

IRAN

ISLAMIC REPUBLIC OF IRAN

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

President: Hojjatoleslam val Moslemin Sayed Mohammad Khatami

Death penalty: retentionist

International Criminal Court: signed

Scores of political prisoners, including prisoners of conscience, were arrested. Others continued to be held in prolonged detention without trial or were serving prison sentences imposed after unfair trials. Some had no access to lawyers or family. Freedom of expression and association continued to be restricted by the judiciary, and scores of students, journalists and intellectuals were detained. At least 113 people, including long-term political prisoners, were executed, frequently in public and some by stoning, and 84 were flogged, many in public.

Background

Political and social tension intensified during the year, adversely affecting human rights. There was heightened political rivalry between President Khatami's supporters and the large parliamentary majority favouring social reform on the one hand, and those favouring the conservative approach of the Supreme Leader Ayatollah Khamenei, the judiciary and many security officials on the other. Combined with rising unemployment, such factors added to social discontent, particularly among young people seeking greater social freedom. Weeks of student-led protests in October, which began after Hashem Aghajari was sentenced to death (see below), centred on the lack of freedom of expression.

The judiciary responded to expressions of social and political criticism with mounting curbs on freedom of expression and association, including arbitrary arrests; politically motivated prosecutions of students, writers, academics, members of parliament and prominent advocates of reform; and the arbitrary closure of pro-reform publications. Unfair trials, especially of such people, as well as torture and televised "confessions" continued to be reported. The judiciary used the death penalty and judicial sentences of flogging as a means of punishment in cases relating to freedom of expression.

Iran's report to the UN Security Council's Counter-Terrorism Committee provided a review of security measures already in place; no new measures were added.

The final report of the Special Representative of the UN Commission on Human Rights on the situation in Iran was presented to the Commission in April. In a narrow vote, the Commission ended the Special Representative's mandate. In July the government stated that it would permit thematic rapporteurs to visit Iran.

Attacks on freedom of expression and association

Scores of students, academics and journalists were arbitrarily arrested and many faced politically motivated criminal charges based on defamation or security laws. Trials in this context usually fell short of international fair trial standards and continued to be heard in special courts and frequently behind closed doors, resulting in the imprisonment of people solely on account of their beliefs. Many of the arbitrary arrests of student leaders in January and November were carried out in the manner of abductions, with several students "disappearing" for days. Prisoners of conscience, such as student leader Ali Afshari (see below), faced new charges apparently designed to prolong their imprisonment. Others were released only to be immediately rearrested.

✉ Journalist and researcher Hojjatoleslam Hasan Yousefi Eshkevari, imprisoned in connection with his participation in an academic conference in Berlin, Germany, in April 2000, was unexpectedly released in early August. He was rearrested weeks later without a warrant or any explanation, and subsequently sentenced to a further seven years' imprisonment.

✉ The trial of up to 30 prisoners of conscience, including academics, journalists and intellectuals associated with the *Milli Mazhabi* (national-religious association), notably the Iran Freedom Movement (IFM), recommenced in January. The defendants faced vaguely worded charges including "acts against national security", "conspiring to weaken the religious faith of students" and "seeking to overthrow the state by illegal means". One of the defence lawyers resigned on the grounds that it was impossible for him to represent his clients without access to the case files. Another, Mohammad Ali Dadkhah, was reportedly barred from attending the court and later sentenced to five years' imprisonment and banned from practising law for 10 years in connection with his defence of the case (see below). On 27 July the 30 defendants were sentenced to prison terms of up to 10 years; the dissolution of the IFM was ordered as part of the sentence.

✉ Hashem Aghajari, an academic and member of the pro-reform Mojahedin of the Islamic Revolution (OMIR), was tried in connection with a speech he made in June in the western city of Hamedan. He had called for a reformation of religion, stating that the faithful should not "blindly follow" religious leaders. He was sentenced to death and 74 lashes for vaguely worded offences relating to the defamation of religion and religious leaders. In an exceptional move, the Supreme Leader ordered the judiciary to review the sentence.

Releases

There was a small number of temporary, conditional and other releases of prisoners of conscience. In February prisoner of conscience Abbas Amir Entezam, who was first imprisoned on espionage charges following an unfair trial in 1979, was given medical leave for up to six months. In November former newspaper editor and senior politician Abdollah Nouri was released from prison after serving three years of a five-year prison sentence. In October student activist Manuchehr Mohammadi was given about a week's medical leave following

his transfer in July to Qa'emshahr prison, where he was reportedly ill-treated by officials and other detainees. His brother, Akbar Mohammadi, was also given temporary medical leave of about a week in November. Another student, Ahmad Batebi, imprisoned in connection with the student unrest in July 1999, was allowed a month's home leave in August.

Lawyers and human rights defenders at risk

Lawyers, who require authorization from the judiciary to practise law, continued to face judicial harassment. Those known as human rights defenders were particularly targeted. Lawyers were occasionally contacted by judicial representatives and told not to represent certain people or face a summons. Following protests by the Bar Association, in at least one case the summons was rescinded.

☞ In August, six lawyers, including Mohammad Ali Dadkhah and Abdolfattah Soltani, all of whom had defended cases concerning freedom of expression and association, were charged with vaguely worded offences such as "spreading lies" in connection with the carrying out of their professional duties. After trials that violated the laws governing the legal profession, they received sentences that prohibited them from practising law and included prison terms, often suspended. The cases sparked widespread protests, including by the Bar Association. Appeals against the sentences were continuing at the end of the year.

The 'Serial Murders' case

There were developments in the case of the officials allegedly involved in the extrajudicial execution of three writers and two political activists in 1998 – a case known as the "Serial Murders". In March, five Ministry of Intelligence officials who interrogated the officials accused of the killings were sentenced to prison terms and flogging following the clandestine distribution of a video showing that they had ill-treated the suspects. Their appeal had not been heard by the end of the year.

Nasser Zarafshan, the lawyer for several families of the victims of the "Serial Murders", was detained in connection with comments that he made about the case. He was sentenced following an unfair and closed trial before a military court in March to five years' imprisonment and 50 lashes, and was banned from practising law. An appeal court upheld the verdict on 16 July.

Nasser Zarafshan's successor, in a letter to the Revolutionary Court, requested that former Minister of Intelligence Dorri Najafabadi be questioned in connection with his role in the killings. He had previously been excused from testifying as he was not named in the case files. However, the new video evidence indicated that those interrogated were not permitted to refer to him or his alleged role in the killings.

Legal proposals and the human rights debate

In May parliament passed a bill outlawing the use of torture to obtain confessions or information. The bill was rejected in June by the Guardian Council – the highest legislative body that examines laws to ensure that they are in keeping with Islamic tenets and the Iranian Constitution – on several

grounds, including that it did not clearly define torture. In December an amended version was presented to the Guardian Council. Also in December parliament passed a law defining political crimes; the Guardian Council had rejected an earlier draft in 2001.

Two bills introduced in the latter half of the year increased political tension. In late September a bill aimed ostensibly at ensuring that the President can fulfil the office's constitutional duties – notably by being able to overturn court decisions seen as unconstitutional – was introduced and was later passed by parliament. In October a bill was passed amending the qualifying criteria for candidates for parliamentary elections. This proposed, among other things, that the role of approving candidates be removed from the Guardian Council. The bills had not been ratified by the Guardian Council by the end of the year.

Parliament's Article 90 Commission, constitutionally charged with investigating citizens' complaints, remained the main avenue for raising cases of human rights violations and issued several reports. Some of its members also formed a Human Rights Committee within the Commission and sought to promote human rights standards.

In December the European Union (EU)-Iran "Human Rights Dialogue" began. Delegates proposed by AI and Human Rights Watch, an international human rights organization, were denied entry.

Torture and ill-treatment

Torture and ill-treatment, including of prisoners of conscience, continued to be used, usually in cases where judicial or security officials denied detainees access to lawyers and relatives.

☞ Siamak Pourzand, aged 72, was sentenced to 11 years' imprisonment in April following an unfair trial. He had reportedly admitted to a range of accusations, including "having links with monarchists and counter-revolutionaries" and "creating disillusionment among young people". Also in April he made a televised "confession". The same month he reportedly suffered a heart attack and may have been denied effective medical treatment. AI feared that he was coerced into not lodging an appeal against the sentence, which was upheld in early July. He continued to be held in a secret location until his temporary release in December.

☞ Ali Afshari, a student leader, told reporters in February, during temporary leave from prison, that he had been forced by Revolutionary Guards to make a false confession. The "confession" had been broadcast on state television in May 2001 while he was being interrogated at a military detention centre, where he was held for almost a year in solitary confinement. In an open letter to the Supreme Leader in August, he described the circumstances of his arrest, detention, interrogation and forced televised confession and asked the Supreme Leader to take action against official bodies responsible for his ill-treatment. Although serving a one-year sentence in connection with his participation at the Berlin conference in April 2000, he faced new charges based on alleged defamation and security violations. He was subsequently sentenced to a further year's imprisonment.

Death penalty and cruel, inhuman and degrading judicial punishments

The death penalty and cruel, inhuman and degrading punishments were used against people charged for trying to exercise their rights to freedom of expression and association. At least 113 people, including six women, were executed, many in public. At least two people were reportedly executed by stoning and at least one execution was broadcast on television. As in previous years, there was a surge in public executions and floggings between July and September. At least 84 people were flogged. The true numbers of executions and floggings may have been considerably higher. Political organizations, for example, reported that 450 people were executed in 2002.

☞ In April, Ali Firouzi, convicted of murder, was pardoned by the victim's parents minutes before his scheduled execution in Qom, central Iran. The parents reportedly changed their minds shortly afterwards and he was executed 90 minutes later.

☞ Five men, reportedly members of a gang known as the Black Vultures, who had been convicted of numerous offences, were hanged simultaneously at two public locations in Tehran on 30 September. The executions caused renewed debate about the use of the death penalty.

☞ Hoseyn Mojahed and Mojtaba Heydari, pro-reform activists who were tried prior to Hashem Aghajari (see above), were sentenced in September to prison terms and 74 lashes.