating their presence. PJAK's militant activity has led to extensive Iranian military interventions into northern Iraq, which has hit the civilian population in parts of the border areas severely. The number of clashes between Iranian forces and PJAK guerrillas has decreased significantly after PJAK declared a ceasefire in September 2011." (Landinfo, 6 June 2013, p. 3)

A June 2014 Amnesty International (AI) press release mentions that the Party for Free Life of Kurdistan (PJAK) seeks to establish in Iran a "democratic system in which all citizens: Iranians, Kurds, Azarbaijanis, Baluch, Turkmans, Arabs and all other ethnic groups within the framework of the democratic system can govern themselves" (AI, 16 June 2014).

An Al Jazeera article of June 2013 mentions that the PJAK has bases in the Qandil Mountains on the border between Iraq and Iran and "claims to also control an area spanning 2,200 sq km inside Iran" (Al Jazeera, 29 June 2013).

The above-mentioned Landinfo report states that according to the PJAK's leader Haji Ahmadi, PJAK is organized as a party, with a party congress that is held once every three years in the Qandil Mountains in Northern Iraq. Most delegates to the Congress come from local branches in Iran. The PJAK consists of the following governing bodies: the Congress, the President, an Assembly and a Coordinating Board. Furthermore, the party consists of a number of subcommittees which are grouped under four themes: ideology, politics, social issues and defense. In addition, the PJAK has a Legal Committee (Judicial Committee) which acts as an internal court.

The Landinfo report continues that according to the PJAK programme adopted by the party's Third Congress in 2008, the party has an ideology of "democratic liberation" with a declared goal to establish a "democratic system in Iran and democratic autonomy for Kurdistan." The programme also states that the PJAK seeks "to achieve a radical democracy and to be able to establish a democratic confederation in eastern Kurdistan." Although the party programme envisages Kurdish autonomy within the framework of an Iranian State, the PJAK has been described as separatist by some sources. The party stands ideologically close to the PKK [Kurdistan Workers' Party].

Landinfo writes in its report that the number of PJAK members is uncertain. A Jamestown Foundation (JF) report of 2008 estimated that PJAK had between 2,000 and 3,000 men and women under arms. According to sources within the organisation itself, PJAK membership consists not solely of Iranian Kurds. A senior party member claimed in an interview in 2009 that members include both Kurdish and non-Kurdish members – both from Iran and the rest of Kurdistan - as well as international volunteers.

As noted by Landinfo, Shamal Bishir, the party's head of foreign affairs, claimed that PJAK supporters are overrepresented in Iranian prisons and that most Kurds who have been executed or are on death row are members or sympathizers of PJAK. According to Bishir, this is due to the fact that the PJAK is not an exile organization but active inside Iran. Bishir is also quoted as saying that family members are often subjected to pressure when PJAK members have been arrested in Iran, noting that there have been particularly many such cases in Kermanshah and Sanandaj. (Landinfo, 6 June 2013, pp. 6-14 [translated from Norwegian])

Regarding the PJAK's composition, Wladimir van Wilgenburg's January 2014 article notes that the PJAK "managed to attract many young Kurds even outside of the traditional support base of Kurdish parties in the Sunni Muslim Kurdish areas of Iran, among Shiite Kurds who share religious affiliation with the Iranian government." (Al-Monitor, 14 January 2014)

The same article quotes Ammar Goli, a Kurdish journalist based in Iraqi Kurdistan, as saying that "[t]he PJAK knows that with limited arms they are unable to have any major accomplishment" (Al-Monitor, 14 January 2014).

The September 2013 report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states with reference to Reza Menuchehri, Kurdish Human Rights Committee in Europe (KMMK) that the "PJAK is probably the most popular party and people seem to talk more about PJAK compared to the other parties, especially the educated Iranians", one of the reasons for this being that "PJAK has the largest number of political prisoners compared to other Kurdish political parties and most of the Kurdish prisoners sentenced to death are affiliated with PJAK", adding that "[t]he active presence of PJAK's members and activists in the Iranian Kurdish area additionally contributes to its popularity among Kurds in Iran" (DIS/DRC, 30 September 2013, p. 10). The same report also quotes Sardar Mohammad and Asos Hardi of the Sulaymaniyah-based Kurdish Awene newspaper as saying that the PJAK has a greater presence and is more active in Iran compared to PDKI and Komala and that there is occasional fighting between PJAK and the Iranian Revolutionary Guard (DIS/DRC, 30 September 2013, p. 11)

A May 2014 article of the Lebanese newspaper The Daily Star states that the PJAK, which launched its armed campaign in 2004, slowly stepped into a "void" left by the PDKI which abandoned its "armed presence" in the 1990s, adding that after the PDKI "split in two in 2006, its support appeared to ebb away to Pejak [PJAK]." (Daily Star, 12 May 2014).

The same DIS/DRC report states with reference to Ziryan Roj Helaty, an analyst with Tanupo Magazine:

"Analyst Ziryan Roj Helaty (Tanupo Magazine) informed the delegation that PJAK is the first Kurdish party to gain influence in the Shiite areas within the Iranian Kurdish region which implies that Shiite Kurds have started focusing on their ethnicity as Kurds. The source added that the influence of PJAK among Shia Kurds is not only caused by PJAK's own work but also due to the fact that Shia Kurds in Iraq have been supporting the autonomous Kurdish rule in KRI [Kurdistan Region of Iraq] in the last decade." (DIS/DRC, 30 September 2013, pp. 10-11)

The same report states with reference to the Kurdish journalist Ammar Goli and the PJAK Head of Foreign Affairs, Shamal Bishir, that unlike other Kurdish parties which are mainly active in the Sunni areas of Iranian Kurdistan, the PJAK is mostly present in the Kurdish areas of Iran populated by Shia Muslims. According to Bishir, the PJAK is not only active among Shia Kurds but also among Kurdish religious minorities such as the Yarsan (Ahl-e-Haq). (DIS/DRC, 30 September 2013, pp. 11-12)

The Agence France-Presse (AFP) news agency states in May 2014:

“PJAK rebels, labelled as ‘terrorists’ by Tehran, have frequently clashed with Iranian forces, sparking retaliatory bombing in the mountainous border districts of the autonomous Kurdish region in neighbouring Iraq.” (AFP, 6 May 2014)

A May 2013 AFP report states that in July 2011, Iranian Revolutionary Guards launched a massive offensive against rebel Kurdish groups in northwestern Iran, killing the “number two” of the PJAK, which is the “main Kurdish movement fighting against the regime in Tehran” (AFP, 8 May 2013 [translated from French]).

The DIS/DRC report states with regard to the situation of PJAK members and supporters, quoting information provided by the UNHCR, Kurdish journalist Ammar Goli and analyst Ziryan Roj Helaty of Tanupo Magazine:

“With regard to PJAK, UNHCR Erbil said that the Iranian regime treats members and supporters of the organization in the same harsh way as members and supporters of Komala.” (DIS/DRC, 30 September 2013, p. 15)

“Ammar Goli, a well-informed Kurdish journalist, stated that at the moment, there are 200 cases involving persons arrested by the Iranian regime accused of being members or sympathizers of PJAK. In reality, many of these persons are not affiliated with PJAK, but are rather student activists, human rights activists, cultural activists etc. Since 2006, there have been 25 cases of persons sentenced to death accused of being connected to PJAK. Six out of these 25 persons have been executed. While three of them were PJAK members, the other three had no connection to PJAK. These were according to the source a teacher, a government employee and a Turkish citizen who was arrested in the border area between Iran and Turkey. The source emphasized that if PJAK members are sentenced to death, the party will make public statements about that. According to the source, the government knows that these people have no connection to PJAK but it uses the allegation of affiliation with PJAK as an excuse to eliminate people whom it considers a threat.” (DIS/DRC, 30 September 2013, pp. 16-17)

“Analyst Ziryan Roj Helaty (Tanupo Magazine) informed the delegation that the consequences for low-profiled PJAK activists, if caught, are some months’ imprisonment, which is a common punishment in Iran especially for the Kurds, as well as imposing travel bans. In addition, the regime will monitor them when freed. The source stressed that this relatively ‘mild’ punishment is due to the current ceasefire between PJAK and the Iranian government.” (DIS/DRC, 30 September 2013, p. 17)

Walter Posch, senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), said in an April 2015 interview that the Ministry of Intelligence (MOI) has been the “most successful” agency with regard to operations against the PJAK. In fact, it is the National Security Council that coordinates which state entity should deal with a given group in a certain situation. For example, this could be local army units that may be deployed against the PJAK as part of their border guard duties. There are many rivalries among the security agencies with regard to

competencies, although these conflicts are more apparent on the “Baloch front” than on the “Kurdish front” (Posch, 13 April 2015).

For further information regarding the organizational structure, activities and membership of the PJAK, please refer to chapter 4 of the DIS/DRC report directly (pp. 49-53):

- DIS/DRC – Danish Immigration Service/Danish Refugee Council: Iranian Kurds; On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran; 30 May to 9 June 2013 , 30 September 2013 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/file_upload/1226_1380796700_fact-finding-iranian-kurds-2013.pdf

The April 2014 report of the UN Secretary-General to the UN Human Rights Council (HRC) mentions that in November 2013, “Habibullah Golparipour and Reza Esmaili, both Kurdish prisoners, were allegedly executed after having been sentenced to death on charges including “fesad fil-arz” (“corruption on earth”) and “muharaba” (“enmity against God”), and for alleged links to the armed Party for a Free Life of Kurdistan, or PJAK” (HRC, 7 April 2014, p. 5).

An August 2014 Human Rights Watch (HRW) report mentions that there were members or supporters of the PJAK (or alleged PJAK members) among several dozen political opposition members imprisoned in Karaj (Alborz province) on whom the organization has compiled information (HRW, 18 August 2014, p. 30).

In February 2015, the International Federation for Human Rights (FIDH) noted the reported execution of Saman Naseem, who was convicted of “moharebeh” (“waging war on God”) and “corruption on Earth” for his alleged involvement in armed activities as a PJAK member in 2011 when he was 17 years old. The execution reportedly took place “in the presence of representatives from the Office of the Prosecutor and the Ministry of Intelligence” (FIDH, 20 February 2015). However, Amnesty International (AI) reported in March 2015 that the execution of Saman Naseem had been scheduled for 19 February 2015 but was not carried out, adding that “the execution order is still in effect” and that “he could be put to death at any time” (AI, 9 March 2015).

The Human Rights Activists News Agency (HRANA), an NGO established by a group of Iranian human rights advocates, reported in a March 2015 article:

“[I]n February 2015, branch 1 of the Revolutionary Court in Urmia issued the court verdict for 15 prisoners who were arrested between June and July 2014. [...]

According to HRANA’s informed sources, most of the prisoners accused of acting against national security through contact with PJAK and has been sentenced to imprisonment and are held in political prisoners’ ward, Youth ward and ward 34 in Urmia prison.” (HRANA, 28 March 2015)

In October 2013, BBC Monitoring stated with reference to a report of the Human Rights Activists News Agency (HRANA):

“On the night of 25 October, Habibollah Golparipur and Reza Esma’ili convicted of membership of the Free Life Party of Kurdistan (PJAK), rebel Kurdish group, were hanged in an Orumiyeh prison, northwestern province of West Azarbayjan, Human Rights Activists News Agency (HRANA) reported.” (BBC Monitoring, 28 October 2013)

4.9 Azeri political groups

Overview of Azeri political groups

A 2013 book by Bahruz Balayev, a US-educated international lawyer, states that “Iran fears the rise of irredentism among its Azerbaijani population, which is 20 million” and that it “like[s] to see the conflict resolved to quell prospects of an Iranian-Azerbaijani independence movement”, noting that “Azerbaijani leaders have reportedly suggested that the Azerbaijanis in Iran should have autonomy” (Balayev, 2013, p. 69).

The US Department of State (USDOS) notes in its Country Report on Human Rights Practices of June 2015:

“Ethnic Azeris, who numbered approximately 13 million persons or 16 percent of the population, were well integrated into government and society and included the supreme leader among their numbers. Nonetheless, Azeris reported the government discriminated against them by prohibiting the Azeri language in schools, harassing Azeri activists or organizers, and changing Azeri geographic names. Azeri groups also claimed a number of Azeri political prisoners had been jailed for advocating cultural and language rights for Azeris. The government charged several of them with ‘revolting against the Islamic state.’” (USDOS, 25 June 2015, section 6)

Today’s Zaman, a Turkish English-speaking daily newspaper, states in July 2013:

“All of Iran’s Azeri political groups had to organize outside the country because the Azerbaijani population is not a ‘recognized minority’ in the country. Article 26 of the Iranian constitution only allows [the] formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities.” (Today’s Zaman, 21 July 2013)

The Azeri news website Azer Times, which apparently has an irredentist agenda, includes an undated list [latest information from 2012] which mentions the following groups as “major” political organisations of Iranian Azerbaijan (referred to as “South Azerbaijan”):

South Azerbaijan National Liberation Movement (SANLM, NLMSA) (Azeri: Cənubi Azərbaycan Milli Azadlıq Hərəkatı (CAMAH)), leader/founder: Piruz Dilenci; established: 1991

South Azerbaijan National Awakening Movement (SANAM) (Azeri: Güney Azərbaycan Milli Oyanış Hərəkatı (GAMOH)), leader/founder: Mahmudali Chehreqani; established: 2002

Southern Azerbaijan Student Movement (SASM) (Azeri: Azərbaycan Öyrənci Hərəkatı (AZOH)), established in 2006 by a group of students (Azer Times, undated)

The same website further lists a number of other political organisations of Iranian Azerbaijan: World Azerbaijani Congress (WAC, DAK) (leader/founder: Ali Nazmi Afshar; established: 1994); South Azerbaijan National Revival Organization (SANRO, AMDT) (leader/founder: Atilla; established: 1995); Azerbaijan National Islamic Front (ANIF, AMiC) (leader/founder: Mahmudali Chehreqani; established: 1998); South Azerbaijani Parliament (SAP, CAP) (leader/founder: Bulud Qarapapaq; established: 1999); Azerbaijan National Liberation Organization (ANLO, AMQT) (leader/founder: Eldar Qaradaghli; established: 1999); Southern Azerbaijan Independency Party (SAIP, GAİP) (leader/founder: Saleh Ildirim; established: 2006); South Azerbaijan National Liberation Front (SANLF, GAMAC) (established: 2012).

Araz News, another Azeri news website with an apparent irredentist agenda, provides an overview of a group named “Azerbaijan National Resistance Organization (ANRO), which “declared its existence” in 2006 and aims to achieve self-determination for Azeri Turks and to end the division of what is referred to as “Azerbaijani historical lands” into northern and southern parts. The organization uses “confidential and half-confidential struggle methods” and seeks to reach communities “through websites and distributing of bulletins, books, booklets and CDs” in cities in Iranian Azerbaijan. (Araz News, 3 October 2014)

An October 2014 article of Rudaw, a Kurdish media network, quotes ANRO’s foreign relations officer as saying that the organization seeks “complete independence from Iran” (Rudaw, 1 October 2014).

An April 2013 Forbes magazine article by the US Middle East security expert Ilan Berman mentions a “South Azerbaijan National Liberation Front” to which it refers as an “umbrella group of Iranian Azeris and expatriates seeking independence for their part of Iran” (Forbes, 10 April 2013).

South Azerbaijan National Awakening Movement (SANAM, GAMOH)

The website of the Unrepresented Nations and Peoples Organization (UNPO), an international organization that promotes the rights of indigenous peoples and minorities, includes the following overview of the objectives of the South Azerbaijan National Awakening Movement (SANAM/GAMOH) dated March 2008:

“The Southern Azerbaijan National Awakening Movement (SANAM) was founded in 1995 by Professor Mahmoudali Chehrgani. The main goal of the movement is to precipitate national consciousness in the Southern Azerbaijani Turks. SANAM promotes the struggle for Azerbaijani Turks’ political rights in Iran. In accordance with SANAM’s constitution and in line with its humanitarian values, it insists on non-violent methods for reaching its goals.

SANAM wishes to form a democratic, pluralist and secular region, in which all nations and minorities are respected and all individuals are free to express their opinions. SANAM believes that a fully autonomous state in Southern Azerbaijan could guarantee the national and individual rights of the nations and the peoples living in Iran, whose rights that have been suppressed and denied by Iranian regimes historically.

SANAM aim is to acquire self-determination for Southern Azerbaijan, as the organization is convinced that all people have the right to determine its own destiny. In this regard, SANAM wishes to see its represented people live in a modern Middle East where human rights are respected in an atmosphere of peace and friendship their neighbours. In this way, SANAM seeks help from all humanitarian organizations and free people of the world.” (UNPO, 25 March 2008)

Sources differ with regard to the founding date of SANAM/GAMOH. While UNPO indicates 1995 as the year the movement was founded (UNPO, 25 March 2008), the above-quoted Azer Times article mentions the year 2002 as the founding year (Azer Times, undated).

Among the sources consulted by ACCORD within time constraints no further information could be found on the South Azerbaijan National Awakening Movement. The following information refers to a movement called Yeni GAMOH (New Southern Azerbaijan National Awakening Movement). No information could be found on whether there are any links between Yeni GAMOH and GAMOH.

In August 2013, Human Rights Watch (HRW) reported that an appeals court in Tabriz upheld nine-year-prison sentences for five members of the Azeri party Yeni GAMOH (“New Southern Azerbaijan National Awakening Movement”) who had been convicted on charges related to national security:

“The five were convicted in a closed two-day trial for ‘founding an illegal group’ and ‘propaganda against the state’ in connection with their membership in Yeni GAMOH, an Azeri party, members told Human Rights Watch. Yeni GAMOH, which stands for ‘New Southern Azerbaijan National Awakening Movement’ in the Azeri language, has for more than a decade promoted Azeri cultural and linguistic identity, along with secularism and the right to self-determination for the Azeris of Iran, members say. [...]

On June 16, 2013, an appeals court in the northwestern city of Tabriz upheld the nine-year prison sentences for Mahmoud Fazli, Ayat Mehrali Beyglou, Shahram Radmehr, Latif Hassani, and Behboud Gholizadeh on national security-related charges. The ruling came less than two months after they were convicted by Branch 3 of the Tabriz Revolutionary Court. The five men are currently in Rajai Shahr Prison, in the city of Karaj, 47 kilometers west of Tehran, the capital.

Security forces arrested four of the men in cities in the Azeri-majority provinces of northwestern Iran between December 31, 2012, and February 16, 2013. Hassani was arrested on February 6 in Karaj. [...]

The detainees are all members of Yeni GAMOH’s central committee, and Hassani is the party’s general secretary. Authorities had arrested the men in 2010 in connection with their membership in the group, and revolutionary courts had sentenced them to various prison terms, ranging from six to 18 months, on charges similar to those handed down in April. [...]

According to Sajjad Radmehr, 20 members of the group had been arrested in 2010, and the authorities had repeatedly warned the five detainees to stop their activities before this latest round of arrests.” (HRW, 21 August 2013)

Today’s Zaman quotes an Azeri activist of Iranian Azerbaijan as saying with regard to the convictions of the five Yeni GAMOH members that “Iran could not accept that an Azeri political party, which it accused of having foreign/external origins, was found to be operating inside the country” (Today’s Zaman, 21 July 2013).

Treatment of Azeri political activists in general

The Azerbaijani news agency Report stated in August 2014 that members of the Ministry of Intelligence and National Security, referred to as “Ettelaat”, “detained about ten Iranian Azerbaijanis in Ardebil province, who were trying to arrange a peaceful march”. They were subsequently “charged with illegal activities against the Islamic regime” (Report.az, 18 August 2014).

The February 2014 US Department of State (USDOS) country report on human rights, which covers the year 2013, notes the following cases with reference to reports from the Human Rights Activists News Agency (HRANA), a press association founded by Iranian human rights activists in 2009:

“For example, on July 3 [2013], HRANA [Human Rights Activists News Agency] reported that plainclothes officials had arrested Azeri activists Majid Sefidani, Bahram Akhouninejad, and Naser Kazempour and taken them to an unknown location, noting that their families had received no news about their condition. On September 23, the HRANA reported that Branch 1 of the Tabriz Revolutionary Court had sentenced Sefidani to six months’ imprisonment and Kazempour and Akhouninejad to 100 days’ imprisonment each, all on charges of ‘propagating against the system.’” (USDOS, 27 February 2014, section 1b)

“On June 26 [2013], according to the HRANA, intelligence officers from Urmia arrested 36 Azeri activists as they traveled to an International Day Against Torture ceremony on the slopes of Sahand Mountain. Authorities reportedly released 30 of the activists after interrogating them at the Urmia intelligence office. The remaining six activists, including blogger Vahid Faezpour Kiaksar, remained in detention.” (USDOS, 27 February 2014, section 6)

As noted in the June 2015 USDOS country report on human rights which covers the year 2014, “[t]here was no new information available” on the above-mentioned six detained Azeri activists (USDOS, 25 June 2015, section 6).

The private Azerbaijan-based news agency Trend reported in February 2014 that according to a report of the Association for the Defense of Azerbaijani Political Prisoners in Iran (ADAPP), some 60 Iranian Azeri cultural activists were arrested as they “gathered in a home in Ahar” (East Azerbaijan province) “ahead of International Mother Language Day” (Trend, 21 February

2014). Those arrested reportedly included “Ebrahim Rashidi and Abbas Lesani who have been arrested several times due to their civil rights and mother language activities” (Trend, 21 February 2014).

Human Rights Watch (HRW) notes the arrests of several hundred persons in Iran’s Azerbaijan region in August and September 2011 who were protesting against government policies that may be contributing to the drying-up of the lake Urmia, a salt lake in Western Azerbaijan province:

“Iranian authorities should allow peaceful protests against government policies that may be accelerating the drying up of Lake Urmia in Western Azerbaijan province, Human Rights Watch said today. The authorities should immediately release people arrested for exercising their right to assemble or speak out against the government. Family members and other witnesses told Human Rights Watch that several hundred protesters and activists have been arrested since late August 2011. [...]

Azeri activists based both inside and outside Iran told Human Rights Watch that security forces also have arrested activists and demonstrators who had gathered beginning on August 27 in Tabriz, Orumiyeh, Ardebil, and other cities throughout the Azerbaijan region to protest what they consider to be the government’s unwillingness to rescue Lake Urmia. Several thousand demonstrators, some of whom clashed with riot police, attended a large rally in Orumiyeh on August 27. Authorities arrested approximately 300 demonstrators in Orumiyeh alone, local activists told Human Rights Watch, but have since released dozens. Dozens of others were arrested in Tabriz, Orumiyeh, and several other cities on September 3 after local activists called for additional demonstrations.” (HRW, 10 September 2011)

4.10 Monarchists

In her 2014 book “Construction of Iran’s National Identity”, Sussan Siavoshi, a professor of politics at Trinity University in San Antonio, Texas, gives an analytical overview of the ideological orientations of the monarchist organisations Constitutional Party of Iran (CPI), Rastakhiz Organization of Iran (ROI) and Anjoman-e Padeshahi-e Iran (API):

“Who are the exiled monarchists, and how do they construct the identity of Iranians? It is difficult to paint an accurate picture of the Iranian monarchists, because they consist of several scattered groups with no unifying umbrella organization. For this study, I have chosen three of these monarchist organizations. One is the prominent and moderate Constitutional Party of Iran (CPI), founded by Dariush Homayoun, the prerevolution minister of information. The other two, with more radical perspectives, are the Rastakhiz Organization of Iran (ROI), founded by Masoud Khoshnood, and Anjoman-e Padeshahi-e Iran (API), founded by Froud Fouladvand. API has an overt military wing, the Tondar Organization, which took responsibility for a fatal bombing in a mosque in Shiraz. Recently, API has received the most attention from the Western media, due to the execution of two of its alleged members in January 2010 in Iran. [...]

Despite their lack of unity, almost all monarchists are faithful heirs of the Pahlavi policy to promote Persian identity. [...] They differ from each other, however, in what that identity entails. Homayoun, as we will see, believed in a model set by Enlightenment ideals, while ROI and API look back at the pre-Islamic time for inspiration. This difference also provides different rationales for their support for the monarchy. Homayoun, who labeled himself first and foremost a liberal democrat, stated that his support for the monarchy was based on a utilitarian rationale. He believed that, for historical reasons, a system of constitutional monarchy is best suited to protect an enlightened liberal democratic polity in Iran. For the ROI and API, however, the support for the monarchy is based on organic, emotional, and romantic elements.

Similar to that of many exiled political oppositional groups, the monarchists' effort has been to highlight the illegitimacy of the Islamic Republic. In the eyes of the monarchist opposition, the Islamic Republic from its inception was a usurping force and, this, illegitimate. [...] What is helpful in understanding their attitude is a focus on their narrative on Islamic essence and its association with the Islamic republic. For example, the ROI in the last point of its eleven-point section on 'Political Ideology of Iran's Rastakhiz Organization' offers this judgment about Islam: '[We believe] that the religion of Islam is appropriate for Arab lands and that it has no connection with Iranians.' In one of API's postings, the author states that the fundamental problem faced by Iran is not the regime of the Islamic Republic or the problem of human rights abuses or the matter of economic hardships; the root of Iran's problem is in the fourteen hundred years of 'shameful Islamic tradition'. The API characterizes Islam not only as an alien but as a violent religion, a religion suited only for tazian, i.e., Arabs. [...]

With a few exceptions, the CIP has not been as upfront in rejecting Islam, but in its critique of the Islamic Republic, it, too, sometimes reveals a position on Islam that is not too far from the more radical organizations." (Siavoshi, 2014, pp. 261-262)

With reference to the BBC and the Jamestown Foundation (JF), a September 2013 UK Home Office COI report describes the Anjoman-e Padeshahi-e Iran, which is also known as "Kingdom Assembly of Iran", as follows:

"The API is a banned Monarchist group. (British Broadcasting Corporation (BBC) News, 28 January 2010) 'API seeks to overthrow the Islamist regime and to restore the monarchy. It is also staunchly anti-Islam, instead emphasizing Iran's pre-Islamic Persian heritage in what it labels as its struggle to inspire a Persian Renaissance...The late Dr. Froud Fouladvand founded API abroad before disappearing on January 17, 2007 along the Turkish-Iranian border, during what his supporters described as a mission to 'liberate' Iran. Fouladvand operated his antiregime activities from London.' (Jamestown Foundation, 20 May 2008)" (UK Home Office, 26 September 2013, p. 266)

A June 2012 Amnesty International (AI) expert opinion to a German court notes that the API strives for the restoration of constitutional monarchy in Iran. Since 2002, the organisation has maintained a London-based satellite TV programme named "Your TV". (AI, 1 June 2012)

The Jane's Sentinel Security Assessment lists Monarchists as one of the groups that have "come under the scrutiny" of the Ministry of Intelligence (Jane's Information Group, 23 April 2014).

The June 2012 expert opinion written for a German court by Amnesty International (AI) notes that the Iranian authorities have intensified their crackdown on opposition groups in previous years. Cases of monarchists which AI is aware of suggest that the authorities also have a considerable interest in prosecuting monarchist groups in Iran. The government saw forbidden groups as responsible for the unrest following the 2009 presidential elections. According to the Iranian newspaper Siyasat-e Rouz, Heidar Moslehi, the Intelligence Minister, levelled accusations against the monarchists, amongst others. AI is aware of several cases of (perceived) supporters of monarchist groups who have become victims of persecution and human rights abuses. Death sentences are frequently handed down against real or perceived supporters of monarchist groups. In the past, accusations of having links to monarchist groups have also been used as a means of discrediting and charging people who were arrested solely for freely expressing their views. The expert opinion includes details on the following three reference cases: 1) the 2007 case of an apparent abduction of three API members (a recognized Iranian refugee from the United Kingdom, a US-Iranian citizen and a German-Iranian citizen) in Turkey near the Iranian border and their subsequent detention in a facility of the Ministry of Intelligence in Tehran; 2) the reported executions of two alleged API members (Mohammad Reza Ali-Zamani and Arash Rahmanipour) in Tehran in January 2010; 3) the May 2010 execution of Mehdi Eslamian on allegations of supporting the API, together with four Kurdish men. (AI, 1 June 2012)

A June 2014 Amnesty International (AI) report notes the case of Hamed Rouhinejad, a student serving a 10-year prison term for having links with the API:

"Hamed Rouhinejad, a student at Shahid Beheshti University, is now serving a 10-year prison sentence in Zanjan Prison. Ministry of Intelligence officials arrested him in May 2009 and then detained him for 40 days in Section 209 of Evin Prison. During the grossly unfair 'show trials' that followed the post-election protests of 2009, he was convicted of having 'links with the Kingdom Assembly of Iran (Anjoman-e Padeshahi Iran)' and sentenced to death; however, after an appeal this was reduced to a 10 year prison term in January 2010. He suffers from multiple sclerosis and is reported to be in deteriorating health, with impaired vision, due to his prison conditions." (AI, 2 June 2014, p. 56)

A BBC News article of January 2010 provides details on the reported executions of Mohammad Reza Ali-Zamani and Arash Rahmanipour:

"Last month, eight people were killed in clashes at demonstrations on Ashura, one of the holiest days in the Shia Muslim calendar. 'Following the riots and anti-revolutionary measures in recent months, particularly on the day of Ashura, a Tehran Islamic Revolutionary Court branch considered the cases of a number of accused and handed down death sentences against 11 of those,' Isna said, quoting a statement from the Tehran prosecutor's office. 'The sentences against two of these people... were carried out today at dawn and the accused were hanged,' the semi-official agency said, adding

the sentences had been confirmed by an appeal court. It named them as Mohammad Reza Ali-Zamani and Arash Rahmanipour. [...] There has been no independent confirmation of the executions or the names, but opposition groups had previously said Mr Ali-Zamani was sentenced to death in October. He and one other person were believed to have been convicted for ties with the Kingdom Assembly of Iran (Anjoman-e Padeshahi-e Iran), a banned monarchist group. At his trial in August, prosecutors accused Mr Ali-Zamani of plotting political assassinations with US military officials in Iraq before returning to Iran 'aiming at causing disruption during and after the election'. He is said to have admitted his guilt in court. The Kingdom Assembly of Iran confirmed it had worked with Mr Ali-Zamani, but dismissed the allegations and insisted he had been forced to confess. The group said he had played no role in the post-election protests and had merely passed on news to its radio station. Human rights activists also noted the indictment stated that Mr Ali-Zamani had been arrested before engaging in any actions relating to the protests." (BBC News, 28 January 2010)

In February 2010, Radio Free Europe/Radio Liberty (RFE/RL) reported on a death sentence handed down against a man on charges which include having links with a group called "Iranian Royalist Society":

"An Iranian court has sentenced Amir-Reza Arefi to death for ties to an illegal group called the Iranian Royalist Society, RFE/RL's Radio Farda reports. Arefi's lawyer, Mohammad Mostafaei, said the 21-year-old man was sentenced in Tehran on February 17. The revolutionary court also ruled that Arefi tried to plant bombs at polling stations during the presidential election in June. But Arefi was arrested two months before the vote was held." (RFE/RL, 18 February 2010)

The Iranian Fars News Agency (FNA) reported in October 2014:

"Iran has arrested 'monarchists, anti-revolutionaries, and members of the MKO [a dissident group in exile]' in a protest against acid attacks in the central city of Esfahan, Fars News Agency has reported. The protest took place on 22 October, when hundreds of concerned residents of Esfahan gathered outside the province's Justice Department chanting slogans against the acid attacks and the authorities' inefficiency in tackling them. 'We arrested a number of members of the MKO [Mojahedin-e Khalq Organization], monarchist and anti-revolutionary groups on the sidelines of the protest,' Fars quoted Hoseyn Hoseynzadeh, Esfahan's deputy police chief, as saying." (FNA, 29 October 2014)

4.11 Conservative dissidents

The March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) makes reference to the case of the dissident cleric Ayatollah Kazemeyni-Boroujerdi, who was "arrested in 2006 due to his advocacy of the separation of religion and state" and "given the death sentence by a Special Clerical Court" in 2007", which was "later reduced to an 11 year prison sentence". The report notes that "[i]n September 2014, Ayatollah Kazemeyni-Boroujerdi was reportedly threatened with execution if he continued to author letters while detained". (HRC, 12 March 2015, p. 31)

Kaleme, a pro-reformist news website, reported in April 2015:

“A prominent Iranian Shi’i cleric and lecturer at the Qom religious seminary, Ayatollah Mohammad Reza Nekunam, was detained on 15 April, the Kaleme opposition website reported on 20 April.

Ayatollah Nekunam was detained by security guards one day after his article appeared in the centrist daily Qanun, the report said.

The cleric was taken into custody before in early January without citing any reason, the report said, adding that he was later released from prison due to poor health and checked into hospital.” (Kaleme, 20 April 2015)

As indicated by Reporters Sans Frontières (RSF) in February 2015, “9 Day”, a weekly referred to as being “one of the main media mouthpieces of a radical conservative group linked to Supreme Leader Ali Khamenei” that is critical of the current Rouhani administration, “has been closed for the second time in less than a year by the Press Authorization and Surveillance Commission” for “criticizing the government’s nuclear policies and for indirectly insulting the late Ayatollah Ruhollah Khomeini, the Islamic Republic’s founder”. (RSF, 18 February 2015)

4.12 Student activists

As noted by Freedom House in its Freedom in the World 2015 report, “[i]n 2014 about a dozen student associations that had been suspended under the previous [i.e. Ahmadinejad] administration were allowed to renew their work” and that “[s]everal new student groups also received permits to operate”. However, the report states that the Supreme Leader “has warned that universities should not be turned into centers for political activities” and that in August 2014, “parliament impeached Minister of Science, Research, and Technology Reza Faraji-Dana, who had lifted some of the restrictions placed on universities and allowed more than 100 students who had been expelled over their political activism to resume their studies”, noting also that currently, “[m]ore than 10 student activists are in jail”. (Freedom House, 28 January 2015)

The US Department of State (USDOS) indicated in its June 2015 country report on human rights practices during the year 2014:

“The government significantly restricted academic freedom and the independence of higher education institutions. Authorities systematically targeted university campuses to suppress social and political activism by prohibiting independent student organizations, imprisoning student activists, removing faculty, preventing students from enrolling or continuing their education based on their political or religious affiliation or activism, and restricting social sciences and humanities curricula. [...].

Although universities reportedly re-admitted a number of students previously expelled under a ‘star’ system inaugurated in 2005 by then president Ahmadinejad to mark politically active students, other ‘starred’ students reported that government authorities still interfered with their university enrollment because of their political activities. In an

October 12 open letter to President Rouhani, activist and former political prisoner Peyman Aref wrote that the Ministry of Intelligence and Security blocked his enrollment in a doctoral program after he provided testimony in support of Rouhani's impeached minister of science and research, Reza Faraji-Dana. Faraji-Dana reportedly had attempted to reinstate some university professors whom authorities had dismissed in accordance with a policy of removing and denying tenure to secular professors or for deviating from the government-sanctioned perspective on such topics as the situation of women, ethnic and religious minorities, drug abuse, and domestic violence." (USDOS, 25 June 2015, section 2a)

In his August 2014 report to the UN General Assembly (UNGA), the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran summarized the situation of student activists as follows:

"More than 10 student groups (anjoman) in various universities whose activities were previously suspended were permitted to resume operations during the past year. At least 10 additional student groups also received permission to function for the first time. Concern remains, however, over the continued denial of access to education for some students. Between March 2013 and March 2014, at least 28 students were arrested by security forces and eight student publications were suspended by the university authorities. At least 11 student activists are currently serving prison sentences." (UNGA, 27 August 2014, p. 10)

A June 2014 Amnesty International (AI) report gives an overview of the treatment of student activists in the context of the 2009 post-election protests and under the Rouhani administration:

"During the [2009] protests, in which many students and academic staff participated, the universities emerged as focal points of unrest and opposition to the re-elected President and his backers within the conservative clerical and political hierarchy, including the Supreme Leader. Clearly taken aback and unnerved by the magnitude of the protests, the authorities launched a brutal crackdown of several months' duration. [...] Some of the university academics and students and teaching staff had been among those who joined the protests against President Ahmadinejad's re-election. Some had openly associated themselves with the principal 'opposition' presidential candidates, Mehdi Karroubi and Mir Hossein Mousavi, or joined their election campaign teams, and so were particularly targeted in the security clampdown. Others were detained during protests or while making their way to or from demonstrations. [...]

Many students were released uncharged after the chastening experience of detention; some, however, were then barred temporarily or permanently from returning to their university studies. Others were charged with public order offences, or accused of committing more serious, often vaguely worded and broadly defined crimes, such as 'spreading lies in order to disturb the public opinion', 'acting against national security by participating in illegal gatherings', 'insulting the Supreme Leader', or 'insulting the President'. Some were accused of committing 'moharebeh' (enmity against God), a capital offence. Those facing charges were tried before Revolutionary Courts, where they

did not receive fair trials, and were sentenced to prison terms and, in some cases, flogging, when convicted. [...]

Against this background, the period since President Rouhani took office has seen some, albeit limited positive developments. [...]

[T]he Ministry of Science said in August 2013 that 126 formerly banned students had been allowed to resume their studies. For hundreds of others, however, there appears to have been no change, and they remain barred from university either because of their peaceful exercise of freedom of expression or the rights to peaceful assembly and association, or because they are Baha'is or members of other officially unrecognized religious groups who continue to face discrimination." (AI, 2 June 2014, pp. 6-9)

The same report adds that "[e]ach university [...] has a Security Department (Herasat), which reports to the Ministry of Intelligence, whose role it is to monitor the student body and academic teaching staff and enforce rules and discipline", noting that "[s]tudents wishing to organize groups or activities on campus must first obtain a permit to do so from the Security Department". The report also states that "[t]he Students' Basij, students who are members of the Basij, a largely unaccountable paramilitary force that operates under the command of the Revolutionary Guards, are also present on university campuses, where they act as an additional arm of state repression and have often attacked or clashed with other students." (AI, 2 June 2014, p. 19)

A June 2014 fact-finding mission report of the Danish Immigration Service (DIS) notes with reference to an international organisation in Turkey that offices of "Herasat" (representatives of the Ministry of Intelligence) are present at universities. The Herasat are described as "Islamic overseers appointed to supervise and implement Islamic laws" at these institutions. The same report notes the existence of "certain quotas for children of Basij and Sepah officials", noting that the "presence of Basij members or supporters give[s] way to an informal way of monitoring of students at universities". (DIS, 23 June 2014, p. 5)

A February 2013 joint fact-finding mission report of the DIS, Landinfo and DRC states with reference to an interview with a Western embassy that "disciplinary committees present at universities are very much monitoring student activity and it is very difficult to be a student activist" (DIS/Landinfo/DRC, February 2013, p. 56).

Saeid Golkar, lecturer in Middle East and North African studies at Northwestern University and a senior fellow on Iran policy at the Chicago Council on Global Affairs, wrote in a summer 2013 journal article that "in 1991, the Basij created its student branch, known as the Students' Basij Organization (SBO), to intimidate and confront opponents among students and faculty and to defend conservative values in Iran's universities" (Golkar, summer 2013, p. 363).

The same article provides a detailed account of another Basij branch known as the Professors' Basij Organization (PBO):

“The emergence of Mahmud Ahmadinejad in the 2005 presidential election brought a new force to Iran’s political power, namely, the Professor’s Basij Organization (PBO). [...]

The PBO was officially established in 2001 for the purpose of carrying out the objectives of Iran’s clerical regime and strengthening its authoritarian apparatus on university campuses. [...] As a branch of the Basij organization, the PBO chief is appointed by the Basiji commander and should be a full-time member of the Basij or the IRGC. [...]

After Ahmadinejad took office in 2005, the PBO became more involved in politics by providing Ahmadinejad a list of its members for his new cabinet. In fact, more than half of the members of Ahmadinejad’s first cabinet members were members of the PBO themselves. [...]

Following these appointments, the presence of PBO members in government increased rapidly, especially in the higher education system. PBO members began taking leading positions in higher education ministries and universities, and helped the clerical regime Islamicize the universities by expelling politically active students and lecturers opposed to Basiji positions. [...]

In addition to Basiji members taking over leading positions in universities, the PBO-dominated administration paved the way for others by dismissing dissident scholars, especially reformists who joined university faculties during the second term of Mohammed Khatami’s presidency. [...]

As secular and liberal professors were expelled, the PBO replaced them with Basiji candidates. [...]

With the sparking and expansion of the Green Movement following the disputed 2009 presidential election, the PBO fully supported Ahmadinejad and served the regime by controlling politically active students. In the 2009 annual PBO meeting, which was held one month before the start of the new academic year but after the 2009 uprising, Ahmadinejad asked PBO members to help the regime repress student demonstrations. Additionally, Ayatollah Khamenei also called on Basiji professors, as the commanders of the ‘soft war’ at universities, to confront the enemies of the clerical establishment. According to Iran’s Supreme Leader, the PBO has significant duties, including identifying the regime’s enemies’ aims, designing the strategic plans for confronting their plans at Iranian universities, and leading and directing university students.

In the wake of these orders, Basiji professors have helped the government monitor universities and repress student movements. Since then, many of the Basiji professors have tried to silence the regime’s opponents at universities, including both students and faculty. [...]

The pervasive presence of PBO members creates an atmosphere of fear at universities, in which students and professors who might sympathize with the opposition do not dare to expose themselves. There are reports of some Basiji professors using grades as leverage over supposedly dissident students. According to one report, a PBO member failed a

reformist student who was active in Mir Hossein Mousavi's presidency campaign in 2009. Another method for controlling both students and professors derives from disciplinary committees (komite-ha-ye enzebati). These committees are in charge of imposing penalties on students and professors who commit administrative, political, and moral violations. In the past few years, committees have become increasingly active in confronting students and professors, dismissing many of both for various reasons. The PBO has representatives in each disciplinary committee, one for students and another for faculty. [...] In accordance with the 2010 structural reform of the Basij as a whole, the PBO intensified its activities at universities." (Golkar, summer 2013, pp. 363-372)

The same article notes with regard to the relationship between the PBO and the MOI's Herasat:

"Some PBO members work with the Herasat, a branch of the Ministry of Intelligence in universities, to monitor and maintain surveillance over dissidents and pro-opposition students and professors. According to Ayatollah Khamenei, Basiji professors are responsible for identifying the Islamic Republic's enemies and their goals by attaining positions in their headquarters (e.g., foreign universities, think tanks). That is why some of the PBO members are appointed as the Herasat chiefs at several universities. For example, from 2005 until 2011, the chief of Herasat in the higher education ministry was the PBO's first chief, 'Ali Asghar Zare'i. It is worth mentioning that Farhad Rahbar, the dean of Iran's largest university, the University of Tehran, is an official member of the intelligence ministry." (Golkar, summer 2013, p. 372)

In March 2014, Amnesty International (AI) reported that student activist Maryam Shafi' Pour was sentenced to seven years in prison on charges of "'spreading propaganda against the system', 'assembly and collusion against national security', and 'membership of the [not officially recognized] Advocacy Council for the Right to Education'". As noted by AI, Maryam Shafi' Pour was the "first student arrested on such charges since President Hassan Rouhani came to power" in 2013. (AI, 3 March 2014).

The UN Special Rapporteur on human rights in Iran notes in his March 2015 report to the UN Human Rights Council (HRC):

"Requests for licenses to practice, or for law students to participate in internships are also subject to approval by the country's security apparatus. Situations of law students being disqualified for student activism or being asked to pledge to avoid activism have been reported." (HRC, 12 March 2015, p. 9)

"Reports indicate that Baha'i students also faced discrimination in admission to the institutions of higher education 2014-2015 academic year." (HRC, 12 March 2015, p. 14)

"Student activist Mr. Arash Sadeghi was reportedly arrested at his office on 6 September 2014 and has since been held in Ward 2A of Evin Prison. Mr. Sadeghi was previously released from prison in 2013 after serving time for 'propaganda against the system' and 'assembly and collusion against the state.'" (HRC, 12 March 2015, p. 31)

“Ms. Bahareh Hedayat, a former member of the Central Council and Spokesperson for the nationwide student organization Daftar-e Tahkim-e Vahdat was sentenced to ten years in prison (she received 9.5 years in July 2010 and an additional 6 months in November 2011) on charges of ‘insulting the Supreme Leader,’ ‘insulting the President,’ and ‘acting against national security and publishing falsehoods.’ Ms. Hedayat is currently serving her sentence in the women’s ward of Evin Prison.” (HRC, 12 March 2015, p. 35)

The same report includes a lists of seven imprisoned students as well as a list of 15 recently arrested students, of whom six have been released (HRC, 12 March 2015, tables 2 and 3).

Saham News, a website affiliated with Mehdi Karroubi, reported in May 2015 that “student activist Majid Tavakkoli has been released from prison” after more than five years in prison. He had been imprisoned for his role in the 2009 post-election protests”. (Saham News, 11 May 2015)

Human Rights Watch (HRW) notes in a December 2012 report:

“In 2009, the Ministry of Science, Technology, and Research declared illegal one of Iran’s largest and most important student groups, Tahkim-e Vahdat (the Office for Consolidating Unity). During the crackdown that followed the disputed June 2009 presidential election, security forces attacked Tehran University and killed several students on June 14. In the months that followed authorities arrested more than 200 students, including several highranking members of Tahkim. Many of these arrests took place in November and early December 2009. [...]

The Ahmadinejad administration also targeted other student organizations and their members, including Advar-e Tahkim-e Vahdat (Tahkim’s alumni group) and the Committee to Defend the Right to Education (CDRE). Several leaders of Advar are in Evin prison [...].

Several hundred others have been expelled from campus because of their political activism or religious affiliation. [...]

According to a recent Tahkim report, since March 2009 there have been 436 arrests, 254 convictions, and 364 cases of deprivation of education against students. Tahkim also alleges that the judiciary summoned at least 144 students for investigations, and that officials have closed down 13 student publications. As a result of these pressures, dozens of student and student activists, many of whom were deprived of continuing their education, left Iran to pursue their education elsewhere.” (HRW, 13 December 2012, pp. 24-27)

5 Security and intelligence apparatus and other state organs

The US Department of State (USDOS) indicates in its country report on human rights practices of June 2015:

“Several agencies shared responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS), law enforcement forces under the Interior Ministry, and the IRGC, which reported to the supreme leader. The Basij, a volunteer paramilitary group with local organizations in cities and towns across the country, sometimes acted as an auxiliary law enforcement unit subordinate to Revolutionary Guard ground forces.” (USDOS, 25 June 2015, section 1d)

As pointed out in a December 2012 report by the US Library of Congress (LoC), “Iran’s intelligence and security system is a difficult subject to study because so little information about it is publicly available” (LoC, December 2012, p. 5).

According to the Congressional Research Service (CRS), the country’s “most prominent” security organisations are the Ministry of Intelligence (MOI), the Iranian Revolutionary Guard Corps (IRGC), the Basij organization of the IRGC, and the Law Enforcement Forces (LEF) (i.e. riot police, regular police forces and gendarmerie). In addition, the Ministry of Culture and Islamic Guidance (Ershad) monitors media and communication activities (CRS, 19 May 2015, p. 13).

In his July 2004 overview paper on Iran’s security sector, Wilfried Buchta, who was at the time a Research Fellow with the German Orient Institute in Hamburg, states that Iran disposes of “an entire array of military forces and revolutionary security forces besides a number of parastatal organizations”. Buchta lists the regular army (artesh), the Islamic Revolutionary Guard Corps (IRGC), the Basij militia (also called “Mobilization Army”) and the Law Enforcement Forces (LEF) as being among the most important defence and security forces. Buchta continues that besides the officially recognized forces mentioned above, there are also “various gangs of men known as the ‘Helpers of God’ (ansar-e hezbollah), who act as vigilantes aligned with extreme conservative members of the power-elite”. (Buchta, 2004, pp. 5-6)

Buchta notes that while “[i]n general every single organisation pursues a primary mission[,] in several fields the limits of competences and the overlapping of tasks give rise to mutual competition and sometimes even a lack of unity of command” (Chatham House, November 2014, p. 12).

As noted by Walter Posch, senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), the LEF, the IRGC and the regular army (Artesh) all include conscripts (Posch, 13 April 2015).

A December 2012 report of the US Library of Congress (LoC) includes a brief overview of the Supreme National Security Council (SNSC), the inter-institutional body that “determines

national-security policies and makes sure the policies are aligned with the Supreme Leader's views":

"[T]he Supreme National Security Council (SNSC) determines national-security policies and makes sure the policies are aligned with the Supreme Leader's views. Article 176 of Iran's constitution established the Supreme National Security Council and charges it with responsibility for 'preserving the Islamic Revolution, Iran's territorial integrity, and national sovereignty.' The members of the council include the president; the head of the legislative branch (speaker of parliament); the head of the judiciary; the chief of the combined general staff of the armed forces; the ministers of foreign affairs, interior, and intelligence; and two representatives of the Supreme Leader of Iran, one of whom usually becomes the secretary of the council. The council may have temporary members, including the commander(s) of the Islamic Revolutionary Guards Corps and the regular military (Artesh), as well as ministers or officials with responsibilities related to a specific issue. The Supreme Leader of Iran oversees the activities of the SNSC (see figure 3, below)." (LoC, December 2012, pp. 13-14)

The same report also informs about an institution referred to as the Supreme Council for Intelligence Affairs that is headed by the minister of intelligence and coordinates intelligence policies with the SNSC:

"In 1996 the Iranian government created an organization called the Supreme Council for Intelligence Affairs under the minister of intelligence and security to coordinate policies with the Supreme National Security Council. The minister of intelligence and security is in charge of the Supreme Council for Intelligence Affairs. The umbrella organization has 20,000 employees and 12 different departments. The objective of creating this council is not clear; however, it may be assumed that the Islamic Republic is trying to create a system parallel to the SNSC to ensure that each council's functions are aligned with the views of the Supreme Leader." (LoC, December 2012, p. 16)

As noted by Posch, all state institutions and major firms have a section tasked with carrying out intelligence activities. In the case of civilian institutions, these are called herasat, whereas in military and security institutions they are known as hefazat. The hefazat engage both in intelligence and counterintelligence work". (Posch, 13 April 2015)

Saeid Golkar, a lecturer in Middle East and North African studies at Northwestern University and currently a visitor fellow of Iran policy at the Chicago Council on Global Affairs, noted in a June 2013 report written for the US think tank Washington Institute for Near East Policy that since the founding of the Islamic Republic, the regime created a number of "parallel structures" as well as an extensive network of surveillance as strategies to curb the risk of a (possibly military-staged) coup against the regime. The "parallel structures", which include the IRGC (with its various sub-units) and the Armed Forces General Command Headquarters (AFGCH), are outlined as follows:

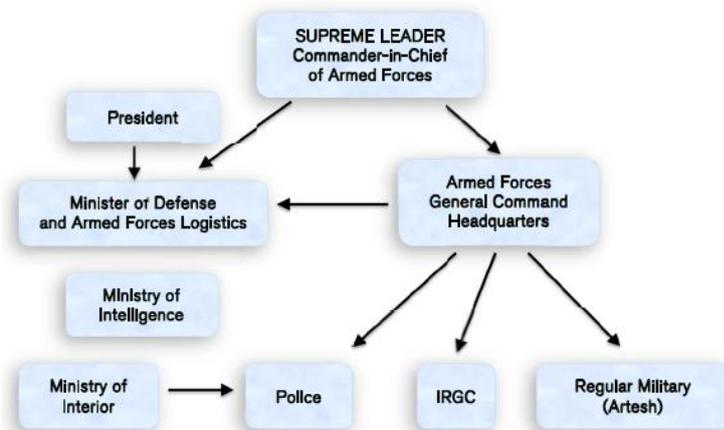
"The regime's most effective coup-proofing strategy was the establishment of the Islamic Revolutionary Guard Corps in 1980. The main reason for its creation was the political elite's deep mistrust of Iran's conventional military (Artesh) despite the latter's

declaration of neutrality in the months before the revolution. Since its inception, the IRGC has been responsible for defending the regime and neutralizing any coup attempts by the army. In 1985, during the Iran-Iraq War, the IRGC was extended to three main branches (air force, ground force, and navy) in parallel with the three branches of the Artesh. Another expansion occurred in 1990, when the Basij militia and Qods (Jerusalem) Force were added to the IRGC. During this time, the Armed Forces General Command Headquarters (AFGCH or Setad-e Kol-e Nirouha-ye Mosallah) was established to coordinate and balance power between these branches. [...]

Although the AFGCH is staffed by both Artesh and IRGC personnel, the latter have the upper hand. According to Seyyed Hesam Hashami — an Artesh brigadier general and top counterintelligence chief — the majority of leading personnel at the joint headquarters are from the IRGC, not the Artesh. [...]

Yet the most powerful man in Iran’s military hails from neither the IRGC nor the Artesh. The head of the AFGCH, General Firouzabadi, is a Basij member who had no military experience before he was appointed chief of staff in 1988. Whereas the rotation period for most military personnel is approximately three years, Firouzabadi has kept his post for far longer because of his complete loyalty and subordination to Ayatollah Khamenei. The AFGCH, as the highest military establishment, collaborates with the Military Bureau in the Office of the Commander-in-Chief (Daftar-e Nezami-ye Farmandehi-ye Kol-e Qova).” (Golkar, June 2013, pp. 9-10)

The same report illustrates the regime’s chain of command as follows:



(Golkar, June 2013, p. 9)

The same source describes the regime’s surveillance activities through a network of counterintelligence organisations:

“Another means of curbing the military’s ability to stage a coup is by creating a comprehensive surveillance network throughout the armed forces. To achieve this goal, the regime established Counterintelligence Organizations (Sazman Hefazat-e Ettelaat) in all branches of the military and security apparatus, each of them independent from the military command and under the Supreme Leader’s control [...]. Although these organizations have primary responsibility for identifying foreign spies and other traditional counterintelligence tasks, they are also used for internal intelligence purposes.

The heads of these organizations include clerics and military personnel, all working directly under the Supreme Leader’s Office. [...]

Each of these organizations works under the auspices of the Commander-in-Chief’s General Office of Counterintelligence (Daftar-e Omoumi-ye Hefazat va Ettelaat-e Farmandehi-e Kol-e Qova). Since 1989, when a new military structure was implemented, three people have been appointed to head this office, all of them army officers (Generals Muhammad Ali Nazaran, Abdollah Najafai, and Seyyed Hesam Hashami). This is another way to create balance between the Artesh and IRGC and neutralize coup attempts. Through these intelligence networks—which are distributed from the AFGCH down to individual divisions, brigades, battalions, companies, and platoons—the regime is able to closely monitor the armed forces. The people who work for these organizations use different methods of gathering information, such as interrogating draftees applying to receive their military services graduation. The extensive presence of intelligence personnel has created a climate of fear in the armed forces, with most soldiers unwilling to express themselves freely. Their caution is well founded—during the Green Movement protests of 2009, intelligence authorities arrested a number of military personnel, especially from the navy, and accused them of working against the Islamic Republic.” (Golkar, June 2013, p. 10)

The same report includes a chart of the main internal intelligence organisations:



In April 2009, the Iran Human Rights Documentation Center (IHRDC), a US-based non-profit organisation specialised in documenting human rights issues in Iran, similarly lists a number of intelligence units as being part of institutions like the IRGC, the Law Enforcement Forces (NAJA), the army or the judiciary:

“Iran’s government structure allows a number of military and government institutions to maintain intelligence capabilities that are semi-independent from the MOI, the main executive agency tasked with monitoring and gathering intelligence. Although the MOI maintains primacy in all national security-related issues and manages all intelligence-gathering operations, the subsidiary intelligence units are designed to act primarily in support of their parent institutions, which are in turn controlled by the Office of the Supreme Leader. Whereas the Minister of Intelligence is appointed by the President and confirmed by the Majlis, the heads of the Intelligence Protection Organization of the IRGC, the Intelligence Protection Organization of NAJA, the Intelligence Protection

Organization of the Army and the Intelligence Protection Center of the Judiciary are all appointed by the Supreme Leader and controlled by conservative factions loyal to him.” (IHRDC, April 2009, pp. 8-9)

A December 2012 report of the US Library of Congress (LoC) mentions that “[a]lthough the president appoints the head of the ministry [of intelligence], the Supreme Leader must approve the appointment, and the president cannot remove the appointee without the Supreme Leader’s approval.” (LoC, December 2012, p. 10)

The US Department of State (USDOS) notes:

“The security forces were not considered fully effective in combating crime, and corruption and impunity remained problems. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were few reports of government actions to discipline abusers.” (USDOS, 25 June 2015, section 1d)

Chatham House, a UK-based think tank on international affairs, states in a November 2014 report:

“It may be concluded that President Rouhani does not enjoy a very secure position in his relations with the various intelligence and security services. He does have what might be termed relative control over part of Iran’s intelligence apparatus (the Ministry of Intelligence), while other elements (most notably the IRGC Intelligence Agency) oppose his policies. On the other hand, there is not enough evidence to indicate that the police force acts in opposition to the policies of the administration.” (Chatham House, November 2014, p. 12)

A December 2012 report of the US Library of Congress (LoC) states that as a result of distrust and disagreements between the Supreme Leader and the presidents Mohammad Khatami (1997-2005) and Mahmud Ahmadinejad, the Supreme Leader has been relying on alternative intelligence agencies that – unlike the Ministry of Intelligence (MOI) which can be influenced by the president – were under the Supreme Leader’s complete command. This most notably includes the IRGC Intelligence Organisation that has been operating parallel to the Ministry of Intelligence (MOI) after Ahmadinejad was elected president. (LoC, December 2012, p. 15)

In October 2014, the Iranian Fars News Agency (FNA), which is described by some Western sources as being semi-official, published a report on Iran’s intelligence structure. According to its summary translation by BBC Monitoring, the report states that the country has a total of 16 intelligence and security organisations and refers to the following institutions as the main intelligence agencies: the Ministry of Intelligence (MOI) (founded in the calendar year that started in March 1983 and referred to as the “chief intelligence body”), the Intelligence unit of the IRGC, the Intelligence unit of Iran’s regular army, the Intelligence unit of the LEF (police), and the Intelligence Security Organization of the IRGC.

The same report says that an Intelligence Coordination Council (formed after the creation of the MOI) is tasked with coordinating the work of the various intelligence agencies of the security bodies (with the MOI at the centre). The Intelligence Coordination Council is referred to as “one of the most important pillars” of the intelligence architecture. Its competencies are set out in the “Intelligence Concentration Act” passed in March 1989 (the Persian calendar year 1368). Article 1 of the 1368 Act provides that all decisions taken by the Coordination Council are (legally) binding. The Council is set up to comprise as its participating members the minister of intelligence, the minister of the interior, the public prosecutor and the heads of the intelligence unit of the IRGC, the intelligence security organization of the IRGC, the intelligence unit of the regular army and the intelligence security unit of the army (FNA, 14 October 2014).¹

The same report notes that the Council has intensified its activities over the past year, with regular meetings, attendance of all participating members, exchange of information on intelligence operations and the creation of expert committees composed of selected members of the intelligence community (FNA, 14 October 2014).

As reported by IranWire, a news website run by Iranian journalists living outside Iran, the original (Persian language) FNA article contains an illustration of the insignia of ten intelligence agencies, including those of the Commander-in-Chief’s General Bureau for Intelligence Protection, the Intelligence Protection Organisation of the Armed Forces General Headquarters, the General Security and Intelligence Police (Pava), the Intelligence Ministry’s Protection Organization, the Revolutionary Guards’ Center for Investigating Organized Crime and the Cyber Police:

- IranWire: Iran Intelligence Revelations: How Khamenei Wields Power, 17 October 2014
<http://en.iranwire.com/features/6081/>

The same IranWire article states that there are “a range of other bodies involved in vital ‘intelligence gathering’ for various powerful authorities”, including the Intelligence Protection Bureau (which reports to the judiciary) and the Basij Intelligence Protection Bureau (IranWire, 17 October 2014).

Sources mention that the above-mentioned Fars report was published after the MOI itself published a 200-page report titled ‘30 Years of Silent Sacrifice’ (Payvand, 30 October 2014) in a supplement to the Hamshahri newspaper on 11 October 2014 (IranWire, 17 October 2014).

A March 2015 joint report submitted by several NGOs within the framework of the UN Committee on the Rights of the Child (CRC) as an alternative report to the state report, notes that “[s]ecurity forces including the police, ministry of intelligence, Basij (national militia), and Revolutionary Guards are permitted to make arrests of children”. The report adds:

¹ An article by Payvand, a US-based news website on Iran quotes the same Fars article as saying that the Intelligence Coordination Council also includes the head of police intelligence and the minister of foreign affairs as participating members. (Payvand, 30 October 2014)

“Investigations in these cases are conducted directly by security officials and not the special units for child offenders. These children are often detained and interrogated by the Ministry of Intelligence or Revolutionary Guards in special security wards, which are not monitored by the prison’s administration.” (Abdorrahman Boroumand Foundation et al., 9 March 2015, p. 23)

5.1 Law Enforcement Forces of the Islamic Republic of Iran (LEF) (Persian: Niru-ye Entezami-ye Jomhuri-ye Eslami, NAJA)

In an April 2015 interview, Walter Posch, senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), said that Law Enforcement Forces (LEF) were established in 1992 through a merger of the police, the gendarmerie, the revolutionary committees and the border guards. Most of the old institutions are still present within the LEF structure, and members of the LEF still identify themselves with their old affiliations (e.g. the border guards). The Revolutionary committees, however, have disappeared, and former members of these committees are now among the most radical in revolutionary terms. (Posch, 13 April 2015)

The Jane’s Sentinel Security Assessment of April 2014 gives the following overview of the role of the LEF:

“The LEF [...] is charged with combined duties: law enforcement, border control, and maintaining public order. Although nominally under the leadership of the Ministry of the Interior, the Supreme Leader has to approve a nominee that the president proposes as LEF chief. [...]

Maintaining security along Iran’s borders is an important role of the LEF. Brig Gen Moqaddam, LEF chief, said in August 2008 that after public security, control over Iran’s borders was the biggest concern of the LEF. Iran has been stepping up security on its borders, with the LEF using what has been described as ‘modern technologies’ in order to counter drug trafficking, smuggling and the movement of individuals considered to pose a threat to state security.” (Jane’s Information Group, 23 April 2014)

In his 2004 paper on Iran’s security sector, Wilfried Buchta retraces the history of the LEF and notes its crucial role in maintaining internal security:

“The LEF, a kind of revolutionary police, came into being in 1990 as the result of a merger of three formerly separately organized forces with internal administrative autonomy[:] the city police, the gendarmerie (country-side police) and the revolutionary committees. While the two aforementioned forces were founded by the Shah and were therefore subject to permanent suspicion of lack of allegiance towards the new order, the later force was an offspring of the revolution and responsible for pursuing drug-dealers, oppositionists and anti-Islamic lawbreakers. [...] [W]ithin the newly established LEF, the regular Shah-trained police forces were sidelined and all influential positions in the LEF were assigned to former committees-members. [...] The LEF play a crucial role in the maintenance of internal security.” (Buchta, 2004, p. 11)

According to an undated overview given on the Interpol website, the responsibilities of Iranian national police force (LEF) include: border control, crime fighting; identity checks, cooperation with Interpol in regards to the arrest and extradition of criminals, preventing and fighting terrorism, preventing the production, distribution and trafficking of illicit drugs, preventing trafficking in human beings and arms, public security and peace and traffic control. The police force comprises the following operational units: the Air Police, the Anti-Narcotic Police, the Border Guard Police, the Cyber Police, the Criminal Intelligence Detective Police, the Emergency Police Centre, the Intelligence and Public Security Police, the International Relations and INTERPOL department, a prevention unit and the Traffic Police (Interpol, undated).

In an April 2015 e-mail response, Saeid Golkar, a lecturer in Middle East and North African studies at Northwestern University (USA) and visitor fellow of Iran policy at the Chicago Council on Global Affairs, a non-partisan think tank on global issues, provided an overview of the three main branches of the LEF (NAJA): the Police Commandership, the Office of the Representative of the Supreme Leader and the Counterintelligence Organization. The email response further includes details on the security and intelligence responsibilities of sub-branches of the Public Security and Intelligence Police (PAVA), a security branch of the Police Commandership:

“Like other military and security organizations, the NAJA has had three main branches; the Police Commandership (Farmandehi-e entezami-e NAJA), the Office of the Representative of the Supreme Leader (Daftar-e Namayandegi-ye Vali-ye Faqih dar NAJA”) and the Counterintelligence Organization (Sazman Hefazat-e Ettelaat) under the police.

While the Office of the Representative of the Supreme Leader is responsible for indoctrinating the police personnel, the Counterintelligence Organization is responsible for identifying foreign spies, corrupt police, and guarding the police intelligence and other traditional counterintelligence tasks. From 1997-1998, the members of the Counterintelligence Organization of the NAJA, which was established in 1990 and originally meant to control police personnel, worked as judicial officers in confronting Tehran’s mayors. The Police incarcerated and tortured the mayor of Tehran, Qolam-Hosseini Karbaschi, alongside other Tehran district mayors who supported Khatami’s 1997 presidential campaign. In addition, some high-ranking LEF commanders became more involved in acts that were in violation of the law, for example, carrying out physical attacks on Khatami’s ministers including Hojjat-ol-Islam Abdollah Nouri, the interior minister, and Ataollah Mohajerani, minister of Culture and Islamic Guidance in 1998.

NAJA has another security branch, which is under the control of Iran’s Police Commandership. It has called Public Security and Intelligence Police (Polis-e amniyat va ettelaat Omoomi, or PAVA). Several police branches are subordinated to the PAVA, including the Diplomatic Police, the Foreign Nationals and Immigrants’ Affairs Office, and the Moral Security Police.

The Intelligence Police is a subbranch of PAVA, which is responsible for gathering intelligence in neighborhoods, penetration into the guilds, and identifying guild activities and arresting the workers, and also runs a network of local informers [Mokhber Mahali], for collecting information, news, and rumors.

The public security police (Polis-e amniyat-e omumi) is yet another subbranch of PAVA, which is involved in identifying and arresting thugs and crime gangs; it is also involved in confiscating illegal satellite dishes, and, in recent years, arresting network marketing groups, forcing companies involved in pyramid schemes to discontinue operations.

The Moral security police (Polis-e Amniyat-e Akhlaghi) is a subbranch of the PAVA, which is responsible for arresting women with inappropriate hejab, or those engaging in mixed parties.

The Morality Patrols (Gasht-e Ershad) are subordinated to the Moral security police. They patrol the streets to monitor and issue warnings about 'un-Islamic' dress and conduct.

The Police for Supervision over public Facilities & Locations (Polis-e Nazarat- Bar-Amaken-e Omoomi) is another subbranch of the PAVA. It is responsible for regulating and controlling businesses." (Golkar, 28 April 2015a)

The website of the LEF can be accessed via the following link:

- LEF - Law Enforcement Forces: Homepage, undated [in Persian]
<http://www.police.ir/>

According to the Congressional Research Service (CRS), there are "[a]bout 40,000-60,000 law enforcement forces on duty" (CRS, 19 May 2015, p. 31).

Chatham House notes in a November 2014 report:

"From an administrative perspective, Iran's police forces are under the authority of the Ministry of the Interior, but the high-ranking commanders are selected and removed by the Supreme Leader in his capacity as commander-in-chief. [...] The interior ministry is led by a conservative, Abdol-Reza Rahmani Fazli. Rahmani Fazli is close to the Majlis Speaker, Ali Larijani, and, like the latter, was among the staunchest opponents of reformists under Khatami's presidency. He later ran into problems with Ahmadinejad and his team." (Chatham House, November 2014, p. 12)

As reported in March 2015, the Supreme Leader installed Brigadier Hossein Ashtari as the new head of Iran's police. Ashtari replaces police chief Brigadier General Esmail Ahmadi Moghadam who has confirmed his resignation (Trend, 9 March 2015). The NYT states that Moghadam was the Basij commander in Tehran and a senior Revolutionary Guards commander before he was appointed head of the national police force in 2005 (NYT, 11 July 2005). Golkar specifies that General Moghadam stems originally from the IRGC, was later deployed to NAJA, then went back to the IRGC and the Basij before returning to NAJA. (Golkar, 5 June 2015). As noted by Posch, Moghadam is considered to be an Ahmadinejad supporter (although a "very wayward" one). (Posch, 13 April 2015).

Press TV, the English language news organisation of the state-run Islamic Republic of Iran Broadcasting (IRIB), reported in April 2009 that the IRGC would take over the responsibility from the police with regard to maintaining security in Iran's eastern regions:

"Iran's Revolution Guards Corps will take over the security of the country's eastern regions, Iran's police chief has announced. 'The fight against terrorists and bandits in eastern Iran will be handed over to IRGC; therefore Iran's Police Force will end its mission in the region,' Iran's police chief Brigadier General Ismail Ahmadi-Moqaddam told reporters in a press briefing on Sunday. Jundullah terrorist organization has orchestrated terrorist attacks against high-profile Iranian figures, particularly government and security officials as well as civilians in Iran's eastern borders." (Press TV, 6 April 2009)

With reference to a Press TV article, the private Azerbaijan-based news agency Trend in January 2011 reported on the creation of a cyber police unit within the Iranian police force:

"Iran's police chief says the first cyber police unit of the country has been launched as part of an effort to confront Internet crimes and protect national interests, reported PressTV. Brigadier General Esmail Ahmadi-Moqaddam said on Sunday that Iran's first web police unit is now operational in the Iranian capital, Tehran, and police stations throughout the country will have their cyber units by the end of the current Iranian year (March 20), IRNA news agency reported. Addressing the inaugural ceremony of the new force, head of the newly founded unit Brigadier General Kamal Hadianfar said the growth and influence of the Internet indicate the rapidly growing inclination towards cyberspace, but information technology entails both threats and opportunities." (Trend, 24 January 2011)

As noted in a March 2015 article of the dissident Rooz news website, authorities announced the creation of a "volunteer police". Mohammad-Reza Akrami, the director general of the new police force, is quoted as saying that the volunteers would be grouped into "cultural and law enforcement" and would assist "the police in its law enforcement activities". As reported by Rooz, the volunteers would be "given permits to carry arms after the necessary reviews, screenings and training". Another high-ranking police official is quoted as saying that the volunteer police had already performed in the greater Tehran area and that its operations would now be extended to 16 provinces:

"Iran's law enforcement machinery announces every now and then the creation of a new force to control the citizens of the country. After the creation of 'Mountain Police,' 'Foreign Exchange Police,' 'Tax Police,' etc., now Iranians are going to see 'Volunteer Police,' whose members will also be allowed to carry lethal weapons. According to officials, the volunteers who have signed up for this force have also indicated their preference to serve in the 'Special Units' and the 'Fata Police' force. According to official statements, this new police force is planned to be on the streets during the Nowruz new year holidays that begin on March 21st. KhabarOnline reported that colonel Mohammad-Reza Akrami, the director general of the new force had said, 'Till today over 35,000 individuals across the country had signed up for the volunteer force of which 8,000 will be utilized in the Nowruz programs.' He added that these volunteers would be grouped

into two groups: cultural and law enforcement and would be helping the police in its law enforcement activities. They would be given permits to carry arms after the necessary reviews, screenings and training. General Mohammad Naghdi Asar, the deputy police chief for personnel also spoke of the new volunteer force stressing that he hoped this model would be utilized by other countries to enhance their security needs. He said that volunteer police had already performed in greater Tehran and its activities would now be extended to 16 provinces of the country.” (Roos, 19 March 2015)

5.1.1 Intelligence Unit

As noted by Saeid Golkar, a lecturer in Middle East and North African studies at Northwestern University (USA) and a senior fellow on Iran policy at the Chicago Council on Global Affairs, in an email response of April 2015, the Intelligence Police is a subbranch of the Public Security and Intelligence Police (PAVA), which is “responsible for gathering intelligence in neighborhoods, penetration into the guilds, and identifying guild activities and arresting the workers, and also runs a network of local informers [Mokhber Mahali], for collecting information, news, and rumors.” Other areas of activities include “[i]dentifying and arresting people, conducting religious activities and ferreting out homes used for Christian worship”. (Golkar, 28 April 2015a)

In August 2013, the Iran Human Rights Documentation Center (IHRDC) published an October 2012 witness statement of Alireza Kiani, a former student activist who was interrogated and beaten in a detention centre that belonged to the intelligence section of the LEF, where he was held for two days after had been arrested in Mazandaran following the presidential elections of June 2009 (IHRDC, 12 August 2013).

5.1.2 Social Corruption Unit

The Jane’s Sentinel Security Assessment of April 2014 states that “[t]he Social Corruption Unit of the LEF deals with social behaviour considered ‘immoral’” (Jane’s Information Group, 23 April 2014).

Saeid Golkar, a lecturer in Middle East and North African studies at Northwestern University (USA) and a senior fellow on Iran policy at the Chicago Council on Global Affairs, stated in an April 2015 email response that as far as he is aware of, “Social Corruption Unit” is another name for the Moral Security Police, whose full name is “Police for Fighting Social and Moral Corruption” (Polis-e Mobareze ba Mafased ejtemai va akhlaqi). As noted by Golkar, this unit is a branch of the Public Security and Intelligence Police (PAVA), and, as per the organisational chart of the LEF (NAJA), it is a bureau. (Golkar, 28 April 2015b)

According to Walter Posch, the social corruption unit is a part of the LEF but their work can also be carried out by Basij, given that responsibilities can be shifted back and forth in creative manner. The social corruption unit serves as a connecting link to radical groups for whom the Islamic Republic is too liberal. (Posch, 13 April 2015).

A May 2006 article by Wordpress, a US-based magazine, which by its own account seeks international exchange of perspectives by reprinting foreign news articles for US audiences,

quotes the head of the social corruption bureau within the Tehran police force as explaining the manner in which a programme to deal with offenders of “Islamic dressing values” would be enforced:

“Mohammad Hossein Rostamian, head of the social corruption bureau within the Tehran police force said that those chosen to enforce the program are highly flexible agents who have the capability to handle the matter in a calm manner, and are respectful to the rights of citizens.

‘The officers in charge will verbally notify the non-compliants and encourage them to respect the Islamic values, and in case of defiance will hand the offenders to judiciary sources,’ said Rostamian. He also claimed that the ‘rumors’ of hostile confrontations with offenders was a conspiracy generated by foreigners.” (Worldpress.org, 2 May 2006)

Sources mention the Vozara Department for Social Corruption in Tehran, a detention centre for women (IHRDC, 2010, p. 14) that is generally used to detain those accused of “minor crimes, such as violations of the dress code” (AI, 5 March 2007).

In April 2012, the Iran Human Rights Documentation Center (IHRDC) reported on the case of Shima Asaadi, a female activist supporting the student branch of the Democratic Party of Iranian Kurdistan (PDKI). She was arrested in 2006 for transgressing the mandatory dress code and taken to the Social Corruption Office in Sanandaj. There, however, interrogations mostly focused on her activities linking her to the KDPI. (IHRDC, April 2012, pp. 34-35)

5.1.3 Amaken (Edare-ye Amaken Omumi)

As indicated in an April 2015 email response, Saeid Golkar, a lecturer in Middle East and North African studies at Northwestern University (USA) and a senior fellow on Iran policy at the Chicago Council on Global Affairs, the “Police for Supervision over Public Facilities & Locations (Polis-e Nazarat Bar-Amaken-e Omoomi) is a subbranch of the Public Security and Intelligence Police (PAVA) and is “responsible for regulating and controlling businesses such as shops, restaurants and hotels, public transportation companies and photo galleries through issuing and revoking work permissions for people in these businesses” (Golkar, 28 April 2015a)

A May 2009 report of the Iran Human Rights Documentation Center (IHRDC) contains the following description of Amaken:

“Amaken, or the General Directorate of Supervising Public Premises, is a branch of the Law Enforcement Forces (NAJA), and is closely associated with Iran’s intelligence forces. Amaken is popularly regarded as the regime’s moral police and is responsible for monitoring and regulating behavior in both the public and private spheres. Its monitoring of the press has led to censorship and state harassment of journalists and publications.” (IHRDC, May 2009, p. 21)

An overview of Iranian security forces, published by the Refugee Research and Information Branch (RRIB) (New Zealand, Ministry of Labour) in November 2010, includes a section on Amaken, a unit of the LEF on which, according to RRIB, little information has been published after 2008:

“Part of the LEF, the unit involved itself, from 2000 to at least 2007, in repressing journalists (Samii, 2002, p[1-2], Amnesty International, 2004) and controlling freedom of expression (Guardian, 25 October 2007). RSF describe it as specializing in 'investigating vice' (4 May 2005). Little information has come to light on the organization since 2008; except for the Baha'i business closure in March 2009. Primary Roles – ‘concerns itself with the type of music people hear, the mixing of genders in public places and various forms of lewd behaviour’ (Samii, 2002). Including: - enforcement of moral codes in places of work; - retail trade governance; - provision of illegal detention centres for ‘parallel intelligence services’ (HRW, 2004, p18).” (RRIB, November 2010)

An April 2009 IHRDC report includes the following information on this unit:

“The General Directorate of Supervising Public Premises, known as Amaken, is a branch of NAJA that is primarily tasked with monitoring public and private premises. Officially, Amaken has a narrow mandate within Iran’s police force and is prohibited from summoning and detaining political suspects and journalists. Notwithstanding this limitation, Amaken’s PIA [Parallel Intelligence Apparatus] arm was particularly active in suppressing dissidents. Other PIA-affiliated units such as the Intelligence Protection Center of the Judiciary also used Amaken’s facilities to carry out interrogations and detain political dissidents, journalists and students. In fact, after 2001, it is believed that a substantial number of journalists and political activists were interrogated there. While some Iranian analysts believe that covert interrogations at Amaken’s offices were conducted by NAJA agents alone, these operations were probably overseen by senior intelligence figures purged from the MOI after the Chain Murders investigations in 1998.” (IHRDC, April 2009, p. 32)

The same source reports about practices of Amaken in the framework of activities of the above-mentioned Parallel Intelligence Apparatus (PIA)²:

“Most of NAJA’s PIA activity was administered through its Amaken office, which was deeply involved in the arrest and detention of political dissidents during the early years of Khatami’s term. According to witnesses and analysts, Amaken was not a particularly powerful organization prior to the establishment of the PIA, but was heavily relied upon by the conservative establishment once the MOI was purged by Khatami and Younesi.” (IHRDC, April 2009, p. 9)

“Many of the individuals interviewed by IHRDC said that they were picked up by plainclothes agents from law enforcement and security units such as NAJA’s Amaken office, or the MOI. In several instances, witnesses told IHRDC that family members were either arrested or threatened if the PIA could not find their targets. [...]

² The Parallel Intelligence Apparatus (PIA) “effectively operated under the authority of Iran’s Supreme Leader, Ayatollah Ali Khamenei during the Presidency of reformist Mohammed Khatami, whose term lasted from 1997 to 2004”. According to the IHRDC, “the clandestine activities of the PIA aided the conservatives in their efforts to retain control over the levers of state”, and PIA members engaged in “intimidation and silencing of reformists, political dissidents and critics” (IHRDC, April 2009, p. 3)

In other cases, uniformed law enforcement agents openly participated in the unlawful arrests of dissidents. These law enforcement agents conducted their operations using the same illegal methods used by the plainclothes agents. The similarities in the agents' modus operandi strongly suggest the existence of an operational link between the PIA and regular law enforcement units, especially those affiliated with the intelligence functions of NAJA, which operated primarily through its Amaken office." (IHRDC, April 2009, pp. 19-21)

"Many of the illegal detention facilities covered in this report were located in and around Tehran, and were managed and operated by PIA linked to intelligence units of the MOI, IRGC, NAJA and the Army. [...] The Protection of the Intelligence Office of Law Enforcement's Amaken managed the Mullasadra, Vuzara, Tupkhanih, and Khatam-ul-Anbiya prisons." (IHRDC, April 2009, p. 27)

"Former detainees held at Amaken describe it as a basement spread out over two floors. Due to its small size, political detainees were often held in cells with ordinary criminals. They were usually not held for long periods of time, but were taken there to be intimidated. Some detainees who were summoned to Amaken's office were released after short but violent interrogation sessions." (IHRDC, April 2009, p. 33)

The May 2009 IHRDC report elaborates on several cases of journalists and bloggers who were arrested by Amaken officers and subjected to torture in detention at the Amaken office in 2003 and 2004 (IHRDC, May 2009, pp. 21-30).

An October 2009 report of the IHRDC mentions the Amaken office of Iran's national police (LEF/NAJA) among a list of "detention facilities that operate outside of the jurisdiction of the Judiciary and the State Prison Organization":

"Further impeding access to a fair hearing is the fact that many political prisoners are held at detention facilities that operate outside of the jurisdiction of the Judiciary and the State Prison Organization. This allows State agents to detain and torture prisoners outside of the Iranian legal system. These 'secret' and illegal centers have included Prison 59, the Amaken office of the national police (NAJA); Khatam ul-Anbiya Prison; and Prison Jay." (IHRDC, October 2009, p. 30)

As noted in an April 2008 witness statement to the IHRDC by Houshang Bouzari, a former diplomat and advisor to the Iranian oil minister, Amaken was established after the Islamic Revolution and was officially placed under the authority of the LEF in 1989. Amaken has "an official mandate to monitor public and private premises" and, at the time of the witness statement, was headed by Sardar Muhammed Ali Najafi (installed by Ahmadinejad in 2005):

"The full name of Amaken is the General Directorate for Supervising Public Premises. Amaken's task is different from the Committee for Vice and Virtue. They are two different task forces with two different mandates. While both task forces are active under the auspices of the Law Enforcement Forces, they have different responsibilities. [...]

Amaken was established after the revolution. The Revolutionary Committees established in the 1980s needed an office with jurisdiction to search, raid and arrest members of groups such as the communists, the Mujahedin-i Khalq and opposition political parties that operated underground. While Amaken was actually established for this purpose, it has an official mandate to monitor public and private premises. [...]

After suppressing the opposition movements of 1985 and 1986, the regime did not disband Amaken. The organization remained intact, as did the rest of the Revolutionary Committee. In late 1989, Amaken officially came under the authority of the Law Enforcement Forces.

[...] Amaken's officers do not always wear uniforms, with the exception of senior officials working in their offices. Amaken and the Committee for Vice and Virtue officers are generally plainclothes men. They usually ambush their targets and charge them with various offenses. The current head of Amaken is Sardar Muhammed Ali Najafi. He was appointed by President Ahmadinejad in 2005.

[...] Amaken is not an important or powerful organization within the Law Enforcement Forces. It has a simple, ordinary office on Ostad Motahari Street. When the Parallel Intelligence Apparatus was established, it easily exploited this body and used its office to interrogate dissidents like Siamak Pourzand. The extra-legal activities that took place in the Amaken offices were conducted in Amaken's name alone. In reality, though, these operations were overseen by senior intelligence figures purged from Ministry of Intelligence after the 'Chain Murders.'" (IHRDC, 17 April 2008)

A September 2014 Facebook post by the IHRDC refers to an article published by the Persian service of BBC reporting that the head of Amaken had declared that women would henceforth be "prohibited from entering or working in coffee shops". As noted by an Iranian lawyer quoted in the same BBC article, there is no such law in Iran as this would contravene Iran's constitution and labour code. (IHRDC, 2 September 2014)

A September 2014 IranWire article states that the announcement referred to above was made by Colonel Khalil Halali, "Chief of Police for Public Places":

"On August 30th Colonel Khalil Halali, Chief of Police for Public Places, announced that women will no longer be permitted to work in cafés and coffee shops. The order will affect thousands of establishments and working women in this city of nearly eight million people, and will include women who have a permit for running their own business. Under the new regulations, women will only be permitted to work in the kitchens of cafes." (Iranwire, 9 September 2014)

5.1.4 Cyber Police (FATA)

A September/October 2013 report of Small Media, a UK-based NGO that advocates for freedom of speech especially in Iran, includes a general view of the Cyber Police (FATA):

"The Iranian Cyber Police (FATA) is the cyber crime unit of the Iranian national police force. The unit was established in January 2011 on the orders of the national police chief,

and in compliance with the Cyber Crime Laws passed by the Iranian parliament in 2010. The name itself is an abbreviation of '(Police) of the Space for the Production and Exchange of Information [...] in Farsi - or put simply, the 'Cyberspace Police'.

FATA is active throughout each of Iran's 31 provinces, maintaining offices in 56 cities across the country. [...]

FATA engages in a number of different activities in its fight against 'cyber crime', with its primary goals being:

- To track and combat cyber crime (i.e. online scams such as phishing) on the Internet, and other electronic devices
- To monitor the activities of ISPs [Internet Service Providers]
- To monitor Internet cafes
- To provide oversight of hosting companies, as well as any other businesses active in the information sector
- To collect and process data on Internet use, and gather intelligence on Internet users
- To educate users and inform them of security risks in cyberspace
- To protect and preserve the religious and national identity of Iran
- To prevent violations of societal norms and values" (Small Media, September/October 2013, p. 3)

In November 2014, the International Campaign for Human Rights in Iran (ICHR) stated:

"In addition to fighting cybercrime, the officials justified the formation of the force as necessary to fight terrorism, and to guard against alleged threats to national security. However, FATA's activities also include monitoring the activities of civil and political activists. [...] In essence, FATA pursues, through harassment, arrest, and interrogation, any citizen who expresses dissenting views online. Indeed, FATA officials have publicly boasted that they monitor all Internet activity around the clock. [...]

The FATA cyber police have also pressured Internet providers to provide them with evidence they can use to pursue online activists." (ICHR, 11 November 2014)

The website of the Cyber Police informs about the unit's "duties and missions":

"Responsibilities of cyber police are to secure and mitigation of risk for scientific, economic and social activities in information community, protection of national and religious identity, prevention of illegal activities and prohibition of attack on values and norms of society." (FATA, undated)

The same website also states that “[t]he main structure of cyber police is operational” (FATA, undated).

As noted by the ICHRI, the head of the Cyber Police is Seyed Kamal Hadianfar (ICHRI, 24 September 2014).

In February 2014, the ICHRI quotes Colonel Mohammad Kakovan, head of the Tehran Cyber Police, as saying that the task of the “Determination and Prevention Unit” within the Cyber Police is to “monitor websites, blogs, social networks, chat rooms, and similar online spaces”. He is further quoted as saying that “the Cyber Police never enters the individuals’ private domain” and that the Cyber Police therefore refrains from monitoring “electronic mail, two-person chat sessions and specific pages are [considered] private domain”. (ICHRI, 3 February 2014)

The same source quotes the Cyber Police’s commander, Seyed Kamal Hadianfar, as mentioning that “personal messages on Viber, WhatsApp, etc. can be controlled by the Cyber Police” (ICHRI, 24 September 2014)

The ICHRI points to the case of blogger Sattar Beheshti who died in Cyber Police custody in November 2012:

“FATA’s arrest of Sattar Beheshti, the 35-year-old blogger who died under torture while in FATA’s custody in November 2012, only a few days after his October 31, 2012, arrest, is indicative of their aggressive pursuit of online activists.” (ICHRI, 11 November 2014)

The Guardian newspaper states with regard to the same case:

“Iran’s top cyber police chief has been sacked over the death in custody of blogger Sattar Beheshti, according to officials in Tehran. Beheshti, 35, from the city of Robat-Karim, south-west of Tehran, was arrested on 30 October after using his blog and Facebook account to criticise the government. He was thrown into the notorious Evin prison where he died several days later, after complaining that he was tortured. The head of Tehran’s cyber police unit – named as Mohammad Hassan Shokrian by Press TV – was fired for ‘failures and weaknesses in adequately supervising personnel under his supervision’, according to a statement posted on the website of Iran’s police force on Saturday.” (Guardian, 1 December 2012)

The April 2013 US Department of State (USDOS) country report on human rights practices 2012 provides the following details about the same case:

“In October 30, the Cyber Police arrested Beheshti for antigovernment entries on his blog. On November 20, the chief state coroner announced that Beheshti ‘died from natural causes’ while in prison. On November 23, the prosecutor stated that Beheshti’s death may have been due to ‘excessive psychological stress.’ Shortly after his death, several NGOs published a letter signed by 41 political prisoners in Evin Prison testifying that Beheshti had been tortured. Judiciary head Sadeq Larijani pledged those involved would be prosecuted and the case fully investigated. As of year’s end, the government

announced that at least seven persons had been arrested in connection with the case (see section 5). On December 2, Law Enforcement Forces commander Brigadier General Esmā'il Ahmadi-Moghaddam announced he had fired Tehran Cyber Police commander Mohammad Hassan Shokrian for 'negligence.'" (USDOS, 19 April 2013, section 1a)

5.2 The Ministry of Intelligence (MOI) (Persian: *Veزارat-e Ettela'at Jomhuri-ye Eslami-ye Iran, VAJA*)

Many Western sources refer to this organisation as the "Ministry of Intelligence and Security" (MOIS) which is used as a translation of "*Veزارat-e ettela'at va amniyat-e keshvar*" (VEVAK). This designation, however, is incorrect as the organisation's Persian name does not in fact contain the adjunct "*va amniat-e keshvar*" ("and national security") (Posch, 13 April 2015). The correct full Persian name of the ministry is "*Veزارat-e Ettela'at Jomhuri-ye Eslami-ye Iran*" (VAJA), which translates as "Intelligence Ministry of Islamic Republic of Iran" (MOI, undated). This compilation will refer to the ministry as "Ministry of Intelligence" (MOI), although "Ministry of Intelligence and Security", "MOIS" or "VEVAK" will inevitably appear in many of the original quotes.

As explained by Walter Posch, when the MOI was founded, it did adopt many operative functions of the Shah's Organisation of Intelligence and National Security (*Sazeman-e Ettela'at va Amniyat-e Keshvar, SAVAK*) but not its state security apparatus. In fact, the Supreme Leader took the security role away from the new intelligence agency and assigned it to the IRGC and the police forces in order to prevent the MOI from accumulating as much power as the SAVAK held under the Shah (Posch, 13 April 2015).

Wilfried Buchta refers to the main tasks and functions of the MOI as set out in the 1983 foundation law of the ministry:

"Since its inception in 1984, based on a foundation law passed by the parliament in 1983, the MOIS has emerged as one of the most influential and powerful entities in Iran. [...] According to the foundation law of the MOIS, passed by the Iranian Parliament in 1983, the MOIS is responsible for the coordination of intelligence operations among all the information agencies (LEF, IRGC, the Second Bureau of the regular army, Basij) on the one hand and the Ministry of the Interior and the General Prosecutor on the other hand. Article 10 of that law describes the main tasks and functions of the MOIS as follows: (a) gathering, procurement, analysis and classification of necessary information inside and outside the country and (b) disclosure of conspiracies and activities pertaining to coup d'états, espionage, sabotage, and the incitement of popular unrest, which would endanger the security of the country and the system. The same law stipulates that the allocated financial means of the MOIS are exempt from the public law of accountability. Also, the law does not lay down any system of checks and balances that would require the MOIS to be supervised by the judiciary or any other state organ. A separate special law stipulates that the Head of the MOIS must be a high-ranking cleric. By stipulating that only a cleric can be at the helm of this key Ministry, the regime obviously intended to further strengthen its grip on power." (Buchta, 2004, p. 13)

As indicated by Walter Posch, the MOI coordinates the intelligence services in Iran. Since the MOI was established in 1984, there have been fierce rivalries among intelligence services (Posch, 13 April 2015).

As indicated in a January 2013 report of the French Centre for Research on Intelligence (Cf2R), a Paris-based think tank specialising in international intelligence and security issues, the Ministry of Intelligence (MOI) was established on 18 August 1984. It succeeded the Organization of Intelligence and National Security (SAVAK) which had existed from the times of the Shah. While a number of intelligence officers were executed in the aftermath of the Islamic Revolution, the new regime managed to “turn” some former SAVAK officers who then provided their professional expertise to the nascent MOI.

The MOI operates both within Iran and abroad. Its primary mission is to track down persons who oppose the regime, particularly members of the Mojahedin-e Khalq Organisation of Iran (MEK), which is perceived by Tehran as the most serious threat to the regime. However, all types of dissident groups including monarchists, Kurds, Arabs, Balochs constitute targets of the MOI.

In theory, the MOI operates under the authority of the Supreme Council for National Security. But in fact, it answers directly to the Supreme Leader. The MOI’s headquarters are located in Tehran, in the premises previously used by the SAVAK. The staff number is indicated as 30,000, and all staff are civilian. Several thousand members of staff (estimates range from 2,000 to 8,000) reside abroad. Agents working for the MOI have been able to infiltrate various Iranian opposition movements based in exile, especially the MEK. (Cf2R, January 2013, pp. 1-6 [translated from French])

The December 2012 report of the US Library of Congress (LoC) notes that occupants of the post of Minister of Intelligence “must hold a degree in ijihad (the ability to interpret Islamic sources such as the Quran and the words of the Prophet and imams) from a religious school, abstain from membership in any political party or group, have a reputation for personal integrity, and possess a strong political and management background.” (LoC, December 2012, p. 1)

In a May 2008 report, the Iran Human Rights Documentation Center (IHRDC) states that according to the Code for the Formation of the Ministry of Intelligence ratified in 1983, the Ministry of Intelligence is charged with the “gathering, procurement, analysis, and classification of necessary information inside and outside the country” and it “was given the specific responsibility of making anti-opposition measures more efficient”. According to the report, the Ministry of Intelligence is “the principal operational mechanism through which the regime can extend its reach overseas.” (IHRDC, May 2008, pp. 9-10)

In December 2012, the US Library of Congress (LoC) published an extensive report on the MOI. The role of the MOI within the Iranian intelligence architecture and its organisational structure are described as follows:

“MOIS answers directly to the Supreme Leader of Iran. Although the president appoints the head of the ministry, the Supreme Leader must approve the appointment, and the president cannot remove the appointee without the Supreme Leader’s approval. [...]

According to Iran’s constitution, the Supreme Leader sets the direction of foreign and domestic policies. He is commander in chief of the armed forces and controls intelligence operations. Hence, both MOIS and IRGC Intelligence, including the Quds Force, report directly to the Supreme Leader.

The president is the second-highest-ranking official in Iran. However, the constitution limits his authority in such a way that it subordinates the entire executive branch — and specifically MOIS and a small number of other ministries including the foreign and oil ministries — to the Supreme Leader. Iran’s intelligence apparatus is composed of a number of entities, one of which is MOIS. [...]

MOIS is the main organization involved in intelligence operations that protect national security by collecting information; however, the Supreme National Security Council (SNSC) determines national-security policies and makes sure the policies are aligned with the Supreme Leader’s views. Article 176 of Iran’s constitution established the Supreme National Security Council and charges it with responsibility for ‘preserving the Islamic Revolution, Iran’s territorial integrity, and national sovereignty.’ (LoC, December 2012, pp. 10-14)

The same source notes the historically close relationship between the Supreme Leader Khamenei and the IRGC since its establishment in 1980 (Khamenei was minister of defence at the time). Disagreements between the Supreme Leader and presidents Mohammad Khatami (1997-2005) and Mahmud Ahmadinejad (2005-2013) on the intelligence landscape are reported to have led the Supreme Leader to rely on “the IRGC Intelligence Organisation as an alternative organization that would work parallel to MOIS — because the president can influence the ministry’s direction one way or another, whereas the IRGC is completely under the Supreme Leader’s command.” (LoC, December 2012, p. 14-15)

Regarding the actual relationship between the MOI and the IRGC, the same source tentatively notes:

“There is no clear division of powers and responsibilities between MOIS and the IRGC Intelligence Organization, and analysts believe this lack of definition of their responsibilities and their overlapping jurisdictions have caused friction between them. Apparently in some cases, the IRGC’s Quds Force and IRGC Intelligence do not share information with MOIS as they are supposed to do. [...] After the 2009 presidential election, the IRGC blamed MOIS for not fulfilling its duties, claiming that was why the disputed election (of Ahmadinejad) caused massive and unprecedented turmoil.” (LoC, December 2012, p. 16)

Mahan Abedin, a London-based financial consultant and analyst of Iranian politics, wrote an article in the Asia Times in July 2007 where he stated that there is almost no rigorous academic research on Iran’s post-revolutionary intelligence community. He describes the

Ministry of Intelligence and its role within Iran's power framework. Furthermore, he argues that there is a "relative lack of politicization" of the Iranian intelligence community, and he refers to abuses committed by the Intelligence Ministry in the 1990s:

"Since its formation in 1984, the Ministry of Intelligence has deliberately cultivated a low profile (as opposed to the effusive and sometimes flamboyant SAVAK) and gone out of its way to convince political masters and citizens alike that it is an intelligence organization as opposed to a secret-police force. [...] For all its sophistication, the Intelligence Ministry is ultimately subordinate to strict clerical control. [...]"

Its operational successes and failures notwithstanding, another key feature of the Iranian intelligence community is its relative lack of politicization. This is often overlooked by specialists on Iranian intelligence and Iran analysts in general. There is a tendency to position different components of the intelligence community into the dizzyingly complex factional politics of the Islamic Republic. Thus the Intelligence Ministry is often projected as pro-reformist whereas the intelligence organizations connected to the Islamic Revolutionary Guards Corps are seen as natural allies of the so-called 'hardliners'.

The reality is very different. Despite the diversity of its personnel, the Islamic Republic's intelligence community - as opposed to its political society - is remarkably cohesive. The designers and watchdogs of the post-revolutionary intelligence community have expended tremendous efforts to ensure that the intelligence community remains free from political manipulation.

[...] Nevertheless, since the early 1990s, the Intelligence Ministry has committed numerous abuses. The most notorious were the so-called 'chain murders' of the late 1990s when allegedly 'rogue' agents inside the ministry murdered several dissident political activists, writers and artists. Although the Intelligence Ministry owned up to the crimes, its contention that 'rogue' agents controlled by Saeed Emami (a US-educated head of internal security at the ministry) had planned and perpetrated these murders has never been seriously tested by competent investigative bodies." (Asia Times, 21 July 2007)

As noted by the same source, available material suggests that the MOI is organised on the basis of 15 directorates:

"According to available information, MOIS has 15 directorates: 1) Security, 2) Counterintelligence, 3) Foreign [Operations], 4) Security Investigation (Hefazat, which means "protection" in Farsi), 5) Technology, 6) Politics, 7) Evaluation and Strategic Affairs, 8) Education, 9) Research, 10) Archives and Documents, 11) Manpower, 12) Administration and Finance, 13) Legal-Parliamentary [Relations], 14) Economy, and 15) Cultural-Social." (LoC, December 2012, pp. 16-17)

The same report notes that the headquarters of the MOI appears to be located in North Tehran (LoC, December 2012, p. 23).

The same source reports on the “methods of operation and tactics” of the MOI by highlighting its activities in the areas of infiltration of opposition groups abroad, disinformation and control of the internet:

“MOIS infiltrates Iranian communities outside of Iran using a variety of methods. For instance, a society called ‘Supporting Iranian Refugees’ in Paris is used to recruit Iranian asylum seekers to spy on Iranians in France. MOIS also has agents who abduct individuals abroad, return them to Iran, and then imprison or kill them. MOIS’s tactics of penetrating and sowing discord within the opposition abroad are discussed in an article on a Web site affiliated with the current Iranian government. [...]

The ministry also engages in disinformation. The largest department within MOIS, the Department of Disinformation (Farsi: nafaq), uses psychological warfare and disinformation against the government’s opponents. This department is also in charge of employing psychological warfare to manipulate the media and to mislead other intelligence agencies about Iran’s intelligence and military capabilities. However, it is unclear exactly where this department is located in the ministry. [...]

With respect to the Internet, for the past 10 years MOIS and two other governmental entities, the Ministry of Culture and Islamic Guidance and Islamic Republic of Iran Broadcasting (IRIB), have also sought to control Iranians’ access to the Internet. This effort was intensified after the controversial presidential election in 2009. The government has imposed intelligence, technical, and cultural strategies to control access to the Internet. The head of the MOIS Counterintelligence Directorate has stated that ‘the Internet poses a danger to the world, and Iran is always on the lookout for spies.’ These entities cooperate to block any sites that cause problems and to make sure that preferred sites continue to function.” (LoC, December 2012, pp. 30-31)

In an October 2014 article, [t]he US-based Payvand news agency mentions Mahmud Alavi as being the head of MOI. The report says that Ali Yunesi, a former intelligence minister (under president Khatami) and currently a special assistant to president Rouhani, has said “at least on two occasions [...] that Alavi had yet to fully take control of the ministry of intelligence”. Meanwhile, the article notes that “[h]ardline principlists have on a number of occasions called for changing the ministry of intelligence into a simple agency, arguing that the body should be under the direct supervision of the country’s top leader ayatollah Khamenei.” (Payvand, 30 October 2014)

A November 2014 report by the UK-based think tank Chatham House describes Alavi as “a member of the traditional conservative camp in Iran”, noting that “[h]is political record does not put him at the hard-line edge of the Iranian regime, and he has always been a supporter of Rafsanjani”. The same report says that it is increasingly believed that “hard-line elements from the previous administration will remain active within the ministry”:

“Such concerns have increased because of the continued security pressure on critics of the government across the board in Iran – some of which is exerted by agents of the Ministry of Intelligence. These agents made headlines in October 2013 by such actions as intimidating the families of foreign-based journalists and aggressive behaviour towards

the daughters of Mir-Hossein Mousavi and his wife, Zahra Rahnavard, an academic and sculptor also held under house arrest, at a family meeting.” (Chatham House, November 2014, pp. 11-12)

The Jane’s Sentinel Security Assessment of April 2014 notes:

“Mujahideen e-Khalq (MEK) opposition militia group and its allied political group, the National Council of Resistance of Iran (NCRI). Monarchists, Iranian Kurdish dissidents and left-wing groups have also come under the scrutiny of the MOIS.” (Jane’s Information Group, 23 April 2014)

The same source indicates that according to a February 2012 statement of the US Treasury Department, “MOIS agents were responsible for the ‘beatings, sexual abuse, prolonged interrogations, and coerced confessions of prisoners, particularly political prisoners’ following the June 2009 elections in Iran” (Jane’s Information Group, 23 April 2014).

As noted by Posch in April 2015, the MOI in fact has only very few units that carry out operational tasks. They have small anti-terror units which, however, are highly effective and capable of infiltrating groups. Posch stated that the cases he is aware of suggest that they do not engage in physical torture, but instead rely on psychological methods of interrogation. Many MOI interrogators are highly educated individuals (some of them are university professors), and their goal is to socially corrupt their targets. While it is frequently alleged that the MOI has engaged in torture, in fact, it appears that the torture has been carried out by other groups, even though it may have taken place in the same prisons which are also used by the MOI. (Posch, 13 April 2015)

5.3 Army of the Guardians of the Islamic Revolution (Sepah-e Pasdaran-e Enqelab-e Eslami, aka Islamic Revolutionary Guard Corps (IRGC))

A November 2014 article of the Economist newspaper refers to the Army of the Guardians of the Islamic Revolution (IRGC) as a “paramilitary force rolled into an intelligence agency wrapped in a giant business conglomerate with security-related interests” that is “directly controlled by the country’s supreme leader”. In terms of its aims, the IRGC is “dedicated to a strong Iran, both at home and abroad” and seeks to “ensure stability at home and win greater influence vis-a-vis America and its allies abroad”. (Economist, 1 November 2014b)

In 2011, the Foundation for Defense of Democracies (FDD), a US non-profit policy institute focusing on foreign policy and national security, published a book entitled “The Pasdaran” which includes a brief overview of the IRGC. The IRGC is described as “a conventional fighting force, an economic conglomerate, an agency in charge of nuclear and ballistic missile proliferation, and a player in the country’s political system” (FDD, 2011, iii). In more detail, the book states:

“The Army of the Guardians of the Islamic Revolution (*Sepah-e Pasdaran-e Enqelab-e Eslami*) is more commonly known as Iran’s Revolutionary Guards Corps (IRGC). In Persian, it is also known simply as the army, *Sepah*, or guards, *Pasdaran*. The IRGC is a key player in Iran’s internal power structure as well as in its operations abroad. The Guards owe

their allegiance to the country's highest authority, the Supreme Leader, to whom alone they report. Throughout the years, there have been four Chief Commanders of the IRGC: Mostafa Chamran (1980-1981), Mohsen Rezaei (1981-1997), Yahia Rahim Safavi (1997-2007), and Mohammad Ali Jafari (2007 to the present). [...]

The Guards have traditionally played a key role in protecting the Revolution internally against domestic opposition while actively seeking to export it abroad. Established in late 1979 as the Revolution's loyal militia through a merger of various revolutionary forces, the Guards were forged in the crucible of the Iran-Iraq war (1980-1988) and emerged from that conflict as a formidable military force." (FDD, 2011, p. 1)

A 2014 entry on the IRGC in the electronic version of the Columbia Encyclopedia (produced by Columbia University Press) contains a summary of the organisation's role, activities and political influence:

"Now generally considered Iran's dominant military organization, it is responsible for the country's internal security, oversees Iran's strategic weapons, commands the volunteer Basij religious militia, and is in charge of the charitable foundations (bonyads) that are integral to the nation's economy; the group is also reported to be significantly involved in and enriched by black-market smuggling. The elite branch of the Guards, the Qods (Jerusalem) force, is responsible for its foreign activities. [...] The organization has considerable political influence; many members of parliament, cabinet ministers, and other politicians (including President Mahmoud Ahmadinejad) have been members. [...] Under President Ahmadinejad, the Guards' political and economic influence has grown, and the support of it and the Basij militia was critical to the suppression of protests after Ahmadinejad disputed reelection (2009)." (Columbia Electronic Encyclopedia, 2014)

A January 2014 report of the Center for Strategic and International Studies (CSIS), a US think tank that conducts policy studies and strategic analysis, elaborates on the functions of the IRGC and the political loyalties of its members:

"The IRGC grew out of the Iranian Revolution of 1979. Ayatollah Ruhollah Khomeini established the force both to protect the Islamic order of the new Iranian government, and to act as a counter to the regular armed forces – which were perceived as still loyal to the Shah or as having uncertain loyalty to the new regime. The IRGC became the primary offensive arm of Iran's military forces during the Iran-Iraq War, as well as a key tool in dealing with internal opposition and providing support to other state and non-state actors outside Iran. [...]

[T]he IRGC has evolved into a major political, military, and economic force – although not without internal power struggles and possibly at the cost of its military effectiveness. It reports directly to the Supreme Leader, and is believed to be loyal to Ayatollah Khamenei, but has its own factions – some of which have loyalties to former President Mahmoud Ahmadinejad, who is a veteran of the IRGC, and some with loyalties to other major clerics and political figures. It is more political and ideological than the regular armed forces. A number of senior officers in the IRGC have relatives or close ties to Iran's leading clerics." (CSIS, 28 January 2014, p. 130)

A January 2015 BBC News article refers to the IRGC as being “now effectively the executive arm of the Supreme Leader, Ayatollah Ali Khamenei” (BBC News, 29 January 2015).

Several recent sources mention Mohammed Ali Jafari as the commander of the IRGC (AFP, 11 March 2015; Ynetnews, 31 January 2015; Al-Monitor, 4 December 2014). As reported by Reuters, Jafari was appointed head of the IRGC by the Supreme Leader in September 2007, replacing Yahya Rahim Safavi. The article specified that the IRGC answers directly to Khamenei and has a separate command structure from the regular military (Reuters, 1 September 2007).

According to the Congressional Research Service (CRS), the IRGC Ground Force has about 130,000 personnel. The IRGC Navy comprises 20,000 and the IRGC Air Force 5,000 personnel. (CRS, 19 May 2015, p. 31)

The same source notes that both the IRGC and the regular armed forces (Artesh) “report to a joint headquarters, headed by Dr. Hassan Firuzabadi” (CRS, 19 May 2015, p. 29).

An April 2010 article of the US news magazine Newsweek states:

“With a total armed strength estimated at 125,000 (counting ground forces, Navy, Air Force, and Quds special forces), the IRGC is much smaller than the 350,000-strong Iranian Army. But those conventional forces don’t include the Guards’ paramilitary branch, the Basij [...]” (Newsweek, 12 April 2010)

Wilfried Buchta states in his 2004 report:

“During and after the Iran-Iraq war, division of labour emerged between the most important components of the defence and security sector. This division of labour which has never actually formulated as the system’s official policy can be described as follows: The regular army retains its primary responsibility for the defence of Iran’s borders. In contrast to this, the IRGC keeps its major role as the defender of the system and its representatives against internal enemies while it continues simultaneously to have an albeit secondary mission of assisting the army to fend off external threats. In addition, the IRGC has some other responsibilities too. One of them is safeguarding internal security in the border areas, especially by waging the war against illegal drugs (in conjunction with the Law Enforcement Forces) coming from Afghanistan and Pakistan. Another one is the deployment of relief forces for natural disasters like floods and earthquakes. Still another task is the active assistance of supporters of Tehran’s Islamic revolution abroad which sometimes goes hand in hand with the proactive fight against exiled militant opponents of the regime. Regarding the Basij, its major responsibility is to uphold security in major urban areas.” (Buchta, 2004, p. 6)

Sources mention that the IRGC consists of the following five branches: Land Forces, Air Force, Navy, Basij, Quds Force (Posch, 13 April 2015; LoC, December 2012, p. 11; Jane’s Information Group, 23 April 2014; Global Security, undated).

In a 2014 research paper, Walter Posch, currently senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), stated that the five branches are under the leadership of the General Staff of the IRGC (setād-e koll-e sepāh-e pāsdārān), which in turn is subordinated to the Supreme Command (fermāndehi-ye koll) of the IRGC. Apart from the five individual armed services, there are “affiliated organisations” (sāzemānhā-ye vābaste) such as the IRGC business organisations. Alongside the Supreme Command, on the same hierarchical level, there is the Counterintelligence Organisation (sāzemān-e hefāzat va eṭṭelāʿat, SHE), whose history dates back to the early days of the IRGC. This organization is “partly independent” from the Supreme Command since it reports directly to the General Counterintelligence Bureau of the Supreme Leader. The SHE is authorized to operate within all units of the IRGC and, as per its statutes, to proceed against any domestic threats. Moreover the IRGC is responsible for providing personal protection and protection of real estate. (Posch, 2014)

The January 2014 CSIS report notes in regard to the IRGC Land Forces:

“These forces are reported to have between 120,000 and 130,000 men, but such totals are uncertain as are all unclassified estimates of the strength, organization, equipment, and industrial base of the IRGC. This manpower pool includes conscripts recruited from the same pool as regular army conscripts, and training and retention levels are low. The IRGC land forces also seem to control the Basij-e Mostazafin (Mobilization of the Oppressed) and other paramilitary forces in most internal security operations. [...] The IRGC is heavily dependent on conscripts, and is known to have encountered problems in terms of its military politics and leadership. [...] The IRGC is the center of much of Iran’s effort to develop asymmetric warfare tactics to counter a US invasion.” (CSIS, 28 January 2014, pp. 131-132)

The same source mentions that the IRGC Air Force “may have had custody of its chemical weapons and any biological weapons” (CSIS, 28 January 2014, p. 134).

The IRGC Naval Forces are “reported to have some 20,000 men, including marine units of some 5,000 men.” (CSIS, 28 January 2014, p. 136)

In his 2013 book “Iran Unveiled”, Ali Alfoneh, who is currently a senior fellow at the Foundation for Defense of Democracies (FDD), notes that “[s]ince the end of the Iran-Iraq war, IRGC members were largely recruited from the ranks of the Basij” (Alfoneh, 2013, p. 50).

In his 2013 book, Ali Alfoneh, notes the following key structural changes effected since the appointment of Mohammad Ali Jafari as IRGC commander in September 2007:

“On September 1, 2007, Supreme Leader Ayatollah Ali Khamenei appointed Brigadier General Mohammad Ali Jafari – also known as Aziz Jafari and Ali Jafari – to be the seventh commander in chief of the Islamic Revolutionary Guards Corps (IRGC). [...] Jafari immediately announced fundamental structural reforms in the security apparatus of the Islamic Republic, moving the IRGC’s primary focus from external defense to internal security. [...]

Jafari's reorganization had two major components: merging the Basij into the IRGC and restructuring the IRGC itself to become less centralized and more focused on the provinces." (Alfoneh, 2013, pp. 47-48)

The same source elaborates on the IRGC decentralisation reform (known as the "Mosaic Doctrine") that has been introduced by Jafari:

"The IRGC has, from its beginning, been a centralized entity. Throughout summer 2008, Jafari and [deputy IRGC commander Mohammad] Hejazi named the thirty-one units and appointed their chiefs and deputies. The Office of the Supreme Leader has appointed representatives in each unit to be the eyes and ears of the Supreme Leader. The provincial basis of IRGC units is meant to better local commanders' control over recruitment, but it also restructures IRGC capabilities as an anti-riot force and guards the organization against any attempts to decapitate it, such as might occur should U.S. or Israeli military forces strike the Islamic Republic. However, the reform seems to have formalized a structure that existed de facto prior to the reform." (Alfoneh, 2013, p. 50)

The Iranian opposition website Rooz noted in a November 2009 report:

"Following the appointment of Mohammad Ali Jafari to replace Yahya Rahim Safavi as the IRGC chief, structural changes were implemented in the IRGC and were accompanied by repeated changes in leadership. In the first round, a large number of IRGC commanders were dismissed or reassigned, while new provincial IRGC units were established and the Basij resistance force was placed under the complete control of the IRGC. During that round, the various IRGC units were first dissolved and reassigned to 29 new units, one for each province, plus two additional units for the city and province of Tehran. The new units were charged with the task of confronting 'foreign and domestic threats against the nation.'" (Rooz, 12 October 2009)

The Jane's Sentinel Security Assessment of April 2014 points to the IRGC's role in internal security and intelligence gathering:

"The IRGC is an active component of the Iranian intelligence community, and operates an Intelligence Directorate. Because of its dual political and military role, the IRGC also has an internal security role, which includes local intelligence gathering; this role has grown in importance since the end of the war with Iraq. While co-operation between the IRGC and the national police is institutionalised, it is best to treat the IRGC predominantly as a military land force that parallels the regular army, a role institutionalised by the war-fighting demands of the Iran-Iraq war." (Jane's Information Group, 23 April 2014)

In its backgrounder updated in June 2013, the Council on Foreign Relations (CFR) states that according to opposition activists, IRGC forces were once again clamping down on protestors ahead of the 2013 presidential elections. The CFR quotes Karim Sadjadpour of the Carnegie Endowment for International Peace as saying that the IRGC has created "a highly intimidating, securitized atmosphere in order to prevent a repeat of the 2009 protests". (CFR, 14 June 2013, see also Reuters, 4 June 2013)

A BBC Monitoring article of January 2015, with reference to the opposition Digarban website, quotes the commander of the Saberin (“The Patient Ones”) forces, a special unit of the IRGC ground forces, as saying that the unit under his command has been “tasked to fight against inimical elements and those who insult the values of the Islamic Revolution”, adding that this duty was assigned to the Saberin force only. The article notes that the Saberin force “has been involved in military operations against Kurdish rebel groups, including PJAK and Jaysh-ul-Adl, in areas along Iran’s northwestern border.” (BBC Monitoring, 10 January 2015)

In a May 2015 e-mail response, Ali Vaez, senior analyst on Iran at the International Crisis Group (ICG), wrote that to his knowledge, there have only been “sporadic confrontations” between border guards of the regular armed forces and armed insurgents, while “the majority of fighting has occurred between the latter and the IRGC” (Vaez, 7 May 2015).

As reported by the International Campaign for Human Rights in Iran (ICHRI) in February 2015, an IRGC cyberspace specialist has publicly announced that 12 Facebook users have been arrested on charges of “spreading corruption, and [carrying out a] mission to change family lifestyles” while another 24 Iranians were summoned for questioning about their activities on Facebook. According to the specialist, “since September 2014, the IRGC has intensified review of Facebook pages”. The same report notes that in 2014, the IRGC arrested eight Facebook users who were prosecuted on various (mostly political) charges. (ICHRI, 5 February 2015)

In November 2014, the same source published an article on the “Cyber Army”, a unit within the IRGC that was established in the wake of the 2009 post-election protests that is tasked with “attacking and bringing down any domestic website that engages in activities the authorities perceive as transgressive”. According to a March 2010 statement by General Ali Fazli [currently the deputy commander of the Basij Force], the cyber army consisted of “experts from among Basiji academics, university students, religious seminary students, and Basiji sisters (female Basiji militia members).” However, according to the ICHRI, the cyber army’s “actual structure and makeup are opaque and its lines of authority blurred”. (ICHRI, 11 November 2014)

5.3.1 IRGC Intelligence Organisation (Sazeman hefazat va ettela’at-e sepah-e pasdaran-e enghelab-e eslami (SHE))

The November 2014 Chatham House report contains an overview of the IRGC Intelligence organisation (referred to here as “agency”) and its activities, and its relationship with the MOI:

“The IRGC Intelligence Agency was established after the 2009 presidential election. Previously, the intelligence activities of the IRGC came under the auspices of the so-called Intelligence Deputy of the IRGC. In 2009 this office was elevated to the status of an independent agency, the chief of which was appointed direct by the Supreme Leader. One of the agency’s key priorities is the elimination of the possibility of a repeat of the protests that followed the 2009 election. Thus, the agency carefully monitors not only the activities of Iran’s trade unions, human rights activists, journalists and political dissidents, but also those of reformists and even moderates who were critical of the 2009 electoral

process and its outcome. Because many of these groups and individuals were among those who backed Rouhani in 2013, it would not be an exaggeration to say that one of the main responsibilities of the agency is the control of a great proportion of the president's supporters. The IRGC Intelligence Agency has put many reformers, even including allies and relatives of former president Rafsanjani, under surveillance, and has created dossiers on them. [...]

One of the clear signs of the confrontational approach of the IRGC Intelligence Agency vis-à-vis the Ministry of Intelligence within the Rouhani administration is the critical stance that websites affiliated with the agency take against some of the policies and measures of the ministry. Such outlets are active in publicizing the remarks of hard-line figures opposed to the administration's intelligence policies, essentially accusing the ministry of not being sufficiently determined in countering 'seditionists' and 'enemies of the Islamic Republic'.

The IRGC was in intense competition with the Ministry of Intelligence even under the Ahmadinejad presidency, when successive intelligence ministers (Gholam Hossein Mohseni-Ejei and Heydar Moslehi) were in complete ideological harmony with Ayatollah Khamenei. Under Rouhani, the agency has even more reasons to engage in parallel activities to those of the ministry." (Chatham House, November 2014, pp. 10-11)

The December 2012 report of the LoC includes an historical overview of IRGC's involvement in Iran's intelligence activities:

"The relationship between Supreme Leader Khamenei and IRGC leaders — established in 1980 at the beginning of the Iran-Iraq war when Khamenei was minister of defense — has led to greater IRGC involvement in many aspects of the government. The uncompromising support of the Supreme Leader for the IRGC has turned this organization into the most powerful entity in the Iranian government in several sectors, including the military and economy, as well as in the political arena (for instance, in the current administration, more than half of the ministers are IRGC officers). Consequently, in the intelligence field, the IRGC is highly active as well. The Quds Force (mainly in charge of extraterritorial operations beyond Iran's borders) and IRGC Intelligence are two other effective intelligence organizations of the Islamic Republic of Iran whose work parallels that of MOIS. IRGC Intelligence initially operated as a directorate called the IRGC Intelligence Directorate from the time of the establishment of the IRGC in 1980. After the 2009 presidential election, the IRGC Intelligence Directorate continued its activities in the form of an 'organization' that receives orders from the Supreme Leader of Iran." (LoC, December 2012, pp. 14-15)

The October 2014 IranWire article, the intelligence organisation of the IRGC was established on the orders of the Supreme Leader after the 2009 elections and is currently recognized as the "most powerful intelligence agency in Iran". The article states that from 2011, the organisation started to perform executive functions for the judiciary. The article also notes that there is a long-running "power struggle" between this unit and the MOI. (Iranwire, 17 October 2014)

As noted in the December 2012 report of the Library of Congress (LoC), the IRGC is legally obliged to “comply with the policy” of the Ministry of Intelligence (MOI) with regard to combating domestic “antirevolutionary dissidents”. The same report indicates that the legally defined duties of the IRGC include supplying military intelligence, obtaining the necessary information from the MOI “before carrying out any operation ordered by judicial authorities”, and delivering intelligence to the MOI. (LoC, December 2012, pp. 13-16)

Saeid Golkar, a lecturer in Middle East and North African studies at Northwestern University and currently a visitor fellow of Iran policy at the Chicago Council on Global Affairs, notes in his 2015 book “Captive Society” on the Basij militia that “the intelligence branch of the IRGC's activity has increased dramatically since 2009” and that “[t]he IRGC Intelligence Deputy has been upgraded into a more powerful organization” (Golkar, 2015, p. 90).

In his June 2013 report written for the US think tank Washington Institute for Near East Policy, Golkar gives an overview the heads of the IRGC Intelligence Organisation:

“Since 1983, three of the heads of the IRGC Counterintelligence Organization have been clerics (Hojatoleslam Ali Saidi, Hojatoleslam Gholam Hossein Ramezani, and Hojatoleslam Hossein Taeb), while the others have been IRGC military personnel (Generals Ahmad Vahidi, Muhammad Kazemi, and Morteza Rezaei). The Ministry of Defense Counterintelligence Organization has been led by a similar mix of IRGC officers and clerics (Gen. Hassan Zolghadnia, Gen. Ali Shamshiri, and the aforementioned Hojatoleslam Ramezani), as has the police Counterintelligence Organization (Gen. Muhammad Reza Naghdi, Hojatoleslam Ramezani, and Gen. Muhammad Kazem Moazenyan). Yet all of the counterintelligence chiefs within the various branches of the Artesh have been regular army officers.” (Golkar, June 2013, p. 10)

In its October 2009 report, the Iranian opposition website Rooz stated with reference to media sources that “the IRGC’s intelligence division will be transformed into the ‘Intelligence Organization’ and that “Hossein Taeb had been chosen to head the IRGC’s Intelligence Organization”. (Rooz, 12 October 2009). As noted in the January 2014 CSIS report, Taeb was until then the commander of the Basij force (CSIS, 28 January 2014, p. 145).

Reporters Sans Frontières (RSF) states that the intelligence department of the IRGC “has a detention centre in Evin prison, known as section 2A” where “no laws apply”, adding that “[s]everal former detainees report that solitary confinement and torture are routinely used to obtain confessions” (RSF, 11 March 2014).

As reported by the opposition Kaleme website in December 2013, the IRGC intelligence unit arrested five Facebook activists on charges of “assembly and collusion with the intent of acting against national security” (Kaleme, 5 December 2013).

Referring to the same incident, the Fars news agency (FNA) states that the “cyber activists” were arrested by the intelligence department of the IRGC on charges of “committing cyber crimes and having links to foreigners” (FNA, 3 December 2013).

“Iran has arrested a number of ‘cyber activists with links to foreigners’, conservative Fars News Agency reported on 3 December. The ‘cyber activists’ were arrested by the intelligence department of the Islamic Revolution Guards Corps (IRGC), on charges of ‘committing cyber crimes and having links to foreigners’, the Fars report added. The arrested individuals were ‘working within a complicated security-media network,’ a security official told Fars. This morning, an Iranian technology website called Narenji, which introduces gadgets, reported that a number of its employees had been arrested by the revolutionary guards.” (FNA, 3 December 2013)

5.3.2 *The Basij*

The June 2015 US Department of State (USDOS) country report on human rights practices in 2014 refers to the Basij as “a volunteer paramilitary group with local organizations in cities and towns across the country” which “sometimes acted as an auxiliary law enforcement unit subordinate to Revolutionary Guard ground forces” (USDOS, 25 June 2015, section 1d).

In his 2015 book “Captive Society” on the Basij militia, Saeid Golkar states that [t]he “Organization for the Mobilization of the Oppressed (Sazeman-e Basij-e Mostazafan), [...] is one of the most important mass organizations established after the Islamic Revolution of 1979” (Golkar, 2015, p. 13). As Golkar indicates, “[t]he Organization for the Mobilization of the Oppressed, which directs all Basij forces, is subordinate to the Islamic Revolutionary Guard Corps (IRGC) as part of Iran’s military establishment.” (Golkar, 2015, p. 31). The organisation is “commonly referred to as the Basij” (Golkar, 2015, p. 13).

A 2013 journal article by Afshon Ostovar, a research scientist on strategic studies at the CNA Corporation, a US think tank, gives an overview of the origins and development of the Basij:

“The Basij was established in late 1979 on the orders of Ayatollah Ruhollah Khomeini. Originally named the Basij-e Mostaz’afin, or the Mobilization of the Oppressed, the organization was envisioned to be a popular militia manned by individuals from every sector of society. Like the IRGC, which was established in the early days of the revolution, the Basij was designed to be an ideologically and religiously-driven armed force geared toward the defense of Iran’s revolutionary regime and its theocratic system (velayat-e faqih). Toward this end, the Basij aimed to create a vast force of citizen-militants who were equally faithful to the Supreme Leader’s political and religious authority. The Iran-Iraq war (1980–88) was a defining period for the nascent revolutionary regime and its new armed forces: the Revolutionary Guards and the Basij. During this period, the Basij drew its membership from volunteers who were mostly too young or too old to be considered for standard military service. The recruits often came from the urban and rural poor and were inspired to fight on the front lines by wartime patriotism and religious fervor. Throughout the war, the Basij was a largely untrained and poorly-equipped division. It operated under the command of the IRGC and, through its infamous ‘human-wave’ attacks, regularly attempted to use sheer manpower to break through enemy lines. As a result, the Basij suffered more casualties during the war than any other armed force. The immense personal sacrifices of Iranian soldiers became a focal point in postwar politics. War veterans, particularly those associated with the Basij and IRGC, felt

that they had sacrificed more for the Islamic Republic than any other group and therefore demanded a leading voice in state affairs. As a result, the Iranian government ultimately expanded the domestic roles and activities of the IRGC and the Basij. While the IRGC received lucrative contracts to improve Iran's infrastructure, the Basij was transformed into a broad-based social organization with an expanded presence in schools, factories, guilds, offices, and mosques throughout the country. The organization was also given legal license to police Islamic morals, which gave its members de facto authority over social conduct in public and offered them an entrée into political activism. By the late 1990s, Basij operations — which regularly targeted civilians for offenses such as wearing Western fashions or consuming alcohol — increasingly targeted advocates for political reform and their supporters. These activities and violent episodes, such as the Basij-led crackdown on student protesters in 1999, earned the organization a reputation as a pressure group for hard-line, anti-reform interests. The Basij continued to live up to this reputation by consistently opposing the reformist policies of former president Mohammad Khatami, and through its involvement in the disputed elections of Mahmud Ahmadinejad in 2005 and 2009. Although the Basij has both social and paramilitary functions, its focus has drifted away from military activities over time in favor of an expanded role in pro-regime activism. The Basij formally announced changes to its organizational structure following the 2009 protests, which included a name change — from the Basij Resistance Force (Niru-ye Moqavamat-e Basij) to the Basij Organization (literally: the Organization for the Mobilization of the Oppressed, Sazman-e Basij-e Mostaz'afin) — and plans to increase its sociocultural influence throughout all sectors of Iranian society." (Ostovar, summer 2013, pp. 348-349)

The January 2014 report of the Center for Strategic and International Studies (CSIS) includes details on the organisational structure and activities of the Basij:

"In 1990, Supreme Leader Khamenei ordered the IRGC to incorporate the Basij as its fifth branch, along with the Air Force, Ground Force, Navy, and al Quds Force.

Today, some elements of the Basij are largely an internal security force. They are used to suppress opposition movements and create counter-demonstrations, and they function [...] as a mobilization base for the regime [...]. Broadly speaking, Basij members are organized in two ways. First, they are assigned to one of over 40,000 Basij bases (Paygha-e Basij) throughout Iran; they are then grouped into combat battalions and incorporated with the IRGC's Ground Force. Since the 2009 Presidential elections, they have been further incorporated into the IRGC.

The Basij now have specialized subunits – largely for political control and to enforce the regimes religious restrictions on social behavior – at every level from the school to professions to the mosque. Members include professional cadres and indoctrinators, volunteers, and part timers assigned to a mobilization base. [...]

In addition, since 2007 the Basij have established '30,000 new combat cells, each of them 15-20 members strong, named Karbala and Zolfaqar'. [...] The cells 'cooperate closely' or in emergency situations are 'controlled by' the Revolutionary Guard. [...]

Other elements have long received paramilitary training [...]. Beginning in 2004-2005, these elements began to be used in urban defense exercises, and supposedly were organized into some 2,000 'Ashura battalions' that had 'riot-control responsibilities' and an internal security role, [...]. These were to some extent imitations of the Ashura Brigades that Iran had created for its human wave operations during the Iran-Iraq War.

These forces have since been made part of what Iran calls the IRGC Ground Resistance Force." (CSIS, 28 January 2014, pp. 144-145)

As Walter Posch noted, the armed sections of the Basij were placed under the command of the IRGC in 2007. However, Ali Jafari, the IRGC commander, is limited in his ability to control the Basij forces, since there is a command interposed between him and the Basij forces (as well as the other four branches of the IRGC) that has been installed by the Supreme Leader and answers directly to him. This shows that the power structures are not wholly institutionalized but follow charismatic lines. (Posch, 13 April 2015)

According to an October 2009 report by the pro-reformist Iranian Labour News Agency (ILNA), the chief of the General Command Headquarters of the Armed Forces, Major-General Seyyed Hasan Firuzabadi, announced that the IRGC Ground Resistance Force (Niruy-e Moqavemat-e Zamini-ye Sepah) had been established to channel "the activities and duties of Basij units and the task of organizing them". ILNA quotes Firuzabadi as saying that:

"After two years, we have reached to this conclusion that the structures in the Guards should change and Basij Organization should deal with other issues such as software works [Kar-e Narm Afzari, referring to any issue which is related to intelligence or intellectual affairs], and to deepen Basiji culture in society. By establishing a force called Guards Ground Resistance Force, the activities and duties of Basij units and the task of organizing them will be delivered to the new force in order to carry out the works in a more specialized manner." (ILNA, 11 October 2009)

The January CSIS report notes that US official sources "have confirmed that the IRGC Ground Resistance Force is becoming more active" (CSIS, 28 January 2014, p. 146).

In October 2009, the Iranian opposition website Rooz mentioned that in the framework of the structural changes in the IRGC after the appointment of Jafari in 2007, the Basij force was "placed under the complete control of the IRGC" (Rooz, 12 October 2009).

Alfoneh notes that "the Basij were formally incorporated in the organizational structure of the Revolutionary Guards in 1981". While there was reportedly "significant rivalry between the Basij and the Revolutionary Guards during the Iran-Iraq War" and the "Basij managed to carve out some independence within the IRGC" over the years, "they came under the formal authority of the IRGC commander in 2007 and were incorporated into IRGC ground forces in 2008" (Alfoneh, 2010). As noted by the Council on Foreign Relations (CFR), this "reorganization was aimed at quelling the very unrest that surfaced following the June 2009 presidential election" (CFR, 14 June 2013). The merger of the Basij into the IRGC ground

forces “was only executed in early 2009, strictly before the presidential elections.” (Martonosi, 2012, p. 29)

The CSIS report states that “[t]he current commander of the Basij is [General] Mohammad Reza Naqdi, who replaced Hossein Taeb in October 2009” (who was installed as Basij commander in July 2008) (CSIS, 28 January 2014, p. 145). As noted by Golkar, “Naqdi was the police counterintelligence organization commander during the reform era” and his “appointment as commander of the Basij” has increased the IRGC’s “desire to use the Basiji as informants” in a “soft war” (Golkar, 2015, p. 90).

Golkar’s 2015 book “Captive Society” notes that the Basij are structured in “Basij resistance regions”, “Basij resistance districts” “Basij resistance bases”, providing details on each of these organisational levels:

“Although the Basij resistance regions are technically directed by the Organization for the Mobilization of the Oppressed, they also must abide by the IRGC’s provincial commanders. The IRGC’s provincial brigades are responsible for supporting the Basij resistance regions, logistically and in other ways. These brigades are also responsible for the military training of the Basij and for using the Basij in any security or military operation in their own territories.

The precise number of the Basij regions is an open question. In 2008, there were about 300 Basij regional offices, but this number increased after the political uprisings in 2009. According to Iranian media estimates, there were about a thousand Basij regions throughout Iran in 2013. [...]

Every IRGC Basij resistance region is responsible for directing ten to fifteen Basij resistance districts (hozeh-e moqavamet-e basij). According to the Basij regulations, resistance districts should exist ‘in every part of a city, and have an office for students in every university. There should be one office for high school students and one for the teachers in every district of education.’ According to some reports, there are about 3,500 to 4,000 resistance districts throughout the country. [...] Furthermore, there are separate districts for male and female Basiji; according to a former Basij commander, eight hundred of these districts are for women and the rest are for men.

Each resistance district usually directs ten to fifteen Basij resistance bases, the lowest organizational level of the Basij. The bases exist in mosques, neighborhoods, factories, offices, and schools. Resistance bases are the most visible part of the Basij and, therefore, the most important section of the organization. [...] [O]wing to the large number of mosques in Iran (about 72,000) and the number of universities, faculties, and offices, the figure of 35,000 to 40,000 bases seems reasonable, seeing as most of these places would have at least one base. About 9,000 of these bases are located in villages throughout Iran, while others are spread through the cities and urban areas. Like resistance districts, resistances bases have separate units for males and females. According to the commander of the women’s Basij, 12,000 of all bases are for women and the rest are for

men. Needless to say, that the number of resistance bases has been increasing steadily since the 2009 uprising.” (Golkar, 2015, pp. 31-34)

In his 2015 book, Golkar states that “[a]ccording to new Basij regulations implemented in 2012, its members are classified into five groups: potential, regular, active, cadre, and special”, indicating that “[t]hese categories are based on the training that members undergo, the extent of their cooperation with the Basij, and their level of ideological commitment to the IRI [Islamic Republic of Iran] (Golkar, 2015, p. 47).

As regards the numbers of Basij members, Golkar stated in his 2015 book:

“There are no reliable data on the number of Basij members or the proportion of different membership types. In 1980, Ayatollah Khomeini ordered the Basij to recruit about 20 million members. To reach this goal, the Basij designed a plan to recruit 16 million regular members, 3.7 million active members, and 300,000 special members. Almost thirty years later, in 2008, government statistics put the number of Basiji at 13,639,722. In other words, one in every five Iranians is supposedly a member of the Basij. According to the new chief of the organization, as of 2014 the number of Basij members has increased to 22 million. Nevertheless, these official statistics not only are exaggerated but also contradict other predictions and figures. Moreover, according to the new Basij regulations, every member is only allowed to be in one Basij group at a time. Yet for various reasons, such as old record-keeping, some Basiji are simultaneously members of several different Basij groups. Many scholars are of the opinion that the Basij has many fewer members than the official numbers claim. For example, according to some scholars, the Basij has about 600,000 active members, with the capacity for mobilizing 3 million. Given these contradictory figures, arriving at an accurate estimate is difficult.” (Golkar, 2015, p. 52)

The Congressional Research Service (CRS) indicates that there are “600,000 Basij security/paramilitary forces available for combat or internal security missions” (CSIS, 28 January 2014, p. 18).

Ali Alfoneh also noted in 2010 that there are widely varying accounts on the number of Basij members:

“Estimates of the total number of Basij vary widely. In 2002, the Iranian press reported that the Basij had between 5 million to 7 million members, although IRGC commander Gen. Yahya Rahim Safavi claimed the unit had 10 million members. By 2009, IRGC Human Resource chief Masoud Mousavi claimed to have 11.2 million Basij members - just over one-half the number originally called for by Khomeini. But a 2005 study by the Center for Strategic and International Studies, a Washington think-tank, put the number of full-time, uniformed, and active members at 90,000, with another 300,000 reservists and some 1 million that could be mobilized when necessary. Persian language open-source material does not provide any information about what percentage of the force is full time, reservists or paid members of the organization. Members include women as well as men, old as well as young. During the Iran-Iraq War, Basij volunteers were as young as 12 years

old, with some of the older members over 60 years old. Most today are believed to be between high school age and the mid-30s. The perks can include university spots, access to government jobs and preferential treatment.” (Alfoneh, 2010)

The CSIS report states that the regime “increasingly uses the Basij to try to mobilize its youth” and that “[t]he Basij also play a growing role in Iran’s economy”, noting that “the IRGC and Basij control over the economy continued to grow” after Ahmadinejad’s election in 2005 (CSIS, 28 January 2014, 146-147).

Golkar’s June 2013 report notes that “[t]oday, the Basij has more than twenty branches” through which the Basij are active in a wide variety of educational, socio-cultural and professional domains (Golkar, June 2013, p. 4). The same author’s 2015 book notes that “[e]ach Basij branch is responsible for controlling its own social group, and ultimately for confronting that group if it steps out of line (Golkar, 2015, p. 104). Golkar’s June 2013 report provides a detailed overview of different branches. The Pupils Basij Organization, the Teachers Basij Organization, the Students Basij Organization and the Scientific Basij Organization are described as follows:

“Today, the Basij has more than twenty branches. One of the most important is the Pupils Basij Organization (PBO or Sazman-e Basij-e Danesh amouzi). Established to organize students into a pro-regime body, the PBO consists of three groups: primary-school children (Omidan, or ‘The Hopeful’), middle-school students (Puyandegan, or ‘Seekers’), and high-school students (Pishgaman, or ‘Pioneers’). According to government statistics, it had 4,800,000 members as of 2010, organized into 708 local ‘resistance bureaus’ (Hozeh) and 54,000 individual offices in middle and high schools across the country. In addition, PBO chief Gen. Mohammad Saleh Jokar stated that another 6,000 or more offices would be established in primary schools to organize students between seven and twelve years old.

In 2002, the regime created new branches to bring teachers and trainers in the general education system under the Basij umbrella. One was the Teachers Basij Organization (CBO or Sazman-e Basij-e Farhangian), which by 2010 encompassed more than 350,000 of the Ministry of Education and Training’s 1,800,000 personnel. That same year, a news outlet reported that 60 percent of teachers and other general education employees in Tehran were CBO members.

The regime also created two branches in higher education to organize students and professors: the Students Basij Organization (SBO or Sazman-e Basij-e Danesh joui) and Lecturers Basij Organization (LBO or Sazman-e Basij-e Asatid). By 2007, the SBO had established more than 2,700 bureaus at 700 colleges and universities; three years later, 700,000 of Iran’s 3,200,000 university students were SBO members, according to the organization’s head. Meanwhile, Mahmoud Ahmadinejad’s victory in the 2005 presidential election, coupled with the SBO’s success in controlling universities, convinced the regime to direct massive support toward the LBO’s expansion. By 2007, approximately 25 percent of Iranian lecturers were members, according to the organization’s chief. The LBO has more than 350 clubs throughout the country, and this

number is increasing dramatically because of regime sponsorship. The majority of LBO core members come from Imam Hossein Comprehensive University (IHCU), known informally as 'IRGC University'; for example, most LBO chiefs have been IRGC generals and IHCU faculty members, as is the organization's current deputy for study and analysis, Hashemi Nasab.

In addition, the Scientific Basij Organization (Sazman-e Basij-e Elmi, Pazhouheshi, va Fanavari) was established in 2008 to mobilize elites who were not involved in universities or research institutes but were active in scientific fields as independent inventors, innovators, or in other roles. In 2010, the group's chief claimed that approximately 3,000 of the country's 7,000 recognized scientific elites were members." (Golkar, June 2013, pp. 4-5)

Golkar goes on to describe the Clergies and Islamic Students Basij Organization and the Maddah Basij Organization:

"Similar to the LBO, the Clergies and Islamic Students Basij Organization (CISBO or Sazman-e Basij-e Tollab) was split from the SBO in 2000 by Khamenei's order. Its main aim is to train a new generation of young clergy members who are completely obedient to the Supreme Leader. CISBO was placed under the control of the '83 Imam Sadeq Brigade' (Teip-e Mostaqel-e 83 Imam Sadeq), a paramilitary group responsible for recruiting and organizing clergy, suppressing non-loyalist clerics, and instilling fear in the seminaries at Qom and Mashhad. There are no precise statistics regarding CISBO's membership, but in 2012, its former chief claimed that more than 65 percent of clerics had joined, and that the group had established one regional center, fifty-two local bureaus (Hozeh), and 789 'resistance offices' (Payegah) in Islamic schools throughout Iran. Altogether, CISBO had allegedly recruited more than 10,000 clerics and religious students.

In addition to organizing the clergy, the regime has sought to include religious singers (Maddah) under the Basij umbrella, establishing the Maddah Basij Organization (Sazman-e Basij-e Maddahan) in 2008. As one Basij commander put it, every militia unit had at least one cleric, so they should be given Maddah as well in order to increase jihadist fervor within the ranks. To achieve this, the group held a training session for 4,000 male and female applicants shortly after its creation. By February 2013, its chief claimed that approximately 20,000 Maddah had been assembled and trained throughout Iran. The regime has encouraged this growth as a means of controlling the large cadre of hardliners among the Maddah." (Golkar, June 2013, p. 5)

Golkar also mentions the Women's Society Basij Organization:

"Tehran has also established a special gender-specific Basij organization for women. Although women have had parallel branches in various sectors since 1988, it was not until 2005 that the Basij created an overarching organization to integrate and mobilize women in support of regime objectives.

Originally the Sisters Basij Organization, the group was renamed the Women's Society Basij Organization (WSBO or Sazman-e Basij-e Jameh-e Zanan) in 2009 to expand its area of activities and include women of any age. In 2010, the group's chief claimed that more than 5,000,000 women had joined, distributed among more than 10,000 offices throughout the country. Because a WSBO member can come from any occupation, there are overlaps in membership for female Basij members." (Golkar, June 2013, pp. 5-6)

Finally, Golkar elaborates on the Employees Basij Organization, the Workers Basij Organization, the Guilds Basij Organization, and additional groups for each profession, including the Artists Basij Organization, the Lawyers Basij Organization and the Media Basij Organization:

"Branches were established for workers as well. The Employees Basij Organization (Sazman-e Basij-e Karmandan) was tasked with recruiting more than one million government employees, while the Workers Basij Organization (Sazman-e Basij-e Kargaran) targeted regime supporters in other workplaces. Initially, the WBO aimed to recruit more than 7,500,000 workers, but as of 2010, it had only managed to organize around 5 percent of them in 100 offices nationwide, despite its chief's emphasis on the important role workers played in the 1979 revolution.

The regime has also sought to include merchants (bazaari) under the Basij umbrella given their role in the economy and their influence on internal politics. As of 2009, the Guilds (or Asnaf) Basij Organization (GBO) had established 13 bureaus and 130 local branches, according to group leader Gen. Majid Mashayekhi. Each of these bureaus represents two or three different guilds. For example, the eleventh bureau, with ten branches and 4,200 members, is responsible for real-estate professionals, paint sellers, and stonecutters.

In addition, Basij groups have been established for each profession. For example, the Medical Society Basij Organization (MSBO or Sazman-e Basij-e Pezeshki) is for physicians, surgeons, dentists, pharmacists, nurses, radiology technicians, and so forth. Established in 1995–1996, it was reorganized in 2000 to form a network of pro-regime professionals; the group's chief claimed a membership of more than 120,000 as of 2012. [...]

The Artists Basij Organization (ABO) (Sazman-e Basij-e Honarmandan) is one of the newest branches, created in 2005 to organize pro-regime artists. Anyone who works in the arts can join; the group's chief, Hossein Qanadian, claimed that membership increased from 6,000 in 2008 to 23,000 in 2010, then to 200,000 by late 2012, representing fourteen fields of art and organized into 400 centers throughout Iran. The ABO was established following the Supreme Leader's insistence that a cultural war had been launched against the Islamic Republic. Accordingly, the group's most important duty is to confront covert cultural threats to the regime.

Newer still is the Lawyers Basij Organization (LBO or Sazman-e Basij-e Hoquouqdanan), created in 2008 to consolidate the regime's power among independent lawyers, supplement its control over the judiciary, and highlight its will to fully penetrate all sectors of society through the Basij. According to LBO chief Hojatoleslam Jalil Mohabi, the organization has enrolled about 14,000 lawyers since its creation.

Another branch that appeared in 2008 is the Media Basij Organization (MBO or Sazman-e Basije Resaneh), established to incorporate journalists nationwide. Given the importance of information control, the MBO seeks to recruit and mobilize journalists in order to bolster the regime and control media outlets, especially news agencies, newspapers, and magazines.” (Golkar, June 2013, p. 6)

Golkar’s 2015 book notes that the Basij force is actively engaged in security and intelligence gathering activities. The role of Basij intelligence networks is described as follows:

“The Basij’s aim is to defend the Islamic Republic of Iran (IRI) in any situation. To achieve this goal, the Basij has launched a serious intelligence-gathering mission. In this context, the Basij acts as the eyes and ears of the IRI by monitoring citizens’ activities and whereabouts, gathering intelligence, and keeping files on political and social activists. [...]

The Basij’s engagement in security missions and intelligence gathering also increased under the new hard-liner government after 2005. According to new strategies designed by the IRGC’s Strategic Studies Center, the Basij entered into the urban intelligence scene, and individual Basiji were encouraged to act as informants. [...]

In addition to this change, the Basij established a new series of specific intelligence networks, called the Ayon (eyes) and Ashraf (surveillance) networks, and organized many of its members within them. Ayon network members became responsible for confronting crimes-including gang, security, social, economic, and cultural crimes - by identifying potential criminals and ‘unclean’ (alodeh) places in each neighborhood. [...] Alongside the Ayon networks, the Basij have implemented ‘intelligence surveillance’ networks (ashraf etlaati). Members of the Ashraf networks are in charge of assessing and evaluating potential social and cultural threats in their geographical districts. [...]

Following the 2009 popular uprising known as the Green Movement, the Basij increased its intelligence presence in order to advance the state’s invisible control over opponents and rebellions. The Basij intelligence stepped up its patrolling program in the spring of 2009 to better monitor people in urban areas.” (Golkar, 2015, pp. 87-90)

The Basij militia’s role as an internal security force is summarized as follows:

“The Basij has acted as an internal security force since 1990 in order to keep the IRI [Islamic Republic of Iran] regime safe. To accomplish this goal the Basij has trained and organized some of its members into security battalions. They are the most important forces that the IRI possesses to confront social movement and suppress civil riots. Moreover, the Basij is responsible for helping other security establishments to protect the ruling elite and sensitive buildings and places. The increasing presence of the Basij in every corner of society and the expansion of its membership have meant that it has become one of the main security organizations controlling Iranian society.” (Golkar, 2015, p. 104)

According to Ali Alfoneh, currently a senior fellow at the Foundation for Defense of Democracies (FDD), there are three main armed wings of the Basij, namely the Ashura and Al-Zahra Brigades, which are the security and military branch and are tasked with “defending the neighborhoods in case of emergencies”, the Imam Hossein Brigades, which consist of Basij war veterans and cooperate closely with the IRGC ground forces, and the Imam Ali Brigades which deal with security threats. (Alfoneh, 2010)

As 2012 journal article by Péter Martonosi of the National University of Public Service in Budapest states with regard to the armed wings of the Basij:

“In 1993 the Ashura and Al-Zahra battalions of the Basij has been created. These Basij units form the backbone of the organization. There are approximately 2,500 of these battalions, each 300–350 strong, trained and equipped only with assault rifles (AK-47s and ‘AK-clones’). [...] The Ashura battalions consist only males, while the Al-Zahras are only female battalions.” (Martonosi, 2012, p. 34)

As noted by Posch, many Basij seek to join the police and regular armed forces, primarily for material gain, rather than for ideological reasons. However, they are not well-respected in the regular army where their combat skills are regarded as insufficient. (Posch, 13 April 2015)

Referring to several senior IRGC members including IRGC commander Mohammad Ali Jafari, the Payvand news agency reported in February 2013 on the role of various Basij brigades, (notably the Imam Hossein brigades) and the IRGC ground forces in internal security operations:

“While inspecting para-military Basij and Guard forces in the province of Kerman, Mohammad Ali Jaafari, the commander of the IRGC said, ‘The defense strategy of the Guards is comprehensive and complete. We have identified all the policies and strategies of the enemy and have drawn up defense plans for them. Our power on the ground, air and water is sufficient for all threats.’

Jaafari announced that the Basij and Guard forces were now present in ‘all populated areas’ [...].

‘Our ground units today are completely connected in depth and organization with Basij militia, Imam Hossein brigades are set up in ‘all populated areas’ to raise their battle and defense readiness and are prepared for combat and defense missions. They constitute hundreds of battle foot brigades created for ground defense missions,’ he continued. ‘The Guards’ professional ground units have completed the Basij combat units for a ground war. Still, we will not stop at the current levels,’ he said.

This readiness and connectivity between the Basij and the Guards is announced after last year’s joint exercises in a region called ‘the resistance village’ on IRGC lands. A new command called Imam Hadi has been created to coordinate the command of these forces which are led by IRGC general Ali Fazli, who also holds the post of deputy Basij commander. These units played a key role in the 2009 crackdown of protestors and demonstrations following the disputed presidential election. [...]

The various military and security Basij brigades that operate under the Ashoora, al-Zahra, Imam Hossein, Karbala, Zolfaqar and more recently the Beyt al-Moghadas units have been tasked with dealing with city riots as the country's economic crisis deepens. These latest statements indicate that Guard leaders may be rounding these brigades under a central command.

Prior to this, Abdollah Araghi, the former IRGC commander of Tehran's Rasool Allah force which was active in the 2009 crackdown of protestors, had said, 'The Basij militiamen are pulled into the Basij force with emphasis on military activities. They will be organized under the Ashoora, al-Zahra, Karbala, Zolfaqar and Imam Hossein brigades.'

The deputy commander of IRGC's ground forces also indicated the specialty of the Imam Hossein brigade to be security focused. 'The best trained Basij forces that have a military attitude have been identified and will be used in the Imam Hossein brigades to be used when necessary,' he said." (Payvand, 12 February 2013)

An April 2009 report on a fact-finding mission to Iran conducted in summer 2008, published by the non-governmental Danish Refugee Council (DRC) and the governmental Danish Immigration Service (DIS), mentions that "the Basij are also an authority able to carry out arrests [...] without presenting any form of identification, while wearing plain clothes" (DIS/DRC, April 2009, p. 10). The report also describes in detail the practices of the Basij in their function as "morality police" in Tehran, e.g. when enforcing dress codes of women (see DIS/DRC, April 2009, pp. 22-23).

5.3.3 Qods/Quds Force (niru-ye Qods, sepāh-e Qods)

An overview of the Quds Force can be found in the January 2014 report of the Center for Strategic and International Studies (CSIS):

"The Al Quds Force is a branch of the IRGC that is assigned to special operations and unconventional warfare, which gives it priority in terms of funding, training, and equipment. It plays a major role in giving Iran the ability to conduct unconventional warfare overseas using various foreign movements as proxies and is thought to be composed of 5-15,000 men.

In January 2007, Iran's Supreme National Security Council (SNSC) decided to place all Iranian operations in Iraq under the command of the Al Quds Force. At the same time, the SNSC decided to increase the personnel strength of the Al Quds Force to 15,000. Exact force details are unknown, but reports indicate that hundreds of Al Quds Force personnel took part in Iranian operations in Iraq between 2003 and 2011.

The Al Quds Force is under the command of Brigadier General Qassem Soleimani and has supported non-state actors in many foreign countries. These include Hezbollah in Lebanon, Hamas and the Palestinian Islamic Jihad in the Gaza Strip and West Bank, Shi'ite militias in Iraq, and Shi'ites in Afghanistan." (CSIS, 28 January 2014, p. 148)

In a 2014 research paper, Walter Posch points out that it is difficult to find reliable information about the Qods Force, whose historical origins and development are as of yet

unknown. The author thus assumes that they derive their mandate from the Iranian Constitution and the statutes of the IRGC and act on the orders of the Supreme Leader. There is no information about service regulations that were specially written for the Qods Force, although this does not necessarily mean that such documents do not exist. (Posch, 2014)

The January 2014 CSIS report notes that the Quds Force “[h]as offices or ‘sections’ in many Iranian embassies” and “[r]elies on non-governmental organizations, religious and cultural foundations, and a wide and expanding network of companies in support of Qods Force operations” (CSIS, 28 January 2014, p. 152).

A June 2014 article of the British Guardian newspaper notes with regard to the functions of the Quds Force:

“Estimated to be several thousand strong, the Quds force carries out a range of highly sensitive functions: intelligence, special operations, arms smuggling and political action – anything that constitutes protecting the revolution or attacking its enemies, Israel foremost among them.” (Guardian, 16 June 2014)

As noted by December 2012 report of the Library of Congress (LoC) refers to the Quds Force as the IRGC’s “external operational wing”, noting that it apparently “operates as an external intelligence arm of Iran”:

“The Quds Force works closely with MOIS. In fact, it appears that the Quds Force operates as an external intelligence arm of Iran, whereas MOIS focuses more on internal affairs. [...] [T]he IRGC and its external operational wing, the Quds Force, are required to report their activities to MOIS as the highest intelligence authority in the Islamic Republic of Iran. In return, MOIS provides logistical support and handles the communications aspect of operations involving Quds Force operatives and foreign organizations that work with the Quds Force, such as Hezbollah.” (LoC, December 2012, p. 13)

In September 2008, Reza Molavi and Mohammad M. Hedayati-Kakhki, scholars at Durham University (United Kingdom), prepared a report for the UK Advisory Panel on Country Information (APCI) evaluating the UK Home Office’s Country of Origin Information Report on Iran. The evaluation report contains some details on the structure of the Quds force:

“The active elements of the Quds service operate primarily outside Iran’s borders, although it has bases inside and outside of Iran. The Quds troops are divided into specific groups or ‘corps’ for each country or area in which they operate. There are Directorates for Iraq; Lebanon, Palestine, and Jordan; Afghanistan, Pakistan, and India; Turkey and the Arabian Peninsula; Asian countries of the former Soviet Union, Western nations (Europe and North America), and North Africa (Egypt, Tunisia, Algeria, Sudan, and Morocco). The Quds has offices or ‘sections’ in many Iranian embassies, which are closed to most embassy staff. It is not clear whether these are integrated with Iranian intelligence operations or if the ambassador in each embassy has control of, or detailed knowledge of, operations by the Quds staff. However, there are indications that most operations are coordinated between the IRGC and offices within the Iranian Foreign Ministry and MOIS. There are separate operational organizations in Lebanon, Turkey, Pakistan, and several

North African countries. There are also indications that such elements may have participated in the bombings of the Israeli Embassy in Argentina in 1992 and the Jewish Community Center in Buenos Aires in 1994 - although Iran has strongly denied any involvement." (Molavi/Hedayati-Kakhki, 23 September 2008, p. 9)

5.4 Islamic Republic of Iran Army (Artesh)

Most sources refer to the Islamic Republic of Iran Army (Artesh) as the "regular army", the "regular armed forces" or the "regular military". The term "armed forces" is usually used as an umbrella term that encompasses both the regular army and the Iran's Islamic Revolutionary Guard Corps (IRGC).

According to Article 143 of the Iranian Constitution, "[t]he Army of the Islamic Republic of Iran shall be responsible for safeguarding the independence, territorial integrity and the Islamic republican system of the country" (Constitution of the Islamic Republic of Iran, 1989, Article 143). Article 144 stipulates that the army "shall be an Islamic Army, which is ideological and peoples army and which shall recruit competent individuals faithful to the objectives of the Islamic Revolution and ready to make sacrifices for attaining the same" (Constitution of the Islamic Republic of Iran, 1989, Article 144).

The Congressional Research Service (CRS) states in its May 2015 report:

"Under the constitution, the Supreme Leader is Commander-in-Chief of the armed forces, giving him the power to appoint commanders." (CRS, 19 May 2015, p. 2)

"The IRGC and the regular military (Artesh) — the national army that existed under the former Shah of Iran — report to a joint headquarters, headed by Dr. Hassan Firuzabadi. The Artesh is deployed mainly at bases outside major cities and its leaders have publicly asserted that the regular military does not have a mandate to suppress public demonstrations and will not do so." (CRS, 19 May 2015, p. 29)

François Géré, a French historian specialised in geostrategic issues, stated in a February 2012 article published in the *Le Monde* newspaper that the Iranian armed forces are composed of two distinct groups: 1) the regular army, which is important in size but badly equipped, and 2) the Islamic Revolutionary Guard Corps (IRGC). The regular armed forces include the army (350,000 including 220,000 conscripts), the air force (52,000), the navy (23,000) and the air defence forces. (*Le Monde*, 21 February 2012)

Anthony H. Cordesman, analyst at the Center for Strategic and International Studies, mentioned in 2010 that the size of the regular army was 350,000. The regular navy had a strength of 18,000, and the regular air force is estimated to have a strength of 25,000-35,000. (Cordesman, 2010, p. 66)

In November 2011, Kenneth Katzman, a senior researcher with the Congressional Research Service (CRS), published the following overview of the role of the regular armed forces in the security framework of the Islamic Republic:

“Iran’s regular military, the Artesh, receives virtually no attention from international media or scholars on Iran. By contrast, its political rival, the Islamic Revolutionary Guard Corps (IRGC, also known in Persian as the Pasdaran), is scrutinized constantly by analysts for its visible, high-profile role in Iran’s political system, its economic resources and corporate activities, and its role as a spearhead of Iran’s regional policies.

This imbalance in relative importance persists even though the Artesh fields more men under arms than does the IRGC (350,000 Artesh soldiers versus about 125,000 IRGC), and even though the Artesh still controls the preponderance of heavy ground armor (tanks, etc.) that Iran possesses. [...]

This contradiction is, to some extent, justified. The Artesh is avowedly apolitical. It is a national institution, created and maintained to defend the nation against external threats. Unlike the IRGC, it is not a revolutionary institution and does not interpret its mission as defending the Islamic regime that came to power in 1979. Artesh leaders repeatedly assert that they are loyal to whatever regime is in power at the time.” (CRS, 15 November 2011)

As pointed out by Posch, the regular armed forces cannot be used for security-related tasks within Iran. For this reason, the regime did not use military force to quell the 2009 post-election but relied on non-military units merely equipped with batons. In fact, there are no large army units stationed near Tehran. (Posch, 13 April 2015)

Katzman states that in the context of protests led by the Green Movement, media sources indicated in 2009 and 2010 that the regime might not only rely as it did on the IRGC and its Basij militia and the LEF to suppress demonstrations, but “also ask the Artesh to intervene against demonstrators”. But this prospect turned out to be a misconception in December 2009 when “[c]ommanders of several units of the regular military, including army aviation, the regular Air Force, and various training colleges of the Artesh, reportedly released a letter criticizing the IRGC and the Basij for using force to suppress demonstrations and threatening to intervene against those forces if their abuses continued”. However, Katzman notes that the regular army has never carried out “its purported threat to intervene to protect demonstrators”. According to Katzman, this could be interpreted as “a clear statement that it would not, if called on, help the IRGC, Basij, and LEF suppress demonstrations”. On the other hand, it could be argued that “the Artesh threat [to intervene against the IRGC, Basij etc.] was never realistic, in large part because the Artesh are located in garrisons outside major cities, and its ability to partake in urban political events is limited.” (CRS, 15 November 2011)

In a May 2015 e-mail response, Ali Vaez, senior analyst on Iran at the International Crisis Group (ICG), wrote that to his knowledge, there have only been “sporadic confrontations” between border guards of the regular armed forces and armed insurgents, while “the majority of fighting has occurred between the latter and the IRGC” (Vaez, 7 May 2015).

In his 2004 paper on Iran’s security sector, Wilfried Buchta outlines the history of the army in the aftermath of the 1979 Islamic Revolution in Iran and elaborates on its relations with the IRGC:

“After Khomeini ascended to power, the formal structure of the army, although it had been built up and indoctrinated by the Shah, remained almost intact. But while most of its generals were dismissed, the regime carried out succeeding purges in the ranks of its officers. [...] The younger and low-ranking officers took over the command of the army, and those with a background of religious and revolutionary militancy were appointed to strategic posts. In addition to that, the regime created the Politico-Ideological Bureau (PIB) with branches in all sections of the army. The Bureau’s offices are supervised by clerical figures and they have the task ensuring that the military conforms with the Islamic ideology as well as carrying out the Islamic indoctrination of the officers corps. These Bureaus control the conduct of officers in co-operation with the Counter-Intelligence Unit, otherwise known as the Second Bureau of the Army.

The history of relations between the regular army and the IRGC is characterized by mutual suspicion and rivalry. As the clerical leadership of 1979 mistrusted the army as a potential counter-revolutionary force and therefore created the IRGC and the Basij as the main pillars of armed support for the new revolutionary system, it placed the regular military at a disadvantage in relation to the IRGC. It took more than fifteen years of steady ‘Islamisation’ and indoctrination until the top politicians gradually overcame their mistrust of the army, which nowadays is not regarded a serious threat to the ideological system. To the contrary, having exposed to numerous purges in its officer corps, the regular military as a professional army remains loyal to the current political leadership and appears neither ready nor willing to intervene in the internal power struggles of the clergy.” (Buchta, 2004, pp. 7-8)

In the chapter on national security of the Iran country study edited by Glenn E. Curtis and Eric Hooglund and published by the Federal Research Division of the Library of Congress in 2008, Jalil Roshandel, associate professor of political science at East Carolina University, describes the relationship between the regular armed forces and the IRGC:

“As a separate and parallel organization that eventually developed its own air and naval divisions, the IRGC became a rival of the regular armed forces. In 1989 this anomaly was resolved with the merger of all the military forces under a single command. A new position was created for the officer who would lead the combined forces: chief of staff of the armed forces and commander of the Gendarmerie (rural police). The influence of the IRGC on this joint structure is reflected in the fact that through the end of 2007 every person holding the position of armed forces chief of staff has been a senior IRGC officer.” (Curtis/Hooglund, 2008, p. 261)

“In 1989 the IRGC and the professional armed forces were amalgamated under the Ministry of Defense and Armed Forces Logistics (MODAFL). This measure dissolved the separate ministry that had run the IRGC, placing its command structures within the new MODAFL. The creation of the MODAFL allowed the regime to minimize potential threats from the revolutionary IRGC. Also, the assignment of ranks was a first step in professionalizing the IRGC, with the ultimate goal of further unifying the armed forces under a comprehensive defense umbrella. In further reforms, the Rafsanjani regime expanded the Joint Chiefs of Staff and created the General Command of the Armed

Forces Joint Staffs. These changes strengthened the institution of the Joint Staff Office. Although resentment between the IRGC and the regular army still existed in the early 2000s, the Rafsanjani reforms resulted in more cooperation between the two forces.” (Curtis/Hooglund, 2008, p. 262)

5.5 Ansar-e-Hezbollah

In an overview last updated in July 2011, the Global Security website refers to Ansar-e Hezbollah as a “semi-official, paramilitary organization” which has worked to maintain the “conservative Islamic status quo” in the country. The group has cells in various places in Iran. The history of Ansar-e Hezbollah is outlined as follows:

“This clandestine organization took its formal name in 1992. However, its origins dated back to the street gangs of the urban poor, called ‘Hezbollah’ (Party of God), organized by various forces in the Islamic Republic regime during the revolution of 1979. Members of these groups were referred to as hezbollahi. Most of the members of Ansar-i Hizbullah either belonged to the Basij militia or were veterans of the Iran-Iraq War (1980-1988) who believed that they had to continue fighting for the integrity of Islam. One of the founding members was Massoud Dehnamaki. [...]

The Iranian government had chosen to tacitly support groups like Ansar-i Hizbullah because they aim to maintain the conservative status quo in Iran. They were thought to be financed and partially controlled by various conservative high level religious leaders within the government, such as Ayatollah Khomeini, to whom they pledge their loyalty, and Ayatollah Mesbah-Yazdi.” (Global Security, 28 July 2011)

As noted by Walter Posch in a March 2014 research paper, “Hezbollah” or “Hezbollahis” are known in Iran as loosely organised radical forces that are active across the country and whose influence on the Iranian politics should not be underestimated, although very little is known about most such groups. In fact, the radical militia Ansar-e Hezbollah is the only group which has become better documented in recent years. Alongside the so-called “value-centered” groups (arzeshiha), these groups and individuals see themselves as being part of a “Community of the Party of God” (ommat-e Hezbollahi). In a sect-like manner, these radical forces view themselves as the “true” Muslims - as opposed to the “lukewarm” and “weak” (i.e. “un-islamic”) majority of the population - who are authorized, by virtue of their higher morality, to improve society though implementing Islamic customs and virtues on their own accord. (Posch, March 2014)

In an April 2015 interview, Walter Posch gave an overview of the history of Ansar-e Hezbollah and its relationship with the formal state security apparatus:

“Ansar-e Hezbollah is a radical group founded in 1992. They come from the tradition of Fedayane-Eslam (a terror group active in 1940s and 50s) but no longer have any direct links to them. However, they are ideologically linked to them and are against liberalization under Rafsanjani. But they are co-responsible for the chain murders that occurred under Khatami. They are closely linked to senior officers of the IRGC, especially General Allah-Karam who was their commander for many years; the movement still

engages in underground activity and its structure remains loose. The politically most important group is believed to be based in Tabriz and the strongest is based in Tehran. But this group's radical base must also be seen as part of a social movement. In many of their writings, they refer to the radical Nabab Safavi rather than to Khomeini. Many political aspects of the Islamic Republic are linked to the fact that this group is too strong to be subdued (that would be too expensive and too bloody). So the state is trying to contain them. Though it is not impossible to control this group, doing so would be complicated as they are not part of a chain of command. Some hope that a large number of them will be absorbed in the Basij. Ansar-e Hezbollah has not really decided yet whether they want to become a party or remain a secret society. But they are politically important and Ahmadinejad collaborated with them for a while." (Posch, 13 April 2015)

Asharq al-Awsat, an Arabic international newspaper headquartered in London that has strong links to the Saudi royal family, noted in a September 2014 article:

"Ansar e-Hezbollah is a radical Shi'ite movement that serves the most ideologically extreme segments of the clerical establishment by exerting pressure — and at times even resorting to physical violence — against liberals and perceived domestic enemies of the Islamic Republic. Ansar e-Hezbollah became notorious during the 1990s when its members were accused of attacking cinemas and burning bookstores distributing films and books that had been approved by government censors but which the organization considered inappropriate. The group, which first appeared during the term of pragmatist president Akbar Hashemi Rafsanjani, continued its activities under reformist Mohammad Khatami, but subsequently became largely dormant under arch-conservative President Mahmoud Ahmadinejad. Its re-emergence under Rouhani is a clear sign of the growing tensions between the radical faction and moderates." (Asharq al-Awsat, 12 September 2014)

As noted by the International Campaign for Human Rights in Iran (ICHR) in a February 2015 press release, Ansar-e Hezbollah (or Nation of Hezbollah) is "semi-official" in the sense that it is "protected by senior officials and clerics", while it is "not formally part of the state apparatus". The group has for a long time played a leading role in the movement for rigid enforcement of "strictly conservative notions of Islamic female piety". The group's past and current activities are summarized as follows:

"[Ansar-e Hezbollah] has a history of violent enforcement of hardline ideological predilections, especially against peaceful protesters (as in the 1999 student protests and the 2009 post-presidential election protests) and against women whom it considers to be in violation of Islamic female dress codes. After Rouhani's election, there were fears that they would reappear, just as they had during the (1997-2005) era known as the reformist period under then-President Khatami, when hardliners felt they had to re-assert themselves.

Early in 2014, prior to the onset of these legislative initiatives [the Plan to Promote Virtue and Prevent Vice] and public statements, Ya Lesarat, the official Ansar-e Hezbollah publication, issued a statement in April that indicated the group was gearing up to re-assert conservative values [...]. A few days later, on April 29, Mojtaba Rahmandoust, the

MP who drafted the Promotion of Virtue bill, delivered a speech during a weekly Ansar-e Hezbollah meeting, that reflected the group's role in pushing forward legislation on the issue.) [...]

Indicating growing public confidence, Ansar-e Hezbollah sent its forces onto the streets, to Fatemi Square in Tehran, on May 7, 2014, in the group's first demonstration against women's alleged non-conformity with hijab. The protesters did not have a permit, a requirement in practice in Iran, but it was held nonetheless. [...]

On July 3, 2014, Ansar-e Hezbollah reported that it had begun taking action. [...] After the announcement, Ansar-e Hezbollah's motorcycle patrol units were heavily reported on in the Iranian press. Ministry of Interior officials, who report directly to Rouhani, warned that the group must apply for legal permits before taking any action, but Ansar-e Hezbollah replied that they 'see no reason to apply for a permit (from the Ministry of Interior) for the possibility of engaging in promoting virtue and preventing vice.' The group added, 'Our dear brothers in the police forces have been informed and we will continue to cooperate with them.' On June 24, 2014, even as Interior Ministry officials demanded that these groups stop their lawless actions, Hezbollah's operational commander was quoted on the group's website stating that the motorcycle patrols would continue." (ICHRI, 23 February 2015)

The ICHRI further emphasises the sameness of the (unofficial) Ansar-e Hezbollah and the (official) Basij militias, given that the membership base of the two organisations is "largely" identical, and that "Ansar-e Hezbollah is controlled by former and current Basij members". The source goes on to say:

"The explicit designation of the Basij as the enforcers of the Plan to Promote Virtue is testament to the role of Ansar-e Hezbollah. It is critical to understand that Ansar-e Hezbollah and the Basij militias are, for all intents and purposes, the same. Ansar-e Hezbollah may be unofficial, and the Basij the official paramilitary force of the Revolutionary Guards, but the members of the two groups are largely the same, and Ansar-e Hezbollah is controlled by former and current Basij members. Thus the Promotion of Virtue Plan's designation of the Basij as the principal enforcers of the Plan not only ensured implementation of Ansar-e Hezbollah's policies, it also ensured that their own members, through the Basij militia, would be the officially legitimized and state-sanctioned vehicles of enforcement." (ICHRI, 23 February 2015)

An October 2014 Al-Monitor article reports with reference to popular protests that broke out in Esfahan and Tehran in response to a several acid attacks on women:

"Some at these protests blamed the authorities for not protecting women from violence and supporting legislation that offers legal protection to vigilante 'vice groups' engaged in the Islamic teaching of 'enjoining good and forbidding wrong.' These vice groups, often organized around Ansar-e Hezbollah, have threatened that if the administration does not take action to enforce hijab laws, they will take to the streets and enforce it themselves, despite hijab-law enforcement falling under the jurisdiction of the police and not the administration. Iranian authorities have claimed that Ansar-e Hezbollah or other vice

groups were not involved in the attacks, and a number of officials have suggested the violence was the work of ‘anti-social’ individuals. [...]

The Ansar-e Hezbollah website Yalarasat alHussein claimed that the protests in response to the acid attacks ‘proved that the protesters do not have concerns for society, but rather seek to challenge Islamic laws and constitutional laws.’ The article stated that some of the chants and posters in front of the parliament building in Tehran questioned Iran’s hijab laws and the proposed law to protect vice groups. It condemned any connection between the violence and these laws, and quoted officials as equating connecting the two with ‘inciting public opinion.’” (Al-Monitor, 24 October 2014)

5.6 Ministry of Culture and Islamic Guidance (Ershad)

As noted by Walter Posch, the Ministry of Guidance is in charge of all matters relating to culture. Cultural matters are of great significance to the Iranian regime as they are seen as part of the ideological fight (Posch, 13 April 2015).

The website of the Ministry of Culture and Islamic Guidance (Ershad) describes the ministry’s responsibilities as including the following:

- 1- promotion and enhancing values of the Islamic Revolution based on the school of thought and political outlook of the late Imam Khomeini and the Supreme Leader of the Islamic Revolution
- 2- Publicity and upholding of Divine Laws and enhancing Islamic ethics and human virtues based on religious teachings and culture.
- 3- Elaboration of atheistic and deviant schools of thought in social, culture and art areas and serious campaign against superstitious and illusions.” (Ministry of Culture and Islamic Guidance, undated)

A March 2014 Washington Post article states that the Ministry of Culture and Islamic Guidance “oversees the licensing of nearly all forms of media in Iran, including newspapers, films and books, and is in charge of reviewing, and potentially censoring, content before it is made available to the public” (Washington Post, 13 March 2014).

According to the German Foreign Office (Auswärtiges Amt, AA), the Iranian cultural landscape is organized centrally. The Supreme Cultural Revolution Council, chaired by Iran’s president, is responsible for implementing the “cultural revolution” and oversees the “Islamization” of the cultural scene. The Ministry of Culture and Islamic Guidance monitors the media, the internet, publications, theatre and music performances, art exhibitions as well as cultural and civil society organisations. (AA, March 2015b)

The UN Special Rapporteur on human rights in Iran states in his March 2015 report to the UN Human Rights Council (HRC):

“Under Iranian law, the Ministry of Culture and Islamic Guidance is responsible for [issuing] licenses for cultural, artistic and advocacy activities of religious minorities

recognized under the Constitution.’ According to the country’s Party Law, religious minorities recognized by the Constitution are allowed to form ‘religious minority societies’ ‘comprised of volunteers from the same religion with the aim to work on religious, cultural, social and welfare issues of their own community.’ The Office of Religious Minorities is charged with coordinating and overseeing all ceremonies held by religious minorities, including activities for the observance of religious holidays. Permission from the Ministry must be obtained in order to issue publications, and for foreign missionaries travel at the request of churches and religious councils.” (HRC, 12 March 2015, pp. 13-14)

The Minister of Culture and Islamic Guidance is Ali Jannati (Iran Daily, 25 March 2015; IBNA, 8 February 2015). He was appointed in August 2013 (BBC Monitoring, 24 February 2015) and is “the son of Ayatollah Ahmad Jannati, the chairman of the Guardian Council and one of the most powerful hard-liners and anti-Reformist clerics” (Al-Monitor, 2 August 2013). Ali Jannati, who, unlike his father, has a good relationship with the centrist former president Ayatollah Hashemi Rafsanjani (Al-Monitor, 2 August 2013), is reportedly “considered a reformist” (Washington Post, 13 March 2014)

An Al-Monitor article of August 2013 refers to the Ministry of Culture and Islamic Guidance as one of the “most controversial ministries for both [the reformist and the principalist] political factions” in Iran. The report gives an overview of the ministry’s role with regard to freedom of speech under the Khatami and Ahmadinejad administrations:

“The ministry of Culture and Islamic Guidance is officially in charge of planning and executing cultural policies. Since it has a wide range of authority in supervising the press and expanding the freedom of speech, it has a very important position in today’s closed political atmosphere. The Reformist press from 1997 to 2000 managed to become a strong arm in support of democracy, having received a green light from Ata’ollah Mohajerani, the minister at the time who served during the first term of Reformist Mohammad Khatami’s presidency. They also managed to criticize the policies and organization inside the establishment.

Film and music industries, with the support of the guidance ministry had a noticeable growth in the 1990s and many taboos were broken. After pressure from conservatives in parliament who tried to impeach him, Mohajerani resigned from his post in 2000.

In the past eight years of the presidency of Mahmoud Ahmadinejad, Reformists have experienced a grim decline. By appointing Mohammad-Hossein Saffar-Harandi and Mohammad-Ali Hosseini, both former commanders of Islamic Revolutionary Guards (Sepah), Ahmadinejad created a great dam in front of a the river which was set to flow by the Reformists. Hundreds of newspapers have been closed down since 2005 and dozens of journalists have been imprisoned following the unrest in 2009. The House of Cinema, the official guild of the film industry, has been closed down and a large number of artists and journalists, whether to escape prison or with the hope of a better future, have chosen to live in exile.” (Al-Monitor, 2 August 2013)

In February 2015, the Al-Monitor reported on the Ministry's role since the election of Rouhani, making reference to comments provided by Ali Asghar Ramezanpoor, who was Deputy Culture Minister under President Mohammad Khatami (1997-2005):

“New Culture Minister Ali Jannati, while not necessarily known as a Reformist, has a distinction of being ‘quite open-minded,’ as Ramezanpoor has complimented him. It helps that his father is one of the staunchest hard-line figures of the establishment, Ayatollah Ahmad Jannati. For actions such as openly speaking out against Internet censorship, Jannati has now become a favorite target of the hard-liners. His father has repeatedly said that he disapproves of his son, and he is touted as the next in line of ministers that the conservative-dominated parliament threatens to impeach. But while Internet and press censorship makes a lot of headlines, the easing of censorship over books has happened quietly and without much controversy. ‘People in all echelons and levels of the ministry have changed,’ Ramezanpoor said. ‘Ahmadinejad had appointed people with backgrounds in the IRGC, military or judiciary. Now, once more, we have literary-minded people working in the ministry.’ This progress is in line with what Jannati promised at the outset.” (Al-Monitor, 10 February 2015)

A February 2015 BBC Monitoring article states:

“When Mr Jannati became Minister of Culture and Islamic Guidance [...] in August 2013, hopes were raised that the man now in charge of formulating the country's cultural policy could make a real difference in helping to drive social change. [...] However, the current Minister of Culture's apparent willingness to interpret the rules less strictly triggered a backlash from the still-powerful conservative elements in the Iranian establishment.” (BBC Monitoring, 24 February 2015)

The Congressional Research Service (CRS) noted its May 2015 report:

“Iran's Ministry of Culture and Islamic Guidance actively blocks pro-reform websites and blogs and closing newspapers critical of the government, but some editors say that the government has become more tolerant of critical media since Rouhani took office. The Majles investigated the November 2012 death in custody of blogger, Sattar Beheshti; seven security officers were arrested and the Tehran ‘Cyber Police’ commander was removed for the incident.” (CRS, 19 May 2015, p. 13)

A March 2014 article of the Washington Post quotes a groups of journalists as saying that while some restrictions on freedom of speech have been eased under the Rouhani administration, there are “plans that would require individual reporters to be licensed by the ministry based on periodic evaluations of their work by officials” which, if implemented, would obstruct any efforts to promote free speech. (Washington Post, 13 March 2014)

6 Selected human rights issues

This chapter does not cover information on freedom of religion, on the situation of religious or ethnic minorities, on the situation of women, children or individuals of diverse sexual orientations and gender identities. These issues will be included in additional COI compilations which will be published in 2015.

6.1 Freedom of expression, association, and assembly

This chapter does not specifically cover the treatment of political prisoners during detention. For information on this issue, please [see section 7.7](#) (“Conditions in prisons and detention centres”) of this compilation.

Articles 24, 25, 26 and 27 of the Iranian Constitution of 1979 (last amended in 1989) contain the following provisions with regard to freedoms of expression, association, and assembly:

“Article 24 - Publications and the press shall have freedom of expression unless they violate the essentials of Islam or public rights. Its details shall be set forth by law.

Article 25 - It shall be prohibited to inspect or fail to deliver letters, to record and divulge telephone conversations, to disclose telegraphic and telex communications, to censor them or fail to communicate or deliver them, to eavesdrop or to make any other search whatsoever, unless by order of law.

Article 26 - It shall be allowed to form parties, societies, political or professional associations and Islamic or other religious societies of the recognized minorities, provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic. No one may be stopped from participating in them or forced to participate in one of them.

Article 27 - It shall be allowed to hold assemblies and marches, without carrying arms, provided that it does not violate essentials of Islam.” (Constitution of the Islamic Republic of Iran, 1989, Articles 24, 25, 26 and 27)

The February 2015 report of the UN General Secretary to the UN Human Rights Council (HRC) quotes Mohammad Javad Larijani, head of the Iranian Judiciary’s Human Rights Council, as stating that there are over 17,000 civil society groups in Iran, with more than 230 political parties, 400 trade unions and specialised associations as well as 60 religiously affiliated organisations active in the country.

The report notes, however, that “[h]uman rights defenders, lawyers, students and women rights activists, journalists and trade unionists [...] continue to face restrictions, arrest, conviction and imprisonment for exercising their rights to freedom of association and freedom of expression and opinion” (HRC, 20 February 2015, p. 11).

As indicated by Human Rights Watch (HRW) in its World report of January 2015 (which covers the year 2014), “[s]cores of people held for their affiliation with banned opposition parties, labor unions, and student groups were in prison” (HRW, 29 January 2015).

6.1.1 Treatment of trade unionists and labour activists

Human Rights Watch (HRW) stated in its World report of January 2015 (which covers the year 2014) that “[t]he judiciary continued to target independent and unregistered trade unions” (HRW, 29 January 2015).

Article 26 of the Iranian constitution of 1979 (last amended in 1989) allows the formation of “professional associations [...], provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic” (Constitution of the Islamic Republic of Iran, 1989, Article 26).

A 2009 publication of the International Campaign for Human Rights in Iran (ICHRI) includes the following background information on the situation of workers’ rights:

“Although Iran’s constitution (Articles 26 and 27) recognizes freedom of association and assembly and Iran’s civil law requires ratified international treaties to be recognized equivalent to domestic laws, Iran’s Labor Law explicitly contradicts these legal obligations. Section 6 of the law addresses workers organizations in such vague terms that for nearly twenty years since its adoption, Iranian workers have not been able to freely associate with independent organizations.

According to the Labor Law, workers may only participate in three types of organizations: Islamic Labor Councils, Trade Associations, and Workers Representative for workplaces with less than 35 workers). The law explicitly encourages workers to associate with Islamic Councils, which are effectively controlled by management in workplaces. It also stipulates that only one of the above organizations may exist in a given workplace. [...]

In addition, Islamic Labor Councils, the most common type of labor organization, are explicitly defined in Iran’s Labor Law as ideologically-centered entities. They are not focused on promoting workers rights and are incompatible with the concept of independent unions. [...]

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

In this context, workers have been actively seeking to form independent unions that aim at implementing international labor standards. Their movement gained strength starting in 2001, when several attempts were made to launch independent organizations. [...]

Three notable examples of recently established independent organizations are: the Syndicate of Workers of Tehran and Suburbs Bus Company, Teachers trade associations, and the Coordination Committee for Establishment of Trade Unions. Security and intelligence forces have routinely and violently attacked peaceful gatherings and meetings organized by these entities.” (ICHRI, 2009)

The RAND Corporation, a US global policy think tank, states that the labour councils are “supervised by the Worker’s House, a once-secular labor organization taken over by pro-

regime groups after the revolution” and that “[a]ll councils must receive official recognition from the Worker’s House or face closure” (RAND Corporation, April 2013).

The February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC) states:

“The authorities have not yet lifted the ban on the activities of the Workers’ Union of the Tehran and Suburbs Bus Company, the Sugar Cane Workers’ Union of the Haft Tapeh Sugar Cane Company and the Teachers’ Association. Union activists are often subjected to politically motivated prosecution and unfair trials. More than a dozen activists are currently held in prison for merely exercising their right to peaceful assembly and association.” (HRC, 20 February 2015, p. 11)

The Freedom House report *Freedom in the World 2015*, which covers the year 2014 similarly indicates that “Iran does not permit the creation of labor unions” and allows “only state-sponsored labor councils” (Freedom House, 28 January 2015). The International Campaign on Human Rights in Iran states that “[i]ndependent labor unions are banned in Iran”, noting that “strikers are often fired and risk being detained, and labor leaders face long prison sentences on trumped up national security charges” and that participants in labour protests are also frequently summoned to court (ICHRI, 29 April 2015).

In late April 2015, the Observatory for the Protection of Human Rights Defenders (OMCT/FIDH) comments on the general situation of labour activists as follows:

“The authorities have been frequently summoning and threatening a number of labour activists over the past few months, while several others have been arrested. Some of them have been released after a month or two in detention and are likely to be tried soon. In such cases, unionists are most often charged with offences such as acting against national security, spreading propaganda against the State, insulting the Leader etc.” (Observatory for the Protection of Human Rights Defenders, 30 April 2015)

The UK Foreign and Commonwealth Office (FCO) states in its annual Human Rights and Democracy Report of March 2015, which covers the year 2014:

“[S]everal labour activists in Iran have been sentenced to spend years in prison for ‘acting against national security by establishing and/or being a member of groups opposed to the system’. The Supreme Leader recommended there be ‘mutual respect’ between employers and workers. But efforts to try and organise labour in Iran proved to be dangerous in practice.” (FCO, 12 March 2015)

In late April 2015, the International campaign for Human Rights in Iran (ICHRI) reported about the arrest of at least five labour activists, including two members of the Union of Workers of the Tehran and Suburbs Bus Company in Tehran, three other labour activists in Kurdistan province and the head of the Iran Teachers’ Organization, Alireza Hashemi, who was detained and sent to Evin prison to serve a five-year sentence originally handed down against him several years previously. The same report adds:

“At least 230 people were arrested in peaceful labor protests during the March 2014 to March 2015 period, and a number of leading labor activists are serving lengthy sentences in Iranian prisons.” (ICHRI, 29 April 2015)

The March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) notes that “[i]n December 2014, at least three members of the Coordinating Committee to help form Workers’ Organizations in Iran were arrested”. The same report lists names of trade union and labour rights activists who are either imprisoned for their activities, have been convicted and are awaiting appeal decisions, or have been handed out prison terms and are currently “at immediate risk of arrest to serve those terms”. (HRC, 12 March 2015, p. 45)

The FCO annual report of March 2015 notes that over 25 workers were detained on Labour Day (1 May) 2014 after a gathering in front of the Ministry of Labour and Social Affairs, and that “a number of those workers were severely beaten by security forces” (FCO, 12 March 2015).

A January 2015 press release of the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), informs about the situation of trade unionists including Behnam (Assad) Ebrahimzadeh, Mehdi Farahi-Shandiz, and Saeed Shirzad:

“On December 29, 2014, the imprisoned unionist Mr. Behnam (Assad) Ebrahimzadeh, a member of the Committee to Pursue the Establishment of Labour Unions (CPELU) and a child rights activist, was notified of a new prison sentence and fine imposed on him. [...]

In addition, on January 3, 2015, Mr. Mehdi Farahi-Shandiz, another imprisoned unionist, member of the CPELU and of the Teachers’ Association of Iran (TAI), was tried by Branch 15 of the Islamic Revolution Court in Tehran for allegedly ‘insulting the Leader.’ Reports indicate that he has another pending case with the same charge in Branch 28 of the Islamic Revolution Court. His three-year prison sentence ended in late October 2014, but the authorities refused to release him and subsequently transferred him to solitary confinement on December 31, 2014.

Furthermore, Mr. Saeed Shirzad, another labour and child rights activist, who was arrested in the North-Western city of Tabriz on June 2, 2014 and spent two months in solitary confinement, has been transferred to a general ward in Evin prison, but has not been tried yet. His charges reportedly include ‘assembly and collusion against national security’ and ‘spreading propaganda against the State’, but his lawyer has not yet been granted access to his case file.

Messrs. Khaled Hosseini, Yadollah Samadi, Mehrdad Amin-Vaziri, Farzad Moradnia, Ribvar Abdollahi and Fardin Miraki, all members of the CCHFOW, were arrested in the city of Sanandaj (western Iran) in November and December 2014 and released on bail pending trial.

In the meantime, two members of CCHFOW [Coordinating Committee to Help Form Workers' Organisations], Messrs Mohammad Molanaei and Ghaleb Hosseini, have been released upon serving their prison sentences. [...]

The Observatory more generally notes that at least 10 other trade unionists are currently in prison in Iran, and that a number of others are facing long-term prison sentences." (Observatory for the Protection of Human Rights Defenders, 23 January 2015)

6.1.2 Treatment of political opposition groups and activists

This section should be read in conjunction with sections [4.1](#) ("Green Movement"), [4.2](#) ("Mohajedin-e Khalq"), [4.7](#) ("Worker-Communist Party of Iran"), [4.10](#) ("Monarchists"), [4.11](#) ("Conservative dissidents") and [4.12](#) ("Student activists") of this compilation.

As noted in the February 2015 report of the UN General Secretary to the UN Human Rights Council (HRC), [t]he leaders of the Green Movement, Mir-Hossein Mousavi, and Mehdi Karoubi, have been under house arrest since 2011, with no formal charges ever brought against them, for staging a rally in solidarity with protesters in Egypt" (HRC, 20 February 2015, p. 11).

The same report also mentions "a new bill, made public early in 2014, on the activities of political parties which, if passed, would prohibit parties from activities until they obtain a permit from a five-member commission comprising representatives of the judiciary, parliament and the Ministry of the Interior", which "also requires political parties to notify the Ministry at least 72 hours in advance of any gathering or demonstration":

"Another worrying development is a new bill, made public early in 2014, on the activities of political parties which, if passed, would prohibit parties from activities until they obtain a permit from a five-member commission comprising representatives of the judiciary, parliament and the Ministry of the Interior (see A/69/356, paras. 38-39). It also requires political parties to notify the Ministry at least 72 hours in advance of any gathering or demonstration." (HRC, 20 February 2015, p. 11)

An April 2015 article published on the pro-reformist news website Kaleme reports that satirical poet and political activist Mohammad Reza Alipayam (alias "Halu") has been jailed in Evin Prison to serve a 15-month sentence on the same charges he says he was previously imprisoned for. Alipayam is quoted as saying that he was imprisoned "twice" between 2011 and 2014 after being charged with "propaganda against the regime" and "causing public anxiety" through his poems. (Kaleme, 24 April 2015)

Radio Zamaneh, an Amsterdam-based Persian language broadcaster, reported in April 2015:

"According to Radio Zamaneh, amidst President's trip to Shiraz yesterday, four 'reformist' young supporters of President Rohani, from the 'people's committee for welcoming the President' were arrested by plain-cloth agents." (Radio Zamaneh, 29 April 2015)

Kaleme reported in an April 2015 article:

“An Iranian reformist activist and member of the Reforms Front of Esfahan Province, Hoseyn Yazdi, was arrested on 9 April, the Iranian pro-opposition website Kaleme reported on 11 April. According to Kaleme, Yazdi was arrested and transferred to the Esfahan prison when he intended to attend the ceremony marking the seventh day of the demise of the mother of reformist leader Seyyed Mohammad Khatami in Tehran. [...] Yazdi was a member of the election HQ of Hassan Rouhani in the 2013 election.” (Kaleme, 11 April 2015)

6.1.3 Treatment of minority / cultural movements and activists

This section should be read in conjunction with sections [4.3](#) (“Jundallah”), [4.4](#) (“Kurdish activists”), [4.5](#) (“Democratic Party of Iranian Kurdistan”), [4.6](#) (“Komala parties”), [4.8](#) (“Party of Free Life of Kurdistan”) and [4.9](#) (“Azeri political groups”) of this compilation.

Article 26 of the Iranian constitution of 1979 (last amended in 1989) allows the formation of “Islamic or other religious societies of the recognized minorities, provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic.” (Constitution of the Islamic Republic of Iran, 1989, Article 26)

Baha’i activists

The March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) informs about the cases of the imprisoned Baha’i cultural activists Nasim Ashrafi, Shamis Mohair and Amanollah Mostaghim:

“Ms. Nasim Ashrafi, a Baha’i citizen, was sentenced on 19 October 2013 to one year in prison on charges of ‘propaganda against the system’ for organizing Baha’ism classes. Ms. Ashrafi is currently serving her one-year prison sentence in the women’s ward of Evin Prison [...]

Ms. Shamis Mohair, a Baha’i reportedly imprisoned for organizing group prayers, is serving her one-year sentence for ‘propaganda against the system’ in the women’s ward of Evin Prison. [...]

Mr. Amanollah Mostaghim is serving a five-year sentence at Rajae’i Shahr Prison for collaborating with the Baha’i Institute for Higher Education.” (HRC, 12 March 2015, pp. 35-36)

Azeri activists

The March 2015 Special Rapporteur report to the HRC notes that a number of Azeri political activists, including the Secretary of the Gamoh party, Latif Hassani, were sentenced to nine-year prison sentences by a Revolutionary Court in Tabriz in April 2013:

“Mr. Latif Hassani, an Azerbaijani minority political activist and Secretary of the Yeni Gamoh Party, was reportedly arrested on 22 January 2013 in Karaj (Alborz Province) and transferred to the Tabriz Intelligence Office. On 29 April 2013, Branch 3 of the

Revolutionary Court of Tabriz sentenced him, alongside Messrs. Mahmoud Fazli, Ayat Mehrali Beiglou, Shahram Radmehr, and Behboud Gholizadeh to nine-years imprisonment on charges of establishing an illegal group and ‘propaganda against the system.’” (HRC, 12 March 2015, p. 36)

The same report states that Ali Reza’i, an Azeri rights activist, was arrested in February 2015, (HRC, 12 March 2015, p. 32). A March 2015 article of the Human Rights Activists News Agency (HRANA) states that Reza’i’s wife was “threatened by intelligence service forces [...] because of publicizing the condition of her husband” to the media, and was dismissed from her workplace (HRANA, 21 March 2015).

Kurdish activists

Radio Free Europe/Radio Liberty (RFE/RL) reported in March 2015:

“Six Iranian Kurds have reportedly been executed despite human right defenders’ calls on Iranian authorities to spare their lives. The Norway-based Iran Human Rights (IHR) group said the Sunni Muslim men were executed early on March 4 inside Rajai Shahr prison in the city of Karaj, near Tehran. On March 3, Amnesty International renewed its call not to hang the six inmates, who it said had gone on a hunger strike. The London-based group said they were sentenced to death after being found guilty of the offense of ‘enmity against God.’ Four of them were accused of killing a senior Sunni Muslim cleric in 2009, but they claim they were arrested several months before the killing. They were among 33 Sunni Muslim men on death row in mainly Shi’ite Iran. All of them maintain that they were targeted solely because they practiced or promoted their faith.” (RFE/RL, 4 March 2015)

In March 2015, the Human Rights Activists News Agency (HRANA) reported about the arrest of Mokhtar Zarei, a political activist from Sanandaj who was a member of the Democratic Union of Kurdish Students. He had previously been arrested in late 2009, released on bail after three months and sentenced to one year in prison in 2011. (HRANA, 18 March 2015)

Sunni Arab activists

The UN Special Rapporteur on human rights in Iran states in his August 2014 report to the UN General Assembly (UNGA) that “[f]our cultural rights activists from the Arab minority community, Hashem Sha’abani, Hadi Rashedi, Ali Chebeishat and Khaled Mousavi, were executed in 2014 (UNGA, 27 August 2014, pp. 4-5) and that “[a]t least 150 Sunni Muslims are currently detained for reportedly organizing religious meetings and activities or after trials that allegedly often failed to meet international standards”, with many of them “charged with serious security offences” (UNGA, 27 August 2014, p. 13).

A report of the Iran Human Rights Documentation Center (IHRDC) provides the following information on arrests, death sentences and executions in connection with ethnic Arab protests in 2011 and 2012 in Khuzestan province:

“On April 15, 2011, as the world watched the protests collectively dubbed the ‘Arab Spring’, Arab activists using Facebook organized a protest. The protest erupted against the backdrop of the arrests of 16 Arab cultural activists (three of whom are currently on death row, two of whom were executed at the end of January 2014). Many Arabs in Ahvaz, Abadan, Khorramshahr, Hamidieh, Mahshahr and Shadegan took to the streets in what was dubbed a ‘Day of Rage’ to commemorate the sixth anniversary of the 2005 protests. Multiple sources allege the use of live ammunition to suppress the 2011 protests, and additionally that security services had begun raids against suspected organizers the day before the protests began. Reports indicated that as many as 15 protesters were killed by security services and police during protests, with ‘tens’ injured and ‘hundreds’ arrested. One report indicated that as many as 150 protesters were arrested, including 30 women, and that one protester died not as a result of live ammunition fire but from suffocation after inhaling Russian-made tear gas that was fired into the crowds. Other reports indicated that nine protesters arrested in connection with the protests were executed within a month — three in public at Hamidieh junction and another six in prisons. Another protest took place on June 21, 2012 in Ahvaz. At least 15 protesters were arrested on the same day, and protests following the death of Arab poet Sattar al-Siahi also occasioned another province-wide crackdown by IRI security services, during which it is alleged that nearly thirty people were arrested.

Five Arab cultural activists who founded and were leading members of al-Hiwar, the Arab cultural group established during Mohammad Khatami’s reformist presidency, were arrested in the April 2011 protests. They later received death sentences and were incarcerated in Karun prison. The five men — Mohammad Ali Amouri, Sayed Jaber Alboshoka, his brother Sayed Mokhtar Alboshoka, Hashem Sha’baninejad Amouri and Hadi Rashedi — were convicted of muharibih, or ‘warring against God’ for allegedly killing a law enforcement official. Their death sentences, as confirmed by Iran’s Supreme Court in January 2013, are the most recent manifestation of the negative trend in relations between the Iranian state and the Ahwazi Arab ethnic minority. The men were nominated for the 2013 Civil Courage Prize. At the end of January 2014, Hashem Sha’baninejad Amouri and Hadi Rashedi were executed in secret, without any prior notice to their families.” (IHRDC, 25 September 2014, pp. 13-14)

Human Rights Watch (HRW) reported in an April 2015 press release:

“Iran’s intelligence and security forces have rounded up and detained scores of Ahwazi Arabs, including several children, in what appears to be an escalating crackdown in Iran’s Khuzestan province [...].

According to activists and family members, many arrests took place in the lead-up to the tenth anniversary of mass anti-government demonstrations that gripped the Arab-populated province in April 2005. Family members said the arrests have been carried out without warrants by groups of armed masked men affiliated with Iran’s security and intelligence services, usually following home raids of Ahwazi Arab activists during the late evening or early morning hours. [...]

Ahwazi Arab activists outside Iran told Amnesty International and Human Rights Watch that security forces have arrested at least 78 people, and possibly more than 100, since mid-March 2015 in the city of Ahvaz, the Khuzestan provincial capital, and surrounding towns and villages following largely peaceful protests. They said those arrested include people suspected of playing leadership roles in mobilizing local protests.” (HRW, 29 April 2015)

For further information regarding the situation of Ahwazi Arab activists, please see the following November 2014 query response of the independent COI centre CORI:

- CORI - Country of Origin Research and Information: Iran: Information on Ahwaz Arabs; their treatment by State and non-State agents, 6 November 2014 (available at Refworld) <http://www.refworld.org/pdfid/5491396f4.pdf>

Sufi/Dervish Muslims

An August 2014 report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to the United Nations General Assembly (UNGA) notes:

“At least nine Sufi or Dervish Muslims are currently detained. Restrictions on the right to association and peaceful assembly for Sufis extend beyond purely religious gatherings. For example, the security forces arrested 326 members of the Gonabadi Sufi order who gathered outside a courtroom in Tehran in March 2014. They were reportedly protesting against the inadequate medical attention offered to three imprisoned members of the community, Mostafa Daneshjoo, Hamidreza Moradi and Farshid Karampour, and the punitive transfer of two other Sufis from Evin prison to Rajae Shahr prison. Peaceful protests in support of imprisoned members of the Gonabadi community were apparently attacked by the police in May 2014.” (UNGA, 27 August 2014, p. 13)

In March 2015, the pro-reformist Kaleme website reported that four lawyers and Dervish rights activists were released after their original seven-and-a-half-year prison sentences had been commuted. They had spent more than four years in prison. The report adds that “several other activists engaged in protecting dervishes’ rights are still in prison in Tehran and Shiraz”. (Kaleme, 4 March 2015)

6.1.4 Treatment of family members of political dissidents living abroad

A February 2013 joint report of the Danish Immigration Service (DIS), the Danish Refugee Council (DRC) and the Norwegian Country of Origin Information Centre (Landinfo) quotes an international organisation in Ankara as saying that there have been cases where authorities have applied pressure on family members in order to get hold of fugitives, although intelligence agencies respond differently in different areas of the country. The same source is quoted as saying that family members of activists who have left Iran may be summoned by the authorities, mentioning a case in Tabriz where family member of a politically active blogger was summoned and subjected to threats while detained for several hours.

Meanwhile, the same joint report states with reference to a member of a team of Iran experts (“Iran Watchers”) in the US embassy in London that people who have left Iran “have not really complained about families being harassed due to their leaving Iran” and that this

“seems to be more of an issue for persons with a much higher profile that can face such problems, journalists, and human rights and political activists in particular” (DIS/Landinfo/DRC, February 2013, pp. 52-53).

A February 2013 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) quotes an Ahwazi Arab as saying that his/her cousin, nephew and brothers were reportedly arrested in June 2012 in order to coerce their children, who are living outside Iran, to return to the country. Ministry of Intelligence (MOI) officials have reportedly subjected the interviewee’s family members to psychological and physical torture during interrogations. (HRC, 28 February 2013, p. 16)

Shortly before the June 2013 presidential elections, BBC News reported about high levels of intimidation of families of BBC Persian Service staff:

“[The BBC] said Iran had warned the families of 15 BBC Persian Service staff that their relatives must stop working for the BBC in London, and in some cases the lives of staff were threatened. [...] In a statement on Thursday, Liliane Landor, head of languages services at the BBC World Service, said that ‘in the past few days alone 15 family members have been questioned by the Iranian intelligence ministry in Tehran and other cities across the country’. ‘The harassment has included threats that relatives will lose jobs and pensions and be prevented from travelling abroad,’ she said.” (BBC News, 13 June 2013)

In June 2012, the Guardian newspaper reported about the arrest of a man over the Facebook activities of his son who was studying in the Netherlands (Guardian, 28 June 2012).

6.1.5 Treatment of human rights, women’s rights and child rights activists

The March 2014 annual Human Rights and Democracy Report of the UK Foreign and Commonwealth Office (FCO) states that “Hundreds of human rights defenders and political prisoners continued to be detained in Iran”, with “reports of further arrests [made] in 2014”. Many of them were detained on charges including “membership in organisations that aim to disrupt national security” and “propaganda against the system”. (FCO, 12 March 2015)

The April 2015 annual report of the United States Commission on International Religious Freedom (USCIRF) states that authorities “regularly detain and harass [...] human rights defenders who say or write anything critical of the Islamic revolution or the Iranian government” (USCIRF, 30 April 2015, p. 47).

The January 2015 Human Rights Watch (HRW) World Report for the year 2014 states that “authorities continued to imprison dozens of activists and human rights defenders” (HRW, 29 January 2015).

The February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC) notes that human rights defenders “continue to risk harassment, intimidation, arrest and prosecution for defending rights and speaking up against violations and abuse” and ongoing “professional ban on human rights activists and lawyers”. The report indicates that “[i]n

certain cases, the authorities have invoked national security-related charges against individuals for merely expressing their opinion and for participating in peaceful assemblies". The same report goes on to say:

"Lawyers and human rights defenders associated with the Centre for Human Rights Defenders (founded by Nobel Laureate Shirin Ebadi), the Committee for the Defence of Political Prisoners in Iran, the Committee of Human Rights Reporters and individual lawyers representing clients in sensitive cases have in particular been attacked. This not only endangers their physical integrity but also undermines their work as human rights defenders and instils fear in society.

On 8 August 2014, a group of [UN] special procedures mandate holders publicly expressed their dismay at the escalating trend of arrest and sentencing of individuals exercising their rights to freedoms of expression and opinion, peaceful assembly and association. They noted the arrest and sentencing of at least 36 individuals, many of whom human rights activists, between 22 May and 8 August, in connection with their activities or for expressing their opinion on social media websites. Some had also been charged for 'gathering and colluding against national security' following their participation in peaceful assemblies, then sentenced to prison terms ranging from six months to more than 20 years. One individual was sentenced to 50 lashes, and another to death. Many of the trials had been marred by procedural irregularities, including deprivation of legal representation and exclusion from attending one's own sentencing." (HRC, 20 February 2015, p. 12)

The March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) notes with regard to the treatment of human rights activists Saeed Shirzad, Atena Daemi, Behnam Ebrahimzadeh and Hadi Esmaeilzadeh who have reportedly been accused of contacts with UN human rights monitoring mechanisms:

"On 2 June 2014, Mr. Saeed Shirzad, a child rights activist, was reportedly detained and sent to Ward 209 of Evin Prison without access to a lawyer or contact with family. While no public or formal indictment has been issued against Mr. Shirzad, in August 2014 he was reportedly verbally informed of his charges, which include 'assembly and collusion' and 'propaganda against the system.' Authorities have allegedly justified these charges, in part, by claiming that Mr. Shirzad was in contact with the Special Rapporteur. [...]

On 21 September 2014, Ms. Atena Daemi, a human rights activist who has worked on children's issues, was reportedly arrested by the IRGC (Revolutionary Guards), and has since been detained in Ward 209 of Evin Prison. Although official charges — if any — against her remain unclear, she is reportedly facing charges of 'propaganda against the system,' 'acting against national security,' and maintaining 'illegal contact with foreigners.' She has reportedly been specifically accused by investigating authorities of communicating with the Special Rapporteur. [...]

Mr. Behnam Ebrahimzadeh, a child and labor rights activist who was originally arrested in connection with his activities in June 2010, was reportedly forcibly taken to court on 3 December 2014 (after having previously refused to attend his court session) and

accused by authorities of contacting the Special Procedures of the Human Rights Council as well as an opposition group. Mr. Ebrahimzadeh was sentenced to an additional 9.5 years in prison on several charges, including 'assembly and collusion against the system' and 'propaganda against the system.' He was already serving the fourth of a five-year sentence for 'assembly, collusion, and propaganda against the system.' He was then transferred to Section 2 of Raja'i Shahr Prison, which reportedly houses violent criminals, and was forced to sleep on the floor. [...]

Mr. Hadi Esmaeilzadeh, a former member of the Defenders of Human Rights Centre (DHRC) who was reportedly convicted in July 2014 for 'propaganda against the system' through membership in an 'illegal organization' and 'assembly and collusion against the system.' Apparently he was recently accused by authorities for communicating with the UN Human Rights Council." (HRC, 12 March 2015, pp. 26-27)

Later in March 2015, the International Campaign for Human Rights in Iran (ICHRI) reported that after six months of "temporary detention" in Evin prison, "Atena Daemi has been formally charged [...] with 'propaganda against the state,' 'acting against national security,' and 'insulting the Supreme Leader and Islam' [...]." (ICHRI, 19 March 2015)

The March 2015 report of the UN Special Rapporteur also informs about the treatment of human rights lawyers Abdolfattah Soltani, Mohammad Seifzadeh, Massoud Shafiee and Nasrin Sotoudeh:

"Reports surfaced that the Prosecutor's Office allegedly pledged the furlough of Mr. Abdolfattah Soltani if his family posted bail of one-billion toman. The family attempted to post the bail in August 2014, yet the Prosecutor's Office failed to grant the furlough. [...] Mr. Soltani was reportedly arrested on 10 September 2011, and on 4 March 2012 the Revolutionary Court sentenced him to 18 years in prison and a 20-year ban from practicing law on charges of 'forming or running a group or association outside or inside the country which seeks to undermine the security of the country,' 'assembly and collusion against national security,' 'propaganda against the system,' and 'earning illegitimate assets.' On appeal the sentence was reduced to 13 years imprisonment. Mr. Soltani is currently serving his sentence." (HRC, 12 March 2015, pp. 30-31)

"In October 2010, human rights defender and cofounder of the Defenders of Human Rights Center (DHRC), Mr. Mohammad Seifzadeh was sentenced by the Revolutionary Court to nine years in prison and banned him from practicing law for ten years for 'acting against national security through establishing the Defenders of Human Rights Center.' Mr. Seifzadeh was also reportedly arrested in April 2011 in Urmia (West Azerbaijan Province) for allegedly attempting to exit the country illegally, apparently leading to a second case against him. It was reported that an Appeals Court eventually reduced his 2010 sentence from nine years to two years. Mr. Seifzadeh served his two-year sentence until 25 March 2013 where prior to the completion of his sentence, a third case was brought against him. In March 2013, Mr. Seifzadeh was charged with 'assembly and collusion against the system' for reportedly 'writing critical letters to former President Khatami and for signing several group statements while in prison.' It is claimed that his

letter included allegations of rights violations within the judicial system. The additional six-year sentence was reportedly confirmed in October 2013. [...]

On 6 August 2014, it was reported that Mr. Massoud Shafiee, a human rights lawyer who represented three American hikers that were detained in Iran in 2009 on charges of 'espionage' and 'illegal entry' into the country, currently faces a foreign travel ban and pressure by authorities. [...]

In September 2010 Ms. Sotoudeh was charged and sentenced to six years in prison for spreading 'propaganda against the system' and 'acting against national security.' She was released without formal pardon or furlough on 18 September 2013. Allegedly, under pressure from intelligence agencies, on October 18 2014, Branch 2 of the Lawyers Disciplinary Court at the Iranian Bar Association sentenced Ms. Sotoudeh to a three-year ban from practicing law. On 21 October 2014 Ms. Sotoudeh began a sit-in in protest of her sentence and the general state of the Iranian legal profession. She was arrested and detained for a few hours on both 25 October 2014 and 10 December 2014." (HRC, 12 March 2015, pp. 32-33)

A May 2015 report of the Observatory for the Protection of Human Rights Defenders (FIDH/OMCT) notes:

"Ms. Nargess Mohammadi, Spokesperson and Vice-President of the Defenders of Human Rights Centre (DHRC), was arrested in the early morning of May 5, 2015, when state security agents showed up at her home and threatened to break in. Upon her arrest, the agents claimed that she was being taken 'to serve her prison sentence'. The Observatory recalls that Ms. Mohammadi started to serve a 6-year prison sentence on April 21, 2012, but that she was released on bail on July 31, 2012 for medical reasons." (Observatory for the Protection of Human Rights Defenders, 5 May 2015)

The Observatory states that at a first hearing at Branch 15 of the Islamic Revolution Court, Nargess Mohammadi was told that she was facing three charges related to her work: "assembly and collusion against the national security", "spreading propaganda against the State" and "membership of the illegal and anti-security LEGAM group". The same source notes that Mohammadi had been subjected to judicial harassment for several years, including "repeated summoning, interrogations and trials". (Observatory for the Protection of Human Rights Defenders, 5 May 2015)

In January 2015, the Observatory for the Protection of Human Rights Defenders (FIDH/OMCT) reported about the cases of Mohammad Seifzadeh, DHRC founding member whose six-year prison sentence has been upheld by the Branch 54 of the Appeals Court in September 2013, and Mahdieh Golrou, a women's rights activist arrested in October 2014 after taking part in a peaceful protest denouncing acid attacks on women, who is detained in the Section 2A of Evin prison, which is controlled by the IRGC. The source notes that Golrou's case has been "referred to Branch 15 of the Revolutionary Court of Tehran". (Observatory for the Protection of Human Rights Defenders, 21 January 2015)

For further information on the situation of women's rights activists, please see the following June 2014 query response of the Immigration and Refugee Board of Canada (IRB):

- IRB - Immigration and Refugee Board of Canada: Iran: Treatment by society and authorities of women's rights activists and women working for women's rights organizations, including those involved in divorce and custody issues (2012-2014) [IRN104897.E], 26 June 2014 (available at [ecoi.net](https://www.ecoi.net))

https://www.ecoi.net/local_link/299168/421687_en.html

6.1.6 Government restrictions on non-governmental organizations and civil society

Article 26 of the Iranian constitution of 1979 (last amended in 1989) allows the formation of "societies, political or professional associations [...], provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic" (Constitution of the Islamic Republic of Iran, 1989, Article 26).

The US Department of State (USDOS) notes in its June 2015 country report on human rights practices during the reporting year 2014:

"By law NGOs must register with the Interior Ministry and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced continued harassment because of their activism as well as the threat of closure by government officials following prolonged and often arbitrary delays in obtaining official registration." (USDOS, 25 June 2015, section 5)

Freedom House's Freedom in the World 2015 report states:

"Nongovernmental organizations that work on nonpolitical issues such as poverty are allowed to operate relatively freely. Other groups, especially those that have highlighted human rights violations, have been suppressed. They include the Center for Human Rights Defenders, which remains closed with several of its members in jail, and the Mourning Mothers of Iran group (Mothers of Laleh Park), which had been gathering in a Tehran park to bring attention to human rights abuses." (Freedom House, 28 January 2015)

In a September 2005 journal article, Negar Katirai, then an associate at the US-based law firm Steptoe & Johnson LLP, provides a commentary on the "Executive Regulations" on NGOs enacted in June 2005. Previously, a law on "Establishment and Activities of Non-Government Organizations" had been drafted by a group of NGO, civil society and government delegates. Although this draft law was rejected by parliament in 2004, "many of its provisions have been passed into law by the Executive Regulations Concerning the Formation and Activities of Non-Governmental Organizations". Katirai summarizes the role of the law as follows:

"The new regulations create a more streamlined and representative body to oversee the activities of NGOs, and improve procedures for appealing decisions regarding permit applications. Most remarkable, the new law grants standing to NGOs to pursue legal remedies on behalf of the public interest. Thus, not only do the new regulations address long-standing problems in NGO oversight and supervision, but they also empower NGOs to take on a new role in advancing public causes." (Katirai, September 2005)

Katirai goes on to describe the key provisions of the Executive Regulations and their implications in greater detail:

“The Executive Regulations [...] create a three-tiered supervisory board featuring representatives of the NGO community, with the capacity to facilitate and oversee the activities of local NGOs operating in the provinces and larger states, thereby demystifying and to some extent democratizing the permit application process. The supervisory board system also provides a meaningful structure for appealing the judgments of the supervisory boards. Second, the new law makes it easier for NGOs to take advantage of international resources. Third, the regulations provide for greater cooperation between the government and NGOs. Finally and most notably, the new law grants NGOs the standing to pursue legal remedies on behalf of the public interest.

Conversely, certain problems with the legal framework governing NGOs remain unaddressed. Most unfortunately, the new structure, despite probable intent to the contrary, perpetuates the problem of multiple supervisory bodies. The three-tiered supervisory board was conceivably created to streamline procedures. But other government institutions will continue to possess overlapping authority when an NGO’s work coincides with that of a government agency, or when special authority is provided to authorities other than the supervisory board. In addition, the Bureau of Non-Commercial Organizations will continue to have responsibility for maintaining the NGO register, and nothing in the new law suggests that coordination between the supervisory board and this body will improve on the status quo. Also troubling is the fact that the new law does not provide the criteria upon which NGO applications will be approved and disapproved, and thus the threat that NGO applications will be decided in an arbitrary manner remains.” (Katirai, September 2005)

A March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) mentions a bill on NGOs that was presented by the Ministry of the Interior in November 2014:

“The Bill envisages councils at the national, provincial, and city levels that will, in part, be responsible for the issuance of activity licenses to non-governmental organizations (NGOs) pursuing ‘social, cultural, artistic, health, environmental, cultural heritage, human rights, ethnic, and development’ issues, and whose activities are not currently subject to other laws that govern professional organizations or political entities, such as political parties. [...] According to the bill, the councils would also be responsible for the supervision and support of NGOs and for addressing their misconduct. NGOs would be able to officially pursue organizational activities upon receiving establishment permits, activity licenses, and after registering that license. Procedures introduced by the Bill to establish an association appear particularly burdensome and would subject NGOs to administrative supervision and discretion, which could then be used to suppress dissenting views or beliefs in violation of international laws and standards.” (HRC, 12 March 2015, pp. 12-13)

An August 2014 report of the UN Secretary-General to the UN General Assembly (UNGA) states that “[s]ome officials have proposed to withdraw” the new draft law which “increases

government supervision” over NGOs, and that authorities have “discussed attempts to reduce restrictions imposed on non-governmental organizations, including the lengthy registration process for associations”. (UNGA, 27 August 2014, pp. 10-11)

An April 2011 Amnesty International (AI) report informs about a bill that, if passed, may increase risks to NGO activists:

“The new body, the Supreme Committee Supervising NGO Activities, would be chaired by the Interior Ministry, and will include members from the Intelligence Ministry, the Police, the Basij (a volunteer paramilitary force), the Revolutionary Guards Corps, and the Foreign Ministry, among others, with only one elected member representing NGOs interests. If this bill is passed, members of NGOs which fail to secure a registration permit, or who have their permit revoked, risk prosecution under Iran’s Penal Code which contains numerous vaguely worded articles relating for example to ‘national security’ which restrict freedom of expression, association and assembly, by prohibiting activities such as demonstrations, public discourse and formation of groups and associations. [...] Articles 498 and 499 of the Penal Code state that whoever forms or joins a group or association either inside or outside the country, which seeks to ‘harm the security of the country’ will be sentenced to between two and 10 years’ imprisonment, yet there is no definition of ‘harm’ or ‘security of the country’ in the Code. Articles 501 and 508 relate to forms of ‘espionage’. People who join unauthorized demonstrations or gatherings can face prosecution under Article 610 which criminalises ‘gathering and colluding with intent to harm state security’ and Article 607, which relates to disobeying the orders of officials.” (AI, 8 April 2011)

The same report notes a tightening of restrictions on NGOs during the presidency of Mahmoud Ahmadinejad:

“Many civil society organizations were established during the presidency of Mohammad Khatami between 1997 and 2005. Since President Mahmoud Ahmadinejad was elected in 2005, the authorities have regarded them with suspicion, and have accused them of being part of a ‘soft revolution’ intended to overthrow the Islamic Republic. NGOs have been closed down, like the Centre for Human Rights Defenders, co-founded by Nobel Peace Laureate Shirin Ebadi, and the Association for the Defence of Prisoners’ Rights, whose Head, Emadeddin Baghi, is held as a prisoner of conscience. Other activists are also serving long prison terms [...]” (AI, 8 April 2011)

In his March 2015 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran quotes Mohammad Javad Larijani, the Secretary-General of the High Council for Human Rights in the Islamic Republic of Iran, as saying that more than 17,000 NGOs were active in Iran (HRC, 12 March 2015, p. 12).

6.1.7 Treatment of artists, musicians and artisans

Freedom House notes in its report Freedom in the World 2015 that “[v]arious forms of art and artists face restrictions in Iran”, noting that “[s]cores of books have been banned” and

that “authors have been accused of subversion”, while “filmmakers also face censorship and official pressure” (Freedom House, 28 January 2015).

An Amnesty International (AI) press release of March 2015 reports on the case of Atena Farghadani, a painter who is being detained for the second time and has been facing charges including “spreading propaganda against the system”, “insulting members of the parliament through paintings”, and “insulting the Supreme Leader” on grounds of her “art exhibitions, critical paintings, and [...] activities such as meeting with families of political prisoners”:

“Atena Farghadani was arrested for a second time on 10 January 2015 after being summoned to a Revolutionary Court, possibly in reprisal for a video message that she issued after her first release describing her experience in detention. Her parents told reporters that she was subjected to beatings in the courtroom before being transferred to Gharchak Prison. [...]

Iran’s Revolutionary Guards first arrested Atena Farghadani on 23 August 2014. They searched her house, confiscated her personal belongings and took her away, blindfolded. She was then held for five days in solitary confinement in Section 2A of Evin Prison, which the Revolutionary Guards control, before being transferred to a cell shared with Ghoncheh Ghavami, a British-Iranian prisoner of conscience arrested for protesting women’s exclusion from volleyball. Atena Farghadani was held in solitary confinement for another 10 days after she started a hunger strike in protest at her detention.

Atena Farghadani later told media she was interrogated for nine hours every day over a period of a month and a half at Evin Prison. The interrogations revolved around meetings she had with families of those killed amid unrest after Iran’s disputed 2009 presidential election, as well as a cartoon she had drawn and posted on Facebook. The illustration, which depicted members of parliament casting a ballot, was critical of members of the parliament for considering a bill that sought to criminalize voluntary sterilization as part of a larger plan to restrict access to contraception and family planning services.

The authorities also brought the charge of ‘gathering and colluding with anti-revolutionary individuals and deviant sects’ against Atena Farghadani for her art exhibition, named ‘Parandegan-e Khak’ (‘Birds of Earth’), which referred to those killed in the aftermath of the 2009 disputed election and was attended by relatives of political prisoners as well as members of the Baha’i community.

She had no access to a lawyer or her family throughout this time. After she went on hunger strike to protest her detention, the authorities released her on a hefty bail on 6 November [2014].” (AI, 2 March 2015)

As reported by Radio Free Europe/Radio Liberty (RFE/RL) in January 2015, Majid Derakhshani, a well-known Iranian musician and composer, has been banned from leaving the country. Derakhshani is also quoted as saying that he and other members of his group Mah Banoo had been interrogated several times over the previous months (RFE/RL, 5 January 2015).

In September 2014, the International Campaign for Human Rights in Iran (ICHRI) reported that a group of male and female youths has been handed out suspended sentences for making a dance video clip that was uploaded on YouTube:

“The youths involved in the making of the ‘Happy in Tehran’ dance video set to Pharrell Williams hit song ‘Happy’ have all been sentenced, receiving suspended sentences of 91 lashes and six months in prison, with the exception of Reyhaneh Taravati, who received a suspended twelve-month prison sentence in addition to the suspended lashes, provided they do not engage in any ‘wrongdoings’ during the next three years. The court ruling was unofficially announced in Tehran today, according to a source who told the International Campaign for Human Rights in Iran about the ruling. [...]

Judge Heydari presided over the September 9, 2014 trial session of Sassan Soleimani, Reyhaneh Taravati, Neda Motameni, Afshin Sohrabi, Bardia Moradi, Roham Shamekhi, and a suspect known by the first name of Sepideh, on charges of ‘participation in producing a vulgar video clip’ and conducting ‘illicit relations’ with one another. All suspects and their lawyers were present at the trial session. Lawyers for the defendants objected to the brutal police treatment of the suspects and raids on their homes during the arrests, as well as the new charges of illicit relations leveled against the youths, and demanded that the court address their objections, according to a September 9 Campaign interview with an informed source.

In addition to the charges leveled against the group, one of the suspects, Reyhaneh Taravati, was also charged with ‘possession of alcohol’ in her home and of ‘uploading and distribution of the clip on YouTube.’ Another suspect, Sassan Soleimani, was charged with directing the video. The Campaign has been informed that the charges against the group were based on information obtained from material confiscated during the raid on the individuals’ homes, such as personal photographs and videos found on their personal computers.

On May 19, 2014, the six youths involved in the ‘Happy’ video were detained and transferred to the Tehran Morality Police’s Vozara Complex, after the video, posted on YouTube, had gone viral. They were released two days later, after posting bails of between 30 to 50 million toman (approximately \$10,000 to \$16,000). Sassan Soleimani, the video’s director, was arrested on May 20, 2014, and held in detention for several days. He was released on May 29, 2014, on bail of 50 million toman (approximately \$16,000). Soleimani, a 33-year-old filmmaker and animator, was previously arrested for making the ‘Soosan Khanom’ video for the Barobax pop band in Iran.” (ICHRI, 18 September 2014)

In December 2013, the ICHRI reported about the treatment of persons linked to underground music:

“IRGC forces arrested three men involved in the production, distribution, and promotion of Iranian underground music in October, and are pressuring them to confess on television, a source with knowledge of the arrest told the International Campaign for Human Rights in Iran. Musician Mehdi Rajabian, his brother, and Yousef Emadi, who

managed BargMusic, were arrested on October 12 in the Northern city of Sari, and were transferred to the IRGC's Ward 2-A inside Tehran's Evin Prison, according to a report by Kaleme website. According to the source, following the arrests of the Rajabian brothers, Azadeh S., a woman who was also affiliated with the website, was arrested in the city of Hamadan. The arrests appear to be part of a larger crackdown on Internet and IT professionals and musicians. Of those arrested, only Yousef Emadi has been released on bail. [...]

Last week, popular Iranian musician Amir Tataloo was arrested and detained for several days before being released on bail awaiting trial. Iran's Morality Police took responsibility for the arrest. Colonel Massoud Zahedian, Chief of the Morality Police, told ISNA that his unit is actively identifying and confronting Iranian underground musicians who produce their work inside Iran and distribute it on television satellite channels abroad.

Since the establishment of the Islamic Republic of Iran, Iranian musicians have needed government authorization in order to play their music, hold concerts, and produce music albums and videos. Government scrutiny of such musical activities and productions has been stringent, and only certain genres of music receive production and activity licenses. Under such circumstances, musicians have been pushed underground, where they perform illegally at great risk to themselves and to their audiences. Even when musical groups are issued concert licenses, there is no guarantee that they can safely hold their scheduled appearances. At an August [2013] concert of Dawn of Rage, an Iranian metal band, all the musicians and the 200 guests attending the concert were arrested at a public amphitheater in Tehran." (ICHRI, 11 December 2013)

6.1.8 Treatment of non-conforming academics

Human Rights Watch (HRW) states in its World Report 2015, which covers developments of 2014:

"Rouhani's interim minister of science, Reza Faraji Dana, responsible for most of Iran's universities, led efforts to reinstate professors and students barred between 2005 and 2012 for their peaceful activities. Dozens remained unable to continue their studies or teach, however, and in August the parliament voted to impeach the minister and refused to confirm several other Rouhani nominations for the post." (HRW, 29 January 2015)

A June 2014 Amnesty International (AI) report includes an overview of the treatment of "ideologically suspect" or dissident academics and those belonging to ethnic or religious minorities after Mahmoud Ahmadinejad's coming into power in 2005:

"After Mahmoud Ahmadinejad became president in 2005, the authorities redoubled their efforts to 'cleanse' the universities of 'secular' academics and students, in accordance with Supreme Leader Ayatollah Khamenei August 2009 call for renewed 'Islamicization' of the universities. [...]

The authorities also cracked down on ethnic minority academics. In January 2007, the Kurdistan human rights news agency reported that a secret circular letter issued by the authorities had ordered the expulsion or forced retirement of 41 academics from the

Kurdestan University of Medical Sciences in Kordestan. Those targeted included both male and female teaching staff who were members of the Kurdish Sunni minority. [...]

The authorities' purge of university academics seen as critics of the political and religious establishment intensified in the wake of the mass protests sparked by the June 2009 election. In that election, some '70 per cent of academics voted for someone who is not [Ahmadinejad]', said Hojatolislam Mohammad Mohammadian, Head of the Office of Representatives of the Supreme Leader in Universities, adding that this had caused the authorities 'disappointment'. [...]

President Ahmadinejad's Ministry of Science sheared the universities of their authority to elect their own principals and to recruit their academic staff, transferring these powers to the Ministry, ostensibly as part of the thrust towards greater 'Islamicization'. As a result, the Ministry of Science was able to wield much greater control over the universities within its area of responsibility and to appoint its own nominees to lead them and to teach their students using political rather than strictly academic criteria.

By the end of 2009, authorities at the University of Tehran had dismissed or forcibly retired 81 staff since the beginning of the year and in 2010 they removed 40 more from their posts. Other academics found themselves barred or even physically prevented from offering courses or teaching while the authorities looked for 'justifiable' grounds to dismiss them. Often, the precise reasons for the removal of individual academics remain unclear, and some may have been legitimate although, for the most part, it appears that staff were either dismissed or forced to retire because of their real or imputed opinions. [...] The removal of ideologically suspect or dissident academic staff from universities was still continuing as Iran prepared for new presidential elections in 2013. [...]

As they forced out academics and university principals deemed antipathetic to the government or insufficiently 'Islamic', the authorities, led by the Ministry of Science, replaced them with less experienced and newly-qualified staff, utilizing the stringent selection criteria (gozinesh) used to filter applicants for jobs as state employees. At the end of 2012, a Ministry of Science official disclosed that 300 academics retired annually, with some told by the Ministry 'apply for retirement or we will fire you.'" (AI, 2 June 2014, pp. 70-74)

The same report informs about reported levels of presence of a Basij branch referred to as the "Academics Basij":

"In June 2012, the Academics Basij, comprising current and former members of the Basij in higher education, reportedly had branches in 322 universities and other institutions and over 11,000 members. In Esfahan, 1,300 of the province's 5,000 academics were active in the Academics Basij and that number was due to rise to 3,000 by March 2013." (AI, 2 June 2014, p. 75)

For further information on the Academics/Professors' Basij Organisation, please [refer to section 4.12](#) of this compilation ("Student activists").

The June 2014 AI report goes on to state that of the “scores of university academics” arrested in the aftermath of the 2009 protests or on account of their religious or ethnic affiliation, many were “still imprisoned as of March 2014”. Many of them were “linked to reformist political groups”. The same report also notes:

“Following the authorities’ crackdown on the BIHE’s [Baha’i Institute for Higher Education] staff in May 2011, tens of lecturers and collaborators at the institution were arrested. As of March 2014, 136 Baha’is are believed to be held in prisons across the country, including some who continued to serve prison terms arising from their involvement in the BIHE.” (AI, 2 June 2014, pp. 64-65)

6.1.9 Treatment of former political prisoners

A May 2014 Christian Solidarity Worldwide (CSW) press release reported about the following case:

“[M]usician Shahin Lahouti, a convert to Christianity, has been returned to prison after being released in December 2013. Mr Lahouti, was initially arrested along with seven other Christians during a raid on a prayer meeting in October 2012. He was sentenced to two and a half years in prison on political charges, before being released on bail and on the condition he took no further part in Christian activities. Sources have recently informed CSW that Mr Lahouti’s bail was revoked and that he was returned to prison approximately three weeks ago. Further details are not yet available; however, sources state that during his release Mr Lahouti had been under ‘pressure’ from the authorities.” (CSW, 6 May 2014)

In March 2015, Amnesty International (AI) reported about the case of Atena Farghadani, a painter who was arrested for a second time in January 2015, “possibly in reprisal for a video message that she issued after her first release describing her experience in detention”. She was previously detained and charged with political crimes on account of her exhibitions of critical paintings. (AI, 2 March 2015)

The March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) notes that Mohammad Reza Pourjashari, who had already completed a four-year-sentence for “propaganda against the system” and “insulting the Supreme Leader”, had been re-arrested. According to the report, “[a]uthorities allegedly accused him of attempting to illegally cross the border and of maintaining ‘contact’ with foreign nationals”. (HRC, 12 March 2015, p. 26)

In October 2014, Amnesty International (AI) reported about the case of Arash Sadeghi, a former student activist who was first arrested in July 2009 for taking part in post-election protests and was released in October 2011 after serving his prison sentence on “gathering and colluding against national security”. He was however “arrested again in January 2012”, possibly “in connection with his critical posts on Facebook about the authorities, and interviews he had given to the media about his experience in detention”, and held in Evin prison until his release on bail in October 2013. (AI, 9 October 2014)

As reported by the Human Rights Activists News Agency (HRANA) in October 2013, Foad Rezazadeh, a Sunni religious activist who had spent 18 months in prison, was “re-arrested after he wanted to leave the country” and was held in solitary confinement in ward 209 of Evin prison at the time of reporting (HRANA, 11 October 2013).

The International Campaign for Human Rights in Iran (ICHRI) reported in April 2013:

“Over the past several months, Orumiyyeh and Mahabad Intelligence Offices have summoned, detained, and harassed several Kurdish former political prisoners on the pretext of concern over their continued political activities after their release from prison, a local source told the International Campaign for Human Rights in Iran. In most reported cases, security forces have gone to the homes of former political prisoners on several occasions. The forces have searched the homes for several hours without providing any explanation for these actions, detaining the individuals and releasing them later.” (ICHRI, 19 April 2013)

6.1.10 Treatment of whistleblowers and others who speak out about corruption and other malpractice

As noted by Freedom House in its *Countries at the Crossroads 2012* report (published in September 2012), “specific corruption accusations against state officials are generally considered taboo” but “have increased in recent years” (Freedom House, 20 September 2012).

The UN Special Rapporteur on human rights in Iran states in his March 2015 report to the UN Human Rights Council (HRC):

“In November 2014, President Rouhani’s cabinet approved bylaws for the 2009 Law on Access to Information intended to allow access to details about the Government’s use of public funds. On a relevant note, the head of the Judiciary, Mr. Sadegh Larijani, announced that he ordered the Prosecutor’s office to monitor and summon anyone guilty of ‘overstating’ Government corruption.” (HRC, 12 March 2015, p. 11)

Among the sources consulted by ACCORD within time constraints no further information could be found on this subject.

6.2 Freedom of the media

6.2.1 Treatment of journalists and bloggers

Article 24 of the Iranian Constitution of 1979 (last amended in 1989) states that “[p]ublications and the press shall have freedom of expression unless they violate the essentials of Islam or public rights” (Constitution of the Islamic Republic of Iran, 1989, Article 24).

The Press Law of March 1986 (with amendments of April 2000) states in article 3 that “[t]he press have the right to publish the opinions, constructive criticisms, suggestions and explanations of individuals and government officials for public information while duly

observing the Islamic teachings and the best interest of the community”, noting that “[c]onstructive criticism should be based on logic and reason and void of insult, humiliation and detrimental effects” (Press Laws, 18 April 2000, Article 3).

Article 6 of the Press Law contains an enumeration of cases in which contents published by the press would “violate Islamic principles and codes and public rights”, and specifies the punishments for violators:

“Article 6: The print media are permitted to publish news items except in cases when they violate Islamic principles and codes and public rights as outlined in this chapter:

1. Publishing atheistic articles or issues which are prejudicial to Islamic codes, or, promoting subjects which might damage the foundation of the Islamic Republic;
2. Propagating obscene and religiously forbidden acts and publishing indecent pictures and issues which violate public decency;
3. Propagating luxury and extravagance;
4. Creating discord between and among social walks of life specially by raising ethnic and racial issues;
5. Encouraging and instigating individuals and groups to act against the security, dignity and interests of the Islamic Republic of Iran within or outside the country;
6. Disclosing and publishing classified documents, orders and issues, or, disclosing the secrets of the Armed Forces of the Islamic Republic, military maps and fortifications, publishing closed-door deliberations of the Islamic Consultative Assembly or private proceedings of courts of justice and investigations conducted by judicial authorities without legal permit;
7. Insulting Islam and its sanctities, or, offending the Leader of the Revolution and recognized religious authorities (senior Islamic jurists);
8. Publishing libel against officials, institutions, organizations and individuals in the country or insulting legal or real persons who are lawfully respected, even by means of pictures or caricatures; and
9. Committing plagiarism or quoting articles from the deviant press, parties and groups which oppose Islam (inside and outside the country) in such a manner as to propagate such ideas (the limits of such offenses shall be defined by the executive by-law). Note: Plagiarism means intentional ascription of all or a considerable part of the works and words of others to one’s own, even in the form of translation.
10. The use of people in images and content and belittling and insulting the female sex, propagating, formalities and illegal and illegitimate luxuries.
11. Spreading rumors and untrue statements or tampering with statements of others.

12. Publishing statements against the Constitution

Note 2: Violators from what is mentioned in this article are subject to the punishments as put forth in Article 698 of Islamic Penal Code and in case of recurrence, will cause intensification of punishment and cancellation of license.” (Press Law, 18 April 2000, Article 6)

Article 7 lists banned press activities other than those relating to the published contents proper:

“**Article 7:** The following activities are banned:

- a. Printing and publishing a publication without a license and a publication whose license has been cancelled, or, one which has been temporarily or permanently closed down by a court order.
- b. Publishing a publication the greatest part of whose items are incongruous to subjects which the applicant has undertaken to publish.
- c. Publishing a publication that may be mistaken in name, symbol or format for the existing publications or those which have been temporarily or permanently closed down.
- d. Publishing a publication without mentioning the name of its license holder and the legally responsible director or the address of the publication and its printing house.
- e. Publishing and printing houses, distribution and sales departments of publications are not permitted to publish and distribute publications which the Press Supervisory Board deems to be in violation of the principle stipulated in this by-law.” (Press Law, 18 April 2000, Article 7)

Articles 8 through 22 of the Press Law contain detailed provisions on eligibility for applying for press licences and the process of issuing press licences by the Ministry of Islamic Culture and Guidance (Press Law, 18 April 2000, Articles 8-22).

Articles 23 through 35 of the same law contain detailed provisions on violations including libel (Article 23), publishing military/state secrets (Article 24), instigation to commit crimes against domestic security or foreign policy (Article 25), insulting Islam (Article 26), insulting the Supreme Leader, the Council of Leadership of the Islamic Republic of Iran or senior religious authorities (Article 27) and offending public decency (Article 28). (Press Law, 18 April 2000, Articles 23-35)

Articles 24 and 25 provide the following:

“**Article 25:** If a person, through the press, expressly and overtly instigates and encourages people to commit crimes against the domestic security or foreign policies of the state, as specified in the public penal code, and should his/her action bear adverse consequences, he/she shall be prosecuted and condemned as an accomplice in that

crime. However, if no evidence is found on such consequences he/she shall be subject to a decision of the religious judge according to Islamic penal code.

Article 26: Whoever insults Islam and its sanctities through the press and his / her guilt amounts to apostasy, shall be sentenced as an apostate and should his / her offense fall short of apostasy he / she shall be subject to the Islamic penal code.” (Press Law, 18 April 2000, Articles 25 and 26)

Article 34 specifies that “[c]rimes attributed to the press can be examined by competent General of Revolutionary courts in accordance with the laws pertaining to inherent competency” and notes that “[p]ress violations will be tried by competent courts of the Provincial capitals”. (Press Law, 18 April 2000, Article 34)

Freedom House states in its Freedom on the Net 2014 report:

“The constitution provides for limited freedom of opinion and expression, but numerous, haphazardly enforced laws restrict these rights in practice. The 2000 Press Law, for example, forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights, none of which are clearly defined. The government and judiciary regularly invoke this and other vaguely worded legislation to criminalize critical opinions.” (Freedom House, 4 December 2014)

The UN Special Rapporteur on human rights in Iran mentions in his March 2015 report to the UN Human Rights Council (HRC) that in August 2014, a draft law titled “Media Council of the Islamic Republic of Iran” was published. This bill “gives the Government a role in issuing licenses to journalists, and in investigating and issuing punitive measures for ‘professional misconduct’ (including temporary bans from journalism and the revocation of licenses)”. However, the Ministry of Islamic Guidance and Culture “reportedly decided to suspend drafting of the Bill in response to criticism”. (HRC, 12 March 2015, pp. 11-12)

The same report also notes that a “Political Crimes bill was introduced by Parliament in September 2013 and amended in June 2014”, which “defines political crimes as activities that advance intentions to influence the country’s affairs, its administrative and political institutions, or its domestic or foreign policies without intending to harm the tenets of the State”, including “insulting or defaming members of parliament and the Guardian Council, Ministers, and other Government officials”. The draft law “provides for public trial by jury for political and press offenses”. (HRC, 12 March 2015, p. 12)

The US Department of State (USDOS) notes in its June 2015 country report on human rights practices, which covers events of 2014:

“The government commonly used libel laws or cited national security to suppress criticism. According to the law, if any publication contains personal insults, libel, false statements, or criticism, the insulted individual has the right to respond in the publication within one month. If the libel, insult, or criticism involves Islam or national security, the responsible person may be charged with apostasy and crimes against national security, respectively. The government applied the law throughout the year, often citing

statements made in various media outlets or internet platforms that criticized the government, to arrest, prosecute, and sentence individuals for crimes against national security.” (USDOS, 25 June 2015, section 2a)

The same report also noted:

“Individuals were not permitted to criticize publicly the country’s system of government, supreme leader, or official religion. Security forces and the country’s judiciary punished those who violated these restrictions and often punished as well persons who publicly criticized the president, the cabinet, and the Islamic Consultative Assembly. The government monitored meetings, movements, and communications of opposition members, reformists, activists, and human rights defenders. It often charged persons with crimes against national security and insulting the regime based on letters, e-mails, and other public and private communications. [...]

The government and its agents harassed, detained, abused, and prosecuted publishers, editors, and journalists, including those involved in internet-based media, for their reporting [...].The government also harassed many journalists’ families, and journalists in prison were often subjected to solitary confinement.” (USDOS, 25 June 2015, section 2a)

The March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) notes:

“Journalists arrested or prosecuted are often accused of contact with foreign media and are seemingly targeted due to their criticism of Government leaders or for discussing sensitive policy issues. This appears to be the result of an overly broad application of national security provisions and stipulations of the 1986 Press Law (which define 17 instances of impermissible content.) [...] Moreover, because the majority of cases against journalists are considered involving ‘national security’, they are tried in Revolutionary Courts.” (HRC, 12 March 2015, p. 37)

The same report states:

“At least 13 journalists and bloggers have been arrested or detained since July 2014. As of December 2014, 30 journalists were detained, despite the release of at least eight journalists since July 2014 upon completion of their prison sentences. Charges include vaguely worded ‘national security’ crimes, such as ‘propaganda against the system,’ ‘assembly and collusion against the system,’ ‘insulting the Supreme Leader,’ and ‘spreading falsehoods with intent to agitate the public consciousness.’ In September 2014, the Supreme Court of Iran upheld the death sentence for Mr. Soheil Arabi, a blogger convicted of sabb a-nabi (insulting the Islamic Prophet) for comments he allegedly posted on several Facebook accounts. He was also convicted of ‘insulting Government officials,’ ‘insulting the Supreme Leader’ and ‘propaganda against the system.’ In its reply, The Government claims that Mr. Arabi ‘injured [sic] public religion sensation.’” (HRC, 12 March 2015, pp. 10-11)

“At least 29 journalists, bloggers, and netizens have reportedly been detained, imprisoned or prosecuted since May 2014.” (HRC, 12 March 2015, p. 37)

The UN Secretary-General notes in his February 2015 report to the UN Human Rights Council (HRC):

“While a number of journalists were freed in the latter months of 2014, a large number of journalists remain jailed. National security, espionage, propaganda against the system and insulting the Supreme Leader are some of the charges frequently invoked for the arrest and prosecution of journalists.” (HRC, 20 February 2015, p. 11)

The same report further notes that “Iranian authorities also reportedly continue to close publications and television stations deemed subversive to certain elements of the political establishment” (HRC, 12 March 2015, p. 11).

In a February 2015 press release, Reporters Sans Frontières (RSF) noted a recent “surge in cases of harassment of journalists and print media by the Iranian authorities”, mentioning the closure of the conservative weekly 9 Day and the fining of the reformist monthly paper Mehrnameh. RSF quotes Golamhossein Mohsseni Ejeji, spokesman of the judicial system, as saying that media may be banned or fined if they published information about “the individuals designated as ‘heads of sedition’ by the High Council for National Security and Justice”, i.e. Mohammad Khatami, Hossein Mousavi, Zahra Rahnavard and Mehdi Karoubi. (RSF, 18 February 2015)

The International Campaign for Human Rights in Iran (ICHR) reported in April 2015:

“An appeals court in Tehran has sentenced six individuals to prison terms ranging from five to seven years for postings on their Facebook pages. Two additional individuals are facing as of yet unknown terms for their activities on the social networking site. These are the final verdicts for a group of eight Facebook users arrested in 2014, and represent a reduction from sentences that originally ranged as high as 20 years for their posting of peaceful online content. [...]

A source familiar with the case informed the International Campaign for Human Rights in Iran of these sentences, and said that the court’s ruling, which was served to six of the suspects’ lawyers last week, indicated that they were given maximum sentence according to the New Islamic Penal Code.

‘It is still not clear which charges the Appeals Court Judge has used for the five individuals’ seven-year sentences. They were all charged with ‘assembly and collusion against national security’ and ‘insulting the sacred,’ and the maximum penalty for each is seven years in prison,’ said the source.” (ICHR, 25 April 2015)

The pro-reformist Kaleme website reported in April 2015:

“An imprisoned Iranian reformist journalist has been set free, opposition website Kaleme reported on 13 April. Yaghma Fashkhami was arrested in December 2014, the report added. BBCM [BBC Monitoring]: Fashkhami worked for pro-reform Ruzan daily that suspended operations in December for publishing a special edition on the death

anniversary of Grand Ayatollah Montazeri, one of Iran's most prominent dissident clerics." (Kaleme, 13 April 2015)

The pro-reformist Rahesabz website reported about the arrest of four bloggers in the cities of Tehran and Ahvaz in March 2015 (Rahesabz, 19 March 2015).

In March 2015, Saham News reported about the arrest of Nasereddin Qazizadeh, a reformist journalist and member of the (reformist) National Trust Party led by Mehdi Karrubi (Saham News, 15 March 2015).

For further information regarding the treatment of journalist and bloggers, please refer to section 2 of the October 2014 Country Information and Guidance of the UK Home Office:

- UK Home Office: Country Information and Guidance Iran: Journalists and Bloggers, 9 October 2014 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/file_upload/1226_1413976688_cig-iran-journalists-and-bloggers-9-october-2014.pdf

6.2.2 Internet controls, service providers and social media activism

The Freedom House report Freedom on the Net 2014 refers to provisions in the Computer Crimes Law (CCL) of 2009:

"The 2009 CCL outlines punishments for spying, hacking, piracy, phishing, libel, and publishing materials deemed to damage 'public morality' or to be a 'dissemination of lies.' Punishments are severe and include the death penalty for offenses against public morality and chastity, as well as long prison sentences, draconian fines, and penalties for service providers who fail to enforce government content restrictions." (Freedom House, 4 December 2014)

"The 2009 Computer Crime Law (CCL) makes service providers, such as blogging platforms, responsible for any content that appears on their sites. This has led to the suspension of blogs or shuttering of news websites hosted on platforms inside Iran, under orders from government officials. The CLL also specifies violations that might result in a website being marked for filtering. These are defined very broadly and range from insulting religious figures and government officials to distributing pornographic content and the use of illegal circumvention tools." (Freedom House, 4 December 2014)

A 2013 report of Article 19, a London-based NGO whose work focusses on freedom of expression, notes that the CCL of 2009 "mandates severe sentences that penalise legitimate expression" and that "[t]hese penalties also apply to Internet Service Providers (ISPs) that fail to enforce content-based restrictions, thus incentivising the private sector to promulgate Iran's culture of censorship" (Article 19, 2013, p. 9).

The same report notes that the CCL "failed to address many cybercrimes and, instead, referred the treatment of these crimes back to general criminal laws and the Penal Code" and that "instead of determining illegal content in the law, the law gave exclusive power to the 'Committee Charged with Determining Offensive Content'" (CCDOC) [which had originally

been established in 2002] “to decide which websites or blogs should be blocked”. The same report states that “[s]o far, the Committee has provided a list of 78 topics of forbidden content, and almost all of them are subject to interpretation and can be arbitrarily applied.” (Article 19, 2013, pp. 36-37)

An April 2014 report of Small Media, an NGO that seeks the free flow of information, particularly in Iran, provides details on state bodies tasked with the monitoring the internet:

“The Commission to Determine the Instances of Criminal Content (CDICC) is the body tasked with monitoring cyberspace, and filtering criminal Internet content. It was established as a consequence of Iran’s Cyber Crime Law (CCL), which was passed by Iran’s Parliament in May 2009. According to Article 22 of the CCL, Iran’s Judiciary System was given the mandate of establishing CDICC under the authority of Iran’s Prosecutor’s Office.

Despite its far-reaching mission statement, CDICC is shrouded in secrecy. The actual powers and responsibilities of the Commission are vague and poorly-defined, and details of CDICC’s budget and organisational structures are not publicly available. [...]

CDICC consists of 13 members, of which a minority are members of the elected Iranian government. The rest are appointees of Parliament, or of the Supreme Leader Ayatollah Ali Khamenei: [...] Although the Prosecutor General of Iran [Gholam-Hossein Mohseni-Eje’i] is the nominal head of CDICC, the most powerful man on this committee is the Secretary, Abdolsamad Khoramabadi, who has tended to serve as the public face of CDICC. [...] Recently, Khoramabadi has also come into conflict with President Rouhani. When the President attempted to veto CDICC’s decision to block WhatsApp in Iran, Khoramabadi responded by stating that Rouhani did not have the power to obstruct CDICC’s decisions.

CDICC retained its position as the most influential Internet-focused government body in Iran until 2012, when Iran’s Supreme Leader Ayatollah Seyyed Ali Khamenei signed an executive order establishing the Supreme Council of Cyberspace (SCC). [...] Whilst the SCC took over responsibility for directing the general direction and manner of Internet filtering and infrastructure development, the day-to-day decisions about individual filtering actions still rests with CDICC.” (Small Media, April 2014, pp. 3-4)

The same report further notes:

“Since 2009, the number of [...] regulatory bodies has been on the rise. Though the chain of command is extremely opaque and difficult to ascertain, ARTICLE 19 believes the institutions are arranged in tiers according to the following hierarchy:

- The highest layer includes major policy making bodies, such as the Supreme Council on Cyberspace (SCC) which develops Iran’s domestic and international cyber policies. Major members include Iran’s President and the Head of the Judiciary. Also on this tier is the Supreme Cultural Revolution Council (SCRC), which oversees committee members from the Ministry of Culture and Islamic Guidance, the Intelligence and Security Ministry, and the Sound and Vision Organisation (Islamic Republic of Iran Broadcasting). The Supreme

Cultural Revolution Council (SCRC) is a body dominated by conservatives and based in Qom. [...]

- The next layer down includes executive decision-making bodies such as the Committee Charged with Determining Offensive Content (CCDOC), which identifies sites that carry prohibited content, communicates the standards to be used in identifying unauthorised websites to the TCI [Telecommunication Company of Iran], other major ISPs and the Ministry of Information and Communication Technology (MICT) and also decides which sites will be blocked. The CCDOC is headed up by the Prosecutor General and its other members are representatives from 12 governmental bodies. Significant members include the Chief of Police and representatives of the three ministries of Intelligence, Islamic Guidance and Science, ICT. The SCC and the CCDOC have seven members in common, which allows for effortless policy diffusion and institutional alignment. Also included in this layer is the Ministry of Information and Cultural Guidance (MICG) which is the chief governmental body responsible for leading the effort to control internet activity, mainly balancing the protection of individual rights against the safeguarding of Islamic, national and cultural values. [...]
- Layer three has a policing function, taking action against offenders. Included in this layer is Iran's Cyber Police unit (FATA), which fights digital criminals. The High Council for National Security is also in this layer; it has a mandate to censor official journalists, forbidding them from covering certain topics, such as gay rights and the opposition or women's movements. These restrictions also apply to citizen journalists. Also included here is the Press Authorisation and Surveillance Commission, which issues licences allowing citizens to publish content online.

The Computer Crimes Law, enacted in 2009, upgraded the mandate of the CCDOC. [...] In practice, little information is available about the inner workings of the CCDOC, and censorship decisions are often arbitrary and not at all transparent. According to the law, this committee should meet twice a week to decide on any website bans, but a TCI vice president said in 2010 that the rate of filtering was 200 to 300 websites per day, meaning the bulk of filtering decisions are probably made immediately upon discovery of 'objectionable' content or by a small technical team. [...]

The result of this opaque chain of command, the severe sentences and penalties and the added layers of regulation is that self-censorship has become the norm for internet users in Iran, particularly on political matters." (Article 19, 2013, pp. 16-18)

For provisions in the Constitution, Press Law and Penal Code relating to freedom of expression, please [refer to section 6.2.1](#) of this compilation.

The US Department of State (USDOS) indicates in its June 2015 country report on human rights practices during the year 2014:

"The Ministry of Culture and Islamic Guidance must approve all internet service providers. The government also requires all owners of websites and blogs in the country to register with the ministry, which, along with the Ministry of Information and

Communications Technology, the Ministry of Intelligence and Security, and the Tehran Public Prosecutor's Office, compose the Committee in Charge of Determining Unauthorized Websites, the governmental organization that determines censoring criteria. The same law that applies to traditional press applies to electronic media, and the Press Supervisory Board and judiciary used the law to close websites during the year. [...]

The Supreme Council for Cyberspace formulates the country's internet policies and devises plans to regulate its use. The Committee in Charge of Determining Offensive Content, headed by the prosecutor general and judiciary, reportedly implements the council's decisions regarding the filtering and blocking access to sensitive websites.

Organizations, including the Basij 'Cyber Council,' the Cyber Police, and the Cyber Army, which was presumed to be controlled by the Revolutionary Guards, monitored, identified, and countered alleged cyber threats to national security. These organizations especially targeted citizens' activities on social networking websites officially banned by the Committee in Charge of Determining Offensive Content, such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government, including by raising sensitive social issues. NGOs reported that the government attempted to block internet users' access to technology that would allow them to circumvent government content filters.

Notwithstanding government restrictions, many individuals used social media regularly, ranging across the spectrum from heavy users like urban youth to more measured users in high positions. [...]

Ministry of Information and Communications Technology regulations prohibit households and cybercafes from having high-speed internet access, and the government requires cybercafes to install security cameras and to collect users' personal information. The government periodically reduced internet speed to discourage downloading material. [...]

The government prosecuted and punished several bloggers and webmasters, such as student activist Arash Sadeghi and his wife, Golrokh Abrahami Iraei, for the peaceful expression of dissenting views [...]. Similarly, according to the Kaleme news agency, on May 28 [2014], the Revolutionary Court in Tehran sentenced eight Facebook commenters to a combined 123 years in prison on various charges, including insulting the country's supreme leader, blasphemy, propaganda against the state, and spreading lies. Their sentences ranged from seven to 20 years in prison [...]" (USDOS, 25 June 2015, section 2a)

A March 2014 Reporters Sans Frontières (RSF) press release indicates:

"The Supreme Council for Cyber-Space was formed in March 2012 by Ayatollah Ali Khamenei. Its mission is to protect Iranians from Internet dangers. It is composed of senior military and political figures including the speaker of parliament, the head of the judiciary the ministers of culture and intelligence, the commander of the Republican Guards and the attorney general.

Iran's legal system is expected to carry out the orders of the Supreme Council for Cyberspace but judges and prosecutors can also decide on their own initiative to block access to a site. Censorship procedures are far from clear in Iran. [...]

In 2009, the Revolutionary Guards formed the Organized Crime Surveillance Centre, which is the public and media face of the online crackdown. When it was formed, the Centre officially announced the dismantling of a 'malevolent' online network and the arrests of those behind the incriminated websites. [...]

When the telecommunications sector was privatized in 2009, the Revolutionary Guards took over the Telecommunication Company of Iran (TCI), which owns the main Internet service provider in Iran. Every Iranian ISP has to lease its bandwidth to the TCI.

The TCI is also responsible for ordering the blocking of websites and boasts it has blocked access to millions of sites. In practical terms, thousands of sites and millions of pages cannot be accessed. Censorship, designed officially to protect the public from immoral content, has been extended to cover political news and information. Today it is easier to access pornography online than websites that are critical of the government." (RSF, 11 March 2014)

In an October 2014 press release, RSF stated that "the Revolutionary Guards control the main Internet Service Providers through the Telecommunication Company of Iran, while the three leading mobile phone operators are government offshoots." (RSF, 9 October 2014)

The same press release also notes that since the election of President Hassan Rouhani in July 2013, "the level of Internet controls has been the subject of much debate in the highest government circles" (RSF, 9 October 2014).

Freedom House's Freedom on the Net 2014 report indicates that "the telecommunications industry in Iran is tightly controlled by the government or related entities", noting that the role of the Islamic Revolutionary Guards Corps (IRGC) in the information and communications technology sector has increased in recent years:

"In September 2009, for example, the IRGC purchased a controlling stake in the Telecommunications Company of Iran (TCI), the country's main provider of internet and mobile phone services. The Data and Communication Company (DCC), which operates under the TCI, retains a monopoly on internet traffic flowing in and out of Iran. Other providers must purchase bandwidth from the DCC. Direct access to the internet via satellite is only permitted for certain institutes and is prohibited for personal use." (Freedom House, 4 December 2014)

Freedom House details on internet controls during the pre-election period in May 2013 and on control of cybercafes:

"The pre-election period in May 2013 brought about increased obstacles to access, particularly for users seeking to use circumvention tools or encryption. For example, encrypted traffic was throttled to one to five percent of normal speeds and the

authorities used a 'white list' to block all international connections that were not pre-approved. As such, most virtual private networks (VPNs) were also blocked.

Cybercafes are under the close scrutiny of the officials. These provided 22 percent of all Iranian users with access in 2012. Given their popularity, authorities have been attempting to control them since around 2006, through policies such as segregating business hours for men and women. In July 2013, police inspected 353 cybercafes in Tehran and closed down 67 for 'violating regulations and offering illegal services harm youth and their families.'" (Freedom House, 4 December 2014)

The Freedom House report continues to describe the restriction of access to websites:

"The Iranian authorities continued to restrict access to tens of thousands of websites in 2014, particularly those of international news sources, the opposition, ethnic and religious minorities, and human rights groups. According to a member of the Committee to Determine Instances of the Criminal Contents (CDICC), an average of 1,500 websites with content considered anti-Islamic are filtered every month. While censorship remains stable, the results of the presidential election raised expectations that Rouhani would ease restrictions on online speech, resulting in a mild improvement in self-censorship. However, this enthusiasm may prove short-lived as harassment, detentions, and prosecution of internet users continues.

The regional tension between the Shiite and Sunni branches of Islam also manifests itself in the filtering of websites. The official website of Molavi Abdul Hamid, a prominent spiritual leader of Iran's Sunni community, was blocked without any explanation. Mashregh News, a website closely aligned with the IRGC, published an article strongly criticizing the availability of a Persian-language version of the Saudi-backed Asharq Al Awsat newspaper online in Iran. Abdolsamad Khoramabadi, the head of CDICC, stated his agreement with the article and the site was subsequently blocked.

In the period leading up to the presidential election in June 2013, a large number of websites linked to reformists were blocked. [...]

A number of the campaign websites with the aim of keeping Iranian officials accountable were also blocked. [...] A number of popular news websites operating inside Iran were also blocked. [...] Major international social media tools, such as Facebook, YouTube, Twitter, and Flickr, remained blocked, though the presence of officials in the Rouhani administration on Facebook and Twitter led to speculation that access to these platforms may be restored. [...]

The Iranian government has blocked access to two of Iran's most popular instant messaging and communication services. WeChat, a free voice and text messaging application developed in China, was blocked on December 19, 2013 after members of parliament and officials from Iran's Cyber Police voiced concerns over its use among Iranian youth. Viber was briefly disabled on January 2, 2014. Cryptocat, a tool popular with human rights activists and journalists that allows secure and encrypted chat, was also blocked, demonstrating that the Iranian authorities are concerned with the

popularity of communication channels that they cannot easily monitor.” (Freedom House, 4 December 2014)

Freedom House describes administrative measures of the authorities to remove unwanted content from the web:

“Aside from filtering, the regime also employs administrative measures to remove unwanted content from the web. Website owners must register their sites with the Ministry of Culture and are then subject to requests to remove particular posts deemed unacceptable by the government. The 2009 Computer Crime Law (CCL) makes service providers, such as blogging platforms, responsible for any content that appears on their sites. This has led to the suspension of blogs or shuttering of news websites hosted on platforms inside Iran, under orders from government officials. The CLL also specifies violations that might result in a website being marked for filtering. These are defined very broadly and range from insulting religious figures and government officials to distributing pornographic content and the use of illegal circumvention tools.

In an effort to show that content filtering is based on a legal framework, institutions to oversee internet filtering have been created. The Committee in Charge of Determining Unauthorized Websites is empowered to identify sites that carry forbidden content and report that information to the TCI and other major ISPs for blocking. The committee is headed by the prosecutor general and other members are representatives from 12 governmental bodies. Little information is available about the inner workings of the committee, and censorship decisions are often arbitrary and nontransparent.” (Freedom House, 4 December 2014)

The Freedom House report continues to state that “Internet traffic over cell phones is subjected to a similar level of restrictions as fixed-line connections” and “content of SMS is also subjected to filtering”. The report also describes effects resulting from fear among journalists and bloggers:

“Self-censorship is extensive, particularly on political matters. The widespread arrests and harsh sentences meted out to reporters and activists after the 2009 elections, as well as perceptions of pervasive surveillance, have increased fear among online journalists and bloggers. Many either abandoned their online activities or used pseudonyms, resulting in a palpable drop in the amount of original content being produced by users based inside the country. However, the situation slightly improved after Rouhani assumed the presidency, especially among reformist journalists who advocated for him. The change, however, has been more in terms of perception. The same restrictions of the pre-Rouhani era are still in place and journalists continue to be prosecuted.” (Freedom House, 4 December 2014)

Freedom House states that the government “has intensified its fight against the use of circumvention tools” and adds that the use of such tools “is considered to be illegal, although many ignore this”. The report lists cases of sentences against and arrests of Internet users:

“Iran continues to be an extremely dangerous environment for internet users. Iranian laws heavily restrict what is acceptable speech online and specify harsh punishments for those who deliberately flout restrictions, as well as those who have inadvertently caught the ire of authorities. A group of tech bloggers in the city of Kerman were sentenced up to 11 years for alleged links with foreign organizations, while seven contributors to a Sufi website were also jailed for lengthy terms. Even if access to social media is restricted in the country, eight individuals were sentenced to jail for 7 to 20 years related to Facebook posts deemed as blasphemous or against the regime. Harassment and surveillance are rampant, particularly for those who are critical of the authorities or belonging to ethnic and religious minorities. The recent wave of arrests and sentences are considered to be part of the reaction of the hardliners within the Iranian establishment to President Rouhani’s attempts to open up cyberspace and the media. The IRGC in particular are known to be fiercely resistant to any liberalization in these areas. [...]

On December 3, 2013, officials from the IRGC arrested 16 digital activists in the southern province of Kerman, including eight staff members from the gadget review site Narenji.ir or its sister sites [...]. Referencing their apparent links to the BBC and BBC Persian, they were accused of being in contact with ‘enemy media’ and ‘running a number of projects and plans for antirevolutionary Iranians based abroad’ according to a local justice department official. At least one individual had participated in or led BBC-funded journalism workshops, which officials linked to British intelligence. Five individuals were kept in solitary confinement for four months and subject to daily interrogations. In June 2014, the revolutionary court in Kerman sentenced 11 individuals for ‘designing sites... for media hostile to the regime’: Honarmand to 11 years’ imprisonment, Vahedi (2.5), Hossein Nozari (7), Paknejad (5), and seven others to 1.5 years plus 3 years’ probation.

In July 2013 seven contributors to the Sufi website Majzooban Nor were convicted of producing antigovernment propaganda, insulting the Supreme Leader, and endangering national security. Hamidreza Moradi was sentenced to 10 years in prison, Reza Entesari was sentenced to 7.5, and Mostafa Daneshjo, Farshid Yadollahi, Amir Islami, Omid Behrouzi and Afshin Karampour were each sentenced to 7.5. The court banned them all from practicing any kind of political or journalistic activity for five years after their release. The defendants, who have been held in Tehran’s Evin prison since September 2011, and their lawyers refused to attend the trial on the grounds that it was unfair.

Even if access to social media is restricted in the country, numerous individuals have been targeted for their activities on Facebook and YouTube. In early September 2013, the IRGC arrested five administrators of popular Facebook pages. [...]

In a separate development from May 2014, eight individuals found guilty of blasphemy, spreading anti-regime propaganda, or insulting Supreme Leader Khamenei on Facebook and were sentenced between 7 and 20 years of jail time. [...]

Even the most seemingly benign activities can provoke the ire of conservative authorities. Five dancers and one director were arrested for a homemade video posted to YouTube

that featured men and women —the latter without headscarves—dancing together in a violation of conservative customs.” (Freedom House, 4 December 2014)

Freedom House also mentions the intimidation of Iranians in the expatriate community for their online activities, and a March 2012 Bill aiming at additionally tracking Internet users’ activities, and the obligation of cybercafes and Internet service providers to collect data on their costumers:

“Prior to the elections, Radio Free Europe issued a statement criticizing the Iranian regime’s pressure on family members of Radio Farda staff. According to Radio Farda’s director, Arman Mostofi, relatives of staff members were summoned for interrogations and were told to advise their relatives to refrain from working with the organization. [...]

In March 2012, the Communications Regulatory Authority issued Bill 106, which required the registration of all IP addresses in use inside Iran. Implementing such registration will allow the authorities to track users’ online activities even more thoroughly and is a fundamental part of implementing the National Information Network. In addition, the sale and use of VPNs [virtual private networks] is illegal. Tehran’s Cyber Police (FATA) arrested a 35-year-old man for selling VPN access in 2014, noted that the suspect was found through ‘monitoring the web space.’

As of March 2012, customers of cybercafes must provide information including their name, father’s name, national ID number, and telephone number before using a computer. Cafe owners are required to keep such information, as well as customers’ browsing history, for six months. They are also required to install closed-circuit surveillance cameras and retain the video recordings for six months. [...]

In addition, the CCL obliges ISPs to record all the data exchanged by their users for a period of six months, but it is not clear whether the security services have the technical ability to process all this data.” (Freedom House, 4 December 2014)

The UN Special Rapporteur on human rights in Iran states in his March 2015 report to the UN Human Rights Council (HRC):

“The blocking and filtering of websites also continues to be ubiquitous and is apparently ordered by multiple agencies. It is unclear whether national laws provide the agencies with legal authority to interfere with websites. In October 2014, the head of the Administrative Justice Court and the Office of the Attorney General criticized the Ministry of Culture and Islamic Guidance for directly shutting down websites that did not possess permits, arguing that neither the Ministry nor the Press Supervisory Board has the power to do so without an order from the Attorney General’s Office. In November [2014], the Working Group on Determining Instances of Criminal Content confirmed that the Information and Technology Ministry will continue to filtering [sic] access to data on Instagram. In December 2014 Fars News reported that ‘immoral’ pages on Instagram were blocked.” (HRC, 12 March 2015, pp. 10-11)

“In January 2015 [FarsNews] reported that authorities were attempting to block access to Whatsapp and Tango, in addition to sites similar to Facebook, which are already blocked.

On 26 January 2015, a Contents Working Group was established by the Ministry of Islamic Guidance and Culture, in order to, inter alia, monitor SMS messages.

In February 2015, various outlets reported that references to former President Mohammad Khatami were banned.” (HRC, 12 March 2015, pp. 40-41)

The February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC) states:

“Some 5 million websites are currently blocked, and the Government is reportedly planning to implement ‘smart filtering’, which would further restrict content on the Internet [...] On 21 September [2014], the Prosecutor General urged the Minister for Communication and Information Technology to immediately block messaging services such as Viber, Tango and WhatsApp, which, he claimed, were being used to disseminate derogatory remarks about the Supreme Leader. According to a report on the website of the news agency Khabaronline (www.khabaronline.ir), on 12 September [2014] the Head of the State cyber-police force warned that private messages on Viber and WhatsApp could be monitored and that persons circulating ‘insulting comments’ about the Supreme Leader and other officials would be ‘dealt with’ accordingly.” (HRC, 20 February 2015, p. 10)

A January 2015 query response of the Immigration and Refugee Board of Canada (IRB) states with reference to RSF and the UK-based NGO Article 19 that “there were approximately 150 Internet Service Providers (ISPs) in Iran as of 2013, and although many are privatized, they are not ‘fully independent’ of the government”, noting that the “largest ISP is the Data Communication Company of Iran (DCI), which is owned by the Revolutionary Guards” (IRB, 16 January 2015).

The International Campaign for Human Rights in Iran (ICHRI) reported in February 2014:

“New concerns about the safety of Internet communications have emerged following statements by Iranian authorities about the government’s utilization of new, more complex, and undetectable filtering methods. The new methods used by government organizations not only limit access to Internet websites, but they also put the users’ communication security at risk, making them vulnerable to hackers wishing to access their Internet communications. These new actions can allow the identities of users of hacked websites to be tracked, making their data available to government organizations, in addition to making it very easy for the hackers to access the users’ data.” (ICHRI, 3 February 2014)

Freedom House states in its Freedom in the World 2015 report:

“In a rare positive development, the government granted high-speed internet licenses to two major mobile operators in September 2014, despite hard-liner opposition. The

government also permitted internet providers to increase bandwidth for home connections. However, tens of thousands of websites remain filtered, including news sites and social media, which have otherwise become a relatively free platform of expression for many Iranians. In the fall [of 2014], authorities announced the arrest of 12 individuals for sharing jokes about the founder of the Islamic Republic, Ayatollah Ruhollah Khomeini, on social-media platforms, including Viber. [...] Authorities also continue to target online activists. In July [2014], a revolutionary court sentenced eight Facebook activists to prison for terms ranging from 8 to 21 years. The individuals were charged with acting against national security and insulting Iranian leaders.” (Freedom House, 28 January 2015)

For information relating to the Cyber Police (FATA), please [see section 5.1.4](#) (“Cyber Police”) of this compilation. For information on the “Cyber Army”, please [refer to section 5.3](#) (“Army of the Guardians of the Islamic Revolution”).

6.3 Treatment of failed Iranian asylum-seekers upon return in Iran

For information on the treatment of failed Iranian asylum-seekers upon return to Iran, please refer to the following query responses of the Immigration and Refugee Board of Canada (IRB):

- IRB - Immigration and Refugee Board of Canada: Iran: Treatment of anti-government activists by authorities, including those returning to Iran from abroad; overseas monitoring capabilities of the government (2012-2013) [IRN104730.E], 20 January 2014 (available at [ecoi.net](https://www.ecoi.net))
https://www.ecoi.net/local_link/273204/388897_en.html
- IRB - Immigration and Refugee Board of Canada: Iran: Treatment by Iranian authorities of failed refugee claimants and family members of persons who have left Iran and claimed refugee status (2011-February 2015) [IRN105089.E], 10 March 2015 (available at [ecoi.net](https://www.ecoi.net))
https://www.ecoi.net/local_link/299636/422216_en.html

Among the sources consulted by ACCORD within time constraints no further information could be found on the treatment of failed Iranian asylum-seekers upon return to Iran.

6.4 Freedom of movement/illegal exit

This section does not cover the issue of freedom of movement for women.

Article 33 of the Iranian Constitution of 1979 (last amended in 1989) provides that “[n]o one may be exiled from his place of domicile, or prohibited to take up domicile where he so wishes, or forced to take up domicile at a certain place except in cases provided for by the law” (Constitution of the Islamic Republic of Iran, 1989, Article 33).

Article 23 of the 2013 penal Code provides that “the court can sentence a person who has been sentenced to hadd, qisas, or ta’zir punishments from sixth to first degree” [...] to one or more punishments” from a list of complementary punishments including “[b]an from leaving the country for Iranian citizens” (Islamic Penal Code, 2013, Article 23, quoted in IHRDC, 8 April 2014).

Article 34 of the Penal Code stipulates that “[a] ban from leaving the country for Iranian citizens shall require revocation of the passport and ban from a new application” (Islamic Penal Code, 2013, Article 34, quoted in IHRDC, 8 April 2014).

The US Department of State (USDOS) notes in its June 2015 country report that covers human rights practices during 2014:

“The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit. The government restricted foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields. Several journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year.” (USDOS, 25 June 2015, section 2d)

A February 2013 joint fact-finding-mission report of the Danish Immigration Service (DIS), the Danish Refugee Council (DRC) and Landinfo states with reference to information provided by Hossein Abdy, head of the Passport and Visa Department of the Iranian Ministry of Foreign Affairs:

“On the issue of when a person is unable to exit Iran, Mr. Hossein Abdy stated that when a passport is issued and handed over to a person, he or she is able to leave the country. If there is a court verdict regarding him or her that prevents exit from the country, the police would attempt to inform the person of this fact. If the police is unable to access the person in question, then he or she would be informed at the point of departure by the authorities in place that he or she is not able to leave the country. After the matter is settled in court, he or she may travel once again. When asked if a person released on bail, before any ruling has been made by the court, is able to exit Iran, Mr. Hossein Abdy explained that whether or not such a person would be able to leave the country depends on the bail and what is stated explicitly by the court issuing the bail regarding possible issues in this regard.

Mr. Hossein Abdy explained that some issues could lead to a person not being able to travel outside of Iran. For example, in Iran there is mandatory military service whereby a young man must serve 18 months of military service. When his military service is completed, a young man may travel outside of Iran. He is however, able to apply and obtain permission to travel before completion of service for educational purposes or in the event that he needs to travel for medical attention abroad. Additionally, persons with outstanding issues with the government, for example tax liabilities over the amount of 150 million rials, or felons who have committed serious crimes, such as homicide, fraud etc., can be subject to a ban which is issued by the court in the relation to a specific criminal case.

The consular officers of the U.S. embassy in Ankara noted that after the post-election political turmoil in the summer of 2009 it appears as if the Iranian Government has eased the requirements to allow people to leave the country in the sense that a young man wishing to leave the country before having completed his military service is able to

deposit a bond of 12,000 USD and be allowed travel abroad for study. If the person does not return to Iran, the amount is taken by the authorities. It was commented that young dissatisfied individuals could be perceived as a potential source of unrest by the authorities. It was considered that by allowing them to leave, the authorities were thereby getting rid of dissent.

It was added that by pulling passports, the authorities are able to put pressure on political types such as artists, directors, journalists and are thereby giving them no option to leave. This is as a way of keeping them compliant.

AIS [Amnesty International International Secretariat] stated that the organization had little knowledge on issues regarding exit from Iran. While the law does not permit a person to leave the country through official channels if there is a criminal case pending, in practice, since 2009, the authorities have appeared to lift such restrictions in order to allow such individuals to leave Iran.

On whether a person who had participated in demonstrations would be able to leave the country, a Western embassy (3) stated that there could be examples of cases involving prominent demonstrators being able to exit the country legally and that this could be the case if the authorities just want to be rid of them.

When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, Head of Passport and Visa Department, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban, according to Mr. Hossein Abdy." (DIS/Landinfo/DRC, February 2013, pp. 69-70)

Freedom House notes in its Freedom in the World 2015 report:

"Freedom of movement is restricted, particularly for women and perceived opponents of the regime. [...] Many journalists and activists have been prevented from leaving the country to attend international events, and in some cases their passports have been confiscated." (Freedom House, 28 January 2015)

The International Campaign for Human Rights in Iran (ICHRI) reported in January 2014:

"Foreign travel bans are routinely imposed on Iranian citizens. According to Iranian law, the Iranian Judiciary must inform the Passport Office about an individual's travel ban. Reasons for a travel ban include security concerns, financial debts, outstanding taxes, crime records of individuals abroad during prior trips, and outstanding sentences awaiting enforcement, as well as cases in which individuals who must give others permission to leave the country, such as husbands of married women and fathers of unmarried women and under-age children, request the Judiciary for a travel ban.

Iranians with travel bans are often unaware of their status until they reach the airport. Thousands of Iranians are informed each year about their travel bans only at Passport Control and as they prepare to board their flights.

Civil and political activists are often banned from travel even without any judicial orders. The presence of security organizations in all Iranian airports, particularly those with border checkpoints, has enabled security organizations to determine whether or not any Iranian citizen can leave the country, regardless of the existence of a judicial case against him or her.

In recent years, many activists have been kept from their flights even though their names were not on the list of those banned from foreign travel by the Judiciary. A political activist who was trying to leave the country through Tehran's Imam Khomeini International Airport last year told the Campaign that he was shocked when security forces kept him from boarding his flight. 'I had an open judicial case. The court trial had been postponed for three years, and [naturally] no rulings had been issued in the case. When I tried to board a plane to go to Europe for a professional conference, my passport was confiscated at Passport Control, and I was told to go to the Intelligence Ministry to answer some questions. My objections about the fact that there were no judicial orders banning me from foreign travel were fruitless,' he told the Campaign.

Iran's Intelligence Ministry and the IRGC's Intelligence Unit are two of the organizations that can arbitrarily bar people from traveling abroad without judicial orders. 'No organization, including the Judiciary, is accountable for illegal travel bans,' one civil activist told the Campaign. 'Although I was not banned from foreign travel by the Judiciary, I was kept from boarding a flight at Imam Khomeini Airport two years ago. They confiscated my passport at the airport. After a whole year when they gave me back my passport, without giving any reasons why it had been confiscated, last year I left the country through the Turkish land border.'" (ICHRI, 14 January 2014)

The Iran Human Rights Documentation Center (IHRDC) stated in an undated overview of freedom of movement in Iran that while "Iranian law protect[s] the right to the freedom of movement, the Islamic Republic of Iran has placed severe restrictions on the freedom to move and live throughout the State, and on the freedom to leave the State", and listed the following examples of such restrictions:

"Examples of such restrictions include placing innocent individuals under house arrest, expelling individuals from cities who have done nothing wrong, discriminating against individuals with refugee status, and prohibiting individuals from leaving the state by means of detention or simple refusal to issue valid passports or accept valid visas." (IHRDC, undated)

The same source goes on to list a number of cases from the years 2003 to 2011 relating to restrictions on freedom of movement and residence within Iran and on the freedom to leave the country dating from the years 2003 to 2011 (IHRDC, undated).

Freedom House's January 2015 Freedom in the World report mentions the case of Mashaollah Shamsolvaezin, a reformist journalist who was charged with "propaganda against the state" and banned from [foreign] travel. Shamsolvaezin had already once been banned from leaving the country in 2009 (Freedom House, 28 January 2015).

The same report goes on to mention the case of Mashaollah Shamsolvaezin, a reformist journalist who was "charged with 'propaganda against the state' and banned from travelling. Shamsolvaezin had also been banned from leaving the country in 2009" (Freedom House, 28 January 2015).

A summary of stakeholders' submissions to the universal periodic review, published by the UN Human Rights Council (HRC) in August 2014, refers to the case the imprisoned prisoner Abdolfattah Soltani's wife who was arrested after travelling to Germany to receive a human rights award on her husband's behalf and was subsequently sentenced to one year in prison. This sentence was then suspended for a period of five years, and she was handed a five year foreign travel ban. In another case, the 12 year old daughter of human rights activist Nasrin Sotoudeh was given a ban on international travel. (HRC, 7 August 2014, p. 7)

In his March 2015 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran notes the case of human rights activist Mohammad Seifzadeh, a cofounder of the Defenders of Human Rights Center (DHRC), who was handed a prison sentence on a national security charge in October 2010. In April 2011, he was arrested for allegedly attempting to leave the country illegally, which apparently resulted in a second case being brought against him. The same report goes on to mention the case of human rights lawyer Massoud Shafiee, who represented three US hikers detained in 2009 for alleged "espionage" and "illegal entry" into Iran. He was detained in September 2011 and interrogated for several hours. When he reportedly attempted to leave Iran shortly afterwards, "[h]is passport was allegedly confiscated at the airport and he was informed of a foreign travel ban placed against him." (HRC, 12 March 2015, p. 32)

As noted by the US Department of State (USDOS) with reference to international press coverage, in September 2013, "authorities confiscated film director Mohammad Rasoulof's passport upon his arrival at a Tehran airport, preventing him from traveling to a German film festival in October to receive an award" (USDOS, 27 February 2014, section 2d).

For further information regarding freedom of movement and illegal exit, please refer to chapters 2.10 ("Freedom of Movement") and 2.12 ("Illegal Exit") of the UK Home Office Country Information and Guidance of November 2014:

- UK Home Office: Country Information and Guidance Iran: Background information, including actors of protection, internal relocation and illegal exit, November 2014 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/file_upload/1226_1417007690_cig-iran-background-2014-11-25-v10.pdf

7 Rule of Law/Administration of Justice

7.1 General overview of the Iranian judicial system

Article 156 of the Iranian Constitution provides that “[t]he judiciary shall be an independent power that protects individual and social rights [and] shall be responsible for implementing justice”. It is entrusted with the following duties:

- “1. To examine and pass judgments in respect of litigations, violations, complaints; to settle lawsuits, resolve hostilities and to take necessary decision and action in respect of that part of matters of personal status to be laid down by law.
2. To restore public rights and to promote justice and lawful freedoms.
3. To supervise the proper implementation of laws.
4. To uncover crimes, to prosecute and punish the criminals and implement Hodoud and the Islamic codified penal provisions.
5. To take suitable measures for preventing the commission of crime and to reform the offenders.” (Constitution of the Islamic Republic of Iran, 1989, Article 156)

Article 157 of the Iranian Constitution stipulates that the Head of Judiciary is the highest judicial authority and shall be appointed by the Supreme Leader for a period of five years (Constitution of the Islamic Republic of Iran, 1989, Article 157). The functions of the Head of the Judiciary are specified in Article 158:

- “1. To create the necessary organizational structure at the Justice Administration, commensurate with the responsibilities set forth in Article 156.
2. To draw up bills related to the judiciary, compatible with the Islamic Republic.
3. To employ just and competent judges, to appoint and dismiss them, transfer them to other places, define their jobs, promote their ranks, and such other administrative matters, in accordance with the law.” (Constitution of the Islamic Republic of Iran, 1989, Article 158)

Article 160 deals with the appointment of the Minister of Justice and his powers:

“The Minister of Justice shall be responsible for all matters concerning the relations of the judiciary with the Executive and the Legislature Branches. He shall be appointed from among those proposed to the President by the Head of the judiciary.

The Head of the judiciary may delegate to the Minister of Justice full financial and administrative authorities as well as the authorities for employment of personnel other than judges. In such case the Minister of Justice shall have the same authorities and responsibilities which are laid down by law for other ministers as the highest executive authority [of their respective ministries].” (Constitution of the Islamic Republic of Iran, 1989, Article 160)

The UN Special Rapporteur for human rights in Iran noted in a March 2014 report to the UN Human Rights Council (HRC):

“According to article 157 of the Constitution, the Head of the Judiciary is required to be a ‘doctor of religious law’ and to possess knowledge of judicial matters. He has the power to appoint and dismiss judges, to define their jobs, to issue judicial promotions and transfers (arts. 158 and 164), and to appoint the Prosecutor General and the President of the Supreme Court (art. 162), which are therefore subject to the whims of the head of the judiciary. Under the Law on the Qualifications for the Appointment of Judges of 1982, Shia Muslim women may be appointed as advisory judges but may not preside over a court.” (HRC, 18 March 2014, pp. 14-15)

Moosa Akefi Ghazi, a scholar at the Islamic Law Department of the Islamic Azad University, a private chain of universities with its headquarters in Tehran, published a paper on the Iranian Judiciary in 2011. The paper states that “[t]he entire judicial system ‘from the Supreme Court to regional courts, all the way down to local, revolutionary, military, administrative, clerical and press courts’ are whether directly or indirectly, under the purview of the supreme leader of the state, implementing through his appointed head of judiciary [...]” (Ghazi, 2011, p. 46). With regard to the chief officials of the judiciary, Ghazi writes that “the chief Attorney General and the President of the Supreme Court and of course the head of judiciary power must be Shi’a ‘mujtahids’ jurists” and “the judges of all the courts must be familiar in Shi’a jurisprudence” (Ghazi, 2011, p. 47).

Reuters reported on 15 August 2009 that Ayatollah Sadeq Larijani has been appointed as the new head of the country’s judiciary, thus replacing Ayatollah Mahmoud Hashemi-Shahrudi after Hashemi-Shahrudi’s 10-year term ended. (Reuters, 15 August 2009)

The World Tribune, a US newspaper that focuses on international news and geopolitics notes that in the past, Larijani “served as one of the 12 members of the Guardian Council of the Islamic Republic of Iran for eight years”. (World Tribune, 8 March 2015)

As indicated by Reporters Sans Frontières (RSF), “[o]n 22 June [2014], Ali Khamenei, renewed the term of Mohammad Sadegh Amoli Larijani for another five years” (RSF, 2 July 2014). Recent sources mention Ayatollah Sadeq Larijani as being the current head of Iran’s judiciary (World Tribune, 8 March 2015; Foreign Affairs, 1 April 2015).

An April 2015 article of Foreign Affairs, a US journal of international relations and US foreign policy, notes:

“As judiciary chief, Larijani has followed Khamenei’s orders to silence Green Movement supporters and other dissidents. For his obedience, Khamenei has elevated his religious status from ‘*hojjat-oleslam*’ (a cleric two ranks below an ayatollah) to ‘*hojjat-oleslam valmoslemin*’ (a cleric one rank below an ayatollah) to ‘ayatollah.’ Khamenei rarely, if ever, refers to any cleric as ayatollah.” (Foreign Affairs, 1 April 2015)

In a paper published in August 2009, Mehdi Khalaji, senior fellow at The Washington Institute, a US think tank specialised in US Middle East policy, notes that the Iranian judiciary is under the close control of Supreme Leader, who “not only appoints its head, but also gives unofficial recommendations to other high-ranking judiciary officials”; the source also points to Larijani’s links to the IRGC and the intelligence agencies (Washington Institute, 13 August 2009).

As noted in a Guardian article of 18 March 2015, the judiciary, which is “dominated by conservatives, acts independently of Rouhani’s government” (Guardian, 18 March 2015).

7.1.1 Court system

In a July 2012 article published on Iran Review, a non-governmental website on Iranian matters, Fardin Kharrazi, senior researcher at the Center for Strategic Research (CSR), an entity which is affiliated with Iran’s Expediency Council and is responsible for research on international issues and advising officials and decision-makers, gives an overview of the structure of judicial organization and legal procedure in Iran. It includes information on the Supreme Court, public courts, specialized courts, and the Court of Administrative Justice. (Kharrazi, 20 July 2012)

As the UN Special Rapporteur for human rights in Iran noted in his March 2014 report to the UN Human Rights Council (HRC), “[t]he judiciary comprises multiple district courts, the jurisdiction of which is governed by the nature of the allegations against the accused” (HRC, 18 March 2014, p. 14).

Supreme Court

Article 161 of the Constitution provides for the establishment of the Supreme Court:

“With a view to exercising supervision on the proper implementation of law by the courts of law, creating uniform and binding judicial precedent and carrying out the responsibilities assigned to it by law, a Supreme Court shall be established on the basis of rules and criteria laid down by the Head of the Judiciary.” (Constitution of the Islamic Republic of Iran, 1989, Article 161)

Article 162 empowers the Head of the Judiciary to appoint both the President of the Supreme Court and the Attorney General for five-year-periods “in consultation with the judges of the Supreme Court” (Constitution of the Islamic Republic of Iran, 1989, Article 162).

Kharrazi describes the Supreme Court as follows:

“The Supreme Court is a high-ranking judicial institution which in addition to supervising performance of courts and introducing a uniform procedure, can put the President to trial and hand down a ruling in cases that the chief executive does not fulfill his legal duties, thus, paving the way for impeachment and removal of the President from his post after obtaining the agreement of the Supreme Leader. Also, in case of differences among various courts over their competence to investigate a case, the Supreme Court will have the legal authority to settle such disputes.” (Kharrazi, 20 July 2012)

In his 2011 paper, Ghazi notes with regard to the appellate jurisdiction of the Supreme Court:

“Appeals lie to the Supreme Court from any judgment, decree or final order of courts in the territory of Iran, whether in civil, criminal or other proceeding except revolutionary courts. It is an appellate court that also reviews decisions of the lower courts to ensure their conformity with the laws of the country. The Supreme Court is the ultimate judicial authority for establishing judicial practice and uniform practice. It has administrative control on lower courts across the state.” (Ghazi, 2011, p. 45)

Ghazi continues that judicial review is not a task assigned to the Supreme Court by the Constitution. This task is assigned to the Guardian Council, the only institution empowered to declare a law enacted by the parliament as unconstitutional. (Ghazi, 2011, pp. 45-46)

Public Courts (civil and criminal courts)

Fardin Kharrazi provides information on public courts, which are divided into civil public courts and criminal public courts:

“Civil public courts see into legal (civil) cases such as family-related, financial, and contractual disputes as well as cases pertaining to inheritance and similar issues. They have branches across the country. Civil public courts are usually presided over by a judge or his substitute and all measures as well as investigations are carried out by them according to civil procedure act. Making the final decision, however, is a duty for the presiding judge.

Some select branches of civil public courts specifically hear family-related cases which are known as family courts. In these branches, there is a female judicial assistant on the side of the presiding judge who submits her judicial opinion to the judge before he issues the final verdict. [...]

Criminal public courts hear criminal cases. These courts convene their sessions under the presiding judge or his substitute when the main judge is absent. Preliminary investigation as well as prosecution and apprehension of the accused, interrogation, and completion of the case take place at the prosecutor’s office. After the indictment is issued, the case is forwarded to a criminal public court. If the crime is proven, a proportionate verdict for the punishment of the criminal is handed down. If the crime is not proven, the judge rules for the acquittal of the accused. Some branches of criminal public courts are special to specific crimes such as children’s offenses, economic crimes and crimes perpetrated by civil servants.

Criminal courts can be found in all cities and their verdicts can be appealed at the same city’s higher criminal court. Of course, in cases of major crimes which entail capital punishment or life imprisonment, primary hearing will be held at a provincial criminal court which is usually attended by three to five judges. Its verdicts, however, can only be appealed at the Supreme Court.” (Kharrazi, 20 July 2012)

GlobaLex, an electronic legal publication provided by the Hauser Global Law School Program at New York University School of Law, published a guide to the legal system of Iran updated in February 2011 which was authored by Omar Sial, an advocate based in Karachi, Pakistan. The guide notes that there are “nearly 600 Public Courts” (also called “regular courts”) in the country. These are classified into Civil Courts, Special Civil Courts, and First Class Criminal Courts and Second Class Criminal Courts. As regards civil courts, the same source specifies:

“[F]amily matters, including marriage, divorce and custody, come under the jurisdiction of the Special Civil Court allocated to family affairs. Whereas personal status matters such as citizenship and probate come under the jurisdiction of the Public Civil Courts.” (GlobaLex, February 2011)

The same source states with reference to first and second level criminal courts:

“The first level courts have jurisdiction over prosecution for felony charges, while the second level courts try cases that involve lighter punitive action.” (GlobaLex, February 2011)

Administrative High Court

The Constitution further mandates the establishment of an Administrative High Court in Article 173:

“For the purpose of dealing with complaints, grievances and objections of people against Government employees, institutions or administrative regulations and redressing their rights, a court known as the Administrative High Court shall be established under the supervision of the Head of the judiciary.” (Constitution of the Islamic Republic of Iran, 1989, Article 173)

Kharrazi states that the Administrative High Court (referred to here as “Court of Administrative Justice”) “has many branches each with a head and a substitute member” and that “[t]raditionally, the head of the first branch of the Court has also been the head of the Court of Administrative Justice”. The source also notes that the Administrative High Court also has “many appeals branches each with a head and two advisors”. (Kharrazi, 20 July 2012)

Revolutionary Courts, Special Courts of the Clergy, Press Courts

Kharrazi indicates that Iran’s legal system provides for three kinds of specialized courts for special cases: military courts, Islamic Revolution courts (referred to as “Revolutionary Courts” in other sources) and the Special Court for the Clergy (Kharrazi, 20 July 2012).

Mehran Tamadonfar, associate professor of political science at the University of Nevada, Las Vegas (USA), noted in his 2015 book “Islamic Law and Governance in Contemporary Iran”:

“In addition to regular courts, a number of specialized courts have been established, some in accordance with constitutional stipulations and others without a constitutional mandate. Judicial procedures in some of these courts lack transparency and respect for due process rights.” (Tamadonfar, 2015, p. 264)

The same source refers to Clerical Tribunals, Revolutionary Courts, and Press Courts as courts that are “neither established on the basis of any explicit or implicit constitutional stipulations”:

“Clerical Tribunals, Revolutionary Courts, and Press Courts are neither established on the basis of any explicit or implicit constitutional stipulations nor are they in conformity with the general and due process rights guaranteed in the constitution. By any standards, these courts, their broad and ambiguous charges, their closed hearings, and severe punishments they impose on the defendants are indeed unconstitutional and in violation of international human rights standards.” (Tamadonfar, 2015, p. 265)

Hadi Ghaemi of the International Campaign for Human Rights in Iran (ICHRI) writes in a chapter of the Iran Primer, a 2010 publication of the United States Institute of Peace (USIP), that the legal system in Iran has many layers of courts and distinguishes between the courts based on the Constitution (the Supreme Court, civil and criminal courts, and military courts) and those based on decrees by revolutionary leader Khomeini (Revolutionary Courts and the Special Court for the Clergy). The latter have “never been incorporated into the constitutional clauses defining the role and structure of the Judiciary” and “[l]egal experts critical of these tribunals have repeatedly challenged their legal standing”. (Ghaemi, 2010)

The “Islamic Revolutionary Courts”, as indicated in a March 2015 BBC News article, are “a legacy of the 1979 revolution” in the course of which they were created “to deliver summary justice to opponents of the Islamic revolution”. The article quotes data obtained from the Iran Tribunal, a Hague-based non-binding legal tribunal seeking to investigate human rights violations that occurred in Iran during the 1980s, according to which “in the first decade after the revolution more than 16,000 people were sent to their deaths by these courts”. The same BBC article notes that the Revolutionary Courts are “used mainly (but not exclusively) to deal with high-profile political cases” and that according to observers, they are “less regulated than ordinary courts, and tend to be more hardline and unpredictable in terms of the judgements they pass.” (BBC News, 26 May 2015)

Mehran Tamadonfar states in his 2015 book:

“The Law of the Establishment of the Public and Revolutionary Courts (adopted in 1373 A.H.) created the Revolutionary Courts that hear offenses against the internal and external security of the country, corruption on earth, slander against Khomeini and the Supreme Leader, conspiracy against the regime, espionage, terrorism, narcotic smuggling, and other offenses enumerated in Article 49 of the constitution. According to Article 4 of the Administrative Regulations Governing the Revolutionary Courts and Public Prosecutor’s Office, the broad judicial powers of this court are exercised by a three-judge panel consisting of a religious judge, a civilian judge, and an individual ‘trusted by the people’ who are respectively appointed by the Leader and ministry of justice. In practice, however, these courts are dominated by religious judges.” (Tamadonfar, 2015, pp. 265-266)

As regards the types of cases prosecuted before the Revolutionary Courts, the March 2014 report of the UN Special Rapporteur for human rights in Iran notes:

“The revolutionary courts, before which most individuals identified as ‘prisoners of conscience’ are prosecuted, preside over cases involving offences against ‘internal or external security’, drug offences and activities aimed at ‘fortifying the Pahlavi regime, suppressing the struggles of the Iranian people by giving orders or acting as agents, plundering the public treasury, and profiteering and forestalling the market of public commodities.’” (HRC, 18 March 2014, p. 14)

In his 2011 paper, Ghazi notes that the Revolutionary Courts deal with the following matters:

“1) The domestic or foreign security of the Islamic Republic of Iran and decay on earth; 2) Any insulting attitude against the founder of the Islamic Republic and/or its leader; 3) Any conspiracy against the Regime or engaging in terrorism or demolition of public buildings or facilities with the aim of confronting the Islamic state; 4) Spying for foreigners; and 5) Drug trafficking or related crimes [...] and in general ‘crimes against God.’” (Ghazi, 2011, p. 44)

As indicated by GlobalLex, judgments passed by the Revolutionary Courts “cannot be challenged in any Court in Iran” and “Revolutionary Courts do not allow for the involvement of defense attorneys in Court proceedings related to various legal matters addressed by these Courts” (GlobalLex, February 2011).

Tamadonfar’s 2015 book includes the following information on Clerical Courts:

“Clerical Tribunals are entrusted with the task of trying and punishing misdeeds by the clergy. The jurisdictional scope of these tribunals are ill-defined but, in practice, they are egerally used to marginalize and punish those clerics who ‘deviate’ from the regime’s view of the Shi’a doctrine and question the religious legitimacy of the system and its policies. These courts, which are somewhat independent from the judiciary, do not follow regular criminal or civil procedures. Their proceedings are not open and their decisions are not necessarily based on codified laws. Their decisions are final and the courts are only responsible to the Supreme Leader. On occasions, the lay have also been tried in these tribunals.” (Tamadonfar, 2015, p. 265)

Mirjam Künkler, assistant professor of Near Eastern Studies at Princeton University (USA) stated in a May 2009 paper on the Special Court of the Clergy (SCC):

“Set up in the early years of the revolution and subsequently out-phased, the SCC was formally re-established in 1987 by decree of rahbar (Leader) Ayatollah Khomeini (Ettelâ`ât, June 12, 1987). The official function of the SCC is to investigate criminal transgressions of the clergy, but the court has since the mid-1990s been used increasingly as an instrument for the suppression of dissident clerics, and at times even non-clerical culprits. Court proceedings take place behind closed doors and the accused are not permitted to choose their own defense counsel. The court runs its own security and prison systems, and operates on a budget independent from the judiciary and not approved by the Majles, as all budgets should be according to the constitution, but by the

Expediency Council, a council appointed by and only answerable to the rahbar. Since the court is outside the official judiciary, the personnel is not subject to any oversight such as the Judges Disciplinary Court, but subservient to the office of the Leader only.” (Künkler, 13 May 2009, p. 2)

Künkler goes on to note:

“A defining characteristic of the SCC is, [...] that they function outside of the judiciary, that the judiciary has no jurisdiction over these courts and that the personnel of the courts, because the courts do not exist within the framework of the constitution, does not feel bound to abide by any of the constitutional liberties or guarantees emanating from international covenants Iran has ratified, as opposed to the judiciary.” (Künkler, 13 May 2009, p. 12-13)

As noted in the February 2011 GlobaLex guide to the legal system of Iran, the Special Clerical Court “holds operations independent of the regular judicial system and is accountable to the Supreme Leader of Iran”. The source goes on to note that judgements of the Clerical Courts are “final and cannot be appealed” (GlobaLex, February 2011).

As noted by Ghaemi in 2010, the Special Court for the Clergy “has also been used as a political tool against clerics who urge reforms, criticize the regime or challenge the role of the supreme leader” (Ghaemi, 2010).

The Special Courts for the Clergy are described in the 2011 paper written by Ghazi:

“The Special Courts for the Clergy are out of bounds of the judiciary and functions independently under the control of the Supreme leader, so they are accountable only to him. They are empowered to try any clerical dissident. The Special Clerical Court handles crimes allegedly committed by clerics ‘roohaniyat’ whether Shi’a or Sunni. The judgments of these kinds of courts are final without appeal.” (Ghazi, 2011, pp. 43-44)

Künkler further indicates that “[w]hile Khamenei did not establish the courts, [...] he expanded them in 1990 by establishing the SSC in ten cities other than Tehran and by endowing them with an ordinance (ahkām-i hokumati) of 47 articles, which was amended and expanded in 2005.” (Künkler, 13 May 2009, p. 14)

The US Department of State (USDOS) notes in its June 2015 country report on human rights practices on the reporting year 2014:

“Numerous human rights groups continued to question the legitimacy and secrecy of the special clerical court, which is headed by a Shia Islamic legal scholar and overseen by the supreme leader. The constitution does not provide for the court, which operated outside the judiciary’s purview. The court is charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. Critics alleged that clerical courts were used to control non-Shia clerics as well as to prosecute Shia clerics who expressed controversial ideas and

participated in activities outside the sphere of religion, such as journalism or reformist political activities.” (USDOS, 25 June 2015, section 1e)

The same report notes the following case tried before a Special Clerical Court:

“According to a June 5 [2014] report by Majzooban Noor, a special clerical court sentenced Sufi lay member Abbas Salehian to a six-month’s imprisonment for ‘committing a forbidden act by promoting the Gonabadi Sufi order.’” (USDOS, 25 June 2015, section 1e)

The previous USDOS country report on human rights practices of February 2014 informed about the following cases:

“On September 2, journalist collective IranWire reported that the Special Clerical Court in Tabriz sentenced Sunni cleric Abdolsalam Golnavaz to six years in prison and permanently barred him from wearing clerical clothing on charges of ‘criticizing authorities in Kurdistan Province as a means of incitement’ and ‘propagating Sunni views aimed at creating sectarian conflict.’

There were developments in the 2012 case of dissident cleric Arash Honarvar Shojaee. On September 11, the ICHRI reported that Shojaee said the judiciary had added an additional charge against him of ‘insulting the founder of the Islamic Republic,’ for which he was sentenced to one additional year in prison, for interviews he gave in 2012 to the Nationalist-Religious and Rasam websites in which he described former Supreme Leader Khomeini’s conduct as ‘populist.’ Shojaee was arrested in 2010 and sentenced by the Special Clerical Court to four years in prison, 50 lashes, and defrocking on charges of espionage, ‘disrespecting the clergy,’ and ‘acting against national security.’ He was held in the Special Clerics Ward (Ward 325) at Evin Prison at year’s end.” (USDOS, 27 February 2014, section 1e)

As noted by the Iran Human Rights Documentation Center (IHRDC), the Special Clerical Courts are “typically used to try dissident clerics and their supporters” and “have their own security apparatus and are notorious for ignoring defendants’ due process rights” (IHRDC, 25 September 2014, p. 41, footnote 269)

For further details on the mandate and functions of the SCC, see Künkler (13 May 2009, pp. 18-26) as well as a report by the Iran Human Rights Documentation Center (IHRDC, August 2010).

Tamadonfar’s 2015 book informs about Press Courts as follows:

“Press Courts were established on the basis of the Press Law, in order to control the media and people’s access to information considered undesirable by the regime, in violation of Article 168 of the constitution which guarantees open and jury trials in press offenses. These courts are used to close down newspapers and magazines and to punish critical journalists.” (Tamadonfar, 2015, p. 266)

For information on military courts, please [refer to section 7.9.1](#) of this compilation.

7.1.2 Procedural law and practice

The Iranian Constitution contains provisions relating to public trials (Article 165), reasoned verdicts (Article 166), rule of law (Article 167), political and press offences (Article 168), the principle of “Nulla poena sine lege” (“No penalty without law”) (Article 169), control of government decrees and regulations (Article 170) and the liability of judges (Article 171):

“Article 165 – Trials shall be conducted openly and the presence of people therein shall be allowed unless the court decides that it would be contrary to public morals or public order, or in private lawsuits where the parties to it request that the trial be held in camera.

Article 166 – Judgments of courts must be substantiated and supported by articles of law and the principles on the basis of which such judgments are rendered.

Article 167 – A Judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict on the matter under consideration based on authentic Islamic sources or authoritative Fatwas. He may not refrain from dealing with the case and rendering a judgment on the pretext of silence, inadequacy or brevity of or contradiction in codified laws.

Article 168 – Investigation of political crimes and press offences shall be open and shall be carried out by a court of law in the presence of a jury. The manner of appointment, qualifications and authorities of the jury, and the definition of a political crime shall be laid down by law on the basis of Islamic precepts.

Article 169 – No act or omission of an act may be regarded as a crime retroactively by virtue of a law enacted thereafter.

Article 170 – Judges of courts shall be required to refrain from implementing Government decrees and regulation which are contrary to law or the rules of Islam or beyond the limits of authorities of the Executive. Anyone may apply to the Administrative High Court for the annulment of such regulations.

Article 171 – Should someone suffer moral or material loss as a result of interpretation, or mistake of fact or of law by a judge, or application, by him, of a rule on a particular case, in the event of default, the defaulting judge shall stand as a guarantor according to the principles of Islam, otherwise the losses shall be indemnified by the State. In any event, the accused person shall be rehabilitated.” (Constitution of the Islamic Republic of Iran, 1989, Articles 165-171)

Judicial procedure on criminal matters is regulated in the Criminal Code of Procedure for Public and Revolutionary Courts (approved in September 1999), a full English translation of which has been published by the Iran Human Rights Documentation Center (IHRDC). As annotated by the IHRDC, this Code “addresses the investigation and prosecution of crimes, trial procedure and issuance of sentence, and appeal guidelines” and further “provides rules on the functioning of the judiciary” (IHRDC, 19 September 1999):

- IHRDC - Iran Human Rights Documentation Center: English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts, approved on 19 September 1999 (with amendments)
<http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000026-english-translation-of-the-islamic-republic-of-irans-criminal-code-of-procedure-for-public-and-revolutionary-courts.html>

Detailed information on the law and practice of criminal investigation and trial procedure can be found in a November 2010 report by Behnam Daraeizadeh, an Iranian criminal defence attorney, which has been translated by the Iran Human Rights Documentation Center (IHRDC):

- IHRDC – Iran Human Rights Documentation Center: Legal Commentary: A Look at Criminal Procedure in Iran (author: Behnam Daraeizadeh), November 2010
http://www.iranhrdc.org/files.php?force&file=pdf_en/LegalCom/A_Look_at_the_Criminal_Procedure_in_Iran_723383586.pdf

The UN Special Rapporteur on human rights in Iran stated in his March 2014 report to the UN Human Rights Council (HRC):

“Judges are called upon to adjudicate cases on the basis of codified law and, when the law is silent, to issue judgements on the basis of authoritative Islamic sources and authentic fatwas. Candidates for judgeship or prosecutorial positions are required to ‘have faith, be just and possess a practical commitment to Islamic principles and loyalty to the system of the Islamic Republic’. [...]

Lawyers reported that they believed that judges, particularly those in revolutionary courts, made their decisions almost exclusively on the basis of reports submitted by arresting and investigating intelligence officials (and confessions, if available). This approach was indeed reflected in the revolutionary court verdicts reviewed by the Special Rapporteur, which made extensive reference to the reports of the Ministry of Intelligence. Lawyers also reported that, in their experience, judges rarely considered evidence provided by the defence, and frequently chose to ignore allegations that confessions had been obtained under torture.” (HRC, 18 March 2014, p. 15)

Several sources include references to a new Criminal Procedure Code (Abdorrahman Boroumand Foundation et al., 9 March 2015; AI, 25 February 2015, Ghazanfari/ Ebrahimi, 2015) which was adopted by parliament in 2013 (Ghazanfari/ Ebrahimi, 2015, p. 117) and is due to come into force in June 2015 (Abdorrahman Boroumand Foundation et al., 9 March 2015, p. 35; HRC, 12 March 2015).

The March 2014 report of the UN Special Rapporteur on human rights in Iran gives an overview of changes introduced in the new Criminal Procedure Code:

“On 6 November 2013, the Guardian Council approved a new criminal procedure law, which has yet to come into force. The new law incorporates the 2004 Law on Respecting Legitimate Freedoms and Protecting Citizens’ Rights. From a rights perspective, the new

law presents some notable improvements to the current law, which facilitated a variety of abuses. Nonetheless, the new law also maintains some key shortcomings. [...]

The new law continues to provide for the detention of individuals throughout an initial investigation phase, during which security officials gather evidence against suspects. It requires the authorities to adhere to procedures designed to safeguard fair trial standards defined in the law of 2004. In order to prevent flight or to maintain 'public order', the law allows investigatory judges to extend pretrial detention, once charges have been laid within 24 hours, for serious offences, including for vaguely worded national security offences, for one month at a time and for up to two years or until trial. Detainees may appeal against the extension of detention within 10 days of its issuance. [...]

The new law allows the access of defendants to a lawyer within the initial investigation phase, upon their request. Under the current criminal procedure, lawyers are prohibited access during the initial investigation. Furthermore, the investigatory judge must inform the accused of the right to a lawyer, and offer a court-appointed lawyer if the accused cannot afford one. When accused persons are charged with a national security or other serious offence, however, they can still be denied the right to counsel for one week. Security forces, with the agreement of an investigatory judge, may also deny a detainee's communication with family and friends if there is 'a need to do so', which is not clearly defined. [...]

The law also expands the number of judges that preside over serious crimes in public criminal and revolutionary courts to five, with a quorum of three. In addition, the law expanded the jurisdiction of the Supreme Court to hear appeals, including claims that serious procedural violations have invalidated verdicts. The law states, however, that procedural violations do not themselves invalidate rulings unless rights breached are of sufficient importance. [...]

Defendants may, if acquitted, seek remedy for defamation, damages and mental anguish to themselves or family members if they have been unjustifiably detained or detained through a mistake or fault of the judge during the initial investigation period. Such claims are to be heard by a provisional commission, which consists of three judges appointed by the head of the judiciary." (HRC, 18 March 2014, p. 6-7)

The March 2015 report of the Special Rapporteur further elaborates on the new Code of Criminal Procedure's provisions on legal counsel:

"Article 48 of the revised Code of Criminal Procedures (effective in June 2015), provides defendants the right to request 'the presence of a lawyer at the onset of detention.' However, a note to Article 48 allows for exceptions, e.g. if the accused is detained on suspicion of committing offences, such as organized crime, crimes against national security, theft and drug-related offences, they may be prohibited from accessing a lawyer for up to a week after arrest. It should be noted that most violations of fair trial standards reportedly occur during the investigation phase. Individuals including lawyers, journalists,

religious and ethnic minorities who peacefully exercise internationally recognized rights, are frequently convicted of national security offenses.” (HRC, 12 March 2015, p. 7)

Human Rights Watch (HRW) noted in a February 2013 press release:

“Although Iran’s criminal procedure laws allow for the prolonged incommunicado detention of a suspect during the ‘investigation phase,’ the prolonged detention of these individuals is inconsistent with requirements laid out in article 3 of the Law Establishing Public and Revolutionary Courts. These provisions oblige the judiciary to end the investigative phase of a case within four months, at which point authorities must either indict or release the suspects. In cases in which the judiciary wishes to extend the investigative phase, the judges must provide a reason for their decision. The law states that detainees have the right to appeal this decision to a Revolutionary Court judge.” (HRW, 23 February 2013)

As Freedom House indicated in its January 2015 Freedom in the World report, “[a]ctivists are routinely arrested without warrants and held for indefinite periods of time without formal charges” and while being “denied access to legal counsel”. Many activists are “later convicted on vague security charges in trials that sometimes last only a few minutes”. During interrogations, [m]any have been forced into false confessions dictated by their interrogators”. The source also notes that “[j]udges often set extremely high bails for the release of activists”. (Freedom House, 28 January 2015)

For further information on procedural practice, please consult chapter 2.8. (“Judiciary”) of the November 2014 Country Information and Guidance of the UK Home Office (pp. 19-27):

- UK Home Office: Country Information and Guidance Iran: Background information, including actors of protection, internal relocation and illegal exit, November 2014 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/file_upload/1226_1417007690_cig-iran-background-2014-11-25-v10.pdf

7.1.3 Information on fair trial guarantees and safeguards against double jeopardy

The Iranian Constitution provides in Articles 34 through 38:

“Article 34 – It shall be established right of every one to plead for justice. Every one may refer to competent courts to seek justice. All members of the nation shall have the right to have access to such courts. No one can be stopped from referring to the court to which he has right to refer according to law.

Article 35 – Both parties to a lawsuit have the right to appoint a lawyer in all courts and if they are not able to appoint a lawyer, facilities for appointing a lawyer shall be provided for them.

Article 36 – Penal judgments can only be passed by and enforced through a competent court in accordance with law.

Article 37 – Innocence is always presumed and thus no one shall be regarded as guilty in the eye of law unless his guilt is proved in a competent court.

Article 38 – it shall be prohibited to apply any form of torture to obtain a confession or information. It shall not be allowed to force a person to give testimony, make a confession or take an oath; such testimony, confession or oath shall have no validity whatsoever. The violator of this article shall be punished according to law.” (Constitution of the Islamic Republic of Iran, 1989, Article 34-38)

Silvia Tellenbach, a specialist on Iranian criminal law at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg (Germany), noted in a 2014 commentary on the new Islamic Penal Code (IPC) of 2013 that the issue of legality remains problematic even in the new code. The Penal Code of 1926 (amended as of 1973) included a clause (in Article 2) which said that an act cannot be considered a crime if there are no legal provisions that provide for punishments or protective or educative measures for this act. This safeguard was still part of Article 2 of the Law on Islamic Punishments of 1982 but was no longer found in the IPC of 1991 nor in the the IPC of 2013. Article 2 of the IPC of 2013 reads: “Any behavior, be it an act or omission to act, for which punishments are provided in the law, shall be regarded as a crime”. Another issue of legality is addressed in Article 12 of the IPC of 2013, which says that “a sentence to a punishment or measures of protection or education may only be handed down and implemented by a competent court on the basis of a law, through consideration of the pre-conditions and arrangements set out therein”. Article 13 further stipulates that verdicts may not exceed the type or level of punishments or protective or educative measures provided by law. Finally, the definition of *ta’zir* punishments in Article 19 requires that these must be specified by law. (Tellenbach, 2014, p. 778).

Tellenbach further states that the IPC of 2013 prohibits retrospective effect with regard to offences codified in state law, i.e. *ta’zir* crimes (as did the previous IPC). For crimes that require *hadd* or talion punishments or payment of blood money, on the other hand, the point in time of their codification is irrelevant. Punishments for these offences are justified on religious grounds and are thus assumed to have been valid since the emergence of Islam. (Tellenbach, 2014, pp. 778-779).

Another continuing problem discussed by Tellenbach stems from article 167 of the Iranian constitution which stipulates that in the absence of provisions in codified law, the judge “has to deliver his judgment on the basis of authoritative Islamic sources and authentic fatwa”. While there were controversial discussions on whether this provision should only apply to civil cases or also include criminal cases, the new IPC of 2013 now states in Article 220 that in the case of *hadd* crimes not mentioned in the law, the judge shall proceed as specified in Article 167 of the Constitution. This provision is particularly significant with regard to “apostasy” cases. (Tellenbach, 2014, pp. 779).

As regards the issue of “double jeopardy”, Tellenbach states that in some cases, criminal judgments passed in other countries may become effective in Iran. This effect had been provided for in the 1926 Penal Code (amended as of 1973) but was abandoned during

amendment processes after the Islamic Revolution. The IPC of 2013 has reinstated detailed provisions with regard to counting sentences served abroad and the prohibition of double jeopardy. These provisions, however, only apply to *ta'zir* crimes. With the exception of crimes committed abroad by Iranian or foreign civil servants in connection with their professional activity, *ta'zir* crimes will not be punished for a second time if the perpetrator has been acquitted or has entirely or partially served his/her sentence in the country where the crime had occurred (Article 7). In practice, no cases of double jeopardy have been reported in recent times. But since Iranian law previously did not prohibit double jeopardy and the judiciary did not arrive at a clear position on this matter, there was always a degree of uncertainty with regard to this issue. This matter has now been clarified in the IPC of 2013 (Tellenbach, 2014, pp. 780-781).

Sahar Maranlou, a post-doctoral research officer in Middle East Studies at Oxford University, stated in her 2015 book "Access to Justice in Iran", that Article 35 of the Iranian Constitution and Article 185 of the Code of Criminal Procedure both provide for the right to legal counsel. However, as the author notes, "many defendants' right to counsel has been denied in practice":

„Many defendants are excluded from access to a legal counsel during the investigation procedure while in detention. This is mainly because, under a note to Article 128 of the Code of Criminal Procedures, defendants' access to lawyers in sensitive cases can be barred by the judges. Restrictions to the right to counsel provided under the note to Article 128 of the Code of Criminal Procedures seems to contradict Article 3 of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' rights, enacted in 2004. This law obliges the court and the prosecutor to fulfil the right to legal representation of the defendants by providing the opportunity to be represented by a lawyer during all stages of the trial. However, it has been claimed that prosecutors and courts have closed their eyes to this new legislation in order to deny the defendant's right to counsel under Article 128." (Maranlou, 2015, pp. 111-112)

A discussion of fair trial guarantees in the new 2013 Criminal Procedures Code (which is due to enter into effect in June 2015) can be found in an article by Hengameh Ghazanfari and Hamed Ebrahimi, two legal academics at the Islamic Azad University in Iran:

- Ghazanfari, Hengameh/Ebrahimi, Hamed: General Guarantees of Fair Legal Procedure in Iran's Criminal Procedure Law in Conformity with Article 6 of the European Convention on Human Rights. In: *Aula Orientalis* vol. 1, 2015, pp. 112-124
[http://editorialusa.com/2015/1/AG2015V33%20\(14\).pdf](http://editorialusa.com/2015/1/AG2015V33%20(14).pdf)

The March 2014 report of the UN Special Rapporteur on human rights to the UN Human Rights Council elaborates on reported violations of fair trial standards:

"Article 35 of the Constitution recognizes the right to elect an attorney in all courts, and clearly requires the courts to provide opportunities for the realization of this right. Article 3 of the Citizenship Rights Law of 2004 requires courts and prosecution offices to respect the right of the accused to a defence, and to provide the accused with the services of a

defence attorney. Similar protections have been prescribed by the Criminal Procedure, as noted above. [...]

All persons interviewed for the present report stated that they had had no access to a lawyer during the initial investigation stage of their case, which is precisely the period when most violations of fair trial standards occur. Some 56 per cent of interviewees who were prosecuted reported that they did not have a lawyer during their trial. In three cases, judges reportedly refused to allow the defendants to retain a lawyer of their choice. [...]

In one case, the judge reportedly informed the defendant that if he did not bring his lawyer with him to trial, he would be given a lighter sentence. In several cases, a lawyer was actually present at trial, although the defendant did not have contact with the lawyer until a few days or just hours before trial. Some 27 per cent of interviewees stated that their lawyer did not have access to their case files, or obtained access only a few days earlier (or even just on the day of trial). [...]

For 45 per cent of interviewees who faced trial, the court allegedly did not permit the defendant to present a defence, or only allowed partial defence. In 43 per cent of cases, trials lasted only minutes. In 70 per cent of the trials, interviewees reported that coerced information or confessions had been reportedly used by the judge or made up at least part of the intelligence report presented by the prosecution. Some 65 per cent of interviewees reported that the judge had displayed signs of bias, such as by reproaching or interrogating defendants, and limiting their ability to speak and present a defence. [...]

All interviewees reported that a court had found them guilty of most or all charges. Several interviewees stated that their lawyers had not been provided with copies of the verdict handed down by the revolutionary court; instead, they had been forced to copy the text of the verdict by hand, which was used to formulate their appeal. In some cases, appeals resulted in lighter sentences, but never acquittals. In all cases, final verdicts reportedly included a combination of prison sentence, suspended prison term, flogging, bans on professional activity or education, or fines. [...]

One lawyer who has been practicing in the Islamic Republic of Iran for more than 10 years reported irregularities observed during the representation of the more than 40 individuals in the country's revolutionary courts. The lawyer reported that a number of clients with 'security' cases had been forced to confess to charges regardless of available evidence, and the lawyer had often not been permitted to review case files before trials, to meet with clients before and/or after trials, to present a full defence to the presiding judge or to be present in the courtroom throughout the pre-verdict trial proceedings, in accordance with the law. [...]

The lawyer also further reported that individuals accused of drug offences were often severely mistreated while in detention, often deprived of access to hygienic facilities, handcuffed and shackled together in court, and that their trials 'never last more than a few minutes'." (HRC, 18 March 2014, pp. 17-18)

The February 2015 Amnesty International (AI) Report 2014/15, which covers events of the year 2014, notes with reference to the above-mentioned new Criminal Procedure Code:

“The new Code of Criminal Procedure enhanced detainees’ access to lawyers but did not guarantee access from the time of arrest, required to help safeguard detainees against torture. The Code allowed prosecutors to prevent lawyers accessing some or all of the case documents against their clients if they determine that disclosure would impede ‘discovery of the truth’, and in cases relating to national or external security, hindering the right to adequately prepare a defence. In August [2014], Parliament’s Judicial and Legal Commission submitted a bill proposing postponement of the Code’s planned entry into force in October, due to the ‘existence of serious problems and barriers for [its] implementation’. Additionally, the bill, in a regressive move, proposed amendments to 19 articles, which largely aimed to reverse the improvements made in the new Code including with regard to access to lawyers.” (AI, 25 February 2015)

The same report also states:

“Courts continued to convict defendants in the absence of defence lawyers or on the basis of ‘confessions’ or other evidence obtained through torture or other ill-treatment. In some cases, the authorities broadcast detainees’ ‘confessions’ on television before trial, breaching the presumption of innocence.

In September [2014], the cabinet passed a Bill of Attorneyship, drafted by the judiciary, and submitted it to Parliament for approval. The draft bill discriminated against non-Muslims by disqualifying them from membership of the Board of Directors of the Iranian Bar Association, and threatened the independence of the Association.” (AI, 25 February 2015)

The March 2015 annual human rights and democracy report of the UK Foreign and Commonwealth Office (FCO) states that “[t]here was little or no improvement in access to justice or the rule of law in Iran during 2014” (FCO, 12 March 2015).

For further information on procedural practice, please [see section 7.1.2](#) (“Procedural law and practice”) of this compilation as well as chapter 2.8. (“Judiciary”) of the November 2014 Country Information and Guidance of the UK Home Office (pp. 19-27):

- UK Home Office: Country Information and Guidance Iran: Background information, including actors of protection, internal relocation and illegal exit, November 2014 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/file_upload/1226_1417007690_cig-iran-background-2014-11-25-v10.pdf

7.1.4 Bail requirements

The US Department of State (USDOS) notes in its June 2015 country report on human rights practices during the year 2014:

“The courts set prohibitively high bail, even for lesser crimes, and in many cases courts did not set bail. Authorities often compelled detainees and their families to submit

property deeds to post bail. Persons released on bail did not always know how long their property would be retained or when their trials would be held, which effectively silenced them for fear of losing their families' property." (USDOS, 25 June 2015, section 1d)

A February 2013 joint fact-finding mission report of the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) quotes a Western embassy in Tehran as providing the following details on the use of bail:

"Regarding use of bail, a Western embassy (2) said that bail is possible for any type of crime. In theory, it is not possible for certain political crimes, like crimes of national security, espionage, etc., and for the most serious crimes such as crimes resulting in death penalty. There are, however, a few examples of exceptions and persons being released on bail. It was considered that bail is used as a sort of Damocles sword, as it usually involves huge amounts of money tied up to property deeds for example with the threat of authorities confiscating this. The bail guarantees that the person in question does not leave the country or do anything that could be considered an offence by the authorities. In the event that a person leaves or commits new offences, the bail will be confiscated. Asked if a person on bail would be informed of the charges he or she has been held on, the source considered that the person in question would most probably be aware of this." (DIS/Landinfo/DRC, February 2013, p. 61)

The same report goes on to quote another Western embassy in Tehran as saying that:

"On the issue of bail and how it is set, a Western embassy (5) stated that bail is used in all types of cases, also in political cases and cases regarding corruption. The embassy stated that it had no information on how bail was set and whether or not a grant of bail would be allowed in cases regarding drug crimes punishable with execution and in cases where a victimized family was involved. The embassy explained that bail can be set as high as 700,000 EUR down to 20,000 – 30,000 EUR. It was added that the mentioned sums are sums that the embassy read about in the news." (DIS/Landinfo/DRC, February 2013, pp. 61-62)

The Danish-Norwegian fact-finding team also interviewed two Iranian lawyers with criminal law experience on the subject of the use of bail:

"On the subject of the use of bail, two Iranian lawyers with criminal law experience explained that a request for bail is an option in almost all criminal cases. After a preliminary investigation, it is a judge who will decide whether bail can be given or not. [...] Asked what is considered by a judge in order to set an appropriate bail, it was explained that the criteria are set by the law. For instance, in a case involving fraud, the amount of bail would be twice the amount of the estimated amount swindled. In cases involving major crimes, a deed to a property or a bank deposit are required as a guarantee. However, in cases involving minor crimes, bail could be a business permit or license." (DIS/Landinfo/DRC, February 2013, p. 62)

The same report also renders the comments a representative of Amnesty International's International Secretariat (AIIIS) in London on the issue of bail:

"AIIIS stated that the organization did not have much information on issues related to bail. There had been reports of one case where a family's property had been seized by the authorities after the person guaranteed had left the country while out on bail. It was considered that this sort of thing is probably more common than we know of. Bail and how it is used by the authorities, is a means of pressuring activists and others not to be active. Additionally, there had been reports that once the case is over with, the return of documents given to the court, often the property deeds, can be difficult. This is also a means of maintaining pressure on the family." (DIS/Landinfo/DRC, February 2013, p. 62)

Middle East Concern (MEC), a UK-based advocacy group for the human rights of Christians in the Middle East and North Africa, reported in March 2015 about the case of a Christian pastor who was detained with two other Christians in December 2014 and taken to Evin prison. While the two other detainees were released earlier, the pastor was "initially refused bail". He was eventually "offered conditional release" on 1 March 2015. The report notes that "[t]he bail conditions were high and his family has had to submit title deeds to meet these conditions". (MEC, 4 March 2015)

In its January 2013 report on the situation of Christians and converts, the International Campaign for Human Rights in Iran (ICHRI) quotes Mansour Borji, a representative of the Iranian Christian rights group Article 18:

"Mansour Borji told the Campaign that most Christians arrested by authorities are eventually released, often with heavy bails. [...] Borji's observations correspond to statements made by several Christians the Campaign interviewed, who reported they were released, often on bail, with looming charges or open files. Bails reported to the Campaign range from US\$2,000 to US\$200,000. The interviewees said that in order to cover bail amounts, they were often forced to post home deeds as collateral." (ICHRI, 16 January 2013, p. 43)

As reported by Christian Solidarity Worldwide (CSW) in March 2013, five members of the Church of Iran "were handed exorbitant bail terms" by a judge at the 14th Branch of the Revolutionary Court in Shiraz. They were charged with "disturbing public order, evangelising, action against national security and an internet activity against the system". The bail for one of them, Mohammed Roghangir, was set at US\$ 200,000, for the others it was set at 80,000 US dollars each (CSW, 12 March 2013). Reporters Sans Frontières (RSF) reports in March 2013 that five journalists arrested on 27 January were released on bail for 100 million toman (150,000 euros) (RSF, 7 March 2013).

The International Campaign for Human Rights in Iran (ICHRI) reported in a March 2013 press release:

"While imprisoned Iranian lawyer Abdolfattah Soltani has technically been granted furlough, judicial authorities have set his bail so high as to effectively deprive him of it, his daughter told the International Campaign for Human Rights in Iran. The bail set for his

furlough is approximately US\$1 million, an amount entirely out of reach of Soltani's family assets." (ICHRI, 6 March 2013)

The same press release quotes Abdolfattah Soltani's daughter as noting that "the bail amount set for the release of prisoners on furlough should be based on the length of their prison sentence" and that in the case of her father, who was sentenced to 13 years in prison (with 11.5 years still remaining), "bail for furlough should have been set at under 100 million toman". However, "the authorities demanded several times this amount". (ICHRI, 6 March 2013)

7.2 Independence of the judiciary

Article 57 of the Iranian Constitution provides that the legislature, the executive and the judiciary "shall be independent of each other" (Constitution of the Islamic Republic of Iran, 1989, Article 57). Article 156 proclaims that "[t]he judiciary shall be an independent power" (Constitution of the Islamic Republic of Iran, 1989, Article 156).

Articles 110 and 157 of the Constitution provide that the Head of the Judiciary is appointed by the Supreme Leader (Constitution of the Islamic Republic of Iran, 1989, Articles 110 and 157).

Article 164 of the Constitution contains safeguards against the removal of judges:

"A judge may not be removed provisionally or permanently from his position without having been tried and his guilt or violation, which is the basis of his dismissal, having been proved: neither may he be transferred to another place nor his position be changed without his consent unless it is in the interests of the society by the Head of the judiciary after consulting with the President of the Supreme Court and the Attorney General. Periodic transfers of judges shall be made on the basis of general rules and regulations laid down by law." (Constitution of the Islamic Republic of Iran, 1989, Article 164)

The US Department of State (USDOS) notes in its 25 June 2015 report:

"The court system was subject to political influence, and judges were appointed 'in accordance with religious criteria.' The supreme leader appoints the head of the judiciary, and the heads of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country's judicial system and judges and maintained that trials disregarded international standards of fairness." (USDOS, 25 June 2015, section 1e)

Freedom House states in its Freedom in the World 2015 report which covers the year 2014:

"The judicial system is used as a tool to silence critics and opposition members. [...] Under the current head of the judiciary, Ayatollah Sadegh Larijani, human rights advocates and political activists have been subjected to unfair trials, and judges have reportedly been increasingly influenced by the security apparatus. In August 2014, Larijani was reinstated for a second term." (Freedom House, 28 January 2015)

A July 2014 press release of Reporters Sans Frontières (RSF) holds that “judges are agents of the Intelligence Ministry and the Revolutionary Guards” and that “[m]ost of the judges on whom the Iranian justice system depends have been accused of corruption and other serious crimes” (RSF, 2 July 2014).

The Amnesty International Report 2014/15, which covers events of 2014, states that “[t]he judiciary continued to lack independence and remained subject to interference by the security authorities” and that “[t]rials, particularly those before Revolutionary Courts, were largely unfair” (AI, 25 February 2015).

7.3 Arbitrary arrest and detention

The US Department of State (USDOS) notes in its June 2015 report on human rights practices in 2014 that “[a]lthough the constitution prohibits arbitrary arrest and detention, they occurred frequently during the year.” The report details:

“Authorities commonly used arbitrary arrests to impede alleged antiregime activities. Plainclothes officers often arrived unannounced at homes or offices, arrested persons, conducted raids, and confiscated private documents, passports, computers, electronic media, and other personal items without warrants or other assurances of due process. Individuals often remained in detention facilities for long periods without charges or trials and were sometimes prevented from informing others of their whereabouts for several days. Authorities often denied detainees’ access to legal counsel during this period and imposed travel bans on individuals if they were released pending trial.

[...] Pretrial detention was often arbitrarily lengthy, particularly in cases involving alleged violations of national security laws. Approximately a quarter of the prisoners held in state prison facilities were reportedly pretrial detainees. According to Human Rights Watch, a judge may prolong detention at his discretion, and pretrial detention often lasted for months. Often authorities held pretrial detainees in custody with the general prison population.” (USDOS, 25 June 2015, section 1d)

The March 2015 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) mentions 10 opinions issued by the Working Group on Arbitrary Detention regarding the detention of 13 Iranians:

“Between 2011 through 2013, the Working Group on Arbitrary Detention (WGAD) issued 10 Opinions regarding the detention of 13 Iranians, including those of the aforementioned opposition leaders [Mehdi Karroubi, Mir-Hossein Mousavi, Zahra Rahnava] along with several journalists, lawyers, a Christian pastor, and a student activist. The Government has only responded to three of the 10 communications.

[...] In its Opinions, the WGAD concluded that 12 of the 13 individuals appear to have been detained for exercising their right to freedom of expression, opinion, religion, belief, or association, and encouraged the government to immediately release individuals charged with the legitimate exercise of these freedoms; and to compensate them for their arbitrary detention. One such prisoner, Ms. Nasrin Soutodeh, was released prior to the expiration of her sentence, while Mr. Bahman Ahmadi Amouee and Mr. Kiarash

Kamrani were released following the completion of their sentences. None of the individuals have been compensated as recommended by the WGAD.” (HRC, 12 March 2015, p. 7)

The April 2015 annual report of the United States Commission on International Religious Freedom (USCIRF) states that approximately 750 Baha’is have been arbitrarily arrested since 2005 and that authorities have arbitrarily arrested and detained more than 500 Christians since 2010 (USCIRF, 30 April 2015, pp. 46-47).

7.3.1 Detention rules and procedures

The US Department of State (USDOS) notes in its June 2015 report on human rights practices in 2014:

“The constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person must be informed of the charges against them within 24 hours. Authorities often violated these procedures by holding some detainees, at times incommunicado, for weeks or months without charge or trial, frequently denying contact with family or timely access to legal representation. The law obligates the state to provide indigent defendants with attorneys only for certain types of crimes.” (USDOS, 25 June 2015, section 1d)

In his March 2014 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran states:

“The Constitution prohibits arbitrary arrest. It requires that detainees be informed of their charges in writing ‘without delay’, stipulating in its article 32 that ‘a provisional dossier should be forwarded to the competent judicial authorities within a maximum of 24 hours so that preliminary procedures to the trial may be completed as swiftly as possible’.

[...] The 2004 Law on Respecting Legitimate Freedoms and Protecting Citizens’ Rights contains 15 articles that specifically govern the conduct of individuals representing all courts, prosecutor and judicial offices when carrying out their legal duties. Like the Constitution, the law, in its article 5, forbids ‘arbitrary detention of individuals’, requires that families of detainees be ‘apprised of any and all developments’ and forbids the use of ‘unknown places’ for detention. [...]

The Special Rapporteur is struck by the magnitude, frequency and recurring nature of certain incidents reported by interviewees. The details given by interviewees depict situations of arbitrary detention, particularly the apparent arrest and detention of individuals for the peaceful exercise of fundamental rights, including the right to expression, association or belief, as described by other special procedures. Their testimonies also uniformly convey a pattern of abuse that violates both international and national safeguards for humane and fair treatment of detained and accused persons.” (HRC, 18 March 2014, pp. 7-8)

7.3.2 Procedures and practices relating to release of detainees

Provisions relating to conditional release of prisoners can be found in Articles 38, 39 and 40 of the Islamic Penal Code (IPC) of 2013:

“Article 38 - Any person sentenced to prison for the first time for the commission of an offence, after half of the sentence is served, may be released conditionally by the order of the court that has issued the final judgment of conviction, provided that the following conditions are met:

1 - If [the offender] has shown good behaviour whilst serving his/her sentence.

2 - If, from the conditions of the convict, it is predicted that s/he will not commit any offence after being released.

3 - If the loss or damage contained in the judgment of the court or agreed upon by the private plaintiff has been compensated or has arranged to be paid; and when the sentence includes both imprisonment and fine, s/he pays the fine, or, with the approval of the Director of the Judicial District, an arrangement is made for the payment. (Amended 05/17/1998)

Note 1 - The conditions aforesaid in paragraphs 1 and 2 should be approved by the Director of the prison where the prisoner is serving his/her sentence, and, the prosecutor in charge of the prison, or the Director of the Judicial District. The conditions aforesaid in paragraph 3 shall be approved by the prosecutor in charge of execution of the sentence. (Amended 05/17/1998)

Note 2 - If the court that issued the sentence is dissolved, the substitute court has the authority to issue the order of conditional release. (Amended 05/17/1998)

Note 3 - The court, in its judgment, shall state the conditions and requirements that the convict must comply with during the conditional release term, such as: residing in a specific place or non-residing in a specific place, refraining from a specific job, periodic reporting to designated centres and the likes. In case of failure to comply with the requirements or committing a further crime, the rest of his/her sentence shall be executed by the order of the issuing court. (Amended 05/17/1998)

Article 39 – Issuance of the order of conditional release is subject to the proposal of the Organization of Prisons and approval of the prosecutor or assistant prosecutor in charge of the prison.

Article 40 - The term of conditional release, at the discretion of court, shall be between one and five years.” (Islamic Penal Code, 2013, Articles 38, 39 and 40, quoted in IHRDC, 8 April 2014)

Article 110 (11) mentions as one of the functions and authorities of the Supreme Leader “[t]o pardon or mitigate the sentences of condemned persons, within the scope of Islamic

precepts, upon recommendation by the Head of the Judiciary. (Constitution of the Islamic Republic of Iran, 1989, Article 110)

In March 2015, Church in Chains, a Christian NGO based in Ireland, reported about the conditional release of two Christian prisoners arrested in December 2015:

“Two Christians have been conditionally released from Iranian prisons: Victor Bet-Tamraz (pictured) from Evin Prison in Tehran and Rasoul Abdollahi from Rajai Shahr prison in Karaj. Pastor Victor Bet-Tamraz was offered conditional release on 1 March, after spending just over two months in prison. His family had to submit title deeds to meet the bail conditions. Pastor Victor had been in prison since he was arrested at Christmas celebrations at his home in Tehran in December 2014. A number of fellow-Christians were arrested at the same time, but most were released shortly afterwards. Rasoul Abdollahi [...] was conditionally released on 18 February after serving 15 months of a three-year sentence.” (Church in Chains, 5 March 2015)

Middle East Concern (MEC), a UK-based advocacy group for the human rights of Christians in the Middle East and North Africa, noted in its February 2015 report about the conditional release of Rasoul Abdollahi:

“Rasoul was released on 16th February 2015, but strict conditions have been imposed which preclude him from participating in Christian activities. Violation of any of the conditions could result in his re-arrest to serve his full 3-year sentence.” (MEC, 23 February 2015)

As Christian Solidarity Worldwide (CSW), a UK-based Christian NGO working for religious freedom, indicated in a February 2015 press release, “[u]nder Iranian law prisoners can be released conditionally for good behavior once they have served more than half of their sentence, although this is subject to the agreement of the prison authorities and the judge.” The same source reports about the case of Iranian pastor Behnam Irani:

“Pastor Behnam Irani, who is serving a six year sentence on false charges, was refused conditional release by a judge. [...] While the prison authorities agreed to Pastor Irani’s conditional release, the judge did not, resulting in his continued detention.” (CSW, 18 February 2015)

The International Campaign for Human Rights in Iran (ICHRI) quotes Arash Honarvar Shojaee, an imprisoned dissident cleric suffering from epilepsy, as informing the ICHRI during a prison furlough in September 2013:

“Dissident cleric Arash Honarvar Shojaee told the International Campaign for Human Rights in Iran the Judiciary has issued new charges of ‘insulting Imam Khomeini’ against him after he expressed his personal opinions in an interview. [...]

‘I have served more than half of my sentence. Therefore, I requested conditional release according to the law. The request had to be reviewed by the Prison Council, but before my letter was reviewed at the Council, it went to the Special Clerics Court and the judge ordered that my request not be reviewed and I was deprived of that right. Stranger than

that, despite the Medical Examiner's confirmation of my inability to endure my prison sentence [due to my health conditions], they kept me in prison and refused to review the Medical Examiner's confirmation,' he added." (ICHRI, 11 September 2013)

Christian Today, a non-profit Christian media organization, reported in April 2014 that authorities denied Vahid Hakkani, a convert from Islam sentenced to four years in prison, his request for "conditional release that inmates are eligible to obtain after completing half their prison terms" (Christian Today, 6 April 2014).

The Human Rights Activists News Agency (HRANA) reported in January 2015:

"Judicial authorities rejected the request of seventy political and security prisoners, imprisoned in Evin prison to be released earlier. According to the report of Human Rights Activists News Agency (HRANA), a large number of prisoners in Evin prison, including 13 prisoners of ward 350, were imparted that their conditional release requests have been rejected. In a letter, that the name of prisoners were attached to it, written by the judicial head deputy in prison affairs in Tehran Province, Ahmad Mozaffari addressed to the Deputy Public and Revolutionary Prosecutor in Tehran, the Head of Shahid Moghadas court in Evin prison Mr. Toork, asked to give their decision about conditional release for about seventy men and women political prisoners of Evin prison, and Mr. Toork answered: 'The issue was considered, but at the moment it is not possible to release any of these prisoners whose charges are related to national security.'" (HRANA, 17 January 2015)

In March 2014, the Reuters news agency points to two "large-scale" pardons of prisoners granted by the Supreme Leader since the beginning of 2014:

"Iranian Supreme Leader Ayatollah Ali Khamenei agreed on Monday to pardon or reduce the sentences of 920 people, the official IRNA news agency reported, in a customary gesture to mark the anniversary of the Islamic Republic. It was the second large-scale pardon this year after Iran's paramount clerical leader pardoned or eased the sentences of 878 people in honor of the Prophet Mohammad's birthday in January." (Reuters, 31 March 2014)

The International Campaign for Human Rights in Iran (ICHRI), however, commented on these pardons:

"Iran's Supreme Leader, Ali Khamenei, has pardoned 920 Iranian prisoners on the anniversary of the Islamic Republic of Iran on March 31, 2014. According to the Iranian news agencies, after Head of the Judiciary Ayatollah Sadegh Larijani sent a letter to the Supreme Leader recommending pardons and reductions in the sentences of 920 prisoners, Ayatollah Ali Khamenei signed off on the recommendations. Each year and on separate occasions, a pardon list is compiled by the Judiciary's Central Commission on Amnesty and Pardons, and forwarded to the Supreme Leader for his approval. As of this time, none of the released prisoners are known to be political prisoners. With few exceptions, the few 'pardons' recently granted to political prisoners have been applied to

prisoners who often had only days left before completing their full sentences.” (ICHRI, 3 April 2014)

7.3.3 *Undertakings*

The US Department of State (USDOS) International Religious Freedom Report 2013 mentions that Bahais were offered release from prison in exchange for recanting their religious affiliation:

“The government often charged Bahais with ‘propaganda against the regime’ or crimes related to threatening national security. Often the charges were not dropped upon the prisoners’ release, and those with charges pending against them reportedly feared arrest at any time. Government officials reportedly offered Bahais release from prison and relief from mistreatment in exchange for recanting their religious affiliation and making a declaration adopting Islam.” (USDOS, 28 July 2014, section 2)

The February 2013 joint fact-finding mission (FFM) report of the Danish Immigration Service (DIS), the Norwegian Country of Origin Information Centre (Landinfo) and the Danish Refugee Council (DRC) quotes statements from an interview with a Western embassy regarding people who were arrested at a demonstraton in February 2011. The source informed the FFM delegation that “[t]hose that were detained would probably have been asked to sign a paper in which they declare that they would not engage in any political activities which would be a condition for release”. (DIS/Landinfo/DRC, February 2013, p. 51)

Amnesty International (AI) mentions in a March 2015 report that according to official statistics, “207,053 women were forced to sign a written statement promising not to re-commit the ‘offence’ of ‘improper veiling’” (AI, March 2015, p. 36).

The joint fact-finding-mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) published in September 2013 quotes a representative of the Kurdish Human Rights Committee in Europe (KMMK) who was asked about the consequences of carrying and distributing political material. In his reply, the representative mentioned that detainees may sometimes have to sign “a formula of regret (‘Toubeh Nameh’ in Persian) promising not to engage in further activities” and would then be sentenced to up to a year’s probation and released on bail:

“Reza Menuchehri (KMMK) replied that if a low profile person is caught with a single flyer, he will be taken in for investigation and can be detained from two to six months depending on whether he confesses and on the extent to which he cooperates with the authorities. During investigations, there are usually two officers present: one officer carries out the investigation while the other has a monitoring role. The monitoring officer tends to be the harshest one which means that while for instance the investigator tells the detainee that he can expect six months imprisonment, the monitoring officer will put the detainee under pressure by saying that he is dangerous and should be imprisoned for five years. The investigation is harsh and the person is subjected to torture during the investigation, however, the form and the harshness of torture inflicted is different from person to person. The investigation will result in a file, which will be sent to the court.

The judge will then issue a verdict based on the investigation report, possible prior reports, the Islamic penalty code and the judge's mood and knowledge. The result could be as follows: If it is the first time the person is arrested, and if he cooperates with the authorities, confesses, fills out and sign a formula of regret ('Toubeh Nameh' in Persian) promising not to engage in further activities, he will in most cases be sentenced to up to a year's probation and then released on bail. If he is arrested again, the probation will be enforced, and the bail will be much higher this time (a house or a shop title, large amount of money etc.)." (DIS/DRC, 30 September 2013, pp. 19-20)

The Iranian Christian News Agency Mohabat News reports in February 2015 about a Christian convert who was conditionally released after three years of imprisonment only after signing a disclaimer:

"Vahid Hakani, a Christian convert was conditionally released on Monday, January 26, 2015, after spending three years in Adel-Abad prison in Shiraz. Knowledgeable sources said the Revolutionary Court made Mr. Hakkani sign a disclaimer before issuing his release order. In the disclaimer the court stated that he should not have any Christian-related activities or attend house-church services and Christian gatherings. It is said that the Intelligence office of Shiraz has required him to sign the disclaimer. The condition for issuing his release order was that he would sign this disclaimer. Conditional release in Iran means, authorities can summon the individual and even imprison him again whenever they decide to do so." (Mohabat News, 4 February 2015)

In October 2012, the Iran Human Rights Documentation Center (IHRDC) published a witness testimony of the labour activist Majid Tamjidi on his arrest and imprisonment after the June 2009 protests. He mentions that detainees were required to sign repentance letters in order to be freed:

"My father died during the month of Ramadan. On the afternoon of the day when I realized my father had died, they read the names of 20 to 25 people, including mine, to go to the Evin prosecutor's office. When we got there they asked us to write a repentance letter so that we would be freed on Eid al Fitr. There was a man sitting in the prosecutor's office. He said, 'Take a piece of paper and write you made a mistake.' I said, 'I will not write such a thing.' He said, 'Get lost then.' I came out of the room. I waited until the guys were done. Ninety percent of them had not agreed to repent." (IHRDC, 13 October 2012)

In November 2009, Christian Newswire, a Christian news service based in Washington, D.C., reports on the release of two Iranian Christians. The article mentions that it seems "almost common practice by the Iranian authorities [...] that former prisoners had to sign restrictive documents":

"It is with great joy that Open Doors confirms the release of Maryam Rostampour, 27, and Marzieh Amirizadeh, 30, today. For almost nine months the two Iranian Christian women have been held in the notorious Evin prison in Tehran for refusing to deny their faith. [...] Although the release is great news for Maryam and Marzieh, it is not known if the release is unconditional. In recent releases of detained Christians, Open Doors notes

that it seems almost common practice by the Iranian authorities to indicate that there will be court hearings in the future or that former prisoners had to sign restrictive documents. The procedure then could take months up to several years before any action is undertaken.” (Christian Newswire, 18 November 2009)

7.4 Unfair trials of political dissidents

The US Department of State (USDOS) notes in its June 2015 report on human rights practices in 2014 that “[i]nternational observers continued to criticize the lack of independence of the country’s judicial system and judges and maintained that trials disregarded international standards of fairness.” The report continues:

“According to the constitution and criminal procedure code, a defendant has the right to a fair trial, to be presumed innocent until convicted, to access a lawyer of his or her choice, and to appeal convictions in most cases that involve major penalties. These rights were not respected. Panels of judges adjudicate trials; there is no jury system in either civil or criminal courts. Human rights activists reported trials in which authorities appeared to have determined the rulings in advance and defendants did not have the opportunity to confront their accusers or have access to government-held evidence.

The government often charged political dissidents with vague crimes, such as ‘antirevolutionary behavior,’ ‘moral corruption,’ ‘siding with global arrogance,’ ‘enmity towards God’ (moharebeh), and ‘crimes against Islam.’ Prosecutors imposed strict penalties on government critics for minor violations. When post-revolutionary statutes did not address a situation, the government advised judges to give precedence to their knowledge and interpretation of Islamic law (sharia). Under sharia, judges may find a person guilty based on their own ‘divine knowledge,’ or they may issue more lenient sentences for persons who kill others considered ‘deserving of death,’ meaning that the victim was believed to have done something serious and contrary to sharia. Other trials were designed to publicize coerced confessions.

During the year human rights groups noted the absence of procedural safeguards in criminal trials. Courts admitted as evidence confessions made under duress or torture.” (USDOS, 25 June 2015, section 1e)

Amnesty International (AI) states in its February 2015 Report on The State of the World’s Human Rights which covers events of the year 2014 that “authorities restricted freedoms of expression, association and assembly, arresting, detaining and prosecuting in unfair trials minority and women’s rights activists, journalists, human rights defenders and others who voiced dissent.” The report continues to state that “[t]rials, particularly those before Revolutionary Courts, were largely unfair.” (AI, 25 February 2015)

Freedom House notes in its report Freedom in the World 2015 that the judicial system “is used as a tool to silence critics and opposition members”. Human rights advocates and political activists “have been subjected to unfair trials, and judges have reportedly been increasingly influenced by the security apparatus”. The report further notes:

“Activists are routinely arrested without warrants and held for indefinite periods of time without formal charges. They are denied access to legal counsel and prevented from any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes. Activists say they have been beaten during interrogation and subjected to psychological pressure, including threats that their relatives will be arrested. Many have been forced into false confessions dictated by their interrogators.” (Freedom House, 28 January 2015)

In April 2015, the Observatory for the Protection of Human Rights Defenders (FIDH/OMCT) mentions that as of 30 April 2015, “at least 25 unionists were serving prisons terms after grossly unfair trials, or were otherwise detained in Evin prison (Tehran), Rajaishahr prison (near Karaj), Mahabad prison, and Sanandaj prison (western Iran) awaiting trial.” (Observatory for the Protection of Human Rights Defenders, 30 April 2015)

7.5 Unlawful or disproportionate punishments for crimes

7.5.1 *Torture, amputation and floggings, stoning*

The February 2015 Amnesty International (AI) Report 2014/15, which covers events of the year 2014 states that the revised Islamic Penal Code “retained the penalty of stoning to death for the offence of ‘adultery while married’” and mentions that “[a]t least one stoning sentence was reported to have been imposed in Ghaemshahr, Mazandaran province; no executions by stoning were reported.” The report also mentions that sentences of flogging and amputations “continued to be imposed for a wide range of offences, including alcohol consumption, eating in public during Ramadan, and theft” and adds that these sentences “were increasingly implemented in public”. (AI, 25 February 2015)

The April 2014 Report of the Secretary-General to the UN Human Rights Council (HRC) on the situation of human rights in Iran expresses his concern about “[t]he recurrence of cruel, inhuman or degrading punishment, such as amputation of limbs and flogging”. The report continues:

“The judiciary has frequently applied punishments which are prohibited by the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party. The revised Islamic Penal Code provides for limb amputations for offences including muharaba and theft, and flogging for drinking alcohol, theft and certain sexual offences. On 7 January 2013, the head of the Supreme Court of the Islamic Republic of Iran defended punishments such as amputation, arguing that the proper implementation of Islamic law could prevent crimes. He stressed that amputation of the hands of a robber or of the limbs of a mohareb was in the interest of society and effective in crime reduction. On 31 July 2013, the judiciary in Abadan issued amputation and flogging sentences for a group of people accused of theft. According to the chief of the judiciary in Abadan, one of the group was sentenced to amputation of fingers and 99 lashes for theft and illegitimate sexual relations, whereas the others were sentenced to 74 lashes each for illegitimate sexual relations, along with prison sentences for theft. On 29 August 2013, a man accused of drug trafficking was publicly punished with 70 lashes in the city of

Saveh. The General and Revolutionary Prosecutor announced that the accused was involved in drug trafficking.” (HRC, 7 April 2014, p. 5)

The US Department of State (USDOS) states in its June 2015 report on human rights practices in 2014 that the government “defended its use of flogging and amputation as ‘punishment,’ not torture.” The report details on this issue:

“Judicially sanctioned corporal punishment included lashings and, for offenses involving multiple thefts, amputations. For example, according to an August 25 report by IHR, authorities in Yazd Province publicly amputated four fingers from the right hand of ‘M. N.,’ a man charged with robbery.” (USDOS, 25 June 2015, section 1c)

The previous USDOS country report on the year 2013 noted the following cases of amputations and floggings:

“On October 23, the UN special rapporteur noted reports about limb amputations for the crime of theft and reports about the flogging of 123 persons between July 2012 and June 30, 2013, for such crimes as ‘sedition,’ ‘acts incompatible with chastity,’ drinking alcohol, ‘illicit’ relationships, and nonpenetrative same-sex sexual activity. On January 27, the HRANA reported that authorities amputated four fingers of an inmate of Sari Prison who had been sentenced for multiple robberies.” (USDOS, 27 February 2014, section 1a)

Regarding torture, the June 2015 USDOS country report stated:

“The constitution prohibits all forms of torture ‘for the purpose of extracting confession or acquiring information,’ but there were several credible reports that security forces and prison personnel tortured and abused detainees and prisoners. In his October report, the UN special rapporteur cited refugee testimony indicating the widespread use of physical and psychological abuse by authorities to secure confessions.

Commonly reported methods of torture and abuse in prisons included prolonged solitary confinement, threats of rape, sexual humiliation, threats of execution, sleep deprivation, electroshock, burnings, the use of pressure positions, and severe and repeated beatings. There were reports of severe overcrowding in many prisons and repeated denials of medical care for prisoners.

Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also allegedly maintained unofficial secret prisons and detention centers outside the national prison system where abuse reportedly occurred. The government reportedly used ‘white torture,’ a type of psychological torture that included extreme sensory deprivation and isolation. According to reports, such treatment was used especially on political prisoners and often in detention centers outside the control of prison authorities, including Ward 209 of Evin Prison, which news organizations and human rights groups reported was controlled by the country’s intelligence services.” (USDOS, 25 June 2015, section 1a)

Amnesty International (AI) also reports on torture and ill-treatment during pre-trial detention:

“Torture and other ill-treatment, particularly during pre-trial detention, remained common, facilitated by routine denial of access to lawyers and the virtual impunity of perpetrators. Methods reported included prolonged solitary confinement, confinement in uncomfortably small spaces, severe beatings, and threats against detainees’ family members. The authorities generally failed to investigate allegations of torture and prosecute and punish those responsible.

The authorities systematically denied detainees and prisoners access to adequate medical care, including for injuries resulting from torture or health problems exacerbated by harsh prison conditions.

A revised Code of Criminal Procedure passed in April failed to address the inadequacy of national laws to afford detainees effective protection against torture and other ill-treatment. It denied detainees access to lawyers for up to one week after arrest in cases concerning national security and some other offences, and provided no clear and comprehensive definition of torture conforming to international law.

State security and intelligence agencies operated their own detention facilities outside the control of the State Prison Organization, in breach of national law. Torture and other ill-treatment was common in these facilities. In some cases, the authorities subjected death row prisoners to enforced disappearance by moving them to such facilities prior to execution.” (AI, 25 February 2015)

7.5.2 Punishment for consumption of alcohol, drug smuggling

Chapter 6 of the revised Islamic Penal Code (IPC) of 2013 stipulates that the *hadd* punishment for the consumption of intoxicants is eighty lashes:

“Chapter Six- Consumption of intoxicants

Article 264- Consuming, including drinking, injecting, smoking, etc, of an intoxicant, whether [the amount] is a little or a lot, fluid or solid, intoxicated or not, pure or mixed, provided that the mixture does not exceed a certain limit so that it is not intoxicating any longer, shall be punishable by the hadd punishment.

Note- Consuming beer shall be punishable by the hadd punishment, even if it does not result in drunkenness.

Article 265- The hadd punishment for consumption of intoxicants is eighty lashes.

Article 266- A non-Muslim shall be sentenced to the hadd punishment only if s/he publicly consumes intoxicants.

Note- If consumption of alcohol by non-Muslims is not committed in public, but if the offender appears in public roads and places while s/he is drunk, he shall be sentenced to the punishment prescribed for openly committing a harām (sinful) act [art 638 of the Fifth Book].” (Islamic Penal Code, 2013, Articles 264-266, quoted in IHRDC, 8 April 2014)

Article 136 of the Islamic Penal Code (IPC) rules that the punishment on the fourth occasion of the same *hadd* offense is the death penalty:

“Article 136- Where anyone commits the same offense punishable by hadd three times, and each time the hadd punishment is executed upon him/her, the hadd punishment on the fourth occasion shall be the death penalty.” (Islamic Penal Code, 2013, Article 136, quoted in IHRDC, 8 April 2014)

The August 2014 report of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to the United Nation General Assembly (UNGA) notes that the new Islamic Penal Code (IPC) which entered into force in 2013 retains the death penalty “for activities that do not constitute ‘most serious crimes’” including recidivist alcohol use, drug possession and trafficking. (UNGA, 27 August 2014, p. 4)

The April 2014 Report of the Secretary-General to the UN Human Rights Council (HRC) on the situation of human rights in Iran notes:

“The revised Islamic Penal Code provides for limb amputations for offences including muharaba and theft, and flogging for drinking alcohol, theft and certain sexual offences. [...] On 29 August 2013, a man accused of drug trafficking was publicly punished with 70 lashes in the city of Saveh. The General and Revolutionary Prosecutor announced that the accused was involved in drug trafficking.” (HRC, 7 April 2014, p. 5)

Amnesty International mentions in its February 2015 report that “[s]entences of flogging and amputations continued to be imposed for a wide range of offences, including alcohol consumption.” (AI, 25 February 2015)

Freedom House states in its Freedom in the World 2015 report that “[h]ome parties are often raided and citizens detained or fined for drinking alcohol or mingling with members of the opposite sex.” (Freedom House, 28 January 2015)

7.6 Death penalty

The UN Special Rapporteur on human rights in Iran notes in a March 2015 report to the UN Human Rights Council (HRC) that “[a]t least 753 individuals were reportedly executed in 2014”. This represents “the highest total recorded in the past 12 years” and “includes the execution of 25 women and 53 public executions”. The report mentions that nearly half of all executions were for drug-related crimes. (HRC, 12 March 2015, p. 5)

In his February 2015 report to the UN Human Rights Council (HRC), the UN Secretary General “continues to express his alarm at the increasing number of death sentences handed down and executions carried out” in Iran. He adds that “[a]t least 500 people are believed to have been executed from January to November of 2014, with some sources suggesting a considerably higher number.” The report continues to state:

“In their comments on the present report, the Iranian authorities stressed that the death penalty was only considered for the most serious crimes, including drug trafficking, which is often accompanied by acts of terrorism, and that no political prisoner had been

executed. They also pointed out that defendants were granted all due process guarantees during their trial, including access to a lawyer and the right to appeal. International human rights bodies, including the Human Rights Committee (see A/50/40, para. 449), have determined that drug-related offences do not meet the threshold of the most serious crimes for which the death penalty may be applied under international law. At least seven individuals were also reportedly executed in political cases and non-violent economic crimes following proceedings that reportedly did not comply with international norms regarding fair trial and due process provided for in article 14 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party.

[...] In the majority of cases that involve capital punishment, due process guarantees were often violated in proceedings that fell short of international fair trial standards. This raises concern about the potential for wrongful conviction, which is unavoidable even for the most advanced and established judicial system. [...]

The Government of the Islamic Republic of Iran has argued that the ‘special circumstances’ and the ‘existing threats from the sharp rise in the production of narcotics in the regions’ near the State’s borders necessitate its resort to the death penalty. According to the Government, drug-related offences amount to more than 80 per cent of overall executions (see A/C.3/69/9, annex). On 7 November 2014, however, Mohammad Javad Larijani, Head of the High Council for Human Rights of the Islamic Republic of Iran, acknowledged the need for amendments to the law on narcotics, stating that this could be the first step in bringing down the high number of executions. In December 2014, the Head of the Judiciary, Sadeq Amoli Larijani, also acknowledged the need for amendments to anti-narcotic laws, recognizing that they had not proved effective in the fight against drug-trafficking. The Secretary-General welcomes this acknowledgment within the judiciary that the death penalty is not effective in the deterrence of drug-related crimes. He notes the efforts made by the State to combat drug trafficking, and urges the Government to work with the United Nations to find effective alternative strategies to address this problem.” (HRC, 20 February 2015, p. 4)

In his March 2015 report to the HRC, the UN Special Rapporteur on human rights in Iran also refers to calls to amend the Anti-Narcotics Law by the head of the High Council for Human Rights in Iran:

“In November and December 2014, Dr. Mohammad Javad Larijani, head of the High Council for Human Rights in Iran, reiterated calls to amend the anti-Narcotics Law, maintaining that such a policy shift would reduce the execution rate by 80 per cent. Capital punishment for drug-related offenses in the country is governed by the 1988 Anti-Narcotics Law and its 1997 and 2011 amendments. The current version of the law mandates the death penalty for 17 offenses. In addition to the broad range of drug crimes for which the death penalty is prescribed, this mandate is automatically triggered when a minimum threshold amount of contraband is involved (e.g. 30 grams in the case of heroin, morphine, cocaine, MDMA / ecstasy, and methamphetamine).” (HRC, 12 March 2015, p. 6)

The UN Secretary General continues to state in his report to the HRC that [t]he high incidence of public executions remains a concern”:

“Indeed a spike in executions was reported in 2014; at least 50 public executions were reportedly carried out from January to the end of November, with the majority reportedly attended by a large crowd, including minors. Footage of executions is reportedly broadcast by the media, a practice that until 2014 was banned (A/HRC/22/48, para. 19). The authorities argue that public executions are aimed at deterring crimes, and that only a few cases have caused public outrage. The argument that public executions are an effective crime deterrent, however, disregards the deleterious effect on people, in particular children, who witness such scenes.” (HRC, 20 February 2015, p. 5)

Amnesty International (AI) states in its February 2015 Report on The State of the World’s Human Rights:

“In many cases, courts imposed death sentences after proceedings that failed to respect international fair trial standards, including by accepting as evidence ‘confessions’ elicited under torture or other ill-treatment. Detainees were frequently denied access to lawyers during pre-trial investigations.” (AI, 25 February 2015)

7.6.1 Death penalty for political dissidents

The June 2015 US Department of State (USDOS) country report on human rights practices during the year 2014 lists the following offenses to which the law applies the death penalty: “attempts against the security of the state,” “outrage against high-ranking officials,” “enmity towards God” (moharebeh), “corruption on earth” (fisad fil-arz), and “insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic”. The report goes on to say that “[p]rosecutors frequently used moharebeh as a criminal charge against political dissidents and journalists, accusing them of struggling against the precepts of Islam and against the state that upholds those precepts.” (USDOS, 25 June 2015, section 1a)

Human Rights Watch (HRW) notes in its World Report 2015 that “[a]uthorities executed at least nine people in 2014 whom revolutionary courts had sentenced for moharebeh (‘enmity against God’) on account of their alleged ties to armed opposition groups”. The report continues:

“In January, authorities executed two Iranian Arab activists, Hadi Rashedi and Hashem Shaabaninejad, for moharebah according to rights groups. On May 31, authorities executed Gholamreza Khosravi Savadjani, sentenced for his alleged ties to the outlawed Mojahedin-e Khalq opposition group. Dozens of others sentenced on terrorism-related charges, including many Iranian Kurds and Baluch, were on death row following trials rife with due process violations. On June 12, authorities informed the families of Ali Chabishat and Seyed Khaled Mousavi, Iranian-Arabs from Ahvaz in Khuzestan, that they had secretly executed and buried them, despite appeals by the United Nations.

The judiciary continued to allow the execution of prisoners convicted of moharebeh despite penal code changes requiring that it review and vacate death sentences unless

there is proof that the alleged perpetrator resorted to the use of arms.” (HRW, 29 January 2015)

The UN Secretary General notes in his February 2015 report to the UN Human Rights Council (HRC) that he is “concerned about a number of death penalty cases with a political dimension”:

“On 20 July 2014, Arzhang Davoodi, an author and poet, was allegedly sentenced to death on the charge of moharebeh (enmity against God) in connection with his alleged membership in and support for an Iranian dissident group. [...] The case is currently under consideration, given that the Supreme Court overruled the judgement and ordered a retrial. Furthermore, Hamed Ahmadi, Kamal Malaei, Jahangir Dehghani and Jamshed Dehghani, all members of the Kurdish community, were at imminent risk of execution at the end of the period under review. They were reportedly convicted in 2010 on charges of moharebeh and mofsed fel-arz (corruption on earth) following trials that fell short of international fair trial standards. The authorities asserted that these individuals were involved in terrorist activities and were sentenced to death on the charges of membership in a terrorist group and carrying out armed attacks against the military establishment.” (HRC, 20 February 2015, pp. 4-5)

The UN Secretary General also mentions the case of Reyhaneh Jabbari, a woman who was executed in October 2014 for the alleged murder of a former employee of the Iranian Intelligence Ministry. She reportedly stabbed the employee after he allegedly attempted to assault her sexually. (HRC, 20 February 2015, p. 5)

7.6.2 Death penalty for children

In his March 2015 report to the HRC, the UN Special Rapporteur on human rights in Iran states with regard to the execution of juvenile offenders:

“The revised Islamic Penal Code, which came into force in June 2013, also provides capital punishment for juvenile offenders (unless the offender is found to lack the mental capacity to understand the nature of the crime or its consequences). Regardless of the revision, juvenile executions continue. Reports indicate that at least 13 juveniles may have been executed in 2014 alone.” (HRC, 12 March 2015, p. 6)

The February 2015 Amnesty International (AI) Report 2014/15, which covers events of the year 2014 notes:

“Scores of juvenile offenders, including some sentenced in previous years for crimes committed under the age of 18, remained on death row, and others were executed. Courts sentenced further juvenile offenders to death. The revised Islamic Penal Code allowed the execution of juvenile offenders for qesas (retribution-in-kind) and hodoud (offences carrying fixed penalties prescribed by Islamic law) unless it is determined that the offender did not understand the nature of the crime or its consequences, or the offender’s mental capacity is in doubt. International law prohibits the death penalty for children under 18.” (AI, 25 February 2015)

The UN Secretary General details in his February 2015 report to the UN Human Rights Council (HRC):

“While the Islamic Penal Code, which came into force in June 2013, creates a more favourable environment for the implementation of juvenile justice standards for children in conflict with the law, it does not preclude juvenile executions fully. At least 160 juvenile offenders were reportedly on death row as at December 2014. According to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, eight individuals below the age of 18 at the time of their offence were reportedly executed in 2014[...]

While not denying the execution of juveniles convicted under the age of 18, the Iranian authorities reported that the judiciary had shown a high degree of leniency and flexibility in juvenile cases, and had established a working group to help to prevent juvenile executions, including by encouraging the families of victims and perpetrators to reach a settlement, and offering financial aid (A/C.3/69/9, annex). On 11 November 2014, the Deputy Chief of the Judiciary for Cultural Affairs pointed out that, although persons below the age of 18 could not be executed in the Islamic Republic of Iran, if a person was convicted of murder, the execution would be carried out after the person turned 18. This stance runs counter to international human rights standards, which impose an absolute ban on the execution of persons who were under 18 at the time of their offence.

17. During its first universal periodic review, the Islamic Republic of Iran accepted a recommendation to consider the abolition of juvenile executions. The Secretary-General renews his call to the Government to halt the execution of juvenile offenders and to undertake a special review of the cases of children on death row with a view to commuting or quashing their death sentences.” (HRC, 20 February 2015, pp. 5-6)

Human Rights Watch (HRW) writes in its World Report 2015:

“According to unofficial sources, at least eight executed prisoners may have been child offenders aged under eighteen at the time of the murder and rape crimes for which they received death sentences. Dozens of child offenders reportedly remained on death row and at risk of execution. Iranian law allows capital punishment for persons who have reached the official age of puberty: nine for girls, fifteen for boys.” (HRW, 29 January 2015)

7.6.3 Death penalty for consensual same-sex acts

In its March 2015 annual report on events of 2014, Iran Human Rights (IHR), an Oslo-based human rights organization on Iran, lists the types of same-sex acts which are punishable by death under the new Islamic Penal Code (IPC):

“According to the new penal code, a death sentence shall be imposed on the ‘active party’ only if he is married or has forced a sexual act, but the ‘passive party’ shall receive the death penalty regardless of marital status. A non-Muslim ‘active party’ involved in a sexual act with a Muslim party shall also receive a death sentence (Article 234). The non-

Muslim 'active party' in same-sex relations not involving penetration shall also be sentenced to death." (IHR, 4 March 2015, p. 24)

As indicated in a joint report submitted by the International Gay and Lesbian Human Rights Commission (IGLHRC) and the Iranian Queer Organization (IQO) to an October/November 2014 session of the United Nations Universal Periodic Review (UPR) working group informs about the punishments provided in the IPC for same-sex relations:

"The new Islamic Penal Code criminalizes consensual same-sex relations, with punishment ranging from 100 lashes for consensual sexual activity between women (Article 239) to the death penalty for consensual sexual intercourse between men (Article 234). The law also criminalizes other acts between members of the same sex, including touching and intimate kissing, which are punishable by up to 74 lashes. Article 232-233 of the new Islamic Penal Code sentences the 'passive' partner of consensual sexual intercourse between two men to death, while the law sentences the 'active' partner to receive 100 lashes, as long as he is Muslim and unmarried. Non-Muslims and married men who engage in consensual same-sex relations are subjected to the death penalty regardless of their position during the intimacy." (IGLHRC/IRQO, October/November 2014, pp. 2-3)

In November 2013, the Iran Human Rights Documentation Centre (IHRDC) provided the following overview of provisions of the IPC on what it refers to as "sodomy", "tafkhez" and "mosaheqeh":

"Article 233 of the IPC defines sodomy as: 'penetration of a man's sex organ, up to or beyond the point of circumcision, into the anus of another man.' If there is no penetration, the parties could be charged with the lesser crime of tafkhez. Article 235 of the IPC defines tafkhez as: 'placing a man's sex organ between the thighs or the buttocks of another man.' [...] Sexual acts between two females can lead to a charge of mosaheqeh. Article 238 of the IPC defines mosaheqeh as: 'when a female places her reproductive organ on another female's reproductive organ.' [...]

Iranian law distinguishes between 'active' and 'passive' partners involved in sodomy. This distinction is rooted in Islam's views on homosexuality. Accordingly, the punishments for active and passive partners are different. [...] The passive partner in sodomy, if convicted, will be sentenced to death. His marital status is irrelevant. [...] The sentence given to the active partner engaging in sodomy is more complicated. If he is married, he will be sentenced to death. If he is not married, however, he will be sentenced to one hundred lashes. The death penalty will also apply to the active partner when the active partner is a non-Muslim but the passive partner is a Muslim. [...]

Unlike sodomy, there is no distinction between an active and a passive partner. Also, there is no distinction between a married and an unmarried partner. Neither is punishment more severe if one partner forces the other to engage in the sexual act. Any man convicted of tafkhez will be sentenced to one hundred lashes. Nevertheless, if the active partner is a non-Muslim and the passive partner is a Muslim, the non-Muslim active partner will be sentenced to death. [...]

Article 239 of the IPC states that mosaheqeh is punishable by one hundred lashes. Article 240 explains that there is no difference between an active and a passive partner, and the marital status of the parties has no effect on the punishment. Also, the religion of the partner is not a relevant factor. Similar to tafkhiz, the punishment for a person convicted of mosaheqeh would not be more severe if she forces another woman to engage in the sexual act. [...]

Article 136 of the IPC states that any person convicted for the fourth time of any crime in the hodud category will be sentenced to death, provided that after each conviction he or she has been accordingly flogged. With the exception of the passive partner in sodomy, who will be executed after the first punishment, Article 136 means that an active partner in sodomy, a man convicted of tafkhiz, and a woman convicted of mosaheqeh may be put to death after their fourth conviction. This repeat-offender scheme, however, does not apply to those convicted of 'other same-sex sexual acts' such as kissing and touching for pleasure." (IHRDC, 7 November 2013)

The March 2015 Iran Human Rights (IHR) annual report on 2014 notes that two persons were executed on charges of "lavat" ("sodomy") in 2014:

"In 2014, two people were executed on charges of 'Lavat' (sodomy). According to the Iranian state media, on August 26, 2014, two men identified as 'Abdollah Gh. Ch.' and 'Soleiman Gh. Ch.' were hanged publicly in Shiraz. According to the official website of the Iranian judiciary in Fars Province and the official Iranian news agency IRNA, they were sentenced to death on charges of sodomy." (IHR, 4 March 2015, p. 24)

An August 2014 article of the Daily Beast, a US news reporting and opinion website, stated with reference to the same two executions:

"Just last week, Iran carried out public executions of two 'miscreants' for the crime of sodomy. An official local report dubbed them 'immoral villains,' and wrote that justice had been carried out in order for people to 'feel peace and promotion of security in society.' It's unclear if sexual orientation was justification for the execution, but Iranian activists say they believe the government is trying to send a warning message." (Daily Beast, 10 August 2014)

The Washington Free Beacon, a conservative US online newspaper, reported in March 2014:

„Iran executed two gay men on Sunday for the crime of 'perversion' and has sentenced a third individual to death for 'insulting the prophet,' according to human rights activists tracking the situation. The head of Iran's judiciary department in the northern city of Rasht announced on Sunday that two homosexual men had been executed for 'perversion,' which is considered a severe crime under Iran's hardline Islamic law. [...] Not much is known about the two men executed over the weekend due to Iranian efforts to sweep such executions under the rug, according to Banafsheh Zand, an Iranian political and human rights activist. The two men had been held in central prison near Rasht before being killed. The crime of 'perversion' is a cover-all under Iran's hardline brand of Sharia

law and typically accounts for offenses that are seen as going ‘against morality,’ according to Zand.” (Washington Free Beacon, 3 March 2014)

Among the sources consulted by ACCORD within time constraints, no further recent information could be found on this issue.

7.6.4 Death penalty as a disproportionate sentence

Amnesty International states in its February 2015 Report on The State of the World’s Human Rights:

“Under the revised Islamic Penal Code, courts continued to impose death sentences for offences that did not meet the threshold of ‘most serious crimes’ under international law, and others such as ‘insulting the Prophet of Islam’, that should not be considered crimes.” (AI, 25 February 2015)

Human Rights Watch (HRW) writes in its World Report 2015:

“Under Iranian law, many crimes are punishable by death, including some that do not involve violence such as ‘insulting the Prophet,’ apostasy, same-sex relations, adultery, and drug-related offenses. Convicted drug offenders sentenced after flawed trials in revolutionary courts formed the majority of prisoners executed in 2014. On November 24, the Supreme Court upheld a criminal court ruling sentencing Soheil Arabi to death for Facebook posts he had written that were interpreted as ‘insulting the Prophet.’” (HRW, 29 January 2015)

The UK Foreign and Commonwealth Office (FCO) states in its March 2015 annual human rights and democracy report:

“The death penalty was used largely for drugs-related offences, which are not considered the ‘most serious crimes’ – the latter being the only type of crimes for which the death penalty is permitted under Iran’s obligations as a party to the International Covenant on Civil and Political Rights.” (FCO, 12 March 2015)

The UN Special Rapporteur states in his March 2015 report to the UN Human Rights Council (HRC):

“The use of capital and other forms of cruel, inhumane and degrading punishment persist at alarming rates. This is especially alarming given the frequent application of the death penalty for crimes not considered ‘most serious’ under international human rights law, and considering policies and practices previously identified by the United Nations human rights mechanisms that continue to challenge the administration of justice. [...]

At least 753 individuals were reportedly executed in 2014 (the highest total recorded in the past 12 years). This includes the execution of 25 women and 53 public executions. Nearly half of all executions – 362 – were for drug-related crimes (not including those drug related offenses that were also committed in conjunction with homicide crimes), which do not meet the internationally accepted threshold of ‘most serious crimes’ required for use of the death penalty.” (HRC, 12 March 2015, pp. 4-5)

A May 2015 article of the World Post, a partnership of the US online news aggregator and blog Huffington Post and the US think tank Berggruen Institute on Governance, reported with reference to data from a number of human rights organizations:

“Of the estimated 347 executions Iran has carried out since the beginning of the year, between 220 and 241 have been of people accused of drug-related violations. Many of those people were low-level and nonviolent drug offenders, the human rights groups say. Drug-related executions appear to be on the rise, with at least 41 - but possibly as many as 50 - taking place in April alone, according to data provided to The WorldPost from the groups Amnesty International and Reprieve, as well as the most current public data from Iran Human Rights.” (The World Post, 18 May 2015)

Amnesty notes in an April 2015 report on death sentences and executions in 2014:

“Death sentences were generally imposed following trials that fell short of international fair trial standards. Defendants often had no access to lawyers during pre-trial investigations, and courts generally dismissed allegations of torture and admitted as evidence ‘confessions’ obtained under torture.

Reyhaneh Jabbari was executed on 25 October in Raja’i Shahr Prison, in Karaj near Tehran, for the killing of Morteza Abdolali Sarbandi, a former employee of Iran’s Ministry of Intelligence. Reyhaneh Jabbari was arrested in 2007 and admitted the stabbing immediately after arrest. She said she had acted in self defence, after he had tried to sexually abuse her. Following her arrest, she was held in solitary confinement for two months in Tehran’s Evin Prison, where she did not have access to a lawyer or her family. She was sentenced to death under qesas by a criminal court in Tehran in 2009. The death sentence was upheld by the Supreme Court the same year. Sentences of qesas are not open to pardon or amnesty by the Supreme Leader. [...]

Soheil Arabi was sentenced to death on 30 August by a criminal court in Tehran for ‘insulting the Prophet of Islam’ (sabbo al-nabbi). The charge was based on postings he made on eight Facebook accounts, which the authorities said belonged to him. The Supreme Court upheld the sentence on 24 November. [...]

Earlier in February 2014, the Supreme Court upheld the death sentence of another man, Rouhollah Tavana, for ‘insulting the Prophet of Islam’ in a video clip. He had been sentenced to death on 3 August 2013 by a criminal court in Khorasan.

In December, the threat of execution was used to punish some death row inmates. The authorities threatened to expedite the execution of 10 men, including a juvenile offender, for going on hunger strike. The men were among 24 prisoners from Iran’s Kurdish minority who started a hunger strike on 20 November in protest at the conditions of Ward 12 of Oroumieh Central Prison, West Azerbaijan Province, where political prisoners are held.” (AI, April 2015, pp. 48-49)

7.7 Conditions in prisons and detention centres

In his March 2015 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran expressed his concerns about “reports of insufficient or nonexistent access to medical services for detainees, and insufficient segregation practices in prisons.” The report continues:

“Between April and December 2014, the Special Rapporteur and other thematic mandate holders transmitted five communications concerning the deteriorating health conditions of 16 detainees in urgent need of specialized medical care outside prison. Some of these individuals were reportedly at risk of dying due to inadequate medical attention. In a very few cases, prisoners were allowed to seek medical aid outside prison. [...]

On 20 November 2014, at least 24 Kurdish prisoners in Ward 12 of Urumia Central Prison (in the West Azerbaijan Province) reportedly embarked on hunger strikes to protest insufficient prisoner segregation and inadequate access to medical treatment. Some of the prisoners are convicted of vaguely defined national security charges. An example of a few of the security charges are distributing pamphlets and statements to commemorate International Mother Language Day, posting articles on social networks, contacting Kurdish opposition websites, distributing political pamphlets and cooperating with or joining opposition parties.

[...] Allegedly, on 9 December 2014, the security forces of Urumia Central prison surrounded Ward 12 and threatened to attack protestors if they continued their hunger strike. In response to the hunger strike, several protestors were reportedly summoned to the Intelligence Office and subjected to various threats, such as new charges, transfer to solitary confinement, imprisonment in ‘exile,’ and the arrest of family members. Others engaged in the hunger strikes were threatened with having their execution sentences expedited (including the death sentences of Messrs). Ali Afshari, Mohammad Abdollahi, and Saman Nasim, an alleged juvenile offender. On 10 December, intelligence officials allegedly demanded that Mr. Saman Nasim’s a juvenile offender family encourage him to end his hunger strike, or his execution sentence would be imminently implemented. On 22 December 2014, 26 prisoners reportedly ended their strike after authorities committed to stop harassing family members and to investigate these concerns.” (HRC, 12 March 2015, pp. 9-10)

The April 2014 Report of the Secretary-General to the UN Human Rights Council (HRC) on the situation of human rights in Iran notes:

“The Secretary-General is concerned about the lack of access to timely and applicable health care inside prisons and the conditions in which prisoners are held. The prison authorities reportedly deny health care to individuals who are in urgent need of external medical care. Various special procedures sent a number of communications to the Government regarding the deteriorating health conditions of prisoners, lack of medical attention and the risk of death faced by several prisoners. On 20 June 2013, Afshin Osanloo, a trade unionist, who was serving a five-year prison term, reportedly died from a heart attack in prison. On 1 November 2013, Abdolfattah Soltani went on hunger strike,

protesting against the lack of external medical care for some prisoners. The hunger strike, joined by other prisoners, ended on 10 November. However, the protesters warned that they would resume the hunger strike if the Government maintained its refusal to grant specialized health care to prisoners who needed medical attention.” (HRC, 7 April 2014, pp. 5-6)

The US Department of State (USDOS) describes prison and detention center conditions in its June 2015 country report on human rights practices during the year 2014:

“Prison conditions reportedly were often harsh and life threatening. There were reports that some prisoners committed suicide as a result of harsh conditions, solitary confinement, and torture to which they were subjected. Prison authorities often refused medical treatment for injuries that prisoners reportedly suffered at the hands of abusers and for illness due to the poor sanitary conditions of prison life. Prisoner hunger strikes in protest of their treatment were common. Prisoners and their families often wrote letters to authorities and, in some cases, to UN bodies to highlight and protest their treatment. The UN special rapporteur reported that authorities sometimes subjected prisoners to threats after accusing them of contacting his office.

Physical Conditions: Based on government data from March, the University of Essex-affiliated International Center for Prison Studies (ICPS) estimated the country’s total prison population at 217,851, with approximately 25 percent of the population composed of pretrial detainees, and estimated that 3.5 percent of prisoners were women and 1 percent were minors. The ICPS reported the official prison capacity as 113,000. Overcrowding reportedly forced many prisoners to sleep on floors, in hallways, or in prison yards. There were reports that overcrowding within Evin Prison had worsened over the past year. The prison population appeared stable compared with 2013.

There were reports of juvenile offenders detained with adult offenders. Pretrial detainees occasionally were held with convicted prisoners. Women were held separately from men.

Political prisoners were often held in separate prisons or wards, such as Wards 2A, 209, 240, and 350 of Evin Prison and Ward 8 of Gohardasht Prison, or in solitary confinement for long periods of time. The IRGC reportedly ran Evin Prison’s Ward 2A and Gohardasht Prison’s Ward 8. Human rights activists and the international media also reported cases of political prisoners confined with accused violent criminals.

Numerous human rights NGOs and opposition websites reported poor prison conditions and mistreatment of prisoners. There were reports of prisoner suicides. On July 9, ICHRI reported that Ehsan Hedayatkar, a prisoner in Bandar Abbas Central Prison’s Ward One, who had been arrested on charges of drug possession, took pills and hanged himself. According to a September 15 report by HRANA, two inmates at Ghezel Hesar Prison committed suicide and two other Ghezel Hesar prisoners attempted suicide during the same week. [...]

Administration: Official public statistics on the prison population were limited. There were no reports on the adequacy of or of any steps to improve recordkeeping or whether the penal system employed prison ombudspersons to respond to complaints.

Authorities mixed violent and nonviolent offender populations. Prisoners generally had access to visitors weekly, but authorities often revoked this privilege along with telephone and other correspondence privileges. It was not known whether prisoners could practice religions other than Islam while incarcerated. Prisoners were able to submit complaints to judicial authorities, but often faced censorship and retribution for doing so. Authorities did not initiate credible investigations into allegations of inhumane conditions. Families of executed prisoners did not always receive notification of their deaths.

Independent Monitoring: The government did not permit independent monitoring of prison conditions.” (USDOS, 25 June 2015, section 1a)

In April 2014, Reporters Sans Frontières (RSF) reports on a major inspection in Evin prison which resulted in police violence against prisoners:

“Around 100 riot police, accompanied by Revolutionary Guards and Intelligence Ministry officials in civilian dress, began a major inspection of the cells in Section 350, where political prisoners are held, at around 9 a.m. yesterday. According to relatives, when the prisoners objected to this irregular search and stayed in their cells to monitor their belongings, the police responded to the protest with extreme violence, smashing TV sets, equipment and personal effects. Dozens of detainees were beaten and then placed in solitary confinement in Security Section 240, regardless of their injuries. They included journalists and bloggers such as Mohammad Sadegh Kabovand, Hossein Ronaghi Malki, Mohammad Davari, Said Matinpour, Siamak Qaderi, Said Haeri and Yashar Darolshafa. They also included human rights lawyers Abdolfattah Soltani and Hotain Dolati, and Behnam Ebrahimzadeh, an activist in the workers’ movement.” (RSF, 18 April 2014)

The February 2015 Amnesty International (AI) report mentions the same incident along with another incident in Ghezel Hesar prison:

“In April, security officials assaulted prisoners held in Section 350 of Tehran’s Evin Prison during a search of their cells, beating and injuring many of them. The authorities reportedly failed to investigate the incident or prosecute and punish the perpetrators. In August, authorities reportedly used excessive force against inmates of Ghezel Hesar Prison in the city of Karaj who protested against the transfer of 14 death row prisoners to solitary confinement prior to execution.” (AI, 25 February 2015)

A March 2015 report published by the Iran Human Rights Documentation Center (IHRDC) provides testimony and details regarding the mistreatment and torture of prisoners across Iran. It can be found via the following link:

- IHRDC - Iran Human Rights Documentation Center: Rights Disregarded: Prisons in the Islamic Republic of Iran, 18 March 2015
http://www.iranhrdc.org/files.php?force&file=reports_en/Rights_Disregarded_Prisons_in_the_Islamic_Republic_of_Iran_385808221.pdf

7.8 Treatment of Lawyers

The March 2014 report of the UN Special Rapporteur on human rights in Iran to the UN Human Rights Council (HRC) states that over 42 lawyers have reportedly been detained, prosecuted or harassed since 2009:

“More than 42 lawyers have reportedly faced detention, prosecution or harassment by security forces since 2009. Several have been stripped of their professional licences by the courts. Several lawyers also reported that they and their colleagues were often harassed or intimidated by judicial and/or intelligence authorities for carrying out their work, including for their defence of political (‘security’) detainees. They also reported that, in more serious cases, judges threatened lawyers with prosecution for their work and that they were charged and/or had been sentenced for ‘insulting’ judges or ‘disrupting the court’ in apparent retaliation for their professional defence of individuals accused of political or ‘security’ crimes.” (HRC, 18 March 2014, p. 16)

The same source also refers to reports of lawyers being prevented or discouraged in various ways from carrying out their work:

“Lawyers also reported that judicial and/or intelligence authorities intimidated lawyers or otherwise prevented them from carrying out their work by, for example, withholding necessary and relevant case documents or preventing timely face-to-face client meetings. One lawyer reported that, on several occasions, judges had refused entry to the courtroom when the lawyer attempted to make procedural requests, and had been threatened, in many cases by the judges themselves. The same lawyer also reported that, when attempting to present his/her defence in a ‘security’ case, a presiding judge told the lawyer to ‘save it for your own trial’. The lawyer further reported that, in another trial where a group of women alleged having been raped by members of a criminal gang, a judge commented at the end of the trial that the plaintiffs certainly ‘also had something to do with it’, despite the conviction of the men. When the lawyer requested a record of the judge’s statement for the purposes of filing an official complaint, the judge threatened to charge the lawyer instead. The lawyer also claimed having witnessed judges denigrate female lawyers by, for example, ignoring procedural objections or requests made by the lawyers and, in turn, demanding that they adjust the positioning of their head covering or by having courtroom security guards do it. [...]

According to sources, incidents against lawyers such as those mentioned above have led to a decline in the number of those willing to take on sensitive cases. The lawyers that do accept such cases are either in prison, have fled the country or in constant fear of arrest or other negative repercussions. [...]

Lawyers also reported that this culture of intimidation deters them from raising reports of torture in their clients’ defence for fear that judiciary and security forces might

retaliate, including through prosecution or the revocation of their professional license, and often deters individuals from hiring legal counsel in order to avoid the accusation that hiring a lawyer is an admission of guilt.” (HRC, 18 March 2014, pp. 16-17)

In an October 2014 press release, Human Rights Watch (HRW) noted that the judiciary has been eroding the independence of the Iranian Bar Association in recent years while authorities have been increasingly targeting human rights lawyers since 2005 and especially after the 2009 post-election protests:

“Judiciary officials have curtailed the independence of the Iranian Bar Association by various means in recent years, such as barring lawyers from seeking senior positions based on their imputed political opinions and peaceful human rights activities. For example, in 2008, the judiciary disqualified Farideh Gheytrat, Mohammad Ali Dadkhah, and Abdolfattah Soltani – all members of the Center for Human Rights Defenders – as candidates for the association’s Central Board because of their activities as human rights defenders. The Comprehensive Bill on Lawyering and Attorneyship, a draft law before Iran’s parliament, would further curtail the Iranian Bar Association’s independence, giving the judiciary greater powers over regulating and disciplining members of the legal profession.

The erosion of the Iranian Bar Association’s independence has been accompanied by increased official action against human rights lawyers since 2005, particularly after the mass protests that followed the 2009 presidential election. In the past few years the judiciary has sentenced prominent rights lawyers such as Mohammad Seifzadeh, Soltani, and Dadkhah to lengthy prison terms on similar national security-related charges. Both the judiciary chief, Mohammad Ayatollah Sadegh Larijani, and Javad Larijani, the head of the Human Rights Council of the Judiciary, have publicly accused lawyers such as Sotoudeh of damaging the government’s reputation in interviews with Persian-language media outlets based abroad.

Several other well-known lawyers, including Ebadi, Mohammad Mostafaei, and Shadi Sadr, have left the country as a result of repeated arrests, detention, and harassment since 2009.” (HRW, 28 October 2014)

The January 2015 Human Rights Watch (HRW) World Report, which covers events of 2014, notes the following cases:

“The authorities continued to imprison dozens of activists and human rights defenders, such as lawyers Mohammad Seifzadeh and Abdolfattah Soltani, on account of their peaceful or professional activities. In September, a court overturned an order that had banned Nasrin Sotoudeh from practicing law for 10 years following her release from prison in 2013, but on October 18 the Iranian Bar Association’s disciplinary committee told Sotoudeh that it had revoked her law license for 3 years because of her revolutionary court conviction on vague national security charges in 2011.” (HRW, 29 January 2015)

The October 2014 HRW press release elaborates on the case of Nasrin Sotoudeh:

“On October 18, the Iranian Bar Association’s disciplinary committee told Sotoudeh that it had revoked her law license because a revolutionary court convicted her on vague national security charges in 2011. The government and the bar association should ensure that all lawyers can continue to practice their profession freely without discrimination on the grounds of political opinion, nor should any lawyer be negatively affected or disciplined for practicing their profession and defending their clients, Human Rights Watch said.

Sotoudeh told Human Rights Watch that the Iranian Bar Association’s disciplinary board imposed the ban under pressure from security, intelligence, and judiciary officials. The September 2011 revolutionary court judgment, after an unfair trial, sentenced her to six years in prison and a 10-year ban on practicing law. She was freed without explanation on September 18, 2013. The national security charges on which she was imprisoned arose solely from her peaceful exercise of fundamental rights and zealous defense of her clients, who included many human rights activists. [...]

Security forces arrested Sotoudeh on September 4, 2010, and Branch 26 of Tehran’s Revolutionary Court sentenced her to 11 years in prison and banned her from practicing law for 20 years in January 2011. The charges against Sotoudeh included ‘acting against national security,’ ‘propaganda against the state,’ and ‘membership in the Center for Human Rights Defenders,’ the group formed by the Nobel peace laureate Shirin Ebadi and other lawyers. On September 14, 2011, Branch 54 of Tehran’s Revolutionary Appeals Court reduced Sotoudeh’s sentence to six years and reduced the legal practice ban to 10 years. Authorities banned and then shut down the Center for Human Rights Defenders in 2008.” (HRW, 28 October 2014)

Freedom House states in its Freedom in the World 2015 report that “[l]awyers taking up sensitive political cases have been jailed and banned from practicing”, citing the example of human rights lawyer Abdolfatah Soltani, and that “[a] number of lawyers have been forced to leave the country to escape prosecution” (Freedom House, 28 January 2015).

As reported by BBC News in May 2015, Narges Mohammadi, a human rights lawyer “who has been in and out of jail on charges related to her work [...] for much of the past five years” and was given leave from prison in 2012 “to serve the remainder of a six-year prison sentence at home”, was re-arrested on charges including “running an ‘illegal group’ campaigning against the death penalty” (BBC News, 12 May 2015). The same incident has been reported in greater detail by Iran Human Rights (IHR), an Oslo-based human rights organization working on Iran (IHR, 5 May 2015).

In August 2014, the International Campaign for Human Rights in Iran (ICHRI) reported about harassment of Massoud Shafiee, a lawyer who amongst others represented three American hikers who were detained in 2009 and released in 2010 and 2011:

“Following the hikers’ departure from Iran, Shafiee was summoned and interrogated, and security forces entered his home on September 27, 2011, searching the premises. They then transferred him to Evin Prison where they interrogated him for several hours. The

following week, Shafiee's passport was confiscated at Tehran's Imam Khomeini Airport when he tried to board a flight abroad, and he was advised that he is banned from foreign travel. [...]

Asked whether he was directly told that he is not allowed to work or whether his lawyer's permit has been revoked, he said: 'No particular individual has ordered me to work or not to work. But during the past three years, it has been such that when clients come to see me or contact me by phone to take on their cases and I accept to do it, they say at the next meeting that they cannot have me as their lawyer in the case. They say that they have been put under pressure for choosing me,' he said." (ICHRI, 6 August 2014)

7.9 Administration of Military Justice

7.9.1 Military Courts

Article 172 of the Constitution calls for the establishment of Military courts "for the purpose of investigating the crimes related to the special military or police duties of the members of the Army, Police and the Islamic Revolution Guards Corps". The military courts and the Military prosecutor's office are "part of the judiciary and shall be subject to provisions related to the Judiciary". (Constitution of the Islamic Republic of Iran, 1989, Article 172)

In a July 2012 article published on Iran Review, a non-governmental website on Iranian matters, Fardin Kharrazi, senior researcher at the Center for Strategic Research (CSR), an entity which is affiliated with Iran's Expediency Council and is responsible for research on international issues and advising officials and decision-makers, gives an overview of the structure of judicial organization and legal procedure in Iran which includes the following information on military courts:

"Military courts [...] hear cases related to special crimes committed by members of the armed forces. Such crimes include leaking military secrets, desertion, disobeying military commands and such cases which, by nature, cannot be committed by the civilians. Of course, if the military personnel commit general and ordinary crimes which have nothing to do with their rank and professional duties, they will be tried like all other citizens at public courts. The military courts have their own rules and procedures according to which crimes that may entail long prison sentences equal to or more than ten years - or even execution - are heard by the first-grade military courts. Second-grade military courts hear cases which may require less severe punishments." (Kharrazi, 20 July 2012)

An undated overview the court system provided by Human Rights & Democracy for Iran, a project of the Abdorrahman Boroumand Foundation, a US-based NGO working for the promotion of human rights and democracy in Iran, contains the following information on the history of Iran's military courts:

"The military court system, independent from the judiciary under the previous regime, became a part of it on 1 December 1981. The Judiciary Organization of the Armed Forces, established in 1986, replaced and merged other military courts and tribunals in existence at the time, namely the pre-revolution Judiciary Organization of the Army, the Revolutionary Tribunal of the Army (established on 8 December 1979), and the

Revolutionary and General Court for the Revolutionary Guards (established on 15 July 1979.) The Judiciary Organization of the Armed Forces has its own Criminal Code and follows the country's general rules of criminal procedure. The Law of the Criminal Procedure of the Armed Forces of 15 May 1985 created Military Courts I and II. Military Court I has jurisdiction over more serious offenses, including those punishable by death, and Military Court II hears less serious crimes." (Human Rights & Democracy in Iran, undated)

The same source further indicates that the Law of 15 May 1985 created a system of appeals:

"The law of 8 December 1979, establishing the Revolutionary Military Court, did not provide for any appeals. The Law of 15 May 1985 created a system of appeals through the creation of a two-tier system of courts. The decisions of Military Court II were subject to review by Military Court I. This law also provided that multiple Branches of the Supreme Court be designated as the appellate court to review decisions of Military Court I." (Human Rights & Democracy in Iran, undated)

Among the sources consulted by ACCORD within time constraints, no further information could be found on this issue.

7.9.2 Procedural law and practice

Among the sources consulted by ACCORD within time constraints, no information could be found on procedural law, and only little information was found on procedural practice:

In June 2010, *Le Parisien*, a French tabloid, reports that a military court in Tehran has sentenced several persons allegedly involved in the deaths of at least three protesters detained in Kahrizak prison in 2009 (*Le Parisien*, 30 June 2010). The Agence France-Presse (AFP) news agency reported on the same case as follows:

"A military court has sentenced two men to death in connection with the deaths of at least three anti-government protesters in Kahrizak jail, Iran's state news agency IRNA said on Wednesday. 'Two defendants were sentenced to qisas (death penalty), nine others were sentenced to jail and lashes, and one was acquitted,' the agency reported, quoting a court statement. It said the two, who under Iranian law have 20 days to appeal, were found guilty of 'inflicting intentional abuse leading to the murder of Mohammad Kamrani, Amir Javadi-far and Mohsen Ruholamini.' Iran's judiciary said at the start of the trial in March that 11 policemen and one civilian were facing charges over the deaths last summer in the notorious Kahrizak jail, south of Tehran." (AFP, 30 June 2010)

A full statement of the Military Court on its proceedings on the Kahrizak prison case has been published by the Iran Human Rights Documentation Centre (IHRDC):

- IHRDC - Iran Human Rights Documentation Centre: Full Statement of Iranian Military Court on Kahrizak Detention Centre, undated
<http://www.iranhrdc.org/english/human-rights-documents/aadel-collection/14485-full-statement-of-iranian-military-court-on-kahrizak-detention-centre.html>

7.9.3 Offences of military and security personnel

The Islamic Penal Code of 2013 provides in Article 504:

„Article 504- Anyone who effectively encourages combatants or those in military forces to rebel, escape, surrender, or disobey military orders, with the intention to overthrow the government or to defeat national forces against the enemy, shall be considered as mohareb; otherwise [if he does not possess the intention] if his acts are effective he shall be sentenced to two to ten years, and if not, to six months to three years' imprisonment.” (Islamic Penal Code, 2013, Article 504, quoted in IHRDC, 8 April 2014)

The US Department of State (USDOS) noted in its June 2015 country report on human rights practices during the year 2014:

“Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were few reports of government actions to discipline abusers.” (USDOS, 25 June 2015, section 1e)

Sahar Maranlou, in her 2015 book “Access to Justice in Iran”, noted with reference to Iranian AftabNews that “[i]n May 2011, Iran’s police chief commented that about 1,500 police officers had been fired because of their misconduct of corruption during 2010 (Maranlou, 2015, p. 92).

Saeid Golkar, lecturer in Middle East and North African studies at Northwestern University and a senior fellow on Iran policy at the Chicago Council on Global Affairs, wrote in an email response in June 2015 that as far as he knows, the Judicial Organization of the Armed Forces (JOAF) is the main organization responsible for trying military personnel, including members of the police, Army, IRGC, MOI [Ministry of Intelligence], and the Basij. The JOAF is a branch of Iran’s judiciary that includes the Office of the Military Prosecutor and the Military Courts and is in charge of investigating crimes committed by members of Iran Armed Forces. Golkar goes on to say that punishments for offense of military and security personnel may differ significantly in severity and may include prison sentences and the death penalty. One example is Admiral Bahram Afzali, the Commander of Iranian Navy from 1980 to 1983, who was executed in 1984 for alleged espionage for the Soviet Union. Another example is Ali-Akbar Siadat, a member of Iran’s army air force, who was hanged in 2010 for allegedly spying for Mossad. Golkar notes that ideological nonconformity is not tolerated and that those who have been tried in military court and found guilty are usually fired from their military and security establishments (Golkar, 9 June 2015).

7.9.4 Treatment of non-conforming military and law enforcement personnel

Among the sources consulted by ACCORD within time constraints, no information was found on the treatment of non-conforming military and law enforcement personnel.

7.9.5 Military service

The US Central Intelligence Agency (CIA) states in its World Factbook last updated in June 2015 with reference to data from 2012 that the age of compulsory military service is 18 years, while it is “16 years of age for volunteers”, “17 years of age for Law Enforcement Forces” (LEF) and “15 years of age for Basij Forces”. The same source indicates that women are exempt from military service. (CIA, 24 June 2015)

Detailed information regarding the military service is provided in a March 2015 query response of the Immigration and Refugee Board of Canada (IRB):

- IRB - Immigration and Refugee Board of Canada: Iran: Military service, including recruitment age, length of service, reasons for exemption, the possibility of performing a replacement service and the treatment of people who refuse military service by authorities; whether there are sanctions against conscientious objectors [IRN104809.E], 28 March 2015 (available at [ecoi.net](http://www.ecoi.net))

[http://www.ecoi.net/local link/299167/421685_en.html](http://www.ecoi.net/local_link/299167/421685_en.html)

A September 2014 report of the Washington, D.C.-based AI Monitor media site states that “Brig. Gen. Moussa Kamali, Iran’s chief conscription officer, announced that compulsory military service in Iran will be extended from 21 to 24 months” from 2015. Previously, the duration of service had been shortened to 18 months in 2009 (and to one to three months for “men with bachelor’s, master’s or doctoral degrees”) and then “set at 21 months for all citizens” in 2012 (AI Monitor, 30 September 2014).

The Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states in its December 2013 General Official Report on Iran that all men, upon reaching the age of 18, are called up as part of their military service duties. They must report to the military authorities within one month after the start of the Iranian calendar year in which they turn 18. Announcements are made via the media (including newspapers, radio and television) calling upon men born in a given year to report to the local conscription bureau. (BZ, 24 December 2013, p. 47)

The same source notes that it is not possible to opt to do the military service in the regular army or the Revolutionary Guards unless the conscript was already working for a particular organisation prior to the draft. In such a case the organisation may submit a request to the Public Conscription Department for inclusion of the conscript on grounds of his specialist background. The selection process for draftees is more or less arbitrary. In principle the level of training and expertise is taken into account, however, this is not done on a structural basis. [...] It is not possible for young men in the military age to leave Iran before the compulsory military service is completed, unless a deposit (150 million IRR, which is roughly equivalent to \$ 15,000) is paid. The latter is of relevance if one wishes to study abroad. Persons who have completed their military service automatically receive a discharge notice based on their proof of identity and qualifications presented when upon enlistment. (BZ, 24 December 2013, pp. 47-48)

The same source indicates that there is no compulsory military service for women in Iran. Women may become professional soldiers in non–arms-bearing roles. In the police force, they may, however, carry weapons. (BZ, 24 December 2013, p. 49)

Exemptions to duty to perform military service

Detailed information on exemptions from military service is provided in the March 2015 query reponse of the Immigration and Refugee Board of Canada (IRB):

- IRB - Immigration and Refugee Board of Canada: Iran: Military service, including recruitment age, length of service, reasons for exemption, the possibility of performing a replacement service and the treatment of people who refuse military service by authorities; whether there are sanctions against conscientious objectors [IRN104809.E], 28 March 2015 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/local_link/299167/421685_en.html

According to the December 2013 General Official Report of the Netherlands Ministry of Foreign Affairs (BZ), students are eligible for deferment of military service. They are expected to enter military service within six months after finishing their studies. In practice, this period can be extended due to administrative delays. If a person does not report to the authorities within this timeframe, he is considered a draft evader or objector. There is no alternative civilian service in Iran. Conscientious objection is not accepted under Iranian law. The evasion of military service is punishable under Article 40 of the Armed Forces Penal Law by imprisonment of six months to two years, or an extension of the service. Draft evaders may also be divested of social and civic rights including their right to work, to education or to set up their own business. Since 21 March 2001 it is no longer possible for Iranians residing in Iran to officially buy out their military service. (BZ, 24 December 2013, p. 47)

The report of the Netherlands Ministry of Foreign Affairs continues by stating that a person can be freed from his military service duties, if he:

- is an only son and his father was sixty or older when the son turned eighteen;
- is a caretaker for a disabled father, mother, grandfather, grandmother, brother or sister;
- is the breadwinner of an unmarried sister up to the age of twenty-four;
- has (a) brother(s), who is (are) currently in military service
- is married and has a child (this only applies in times of peace)
- has a disability;
- is “mentally ill” (homosexual);
- is a hermaphrodite;
- has a father or brother who died in the Iran-Iraq War; this is combined with additional conditions;
- is the breadwinner of his mother who is divorced *de facto* and *de jure*;
- is a student studying abroad and has bought out military service. (BZ, 24 December 2013, p. 48)

The report goes on to state that exemptions on grounds of support for the family (the only son must fully provide for his father) are limited as it is examined whether the father actually requires his son's support. In principle, a son can be granted exemption for each 30-month period of active military service completed by his father in the war zone (regardless whether he served in the regular army or IRGC). If the father served a shorter term but was injured (at least 25% disabled) or fell into captivity (for a period of at least 24 months), the son may be granted exemption. According to a source, Basij membership officially does not affect a person's military service. In a sign of recognition of the training completed with the Basij, the military service may be reduced by a period of six months at most. Some Basij members are integrated into the regular Iranian forces. (BZ, 24 December 2013, p. 49)

The AI Monitor states in its September 2014 article:

“According to statistics, each year about 2 million students graduate from universities in Iran. Unless they have obtained a temporary or permanent exemption, they are required to report to a military service center within a year after graduation. Failure to do so results in an additional three to six months of service.” (AI Monitor, 30 September 2014)

Draft evaders

War Resister's International (WRI), an international pacifist and antimilitarist network based in London, stated in an Iran overview dating from April 1998:

„Draft evasion and desertion are punishable under the 1992 Law on Punishment of Crimes Concerning the Armed Forces, which prescribes different penalties for permanent and for temporary members of the armed forces. The following information concerns the possible punishment for temporary members of the armed forces (conscripts).

Absence without leave for more than 15 days without a valid reason is punishable by six months' to two years' imprisonment and/or 12 months extension of military service” (WRI, 5 April 1998)

Among the sources consulted by ACCORD within time constraints, no corroborating information could be found on this aspect.

The December 2013 General Official Report of the Netherlands Ministry of Foreign Affairs (BZ) states that young men from the age of 18 who are called for military service but do not present themselves to the authorities are considered as draft evaders. There is no alternative military service in Iran and conscientious objection is not recognized. Draft evasion is liable for prosecution. Persons who evade military service for up to three months during peace time (or up to 15 days during war) must serve three months in addition to the regular term. If the draftee is absent for longer than three months during peace time (or 15 days during war), the military service will be extended by six months. Longer draft evasion (one year during peace or two months during war) may result in criminal proceedings before a military court. Draft evaders risk losing social benefits and civic rights including their right to work, to education or the right to set up a business. If a draft evader evaded reports for military service voluntarily,

the duration of service will be extended by three months, whereas if a draft evader is arrested, he is obliged to serve for an extra six months. (BZ, 24 December 2013, p. 49)

Among the sources consulted by ACCORD within time constraints, no further information could be found on this issue.

Desertion

The Netherlands Ministry of Foreign Affairs (BZ) states in its December 2013 General Official Report that the penalty for desertion depends on the circumstances of the case, including whether the desertion occurred during peace time or war time, or whether the soldier was on duty or on leave. The soldier's type of duty or mission is considered as well. It is also relevant whether a person deserted with or without weapons, ammunition or military equipment, and whether the case falls under the jurisdiction of the military courts (peace time) or the military war council (war time). It is not known whether, in practice, the Iranian authorities pursue a policy of actively tracking down and prosecuting draft evaders and deserters. (BZ, 24 December 2013, pp. 49-50)

An April 2009 joint fact-finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states:

„A person who deserts from the army will have to continue the military service upon return, if he is under the age of 40. Individuals who are over the age of 40 will not be asked to do military service. If a person has deserted or evaded the military service and returns to Iran after the age of 40, he will receive a financial punishment and possibly imprisonment. This is subject to arbitrary ruling. However, if the person has been subject to a pardon he will not face punishment on return to Iran.

According to the Attorney at Law, a person who evades military service may be punished. According to Military Law, if a person had to serve 20 months of military service and evades, the length of the service will increase to 24 or 26 months. The Attorney at Law added that according to 'previous legislation' a person may also be fined a few thousand US Dollars instead of serving extended military service. However, the Attorney at Law stated that it is still to be seen how recent changes in law are used in practice, i.e. whether a person will be fined or must serve extra time." (DIS/DRC, April 2009, p. 47)

War Resister's International (WRI) stated in its 1998 overview that "Desertion is punishable by two to 12 months' imprisonment in case the deserter surrenders himself to the authorities". The same source notes that while draft evasion and desertion are "not specifically mentioned" in the Islamic Penal Code, it seems "likely" that some of its articles "apply to draft evasion and desertion" (WRI, 5 April 1998). Among the sources consulted by ACCORD within time constraints, no corroborating information could be found on this issue.

Conscience and Peace Tax International (CPTI), a non-profit group registered in Belgium that works, amongst others, in support of conscientious objectors, stated in a December 2010 report submitted to the UN Human Rights Committee:

„It is not recorded that any provision exists in Iran to accommodate conscientious objectors to military service. Although there have been no reports of individual cases, this does not prove that such objections are unknown; it could well be that any potential conscientious objector might have felt unsafe in expressing these, particularly to the recruitment authorities.” (CPTI, Dezember 2010)

Among the sources consulted by ACCORD within time constraints, no further information could be found on this issue.

8 Nationality and statelessness

Semira N. Nikou, a Senior Research Associate and doctoral candidate at the Public International Law and Policy Group at the American University Washington College of Law (WCL), noted in a January 2015 article for the Human Rights Brief, a student-run publication of the same college, that “[m]ost provisions with respect to citizenship are found in Book 2 – On Nationality of the Iranian Civil Code” (Nikou, 13 January 2015, p. 2).

An English language extract of the Civil Code’s provisions on nationality can be found on the Iran Data Portal operated by Princeton University (USA). Article 976 of Book 2 of the Civil Code (CC) defines Iranian citizenship as follows:

“Article 976 - The following persons are considered to be Iranian subjects:

1 - All persons residing in Iran except those whose foreign nationality is established; the foreign nationality of such persons is considered to be established if their documents of nationality have not been objected to by the Iranian Government.

2- Those whose fathers are Iranians, regardless of whether they have been born in Iran or outside of Iran;

3 - Those born in Iran of unknown parentage;

4 - Persons born in Iran of foreign parents, one of whom was also born in Iran.

5 - Persons born in Iran of a father of foreign nationality and have resided at least one more year in Iran immediately after reaching the full age of 18; otherwise, their naturalization as Iranian subjects will be subject to the stipulations for Iranian naturalization laid down by the law.

6 - Every woman of foreign nationality who marries an Iranian husband.

7 - Every foreign national who has obtained Iranian nationality” (Civil Code, amended as of 2006, Article 976)

Nikou notes that apart from the provisions of Book 2, the Civil Code was amended in 2006 to include a “Single Article” and two notes in Article 1060 of Book 7 “to clarify the conditions under which children born in Iran to marriages between Iranian women and men of a foreign nationality could attain Iranian citizenship” (Nikou, 13 January 2015, p. 2).

The full text of an English translation of the Civil Code’s provisions, as published on Princeton University’s Iran Data Portal, is accessible via the following link:

- Civil Code, amended as of 2006 (extract on provisions on nationality provided by Iran Data Portal, Princeton University)

<http://www.princeton.edu/irandataportal/laws/institutionsgovernance/nationality-law/>

In a 2014 report written under the aegis of Tilburg University Law School's statelessness programme, social scientist Jason Tucker commented on legal provisions pertaining to the acquisition of Iranian nationality through birth as follows:

"Iran uses a system of *jus sanguinis* and *jus soli* with regard to acquisition of nationality at birth, though it is predominately a system of paternal *jus sanguinis*. Therefore, a child obtains Iranian nationality regardless of where the child is born, if they are born to an Iranian father. This is not to say that an Iranian mother can never pass on her nationality [...]. There are exceptions to this paternal link, such as the granting of Iranian nationality to foundlings and to children born in Iran to foreign parents, one of whom was born in the country. Further to this, the nationality law prescribes a system of reciprocity. This system states that where children born in a country to Iranian nationals, acquire that country's nationality, their nationals will be able to acquire Iranian citizenship for their children if they are born in Iran." (Tucker, 2014, p. 6)

The same report goes on to discuss the issue of statelessness within the framework of Civil Code's provisions on nationality. According to Tucker, while "[t]he nationality law can be seen as containing safeguards against specific instances of statelessness" including its granting citizenship to children with unknown parents, there exist "significant gaps" in ensuring that "children acquire citizenship at birth in Iran", including the provision in article 976(4) that defines as Iranian citizens children born in Iran to parents of foreign nationality (at least one of whom was born in Iran) but not those born in Iran to stateless parents. Tucker also notes that "children born to Iranian women (in Iran or abroad) and men who are, for example, unknown/not able to pass on their nationality/do not have one to confer, are at risk of statelessness", although the law provides for possibilities for "some of these children" to naturalise upon attaining the age of 18. In summary, Tucker states that "legislation is insufficient to resolve all cases of statelessness arising from this lack of acquisition of nationality at birth". (Tucker, 2014, pp. 6-7)

As indicated above, "Iranian mothers do not have the same rights as Iranian fathers to pass their nationality to their children" (Tucker, 2014, p. 7). Nikou discusses this issue as follows:

"Under Iranian law, children receive the citizenship of their fathers regardless of their birthplace. As a result, thousands of children born in Iran to Iranian mothers and foreign fathers do not have the opportunity to attain Iranian citizenship until they are at least eighteen years old. Subsequently, these children often cannot access basic social services available to citizens. The hardest hit are the poor, particularly those living in provinces bordering Afghanistan. The foreigners in these areas tend to be Afghani refugees or migrant laborers who, perhaps out of fear of deportation or unfamiliarity with the law, do not officially register their marriages to Iranian women, thereby imposing further barriers to citizenship. Without an official marriage certificate, children born from such marriages have little hope of ever acquiring Iranian citizenship under existing laws." (Nikou, 13 January 2015, p. 1)

A March 2015 joint alternative report written by the Abdorrahman Boroumand Foundation, Advocates for Human Rights, Article 19 and other civil society organisations on the

implementation of the Convention on the Rights of the Child (CRC) in Iran similarly states that “children born to Iranian women and non-Iranian men can be denied nationality and corollary social benefits, at times being rendered legally stateless” and that “[t]he majority of these children are born of marriages between Iranian women and Afghan or Iraqi refugees or migrants.” (Abdorrahman Boroumand Foundation et al., 9 March 2015, p. 2)

This issue is also addressed in the February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC):

“Iranian women who marry men from Iraq or Afghanistan are unable to pass on their Iranian nationality to their children, who thereby risk becoming stateless. Gender-discriminatory nationality laws often lead to the statelessness of women and children, or to situations where a woman, her children or husband are deprived of the nationality of the country where they reside.” (HRC, 20 February 2015, p. 9)

“In their comments on the present report, the Iranian authorities pointed out that a law adopted in 2006 provides that children born in the Islamic Republic of Iran from a marriage of an Iranian woman with a foreign man could be granted Iranian nationality if they had no criminal or national security-related record.” (HRC, 20 February 2015, p. 9, footnote 12)

The June 2015 US Department of State (USDOS) country report on human rights practices during the year 2014 notes that “[w]omen may not transmit citizenship to their children or to a noncitizen spouse” and quotes media reports in 2013 as saying that “there were officially 30,000 citizens married to Afghan men”, with the real number being “likely much higher.” (USDOS, 25 June 2015, section 2d)

An exception to this “paternal jus sanguinis” has been introduced by the “Constitutional Amendment” of 2006 that consisted of the above-mentioned “single article and two notes [...] ratified during the open meeting of the Islamic Consultative Assembly, and approved by the Guardian Council on the 21st of September 2006”. As noted by Tucker, the amendment’s “potential to reduce statelessness is limited by criteria that are difficult (if not practically impossible) [to meet] for those with stateless children, or those rendered stateless by gender discrimination”:

“This includes the requirement of proof that the child was born in Iran, a marriage certificate between the parents, proving the foreign father’s legal residence in the country and proving they have renounced their non-Iranian nationality - which the stateless do not have. Interviews confirmed that children of Iranian women and stateless fathers face great difficulties in acquiring citizenship using this amendment. The most problematic issue noted was the initial requirement to prove the father’s identity in the form of documentation when registering the child. The criteria set out in the legislation to acquire Iranian nationality, most notably the need to provide the father’s documents and proof of marriage, means that children born out of wedlock cannot benefit from this amendment.” (Tucker, 2014, pp. 7-8)

The text of the “Single Article” and the two notes added to Article 1060 of Book 7 of the Civil Code in 2006 reads as follows:

“Single Article – Children who are the result of marriage between foreign men and Iranian women, who have been born in Iran, or are born in Iran within one year from the date of the ratification of this law, will be able to apply for Iranian citizenship when they reach the full age of 18. These persons will be accepted as Iranian citizens if they lack criminal records or security violation backgrounds and renounce their non-Iranian citizenship. The Interior Ministry obtains evidence of the birth of the child in Iran as well as the issuing of marriage permit as stipulated in Article 1060 of the Civil Law, and the Law Enforcement Forces after being informed by the Interior Ministry issue the residence permit of the foreign father stipulated in this article. Children concerned with this article are permitted to reside in Iran prior to obtaining citizenship.

Note 1 - If persons to whom this Articles applies, are older than 18 years of age at the time of the approval of this article, they must, within a period of one year, apply for Iranian citizenship.

Note 2 – Persons who after the date of the ratification of this law are born in Iran, are the result of marriage between a foreign man and an Iranian woman, and the marriage of their parents has been registered from the inception of the marriage in compliance with Article 1060 of the Civil Law, will be accepted as Iranian citizens within one year after reaching the full age of 18 and without meeting the residence requirement stipulated in Article 979 of the Civil Law.” (Civil Code, 2006, Single Article and Notes 1 and 2 of Article 1060)

Tucker goes on to discuss the issue of naturalisation:

“With regard to the possibility to naturalise as an Iranian citizen there are certain criteria, including being over the age of 18, having resided in Iran for five years (either continuously or intermittently), not being a deserter from military service and not having been convicted of any non-political major crimes. A positive aspect of the naturalisation articles is that it states that the wives and children of those who have acquired Iranian nationality, automatically gain Iranian nationality as well - though this can be rejected by those receiving it within one year of receiving the nationality for the wife, and one year after reaching the age of 18 for the children. Further to this, there is facilitated naturalisation for those who have Iranian wives, by whom they have children. The difference between Iranian men and Iranian women’s ability to pass on their nationality to their spouse is that facilitated naturalisation is only possible for a foreign husband once there are children. However, an Iranian man can transfer his nationality to his foreign spouse even where there are no children. There is also facilitated naturalisation in several other circumstances. These include if a person is born in Iran to a foreign father and has lived in the country one year immediately after turning 18, and any foreign woman who marries an Iranian man. There is also facilitated naturalisation for those who have rendered exceptional services to the state. In all cases of naturalisation the acceptance of the application remains at the discretion of the Council of Ministers and the Government.” (Tucker, 2014, p. 9)

Tucker's report mentions the Faili Kurds and Khavari Afghans as populations that are "either stateless or at risk" of being stateless (Tucker, 2014, p. 10).

The same report further notes that there may be an "increased risk of statelessness" for children "born out of state recognised wedlock or wedlock at all" (Tucker, 2014, pp. 17-18).

The June 2015 US Department of State (USDOS) country report on human rights practices during the year 2014 notes that children without refugee identification cards are "effectively stateless":

"There were more than 32,000 children without refugee identification cards in 2013, making them effectively stateless and subject to inconsistent government policies. They could attend formal government schools but could not receive certification for their attendance. Charities, principally domestic, provided medical care. Authorities prohibited stateless persons from receiving formal government support or travel documents." (USDOS, 25 June 2015, section 2d)

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