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Iran: COI Compilation

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Iran: COI Compilation

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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 within a specified time frame on the basis of publicly available documents as well as information provided by experts. 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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List of Abbreviations

ANRO - Azerbaijan National Resistance Organization
API - Anjoman-e Padeshahi-e Iran
CC - Civil Code
CCL - Computer Crimes Law
COG - Council of Guardians
CPI - Communist Party of Iran
FATA - Cyber Police
IPC - Islamic Penal Code
IRGC - Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami)
IRI - Islamic Republic of Iran
KDP-I - Kurdistan Democratic Party – Iran
KDPI - Kurdistan Democratic Party 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
PDKI/KDPI - Democratic Party of Iranian Kurdistan
PAVA - Public Security and Intelligence Police
PJAK - Party of Free Life of Iranian Kurdistan
PMOI - People’s Mujahedin of Iran
SANAM - South Azerbaijan National Awakening Movement (aka GAMOH)
SCC - Supreme Council of Cyberspace
SNSC - Supreme National Security Council
WPI - Worker-Communist Party of Iran

1 Background information

1.1 Geographical information

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

1.2 Brief overview of political institutions

The political system of the Islamic Republic of Iran can be characterised as one that “combine[s] democratic involvement with theocratic oversight” (NYT, 17 May 2017). Political institutions are either directly elected or appointed by the Supreme Leader (BBC News, 28 April 2017).

A report by the US Congressional Research Service (CRS), a policy research and analysis think tank of the US Congress, last updated in May 2018, specifies that “[u]nelected or indirectly elected persons and institutions” include the Supreme Leader, the Council of Guardians (COG) and the Expediency Council. Institutions “directly elected by the population” include the Presidency, the Parliament (Majles) and the Assembly of Experts. (CRS, 21 May 2018, pp. 4-8)

An April 2017 BBC news article states that “[a]ll the appointed institutions are run by conservatives” while the elected entities (government, parliament and local councils) “have changed hands between conservatives and reformists/moderates over the years”. It is noted that “real power lies in the hands of unelected conservatives”. (BBC News, 28 April 2017)

As noted in a May 2017 New York Times (NYT) article, democratic and theocratic elements “often clash with unelected, unaccountable officials holding the most power” (NYT, 17 May 2017).

Freedom House states in its January 2018 Freedom in the World 2018 report that “[u]ltimate power rests in the hands of the country’s supreme leader, Ayatollah Ali Khamene’i, and the unelected institutions under his control” (Freedom House, January 2018, Overview).

A chart on Iran’s power structure published by the Washington Post in 2013 illustrates the interrelations between Iran’s various political institutions:

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

The April 2018 US Department of State (USDOS) country report on human rights practices provides a brief overview of the political system of the Islamic Republic of Iran and the role of the Shia clergy, most importantly the Supreme Leader (“Rahbar”), within it:

“The Islamic Republic of Iran is a theocratic republic with a Shia Islamic political system based on ‘velayat-e faqih’ (‘guardianship of the jurist’ or ‘rule by the jurisprudent’). Shia clergy, most notably the ‘Rahbar’ (‘supreme jurisprudent’ or ‘supreme leader’), and political leaders vetted by the clergy dominate key power structures. The supreme leader is the head of state. The members of the Assembly of Experts are directly elected in popular elections, and the assembly selects and may dismiss the supreme leader. Ayatollah Ali Khamenei has held the position since 1989. He has direct or indirect control over the legislative and executive branches of government through unelected councils under his authority. The supreme leader holds constitutional authority over the judiciary, government-run media, and armed forces, and indirectly controls internal security forces and other key institutions. While mechanisms for popular election exist for the president, who is head of government, and for the Islamic Consultative Assembly (parliament or ‘Majles’), the unelected Guardian Council vets candidates and controls the election process. Half of the 12-member Guardian Council is appointed by the supreme leader, while the other half is appointed by the head of the judiciary. In May voters re-elected Hassan Rouhani as president. Despite high voter turnout, candidate vetting allowed six presidential candidates to run out of 1,636 individuals who registered for the race.

Restrictions on media, including censoring campaign materials and preventing prominent opposition figures from speaking publicly, limited the freedom and fairness of the elections.” (USDOS, 20 April 2018, Executive Summary)

The January 2018 Freedom House report further states that while elections are held on a regular basis, these are partly influenced by the Council of Guardians (COG), an unelected institution that “disqualifies all candidates it deems insufficiently loyal to the clerical establishment” (Freedom House, January 2018, Overview). Vetting of election candidates by the COG has resulted in a limited ideological range among candidates (CRS, 21 May 2018, p. 7). Meanwhile, as noted by BBC News, once candidates have passed through the vetting process, “Iranian elections are for the most part free and fair (a notable exception being the 2009 elections, where the regime was accused of rigging votes in favour of hardline conservative Mahmoud Ahmadinejad)” (BBC News, 28 April 2017).

According to the CRS, Iran’s political process is characterised by a “relative absence of political parties”. According to Article 10 of the constitution, establishing a political party requires approval of the Interior Ministry. While a large number of parties have applied for permission since the beginning of the Islamic Republic, “only those considered loyal to the regime have been granted license to operate”, with some parties “licensed and then banned after their leaders opposed regime policies”. (CRS, 21 May 2018, p. 7)

For further information on Iranian political parties, please see the following June 2017 ACCORD query response:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Query response on Iran: Organization and functioning of political parties [a-10095], 12 June 2017a
<https://www.ecoi.net/de/dokument/1402687.html>

Supreme Leader (Rahbar)

The January 2018 Freedom House Freedom in the World 2018 report provides an overview of the powers of the Supreme Leader:

“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; [...]” (Freedom House, January 2018, section A)

According to the CIA World Factbook (last updated in June 2018), the Supreme Leader is appointed for life by the Assembly of Experts (CIA, 7 June 2018). The Assembly of Experts “also monitors his work”. However, “in practice his decisions appear to go unchallenged by the assembly, whose proceedings are kept confidential”. The current Supreme Leader is Ali Khamenei, who succeeded the founder of the Islamic Republic, Ruhollah Khomeini, in 1989. (Freedom House, January 2018, section A).

Article 109 of the Constitution of the Islamic Republic of Iran of 1979 (last amended in 1989) specifies the qualifications and attributes of the Supreme Leader (“[a]cademic qualifications necessary for issuing decrees”, [f]airness and piety” and “[p]roper political and social insight, prudence, courage, authority and power of management necessary for leadership”) (Constitution of the Islamic Republic of Iran, 1989, Article 109). His authorities and functions, as listed in Article 110 of the Constitution, include the following:

- “1- To determine the general policies of the system of the Islamic Republic of Iran after consulting with the Majma’-e- Tashkhis-e- Maslehat-e-Nazam. [Expediency Council]
- 2- To supervise over the good performance of the system’s general policies.
- 3- To decree referendums.
- 4- To hold the Supreme Command of the Armed Forces.
- 5- To declare war or peace, and mobilize the armed forces.
- 6- To appoint, dismiss, or accept resignations of:
 - a) The Faqihs of the Guardian Council.
 - b) The highest authority of the Judiciary.
 - c) The head of Sazman Seda va Seema-e Jomhouri-e-Islami Iran.
 - d) Chief of Joint Staffs.
 - e) Chief Commander of the Islamic Revolutionary Guard Corps.
 - f) Chief Commander of the Armed Forces and Police Forces. [...]
- 9- To sign the order of appointment of the President after he is elected by the people. [...]
- 10- To dismiss the President of the Republic, by taking into account the interests of the country, after the Supreme Court has given verdict on the violation, by the President, of his legal functions, or the vote of his incompetence has been passed by the Majlis on the basis of Article 89 hereof.” (Constitution of the Islamic Republic of Iran, 1989, Article 110)

Council of Guardians (Persian: Shūrā-ye Negahbān)

The Council of Guardians (COG) is “a body of six clerics and six jurists that vets laws and elections for conformity with Islamic principles” (CHRI, 22 December 2017), referred to as one of Iran’s most influential political institutions (HRW, 18 October 2017, see also Tehran Times, 17 July 2017).

The functions and composition of this body are specified in Article 91 of the Constitution of the Islamic Republic of Iran of 1979 (last amended in 1989) (Constitution of the Islamic Republic of Iran, 1989, Article 91).

The May 2018 CRS report explains the COG’s functions and composition as follows:

“The 12-member Council of Guardians (COG) consists of 6 Islamic jurists appointed by the Supreme Leader, and 6 lawyers selected by the judiciary and confirmed by the Majles. Each councilor serves a six-year term, staggered such that half the body turns over every three years. 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 each 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. Municipal council candidates are vetted not by the COG but by local committees established by the Majles.” (CRS, 21 May 2018, p. 5)

The COG’s role in reviewing draft laws passed by the Majles, specified in Articles 94 to 96 of the Constitution of 1979 amongst others, is explained in a July 2017 article of the Tehran Times:

“[A]ny bill passed by the Majlis must be reviewed and approved by the Guardian Council to become law.

According to Article 96 of the constitution, the Guardian Council holds veto power over all legislations approved by the Majlis. It can nullify a law based on two accounts: being against Islamic laws, or being against the constitution. While all the members vote on the laws being compatible with the constitution, only the six clerics vote on them being compatible with Islam.

If any law is rejected, it will be passed back to the Majlis for correction. If the Majlis and the 12-member Guardian Council cannot decide on a case, it is passed up to the Expediency Council for a decision.” (Tehran Times, 17 July 2017)

Regarding the COG’s role in elections (specified in Article 99 of the Constitution of 1979), the International Federation for Human Rights (FIDH), notes that it has the “overall authority to interpret election laws, vet candidates, oversee the electoral process, receive and adjudicate complaints over alleged irregularities, confirm the election results, and notify and direct the Ministry of Interior to announce the results”. The COG also “appoints a Central Board for Supervision of Elections (CBSE) and supervision boards or supervisors at local levels”. The voting, the counting of votes and other operative tasks are organised by the Ministry of Interior. (FIDH, 18 May 2017)

The January 2018 Freedom House report provides details on the COG’s vetting of election candidates:

“The Guardian Council, controlled by hard-line conservatives and ultimately by the supreme leader, vets all candidates for the parliament, the presidency, and the Assembly of Experts. The council typically rejects 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, January 2018, section A)

Moreover, the Tehran Times, an English-language Iranian state newspaper, states that the COG has the authority to interpret the Constitution:

“The Guardian Council also functions similar to a constitutional court. The authority to interpret the constitution is vested in the council. Interpretative decisions require a three-quarters majority. The council does not conduct a court hearing where opposing sides are argued.” (Tehran Times, 17 July 2017)

Expediency Discernment Council (Majma' Tashkhīs Maṣlaḥat Nezām)

The Expediency Discernment Council, referred to as “the country’s highest arbitration body” (CHRI, 19 October 2017), mediates between the Parliament and the Council of Guardians (EIU, 11 October 2017).

According to Article 112 of the Constitution, the Expediency Discernment Council can issue final decisions in cases where the Council of Guardians and the Parliament (Majles) are unable to reach agreement on a piece of legislation (Constitution of the Islamic Republic of Iran, 1989, Article 112; CHRI, 19 October 2017). Article 112 further states that the body is tasked with providing “consultation in matters referred to it by the Leader” and “other functions”. Its “permanent and mutable members [...] shall be appointed by the Leader” (Constitution of the Islamic Republic of Iran, 1989, Article 112).

The May 2018 CRS report notes that while the Expediency Discernment Council “was established in 1988 to resolve legislative disagreements between the Majles and the COG [,] [i]t has since evolved into more of a policy advisory body for the Supreme Leader and an overseer of the performance of the president and his cabinet”. The members of the Expediency Discernment Council “serve five-year terms” (CRS, 21 May 2018, p. 5).

The same report informs about appointments to the Expediency Council in recent years:

“Longtime regime stalwart Ayatollah Ali Akbar Hashemi-Rafsanjani was reappointed as its chairman in February 2007 and again in March 2012, but his January 2017 death left the top position vacant. In August 2017, the Supreme Leader named a new, expanded (from 42 to 45 members) Council, with former judiciary head Ayatollah Mahmoud Hashemi Shahroudi as the new chairman. The Expediency Council’s executive officer is former Revolutionary Guard commander-in-chief Mohsen Reza’i. The council appointed in August 2017 includes former president Ahmadinejad. President Hassan Rouhani and Majles Speaker Ali Larijani were not reappointed as Council members but attend the body’s sessions in their official capacities.” (CRS, 21 May 2018, p. 5)

President (Persian: Ra’is-e Jomhūr-e Irān)

The presidency is the “second-highest-ranking official in the Islamic Republic”, being “formally and in practice subordinate to the Supreme Leader” (CRS, 21 May 2018, p. 7). The president is responsible for selecting a cabinet (“Council of Ministers”), subject to approval by the parliament, while the Supreme Leader has “some control over appointments to several ministries” (CIA World Factbook, last updated 7 June 2018).

Article 114 of the Constitution specifies that “[t]he President shall be elected by the direct vote of the people for a four-year term of office. His consecutive re-election shall be allowed for one term” (Constitution of the Islamic Republic of Iran, 1989, Article 114). According to the CIA World Factbook, presidents are eligible for a second term as well as an additional non-consecutive term (CIA, 7 June 2018). The current president, Hassan Rouhani, was elected in

June 2013 and secured a second four-year term in the May 2017 presidential election. (EIU, 11 October 2017)

Article 115 states that “[t]he President shall be elected from among distinguished religious and political personalities” who are of “Iranian origins, have Iranian citizenship, be efficient and prudent, have a record of good reputation, honesty and piety, and be true and faithful to the essentials of the Islamic Republic of Iran and the official Faith of the country” (Constitution of the Islamic Republic of Iran, 1989, Article 115).

The powers and responsibilities of the president are set out in Articles 122 through 142 of the Constitution (Constitution of the Islamic Republic of Iran, 1989, Articles 122-142).

Parliament (Islamic Consultative Assembly; Persian: Majles-e Shūrā-ye Eslāmī)

An overview of the composition and functions of the Majles (parliament) is provided in a May 2018 report of the US Congressional Research Service (CRS):

“Iran’s Majles, or parliament, is a 290-seat, all-elected, unicameral body. There are five ‘reserved seats’ for the ‘recognized’ minority communities of Jews, Zoroastrians, and Christians (three of the five). The Majles votes on each nominee to a cabinet post, and drafts and acts on legislation. Among its main duties is to consider and enact a proposed national budget (which runs from March 21 to March 20 each year, coinciding with Nowruz). It legislates on domestic economic and social issues, and tends to defer to executive and security institutions on defense and foreign policy issues. [...] Majles elections occur one year prior to the presidential elections [...]” (CRS, 21 May 2018, p. 8)

The CRS, in an earlier article published in March 2016, notes that the 290 seats of the Majles “are allocated to 207 geographic constituencies, meaning that some constituencies send more than one person to the body”. As a result, “Tehran, for example, sends 30 members to the Majles”. (CRS, 4 March 2016)

All candidates for the Majles, as well as legislation passed by it, must be approved by the Council of Guardians (EIU, 11 October 2017). At the same time, it is noted that the Majles “selects six of the 12 members of the Guardian Council (who are nominated by the head of the judiciary)” (IFES, 17 February 2016).

The lawmaking process as well as some of the other functions of the Majles are explained in a February 2016 article of the Brookings Institution:

“After the Majlis debates and passes a law, the Guardians’ Council must confirm that the law conforms to the Constitution and Islam. The veto power of the Guardians’ Council over legislation has meant that substantive political and economic reform—even if supported by the Majlis—has often been obstructed. (In fact, because approximately half of the bills passed by the parliament were later rejected by the Guardians’ Council, Iran in 1989 established a third legislative body, the Expediency Council, which is empowered to mediate between them and overrule both.) If approved by the Guardians’ Council, the

piece of legislation must be signed by the president to become law. Among other things, the Majlis reviews and approves the annual budget, may approve and impeach heads of ministries, issues formal questions to the government, and approves international treaties.” (Brookings Institution, 9 February 2016 b)

The same report further informs that “[a]ny public complaints against government organizations are handled by the Majlis”, noting, however, that “[t]he body’s oversight authority is curbed [...] by the fact that the Supreme Leader’s consent is required if the Majlis wishes to look into an institution associated with his leadership” (Brookings Institution, 9 February 2016 b).

The EUI notes that political factions within parliament “are loose” and that the new Majlis “is dominated by the United Fundamentalist Front and the Stability of Islamic Revolution Front, both conservative groups close to the supreme leader” (EUI, 11 October 2017).

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

Assembly of Experts for the Leadership (Persian: Majles-e Khobregān-e Rahbari)

The Assembly of Experts for the Leadership (short: Assembly of Experts) is referred to as “an 88-member body of Islamic jurists, elected by direct popular vote every eight years”. As stipulated in the Constitution, the body is mandated to “appoint, monitor, and dismiss (if appropriate) the supreme leader” and comprises a leadership council and six committees which convene twice a year (Brookings Institution, 6 February 2016 a).

The US Congressional Research Service (CRS) states that the Assembly of Experts is “empowered to choose a new Supreme Leader upon the death of the incumbent” and that “it formally ‘oversees’ the work of the Supreme Leader”. It is noted that while “[t]he Assembly can replace him if necessary”, “invoking that power would, in practice, most likely occur in the event of a severe health crisis” of the Supreme Leader. The Assembly is moreover “empowered to amend the constitution”. It is stated that the Assembly “generally meets two times a year”. The same report gives an overview of elections to the Assembly of Experts and selections regarding the chairmanship of the Assembly:

“Elections to the Assembly are held every 8-10 years (some variation in the term), conducted on a provincial basis. The fourth election for the Assembly was held on December 15, 2006, after which Rafsanjani was named its deputy chairman. He became its chairman in September 2007, but his opposition to the crackdown on the 2009 uprising ran him afoul of the Supreme Leader and he was replaced as chair of the body in March 2011 by the aging compromise candidate Ayatollah Mohammad Reza Mahdavi-Kani. After Mahdavi-Kani died in 2014 and his successor, Mohammad Yazdi lost his seat in the Assembly of Experts election on February 26, 2016, (concurrent with the Majles elections), COG Chairman Ayatollah Ahmad Jannati was selected the new Assembly chairman in May 2016. Jannati serves in the two posts concurrently.” (CRS, 21 May 2018, p. 8)

As for the geographic distribution of seats in the Assembly of Experts, the CRS in a March 2016 article notes that “Assembly of Experts seats are divided among Iran’s 31 provinces” (CRS, 4 March 2016). As the UN Special Rapporteur on the situation of human rights in Iran notes in a May 2016 report published by the UN Human Rights Council (HCR), “[t]o date, no woman has ever been approved by the Council to serve on the Assembly of Experts” (HRC, 26 May 2016, p. 14).

Provisions relating to the Assembly of Experts are 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 Parliamentary and Assembly of Experts elections of February 2016

Elections for both the Islamic Consultative Assembly (Majles) and the Assembly of Experts were held on 26 February 2016 (HRC, 26 May 2016, p. 12). A second round of parliamentary elections was held on 29 April 2016 in constituencies where no candidate had won a minimum of 25 per cent of the vote during the first round in February. According to BBC News, supporters of President Rouhani secured 42 per cent of the 290 seats in the Majles while independents, many of whom are viewed as reform-minded, won nearly 30 per cent of the seats. Conservative “[h]ardliners” similarly secured “just under a third” of the Majles seats (BBC News, 30 April 2016). As reported by BBC News, all 30 seats for Tehran were won by reformists and moderates (BBC News, 29 February 2016).

The March 2016 US Department of State (USDOS) country report on human rights practices states that “candidate vetting by the unelected Guardian Council and restrictions on the media limited the freedom and fairness” of the Majles and Assembly of Experts elections (USDOS, 3 March 2017, Executive Summary).

A May 2016 report of the UN Special Rapporteur on the situation of human rights in Iran (published by the UN Human Rights Council, HRC) provides details on the Council of Guardians’ vetting of registered candidates ahead of the February 2016 elections:

“On 20 January 2016, the Supervisory Board of the Guardian Council qualified 39 per cent of the 12,123 candidates who had registered to run in the parliamentary elections. According to reports, only 30, or 1 per cent, of some 3,000 ‘reformist’ candidates who had registered for the elections were approved by the Board in its decision. Some of those rejected appealed to the Guardian Council and were approved on 15 February 2016, when the Council approved a total of 52 per cent of the candidates. [...]

The Guardian Council invited 540 of the candidates for election to parliament, including 6 women, to sit for an examination to determine whether they were qualified to run for the Assembly of Experts. On 26 January 2016, the Guardian Council disqualified 640 of the 801 candidates registered for the election to the Assembly of Experts, including the 6 women.” (HRC, 26 May 2016, pp. 13-14)

A January 2016 Human Rights Watch (HRW) press release notes that the Council of Guardians “appears to have disqualified a high percentage of candidates associated with certain political groups”, including the Etemad Melli Party and the Nedaye Iranian Party (Both parties are reformist). (HRW, 24 January 2016)

As reported by the Center for Human Rights in Iran (CHRI), a New York-based non-governmental human rights organisation, in a March 2016 press release, the Council of Guardians has “illegally enlisted the Revolutionary Guards’ Intelligence Organization to investigate candidate applications ahead of the February 26, 2016 elections for Parliament and the Assembly of Experts”. It is noted that according to Article 46 of the Election Law, the Council of Guardians can only refer to the services of the Ministry of Intelligence (MOI), the Prosecutor

General, the National Registry and the Police Criminal Identification Office (in cooperation with Interpol) to investigate the qualification of prospective candidates in elections. (CHRI, 8 March 2016)

The CHRI further states that reformist candidates were “attacked by pressure groups” in the months leading up to the elections” and that “[p]olice and security forces did nothing to prevent attacks by radical conservative groups” (CHRI, 8 March 2016). According to the UN Special Rapporteur on the situation of human rights in Iran, “[i]n November and December 2015, at least 12 public gatherings related to elections were reportedly cancelled or disbanded, as a result of threats to speakers or participants” (HRC, 26 May 2016, p. 14)

The same source notes that Iran’s Mehr News Agency “reported at least 85 cases of election violations, including vote buying” and that there were “[r]eports of people being transported to other cities to boost votes”(CHRI, 8 March 2016).

In the February 2016 Assembly of Experts elections, President Rouhani and his supporters secured “all but one of the seats for Tehran in the Assembly of Experts” (15 out of 16 seats). As reported by BBC News, “[t]wo leading hardline clerics, assembly chairman Mohammad Yazdi and Mohammad-Taqi Mesbah-Yazdi, lost their seats”, while Ahmad Jannati (the chairman of the Council of Guardians, cf. CHRI, 8 March 2016) was “[t]he only hardliner” winning a seat in the Assembly of Experts. (BBC News, 29 February 2016)

The Freedom House Freedom in the World 2018 report notes that “[a] majority of the new assembly ultimately chose hard-line cleric Ahmad Jannati, head of the Guardian Council, as the body’s chairman.” (Freedom House, January 2018, section A)

A March 2016 article of the Middle East Eye (MEE), authored by Iranian-Canadian political analyst and freelance journalist Shahir Shahidsaless, provides an analysis of the Majles and Assembly of Experts elections:

“The elections emerged as a head-on clash between two camps. Moderates (also known as pragmatists), reformists, and moderate conservatives came together and formed a coalition around a central discourse that was “rejection of radicalism”. The group of majlis candidates that the coalition supported was styled as a “List of Hope,” while its list for the Assembly of Experts was referred to as “Friends of Moderation”. The de facto leader of the group was Iran’s former moderate president Akbar Hashemi Rafsanjani. In a statement, he asked people to actively participate in the elections to prevent “the institutionalisation of political and religious extremism in society”.

Their rivals, the Principlists – a name they gave themselves – introduced their own list of the ‘Coalition of Principlists’. The coalition consisted of conservatives and hardline conservatives.

Although the main battle was between these two camps, a third group under the banner of ‘Independents’ also entered the race. [...]

Regarding the Assembly of Experts, given the massive disqualification of the moderate candidates by the ultra-conservative Guardian Council that vets the candidates, the tactic that the moderates adopted was to throw their weight behind second-tier principalist candidates, some with more moderate tendencies, to prevent the hardline-leading figures from entering the assembly.

The approach worked. Two out of the three prominent principalist figures who were the main target of this plan – leading hardline ayatollahs Mohammad Yazdi and Mohammad Taghi Mesbah-Yazdi – lost their seats in the assembly. Moreover, the third figure, Ahmad Jannati, the secretary of the Guardian Council, was ranked last in Tehran and narrowly kept his seat in the Assembly. Rafsanjani won first place with a record high 2.3 million votes.

But the main story of these elections was the outcome of majlis elections in Tehran, the capital. The mega-city of 6.4 million eligible voters has a share of 30 seats in the majlis. ‘List of Hope’ candidates swept in a landslide, winning all 30 seats in an unprecedented victory. Gholam-Ali Haddad Adel, the Principlists’ leading figure, could not find a place better than 31st and was eliminated.” (MEE, 3 March 2016)

2.2 Presidential and municipal elections of May 2017

Presidential elections were held on 19 May 2017 alongside local council (municipal) elections (BBC News, 21 May 2017; CRS, 21 May 2018, p. 13).

The January 2018 Freedom House Freedom in the World 2018 report comments on the context in which the presidential election took place:

“In the May 2017 presidential election, only six men were allowed to run out of some 1,600 candidates who had applied. All 137 women candidates were disqualified by the Guardian Council. President Rouhani’s main challenger, hard-line cleric Ebrahim Raisi, was known for his role as a judge involved in Iran’s mass executions of political opponents in the 1980s. In the run-up to the election, the authorities intensified its crackdown on the media, arresting several journalists and administrators of reformist channels on Telegram, the popular messaging app.” (Freedom House, January 2018, section A)

The outcome of the presidential election is reported by the Congressional Research Service (CRS):

“The latest presidential election was held on May 19, 2017. Rouhani was constitutionally eligible to run for reelection, declared his candidacy, and won a convincing first-round victory with about 57% of the vote. He defeated a major figure, Hojjat ol-Eslam Ibrahim Raisi—a close ally of Khamene’i appointed by him in 2016 to head the large Astan-e-Qods Razavi Foundation. Even though other major hardliners had dropped out of the race to improve Raisi’s chances of winning, Raisi received only about 38% of the vote.” (CRS, 21 May 2018, p. 13)

According to the Minister of Interior, voters cast 41.2 million ballots (Al Jazeera, 20 May 2017), showing a high turnout of 70 per cent (NYT, 20 May 2017).

Hasan Rouhani was sworn in as President in early August 2017 (RFE/RL, 6 August 2017).

A May 2017 article of the Middle East Eye (MEE) written by Abraham Nematzadeh, a political analyst focused on Iran, describes the political context in which the presidential elections were held:

“In the end, Iran’s 19 May election became a competition between the incumbent, centrist president - a staunch proponent of the free market and a supporter of better relations with the world, including the US - and the conservative cleric, Ebrahim Raisi, an apprentice and follower of Iran’s supreme leader, Ayatollah Ali Khamenei.

Raisi made his career in Iran’s judiciary, holding senior posts in one of the main conservatives’ fortresses. His resume lists issuing execution orders for thousands of political prisoners over a span of two months in 1988 as a member of the four-person ‘death committee’.

During the election, Rouhani became the target of an orchestrated attack by the conservatives/hardliners, who dominate the establishment. Ayatollah Khamenei led the assault with harmonious support from Iran’s Revolutionary Guards (IRGC) and numerous media outlets in the IRGC and conservative camp’s control, which not only relentlessly supported Raisi, but also ran a deafeningly negative campaign against Rouhani.

But maybe the most destructive anti-Rouhani campaign propaganda came from the state TV and radio, the country’s only broadcaster. [...]

Ayatollah Khamenei began intensifying his criticism of the Rouhani administration’s performance from the beginning of the current Iranian new year on 20 March.

‘The performance of the administration in 1395 (the Iranian last calendar year) fell way short of expectations,’ he said during a new year address. He then took a clear position against the unrevolutionary Rouhani administration – characterised as a moderate/pragmatic – while expressing hope that a revolutionary team would manage the country’s affairs. ‘If the management sticks to religious values and is revolutionary and efficient,’ he added, ‘every problem could be resolved ... and, God willing, this will happen.’” (MEE, 25 May 2017)

The CRS gives an overview of the May 2017 municipal elections:

“Municipal elections were held concurrently. After vetting by local committees established by the Majles, about 260,000 candidates competed for about 127,000 seats nationwide. Over 6% of the candidates were women. The same alliance of reformists and moderate-conservatives that gave Rouhani a resounding victory also won control of the municipal councils of Iran’s largest cities, including all 21 seats on the Tehran municipal council. The term of the existing councils is to expire in September 2017 and, at that time, it is expected that a reformist or moderate official will replace be chosen to replace Qalibaf as Tehran mayor. The top vote getter in Tehran, and a reportedly strong candidate to be selected mayor, is Rafsanjani’s eldest son, Mohsen Hashemi.” (CRS, 21 May 2018, p. 13)

As reported by Radio Free Europe/Radio Liberty (RFE/RL), moderate and reformist candidates won all 21 seats of the Tehran City Council in the municipal elections, driving conservatives from power in Tehran for the first time in 14 years (RFE/RL, 21 May 2017).

2.3 Tehran attacks of 7 June 2017

In June 2017, at least 18 people were killed in coordinated attacks on the Majles and the mausoleum of Ayatollah Ruhollah Khomeini, the founder of the Islamic Republic (Freedom House, January 2018, Executive Summary) while dozens were reported injured (RFE/RL, 7 June 2017).

These events, which occurred on 7 June 2017, are reported by Al Jazeera as follows:

“Four armed assailants attacked parliament office buildings on Wednesday morning, while the shrine of revolutionary founder Ruhollah Khomeini was struck by a suicide bomber, state media reported. One of the attackers on Iran’s parliament complex blew himself up on the fourth floor, while under siege by security forces, state broadcaster IRIB reported” (Al Jazeera, 10 June 2017)

Sources note that the Islamic State (IS) group has claimed responsibility for the attacks (Al Jazeera, 10 June 2017; Freedom House, January 2018, Executive Summary; RFE/RL, 7 June 2017).

A few days after the attacks, the Minister of Intelligence was quoted as saying that “[t]he mastermind and main commander of terrorist attacks on the parliament and Mausoleum of Ayatollah Khomeini was killed” (Reuters, 10 June 2017).

Radio Free Europe/Radio Liberty (RFE/RL) writes that after the attacks, “dozens of suspects were arrested in Tehran and in the northwestern provinces of Kermanshah, Kurdistan, and West Azerbaijan, as well as in Sistan-Baluchistan” (RFE/RL, 16 June 2017). Further arrests of alleged IS members were carried out in July 2017 in the city of Mashhad (RFE/RL, 7 July 2017).

2.4 Recent protests

Anti-government protests took place in Mashhad on 28 December 2017 (ABC News, 3 January 2018). The protests were triggered by “disgruntlement over economic malaise, endemic corruption and glaring income inequalities” (ICG, 15 January 2018) and criticism was directed towards the Rouhani government (ABC News, 3 January 2018). There were also rumours that the protests were instigated by conservatives opposed to Rouhani’s government (Politico, 7 January 2018) seeking to destabilise it (ABC News, 3 January 2018). Security forces eventually broke up the demonstration but protests soon erupted in other cities across the country (ABC News, 3 January 2018) including Kermanshah, in the west of the country, Isfahan, in the centre, Rasht, in the north, Qom, a religious centre, and other cities including Sari, Hamedan and Qazvin. Eventually, “as protests grew bigger, anti-regime demonstrations were held in Tehran but also in Shahr-e-Kord, Bandar Abbas, Izeh, Arak, Zanjan, Abhar, Doroud (in Lorestan [...]), Khorramabad, Ahvaz, Karaj and Tonekabon” (Guardian, 31 December 2017). By 2 January 2018, protests had been reported in “nearly every province” (AP, 2 January 2018).

It is noted that before the protests were over, “rallies had taken place in more than 100 cities and towns across the country, highlighting the grievances of citizens from a spectrum of regions, ages, and social classes” (RFE/RL, 18 January 2018). With regards to the grievances addressed by protesters, the US Congressional Research Service (CRS) notes that “[s]ome protesters might have been motivated by Rouhani’s 2018-2019 budget proposals that reportedly increased funds for clerical business enterprises (“bonyads”) and the IRGC, while at the same time continuing to cut subsidies” (CRS, 21 May 2018, p. 14).

A January 2018 Radio Free Europe/Radio Liberty (RFE/RL) article notes a widening of the scope of issues as the protests spread:

“As the protests spread, so did the scope of issues. Protesters increasingly demanded greater social and political freedoms, and the calls in Mashhad for Rohani to step down evolved into open criticism of the clerical establishment, including Supreme Leader Ayatollah Ali Khamenei.” (RFE/RL, 18 January 2018)

Matthew Bey, an analyst for Stratfor, a US-based geopolitical intelligence platform and publisher, similarly notes that the marches in one city (Mashhad) that “focused largely on the president [...] quickly spread” geographically and “spiraed into a wider display of anti-government anger”:

“By the weekend, protesters had taken to the streets in more than 80 cities in demonstrations appearing to be far more spontaneous than the initial ones in Mashhad. Some of the protests even began to immortalize Reza Shah, who in the first half of the 20th century tried to spark a Kemalist-styled secularist modernization program in Persia before an Anglo-Soviet invasion forced him out. In many respects, Reza Shah’s vision for Iran epitomized the antithesis of the one that the Islamic Revolution hoped to achieve. And as the voices criticizing the government became louder, so too did those of the IRGC and hard-line clerics like Raisi in speaking out against the demonstrations.” (Bey, 9 January 2018)

The National Interest (TNI), a US international affairs magazine, points out that these protests differed from those lead by the “Green Movement” after the disputed 2009 presidential election in several respects:

“Unlike in 2009’s Green Movement, which opposed that year’s rigged presidential election, this time the movement (if we can speak of it in the singular) is far more amorphous in character. Its target is the ‘system’ in the broadest sense of the term, rather than any single event or figure. Also unlike 2009, when the movement was primarily middle-class and concentrated in large urban centers, this time around working-class residents of smaller cities and provincial towns have taken the lead. Furthermore, it does not have a united leadership—even symbolically, as was the case in 2009.” (TNI, 3 January 2018)

Nader Habibi, Professor of Economics of the Middle East at Brandeis University (USA), notes that while the recent protests “involve[d] fewer actual protesters”, they were “spread over a much larger area of the country, including many small cities that suffer from underdevelopment and low incomes”. They “do not have a visible political leader” and “appear

to be directed at the entire regime, including reformists”, with economic issues “far more important” this time “than they were for the primarily middle-class protesters of 2009”. Protesters are thus “primarily young” and include “unemployed university graduates and low-income workers” who are, amongst others, “outraged by the frequent reports of corruption and unfair accumulation of wealth among some government officials”. (Habibi, 8 January 2018)

An article of the Guardian newspaper, published on 2 January 2018, elaborates on the protests by drawing similar comparisons to the 2009 post-election protests:

“While the protests may have begun over economic grievances, they soon took on a political dimension. Chants have both called on Khamenei to step down and voiced opposition to Iran’s regional policy, including ‘Let go of Syria, think about us’ and ‘I give my life for Iran, not Gaza, not Lebanon’. Videos posted on social networks show some protesters chanting nostalgic slogans in support of the deposed monarchy and late shah. [...]

The protests are the biggest challenge to Tehran’s leaders since 2009, when the disputed re-election of Mahmoud Ahmadinejad led to months of unrest amid a bloody crackdown. The protests are bigger in the provinces than in 2009, of a scale rarely seen since the 1979 Islamic revolution, but in Tehran they are so far smaller than the mostly middle class protests of 2009. Most chants during 2009 featured slogans in support of the opposition leaders under house arrest, Mir Hossein Mousavi and Mehdi Karubi, but in the recent protests their names are seldom heard. [...]

In the early days of the protests, the authorities largely held back but as the unrest continued and an intervention from Rouhani failed to calm public anger, security forces have taken on a harsher line. According to latest official figures, at least 21 people have died, including a number of security guards, and since Saturday, at least 450 people have been arrested in Tehran alone. Hundreds more have been arrested in provinces.

Protesters say they have been hit by teargas but in sharp contrast to their handling of previous unrest, authorities have allowed local media to report on the protests, although many still reflect the official line. A limited number of foreign media still operating in Iran are also allowed to report.” (Guardian, 2 January 2018)

Alireza Nader, an international policy analyst at the US-based Rand Corporation reports on the scale and nature of the protests in a January 2018 article published by the US news company Politico:

“The 2017 uprising started in the mostly conservative city of Mashhad [...]. [T]he uprising quickly spread all over Iran from Mashhad to the holy city of Qom and Isfahan, among others. But remarkably, the worst violence took place in many smaller cities ranging in population from 50,000 to 200,000. These included Izeh, Dezful, Shahinshahr, Kermanshah, Sanandaj, and so on; the number of towns and cities are too many to list. And these places experienced not only protests, but also popular attacks against law enforcement forces, government offices, paramilitary Basij facilities, banks and religious foundations associated with the regime. All over Iran, insurgents shouted against

Khamenei and tore down his images, reminding many of the days of the 1979 revolution when statues of the shah were toppled nationwide.

The uprising also spread to Tehran, the capital and the hub of Iran's economy and culture, but protests there were relatively subdued. Reports indicate that Tehran's better-off people (in the northern part of the city anyhow) did not share the insurgents' grievances. But this is misleading: The regime expected future troubles in Tehran and other large cities and concentrated its forces and intelligence resources away from the smaller cities. That's partly why it was caught off guard." (Politico, 7 January 2018)

The International Crisis Group (ICG), an NGO that conducts research on violent conflict and provides advocacy on policies, notes, however, that in 90 per cent of the "towns and cities that experienced unrest, riots already had occurred in the past six months over basic socio-economic issues: from unpaid wages to lost deposits and environmental disasters." (ICG, 15 January 2018)

The CRS provides an overview of the state's response to the protests, noting that they reportedly continued on a smaller scale and with shifted goals even after 7 January 2018 when the Islamic Revolutionary Guards Corps (IRGC) announced that the unrest had come to an end:

"Rouhani sought to defuse the unrest by acknowledging the right to protest and the legitimacy of some demonstrator grievances, Khamene'i at first attributed the unrest to covert action by Iran's adversaries, particularly the United States, Saudi Arabia, and Israel, but in early January he indicated that protesters also had the right to express legitimate grievances. Security forces did use force against protester violence, and the government also sought to suppress demonstrations by at least temporarily shutting down access to the social media site Instagram and a widely used messaging system called 'Telegram,' whose news channels, such as Amadnews, are widely followed by younger Iranians. The IRGC announced on January 7 that the unrest had been 'defeated,' but some reports indicated that unrest continued in some cities and spawned groups such as 'Restart' that advocates forcefully defending protesters against regime security forces. Iran media reported that 25 were killed and nearly 4,000 were arrested during the unrest. In February 2018, some women protested against the strict public dress code, and some of them were detained. However, their protests have not, to date, sparked a resumption of broader unrest." (CRS, 21 May 2018, p. 14)

The ICG refers to the state's response as "atypical as security forces refrained from resorting quickly to brute force – at least by their own standards", arguing that one of the reasons for the authorities' restraint might have been that "most of the protesters seemed to be the system's own constituents – the more pious, lower-income, blue-collar workers from the country's peripheries" (ICG, 15 January 2018).

A January 2018 report of the Center for Strategic and International Studies (CSIS), a Washington, D.C.-based policy think tank, analyses the recent protests within the framework of developments over the last decades:

“At least to date, the uprisings in Iran have not come close to the level of protests that overthrew the Shah in 1978 and forced him to leave the country in January 1979. They have been broader-based than the protests against the Iranian election in 2009, which led to ‘Green Revolution’ in 2009-2010. The regime’s effort to suppress such opposition also indicate that Iran has steadily improved its internal security and ability to repress its people since 2009, and that no one should underestimate the ability and willingness of the Supreme Leader, the Islamic Revolutionary Guard, and the Basij to use force against their people.

The regime has reacted quickly to repress the uprisings, and so far, it seems to have reacted effectively. The regime has blamed the U.S. and Saudi Arabia, and outside media and reporting, for attempting to start and support such protests. It has accused and arrested many protestors, and carried out large demonstrations in support of the regime. As in 2003 and 2009, the Supreme Leader and his supporters have shown that a regime that controls the security forces, the justice system, the media, and much of the economy can do much to resist any popular movements or opposition, brand them as enemies and traitors, and control broadcast and printed media and at least some of the Internet.

Events have made it clear, however, that the protests had a relatively broad geographic base, and were driven more by broadly popular causes like jobs, income, corruption, and resentment of Iran's privileged elites than more narrow concerns like democracy or human rights.” (CSIS, 11 January 2018)

A June 2018 Washington Post article reports that new protests took place in several locations in Tehran in June 2018:

“Protesters angered by Iran’s cratering economy confronted police officers in front of parliament on Monday, with security forces firing tear gas at them, according to online videos, the first such confrontation after similar demonstrations rocked the country at the start of the year. The unplanned demonstration came a day after protests forced two major shopping centers for mobile phones and electronics to close in Tehran and after demonstrators earlier closed its Grand Bazaar. It also signaled widespread unease beneath the surface in Iran in the wake of President Donald Trump’s decision to withdraw America from Tehran’s nuclear deal with world powers. It wasn’t immediately clear who led the protests. Iran’s semi-official news agencies Fars, ISNA and Tasnim described the protests at the Grand Bazaar as erupting after the Iranian rial dropped to 90,000 to the dollar on the country’s black market, despite government attempts to control the currency rate. Videos posted to social media showed protesters at the bazaar heckling shopkeepers who refused to close, shouting in Farsi: ‘Coward!’ A short time later, about 2 kilometers (1.25 miles) from the Grand Bazaar, videos shared by Iranians on social media appeared to show a crowd confronting police at parliament. The videos show tear gas in the air and protesters screaming, ‘They attacked us with tear gas!’ Another man is heard shouting: ‘Come back!’ Other videos appeared to show police charging into the crowd. State media in Iran did not immediately report the Grand Bazaar demonstration. Only Fars reported on the parliament protest, which it described only as shopkeepers asking ‘lawmakers to stop rising prices.’” (Washington Post, 25 June 2018)

3 Legal developments

Freedom House's January 2018 Freedom in the World report notes that in October 2017, the Council of Guardians (COG) approved an amendment to the drug-trafficking law (passed by the Majles in August 2017) which "could significantly reduce the high number of executions for drug offenses" (Freedom House, January 2018, Overview).

The provisions of the bill (effective as of January 2018, see below) which amends "article 45 of the Law of 25 October 1988 on Combating Drugs and subsequent amendments, and changes the article number from 45 to 46" are summarised by the Library of Congress (LoC) as follows:

"The Amendment would increase the minimum amounts of illegal drugs that would subject convicted producers and distributors to a death sentence, raising the level of synthetic substances, such as heroin, cocaine, and amphetamines, from 30 grams to two kilos (1.06 ounces to 4.41 pounds) and that of natural substances, such as opium and marijuana, from five kilos to 50 kilos (11.02 pounds to 110.23 pounds). (Amendment, art. 45(d).)

With regard to sentencing, the punishment for those already sentenced to death or life in prison for drug-related offenses would be commuted to up to 30 years in jail and a fine. (Id. art. 45 ¶ 1.) Death sentences would be restricted to those convicted of carrying or drawing weapons, acting as the ringleader, providing financial support, or using minors below the age of 18 or the mentally ill in a drug crime, and to those previously sentenced to death, life imprisonment, or imprisonment for more than 15 years for related crimes. (Id. art. 45(a)-(c).)" (LoC, 31 August 2017)

As reported by the Guardian newspaper in January 2018, the legal amendments were signed by President Rouhani in November 2017 and "put into force in a communique by the head of the Iranian judiciary to all judicial officials" in January 2018. The article states that the amended provisions are "set to be applied retrospectively":

"Mizanonline, the news agency affiliated to Iran's judicial system, reported on Tuesday that its chief, Ayatollah Sadeq Larijani, had asked officials to halt executions of those affected by the new amendments, reconsider their cases and commute their sentences if possible." (Guardian, 10 January 2018)

The January 2018 Guardian article cited above quotes a representative of Iran Human Rights (IHR), a Norway-based NGO documenting capital punishment in Iran, as saying that to their knowledge, "nobody [...] has been executed for such offences" since the president signed the law (in November 2017) and that over 5,000 drug-trafficking convicts on death row could be spared the death penalty (Guardian, 10 January 2018).

A July 2015 article of the Agence France-Presse (AFP) news agency reports about a new family law making "divorce by mutual consent invalid unless couples have first undergone state-run counselling":

"The measures, reported by media at the weekend, are contained in a new family law that a top official said would be implemented by Iran's judiciary. 'A decree of divorce by mutual consent, without counselling, is forbidden,' Parnian Ghavam, head of the judiciary's social

work and counselling office, was quoted as saying by Tasnim news agency. All Iranians filing for divorce would be obliged to go to a counsellor, she said. 'From now on, without this it will not be possible to register divorces of mutual consent.'" (AFP, 12 July 2015)

4 Political opposition

4.1 Youth activists / protesters

Radio Free Europe/Radio Liberty (RFE/RL) notes that protests of December 2017 and January 2018 "lack[ed] a central voice" and were "taking place across vast and varied territories". They were attracting a broad spectrum of Iranians, thus "making it difficult to pinpoint any gender, age group, or economic class". (RFE/RL, 2 January 2018)

The same article quotes Scott Lucas, an Iran specialist at Birmingham University (United Kingdom) as saying that "[t]hese protests cannot be portrayed, as the regime tried to do with 2009, as a "'north Tehran phenomenon' of troublesome, better-off, better-educated activists". According to him, the "spread of the protests across the country in almost every Iranian city shows a widespread questioning of what the regime is doing over the economy, foreign policy and military interventions, and political and social issues". (RFE/RL, 2 January 2018)

The Los Angeles Times newspaper quotes Ali Ansari of the Institute for Iranian Studies at St. Andrews University (United Kingdom) as saying that compared to the 2009 protests, those of late December 2017 / early January 2018 are a "much broader and deeper disavowal of the regime as a whole", adding that:

"'If 2009 was a very middle-class rebellion, this is much cruder than that and much angrier than that. This is simpler folk, people who are basically fighting to make a living every day and have very basic demands.'" (Los Angeles Times, 2 January 2018)

The same article quotes Rouzbeh Parsi, an Iran scholar at Lund University (Sweden) as saying that the "societal discontent" underlying the recent protests "cannot be channelled against a particular faction — it is structural" (Los Angeles Times, 2 January 2018).

The same article holds that while the Iranian state has "tried to pin the current protests largely on youths" (with the Ministry of Interior saying that 90 per cent of protesters detained across Iran are under the age of 25), "it would be simplistic and misleading to suggest that they are the only ones protesting". The article notes that while young people are indeed severely affected by the country's "high unemployment and dire economic situation", they are "far from being the only disenfranchised segment of society", quoting Raman Ghavami, an Iranian analyst who has been following the protest, as saying that participants in protests were "from all social classes, regions, and demographics in society". (RFE/RL, 2 January 2018)

As reported by the Reuters news agency, President Rouhani suggested that there was a generational element to the late December 2017 / early January 2018 protests as they appeared to be led by under-25-year-olds. The causes of discontent ranged from "economic hardships suffered by the young and working class" to Iran's military interventions in Syria and

Iraq as well as calls for the Supreme Leader Ayatollah Khamenei to resign. (Reuters, 8 January 2018)

The RFE/RL January 2018 article similarly points out that “[t]here is no single issue that is driving the protests”:

“The protests first erupted in the city of Mashhad on December 28, where demonstrators rallied against a surge in prices of basic food supplies, such as eggs and poultry. But as the protests spread, protesters directed their anger at Iran’s political leadership, chanting ‘Death to Rohani’ and ‘Death to [Supreme Leader Ayatollah Ali] Khamenei.’ Some protesters have even called for the return of the monarchy that was ousted in the Islamic Revolution in 1979. Some have also chanted slogans against Iran’s foreign policies, including its support for the regime of Syrian President Bashar al-Assad, seen by some as an expensive and wasteful undertaking abroad considering Iran’s needs at home. Analysts believe the protests in Mashhad may have been driven by internal rifts in the clerical system that gave impetus to spontaneous protests erupting across the country. Mashhad, the country’s second-largest city, is home to Rohani’s former election rival, hard-line conservative cleric Ebrahim Raisi.” (RFE/RL, 2 January 2018)

The January 2018 RFE/RL article quotes sources as noting that there is “no apparent leadership or movement” behind the protests, which according to Alireza Nader of Rand Corporation “appear[ed] to be entirely spontaneous” (RFE/RL, 2 January 2018).

The Guardian newspaper similarly points out that the protests “appear[ed] to lack any specific organisation behind them”:

“Compared with 2009, the new protests also appear to lack any specific organisation behind them, which many see as an advantage because the state cannot easily crackdown on them by arresting a leader, and others as a disadvantage because they don’t have a clear strategy on the next step.” (Guardian, 31 December 2017)

Meysam Tayebipour, a PhD candidate at the Department of Politics, Philosophy and Religion at Lancaster University (United Kingdom), in an article for The Conversation, a non-profit media outlet, points out differences in structure and composition between the recent protests and previous protest movements:

“[T]he current movement, unlike the Green Movement, has no specific leader, and its demonstrations are mostly organised via Telegram, Iran’s most popular messaging app. While having no leadership can be a negative point for any movement, it also can have its benefits. The Green Movement came to an end when the regime placed its leaders under house arrest. But when Telegram was blocked in Iran to stymie the growing protests, the movement kept going; people have started to use virtual private networks and proxy servers, and they now have access to Telegram again. [...]

Until these demonstrations began, big social movements in Iran were principally organised by reformists – but this time, reformist leaders are withholding their support. As the most powerful challenger to the hardliners, whom they have to fight to win over the broad

middle of Iranian public opinion, the reformists have no interest in backing what can be described as a left-wing movement, at least in terms of who its participants are.” (The Conversation, 3 January 2018)

4.2 Green movement

A January 2018 article of the Los Angeles Times provides a brief overview of the Green Movement and its current state:

“The 2009 uprising was centered in Tehran among educated, middle-class and politically engaged Iranians. Dubbed the ‘Green Movement,’ those protests prompted a violent crackdown in which dozens were killed and thousands arrested. Authorities tortured prisoners and held Stalin-style show trials in which defendants were forced to confess they were foreign agents. The shell of the Green Movement — whose leaders, former Prime Minister Mir-Hossein Mousavi and former parliamentary speaker Mehdi Karroubi, remain under house arrest — still carries the hopes of many reform-minded Iranian urbanites. When Rouhani campaigned for reelection last year, many in attendance at his rallies wore green armbands. But some analysts say the movement stalled not only because of the clampdown but also because its vision for reform appeared to stop at the ballot box.” (Los Angeles Times, 2 January 2018)

A March 2014 report of the Congressional Research Service (CRS), a policy research and analysis think tank of the US Congress, describes the Green Movement in the following terms:

“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 holyday (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, p. 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)

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

mobilisation 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!"). (Khosrokhavar, 13 July 2014)

A January 2018 article of the Carnegie Endowment for International Peace, a US-based foreign policy think tank, notes that in the "[p]rotests in 2009 led by the Iranian 'Green Movement' [...] [r]eformers were campaigning against electoral fraud, but they never expressed a wish to overturn the Islamic Republic altogether" (Carnegie Endowment for International Peace, 10 January 2018).

The election results announced on 12 June 2009 (declaring Ahmadinejad winner) were seen as fraudulent by large sections of the population. This was when the movement entered its second phase. While the first phase was marked by joviality and a weary belief in the electoral procedures, this 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. (Khosrokhavar, 13 July 2014)

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 organise 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 organisation. (Khosrokhavar, 13 July 2014)

A May 2017 Radio Free Europe/Radio Liberty (RFE/RL) article notes that as the "heavy-handed clampdown [...] eventually muted the mass street demonstrations" and "the moderate opposition's most ardent supporters and leaders" were imprisoned, Iran's younger generation, which was "at the heart of the Green Movement", grew increasingly disengaged from politics during Ahmadinejad's second term in office. As the article notes, however, the "political

impulse” of these young people that had “appeared to die with the demise of the Green Movement” was revived in 2013 when the more moderate Hasan Rouhani ran for the presidency. (RFE/RL, 18 May 2017)

As noted by the German international broadcaster Deutsche Welle’s (DW) Persian-language service, the “Green Movement” has not engaged in large-scale street protests since the year 1389 (21 March 2010 through 20 March 2011) but had an influence on Hasan Rouhani’s victory in the 2013 presidential elections (DW, 24 February 2016). According to Khosrokhavar, 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).

An article by BBC Persian points to inherent “weaknesses” of the Green Movement that – apart from the forceful repression of protests by state authorities – contributed to its eventual demise following the house arrest of Mousavi, Rahnavard and Karroubi in February 2011. The article notes that the popular protests against the results of the 2009 elections (which took form using the slogan “Where is my vote?”) were ultimately not successful in gaining the support of large segments of society, or most social classes. According to the BBC, there were two reasons for this: First, Ahmadinejad had many supporters among the lower classes of society, and even among many of the wealthy (a reality that was generally not acknowledged by the movement’s supporters). Thus there was no discontent over the election results that was shared by the “general populace”, “the entire nation” or “every Iranian citizen”. Many poor people, those living in the countryside and smaller cities, as well as religious minorities did not take part in the protests. Moreover, due to the weakness or the lack of leadership, of a programme, and clear organisation, a part of the core of the voters who had voted for the Green Movement presidential candidates (Mousavi and Karroubi) lost their hopes for change, with fewer and fewer people participating in the protests. The three leaders of the movement within Iran, Mousavi, Karroubi and Khatami, for many reasons were reluctant to pursue change on a large scale, and no plans or solutions resulted from their ideas, nor from those of Green Movement leaders based abroad. (BBC Persian, 8 June 2015)

A January 2018 report of the Center for Strategic and International Studies (CSIS) remarks that “[i]f the Green movement has an organized core, it is remarkably quiet”, adding that “opposition to the regime” as such remains “weak and fragmented” (CSIS, 11 January 2018).

In February 2018, Asharq Al-Awsat, a London-based Arabic international newspaper, quotes Ali Motahari, Second Deputy of the Majles, as saying that judiciary and security officials announced to end the house arrest of Green Movement leaders Mehdi Karroubi, Mir-Hossein Mousavi and Zahra Rahnavard by the end of the ongoing Persian calendar year (i.e. 20 March 2018) (Asharq Al-Awsat, 18 February 2018). However, a June 2018 article by the CHRI indicates that the three were still under house arrest as of 1 June 2018. The article mentions that in May 2018, “some officials stated that Rahnavard had refused an offer for some of the restrictions on her to be lifted but she denied the report and pledged to stay under house arrest in solidarity with

Mousavi and Karroubi until they are all freed” (CHRI, 1 June 2018). According to a Guardian article, dated 13 May 2018, both Mousavi and Karroubi “are suffering age-related medical complications” and “were taken to hospital a number of times last year”. The article further states that “[s]enior hardliners in the regime have signalled that they could be freed if they repent but Mousavi and Karroubi have so far refused” (Guardian, 13 May 2018).

4.3 Mojahedin-e Khalq Organisation (MEK, MKO)

Mojahedin-e Khalq Organisation (MEK), also known as the People’s Mojahedin Organization of Iran (PMOI) (Persian: Sāzmān-e mojāhedīn-e khalq-e irān), is an exiled opposition group (RFE/RL, 9 January 2018) that strives for regime change in Iran and has a history of conducting violent attacks in Iran during the 1970s and 1980s and siding with Iraq’s Saddam Hussein during the Iran-Iraq war (BZ, 29 May 2017, p. 41; Al Jazeera, 29 March 2018).

A March 2018 Al Jazeera article provides an overview of MEK’s origins and its activities during the 1970s and 1980s:

“Founded in 1965 by a group of students from Tehran University, the MEK embraced a combination of Marxist philosophy and Islamic values, and supported an armed revolt against Shah Mohammad Reza Pahlavi, the last royal ruler of the country. Before the revolution, the MEK carried out attacks on the Shah's government and his American allies, including the killing of the Tehran police chief in 1972, and two US air force officers in 1975. Right after the establishment of the Islamic Republic in 1979, MEK members were also believed to have participated in the hostage-taking at the US embassy in Tehran, which lasted for 444 days, according to the United States Institute of Peace and The National Interest foreign policy magazine. [...] But they later split with the dominant sectarian ruling party, and began targeting Muslim leaders and government officials. In retaliation, the government executed socialist figures and MEK members. MEK’s rift with Iran worsened when its leader, Masoud Rajavi, aligned with Saddam in the eight-year Iran-Iraq War.” (Al Jazeera, 29 March 2018)

MEK’s role during the Iran-Iraq War is detailed in a 2009 report of the Rand Corporation, a US-based global policy think tank:

“After invading Iran in 1980, Saddam Hussein began funding the MeK to extend the reach of the NCRI’s [National Council of Resistance of Iran] European publicity campaign opposing the Islamic Republic of Iran (IRI) and to secure any intelligence that the MeK collected regarding Iran. In 1986, the MeK leadership accepted an invitation from Saddam to relocate to Iraq to join forces with Saddam’s military and fight against the IRI. Saddam provided the MeK with protection, funding, weapons, ammunition, vehicles, tanks, military training, and the use (but not ownership) of land.

With these resources, the MeK established several compounds in Iraq and encouraged its members and supporters in Iran and elsewhere to relocate there. Approximately 7,000 members, accounting for approximately 80 percent of the exiled MeK population, went to these camps. Rajavi made them soldiers in his new National Liberation Army (NLA). In exchange for Saddam’s support, the MeK provided him with intelligence on the IRI,

interrogation and translation services, and direct military assistance. The MeK launched numerous raids across the border into Iran, clashing with Iranian military forces and the Islamic Revolutionary Guard Corps (IRGC), sometimes with the assistance of the Iraqi military. More than a quarter of the MeK's members in Iraq were killed in these unsuccessful raids." (Rand Corporation, 2009, p. 3)

The Congressional Research Service (CRS) states that MEK is the "main organization within the National Council of Resistance of Iran (NCRI), which acts as a parliament-in-exile", and "is led by spouses Maryam and Massoud Rajavi, the former of which is NCRI President-elect". It is noted that Maryam Rajavi lives in France while the "whereabouts of Massoud Rajavi are unknown" (CRS, 21 May 2018, p. 35).

The March 2018 Al Jazeera article notes with regard to the current leadership and goals of MEK:

"The organisation is now based in Paris and is led by Rajavi's wife, Maryam Rajavi, an engineer and native of Tehran. It is unknown whether Masoud is still alive. In her speeches as head of the MEK, Maryam has repeatedly highlighted her policy on gender equality, saying the rights of women are 'linked to the struggle against ... fundamentalism'. Her organisation has also vowed to abolish the death penalty and promote freedom of assembly in a 'free Iran'." (Al Jazeera, 29 March 2018)

Referring to comments from Kayvan Hosseini, editor of Radio Farda, the Persian-language service of Radio Free Europe/Radio Liberty, Al Jazeera states that former members accused the MEK of behaving "like a cult", with no one allowed to criticise the Rajavis. It is noted that Maryam Rajavi "has refused to speak to journalists and answer questions about her organization". (Al Jazeera, 29 March 2018)

A January 2018 CSIS report states that the MEK and the NCRI "have not shown that they can command serious public support" (CSIS, 11 January 2018, p. 7).

The March 2018 Al Jazeera article quotes Marzieh Javadi, a foreign policy expert based in Tehran, as saying with reference to MEK that "[t]here is no sympathy towards the group in Iran" and that among the Iranian public, there is a negative view towards the MEK. This view is not merely because of the group's objective of regime change but rather because of its role in political assassinations and in the Iran-Iraq war in the 1980s. The group's decision to take sides with Saddam Hussein explains "why there is hostility towards these people". The same article quotes Saeed Jalili, a Tehran-based journalist, as saying that with the group's past, it is unlikely that it currently has any significant following within Iran. The same source is also quoted as saying that most Iranians are averse to "the idea of having a socialist regime" and that the fact that MEK is "believed to be promoting a strict communist ideology makes them less likable". The same article quotes, Amir Havasi, an independent journalist in Iran, as saying that Iranians "fundamentally don't trust MEK's narrative of history and their actions" and that its current links to the US administration led by Donald Trump (with John Bolton, to whom the article refers as a "lobbyist" for MEK and the NCRI, appointed as the President's national security adviser) makes them a "pariah" in Iran. (Al Jazeera, 29 March 2018)

A May 2017 report of the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that MEK members living abroad attract enhanced attention by the authorities. The number of active MEK supporters within Iran is unknown. It is noted that because of their past, they can count on little sympathy in Iran. (BZ, 29 May 2017, p. 41)

A 2018 academic article by Tabatabai notes that MEK “remains a key threat to the Iranian state”:

“Today, the MeK remains a key threat to the Iranian state, albeit in a different way than before. In 2002, the MeK’s political branch, the National Council of Resistance of Iran (NCRI), revealed two of the country’s still undeclared nuclear facilities: The enrichment facility at Natanz and the Arak Heavy Water Reactor. Since, the group has made a number of attempts to unveil what it believed to be more covert facilities, but the intelligence it thought it possessed was inaccurate. Most recently, the group was suspected of having carried out attacks against Iranian nuclear scientists, with alleged support from Israel, until the 2015 nuclear deal. The group’s capabilities to conduct terrorist attacks may have decreased in recent years – especially since the 2003 Iraq war, with the removal of Saddam Hussein from power, who provided it with financial and logistical support – but it continues to be one of the main terrorist groups identified as a threat by Tehran. The group has mostly rebranded to present itself as a viable alternative to the Islamic Republic, gaining some political support in the West and the Middle East, despite lacking popular support in Iran.” (Tabatabai, 2018, pp. 184-185)

A December 2015 country report of the UK Home Office quotes the Jane’s Sentinel Security Assessment (updated in August 2015) as saying that the Ministry of Intelligence (MOI) “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)” (UK Home Office, December 2015, p. 26).

An older profile of the MEK, published by BBC News in October 2015, is accessible via the following link:

- BBC News: Who are the Iranian dissident group MEK?, 30 October 2015
<http://www.bbc.com/news/world-middle-east-34677211>

Referring to the late December 2017/early February 2018 protests, RFE/RL reports that Supreme Leader Ali Khamenei claimed that protests were led by “henchmen” and members of MEK and that the organisation had been “hired as minions for this plot.” Also, state media outlets claimed that protest leaders were MEK members or monarchists. (RFE/RL, 9 January 2018)

A May 2017 Amnesty International (AI) press release reports on recent developments in the case of Maryam Akbari Monfared who has been imprisoned since December 2009 and sentenced to 15 years in prison on charges of “enmity against God” (moharebeh) because she had made telephone calls to relatives who are members of MEK, and visited them once in Iraq:

“In early 2016, Maryam Akbari Monfared submitted a request for retrial (e’adeh dadresi) to the Supreme Court based on Article 279 of Iran’s 2013 Islamic Penal Code, which restricts the scope of the crime of ‘enmity against God’ to situations when an individual personally resorts to the use of arms. Prior to the adoption of the 2013 Islamic Penal Code, any member or supporter of an organization that sought to overthrow the Islamic Republic by procuring arms was considered an ‘enemy of God’ (mohareb) even if they did not individually take part in the military activities of the organization. The Supreme Court rejected the retrial request in April 2016 and ruled that any request for a lighter penalty based on the recent changes in the 2013 Islamic Penal Code must be made to the court that initially issued the death sentence. The Supreme Court referenced a Note to Article 10 of the 2013 Islamic Penal Code, which allows courts of first instance to reduce or commute a sentence which they have already issued when a new law comes into effect that provides for a lighter penalty. Maryam Akbari Monfared’s case was subsequently returned to Branch 15 of the Revolutionary Court in Tehran and the court maintained its original verdict.” (AI, 22 May 2017)

An Amnesty International (AI) press release of January 2017 reports about the case of Saeed Shirzad, human rights activist who was sentenced to a five-year prison sentence in September 2015 on charges of “gathering and colluding to commit crimes against national security”, apparently in connection with his human rights activities, including contact with the families of political prisoners. It is reported that following his arrest in June 2013, he was accused by Ministry of Intelligence (MOI) officials of supporting MEK and regularly threatened of being convicted of “enmity against God” (moharebeh). It is noted that Shirzad has “consistently maintained that he has no relation with the PMOI and that the accusation is a spurious one, made merely because of his support in 2014 for the daughter of a PMOI prisoner who was at risk of dropping out of university due to financial difficulties resulting from her father’s imprisonment”. (AI, 19 January 2017)

4.4 Kurdistan Democratic Party of Iran (KDPI)

The undated website of the Kurdistan Democratic Party of Iran (KDPI) explains that the party was founded in Mahabad (Iranian Kurdistan) in August 1945 and seeks to “attain Kurdish national rights within a federal and democratic Iran”. It refers to itself as a “social democratic party” that is a “member of the Socialist International” (PDKI, undated).

A June 2017 article of Middle East Eye (MEE), an online news organisation, gives an overview history of the KDPI (referred to as PDKI here):

“The leftist PDKI was founded in 1945 to defend Iranian Kurds’ right to self-determination, and in 1946 played an important role in the creation of the short-lived Republic of Mahabad, the only moment in history in which Kurds have had something resembling a state. The republic proclaimed in the western Iranian city was overturned a year later, after which PDKI almost disappeared. But the Kurdish party survived and took part in the 1979 Iranian revolution that toppled the Shah. However, Ayatollah Ruhollah Khomeini refused Kurdish demands, banned Kurdish political parties and forced the PDKI into exile in Iraqi Kurdistan. [...] However, the PDKI member stresses that they are not fighting for a sovereign state. [...] ‘Since we restarted the armed struggle in 2015, 30 Peshmerga have

lost their lives in clashes with the Iranian Revolutionary Guard,’ Manguri says.” (MEE, 1 June 2017)

The KDPI website describes the structure of the KDPI (abbreviated here as “PDKI”) 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 Chairpersons 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, undated)

As noted by BBC News, the KDPI has been “striving for decades for autonomy for predominantly Kurdish areas in north-western Iran” (BBC News, 29 June 2016). The party is banned in Iran and has its headquarters in northern Iraq (BZ, 29 May 2017). A January 2018 article by the Jerusalem Post newspaper states that KDPI issued a statement calling on people to take part in the street demonstrations of late December 2017/ early January 2018, urging “people to demonstrate peacefully and not use any violence except in cases you need to defend yourselves”. (Jerusalem Post, 1 January 2018)

It is noted that the Kurdistan Democratic Party of Iran (KDP-I, see [section 4.5](#) below) split off from the KDPI in 2006 (Jerusalem Post, 1 January 2018). According to the Historical Dictionary of the Kurds published in 2010, most leaders of KDPI joined the newly formed KDP-I (as cited in SFH, 22 January 2016).

A 2013 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) informs on procedures of recruiting members:

“Mohemed Sahebi (KDPI) stated that KDPI has a wide variety of members in Iran – men, women, young and old. In order to be recruited into KDPI in Iran, Mohemed Sahebi (KDPI) explained that there are filters which a person has to go through and this process is long. The person will be under close scrutiny for between six months and a year before he or she can join a secret cell. After having joined a cell, the person will carry out activities corresponding to his or her qualifications; a professor or a student might be assigned to educational activities and teach people how the regime works and what KDPI’s policies are. Others might contribute to arranging protests and demonstrations. [...]

Regarding recruitment of new members to KDPI, Mohemed Sahebi (KDPI) informed the delegation that the minimum age for becoming a KDPI member is 18, and if a person is under below [sic] 18, he or she can become member of Lawan (Youth Organisation of KDPI). According to Mohemed Sahebi, if a person in Iran wishes to become member of KDPI, he may contact the local party cell and ask for it.” (DIS/DRC, 30 September 2013, pp. 31-32)

The same report notes that there are three different types of membership (“members”, “sympathizers” and “friends”) based on their level of responsibility and closeness of their links to the party:

“Mohammad Nazif Qadiri, Member of Political Bureau, Kurdish Democratic Party of Iran (KDPI), stated that all KDPI sympathizers in the Kurdish area of Iran are organized and are active in the party cells. The organization of the party cells and the sympathizers takes place in accordance with the specific situation in the local area, and the number of sympathizers in a party cell depends on that situation. The party cells and sympathizers act according to instructions from the higher levels in the party organization.

Concerning the organization of members of KDPI in Iran, KDPI’s representative in Paris informed the delegation that there are three categories of persons affiliated with KDPI: members, sympathizers and ‘friends’. As regards how members are organized KDPI’s representative in Paris explained that they are organized in cells. Each cell consists of one or more members. [...]

As regards the party’s sympathizers, KDPI’s representative in Paris stated that the party’s sympathizers in Iran are all connected to a party cell in their area. [...]

KDPI’s friends are characterized as ones who participate in different activities that are encouraged by the party, such as participating in demonstrations, closing their shops during announced strikes, or writing articles about the situation of the Kurds in Iran in newspapers. The KDPI friends are not in all cases of Kurdish ethnicity.” (DIS/DRC, 30 September 2013, p. 26)

A February 2017 report by the Norwegian Country of Origin Information Centre (Landinfo) mentions KDPI as one of several parties that took part in fighting against Iranian security forces since May 2016. It is noted that KDPI operates out of military bases and camps in northern Iraq. KDPI is led by Mustafa Hijri. Previously, in 1996, KDPI had declared a unilateral ceasefire that was generally observed over the following two decades. As a result of the ceasefire, KDPI moved its forces from the (Iraqi) areas bordering Iran away into the Kurdistan Region of Iraq. (Landinfo, 13 February 2017, pp. 1-3).

However, as noted by Rudaw, a Kurdish media network, “[i]n May of 2015 KDPI deployed its Peshmerga forces to the border between southern (Iraqi) Kurdistan and eastern (Iranian) Kurdistan” (Rudaw, 17 June 2016).

As noted by Landinfo, KDPI (and KDP-I) rebuilt their once-abandoned bases in the same border areas. Landinfo refers to KDPI internet statements as saying that KDPI guerilla forces stationed in the border areas between north Iraq and Iran in May 2015. (Landinfo, 13 February 2017, p. 3)

An Al-Monitor article of March 2018 also reports on the deployment of KDPI forces to Iraqi areas bordering Iran from early 2015:

“From the mid-1990s until three years ago, the Iranian Kurdish parties — except on a few rare occasions — refrained from taking action against Iranian security forces in consideration of the interests and authority of the Kurdistan Regional Government (KRG). But from early 2015, as the Iraqi Kurds became more confident over their role in fighting the Islamic State, they appear to have allowed the KDPI to deploy hundreds of their peshmerga forces to border areas, where they became involved in clashes with both Iranian border guards and members of the IRGC.” (Al-Monitor, 7 March 2018)

An Al Jazeera article of September 2015 quotes Loghman Ahmedi, head of foreign relations of the KDPI, as saying that the party had mobilized several thousand fighters, some of whom were now operating inside Iran. Ahmedi is quoted as saying that while their forces had previously been instructed to fire only when attacked, the party leadership has now decided to fight the Iranian state “by any means possible”, with some reported to have carried out sabotage attacks in Iran and engaged in fights with Iranian forces (Al Jazeera, 12 September 2015).

Franc Milburn, a political risk analyst specialised on Iraq, states that “[i]n early 2016, the KDPI announced a resumption of conflict, citing the repression of Kurds” and that “[i]n making the announcement, the group claimed it had already started operations some time earlier”. A senior KDPI member is quoted as saying that operations started a year before the time of reporting (i.e. mid-2015) as hit-and-run operations (Milburn, May 2017).

A June 2016 article by Radio Free Europe/Radio Liberty (RFE/RL) states that “[d]espite claims by KDPI leaders about the group’s strength and support among Iranian Kurds, analysts generally agree it does not possess the capability to pose a serious military threat to Iran” (RFE/RL, 29 June 2016). Milburn states that “KDPI may have 1,000-1,500 fighters” (Milburn, May 2017).

As indicated by Landinfo, KDPI’s secretary-general, Mustafa Hijri, announced in a Twitter message in February 2016 that KDPI would “restart armed resistance against the Islamic Republic of Iran”. Meanwhile, the same Landinfo report notes that the KDPI party leadership has issued several statements saying that the KDPI’s military presence is defensive and that the Peshmerga do not attack Iranian forces unless they come under fire themselves. (Landinfo, 13 February 2017, pp. 4-5). A September 2016 Reuters news agency report quotes a member of the KDPI politburo as saying that the party’s “main goal is not to pursue armed clashes” and that it wants “to have organizational, political and civil activities” (Reuters, 4 September 2016).

From May to October 2016, KDPI reported on extensive clashes between Kurdish guerillas and IRGC forces and what they referred to as “mercenaries”. Some of these fights have been confirmed by the IRGC and reported in the Iranian media. Landinfo notes that Kurdish and Iranian media reports on clashes did not always specify the group to which the Peshmerga fighters were affiliated. (Landinfo, 13 February 2017, pp. 4-5)

The March 2018 Al-Monitor article points to the role of sleeper cells (“Urban Peshmerga”) that are active inside Iran:

“The KDPI, for its part, announced a new form of struggle against the Islamic Republic carried out by what the group termed the Urban Peshmerga — which essentially consists of sleeper cells inside Iran. These sleeper cells appear to have been behind clashes and

dozens of assassination attempts on alleged IRGC agents in Iranian Kurdish areas in recent years.” (Al-Monitor, 7 March 2018)

The February 2017 Landinfo report notes that there is a “relatively unknown” group that has been operating since October 2015 under the name “Zagros Eagles. The group allegedly carried out a series of actions against Iranian forces in 2016. These actions were in several cases announced on the KDPI website, and seem to have more offensive character than those carried out in the name of KDPI. The group claimed responsibility for attacks on Iranian forces, some of which were declared as “revenge” for earlier Iranian attacks on KDPI Peshmerga forces. Meanwhile, Loghman Ahmedi, head of foreign relations of the KDPI, is quoted as saying that KDPI has no links to the Zagros Eagles. According to Ahmedi, the Zagros Eagles “describe themselves as an armed underground organization that works to end the Iranian occupation of Kurdistan” and appear to be “a very decentralised organisation that target high-ranking Iranian military and intelligence officials that have been involved in different forms of oppression of the Kurdish people”. However, a well-respected Kurdish journalist is quoted as saying with reference to a source within KDPI that the Zagros Eagles are affiliated to KDPI. According to the journalist, the group was set up as a separate entity in order to prevent KDPI’s relations with the KRG from deteriorating as a result of military action in Iran. As noted by Landinfo, this illustrates a fundamental dilemma for KDPI and the other Iranian-Kurdish parties that operate from bases in northern Iraq: on the one hand, they want to show their presence in Iran and their capability to lead a fight of resistance against the Iranian state. On the other hand, they are dependent on maintaining good relations to the KRG which fears that military escalation could lead to Iranian military actions against north Iraq. (Landinfo, 13 February 2017, pp. 6-7)

The March 2018 Al Monitor article covers the following incidents since January 2018:

“At 4 p.m. March 1 in Binaslaw town just outside Erbil, Salah Rahmani, a veteran peshmerga forces commander with the Kurdistan Democratic Party of Iran (KDPI), got into his car outside his house with his 32-year-old son Sabah. Shortly after the vehicle was started, a blast from a bomb stuck on the vehicle echoed across the town popular with Iranian Kurdish exiles. While Rahmani suffered minor injuries, his son — who worked in a bakery and has a 3-year-old daughter — died from his wounds the following morning. Rahmani, a peshmerga since 1980, is known for his fighting qualities earned from years of battling the Islamic Revolutionary Guard Corps (IRGC). While Iran has not claimed responsibility for the attack, Kurdish opposition groups that have been targeted in the past concluded quickly that Iranian agents or their hired assassins were behind the bombing. [...]

On Jan. 3, the KDPI reported that a unit of its Urban Peshmerga killed six IRGC members in clashes near the Iranian town of Piranshahr. On Feb. 27, the KDPI-affiliated media outlet Kurdpa reported the assassination of an IRGC member of Kurdish origin in Iran’s Kurdistan province. The Eagles of Zagros, an underground group reportedly affiliated with the KDPI, claimed responsibility.

Two days later, the car bombing that claimed the life of Rahmani's son took place. The KDPI is not alone in pointing the finger at Iran; in January, another Kurdish opposition group accused the Iranians of planting bombs in their bases.

On March 7, an offshoot of the KDPI announced that one of its senior commanders, Qader Qaderi, had been found dead with 20 bullets in his body near Rania town in Sulaimaniyah province. Qaderi was a senior commander with over 35 years of experience fighting as a peshmerga. Two years earlier, the KDPI headquarters was a target of twin bombings in Koya in which six people — including five peshmerga fighters — were killed and over a dozen wounded.

The recent wave of strikes appears to be a warning that Iranian agents or their proxies can strike the KDPI and other opposition groups anywhere in the Kurdistan Region. Meanwhile, the Urban Peshmerga of the KDPI inside Iran reiterated their commitment to fight the Islamic Republic on March 2 and “avenge” the blood of Rahmani's son.” (Al-Monitor, 7 March 2018)

A January 2018 report by Rudaw states:

“A Kurdish armed group opposed to Tehran has claimed that their fighters killed at least 6 Iranian security forces in West Azerbaijan province, western Iran on Wednesday afternoon. The Iranian Revolutionary Guards confirmed that three of their fighters were killed by ‘anti-Revolutionary elements’ during the clashes and they are now looking for those who caused the deaths in the border areas. Rostam Jahangiri, a commander from the Democratic Party of Iranian Kurdistan (PDKI), said the clashes happened when a unit of Iranian security forces “attacked” Zewe village in Piranshahr. He claimed that the Iranian unit “humiliated” the villagers and then burned and bombed some homes in Zewe, adding that they also caused damage to the livestock there. Responding to the attack, the PDKI's “Urban Peshmerga” engaged the Iranian security forces, Jahangiri said. Peshmerga fighters who operate inside Iran close to urban areas are called Urban Peshmerga. Other fighters are stationed in the mountains located inside the Kurdistan Region. Jahangiri, citing local informants, said at least 6 other Iranian security forces were injured in the clashes that ended around 4:20 pm local time. Iranian security forces have been deployed to the area, he added. Piranshahr, a Kurdish city, is close to the borders of the Kurdistan Region where the PDKI and other armed groups opposed to the Iranian state are stationed. Jahangiri told Rudaw in late December that they want to operate deep inside Iranian territories to help empower the Kurdish people in their demands for cultural and national rights. The party ended a two-decade ceasefire in 2015 with the objective of deploying armed Peshmerga to north and northwestern parts of Iran where millions of Kurds live. The attack comes as anti-government protests have taken place across dozens of Iranian cities for the past week, including in Kurdish cities. People have taken to the streets to protest high unemployment, corruption, inflation, and expensive food items. Some have also called for a regime change. At least 21 people have been killed. All Kurdish parties opposed to Iran have expressed their support for the protests.” (Rudaw, 3 January 2018)

A number of sources report on clashes between KDPI and Iranian security forces in the summer and early autumn of 2016:

A late June 2016 BBC News article refers to Iran's Fars news agency as reporting that the IRGC has killed eleven "rebels" linked to KDPI in a clash in the Sarvabad area (Kurdistan province) near the Iraqi border. Meanwhile, the KDPI is quoted as reporting that several of its fighters and over 20 Iranian troops had died in clashes in recent days. As noted by BBC News, it was unclear whether the 11 dead fighters included five who the IRGC said were killed in clashes along the Iraq border a few days earlier. As reported by KDPI, its Peshmerga fighters had come under attack from IRGC forces in the village of Dorow (near the town of Marivan). Two Peshmerga and several IRGC members were killed. The KDPI further reported that other Peshmerga were ambushed in the mountains of Koslan, with more IRGC members killed in ensuing clashes. Further fighting left dozens of Iranian troops and another Peshmerga dead. As reported by KDPI, Iranian forces had been shelling several Kurdish border villages in recent days. (BBC News, 29 June 2016)

A late June 2016 Radio Free Europe/Radio Liberty (RFE/RL) article reports on recent clashes between KDPI fighters and members of the IRGC:

"The past two weeks of fighting have reportedly pitted official forces against members of the Kurdish Democratic Party of Iran (KDPI), with deadly clashes between the IRGC and Kurdish rebels in heavily Kurdish northwestern Iran, near the border with Iraq. Combat was reported on June 15-16 in Oshnavieh, in Iran's West Azerbaijan Province. More fighting followed in the nearby Sarvabad, Mahabad, and Marivan regions.

On June 28, the IRGC said its forces had killed 11 Kurdish rebels in the Sarvabad region. An IRGC commander, Mohammad Hossein Rajabi, said three of his troops were also killed in the clashes. The KDPI claims that several of its fighters and more than 20 IRGC members have been killed, and it accuses Iranian forces of shelling villages on the border over the weekend." (RFE/RL, 29 June 2016)

As reported by the Kurdish media network Rudaw, "[a]t least six Peshmerga of the Kurdistan Democratic Party of Iran (KDPI) were killed in two days of fighting with the Iranian Revolutionary Guard Corps (IRGC)" in the Oshnavieh (Shno) area (Rudaw, 18 June 2016).

A mid-July 2016 article by Voice of America (VOA) states that according to Iranian state broadcasting, "Kurdish rebels have been clashing with Iran's Revolutionary Guard since mid-June in an area along the Iran-Iraq border" while "[v]ideos on social media also allegedly show Iran shelling positions held by Kurdish rebels" (VOA, 13 July 2016).

An early July 2016 article by Rudaw states that "[t]wo Peshmerga of the Kurdistan Democratic Party of Iran (KDPI) were killed in clashes with the Iranian Islamic Revolutionary Guards Corp (IRGC) in Sawlaw" (Kurdistan Province) (Rudaw, 8 July 2016).

A September 2016 article of Basnews, a news agency based in Erbil (Iraqi Kurdistan), reports about a series of operations carried out by the Zagros Eagles, who are referred to as a “military offshoot” of the KDPI:

“The Kurdish forces have conducted several operations against the Iranian army since August 22. [...]

On September 8th, Kurdistan Democratic Party of Iran (KDPI) military offshoot, Zagros Eagles, operating in the Iranian Kurdistan clashed with Iranian troops in Kui Andesha district in the city of Bokeran, Iranian Kurdistan, leading to casualties among the Iranian troops. The Zagros Eagles said in a statement that their fighters carried out an offensive against the Iranian troops inside Bokeran city, inflicting casualties among the troops.

The KDPI official website said earlier in a statement, that the Peshmerga forces of Zagros Eagles carried out two operations on September 6th against two Iranian military bases; the first operation occurred on the outskirts of Nachit village in Bokeran city of West Azerbaijan province. The second operation, as the source said, was undertaken against another Iranian military base at 22:30 local time near the village of Sarchnar in the same city. ‘Both bases were completely destroyed and two Iranian intelligence agents were killed as well,’ the KDPI said.

The Zagros Eagles have since August 22 conducted three operations in different Kurdish cities. On August 22, they carried out an operation on the main road to the city of Bane, killing and wounding several members of the Iranian Revolutionary Guard Corps (IRGC). They carried out another operation on August 26 in the city of Bokeran.

These operations however were conducted in retaliation to a number of attacks and ambushes against KDPI Peshmerga forces and the party’s officials in the Kurdish areas by the Iranian Revolutionary Guards Corps (IRGC), the source added.” (Basnews, 8 September 2016)

A May 2015 Rudaw article reports on a clash between KDPI members and armed wings of the Kurdistan Workers’ Party (PKK):

“After two weeks of tense stand-off a clash erupted between armed wings of the Kurdistan Workers’ Party (PKK) and Kurdistan Democratic Party of Iran (KDPI) on the Iran-Iraq border, with at least two KDPI fighters reported killed. [...] PKK fighters started surrounding a number of KDPI positions since Thursday, and had demanded the group leave the area. The KDPI, a party outlawed in Iran, has previously said it would not withdraw from the border region. The dispute is believed to have started when a KDPI force deployed to the border on May 10 with the intention of establishing a base in areas where the PKK was already entrenched.” (Rudaw, 24 May 2015)

A February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) quotes sources as commenting on the treatment of persons of Kurdish ethnicity suspected of having links to KDPI:

“As regards trial cases related to Kurdish activists, Middle East Consultancy Services noted that in 2016, dozens of Kurds were reportedly arrested without warrant for suspected affiliations with the Democratic Party of Iranian Kurdistan, KDPI. The source referred to Amnesty International reporting on Kurds serving prison sentences or awaiting execution for having a membership of banned Kurdish opposition groups or being sympathetic with such groups. The source added that KDPI, PJAK and Komala are actively underground; they do not exist as armed groups, but as political groups. [...]

A person will not be punished for just one activity; however, the punishment always depends on the type of activity. A continuation of political activities will result in an accusation, one source mentioned. However, it all depends on the political agenda. The source informed the delegation that it had never heard about a Kurdish political activist being accused for only one low level political activity such as distribution of leaflets etc. On the other hand Middle East Consultancy Services stated that if the authorities find a person with political material, or find a person drawing political slogans on a wall, that person would be arrested.” (DIS/DRC, 23 February 2018a, p. 6)

In December 2017, Freedom from Torture, a UK charity which provides therapeutic care for survivors of torture, published a report based on 69 medico-legal cases of Iranian torture victims the organization reported on since 2013. Of these individuals, nine (or 13 per cent) reported that they were detained due to their profile as a member of an ethnic minority. It is noted that “four of the nine who reported that their ethnic minority profile and activities were linked to their detention and torture were of Kurdish ethnicity. All (nine) persons said that they were “active on ethnic minority issues in Iran”, with some also citing “support for, or membership of, organisations deemed separatist groups by the Iranian government”. The actions they engaged in included “[d]istributing leaflets and literature”, “[a]ttending demonstrations or public meetings”, “[r]aising the Kurdish flag in public” and “[s]upporting Kurdish political prisoners”. It is noted that the nine torture survivors included affiliates of KDPI. (Freedom from Torture, December 2017, p. 20)

According to the Iran Human Rights Documentation Center (IHRDC), a US-based non-governmental organisation, one person convicted on charges of *moharebeh* for alleged KDPI membership was executed during 2015 (IHRDC, 11 February 2016).

The February 2018 DIS/DRC report quotes sources commenting on the treatment of family members of Kurdish activists:

“The Iranian law prescribes that only the person who has been involved in a crime may be held responsible. There is no ‘kin liability’ (or Sippenhaft), and collective punishment (kin punishment) is absent, a source informed the delegation.

An associate professor said that it is not possible to confirm whether family members of former or current Kurdish activists with a political conflict will be targeted by the authorities, nor is it possible to tell if there is a systematic targeting of family members by the authorities. While one security agency can act systematically in this regard, another would not. In Iran, there are a number of different intelligence services; those affiliated

with the Ministry of Interior, those affiliated with the military and those affiliated with the Revolutionary Guard. Furthermore, the intelligence agencies play different roles and follow different chains of command. Family members of former or current Kurdish activists will be monitored, but it depends on the profile of the active family member and the level of his/her political activities. Furthermore, if a Kurd is not politically active and does not have a politically active family member with a significant profile, it is less probable that he/she would be targeted.” (DIS/DRC, 23 February 2018a, p. 7)

4.5 Kurdistan Democratic Party – Iran (KDP-I)

A February 2017 Landinfo report states that the Kurdistan Democratic Party (KDP-I) split off from KDPI in 2006. It is noted that KDP-I had a less active role than KDPI in the large-scale clashes that took place over the summer of 2016. However, KDP-I also moved parts of its Peshmerga forces from Koysanjak (east of Erbil) to the Qandil Mountains on the border with Iran. The report goes on to say that the KDP-I set up a Peshmerga unit named East Kurdistan Defenders (Kurdish: Parizarani Rojhelat Kurdistan) which operates in Iran. In a March 2016 interview with Landinfo, KDP-I’s then secretary-general Khaled Azizi is reported as saying that the task of the East Kurdistan Defenders is to go into the towns and villages, talk to people and build networks. They engage in awareness-raising work and show their presence. They receive support from the local population, which provides them with food, amongst others. The Peshmerga forces are easily recognizable by their grey uniforms. At the same time, Azizi emphasized that KDP-I respects its agreement with the Kurdistan Regional Government (KRG) not to wage war against Iran. According to Azizi, the East Kurdistan Defenders never attack Iranian forces except when under attack. News reports confirm the impression that KDP-I’s strategy with regard to the Iranian forces is of a more defensive nature than KDPI’s. However, KDP-I Peshmerga have on several occasions been involved in fighting with the IRGC. Two KDP-I members were reportedly killed in clashes with IRGC forces near Bolfat outside Sardasht in early September 2017 (along with six IRGC members, according to KDP-I). As reported by the KDP-I, the party was involved in two further clashes which left Peshmerga members injured: one Peshmerga was reportedly injured in clashes near Mahabad in August 2016, while two others were wounded in clashes near the Iraqi border in September 2016. In September 2014, KDP-I was reportedly involved in clashes with the IRGC near the towns of Marewan, Shno and Shardashht, with losses reported on both sides. Azizi is quoted as saying that the Peshmerga were targeted in an ambush and returned fire in self-defence. Iranian media also reported on these clashes: According to Iran’s Bultan News, a group of KDP-I fighters were sent into Iranian Kurdistan and attacked Iranian border guards near Sardasht. Two border guards were killed and several others injured. (Landinfo, 13 February 2017, pp. 7-8)

A January 2017 article by Kurdistan24, a Kurdish news broadcasting organisation based in Erbil (Iraqi Kurdistan), refers to the KDP-I as “a split branch of the Kurdistan Democratic Party of Iran (KDPI) which, unlike the original group, had not resumed armed struggle”. The article goes on to say that Khaled Azizi resigned from his position as secretary-general in December 2016. His deputy Mostafa Mouloudi was elected as the new secretary-general of the KDP-I. (Kurdistan 24, 17 January 2017)

As reported in a September 2015 article by Matt Cetti-Roberts, a photojournalist and documentary photographer working in Northern Iraq, KDP-I does not seek to split Iranian Kurdistan from Iran but to advance the rights of Kurds within Iran (Cetti-Roberts, 25 September 2015).

Referring to information provided by the KDP-I's Mostafa Moloudi, a September 2013 joint fact-finding mission report by the Danish Immigration Service (DIS) and the Danish Refugee Service (DRC) states with regard to KDPI-I membership and the recruitment and initial training of new members:

“According to Mustafa Moloudi (KDP-Iran), the requirements for people who want to become members of the party are first of all that they adhere to the goals and principles of the party, secondly that they have reached the age of 18, thirdly that they are of Iranian Kurdish origin, fourthly that they are recommended by two party members and finally that they must pay a monthly membership fee paid by all members.

Mustafa Moloudi (KDP-Iran) further explained that there are two types of membership of KDP-Iran: ordinary members and professional or full time members. A person who wants to become a party member must go through two months of training in the party's training center in KRI [Kurdistan Region of Iraq]. During these two months, aspirants are being taught about the party program and ideology and they also receive practical military training. During the whole period they will go through physical training. [...]

Mustafa Moloudi (KDP-Iran) explained the process of recruitment of new members in Iran by saying that potential recruits are watched by the party members for a while. If a person is assessed to be a qualified and trustworthy candidate, then he will be approached by the party member watching him and asked if he is interested to join the party. If the candidate accepts to join the party and if the party finds it necessary, he will be sent to KRI to receive training. The source emphasized that recruitment of new members in Iran is not an easy task, and the involved party members will face a number of difficulties in this process, particularly due to the difficult security situation in Iran. Regarding the profile of the recruited, the source stated that the party focuses on recruitment of young people, particularly university students and educated men and women. The source stressed that the procedure for being recruited to the party is the same for men and women.

Regarding persons who want to become member of the party in Iran, Mustafa Moloudi (KDP-Iran) stated that they do not need to go to the party training center in KRI as they are trained by people from the party organization inside Iran. However, it sometimes happens that these aspirants secretly are brought to the party training center in KRI and trained there.

With regard to the party members working secretly in Iran, Mustafa Moloudi (KDP-Iran) stated that some of these members come to the camp in KRI to receive training on how to deal with their secret work and how they should act in case their activities are revealed to the authorities in Iran, e.g. how to defend themselves, or what they should do in case they are imprisoned. [...]

Mustafa Moloudi (KDP-Iran) informed the delegation that all party members in KRI are holders of a membership card.” (DIS/DRC, 30 September 2013, pp. 36-38)

In June 2015, Rudaw reported that Kurdish prisoner Mansour Arvand, convicted in 2011 for *moharebeh* and “propaganda against the system and membership in the Kurdistan Democratic Party”, was executed (Rudaw, 17 June 2015). The KDP-I leadership confirmed to Landinfo that Arvand was indeed a member of KDP-I (Landinfo, 13 February 2017, p. 8).

4.6 Party of Free Life of Kurdistan (PJAK)

A May 2017 article by political analyst Franc Milburn refers to the Kurdistan Free Life Party (PJAK) as “a PKK offshoot composed mainly of Iranian Kurds opposed to Tehran” (Milburn, May 2017).

A Middle East Eye (MEE) article of September 2015 states that PJAK “has been engaged in armed struggle against the Islamic Republic since 2004 with an aim to secure greater autonomy and cultural rights for the country’s Kurds, as well as opposing theocracy and promoting women’s rights.” (MEE, 8 September 2015)

According to Milburn, different accounts exist as to when and how the group was formed:

“Accounts about the formation of PJAK vary. One is that Iranian Kurds established the party in Iran in the late 1990s and then sought refuge in the PKK-controlled Qandil Mountains where they adopted the tenets of the PKK and its figurehead Abdullah Öcalan. Others believe that the Iranian Kurdish faction split off from the PKK in 2004.” (Milburn, May 2017)

A September 2017 Rudaw article refers to PJAK as “one of several armed Kurdish groups” stationed at the border between Iraq’s Kurdistan Region and Iran. The group calls for greater ethnic and cultural rights for the people of Iranian Kurdistan, including “an autonomous region for the Kurds within a democratic secular Iran”. (Rudaw, 3 September 2017)

Global Security, a US-based non-profit think tank providing information and analysis on security-related issues, refers to PJAK’s ideology as “leftist” and notes that it includes equality of the sexes (Global Security, 1 March 2018).

A January 2018 article of the Jamestown Foundation (JF) states that the Party of Free Life of Kurdistan (PJAK) was “founded in the mid-1990s as an independent student-led movement inside Iran”. It notes that PJAK is currently “part of the People’s Congress of Kurdistan (Kongra-Gel)”, which is referred to as a “purported umbrella group for regional Kurdish movements” that is “in practice dominated by the Turkish-Kurdish Kurdistan’s Workers Party (PKK)”. The article further notes that “PJAK is loyal to PKK founder Abdullah Öcalan’s Marxist-derived ideology, which it seeks to apply to the Iranian context” and that PJAK thus “functions today as the PKK’s Iranian wing”. (JF, 15 January 2018)

According to Milburn, “PKK and PJAK maintain extremely close relations in terms of ideology and fighters, and therefore intelligence”. It is meanwhile noted with reference to Kurdish security sources that PJAK “does not closely cooperate with other groups”. (Milburn, May 2017)

The JF article goes on to say that PJAK also “includes non-Iranian Kurds” and that “its Iranian personnel move between it and both the PKK and the YPG [People’s Protection Units]”, adding that “[t]he group likely has one or two thousand fighters, the majority of whom are in Syria and Iraq” and that “its membership is almost exclusively Kurdish” (JF, 15 January 2018).

Milburn notes with regard to the number and areas of presence of PJAK fighters:

“Outside of official sources, the numbers on armed Iranian Kurds remain opaque and should be considered best-guess estimates and averages. The KDPI may have 1,000-1,500 fighters, Komala less than 1,000, and the PJAK 3,000 or less, according to the author’s discussions with knowledgeable sources. Other groups are harder to estimate.

Most of these fighters are believed to be concentrated in the Zagros mountain range on the Iraqi side of the Iran-Iraq border in the Kurdistan Region of Iraq. This allows them the advantage of conducting cross-border raids into Iranian territory without suffering all-out retaliation from Iranian forces.” (Milburn, May 2017)

It is noted that PJAK declared a ceasefire in 2011 but that the ceasefire has been broken repeatedly by both sides (Landinfo, 13 February 2017, p. 8).

The JF article explains that PJAK is “nominally divided between its military wing, the East Kurdistan Defense Forces (YRK), and its political wing, the East Kurdistan Democratic and Free Society (KODAR)” (JF, 15 January 2018).

The same article goes on to elaborate on the activities of the group’s military wing over the past years:

“The group’s military wing is based in the Mount Qandil area of Iraqi Kurdistan, close to the PKK’s camps there. PJAK’s military arm conducted a sporadic low-level insurgent campaign in Iran from the early 2000s to 2011. This killed dozens of Iranian security force members, mainly in hit-and-run operations in and around Kurdish-majority towns such as Urmia and Mariwan, close to the mountainous and porous border with Iraqi Kurdistan. The group, however, declared a ceasefire in 2011, in part because its operations were showing no sign of producing results. [...] As the Syrian civil war gained momentum, the PKK and PJAK began to send fighters to Syria. This was stepped up from 2014 [...]. However, despite PJAK’s increasing involvement in Syria, the group nonetheless abandoned its ceasefire with Iran in 2015, largely in an attempt to capitalize on widespread outrage and protests over the death of a Kurdish women at the hands of the Iranian security forces in Mahabad in May [2015]. This led to the group resuming attacks on Iranian troops, which triggered increased violence between PJAK and the Iranian government, peaking in August 2015 with a PJAK attack in Mariwan that reportedly killed 20 members of the Iranian Revolutionary Guard Corps (IRGC). The government responded by executing imprisoned Kurdish activists, including prominent prisoner Behrouz Alkhani (EKurd.net; August 8, 2015; Rudaw; August 27, 2015). This heightened activity created fresh divisions between PJAK and its Iranian Kurdish rivals, such as the smaller militant-political group Komala, which warned in

September 2015 that PJAK's actions would give Tehran an excuse to 'militarize' Kurdish areas (EKurd, September 15, 2015). However, such complaints only highlighted PJAK's militant credentials, which were already boosted by its association with the PKK and YPG. Since then, PJAK attacks have continued sporadically. In one of the most notable attacks, for instance, in early November [2017], the governor of Iran's West Azerbaijan province reported that PJAK fighters killed eight border guards near the Chaldoran border crossing with Turkey (Press TV, November 3, 2017). [...]

[T]he group has used its militant wing to present itself as defending Iranian Kurds from the regime, notably in response to Iranian Kurdish anger at the security forces' harsh treatment of the 'Kolbar,' Kurdish smugglers who carry low-value goods across the mountainous Iran-Iraq border. For instance, when Iranian security forces killed two Kurdish 'kolbari' on September 4, Iranian Kurds held largely spontaneous protests the same day in the cities of Baneh, Serdest and Mariwan—this event further illustrates the growing power of social media in the area. The following day, in response to the killings and in an attempt to capitalize on public anger, PJAK shot dead two Iranian troops near the border, in what they said was retaliation for the killings—the incident also shows the ability of the group's militants to strike rapidly when needed.” (JF, 15 January 2018)

With regard to PJAK's political wing (KODAR), formed in 2014 (Rudaw, 3 September 2017) and “based in Europe and Iraq” while operating “underground in Iran”, the JF article states that it has – despite PJAK's insurgent activities – “pursued a pragmatic approach toward Tehran”. For instance, it is noted that “ahead of the 2017 Iranian elections, KODAR called for a boycott of the presidential vote, rejecting both the conservatives and the reformists.” (JF, 15 January 2018)

As noted the Jerusalem Post newspaper, PJAK released a statement in late December 2017 amid ongoing popular protests calling on Iranians to stand together in a struggle for democracy in the country. The statement “emphasized that PJAK was calling on Kurdish people and ‘all the peoples of Iran’ to join the ‘ranks of the struggle for freedom.’” (Jerusalem Post, 1 January 2018).

Referring to media sources, the February 2017 Landinfo report points to a number of armed incidents and executions involving PJAK members. In August 2015, PJAK carried out several revenge attacks against the IRGC after PJAK member Sirvan Nezhavi was executed in August 2015. (Landinfo, 13 February 2017, p. 8)

As reported by Middle East Eye (MEE) in early September 2015 with reference to the IRNA state news agency, two PJAK fighters and two members of the IRGC were killed in clashes near Razi-Kapikoy, a border crossing between Iran's West Azerbaijan province and Turkey. It is also reported that PJAK killed an IRGC member in an attack the previous week in Kermanshah (MEE, 8 September 2015).

As noted by Landinfo, PJAK claimed to have killed 12 Iranian soldiers in an attack on a military base in Kamyaran (Kurdistan Province), while authorities confirmed that five soldiers were

killed. Later in the same month, another imprisoned PJAK member, Behrouz Alkhani, was executed. In the summer of 2016, PJAK was involved in several clashes reported in Iranian media. (Landinfo, 13 February 2017, p. 8)

Media refer to the Tasnim news agency as reporting in June 2016 that a group of five PJAK members were killed by IRGC forces near Sardasht (Rudaw, 13 June 2016; Reuters, 13 June 2016). It has been stated that the five were responsible for killing two members of the paramilitary Basij militia and an engineer working for the IRGC in Sardasht in May 2016 (Rudaw, 13 June 2016).

As reported by RFE/RL with reference to Fars and Tasnim news agencies, 15 people, including 12 PJAK fighters and three IRGC members, were killed in Oshnavieh in Mid-June 2016 (RFE/RL, 17 June 2016).

As noted by Landinfo, Tasnim reported in October 2016 that the IRGC destroyed a “terrorist cell” in the border region of Kermanshah province. All twelve members of the cell were reportedly killed and a large amount of ammunitions was seized by soldiers, while three Iranian soldiers were injured in the operation. PJAK confirmed the deaths of 12 members of its guerrilla force East Kurdistan Defence Forces (YRK) in the aforementioned attack, which took place in the town of Salasbajani in Kermanshah province. The EKurd news portal quoted PJAK reports saying that PJAK members carried out several revenge attacks against security forces (including IRGC) in several towns including Ruwari in the Harwaman region and Rabat and Jandaran outside Sardasht (West Azerbaijan province). According to PJAK, as many as 32 IRGC members were killed in this series of attacks. These alleged losses were not confirmed by Iranian sources. A senior Iranian officer reported that the IRGC foiled a new infiltration attempt in October 2016 as it drove back a group of “intruding” PJAK members across the border from (Iran’s) Kurdistan province to northern Iraq. (Landinfo, 13 February 2017, pp. 8-9)

According to the Iran Human Rights Documentation Center (IHRDC), two persons convicted on charges of *moharebeh* for alleged PJAK membership were executed during 2015 (IHRDC, 11 February 2016).

As reported by Tasnim, a private news agency with links to the IRGC, two border guards of Urmia (northwest Iran) were killed and five others injured in an armed clash with PJAK members (Tasnim, 28 May 2017).

A joint fact finding mission report by the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) notes that PJAK’s and Komala’s activities are underground and that “they do not exist as armed groups, but as political groups”. It quotes an associate professor as saying that there used to be considerable attention on PJAK (compared to other Kurdish groups) but that (s)he did not have updated information as to who is typically targeted by the authorities. The source is quoted as saying that PJAK and Komala appear to be less active today (DIS/DRC, February 2018, p. 6).

4.7 Komala parties

An April 2017 Rudaw article states that at the beginning, Komala, which “began armed struggle against the new clerical regime” after the Islamic Revolution of 1979, was originally known as the Tailors Revolutionary Group of Iranian Kurdistan. The article goes on to say that “[i]n 1983, the leaders of Komala, together with some Iranian communist activists, established the Communist Party of Iran and Komala became the branch of the party in Kurdistan” (Rudaw, 30 April 2017). As reported by Landinfo, Komala had bases in northern Iraq since the 1980s and stopped its guerrilla activities against Iran in the mid-1990s at the behest of the Kurdistan Regional Government (KRG) (Landinfo, 13 February 2017, p. 3).

As reported by Al Jazeera in June 2013, there are five groups claiming 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 (Sazman-e Kurdistan-e Hezb-e Kommunist-e 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 Elkhaniade as the Secretary General of the KZK (DIS/DRC, 30 September 2013, p. 44). As noted by The Region, a non-profit platform for news and analysis on the Middle East, the Secretary General of the Komala Party of Iranian Kurdistan is Abdullah Mohtadi (The Region, 3 January 2018). An October 2014 press release by PR Newswire 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 Komala-ye Kordestan-e Iran” (Komala Party of Iranian Kurdistan), 3) the “Organization of Toilers of Kurdistan” (Omar Ilkhanizade), 4) the “Komalay Shorshgeri Zahmatkeshani Kurdistan 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 Ilkhanizadeh; 4) Komalay Shorshgeri Zahmatkeshani Kurdistan 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)

As reported by Al Jazeera in June 2013, one of the Komala factions signed a cooperation agreement with KDPI in August 2012 (Al Jazeera, 29 June 2013).

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

As reported by Rudaw in late April 2017, the Komala Party of Iranian Kurdistan has “started to station its Peshmerga force on the Iranian border with Kurdistan Region after a halt that lasted for nearly 25 years”, thus becoming the third Kurdish party to “resume[...] its armed struggle against Iran” since 2015. (Rudaw, 30 April 2017)

A June 2017 Amnesty International (AI) statement informs about the case of Ramin Hossein Panahi, a Komala member arrested in June 2017 and sentenced to death in January 2018:

“Ramin Hossein Panahi, a 22-year-old man from Iran’s Kurdish minority, started a hunger strike on 27 January after he learned that he had been sentenced to death in connection with his membership of the armed Kurdish opposition group Komala. On 31 January, a Ministry of Intelligence official visited him in prison and said that his death sentence would be commuted to imprisonment if he agreed to make televised ‘confessions’ denouncing Kurdish opposition groups as ‘terrorists’. When he refused, the intelligence official apparently became enraged and said that he would pay with his life for his ‘stubbornness’. Ramin Hossein Panahi was then transferred to solitary confinement where he now

remains. There are fears about his health as he suffers from persistent headaches and a kidney infection, possibly resulting from torture. Following his arrest on 23 June 2017, he was forcibly disappeared for four months. According to him, during this period and a further two months of solitary confinement, Ministry of Intelligence and Revolutionary Guards officials repeatedly tortured him including through beating him with cables, kicking and punching him in the stomach and hitting his head against the wall. They also deliberately denied him adequate medical care for the injuries he sustained from being shot at the time of his arrest.

Ramin Hossein Panahi's trial, which took place on 16 January, was grossly unfair and lasted less than an hour. His family told Amnesty International that he appeared before the Revolutionary Court in Sanandaj with obvious torture marks on his body but the court failed to order an investigation. According to his lawyer, the court convicted him and sentenced him to death for 'taking up arms against the state' (baqi) based on his membership of Komala, but without providing any specific evidence linking him to acts involving intentional killing, which is the required threshold under international law for imposing the death penalty. Between his arrest and trial, he was only allowed one brief meeting with his lawyer, which took place in the presence of intelligence officials." (AI, 5 February 2018)

A June 2017 Amnesty International (AI) press release reports that Ramin Hossein Panahi was arrested after an exchange of gunfire with IRGC members during which three other members of Komala were killed:

"In addition to Ramin Hossein Panahi, three other men affiliated with the armed Kurdish opposition group Komala were involved in the exchange of gunfire on 23 June 2017. They included Sabah Hossein Panahi, Hamed Seyf Panahi and Behzad Nouri. Ramin Hossein Panahi was injured and subsequently arrested while the latter three were shot dead. The exchange of gunfire apparently started at a Revolutionary Guards checkpoint after the men were identified while travelling in a car and did not heed a call to stop. The authorities have refused to return the dead bodies of the three men to their families for burials and warned the families against holding memorial gatherings. Komala has claimed that six members of the Revolutionary Guards were also killed during the clashes but the Revolutionary Guards have not acknowledged any casualties in the official statement they issued on 23 June." (AI, 30 June 2017)

Fars news agency states that "[r]eports [...] said in early November that several terrorists affiliated to the Komala Party [...] were captured by Iranian security forces" (Fars, 7 December 2016).

In December 2017, Freedom from Torture notes that out of 69 medico-legal cases of Iranian torture survivors documented by the organization since 2013, nine indicated that they were detained due to their profile as a member of an ethnic minority. Four of those nine were of Kurdish ethnicity. All (nine) persons said that they were "active on ethnic minority issues in Iran", with some also citing "support for, or membership of, organisations deemed separatist groups by the Iranian government". The actions they engaged in included "[d]istributing leaflets

and literature”, “[a]ttending demonstrations or public meetings”, “[r]aising the Kurdish flag in public” and “[s]upporting Kurdish political prisoners”. It is noted that the nine torture survivors included affiliates of the Komala Party of Iranian Kurdistan. (Freedom from Torture, December 2017, p. 20)

In August 2016, the Center for Human Rights in Iran (CHRI) reported about the execution of Mohammad Abdollahi, who was arrested in 2011 and sentenced to death in 2013 for “waging war against the state,” “corruption on earth” and “membership in Komala”. The CHRI notes that “[t]he sentence was upheld by the Appeals Court on March 24, 2014” and that “[t]he Supreme Court asked the initial court to review the verdict, which was again upheld” (CHRI, 10 August 2016).

According to the Iran Human Rights Documentation Center (IHRDC), a US-based non-governmental organisation, two persons convicted on charges of *moharebeh* for alleged Komala membership were executed during 2015 (IHRDC, 11 February 2016).

4.8 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).

An April 2016 post on the WPI website states that the party was “officially launched on November 30, 1991”. The socialism proclaimed by the WPI means “the downfall of the wage system and the creation of economic equality among people” and strives for a political system that “ensures the most far reaching political freedoms and individual and social rights of the citizens”. The WPI states that it “advocates the immediate overthrow of the Islamic regime and is categorically opposed to all efforts by forces inside or outside the government to preserve it in modified forms” (WPI, 14 April 2016).

A January 2010 Middle East Journal article authored 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, states that:

“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 [WCPI]. There have been at least four major splits in the WCPI during recent years.” (Ahmadzadeh/Stansfield, 1 January 2010)

Similarly, 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 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)

The WPI website states that Hamid Taqvaee is the party’s leader (WPI, undated).

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

4.9 Azeri political groups

For information on the treatment of ethnic Azeri activists with no (alleged) affiliation with specific Azeri political organisations, please refer to [section 6.4.4](#) of this compilation (“Azerbaijani (Azeri) Turks”).

Azer Times, an Azeri news website which appears to have an irredentist agenda, showed an undated list [latest information from 2012] which mentioned 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 Dilenchi; 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 source further listed 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, AMİC) (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). (Azer Times, undated)

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).

Azerbaijan National Resistance Organization (ANRO)

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

A January 2018 article of the Ahwaz monitor, a news website covering issues concerning Ahwazi Arabs in the Ahwaz region of southwest Iran, quotes a Babek Chalabiyani, a spokesperson for ANRO, as saying that Iran’s Azeri population is treated like second-class citizens as they are denied to speak and teach their mother tongue, celebrate their culture and face state repression. He is further quoted as saying that “given a referendum, most [Azeris] in Iran would probably vote for independence” and that during the most recent protests of late December 2017 and early January 2018, Iranian Azeris were chanting in their language and demanding an independent Azerbaijan. (Ahwaz Monitor, 16 January 2018)

South Azerbaijan National Liberation Movement (SANLM)

According to the website of the South Azerbaijan National Liberation Movement (SANLM), the group started its activities in 1991. It became active “in an organized manner” in 1994 when it adopted its charter and programme (SANLM, undated (a)).

The SANLM Charter describes the SANLM as an organisation seeking to “save” Azeris from what it refers to as the “yoke of [P]ersian chauvinism” and to realise their personal freedom and civil rights in Iran.

As for membership in the SANLM, the Charter states that every Azeri of “legal age who accepts the program and charter of SANLM” and takes part in activities aiming for “national liberation” of Azeris in Iranian Azerbaijan “can be the member of SANLM notwithstanding religion and sex.”

With regard to the organisational structure of the SANLM, the Charter states that the leading bodies of the SANLM are the Congress, the Central Committee and the Leader, with the Congress (normally held every five years) functioning as the “[s]uperior ruling organ” (SANLM, undated (b)).

The Programme of the SANLM states that “SANLM prefers to use political forms of struggle”, which includes the following means: “propaganda of the program, boycott, picket, demonstration, strike and parliament struggle”. The Programme adds that in case of recognition of “national rights” of Azeris of Iranian Azerbaijan by the Iranian state through peaceful talks, the SANLM’s programme would consist in establishing an “autonomous republic to South Azerbaijan in the limits of Iran”. However, in the event of “liberation of South Azerbaijan by means of armed struggle”, the programme of SANLM would be to declare a “South Azerbaijan Republic”. (SANLM, undated (c))

South Azerbaijan National Awakening Movement (SANAM, GAMOH) and New Southern Azerbaijan National Awakening Movement (Yeni GAMOH)

A 2006 Radio Free Europe/Radio Liberty (RFE/RL) article refers to the Southern Azerbaijan National Awakening Movement (SANAM or GAMOH) as a group that “advocates unification of Azeris living on both sides of the Araxes River, which separates Iran from Azerbaijan” (RFE/RL, 31 May 2006).

The Unrepresented Nations & Peoples Organization (UNPO), an umbrella organization of NGOs promoting the rights of indigenous peoples and minorities, provides an overview of the South Azerbaijan National Awakening Movement (SANAM/GAMOH) dated February 2012:

“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.” (UNPO, 7 February 2012)

Sources differ with regard to the founding date of SANAM/GAMOH. While the UNPO indicates 1995 as the year the movement was founded (UNPO, 7 February 2012), the above-quoted Azer Times article mentions the year 2002 as the founding year (Azer Times, undated).

The New Southern Azerbaijan National Awakening Movement (Yeni GAMOH) is described in an August 2013 Human Rights Watch (HRW) press release as follows:

“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.” (HRW, 20 August 2013)

A July 2014 Urgent Action by Amnesty International (AI) reports on the cases of five male Azeri members of Yeni GAMOH's Central Council who were sentenced to nine-year prison terms in April 2013:

"Mahmoud Fazli, Behboud Gholizadeh, Shahram Radmehr, Ayat Mehr-Ali Beyglou and Latif Hasani, all Azerbaijani and members of Yeni Gamoh's Central Council, an Iran-based Azerbaijani (Turkic) cultural and political rights advocacy organization, were sentenced to nine-year prison terms in April 2013. After their arrest, the five men were detained incommunicado, then moved to Tabriz Central Prison. They were not permitted access to lawyers until one week before their trial. A family member of one of the five said that they were tortured or otherwise ill-treated while detained by the Ministry of Intelligence." (AI, 4 July 2014)

As reported by Araz News, Latif Hasani was still in prison in December 2017 (Araz News, 12 December 2017).

The Center for Human Rights in Iran (CHRI) states that six ethnic Azeri activists were detained by agents of the Ministry of Intelligence (MOI) in Ardabil in May 2016 and charged with espionage for giving "military and economic secrets to enemies" as members of the "separatist group, GAMOH", according to the provincial prosecutor (CHRI, 30 June 2017).

4.10 Monarchists

A January 2018 report of the Center for Strategic and International Studies (CSIS) notes that "[t]he Monarchist movement seems to have no meaningful strength inside Iran" (CSIS, 11 January 2018).

In his 2015 book "Islamic Law and Governance in Contemporary Iran", Mehran Tamadonfar, a professor of Political Science at the University of Nevada (USA), states that "there are many Iranian parties (mostly active abroad) that can be categorized as leftist, monarchist, nationalist, liberal-democratic, ethnic, and environmentalist". The author holds that "[t]hese parties lack any significant social base and any capacity to influence the Iranian politics of today" (Tamadonfar, 2015, p. 158).

As reported by Radio Free Europe/Radio Liberty (RFE/RL) in January 2018, some of those who took part in the late December 2017/ early January 2018 protests "called for the return of the monarchy that was ousted in the Islamic Revolution in 1979" (RFE/RL, 2 January 2018).

A January 2018 article of the British newspaper The Telegraph states with regard to the late December 2017/ early January 2018 protests:

"For the first time in decades, Reza Shah Pahlavi was once again on the lips and on the minds of at least some of its citizens. 'Reza Shah, rest in peace', 'What a mistake we made by taking part in the revolution' and 'Bring back the Shah' were among the slogans cried out by protesters across the country. Even in Qom and Mashhad, two of Iran's holiest cities, a few waved banners bearing the late king's picture. [...] The numbers out on the streets chanting for the return of the Shah are undoubtedly a minority. Tehran's intelligentsia, who

largely hold unfavourable views of the monarchy, have stayed home, as have older, more conservative sectors of society.” (Telegraph, 18 January 2018)

As indicated by BBC News, “the former shah’s son, Reza Pahlavi, who lives in exile in the United States, has issued a statement supporting the demonstrations” (BBC News, 1 January 2018).

RFE/RL quotes a January 2018 IRGC statement saying that “Iran’s revolutionary people along with tens of thousands of Basij forces, police, and the Intelligence Ministry have broken down the chain [of unrest] created” by foreign powers, “militants, and monarchists” (RFE/RL, 8 January 2018).

The Jane’s Sentinel Security Assessment (updated in August 2015), cited in a December 2015 country report of the UK Home Office, lists monarchists as one of several groups that “have [...] come under the scrutiny of the MOIS” (UK Home Office, December 2015, p. 26).

Claudio Guarnieri, a security researcher specialized in investigating computer attacks, and Collin Anderson, a Washington D.C.-based computer scientist focused on internet controls and restrictions on communications, note in a November 2016 article that there have been apparent attempts by Iranian authorities to collect IP addresses using so-called WebRTC protocols. These efforts appear to target political opposition activists and human rights activists. It is noted that a fake social media profile with the name Maryam Javadifar has “demonstrated a clear interest in specifically targeting hundreds of political dissidents, primarily members of the Green Movement and Monarchists”. (Guarnieri/Anderson, 11 November 2016)

The Diplomat, a Tokyo-based current-affairs magazine for the Asia-Pacific region, states that many participants in the late December 2017/ early January 2018 protests chanted pro-monarchy slogans such as “Reza Shah, bless your soul”, “long live Reza Shah” or “Iran haphazard, without the Shah [Mohammad Reza]” as well as “O Shah of Iran, return to Iran” referring to Reza Shah, the founder of the Pahlavi dynasty in 1925 and his son. (The Diplomat, 13 January 2018)

In her 2014 book chapter “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)

Referring 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. Froude 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 (AI, 1 June 2012).

An October 2014 report of the Iranian Fars News Agency (FNA) states that authorities arrested a number of persons including “monarchists, anti-revolutionaries, and members of the MKO” [aka MEK] in a protest against acid attacks in Esfahan (FNA, 29 October 2014).

A June 2014 Amnesty International (AI) report describes the case of Hamed Rouhinejad, a student serving a 10-year prison term for having links with the API (AI, 2 June 2014, p. 56).

An older June 2012 AI expert opinion to a German court noted that death sentences were frequently handed down on real or perceived supporters of monarchist groups. The expert opinion includes details on three reference cases: the apparent abduction of three Iranian API members from abroad and their subsequent detention, and the executions of three alleged API members/supporters in 2010 (AI, 1 June 2012).

An older BBC News article of January 2010 provides details on the reported executions of Mohammad Reza Ali-Zamani and Arash Rahmanipour, who were believed to have been convicted for ties with API (BBC News, 28 January 2010).

An older February 2010 article of Radio Free Europe/Radio Liberty (RFE/RL) reported on a death sentence handed down against a man on charges which included having links with a group called “Iranian Royalist Society” (RFE/RL, 18 February 2010).

4.11 Arab/Ahwaz political groups

A January report of the Center for Strategic and International Studies (CSIS) states that the ethnic “Arab opposition in the southwest is limited and regional and has marginal strength at best” (CSIS, 11 January 2018, p. 7).

A May 2017 report of the Dutch Ministry of Foreign Affairs (BZ) states that available sources provide very little information on Arab protest movements in Khuzestan province. There is no specific information available with regard to the organisation and structure of existing Arab protest movements. A confidential source reported that the Arabs in the region show only a limited degree of organisation and primarily engage in spontaneous activities and protests, mainly calling for improvement of their living conditions. The source cast doubt on claims of Arab movements playing a significant role in organising protests in Khuzestan. This view could not be verified by other sources, however. As the BZ notes, the Arab Struggle Movement for Liberation of al-Ahwaz (ASMLA) is active in Khuzestan province. Its armed wing is called Martyr Muhyiddin Al Nassr Brigades. During the reporting period (January 2014 to April 2017), the group carried out a number of smaller attacks against Iran’s security personnel and other targets such as pipelines, which killed several people. (BZ, 29 May 2017, p. 46)

A December 2017 Rudaw article states that the Arab Struggle Movement for the Liberation of Ahwaz (ASMLA) was established in 1999. According to its founder, Ahmad Mola Nissi, the group seeks to “liberate Ahwaz lands and people from the Iranian occupation”. (Rudaw, 14 December 2017)

As the Reuters news agency reported in November 2017, the founder of the Arab Struggle Movement for the Liberation of Ahwaz (ASMLA), Ahmad Mola Nissi, was shot dead in the Netherlands. The report notes that ASMLA seeks a separate state in Iran's Khuzestan province. Mola Nissi is quoted as saying in a July 2017 interview that ASMLA aimed to "liberate Ahwaz lands and people from the Iranian occupation". It is further noted that "ASMLA's armed wing, the Mohiuddin al Nasser Martyrs Brigade, has claimed responsibility for several attacks in Iran, including the killing of two members of the elite Revolutionary Guards in January". (Reuters, 9 November 2017)

The US Congressional Research Service (CRS) mentions an Ahwazi militant group called the Ahwazi Arabs, which "operates in the largely Arab-inhabited areas of southwest Iran". The report notes that the group was "[r]elatively inactive over the past few years". However, the Iranian state "continues to execute captured members of the organization". (CRS, 21 May 2018, p. 34)

The December 2017 Freedom from Torture report based on 69 medico-legal cases of Iranian torture survivors reported since 2013 states that of the nine individuals who reported that they were detained due to their profile as an ethnic minority member, five were of Arab ethnicity. All (nine) persons said that they were "active on ethnic minority issues in Iran", with some also citing "support for, or membership of, organisations deemed separatist groups by the Iranian government". The actions they engaged in included "[d]istributing leaflets and literature", "[a]dvising a strike of Arab workers" and "[a]ttending demonstrations or public meetings". It is noted that the nine torture survivors included affiliates of the Ahwaz Arab People's Democratic Front (Freedom from Torture, December 2017, p. 20)

As reported by Reuters in early January 2017, ASMLA claimed its armed wing bombed two oil pipeline in coordinated attacks in Khuzestan province. These reports have been denied by the Interior Ministry of Iran. As Reuters further notes, separatist groups in the region have "carried out intermittent attacks for decades, including on oil installations" (Reuters, 4 January 2017). As specified in a report by Middle East Eye (MEE), these attacks were "[c]arried out by Martyr Muhyiddin Al Nassr Brigade, ASMLA's military wing" (MEE, 6 January 2017). As for the motives for these attacks, it is noted that ASMLA published a statement "criticis[ing] Iran for its unrestrained military involvement across Arab states in Syria, Iraq, Lebanon, Bahrain and Yemen". MEE adds that "[t]he Nassr Brigade has carried out other attacks prior to the purported oil pipeline bombings" and that the fiercest strikes attributed to the group took place in 2005 (MEE, 6 January 2017).

Earlier, in July 2016, MEE reported that the Hawks of Ahwaz, a separatist group established in 2015, claimed responsibility for an attack on a petrochemical plant in the city of Ahwaz. A statement released by the group called for resistance against the Persian "occupation" of Arab lands. (MEE, 8 July 2016)

An August 2015 article of the Jamestown Foundation (JF) reports that ASMLA claimed attacks on state targets in April and May 2015:

“In April, the ASMLA announced what it called an ‘unprecedented escalation’ in its armed campaign against Iranian security forces, including the Islamic Revolutionary Guard Corps (IRGC), Basij paramilitary units and other targets that represent the state, on its network of official websites and social media platforms (Ahwazna.net, April 1; Twitter, April 1). On April 2, the ASMLA’s armed wing, the Mohieddin al-Nasser Martyr Brigades, attacked a police checkpoint in Hamidiyeh, approximately 16 miles west of the provincial capital Ahvaz, killing three police officers and wounding two others (al-Arabiya, April 2; Press TV, April 2). Iranian authorities later announced that they had detained the perpetrators of the April attack (Press TV, April 22). The ASMLA also claimed responsibility for a May 16 attack against the governor’s office in Susangerd, located about 40 miles northwest of Ahvaz. The attackers used homemade explosives and small-arms fire. Video footage of the operation was shared by the ASMLA online (YouTube, May 17; al-Arabiya, May 17). The number of casualties resulting from the May attack is uncertain. These attacks fit the pattern of previous operations executed by the ASMLA and other Ahwaz militant currents in Khuzestan (See: Terrorism Monitor, January 23, 2014).” (JF, 7 August 2015)

4.12 Jaish al-Adl and Jundallah

A brief overview of Jaish al-Adl is given in a July 2017 article of the Jamestown Foundation (JF), a Washington D.C.-based policy think tank focusing on China, Russia, Eurasia, and global terrorism:

“JuA [Jaish al-Adl] emerged from Jundallah (Army of God) following the capture, trial and execution of Jundallah’s founder and leader, Abdul Malik Riggi, in 2010 by Iranian security forces. The group adheres to ultra-orthodox Sunni-Deobandi ideology. And although relatively little information is available about the group’s ambitions, the aim of its parent organization was to fight for Sunni-Baluch rights inside Iran. In that regard, it is notable that Riggi never called for the separation of Baluchistan-Sistan from Iran.

JuA conducted 12 terrorist attacks between October 2013 and November 2015, resulting in a total of 53 fatalities and 25 injuries of Iranian security forces and civilians. Most of these attacks involved ambushing border security patrols near the Pakistani border.” (JF, 14 July 2017)

In a June 2018 report, the Department of Foreign Affairs and Trade (DFAT) of the Australian Government elaborates on the Jundallah militant group as follows:

“Jundallah (Soldiers of God) is a militant insurgent group established in 2003 to fight for Baluchi rights. Its stated goals are to secure recognition of Baluchi cultural, economic and political rights from the Government of Iran, and to spread awareness of the Baluchi situation through violent and non - violent means. The group is part of a larger Baluchi separatist conflict playing out in Baluchi areas of neighbouring Pakistan. Jundallah has reportedly organised suicide bombings, small-scale attacks, and kidnappings, including of an Iranian nuclear scientist in 2010. Although the group’s insurgency has primarily targeted members of the Iranian security services and other government symbols, it has also targeted civilians. Jundallah attacks have reportedly claimed hundreds of lives. Iranian

authorities captured and executed Jundallah's leader in 2010, and DFAT understands the group's activities have largely ceased in recent years." (DFAT, 7 June 2018, p. 18)

As noted by the Austrian daily newspaper Der Standard, there are several militant groups operating in the largely Sunni-inhabited Sistan and Baluchestan Province, including Jaish al-Adl ("Army of Justice"), an Islamist group (Der Standard, 17 April 2018).

An April 2018 Al Jazeera article reports that "[a]t least five people, including two Iranian security forces personnel, have been killed in clashes with fighters" in Mirjaveh district of Sistan and Baluchestan Province. It is noted with reference to the IRNA news agency that a group of fighters coming from Pakistan had "attempted to seize control of an Iranian border post, resulting in an exchange of fire with Iranian Revolutionary Guard Corps (IRGC) soldiers" (Al Jazeera, 18 April 2018).

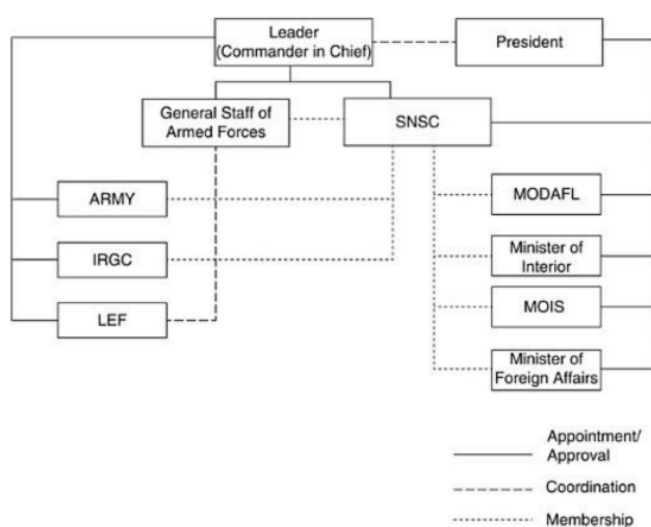
In April 2017, Radio Free Europe/Radio Liberty (RFE/RL) reported that ten Iranian border guards were killed in a cross-border attack claimed by Jaish al-Adl (RFE/RL, 27 April 2017).

5 Security forces

According to Article 110 of the Constitution of the Islamic Republic of Iran (amended as of 1989), the Supreme Leader is Chief of Joint Staffs, Chief Commander of the IRGC and Chief Commander of the Armed Forces and Police Forces (Constitution of the Islamic Republic of Iran, 1989, Article 110).

An April 2018 International Crisis Group (ICG) report states that the Islamic Revolution of 1979 produced “competing power centres and security structures” that eventually turned out to be “major obstacles” in the Iran–Iraq War and “to carrying out effective governance once the war ended”. The same source goes on to say that “[c]onstitutional revisions in 1989 produced a body designed for this purpose: the Supreme National Security Council (SNSC), a consensus-building mechanism for setting major domestic and foreign policy and comprising senior officials from all government branches and key decision-makers representing Iran’s main political factions.” (ICG, 13 April 2018, p. 6).

In his 2016 book “The Revolutionary Guards in Iranian Politics”, Bayram Sinkaya, assistant professor at the Department of International Relations of Yildirim Beyazit University (Turkey), states that “[t]he current security structure of Iran was mostly shaped by a series of reforms carried out by Hashemi Rafsanjani, first as Acting Commander in Chief and then as President, in the late 1980s and early 1990s”. The (current) structure of the security apparatus is illustrated as follows:



(Sinkaya, 2016)

A May 2018 report of the US Congressional Research Service (CRS) states that “leaders and senior officials of a variety of overlapping domestic security organizations form a parallel power structure that is largely under the direct control of the Supreme Leader”. As noted by the source, the domestic security organs include the IRGC (including the Basij force), the Law Enforcement forces (LEF, aka NAJA), the Ministry of Interior, the Ministry of Intelligence (MOI), with the leaders of most security organisations represented on the Supreme National Security Council (SNSC) (CRS, 21 May 2018, pp. 6-7).

A January 2018 article of the Washington Institute for Near East Policy (WINEP), a US foreign policy think tank (authored by Saeid Golkar, a lecturer at the Department of Political Science at the University of Tennessee, Chattanooga and Senior Fellow on Iran Policy at the Chicago Council on Global Affairs), states that “[t]he main security, military, and judicial branches of Iran’s coercive apparatus are the police (Nirou-ye Entezami-ye Jomhuri-ye Eslami-ye Iran, or NAJA), the Basij, and the Islamic Revolutionary Guard Corps (IRGC)” (WINEP, 5 January 2018). The same article, meanwhile, notes that:

“Iran has more than seventeen different security organizations, with three main bodies involved in internal intelligence: the Ministry of Intelligence, the IRGC Intelligence Organization (IRGC-IO), and the Intelligence and Public Security Police (PAVA), a branch of the NAJA. All of them are directly or indirectly overseen by the Supreme Leader. Despite ongoing power conflicts between these bodies, they typically work hand-in-hand to protect the regime.” (WINEP, 5 January 2018)

As the US Department of State (USDOS) notes in its April 2018 country report on human rights practices (reporting period: 2017), the Ministry of Intelligence (MOI) and the Law Enforcement Forces (LEF) (which operate under the Interior Ministry) report to the President, while the IRGC directly reports to the Supreme Leader (USDOS, 20 April 2018, section 1d).

The January 2018 WINEP article also mentions the judiciary (general courts and two types of extra-constitutional courts, namely the Special Court of the Clergy and the Islamic Revolutionary Courts) as another key component of Iran’s security apparatus (WINEP, 5 January 2018).

The same article states that while there is cooperation between these bodies, “their missions differ depending on Iran’s prevailing security condition, which is assigned one of four categories at any given time: white, gray, yellow, and red”:

“Condition white is normal public order. Condition gray goes into effect when unorganized opposition elements peacefully undermine public order, with no sign of destructive operations. In that case, the police are mainly responsible for controlling the situation and maintaining order. Basij offices help the police quash any strikes, while Herasat personnel help gather intelligence and identify protestors. For example, in 2005-2006, the regime broke a bus drivers strike by using Basij members from other state institutions to transport passengers and maintain the traffic flow. If such strikes ever became more heated, the NAJA’s Counterterrorism Special Force (Nirou-ye Vizhe-ye Pad-e Vesht, or NOPO) would be primarily responsible for anti-riot actions.

If the police cannot control a given situation and the crisis intensifies, the regime invokes condition yellow, in which an organized opposition has begun more violent forms of protest such as disrupting order, blocking public spaces, and attacking public buildings. In response, the Basij are required to work more closely with the police by intensifying their intelligence activities and increasing their patrols and checkpoint stops. [...]

Finally, if the above measures fail to reestablish control, the security level increases to condition red, defined as a crisis in which revolts have expanded throughout the country and the opposition is using weapons. In this case, the IRGC takes full control of internal operations, and all other forces must work with the Guards to restore control. During the current protests, IRGC forces have reportedly been deployed in three provinces to smash demonstrations.” (WINEP, 5 January 2018)

Sinkaya’s 2016 book states that “the armed forces of Iran consist of three separate forces: the Army, the IRGC, and the LEF”, noting further that:

“In spite of the measures taken to unify similar organizations in order to increase effectiveness of resources, the Army and the IRGC remained separate military organizations. As established military structures, the Army and the IRGC have their own ground forces, air forces (the Army also has a separate air security forces), and navies. In addition to the conventional hierarchical command systems within the armies, each of the armed forces has their own security and intelligence organizations and ideological-political directorates.” (Sinkaya, 2016)

A May 2018 report of the Congressional Research Service (CRS) elaborates on the functions and levels of influence of the Army (Artesh) and the IRGC:

“The Islamic Revolutionary Guard Corps (IRGC, known in Persian as the Sepah-e-Pasdaran Enghelab Islami) controls the Basij (Mobilization of the Oppressed) volunteer militia that has been the main instrument to repress domestic dissent. The IRGC also has a national defense role and it and the regular military (Artesh)—the national army that existed under the former Shah— report to a joint headquarters. In June 2016, Supreme Leader Khamene’i replaced the longtime Chief of Staff (head) of the Joint Headquarters with IRGC Major General Mohammad Hossein Bagheri, an early recruit to the IRGC who fought against Kurdish insurgents and in the Iran-Iraq War. The appointment of an IRGC officer to head the joint headquarters again demonstrates the IRGC’s dominance within Iran’s military and security structure. On the other hand, Rouhani’s August 2017 appointment of a senior Artesh figure, Brigadier General Amir Hatami, as Defense Minister for Rouhani’s second term cabinet, suggests that the Artesh remains a viable and respected institution in the defense establishment. The Artesh is deployed mainly at bases outside cities and has no internal security role.” (CRS, 23 May 2018, p. 16)

Sinkaya notes that the Supreme Leader has “extensive authority” over Iran’s armed forces. The President, by contrast, has “almost no power to influence either the Army or the IRGC”. However, it is noted that the President has two instruments “by which he can exert indirect influence over the armed forces”:

“First, [...] the president chairs the SNSC, which is in charge of formulating foreign, defense, and security policies. Although he presides over the SNSC, the president and his ministers hold virtually one-third of the overall board, which has curbed his capacity to dominate it. Additionally, the resolutions of the council become effective only after the approval of Leader. The second instrument with which the president can influence armed forces is limited to planning and budget organization and the ministry of defense.” (Sinkaya, 2016)

It is also noted that the Majles (Parliament) has “very limited authority over the armed forces” (Sinkaya, 2016).

Referring to information provided by an associate professor at a Danish university, a February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states that “[i]n Iran, there are a number of different intelligence services; those affiliated with the Ministry of Interior, those affiliated with the military and those affiliated with the Revolutionary Guard. Furthermore, the intelligence agencies play different roles and follow different chains of command” (DIS/DRC, 23 February 2018a, p. 7).

Sinkaya provides an overview of the main responsibilities of the Supreme National Security Council (SNSC), a body established by constitutional amendment in 1989 (see above) which is the “highest-level authority – after the [Supreme] Leader – in charge of formulating foreign and security policies”:

“The principal responsibilities of the SNSC are to determine ‘defense and national security policies within the framework of general policies determined by the Leader’; and to coordinate political, intelligence, social, cultural, and economic activities in regard to general foreign, defense and security policies.” (Sinkaya, 2016)

As for the composition of the SNSC and the authority of its decisions, an April 2018 International Crisis Group (ICG) report notes that:

“The SNSC is chaired by the president and also includes the heads of the legislative and judicial branches; the chairman of the joint chiefs of staff of the armed forces; the head of the planning and budget organisation; two representatives of the supreme leader, one of whom is its secretary; the foreign affairs, interior, defence and intelligence ministers; the commanders of the Iranian Revolutionary Guard Corps (IRGC) and the army; and the affected cabinet minister in a given meeting. Its decisions, when backed by the leader, who is also commander-in-chief, supersede legislation.” (ICG, 13 April 2018, p. 6)

Sinkaya (2016) states that while “[t]he president presides over the SNSC”, “decisions of the council become effective after the confirmation of the Leader”. It is further noted that “the Secretary of the SNSC, who oversees the general affairs of the council and decides on its agenda and priorities, is chosen by the president and confirmed by the Leader. Under the SNSC, there are several undersecretaries and committees of experts.” (Sinkaya, 2016)

The decision-making processes within the SNSC are described as follows:

“The supreme leader and any SNSC member can request that an issue be put on the council’s agenda. Ideas tend to filter upward from the technocratic to the ministerial level, but voting takes place at sessions chaired by the president. As such, key national security decisions are made by a small group of senior officials, who are both relatively insulated from, and yet reflect, alterations in formal institutional structures as a result of elections or personnel changes. These decision-makers, who are mostly the original revolutionaries, have been in the inner power circles for nearly four decades and have intertwining personal histories.” (ICG, 13 April 2018, p. 8)

5.1 Law Enforcement Forces of the Islamic Republic of Iran (LEF, aka NAJA)

The January 2018 article of the Washington Institute for Near East Policy (WINEP), authored by Saeid Golkar, notes that the Law Enforcement Forces (LEF; Persian: Nirou-ye Entezami-ye Jomhuri-ye Eslami-ye Iran (NAJA)) are “under the control of the Interior Ministry, which the constitution has placed under the president’s purview”. However, the article states that “the head of the NAJA is appointed by the Supreme Leader [...], effectively limiting the interior minister’s authority to logistical, equipment, and support issues”. (WINEP, 5 January 2018)

In her 2015 book “Nomads in Postrevolutionary Iran”, Lois Beck, an anthropologist at Washington University in St. Louis (USA), writes that President Rafsanjani in 1990-91 fused some of Iran’s armed forces – revolutionary Islamic committees, urban police, and rural gendarmerie – into a single military organization called ‘security forces’ (or law enforcement forces, LEF) [...] and placed it under the authority of the Ministry of Interior (Beck, 2015).

Sinkaya, in his 2016 book, similarly states that in 1991, “different organizations in charge of preserving internal security and public order across the country including the Revolutionary Committees, the Gendarmerie were unified under a single organization, named the Law Enforcement Forces of the Islamic Republic” (LEF). As the author goes on to note, the “LEF is considered part of the armed forces subordinated to the commander in chief, the Leader, but it operates under the supervision of the Ministry of Interior” (Sinkaya, 2016).

Article 1 of the Law of the Law Enforcement Forces of the Islamic Republic of Iran (NAJA) of 1990 states that the Municipal Police, the Islamic Revolution Committees and the Gendarmerie shall be merged into the Law Enforcement Forces of the Islamic Republic of Iran. (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 1).

Article 2 of the same law states that the Law Enforcement Forces of the Islamic Republic of Iran are subordinate to the Ministry of Interior. The command of NAJA is appointed by the Commander in Chief of the Armed Forces (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 2).

Article 4 specifies the mission and duties of the Law Enforcement Forces, which include the following:

- 1) Establishing order, security and safeguarding public and private peace
- 2) Combating, in cooperation with the Ministry of Intelligence, any kind of sabotage, terrorism, rebellion, perpetrators and movements that endanger national security (The quality and nature of this cooperation shall be determined by the National Security Council)
- 3) Ensuring security for the running of legally authorized societies, formations, protests and activities; preventing any illegal formations, protests and societies; and combating illegal unrest, chaos and activities
- 4) Taking necessary action in the field of obtaining news and intelligence within the scope of their assigned duties and in cooperation with the country’s other intelligence organisations and units within their scope of authority (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 4)

Note 1 of section 4 of Article 4 states that the collection of news and intelligence on political and security issues and further investigation into such issues falls within responsibilities of the Ministry of Intelligence (MOI). If NAJA, in the process of performing its assigned duties obtains such news and intelligence, it shall immediately cede the task of obtaining and collecting these to the MOI. The same ministry is responsible for providing the NAJA with news and intelligence necessary for the needs and relevant to the duties of the same (i.e. NAJA). (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 4)

Note 2 of the same section states that investigations into societal offenses related to national security or that are part of a conspiracy or secret activity aimed at overthrow, will be carried out by the MOI in cooperation with NAJA. (Law of the Law Enforcement Forces of the Islamic Republic of Iran, 8 August 1990, Article 4).

As noted in a May 2018 report of the Congressional Research Service (CRS), the LEF are “an amalgam of regular police, gendarmerie, and riot police that serve throughout the country” and serves as the Islamic Republic’s first “line of defence” in suppressing anti-state protests or other forms of unrest. The same source adds that the LEF is under the civilian supervision of the Ministry of Interior, headed by Abdolreza Fazli. (CRS, 21 May 2018, p. 6)

According to Interpol, the LEF’s responsibilities include border control, crime fighting, emergency services, identity checks, international cooperation with the Interpol community, preventing and fighting terrorism, anti-narcotics work, ensuring public security and peace, and traffic control (Interpol, undated).

Sinkaya indicates that the LEF consists of three “virtually independent subunits”: the Command, the Ideological-Political Directorate and the Organisation of Security and Intelligence. It notes that the commander of the LEF is directly appointed by the Supreme Leader (Sinkaya, 2016).

In an April 2015 e-mail response, Saeid Golkar 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. He also mentions the Public Security and Intelligence Police (PAVA), a security branch subordinated to the Police Commandership:

“[T]he 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. [...]

NAJA has another security branch, which is under the control of Iran’s Police Commandership. It is 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." (Golkar, 28 April 2015)

As specified by Interpol, the LEF have the following operational units: Air Police, Anti-Narcotic Police, Border Guard Police, Cyber Police, Criminal Intelligence Detective Police, Emergency Police Centre, Intelligence and Public Security Police, International Relations and Interpol Department, Prevention and Traffic Police (Interpol, undated).

The January 2018 WINEP article provides an overview of the command structure of the LEF:

"The NAJA's vertical structure begins with the national police commandship. Beneath that, each province has a single command headquarters that controls all police stations. Each city in turn has one disciplinary district (nahieh-e entezami) that manages local police stations, usually called kalantari in urban areas and pasgah-e entezami in rural areas, as other scholars have described. Despite certain local differences, a typical Iranian police station will have a deputy of prevention, a deputy of intelligence, a deputy of inspection, a deputy of operation, and a judiciary police official, among other personnel." (WINEP, 5 January 2018)

The same article notes that "police personnel consist of cadres (officers) and conscripts (i.e., people who spend two years of their mandatory military service in the NAJA)", quoting former NAJA commander Gen. Ahmadi Moqaddam as saying that 45 per cent of NAJA personnel are conscripts. The article presents the following estimates of the number of LEF's members:

"Although no official statistics on force size are available, various estimates place the total number of police between 100,000 and 200,000. In addition, more than 100,000 people work in NAJA-affiliated organizations such as the Police Electronic Services Office (aka 'police +10'). These include 41,000 employees of protection and surveillance companies that provide security for more than 4,600 neighborhoods." (WINEP, 5 January 2018)

A January 2018 report of the Center for Strategic and International Studies (CSIS) mentions that Iran has 500,000 police who (alongside the IRGC) serve as an "instrument of indoctrination and control" (CSIS, 11 January 2018, p. 4). Meanwhile, a May 2018 report of the Congressional Research Service (CRS) puts the number of LEF at about 40,000-60,000 (CRS, 23 May 2018, p. 18). The January 2018 WINEP article notes that historically, "[i]n recruiting personnel for the NAJA and similar organs", the Iranian state has drawn from the Basij, who mostly hail from traditional lower- and lower-middle-class families and tend to be less educated" (WINEP, 5 January 2018). In recent years, the LEF (NAJA), like the IRGC, has been trending towards "recruit[ing] from established Basij and IRGC families". The source refers to the LEF commander as saying that over 80 per cent of new police hired in 2007 were recruited from among the Basij and that "in 2011 he pledged to increase that figure to 100 percent". (WINEP, 5 January 2018)

As Sinkaya notes, "[i]n case of necessity, the LEF cooperates with the Basij in coordination with the IRGC" (Sinkaya, 2016).

With regard to PAVA, an October 2017 article published on the Iranian pro-government news website Enghelabe-Eslami.com, describes its mission as follows: Preparing and regulating

policies, drafts, programmes, instructions, and ordinances linked to the production of information, combating social corruption, passport affairs, foreign nationals, public places, and surveillance and control of the proper execution of tasks carried out within these domains. Maintaining the competence and the security capacities of the public security (and intelligence) units throughout the country through continuous surveillance and control and through planning as a means of increasing competence in security and other professional domains. Conducting focused tasks assigned such as to direct and manage public security operations of NAJA in special cases as instructed. (Enghelabe-Eslami.com, 12 October 2017)

The same source lists the following units as being part of the PAVA: Passport Police, Police for Immigration and Foreign Citizens, Moral Security Police, Diplomatic Police, Police for the Surveillance of Public Places, the Support Centre for Intelligence Operations and the Centre for Special Operations. (Enghelabe-Eslami.com, 12 October 2017)

A January 2018 article of the Washington Institute for Near East Policy (WINEP) (author: Saeid Golkar) states that the Intelligence and Public Security Police (PAVA), a branch of the Law Enforcement Forces (LEF), is “responsible for gathering intelligence in neighborhoods and penetrating Iran’s guilds, arresting any workers who are deemed too subversive”. In order to do so, the PAVA “runs a network of local informers (mokhber mahali) to collect news and rumors”. The article also notes that PAVA’s tasks include “conducting religious activities and ferreting out homes used for Christian worship” (WINEP, 5 January 2018).

5.1.1 Intelligence Unit of the Law Enforcement Forces (NAJA Ettelaat)

As noted by Saeid Golkar in an email response of April 2015, the Intelligence Police is a subbranch of the Public Security and Intelligence Police (PAVA) and 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.” (Golkar, 28 April 2015)

No further information could be found on the intelligence unit of the LEF.

5.1.2 Moral Security police including Morality Patrols (Gasht-e Ershad)

A December 2017 United Press International (UPI) article notes that police who “arrest women for violating the Islamic dress code, known as the Gasht-e Ershad or Guidance Police, often round up women and take them to police stations if they were spotted with loosely veiled hair, nail polish or short garments.” (UPI, 29 December 2017)

As Saeid Golkar noted in an April 2015 email response, 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 source indicates that 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.” (Golkar, 28 April 2015)

An April 2016 BBC News article gives the following overview of the Morality (or Guidance) Patrols (Gasht-e Ershad):

“Gasht-e Ershad (Persian for Guidance Patrols), supported by Basij militia [...]

Iran has had various forms of ‘morality police’ since the 1979 Islamic Revolution, but the Gasht-e Ershad are currently the main agency tasked enforcing Iran's Islamic code of conduct in public. Their focus is on ensuring observance of hijab - mandatory rules requiring women to cover their hair and bodies and discouraging cosmetics. [...] They are empowered to admonish suspects, impose fines or arrest members of the public, but under reforms that come into force this year, will soon no longer be able to do any of these things. Instead, 7,000 undercover Gasht-e Ershad agents will be deployed to report suspected transgressions to the police, who will decide whether to take action. The Gasht-e Ershad is thought to draw a lot of its personnel from the Basij, a hard-line paramilitary unit; it also includes many women. [...] They are mainly seen as a scourge for urban women - usually from wealthier social groups - who try to push the boundaries of the dress code. This includes wearing the headscarf as far back on the head as possible, or by wearing looser clothing, especially in the heat of summer, although men sporting ‘Western’ hairstyles are also at risk. Fear of encountering them has even prompted the creation of Android app that helps people avoid Gasht-e Ershad mobile checkpoints. President Hassan Rouhani has expressed opposition to the Gasht-e Ershad, but Iran’s constitution gives him little sway over the security forces.” (BBC News, 22 April 2016)

The pro-government Enghelabe-Eslami.com website informs about the scope of duties of the Morality Patrols (Gasht-e Ershad):

“The duties of Gasht-e Ershad consist in make suggestions to people with regard to Islamic dress. Gasht-e Ershad is not obliged to ensure national security but rather is an auxiliary force subordinate to the security police (which is in charge of overseeing halls, hotels, CD vendors, coffeeshops, internet cafés, and arresting criminals).” (Enghelabe-Eslami.com, 12 October 2017)

An April 2018 article by Radio Free Europe/Radio Liberty (RFE/RL) notes that president Hassan Rouhani has “criticized the morality police’s use of violence against women failing to observe the compulsory Islamic dress code”. Rouhani’s comments came “after mobile footage went viral on Iranian social media showing a female member of the morality police beating a woman whose head scarf was not sufficiently covering her hair”, although the president did not directly refer to the incident. (RFE/RL, 21 April 2018)

5.1.3 Cyber Police (FATA)

A brief summary of the objectives of the Cyber Police (FATA), an institution created in 2011, can be found on the organisation’s undated website:

“The purpose of establishing cyber police is to secure cyber space, to protect national and religious identity, community values, legal liberty, national critical infrastructure against electronic attacks, to preserve interests and national authority in cyberspace and to assure

people in all legal affairs such as economic, social and cultural activities in order to preserve national power and sovereignty.

Cyber police of Islamic Republic of Iran was established in 2011 based on internal and international standards in order to prevent, investigate and combat cybercrime.” (FATA, undated)

A January 2018 report of the Center for Human Rights in Iran (CHRI) notes that the Cyber Police are an entity “under the authority of Iran’s national police, which reports to the Ministry of Interior”. The source notes that “[w]hile that ministry is ostensibly under Rouhani’s authority, [...] the head of the Ministry of Interior cannot be appointed without Khamenei’s approval.” (CHRI, 10 January 2018, p. 19)

The April 2018 US Department of State (USDOS) country report on human rights practices mentions the Cyber Police as one of the government organisations (other examples being the Basij “Cyber Council” and the Cyber Army) that monitored, identified, and countered alleged cyber threats to national security and “especially targeted citizens’ activities on officially banned social networking websites such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government or raised sensitive social problems”. (USDOS, 20 April 2018, section 2a)

A December 2016 article of the Center for Human Rights in Iran (CHRI) reports that:

“A state crackdown on social media ahead of Iran’s 2017 presidential election has resulted in the Cyber Police (FATA) requiring Iranian-owned channels with more than 5,000 followers on the country’s most popular messaging application, Telegram, to seek official permits. Meanwhile, several Iranian-owned Telegram channels have been hacked by state agents [...]. In early December 2016, FATA targeted Telegram channels with 300,000 to 500,000 members that mainly contained posts about entertainment and other non-political issues. The accounts of these channels were hacked just a few days after their administrators were summoned and questioned by FATA.” (CHRI, 9 December 2016)

As reported in a January 2017 article by Radio Zamaneh, a Netherlands-based independent Persian-language broadcaster, the Cyber Police announced that nearly 70 per cent of internet crimes across Iran occur through the instant messaging service Telegram, another 20 per cent on Instagram and another two percent through Whatsapp (Radio Zamaneh, 19 January 2017).

Freedom House’s November 2017 Freedom on the Net 2017 report states that “[i]n June 2015, Iran’s Cyber Police (FATA) created a new unit for monitoring computer games” (Freedom House, 14 November 2017).

5.2 The Ministry of Intelligence (MOI)

Many Western sources refer to this organisation as the “Ministry of Intelligence and Security” (MOIS) which is used as a translation of “Vezarat-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 „Vezerat-e Ettela’at Jomhuri-ye Eslami-ye Iran” (VAJA), which translates as “Intelligence Ministry of Islamic Republic of Iran”. 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.

A May 2018 report of the Congressional Research Service (CRS) states that the Ministry of Intelligence (MOI) is an entity that “conducts domestic surveillance to identify regime opponents” and seeks to “penetrate antiregime cells” (CRS, 21 May 2018, p. 7). As noted by Walter Posch, a senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), the MOI coordinates Iran’s intelligence services (Posch, 13 April 2015).

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 in an older 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)

Meanwhile, a January 2018 report of the Center for Strategic and International Studies (CSIS) mentions that the MOI has around "4,000-6,000" personnel (CSIS, 11 January 2018, p. 4).

An older report of the US Library of Congress (LoC) published in December 2012, which deals extensively with the MOI, notes that occupants of the post of Minister of Intelligence "must hold a degree in *ijtihad* (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)

The December 2012 US Library of Congress (LoC) report describes the role of the MOI within the Iranian intelligence architecture and the Ministry's organisational structure:

"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, pp. 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)

Posch notes that since the MOI was established in 1984, there have been fierce rivalries among intelligence services (Posch, 13 April 2015).

An October 2017 article of the Middle East Institute (MEI), a non-profit think tank and cultural center in Washington, D.C. (author: Ali Alfoneh) states that "the conflict between the country's intelligence agencies has reached an unprecedented level", citing a "recent public row between the Islamic Revolution Guards Corps (I.R.G.C.) Intelligence Organization, the Judiciary and the Ministry of Intelligence":

"On October 8, Gholam-Hossein Mohseni Ezhehi, Judiciary spokesman, announced at a press conference that a certain Abd al-Rasoul Dorri Esfahani, an Iranian-Canadian dual national who represented the Central Bank of Iran at the nuclear negotiations between Iran and world powers, was 'sentenced to five years in prison' on charges of 'espionage on behalf of two [foreign] spy agencies.' However, Intelligence Minister Mahmoud Alavi swiftly dismissed the Judiciary's claim a few days later and added that Esfahani was

‘innocent of any wrongdoing,’ and ‘cooperated’ with the Counter Intelligence Directorate of the Intelligence Ministry during the entire course of the nuclear negotiations. [...]

[F]urther examination of the Esfahani file shows a new level of coordination between the I.R.G.C. and the Judiciary in an attempt to undermine the more professional Intelligence Ministry.” (MEI, 23 October 2017)

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)

A May 2018 report of the Congressional Research Service (CRS) states that the MOI is headed by Mahmoud Alavi (CRS, 21 May 2018, p. 7).

A January 2018 article of the Washington Institute for Near East Policy (WINEP) notes that “[t]he security apparatus, including the Intelligence Ministry [...], mainly recruit from seminary schools, though they too draw from the Basij at times (and many seminary students are Basij members)” (WINEP, 5 January 2018).

The December 2012 LoC 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: nefaq), 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)

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)

The January 2018 WINEP article states that the MOI in order to penetrate Iranian society, "has established Herasat branches in every civilian organization and university in the country, tasking them with identifying potential security threats. Herasat officials reportedly surveil employees (e.g., by monitoring their communications), act as informants, and influence hiring and firing practices". (WINEP, 5 January 2018)

As reported by the Center for Human Rights in Iran (CHRI) press release, in November 2017, the Tehran Revolutionary Court sentenced three activists arrested by MOI agents in March 2017, Majid Assadi, Payam Shakiba, and Mohammad Banazadeh, to imprisonment and exile after the MOI exerted pressure on the court. According to a family member of one of the prisoners, "[t]he lawyers defended their clients in court but the judge found them guilty in the presence of the Intelligence Ministry representative who practically directed the court proceedings". The three men were charged with "propaganda against the state" and "assembly and collusion against national security" on the basis of allegations made by the MOI. The family member is quoted as saying that "[t]he sentences will not stand if the Appeals Court makes a fair judgment because the case is only based on accusations by a representative of the Intelligence Ministry without any evidence and the accused all denied the charges during their interrogation". (CHRI, 4 December 2017)

Another December 2017 CHRI press release states that "Hossein Zaman, a former Revolutionary Guards commander who has been banned from producing or performing music for more than 15 years", is quoted as saying that the ban was imposed on him because the MOI intended to intimidate him into refraining from expressing his political views. (CHRI, 8 December 2017b)

A January 2018 BBC Persian article reports that the MOI has announced to implement “new measures” and to carry out arrests in response to the recent protests in Iran. According to the announcement, “the Ministry [...] has been able to collectively arrest disrupters of public order and security.” The MOI announced the individual or collective “identification and detention” of a number of persons in various cities who, in the Ministry’s view, have been involved in instigating the late December 2017/early January 2018 protests, have committed acts of destruction, and have been linked to foreign countries and entities. The Ministry announced that measures included arresting persons linked to “one of the counter-revolutionary groups based in Europe”, “the evil criminals among those who were mainly behind the riots”, the “perpetrators of damage to religious centres, public and private property”, and “those who incited the people to participate in protests in cyberspace”. The MOI is also quoted as saying that it arrested “the operational core of rioters in Izeh county” (Khuzestan province) and arrested a suspect who “intended to put fire on the house of a town official”. (BBC Persian, 11 January 2018)

5.3 Islamic Revolutionary Guards Corps (IRGC)

The Islamic Revolutionary Guards Corps (IRGC) is referred to as an “elite military force responsible for protecting the Islamic regime from internal and external threats” (DW, 13 October 2017). An October 2017 article by Deutsche Welle (DW) provides the following overview of the IRGC:

“The IRGC was established at the end of Iran’s 1979 Islamic Revolution as an elite armed militia whose role was to protect the then embryonic Shiite clerical regime. It also formed an important counterweight to Iran’s conventional military, many of whose leaders were believed to be loyal to the exiled shah. The IRGC initially operated as a domestic force, but expanded quickly after Iraqi dictator Saddam Hussein invaded Iran in 1980, when Ayatollah Ruhollah Khomeini gave the group its own ground, naval and air forces. [...] Some analysts have argued the IRGC has since become a state-within-a-state, a visible manifestation of what is usually referred to as the ‘deep state’ in other — less authoritarian — countries. The IRGC’s role is enshrined in the constitution and it answers only to Iran’s supreme leader, Ayatollah Ali Khamenei, thus also endowing it with an enormous range of legal, political and in effect also religious powers.” (DW, 13 October 2017)

Sinkaya (2016), in an historical overview, explains that the relationship between the IRGC and the older (conventional) Army of the Islamic Republic of Iran (Artesh) has been “complicated” since the early years of the Islamic Republic when the IRGC was “informally tasked with surveillance over the Army” due to the new leaders’ suspicions towards former members of the Shah’s apparatus. The author states that the two entities have “maintained their separate institutional and administrative structures, each with its own ground force, air force, and navy” as the IRGC “evolved into a gigantic military organization in just a decade”. (Sinkaya, 2016)

As noted in a May 2018 Congressional Research Service (CRS) report, the IRGC is “generally loyal to Iran’s political hardliners” and more politically influential than the country’s (numerically larger) conventional armed forces (CRS, 23 May 2018, p. 19).

Sinkaya notes that the Supreme Leader directly appoints the Commander of the IRGC and, upon recommendation of the IRGC Commander, the senior ranks of the organization including the commanders of the five IRGC forces (ground forces, air forces, navy, the Basij, and the Qods Force) and the head of the IRGC Organization of Security and Intelligence. It is further noted that “the Leader also has exclusive authority to promote senior officers”, with “[t]he promotion of Guards members with the rank of *sartip* (major general) and above” being “within the exclusive jurisdiction of the leader”. (Sinkaya, 2016)

Sinkaya also notes that a representative of the Supreme Leader who “reports directly to the Leader” and “is not accountable to anyone within the IRGC for his duties and activities”, occupies the ideological-political directorate within the IRGC. He is in charge of “supervision of the IRGC Command and approval of its decisions” as well as “overseeing the religious and ideological training of the Guards and supervising its publications”. The author goes on to elaborate that “[t]he representative is authorized with establishing his own offices, which are dispersed to all units in parallel with the command structure of the IRGC”. These offices employ “numerous clerics called the ‘political guides’” who “operate under the supervision of the representative”. It is also noted that the representative is “responsible for the approval of promotions, appointments, and dismissals of IRGC commanders and has a supervisory role in the admissions process”. (Sinkaya, 2016)

The same author notes that as a result of the “the institutional relationship between the Leader and the IRGC” which “aims to secure fidelity of the Guards to the former”, “the declarations, order, and instructions of the Leader [...] are considered by the Guardsmen equal to law”. Moreover, “in case of conflict between the laws and instructions of the Leader, the Guards tend to prefer the latter”. (Sinkaya, 2016)

As noted in the May 2018 CRS report, Ali Jafari, who has been the overall commander of the IRGC since September 2007, is “considered a hardliner against political dissent and a close ally of the Supreme Leader” (CRS, 23 May 2018, p. 19).

Sinkaya (2016) highlights the IRGC’s influence on politics and wider society:

“Operating within the institutional framework drawn above, the IRGC has some mechanisms that help it influence the decision-making processes and politics in the country. First, membership of IRGC Commanders to the SNSC [Supreme National Security Council] provides a platform for the Guards to present their views and ideas on matters under consideration by the ruling civilian elites. Second, informal networks and personal relations have a considerable role in the IRGC’s relationship with other institutions. The IRGC is supposed to have former comrades, supporters, constituents, and allies in different organizations. [...]

Finally, the IRGC has the capacity and capability to reach wider segments of society with its numerous publications, websites, and the organizational capacity of the Basij. The Basij is found in almost all ministries, governmental institutions, universities, and neighborhoods. Through its control over the Basij, the IRGC has the capability to penetrate into many areas of society. Either via the Basiji organizations or through its numerous publications, the IRGC

has attempted to disseminate its values, concerns, and views on major developments to the majority of Iranians.” (Sinkaya, 2016)

Michael Connell, director of the Iranian Studies Program at the Center for Naval Analyses, wrote in an October 2010 article:

“In 2005, the IRGC announced that it was incorporating a flexible, layered defense — referred to as a mosaic defense—into its doctrine. The lead author of this plan was General Mohammad Jafari, then director of the IRGC’s Center for Strategy, who was later appointed commander of the IRGC.

As part of the mosaic defense, the IRGC has restructured its command and control architecture into a system of 31 separate commands—one for the city of Tehran and 30 for each of Iran’s provinces. The primary goal of restructuring has been to strengthen unit cohesion at the local level and give commanders more latitude to respond to potential threats—both foreign and domestic.” (Connell, 11 October 2010)

A January 2018 article of the Washington Institute for Near East Policy (WINEP) (author: Saeid Golkar) describes the IRGC as a rather “decentralized system, with ten regional headquarters that each command a handful of provincial corps (sepah-e astani).” These units were restructured in this way so that “they could operate autonomously, defending the regime against both high-intensity warfare and low-intensity internal challenges such as insurgency” (WINEP, 5 January 2018). The same source goes on to elaborate on the role of the IRGC Ground Forces and the Basij units:

“All members of the IRGC Ground Forces and Basij report to their local IRGC provincial corps. The missions for each corps include defending their provincial boundaries and suppressing unrest, which is accomplished by a security brigade (yegan-e amniat) consisting of IRGC Ground Forces and Basij units. Indeed, the Ground Forces have mainly been geared toward quelling internal disorder since the early 2000s, leaving the regular army to defend Iran’s external borders. Some Ground Force units are similar to conventional army units, while others are trained for covert missions and asymmetric warfare, but most of them consist of light infantry trained and equipped for internal security tasks.” (WINEP, 5 January 2018)

In a May 2018 interview with Deutsche Welle (DW), Walter Posch states that previously the core of the IRGC consisted of 15 armed divisions dating from the Iran-Iraq War. These divisions were dissolved during a large-scale reform in 2009. Currently, there are paramilitary IRGC security units in every province. (DW, 11 May 2018)

The May 2018 CRS report refers to the IRGC as the “key organization for maintaining internal security”, with the “Basij militia, which reports to the IRGC commander in chief, operat[ing] from thousands of positions in Iran’s institutions”. As of 2008, the Basij force has been “integrated at the provincial level with the IRGC’s provincial units”. (CRS, 23 May 2018, p. 19)

For information regarding the military role of the IRGC Ground Force, Navy and Air Force, the foreign policy role of the IRGC Qods Force (QF) and the IRGC's involvement in economic matters, please see page 19 of the same report:

- CRS - Congressional Research Service: Iran's Foreign and Defense Policies, 23 May 2018
<https://fas.org/sgp/crs/mideast/R44017.pdf>

With regard to recruitment of new members, the January 2018 WINEP article indicates that “[s]ince 2000, all IRGC members have been recruited from established Basij and IRGC families”. It is further mentioned that the security apparatus, including the IRGC-IO, “mainly recruit from seminary schools, though they too draw from the Basij at times (and many seminary students are Basij members)”. (WINEP, 5 January 2018)

According to a January 2018 report of the Center for Strategic and International Studies (CSIS), the IRGC has 125,000 personnel (CSIS, 11 January 2018).

5.3.1 IRGC Intelligence Organisation

A March 2017 article of the Campaign for Human Rights in Iran (CHRI) states that the IRGC Intelligence Organisation (IRGC-IO) was created by Supreme Leader Ali Khamenei “in 1997 after the election of reformist President Mohammad Khatami” and that the presidency has “no control over” this institution. The article adds that “Amid the protests against the contested presidential election in 2009, Khamenei expanded the organization’s powers”. (CHRI, 16 March 2017)

An April 2018 article by Radio Farda, the Persian-language broadcaster at Radio Free Europe/Radio Liberty (RFE/RL), notes that the IRGC-IO is “closely tied to Supreme Leader Ayatollah Ali Khamenei” and “operates parallel to President Hassan Rouhani’s Intelligence Ministry” (Radio Farda, 22 April 2018).

A November 2015 article of the Washington Institute for Near East Policy (WINEP) provides an historical overview of the IRGC Intelligence Organisation (IRGC-IO) [called “IRGC Intelligence Directorate” up to 2009, remark by ACCORD]:

“The IRGC-IO was established by Ayatollah Ali Khamenei in 1997 after the election of reformist president Mohammad Khatami as an alternative organization with functions that parallel the Ministry of Intelligence and Security (MOIS). The IRGC-IO has largely taken over domestic security, though MOIS shares responsibilities for actively thwarting reformists and preventing internal unrest. Shortly after its establishment, the IRGC-IO appears to have been instrumental in suppressing the 1999 student uprisings. [...]

After the contested 2009 presidential elections, Khamenei directed a major reorganization that expanded the IRGC-IO’s intelligence and security powers. In July 2009, Khamenei appointed regime loyalist and close confidant Hossein Taeb, formerly MOIS deputy commander of counterintelligence (1989-1997) and commander of the paramilitary Basij (2008-2009), to head the IRGC-IO. Taeb had been Khamenei’s student in the early days of the 1979 Islamic Revolution and befriended Khamenei’s son during the Iran-Iraq War.” (WINEP, 25 November 2015)

A June 2015 article of the Foundation for the Defense of Democracies (FDD) (authored by Ali Alfoneh), states that Taeb was appointed head of the IRGC Intelligence Directorate in October 2009 after overseeing the violent crackdown on anti-government protests earlier the same year as commander of the Basij Resistance Force. According to the article, this reflected the Supreme Leader's dissatisfaction with the Ministry of Intelligence's "inability to prevent the unrest" (FDD, 19 June 2015). At the same time, "Khamenei issued an edict promoting the IRGC intelligence apparatus to the level of an organization practically on par with the government's Intelligence Ministry" (Radio Farda, 22 April 2018). The Intelligence Directorate was thus renamed "IRGC Intelligence Organisation" (FDD, 19 June 2015).

A May 2018 CRS report even states that in 2009, the Supreme Leader "gave the IRGC's intelligence units greater authority, surpassing that of the Ministry of Intelligence." (CRS, 23 May 2018, p. 19)

The November 2015 WINEP article points to the "IRGC-IO's lack of accountability to normal government oversight". It is also noted that there is a "longstanding bureaucratic rivalry" between the IRGC-IO and the MOI. While President Rouhani has control over the MOI and appoints its senior ranks, the president "exerts no authority over the IRGC-IO or the IRGC commander". (WINEP, 25 November 2015)

In a May 2018 interview with Deutsche Welle (DW), Walter Posch states that the IRGC has an intelligence organization of its own which acts in a very independent manner and over which even the IRGC Commander has very limited control as it reports directly to the Office of the Supreme Leader (DW, 11 May 2018). As noted by Saeid Golkar in his 2015 book *Captive Society*, "the intelligence branch of the IRGC's activities has increased dramatically since 2009" (Golkar, 2015, p. 90).

As the same article notes, Supreme Leader Ali Khamenei stated in September 2015 that no other organisation bears the "institutional responsibility to protect the Islamic Revolution like the IRGC" and called on the IRGC-IO to "constantly monitor all issues and identify threats" to the existing political order. Later the same year, the IRGC-IO "led the investigation and subsequent arrest of Iranians accused of ties to Western intelligence agencies" and "spearheaded a drive against a 'new wave of sedition,' arguably the largest state crackdown since 2009":

"It has arrested at least nine journalists, activists, and businessmen. On October 16, the IRGC-affiliated Fars News Agency reported that Gerdab -- an outlet of the IRGC-IO's cyber division used to publish pictures and identify protestors during the 2009 crackdown -- had arrested another 170 individuals associated with social media websites accused of spreading anti-regime propaganda." (WINEP, 25 November 2015)

The same article goes on to say that "[t]he Taeb-led IRGC Intelligence Organisation intensified its operations against 'the sedition', [fetneh], revolutionaries real and imagined, cybercrime and Iran's ethnic and religious minorities", noting that agents of the IRGC-IO "systematically censor the internet, engage in cyber-warfare and arrest dissident bloggers" (FDD, 19 June 2015).

The November 2015 WINEP article states that “under [Hossein] Taeb’s leadership, the IRGC-IO has arrested and interrogated thousands of Iranians accused of being part of a Western-fomented ‘velvet revolution’ to topple the Islamic Republic”. It is noted that the IRGC-IO “used the threat of Western infiltration to justify broadening its interrogation and arrest powers, increasing its supervisory role over the media, and tightening regime control of cyberspace”. (WINEP, 25 November 2015)

The CHRI reported that increasing numbers of arrests were carried out by the MOI ahead of the May 2017 presidential elections which may reflect a “growing rivalry between the Intelligence Ministry and the Islamic Revolutionary Guard Corps’ (IRGC) Intelligence Organization, which has also stepped up its arrests” (CHRI, 16 March 2017).

The April 2018 Radio Farda article notes that “analysts and legal experts” including the deputy speaker of the parliament, Ali Motahari, “maintain that the existence of the Intelligence Organization -- and specifically its interference in cases related to espionage -- explicitly violates the Iranian Constitution”. (Radio Farda, 22 April 2018)

Radio Farda notes that the IRGC-IO “has detained several people charged with espionage, including Abdolrasoul Dorri Esfahani, an Iranian accountant and member of Rouhani’s delegation in Tehran’s nuclear talks with global powers that led to the Joint Comprehensive Plan of Action (JCPOA) in 2015”. Moreover, the organisation “detained several prominent environmentalists on January 24 [2018], including the Iranian-Canadian founder of Iran’s Wildlife Heritage, Kavous Seyyed-Emami” who was found dead in Tehran’s Evin prison two weeks later. It is noted that “Seyyed-Emami and his fellow environmentalists were charged with espionage, while the chairman of the parliamentary Environment Faction, Mohammad Reza Tabesh, cited top officials of the Intelligence Ministry as dismissing the allegation”. (Radio Farda, 22 April 2018)

The January 2018 WINEP article (author: Saeid Golkar) notes similarly to the MOI’s Herasat network, the IRGC-IO “has its own broad social network, the Basij intelligence staff (stead-e khaberi-e Basij), whose members are present throughout Iran’s estimated 4,000 Basij districts”. It is noted that “[m]uch like the Herasat, Basij intelligence officers act as the regime’s eyes and ears by monitoring citizen activities and keeping files on local activists.” (WINEP, 5 January 2018)

5.3.2 *Basij force*

In his 2015 book *Captive Society: The Basij Militia and Social Control in Iran*, Saeid Golkar writes that “[t]he Organization for the Mobilization of the Oppressed (Sazeman-e Basij-e Mastazafan), commonly referred to as the Basij”, was “[c]reated by the command of Ayatollah Ruhollah Khomeini” and “has the specific goal of confronting internal and external threats” to the Islamic Republic. (Golkar, 2015, p. 13)

A May 2018 report of the US Congressional Research Service (CRS) refers to the Basij as a “volunteer militia under IRGC control” (CRS, 23 May 2018, p. 18).

A brief historical overview of the Basij force is provided in a December 2016 article of the Washington Institute for Near East Policy (WINEP):

“The Basij are a volunteer-based paramilitary force formed soon after the 1979 revolution. During the Iran-Iraq War, they assumed their main role of augmenting the IRGC by supplying a stream of short-term volunteers, quickly gaining a reputation as either martyrdom-seeking devotees or ill-trained cannon fodder. It was not until late 2009 -- after ‘Green Movement’ protestors took to the streets en masse to dispute the presidential election -- that the Basij were fully integrated into the IRGC’s ‘mosaic defense’ provincial security architecture, gaining their own professional cadre in the process.” (WINEP, 20 December 2016)

A January 2018 Radio Farda article provides an account of the Basij force’s role since its creation in 1979/1980:

“Shortly after the 1979 revolution, Ayatollah Ruhollah Khomeini, the founder of Iran’s Islamic Republic, gave a speech to the Islamic Revolutionary Guards Corps (IRGC) and emphasized that the country needed a 20 million-strong army to be able to defend itself against its enemies, particularly the United States. Iranian sources consider that date the official establishment of the Basij (the name means mobilization). However, the related law was only passed in June 1980. It states that the purpose of the Basij is ‘to train and organize all volunteers for encountering any threat and invasion against the accomplishments of the Islamic revolution from inside and outside.’ The law also places the Basij organization under the control of the supreme leader; however, in practice, it has always been supervised by the IRGC. When Iraq under Saddam Hussein invaded Iran in September 1980, the ayatollahs faced a challenge in defending the country. They had weakened the country’s military by executing or imprisoning many high-ranking military officers, allegedly for being loyal to the previous regime or being involved in suppressing the revolutionaries. Under such circumstances, the Basij started to recruit millions of volunteers for the war. Without the contribution of the so-called Basijis, Iran most probably would have lost the war to Saddam’s army. When the war was over, the IRGC started to use the Basij for staging propaganda events in support of the regime. For instance, when the supreme leader calls for a rally in support of the system or against Western countries, the Basijis are the first on the scene and encourage or even force others to attend. During the presidency of Mohammad Khatami (1997-2005), who attempted some political reforms, Basijis became thugs attacking reformist politicians, journalists, students, or anyone critical of the conservative establishment. The height of their notoriety was the protests against the re-election of Mahmud Ahmadinejad as Iran’s president in 2009, when they were armed by the IRGC to suppress protesters. In addition to beating up supporters of the so-called Green Movement and handing them over to security forces, they were also responsible for killing dozens. [...] The Basij also does significant recruitment in schools. The recruits are separated into categories, ‘Omidan’ (Hopes, in elementary schools); ‘Pouyandegan’ (Seekers, in middle schools) and ‘Pishgaman’ (Standard Bearers, in high schools).” (Radio Farda, 4 January 2018)

A January 2018 article of the Washington Institute for Near East Policy (WINEP) (author: Saeid Golkar) refers to the Basij as the “largest civil militia organization in the world, with around five million members spread among twenty-four branches and divided into four main rankings: regular, active, cadre, and special. It is noted that the Basij form “a cluster network consisting of Basij bases, districts, and regions”:

“Although the bases are the lowest organizational level, their high visibility (50,000 locations throughout Iran) makes them the Basij’s true grassroots backbone. Each Basij resistance district controls ten to fifteen bases and is home to local security and military forces. These districts are in turn controlled by IRGC regional branches. Depending on size, some cities have more than one IRGC region (e.g., Tehran).” (WINEP, 5 January 2018)

The US Department of State (USDOS) country report on human rights practices during the year 2017, published in April 2018, notes that “Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code, without formal guidance or supervision from superiors” (USDOS, 20 April 2018, section 1d).

A May 2018 report of the Congressional Research Service (CRS) states that the Basij force “monitors adherence to the regime’s directives and compliance with the country’s law and customs”. The source notes that the Basij is “accused of arresting women who violate the regime’s public dress codes and raiding Western-style parties in which alcohol [...] might be served” (CRS, 21 May 2018, p. 6).

The January 2018 WINEP article highlights tactics used by the Basij force in suppressing political dissent:

“To be sure, not all Basij members are involved in political suppression. Yet the organization has several security and military units composed of active or volunteer members, including the Imam Ali Security Battalions. These personnel undergo training in special tactics such as the use of bespoke weapons and motorcycles to suppress unrest. Some active Basij members are organized into rapid-reaction battalions called the Beit al-Muqaddas, with responsibility for defending vital installations in their neighborhoods. [...]

Plainclothes Basij officers are responsible for penetrating demonstrations, identifying activists, and misleading protestors. Other Basij members deploy near police personnel, recording videos and occasionally attacking people. In some cases, they use motorcycles to take control of the streets, contain unrest, and intimidate protesters, using force as needed to scatter people.

Tellingly, the NAJA requested help from some Basij districts after the latest protests expanded. Although the police were not completely ready for crowd control operations in 2009, they are more prepared today, with some eyewitnesses noting their increased efficiency. This is especially true in large cities, where they have practiced anti-riot missions for years. In smaller towns, however, inexperienced or minimally trained personnel are often involved in such missions, resulting in greater casualties due to fear and unprofessionalism.” (WINEP, 5 January 2018)

A January 2018 report of the Center for Strategic and International Studies (CSIS) explains that the Basij force has “evolved steadily since the end of the Iran-Iraq War, and large elements are now local paramilitary security forces tied to the IRGC”. The same source comments on estimates regarding the strength of the Basij force:

“Iranian official estimates sometime put their total part-time and full-time strength at more than 20 million, and other estimates indicate a core strength of 90,000, and up to 600,000 with some kind of mobilization potential. These numbers are soft to say the least, and being a regular soldier or conscript, or policeman, has never meant that any given case is a strong supporter of any regime.” (CSIS, 11 January 2018, p. 4)

A May 2018 report of the US Congressional Research Service (CRS) puts the strength of the Basij force at 100,000:

“Security forces number about 40,000-60,000 law enforcement forces, with another 100,000 Basij (volunteer militia under IRGC control) permanently deployed. Hundreds of thousands of additional Basij could be mobilized in the event of an all-out war.” (CRS, 23 May 2018, p. 18)

An article of the WINEP (author: Farzin Nadimi) notes that in December 2016, Supreme Leader Ali Khamenei appointed a new chief of the Basij force, Gen. Gholam Hossein Gheibparvar, who “replaced Muhammad Naghdi, who had held the job for seven years”. The article provides the following details on Gheibparvar:

“Gheibparvar, an avid proponent of meticulous intelligence preparedness in both ‘hard’ and ‘soft’ warfare, helped crush that year’s unrest in Tehran and several other major cities in his capacity as an IRGC divisional commander. Previously, he led the Imam Hossein HQ, succeeding his mentor Gen. Hossein Hamedani.” (WINEP, 20 December 2016)

The same article goes on to elaborate on the Imam Hossein Headquarters:

“That headquarters reportedly oversees around 500 Basij battalions throughout Iran’s thirty-one provinces. Attached to their respective provincial IRGC units, these so-called ‘independent’ Imam Hossein (IH) battalions are said to undergo a gradually expanding range of specialized training, including urban and nuclear/biological/chemical warfare. They are tasked with quelling domestic disturbances and supporting the IRGC in defending against foreign invaders. The IRGC’s special Muhammad Rasoul Allah Corps in Tehran has a sizable Basij contingent specifically tasked with securing the capital area. The Basij have also reportedly organized a large number of Beit al-Moqadass reserve battalions that can quickly assemble and augment IH battalions in times of emergency.” (WINEP, 20 December 2016)

5.4 Cyber-surveillance agencies and groups

This section covers cyber-surveillance actors with the exception of the Cyber Police (FATA) of the Law Enforcement Forces, which has been covered in [section 5.1.3](#) of this compilation.

The November 2017 Freedom House Freedom on the Net 2017 report provides an overview of what it refers to as the “top internet policy body”, the Supreme Council of Cyberspace (SCC):

“The SCC was established by a decree issued by Khamenei in March 2012 and is composed of 17 representatives from government institutions and 10 members appointed by the supreme leader. It is intended to provide a centralized focal point for policymaking and the regulation of Iran’s virtual space, effectively minimizing the roles of the executive, legislative, and judicial branches of the government and bringing Internet policy under Khamenei’s direct control. [...]

The SCC has been routinely criticized for being disorganized, not holding enough meetings, and has even been rebuked by Khamenei for not doing enough to encourage Iranians to use the Internet in a ‘clean’ and Islamic fashion. In September 2015, Khamenei consolidated the SCC’s power over internet policy and made some personnel changes to the council. In April 2016, the supreme leader dissolved the High Council of Informatics, the Supreme Council of Information, and the Supreme National Security Council of Information Exchange (AFTA), incorporating their powers into the SCC.” (Freedom House, 14 November 2017)

A January 2018 article of the Center for Human Rights in Iran (CHRI) provides the following details on the SCC:

“Khamenei centralized decision-making power over the internet in Iran’s Supreme Council of Cyberspace. This 27-member body, formed on March 8, 2012 on Khamenei’s orders, is chaired by Iran’s president, but because all its individual members and most of those who represent organizational entities are handpicked by the supreme leader, the president and others from his cabinet who serve on the council have a more marginalized role in it. Indeed, this move significantly restricted the power of the president and his administration over internet policy, whose current members include many who favor a less restrictive online environment.” (CHRI, 10 January 2018, p. 18)

The same article notes that several organisations that were previously involved in internet policy-making (including the Supreme Council of Informatics, the Supreme Council of Information and the Supreme Council of Information Exchange) were dissolved and merged into the SCC. (CHRI, 10 January 2018, p. 18)

The same article goes on to list a number of other institutions that have an “important role in shaping internet policies and use in Iran” while being “similarly under the direct or indirect control of Khamenei”. These include the Working Group to Determine Instances of Criminal Content, the principal body charged with making internet filtering decisions (It reports to the judiciary, whose head is under the authority of the Supreme Leader), the judiciary itself, which has the “power to shut down websites or applications, order the deletion of content, and order filtering” (just as the Cyber Police), and the Ministry of Islamic Guidance, which “also can limit users’ access to information”. It is noted, meanwhile, that “it is direct interventions by Iran’s security and intelligence agencies, in particular Iran’s Islamic Revolutionary Guard Corps (IRGC), which also report directly to Supreme Leader Khamenei, that have come to play an increasingly important role in shaping the country’s internet policies”:

“For example, Iran’s Telecommunications Company, which is owned by the IRGC, is one of the principal entities involved in the design and development of the National Information

Network (NIN), Iran's state-controlled and censored internet, according to the NIN's documents on the Ministry of Communication's website. In addition, CHRI has learned from sources who attended high-level policy meetings organized to address the implementation of the NIN that security and intelligence agents from the IRGC were not only regularly present, but served as the principal decision-makers at the meetings.

In addition, the Intelligence Organization of the IRGC assumes a lead role in targeting individuals, organizations and websites for surveillance and cyberattacks. For example, they directed and led the 'Spider' operation, aimed at monitoring and bringing down social media networks that facilitated western cultural 'infiltration.' (CHRI, 10 January 2018, pp. 18-20)

The April 2018 US Department of State (USDOS) country report on human rights practices states that "[t]he government collected personally identifiable information in connection with citizens' peaceful expression of political, religious, or ideological opinion or beliefs" and that "[i]n August [2017] the SCC announced new regulations requiring that all foreign social media platforms, like Telegram, move all their data to servers inside the country or risk being closed" (USDOS, 20 April 2018, section 2a).

The January 2018 CHRI report notes an increase in "cyberattacks on the social networks accounts of civil and political activists, journalists, academics and influential cultural figures" during President Rouhani's first term in office (2013-2017):

"Two state organizations are responsible for the vast majority of the attacks: the Islamic Revolutionary Guard Corps (IRGC) and, to a lesser extent, the Intelligence Ministry. [...]"

The nature of the attack varies depending on the motives. The attackers may hack into the account and not disrupt anything, in order to conduct covert surveillance. They may take control of the account and use it to attack someone else's account, or less frequently, to spread false information. When the goal is to stop a website from publishing the news or some piece of information, they will simply bring the website down. [...]"

The attacks are usually not technically sophisticated and in some cases, including those that involve Android malware attacks, use tools that can be purchased for approximately \$50 USD. Yet they can be effective for hacking individuals who, like most people, are not sufficiently familiar with basic security requirements." (CHRI, 10 January 2018, pp. 48-49)

The same source goes on to note that "cyberattacks have not been limited to individuals inside the country" but have "also targeted hundreds of civil and political activists outside Iran" as well as "several public figures within President Rouhani's administration" (CHRI, 10 January 2018, p. 48).

The April 2018 USDOS country report on human rights practices highlights the role of the Ministry of Culture and Islamic Guidance in matters in granting permissions to internet service providers:

“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 agencies that comprise the Commission to Determine the Instances of Criminal Content (also referred to as the Committee in Charge of Determining Unauthorized Websites or Committee in Charge of Determining Offensive Content), the governmental organization that determines censoring criteria. These include the Ministry of Culture and Islamic Guidance, Ministry of Information and Communications Technology, Intelligence Ministry, and the Tehran Public Prosecutor’s Office.” (USDOS, 20 April 2018, section 2a)

The same source notes that “[g]overnment organizations, including the Basij ‘Cyber Council,’ the Cyber Police, and the Cyber Army, which observers presumed to be controlled by the IRGC, monitored, identified, and countered alleged cyber threats to national security”. The source specifies that “[t]hese organizations especially targeted citizens’ activities on officially banned social networking websites such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government or raised sensitive social problems.” (USDOS, 20 April 2018, section 2a)

A January 2018 report of the Carnegie Endowment for International Peace indicates that “Iran’s offensive cyber activities are almost exclusively overseen by the IRGC” (with little prospect of oversight of elected officials) and “composed of a scattered set of independent contractors who mix security work, criminal fraud, and more banal software development”. The report notes that “[w]hile the relationships between proxies and governments can range from passive support to complete control, Iran’s indigenous threat actors maintain an arm’s-length relationship to the state, with certain operations orchestrated to meet the needs of the government”. (Carnegie Endowment for International Peace, 4 January 2018, p. 17)

The same source goes on to provide details on the nature of cyber operations conducted by Iranian groups against foreign and domestic targets over the past years:

“After successfully suppressing the 2009 Green Movement and first detecting the Stuxnet attack in 2010, Iranian threat actors conducted sustained campaigns against domestic and foreign adversaries. These indigenous operations appear to be performed by small groups of individuals that have varying levels of technology experience with no more than ten people per team. These campaigns and the resources produced by the groups range from rudimentary to relatively professional, but most actors still face a low capacity ceiling. [...]

Iranian threat actors conduct campaigns with established toolkits that sometimes last for years and ensnare hundreds of targets. However, the fluid nature and decentralization of these groups make them relatively difficult to track. Malware that is publicly attributed to Tehran is often abandoned immediately on exposure, and identifiable members appear to change groups over time. Some groups seem to split up, have members move elsewhere, or even collaborate, further blurring lines. For example, while an IRGC-affiliated group labeled Rocket Kitten was the most active operator for a two-year period (2014–2016), attracting press attention as Iran’s premiere threat, it has since faded into quiescence, eclipsed by the actor Oilrig.

Despite their substantial financial impact, Tehran's disruptive operations against foreign targets have been technically simple. The compromise of a small number of IT personnel enabled the destruction of data on computers maintained by Saudi Aramco, eventually resulting in hundreds of millions of dollars in damage. In only a few campaigns have Iranian threat actors shown the professionalism and sophistication approaching that expected of a nation-state actor; in one such case, the operation could be tied directly to the Ministry of Intelligence (Magic Kitten, discussed later). [...]

While sophistication alone can be a superficial metric of posed threat, Iranian operations do not demonstrate the common technical precautions taken by other nation-state actors (such as obfuscating malware), and, even with strong social engineering capabilities, attacks are often betrayed by a lack of investment in nontechnical resources (such as fluency in English or personal tailoring of messages). These resource constraints also account for why Iranians are more effective at compromising dissidents—Iranian threat actors understand their target's context and language, as opposed to when they are tasked with European languages or other cultures. [...]

It is often difficult to determine the origins and perpetrators of Iranian offensive cyber operations, as these campaigns may disappear as quickly as they appear. Public exposure often leads them to change tactics and abandon tools, making tracking even more difficult. The history of cyber operations targeting Iranians and originating from Iran is populated by groups that arise out of nowhere and conduct campaigns for ambiguous reasons over a finite time span, then disappear.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 17-22)

The same source indicates that “[i]n only two incidents” (in 2010 and 2013) have Iranian government entities taken direct credit for the defacement of political opposition sites, both attributed to branches of the Revolutionary Guard” (Carnegie Endowment for International Peace, 4 January 2018, p. 22). The source notes that “[i]n most cases, Iran uses cutout or proxy organizations”:

“These cutouts represent themselves as patriotic Iranians or pan-Islamic movements acting independently in defense of the supreme leader, national sovereignty, and religious ideals. Conducting offensive cyber operations through covert organizations provides Tehran plausible deniability for any attacks, thereby protecting its claim to victimhood while also allowing the state to signal its intentions to its opponents. [...]

When the U.S. Justice Department unsealed its Operation Ababil indictment in March 2016, it named two Iranian corporate entities that employed at least seven individuals who had been contracted by the Iranian government. The indictment implicated three of the participants as being part of the Sun Army, an Iranian cutout defacement group. The Sun Army followed the typical pattern found with the Iranian Cyber Army and other state-aligned defacements, arising out of nowhere to perform targeted political acts over a short life span. [...]

As Iran's cybersecurity landscape has professionalized, some defacement groups have sought to convert their infamy into corporate success. Based on the disclosure of personal

information about threat actors, there are indications that those engaged in Iranian offensive cyber operations work within corporate entities (such as IT consultancies) or contractors of Iranian security forces. [...]

The transition of amateur hackers into contractors for state security agencies is reflected in basic qualities and patterns of life found across most threat actors. There are clear indications that the threat actors documented are solely Iranians operating inside Iran, not diaspora Iranians or non-Iranians. At the most basic level, they tend to follow the normal patterns of life of office workers, being active during the Iranian workweek (Saturday through Wednesday) and dormant during Iranian holidays, particularly the long holiday of Nowruz, the Persian New Year. [...]

While those behind the groups may be nationalists or ideologically aligned with the regime, they do not appear to be enrolled members of the military or security apparatus. These individuals and groups also differ in social and religious predilections; some participants promote the use of narcotics and trade pornography on personal social media, while others are devoutly religious and embed Islamic references in malware code. Iranian threat actors have often used pornography as bait in their spearphishing campaigns and display an irreverent sense of humor.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 23-24)

The same source summarizes various measures taken by the Iranian authorities to “respond to the challenges posed by the internet to the state’s information and communication monopoly”:

“Among their first responses was mandatory content filtering, which entailed blocking access to any sites considered pornographic, antireligious, or politically subversive. With the increased availability of circumvention tools, however, filtering became less effective. Subsequently, basic offensive cyber operations, such as disrupting adversarial sites during the Green Movement, gave the regime the ability to reassert some control over information flows and project the illusion of the Islamic Republic’s dominance over the internet.

Iranian cyber operations are highly adaptable as the online platforms and tools used by the public change. For example, after Iranians shifted to Telegram because of its unfiltered public chat feature and security claims, so too did the attention of Iranian threat actors. Alongside credential theft operations targeting Telegram users, one threat actor appears to have gone as far as mapping all the Telegram accounts connected with Iranian telephone numbers. This information-gathering operation had deeper ties to efforts to target the chat application’s users and aligned with recurrent arrests of administrators from critical Telegram groups. This learning process is repeated elsewhere, including for mobile phones and Macintosh computers.” (Carnegie Endowment for International Peace, 4 January 2018, p. 40)

The same report notes that “state-aligned offensive cyber operations routinely focus on similar classes of targets”, particularly “[g]overnment officials”, “[r]eformist politicians”, “[m]edia professionals”, “[r]eligious minorities”, “[c]ultural figures” and “[o]pposition groups, terrorist

organizations, and ethnic separatist movements” (Carnegie Endowment for International Peace, 4 January 2018, p. 40).

According to the Carnegie Endowment for International Peace, Cyber operations against government officials “have sought to compromise members of Hassan Rouhani’s government[...] and the state’s bureaucratic institutions” including Iranian diplomats (Carnegie Endowment for International Peace, 4 January 2018, p. 41). The same source provides an overview of cyber operations targeting reformist politicians:

“The cyber operations against reformists have been broad, successful, and frequent. One threat actor maintained access to a computer used by a reformist cleric and a deputy at a prominent Iranian university for months, watching him conduct political operations and media interviews. Similarly, in December 2015 the Facebook account of Gholam Ali Rajaei, a political activist close to former president Akbar Hashemi Rafsanjani, was used to spearfish the accounts of journalists and others. The previous year, that same threat actor, Rocket Kitten, had also successfully compromised a number of former parliament members and other reformists in the diaspora, some of whom were later arrested.

Young activists mobilizing for reformists were targeted with malware and credential theft operations in the lead up to the February 2016 parliamentary election, particularly those connected to female candidates. The targeting often aligns with offline pressure from the IRGC and Intelligence Ministry: when the office of one reformist close to Rouhani was raided in May 2017, he was targeted in repeated spearphishing attempts. Despite the ascent of moderates to more positions of power, reformists remain a primary target of the government’s cyber capabilities.” (Carnegie Endowment for International Peace, 4 January 2018, p. 43)

Then same source goes on to report on operations against media professionals:

“Iranian cyber operations have repeatedly focused on journalists working with reformist media outlets and international satellite broadcasters that fall immediately outside the strict state-sanctioned narratives. Multiple Iranian threat actors conducted numerous credential theft attempts, using fake service notifications, against Iran-based foreign correspondents and Iranian journalists working for prominent publications such as Shargh and the Iranian Labor News Agency. Similarly, freelance reporters inside Iran are frequently compromised through fictitious personas that send them malware purporting to be news content. These campaigns have often targeted publications that would later be closed and journalists who would be detained by Iranian security forces. These incidents are also often timed with elections, normally periods when the government has more aggressively prosecuted journalists.” (Carnegie Endowment for International Peace, 4 January 2018, p. 43)

The source summarizes operations against Baha’is and other religious minorities as follows:

“Prominent members of the faith, including the diaspora relatives of imprisoned Baha’i leaders in Iran, continue to be subjected to sustained cyber operations. Similarly, cutout groups as recently as February 2017 defaced Baha’i sites with pro-regime propaganda

coinciding with events such as the anniversary of the Islamic Revolution. The ongoing targeting of the Baha'i and the defacement of their sites underscores the Iranian regime's concern with organizations it perceives as subversive and its use of disruptive attacks to buttress the ideological agenda of the state.

The religious targets of Iranian cyber operations have not been limited to aggressively marginalized groups such as the Baha'is but also include recognized religious communities such as Christians, Jews, Zoroastrians, and Sunni Muslims. In one example, a mainstream Jewish community leader in Tehran was compromised through malware and surveilled as he went about coordinating events and managing a local religious publication. Still other spearphishing campaigns have routinely targeted evangelical Christian converts, atheists, or new age religious sects. More broadly, a malware campaign posing as information on the persecution of Christian converts was sent to human rights organizations, and fictitious profiles have posed as religious minorities to infiltrate evangelical Persian-language networks." (Carnegie Endowment for International Peace, 4 January 2018, pp. 44-45)

Cyber operations against cultural figures within Iran and abroad, "including artists, musicians, comedians, cartoonists, and satirists", are reported as follows:

"Iran-originating spearphishing campaigns have also targeted Iranian cultural figures—including artists, musicians, comedians, cartoonists, and satirists—regardless of whether they reside in Iran or abroad.

There have [...] been intrusions into devices and accounts associated with less prominent underground artists inside Iran and networks of fictitious social network profiles connected with Iranian death metal rock bands and hip-hop groups. These themes of targeting famous pop musicians and their staff—both inside Iran and abroad—are recurrent and do not focus solely on individuals critical of the establishment.

Iranian security forces have publicly acknowledged their operations to identify individuals involved in 'immoral behavior' online. In January 2016, several Iranian fashion models popular on social media were arrested for their activities online and forced to delete their accounts, an effort labeled by the IRGC as Operation Spider. At the same time, the arrests of employees of the foreign-based AAA Music television channel led to their social media accounts being defaced with a message, purportedly from the Ministry of Intelligence, about the illegality of the network. In interviews with and public statements by those rounded up in Operation Spider, these individuals were commonly operating openly, and the defacements were conducted after they were forced to hand over passwords.

Operation Spider was not the first of its kind: the activities of Flying Kitten suggest an earlier interest in surveillance of the Iranian fashion industry. In early 2014, the threat actor compromised the computer of a social media model that was popular for portraying a fashionable lifestyle without wearing the state-mandated hijab. After the intrusion she retreated offline, stopped logging on to modeling sites, and deleted her Facebook account. Her image was also appropriated for further operations against other communities. The opaque nature of campaigns such as Operation Spider obscures how Iranian authorities track down people like online models. However, incidents such as the Flying Kitten

compromise and the infiltration of LGBT-support networks and sex worker social media communities by others suggest a relationship between both efforts.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 45-46)

Operations against political opposition groups, Islamist militant organizations, and ethnic separatist movements are reported as follows:

“While documentation of Iranian cyber operations by international researchers has typically assumed that all domestic targets of intrusion campaigns are political dissidents, a small portion of these campaigns focus on areas in which law enforcement hacking has become internationally normalized, chiefly in the collection of evidence and intelligence on violent terrorist activities and financial crime.

For instance, Iranian threat actors have actively sought to compromise the digital operations of Sunni jihadi movements through credential theft, malware, and other intrusions. To compromise Islamist organizations, Iranian actors have leveraged bait documents and messages in Persian and Arabic and posed as media organizations such as Al Jazeera and Al Arabiya. Flying Kitten attempted to spread malware by posting comments on Al Arabiya’s Facebook page purporting to promote jihadism. These intelligence efforts have targeted jihadi groups across the Middle East and North Africa, Pakistan, and Afghanistan, including the Islamic State and al-Qaeda, while focusing on Iraqi and Persian-language groups.

Security-related cyber operations extend as well to fringe political organizations that have previously engaged in hostilities against the Islamic Republic. Iranian threat actors have successfully compromised individuals affiliated with front groups for Mojahedin-e Khalq (MeK) opposition group, including the Iranian American Society of Texas and the Simay Azadi television station. These intrusions provided access to private Facebook discussion groups and intra-organizational planning for MeK rallies, Telegram channels, and MeK television programming. Given the MeK’s past disclosures on Iran’s nuclear program, which the organization has claimed were conducted through an in-country network of collaborators, these activities also constitute a counterespionage program.

Iranian threat actors also maintain a significant focus on disenfranchised ethnic minorities advocating for greater autonomy. One recurrent target has been Baluchi groups, a Sunni Muslim population located in both Iran and Pakistan. [...]

Tehran has also devoted considerable resources to cyber operations targeting Kurdish organizations inside Iran and abroad. Malware samples from April 2015 targeted the Free Life Party of Kurdistan (PJAK), a militant Iranian faction of the Marxist-Leninist Kurdistan Workers’ Party (PKK). The same threat actor appears to have successfully compromised a Kurdish satellite television station, Newroz TV, aligned with the PKK.” (Carnegie Endowment for International Peace, 4 January 2018, pp. 46-47)

6 Human rights issues

6.1 Freedom of expression, association, and assembly

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 USDOS country report on human rights practices 2017 states:

“A 2016 political crimes law defines political crimes and provides for the treatment of political prisoners. The law defines a political crime as an insult against the government, as well as ‘the publication of lies.’ Political crimes are those acts ‘committed with the intent of reforming the domestic or foreign policies of Iran,’ while those with the intent to damage ‘the foundations of the regime’ are considered national security crimes. The court and the public prosecutor’s office retain responsibility for determining the nature of the crime.

Many of the law’s provisions have not been implemented, and the government continued to arrest and charge students, journalists, lawyers, political activists, women’s activists, artists, and members of religious minorities with ‘national security’ crimes that do not fall under the political crimes law.” (USDOS, 20 April 2018, section 1e)

In her August 2017 report to the UN General Assembly, the UN Special Rapporteur on the situation of human rights in Iran states:

“The situation of human rights defenders, including anti-death-penalty campaigners, women’s rights activists, trade unionists, human rights lawyers, minority rights activists and relatives of those summarily executed or forcibly disappeared during the 1980s who are seeking accountability, remains deeply concerning.” (UN General Assembly, 14 August 2017, p. 8)

According to the USDOS “[s]everal 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, 20 April 2018, section 2d)

6.1.1 Treatment of political opposition groups and activists

With regard to support of opposition groups, Article 500 of the Islamic Penal Code stipulates:

“Anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations shall be sentenced to three months to one year of imprisonment.” (Islamic Penal Code, 2013, Article 500, as translated in IHRDC, 18 July 2013)

In a June 2018 report the Department of Foreign Affairs and Trade (DFAT) of the Australian Government describes the Iranian party landscape as follows:

“The Political Parties Law (1981, last amended in 1989) gives the Interior Ministry authority to issue permits to political parties. [...] The Guardian Council has power of veto over political candidates, and disqualified a large number of candidates from the reformist bloc ahead of the 2016 parliamentary elections.” (DFAT, 7 June 2018, p. 25)

In a May 2017 telephone interview, Houchang Hassan-Yari, Emeritus Professor at the Royal Military College of Canada (Kingston, Canada), stated that there are no political parties in Iran in the way they are known in the West. “Political parties” in Iran are in fact merely groups of people who come together prior to elections and decide to support one candidate or another. These are ideologically driven factions who have common interests, all believing in the absolute power of the Vali-e Faqih (Supreme Leader) and seek to invite people to vote for their candidates. Once the elections are over, these groups go into “hibernation”. In a way, they are like “mushrooms”, in the sense that they suddenly appear and then disappear after a short life. This applies to conservative groups like Heyat-e Motalefeh Eslami, who firmly believe in the system of Velayat-e Faqih (Governance of the Islamic Jurist), as well as to reformist movements such as Mosherkat (a group that was founded by the brother of former reformist President Mohammad Khatami, gained a majority in the 6th (“reformist”) parliament and was dismantled by the judiciary after the 2009 presidential elections). All these groups never evolved into real political parties with headquarters, offices in different cities and regions, clear party manifestos, projects, party membership or party activities. Unlike political parties in the West, Iranian “parties” do not pursue the goal of taking power. Indeed, it does not matter much who wins the presidency or the parliament, for even the country’s president does not hold real power but rather has a “secretarial” role, with the real power residing with the Supreme Leader. As to political groups’ possible links to organisations that are active outside Iran, Hassan – Yari noted that parties that were opposed to or critical of the regime, such as the National Front, Freedom Movement or the Toudeh Communist Party, were dismantled by the Islamic regime. There are small vestiges of these and other organised groups that pursue some activities in exile, but not within Iran. Indeed, since political groups in Iran are frequently accused of collaborating with foreign groups, they are very unlikely to have organized or organic relationships with groups that are active outside Iran. It does of course happen, however, that members of the Iranian

diaspora would talk positively about one group or another in social media platforms without significant impact on the political game in Iran. (Hassan-Yari, 3 May 2017)

In a February 2016 article the Reuters news agency notes that according to Iran's Interior Ministry, there are "over 250 registered political parties" in Iran, although it has "no tradition of disciplined party membership or detailed party platforms" (Reuters, 18 February 2016).

In its 2018 report Freedom House observes further limitations on the participation in the political process and states that politicians were disqualified by the Guardian Council or sentenced to prison or house arrest:

"In 2015, two new reformist parties—Nedaye Iranian (Voice of Iranians) and Ettihad Mellat Iran (Iranian National Unity)—were established ahead of the 2016 parliamentary elections. However, most candidates from these and other reformist groups were disqualified by the Guardian Council ahead of the voting. In September 2017, seven reformist politicians were sentenced to one-year prison terms and barred from political and media activity for two years, having been convicted in a closed trial of spreading 'propaganda' against the regime. Top opposition leaders remain subject to restrictions on their movement and access to the media. Mousavi, Rahnavard, and Karroubi—leaders of the reformist Green Movement, whose protests were violently suppressed following the disputed 2009 presidential election—have been under house arrest since February 2011". (Freedom House, January 2018, section B)

Regarding the various forms of repression against persons with a political affiliation unwanted by the government, the USDOS states:

"Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment, violence, and sometimes imprisonment. The government maintained bans on several opposition organizations and political parties. Security officials continued to harass, intimidate, and arrest members of the political opposition and some reformists." (USDOS, 20 April 2018, section 3)

In her August 2017 report, UN Special Rapporteur on the situation of human rights in Iran noted that she received information on numerous cases of arrests and detention of members of opposition parties in the run-up before the May 2017 elections (UN General Assembly, 14 August 2017, p. 5). In a June 2017 report the CHRI similarly states that "[d]espite Rouhani's proclamations, dozens of journalists and political activists were arrested" in the run-up to the May 2017 presidential elections, "in addition to the numerous political prisoners who were arrested during his first term". (CHRI, June 2017, section 2)"

In the June 2018 report the Australian government's Department of Foreign Affairs and Trade (DFAT) states in a country information report that "[i]n the past decade, Iranians have twice taken to the streets in large numbers to protest the government". The report first mentions the protests following the 2009 presidential elections, referred to as the "Green Movement", during which the Basij units and other paramilitary forces "beat thousands of protesters and arrested hundreds, while snipers killed dozens". The report further states that "[i]n late

December 2017, a small protest in Mashhad rapidly escalated and spread to more than 50 other cities and towns across the country, involving an estimated 40,000 protesters". According to the report the protests "focused on economic hardships but also had a virulent anti-government and anti-regime element". Concerning the level of violence and the conduct of security forces conduct during the more recent protests the report states:

"While the demonstrations were largely peaceful, there were some isolated low - level incidents in which protesters set fire to security forces' offices or other infrastructure. While police initially took the lead in attempting to disperse the protesters, the government again deployed basij units and the IRGC and succeeded in ending the demonstrations by early January 2018. Estimates of the total number of arrests vary significantly: while one Reformist MP said that authorities had arrested 3,700 (including 68 university students), a Dubai - based news source claimed that over 8,000 were detained. Some fatalities resulted from the protests, including among members of the security forces, but the overall scale and death toll (still unclear) of the protests was far lower than that of the 2009-10 demonstrations." (DFAT, 7 June 2018, pp. 26-27)

Referring to the same protests, the CHRI states in a May 2018 report that "4000 protesters were arrested, many were beaten in detention, and at least two detainees died in custody under suspicious circumstances" (CHRI, May 2018, p. 20). According to Amnesty International (AI) "[r]eports emerged that security forces killed and injured unarmed protesters by using firearms and other excessive force" (AI, 22 February 2018).

More general, on the subject of repression against political activists, the USDOS states that the "government restricted the work of domestic activists and often responded to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces" (USDOS, 20 April 2018, section 5). The Freedom House report states that "[a]ctivists are routinely arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world". According to the report, many of the arrested activists "are later convicted on vague security charges in trials that sometimes last only a few minutes" (Freedom House, January 2018, section F).

According to the CHRI, "three Green Movement political opposition leaders, Mir Hossein Mousavi, Mehdi Karroubi and Zahra Rahnava have been under house arrest without charge or trial for more than seven years" (CHRI, May 2018, p. 20). According to the USDOS, "Hengameh Shahidi, a member of the Etemad Melli (National Trust) opposition party, was arrested" in March 2017 "without a warrant and without being informed of the charges". Referring to reports of unspecified sources the USDOS states that Shahidi went on hunger strike and was released from prison in August 2017 (USDOS, 20 April 2018, section 3). According to Radio Farda, Shahidi was detained again in June 2018 (Radio Farda, 26 June 2018; see also RSF, 29 June 2018). The report of the Special Rapporteur on the situation of human rights in Iran provides information on the situation of Ayatollah Hossein Boroujerdi, "a cleric arrested in 2006 for his advocacy of the separation of religion and state". According to the report, the cleric "was imprisoned for eleven years in harsh conditions, amidst reports of torture and other ill treatment, prolonged solitary confinement, without adequate access to a lawyer or medical services", allegations which the Iranian government denied. According to the report, he later

was placed under house arrest and is continuously subjected to harassment (HRC, 5 March 2018, p. 10). The Amnesty International Report 2017/2018 states that “[d]ozens of environmental activists were summoned for interrogation, detained and prosecuted for participating in peaceful protests against air pollution, disappearing lakes, river diversion projects and dumping practices.” In a February 2018 article Radio Free Europe/Radio Liberty (RFE/RL) reports that seven environmentalists were taken in custody. The detained had worked together with Iranian-Canadian environmentalist Kavous Seyed-Emami, who died in Evin prison. (RFE/RL, 12 February 2018).

Freedom House states that “[a]ctivists campaigning for the rights of ethnic minorities and greater autonomy for minority regions have come under pressure from the authorities, and some have been jailed” (Freedom House, January 2018, section F). According to the USDOS, “13 activists were reportedly arrested in Ahvaz in June 2017 as they gathered to celebrate Eid al-Fitr on the day before an annual protest for Arab ethnic rights”. The USDOS states that the activists “had planned to walk to the homes of political prisoners and the families of those who have been unjustly executed” (USDOS, 20 April 2018, section 6). In a statement published in June 2017 Amnesty International (AI) states that “Ramin Hossein Panahi, a 22-year-old member of the Komala armed opposition group, was arrested on 23 June 2017 after he took part in armed clashes with Iran’s Revolutionary Guards in the neighbourhood of Shalman, in Sanandaj, Kurdistan Province, northwest Iran”. According to the report, four relatives of Panahi were arrested by the Revolutionary Guards, although “[i]nformation received by Amnesty International suggests that none of the men arrested had any involvement with the armed clashes and were instead arrested by Revolutionary Guards in an apparent effort to exact retribution and create a climate of fear” (AI, 30 June 2017).

6.1.2 Treatment of human rights and women’s rights activists

With respect to the criminalization of human rights activities by the authorities, a March 2018 report of the UN Special Rapporteur on the situation of human rights in Iran states:

“A recent opinion rendered by the Working Group on Arbitrary Detention makes reference to the reports in which the Iranian authorities use vaguely worded and overly broad national security-related charges to criminalize peaceful or legitimate activities in defence of human rights, and as such contravened the principle of legality and allow for arbitrary application. The Special Rapporteur fully supports the apprehensions expressed by the Working Group on Arbitrary Detention, and reiterates her concern for the situation of a number of human rights defenders and prisoners of conscience currently imprisoned.” (HRC, 5 March 2018, p. 11)

According to the January 2018 Freedom House report, “nongovernmental organizations that work on non-political issues such as poverty and the environment are allowed to operate relatively freely”, whereas other groups, “especially those that have highlighted human rights violations, have been suppressed”. The report gives two examples, namely the “Center for Human Rights Defenders, which remains closed with several of its members in jail” and the “Mourning Mothers of Iran (Mothers of Laleh Park), which had been gathering in a Tehran park to bring attention to human rights abuses” (Freedom House, January 2018, section E).

In its World Report 2018 Human Rights Watch (HRW) states that in Iran “[s]cores of human rights defenders and political activists remain behind bars for their peaceful activism”. The report mentions the cases of children’s rights activist Atena Daemi who is “serving a seven year prison sentence from November 2016 for peaceful activism” and student activist Zia Nabavi who is “serving a 10-year prison sentence in Karoon prison in the city of Ahvaz” (HRW, 18 January 2018). According to the May 2018 CHRI report, the prominent human rights activist Narges Mohammadi “who was issued a 16-year prison sentence for her peaceful advocacy of political and women’s rights (of which 10 years she must serve), was arrested on the basis of a complaint by Rouhani’s Intelligence Ministry”. The report also mentions human rights defender Abdolfattah Soltani, who serves “a 13-year prison sentence for defending political prisoners” (CHRI, May 2018, p. 18). The USDOS mentions the daughter of former president Akbar Hashemi Rafsanjani, Faezeh Hashemi, a women’s rights activist and former member of parliament who was sentenced to a six-month prison term in March 2017 “for ‘spreading falsehoods,’ ‘disturbing public opinion,’ and ‘propaganda against the state’, although a final ruling was said to be pending appeal” (USDOS, 20 April 2018, section 1e). According to an August 2017 article by the CHRI, “[w]omen’s rights activist and photojournalist Alieh Matlabzadeh has been sentenced to three years in prison by a preliminary court in Tehran for participating in a women’s empowerment seminar” (CHRI, 17 August 2017a). According to the report of the UN Special Rapporteur, student activist Arash Sadeghi who was “convicted in 2016 and sentenced to 15-years imprisonment following previous arrests” is in a critical condition “because of his prolonged hunger strike and denial of medical assistance” (HRC, 5 March 2018, p. 11). The same report also mentions Soheil Arabi who “also remains imprisoned following his conviction in 2014 for statements made on Facebook” and who reportedly is “in pain following his hunger strike and after being beaten during an interrogation amidst reports of inadequate access to medical care, medicine, and warm clothes” (HRC, 5 March 2018, p. 11).

In its 2017/2018 report Amnesty International observes that “[s]tate-sanctioned smear campaigns were conducted against women who campaigned against the compulsory hijab” (AI, 22 February 2018). In a February 2018 report Amnesty International mentions the cases of “Shima Babaee, who is campaigning against compulsory veiling”, and her husband Dariush Zand, both detained in Tehran’s Evin prison, without access to family and lawyer. They were arrested by the Ministry of Intelligence on 1 February in connection with their peaceful human rights work (AI, 23 February 2018).

6.1.3 Treatment of lawyers

The UN Special Rapporteur on the situation of human rights in Iran describes the situation of defendants and lawyers according to experiences of individuals met by the Special Rapporteur as follows:

“In the course of her missions, individuals that the Special Rapporteur met described similar patterns. A number also described how defendants had been put under extreme pressure by judges to change their lawyers. It is further recalled that defendants accused of national security, political, capital, or press crimes, and those accused of such offences that carry life sentences are obligated to select legal counsel from an official pool of lawyers chosen by the head of the judiciary during the pre-trial stage. In 2015, the Bar Association

reportedly called for this to be reconsidered, however the Special Rapporteur regretfully notes that no changes have been made.” (HRC, 5 March 2018, p. 14)

On the same subject, a June 2018 Human Rights Watch (HRW) report similarly states that “Iran’s judiciary reportedly created a very short list of lawyers approved to represent people accused of national security crimes – commonly used to prosecute activists – in Tehran’s courts during the investigative stage of the case”. The report further mentions that the list excludes women and human rights lawyers. (HRW, 5 June 2018)

The UN Special Rapporteur also notes in her March 2018 report that she continues to receive “information concerning the ongoing harassment of lawyers and judges”, giving the following examples:

“In one case reported to the Special Rapporteur, a lawyer was beaten and detained for being late to a court session. The Special Rapporteur also heard accounts of lawyers being disbarred or rejected for membership to the bar association after having represented certain defendants. In previous responses the Government has indicated that according to the Constitution, the Judiciary is independent.” (HRC, 5 March 2018, p. 14)

A March 2018 joint NGO statement published by HRW on harassment and intimidation against families of detainees who died in prison addresses the issue of “systematic harassment and intimidation of families and lawyers” seeking truth and justice for detainees who have died in detention. According to the report, the “lawyers have received threats for pursuing legal action, faced pressure to withdraw their representation, and, in at least one case, a lawyer has been detained for speaking to the media”. (HRW, 13 March 2018)

According to the USDOS, lawyers “who defended political prisoners were occasionally arrested”. The report goes on to state that the “government continued to imprison lawyers and others affiliated with the Defenders of Human Rights Center advocacy group”. The USDOS mentions the case of Abdolfattah Soltani, “a human rights lawyer affiliated with the center” who has been imprisoned since 2011. (USDOS, 20 April 2018, section 1e)

A June 2018 report by Amnesty International addresses the case of lawyer Zeynab Taheri who was arrested following “her public announcement that she intended to publish key evidence” pointing to the innocence of her client, a Sufi bus driver who was executed on 18 June 2018 (AI, 20 June 2018). A RFE/RL report states that well-known human rights lawyer Nasrin Sotoudeh was arrested on 13 June 2018 to serve a five-year prison sentence on unknown charges. The report notes that in 2010, Sotoudeh had previously been “sentenced to six years in prison - reduced from an initial 11-year sentence - and a 10-year ban on practicing law for several charges, including acting against Iran’s national security” (RFE/RL, 14 June 2018).

In an April 2018 report the US Commission on International Religious Freedom (USCIRF) states that “[o]ver the past few years, a number of human rights lawyers who defended Baha’is and Christians in court were imprisoned or fled the country for fear of arrest.” (USCIRF, April 2018, p. 6)

6.1.4 *Treatment of artists, musicians and artisans*

In a May 2016 article IranWire states that “[s]ince the 1979 Islamic Revolution, religious leaders and hardliners have imposed tight regulations and extensive bans on the country’s musicians, and demanded they conform to and promote strict Islamic values”. The article goes on to note that musicians, producers, and organizers “face harsh regulations from Iran’s Ministry of Culture and Islamic Guidance, from which they must obtain official permission to hold a concert, a requirement that gives authorities the power to closely control the music scene and ensure it lives up to so-called Islamic norms and standards” (IranWire, 26 May 2016). A March 2014 report by the International Campaign for Human Rights in Iran (ICHRI), later renamed to Center for Human Rights in Iran (CHRI), similarly states that Iranian musicians need “government authorization in order to perform and produce their music, and this is often denied for individuals that are not seen as conforming politically or ideologically to the government’s views”. The report goes on to state that “[u]nlicensed musicians who perform or produce their music are frequently arrested” (ICHRI, 15 March 2014, section III.13). The USDOS states that authorities “considered heavy metal and foreign music religiously offensive, and police continued to repress underground concerts and arrest musicians and music distributors” (USDOS, 20 April 2018, section 2a). On the same issue a June 2017 CHRI report states that during Rouhani’s first term “concerts were cancelled around the country after being attacked by extremists for being ‘un-Islamic’ or for featuring female musicians, independent music producers sent to prison” (CHRI, June 2017, section 6).

Regarding the subject of concerts being cancelled by the authorities, the IranWire article states:

“Since the election of the moderate President Hassan Rouhani in 2013, the number of Iranian bands permitted to perform concerts has surged. Yet, as the recent cancellations prove, it is not unusual for local authorities – often ultra-conservative forces, who consider music, singing and dancing a *haram* or ‘sinful’ act – to defy the decisions and permits issued by the ministry. Consequently, musicians and their fans are caught up in the ongoing power struggle between moderates and hardliners concerning the role of religion in the country.” (IranWire, 26 May 2016)

Regarding further barriers musicians face in Iran, the IranWire article states:

“The strict permission requirements are not the only obstacles musicians face in Iran; in fact, religious censorship of music goes much further than that. Musical instruments are banned on television, solo female artists are prohibited from performing in front of audiences, universities are not allowed to host concerts on campus, and musicians are consistently banned, imprisoned and harassed by authorities.” (IranWire, 26 May 2016)

Regarding other forms of artistic or cultural expression the June 2017 CHRI report states that during Rouhani’s first presidency term, members of Iran’s fashion industry were subjected to crackdowns by security forces, books were refused publication and films were banned (CHRI, June 2017, section 6). In an April 2018 Guardian article on Iranian art the Teheran-based curator of an art exhibition in London interviewed by the newspaper states that in Iran, “the state vets most artistic work prior to public display” (Guardian, 5 April 2018).

A January 2017 report by Amnesty International states that a number of artists are under arrest for being convicted of “charges based on their peaceful artistic activities”. The report goes on to mention the “brothers Mehdi Rajabian, a musician, and Hossein Rajabian, a filmmaker, who have both been sentenced to six years’ imprisonment” (AI, 25 January 2017). A November 2017 IranWire article points out that Mehdi and Hossein Rajabian already had been arrested together with music producer Yousef Emadi in October 2013 for running BargMusic, an alternative digital music production and distribution company that operated without an official permit” (IranWire, 10 November 2017). IranWire further elaborates on the cases of the three artists:

“In February 28, 2016, Branch 54 of Iran’s Revolutionary Court, presided over by Judge Hassan Babaee, sentenced them to three years in prison and a three-year suspended sentence on charges of ‘insulting the sacred’ and ‘propaganda against the regime’. But in September 2017, Emadi was sentenced to an additional year in prison on new charges, although he was supposed to be released on parole. He is now on Ward 7 of Evin Prison and is suffering from an inflammatory bowel disease.” (IranWire, 10 November 2017; compare Freemuse, 28 June 2017 and USDOS, 20 April 2018, section 2a)

The UN Special Rapporteur on the situation of human rights in Iran states in its March 2018 report that in April 2017, “Special Procedures mandate holders raised concerns following the arrest and detention” of a number of persons, including film director and producer Saleh Deldam (HRC, 5 March 2018, p. 9). The Special Rapporteur refers to the original document which reads as follows:

“Mr. Saleh Deldam a filmmaker, member of Mardom Salary political party and its artists’ branch was arrested on 23 January 2017 by agents of the Intelligence Ministry. During the past years, he had been allegedly detained and interrogated on numerous occasions by Intelligence officers and the Revolutionary Guards because of public statements he made. Prior to the arrest, Intelligence agents tried to arrest him on the basis of an order issued by Tehran’s Prosecutor accusing him of “acting against national security” and “propaganda against the regime” (OHCHR, 5 April 2017, p. 2)

6.1.5 Treatment of students and academics who are (perceived to be) aligned with the opposition

The Congressional Research Service (CRS), a public policy research arm of the United States Congress, mentions in a November 2017 report that “[s]tudent dissident groups composed of well-educated, Westernized urban youth have been the backbone of the Iranian opposition” (CRS, 21 May 2018, p. 31).

Regarding the situation of students in Iran, the 2018 Freedom House report states:

“Academic freedom remains limited in Iran, despite attempts by Rouhani’s government to ease the harsh repression universities have experienced since 2009. Khamenei has warned that universities should not be turned into centers for political activities. Students have been prevented from continuing their studies for political reasons or because they belong to the Baha’i community. Foreign scholars visiting Iran are vulnerable to detention on trumped-up charges.” (Freedom House, January 2018, section D)

On the same subject the USDOS states:

“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 because of their political or religious affiliation or activism, and restricting social sciences and humanities curricula. Authorities barred Bahai students from higher education and harassed those who pursued education through the unrecognized online university of the Bahai Institute for Higher Education.” (USDOS, 20 April 2018, section 2a)

The Amnesty International Report 2017/18 notes that “[s]cores of students continued to be barred from higher education in reprisal for their peaceful activism, despite President Rouhani’s election promise to lift the ban” (AI, 22 February 2018).

In a December 2017 report, CHRI writes about the protests held at several Iranian universities on the occasion of Student day, 7 December 2017. The protests focused “on the rising costs of higher education, gender, and religious discrimination, and the ongoing presence of security forces on campuses”. CHRI states that protests began on “December 4 at the University of Tehran and spread to other campuses in the capital, including the Sharif University of Technology, Allameh Tabataba’i University, and Shahid Beheshti University” (CHRI, 8 December 2017a). The report goes on to specify the students’ demands:

“The protests were primarily organized by a confederation of more than 30 student union groups that issued a joint statement calling for an end to the privatization of student services; the reinstatement of state subsidies for students on food, housing, and transportation; the reinstatement of independent student groups and students who were expelled for political reasons; ending gender discrimination on campuses; and allowing ethnic and religious minorities to pursue higher education in Iran.” (CHRI, 8 December 2017a)

Referring to statements of a researcher at York University, Toronto, who has researched Iranian politics, the Immigration and Refugee Board of Canada (IRB) describes the status of disciplinary institutions in universities as follows:

“[S]tudent associations have not reorganized themselves as before. However, the punitive power of disciplinary institutions supervising student life is weakened. This includes the Discipline Committees, assigned by Ministry of Higher Education and responsible for penalizing students who commit administrative, political, and moral violations. They have abandoned their harsh policies of suspending and purging dissident and protesting students. The heads of universities obtained more power over three other institutions, including Harasat (affiliated to the Ministry of Intelligence), Office of the Supreme Leader Representative at universities, and Student Basij (student members of the Revolutionary Corps). The power of the last two institutions remains enormous and they play a key role in keeping the student body silent and suppressed.” (IRB, 16 January 2017).

In a January 2018 report, the CHRI states that according to “Parvaneh Salahshouri, the leader of the women’s faction in Iran’s Parliament”, approximately 90 students were arrested during the protests that broke out across the country in December 2017. (CHRI, 8 January 2018)

In an April 2018 article, BBC News reports that Iranian-British professor Abbas Edalat was arrested on security charges. Referring to a report by an Iranian news agency, the article goes on to state that Edalat was “part of a ‘network’ of British spies whose members have been identified and arrested”. According to the BBC article, Edalat “is a professor of computer science and mathematics” and had been “a founder of an anti-war protest group that opposed sanctions in Iran” (BBC News, 29 April 2018). In a February 2018 article, The Independent notes that “Ahmadreza Djalali, a resident in Sweden who had been working as a researcher at the Karolinska Institute of medicine in Stockholm, was arrested during a trip to Iran in April 2016”. The article states that in October 2017, he was “found guilty of spying activity which led to the Israeli intelligence agency assassinations of four scientists working on Iran’s nuclear programme” and was sentenced to death (The Independent, 17 February 2018).

6.1.6 Treatment of unionists

Regarding the freedom of association and workers’ rights, the USDOS states:

“Authorities did not respect freedom of association and the right to collective bargaining, and the government did not effectively enforce applicable laws. The government severely restricted freedom of association and interfered in worker attempts to organize. Labor activism was seen as a national security offense.” (USDOS, 20 April 2018, section 7a)

On the same subject the 2018 report by Freedom House notes that “Iran does not permit the creation of labor unions” and that “only state-sponsored labor councils are allowed” (Freedom House, January 2018, section E). The UN Special Rapporteur on the situation of human rights in Iran specifies in her March 2018 report that the Iranian Labour Code “only permits workers’ representation through an Islamic Labour Council (membership of which is vetted) or a trade association” (HRC, 5 March 2018, p. 10). In her August 2017 report to the UN General Assembly the Special Rapporteur stated that “[c]andidates standing for election to Islamic labour council boards are subjected to screening procedures, including to demonstrate their Islamic belief and their ‘practical allegiance’ to Islam, and to show that they are faithful to the rule of the Supreme Leader” (UN General Assembly, 14 August 2017, p. 9).

In a June 2017 report, the CHRI notes that “[i]ndependent labour unions are prevented from functioning, workers are unable to negotiate freely and bargain collectively, strikers are often fired and risk arrest, and labour leaders are sentenced to long prison terms” (CHRI, June 2017, section 5). Freedom House similarly states:

“Labor rights groups have come under pressure in recent years, with key leaders and activists sentenced to prison on national security charges. Workers who engage in strikes are vulnerable to dismissal and arrest.” (Freedom House, January 2018, section E)

The 2017/2018 report of Amnesty International states that “[b]ans on independent trade unions persisted” and that “several trade unionists were unjustly imprisoned”. The report

further observes that security forces “continued to violently suppress peaceful protests by workers, including on International Workers’ Day” (AI, 22 February 2018). In its March 2018 report, the UN Special Rapporteur similarly mentions the continuous reporting on the “intimidation and arrest of labour union leaders”. The Special Rapporteur further notes that she “has previously reported on the conviction and imprisonment of teachers, bus drivers, and general worker unions, on the basis of charges relating to, inter alia, national security, propaganda, and disrupting public order and peace” (HRC, 5 March 2018, p. 10).

The May 2018 report by the CHRI addresses the cases of two labour activists and one teachers’ rights activist being prosecuted based on complaints made by the Ministry of Intelligence:

“Labor activists are frequently prosecuted based on complaints made by the Ministry of Intelligence. For example, Ebrahim Maddadi and Davood Razavi of Tehran’s bus drivers’ union were both arrested by Intelligence Ministry agents in 2015. Teachers’ rights activist Mahmoud Beheshti-Langroudi was prosecuted on charges brought by the Intelligence Ministry when it operated under President Ahmadinejad (2005-13) but summons and other actions against him have continued under Rouhani.” (CHRI, May 2018, p. 19)

The USDOS states that in the reporting year 2017 a number of unionists were imprisoned for their peaceful activism:

“According to reports from UNSR Jahangir, a number of trade unionists were imprisoned during the year for their peaceful activism, including Mehdi Farahi Shandiz, a member of the Committee to Pursue the Establishment of Labor Unions in Iran, who in March was transferred to a remote prison in Qazvin Province. Shandiz continued serving a three-year sentence, having been convicted of ‘insulting the supreme leader’ and ‘disrupting public order.’ Many others faced lengthy sentences for peaceful trade union activities, including Mahmoud Salehi, a member of the Coordinating Committee to Help Form Workers’ Organizations in Iran, and Jafar Azimzadeh and Shapour Ehsanirad from the Free Union of Workers of Iran.” (USDOS, 20 April 2018, section 7a)

On the same subject, the 2018 Human Rights Watch report states:

“Authorities sent back to prison several prominent trade unionists whom they had sentenced to prison for peaceful activities but later released. Authorities arrested Ismael Abdi, the Secretary General of the Teachers’ Union, and Mahmoud Beheshti Langeroudi, the Union’s Spokesperson, on June 7 and September 13, respectively, while they were out on furlough. On August 9, Reza Shahabi, a prominent labor activist, returned to prison to serve the remainder of his six-year prison sentence in order to prevent the judiciary from seizing his bail. Shahabi had been released on medical grounds in May 2014.” (HRW, 18 January 2018)

6.2 Freedom of the media

According to Article 24 of the Constitution of the Islamic Republic of Iran of 1979, which was last amended in 1989, “[p]ublications and the press shall have freedom of expression unless they violate essentials of Islam or public rights.” Article 24 further adds that the distinct aspects of this exception “shall be set forth by law” (Constitution of the Islamic Republic of Iran, 1989,

Article 24). These specifications are determined particularly by Article 6 (limits of the press) and Article 7 (banned activities) of the Iranian press law, which was ratified in 1986 and amended in April 2000 and again in 2009 (IHRDC, undated (a)).

The Iran Human Rights Documentation Center (IHRDC) and the Iran Data Portal provide English translations of the Press Law.

- IHRDC – Iran Human Right Documentation Center: The Press Law, undated (a)
<http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3201-the-press-law.html>
- Press Law, Ratified on 8 September 2002 (published by Iran Data Portal)
<http://irandataportal.syr.edu/press-law>

6.2.1 Treatment of journalists and bloggers

Working conditions: censorship and self-censorship

In its report on freedom of press in Iran, the Committee to Protect Journalists (CPJ), an independent, non-profit organisation that promotes freedom of press worldwide, states that “[s]everal foreign and local journalists [...] operate under the premise that authorities monitor their phone calls, email, and social media accounts” (CPJ, 24 May 2018, p. 16). Another form of control exerted by the government was mentioned by a former Tehran-based AFP reporter who was quoted in an article by Reporters Sans Frontières (RSF) in February 2018:

“‘The regime exercises its control by placing journalists within the agency who can tell the authorities what’s going on there, or by threatening the foreign journalists who don’t accept the censor’s rules. There have been several cases of journalists who have even been accused of indecent behaviour and have been threatened with imprisonment.’” (RSF, 13 February 2018)

Regarding the accreditation procedure, a dual national journalist told RSF:

“‘Two days after I applied to the Ministry of Culture and Islamic Guidance for accreditation, I received a call to discuss my situation. They asked me to go to a hotel. I asked who I was talking to, knowing full well it was the brothers from intelligence. Two men were waiting for me there. Very politely, they made it clear that I should not cross the red lines, which are covering Khamenei or the opposition [...]’ Sometimes they sent me phrases to insert in my articles. For them, neutrality and balance meant censorship. I cooperated during the two years I was in Iran.” (RSF, 13 February 2018)

In accordance with the red lines mentioned above, CPJ referred to other journalists who identified “the Supreme Leader or other high-ranking member[s] of one of Iran’s unelected councils or organizations; the judiciary; and the Islamic Revolutionary Guard Corps (IRGC)” as the “three main subjects that cannot be criticized”. Hannah Kaviani, who left Iran in 2007 and works for the US-funded Persian-language news service Radio Farda, describes the situation to CPJ as challenging, even for “seasoned foreign correspondents”, as it requires “around-the-clock diligence” due to ever-present “informal red lines” (CPJ, 24 May 2018, p. 9).

The November 2017 Freedom House Freedom on the Net 2017 report points out that increased fear evoked by “harsh sentences meted out to journalists, activists, and ordinary citizens” and the “perception of pervasive surveillance” results in extensive self-censorship, especially when reporting on political matters (Freedom House, 14 November 2017). In its May 2018 report, CPJ similarly explains that “some journalists said self-censorship is ingrained after decades of repression and retaliation against the press” (CPJ, 24 May 2018, p. 11).

Corresponding to the issues of censorship and self-censorship, in January 2018 RSF pointed out that “[d]omestic media outlets under strict government control have ignored the anti-government protests in more than 100 cities throughout the country [...], in which 22 people [have] been killed and around 17,000 have been arrested, including several citizen-journalists.” (RSF, 5 January 2018a)

Ban on and modification of the Association of Iranian Journalists

The May 2018 CPJ report cited above gives insights into the ban on and planned modifications of the Association of Iranian Journalists, which had formerly advocated the interests of journalist in legal as well as employment disputes:

“The association has been closed since August 2009, when security forces arrested several of its members and raided its offices after the disputed presidential election. Instead of allowing the independent association to re-establish itself, authorities are pushing a parliamentary bill that would create a government-sponsored body called the Iranian Media System.” (CPJ, 24 May 2018, p. 18)

In reference to the Center for Human Rights in Iran (CHRI), CPJ states that the Iranian Media System is planned to consist of journalists, the Minister of Culture and Islamic Guidance, a member of parliament, a judge, a representative from seminary schools in Qom, a media expert (appointed by the Supreme Cultural Revolution Council), a web expert (appointed by the Supreme Cyberspace Council), and the commission’s chairperson. As reported by CPJ, contrary to the former Association of Iranian Journalists which aimed at protecting the press, the newly designed commission will be enabled to penalize and suspend journalists. (CPJ, 24 May 2018, p. 18)

Following CPJ, critics of the bill argued that the proposal “give[s] security forces and the hardline conservative judiciary tighter control of the media” and warned that the proposed bill could mark “the end of independent journalism in Iran”. CPJ reported that “[t]he Bill was up for vote in parliament in late 2017, but was pulled by the Rouhani administration after opposition from key figures in the media community as well as reformist forces in parliament”. (CPJ, 24 May 2018, p. 18)

Detailed information on the proposed “Comprehensive Mass Media Regulatory Plan” can be found in an October 2016 article of the Center for Human Rights in Iran (CHRI):

- CHRI – Center for Human Rights in Iran: Rouhani Press Bills Would Further Erode Press Freedom in Iran, 4 October 2016
<https://www.iranhumanrights.org/2016/10/hassan-rouhani-government-bills-to-restrict-media/>

Prosecution and detention

In its May 2018 report, CPJ stated that their latest prison census revealed the lowest number of imprisoned journalists in a decade. According to a CPJ infographic, on 1 December 2015 the number of detained journalists was 19, while the number decreased to 8 journalists in 2016 and to 5 journalist on 1 December 2017. CPJ was aware of at least three journalists in jail as of 1 May 2018 (CPJ, 24 May 2018, pp. 8-9). In contrast to that, in an August 2017 article RSF identified Iran with a total number of 28 journalists and citizen journalists behind bars as “one of the world’s five biggest prisons for journalists and citizen-journalists” (RSF, 22 August 2017). As of July 2018, the RSF violation of press freedom barometer revealed a number of 9 journalists and 20 citizen journalists imprisoned (RSF, numbers as of 17 July 2018).

In April 2018 Radio Free Europe/ Radio Liberty (RFE/RL) reported on the long-standing practice of Iranian authorities to arrest and imprison journalists, bloggers and activists for statements deemed to be blasphemous or offensive to Shi’ite Islam by clerical leaders (RFE/RL, 25 April 2018). In a report published in September 2017, Human Rights Watch (HRW) described the accusations journalists have to face as “vaguely defined national security charges” and in terms of the limited legal defence for those detainees HRW adds:

“Iran’s criminal procedure law, which went into force in 2014, sought to expand legal access for detainees. However, article 48 of the approved amendments requires people accused of certain offenses, including political charges, to choose their counsel from a pool of lawyers approved by the head of Iran’s judiciary. The list is not available to the public, and attorneys and families of detainees charged with national security crimes frequently report that detainees have been denied access to a lawyer at the pre-trial investigation stage.” (HRW, 12 September 2017)

According to Amnesty International’s (AI) State of the World’s Human Rights report published in February 2018, Iranian “[j]ournalists and online media workers faced a renewed wave of harsh interrogations, arbitrary arrests and detentions” in the run-up to the presidential elections in May 2017. The same source continues that those who used the messaging application Telegram were confronted with particularly long prison sentences; in some cases, the sentences exceeded ten years. (AI, 22 February 2018)

RFE/RL reported in April 2018 that Amir Hossein Miresmaili, a reporter of the Jahane Sanat daily was arrested due to a tweet which was regarded as insulting to Shi’ite Islam’s so-called Eighth Imam (RFE/RL, 25 April 2018), but according to CHRI he was released on bail after 24 days in prison (CHRI, 19 May 2018).

In the article cited above, HRW mentions the arrests of two Iranian journalists (namely Sasan Aghaei, deputy editor of the reformist daily Etemad, and Yaghma Fashkhami, journalist for the

website Iran Didban) (HRW, 12 September 2017). According to an article of the Center for Human Rights in Iran (CHRI), Sasan Aghaei and Yaghma Fashkhami were still imprisoned as of 18 December 2017 (CHRI, 18 December 2017).

In January 2018 RSF reported on Soheil Arabi, a photographer and citizen journalist, who was allegedly involved in the creation of a blasphemous and dissident Facebook network. While he was first sentenced to three years in prison and 30 lashes, he was “retried a few months later and sentenced to death. The death sentence was then overturned and in 2015 he was finally sentenced to seven and a half years in prison.” RSF stated that Soheil Arabi’s health condition is critical, as he was mistreated and recently on a hunger strike. (RSF, 5 January 2018b)

Radio Farda and HRW report on journalists who were released from prison but detained again shortly afterwards. Ehsan Mazandarani, a reformist journalist who was detained in March 2016 on charges of “assembly and collusion against national security” and “propaganda against the state” was released in February 2017. However, following HRW one month later he was arrested again, as authorities called his release ‘a mistake’ (HRW, 12 September 2017). USDOS refers to Reporter Sans Frontières (RSF) when stating that Mazandarani had been released on 31 October 2017 (USDOS, 20 April 2018, section 2a). In June 2018 Radio Farda similarly disclosed that Hengameh Shahidi [here referred to as Shaidi] who was arrested in March 2017 and released in August 2017 was detained again, due to ‘criminal tweets’ against the judiciary (Radio Farda, 26 June 2018; see also RSF, 29 June 2018).

Regarding the criminal proceedings of Iranian bloggers, Freedom House mentioned in its report cited above that both blogger and tech entrepreneur Arash Zad as well as human rights blogger Mohsen Sadeghinia were arrested in 2015 (Freedom House, 14 November 2017). According to Journalism is not a Crime, a database that documents human rights abuses against Iranian journalists, Arash Zad posted on 25 December 2017 that he had been released (Journalism is not a Crime, 4 March 2018).

In its report on the press freedom situation, CPJ mentions a “special risk” dual national journalists have to face when working in Iran (CPJ, 24 May 2018, p. 16). In this regard, RSF summarizes the following:

“It must be pointed out that Iranian law does not permit dual nationality. Dual nationals are regarded as Iranians, and as Iranians alone. Several dual national journalists have been jailed in recent years for ‘collaborating with foreigners’ or ‘espionage’. They include Roxana Saberi and Jason Rezaian.” (RSF, 13 February 2018)

For information on cyber operations against media professionals, please see [section 5.4](#) of this compilation.

6.2.2 Internet and social media activism

SHOMA (National Information Network)

As already briefly mentioned in [section 5.4](#) on cyber-surveillance agencies and groups, the National Information Network (NIN) or “SHOMA” is a state-controlled and censored form of the internet (CHRI, 10 January 2018, p. 20). The Freedom House Freedom on the Net Report of 2017 provides the following definition of SHOMA and its aims:

“SHOMA was defined in a 2011-2016 development plan as ‘an IP-based internet supported by data centers that are completely undetectable and impenetrable by foreign sources and allow the creation of private, secure intranet networks.’ [...] SHOMA aims to improve internet access while moving much of the content and websites visited by Iranian users to domestic servers, where traffic can be closely monitored and censored by the authorities.” (Freedom House, 14 November 2017)

The same source reports that the first phase of SHOMA was concluded in August 2016, but its full implementation will reportedly take until March 2020. (Freedom House, 14 November 2017)

Freedom House further describes that in recent years internet penetration, its bandwidth and speed have grown notably. According to both the Iranian government and the United Nations’ International Telecommunication Union (ITU), internet penetration laid at 53.23 percent in Iran in March 2017. However, Freedom House reported that Iran’s supreme leader as well as its parliament deem the trend of increasing bandwidth a threat, as long as the National Information Network is not fully launched (Freedom House, 14 November 2017). Accordingly, IranWire, a joint venture of a group of Iranian journalists in the diaspora, stated in February 2016 that Ayatollah Khamenei ordered the government to slow down the internet in 2012 - an order that was still in place in 2016 (IranWire, 17 February 2018).

In May 2017, CHRI mentions specific discounts offered by mobile and internet providers for users who limit their online access to a number of around 200 websites on “Iran’s state-controlled, domestic internet service, the National Internet Network (NIN)”. Following CHRI, these discounts are limited to users who do not use virtual private networks (VPN) to access non-approved sites (CHRI, 5 May 2017). While CHRI terms the discounts as methods to “discourage users in Iran from accessing websites that have not been sanctioned by the government” (CHRI, 5 May 2017), Freedom House regards “a move to prioritize local content through differential pricing” as a threat to net neutrality (Freedom House, 14 November 2017).

Blocking and filtering

Regarding internet restrictions and censorship, in its Freedom on the Net 2017 Report Freedom House describes the following:

“Significant restrictions on content have been in place since 2009. Platforms like Facebook and Twitter remain blocked, [...]. Censorship decisions remain highly politicized, with both

conservative and reformist news sites censored for failing to adhere to strict guidelines on how to report on sensitive political, social, and international issues. Self-censorship remains pervasive and overt digital activism is generally limited, though it increased during political campaigns in 2017.” (Freedom House, 14 November 2017)

Freedom House states that the “Committee to Determine Instances of Criminal Content (CDICC), a government body headed by the prosecutor general and consisting of representatives from 12 state institutions” is responsible for decisions on censorship. The same source adds that these decisions are theoretically derived from the 2009 Computer Crimes Law (CCL), “which outlines a broad range of banned content, from insulting religious figures and government officials to distributing pornographic content and the use of illegal circumvention tools”. However, in practice, not much is known about “the inner workings of the committee”, and censorship decisions are described as being “often arbitrary and not transparent”. (Freedom House, 14 November 2017)

Freedom House describes the filtering system used by the authorities as centralized and capable of blocking websites “within a few hours across the entire network in Iran”. (Freedom House, 14 November 2017)

Additionally, in an article published in May 2018, Radio Farda refers to the Iranian Information and Communication Technology Minister who announced that the ministry has begun to block anti-filtering and circumvention tools, following an order by the Supreme Council of Cyberspace. (Radio Farda, 16 May 2018)

According to Freedom House’s Freedom of the Net 2017 Report, the 2009 Computer Crimes Law determines that blogging platforms and other service providers are responsible for all kinds of content visible on their sites, which “has led to the suspension of blogs or shuttering of news websites hosted on platforms inside Iran, under orders from government officials.” (Freedom House, 14 November 2017)

Regarding the messaging application Telegram, Freedom House refers to the attorney general when stating that every week tens of thousands of Telegram channels are ordered to be blocked by the judiciary (Freedom House, 14 November 2017). In January 2017 the Center for Human Rights in Iran reported on the announcement the Supreme Cyberspace Council made in December 2016, following which admins of Telegram channels that exceed a number of 5,000 followers “must obtain a permit before February 25, 2017” (CHRI, 10 January 2017).

For further information on the Supreme Council of Cyberspace, please see [section 5.4](#) of this compilation.

Ban of Telegram

In its May 2018 report the Committee to Protect Journalists (CPJ) quote Amir Rashidi, an internet security and digital rights researcher at the New York-based Center for Human Rights in Iran, saying that “Telegram is basically the internet for Iranians”(CPJ, 24 May 2018, p. 9). As

reported by Reporters Sans Frontières (RSF), on 30 April 2018 a complete ban of Telegram was ordered by an Iranian court. RSF further adds that the order was prompted by the Prosecutor's Office for Culture and Media, which reportedly accused Telegram of

“disrupting national unity, allowing foreign countries to spy on Iran by giving access to a great deal of information gathered about the country and its citizens, spreading insults about what is sacred and religious, disseminating anti-Islamic publicity and fake news designed to confuse the public [and] being used by Daesh [Islamic State] to endanger national security.” (RSF, 4 May 2018)

According to the same source, the court's decision was “clearly following the lead set by Supreme Leader Ali Khamenei who called for Telegram to be permanently blocked after a wave of protests in January, when several apps including Telegram were blocked for 12 days”, but it was not in line with the government, which did not authorize the blocking. (RSF, 4 May 2018)

In a comprehensive June 2018 report about the implications of Iran's ban of Telegram, the Center for Human Rights in Iran (CHRI) summarises the consequences for citizens as follows:

“The ban will disrupt the most important, uncensored platform for information and communication in Iran, one that is used extensively by activists, independent and citizen journalists, dissidents and international media. It will also impact electoral politics in Iran, as centrist, reformist and other relatively moderate political groups that are allowed to participate in Iran's elections have been heavily and successfully using Telegram to promote their candidates and electoral lists during elections. [...]

The ban will also erode people's economic and social rights. Telegram has become deeply integrated into daily business in Iran and is central to many people's livelihoods. Its channels are especially important to small and mid-size companies, family-based operations, entrepreneurs and startups, for transactions ranging from marketing and advertising to communications and sales, and the ban will impact the incomes and employment of significant numbers of Iranians. [...]

In sum, the ban on Telegram shows the Iranian leaders' deep fear of the free flow of information and their reckless prioritization of censorship at any cost. The ban demonstrates the state's growing technological capability and its willingness to use it to restrict Iranians to a digital world controlled by the state.” (CHRI, June 2018, p. 7)

Following a New York Times article, as of May 1 2018 some Iranians were said to still have access to Telegram “over their home internet connections” (NYT, 1 May 2018). In a similar manner, the Center of Human Rights in Iran (CHRI) states in the report cited above, that the ban of Telegram will affect Iranians differently, as “[m]any Telegram users will continue to use the app, as Iranians are well versed in accessing blocked applications via VPNs and other circumvention tools” (CHRI, June 2018, p. 20).

Prosecutions and detentions for online activities

In section 5.4 on cyber-surveillance agencies and groups, state-sponsored cyber-attacks on the accounts of journalists and activists were described. Regarding the consequences of these attacks in terms of prosecution of its victims, the Center for Human Rights in Iran (CHRI) writes the following:

“The consequences of these hacking attacks can be catastrophic for the victims. Cyber espionage is being used as a tool for the Iranian judiciary; because the authorities cannot find evidence to legally prosecute the activists, dissidents, journalists and others whom they wish to target, they pursue private information unlawfully obtained through these attacks. They then use this information to prosecute these individuals in sham trials undertaken by a judiciary complicit in the denial of due process and violation of rights” (CHRI, 10 January 2018, p. 58)

Freedom House reported in November 2017 on the actions of the Iranian security forces against the administrators of Telegram channels. According to Freedom House, prior to the presidential elections in May 2017 “security forces arrested at least six admins of 12 reformist-aligned Telegram channels.” The admins were reportedly forced to deactivate or delete their channels. (Freedom House, 14 November 2017; see also CHRI, 21 March 2017)

Regarding the six above-mentioned Telegram channel administrators, Human Rights Watch (HRW) wrote in September 2017 that according to their lawyer, the channel admins were sentenced to three to five years in prison in August 2017. HRW further notes, that “[s]everal parliament members as well as Mahmoud Alavi, the intelligence minister, and President Hassan Rouhani have publicly opposed the arrests” (HRW, 12 September 2017). An article on the Journalism is not a Crime database reports that the six administrators (including Nima Keshvari, Mojtaba Bagheri, Saeed Naghdi, Ali Ahmadnia, Javad Jamshidi, and Sobhan Jafari-Tash) “went on a hunger strike in Evin Prison to protest against their prolonged detention without access to legal counsel” in June 2017. The same source mentions that the “detained admins were able to leave Evin Prison after posting bail set at 500 million tomans, or over \$150,000, each” in late July and August 2017. According to the website, Nima Keshvari “remained free on bail until further developments” after the verdict in late August 2017 (Journalism is not a Crime, 28 December 2017).

In its Freedom on the Net 2017 report, Freedom House lists cases in which people were arrested, detained or sentenced to death because of their Internet-related actions:

“In August 2016, a news site affiliated with the IRGC announced that the corps’ cyber command had arrested and summoned a total of 450 admins running messaging app channels and social media pages. IRGC sources claim that these arrests were made in response to ‘public demand for confronting cyber criminals.’

Iranian citizens that are not politically active also find themselves subject to harsh prison sentences for their activities on social media. Sina Dehghani, who was detained in 2015 at the age of 19, has been sentenced to death over a series of public messages he had posted on the messaging platform LINE. [...]

In the reporting period [June 2016 to May 2017], three 24-year-old men were each sentenced to 12 years in prison for posting cartoons about religion and politics on Facebook and Telegram. Alireza Tavakoli, Mohammad Mehdi Zamanzadeh, and Mohammad Mohajer were arrested in Tehran by forces from the intelligence ministry in late 2016.

Amid domestic political tensions between reformists and conservatives, hardliners within the judiciary and IRGC have conducted a campaign against the country's 'infiltration' by Western ideas, individuals, and companies. Numerous foreigners or Iranians with dual nationality who were active in journalism, human rights, or ICT development work remain imprisoned by the authorities, often with little explanation.

Nizar Zakka, a Lebanese citizen with permanent residency in the U.S., was detained in September 2015 after giving a talk at a state-sponsored conference in Tehran, for which he received an official invitation. Zakka heads the Arab internet freedom organization IJMA3, which has received hundreds of thousands of dollars of funding from the U.S. State Department and USAID for projects in support of internet freedom. One year after his arrest, he was sentenced to 10 years in prison and fined US\$4.2 million Iranian state television claimed he had 'deep ties to the U.S. intelligence and military establishment.'

In February 2016, a court confirmed the long prison issued to four individuals working for the technology review website *Narenji* based in the city of Kerman. Ali Asghar Honarmand, Hossien Nozari, Ehsan Paknejad, and Abass Vahedi were sentenced to 11, 7, 5, and 2.5 years respectively on charges of "designing sites, websites, and creating content for media hostile to the regime" according to one report. [...]

Saeed Malekpour, a permanent resident of Canada, has been in prison since 2008 for writing open source software that third parties had used for sharing pornographic photos. He was sentenced to death on charges of 'threatening the nation's Islamic ideals and national security via propaganda against the system,' allegedly tortured, and forced to publicly confess." (Freedom House, 14 November 2017)

Regarding above-mentioned Alireza Tavakoli, Mohammad Mehdi Zamanzadeh, and Mohammad Mohajer, the Journalism is not a Crime database states that as of 15 February 2018 all three "are [...] serving their 12-year prison sentences" (Journalism is not a Crime, 15 February 2018). With regard to Saeed Malekpour, Amnesty International Canada reported in a May 2018 article that "[i]n 2012 his death sentence was commuted to life imprisonment" (AI, 28 May 2018).

6.3 Freedom of religion

6.3.1 Religious demography

The German Foreign Office (Auswärtiges Amt, AA) states that more than 99 per cent of Iran's population are Muslim. Of these, some 90 per cent are Shia while another 8 per cent are Sunni. Other religious groups include Christians, Zoroastrians, Bahais and Jews (AA, last updated June 2018). The CIA World Factbook, last updated in June 2018, states that according to 2011 estimates, 99.4 per cent of Iran's population are (officially) Muslim, with Shias accounting for

90 to 95 per cent and Sunnis for 5 to 10 per cent. Other religious groups, including Zoroastrians, Jews and Christians, constitute 0.3 per cent, while another 0.4 per cent are listed as being of unspecified faith (CIA World Factbook, last updated 7 June 2018).

The US Department of State (USDOS) 2017 report on international religious freedom, published in May 2018 (and covering the year 2017), similarly notes that “[a]ccording to U.S. government estimates and other statistical reports, including Global Security and Iran Press Watch, Muslims constitute 99.4 percent of the population”, with Shias constituting 90 to 95 per cent and Sunnis (predominantly Turkmen, Arabs, Baluchis and Kurds) 5 to 10 per cent. The report notes that while “Afghan refugees, economic migrants, and displaced persons also make up a significant Sunni population[,] accurate statistics on the breakdown between Sunni and Shia are unavailable”. It is also noted that “no official statistics [are] available on the number of Muslims who practice Sufism” even though unofficial estimates put their numbers at “several million”. As for the numbers of members of non-Muslim faiths (Yaresan/Ahl-e Haq, referred to here as “Yarsanis”), Bahais, Christians, Zoroastrian and Jews, the same report notes that:

“According to U.S. government estimates and other statistical estimates, including those from Global Security, Iran Press Watch, and Iran Primer, groups constituting the remaining less than 1 percent of the population include Bahais, Christians, Jews, Sabean-Mandaeans, Zoroastrians, and Yarsanis. The three largest non-Muslim minorities are Bahais, Christians, and Yarsanis. [...]

According to Human Rights Watch data, Bahais number at least 300,000.

According to World Christian Database statistics, there are approximately 350,000 Christians, although some estimates suggest there may be many more Christians than actually reported. While the government Statistical Center of Iran reports there are 117,700 Christians, Elam Ministries, an Iranian Christian organization, estimates that there could be between 300,000 and one million Christians. The majority of Christians are ethnic Armenians concentrated in Tehran and Isfahan. Estimates by the Assyrian Church of the total Assyrian and Chaldean Christian population put their combined number at 7,000. There are also Protestant denominations, including evangelical groups, but there is no authoritative data on their numbers. Christian groups outside the country estimate the size of the Protestant community to be less than 10,000, although many Protestants and other converts to Christianity from Islam reportedly practice in secret.

There is no official count of Yarsanis, but the Human Rights Activists News Agency (HRANA) estimates there are up to two million. Yarsanis are mainly located in Loristan and the Kurdish regions.

According to Zoroastrian groups and the Statistical Center of Iran, the population includes approximately 25,000 Zoroastrians.

According to the Tehran Jewish Committee, the population includes approximately 9,000 Jews, while a British media report estimated their number at 18,000-20,000.

The population reportedly includes 5,000-10,000 Sabean-Mandaeans.” (USDOS, 29 May 2018, section 1)

6.3.2 Religious crimes (including apostasy, heresy, blasphemy)

A May 2016 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN Human Rights Council (HRC) notes that Iran’s Islamic Penal Code contains “vague and broadly defined” *hudud* provisions, which are “loosely defined as ‘crimes against God’”:

“These crimes include insulting or cursing the prophet (arts. 262-263), certain forms of consensual heterosexual and all same-sex relations between adults (arts. 221-241), ‘sowing corruption on Earth’ (art. 266) and apostasy. Individuals convicted of some of these crimes are not generally allowed to seek a pardon or have their sentences commuted [...]” (HRC, 26 May 2016, p. 4)

A March 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN Human Rights Council (HRC) states that the Islamic Penal Code (IPC) contains provisions on another category of crimes defined as *ta’zir* crimes, which are acts [...] deemed to be in conflict with the interests of religious or state authorities but for which no penalties are specified under sharia law. These include “insults” against “Islamic sanctities as specified in article 513 of the IPC. (HRC, 17 March 2017, p. 9)

An August 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN General Assembly mentions that under Iranian law, the death penalty can be imposed for a number of crimes including apostasy and blasphemy (UN General Assembly, 14 August 2017, p. 12). A November 2017 report of the Congressional Research Service (CRS) notes that according to critics, penalties for “attempts by non-Muslims to convert Muslims, [...] moharebeh (enmity against God) and sabb al-nabi (insulting the prophets)” are “selectively applied to regime opponents” (CRS, 21 May 2018, p. 18).

Apostasy

As noted in the March 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN Human Rights Council (HRC), “[a]postasy is not specifically codified as a crime in the Islamic Penal Code, but is a *hudud* crime under sharia” (HRC, 17 March 2017, p. 9, footnote 31) which is also applied by Iranian courts (Landinfo, 27 November 2017, pp. 21-22). The report specifies that “[t]he judiciary can issue sentences for apostasy pursuant to article 167 of the Constitution [...]” (HRC, 17 March 2017, p. 9, footnote 31)

Article 167 of the Constitution of the Islamic Republic of Iran (last amended in 1989) stipulates that:

“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.” (Constitution of the Islamic Republic of Iran, 1989, Article 167)

Moreover, Article 220 of the Islamic Penal Code states that “[r]egarding the *hadd* [plural: *hudud*, annotation by ACCORD] punishments that are not mentioned in this law Article one hundred and sixty seven (167) of the Islamic Republic of Iran’s Constitution shall be applicable” (Islamic Penal Code, 2013, Article 220, as translated in IHRDC, 8 April 2014).

A July 2014 report of the Iran Human Rights Documentation Center (IHRDC) states that due to the lack of specific provisions on apostasy in the IPC, “there is no explicit provision describing the manner in which a charge of apostasy may be proven”. The report outlines that Article 160 of the IPC deals with methods of proving criminal conduct in general:

“Nevertheless, Article 160 of the IPC mentions the different methods by which the commission of a crime may be proven. According to this article, confessions, the testimony of two male witnesses or the ‘knowledge of the judge’ can each be the basis for a conviction.” (IHRDC, 30 July 2014, p. 13)

A May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) also notes that under sharia law, apostasy constitutes a hudud crime. On the basis of this interpretation, conversion from Islam to another religion is considered to be apostasy. The report also notes that renouncing the Islamic faith without adhering another faith or questioning Shia Islam is considered apostasy and can be punished as such. It is noted that in Shia Islam, apostasy committed by a Muslim-born person is punishable by death. A male person who has converted to Islam but later turned away from it will be given the opportunity to repent before being executed. Muslim women are exempted from the death penalty for apostasy but will receive a life sentence unless she returns to Islam, in which case she will be released from prison early. The source states that during the reporting period (January 2014 until April 2017), individuals who have criticized Shia Islam have been convicted on these grounds, noting that in this respect, the authorities have been increasingly focusing on prominent persons, Islamic scholars and members of the clergy. It is noted that while apostasy often figured among the initial accusations levelled against defendants, apostasy charges have not been included in criminal prosecution during the reporting period. (BZ, 29 May 2017, p. 33)

The IHRDC elaborates on the distinction made in Shi’a jurisprudence on whether an apostate is born to Muslim or non-Muslim parents. Furthermore, Shia jurists hold that female apostates should be exempted from execution:

“Shi’a jurisprudence makes a distinction between an apostate who is born to Muslim parents (*murtad-i fitri*) and an apostate who is born to non-Muslim parents (*murtad-i milli*). According to jurists such as Ayatollah Khomeini, the repentance of apostates born to Muslim parents cannot be accepted. Therefore, such apostates are to be killed. Even if only one of the parents is a Muslim at the time of conception, that person is considered to be a Muslim. An apostate who is not born to Muslim parents is considered to be a *murtad-i milli*. Such an apostate will be given a chance to repent, and he is only to be executed if he does

not repent. Some jurists have held that a murtad-e milli should be given a three-day period to repent, and he should be killed if he refuses to repent after three days. [...]

Based on a number of oral traditions attributed to Shi'a Imams, Shi'a jurists believe that female apostates are not to be killed. Ayatollah Khomeini states that a female apostate is to be imprisoned for life, beaten at times of prayer and afforded only a small amount of food. If she repents, she is to be set free." (IHRDC, 30 July 2014, pp. 8-9)

The August 2017 report of the UN Special Rapporteur on the situation of human rights in Iran to the UN General Assembly states that "[i]n January [2017], the Supreme Court upheld the death sentence of Sina Dehghan for social media posts considered to be apostasy [...]" (UN General Assembly, 14 August 2017, p. 12).

The Amnesty International Report 2017/18, published in February 2018, notes that persons who professed atheism remained at risk of the death penalty on charges of apostasy (AI, 22 February 2018).

A November 2017 report of the Norwegian Country of Origin Information Centre (Landinfo) states that while it is not uncommon for detained (Christian) converts to be threatened with possible apostasy charges, the practice of Iranian prosecution authorities and courts shows that actual apostasy charges are a rare occurrence. Throughout the history of the Islamic Republic, Christian converts have only exceptionally been charged with apostasy. It is also noted that it is rare for converts to be convicted for blasphemy. (Landinfo, 27 November 2017, p. 22)

A February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states with reference to Middle East Concern, a UK-based Christian NGO, that "Christian converts are typically not charged with apostasy" (DIS/DRC, 23 February 2018b, p. 9) and that "[i]t is a general trend that the authorities charge people for being a threat to national security, rather than charge them for apostasy". (DIS/DRC, 23 February 2018b, p. 32)

Meanwhile, the same DIS/DRC report states that Middle East Consultancy Services, a UK-based firm, indicated that while "there is no legislation on apostasy in the Penal Code [...], "many converts are prosecuted", pointing to the following case from June 2015:

"Hesameddin Farzizadeh [...] was sentenced to death for apostasy by the Criminal Court of Meshkinshahr in Ardabil province. He was arrested in November 2014 in a raid on his house by the lebas shakhsiha (plain clothed agents). He was sentenced for his book From Islam to Islam. The charge of apostasy stems from the mentioned book, in which he examines the history of Shi'a Islam and raises questions about certain facets of Shi'a beliefs." (DIS/DRC, 23 February 2018b, p. 36)

Heresy

The USDOS 2017 report on international religious freedom, published in May 2018, states that the Islamic Penal Code (IPC) specifies the death penalty for the crime of *fisad fil-arz* (“corruption on earth”), which includes heresy (USDOS, 29 May 2018, section 2).

An August 2017 article of Radio Free Europe/Radio Liberty (RFE/RL) reports on the case Mohammad Ali Taheri, a faith healer who has been sentenced to death on charges of “spreading corruption on Earth” for founding a group named the Circle of Mysticism, a group that “promotes a mystical understanding of the universe”:

“Imprisoned Iranian spiritual leader Mohammad Ali Taheri has been sentenced to death for a second time, two years after an initial death sentence that was overturned on appeal. Taheri’s lawyer Mahmud Alizadeh Tabatabaei said on August 27 that Taheri has been sentenced after being convicted of ‘spreading corruption on Earth’ for founding a group called the Circle of Mysticism. [...] A popular faith healer whose group promotes a mystical understanding of the universe, Taheri was for a time allowed to teach in public and to practice. But he came under increased pressure following a warning by Iran’s Supreme Leader Ayatollah Ali Khamenei about ‘false mysticism that might lure away people from Islam.’ Taheri was first arrested in 2010 and has been in Evin prison in Tehran since 2011, when a court sentenced him to five years in prison for blasphemy. He was sentenced to death on similar charges in 2015, but an appeals court later rejected the verdict.” (RFE/RL, 28 August 2017)

In her August 2017 report to the UN General Assembly, the UN Special Rapporteur on the situation of human rights in Iran stated that in January 2017, “the Tehran prosecutor announced that an unnamed man and woman had been sentenced to death on charges of sowing corruption on Earth for ‘encouraging’ illicit sexual relations in the context of a new ‘sect’.” (UN General Assembly, 14 August 2017, p. 12)

No further information could be found on the issue of heresy.

Blasphemy

The USDOS 2017 report on international religious freedom, published in May 2018, states that the IPC specifies the death penalty for the crime of *sabb al-nabi* (“insulting the prophets” or “insulting the sanctities”) (USDOS, 29 May 2018, section 2).

Article 262 of the IPC of 2013 defines the crime of *sabb-e nabi* (*sāb ul-nabi*) as follows:

“Article 262 - Anyone who swears at or commits qazf [false accusation of sexual offences, annotation by ACCORD] against the Great Prophet [of Islam] (peace be upon him) or any of the Great Prophets, shall be considered as *Sāb ul-nabi* [a person who swears at the Prophet], and shall be sentenced to the death penalty.

Note - Commission of qazf against, or swearing at, the [twelve] Shi'ite Imams (peace be upon them) or the Holy Fatima (peace be upon her) shall be regarded as Sab-e nabi." (Islamic Penal Code, 2013, Article 262, as translated in IHRDC, 8 April 2014)

Article 263 of the IPC deals with extenuating circumstances in cases where a person has been accused of sabb-e nabi:

"Article 263 - When the accused of a sabb-e nabi (swearing at the Prophet) claims that his/her statements have been under coercion or mistake, or in a state of drunkenness, or anger or slip of the tongue, or without paying attention to the meaning of the words, or quoting someone else, then s/he shall not be considered as Sāb ul-nabi [a person who swears at the Prophet].

Note - When a sabb-e nabi (swearing at the Prophet) is committed in the state of drunkenness, or anger or quoting someone else, if it is considered to be an insult, the offender shall be sentenced to a ta'zir punishment of up to seventy-four lashes." (Islamic Penal Code, 2013, Article 263, as translated in IHRDC, 8 April 2014)

Articles 513 and 514 of the IPC contain the following provisions:

"Article 513- Anyone who insults the sacred values of Islam or any of the Great Prophets or [twelve] Shi'ite Imams or the Holy Fatima, if considered as Saab ul-nabi [as having committed actions warranting the hadd punishment for insulting the Prophet], shall be executed; otherwise, they shall be sentenced to one to five years' imprisonment.

Article 514- Anyone who, by any means, insults Imam Khomeini, the founder of the Islamic Republic, and/or the Supreme Leader shall be sentenced to six months to two years' imprisonment." (Islamic Penal Code, 2013, Articles 513 and 514, as translated in IHRDC, 18 July 2013)

The IHRDC comments in its July 2014 report that "[i]t is not precisely clear what constitutes insulting the Prophet", noting that "arguably many statements could be deemed offensive" (IHRDC, 30 July 2014, p. 11). The same report indicates that under Articles 513 and 514 of Book Five of the IPC, insulting Islamic beliefs and insulting the Ayatollah Khomeini (the founder of the Islamic Republic) and/or the Supreme Leader constitutes a "ta'zir crime" (IHRDC, 30 July 2014, p. 12), again pointing out that the text of these articles does not specify what types of utterances are considered to be insults" (IHRDC, 30 July 2014, p. 13).

The same report quotes an explanatory note in which the Iranian parliament (Majles) "attempted to clarify the issue":

"From the point of view of criminal law, insulting, swearing and the like involve using phrases that are explicit or obvious, or taking actions and performing acts which, considering the norms of the society, time, place, and the circumstances of the affected individuals, cause the humiliation of those persons. An insult does not materialize without explicit words." (IHRDC, 30 July 2014, p. 13)

The IHRDC points out that in this explanatory note, “[t]here is no line drawn between mere criticism and an insult” (IHRDC, 30 July 2014, p. 13). The same reports notes that “[t]he evidentiary requirements” for a conviction on charges of swearing at the Prophet or insulting sacred religious values are “the same as [for] other crimes: either a confession from the accused, testimony from two male witnesses or the knowledge of the judge” (IHRDC, 30 July 2014, p. 14).

A February 2017 Landinfo report states that Iranians cannot in practice criticize Islam in public without the risk of being charged with blasphemy, which is punishable by death. If a person charged with blasphemy is Muslim, he or she may also be at risk of being charged with apostasy. The same report notes that cases relating to blasphemy can be tried by criminal courts, revolutionary courts and special courts for the clergy. Whether such a case is tried by a revolutionary court depends on other potential charges that are being levelled against the defendant or on which other provisions of the IPC the prosecutors choose to apply in a specific case. (Landinfo, 6 February 2017, pp. 1-2)

A March 2017 article of Iran Human Rights (IHR) informs about the cases of three men who were reportedly sentenced to death (in two cases) and imprisonment (in one case) for sharing content on social media “that the judicial and security authorities in Iran consider offensive to Islam”:

“According to close sources, Sina Dehghan, a resident of Tehran, was arrested on October 21, 2015 by Ministry of Intelligence agents from the city of Arak. At the time of his arrest, Mr. Dehghan was reportedly just finishing up his mandatory military service at a base in Tehran operated by the Iranian Revolutionary Guard Corps. Close sources say that prior to his arrest, Sina Dehghan along with Mohammad Nouri, Sahar Elyasi, and an individual under the age of 18 used the messenger app ‘Line’ to share content that the judicial and security authorities in Iran consider offensive to Islam.

Branch 1 of the criminal court in the Markazi province, presided by Judge Mohamad Reza Rahmati, reportedly sentenced Sina Dehghan and Mohammad Nouri to death and Sahar Elyasi to seven years in prison. The individual under the age of 18 has reportedly not received a sentence yet and was released on bail.

In February 2017, Iran's Supreme Court confirmed the death sentences for Sina Dehghan and Mohammad Nouri and reduced Sahar Elyasi's sentence to three years in prison. Additionally, these three individuals were sentenced by a Revolution Court to 16 months in prison on the charge of insulting the Supreme Leadership.” (IHR, 27 March 2017)

The February 2018 joint fact finding mission report of the DIS and the DRC notes that Sina Dehghan was sentenced to death in May 2016 for conducting a teachers’ protest campaign and committing blasphemy by sharing writings online. The death sentence was upheld by the Supreme Court. (DIS/DRC, 23 February 2018b, p. 11)

A February 2018 RFE/RL article notes that in 2017, Amin Afshar Naderi and two other Iranian Christians were each sentenced to ten years in prison on charges of “conducting evangelism”

and carrying out “illegal church activities”. The article goes on to say that “Islamic judges also imposed an additional five-year prison sentence against Naderi on a charge of blasphemy”. (RFE/RL, 4 February 2018)

6.3.3 Treatment of religious non-conformity

A June 2017 article of the Center for Human Rights in Iran (CHRI) states that the IPC “does not specifically prohibit the consumption of food or water during Ramadan”. It also notes that “[c]hildren, people with health problems, travelers and non-Muslims are excluded from the ban on eating or drinking in public during Ramadan”. (CHRI, 2 June 2017)

Meanwhile, Article 638 of the IPC of 2013 contains provisions on harām (sinful) acts committed in public places:

“Anyone in public places and roads who openly commits a harām (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months’ imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public prudence, they shall only be sentenced to ten days to two months’ imprisonment or up to 74 lashes.” (Islamic Penal Code, 2013, Article 638, as translated in IHRDC, 18 July 2013)

A June 2017 Iran Human Rights (IHR) article states that since the start of the Muslim holy month of Ramadan on 26 May 2017, “about 90 case files were reportedly opened in the city of Qazvin (central Iran) for individuals who were caught eating or drinking during the fasting hours”, as the state-run news Mehr news agency reported with reference to the prosecutor of Qazvin. The article goes on to say:

“According to the Qazvin Prosecutor, 20 individuals were issued flogging sentences and fines on the same day as their arrests, and their sentences were reportedly carried out on the same day as well.” (IHR, 12 June 2017)

The June 2017 article of the Center for Human Rights in Iran (CHRI) quotes an Iranian legal expert as saying that police in Iran are not legally permitted to arrest persons for eating or drinking in their cars during Ramadan without a warrant, as “private cars are considered private spaces”, according to a decision by the Supreme Administrative Court. It is however noted that in late May 2017, Traffic Police Chief General Taghi Mohri warned that during Ramadan, drivers and passengers may be arrested for eating or drinking inside private vehicles, saying that while “[i]t is true that a vehicle is an example of a private space, [...] it’s not the same as a house”. (CHRI, 2 June 2017)

The Amnesty International (AI) Report 2017/18, published in 2018, states that “[s]cores of individuals, including children, faced up to 100 lashes” for acts including “eating in public during Ramadan” (AI, 22 February 2018).

A January 2017 Amnesty International (AI) press release states that “[m]any of those flogged in Iran are young people under the age of 35 who have been arrested for peaceful activities such as publicly eating during Ramadan” (AI, 18 January 2017).

Article 264 of the 2013 Islamic Penal Code (IPC) (English translation by the Iran Human Rights Documentation Center, IHRDC) states that “[c]onsuming, 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”. A note to the same article indicates that “[c]onsuming beer shall be punishable by the *hadd* punishment, even if it does not result in drunkenness”. Article 265 specifies that “[t]he *hadd* punishment for consumption of intoxicants is eighty lashes”. Article 266 states that “[a] non-Muslim shall be sentenced to the *hadd* punishment only if s/he publicly consumes intoxicants”, specifying in a note that “[i]f 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 through 266, as translated in IHRDC, 8 April 2014)

6.3.4 Treatment of religious minorities

Article 13 of the Iranian Constitution of 1979 (last amended in 1989) provides that “Iranian Zoroastrians, Jews and Christians shall be the only recognized religious minorities who, within the limits of law, shall be free to carry out their religious rites and practise their religion in personal status and religious education” (Constitution of the Islamic Republic of Iran, 1989, Article 13).

As noted in a March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR), “the wording of Article 13 states that the three aforementioned groups are the only recognized religious minorities, which implies that followers of other religions (such as Bahá’í, Sabeans-Mandaeans and Yarsanis) do not enjoy the same rights” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 11).

Regarding the formation of religious societies, Article 26 of the Constitution of the Islamic Republic of Iran (amended as of 1989) states that establishing “Islamic or other religious societies of the recognized minorities” is permitted “provided that they do not violate the principles of freedom, independence, national unity, Islamic standards and essentials of the Islamic Republic”. The text goes on to say that “[n]o one may be stopped from participating in them or forced to participate in one of them.” (Constitution of the Islamic Republic of Iran, 1989, Article 26)

The Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) notes that in legal terms, the recognized religious minorities, i.e. Christians affiliated with “the old churches” (Armenians, Aramaeans and Chaldeans), Jews and Zoroastrians, are free to practice their religion (BZ, 29 May 2017, p. 29).

The annual report of the US Commission on International Religious Freedom (USCIRF), which covers the year 2017, states that “Five (out of a total of 290) seats in the parliament are reserved” for the above-mentioned groups (two seats for Armenian Christians and one seat each for Assyrian/Chaldean Christians, Jews and Zoroastrians). (USCIRF, April 2018)

Freedom House's Freedom in the World 2018 report, published in January 2018, notes that while "parliament grants five seats to recognized non-Muslim minorities[,] ethnic and especially religious minorities are rarely awarded senior government posts, and their political representation remains weak" (Freedom House, January 2018, section B).

Ethnic Christian communities

A November 2017 report of the Norwegian Country of Origin Information Centre (Landinfo) states that Iranian Christians have traditionally been members of ethnic minorities such as Armenians and Assyrians. They were thus affiliated with the old churches based on common language and ethnicity, e.g. the Apostolic Church of Armenia or the Assyrian Church of the East. It is noted that a number of recent reports on Christians in Iran often refer to these minorities as "ethnic Christians". (Landinfo, 27 November 2017, pp. 7-8)

The April 2018 annual report of the US Commission on International Religious Freedom (USCIRF) states that "Iran's Christian population [...] is divided between the traditional Armenian and Assyrian/Chaldean ethnic churches and the newer Protestant and evangelical churches." (USCIRF, April 2018)

The USDOS 2017 international religious freedom report states that ethnic Armenians (mainly resident in Tehran and Isfahan) constitute the largest Christian group in the country. The report further notes that "[e]stimates by the Assyrian Church of the total Assyrian and Chaldean Christian population put their combined number at 7,000" (USDOS, 29 May 2018, section 1).

The May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that Christians belonging to the "old churches" of Orthodox and Catholic denomination, i.e. Armenians, Aramaeans and Chaldeans, are recognized as religious minorities (BZ, 29 May 2017, p. 29). As indicated by Mehr News Agency (MNA), Armenians are "followers of the Oriental Orthodox branch of Christianity" (MNA, 25 December 2017).

A January 2016 article by La Croix, a Catholic newspaper published in Paris, states that Christians in Iran have two different kinds of legal status. According to La Croix, Chaldeans and Armenians, who belong to officially recognized churches, encounter few problems. They do not mix with Muslims and do not proselytize. The article quotes Yann Richard, an expert on Iran and Eastern Christianity, as saying that Chaldeans and Armenians number about 100,000 people and are represented by three lawmakers in the Iranian Parliament. This constitutes a favourable treatment since Iran normally allows only one lawmaker per 200,000 Iranian inhabitants. In order to be able to enter their churches, one has to speak either Syriac or Armenian. (La Croix, 26 January 2016)

With regard to Iranian Catholics, a May 2018 article by Mohabat News, an Iranian Christian news agency, quotes Iranian-born journalist and Christian convert Sohrab Ahmari as saying that Catholics in Iran can be Armenian or Assyrian and that "[t]hey have their own churches, but they can't evangelize and they can't have Bibles in any languages but their own". He is further

quoted as saying that Catholic churches in Iran are being closely monitored by means of surveillance cameras to ensure that Muslims do not enter, and that religious schools are restricted in what they are allowed to teach. (Mohabat News, 15 May 2018)

The April 2018 USCIRF annual report indicates that “[m]embers of the historical churches face extensive government surveillance and legal restrictions on construction and renovation of houses of worship” (USCIRF, April 2018).

Human Rights Without Frontiers (HRWF), a Brussels-based international human rights NGO, in its Freedom of Religion or Belief & Blasphemy Prisoners Database, informs about the cases of imprisoned Iranian Catholic converts Anousheh Reza-Bakhsh and Soheil Zagarzadeh Sani, a mother and son who were arrested in Urmia (West Azerbaijan province) and charged with “spying for and contact with foreign countries” (HRWF, 11 April 2018, p. 135).

Information on house churches, conversion within Iran

For information on house churches and the situation of practising Christians, please also see the following June 2017 query response compiled by ACCORD:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Query response on Iran: House churches; situation of practising Christians; treatment by authorities of Christian converts’ family members [a-10094], 14 June 2017
<https://www.ecoi.net/en/document/1402694.html>

In an historical overview, the Norwegian Country of Origin Information Centre (Landinfo) states that over the years, the authorities increased pressure on churches in the country that were linked to Assembly of God (an evangelical group) or Presbyterian or Anglican denominations (Landinfo, 27 November 2017, p. 10). Since the 1980s, Assembly of God churches were closed down in several cities: in Sari (1988), Kerman and Shiraz (1992), Gorgan (1993) and Ahvaz (December 2011). In May 2012, the Assembly of God church in Jannat Abad, a Western suburb of Tehran, was forced to close down. At last, Iran’s oldest Persian-speaking church, the Central Assembly of God church of Tehran, was closed after the pressure, threats and harassment by the Ministry of Intelligence (MOI). (Landinfo, 29 November 2017, p. 10)

A February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states that:

“The closure of churches affiliated with the ‘Assembly of God’ in 2013 has resulted in the spread of house churches, as people who were attending the Church services began to go to house churches instead. One source noted that house churches are quite common in Iran and their numbers are growing. According to the source, the increasing number of house churches show that they have space to operate, even though they are illegal.” (DIS/DRC, 23 February 2018b, p. 5)

A November 2017 Landinfo report states that house churches are usually small in size and can be linked to local or national networks or with networks linked to foreign countries. Iranian authorities have declared that operating house churches is illegal. Several sources indicate that

the Christian underground movement has grown over recent years, amongst others as a result of frustration with the Iranian state, negative attitudes towards Islam and apparently also as a result of targeted missionary activities carried out by Christian organisations based abroad. The Iranian authorities view the organized house church movement as a political opposition threatening national security. As a consequence, since 2005 and especially since 2009/10, Christian converts have increasingly been targeted for arrests and charged with security-related offences. (Landinfo, 27 November 2017, p. 4)

Human Rights Without Frontiers (HRWF), a Brussels-based international human rights NGO notes in its 2017 Freedom of Religion or Belief & Blasphemy Prisoners Database that:

“In Iran, Evangelical and Pentecostal Protestants have for example been indicted for: membership in organisations that aim to disrupt national security, assembly and collusion against national security, undermining national security, propaganda against the system, organising a group to overthrow the regime, enmity against God (Moharebeh), and other crimes.” (HRWF, 2017, p. 6)

An undated overview of Iran’s house church network, published by Global Opportunities for Christ (GOFC), a US-based Christian non-profit organisation that conducts research on Christian missionary work in a number of regions including the Middle East and maintains relationships with ministry leaders, states that “key leaders” of the house church network in Iran, “travel between [...] churches to minister and evangelize”. (GOFC, undated)

The February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) notes that “[i]t is difficult for the authorities to control house churches as they are dispersed, not structured and unknown” (DIS/DRC, 23 February 2018b, p. 5).

Meanwhile, The Pathway, a bi-weekly published by the Missouri Baptist Convention that seeks to cover events affecting members of the Southern Baptist Convention and evangelical Christians as a whole, quotes Rob Duncan, regional manager with Middle East Concern, as saying with reference to the case of church leader Youcef Nadarkhani (sentenced to death in 2010 for apostasy, released in 2013) that “[o]nce you remove the leadership, the sheep are basically without shepherds, and easier to control by the government authorities, and easier to threaten”. (The Pathway, 7 June 2016)

With regard to how Iranians attending house churches learn about Christianity, GOFC notes that most “have come to Christ through the agency of Christian satellite TV broadcasts, social media, dreams and visions, Scripture distribution and personal, one-on-one witnessing” (GOFC, undated).

The January 2016 article of the French La Croix newspaper states that non-ethnic Christians (Roman Catholics and evangelical Christians) are generally well-connected via US-based Christian TV programmes (particularly SAT 7-PARS, broadcasted from Cyprus) and social media. These Christians gather for prayers in underground house churches. Some of these Iranians

become baptised in evangelical churches while on holiday abroad and then return to Iran with the desire to open a house church. (La Croix, 26 January 2016)

Christian Broadcasting Network (CBN), a US-based Christian-oriented religious television network, notes that:

“In 2006, Mohabat TV became the first 24-hour Farsi Christian satellite TV channel to beam gospel programs into Iran. Today, it is one of 4 satellite TV channels broadcasting continuous Christian programming into Iran. ‘Christian satellite TV broadcasts into Iran have played a vital role in the success of underground house church movement,’ Ansari wrote.” (CBN, 28 January 2018)

Treatment of Christian converts (including upon return to Iran) and those carrying out conversions

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) provides an overview of the situation of Evangelical Christians and Christian converts:

“Evangelical Christians and Christian converts [...] are particularly targeted for repression because many conduct services in Persian and proselytize to those outside their community. Pastors of house churches are commonly charged with unfounded national security-related crimes, as well as apostasy and illegal house-church activities. During the year, government-controlled and pro-government media outlets continued to spread anti-Christian sentiment, while anti-Christian publications proliferated online and in print throughout Iran.” (USCIRF, April 2018)

The February 2018 joint fact finding mission report of the DIS and the DRC elaborates on the issue of surveillance of house churches and their members:

“The authorities use informers to infiltrate the house churches. The infiltrators are identified and selected by the authorities. To prevent infiltration and intervention, house churches organise themselves as a mobile group consisting of a small number of people. A source mentioned that the prevention of external infiltration is difficult, as the authorities use informers who pretend to be converts. One source explained that it would be a strategy for the authorities to either monitor or arrest and release members of a house church to make an informant out of them. The authorities could use information on the person’s background to put pressure on them.

House churches are monitored by the authorities. If the authorities receive a report about a specific house church, a monitoring process will be initiated, one source noted. However, the authorities will not act immediately, as the authorities want to collect information about both the members and who is doing what in the community. Flourishing house churches are more in danger, as the authorities see these churches as a bigger threat. Whether the authorities will intervene depends on the activities of the house church and the size of the group. A source said that the house churches are systematically raided. [...]

One source pointed out that there has been a change in the authorities monitoring of social media and online activities. Another source added that there is a widespread monitoring of telecommunication and electronic communication if a Christian has caught the interest of the authorities. Certain keywords serve as base for the electronic surveillance e.g. 'church', 'Jesus', 'Christian' and 'baptism'. As it is wellknown that the authorities are tapping phones, the house members are cautious and turn off their phones long before they reach their meeting place. [...]

It is unknown to what extent the Iranian authorities have the capacity to monitor everybody. The authorities do not monitor everyone all the time; what the authorities want is to create a fear among people that they are being monitored all the time, a source highlighted." (DIS/DRC, 23 February 2018b, pp. 5-6)

In its undated overview of Iran's house church network, the GOFC notes that "[w]hen house churches of secret believers gather together, they must do so quietly for fear of having the neighbors hear them singing, or speaking about Jesus or the Bible, and turn them in to the secret police" (GOFC, undated).

The February 2018 joint fact finding mission report of the DIS and the DRC notes that:

"Neighbours, who have become aware of unusual activities around a house, can cause a house church to be revealed for the authorities. A foreigner interacting with Christians in Iran added that otherwise, the authorities do not have the possibility to know about the house church as members are discrete about it." (DIS/DRC, 23 February 2018b, p. 6)

The January 2016 report of the French La Croix newspaper states that as long as Christian converts are discreet about their conversion, they are tolerated within their families (La Croix, 26 January 2016).

The February 2018 joint DIS/DRC report states that:

"It is unlikely that a family member will report to the authorities on a converted family member. However, it occurs in cases where the family member is a government employee or whose professional and/or social status is affected by the Christian family member. One source added that many families are loyal to the regime and have a Basij member within the family. If there are children in the family, they could also inform their teachers about activities in their homes, at school." (DIS/DRC, 23 February 2018b, p. 6)

La Croix indicates that if a conversion becomes known to the public, i.e. if converts take up positions of responsibility or give sermons in a church, they face the risk of being targeted for apostasy anytime (La Croix, 26 January 2016).

The February 2018 DIS/DRC report elaborates on the types of behaviour that may result in a Christian convert being targeted:

"A conversion and an anonymous life as a converted Christian in itself do not lead to an arrest, but if the conversion is followed up by other activities as for instance proselytising

and training others, the case differs; the same applies if family members report the convert to the authorities. One source highlighted that if a convert does not proselytize or promote a house church, the authorities will not know about him/her. Middle East Concern, however, did not consider a life as an anonymous Christian as sustainable, as converts, in this case, have to lie about their faith and act against their religion. Amnesty International added that a conversion might be revealed to the surrounding community if the convert does not participate in Islamic events as many social norms and cultural activities are connected to Islam.

Converts who tell their family about their conversion risk getting into trouble; they risk exclusion and threats from the family who might think that the converted family members will create a problem for them. According to one source many converts do not tell their families about the conversion. Several sources addressed the issue regarding Iranian converts returning from Europe. According to two sources, converted returnees who do not carry out activities related to Christianity upon return will not be of interest to the authorities. Middle East Concern made the distinction whether the converted person was known before leaving Iran or not; returning will cause problems if the convert has been known by the authorities before leaving. If the opposite is the case, going back to Iran would not be problematic. Converts who announce their conversion in public may face serious problems.

If the returned convert has been very outspoken about his/her conversion on social media, including Facebook, the authorities might become aware of it and arrest and interrogate the convert upon return. A Western embassy (3) said that the subsequent process would depend on what the returnees inform the authorities about. The embassy did not consider that the converts would receive harsh punishment if they are not high-profiled and are not involved in propagating Christianity or activities perceived as a threat to national security.

Declaring conversion on Facebook in itself does not lead to persecution but likely to monitoring. One source explained that a photo indicating a conversion posted on the internet would be evaluated by the authorities along with the profile and activities of the converted person. If the person did not have any previous affiliation with Christianity before leaving the country, he/she will not be persecuted.

If a converted person uses the religion politically to for instance compare disadvantages of Islam with advantages of Christianity or another religion on social media, it could be a problem for him, a source mentioned. Most Iranians are not very religious, but they might see conversion as a way to come closer to Western values, and as a protest against the system, another source mentioned. However, it was underlined that it would apply to a person who has made his/her own analysis of the two religions and not someone who has used 'copy paste' phrases.

A baptism in itself will not have significance, according to two sources. A foreigner interacting with Christians in Iran noted that it is doubtful whether it would make a difference for the authorities if the convert is baptized. Middle East Concern source

considered that a baptism, which is documented, could alert the authorities and prove to be problematic.” (DIS/DRC, 23 February 2018b, pp. 7-9)

The January 2018 La Croix article quotes Yann Richard, an expert on Iran and Eastern Christianity, as saying that allegations of apostasy are often concealed by means of false accusation of moral depravity since the Iranian state does not want to appear to be religiously intolerant. (La Croix, 26 January 2016)

The February 2018 DIS/DRC report notes on the authorities’ patterns of targeting house church members:

“The authorities are primarily targeting the house church leaders and secondary the members and converts. Two other sources stated that the authorities target both the leaders of the house churches and the members.

The typical pattern of targeting is by arresting and releasing the house church leaders, as the authorities want to weaken the house church. Ordinary members of house churches also risk arrest in a house church. However, they will be released again on the condition that they stay away from proselytizing. If they stop proselytizing, the authorities will stop gathering information about them, a source added. One source mentioned that it would be possible for an arrested convert to pay his/her way out of an arrest. The source added that even if it is known that the person is a converted Muslim, it would be a question of the amount of money paid to be released. Whether a house church member is targeted also depends on his/her conducted activities and if he/she is known abroad, the same source noted. Ordinary house church members risk being called in for interrogation on a regular basis as the authorities want to harass and intimidate them, a source explained.

If a house church member is arrested for the first time, he/she will normally be released within 24 hours. If he/she has been detained in prison, he/she will receive his charge within 24 hours and come to court within ten days, a source mentioned.” (DIS/DRC, 23 February 2018b, p. 7)

Human Rights Without Frontiers (HRWF), in its Freedom of Religion or Belief & Blasphemy Prisoners Database, lists the following Iranian Protestants as being held in prison for various activities related to their faith: Hadi Asgari, Victor Bet-Tamraz, Shamiriam Isavi Khabizeh Bet-Tamraz, Saheb Fadayee, Yusif Farhadov, Ebrahim Firouzi, Nasser Navard Goltape, Eldar Gurbanov, Yaser Mosibzadeh, Yousef Nadarkhani, Mohammad Reza Omid, Massoud Rezaie, Mohammad Roghangir, Eskandar Rezai, Soroush Saraei. (HRWF, 11 April 2018)

A July 2017 article of the Center for Human Rights in Iran (CHRI) reports on the arrests and trials of the above-mentioned Victor Bet-Tamraz, Hadi Asgari, Yusif Farhadov, Eldar Gurbanov, Nasser Navard Goltapeh, Youcef Nadarkhani, and Mohammad Reza (Yasser) Omid. The article further mentions the names of Bahram Nasibov, Mohammad Ali Mosibzadeh, Zaman (John) Fadaei, Kavian Fallah Mohammadi, who also were tried and sentenced in 2017. Moreover, CHRI refers to Mansour Borji, “the advocacy director of Article 18, a London-based organization that

defends Christians in Iran”, when stating that the trials of Yusif Farhadov, Eldar Gurbanov, Bahram Nasibov and Nasser Navard Goltapeh were “completely lacking due process” and that:

“No evidence was presented to show the defendants had acted against national security, Borji told CHRI, but the four were convicted of being ‘Zionist Christians’ who ‘acted against national security with the intention of overthrowing the state in a soft war.’” (CHRI, 20 July 2017)

An earlier July 2017 article of the CHRI notes that all four converts were “sentenced to 10 years in prison based on Article 498 of Iran’s Islamic Penal Code” (CHRI, 6 July 2017), which stipulates that “Anyone, with any ideology, who establishes or directs a group, society, or branch, inside or outside the country, with any name or title, that constitutes more than two individuals and aims to perturb the security of the country, if not considered as mohareb, shall be sentenced to two to ten years’ imprisonment” (Islamic Penal Code, 2013, Article 498, as translated in IHRDC, 18 July 2013).

For further details on above-mentioned cases, please refer directly to the HRWF report:

- HRWF - Human Rights Without Frontiers: Freedom of Religion or Belief & Blasphemy Prisoners Database, 11 April 2018
<http://hrwf.eu/wp-content/uploads/2018/04/Iran-FBL-2017.pdf>

A December 2016 Radio Farda article states that “[f]our Iranian converts to Christianity have been arrested in the city of Karaj, Alborz province, less than two weeks before Christmas”, adding that security forces also “raided two shops belonging to two of the detainees”, sealing them off for “overcharging”, “profiteering” and “breaking guild regulations” (Radio Farda, 16 December 2016). In October 2017, the same source reported that an “Iranian convert to Christianity has been arrested in the city of Dezful, southwest of the country” (Radio Farda, 15 October 2017).

Information regarding the arrested Christians mentioned in above-cited articles by Radio Farda could not be found in the HRWF database.

Sunni Muslims, including conversion to Sunnism

Article 12 of the Constitution of the Islamic Republic of Iran provides that the country’s official religion is Islam and the Twelver Jafari school. It goes on to state that “Other Islamic faiths such as Hanafi, Shafei, Maleki, Hanbali and Zaidi, shall enjoy full respect”, specifying the rights of adherents of these faiths as follows:

“The followers of these faiths are free to carry out their religious rites according to their own Fegh [religious jurisprudence] their religious education and training, personal status (marriage, divorce, inheritance and will) and lawsuits related thereto shall be officially recognized by courts of law. In any region where the followers of these faiths have a majority, the local rules and regulations, within the scope of authorities of councils, shall be in conformity with these faiths, by reserving the rights of followers of other faiths.” (Constitution of the Islamic Republic of Iran, 1989, Article 12)

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) states that “[t]he Sunni Muslim population in Iran is concentrated in underdeveloped areas and experiences discrimination in employment and political leadership, and many Sunni activists report harsh treatment in prison due to their religious practices” (USCIRF, April 2018).

A March 2018 joint report of the NGOs Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that ethnic Arabs in Iran (referred to locally as Ahwazi or Ahwazi Arabs) are mostly Shia Muslims but include a “substantial minority” of Sunnites who, as a consequence, are “vulnerable to intersectional discrimination on the basis of both religion and ethnicity”. The same report also notes that the majority of Iran’s ethnic Baluchi population are Sunni Muslims and therefore “face intersectional discrimination”. (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, pp. 9-10)

The Amnesty International (AI) Report 2017/18, published February 2018, similarly notes that “Sunni Muslims continued to report discrimination including restrictions on holding separate prayers for Eid al-Fitr celebrations and exclusion from high-ranking positions” (AI, 22 February 2018).

The April 2018 USCIRF report specifies that:

“The repeated requests of Tehran’s Sunni community to build an official mosque in the city have all been refused; they therefore hold prayers in smaller spaces they refer to as ‘prayer halls.’ In August and September 2017, prominent Sunni leader Molavi Abdul Hamid and Supreme Leader Ayatollah Ali Khamenei exchanged a series of public letters regarding anti-Sunni discrimination in employment and mosque construction. Khamenei wrote that ‘no kind of discrimination or inequality by the institutions of the Islamic Republic is allowed based on race, ethnicity or religion,’ an assertion in stark contrast to the lived reality of Sunni communities.” (USCIRF, April 2018)

Radio Farda reported in a November 2017 article that the Molavi Abdul Hamid (transcribed here as Abdola-Hamid), prayer leader of the city of Zahedan in Sistan and Baluchestan province, in an interview published by the state-run Iranian Students News Agency (ISNA), “reiterated that Sunnis do not get high level government jobs and he is personally under travel restrictions” barring him “from traveling, except to the capital”. (Radio Farda, 12 November 2017)

The May 2018 US Department of State (USDOS) Report on international religious freedom (covering the year 2016) describes the situation of members of the Sunni minority as follows:

“Residents of provinces with large Sunni populations, including Kurdistan, Khuzestan, and Sistan and Baluchistan, reported continued repression by judicial authorities and members of the security services, including extrajudicial killings, arbitrary arrest, and torture in detention, as well as discrimination, including suppression of religious rights, lack of basic government services, and inadequate funding for infrastructure projects. [...] Sunnis reported continued underrepresentation in government-appointed positions in the

provinces where they formed a majority, such as Kurdistan and Khuzestan, as well as an inability to obtain senior government positions.” (USDOS, 29 May 2018, section 2)

A September 2017 article of the Center for Human Rights in Iran (CHRI) states that “[d]espite accounting for an estimated 10 percent of Iran’s population, no Iranian Sunni has ever been appointed to a ministerial position in government since the establishment of the Islamic Republic in 1979” (CHRI, 9 September 2017).

As the May 2018 USDOS report indicates, “Sunni activists reported that throughout the year, and especially during Moharam, the government sent hundreds of Shia missionaries to areas with large Sunni Baluch populations to try to convert the local population” (USDOS, 29 May 2018, section 2).

A March 2016 article of the Middle East Institute (MEI) states that:

“Iran’s Sunnis have long struggled with poverty and discrimination, and are suspiciously viewed as the country’s fifth column. Iran’s Shiite-centric policies and its security-driven paranoia are contributing to the economic hardships of Iranian Sunnis, and fueling their sense of alienation. These discriminatory policies can be felt throughout Sunni-majority regions. In a remote, economically deprived village in Iran’s Sistan-Baluchistan province, ‘There are no men; all have been hanged by the government for drug and other offenses,’ says Shahindokht Molaverdi, a vice president in President Hassan Rouhani’s government. [...]

To monitor activities of Sunni groups and prevent Wahhabi-Salafi proselytization, the Iranian government established a council in 2008 to better control schools for religious teaching of Sunnis. The bylaws of the council placed representatives of Iran’s supreme leader in charge of administrating Sunni schools. Sunni members of parliament described the bylaws, including its first article, as discriminatory government interference in Sunni religious affairs. [...]

The Iranian government also closely monitors the situation in Kurdistan, another Sunni majority province in the country’s northeastern. Iran’s interior ministry recently published a report on the activities of alleged ISIS sympathizers in Kurdish areas. The report refers to the activities of Salafi groups in Iraqi Kurdistan and asserts that ‘considering ethnic and religious ties [between Iraqi and Iranian Kurdistan] these activities pose a potential threat to the internal security of Iran.’ Kurdish Salafi groups include Ansar al-Islam, the Kurdistan Islamic Emirate, Kataib Qaed fi Kurdistan, and Jaish Sahabeh. [...]

In an effort to intellectually uproot Wahhabism and Salafism, the Hawza ‘Elmiyya in the city of Qom—a seminary where Shiite Muslim clerics are trained—has provided special education for thousands of people around the country. They aim to raise awareness and promote a critical approach to ‘Wahhabism, Baha’ism, Sufism, fake mysticism, Christianity, and Zoroastrian.’” (MEI, 21 March 2016)

A February 2018 joint report of the of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) states that “Shiite Ahwazi converting to Sunni-Islam may also attract the authorities’ attention” (DIS/DRC, 23 February 2018a, p. 10).

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) states that “[a]t least 140 Sunni prisoners reportedly are detained on charges related to their beliefs and religious activities”. It also states that according to human rights groups, “communal punishment of the Sunni community through prolonged detention and harassment have intensified following the June 2017 attacks in Tehran by the Islamic State of Iraq and Syria (ISIS).” (USCIRF, April 2018)

The August 2017 USDOS international religious freedom report, which covers the year 2016, notes that the authorities “executed more than 20 Sunni Kurdish prisoners at Rajai Shahr Prison on charges of *moharebeh*, ‘being affiliated with Salafi groups’, and ‘acting against national security.’” The report adds that “[c]ourts also upheld the 2015 death sentences of Sunni prisoners Mohammad Kayvan Karimi, Amjad Salehi, and Omid Payvand, on charges of ‘enmity against God through spreading propaganda against the system,’ despite NGO reports the convictions were based on confessions obtained through torture.” (USDOS, 15 August 2017, section 2)

A September 2017 article of the Center for Human Rights in Iran (CHRI) notes that “[d]ozens of Iranian Sunnis have been detained on suspicion of having alleged links with the attackers who carried out the deadly terrorist attacks in Tehran on June 7, 2017” that were claimed by the so-called Islamic State (IS) group. The same article continues:

“In July 2017, the Council of Sunni Theologians of Iran, representing clerics based in the country’s northwestern Kurdish-populated provinces, suspended operations in response to the ongoing climate of intimidation and fear perpetuated by the Intelligence Ministry since the attacks.” (CHRI, 9 September 2017)

Jews

A December 2017 Radio Farda article notes that “[t]he number of Jews in pre-Islamic revolution was reportedly more than 120,000” and points to diverging estimates regarding the present size of Iran’s Jewish community:

“There are contradictory reports on the number of Jews still living in Iran. Sam Kermanian believes that about 10,000 Jews live in Iran at present. However, in an interview published in Kermanshah Daily two years ago, representative of Jewish community to majlis (the Islamic Republic’s parliament), Siamak Moreh Sedq said about 25,000 Jews were living in Iran.” (Radio Farda, 29 December 2017)

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that “Jews number 8,756 according to the 2011 census, although some groups give larger estimates”, with

most Jews living in Tehran, while “there are also communities in Shiraz, Isfahan and other large cities”. (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 10)

Article 13 of the Iranian Constitution of 1979 (last amended in 1989) mentions Jews as one of the recognized religious who, “within the limits of law, shall be free to carry out their religious rites and practise their religion in personal status and religious education” (Constitution of the Islamic Republic of Iran, 1989, Article 13).

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) provides the following overview of the situation of persons of Jewish faith:

“Although the vitriolic sentiment was not as pronounced as in previous years, the government continued to propagate anti-Semitism and target members of the Jewish community on the basis of real or perceived ‘ties to Israel.’ Throughout the year, high-level clerics continued to make anti-Semitic remarks in mosques, while numerous programs broadcast on state-run television advanced anti-Semitic messages. In December 2017, two synagogues in Shiraz were attacked and vandalized, leaving sacred texts destroyed. Discrimination against Iranian Jews, who number between 15,000 and 20,000, fosters a threatening atmosphere for the community.” (USCIRF, April 2018)

Haaretz, an Israeli newspaper, reported in late December 2017 that “[t]wo synagogues in the Iranian city of Shiraz were attacked by vandals who damaged Torah scrolls, prayer books and ritual objects” (Haaretz, 28 December 2017).

Zoroastrians

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) indicates that “Zoroastrians number 25,271 according to the 2011 census” (see also USDOS, 15 August 2017, section 1; BBC News, 27 October 2017) and “live mostly in the provinces of Yazd, Kerman and Eastern Azerbaijan but with notable populations in the cities of Tehran and Shiraz as well”. The report states that Zoroastrians are followers of a monotheistic religion that originated in ancient Persia and that “[t]he name of the religion is derived from its founder, the prophet Zarathustra (Zoroaster).” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018)

Article 13 of the Iranian Constitution of 1979 (last amended in 1989) mentions Zoroastrians as one of the recognized religious who, “within the limits of law, shall be free to carry out their religious rites and practise their religion in personal status and religious education” (Constitution of the Islamic Republic of Iran, 1989, Article 13).

A January 2018 article of the Center for Human Rights in Iran (CHRI) states that Zoroastrians are “subject to discrimination” (CHRI, 30 January 2018).

The April 2018 United States Commission on International Religious Freedom (USCIRF) report presents an overview of the treatment of Zoroastrians with a focus on discrimination within the context of political representation:

“In recent years, members of the Zoroastrian community, which numbers between 30,000 and 35,000 people, have come under increasing repression and discrimination. Following the May 2017 local elections, discrimination against the community rose to national prominence as a Zoroastrian elected in Yazd was suspended from his position due to his religion. The Guardian Council, a governmental body of jurists that assesses legislation for compliance with Islamic values, upheld his suspension based on a pre-election statement from its chairman, Ayatollah Ahmad Jannati, stating that non-Muslims cannot run for office in majority-Muslim areas, despite protections in the election law allowing members of recognized religions to do so. In December 2017, the Iranian parliament amended the national law on local councils, explicitly affirming the right of recognized religious minorities to hold office. However, this amendment was rejected by the Guardian Council, leaving the debate ongoing at the end of the year.” (USCIRF, April 2018)

Freedom House reports that the rejection of the bill “affirm[ing] minorities’ right to run for municipal councils” by the Guardian Council means that “the dispute would have to be settled by the Expediency Council” (Freedom House, January 2018, section B).

The suspension of the elected Zoroastrian town councillor in Yazd is also reported in an October 2017 BBC article (BBC News, 27 October 2017).

A November 2015 article by Iran scholar Pejman Abdolmohammadi states that “[t]here is also a new trend, particularly among Iranian youth, of conversion from Islam to Zoroastrianism” (Abdolmohammadi, November 2015, p. 10).

For further information on Zoroastrianism and the situation of Zoroastrians, including the treatment of converts from Islam to Zoroastrianism and persons living in mixed marriages between Zoroastrians and non-Zoroastrians, please refer to the following June 2017 UK Home office country policy and information note:

- UK Home Office: Country Policy and Information Note Iran: Zoroastrians, June 2017 https://www.ecoi.net/en/file/local/1401993/1226_1498049790_iran-zoroastrians-cpin-v1-0.pdf

Bahais and Babis

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) states that Iran’s Bahai community is “at over 300,000 people”, making it “the largest non-Muslim religious minority” in the country. (USCIRF, April 2018; see also MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 9)

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

“Bahá’í are believed to be the largest non-Muslim religious minority in Iran, with the size of the community estimated at 300,000. The Bahá’í faith was founded in Iran in the mid-1800s and frames itself as new revelation and continuation of monotheistic, and other, religious traditions that predate it. Followers of the Bahá’í faith have long been labeled as

heretics by the clerical establishment in Iran, with statesanctioned persecution intensifying after the Iranian Revolution of 1979.” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 9)

Freedom House’s Freedom in the World report, published in January 2018, states that “Baha’is are systematically persecuted, sentenced to prison, and banned from access to higher education” (Freedom House, January 2018, section D).

The Amnesty International Report 2017/18, published in February 2018, includes a brief overview of the situation of members of the Bahai community:

“Widespread and systematic attacks continued to be carried out against the Baha’i minority. These included arbitrary arrests, lengthy imprisonment, torture and other ill-treatment, forcible closure of Baha’i-owned businesses, confiscation of Baha’i properties, bans on employment in the public sector and denial of access to universities. The authorities regularly incited hatred and violence, vilifying Baha’is as ‘heretical’ and ‘filthy’.” (AI, 22 February 2018)

The April 2018 report provides an overview of the treatment of Bahais which is “deemed by the government a heretical, ‘deviant sect’ whose members are de facto apostates”. The report thus refers to Bahais as the “most severely persecuted religious minority in Iran, not recognized by the state, and denied their political, economic, cultural, and religious rights” and informs about arrests of members of the Bahai community:

“Over the past 10 years, more than 1,000 Baha’is have been arbitrarily arrested. In April 2017, the UN Working Group on Arbitrary Detention stated that the 2016 sentencing of 24 Iranian Baha’is to lengthy prison terms was based solely on their religious beliefs and a ‘violation of their right as a religious minority.’ In October 2017, the 200th anniversary of the birth of the founder of the Baha’i faith, nearly 20 Baha’is were arrested and 25 homes raided. At the end of the reporting period, over 90 Baha’is were being held in prison solely because of their religious beliefs.

Those imprisoned include four of the seven high-profile Baha’i leaders known as the ‘Friends of Iran’ or Yaran. Three of these leaders—Mahvash Sabet, Fariba Kamalabadi, and Behrouz Tavakkoli—were released in September, October, and December 2017, respectively, after completing 10-year sentences on false charges of espionage and spreading propaganda. [...] The other four leaders—Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, and Vahid Tizfahm—remained in prison at the end of the reporting period. Two Baha’i instructors imprisoned for their work with the outlawed Baha’i Institute for Higher Education were released from prison in 2017 following completion of five-year sentences. However, five other instructors remained in prison at year’s end, and two more were summoned to begin prison terms in November and December 2017.” (USCIRF, April 2018)

The same report also points to the following measures affecting persons of Bahai faith:

“In April, July, and October 2017, Iranian authorities closed down dozens of Baha’i-owned shops for observing holy days. While some closures were temporary, many shops closed in

2016 remained shuttered at the end of the reporting period despite legal appeals, and over 600 shops have been closed since 2014. In November 2017, the President's Special Assistant for Citizens' Rights Affairs Shahindokht Molaverdi stated that the Rouhani Administration would 'follow legal procedures' to remedy the issue of closures.

Although the Iranian government maintains publicly that Baha'is are free to attend university, the de facto policy of preventing Baha'is from obtaining higher education remains in effect. Over 50 Baha'i students have reported being expelled during the academic year since 2013, despite high scores on standardized tests. In November 2017, three Baha'i students who wrote to the government to protest being denied enrollment in university were sentenced to five years in prison each on charges of 'membership in the anti-state Baha'i cult.'" (USCIRF, April 2018)

The same report goes on to inform about the 2016 murder of a Bahai man whose killers were sentenced to lighter punishments than those stipulated in the Islamic Penal Code for murder of Muslims:

"In September 2016, Baha'i Farhang Amiri was stabbed to death by two brothers outside of his home in Yazd; the two men later reportedly confessed, saying they killed him because he was an apostate whose murder would guarantee them paradise. In July 2017, the older brother convicted of the murder was sentenced to 11 years in prison and two years' exile, while the younger brother received five and a half years in prison. Under the Iranian penal code, murder of a Muslim carries the death penalty, while murder of a Baha'i or other member of an unrecognized religion carries much lighter legal penalties." (USCIRF, April 2018)

The same source also notes that there has been a steady growth in "anti-Baha'i propaganda aired on official channels", with "an estimated 26,000 pieces of anti-Baha'i media [...] run on official or semi-official channels" since 2014 (USCIRF, April 2018).

Further information on the situations of persons of Bahai faith can be found in an August 2016 report of the Norwegian Country of Origin Information Centre (Landinfo) (in Norwegian) and in section 2 ("Status of Government Respect for Religious Freedom") of the May 2018 US Department of State (USDOS) report on international religious freedom which covers the year 2017:

- Landinfo – Norwegian Country of Origin Information Centre: Iran: Situasjonen for bahá'í , 12 August 2016
https://www.ecoi.net/en/file/local/1164905/1788_1474463078_3402-1.pdf
- USDOS – US Department of State: 2017 Report on International Religious Freedom - Iran, 29 May 2018
<https://www.ecoi.net/de/dokument/1436871.html>

Sufis

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) provides the following overview of the Sufi tradition and the number of its followers in Iran:

“Sufis are followers of a mystical tradition within Islam. Those in Iran belong to various orders, including the Nematollahi Gonabadi and the Naqshbandi orders. Many of these orders identify as Twelver Shi’a Muslim, the official state religion. State-affiliated Shi’a authorities, however, often regard Sufism as a deviation from Islam. There are no hard statistics on the number of Sufis in Iran, although some estimates place them at several million.” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 10)

A May 2018 Human Rights Watch (HRW) press release indicates that “[t]he Nematollahi Gonabadi Dervish community consider themselves followers of Twelver Shia Islam [...] but authorities have persecuted them for their religious beliefs in recent years” (HRW, 15 May 2018).

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) gives an overview of the treatment of Gonabadi Sufis:

“Adherents to Sufi orders, which emphasize the mystic elements of Islam, are targeted for ‘following a deviant sect’ that does not conform to the state’s official interpretation of Islam. Members of the Nematollahi Gonabadi Sufi order, Iran’s largest, continued to face a range of abuses, including attacks on their prayer centers and homes; expulsion from educational and cultural institutions; and harassment, arrests, physical assaults, and travel bans on their leaders. Over the past year, authorities have detained dozens of Sufis, sentencing many to imprisonment, fines, and floggings. Iranian state television regularly airs programs demonizing Sufism, and many of the administrators of a popular Sufi website remain in prison on charges including ‘membership in a sect endangering national security.’ In late December 2017, as protests spread nationwide, security forces arrested five Gonabadi Sufis as they visited the hospitalized administrator of the Sufi website.” (USCIRF, April 2018)

The May 2018 HRW press release reports that over 300 members of the Gonabadi Dervish community were arrested in February 2018 after clashes “when the authorities violently repressed a peaceful protest in Tehran”:

“The clashes left dozens injured and three police officers and another security force member dead. On March 18 [2018], after an unfair trial that lasted three sessions, the authorities sentenced Mohammad Sallas, 46, to death on charges of killing the police officers by driving a bus into a crowd of security officers. [...]

Many of those arrested remain in custody on vaguely defined charges and without access to a lawyer. On May 10 [2018], a member of the Gonabadi Dervish community with close knowledge of the situation who requested anonymity told Human Rights Watch that 430 Dervish men remained in custody in Fashafouyeh prison in Tehran. Activists tweeted on

May 14 that the authorities had arraigned 11 women among those detained on charges that included disobeying the police and acting against national security. [...]

On March 4, the authorities informed the family of Mohammad Raji, one of those arrested, that he had died in custody. The authorities have not investigated his death and had threatened reprisals against his family if they spoke about it publicly.

On April 18, Abbas Jafari Dolatabadi, the Tehran prosecutor, said at a news conference that '350 indictments have been issued with regard to the incidents on Pasdaran Street, and some of the cases have been referred to the Revolutionary Court.'

He said the authorities are charging the detainees with disturbing public order, disregarding police orders, conspiracy, collusion to disrupt the country's national security, and using weapons.

The source with knowledge of the situation said that among those detained are family members, particularly women, to pressure their family members to confess that they used violence during the protests. The source said that members of the police and Iran's Islamic Revolutionary Guard Corps' (IRGC) Intelligence Unit have been interrogating the detainees.

Several family members have confirmed that the authorities are not giving detainees access to lawyers or permitting regular family visits or phone calls. They also said that several people injured during the February 20 crackdown have not had adequate access to medical treatment." (HRW, 15 May 2018)

An October 2017 article of the Center for Human Rights in Iran (CHRI) informs about the cases of six Gonabadi Dervish men who were arrested in 2011 and sentenced in 2015 for "waging war against the state" by following "a deviant sect":

"The sentences of a lifetime in exile issued against Mohammad Ali Shamshirzan and Hamid Arayesh of the Sufi order in Iran known as Gonabadi Dervishes has been illegally changed to life in prison unless the two 'repent,' a source with knowledge about the case informed the Center for Human Rights in Iran (CHRI). Four other dervishes—Kazem Dehghan, Mohammad Ali Sadeghi, Ebrahim Bahrami and Mohammad Ali Dehghan—who had also been sentenced to exile, are now facing five to seven years in prison. [...]

The six men were arrested in Kowar, Fars Province, in August 2011 when radical Shia Muslim seminary students attacked their religious gathering. They were interrogated at the Intelligence Ministry's detention center in the province's capital city of Shiraz and later transferred to the city's Adelabad Prison.

Convicted in April 2015 by the Revolutionary Court in Shiraz of the charges of 'waging war against the state' for following 'a deviant sect,' the six were sentenced to long periods in exile in different cities. Shamshirzan, Dehghan and Arayesh were respectively handed life in exile sentences in the southern port city of Bandar Abbas; Zahedan in Sistan and Baluchistan Province and Ahwaz in Khuzestan Province.

Sadeghi, Bahrami and Dehghan were respectively issued seven years sentences in exile in Dezful in Khuzestan Province, Zabol in Sistan and Baluchistan Province and Maragheh in East Azerbaijan Province.” (CHRI, 5 October 2017)

A July 2017 article of the Center for Human Rights in Iran (CHRI) states that:

“State authorities in Iran have blocked access to websites belonging to the Sufi Gonabadi Order to erase the religious minority’s presence on cyberspace, their lawyer told the Center for Human Rights in Iran (CHRI). [...] Since July 10, 2017, access to the group’s Mazar Soltani websites in Iran have been blocked by the country’s principal internet filtering body, the Taskforce to Determine Instances of Criminal Content. The sites contain speeches by the group’s leader, Nour Ali Tabandeh, as well as articles on mysticism.” (CHRI, 22 July 2017)

Freedom House states in its January 2018 Freedom in the World report that “[i]n recent years, there has been increased pressure on the Sufi Muslim order Nematollahi Gonabadi, including destruction of their places of worship and the jailing of some of their members” (Freedom House, January 2018, section D).

Yaresan/Ahl-e Haq

An April 2017 report of the Danish Immigration Service (DIS) states that “[f]ollowers of Yari faith, the Yaresan, in Iran are most commonly known as the ‘Ahl-e Haqq’ in Iran. The group often call themselves a ‘tayefe’ (meaning tribe or group) or ‘Yaresan’. Other appellations employed for followers of Yari faith are ‘Aliullahi’ or ‘Ali-Ilahi’ (one who believes that Ali is God)” (DIS, 6 April 2017, p. 4) or Kaka’i. They are “followers of a syncretic religion dating to the fourteenth century” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 10).

The April 2017 report of the DIS provides the following demographic information about the Yaresan:

“In Iran, the Yaresan are mainly concentrated in the province of Kermanshah with estimates of approximately half a million Yaresanis. Groups of Yaresan also live in other areas of Iran, including West Azarbaijan, Lorestan, Tehran, Hamadan, Kelardasht, Karaj and Saveh. There are no accurate estimates of the size of the Yaresan community in Iran, and numbers range from one to four million. The area of Guran [also spelled Goran ed.] in the western part of Kermanshah, where the Yari faith has its origins and where many of sites considered holy to the Yaresan are located, has the ‘most dense concentration’ of Yaresan. In the eastern part of Kermanshah, in the town of Sahneh and its surrounding villages, another Yaresan community is found.” (DIS, 6 April 2017, p. 4)

The April 2017 DIS report quotes Philip Kreyenbroeck, professor and director of Iranian Studies at Georg-August University of Göttingen, as saying that the Yaresan in Iran are divided into a “modernist” and a “traditionalist” group (DIS, 6 April 2017, p. 4).

Referring to the same source, the DIS report goes on to provide the following background information on the two groups of Yaresan:

“According to Dr. Philip Kreyenbroek, historically, a rift emerged among the Yaresan with the teachings put forward by Hajj Ne’matollah Jayhunabadi (1871-1920) in the late 1800’s. These teachings broke with the Yaresan communities’ beliefs and traditions within Yari faith and had lasting consequences for the Yaresan. The source explained that Jayhunabadi was not of a so-called Sayyed family, that is a family of a religious leader, and therefore not in a position to transmit religious knowledge, according to Yari tradition. In his teachings, Jayhunabadi in many ways asserted that the Yaresan were Muslims and reconciled Yari faith with Shi’ism. [...] Followers of this ‘modernist’ version come mainly from an educated class both in Iran and in the West, particularly in France where Paris has become a center of their activities. [...]

The ‘traditionalist’ Yaresan, who are concentrated in the Guran area of Kermanshah in Iran, on the other hand, reject the idea that Yari faith can be considered a version of Shia Islam. This group has always been closed to outsiders, and still remains closed today, according to Dr. Philip Kreyenbroek.” (DIS, 6 April 2017, p. 4)

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

“The government does not recognize the religion and refers to some of its branches as ‘misguided cults.’ Consequently, it classifies Yarsanis as Muslims, a strategy also adopted by some members of the community to avoid discrimination. However, Yarsanis are adherents to a distinct faith and according to some estimates comprise around a million adherents in Iran. Nearly all Yarsanis are Kurdish and therefore face intersectional discrimination on the basis of both religion and ethnicity.” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 10)

The April 2018 report of the United States Commission on International Religious Freedom (USCIRF) notes that:

“While the Iranian government considers followers of the Yarsan faith to be Shi’a Muslims who practice Sufism, members identify as a distinct and separate religion [...]. Yarsanis whose religious identity is publicly known face discrimination in education, employment, and running for political office. In the May 2017 elections, 28 of the 30 Yarsani candidates for local office in the city of Hashtgerd were disqualified from running. The following month, Yarsani leaders published an open letter to President Rouhani requesting that the constitutional status of the Yarsan faith be clarified. As with previous such letters, the community received no reply.” (USCIRF, April 2018)

The May 2018 US Department of State (USDOS) report on international religious freedom (covering the year 2017) notes that authorities reportedly continued to deny members of the Yarsan community access to higher education and government employment unless they declared themselves as Muslim on their application forms (USDOS, 29 May 2018, section 2).

A September 2017 report of the Kurdistan Human Rights Network, a Paris-based NGO reporting on human rights issues in Iranian Kurdistan, notes that “Iran’s Security forces arrested a Kurdish

Yarsan activist who was a resident of Neka (a city in the north of Iran) and transferred him to an unknown location” (KHRN, 26 September 2017).

Yezidis

Two academic experts consulted in 2015 stated that they were not aware of any Yezidi communities within Iran (Senior research fellow, 28 August 2015; Professor at a university in Canada, 26 August 2015).

Khanna Omarkhali, senior research fellow at the Department of Iranian Studies at the University of Göttingen, stated in an August 2015 email response that there is no official information about the situation of Yezidis in Iran today. It is not even known exactly whether there are still Yezidis in the country. There are some unofficial reports that there are 13 Yezidi villages in Iran and some of the followers of this religion have been assimilated among the Ahl-e Haqq group, who are called Yarsan there. All there is available are sporadic references to their existence in travel reports. But given the political attitudes towards minorities and especially towards Yezidis, who are identified there as followers of Yazid ibn Muawiyah and therefore are subject to strongly negative attitudes, it is plausible to assume that they were forced to practice their religion secretly and thus remained “under veil”. (Omarkhali, 31 August 2015)

An undated brief overview of Yazidism published by the Central Council of Yazidis in Germany (Zentralrat der Yeziden in Deutschland) based in the German city of Oldenburg however mentions that the areas of Yezidi settlement are located within those of the Kurds in Iraq, Syria, Turkey and Iran (Zentralrat der Yeziden in Deutschland, undated).

Petra Uphoff, a German scholar in Islamic studies, stated in her 2012 doctoral dissertation submitted at the University of Cologne that there is little information on the level of recognition and living conditions of members of the Yazidi community in Iran. Most of the time, they seek to remain invisible as Yazidis, which is easier to do in the Kurdish areas with its wide mix of minority groups. In theory, one could expect that Yazidis enjoy a fair amount of tolerance due to their discreet lifestyle and the fact that they do not engage in proselytizing. However, they are neither mentioned in the Constitution nor are they granted any representation in parliament. (Uphoff, 2012, p. 362).

Martin van Bruinessen, a social anthropologist and emeritus professor at Utrecht University (Netherlands) specialised in Kurdish studies, stated in an email response of August 2015:

“There are occasional references to Yezidis in Iran, allegedly living in Kermanshah province. I have never been able to find these communities and long believed that these references were based on misunderstanding, as travellers heard about ‘devil-worshippers’ (as locals sometimes name the Guran Ahl-e Haqq) and inferred that these must be Yezidis.

However, I have more recently heard that there are in fact a few small groups of Yezidis who took refuge in Iran when they were persecuted in the Ottoman Empire; they allegedly settled in different parts of Kurdistan, in Kermanshah and West Azerbaijan provinces.

Fearing more persecution, they have always kept their religious background hidden from outsiders, while keeping to their traditions in their own circles.

These communities must, however, be very small and inconspicuous, and not subject to specific policies.” (van Bruinessen, 28 August 2015)

Ezidi Press, a German-based news portal representing Yezidi interests, reported in a January 2015 article that it can be life-threatening to reveal one’s identity as being Zoroastrian, Baha’i or Yezidi in Iran, which is why there are no Yezidis in Iran, or very few Yezidis living in secret (Ezidi press, 10 January 2015).

No further information could be found on Yezidis in Iran.

Sabean Mandaean

The March 2018 joint report of Minority Rights Group International (MRG), Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) includes the following information on the Sabean-Mandaean community:

“Sabean-Mandaeans are adherents of a pre-Christian monotheistic religion based on the teachings of John the Baptist. They number between 5,000 and 10,000 in Iran. Most live in the Khuzestan province near the border of Iraq, where they rely on the Karoun River for the performance of baptism rituals.” (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 10)

In her 2010 doctoral dissertation entitled “The Mandaeans of Iran”, Caroline Nik Nafs notes that since the Statistical Centre of Iran (AMAR) does not collect data on non-recognized minorities, there are no official figures on the country’s Mandaean population, and estimates on their numbers in Iran vary between 3,000 and 30,000 (Nik Nafs, 2010, p. 50).

A December 2016 article by Tavanaa, an e-Learning Institute seeking to inform Iran’s civil society, notes that Iran’s Constitution does not recognize Sabean-Mandaeans as a religious minority (Tavanaa, 24 December 2016)

Sources note that the Sabean-Mandaeans are not recognized as members of one of the religions of the book mentioned in the Koran and thus lack protection (Ahwaz News Agency, 2 February 2013; Ezidische Akademie, 28 February 2010; IWPR, 30 July 2010; Lantos Swett, 20 June 2013).

Jamsheed Choksy mentions in his 2012 journal article that since the Islamic Revolution in 1979, Iran’s Mandaeans have experienced “discrimination, isolation, and intimidation” (Choksy, 2012, p. 271; see also Tavanaa, 24 December 2016).

The May 2018 US Department of State (USDOS) report on international religious freedom notes that the Iranian government recognises “Sabean-Mandaeans as Christian, even though the Sabean-Mandaeans do not consider themselves as such”, and that “[a]uthorities reportedly

continued to deny the Sabeian-Mandaean” community “access to higher education and government employment unless they declared themselves as Christian” (USDOS, 29 May 2018).

In her 2010 doctoral dissertation, Nik Nafs explains that Mandaicism, a pre-Christian religion which shares similarities with Zoroastrianism, Judaism and Christianity, is characterised by a monotheism influenced by dualistic beliefs, strict hygiene rules, complex mythology and a rejection of asceticism. Running water is a core element of all Mandaean rituals. The most important ritual is baptism in rivers, which can be performed anytime for the remission of one’s sins. Mandeans generally practice endogamous marriage and do not proselytize (Nik Nafs, 2010, pp. 7-8). According to the IWPR, Iran’s Mandeans are located in Khuzestan province (IWPR, 30 July 2010).

The July 2010 article of the Institute for War and Peace Reporting (IWPR), an independent not-for-profit organisation that works with media and civil society in conflict zones, provides the following general information on Mandaean religion and society:

“The Mandeans, or Sabians as they are often known, are followers of John the Baptist, but are not Christians. [...] Ethnicity and faith are closely connected in Mandaean identity, so there is no proselytising. Marriage with outsiders is strictly forbidden, and counts as apostasy, so anyone doing so is cast out of the faith. As a result of this practice, the Mandaean population is constantly shrinking. But in recent years emigration has been a major factor in reducing numbers in Iran as well as Iraq. [...]

Because the Mandeans do not seek to convert others, they are not perceived as a threat by the Shia clerical establishment. Yet unlike other faith communities – Armenian and Assyrian Christians, Zoroastrians and Jews – the Mandeans are not recognised as a discrete group in the Islamic Republic’s constitution, and are not accorded representation in parliament as others are.” (IWPR, 30 July 2010)

The same article quotes a Mandaean man from Ahvaz (Khuzestan province), who emigrated to France, as saying that because Mandeans are not mentioned in the Constitution as a minority, their children are “forced to attend Koranic classes and Islamic studies” and, unlike recognized minorities like the Jews, are unable to “opt out of religious classes for Muslims in school”. Similarly, Mandeans are not legally allowed to name their children based on their religious preference but are required to give them Muslim or Iranian names. The IWPR further quotes an Arab Muslim originating from the same province as saying that “[t]he Arabs of Khuzestan have good relations with the Mandeans” while “Persian-speakers in Khuzestan are still unfamiliar with the Mandeans and regard them as an Arab tribe”. (IWPR, 30 July 2010)

A January 2015 BBC Persian article states that Mandeans lack recognition under the Constitution and face restrictions in a number of domains. This affects their right to bury their dead according to traditional customs, and their children are forced to take part in Islamic religious classes and Shia religious practices without being given equal access to their own Mandaean religious teachings. (BBC Persian, 7 January 2015)

The 2013 journal article of USCIRF commissioner Katrina Lantos-Swett states that “[o]ver the past few years, the Sabeen Mandaean religious community, whose members, like Baha’is, are unprotected, have been facing intensifying official harassment”, with continuing reports that their members “experience societal discrimination and pressure to convert to Islam” and are “often denied access to higher education”. The article notes that “[i]n recent years, hundreds of Sabeen Mandaean families have reportedly fled the country”. (Lantos Swett, 20 June 2013)

Followers of mystic schools, interuniversalists

General information on the origins and the beliefs underlying interuniversalism (Erfan Halgheh) can be found in a November 2013 query response of the Immigration and Refugee Board of Canada (IRB):

- IRB – Immigration and Refugee Board of Canada: Iran: Situation and treatment of practitioners of Interuniversalism (Erfan Halgheh) (2010-October 2013) [IRN104640.E], 6 November 2013
<https://www.ecoi.net/en/document/1005138.html>

The May 2018 US Department of State (USDOS) report on international religious freedom states that in August 2017, “[t]he Revolutionary Court of Tehran sentenced Mohammad Ali Taheri, founder of the spiritual doctrine of ‘Interuniversalism’ and the Erfan-e Halgheh group, to death for a second time [...]” This death sentences was rejected by the Supreme Court, which ordered retrial of the case. (USDOS, 29 May 2018, section 2)

The April 2018 annual report of the United States Commission on International Religious Freedom (USCIRF) notes that “[s]everal dozen of Taheri’s followers were arrested in July and August 2017, and human rights organizations estimate that over 300 have been arrested since 2010. Many Erfan instructors and students were released shortly after being interrogated during the year.” (USCIRF, April 2018)

For information on the teachings of Eckankar religious movement, please see the following overview on Eckankar’s international website:

- Eckankar.org: Basic Beliefs of Eckankar, undated
<https://www.eckankar.org/belief.html>

In a March 2017 article, Iran Human Rights (IHR) reported on the case of Marjan Davari, a woman who was “reportedly arrested on September 24, 2015 in Karaj by Ministry of Intelligence agents for holding a class and translating a book about ‘Eckankar’” and “sentenced to death by branch 15 of Tehran’s Revolution Court [...] on the charge of ‘Spreading corruption on earth’”. The same article elaborates on the case as follows:

“In order to issue the Corruption on earth charge, the court cited the topics that Ms. Davari translated and the lecture she gave - in addition to using the following accusations against her: apostasy, illegitimate relationships, gathering and colluding against the state, and membership in Eckankar,’ a close source tells Iran Human Rights.

Marjan Davari was detained in Ward 209 of Evin Prison where she was not allowed any contact with her family or lawyer for four months. She is currently held in Gharchak Varamin Prison located in the city of Rey (Tehran province). In February 2017, she was transferred to this prison from Evin's women's ward." (IHR, 27 March 2017)

For more information on this case, please see the following article of the Center for Human Rights in Iran (CHRI):

- CHRI - Center for Human Rights in Iran: Translator in Prison for One Year Without Knowing Charges; Her Lawyer Denied Access to Case File, 13 September 2016
<https://www.iranhumanrights.org/2016/09/marjan-davari/>

Atheists and non-practising Muslims

For information on the treatment of atheists in Iran, please also see our June 2017 query response:

- ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation: Query response on Iran: Treatment of atheists by State and non-State actors [a-10099], 12 June 2017b
<https://www.ecoi.net/en/document/1402688.html>

A November 2015 study by Pejman Abdolmohammadi, an Iran scholar and visiting research fellow at the London School of Economics and Political Science, notes that “[d]espite the lack of official statistics (as in order to avoid state persecution there are no public conversions), several indicators seem to suggest that a significant number of young Iranians do not consider themselves Muslims”. The author writes that “[m]any of them are either becoming atheists or secretly converting to other religions – especially Zoroastrianism, Baha’ism and Christianity, but also Buddhism”, noting that “[t]hese conversions are not registered”. (Abdolmohammadi, November 2015, p. 10)

A May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that while atheism is forbidden in Iran, it is not uncommon for people to claim that they do not believe. It is impossible to say how many people actually consider themselves atheists. Former Muslims who have become atheists are by definition considered to be apostates and are thus at risk of persecution and, possibly, the death penalty. If it becomes known that a person is atheist, he or she may face the same societal problems as Muslim converts to Christianity i.e. expulsion and discrimination. According to sources, persons who view themselves as atheists will usually not publicly express this, which enables them to live a normal life in Iran. While the sources do not explicitly refer to theism and deism, they note that a large part of Iran's population have a secular lifestyle, which means that they do not practice their Islamic faith, for example by not attending meetings at the mosque or refraining from fasting during Ramadan. It is noted that atheists, deists and theists (like all followers of Non-Islamic faiths) have to adhere to Islamic rules of conduct. (BZ, 29 May 2017, p. 33)

A February 2017 report of the Norwegian Country of Origin Information Centre (Landinfo) states that it is not allowed to question the existence of God and that atheists declaring

themselves as such are at risk of being sentenced to death on the basis of Islamic law (Landinfo, 6 February 2017, p. 1).

The February 2018 Amnesty International (AI) Report 2017/18 similarly indicates that “[t]hose who professed atheism remained at risk of arbitrary arrest and detention, torture and other ill-treatment and the death penalty for ‘apostasy’” (AI, 22 February 2018).

Further information on the treatment of atheists and irreligious people can be found in a December 2015 query response of the Immigration and Refugee Board of Canada (IRB):

- IRB - Immigration and Refugee Board of Canada: Iran: Situation and treatment of atheists and irreligious people by society and authorities, particularly in Tehran; state protection available (2014-December 2015), 23 December 2015
<https://www.ecoi.net/en/document/1081797.html>

6.4 Treatment of minority ethnic groups

6.4.1 Kurds

For information regarding the treatment of persons (allegedly) affiliated with Kurdish parties, please refer to sections 4.4 (Kurdistan Democratic Party of Iran (KDPI)), 4.5 (Kurdistan Democratic Party-Iran, KDP-I), 4.6 (Party of Free Life of Kurdistan, PJAK), and 4.7 (Komala Parties) of this compilation.

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) explains that:

“Kurds are concentrated in the northwest of Iran in the provinces of Kurdistan, West Azerbaijan, Kermanshah and Ilam. Their numbers are estimated to fall between 8 and 10 million. Since the early twentieth century, Kurds have faced threats to their traditional livelihoods as a result of forced sedentarization and militarization of their areas. Most are Sunni Muslims and therefore face intersectional discrimination on the basis of both sect and ethnicity.” (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 10)

The April 2018 US Department of State (USDOS) country report on human rights practices, which covers the year 2017, notes that:

“The estimated eight million ethnic Kurds in the country frequently campaigned for greater regional autonomy. The government continued to use the law 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. Authorities did not prohibit the use of the Kurdish language in general.” (USDOS, 20 April 2018, section 6)

In a March 2018 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran referred to the situation of detained persons of Kurdish ethnicity as follow:

“The Special Rapporteur is [...] deeply concerned by reports of individuals from the Kurdish community having been persecuted, arrested, and sentenced to death for their political affiliation or beliefs. According to information received, as of 31 October 2017, 1,828 Kurds had been detained by the authorities on charges related to various activities such as environmental activism, eating in public during the month of Ramadan, working as border couriers engaged in smuggling illicit goods, or for celebrating the results of the referendum held in neighbouring Iraqi Kurdistan. Information received indicates that 114 of these detainees were charged with political or security-related crimes, often for engaging in civic activism or because of their membership in Kurdish political parties. Some face long prison sentences, lashes and/or heavy financial penalties. Among these prisoners, there are individuals who are workers, teachers, kulbars (border couriers), artists, and human rights activists. In 2017, information received indicates that at least 64 Kurdish prisoners were executed by the authorities, and at least 16 Kurdish political prisoners were reportedly subjected to torture or ill-treatment, with 31 going on hunger strikes to protest the circumstances surrounding their arrest and detention. 15 were denied basic rights such as visitation by their family members, and 15 others were deprived of adequate medical care. [...] The health situation of Zeynab Jalalian in this regard is of continuing concern. She has been on medicinal strike since February 2017 to protest the lack of adequate medical care afforded to her. She is serving a life sentence following her arrest in 2007 for alleged membership of a prohibited group.” (HRC, 5 March 2018, p. 17)

Referring to comments provided by a number of interviewed sources, the February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) distinguishes several profiles of ethnic Kurds that may be targeted by the authorities:

“Kurds asserting their ethnic and religious identity are a target, as well as Kurds engaging in or associated with political activities. Further, Kurds promoting or perceived to be promoting separatism are also a target. Families, individuals or tribes who are affiliated with women rights are also a target. A Western embassy noted that there is no persecution of Kurds solely because of their ethnicity in Iran. Another Western embassy mentioned that according to the Iranian laws, Kurds in Iran enjoy the same rights as other Iranian citizens; even though both embassies said that Kurds may be oppressed. Middle East Consultancy Services added that arbitrary detainment occurs. The authorities may interfere in cultural activities conducted in the Kurdish areas, but it is difficult to point out when the red line is crossed and why the authorities intervene. An associate professor explained that it depends on time and event. Further, activities framed as Kurdish are regarded with suspicion, Middle East Consultancy Services stated that Iranian Kurds are free to celebrate cultural occasions such as Norooz. However, cultural events becoming political are an issue Middle East Consultancy Services mentioned as examples shouting political statements or carrying political iconography during the celebrations. Other activities that may trigger the attention of the authorities are gatherings of more than a few people. The authorities might interrogate the gathered people and arrest or question them without further prosecution, or with subsequent prosecution. This type of interference is intended to discourage people from gathering and to send a signal that the

authorities are keeping individuals and groups under surveillance, Amnesty International said.

Furthermore, it is reasonable to assume that people active on the social media are under some kind of monitoring by the authorities, an associate professor noted.” (DIS/DRC, 23 February 2018a, pp. 5-6)

An August 2017 article by the Centre for Human Rights in Iran (CHRI) reports about the case of Farzaneh Jalali, a Kurdish civil rights and women’s rights activist:

“In the six months since she was released from a three-week detention, Iranian Kurdish children and women’s rights activist Farzaneh Jalali has been repeatedly called in for questioning by the Intelligence Ministry. [...] The former student activist and university newspaper editor was arrested on February 23, 2017, by agents of the Intelligence Ministry’s office in Kermanshah, 281 miles west of Tehran, and questioned for nearly three weeks before being released on 300 million tomans (\$92,000 USD) bail on March 13 [2017]. She has since been continuously harassed and accused of national security charges without any legal justification, her lawyer told CHRI.” (CHRI, 22 August 2017)

With regard to Fails Kurds, the Department of Foreign Affairs and Trade (DFAT) of the Australian Government elaborates in a June 2018 report:

“The Faili (also spelled Feyli, and commonly known as Iraqi) Kurds are a subgroup of the larger Kurdish population. They originate from the Zagros Mountains which straddle the Iran-Iraq border, and many have family members on either side of the border. Faili Kurds in Iran typically reside either close to the Iraqi border, including Khuzestan, Lorestan, Kermanshah, and Ilam provinces, or in major cities. They are distinguishable from other Iranian Kurds by their religion (most are Shi’a), location, and distinctive dialect. Three main groups of Faili Kurds live in Iran: Iranian citizens, those of Iraqi origin who are registered refugees, and those of Iraqi origin who are not registered refugees. Accurate population estimates for the three groups or for the overall number of Faili Kurds in Iran are not available.

[...] Upon seizing power in the 1960s, the Ba’athist government in Iraq adopted several policies with the effect of excluding Faili Kurds, most notably Decree No. 666 (1980) that cancelled the Iraqi citizenship of all Iraqis of ‘foreign origin’. Under the Decree, authorities seized the properties and documentation of Faili Kurds, and eventually expelled them by force from Iraq. The expulsion of Faili Kurds intensified during the Iran-Iraq War: some estimates of the numbers of Faili Kurds who crossed into Iran between the late 1970s and 1988 range up to 250,000 (although this estimate is very much at the high end). Iran recognised many (but not all) Faili Kurds as refugees. The number of those remaining in Iran is unclear. Many returned to Iraq after the fall of Saddam Hussein in 2003: UNHCR reported in 2008 that 7,000 registered Faili Kurds remained in Iran. Reports suggest that many Faili Kurds of Iraqi origin have applied for Iranian citizenship. However, the actual number of those who have succeeded in obtaining Iranian nationality is believed to be low due to the lengthy and complicated process and the high costs involved – this is also true for naturalisation applications for nationality from other groups, including those who have

married Iranians or been in-country for generations. Others have not applied for naturalisation because they do not have the required family members in Iran to prove their Iranian nationality. DFAT is not aware of specific instances whereby authorities have singled out Faili Kurds for mistreatment, regardless of the category to which they belong.” (DFAT, 7 June 2018, pp. 18-19)

In a 2014 report written under the aegis of Tilburg University Law School’s statelessness programme, social scientist Jason Tucker mentions the Faili Kurds and Khavari Afghans as populations that are “either stateless or at risk” of being stateless (Tucker, 2014, p. 10).

6.4.2 Arabs (including Ahwaz Arabs)

For information on the situation of Ahwazi Arabs, please also refer to the following June 2018 UK Home Office report:

- UK Home Office: Country Policy and Information Note Iran: Ahwazis and Ahwazi political groups, June 2018
https://www.ecoi.net/en/file/local/1435011/1226_1528888901_iran-ahwazis-cpin-v1-0-june-2018.pdf

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) provides an overview of the living areas and population estimates of ethnic Arabs in Iran:

“Arabs live primarily in Khuzestan province in southwestern Iran, bordered by Iraq to the west and the Persian Gulf to the south. Locally, they refer to the province as Ahwaz and identify as Ahwazi or Ahwazi Arab. There are pockets of other Arab communities along the western coast of Iran. Estimates of the size of the Arab population in Iran today range up to 5 million. Most are Shi’a Muslims, although a substantial minority are Sunni and are consequently vulnerable to intersectional discrimination on the basis of both religion and ethnicity.” (MRG/Ceasefire Centre for Civilian Rights/CSHR, 13 March 2018, p. 9)

Official numbers put the Ahwazi Arab population at 1.4 million (Asharq Al-Awsat, 30 March 2018). According to the April 2018 US Department of State (USDOS) country report on human rights practices (covering the year 2017), Ahwazi Arabs are estimated to number two million (USDOS, 20 April 2018, section 6).

A January 2017 Reuters article states that “Ahwazi Arabs are a minority in mainly ethnic Persian Iran, and some see themselves as under Persian occupation and want independence or autonomy” (Reuters, 4 January 2017).

The USDOS country report on human rights practices notes with regard to the treatment of Ahwazi Arabs:

“Ahvazi Arabs, representing 110 tribes, faced continued oppression and discrimination. Ahvazi rights activists reported the government continued to confiscate Ahvazi property to use for government development projects, refusing to recognize the paper deeds of the local population from the prerevolutionary era. In June [2017], 13 activists were reportedly

arrested in Ahvaz as they gathered to celebrate Eid al-Fitr on the day before an annual protest for Arab ethnic rights. The activists had planned to walk to the homes of political prisoners and the families of those who have been unjustly executed. Officials also prevented the demonstrations planned for the next day, which had been held since 2005.” (USDOS, 20 April 2018, section 6)

Social and cultural anthropologist Eleanor Beevor writes in an April 2018 article (published on the Al Bawaba network) that among Iran’s ethnic minorities, “Iranian Arabs are particularly vulnerable, given that their identity is often conflated with Iran’s foreign adversaries”, noting that “[t]his is despite the majority of Ahwazis siding with Iran during the Iran-Iraq War, even as Saddam Hussein was courting their favour to try and turn them against Tehran” (Beevor, 11 April 2018).

Asharq Al-Awsat, an Arabic international newspaper headquartered in London (UK), reported in a March 2018 article:

“Thousands of people took it to the streets in Ahwaz Iranian province protesting what they called the Iranian authority’s marginalization of Iranians of Arab origin and its efforts to erase their Arab identity. [...]

Clashes with police broke out in various Ahwazi cities in protest against a cartoon TV show that used figurines to misrepresent various ethnicity in Iran. The segment completely ignored the Arab origins of the city and dolls symbolizing Ahwazi Arabs were nowhere to be found.

The discontent grew after a video circulated on social media showing a number of young Arabs protesting against a play in Mashour city, after showing a man in Arab dress begging for money from another wearing a traditional costume of another national.

The videos on social media showed Iranian forces shooting live ammunition extensively in the air and another showed Iranian forces arresting several protesters as random shots being fired.

Ahwaz sources said that in the early hours more than 26 people were arrested, including three women.” (Asharq Al-Awsat, 30 March 2018)

Social and cultural anthropologist Eleanor Beevor notes in her April 2018 article commenting on the spring 2018 protests in Ahwaz:

“These events are the latest in a string of upsets between Ahwaz’s inhabitants and Tehran. This area, known as Al-Ahwaz, is home to the Ahwazi Arabs, an Arab ethnic minority that has suffered grimly as a result of prejudices against them. Within the myriad struggles of discontent in Iran, Ahwazi Arabs have forged their own record of protest, but have paid dearly for their actions. In December 2017, during the mass protests against economic hardship across the country, the Ahwazis held their own demonstrations against government plans to divert more water from Ahwaz to central Iran. This was despite the fact that the Ahwaz area suffers from drought. [...]

In 2005, there was a three-day uprising in Ahwaz when a letter (thought by many to be a forgery) supposedly from an Iranian minister came to light, which detailed plans to grab Ahwazi Arab land and redistribute it to ethnic Persians. [...]

The latest catalyst for unrest was a particularly undignified one. On the second day of this year's Nowruz celebrations, Iran's Channel 2 aired a documentary for children that purportedly showcased the diversity of Iran's people, and featured dolls wearing the traditional costumes of all its ethnic groups.

However, there were no dolls and no mention for the country's Ahwazi Arabs, who number between five and eight million. Initially, they launched an online campaign protesting the program, but to no avail. A few days later, Ahwazis scheduled a protest outside the offices of Iran's broadcasting corporation, demanding an apology for the omission.

There is a widespread suspicion among the Ahwazi that their absence from the program was not an honest mistake, but a continuation of the policy described in the controversial 2005 letter – a policy of erasing Ahwazi identity from Iran's national landscape." (Beevor, 11 April 2018)

The May 2017 country report of the Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that during the reporting period (January 2014 until April 2017), some ethnic Arabs were sentenced to death and/or executed after charges of *moharebeh* ("enmity against God") and *fisad fil-arz* ("corruption on earth"). Dozens of Arabs, including minors, were arrested in 2015 and detained in the weeks prior to the tenth commemoration of the mass protests and subsequent arrests of April 2005". According to family members of detainees, the arrests were made by members of the security and intelligence agencies. Arrests are often followed by house searches. Some activists are arrested every year in April and detained for several weeks. (BZ, 29 May 2017, p. 46)

The February 2018 joint fact finding mission report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) notes on the treatment of Ahwazi Arabs:

"Some local Sunni-Muslim sheikhs are also a target and recently, they have been accused of Wahhabi and Islamic State propaganda by the authorities." (DIS/DRC, 23 February 2018a, p. 7)

"The Revolutionary Guard as well as the Ministry of Intelligence are conducting activities in Khuzestan and other places where Ahwazi Arabs live. However, the authorities' presence is lesser than in the Kurdish areas, two sources highlighted. [...]

For Iranian authorities, the red line is crossed when activities conducted by Ahwazi Arabs are interpreted as separatist. A source added that long prison sentences will be issued in cases related to separatist activities. Two sources explained that the Iranian government accepts the Ahwazi Arabs' culture. Based on anecdotal evidence, an associate professor informed the delegation that different activities including cultural, social and political are accepted for all ages, but it depends on how they are framed. Some of the local tribal

leaders in Khuzestan and other places where Ahwazi Arabs live have been successfully elected to the local councils, and they have even been much outspoken.

Ahwazi Arab journalists may be in the authorities' spotlight, as well as activists advocating for Ahwazi Arabs' minority rights. Further, Ahwazi Arabs conducting activities perceived as political may be on the authorities' radar. [...]

Ahwazi academics, activists working with Ahwazi history and authors writing in Arabic are under surveillance, a source said. According to another source, the Arabic language is welcome in the Iranian establishment; as an example, the source highlighted the use of Arabic in the call to prayer. Further, most clerics and top leaders have Arabic language skills.

A Western embassy (4) noted that the Ahwazi community has many grievances towards the Iranian state, and it has been quite vocal about it, especially the groups in exile. However, these grievances are not alive in the Iranian society." (DIS/DRC, 23 February 2018a, pp. 9-10)

An August 2017 report of the UN Special Rapporteur on the situation of human rights in Iran states that:

"The Special Rapporteur received detailed information about the reported persecution of the Arab ethnic minority in the Islamic Republic of Iran known as the Ahwazi Arabs, which included allegations of a change in the ethnic composition of the region through the confiscation of land and the establishment of settlements. Information about 45 cases involving the arrest and detention of Ahwazi Arabs was transmitted during the reporting period. Most of the cases seem to have taken place after participation in cultural and traditional events or protests against environmental degradation. Ali Kaab Omeir, 17 years old, was reportedly arrested in February in the Keyan Abbad neighbourhood of Ahwaz, Khuzestan Province, and remains detained incommunicado for his participation in a protest against a policy aimed at diverting water from Ahwaz to other provinces. In May, three Arab ethnic rights activists, Issa Damni, Mojahed Zargani and Hossein Heydar, were sentenced to a year in prison by branch 4 of the revolutionary court in Ahwaz for organizing Arabic-language classes and promoting ethnic rights." (UN General Assembly, 14 August 2017, p. 19)

Amnesty International (AI), in an August 2017 press release, reported on the cases of two detained Ahwazi Arab ethnic rights activists affiliated with the now-disbanded cultural rights group Al-Hiwar:

"Mohammad Ali Amouri, a 40-year-old minority rights activist from Iran's Ahwazi Arab minority and a founding member of a now-disbanded cultural rights group called Al-Hiwar (meaning 'Dialogue' in Arabic), has been on death row since 2012. Rahman Asakereh, another founding member of Al-Hiwar, aged 41, has been serving a 20-year prison sentence since 2011. Both men have been punished for their peaceful activities at Al-Hiwar, which included promoting Arabic culture and identity through poetry events, language classes and reading sessions, voicing demands for newspapers in the Arabic

language, and conducting community education to reform traditional practices among Arab clans which are harmful toward women and girls.

Mohammad Ali Amouri was arrested in January 2011 after he was deported to Iran from Iraq despite being a recognized refugee under UNHCR protection. He had left Iran in 2008 after repeated interrogations and dismissal from his teaching position.

Rahman Asakereh was arrested together with several other founding members of Al-Hiwar shortly after, in February 2011. At the time of his arrest, he was studying for a Master's Degree in Social Sciences at the University of Ahvaz and was working on a dissertation about the challenges faced by bilingual students in Iran's education system. He had set up a private library at his home in Ramshir (Khalafabad) where youth could borrow books about Arab history and culture.

The arrests of Al-Hiwar members followed years of harassment by intelligence and security officials, who had repeatedly summoned the activists for interrogation and accused them of 'espionage', 'collusion with Ba'athist currents' and 'espousal of ethnic tension'.

Following their arrests, Mohammad Ali Amouri and Rahman Asakereh were held for several months in solitary confinement in a secret detention centre in Ahvaz, which was controlled by the Ministry of Intelligence. They have said that, during this period, they were repeatedly tortured, including through sleep and food deprivation, kicking, beatings with electric cables and gas hoses and suspension from the ceiling. The torture was aimed at extracting false 'confessions' about the men's involvement with an armed group intent on overthrowing the Islamic Republic. The exact name and profile of this armed group was never made clear by the authorities.

In June 2012, Mohammad Ali Amouri and Rahman Asakereh stood trial before Branch Two of the Revolutionary Court in Ahvaz. The court dismissed the men's allegations of torture without ordering an investigation, and relied on their forced 'confessions' to convict them of 'enmity against God' (moharebeh). Branch 32 of the Supreme Court upheld the sentence in December 2012. In early 2014, Rahman Asakereh was transferred to Mashhad's Vakil Abad prison in north-eastern Iran, which is very far from his family's place of residence in southern Khuzestan province. This has inflicted further pain and suffering on Rahman Asakereh and his wife and four children, who cannot afford the cost of travel to see him." (AI, 2 August 2017, p. 49)

In February 2017, the Center for Human Rights in Iran (CHRI) reports on another case of a detained ethnic Arab activist:

"Ali Kab-Aomair, a 17-year-old ethnic Arab activist, has been held incommunicado since he was violently arrested on February 8, 2017 by agents of the Intelligence Ministry in Ahwaz, Khuzestan Province (southwestern Iran). [...]

Mohammad Kab-Aomair, Ali Kab-Aomair's paternal cousin, said that Ali Kab-Aomair was summoned by phone to the Intelligence Ministry's office in Ahwaz and questioned about his activism and ethnicity before being arrested.

‘Ali went there and the officials asked him why he wore traditional Arab clothing in rallies for the protection of the Karoon River and carried signs in Arabic,’ he told the Campaign on February 12. ‘The officials told him that his friends had been arrested for carrying Arabic banners in Al-Ghadir Stadium in Ahwaz (during a soccer match) to protest Iran’s support for the war in Syria.’

‘The officials wanted to scare him so that he wouldn’t go to protest rallies again,’ added Mohammad Kab-Aomair. ‘As a matter of fact, Ali was very careful and had even deleted photos from his Instagram page that showed him in traditional Arab clothing because the officials are very sensitive about it, but they suddenly raided his home and arrested him.’” (CHRI, 15 February 2017)

6.4.3 Baluchis (Balochs)

In its June 2018 Country Information Report on Iran the Department of Foreign Affairs and Trade of the Australian Government (DFAT) states that:

“Baluch primarily reside in the arid south - eastern province of Sistan and Baluchistan, a poorly developed area bordering Pakistan and Afghanistan with limited access to education, employment, healthcare, and housing. Drug smuggling is prevalent and the rule of law in the province is weak. Around ten per cent of the predominantly Sunni Baluch are nomadic or semi - nomadic. Baluch are under-represented in the provincial government. Baluch rights activists claim that more than 70 per cent of Baluch live below the poverty line. They further claim that Baluch journalists and human rights activists are subject to arbitrary arrest, physical abuse and unfair trials; and that authorities pressure the families of detainees to remain silent, under threat of retaliation for speaking out about cases.” (DFAT, 7 June 2018, p. 18)

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

“Baluchis are an ethnic group spread across Iran, Pakistan and Afghanistan. The Baluchi population in Iran is estimated to be somewhere between 2 and 3 million. Most live in Sistan-Baluchestan, the country’s poorest and most underdeveloped province. They are speakers of the Baluchi language and the majority are Sunni Muslims, so face intersectional discrimination.” (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, pp. 9-10)

In a March 2018 report to the UN Human Rights Council (HRC), the UN Special Rapporteur on human rights in Iran specifies that reportedly more than 80 percent of the citizens residing in Sistan and Balochistan province “are of Baloch ethnic background and adhere to the Sunni faith”. (HRC, 5 March 2018, p. 17)

The April 2018 US Department of State (USDOS) country report on human rights practices, (covering the year 2017) notes that:

“Local and international human rights groups alleged discrimination during the year against the Baluchi ethnic minority, estimated at between 1.5 and two million persons. Areas with large Baluchi populations were severely underdeveloped and had limited access to

education, employment, health care, and housing, and Baluchi activists reported that more than 70 percent of the population lived below the poverty line.

According to activist reports, the law limited Sunni Baluchis' employment opportunities and political participation. Activists reported that throughout the year, the government sent hundreds of Shia missionaries to areas with large Sunni Baluch populations to try to convert the local population. According to Baluchi rights activists, Baluchi journalists and human rights activists faced arbitrary arrest, physical abuse, and unfair trials." (USDOS, 20 April 2018, section 6)

In a July 2018 article the Center for Human Right in Iran (CHRI) addresses the case of Abdollah Bozorgzadeh, a Baluchi rights activist who was detained in the Iranian city of Iranshahr in Sistan and Baluchistan province in June 2018 "during a rally to protest the alleged rape of dozens of women". According to the article the location of Bozorgzadeh remained unknown three weeks after his detention (CHRI, 11 July 2018b).

In a May 2018 article RFE/RL states that "Zahedan, the provincial capital of Sistan and Baluchistan, has been the scene of occasional clashes between Iranian security forces and Baluch separatists." (RFE/RL, 26 May 2018)

In another article, dated 26 June 2018, RFE/RL mentions that Sistan and Baluchistan province "lies on a major smuggling route for Afghan opium and heroin" and that "Iranian security forces frequently clash with militants and drug traffickers" there. (RFE/RL, 26 June 2018)

According to a March 2016 RFE/RL article, "Iranian Vice President Shahindokht Molaverdi has "come under fire" for claiming that "the entire male population of a village in restive Sistan-Baluchistan Province has been executed on drug-related offenses". Molaverdi made the claim on 23 February 2016 in an interview with the Mehr news agency. The article goes on to state that she did not specify "the name of the village or the number of people executed" and that she was accused by local officials "of spreading lies and damaging the province". RFE/RL further states that Molaverdi was quoted by a local website as saying that "she does not plan to give any interviews on the matter", while "Mohammad Javad Larijani, head of the Iranian judiciary's Human Rights Council, told CNN on 1 March 2016 that he will deal with this case and "suggested that the number of those executed in the village was small" (RFE/RL, 2 March 2016). On the same subject the US-based magazine Foreign Policy states in a February 2016 article that:

"Last July, Amnesty International claimed Iranian authorities executed nearly 700 people in what the rights group labeled a six-month 'execution spree.' According to Amnesty, that was almost as many people as were executed in Iran in all of 2014, and most of the victims were put to death for drug-related offenses. As it turns out, many of them may have come from a single village in southern Iran, where Iranian Vice President for Women and Family Affairs Shahindokht Molaverdi said every adult male was executed after being found guilty on drug-related charges. [...]

The close proximity to Afghanistan's opium industry made [Sistan and Baluchistan province] an easy target for drug smugglers, and roughly a decade ago almost 4,000 Iranian police officers were killed while trying to shut down those routes. But executing heads of households in the already impoverished region and not taking measures to then care for their family members, Molaverdi said, will only further the problem." (FP, 26 February 2016)

Regarding citizenship, statelessness and access to state social assistance, health care, and education of adherents of the Baloch ethnic group, the UN Special Rapporteur on the situation of human rights in Iran states that:

"There are no official statistics on the number of Baloch citizens without proof of citizenship but based on available data number over 20,000. Many do not have official proof of citizenship and therefore face multiple challenges including exclusion of access to state social assistance including welfare payments, health care, and education. Additionally, they face challenges in obtaining utilities such as water, electricity and phone service, and are at risk of statelessness. In 2013, officials ordered an expedited process for cases in which birth certificates of applicants likely be Iranian would be issued. This resulted in the issuance [of] 24,000 birth certificates. Many cases remain unaddressed due to challenges faced by Baloch families in accessing the needed documentation. In a positive development, the Cabinet of Ministers requested the Ministry of Education to issue a special card for children without birth certificates so they could attend school. According to the officials, over 20,000 such children registered for school in the province and 19,000 were allowed to attend." (HRC, 5 March 2018, p. 17)

For information regarding the militant groups Jaish al-Adl and Jundallah, please refer to section 4.12 of this compilation.

6.4.4 Azerbaijani (Azeri) Turks

The March 2018 joint report of Minority Rights Group International (MRG), the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights (CSHR) states that:

"Azerbaijani Turks (also referred to as Azerbaijanis, Turks or Azeris) are Iran's largest ethnic minority and number as many as 15 million. They are mostly found in north and northwestern Iran, in the provinces of West Azerbaijan, East Azerbaijan, Ardabil and Zanjan. Most are Shi'a Muslims like the Persian-majority population of Iran. However, as speakers of Azerbaijani Turkish, lack of recognition of their language rights has been a persistent grievance." (MRG/Ceasefire Centre For Civilian Rights/CSHR, 13 March 2018, p. 9)

The Congressional Research Service (CRS) notes in its November 2017 paper on Iran that Azeris, who are of Turkic ethnicity, "are mostly well integrated into government and society", however "many Azeris complain of ethnic and linguistic discrimination". There are arrests of Azeris who "press for their right to celebrate their culture and history" every year, as the government "accuses them of promoting separatism". (CRS, 21 May 2018, p. 15)

The April 2018 US Department of State (USDOS) country report on human rights practices, (covering the year 2017) notes that ethnic Azeris, numbering approximately 13 million and representing 16 percent of the population, “were more integrated into government and society than other ethnic minority groups”. There were reports by Azeris that “the government discriminated against them by harassing Azeri activists or organizers, and changing Azeri geographic names” (USDOS, 20 April 2018, section 6). The USDOS also refers to the Center for Human Rights in Iran (CHRI) reporting the 2014 arrest of four Azeris and their conviction to prison sentences in February 2017:

“According to a CHRI report in February, authorities arrested four Azeris and charged them with ‘forming an illegal group’ and ‘assembly and collusion against national security’ for peaceful activism on International Mother Language Day. Alireza Farshi was sentenced to 15 years in prison and two years in exile, while Akbar Azad, Behnam Sheikhi, and Hamid Manafi were sentenced to 10 years in prison and two years in exile. The activists were reportedly opposing a government ban on the teaching of Turkish alongside Persian in schools.” (USDOS, 20 April 2018, section 6; see also CHRI, 23 February 2017)

The CHRI also reports on the case of activist Abbas Lesani in April 2017:

“Azeri ethnic rights activist, is being tried for advocating state recognition of his mother tongue and making a speech at his friend’s wedding calling for an end to the discrimination of Azeris in Iran. Speaking in an interview with the Center for Human Rights in Iran (CHRI) on April 10, 2017, Lesani said his first trial was held in the Revolutionary Court in Meshkinshahr, Ardabil Province, on March 7 for the charges of ‘acting against national security’ and ‘propaganda against the state.’ This week he was tried at the Revolutionary Court in Ahar, East Azerbaijan Province, for allegedly ‘organizing and leading opposition groups intent on overthrowing the state.’ [...] Lesani has already spent a year in prison for ‘propaganda against the state.’ He was released in June 2016.” (CHRI, 14 April 2017)

Voice of America (VOA), an international broadcaster funded by the US government, reports in July 2018 that police arrested 17 activists who wanted to promote minority Azeri rights at Babak Fort:

“Residents of Iran’s northwestern ethnic Azerbaijani region say police have arrested 17 local activists to prevent them from staging an annual rally at a mountain fortress to promote minority Azeri rights. In messages sent to VOA Persian on Thursday, the residents provided names of the 17 activists who they said had been detained in recent days. They said the arrests happened in several cities, including Tabriz and Ahar in East Azerbaijan province and Meshgin Shahr in neighboring Ardabil province. [...] Iranian Azerbaijanis traditionally have climbed the steep path to Babak Fort in early July to celebrate what they say is Babak’s birthday. A resident of the region sent VOA Persian a mobile phone video of the fort’s ramparts on Thursday, saying the clip had been filmed earlier in the day. About a half-dozen police officers can be seen in the clip, with a similar number of other people nearby, who appear to be tourists.” (VOA, 5 July 2018)

CHRI reports in detail about the events at Babak Fort in July 2018:

“Several ethnic rights activists detained at an annual celebration at Babak Fort in Iran’s East Azerbaijan Province required medical attention after being violently interrogated. ‘All of the 20 people so far have been released from the [Intelligence Ministry’s] detention center in Kaleibar have signs of physical abuse and broken bones,’ an Azeri rights advocate told the Center for Human Rights (CHRI) on July 10. [...] According to the source, several activists were taken into custody on July 5 and 6 while taking part in a peaceful ceremony held every year at the fort, which is believed to be the historical stronghold of Babak Khorramdin, a ninth-century rebel who fought against Islamic rulers. Several other people were also arrested during the three weeks leading up to the event. [...] ‘We were going to hold a gathering at Babak Fort just like every year,’ the Azeri activist told CHRI. ‘But since June 22, agents have been summoning and detaining known activists and so far our figures show more than 80 people have been taken into custody. Some of them were quickly released but around 50 of them are still in detention at unknown locations.’ The source added that the detainees have been denied access to legal counsel and that the judicial authorities are not responding to inquiries by their relatives.” (CHRI, 11 July 2018a)

A comprehensive paper on identity, society, and regional security with regard to the Azerbaijani population in Iran was written by Emil Souleimanov, Associate Professor at Charles University in Prague, and Josef Kraus, Assistant Professor at Masaryk University in Brno, in September 2017 and can be found under the following link:

- Souleimanov, Emil Aslan/Kraus, Josef: Iran’s Azerbaijan Question in Evolution. Identity, Society, and Regional Security. Silk Road Paper published by Central Asia-Caucasus Institute, September 2017
<http://isdpc.eu/content/uploads/2017/09/2017-souleimanov-kraus-irans-azerbaijan-question-in-evolution.pdf>

6.4.5 Khavaris and Afghan-origin communities deprived of Iranian citizenship

According to an April 2018 report on Afghans in Iran, the Swedish Migration Agency (Migrationsverket) states that “Iran is hosting approximately 950,000 Afghan refugees with assistance from UNHCR”, who are “holders of amayesh-cards, granting them legal residency and basic social services in Iran”. Moreover, there is “a significant number of Afghan citizens residing and working illegally in the country” and “around 620,000 Afghan citizens in Iran holding temporary permits, like work or student visas, for their stay in the country”. (Migrationsverket, 10 April 2018, p. 4)

The Swedish Migration Agency refers to information obtained from an international NGO in Tehran in November 2017, when stating that Afghans who arrived in Iran before 2001 were allowed to register for an ‘amayesh-card’ and therefore are allowed to have access to the health system and to education. Following the same source, those who already registered before 2001 have to renew their registration, whereas those who have arrived in Iran after 2001 do not have the possibility to register for an ‘amayesh-card’. (Migrationsverket, 10 April 2018, p. 10)

The Norwegian Country of Origin Information Centre (Landinfo) states in its April 2018 report on Afghans in Iran that around half of this group does not have legal residency status. Landinfo

elaborates that there are only limited options to receive an Iranian citizenship or a permanent residence even for Afghan families who have lived in the country for generations. Landinfo refers to information obtained from an international NGO in Tehran when stating that individuals who newly arrive in Iran are not allowed to apply for protection and that the Iranian asylum system does not provide any procedures for assessing protection needs. (Landinfo, 16 April 2018, p. 7)

In a study on Afghans living in Iran, the Afghanistan Research and Evaluation Unit (AREU) writes in October 2005 that the first documented migration of Afghans to Iran took place around 1850, when around 5,000 Hazara households moved to Iran, before another 168,000 Afghans settled in the east of Mashad in the late 19th century. The source states that in the 1930ies “Hazaras from Afghanistan were officially categorised as a tribal group called Khawari and represented at ceremonies and Iranian national celebrations”. (AREU, October 2005, p. 10)

Regarding the group of Khavaris, Jason Tucker, a graduate student at the Center for Development Studies of the University of Bath, explains in his 2014 paper on statelessness and nationality in Iran:

“Despite their long history in Iran, the nationality of the Khavaris is disputed by the Iranian authorities. The Khavaris today are, by default, deemed to be Afghan by the Iranian authorities, if they fail to present ID cards showing they are of Iraqi or Iranian nationality - although many are not Afghan nationals. Moreover, even Khavaris in possession of Iranian documents now appear at risk of statelessness. In 2004, some had their birth certificates confiscated. Similarly in 2005 there was an increase of cases of Khavaris reporting that their birth certificates had been nullified.” (Tucker, 2014, p. 13)

In above-cited report, the Swedish Migration Agency refers to figures obtained from a 2011 report of the Middle East Institute and the independent French think-tank Fondation pour la Recherche Stratégique and notes that Afghans in Iran consist of different ethnic groups, including Hazara, Tajik, Pashtun, Baloch and Uzbek (Migrationsverket, 10 April 2018, p. 19). In a 2015-2016 project portfolio, UNHCR states that Hazaras and Tajiks represent over 70 per cent of Afghans in the country (UNHCR, 2015, p. 5). Regarding their integration into the Iranian society, the Swedish Migration Agency states that Hazara and Tajiks benefit from speaking Dari and further notes that Hazara have another thing in common with the majority of the Iranian society, as they are typically Shia Muslims (Migrationsverket, 10 April 2018, p. 19).

In terms of the composition of the group of Afghans in Iran, Landinfo refers to its complexity and diversity and states that the Afghans in Iran differ regarding their status, their length of stay, their personal and financial resources and their level of adaptation to the Iranian community. (Landinfo, 16 April 2018, p. 8)

Following a 2013 Human Rights Watch (HRW) report, Landinfo states that amayesh-registered Afghans are allowed to work, however, only under strict conditions and only in specific sectors (Landinfo, 16 April 2018, p. 18). In its 2013 report, HRW elaborates that “[r]egistered Afghan refugees are entitled to apply for temporary work permits”, but these are difficult to acquire as they are expensive and as “the Iranian government has not consistently and freely issued

them in recent years”. HRW further notes that often the “narrowly defined occupational fields” Afghans are allowed to work in consist of “not only poorly paid, but dangerous” jobs (HRW, November 2013, pp. 70-71). In its 2013 concluding observations, the UN Committee on Economic, Social and Cultural Rights (CESCR) expresses its concerns on the fact that “Afghan workers are often paid less than the minimum wage, or are faced with non-payment of wages” (CESCR, 17 May 2013, p. 4).

In its aforementioned report, Landinfo states that in some cases, Afghans who migrate to Iran are met with goodwill, while in other cases they have to face harsh discrimination and harassments. Landinfo further refers to a migration researcher in Tehran, when stating that around 60% of the Afghans in Iran can be termed as marginalized (Landinfo, 16 April 2018, pp. 8-9). In June 2018, Radio Free Europe/Radio Liberty (RFE/RL) reports that Afghan migrants “frequently face discrimination and resentment among other Iranians who blame them for joblessness and other social ills, and are thought to have been recruited by the hundreds for combat duty in nearby Syria [...]” (RFE/RL, 12 June 2018).

Regarding the (coerced) recruitment of Afghan migrants for the Syrian conflict, the Swedish Migration Agency states in the English summary of its May 2018 report:

“Ever since the first years of conflict in Syria, Shiite Afghans (primarily Hazara) have been recruited by the Revolutionary Guard in Iran and sent to Syria in order to fight for the Assad regime. Many of them have signed up voluntarily when offered strong incitements like permanent residence permits in Iran and considerable salaries. Several Afghans who have been subjected to recruitment do, however, claim that Iran is using coercion when recruiting. When scrutinizing these claims that have been published they seem to refer to a situation when Afghans without legal residence in Iran have been found by Iranian authorities and forced to choose between fighting in Syria or being deported to Afghanistan.” (Migrationsverket, 23 May 2018, p. 4)

In its Trafficking in Persons Report 2018, the US Department of State (USDOS) further notes that “[g]overnment officials were allegedly complicit in the coerced recruitment of Afghan men and boys as young as 13 years old residing in Iran to fight for Iranian-supported militias operating in Syria.” (USDOS, 28 June 2018)

In the English summary to its April 2018 report, the Swedish Migration Agency describes the approach of the Iranian government regarding the Afghan population within the country as follows:

“The main focus of the Iranian government has for many years been the voluntary return of the registered Afghans, but in recent years there has been a shift in their practical stance. There have been new progressive developments for the Afghan population living in Iran enabling them to become better prepared for future repatriation as well as better equipped for contribution to the Iranian society while living there.

This practical shift has partly been brought about by realities on the ground in Afghanistan as the precarious security situation there means that there is currently no sustainable

return for all the Afghans from Iran. The positive developments for Afghans in Iran does not only include the amayesh-registered population but also Afghans residing illegally in the country. Since an educational decree was issued by the Supreme Leader in Iran in 2015 all Afghan children in the country have the right to free basic education. Furthermore, in 2017 the government initiated a headcount exercise that by mid-September had covered around 800 000 illegal residents in the country, most of them Afghans. Participating in the headcount implies the possibility of being protected from deportation for the time being. No one knows the end state yet of this headcount exercise, but it may eventually open up for the headcounted to get their stay in Iran regularized through temporary visas, as was the case with a previous programme launched in 2010 called the Comprehensive Regularization Plan.

Even though there have been progressive developments for Afghans in Iran during recent years, there are still plenty of hardships faced by many of the Afghans living in the country. Afghans are still subjected to a number of restrictions in areas like work, higher education, ownership of property and freedom of movement. It also remains a fact, that in spite of the headcount and other positive developments for the unregistered Afghans, a huge number of Afghans are still being deported from Iran every year.” (Migrationsverket, 10 April 2018, p. 4)

Detailed information on the situation of Afghans in Iran, on their legal status, their access to community service and education, restrictions on work, ownership and freedom of movement and the cultural conditions can be obtained from the reports of Migrationsverket (in Swedish) and Landinfo (in Norwegian), both published in April 2018:

- Migrationsverket – Swedish Migration Agency: Lifosrapport: Afghaner i Iran (version 3.0), 10 April 2018
https://www.ecoi.net/en/file/local/1430782/1788_1524738296_1004.pdf
- Landinfo – Norwegian Country of Origin Information Centre: Iran/Afghanistan: Afghanere i Iran – kulturelle forhold, 16 April 2018
https://www.ecoi.net/en/file/local/1431016/1226_1525086214_3696-1.pdf

6.5 Treatment of women

6.5.1 Freedom of movement

In a May 2017 report, Human Rights Watch (HRW) elaborates on the issue of freedom of movement of married women:

“According to Article 18 of Iran’s passport law, married women, including those under the age of 18, must receive permission from their husbands to get a passport. While the permission to travel abroad can be included in the marriage contract, a husband’s written consent must be presented along with a passport application. Even if a husband grants permission to his wife when she is applying for a passport, he can always change his mind and prevent her from traveling abroad. This legal provision allows men to prevent their wives from traveling for any reason and at any point in time. In an emergency situation, however, the prosecutor can grant permission for women to travel without such permission.” (HRW, 25 May 2017, p. 33)

A May 2016 report of the UN Special Rapporteur on the situation of human rights in Iran equally states that married women require their husband's permission to apply for a passport. The article goes on to specify that in an "emergency situation" the local prosecutor can also give the required permission (HRC, 26 May 2016, p. 15). However, in a July 2017 article, the Center for Human Rights in Iran (CHRI), an independent NGO based in New York, mentions that "obtaining permission from a prosecutor would remain extremely difficult". A member of Iran's Bar Association told CHRI that "she was aware of only one case of a local prosecutor granting permission to a wife to travel abroad without her husband's consent" (CHRI, 18 July 2017).

In a July 2017 article, the Tehran-based private English-language newspaper Iran News notes that under the current law, "all Iranians under 18 years of age — both male and female — must receive paternal permission before receiving travel documents". For women over the age of 18, the news article states that they require the "written consent of their father or guardian to obtain a passport" (Iran News, 28 July 2017). In a February 2014 article, Al-Monitor, an online news platform for news coverage on the Middle East, also discusses the issue of travel restrictions for Iranian women. The article points out that a bill passed by the Majles [Parliament] in November 2013 requiring "single women to obtain a notarized permit from their father or male guardian" for each departure was revoked following heavy criticism. As explained by an Iranian MP who is a member of the Majles's National Security and Foreign Policy Committee, under current legislation, "single Iranian women over the age of 18 can obtain a passport with their father or grandfather's official permission". The Iranian MP further states that "once a woman has her passport, she is cleared to exit the country, and there is no need for male permission to be obtained for every departure" (Al-Monitor, 2 February 2014, as cited in ACCORD, December 2015).

As indicated in a January 2013 article of the Guardian newspaper, divorced women are "free to hold a passport and leave the country without permission" (Guardian, 15 January 2013).

On the issue of in-country movement, the USDOS states in its country report on human rights practices for the year 2017 that "[w]omen often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone." (USDOS, 20 April 2018, section 2d)

With reference to Iran's civil code, German international broadcaster Deutsche Welle (DW) notes in a September 2017 article that "a husband can also ban his wife from traveling internationally or working, if he believes that his wife starting a job is incompatible with the interests of the family or with his or his wife's dignity" (DW, 27 September 2017). According to Freedom House' Freedom in the World 2018 report which covers the year 2017, women are also "banned from certain public places, such as sports stadiums" (Freedom House, January 2018, section G).

Information on gender segregation can be found in [section 6.5.4](#) of this compilation.

6.5.2 Marriage, divorce, adultery, premarital relations

Marriage

In its March 2013 commentary on Iranian laws that affect gender equality, the Iran Human Rights Documentation Center (IHRDC) states that under Islamic sharia, marriage is defined as a contract which “makes sexual relations between a man and woman lawful” and establishes “a set of default rights and duties for each party, some supported by legal force, others by moral sanction”. The contract involves 1) the making of a marriage offer by the woman or her guardian, 2) its acceptance by the husband and 3) mahr [Persian: mahriyeh], which is “money or a valuable item that the husband pays or pledges to pay the wife”. (IHRDC, 8 March 2013)

The IHRDC goes on to elaborate on the contractual rights and duties of husband and wife:

“[T]he marriage contract sets forth certain rights and duties for both parties. Each one’s duty is the other one’s right and there is a direct link between rights and duties. These include the woman’s duty to tamkin (sexual submission and obedience) and the man’s duty to pay mahriyeh and provide nafaqa (maintenance). If one party fails to perform his/her duties s/he may lose his/her rights.” (IHRDC, 8 March 2013)

A June 2015 report compiled by the Finnish Immigration Service (FIS), which refers to a variety of sources, states:

“The man is the head of the family, and the woman lives in the family under a male guardian (wali). Before marriage, a woman’s guardian is her father or grandfather, and, after marriage, her guardian is her husband. [...] A woman who is marrying for the first time, and who is assumed to be a virgin, cannot choose her spouse freely but needs permission from her guardian. In special circumstances, a court can give a woman permission to marry if her father does not have a just reason to object to the marriage. This applies to both permanent and temporary marriages.” (FIS, 26 June 2015, pp. 8-9)

HRW in its 2018 world report (reporting year 2017) similarly states that a “virgin woman needs her male guardian’s approval for marriage” and specifies that this approval is required regardless of the woman’s age (HRW, 18 January 2018).

Article 13 of the Constitution of the Islamic Republic of Iran of 1979, which was last amended in 1989, states that Iranian Zoroastrians, Jews and Christians are, “within the limits of the law, [...] free to carry out their religious rites and practice their religion” in matters including personal status. (Constitution of the Islamic Republic of Iran, 1989, Article 13)

Underage marriage

In its February 2018 human rights report, Amnesty International (AI) notes that in Iran the legal age of marriage for girls remained 13 years. However, the report further notes that “fathers and grandfathers could obtain permission from courts for their daughters to be married at an even younger age.” (AI, 22 February 2018)

The underlying provisions can be found in Article 1041 of the Civil Code (CC) (English translation as provided by IHRDC) which defines the minimum age of marriage for boys and girls as follows:

“Marriage of girls before reaching the age of 13 full solar years and boys before reaching the age of 15 full solar years is subject to the permission of the Guardian and on condition of taking the child’s best interest into consideration and approval of the relevant court.” (IHRDC, 8 March 2013)

The UN Special Rapporteur on the situation of human rights in Iran states in a March 2018 report that she “received further information concerning the ongoing prevalence of child marriage” in Iran and points out that “girls can be married as young as nine with the permission of the court” (HRC, 5 March 2018, p. 15). Meanwhile, IranWire, a joint venture of a group of Iranian journalists in the diaspora, notes in an October 2017 article that “Iran effectively has no minimum age for marriage” (IranWire, 13 October 2017). The June 2015 report of the Finnish Immigration Service (FIS) similarly remarks that “there is no consensus on the lowest acceptable age for marrying in Iran” and goes on to elaborate on marriages of girls younger than 13 years and boys younger than 15 years, which require “the guardian’s consent and a court’s permission”:

“The Islamic law underlying Iran’s codified legislation considers a child ready for marriage once he or she reaches puberty: the age of maturity is therefore eight years and nine months (9 lunar years) for girls and 14 years and seven months (15 lunar years) for boys. The Civil Code nevertheless permits marriages of even young[er] children. [...] The question of a child’s maturity for marriage purposes is settled by Marriage Register Offices.” (FIS, 26 June 2015, pp. 11-12)

As stated by IranWire in a July 2016 article, by law a girl can “object to the marriage, and prevent it”. However, the article goes on to point out that “girls under the age of 13 are normally dominated by the wishes and decisions of their fathers” and therefore “cannot realistically object, the only hope of preventing such marriages is through the courts”. According to the article, courts “can refuse permission if it deems the marriage to be against the interests of the girl, as stipulated in Article 1041 of the Civil Code.” (IranWire, 11 July 2016)

Regarding the prevalence of underage marriage in Iran, the CHRI notes in an August 2017 article:

“The most recent Interior Ministry figures show that 17 percent of all females who got married in the nine months between March and December 2015 were under the age of 18. More than five percent of them were under 15. The largest number of child marriages registered during the same period were in Sistan and Baluchistan, Khuzestan, Khorasan Razavi, East and West Azerbaijan, Fars, Zanjan, Tehran, Hamadan and Mazandaran provinces respectively.” (CHRI, 17 August 2017b)

A June 2016 report by the UN Children’s Fund (UNICEF) indicates that as of 2014 three percent of girls in Iran were married by the age of 15, and 17 percent of girls were married by the age of 18 (UNICEF, June 2016, p. 151). A September 2017 article of Deutsche Welle notes with

reference to UNICEF's figures that "the real number of child marriages in Iran could be much higher, as many of the marriages are not officially registered" (DW, 11 September 2017).

Divorce

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran states that "[w]omen do not have equal rights to men in marriage, divorce, child custody, or inheritance." The report also notes that "[h]usbands have an incontestable right to divorce" (HRC, 5 March 2018, p. 15). According to the USDOS, a "husband is not required to cite a reason for divorcing his wife" (USDOS, 20 April 2018, section 6).

The IHRDC in its March 2013 commentary on Iranian laws notes on the issue of women's rights in divorce:

"On November 19, 1992, the law of 'Correction of Divorce Rules' was adopted by the Expediency Council according to which the requirement of the intervention of the Special Civil Court and the certificate of impossibility of reconciliation was stressed. Moreover, it was provided that divorce should only be granted if all the wife's rights including nafaqa, mahriyeh, etc. were either paid or the wife is content. The law also extended the divorced wife's financial rights to the right to sue for payment for household services during the marriage.

Article 1133 of the Civil Code was another article that was amended in 2002. While the old article provided that a man could divorce his wife whenever he wishes without any judicial procedure, the amended article provides:

'A man can divorce his wife under the conditions of the current law and by applying to the court.

Note- A woman, too, and according to articles 1119, 1129 and 1130 of the current law can request a divorce from the court.'" (IHRDC, 8 March 2013)

The USDOS states that women have the right to divorce in a number of circumstances:

"A woman has the right to divorce if her husband signs a contract granting that right; cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane, or impotent. A husband is not required to cite a reason for divorcing his wife. The law recognizes a divorced woman's right to part of shared property and to alimony. These laws were not always enforced." (USDOS, 20 April 2018, section 6)

A September 2017 article by the Thomson Reuters Foundation notes that if a wife's husband is unwilling to divorce, "the wife must legally prove that he is abusive, has psychological problems or is somehow unable to uphold his marriage responsibilities." (Thomson Reuters Foundation, 18 September 2017)

The IHRDC in its March 2013 commentary on Iranian laws also deals with the circumstances under which a wife can refer to the court to ask for divorce. The IHRDC cites Article 1130 of the

Civil Code (CC) which states that “if it is proved to the court that the continuation of the marriage will cause *osr-va-haraj* (intolerable difficulty and hardship) [...], the judge can compel the husband to divorce his wife. The same article further states that “[i]f it is not possible to compel the husband, then, [the wife] shall be divorced by permission of the judge.” (IHRDC, 8 March 2013)

A note that was added to Article 1130 in July 2002 specifies the circumstances that need to be proven for a case to be considered as *osr-va-haraj* (English translation as provided by IHRDC):

“Note (added on 20/7/2002) - The *osr-va-haraj* (intolerable difficulty and hardship) mentioned in this article refers to the conditions that make the continuation of [marital] life intolerable and difficult for the wife; the following circumstances, if proved in the relevant court, shall be considered as a case of *osr-va-haraj*:

1 - The husband’s leaving of marital life for, at least, six consecutive months, or, nine alternative months in a one year period, without any acceptable reason.

2 - The husband’s addiction to any kind of drugs or alcohol that, damages the marital life, and his refusal, or impossibility of compelling him, to quit the addiction in a period prescribed by the doctor. If the husband does not fulfill his promise [to quit], or, again begins his abuse, the divorce shall be granted by the request of the wife.

3 - Final conviction of the husband to five years, or more, imprisonment.

4 - Wife battery or any kind of mistreatment of the wife that is intolerable in the wife’s condition.

5 - Husband’s affliction to incurable mental illnesses or contagious disease or any kind of incurable diseases that disrupts the marital life.

The circumstances mentioned in this article are not exhaustive and the court may grant the divorce in other cases that *osr-va-haraj* is proved in the court.” (IHRDC, 8 March 2013)

Custody

On the issue of custody for children after divorce, the USDOS states that “[t]he law provides divorced women preference in custody for children up to age seven, but fathers maintain legal guardianship rights over the child and must agree on many legal aspects of the child’s life (such as issuing travel documents, enrolling in school, or filing a police report)” (USDOS, 20 April 2018, section 6). The IHRDC in its March 2013 commentary on Iranian laws explains the difference between custody and guardianship under Iranian law noting that custody is the “physical custody of children and raising them” which – under Article 1168 of the Civil Code (CC) – is the “right and duty of both parents”. Guardianship “mainly deals with legal and financial issues and primarily belongs to the natural guardian (*vali-ye-qahri*), i.e. the father and/or paternal grandfather”. (IHRDC, 8 March 2013)

A 2017 study on children's rights conducted by London-based Persia Educational Foundation cites article 1169 of the Civil Code including a 2003 amendment on this issue:

"A mother has preference over others for seven years from the birth of her child for the custody and maintenance of the child whose parents do not live in the same house. After the lapse of this period, custody will devolve to the father. Amendment: If there is any dispute between the parents after the child turns seven years old, it is up to the court to determine the custody according to the child's best interest. (Announced by the Expediency Discernment Council on November 29, 2003)." (Persia Educational Foundation, 2017, p. 8)

With respect to the abovementioned amendment the study, however, observes:

"But in reality the scenarios witnessed in family courts tell a different story. The woman must go through complicated procedures to claim custody of her children and even after providing sufficient proof that the father is a substance abuser or is morally ineligible, the court often rules for a compromise or grants custody to the father on grounds of better financial capabilities. [...] Most legal procedures do not give the woman a chance to acquire the qualifying condition to peacefully take custody of her child." (Persia Educational Foundation, 2017, p. 8)

The study goes on to cite article 1170 of the Iranian Civil Code which stipulates that "the custody will devolve to the father" if the mother "becomes insane or marries another man during her period of custody". The study also mentions that while a mother loses custody to her child if she marries another man, "the law remains silent about the father who marries another woman". (Persia Educational Foundation, 2017, p. 8)

The IHRDC in its March 2013 commentary on Iranian laws elaborates on the provisions concerning custody and guardianship in the case of the husband's death:

"[I]n the case of the husband's death, a woman naturally acquires custody of her children (Article 1171), but, as discussed earlier, loses the custody if she remarries (Article 1170). Moreover, even when the child's father dies, the mother cannot become the child's natural guardian (*vali*). Rather, in that case, the child's paternal grandfather will be his/her natural guardian. In fact, a woman is not entitled to natural guardianship (*velayah*) of her children under Islamic and current Iranian laws." (IHRDC, 8 March 2013)

Adultery

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran states that "[a]dultery (covered by the offence of 'zina') remains criminalised, with punishments ranging from lashing to stoning to death (HRC, 5 March 2018, p. 15). The USDOS notes that "women sometimes receive disproportionate punishment for crimes such as adultery, including death sentences" (USDOS, 20 April 2018, section 6). In its June 2015 report the Finnish Immigration Service remarks that "[a]dultery carries the death penalty under both the Islamic Sharia law and the Iranian Penal Code", however, it also mentions that sentencing offenders to death is "rare in practice" (FIS, 26 June 2015, p. 16).

The Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) in February 2018 released a joint paper on relations outside of marriage in Iran and marriages without approval of the family. Referring to a number of anonymous sources and Western embassies, the paper notes:

“Adultery or extramarital relations are prevalent in Iran, and divorcing is increasing and becoming more common. Adultery cases require four male and two female witnesses before the court to pass a penalty of stoning which applies to married persons, a source explained. In cases where one of the involved is unmarried it requires two male witnesses and four female witnesses to pass a penalty of lashes, or four confessions from the parties involved. According to the source the police usually do not intervene, at least in large cities, unless there is a private complainant. A confession is as well required in adultery trial cases. Practice regarding dealing with adultery cases by the authorities has changed. A Western embassy explained that adultery cases rarely go to the court. An anonymous legal source added that the judges know how the society has changed and are trying to get around cases of adultery. Furthermore, in practice, punishments like stoning are no longer being practiced in major Iranian cities but provincial and less-urban areas of Iran are still witness to such practices, the same source stated.” (DIS/DRC, 23 February 2018c, pp. 6-7)

An August 2016 article of the IranWire specifies the legal provisions regarding the punishment for extramarital sexual intercourse (*zina*):

“The punishment for *zina* is stoning if it can be established that the man or the woman are medically sane and able to engage in sexual intercourse with their legal spouses but have had extramarital sex. The punishment for *zina* can be execution in the following circumstances:

- If a couple engages in *zina* with a blood relative who they are prohibited from marrying, both people will be condemned to execution.
- If a man sleeps with his step-mother, he will face execution; [and since the step-mother is married, she will be condemned to stoning].
- If a non-Muslim man has intercourse with a Muslim woman, the man will be punished by execution.

It is also worth mentioning that the punishment for rape — which also falls under the definition of *zina* — is execution. So in Iran, a person found guilty of consensual extramarital sex can be handed down the same sentence as a rapist. Although execution is not always the punishment for other types of *zina* — depending on the case, punishment could result in the guilty party receiving lashes — it is perhaps surprising that such a scenario exists under Iranian law.” (IranWire, 2 August 2016)

Referring to various anonymous sources and Western embassies, the DIS and the DRC note in their joint report from February 2018:

“Another source added that sometimes people are accused not for adultery, but for instance of not following societal norms and the religious lines. An anonymous analyst said

that for less serious sex offenses such as kisses or lying naked under the same cover, the sentence will be from 74 up to 99 lashes regardless and irrespective of whether or not the partners were married or not or one of them was married. A Western embassy noted that indecent behaviour might be punished with a cash fine. (DIS/DRC, 23 February 2018c, p. 8)

Premarital relations

The Center for Human Rights in Iran (CHRI) in its June 2016 article notes that the “increasing popularity of Iranian couples living together without getting officially married has alarmed officials of the Islamic Republic.” The article points out that the “Iranian law does not recognize relationships outside of registered marriages, and considers them to be ‘illegitimate’ criminal acts.” According to the CHRI unmarried couples can be summoned to court and they can be punished based on article 637 of Iran’s Criminal Code (CHRI, 6 June 2016). The IHRDC in July 2013 provides an unofficial translation of book five of the Islamic Penal Code of Iran, which cites the abovementioned Article 637 as follows:

“Article 637- When a man and a woman who are not married to each other, commit indecent acts other than zina, such as kissing or sleeping next to one another, they shall be sentenced to up to ninety-nine lashes; and if the act is committed by force only the one who has used force shall be punished as ta’zir.” (Islamic Penal Code, 2013, Article 637, as translated in IHRDC, 18 July 2013)

Referring to a number of anonymous sources, the February 2018 DIS/DRC report notes:

“By law, relationship between a man and a woman outside a marital relationship is punishable by 100 lashes but the punishment varies depending on the specific case [Footnote 22: An anonymous analyst: 36; an anonymous legal source: 46, 47]. A source added that it could end up between 6 months – 1 year in prison and usually ends up with detainment for some time.” (DIS/DRC, 23 February 2018c, p. 6)

The DIS/DRC report goes on to elaborate on the enforcement of the law:

“Generally, the police do not crack down on white marriages [Footnote 11: A Western embassy: 18; an anonymous analyst: 31]. If no one reports pre-marriage relation to the authorities, the unmarried couples will not be prosecuted by the authorities, a source informed the delegation [Footnote 12: An anonymous analyst: 35]. [...]

A source explained that due to the pressure on the judiciary, the courts have reduced the use of harsh punishment, and capital punishment is no longer used. [Footnote 17: An anonymous legal source: 47].” (DIS/DRC, 23 February 2018c, pp. 5-6)

Referring to statements of two Western embassies and an anonymous analyst, the DIS/DRC report discusses the families’ and the neighbours’ role regarding the issue of pre-marital relationships:

“It cannot be excluded that families or neighbours report a pre-marriage relationship, according to a Western embassy. A Western embassy noted that cases where the families take a matter regarding pre-marriage relationship to the court happen very rarely.

Consequences within the families are generally minimal but there is a massive difference between families practice and it depends on where in Iran it is taking place. In the south of Iran, the families would most likely take it upon themselves to solve the matter for instance the couple might be forced into marriage. An anonymous analyst mentioned that if someone reports such a relationship, the person would in most cases be neglected by the authorities. In more conservative cities like Qum and Mashad, the situation regarding white marriages might differ.” (DIS/DRC, 23 February 2018c, pp. 5-6)

6.5.3 Violence against women

The USDOS states that the “law does not prohibit domestic violence”, and authorities “considered abuse in the family a private matter and seldom discussed it publicly” (USDOS, 20 April 2018, section 6). The UN Special Rapporteur on the situation of human rights in Iran states in her March 2017 report that “the Iranian legal framework fails to adequately protect women from violence and to criminalize marital rape.” The Special Rapporteur further remarks that “certain provisions might even condone sexual abuse, such as article 1108 which obliges wives to fulfill the sexual needs of their husbands at all times” (HRC, 17 March 2017, p. 18). Similarly, Iranian reformist MP Soheila Jelodarzadeh addresses the issue in a July 2016 article of the Iranian government news agency Islamic Consultative Assembly News Agency (ICANA). She notes that “[t]he police and the legal system are not fully implementing current laws to defend women” and goes on to say that “if a woman is physically assaulted, she can hardly expect protection from the state” (CHRI, 28 August 2017; compare ICANA, 23 July 2016).

In a study on domestic violence in Iran, published in the Journal of Interpersonal Violence in June 2017, 1,600 women from six different regions of the country were surveyed. The results of the study summarize as follows:

“The prevalence of domestic violence among participants were emotional (64%), physical (28%), and sexual (18%). Higher education (both women and their partners), employment status of partner (being employed), and lower number of children lowered the risk, whereas history of previous marriage (for either women or their partners), unstable marriage, substance abuse, crowded family situation, and lower socioeconomic status increased the risk of domestic violence. There is a high prevalence of domestic violence, particularly emotional, against women by their partners.” (Saffari et al., 2 June 2017)

An article of the Iranian Students’ News Agency (ISNA) mentions another study on women’s issues. According to sociologist Aliyeh Shakerbigi, the study shows that 32 percent of women in urban areas and 63 percent in rural areas had been victims of domestic violence. (ISNA, 19 April 2017; compare CHRI, 28 August 2017).

On the issue of rape, the April 2018 US Department of State (USDOS) country report on human rights practices, which covers the year 2017, states:

“Rape is illegal and subject to strict penalties, including death, but it remained a problem. The law considers sex within marriage consensual by definition and, therefore, does not address spousal rape, including in cases of forced marriage. Most rape victims likely did not report the crime because they feared retaliation or punishment for having been raped,

including charges of indecency, immoral behavior, or adultery, the last of which carries the death penalty. Rape victims also feared societal reprisal or ostracism. For a conviction of rape, the law requires four Muslim men or a combination of three men and two women or two men and four women, to have witnessed a rape. A woman or man found making a false accusation of rape is subject to 80 lashes.” (USDOS, 20 April 2018, section 6)

In a May 2018 article, IranWire notes on the same issue:

“Iran’s Islamic Penal Code defines three types of sexual crimes — ‘verbal sexual abuse,’ ‘adultery’ and ‘rape.’ The minimum punishment for these offences is two months in prison and 74 lashes, while the maximum is a death penalty. And the law is also very complicated. For example, to prove the crime of rape, the accused must repeat his confession to the judge four times, or four ‘just’ men — or at least three men and two ‘just’ women — must testify. Also, weirdly, the length of the penetration can affect the sentence.” (IranWire, 30 May 2018)

The USDOS notes on the issue of honour killings and other harmful traditional practices:

“There were no official reports of killings motivated by ‘honor’ or other harmful traditional practices during the year, although human rights activists reported that such killings continued to occur, particularly among rural and tribal populations. The law reduces punitive measures for fathers and other family members who are convicted of murder or physically harming children in domestic violence or ‘honor killings.’” (USDOS, 20 April 2018, section 6)

In her March 2017 report, the Special Rapporteur on the situation of human rights in Iran notes on the same issue:

“Similar concerns apply to provisions such as articles 301 and 612, of the 2013 Islamic Penal Code, which provide for lighter punishment if a murder is committed by a father or paternal grandfather of the victim and even allows judges to release the perpetrator without any punishment. These provisions, as observed by the Committee on the Rights of the Child, pave the way for total impunity in the case of killings in the name of so-called honour.” (HRC, 17 March 2017, p. 16)

Referring to predominantly anonymous sources, the DIS/DRC also addresses the issue of honour crimes:

“Honour-crimes would primarily take place in rural and tribal regions [Footnote: Middle East Consultancy Services: 86; a Western embassy: 23], where such crimes would have the support from the community and the family, and the authorities would probably not intervene in these cases [Footnote: Middle East Consultancy Services: 86; An anonymous source: 63, 64]. [...] A Western embassy (2) said it did not assume that a woman would seek protection from the authorities if she has a problem with her family regarding her marriage, as the authorities are considered to be less sympathetic to young women who have run away. An anonymous analyst said that whether a girl who has married without consent would get in trouble depends on the level of bigotry in the area she comes from.” (DIS/DRC, 23 February 2018c, pp. 9-10)

On the issue of sexual harassment of women, the USDOS states:

“The law addresses sexual harassment in the context of physical contact between men and women and prohibits physical contact between unrelated men and women. There was no reliable data on the extent of sexual harassment, but women and human rights observers reported that sexual harassment was the norm in many workplaces. There were no known government efforts to address this problem.” (USDOS, 20 April 2018, section 6)

A September 2015 article of the Guardian newspaper discusses the topic of sexual harassment of women in Iran. The newspaper’s correspondent in Teheran claims that “the hijab has made sexual harassment worse in Iran”:

“Islamic dress laws have failed to protect women who talk of constant unwanted attention with the tacit approval of all, including the authorities who are supposed to protect them. [...] The irony of a system that goes to great lengths to ‘protect women’s bodies’ is that while harassers are acting freely, stalking and groping under the eyes of all, the moral police is arresting women for ‘bad hijab’, skimpy manteaus or tight leggings.” (Guardian, 15 September 2015)

Amnesty International (AI) notes in its 2017/2018 report on the issue of harassment of women by the police and paramilitary forces:

“Compulsory veiling (hijab) allowed police and paramilitary forces to harass and detain women for showing strands of hair under their headscarves or for wearing heavy make-up or tight clothing. State-sanctioned smear campaigns were conducted against women who campaigned against the compulsory hijab.” (AI, 22 February 2018, section ‘discrimination-women and girls’)

An April 2018 Al-Jazeera article reports on videos showing violent assaults committed by the so-called morality police:

“The so-called morality police here are facing a wave of criticism after a video showing female officers violently scuffling with a young woman whose hijab was loose went viral and prompted public outrage. [...] Numerous videos similar to the one that has gone viral have been posted online in the past.” (Al-Jazeera, 20 April 2018)

6.5.4 Dress and gender segregation

On the subject of dress segregation the USDOS states in its April 2018 country report on human rights practices, which covers the year 2017:

“The law provides that a woman who appears in public without appropriate attire, such as a cloth scarf veil (‘hijab’) over the head and a long jacket (‘manteau’), or a large full-length cloth covering (‘chador’), may be sentenced to flogging and fined. Absent a clear legal definition of ‘appropriate attire’ or of the related punishment, women were subjected to the opinions of various disciplinary and security force members, police, and judges.” (USDOS, 20 April 2018, section 6)

In an April 2018 article Al-Jazeera notes that the approach to assign “a police force to enforce the hijab law was introduced during Mahmoud Ahmadinejad’s presidency”. The article goes on to note that “President Hassan Rouhani did not do away with the morality police, in spite of promising to at a certain point”, but that he has “restricted its power and his centrist government repeatedly criticises the use of force in promoting the hijab” (Al-Jazeera, 20 April 2018). As explained by an April 2018 Guardian article, “Hassan Rouhani, has made clear that his administration is against enforcing the law so harshly, but his powers are limited when it comes to the conduct of the police, who are under the influence of the unelected faction of the Iranian establishment” (Guardian, 19 April 2018). A May 2016 online article of the Washington-based public radio network National Public Radio (NPR) notes on this issue:

“Despite objections from Iran’s president, Hassan Rouhani, Tehran’s police have announced up to 7,000 undercover officers will be on the lookout for those who don’t follow conservative Islamic modes of dress and behavior. They’re called the Gashte Ershad, the ‘guidance patrol’, and they have broad powers to chastise and even arrest people for failing to meet what might be called the modesty test.” (NPR, 3 May 2016)

Radio Free Europe/Radio Liberty (RFE/RL) notes in a June 2017 article that since “[t]he hijab became compulsory following the 1979 Islamic Revolution [...] tens of thousands of women have been harassed because of their appearance. Those who fail to fully observe the hijab are fined, detained, and publicly harassed by the country’s dreaded morality police, which launches regular crackdowns, especially in summer” (RFE, 8 June 2017).

The Special Rapporteur on the situation of human rights in Iran states in her March 2018 report that “[w]omen who do not wear a hijab that conforms to the interpretation of modesty can be sentenced up to two months in prison or be fined” (HRC, 5 March 2018, p. 16). A February 2018 article by Radio Farda, the Iranian branch of the U.S. government-funded Radio Free Europe/Radio Liberty, quotes a February 2018 announcement of the Iranian police as saying that: “Although the sentence for not wearing a hijab is two months in prison, anyone encouraging others to take off their hijab will be jailed for 10 years”. According to the article, this announcement is based on the police’s interpretation of Article 639 of the Iranian penal code, “which calls for one to 10 years imprisonment for those convicted of ‘opening brothels’ and ‘encouraging people to engage in prostitution’” (Radio Farda, 28 February 2018). For the full text of Article 639 of the Islamic Penal Code, please see the English translation provided by the IHRDC (IHRDC, 18 July 2013).

Radio Free Europe / Radio Liberty (RFE/RL) reports in a March 2018 article that at the beginning of 2018, Iranian authorities announced that “they had detained 29 women who removed their head scarves as part of a campaign against the country’s mandatory Islamic dress code” (RFE/RL, 7 March 2018). In July 2018, RFE/RL reports that an Iranian woman, who had protested by removing her head scarf in public in December 2017, has been “sentenced to two years in prison in addition to an 18-year suspended prison term”. According to the woman, she has left the country (RFE/RL, 10 July 2018).

On the issue of gender segregation, the USDOS states:

“The government enforced gender segregation in many public spaces. Women must ride in a reserved section on public buses and enter some public buildings, universities, and airports through separate entrances.” (USDOS, 20 April 2018, section 6)

The USDOS report goes on to address the issue of women being barred from sport events:

“In September, according to media and reporting from human rights groups, women were barred from attending a World Cup qualifying match in Tehran between Iran and Syria. Female Syrian fans were present, and a protest outside Azadi stadium ensued. As noted by the UNSR [United Nations Special Rapporteur] and other organizations, several Iranian female athletes were also barred from participating in international tournaments, either by the country’s sport agencies or by their husbands.” (USDOS, 20 April 2018, section 6)

On the same issue, an IranWire article from December 2017 notes:

“Iranian officials have announced that, after years of controversial debate and sustained campaigns, women will not be allowed to enter sports stadiums. The decision came after a grand ayatollah, Naser Makarem Shirazi, strongly objected to removing the ban, showing just how much power the highest senior clerics wield in Iran.” (IranWire, 13 December 2017)

In a June 2018 article, Human Rights Watch (HRW) reports with regard to the opening of Tehran’s Azadi stadium for women and men to watch two games of the 2018 World Cup:

“On June 20 and 25, 2018, the authorities opened Azadi stadium’s doors to women and men to watch a live screening of the last two games of Iran’s national football team at the 2018 World Cup. [...]

Iran’s discriminatory ban on women attending men’s football matches dates to 1981. In 2012, authorities extended the ban to volleyball matches. In response, Iranian women have campaigned and lobbied parliament to reverse the ban. They have even disguised themselves as men to avoid these discriminatory restrictions. Over the past few years, Iranian women and rights organizations have also tried to reverse the policy through direct appeals to FIFA and the international volleyball federation (FIVB). In March, police arrested about 35 women who gathered in front of Azadi Stadium seeking admission to watch a game between two popular Tehran men’s football teams, Esteghlal and Persepolis, and detained them for several hours.” (HRW, 28 June 2018)

6.5.5 Treatment of women perceived to have transgressed other social mores

In the January 2017 report Amnesty International (AI) states that under Iranian law there are more than 100 ‘offenses’ which are punishable by flogging. Examples of the ‘offences’ include ‘breach of public morals’, amongst others. The report also mentions young people being arrested for attending mixed-gender parties:

“These cover a wide array of acts, ranging from theft, assault, vandalism, defamation and fraud to acts that should not be criminalized at all such as adultery, intimate relationships between unmarried men and women, ‘breach of public morals’ and consensual same-sex sexual relations. Many of those flogged in Iran are young people under the age of 35 who

have been arrested for peaceful activities such as publicly eating during Ramadan, having relationships outside of marriage and attending mixed-gender parties.” (AI, 18 January 2017)

An August 2017 article by IranWire states that “[u]nder Islamic law in Iran, drinking alcohol and holding parties involving unrelated men and women are forbidden. Private parties are often raided by police, and participants are usually temporarily detained before being handed heavy fines” (IranWire, 9 August 2017). Freedom House similarly reports that the “[p]olice conduct raids on private gatherings that breach rules against drinking alcohol and mixing with unrelated members of the opposite sex” and remarks that “[t]hose attending can be detained and fined or sentenced to corporal punishment in the form of lashes” (Freedom House, January 2018, section G).

The Center for Human Rights in Iran (CHRI) states in a December 2017 article that in Iran “women are prohibited from singing or playing musical instruments solo” and notes that “[s]ome women who have attempted to perform solo have been harassed and forcibly removed from the stage” (CHRI, 8 December 2017b). According to a March 2018 article by the same source, females are also “not allowed to dance for anyone else except their husbands” (CHRI, 10 March 2018).

Human Rights Watch (HRW) reports in July 2018 that Iranian state television “broadcasted apologies by several women who were briefly detained in May for posting videos of themselves dancing on their popular Instagram accounts”. HRW adds that “Iranian law vaguely defines what constitutes acts against morality, and authorities have long censored art, music, and other forms of cultural expression, as well as prosecuted hundreds of people for such acts”. (HRW, 11 July 2018)

In an August 2016 article that predominately refers to the statements of a jurist based in Turkey, IranWire gives an insight into legal aspects regarding ‘acts against chastity’ (such as sexual acts in public) and ‘illicit sexual relations other than sexual intercourse’ (such as kissing):

“According to Article 637, if a man and a woman who are not married to each other become engaged in an illicit sexual relation other than sexual intercourse — such as kissing — or are found guilty of acts against chastity, they will be sentenced to punishment of up to 99 lashes. But what is the difference between ‘illicit sexual relations’ and ‘acts against chastity’? Mousa Barzin Khalifeloo, a jurist based in Turkey, says illicit sexual relations refer to a ‘prohibited relations under sharia’, but not intercourse. However, he says, acts against chastity are not necessarily prohibited under sharia. Instead, they are acts that go against customs or mores in society. For example, if a married couple performs a sexual act in a public place, since they are married to each other, their act does not go against sharia, but it is not acceptable behavior because of Iran’s social customs. Barzin provides another example: ‘Under sharia, there is no rule about men’s clothing, but if a man appears without a shirt on the street, it would be against the custom of the society of Iran.’” (IranWire, 2 August 2016)

The article goes on to elaborate on the diverging interpretation of the term ‘illicit sexual relations’:

“When asked what kinds of relations are prohibited under sharia, Barzin says there is no consensus amongst judges in Iran on the matter. ‘Some judges argue that physical contact is required for a relation to be considered as an illicit sexual relation, but other judges argue that although the article specifically refers to kissing, this is just one example, and that the definition of illicit sexual relations should not be limited to physical contact between opposite sexes.’ Barzin also says judges who view the law in this way tend to have a very broad interpretation of the term ‘illicit sexual relations.’ In fact, many of them apply the term to anything they view to be in violation of sharia — ‘such as unmarried men and women walking together in a park, drinking coffee in a café or even speaking on the phone.’ Barzin says he represented a female client who was charged with engaging in illicit sexual relations for sending romantic text messages.” (IranWire, 2 August 2016)

6.6 Treatment of individuals of diverse sexual orientations and gender identities

6.6.1 *Legal situation and treatment by the state*

Legal aspects

The UK Foreign and Commonwealth Office (FCO) states in its 2016 Human Rights and Democracy Report that homosexuality continues to be illegal and that “punishments can range from 100 lashes to the death penalty for both men and women” (FCO, 20 July 2017). The London-based Small Media Foundation in a May 2018 report states that under the Rouhani administration there have been “no changes to the status of LGBTQ people within Iranian domestic law” and that “Iran’s Penal Code continues to explicitly forbid sexual relations between same-sex partners”. The report points out that the ban applies irrespective of whether “such relations are consensual or coerced” (Small Media Foundation, 17 May 2018, p. 15). The April 2018 US-Department of State (USDOS) country report on human rights practices states that according to NGOs the law’s lack of distinction between consensual and non-consensual same sex intercourse “led to both the victim and the perpetrator being held criminally liable” in cases of assault. The USDOS also notes that consensual same-sex sexual activity “is punishable by death, flogging, or a lesser punishment” (USDOS, 20 April 2018, section 6).

According to the Small Media Foundation report, the Iranian Penal Code “distinguishes between a number of different types of sexual acts, which are each prescribed different punishments”. The report goes on to elaborate on the law’s distinction between the “active” party and the “passive” party to the act:

“Punishments for passive partners are more severe than for active partners, although active partners can also face the death penalty if they are a non-Muslim caught having sex with a Muslim. The offences and punishments for males engaged in sexual relations (as well as other same-sex conduct such as passionate kissing) are described in detail in Articles 233-237 of the IPC.” (Small Media Foundation, 17 May 2018, p. 16)

The Iran Human Rights Documentation Center (IHRDC) provides an unofficial translation of Books I and II of the Islamic Penal Code with all amendments up to January 2012. Article 233 of the Iranian Penal Code defines the term *livat* as follows:

“Article 233- Livat is defined as penetration of a man’s sex organ (penis), up to the point of circumcision, into another male person’s anus.” (Islamic Penal Code, 2013, Article 233, as translated in IHRDC, 8 April 2014)

Article 234 sets out the punishment for livat, making a distinction between the “active” party and the “passive” party to the act:

“Article 234- The hadd punishment for livat shall be the death penalty for the insertive/active party if he has committed livat by using force, coercion, or in cases where he meets the conditions for ihsan; otherwise, he shall be sentenced to one hundred lashes. The hadd punishment for the receptive/passive party, in any case (whether or not he meets the conditions for ihsan) shall be the death penalty.

Note 1- If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the hadd punishment for the insertive/active party shall be the death penalty.

Note 2- Ihsan is defined as a status that a man is married to a permanent and pubescent wife and whilst he has been sane and pubescent has had a vaginal intercourse with the same wife while she was pubescent, and he can have an intercourse with her in the same way [vaginal] whenever he so wishes.” (Islamic Penal Code, 2013, Article 234; as translated in IHRDC, 8 April 2014)

The Small Media Foundation report similarly states that “[p]unishments for passive partners are more severe than for active partners” but goes on to specify that “active partners can also face the death penalty if they are a non-Muslim caught having sex with a Muslim.” (Small Media Foundation, 17 May 2018, p. 16)

Article 235 of the penal code, as translated by IHRDC, defines the term tafkhiz as follows:

“Article 235- Tafkhiz is defined as putting a man’s sex organ (penis) between the thighs or buttocks of another male person.

Note- A penetration [of a penis into another male person’s anus] that does not reach the point of circumcision shall be regarded as tafkhiz.” (Islamic Penal Code, 2013, Article 235; as translated in IHRDC, 8 April 2014)

Article 236 sets out the punishment for tafkhiz:

“Article 236- In the case of tafkhiz, the hadd punishment for the active and passive party shall be one hundred lashes and it shall make no difference whether or not the offender meets the conditions of ihsan [mentioned in note 2 of article 234], or whether or not [the offender] has resorted to coercion. Note- If the active party is a non-Muslim and the passive party is a Muslim, the hadd punishment for the active party shall be the death penalty.” (Islamic Penal Code, 2013, Article 236; as translated in IHRDC, 8 April 2014)

Article 237 sets out the punishments for homosexual acts other than livat and tafkhiz, with a note saying that the provisions of this article also apply to female persons who engage in the same activities:

“Article 237- Homosexual acts of a male person in cases other than livat and tafkhiz, such as kissing or touching as a result of lust, shall be punishable by thirty-one to seventy-four lashes of ta’zir punishment of the sixth grade.

Note 1- This article shall be equally applicable in the case of a female person.

Note 2- This article shall not be applicable in the cases punishable by a hadd punishment under Shari’a rules.” (Islamic Penal Code, 2013, Article 237; as translated in IHRDC, 8 April 2014)

Apart from the punishments for lower-level same-sex conduct, as specified in Article 237 and Note 1 of the same article, the Islamic Penal Code establishes punishments for female same-sex relations in Articles 238-240:

“Article 238- Musaheqeh is defined as where a female person puts her sex organ on the sex organ of another person of the same sex.

Article 239- The hadd punishment for musaheqeh shall be one hundred lashes.

Article 240- Regarding the hadd punishment for musaheqeh, there is no difference between the active or passive parties or between Muslims and non-Muslims, or between a person that meets the conditions for ihsan and a person who does not, and also whether or not [the offender] has resorted to coercion.” (Islamic Penal Code, 2013, Article 237; as translated in IHRDC, 8 April 2014)

An undated note on the IHRDC’s homepage states that “[w]omen convicted of same-sex acts would face flogging, but if they are convicted for the fourth time they could face execution as well.” (IHRDC, undated (b))

Practice of law enforcement, human rights violations and discrimination by state actors

A 2013 IHRDC report notes that “in most cases”, it is “the ‘knowledge of the judge’ [that] has been relied upon to mete out harsh sentences for alleged homosexual acts”. The report explains that “[a]ccording to Shari’a law, a judge, through his own knowledge and understanding, can come to a conclusion regarding guilt or innocence of the parties involved”. (IHRDC, 7 November 2013)

A May 2015 country report of the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ), which covers the period from December 2013 up to April 2015, includes extensive information on the treatment of sexual minorities in Iran. The report states that prosecution of homosexual acts is relatively rare as these types of conduct are difficult to prove. This would require several eyewitnesses, and those found to have unjustly incriminated a person in a case relating to sodomy face severe penalties. The report quotes a confidential source as saying that it is likely that most convictions for moharebeh (“enmity against God”), a capital offence, are in practice convictions for homosexuality. During the reporting period, several death sentences were handed down for moharebeh. In most of these cases, the acts that have led to this judgment have not been specified.

According to a confidential source that has made inquiries among jurists and lawyers, judges especially in Tehran increasingly urge lawyers not to let their clients confess to sodomy. This allows judges to conclude that there is not enough conclusive evidence, so that the accused person can go free and this ‘uncomfortable’ case can be closed.

It is known that homosexuality is more heavily penalized in smaller towns and peripheral regions because of the more conservative values that prevail outside the large cities. In addition, the personal views of the courts in respect of these matters and the severity of sentencing vary considerably. In most cases, courts refrain from imposing the death penalty and opt for floggings instead. (BZ, 7 May 2015, pp. 15-16)

A June 2016 article by the Guardian states that “lavat (sodomy) is a capital offence and people are frequently executed for it” (Guardian, 21 June 2016). In a December 2017 article the German-based weekly magazine Zeit-Magazin states that in Iran more than 4,000 homosexuals have been executed since the Islamic Revolution in 1979. The article goes on to note that thousands of people have been forced to undergo hormone therapy (Zeit-Magazin, 1 December 2017). In a March 2017 article, the Guardian writes that although execution for homosexuality “is less common now, it still occurs”. According to the Guardian article, “a 19-year-old boy was hanged in Iran’s Markazi province” in the summer of 2016 and two men were executed in 2014 (Guardian, 1 March 2017).

On the subject of the documentation of human rights violations against the LGBT community, a 2016 report by the US-based advocacy group OutRight Action International notes that “[t]here are no reliable statistics on the number of arrests, imprisonments and floggings of LGBTIQ people [...], as victims often avoid reporting their experiences due to fear and social stigma” (OutRight Action International, 2016a, p. 15). Similarly, the Small Media Foundation report observes:

“[V]erifying human rights reports remains an enormous challenge for international human rights monitoring organisations. This does not only extend to executions; the state’s harassment of LGBTQ citizens through lower level ‘public decency’ laws is also difficult to catalogue and advocate for at the international level, in large part owing to LGBTQ community members’ fears of drawing unnecessary attention to themselves and their sexual orientation or gender identity.” (Small Media Foundation, 17 May 2018, p. 26)

In its 2018 Iran report, the organization Hands Off Cain, a Belgium-based NGO promoting the abolition of the death penalty, states that in Iran there were “at least 544 executions in 2017”. According to the report in five of these cases (1 percent) the death sentence was imposed for “crimes of a sexual nature (adultery, immoral relations and sodomy).” (Hands Off Cain, 2018) The Small Media Foundation report describes the development of the LGBT community’s situation during the Rouhani presidency as follows:

“Despite Rouhani’s promises to deliver social and cultural freedoms to Iranian citizens after the long winter of the Ahmadinejad era, his government has offered no substantive concessions to the country’s beleaguered LGBTQ community. The story of his administration so far has been one of stasis, deadlock and the continued marginalisation of Iran’s LGBTQ community. Although it could be argued that the broadly laissez faire character of

Rouhani's social policies create the space for Iranian society to gradually liberalise on social issues, it remains the case that LGBTQ people live under constant threat of harassment, arrest, and even execution." (Small Media Foundation, 17 May 2018, p. 15)

The USDOS describes the LGBT community's situation during the reporting year 2017 as follows:

"Security forces harassed, arrested, and detained individuals they suspected of being gay or transgender. In some cases security forces raided houses and monitored internet sites for information on LGBTI persons. Those accused of 'sodomy' often faced summary trials, and evidentiary standards were not always met. Punishment for same-sex sexual activity between men was more severe than between women. According to international and local media reports, on April 13 at least 30 men suspected of homosexual conduct were arrested by IRGC agents at a private party in Isfahan Province. The agents reportedly fired weapons and used electric Tasers during the raid. According to the Canadian-based nonprofit organization Iranian Railroad for Queer Refugees, those arrested were taken to Dastgerd Prison in Isfahan, where they were led to the prison yard and told they would be executed. The Iranian LGBTI activist group 6Rang noted that, following similar raids, those arrested and similarly charged were subjected to forced 'anal' or 'sodomy' tests and other degrading treatment and sexual insults." (USDOS, 20 April 2018, section 6)

In a June 2017 report, Human Rights Watch (HRW) summarizes the notes of the United Nations Children's Rights Committee on the situation of LGBT children in Iran as follows:

"In March, the United Nations Children's Rights Committee noted that flogging was still a lawful punishment for boys and girls convicted of certain crimes. The committee noted reports that lesbian, gay, bisexual, transgender, and intersex (LGBTI) children had been subjected to electric shocks to 'cure' them." (HRW, 23 June 2017)

The undated note on the IHRDC's homepage states that LGBT Iranians are "subject to a wide range of abusive discriminatory practices such as custodial rape, arrests at social functions, expulsion from educational institutions and denial of employment opportunities". (IHRDC, undated (b))

With respect to an exemption from military service the USDOS states:

"The law requires all male citizens over age 18 to serve in the military but exempts gay and transgender women, who are classified as having mental disorders. New military identity cards listed the subsection of the law dictating the exemption. According to 6Rang this practice identified the men as gay or transgender and put them at risk of physical abuse and discrimination." (USDOS, 20 April 2018, section 6)

A December 2017 report published by the Iranian LGBT network 6Rang gives an overview of the different types of "hostile or hateful remarks that Iranian state officials have made between 2011 and 2017 to perpetuate the toxic notion that homosexual people are less human than others." According to the report Iranian state officials referred to homosexual persons as:

“Immoral and corrupt; Animalistic and subhuman; Sick and diseased; Western and Imperialistic; Counter-Revolutionary and Zionist.” (6Rang, December 2017, p. 7)

A 2016 report by OutRight Action International describes the situation of lesbian women in Iran as follows:

“Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation. [...]

Social expectations for women to marry, coupled with a lack of economic and legal independence (women account for only 16 per cent of the labor force), mean that lesbians, as women, will often have decisions made for them by males in their family. Lesbians have little chance or ability to challenge or resist when the decision is made that they will marry a man. This can lead to situations where lesbians live their entire lives in marriages in which nonconsensual heterosexual sexual acts are continually and regularly forced upon them.” (OutRight Action International, 2016a, p. 2)

The report goes on to point out that lesbian women in Iran face “double discrimination”:

“In addition to the restrictions on their rights as women, lesbians in Iran face further restrictions due to the criminalization of same-sex conduct, along with widespread social intolerance. This double discrimination contributes significantly to the abuses they face. Lesbians face arbitrary arrest and detention, and they suffer further human rights violations at the hand of police while in detention, ranging from homophobic assaults to physical torture. [...]

Lesbians in Iran also face human rights abuses from private actors, including in the workplace, at school, in the family, and in public. Discriminatory laws and practices against those perceived to be homosexual, and government-sponsored propaganda against homosexuality, encourages acts of social and domestic abuse and violence against lesbians, who are portrayed as criminals and sick because of their sexual orientation.” (OutRight Action International, 2016a, p. 3)

On the subject of arrest and legal punishment of lesbian women the report states:

“Given the legal ban on same-sex relations among women in Iran, the possibility of arrest and legal punishment, including jail sentence and flogging, by authorities remains a reality for Iranian lesbians.” (OutRight Action International, 2016a, p. 15)

Transgender, sex reassignment procedures

In a 2016 report on the situation of transgender people in Iran, Outrights Action International states:

“Although the medicalization of issues related to gender identity has allowed for some legal recognition for members of the trans community, it has also reinforced the stigma rooted

in the notion that trans individuals suffer from psychological and sexual disorders and require treatment to become ‘normal.’” (OutRight Action International, 2016b, p. 20)

On the subject of so-called sex-reassignment surgeries, the undated note on the IHRDC’s homepage states:

“While the Iranian government permits and even encourages sex-reassignment surgeries (SRS), transgender persons face unequal treatment. Transgender individuals are often pressured by healthcare professionals to undergo SRS, and they are subject to arbitrary arrest solely based on their appearance.” (IHRDC, undated (b))

On the subject of state subsidies for sex reassignment procedures the USDOS states:

“The government provided transgender persons financial assistance in the form of grants of up to 45 million rials \$1,240 and loans up to 55 million rials \$1,500 to undergo gender reassignment surgery. Additionally, the Ministry of Cooperatives, Labor, and Social Welfare required health insurers to cover the cost of such surgery.” (USDOS, 20 April 2018, section 6)

The OutRight Action International report elaborates on the subject of state subsidies for transition-related medical care. It mentions that there is a “lack of clarity and transparency” regarding the exact amount of government subsidies. The report goes on to note that “there are questions regarding the willingness or capacity of the SWO [State Welfare Organization] to provide support to the transgender community” and explains that several people interviewed by OutRight claimed that “in certain parts of the country, financial aid for transition-related healthcare had been completely suspended since 2012”. (OutRight Action International, 2016b, pp. 46-49)

The USDOS states that “[i]ndividuals who undergo gender reassignment surgery may petition a court for new identity documents with corrected gender data, which the government reportedly provided efficiently and transparently”. The USDOS, however, also notes that NGOs reported that authorities pressured LGBTI persons to undergo gender reassignment surgery. (USDOS, 20 April 2018, section 6)

An October 2017 article by the Iranian LGBT network 6Rang states that many transgender people in Iran who undergo “forced sterilization”, suffer “humiliating physical examinations afterwards, only to find out they are denied the right to identity”. (6Rang, 21 October 2017)

The OutRight Action International report discusses the situation of transgender persons who do not undergo sex reassignment procedures:

“[T]rans individuals in Iran who do not wish to pursue medical transition processes, who cannot afford such processes, or who wish to pursue some forms of medical gender transition but not others, are wholly deprived of legal identity recognition and face severe barriers to maintaining and pursuing education, to accessing housing and employment, and to moving freely and safely through society. The law does not recognize such trans

individuals, nor does it provide space or legal recognition for individuals who identify across or outside of the gender binary.” (OutRight Action International, 2016b, p. 9)

The same report goes on to elaborate on the general situation of transgender people in Iran:

“People perceived as trans by the broader society are likely to experience violence and abuse by both state and non-state actors. Trans men are often arrested for not wearing the mandatory hijab, and trans women for ‘cross-dressing in public,’ wearing heavy makeup, or generally dressing in a manner perceived to be inconsistent with the strict government-enforced dress code. This harassment and targeting by the police can occur even when trans individuals have secured an official letter from the LMO [Legal Medicine Organisation] certifying a GID [gender identity disorder] diagnosis.” (OutRight Action International, 2016b, p. 31)

Press Law and Computer Crimes Law

According to the report “State Sponsored Homophobia 2017” published by the international NGO International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) “[t]here are a number of articles within the Press Law that directly impede freedom of expression to do with sexual orientation, gender identity and sex characteristics” (ILGA, May 2017, p. 127). The USDOS states that the “government censored all materials related to LGBTI issues. Authorities particularly blocked websites or content within sites that discussed LGBTI issues, including the censorship of Wikipedia pages defining LGBTI and other related topics” (USDOS, 20 April 2018, section 6).

The Small Media Foundation report points out the importance of “digital spaces” for the experiences of LGBT persons. The report, however, states that “the 2009 Computer Crimes Law (CCL) poses particular challenges for Iran’s LGBT community” (Small Media Foundation, 17 May 2018, p. 18). Concerning this matter the report specifically mentions the following three articles:

“Article 14 criminalises ‘producing, sending, publishing, distributing, saving or financially engaging in obscene contact by using computer or telecommunication systems, or portable data storage devices.’

Article 15 criminalises ‘the use of computers, telecommunication systems or portable data storage devices for inciting or aiding and abetting in the commission of crimes.’

Article 18 criminalises ‘the use of a computer or telecommunications to disseminate lies with the intention of damaging the public, disturbing the public state of mind or disturbing the official authorities’ state of mind.’” (Small Media Foundation, 17 May 2018, p. 18)

The Small Media Foundation report also states that the “community’s continued exposure to threats of surveillance, harassment and entrapment online constitutes an urgent threat” (Small Media Foundation, 17 May 2018, pp. 6-9). The report elaborates on the subject of online entrapment and states that this issue is “one that creates a great deal of paranoia and uncertainty among the community throughout its online engagements” (Small Media

Foundation, 17 May 2018, p. 93). According to a survey of 727 LGBTQ persons conducted by the Small Media Foundation, “20.8% of respondents said they had experienced entrapment— 10.2% from malicious individuals, 2.1% from authorities, and 8.4% from unknown sources” (Small Media Foundation, 17 May 2018, p. 94)

Access to health care

On the subject of the LGBT community’s access to health care, the Small Media Foundation report states:

“Despite advances in social attitudes, key challenges remain for LGBTQ people seeking to access health services— particularly services relating to sexual health and mental health. [...] This report shows that a majority of LGBTQ people surveyed did not have access to sexual health resources, and did not know where they could access appropriate services and resources in the event that they needed them. These findings also hold true for mental health support services, with many psychotherapists hostile to notions of minority sexual and gender identities.” (Small Media Foundation, 17 May 2018, p. 7)

On the same issue the OutRight Action International report on the situation of lesbians in Iran states:

“In our research, OutRight discovered that some health care professionals, many of whom did not fully understand the complexity of issues related to homosexuality, unnecessarily put the lives of their patients at risk. Our research reveals that these doctors’ lack of knowledge led them to offer unsound medical advice, which amplified the feelings of guilt and depression in their lesbian patients. Some lesbians told us that their doctors tried to treat them with hypnotic drugs (sleeping pills), such as Diazepam (Valium), 71 or suggested SRS [sex reassignment surgery] as a solution to their problems.” (OutRight Action International, 2016a, p. 20)

6.6.2 Treatment by members of society

The Freedom in the World 2018 report by the US-based NGO Freedom House states that members of the LGBT community “face harassment and discrimination, though the problem is underreported due to the criminalized and hidden nature of these groups in Iran” (Freedom House, January 2018, section F).

According to the USDOS “[t]he law does not prohibit discrimination based on sexual orientation and gender identity” and “[h]ate crime laws or other criminal justice mechanisms did not exist to aid in the prosecution of bias-motivated crimes.” (USDOS, 20 April 2018, section 6)

The May 2015 country report of the Netherlands Ministry of Foreign Affairs (BZ) notes that the social acceptance of homosexuality in Iranian society is low. The general social attitude towards LGBT persons is “don’t ask, don’t tell”. The report goes on to note that due to social stigma, homosexual persons have a greater fear of how they are treated by their immediate surroundings than of their treatment by the authorities. If a family member reports a person as being homosexual, this could result in the person’s dismissal from work or university. For

LGBT persons, it is easier to keep a low profile in the large cities, which is why many choose to move there from elsewhere. As a confidential source noted, the authorities are not inclined to offer protection to LGBT persons who feel discriminated by members of society. (BZ, 7 May 2015, p. 18)

With regards to the social attitudes towards the LGBT community, the May 2018 Small Media Foundation report observes the following trend:

“Although no progress has been made over the past decade with regard to the legal recognition of LGBTQ citizens’ rights, our research suggests that social attitudes are slowly shifting in a positive direction, thanks to increased coverage of LGBTQ issues in satellite and online media.” (Small Media Foundation, 17 May 2018, p. 7)

The report continues:

“Given the existence of such stringent and unforgiving anti-LGB laws in Iran, and the widespread entrenchment of intolerance against all members of the LGBTQ community, the pressure on people to suppress their desires and conceal their identities is immense. And yet, based on our survey of 806 LGBTQ Iranians, carried out between 14 March and 8 April 2018, it seems as though increasingly the community is feeling comfortable enough to start edging out of the closet, and to act more assertively in proclaiming its identity.” (Small Media Foundation, 17 May 2018, p. 36)

The report summarizes the results of the above-mentioned survey as follows:

“[A] majority of our survey respondents (55%) agreed that public opinion has become more accepting of LGBTQ people since the end of the Ahmadinejad presidency in 2013. Only a small minority (12.7%) disagree with this statement, with just under a quarter of respondents (22.5%) perceiving little change. In light of this general sense of optimism about the gradual evolution of public opinion, it’s striking how poorly the LGBTQ community perceives the Rouhani administration. Only 12% of survey respondents agree that his government has brought about positive changes for LGBTQ people. We can infer that governmental policies have not been perceived as a driver of changes in social attitudes towards LGBTQ people.” (Small Media Foundation, 17 May 2018, pp. 39-40)

On the subject of familial honour, the advocacy group OutRight Action International states:

“Safeguarding or restoring familial honor and washing away the shame are seen as both social obligations and the right of the offended group. In fact, honor of the family, and fearing the ‘loss of honor,’ are common reasons why lesbians and gays often fail to come out to their families and build healthy relationships. Their silence sometimes contributes to an increase in tension, which may, in turn, increase incidents of domestic violence. [...]

Given the myriad challenges faced by lesbians and other members of the LGBTIQ community, the family is often their first line of defense against outside pressures. In their pursuit of support and protection, many lesbians turn to their family members. Yet many lesbians we interviewed told OutRight that their families prioritize familial honor, rather than the physical and mental health of their children. Such a mindset subjects the lesbians

to additional control by their family and loss of their independence. The cycle of violence often continues, in part, because many women feel they cannot report their domestic abuse to the police, either because of deeply ingrained traditional beliefs or fear.” (OutRight Action International, 2016a, p. 28)

The undated note on the IHRDC homepage provides a short overview on the situation of LGBT persons facing abuse at home:

“LGBT persons who face abuse at home have limited legal recourse because Iranian law grants parents significant discretion in disciplining their children. In addition, filing a complaint against abusive family members could put LGBT persons at the risk of criminal prosecution.” (IHRDC, undated (b))

6.7 Treatment of persons perceived as Westernized

In an April 2017 article, Radio Free Europe/Radio Liberty (RFE/RL) states that “principalists” or “hardliners”, the political group congregating around the Supreme Leader, believe that “Western social influence [...] must be resisted at all cost”. According to the article they “fear the West’s soft power - and its possible influence on the population - at least as much as its hard power, if not more” (RFE/RL, 18 April 2017). The Congressional Research Service (CRS), a public policy research arm of the US Congress, mentions in a November 2017 report that “[s]tudent dissident groups composed of well-educated, Westernized urban youth have been the backbone of the Iranian opposition” (CRS, 21 May 2018, p. 31). The report also notes that the Basij is widely accused of “raiding Western-style parties in which alcohol, which is illegal in Iran, might be served” (CRS, 21 May 2018, p. 6). Freedom House similarly reports that the “[p]olice conduct raids on private gatherings that breach rules against drinking alcohol and mixing with unrelated members of the opposite sex” and remarks that “[t]hose attending can be detained and fined or sentenced to corporal punishment in the form of lashes” (Freedom House, January 2018, section G).

In a December 2017 report, the British charitable organization Freedom from Torture analyses 69 cases of torture in Iran by using “medico-legal reports prepared between 2012 and 2017”. Concerning the reasons for the detainment of these persons the report states:

“Six [of the 69] people reported being detained for various transgressions of expected social or moral behaviour in Iran (9%). These included drinking alcohol in public, being partially dressed in public, or other violations of Islamic dress-code, listening to Western music and hosting a private party with music and alcohol.” (Freedom from Torture, December 2017, p. 25)

In a June 2017 article The New York Times states that, since the 1979 revolution, Iran’s clerics have “codified into law hundreds of lifestyle regulations”, meant to “keep their flock on the right path”. According to the article an edict issued in summer 2017 “by the head of the Sports for All Federation, a government institution promoting sports and a healthy lifestyle, effectively banned Zumba [aerobics dance] classes for being contrary to Islamic precepts” (NYT, 17 June 2017).

On the subject of dancing, the Guardian writes in an August 2017 article:

“Four boys and two girls have been arrested in Iran for teaching ‘western’ dance moves including Zumba, a Colombian fitness routine, a Revolutionary Guards commander has said. [...] They were charged with dancing and failing to wear proper hijab – Islamic regulations that require women to wear headscarves and ban revealing clothing in public. [...] Dancing is banned in Iran for women in front of men outside their immediate families, but in recent years Zumba and other dances have been banned even in women-only gyms, even if the rules are widely flouted.” (Guardian, 9 August 2017)

Addressing further lifestyle topics like music and fashion, the Center for Human Rights in Iran (CHRI) states in a June 2017 report:

“[D]uring Rouhani’s first term [2013-2017] concerts were canceled around the country after being attacked by extremists for being ‘un-Islamic’ or for featuring female musicians, independent music producers sent to prison, members of Iran’s fashion industry subjected to crackdowns by security forces, books refused publication and films banned, and mixed-gender parties regularly broken up by police forces. Greater artistic, cultural and social freedom continues to be a demand of Iranian civil society.” (CHRI, June 2017, p. 4)

The Iranian Lesbian & Transgender Network 6Rang indicates that there is a connection between the fear of Western influence and resentment against LGBT persons:

“Homosexual persons are regularly depicted in official statements and state media outlets as ‘unnatural’, ‘deviant’, ‘immoral’, or ‘diseased’. They are also accused of collusion in Western-orchestrated conspiracies aimed at undermining the Islamic Revolution or corrupting the Muslim population.” (6Rang, December 2017, p. 7)

In a May 2018 report the London-based Small Media Foundation notes that the “transformation of LGBTQphobia into state orthodoxy is part of a drive to expel so-called ‘Western’ influences from Iranian society” (Small Media Foundation, 17 May 2018).

In a December 2016 briefing, the Center for Human Rights in Iran (CHRI) writes about repressive measures against members of Iran’s growing fashion sector. According to CHRI “a court in Shiraz sentenced 12 industry professionals in December 2016 to prison terms ranging from five months to six years” (CHRI, 8 December 2016). CHRI further states:

“An investigation by the International Campaign for Human Rights in Iran has revealed that the crackdown on the sector is ongoing, is being led by the Islamic Revolutionary Guards (IRGC) Intelligence Organization in concert with Iran’s Judiciary, and follows a decree by Supreme Leader Ali Khamenei against all forms of perceived western culture. Following raids organized by the Guards, dozens of people have been interrogated about alleged ‘modeling networks’ while businesses have been shuttered in the cities of Tehran, Qazvin, Arak, Shiraz and Zahedan. Mass Arrests and Heavy Prison Sentences in Shiraz. According to the Campaign’s investigation, the Revolutionary Guards and Judiciary’s joint crackdown on the fashion industry began in Tehran in September 2015, escalated in March 2016, and then spread to Mashhad and other cities. After questioning, many “suspects” have been referred to court for prosecution for simply engaging in their profession. In most cases,

arrests are followed by the forced closure of their digital and social media pages as well as physical places of business. [...]

The defendants were charged with ‘promoting corruption and depravity’ by publishing ‘indecent’ and ‘immoral’ images on the internet, organizing Western-style fashion shows, modeling, and promoting the Western culture of nudity, said Taravatrouy, adding that he would appeal the sentences.” (CHRI, 8 December 2016)

In a May 2015 article, the Guardian writes about the authorities’ crackdowns on persons with certain haircuts, body modifications, tattoos, and other features perceived as “imitations of Western lifestyles” or as “un-Islamic”:

“As the desire to make fashion statements spikes each summer, authorities step up their crackdown on ‘un-Islamic’ haircuts and body modifications. ‘Homosexual’ and ‘devil worshipping’ hairstyles have been banned in Iran, alongside tattoos, sunbed treatments and plucked eyebrows for men, which are all deemed un-Islamic. The move – aimed at spiky cuts – follows a trend where, each summer, Iranian authorities get tough on men and women sporting clothing or hairdos seen as imitations of western lifestyles.” (Guardian, 5 May 2015)

An undated photo gallery by Al-Monitor showing Iranians with tattoos notes that “Western style tattoos like the ones above can be seen as a mark of rebellion in a country where tattoos are illegal.” The article goes on to state that “tattoos remain popular in the country despite carrying a social stigma and being officially banned”. (Al-Monitor, undated)

Further information on the question whether wearing tattoos is a crime in Iran is provided by a February 2017 article by Iran Front Page, an English News website which provides news and views from Iran published by the Iranian Farsi Media:

“Many Iranians consider tattooing a disagreeable act; however, the country’s laws and religious rules don’t forbid it except in particular conditions. Based on their culture and customs, the majority of Iranians regard tattooing as an anti-value act. However, Iran’s law has not devised any punishment for this traditionally indecent behaviour. According to a Farsi report by Jomhour Eslami newspaper, the only punishable tattoos are the ones that contain obscene or nasty images on the face or the visible parts of the body such as hands and arms. Those who have these types of tattoos will be charged of hurting public chastity. Religiously, the majority of jurists believe that tattooing is forbidden if it physically harms the person, endangers his health or contains obscenities; it is allowable otherwise.” (Iran Front Page, 20 February 2017)

7 Rule of Law/Administration of Justice

7.1 General overview of the Iranian judicial system

According to Article 156 the Iranian Constitution of 1979, which was last amended in 1989, the judiciary “shall be an independent power that protects individual and social rights” and is responsible for performing the following functions:

- “1. To examine and pass judgements 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 [penance by the lash] 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)

In its 2016 report on the Iranian judiciary, the Iran Human Rights Documentation Center (IHRDC) describes the transition the judicial system underwent in the aftermath of the 1979 Revolution. Following IHRDC, the “successive revolutionary governments undertook the process of implementing Islamic law through the country’s political, judicial and bureaucratic institutions” (IHRDC, 30 November 2015, p. 4). In an article, published in February 2018, Radio Free Europe/ Radio Liberty (RFE/RL) states that “Iran’s secretive Revolutionary Court system was established after the 1979 Islamic Revolution to try suspected ideological opponents of the country’s Islamic rulers” (RFE/RL, 4 February 2018).

In the course of the restructuring of the judicial system in 1979, the “Supreme Judicial Council was dissolved and replaced by a single individual [the head of the Judiciary] appointed by the Supreme Leader” (IHRDC, 30 November 2015, p. 5). In the constitution’s Article 157 the head of the judiciary is ascribed the “responsibilities of the judiciary in all judicial, administrative and executive matters” and to be the “highest authority of the judiciary”. Following Article 157, the head of judiciary further needs to be a specialist of religious law and is appointed by the Supreme Leader for a period of five years. (Constitution of the Islamic Republic of Iran, 1989, Article 157).

Article 158 of the Iranian Constitution determines the functions of the head of judiciary, among which the employment, the dismissal as well as the promotion of “just and competent judges” is cited. Article 160 of the Constitution states that the minister of justice “shall be appointed from among those proposed to the President by the Head of the judiciary” and that he “shall be responsible for all matters concerning the relations of the judiciary with the Executive and the Legislature Branches”. (Constitution of the Islamic Republic of Iran, 1989, Article 158 and Article 160)

In terms of the concentrations of judicial power in single unelected individuals, IHRDC notes in its 2016 report:

“The Iranian Judiciary concentrates all the powers of the Judiciary in the hands of a single individual – the head of the Judiciary – appointed by the Supreme Leader, who is himself unelected and unaccountable to any institution in practice. Thus, the unelected element of the IRI [Islamic Republic of Iran] effectively controls the Judiciary, which has been used as a tool to achieve the domestic political objectives of the leadership to the detriment of its original purpose: to guard the interests of its citizens against the abuses of the political branches and administrative authorities.” (IHRDC, 30 November 2015, p. 7)

7.1.1 Court structure and judicial independence

The Human Rights in Iran Unit of the School of Law at the University of Essex, which focuses on Iran’s compliance with international human rights law, refers to Article 172 of the Iranian Constitution when describing the Iranian legal system as “comprised of multiple, distinct courts based on subject matter” (University of Essex – Human Rights in Iran Unit, March 2014, p. 13). IHRDC similarly reports on the different “functional areas of specialization” of the courts and adds that the “severity of the crime sometimes determines the jurisdiction of the courts”. The same source explains further that in contrast to public courts which have “general jurisdiction over all disputes”, the jurisdiction of specialised courts is confined to specific “offenses and disputes” (IHRDC, 30 November 2015, p. 7).

Public courts (civil and criminal)

Public courts are divided into civil courts and criminal courts (IHRDC, 30 November 2015, p. 8).

IHRDC states in its November 2015 report that civil courts are responsible for “civil, commercial and family matters”. In general, “the court of the domicile or residence of the defendant has jurisdiction to adjudicate a civil dispute”. (IHRDC, 30 November 2015, p. 8)

Regarding family matters, IHRDC reports that after the amendments of the Family Protection Law in August 2013, “specific sections of Public Courts are [...] dedicated” to cases of family law including divorce, temporary marriages, dowry and custody of the children, alimony and parenting. Referring to Article 2 of the Family Protection Law, IHRDC adds in terms of the composition of the family courts and regarding additional family counselling centres:

“Family Courts are composed of one presiding judge or substitute and one female advisor. The presiding judge must be married and have at least four years of legal experience. The advisor to the Court must provide her advice in writing prior to the issuance of the judgment and the presiding judge is duty-bound to mention it in his judgment. [...]

The Family Protection Law further establishes family counseling centers alongside every family court to ‘strengthen family values and prevent family disputes – divorce in particular – and strive towards peace and reconciliation.’ These centers are composed of experts in the fields of psychology, social sciences, law and Shari’a. The law further requires that half of the experts in every center be women. The court can use the capacity of the counseling

center in an effort to mediate the dispute. If the center is successful in finding an agreement between the spouses, it will issue an order of reconciliation. Otherwise, it will refer the matter back to Family Courts after having issued a written opinion.” (IHRDC, 30 November 2015, p. 9)

As reported by IHRDC, public criminal courts consist of criminal courts I and criminal courts II; the former is responsible in cases of “more important felony charges as well as all crimes committed by high-level government officials and civil servants” and the latter have jurisdiction over “cases involving lighter punitive sentences”. In its November 2015 report, IHRDC further adds that “[t]here is at least one Criminal Court II-level court in each judicial provincial district” and “also at least one Criminal Court I-level court in the capital of each of Iran’s 31 provinces.” (IHRDC, 30 November 2015, pp. 10-11)

In terms of crimes committed by children or adolescents under the age of 18, “specific branches of Criminal Courts I” the so-called “juvenile courts” are responsible (IHRDC, 30 November 2015, p. 11). GlobaLex, an electronic legal publication provided by the Hauser Global Law School Program at New York University School of Law, published an overview of the Iranian legal system updated in August 2015 which was authored by Maliheh Zare, Ph.D. in Private and Islamic Law at the University of Tehran. IHRDC refers to Articles 298 and 410 of the Iranian Code of Criminal Procedure according to which the juvenile courts are administered “by one judge and one counselor experienced in psychology, criminology, social work or education” (IHRDC, 30 November 2015, p. 12).

Specialised courts

When describing the functions of the specialised courts, in its March 2014 report the Human Rights in Iran Unit of the University of Essex mention “the Revolutionary Courts for, among others, national security crimes, military courts for handling crimes related to special military or police duties” and “clerical courts for resolving issues related to the clerics” (University of Essex – Human Rights in Iran Unit, March 2014, p. 13).

The November 2015 report of IHRDC further discusses the constitutional status of the specialised courts:

“Revolutionary Courts and the Special Courts for the Clergy, which are specialized courts, exist in contravention of Articles 61 and 171 of the Iranian Constitution. Indeed, according to those provisions, Military Courts are the only specialized courts provided for by the Constitution. Nonetheless, the Revolutionary Courts that were established by the Revolutionary Council in 1979 — still exist. They were initially meant to be temporary, as the Revolutionary Council itself was.” (IHRDC, 30 November 2015, p. 13)

GlobaLex gives insights into the jurisdiction of the revolutionary courts:

“Revolutionary court has jurisdiction to hear 1) all crimes against national and international security, *muhāribih* or *baqi* and *ifsād-i fi-l-arz* [national armed terrorism] (respectively defined and criminalized in Articles 279 to 285 and Articles 286 to 288 of the 2013 Islamic

Criminal Code), 2) insulting Imam Khomeini and the Supreme Leader, 3) all smuggling and drugs crime, and 4) other cases under laws designating the revolutionary court as the court with jurisdiction (Article 303). The examples of such cases are crimes under Article 49 of the Constitution and some financial crimes.” (GlobaLex, August 2015)

Regarding the broad wording and its consequences, IHRDC points out that there are “frequent overlaps between the jurisdiction of Revolutionary Courts and the jurisdiction of Public Courts that adjudicate political crimes” and that “any political crimes can be categorized as a crime against internal and external security or corruption on earth, therefore falling under the jurisdiction of Revolutionary Courts.” (IHRDC, 30 November 2015, p. 15)

According to IHRDC, the special clerical court was set up directly after the Revolution of 1979 to “safeguard the interests of the clerical community, and has been used to police dissenting voices within the clergy in the years since” (IHRDC, 30 November 2015, p. 13). As the US Department of State (USDOS) notes in its report on human rights practices (reporting period 2017) “[t]he Special Clerical Court is headed by a Shia Islamic legal scholar” and “overseen by the supreme leader” (USDOS, 20 April 2018, section 1e). When reporting on the case of Ahmad Montazeri, who was sentenced to 21 years in jail by the special clerical court for “endangering state security” and “anti-government propaganda”, Reporters Sans Frontières (RSF) mentioned that the trial “was held behind closed doors and without a defence lawyer” (RSF, 1 December 2016).

GlobaLex reports that the military courts “hear cases against military and police forces if the crime is related to their duties and/or happened during the hours they have been on duty” (GlobaLex, August 2015). More information on military courts can be found in [section 7.6](#) of this compilation.

The Court of Administrative Justice deals with “complaints and grievances against administrative regulations and orders issued by governmental bodies” (IHRDC, 30 November 2015, pp. 13-14, pp. 23-26; Constitution of the Islamic Republic of Iran, 1989, Article 173).

Supreme Court

The Supreme Court is the “highest court of appeal of both civil and criminal cases” (GlobaLex, August 2015). It supervises “the proper implementation of the law by the courts of law” thus “creating uniform and binding judicial precedent” (Constitution of the Islamic Republic of Iran, 1989, Article 161). The president of the Supreme Court is appointed by the Head of Judiciary for a five-year term (Constitution of the Islamic Republic of Iran, 1989, Article 162).

In terms of the responsibility of the Supreme Court for resolving conflicts between courts, IHRDC notes:

“The Supreme Court has the authority to resolve jurisdictional disputes between Public and Revolutionary courts. In practice, the history of such disputes suggests that Revolutionary Courts are allowed to assert jurisdiction over offenses that are not, in the opinion of the

authorities, punished severely enough by ordinary courts.” (IHRDC, 30 November 2015, pp. 15-16)

Judicial independence

With regard to the independence of the judicial system, the US Department of State (USDOS) notes in its April 2018 country report on human rights practices:

“The supreme leader appoints the head of the judiciary. The head 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, 20 April 2018, section 1e)

In its March 2014 report, the Human Rights in Iran Unit of the University of Essex provides the following analysis of the entanglement between the Iranian judiciary and the executive power:

“The Iranian Constitution provides that the judiciary shall be an independent institution that protects individual and social rights, upholding the separation of powers principle *de jure*. However, the Head of the Judiciary is appointed and supervised by the Supreme Leader who, under the Constitution, is the Head of State. This is a clear interference by the executive in judicial affairs.” (University of Essex – Human Rights in Iran Unit, March 2014, p. 1)

Regarding the lack of independence of the judiciary and the Iranian judges, IHRDC explains in its 2016 report:

“[...] there is no oversight of the constitutionality of laws that are promulgated and thus no control over the legislative power. The Guardian Council, vested with the power to control the conformity of the laws with the constitution, does not interfere with judicial affairs because the Judiciary, like the Guardian Council is directly under the control of the Supreme Leader. Finally, the judges of the IRI, when appointed, do not enjoy security of tenure and their employment and promotion is at the discretion of the head of the Judiciary. In such conditions, they lack independence and are unable to fulfil their crucial role of upholding human rights, and instead the lower courts typically follow directives issued by the head of the Judiciary.” (IHRDC, 30 November 2015, p. 7)

Accordingly, the UK Home Office summarises in a country policy and information note on Iran from December 2017 on “numerous reports that the court system is subject to political interference, bribery and corruption” (UK Home Office, December 2017, p. 6) and IHRDC further writes that “[d]ecades of history attest that the IRI [Islamic Republic of Iran] uses its judiciary as a tool to achieve political ends, rather than to safeguard the rights and freedoms of its citizens” (IHRDC, 30 November 2015, p. 4).

In its February 2018 joint report on judicial issues in Iran, the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) discuss the topic of bribery in the Iranian judiciary. In

reference to information obtained from Western embassies, the Middle East Consultancy Services, an anonymous analyst and an anonymous legal source, DIS/DRC state the following:

“Bribery in the justice system occurs. When it comes to bribery in political cases, two sources explained that it is difficult to use bribe in such cases; political cases are handled by the Revolutionary Court.

Bribery can influence the ruling of a judge. According to a Western embassy influence is more important than money. The source pointed out that bribery is more common in first instance cases; 46 percent of court cases end at the first instance.

An anonymous analyst explained that it is difficult to obtain a legal document by bribe as courts are under surveillance, and there are cameras in the courtroom; the courts have their own security system called Hirasat, which reports to the Hefazat Ettelaat or counter-intelligence of the judiciary. In contrast, a Western embassy said that obtaining a legal document with false information is probably possible.

Judges are brought to trial for corruption. An anonymous analyst mentioned that every year, the spokesman for the judiciary maps the dismissed, sanctioned, etc. judges due to bribery. According to statistics, more than 100 judges were laid off in 2016. Middle East Consultancy Services added that The High Tribunal for Judicial Discipline oversees offences enacted by judges. The source added that in 2015 several public declarations were issued related to the removal of 50 judges, due to corruption.” (DIS/DRC, 23 February 2018d, p. 7)

Further information on judicial issues can be obtained from the February 2018 report of the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC):

- DIS/DRC – Danish Immigration Service/Danish Refugee Council: Iran: Judicial issues - Joint report from the Danish Immigration Service and the Danish Refugee Council based on interviews in Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 September to 16 September 2017 and 2 October to 3 October 2017, 23 February 2018d
https://www.ecoi.net/en/file/local/1426251/1788_1520518807_2302.pdf

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)

As reported in articles by the Iranian Human Rights Documentation Center (IHRDC) and Human Rights Watch (HRW), the new Code of Criminal Procedure, which was approved in 2014, went into effect in June 2015 (IHRDC, 2015; HRW, 24 March 2016). In 2015 Mansoor Rahmdel, a professor of criminal law at the University of Tehran, published an article on the new developments in the Iranian Code of Criminal Procedure of 2014. Regarding the specific improvement the new Code of Criminal Procedure brings forth for the accused and for the standards of a fair trial, Rahmdel notes:

“Concerning the rights of the accused, reference can be made to the following points: repealing all cases of mandatory detention order and subjecting all detention orders to appeal, expanding the authority of the prosecutor and the court to decide on the suspension of the prosecution, filing the case, expanding the scope of different types of orders favorable to the situation of the accused, making the presence of a defense attorney mandatory during the preliminary investigation in the case of crimes punishable by death or life imprisonment, allowing the study of the case file by the defense attorney of the accused during the preliminary investigation, obliging the investigators and the law enforcement officials to inform the accused of his/her right to have a defense attorney, obliging the law enforcement officials to observe the rights of the accused in terms of the duration of the interrogation, registering the time of the beginning and the conclusion of any interrogation and allowing the relatives of the accused to be informed of his/ her situation.” (Rahmdel, 2015, pp. 820-821)

In its 2015 article, IHRDC reports on the differences between the proposed amendments and the actual changes of the code:

“While the original draft of this code, which was passed in February 2014, was considered a relatively positive development, last-minute amendments before the law was about to be implemented have raised serious concerns of further deterioration of the state of the rights of defendants in Iranian courts.

The most significant change in the last-minute amendments to the Code of Criminal Procedure was to a note to Article 48, which stated that in cases involving serious charges, such as those carrying the death penalty or imprisonment for more than five years, during the pre-trial investigative phase a defendant may only choose attorneys that have been previously approved by the head of the judiciary.” (IHRDC, 2015)

On this note, HRW criticized the new code of criminal procedure and demands “an independent legal defense” for people accused of national security and political crimes, in an article published in March 2016 (HRW, 24 March 2016). In a 2018 article, HRW raises criticism again in pointing out:

“Iran’s judiciary reportedly created a very short list of lawyers approved to represent people accused of national security crimes – commonly used to prosecute activists – in Tehran’s courts during the investigative stage of the case. Of the 20,000-plus members of Tehran’s Bar association, only 20 lawyers made the list, which, unsurprisingly, excluded women and human rights lawyers.” (HRW, 5 June 2018)

7.2 Detention rules and procedures

Following the English translation of Iran’s Criminal Code of Procedure for Public and Revolutionary Courts of the Iran Human Rights Documentation Center (IHRDC), Article 119 and Article 124 determine that a warrant is needed to arrest accused individuals and that there need to be “valid reasons for summon or arrest”:

“Article 119 – Arresting the accused is done by warrant. The warrant, which is similar to the content of a summon letter, should be issued to the accused. [...]

Article 124 – The judge should not summon or arrest a person, unless there are valid reasons for summon or arrest.” (IHRDC, 23 February 2014)

According to IHRDC’s translation, in a note to Article 123 the Criminal Code of Procedure specifies that the permission of a judicial authority is needed to keep arrested individuals for more than 24 hours detained:

“Note – The judicial officers are bound to take the arrested person to the judicial authority immediately and they can only detain him or her if there is a fear of collusion, absconding, or the destruction of evidence of the crime. In any case, they are not allowed to keep the arrestee for more than 24 hours without the permission of a judicial authority.” (IHRDC, 23 February 2014)

However, in its March 2018 report to the UN Human Rights Council, the UN Special Rapporteur on the situation of human rights in Iran describes a “worrying picture, of violations of due process and the right to a fair trial” and mentions “arbitrary arrests and detentions; continuing executions, including of juvenile offenders; [...] torture and other ill-treatment in detention, in particular to coerce confessions [...]” among others. (HRC, 5 March 2018, p. 4)

Regarding the discrepancy between law and practice in cases of arrested converts, in a March 2018 Country Policy and Information Note the UK Home Office refers to the descriptions of “religious freedom watchdog Article 18”, interviewed in July 2017:

“Article 18 [...] stated that legally a person must be summonsed first and then arrested (if a person has not responded to the summons). But this usually doesn’t happen. Often when a person is arrested, no one shows an arrest warrant, which legally should have their name, basic details and the reason for arrest. The person should then know his/her charges immediately and before interrogations. The person could then refuse to answer questions not connected to his/her under law. But this rarely happens. The arrest, detention and charge are therefore illegal all the way through. It’s also highly likely that by the time a person gets to court, the charges which are raised are not the ones mentioned (if at all) earlier in proceedings. People who are arrested are threatened with apostasy. But this doesn’t appear on the charge sheet or court verdicts.” (UK Home Office, March 2018, p. 23)

Similarly, in their February 2018 report on judicial issues in Iran, the Danish Immigration Service (DIS) and the Danish Refugee Council (DRC) referred to an anonymous legal sources, when stating that

“[...] in some cases, such as sensitive political and national security cases, the accused can be put under arrest without summoning. The source added that the Revolutionary Court does not necessarily follow and comply with the legal summoning procedures.” (DIS/DRC, 23 February 2018d, p. 6)

The US Department of State reports in its April 2018 country report on human rights practices (reporting period 2017) states:

“Although the constitution prohibits all forms of torture ‘for the purpose of extracting confession or acquiring information,’ use of physical and mental torture to coerce confessions remains prevalent, especially during pretrial detention. There were credible reports that security forces and prison personnel tortured and abused detainees and prisoners throughout the year.” (USDOS, 20 April 2018, section 1c)

According to Human Rights Watch’s World Report 2018, “Iranian courts, and particularly the revolutionary courts, regularly fell short of providing fair trials and used confessions obtained under torture as evidence in court”. HRW further adds that the access to legal counsel is often restricted. (HRW, 18 January 2018) In this regard, Amnesty International (AI) described trials, especially those before the revolutionary court, as “closed and extremely brief, sometimes lasting just a few minutes”. The same source describes even those trials resulting in death sentences as “systematically unfair” and criticises the lack of “independent mechanisms for ensuring accountability within the judiciary” (AI, 22 February 2018).

In terms of allegedly coerced confessions, Radio Free Europe/Radio Liberty (RFE/RL) reported in June 2018 on the “rushed” execution of Mohammad Salas, a Sufi man convicted of the killing of three police officers during clashes between Sufis and the police in February 2018 (RFE/RL, 19 June 2018). Amnesty International (AI) described Mohammad Salas’ trial as “grossly unfair”:

“[Mohammad Salas] said he was forced under torture to make a ‘confession’ against himself. This ‘confession’, taken from his hospital bed, was broadcast on state television weeks before his trial and used as the only piece of evidence to convict him. He was not allowed access to his chosen lawyer at any point before or during his trial, and his independent lawyer’s repeated demands to the authorities to allow critical evidence indicating his innocence were dismissed outright.” (AI, 18 June 2018)

The Center for Human Rights Iran (CHRI) reported in July 2017 on a case, in which “the trial completely lacked due process”:

“On July 6, Ahmadzadeh sentenced four Protestant Christian converts to 10 years in prison each in a trial completely lacking due process, according to Mansour Borji, the advocacy director of Article 18, a London-based organization that defends Christians in Iran.” (CHRI, 20 July 2017)

7.3 Unfair trials of political dissidents

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran notes:

“A recent opinion rendered by the Working Group on Arbitrary Detention makes reference to the reports in which the Iranian authorities use vaguely worded and overly broad national security-related charges to criminalize peaceful or legitimate activities in defence of human rights, and as such contravened the principle of legality and allow for arbitrary application. The Special Rapporteur fully supports the apprehensions expressed by the Working Group on Arbitrary Detention, and reiterates her concern for the situation of a number of human rights defenders and prisoners of conscience currently imprisoned.” (HRC, 5 March 2018, p. 11)

In an article published in May 2015, the Washington Post quotes Hadi Ghaemi, the executive director of the New York-based International Campaign for Human Rights in Iran, on the functions of revolutionary courts regarding politically motivated cases:

“‘Revolutionary courts, although originally expected to be temporary, remain in place because they have proven extremely useful as an instrument [for] prosecuting politically motivated cases,’ said Hadi Ghaemi, [...]”. (Washington Post, 29 May 2015)

In line with that, Amnesty International (AI) discusses the lack of independence of the judges of the revolutionary courts and writes about remaining concerns following which “judges, particularly those presiding over Revolutionary Courts, were appointed on the basis of their political opinions and affiliation with intelligence bodies, and lacked legal qualifications.” (AI, 22 February 2018)

In its Freedom in the World Report 2018, Freedom House states regarding the absence of due process for activists:

“Activists are routinely arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes.” (Freedom House, January 2018, section F)

In terms of the denial of legal counselling for political prisoners, Amnesty International notes:

“Fair trial provisions of the 2015 Code of Criminal Procedure, including those guaranteeing access to a lawyer from the time of arrest and during investigations, were routinely flouted. The authorities continued to invoke Article 48 of the Code of Criminal Procedure to prevent those detained for political reasons from accessing lawyers of their own choosing. Lawyers were told they were not on the list approved by the Head of the Judiciary, even though no official list had been made public.” (AI, 22 February 2018)

In its January 2018 report, Freedom House mentions that “[d]ual nationals and those with connections abroad have also faced arbitrary detention, trumped-up charges, and denial of due process rights in recent years” (Freedom House, January 2018, section F). In this regard, the UN Secretary General expresses its concerns in its February 2018 report, as the Working Group on Arbitrary Detention identified a pattern in the treatment of “those affiliated with different ‘pro-democracy institutions of the West’ – especially those with dual nationality”. By referring to reports received, the UN Secretary General further specifies that “procedures against these dual or foreign nationals have been marred by due process and fair trial violations, including incommunicado detention, and denial of access to a lawyer” (HRC, 26 February 2018).

7.4 Conditions in prisons and detention centres

In its February 2018 report, the UN Secretary General expresses his concerns in term of the “inhuman and degrading conditions” in Iranian prisons. In this regard, “cramped cells, inadequate provision of food and water; unhygienic conditions, and restricted access to toilet facilities” were mentioned (HRC, 26 February 2018, p. 5). Amnesty International similarly states in its State of the World's Human Rights Report published in February 2018 that the problems Iranian prisoners have to face include “overcrowding, limited hot water, inadequate food, insufficient beds, poor ventilation and insect infestations” (AI, 22 February 2018).

In June 2016 Radio Free Europe/Radio Liberty (RFE/RL) reports on the closure of the newspaper Ghanoon after critical reporting, including an article on the “detention conditions at a penitentiary facility in Tehran” (RFE/RL, 20 June 2016). The independent German online magazine Iran Journal disclosed that the author of the aforementioned article was detained in a prison near Tehran, but was released on bail after 24 hours. The author depicted the time he had to spend in the prison as a mere “nightmare” and mentioned among other points of improper treatment and inadequacies that running water is only available two hours a day, which also causes serious shortcomings in terms of the sanitary rooms. (Iran Journal, 3 July 2016)

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran refers to the comments of the Iranian governments to the critique on the detention conditions:

“In comments provided to this and previous reports of the Secretary-General, the Government noted that prisons are under the control of the prosecutors and their deputies, and that the Department of Justice has been conducting periodical and impromptu inspections, and has taken action against bailiffs suspected of misbehaviour.” (HRC, 5 March 2018, p. 5)

Regarding one of these inspections, in January 2018 Human Rights Watch (HRW) reports on the planned visit of Iranian parliamentarians in Evin prison in Tehran and on the critique on such visits raised by activists:

“During recent protests, more than 3,700 people were arrested across Iran, and dozens of these people are held in Evin prison. Parliament requested the visit after the arrests, and after hearing reports of at least three deaths in detention, as well as allegations of mistreatment and torture in detention centers across the country.

Iranian activists doubt such visits are effective. Mahdieh Golrou, imprisoned in Evin for more than two years for her student activism after the disputed 2009 presidential election, tweeted that, ‘Anytime anyone wanted to come for a visit [to prison], they would send the vocal people to the yard. After they were gone we would realize that they had visited our ward. What exactly do they want to look into? ... ‘

Iranian authorities have a history of impunity and ignoring allegations of torture in detention. Prisoners, particularly those facing vaguely defined national security charges, are regularly denied access to a lawyer, and when they report torture they are often ignored.” (HRW, 26 January 2018)

In July 2017 Forbes Magazine reported on the questionability of such “orchestrated tours”, which are “launched by the mullahs for dozens of foreign ambassadors to visit the notorious Evin Prison”:

“What needs clarification to the outside world is the fact that Evin, along with many other prisons, has a dark history of widespread executions, tortures, and inhumane and unbearable conditions, to say the least. The regime in Iran, with a track record of 63 UN condemnations of human rights violations, is hardly in any position to claim of providing inmates with adequate conditions.” (Forbes, 20 July 2017)

The same source points out that rights groups are not allowed to access these prisons:

“Following this orchestrated tour, Human Rights Watch made a call to Tehran seeking access for rights groups to these prisons. HRW is among many similar entities seeking access to Evin as the facility has been closed to human rights investigators representing independent international and national organizations.” (Forbes, 20 July 2017)

In an article published in January 2018 Al Arabiya English describes Evin Prison as follows:

“With Evin Prison being one of the most notorious prisons in the world, just the mention of its name conjures up emotions of fear and foreboding in the hearts of ordinary Iranian citizens, as it has become synonymous with political repression, mass hangings and torture. [...]

Teachers, writers, journalists, students, lawyers and academics, in fact anyone who speaks out against the regime, can find themselves thrown into Evin Prison. After trials without legal representation, the accused are found guilty of vague crimes on erroneous evidence, and are either condemned to serve long prison sentences.

Although the Iranian regime has continuously denied it, Evin Prison is known to be a virtual torture factory, where countless numbers of inmates have met their fate. [...]

With Evin being a prison that is extremely overcrowded, hygiene is poor and in Iran’s sweltering hot summers, the heat can reach up to 45 degrees Celsius. There is no form of air conditioning, and the air within cells becomes rank with sweat and human waste. Water quality is bad and food comes in meagre portions and is barely edible. Medical facilities are virtually non-existent.

This whole process is designed to break the resolve of political prisoners, where the pressure for a confession is kept up until the captive breaks his silence. Then designed to add to this anguish, all contact with the outside world is cut off, family visits and telephone calls are forbidden, and even the guards are ordered to be silent.

Countless numbers have been driven insane by this treatment, many smashing their heads against the wall of their cell in anguish, while others have attempted suicide, but such is the security at Evin, no prisoner has been known to have escaped.” (Al Arabiya English, 2 January 2018)

In his February 2018 report, the UN Secretary-General expresses his concerns with regard to “ongoing reports of political prisoners being denied adequate medical care” (HRC, 26 February 2018, p. 6). In its February 2018 report, Amnesty International (AI) writes that “[t]he authorities continued to deprive prisoners detained for political reasons of adequate medical care”. AI further points out, that the denial of medical care is often used as “deliberate punishment” or in order to make them ‘confess’ and that this “amounted to torture” (AI, 22 February 2018).

The UN Secretary General indicates that “[t]he deprivation of medical attention endangers the lives of prisoners” and gives the example of Mohammad Nazari, “a critically ill prisoner of conscience who has been detained for over 20 years on account of alleged support of the Democratic Party of Iranian Kurdistan”:

“Reportedly, [Mohammad Nazari] was convicted on the basis of forced confession following torture, without access to a lawyer. He initiated a hunger strike in July 2017 to draw attention to his call for a judicial review of his sentence in accordance with the 2013 amendments to the Islamic Penal Code. His health deteriorated significantly, and it is understood that he is in need of specialized medical care. In October, he was transferred

to a hospital on an emergency basis but then returned to prison. He is currently in the Orumieh prison near his family.” (HRC, 26 February 2018, p. 6)

In her March 2018 report, the UN Special Rapporteur on the situation of human rights in Iran gives another example by referring to the concerns expressed by Special Procedures mandate holders in August 2017 regarding the situation of 53 prisoners on hunger strikes. The prisoners were on a “prolonged hunger strike to protest against their transfer to a high-security section of Rajai-Shahr prison in Karaj”:

“The prisoners had reportedly not been allowed to take their personal belongings, including medicines, and were deprived of medical care. The Government responded by noting that the transfer of the prisoners had been undertaken in line with the law and filmed. It also noted that the prisoners’ medicines and necessities had been delivered to them, and that medical care had been provided.” (HRC, 5 March 2018, p. 7)

In terms of recent cases of abuses and mistreatment in Iranian prisons, in May 2018 Amnesty International (AI) reports on the situation of female prisoners of conscience from Iran’s Gonabadi Dervish religious community, who had to face “verbal abuse, including sexual slurs, and denied proper medical treatment by doctors” at Shahr-e Rey prison (AI, 25 May 2018). In June 2018 AI called for urgent action in the case of Zeynab Jalalian, an Iranian Kurdish woman whom the authorities denied access to “specialized medical care, despite her deteriorating health in Khoy prison.” (AI, 15 June 2018). The Center for Human Rights in Iran (CHRI) reported in June 2018 on three environmentalists who have been detained without charge for the past five months in Tehran’s Evin Prison and were subjected to torture during interrogations:

“‘Sam Rajabi’s nose has been injured and Taher Bagherian’s front teeth have been broken and Niloufar Bayani was brought blindfolded to a meeting with her family by an agent who told her mother that Niloufar should cooperate [with her interrogators],’ a source close to the detainees’ families told the Center for Human Rights in Iran (CHRI) on June 26, 2018.” (CHRI, 28 June 2018)

7.5 Legal capacity (mental disability); age of criminal responsibility

In a report published in June 2018, Human Rights Watch (HRW) and the Center for Human Rights in Iran (CHRI) noted that the acceptance of the Comprehensive Law to Protect Disabled Persons lead to a series of improvements for persons with disabilities in Iran. However, HRW and CHRI mention that “legislation contains no disability-based discrimination clause, and does not refer to basic rights such as legal capacity or freedom from violence and abuse” (HRW/CHRI, 26 June 2018, p. 63). The UN Secretary General states in his report from February 2018 that “[a] number of laws currently in force” in Iran are not compatible with “Iran’s obligations under the Convention on the Rights of Persons with Disabilities”, as they “deny the legal capacity of persons with disabilities” and limit their “access to justice and political rights”. The UN Secretary General further refers to the degrading language used in the civil and penal codes when referring to persons with disabilities (HRC, 26 February 2018, p. 13).

Regarding the higher risk of being sentenced to death because of mental disabilities, the UN Committee on the Rights of Persons with Disabilities (CRPD) expresses its concerns in its concluding observations published in May 2017:

“The Committee is concerned that persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, may face a greater risk of incurring the death penalty because of a lack of procedural accommodations in criminal proceedings.” (CRPD, 10 May 2017, p. 5)

Rahmdel states in his 2015 paper on the new developments in the Iranian Code of Criminal Procedure of 2014 that the amendments of the code led to an “important step toward the protection of victims with an illness or a disability or incompetent victims”, as prosecutors or NGOs are enabled to issue criminal complaints:

“In cases where the victim of a crime is unable to initiate criminal proceedings, this policy aims at protecting weak victims and shall minimize the possibility of the absconding of the accused and is, thus, an appropriate measure to ensure that justice is done.” (Rahmdel, 2015, p. 821)

Regarding the minimum age of legal responsibility, the new Islamic Penal Code of 2013 states that the “age of maturity” lies at nine lunar years for girls and at fifteen lunar years for boys. (Islamic Penal Code, 2013, Article 147; as translated in IHRDC, 8 April 2014)

In its June 2014 report on the legal status of the child, the Human Rights in Iran Unit of the University of Essex explains the term “age of majority” as follows:

“The age of majority under Iranian law varies greatly from the international standard set by the Convention on the Rights of the Child. According to Civil Code Article 1210, the age of majority is 9 for girls and 15 for boys. These religious - related provisions rely on a lunar calendar in which 9 lunar years constitute 8 years and 9 months, while 15 years amount to 14 years and 7 months.” (University of Essex – Human Rights in Iran Unit, June 2014, p. 23)

Insight Iran, an independent, non-governmental, non-profit organization dedicated to the promotion of human rights in Iran, discusses the amendments of the new penal code regarding the minimum age of criminal responsibility:

“The only difference between the old and new Code is that, the old Code was silent on how old is ‘the age of maturity under Islamic Shari’a’, and, in practice, it arguably referred back to the Civil Code (article 1210) which sets 9 lunar years (8 years and 9 months) for girls and 15 lunar years (14 years and 7 months) for boys as the age of maturity. The new Penal Code has addressed this flaw and given this matter a separate article. Article 147 of the new IPC fixes the age of 9 lunar years for girls and 15 lunar years for boys as the age of maturity.” (Insight Iran, February 2015, p. 3)

The above-cited report of the Human Rights in Iran Unit further notes that regarding the minimum age of criminal responsibility the discrimination of girls is two-fold, as compared to international legal standards it is set too low and it is moreover lower than the minimum age of their male counterparts. (University of Essex – Human Rights in Iran Unit, June 2014, p. 2)

According to the same source, the “unreasonably low minimum age of criminal responsibility within Iran” results in children “be[ing] subjected to the death penalty” (University of Essex – Human Rights in Iran Unit, June 2014, p. 2). On this matter, Human Rights Watch (HRW) states in its world report 2018 that “[u]nder Iran’s penal code that went into force in 2013, judges can use their discretion not to sentence children to death”, but adds that a number of individuals convicted of crimes committed under the age of 18 “have been sentenced to death anyway” (HRW, 18 January 2018). According to the report of the UN Secretary General from February 2018, “[a]s of January 2018, 80 individuals were on death row for crimes committed when they were minors” and “[i]n 2017, five juvenile offenders were executed [...]” (HRC, 26 February 2018, p. 5). In terms of a recent case, Amnesty International (AI) reports that the “Iranian teenager Abolfazl Chezani Sharahi, who was sentenced to death for a murder committed when he was aged 14” was executed on 27 June 2018 “based on an official medical opinion that he was ‘mature’ at the time of the crime” (AI, 29 June 2018).

7.6 Military criminal law and practice

The establishment of military courts is laid down in Article 172 of the Iranian Constitution:

“Article 172 - 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 Revolutionary Guard Corps, military courts shall be established in accordance with the law. However, their ordinary crimes or those committed in their capacity as law enforcement officers shall be investigated by the public courts. Military Prosecutor’s Office and military courts are a part of the Judiciary and shall be subject to the provisions related to the Judiciary.” (Constitution of the Islamic Republic of Iran, 1989, Article 172)

In its November 2015 report on the Iranian judiciary, the Iran Human Rights Documentation Center (IHRDC) refers to Section 8 of the Code of Criminal Procedure (Article 571 to Article 648) and the “Law on Crimes and Punishments of the Armed Forces of December 2003” which further specify “the composition, jurisdiction and procedural rules applicable” before the military courts. IHRDC further states, “Military Courts and the military office of the prosecutor are under the purview of the judicial organization of the armed forces, which is the organization responsible for trying military personnel.” (IHRDC, 30 November 2015, p. 16)

Regarding the different sections of the military courts and their jurisdiction, the same source reports:

“Article 582 of the CCP provides for four different Military Courts within the IRI’s judicial system, which are: (a) military courts II; (b) military courts I; (c) military appeal chambers; (d) wartime military court II; (e) wartime military court I; and (e) wartime military appeal chambers.

Military Courts have jurisdiction over crimes committed by the members of the armed forces including the army, the police, the Islamic Revolutionary Guards Corps, members of the Ministry of intelligence and the Basij in the discharge of their military duties. Common crimes committed by military personnel – unrelated to rank and professional duties – will conversely be adjudicated in Public Courts. Military Courts will assert jurisdiction as long as

the crime or felony was committed while the suspect was a member of the armed forces, irrespective of whether he retired from service at the time of preliminary investigations and trial.

Military Courts I have specific jurisdiction over crimes committed by high-ranking military officials as well as crimes committed by military abroad, while Military Courts II adjudicate other crimes committed by lower ranking personnel.” (IHRDC, 30 November 2015, p. 17)

In its November 2015 report, IHRDC further mentions the competences of the military courts in terms of “crimes committed by members of the armed forces while at war”:

“In accordance with Article 591 of the Code of Criminal Procedure, wartime tribunals are to adjudicate crimes: (i) which are within the jurisdiction of military tribunals; (ii) committed against the internal or external security of the country; and (iii) committed while at war during the execution of military duties regardless of whether they are within the jurisdiction of those tribunals will be adjudicated by wartime tribunals.” (IHRDC, 30 November 2015, pp. 17-18)

Regarding the composition and the geographical distribution, IHRDC refers to Article 578 of the Code of Criminal Procedure, when stating that “a military court together with a military prosecutor will be present in the capital of each province”. According to Article 572, “Military Courts judges must have at least fifteen years of legal experience”. (IHRDC, 30 November 2015, p. 18)

Following an unofficial translation provided by the Iranian Human Rights Documentation Center (IHRDC), Article 504 of book five of the Islamic Penal Code of the Islamic Republic of Iran states:

„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, as translated in IHRDC, 18 July 2013)

In reference to Human rights groups, the US Department of State (USDOS) states in its country report on human rights practices in 2017 that “[i]mpunity remained a problem within all security forces” and that “regular and paramilitary security forces, such as the Basij” were frequently accused “of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations.” (USDOS, 20 April 2018, section 1d)

Following the CIA World Factbook (last updated in June 2018), an 18-month military service is compulsory in Iran (CIA, 7 June 2018). However, in its Country Information Report on Iran published in June 2018, the Australian Department of Foreign Affairs and Trade (DFAT) mentions a number of reasons for exemption:

“Authorities can grant an individual exemption from military service on several grounds. These include (but are not limited to) medical reasons, being the only son in the family, having elderly parents, and having a brother currently serving in the military. Homosexuality or a designation as a transsexual are regarded as medical and psychological conditions that warrant an exemption.” (DFAT, 7 June 2018, p. 37)

Regarding the consequences draft evaders have to face, the Australian Department of Foreign Affairs and Trade further adds:

“Draft evaders are liable for prosecution. A person who deserts from the military must complete his service on return if he is under the age of 40. Evading military service for up to a year during peace time or two months during war can result in the addition of between three and six months to the total length of required service. More than one year’s draft evasion during peacetime or two or more months during war may result in criminal prosecution. Draft evaders may lose social benefits and civic rights, including access to government jobs or higher education, or the right to set up a business. The government may also refuse to grant draft evaders drivers licences, revoke their passports, or prohibit them from leaving the country without special permission. Iranian authorities periodically crack down on draft evaders. In June 2016, the chief conscription officer for the armed forces announced that authorities would intensify the process of identifying and arresting those who had attempted to avoid their military service.” (DFAT, 7 June 2018, p. 38)

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