September 1997 Vol. 9, No. 7(E)

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ABOUT THIS REPORT

The situation of religious and ethnic minorities is a neglected aspect of the human rights picture in Iran. With the exception of the persecution of the Baha'i religious minority, little has been written about human rights problems experienced by minorities. Yet, as this report shows, ethnic and religious differences underlie some of the most persistent and serious human rights problems in Iran today.

Gathering information about the situation in parts of Iran that are particularly inaccessible to the international media and human rights researchers, such as the Kurdish region of the northwest or the Baluchi region of the southeast, presented particular problems when preparing this report. Information provided by political opposition groups active in these regions is often difficult to verify. Some minority religious communities, apparently out of fear, tend to prefer not to call attention to discrimination against them, making information harder to collect. This appears to be the case with Jews and Zoroastrians.

Even activists living abroad are reticent in providing specific information because they fear that if they are identified as the source, they or their relatives still living in Iran will become the target of government reprisals, or that reprisals may be taken against their relatives still living in Iran. Iranian government attacks against its opponents overseas continue to justify such fears. For this reason, several of the activists who provided information to Human Rights Watch are, at their own request, not identified in the report.

Human Rights Watch visited Iran at the invitation of the government in January 1996. While in Iran, it heard unverified reports of human rights violations directed against Sunni Muslim Baluchi activists. In April 1997, Human Rights Watch wrote to the government requesting permission to visit Iran in order to research the status of minorities. This letter also requested answers to specific questions about cases of alleged violations of human rights relating to religious and ethnic minorities. The government has not responded to the letter.

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Human Rights Watch/Middle East wishes to express its gratitude to the many individuals and organizations in Iran and outside Iran whose cooperation and information made this report possible. Many of these must remain anonymous. For the chapter on the legal framework, the writer relied extensively on *History and Documentation of Human Rights in Iran*, written by Shirin Ebadi, a private lawyer in Tehran, and published in Iran in 1994. The writer would also like to thank Mahmoud Rafie and Abdol-Karim Lahidji of the League for the Defence of Human Rights in Iran, in Germany and France respectively, for their invaluable advice and assistance.

SUMMARYAND RECOMMENDATIONS

This report examines state-sponsored discrimination and other violations of the human rights of individuals from minority communities within Iran. Iran's population of more than sixty million contains within it sizable ethnic minorities, including Azaris, Baluchis, Kurds, Arabs, Turkamen, Lurs, and other ethnic groups. Most Kurds, Baluchis and Turkamen are Sunni Muslims, making them part of a religious minority as well: Shi'a Islam is the religion of approximately 80 percent of Iranians and is established by the constitution as the state religion. There are also smaller minorities, including Christians of various denominations, Baha'is, Zoroastrians, and Jews.

Iran is obliged by its treaty commitments to provide a full panoply of rights to its citizens without discrimination on such bases as "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." These include the basic right to equality before the law, as well as the right of equal access to education, health care, professional opportunities, and housing, among many others.

Constitutional provisions upholding the rights of minorities are qualified by reference to the "limits of national law," and to the overriding position of Islam as interpreted by the ruling circle of Shi'a clerics. In the area of freedom of religion, the legal framework is contradictory due to the power residing in judges to issue rulings based on their own interpretation of Islamic law.

Despite language in the constitution apparently designed to outlaw discrimination against religious and ethnic minorities, clear discrimination exists in the text of the penal and civil codes.

Hostility towards Baha'is has resulted in the severe persecution of individual members of the Baha'i community and little or no toleration of organized religious activities by groups of Baha'is. Since 1983 Baha'i assemblies have been banned, and participation in Baha'i activities, such as festivals or acts of worship in private homes, is liable to prosecution.

The government's intention to punish Baha'is for their religious beliefs is at best only thinly veiled. Official documents such as the 1991 memorandum from the Supreme Revolutionary Cultural Council clearly delineate an official policy of persecution. The egregious cases of Baha'is sentenced to death, described in this report, serve only to underline the severity of the persecution. In its treatment of the Baha'i minority, the government is far from meeting its obligations to respect freedom of religion.

The Western origins of Iran's Protestant churches and their enduring links with similar congregations in the United States and Europe, together with the churches' readiness to accept and even seek out Muslim converts, have fueled government suspicion and hostility towards Iran's Protestants. In addition to several high-profile cases in the past three years in which leaders of Protestant churches were killed, there are many other credible reports of detention and harassment of converts from Islam to Christianity—stark violations of freedom of religion.

Sunni Muslims are by far Iran's largest religious minority, making up as much as 20 percent of the population. The great majority of Iranian Kurds, Baluchis and Turkamen are Sunni Muslims. The ascendancy of the Shi'a clergy since the formation of the Islamic Republic has accentuated Sunni grievances.

Sunni Kurds have seen their aspirations for greater autonomy and respect of their rights to religious freedom denied. Friday prayer leaders, even in the Sunni mosques, are appointed by the central authorities. Shi'a proselytizing is encouraged. Several prominent Sunni leaders, including Kurds and Baluchis, have been killed in recent years in circumstances that suggest the involvement of the authorities in their deaths. The recent arrests and killings of Baluchi religious leaders is taking on the appearance of a concerted campaign to suppress Baluchi claims for parity for Sunni Islam and respect for Baluchi cultural and linguistic traditions.

This report identifies areas in which the treatment of ethnic minorities has failed to meet the standard of equal treatment under the law for all Iranians regardless of their ethnic origin, set forth in the Iranian constitution and instruments of international law.

The Kurds are concentrated in a remote and underdeveloped area, far from the centers of political power. An armed Kurdish insurgency has clashed with the Iranian military. Civilians have been among the main victims of the conflict as villages have been destroyed and their populations dispersed, and broad areas have been seeded with landmines.

The situation of Iran's fifteen to twenty million Azaris differs in almost every respect from that of the Kurds. The Azaris inhabit a strategically important prosperous area in northwest Iran, relatively close to Tehran. Azaris are predominately Shi'a whereas the majority of Kurds are Sunni Muslims. It is hard to find evidence of discrimination against Azaris in economic, professional or educational fields.

The main grievances of the Azari community are cultural. As Azari nationalism has come to prominence so the central authorities have begun to take measures to counter it. Those who speak up for Azari rights are labeled by government officials and the state-controlled media as separatists or Turkish spies. The case of Muhammad Ali Chehregani, a candidate from Tabriz in the March 1996 parliamentary elections whose disqualification from the ballot sparked widespread civil unrest in Tabriz, serves to demonstrate the sensitivity of the Azari issue.

The Baluchis complain that as a Sunni minority they face institutionalized discrimination by the Shi'a state. In addition they complain of discrimination in the economic, educational and cultural fields. Attempts by the Baluchis to form political organizations to advance their interests have been blocked by the authorities. Baluchi sources claim that a systematic plan has been set in motion by the authorities over the past two years to pacify the region by changing the ethnic balance in major Baluchi cities such as Zahedan, Iran-Shahr, Chabahar, and Khash.

Iranian Arabs, an ethnic minority centered in southwest Iran, also have grievances over restrictions on their political organizations, on their language and culture, and on their right to participate effectively in decisions affecting the area in which they live.

In an atmosphere in which the rule of law is beset by uncertainty and contradictions, vulnerable groups such as religious and ethnic minorities are likely to be among the primary targets of abuse. Isolated cases in which the courts have ruled in favor of religious minorities do not disprove the observation that courts cannot be relied upon to protect for religious minorities the rights provided in domestic law. An improvement in the situation of religious and ethnic minorities will only be brought about with the implementation of practical enforceable legal safeguards available to all. Iran is obliged by its commitments in international law to remove all legislation that discriminates explicitly or implicitly on grounds of religion or ethnic origin.

RECOMMENDATIONS

To the government of Iran:

- The Iranian government should take steps to remove all provisions from its constitution that contravene its obligations in international law to uphold the principle of the right to equality before the law for all its citizens.

- All Iranians should be entitled to effective legal guarantee of the basic right of non-discrimination and should have the right to an effective remedy if they fall victim to discrimination.

- All articles of legislation that explicitly or implicitly discriminate against non-Muslims, or that are ambiguous with regard to the principle of non-discrimination, should be repealed.

- All legal rulings and judicially enforced penalties should be arrived at on the basis of codified laws, not on the basis of the personal interpretations of individual religious judges.

- In accordance with its international obligations, the Iranian government must uphold the rights of individuals to have or adopt a religion or belief of their choice, to change their religion, including converting from Islam, and to practice their religion.

- The government should cease its policy of persecution of the Baha'i community. All prisoners currently deprived of liberty solely for their beliefs, or for practicing their faith, should be released immediately.

- The government should cease its persecution of Protestant Christian churches. Protestant congregations should be allowed to carry out their services in public, free from threats and harassment.

- The government should publish the results of any and all official inquiries into the causes of death of prominent Protestant pastors. The government should make concerted and transparent efforts to bring those responsible for these killings to justice.

- The government should not obstruct the right of the Sunni Muslim community to have access to mosques and Sunni religious leaders of their choosing. As a matter of urgency, Sunni mosques should be allowed to open in Tehran to serve the large population of Sunnis living in the capital.

- The killings of prominent Sunni Muslim leaders should be fully investigated, and the results of these investigations should be made public. The government should make concerted and transparent efforts to bring those responsible for such killings to justice.

- The government should remove all obstacles to language instruction and to the publication and dissemination of newspapers and books in minority languages.

- The government should ensure that there is no discrimination against ethnic minorities in their access to higher education and to positions of authority in public life.

- Ethnic minorities should be given an effective voice in their own affairs, including the right to form peaceful political organizations and to vote for elected representatives of their own choice.

- No one should be subject to persecution for the non-violent advocacy of the rights or interests of minority religious or ethnic groups.

To the international community:

- Urge Iran to open its doors to international human rights monitors from the United Nations and independent nongovernmental organizations.

- Encourage and facilitate contacts between the international community and Iranian individuals and organizations concerned with issues of political and civil rights.

BACKGROUND

Iran's population of more than sixty million people, which makes it one of the most populous state in the Middle East, contains within it sizable ethnic minorities, including Azaris, Baluchis, Kurds, Arabs, Turkamen, Lurs and

other ethnic groups. Most Kurds, Baluchis and Turkamen are Sunni Muslims, making them a part of both religious and ethnic minority communities. Iran's population also includes smaller religious minorities, including Christians of various denominations, Baha'is, Zoroastrians, and Jews.

Shi'a Islam is the religion of approximately 80 percent of Iranians and is established by the constitution of the Islamic Republic of Iran as the state religion. The supreme leader of the Islamic Republic is a senior Shi'a cleric, and the position of president, created under the 1989 amendments to the constitution, is reserved for a Shi'a Muslim.

As in many countries, there is a considerable overlap between religion and national identity. Since the time of the Safavid dynasty, founded by Shah Ismail I in 1501, Iranian leaders have used Shi'ism as a central element of national identity, setting Iranians apart from the adherents of the dominant Sunni Muslim faith who form the majority in most neighboring countries. Through the centuries Shi'ism has received preferences and privileges over other religions within Iran. The carrying out of a revolution in its name, and the establishment of an Islamic Republic in 1979, has only contributed to Shi'ism's predominance.

The dominant Persian ethnic identity of Iran is also well established. Persian language and culture, tracing its origins back to the time of the great empire of King Cyrus II (559 - 530 BC) and beyond, has been espoused and championed by Iran's rulers for centuries. Persian nationalism was strongly pronounced in the official ideology of the Pahlavi dynasty, deposed in 1979, which characterized itself as the heir to 2,500 years of Persian monarchy. It remains an important tool by which the present government claims legitimacy. Many commentators have remarked that the present government is as much Persian nationalist in its policies and pronouncements as it is Islamic.

Ethnic affiliation is less clearly delineated than religious affiliation. In recent years, however, the breakup of the Soviet Union and the creation of a self-ruling Kurdish entity in northern Iraq have highlighted the plight of non-Persian ethnic minorities with their own languages and cultures who have not benefitted from the centuries of official preference accorded to Persian language and culture. The Azari minority is the largest, by some estimates exceeding one quarter of the population, living primarily in the northwest of the country close to the newly independent state of Azerbaijan. The remote southeast, bordering Afghanistan and Pakistan, is the center of Iran's several million strong Baluchi minority. In the west there are more than five million Kurds, and in the southwest at least a million Arabs.[1]

While the situation of some religious minorities, notably Baha'is and Evangelical Christians, has been well documented by their supporters outside Iran, the situation of Sunni Muslims and of various ethnic minorities is less well documented. Activists from these communities are less experienced at presenting their concerns and are afraid that if they are identified, they could be subject to reprisals from Iranian government agents. The situations of these minorities is also not well reported in the Iranian media, and independent journalists or observers are rarely permitted to visit the parts of the country in which they live. In addition, sensitive minorities issues have traditionally been neglected by many Iranian researchers. This report relies extensively on interviews with activists from various minorities living in Europe and the U.S. In some cases, Human Rights Watch was able to carry out telephone interviews with individuals in Iran.

THE LEGAL FRAMEWORK

[1]Precise figures on the ethnic composition of Iran's population are impossible to obtain. The last census in which such data was compiled was carried out in 1956.

The International Covenant on Civil and Political Rights (ICCPR), ratified by Iran in 1975, includes many provisions of relevance to the rights of minorities. In keeping with its mandate, Human Rights Watch will focus on articles dealing with denial of individual rights protected by international instruments. This document does not discuss the right of self-determination as provided by Article 1 of the covenant.[2]

Article 2 of the International Covenant on Civil and Political Rights requires all states to accord the rights provided for in it to "all individuals...without distinction of any kind." This fundamental principle of non-discrimination is also set forth in Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights, also ratified by Iran in 1975. Thus Iran is obliged by its treaty commitments to provide a full panoply of rights to its citizens without discrimination on such bases as "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."[3] These include a basic right to equality before the law, as well as a right of equal access to education, health care, professional opportunities, and housing, among many others.

In May 1992, in its second periodic report submitted to the United Nations Human Rights Committee, the body of independent experts charged with reviewing state compliance with the International Covenant on Civil and Political Rights, the Iranian government set out the legal measures it has implemented to fulfill its treaty obligations with respect to non-discrimination.[4] The government gave prominence in its report to explaining that while "Islam is the official religion (referring to the sect *Ja'fari Isna Ashari*)," the rights of other Islamic schools are to be accorded full respect. Secondly it stated:

> Zoroastrian, Jewish and Christian Iranians are recognized religious minorities which, within the limits set by the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

Finally the government stated:

> The Government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights...The term "non-Muslim" here also means those persons who do not believe in monotheism.

[2] In practice, the collective right to self-determination has proved to be one of the most contentious areas of international law. The text of Article 1 (3) of the Covenant qualifies the right to self-determination by stipulating that it should be exercised "in conformity with the provisions of the Charter of the United Nations," thereby subordinating the right self-determination to the political concerns of nation states which are members of the United Nations. For more, see Tom Hadden, "The Rights of Minorities and People in International Law," in Schulze, Stokes and Campbell ed., *National Minorities and Diasporas: Identities and Rights in The Middle East* (London: I.B. Tauris 1996), p. 17.

[3] This is common language to both Article 2 of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

[4] Consideration Of Reports Submitted By States Parties under Article 40 of the Covenant. Second periodic reports of states parties due in 1983, Islamic Republic of Iran. CCPR/C/28/Add.15, May 22, 1992. This was the most recent report submitted by the Iranian government to the Human Rights Committee.

However, this guarantee was qualified by the statement: "This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran."[5]

This presentation suggests that the government of Iran, with its explicit Shi'a Islamic orientation, is prepared merely to pay lip-service to the principle of non-discrimination on the basis of religion as laid out in international law. The qualification that those who engage in activity considered to be "against Islam" do not merit respect for their human rights gives cause for concern, as does the formulation restricting the rights of non-Muslim minorities "within the limits set by the law." These caveats raise doubts about the extent to which the Iranian government agrees to be bound by its international obligations.

Article 27 of the ICCPR deals directly with the question of religious and ethnic minorities. It states:

> In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Many articles of Iranian legislation outlaw discrimination on the basis of race or national origin. Article 19 of the constitution of the Islamic Republic of Iran states: "All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights, and color, race, language, and the like do not bestow any privilege." The right of equality before the law is guaranteed in Article 3(14) of the constitution.

Articles 13 and 14 of the constitution refer to the freedom of recognized religious minorities. Article 13 states, "Zoroastrian, Jewish and Christian Iranians are the only religious minorities who, within the limits of the law, are free to perform their religious rites and ceremonies and to act according to their own canon in matters of personal affairs and religious education."Article 14 explains that, "The Government of the Islamic Republic of Iran and all Muslims are duty bound to treat non-Muslims in conformity with equitable norms and the principles of Islamic justice and equity and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran." Article 15 permits the use of "local and ethnic languages" and the teaching of "ethnic literature" in schools, while installing Persian as the official language.

Iran's practice has fallen short of even these qualified commitments to implement the principle of non-discrimination on the basis of religion or ethnic identity. In addition, other legislative provisions are clearly discriminatory, especially toward non-Muslims.

Articles of Legislation Discriminatory to Non-Muslims

The Penal Code

A fundamental problem in the penal code is that the communities referred to by the terms unbeliever or non-Muslim are not defined in the law. This is important because while some non-Muslims, *kafir zami,*[6] have some level of protection under the law, others who do not fall under this definition have no protection whatsoever. According to Ayatollah Ruhollah Khomeini, the first leader of the Islamic Republic, the religious communities accorded the status of *zami* in the Islamic Republic are Christians, Jews and Zoroastrians.[7] However, Ayatollah Khomeini's statements and religious legal opinions (*fatwa)* do not have the status of binding written law in Iran.

[5]Ibid., at para. 5.

[6]*Kafir zami* is a Farsi term for non-Muslims whose religions are recognized under Islamic law. The term has the same meaning as the Arabic word *dhimmi*, referring to followers of monotheistic religions, known as "people of the book."

[7]Ayatollah Ruhollah Khomeini, *Tahrir ol-Vasileh (A Clarification of Questions)*, Vol. 1, p. 211 - 213.

To avoid ambiguity a definition must be provided in the constitution, the penal code or elsewhere in the codified law of the country. Not all religious authorities would agree that Zoroastrians, for example, should be accorded the status of *zami,* and yet the constitution provides, in Article 12, that other established schools of Islamic jurisprudence should be accorded equal weight.[8] The inclusion of Zoroastrians as *zami* is an Iranian peculiarity not found in the established schools of jurisprudence. Thus the rights of non-Muslims are at best ambiguous and subject to divergent interpretations in the penal code.

In addition to this basic ambiguity about protected minorities, a number of articles of the penal code are directly discriminatory in their treatment of all non-Muslims. For example, Article 207 of the penal code states that if a non-Muslim kills a Muslim then the killer is liable to legal retribution, *qisas*, and subject to the death penalty. The principle of *qisas* requires that the nature and severity of the punishment should be equivalent to that of the offense. Therefore, the *qisas* punishment for murder is death. However, in some cases the penalty may be replaced by the payment of blood money *(diyah)* to the family of the victim.

If a non-Muslim kills another non-Muslim, *qisas* applies. However, if a Muslim kills a non-Muslim, the law does not require *qisas,* and does not specify a punishment. Article 2 of the penal code makes clear that the existence of a specified punishment denotes the existence of an offense. Therefore, in the absence of a specified punishment in this instance, the judge may even rule that no offense has taken place in the willful killing of a non-Muslim by a Muslim. Therefore, the penal law applies less value to the life of a non-Muslim as compared to a Muslim and may even permit the murder with impunity of non-Muslims by Muslims.

Other lesser offenses also provide for differential sentences between Muslims and non-Muslims. For example, Article 88 of the penal code states that if a Muslim man commits adultery with a Muslim woman, the penalty is 100 lashes for the man. However, if a non-Muslim man commits adultery with a Muslim woman, his penalty is death. No penalty is specified for the Muslim man who commits adultery with a non-Muslim, woman. Similarly with homosexuality, under Article 121 of the penal code, non-penetrative sex between two Muslim men is punished by 100 lashes. However, if one of the partners is non-Muslim, the penalty for him is death. The crime of malicious accusation is punished, according to Article 147 of the penal code, by eighty lashes if the victim is a Muslim. However, if the victim is non-Muslim, the maximum penalty is set at seventy-four lashes. In this article, non-Muslims are equated in their treatment with minors and those lacking their full mental capacities. Article 494 of the Penal Code provides penalties for violating the corpse of a Muslim; no penalties are stipulated for violating the corpse of a non-Muslim.

The penal code, which is derived from traditional Islamic legal principles, is nevertheless applied fully to non-Muslims whose own traditions of penal law may be quite different.

Explicit discrimination is also found in legal texts other than the penal code. For example, Article 115 of the constitution of the Islamic Republic requires that the president should be a Shi'a Muslim, thus excluding more than 20 percent of population from taking full part in the conduct of the public affairs. Articles of the Iranian Civil Code that deal with matters of inheritance create a privileged status for Muslims. Article 881 of the civil code prohibits a non-Muslim from inheriting property from a Muslim. Moreover, it provides that if a non-Muslim dies and there is among his beneficiaries even one Muslim, this legatee, even if he is only a distant relative, inherits all the property. This article of the civil code conflicts with the constitutional provision permitting religious communities to deal with matters pertaining to personal status in accordance with their own laws and practices.

According to Article 1059 of the civil code, a Muslim man is free to marry a non-Muslim woman. However, the opposite does not apply. A marriage between a non-Muslim man and a Muslim woman is not recognized.

Other areas of legislation discriminate against non-Muslims. For example, according to the law on the selection of judges of 1983, the judge must be a Muslim man. The constitution provides, in Article 163, that the qualifications of the judge will be determined in accordance with the principles of *fiqh,* or Islamic jurisprudence. Many areas of the civil service have an explicitly Islamic mission or orientation, especially the army. The constitution

[8]The constitution refers to the Hanafi, Shafi'i, Maliki, Hanbali and Zaydi schools of law.

provides in article 144 that, "the army of the Islamic Republic of Iran must be an Islamic army ... and must recruit into its service individuals who have faith in the objectives of the Islamic Revolution."

Legislation Affecting Freedom of Religion

Article 18 (2) of the ICCPR states, "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion of his choice." Iranian laws appear to uphold the principle of absence of coercion in choosing or practicing a religion. For example, Article 23 of the constitution states, "The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief." The government has pointed out that apostasy is not a crime under any codified law, and that where no penalty exists in law, there can be no crime.[9] Nevertheless, Article 167 of the constitution provides a judge with the discretion "to deliver his judgment on the basis of authoritative Islamic sources and authentic *fatwa* (rulings issued by qualified clerical jurists)."

Given the vast extent of such rulings, many of which may be mutually contradictory, there is considerable uncertainty about what constitutes an offense under the law. In the specific area of religious freedom many qualified jurists, including Ayatollah Khomeini, whose teachings, as the founder of the Islamic Republic of Iran, enjoy a privileged position in contemporary Iranian clerical jurisprudence,[10] have ruled that the penalty for conversion from Islam, or apostasy, is death.

The Iranian government has argued that it is not required to recognize the right of conversion from one religion to another, which is not explicitly referred to in Article 18 of the ICCPR. The U.N. Special Rapporteur, on the Question of Religious Intolerance, Abdelfattah Amor, responded to this objection by referring the government to the General Comment of the U.N. Human Rights Committee. In its General Comment 22(48), the committee recognized that Article 18 ensured the right to replace one's current religion or belief with another or to adopt atheistic views, and that the ICCPR bars coercion that would impair this right. This General Comment was adopted in July 1993, after Iran's last appearance before the committee in 1992.

As a matter of law, on the basis of its obligations as a state party to the ICCPR, Iran is obliged to uphold the right of individuals to practice the religion of their choice and to change religions, including converting from Islam. The prosecution of converts from Islam on the basis of religious edicts that identify apostasy as an offense punishable by death is clearly at variance with this obligation.

RELIGIOUS MINORITIES

The Baha'i Community

Baha'ism, a religion with more than six million adherents worldwide, was founded in Iran in the mid-nineteenth century by Mirza Husayn-Ali, who declared himself to be a prophet and adopted the name Baha'u'llah. He and his followers, known as Baha'is, quickly became subject to persecution. Baha'u'llah was exiled, first to Baghdad and then to Akka in Palestine, where he lived under imprisonment and house arrest by order of the Ottoman authorities until his death in 1892. The center of the new religion was established in Haifa, now in Israel, where it remains today.

[9]For example, in December 1995, government officials told Abdelfattah Amor, U.N. Special Rapporteur on the Question of Religious Intolerance, that "conversion was not a crime and no one had been punished for converting."

[10]For example, Ayatollah Yazdi, the Head of the Judiciary stated at Friday prayers in June 1992: "The laws which are the criteria for action are taken from various Islamic treatises and the *Tahrir-ol-Vasileh* written by the leader of the nation, Imam Khomeini."

The world's largest Baha'i community, numbering more than 300,000, is still to be found in Baha'u'llah's native Iran. The Baha'i community has had uneasy relations with Iran's rulers throughout its history. From its inception, in addition to being attacked as religious heretics for rejecting the orthodox Muslim belief that Muhammad is the "seal of the prophets" and that after Islam there will be no further divine revelation, Baha'is have been regarded with suspicion as agents of foreign powers sent to divide Muslims.[11]

Under the rule of the late Shah, Baha'is occupied some positions of influence at the palace, and the community prospered. However, with the overthrow of the Shah and the establishment of the Islamic Republic in 1979, several factors converged to lead to the Baha'is suffering some of the most intense persecution of their history. First, the revolution brought to power Iran's clerical establishment, which saw it as its mission to stamp out heresy and religious deviancy in Iran. The constitution of the Islamic Republic pointedly omitted Baha'ism from the list of recognized religions. Second, the view that Baha'is had been favored by the Shah and the imperial regime made the community a natural target for reprisals from the new government. Finally, the Baha'is' association, in the minds of Iran's new leaders, with Iran's bitter history of foreign interference in its domestic affairs made them a target of suspicion. The fact that Baha'i world headquarters is situated in what is now the state of Israel only adds to this suspicion, giving the Baha'is an association, if only geographic, with Zionism.

The authorities have sustained a virulent hostility towards Baha'is throughout the existence of the Islamic Republic, referring to Baha'is as a deviant or misguided sect. The U.N. Special Rapporteur on the Question of Religious Intolerance, Abdelfattah Amor, who visited Iran in December 1995, was told by government officials that Baha'is are "a political sect historically linked to the Shah's regime and, hence, counter-revolutionary and characterized by its espionage activities for the benefit of foreign entities, particularly Israel."[12] The special rapporteur noted what he referred to as "instinctive rejection" towards the Baha'i community on the part of Iranian officials with whom he met.

This hostility towards Baha'is has resulted in the severe persecution of individual members of the Baha'i community and little or no toleration of organized religious activities by groups of Baha'is. Since 1983 Baha'i assemblies have been banned, and participation in Baha'i activities, such as festivals or acts of worship in private homes, is liable to prosecution.

[11] Suspicion of Baha'ism is not unique to Iran. Throughout the Middle East small communities of Baha'is have been subjected to official persecution and to vilification by Islamic religious authorities.

[12] Report submitted by Abdelfattah Amor, Special Rapporteur to the Fifty Second Commission on Human Rights, Feb. 9, 1996, UN Doc. E/CN.4/1996/95/Add.2 (hereafter, Amor 1996), para. 56.

The case of one Baha'i, Zabihullah Mahrami, provides a vivid example of the way in which the community has been treated under the Islamic Republic. Mahrami, a mid-ranking civil servant in the agriculture department of the Yazd provincial governorate, publicly renounced the Baha'i faith soon after the revolution in 1981. His adoption of Islam was reported in the newspaper. Thousands of Baha'is made similar pronouncements, particularly in the early years of the revolution, motivated, like Mahrami, by a desire to stay out of trouble and to keep their jobs.[13] The dismissal of Baha'is from public sector positions, the suspension of pension rights, and in some cases even the insistence that former public employees pay back their salaries to the state have been very commonly employed as punitive measures against Baha'is.

After a few years, as the revolutionary zeal of the first few years of the new republic began to lessen and the acute persecution of the Baha'is, which had included the execution of more than 200 adherents to the faith in the first six years of the revolution,[14] became less vehement, Mahrami began attending Baha'i meetings and participating in Baha'i festivals again. In August 1995 he was brought before a Revolutionary Court[15] in Yazd, where he was required to answer charges of apostasy, having renounced his purported declaration of conversion to Islam. At his first appearance before the court, Mahrami admitted that he had attended Baha'i meetings and festivals. He explained that he made his conversion to Islam "because prominent Baha'is were arrested and killed at the beginning of the revolution, my intention was to keep my family and myself safe; however, when it was determined that the Baha'is were no longer being bothered, I became a Baha'i again."[16]

The court, instead of moving immediately to a criminal trial, decided that it would seek to guide Mahrami back to Islam.[17] When this did not work, he was charged with apostasy and insulting Islam, and on January 2, 1996, the court found him guilty as charged. The judge stated that his conduct was "a clear insult to the beliefs of one billion Muslims," and sentenced him to death. In addition, as he had no Muslim heirs and his Baha'i family was ineligible to inherit, all of his property was confiscated by the state.

Apostasy is not a crime under the penal code of the Islamic Republic. The Revolutionary Court cited a work of Ayatollah Khomeini's legal exegesis as the basis for the charge, rather than any existing legal statute of the country.[18]

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[13]According to a written appeal submitted to the Supreme Court in March 1996, Mahrami never officially converted to Islam. He simply signed a prepared form that many Baha'is were pressured to sign. His "conversion" was reported in the newspaper without his knowledge. The file number is D/228/74. A copy is on file at Human Rights Watch.

[14]Amnesty International, *Iran Briefing* (AI Index: MDE 13/08/87), London, 1987, p. 2.

[15]Revolutionary Courts grew out of the revolutionary structures established in the immediate aftermath of the overthrow of the Shah's government. These courts have been extensively used in cases of a political nature and have become notorious for their disregard of international fair trial standards. Their jurisdiction was codified in law in 1983 to include:

> Any offense against internal or external security, attempt on the life of political personalities, any offense relating to narcotic drugs and smuggling, murder, massacre, imprisonment, and torture in an attempt to fortify the Pahlavi regime, suppressing the struggles of the Iranian people by giving orders or acting as agent, plundering the public treasury, profiteering and forestalling the market of public commodities.

(A Glimpse of the Judicial System of the Islamic Republic of Iran. Prepared by the Judicial Deputy of the Chief Justice and printed by the Official Gazette Corporation of Iran, undated.)

[16]Taken from an unofficial translation of the verdict of the Revolutionary Court of Yazd, in the case of Zabihullah Mahrami, case # 74/2288/D, January 2, 1996, on file at Human Rights Watch.

[17] It arranged for a series of meetings to be held in which Mahrami's religious views could be examined. The first of these took place on October 3, 1995, at which Mahrami declared his continuing belief that Baha'u'llah was a prophet. At a second meeting on October 14, 1995, he refused to recant his belief in the Baha'i faith. At a third meeting, on December 19, 1995, he again refused to recant.

[18]Ayatollah Ruhollah Khomeini, *Tahrir al-Vasileh (A Clarification of Questions),* Volume 1, p. 118, for a definition of

The verdict of the Revolutionary Court was passed to the Supreme Court for approval. The Supreme Court, ruling at a time when the country was under intense scrutiny at the U.N. Commission on Human Rights following visits to the country by two special rapporteurs of the commission and the special representative on Iran, referred the case back to a civil court. The Supreme Court ruled that the Revolutionary Court was not the appropriate tribunal to address a case of this nature.

But the authorities did not comply with the Supreme Court ruling. Instead, they introduced new charges of espionage and brought Mahrami for trial before a revolutionary court again and, in February 1997, the head of the Revolutionary Court announced that Mahrami had been sentenced to death on charges of espionage for Israel.

The head of the judiciary, Ayatollah Mohammad Yazdi, responding to U.S. State Department criticism of the death sentences, asserted, "No one in Iran will be prosecuted or punished for having a specific ideology or view." Yet it is hardly credible that a new charge—of espionage for Israel—should emerge at an appeal hearing, when previous hearings in the trial had focussed on Mahrami's conversion from Islam and his religious beliefs.

Musa Talibi, who was also sentenced to death in February 1997 on charges of engaging in espionage for Israel, was originally arrested in June 1994 on charges of engaging in Baha'i practices and sentenced to eighteen months of imprisonment. The public prosecutor objected to the lightness of the original sentence, not because of any alleged charge of espionage, but rather because the judge had failed to take into account that Talibi was a convert from Islam and therefore an apostate.

the crime of apostasy. It is worth noting that the incorporation of Revolutionary Courts into a unified national court system brought with it the recognition of many religious judges as qualified judges even though they did not meet formal judicial qualification requirements. Such judges may base their judgments on works of religious exegesis as well as or instead of basing them on the codified law. See *The Justice System of the Islamic Republic of Iran* (New York: Lawyers Committee for Human Rights, May 1993), p. 31.

In another recent case, two Baha'is, Kayvan Khalajabadi and Bahman Mithaqi, who were originally detained without charge in April 1989, were brought to trial in November 1993 on charges of "engaging in Baha'i activities" and sentenced to death on November 23, 1993, by the Revolutionary Court of Karaj.[19] The verdict was confirmed by the Supreme Court in February 1996.[20]

At least eight Baha'is were detained for their religious beliefs in 1996 and remain in prison. A number of short term detentions also took place.[21]

The right to freedom of thought, conscience, and religion set forth in Article 18 of the International Covenant on Civil and Political Rights includes not only the freedom of belief, repeatedly referred to by Iranian government officials, but also the right, "individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." The government's claim that it respects the religious freedom of Baha'is is without credibility as long as the Baha'i organization remains illegal in Iran and as long as "engaging in Baha'i activities" remains a crime subject to criminal prosecution.

[19]In an interview printed in *Salam* newspaper, on April 10,1993, Dr. Hossein Mehrpour, a member of the Iranian delegation to the U.N. Commission on Human Rights, stated, "In the constitution the inquisition of people about their beliefs is forbidden, and no one can be punished because of his beliefs... the death sentences applied to Khalajabadi and Mithaqi were not because they were Baha'is but because they were spies."

[20]The sentence had not been carried out as of the publication of this report.

[21]As reported by U.N. Special Representative on Iran, Maurice Copithorne, in his report to the fifty-third session of the U.N. Commission on Human Rights, the eight Baha'is were Mansur Haddadan and Kamyar Ruhi, arrested in Mashhad, February 29, 1996; Arman Damashqi and Kurush Dhabihi, arrested in Gohardasht in early 1996; Babu'llah Farji, arrested in Qa'im Shahr, October 7, 1996; Nasir Iqaniyan, arrested in Simnan on October 22, 199; Bihnam Rida'i, also arrested in Simnan on October 31, 1996; and Nasir Haqtalab, arrested in Mashhad on October 31, 1996. Report on the Situation of Human Rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights, Maurice Copithorne, U.N. doc. E/CN.4/1977/63, February 11, 1997 (hereafter Copithorne 1997), para. 53.

There is widespread discrimination against Baha'is in education, professional life, and virtually every public sphere. For example the deputy minister of education told the U.N. Special Rapporteur on the Question of Religious Intolerance that Baha'is were free to enter institutions of higher education as long as they did not "flaunt their beliefs."[22] In other words, Baha'is who practice their faith are not given equal access to higher education. A secret memorandum on "the Bahai question" from the Iranian Supreme Revolutionary Cultural Council, dated February 25, 1991, stated with reference to attendance at universities, "They should be expelled from the universities, either at the time of the admission procedure or during their studies, as soon as it becomes apparent that they are Baha'is."[23]

Similarly, with regard to employment in the public sector, a directive from the Ministry of Labor and Social Affairs states:

> The penalty incurred by those who belong to any of the misguided sects recognized by all Muslims as heretical deviations from Islam, or to organizations whose doctrine and constitution are based on rejection of the divinely-revealed religions, shall be permanent dismissal from public office ... and also from organizations that can be classed as governmental associations or offices...."[24]

This type of institutionalized discrimination against Baha'is is pervasive throughout the government. Baha'is working in the private sector have been adversely affected by the withdrawal or denial of necessary licenses to carry out certain kinds of business, obstructions in obtaining telephone connections, and the confiscation of property. For example, in a case settled on appeal in November 1994, the court ruled that property belonging to a Baha'i family named Irani-Nejad should pass to the Islamic Revolutionary Martyr's Foundation, a financial holding company controlled by Shi'a clerics, on the basis that "documents in the case file indicate that they belong to the misguided sect of Baha'ism."[25] Prohibitions on the inheritance of property by non-protected unbelievers has led to cases of family property passing into the hands of the state.[26] In his February 1997 report, the U.N. special representative on Iran reported, "In Yazd alone there were reportedly more than 150 cases relating to the confiscation of [Baha'i] property during 1996. The majority of Baha'is in Yazd are now prohibited from conducting any business transactions."[27]

In a case illustrating the open discrimination against Baha'i professionals, Mohammad Hazini, a lawyer, appealed against being barred from the practice of law. The review panel of the reorganization board of the Bar Association of Iran ruled on May 21, 1995 that, in accordance with Section 4 parts A and B of Article 5 of the Law on the Reorganization of the Lawyers Association, because of his membership in "the misguided Baha'i sect," Mr Hazini should be permanently barred from the practice of law.

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[22]Amor 1996, para. 63.

[23]Ibid. The complete text of this document was published in *The Baha'i Question, Iran's Secret Blueprint for the Destruction of a Religious Community* (New York: Baha'i International Community, 1993).

[24]Ibid., para. 64.

[25]Case of Faramarz Irani-nejad, docket no. 33719/m/62.

[26]The U.N. special representative describes a case from September 1995 in Yazd in which an application for succession rights to a deceased's property was refused on the grounds that the deceased as well as the husband and children were Baha'is. Report on the Situation of Human Rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights, Mr. Maurice Copithorne, U.N. doc. E/CN.4/1996/59, March 21, 1996 (hereafter Copithorne 1996), para. 72.

[27] Copithorne 1997, para.55.

Baha'is may also be denied equal protection by the courts in civil suits. For example, in May 1995 a court in Shahr-e Rey, a suburb of Tehran, refused to order the payment of compensation to the family of the victim of a fatal motorcycle accident because the deceased and the next-of-kin were Baha'is. The court found the defendant guilty of manslaughter but ordered that the fine be paid to a government fund in lieu of compensation.[28]

Iranian officials, in their meetings with Abdelfattah Amor, the U.N. Special Rapporteur on the Question of Religious Intolerance, claimed that hostile acts against Baha'is could be attributed to "small extremist groups that had already existed before the Revolution and whose aim was to eliminate the Baha'is."[29] However, documents like the 1991 memorandum from the Supreme Revolutionary Cultural Council clearly delineate an official policy of persecution. The discriminatory verdicts of hundreds of courts in cases large and small affecting the situation of Baha'is demonstrate the systematic and intentional nature of the human rights violations suffered by Baha'is in Iran.[30] The egregious cases of Baha'is sentenced to death underline the severity of the persecution. In its treatment of the Baha'i minority, the government is far from meeting its obligations to respect, among other things, freedom of religion and equality before the law.

Christians

The majority of Iran's approximately 200,000 Christians belong to churches identified with distinct ethnic groups, including the Armenian, Assyrian, and Chaldean Orthodox churches. These churches, which account for more than 90 percent of Iran's Christians, carry out their services in their own languages and have engaged in little if any proselytization in the broader society.

Protestant Churches

In contrast, most of the 10,000 to 15,000 Iranian Protestants carry out their church services in Farsi, the official language, and seek to disseminate the Bible and other Christian texts in Farsi. Having their origins in Western missionary activity during the nineteenth century, these churches are built on a tradition of evangelism and conversion from other Christian denominations and other religions, including Islam. The Western origins of Iran's Protestant churches and the enduring links with similar congregations in the United States and Europe, together with the churches' readiness to accept and even seek out Muslim converts, have fueled government suspicion and hostility toward Iran's Protestants. Their treatment since the creation of the Islamic Republic has been markedly worse than that of the majority Christian denominations. Not only are Protestants subject to the institutionalized discrimination common to all non-Muslims in the Islamic Republic; they are also subject to persecution because of their religious activities.

[28]Ibid.

[29]Amor 1996, para. 70.

[30] For example, Special Rapporteur Amor reported, "The judiciary would never respond positively to complaints lodged by Baha'is. The courts, presupposing the Baha'is to be involved in espionage activities, would infer that the Baha'is had no recognized rights." Amor 1996, para. 67. The Baha'i International Community U.S.A. chapter in Washington, D.C. maintains records on hundreds of cases illustrating discrimination against Baha'is, involving such measures as property seizure, suspension of official pensions, orders to repay pensions, and exclusion from universities and professions. Several such cases have been detailed in reports by U.N. representatives since the inception of the mandate in 1984.

In the early months of the post-revolutionary period there was extensive persecution of Protestant clergy. The largest Protestant denomination, the Episcopalians, were forced to cease their activities after the confiscation of church properties, the arrest of several pastors, and physical attacks on church leaders and their families.[31] Small evangelical Protestant churches continued to function.

The persecution of Iran's evangelical Christians intensified during the 1990's. In December 1990, Reverend Hossein Soodmand, a pastor in the Evangelical Christian Church who had converted to Christianity from Islam, was sentenced to death by a revolutionary court in Mashad and executed. He was charged with apostasy and insulting Islam through his own conversion and by his efforts to convert other Muslims.

In December 1993, Reverend Mehdi Dibaj was sentenced to death by a Revolutionary Court in Sari. He had been detained in 1983 in Babol, where he was a minister of the Church of the Assemblies of God, and held for ten years without trial on charges of apostasy and insulting Islam. Rev. Dibaj had converted from Islam to Christianity in 1948.

Soon after Rev. Dibaj's sentencing, Bishop Haik Hovsepian Mehr, President of the Council of Evangelical Ministers of Iran and Secretary-General of the Church of the Assemblies of God, issued a public statement listing human rights violations suffered by members of the evangelical Christian community. These included the closure of churches, the beating and intimidation of converts from Islam, and the treatment of Rev. Dibaj.

Bishop Hovsepian Mehr's statement broke a silence on the persecution of Iran's Christian minority observed by many Christian leaders in Iran, partly because of official pressure but also out of an apparent belief that by not publicizing the abuses to which they and their communities were being subjected they might prevent government reprisals. In response to Bishop Hovsepian Mehr's statement, and his call to the U.N. special representative to investigate and report on the "denial of religious freedom"[32] suffered by Iran's Protestant minority, the government pressured the leaders of all Christian denominations to sign statements attesting to their good treatment in the Islamic Republic. These statements were received by several international organizations, including Human Rights Watch. The Assemblies of God Church and other evangelical churches refused to sign such declarations. Their defiance was dealt with severely.

On January 16, 1994, Rev. Dibaj was released from prison after more than ten years of confinement, apparently as a result of the international pressure generated by the campaign initiated by Bishop Hovsepian Mehr. Just three days later, on January 19, 1994, Bishop Hovsepian Mehr was abducted in Tehran. According to official reports, police discovered his body in the street in Shahr-e Rey, a Tehran suburb; unable to identify it, they buried it immediately in a Muslim cemetery. After the family protested, the body was disinterred and reburied in a Christian cemetery.

On June 20, 1994, Rev. Dibaj disappeared after leaving a Christian conference in Karaj. Nothing was heard about his whereabouts until July 5, 1994, when Tehran police reported finding his body in a forest west of Tehran. The authorities denied the family's request that an independent autopsy be carried out on the body. He was buried on July 13, 1994.

After Bishop Hovsepian Mehr's killing, Reverend Tateos Mikaelian, Senior Pastor of St. John Armenian Evangelical Church, took over the position of president of the Council of Evangelical Ministers. On June 29, 1994, he too disappeared. On July 2, 1994, his son received a telephone call informing him that his father's body was in the morgue. He had been shot in the head three times.

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[31] Bishop H.B. Dehqani-Tafti, *The Hard Awakening* (New York: The Seabury Press, 1981). Bishop Dehqani-Tafti was the head of the Episcopal Church in Iran. His son Bahman was fatally shot in the street in May 1980. The perpetrators were never identified. He and his wife had escaped an attempt on their lives in October 1979.

[32] Bishop Hovsepian Mehr made this statement in a news release embargoed for December 13, 1995. This statement was circulated in English by Middle East Concern, P.O. Box 295, Macomb, Illinois, 61455.

After an initial silence from the authorities, punctuated by suggestions that the Protestant leaders had political agendas in addition to their religious activities, the government blamed the killings on the armed opposition group, the People's Mojahedine Organization of Iran (PMOI). A young woman, Farahnaz Anami, was arrested and accused of involvement in the killings. The government claimed that the PMOI had planned the killings in order to create strife between Christians and Muslims and to discredit the Iranian government at a time when its treatment of religious minorities was an issue of international concern.

From the outset, the manner in which Anami's prosecution was handled created doubts about the validity of the government's claims that the killings were the work of its opponents. Even if the government's claims were accepted at face value, they only account in part for the killings. In televised confessions, Farahnaz Anami admitted to her complicity in the murder of Rev. Tateos Mikaelian. She stated that she was the killer, that she lured the priest to his death by professing an interest in Christianity and then, with the help of an unidentified accomplice, shot him and placed his body in a freezer. The killers in the other cases have not been identified. According to Anami, the killer of Mehdi Dibaj is known to her, allegedly another PMOI member, but he has left the country.[33]

Anami was brought to trial together with two other women accused of planting bombs in Muslim shrines in Qom and Tehran. In a highly unusual development, they were brought to trial in March 1995 before a Revolutionary Court that was open to the public, including observers from Western embassies.[34] The accused were assigned defense counsel and gave every appearance of confessing to their crimes without having been subjected to any kind of coercion. The trial was televised, and the judge opened the proceedings by describing the case as an example of how Iran was victimized by international terrorism. He said that the message of the trial was that Christian countries should not trust the PMOI because the organization kills Christians, and he urged the international community not to provide a haven for what he referred to as "anti-human hypocrites." The sentences of between ten and twenty years handed down by the court in September 1995 were remarkably lenient by the standards of the Islamic Republic. The court agreed to leniency because, it stated, the women had been misled by the opposition group.

Since their conviction, the women have been available for interviews by to human rights observers visiting the country. Human Rights Watch interviewed the women in Evin Prison in January 1996, at the government's suggestion. The interview took place in an office inside the prison. The Human Rights Watch researcher was alone with the three women, but a connecting door was left open and security personnel were present at a distance from which the conversation could be overheard. Farahnaz Anami repeated her stories of involvement in the killings, as she had told them in court. In reply to questions, Farahnaz Anami stated that she had never received any training in the use of firearms and that she had never even held a gun before shooting Rev. Mikaelian three times in the back of the head. The three women all claimed to have spent more than five years in prison for their support of the PMOI during the mid-eighties. They claimed that throughout that time they were well treated and never witnessed any ill-treatment or torture in the prisons. All of them confirmed that they had been well treated since their current arrest.

Even if one accepts the government assertion that Ms. Anami is Rev. Mikaelian's assassin, the government still has the obligation to find the killers of Rev. Dibaj and Bishop Hovsepian Mehr. As for the women's confessions, which were the only "evidence" presented, there is reason to question why the women received lenient sentences and why procedures in their trial differed so markedly from those followed in other trials before revolutionary courts, which routinely take place in secret with no respect for due process rights. The government provided no evidence of PMOI involvement in the killings other than the uncorroborated confessions of the women. Moreover, the women's reports of their experience as political prisoners in the mid-eighties differs markedly from those of thousands of their fellow prisoners who were subjected to torture and summary execution.

[33]Human Rights Watch interview with Farahnaz Anami, Evin Prison, Tehran, January 1996.

[34]Human Rights Watch requested permission to send an observer to this trial but did not receive a reply.

The three killings shocked the Protestant community. In his December 1995 visit, U.N. Special Rapporteur on the Question of Religious Intolerance Amor noted "the traumatism caused to the Christian and Protestant communities by the murder of three Protestant pastors."[35] In his report, however, the special rapporteur makes no assessment of the degree of official culpability for the three murders. "Regardless of the motives for those criminal acts," Amor simply remarked in his conclusions, "the special rapporteur strongly condemns them and sincerely hopes that such crimes will not recur."[36]

The previous treatment of Rev. Dibaj—who had been sentenced to death as an apostate and held for years in prison because of his religious beliefs—as well as the brutal treatment of other evangelical Christians, especially converts from Islam,[37] demonstrates the government's hostility towards these Christian leaders, and raises questions about the government's involvement in the murders.

The killings resulted in an interruption in the flow of information about the persecution of the Protestant Church. Christian sources report that Protestant leaders in Iran have been intimidated from reporting on the situation of evangelical Christians in Iran, and have also discontinued their evangelizing activities among Muslims. However, accounts of persecution continue to emerge sporadically. For example, it has been reported that Rev. Harmik Torosian, a pastor in the Assembly of God Church in Shiraz, was detained in Shiraz in November 1995. He remains in detention and Christian sources reported that he is suffering from torture and ill-treatment.

At the end of September 1996, another Christian pastor, Mohammed Ravanbakhsh (officially named Mohammed Bagher Youssefi), was found dead in suspicious circumstances. Pastor Ravanbakhsh was serving as minister in an underground Assembly of God church in Sari, and was a convert from Islam. He had been a close associate of Rev. Mehdi Dibaj. Pastor Ravanbakhsh's body was reported to have been found hanging in a tree in a forest near Ghaem-Shahr in northern Iran. One of his legs had reportedly been broken before he died, making suicide an unlikely cause of death. Iranian Christians International (ICI), who reported his death, stated that he had been taken into detention prior to being killed.[38] ICI characterizes Pastor Ravanbakhsh's death as part of a new wave of persecution of Evangelical Christians in Iran, dating from mid-1996:

> Pastors have again been arrested, interrogated, and pressured to sign statements that they would not evangelize Muslims inside or outside their churches, admit Muslims to their churches, or baptize Muslim converts. They are forbidden to contact the outside world...[39]

In July 1996, Shahram Sepehri-Fard, the son of a prominent Protestant pastor who had converted from Islam, Rev. Sadegh Sepehri-Fard, was detained in Tehran on apparently fabricated charges of espionage and adultery. He was acquitted of these charges in October 1996 and fled Iran on his release from prison. Sepehri-Fard has declared that the real reason for his detention was his family's conversion from Islam to Christianity.

Rev. Khosrow Khodadi, a Muslim convert who served as pastor of a Pentecostal Assyrian Church in Hamadan until its closure in 1994, has been refused a passport to enable him to leave Iran. He previously traveled to Turkey but was deported for traveling on a forged passport. ICI reported that he has been detained several times and that he has

[35]Amor 1996, para. 79.

[36]Ibid., para.117.

[37]Days before his death, Bishop Hovsepian Mehr wrote to a fellow priest in the west, in Kermanshah: "Converts have been beaten and hanged upside down for many hours and beaten with thick wires for hours, so much so that they had broken the arm of a young believer in Christ."

[38] Press release, "Western Missionary Released from Prison in Iran," March 21, 1997. Iranian Christians International, Colorado Springs, CO.

[39]Ibid.

been forced to relocate from Hamadan to Tehran where he is said to be kept under close surveillance. ICI also reported several other cases of Muslim converts to Christianity, some of whom have not wanted their names publicized, who have been detained and subjected to other pressures to force them to recant their Christian faith. Only two Protestant churches that preach in Persian have been allowed to remain open: the Assembly of God churches in Tehran and Rasht. Other Protestant churches conduct their services in Assyrian or Armenian and have no activities directed toward the majority Muslim population.

Orthodox Churches

With regard to practicing their religion and maintaining churches and other religious institutions, the Assyro-Chaldean and Armenian Orthodox Christian minorities have suffered much less than the Protestants from state interference or prohibition of their activities. These communities maintain schools and engage in a broad range of social and cultural activities that are tolerated by the authorities. The religious authorities administer personal status courts dealing with such matters as marriage, divorce, and inheritance. However, in cases that extend beyond their own communities to involve Muslims, these Christians are subject to the same discriminatory treatment as other non-Muslim citizens of the Islamic Republic. The special rapporteur observed:

> In the field of justice, especially at the lower levels of public courts, minority plaintiffs are usually discriminated against by judges, who treat them as members of a minority and not as Iranian citizens, applying their brand of Islam and taking decisions that are very often in favor of Muslims.[40]

Another factor to take into consideration when seeking to assess the human rights situation of the Armenian and Assyro-Chaldean Christian minorities, as well as the Jews and the Zoroastrians, is that these communities have tended not to call international attention to the problems or persecution that they may face. According to the special rapporteur, their representatives "emphasized the importance and usefulness of the dialogue between minorities and authorities as a way of reaching short-term, medium-term and long-term agreements, compromises and solutions."[41] There is little information about the type of persecution endured by Orthodox Christians. This may indicate a lower level of persecution, but the difference in approach between the communities on the question of whether or not to publicize their difficulties internationally should not be discounted as a factor in the way that their human rights situation is perceived.[42]

Jews

Approximately 25,000 Jews live in Iran. More than twice that number have left the country since the creation of the Islamic Republic, driven to emigrate by several factors, including fear of persecution in a militant religious state in which official opposition to Israeli policies is often expressed in anti-Semitic language. The government maintains that it protects the religious freedom of Iran's Jews. There are synagogues and recognized religious leaders. Like other non-Muslim minorities, the Jewish community elects its own representative to the parliament *(majles)*. Although religious minorities are free to vote in presidential elections, they are not permitted to run for the presidency.

Information on the treatment of Jews in Iran is difficult to gather, owing in part to the apparent preference of community leaders not to publicize instances of mistreatment, if and when they occur. The organized community tends to publicly voice support for government policies, for example in denouncing Israel.

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[40]Amor 1996, para. 45.

[41]Amor 1996, para. 46.

[42]For example, two Iranian Assyrian Christians interviewed in Germany in January 1997 complained of restrictions on the community's ability to print its own translation of the bible in Assyrian, and being forced to rely on an official government translation. They also complained of interference in the functioning of private Assyrian schools.

Generally speaking, Iranian Jews are not individually persecuted because of their religion. However, in cases where a Jew is prosecuted, such as the case of Hedayat Zendehdel, a convert to Islam brought to trial in 1996 on a vast array of charges including conspiracy, arms trafficking and espionage, the Jewish identity or origins of the defendant have been highlighted in a defamatory manner. For example, a commentary in the official daily newspaper *Resalat* concluded, let "Zendehdel be a symbol of the continued disgrace of the homeless Jews."[43] He was executed.

Sunni Muslims

Sunni Muslims[44] are by far Iran's largest religious minority, making up as much as 20 percent of the population. The great majority of Iranian Kurds, Baluchis and Turkamen are Sunni Muslims. The ascendancy of the Shi'a clergy since the formation of the Islamic Republic has accentuated Sunni grievances. Speaking at a conference in London in February 1997, Dr. Hossein Khalighi, an Iranian Sunni Kurd living in exile, stated:

> We Muslim Sunni of Iran bear with daily insults ushered at us by the Shi'a clergy. They destroy our mosques to build and expand theirs, they humiliate our most sacred men and values in the officially controlled media, they encourage religious wars between Sunnis and Shi'as, they arrest, torture and kill Sunni Muftis and personalities, force Sunnis to convert to Shi'ism, forbid Sunni teaching in the schools in Sunni dominated areas, refer to Sunni *ulama* as apostates, and produce many volumes on Shi'ism while forbidding the printing of Sunni books.[45]

[43] *Resalat*, January 8, 1997, quoted in Anti-Defamation League, World Jewish Congress, *Anti-Semitism Worldwide 1996/7* (Tel Aviv: Tel Aviv University, 1997), p. 208.

[44] Sunni Muslims constitute the vast majority of the world's Muslim population. The schism between Shi'a and Sunnis dates to a dispute over the succession of leadership in the early years of Islam, in AD 656. The Shi'a took their name, meaning partisans, from their support for Ali, the Prophet's first cousin, who was defeated by Muawiya, a general who assumed leadership of the Caliphate although he was not a blood relative of the prophet.

[45] "Iranians told about atrocities against religious minorities," Iran Press Service, London, Feb. 11, 1997.

As Sunni Muslims, the majority of Iran's Kurds suffer religious discrimination in the Shi'a state. Kurds played an active role in the overthrow of the Shah, and among their demands for greater autonomy from the central authorities in Iran was the demand for more autonomy in the religious sphere. However, Ayatollah Khomeini declined to appoint as his representative in the Kurdish region the popular Sunni cleric, Ahmad Moftizadeh, choosing instead a Shi'a cleric with no local following.[46] Sunni Kurds have seen their aspirations for greater autonomy and respect for their right to religious freedom denied. Friday prayer leaders, even in the Sunni mosques, are appointed by the central authorities. Shi'a proselytizing is encouraged. For example, in March 1995 the Friday prayer leader in a mosque in Sanandaj announced that he would issue the call to prayer and carry out other religious rites in accordance with Shi'a traditions, regardless of the fact that he was serving a Sunni congregation.[47]

The death of a prominent Sunni cleric, Mollah Mohammed Rabi'i, in Kermanshah, the major city in the Kurdish region, on December 2, 1996, led to three days of violent clashes between Sunnis and the security forces. The demonstrators claimed that Mollah Rabi'i had been killed because of his activities as the prayer leader in the Al-Shafe'i mosque, the major mosque in this predominantly Sunni city. According to independent press reports, rioting arising from the death spread to other towns in the region.[48]

The Iranian government replied to the U.N. special representative's inquiry about the cause of death of Mollah Rabi'i:

> In accordance with the autopsy report, Mr. Molla Mohammad Rabi'ei [sic] died as a result of a heart attack. The autopsy was carried out by the Kermanshah forensic department and in the presence of representatives of the judiciary, family members, some Sunni physicians and Sunni clergy.[49]

Regardless of Mollah Rabi'i's cause of death, the tensions between the Sunni Kurdish community and the authorities were all too apparent in the reaction to the incident.[50] Because independent observers have difficulty gaining access to this part of the country, there is no clear information about casualties on both sides from the clashes, nor about the tactics employed by the security forces to quell the disturbances. Kurdish sources have reported that Revolutionary Guards fired on unarmed civilians in Kermanshah and the town of Jwanrow. Similarly, it is not known how many people remain in detention as a result of these clashes, nor what kind of treatment those in detention are receiving.

While Shi'a religious institutions are encouraged, Sunni institutions are blocked. For example, in 1993 a newly constructed Sunni mosque in Sanandaj was destroyed by a mob of Shi'a zealots. According to Sunni activists, the authorities took no action to restrain or to punish them. In 1994 the Sunni community of Sanandaj raised more than 10 million toumans in order to enlarge the Dar al-Ehsan mosque. Despite the fact that all the necessary building permits were obtained from local authorities, the Ministry of Islamic Guidance stepped in to block the new extension and

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[46]Shahrzad Mojab and Amir Hassanpour, *The Politics of Nationality and Ethnic Diversity in Rahnema & Behdad, Iran After the Revolution, Crisis of an Islamic State* (London: I.B. Tauris, 1996, hereafter Mojab & Hassanpour), p. 237.

[47]Human Rights Watch interview with Sunni Kurdish activist, Berlin, Germany, February 1997.

[48]For example, a Reuters report on December 5, 1996, " Riots hit western Iran city, police colonel killed," described several people killed and many arrested in Kermanshah as well as riots in the town of Paveh, sixty-five miles to the northwest.

[49]Copithorne 1997, Annex 1, para. 10.

[50] Sunni activists interviewed by Human Rights Watch in Europe in January 1997 claimed that Mollah Rabi'i had been killed by the authorities because he had preached sermons denouncing the popular religious television serial screened in the month of Ramadhan which was allegedly derogatory toward Sunni Muslims.

confiscated the funds raised to carry out the project. Despite the fact that more than one million Sunnis live in Tehran, many of them Kurds, no Sunni mosque exists to serve their religious needs.

The Baluchis are another ethnic group that is predominantly Sunni Muslim. Many of the religious leaders from the Sunni Baluchi community go to Saudi Arabia for their religious training. This creates tension with the government because in Saudi Arabia religious students are exposed to instruction that is hostile to Shi'ism, especially from Wahhabi instructors who regard Shi'ism as heresy. Political tensions between the Iranian and Saudi Arabian governments only exacerbate this tension. Periodically Sunni religious leaders are detained and accused of being Wahhabi spies.

There are few Sunni seminaries in Iran. In February 1996 security forces raided the Salehabad seminary in Mashad, detaining members of the faculty and obliging seminary students to leave their studies to do their military service. In contrast, Shi'a seminary students are exempt from military service. This type of disruption of seminary education for Sunni clerics in Iran encourages them to seek their education in Saudi Arabia or Pakistan.

There are a number of incidents in which violence appear to have been politically motivated and in which the Iranian government appears complicit in the killing of Baluchi religious and political leaders. Haji Mohammed Ziaie, a prominent Sunni figure who had been critical of the government's policies toward the Sunni minority, particularly in Baluchestan, was killed under suspicious circumstances in July 1994. In 1992 Haji Ziaie visited Mecca in Saudi Arabia for a pilgrimage. On his return he was detained and interrogated on charges of having made contact with enemies of the Islamic Republic. He was held for a month and released. He remained active on Sunni issues and was a leading figure in protests following the destruction of the Sunni mosque in Mashad. He also protested against mass executions carried out in Baluchestan over many years in the name of combating drug trafficking.

In June 1994, Haji Ziaie was summoned to Tehran and forced to sign a statement that he would stop criticizing the government. From then on he was subjected to close surveillance and summoned on numerous occasions for interrogation. On July 15, 1994, he was summoned to Laar and was never seen alive again, according to Sunni activists interviewed in Europe in January 1997. Sunni activists who had been in direct contact with his family said that five days after he had been summoned, police informed his family that his body had been found in a valley and that he had been the victim of a car accident. The activists said that when the family received the body they noted that it had been decapitated, that an arm and a leg had been amputated and that his abdomen had been split open. However, the car he had allegedly been traveling in did not appear seriously damaged, making the family believe that Haji Ziaie had been murdered and that the government, which had summoned him to an appointment, was his killer. As no independent autopsy or inquiry into his death was carried out, the circumstances of his killing remain unclear. With his death a leading advocate of the rights of Sunni Baluchis was silenced.

As many as sixty Sunni religious leaders, mainly from the Baluchi community, are reported to be in prison for their support of demands for parity for Sunni Islam in Iran and for an end to repression in Baluchestan.[51] These Sunni religious leaders had founded the Islamic Society Association in Zahedan, the major city in Sistan va-Baluchestan province, to promote the rights and interests of Sunni Muslims. One of the prisoners, Molavi Abdulrahman Alahverdi, a religious leader in the Baluchi town of Saravan, was detained in late February, apparently for his activities in support of the rights of Sunni Baluchis.

Molavi Ahmad Sayyad was a leader of the Baluchi Sunni community. On his return from religious studies in Saudi Arabia in 1990, he was imprisoned for five years on suspicion of having engaged in anti-government activities. At the end of January 1996 Sayyad was taken into detention by the authorities on returning from a visit to the United Arab Emirates. According to a report in the London Arabic daily *Al-Sharq al-Awsat*, his body was discovered outside

[51]Baluchi activists, interviewed by Human Rights Watch in Europe in January 1997, provided the names of some of these prisoners, including Moulavi Abdullah Qohestani, Moulavi Abdolghani, Sheikh Jamy, Ahmed Hossiny, Abdolraqi Shirani, Javanshir Davoody, Abdol Baqy Qataly, and Abdol Raouf Sokhry.

the city of Bandar Abbas on February 2, 1996, bearing signs of torture.[52] Again no official inquiry into the cause of death was carried out, but since Molavi Sayyad was last seen alive in the custody of the authorities, suspicion falls heavily on the government as his killer. The government's hand is also suspected in the unexplained killing of another Sunni Baluchi cleric, Abdol-Aziz Kazemi Vajd, whose body was found in suspicious circumstances outside the city of Zahedan on November 5, 1996.

[52] *Al-Sharq al-Awsat*, February 2, 1996.

Some leading figures in the Sunni Baluchi opposition movement have fled the country to avoid imprisonment and carry out their opposition activities from abroad. These opposition figures abroad have also been the target of fatal attacks in which the Iranian government is suspected of involvement. For example, on March 4, 1996, Molavi Abdul Malek, the son of the most prominent Sunni cleric in Iran, Molavi Abdul Aziz,[53] was gunned down outside his house in Karachi, Pakistan. According to Sunni activists, he had been under constant surveillance by Iranian agents active in Karachi because of his activities on behalf of the Baluchi community.[54]

The recent arrests and killings of Baluchi religious leaders appears to be part of a concerted campaign to suppress Baluchi claims for parity for Sunni Islam and respect for their cultural and linguistic traditions. The heavy-handed war on drugs carried out in Baluchi areas for many years has resulted in many human rights violations and provided cover for acts of political repression by the government.

ETHNIC MINORITIES

Information about human rights violations suffered by ethnic minorities in Iran is difficult to obtain and to verify. Unlike Iran's persecuted religious minorities, the situations of its ethnic minorities are not closely monitored by international support groups. It is difficult to gain access to many areas where the minorities reside, and the Iranian media does not report on issues of ethnic discrimination.

[53]Molavi Abdel Aziz was elected as a member of the constituent assembly charged with approving the draft constitution of the Islamic Republic in 1979. When it was proposed that Shi'a Islam should be the state religion, he resigned from the assembly.

[54]Human Rights Watch interview with Sunni activists, Europe, January 1997.

Article 5 of the U.N. International Convention on the Elimination of All Forms of Racial Discrimination, which Iran ratified on August 28, 1968, requires states to uphold equality before the law. Article 6 of the same convention requires that states provide to everyone an effective remedy to "any acts of racial discrimination which violate human rights and fundamental freedoms contrary to this Convention." In December 1992, the U.N. General Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.[55] This declaration set out to amplify the requirements of Article 27 of the ICCPR for states to protect the rights of minorities. The declaration contains non-binding guidelines for states. The declaration notes that the "promotion and protection of the rights of persons belonging to ... minorities ... contributes to the political and social stability of states in which they live."[56] It then sets out obligations for states to protect and promote the identity of minorities.[57] In addition to promoting respect for minority languages and cultures, the declaration requires that, "Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live..."[58] The declaration emphasizes the requirements that states should not discriminate against minorities and that persons belonging to minorities shall have full equality before the law.[59]

This report seeks to identify areas in which treatment of ethnic minorities has failed to meet the standard of equal treatment under the law for all Iranians as set forth in the constitution and in the instruments of international law specified above. Given the limited information we have been able to gather, it is not possible to make detailed assessments about the treatment of specific ethnic groups in Iran; rather, we raise areas of general concern in the hope that the government will take measures to ensure that the rights of ethnic minorities will be protected in practice.

Kurds

There are five to eight million Kurdish Iranians residing mainly in the west and northwest of the country in areas contiguous with Kurdish populations in the neighboring states of Iraq and Turkey. Increasing numbers of Kurds also reside in Tehran and in the southwest, where the oil industry provides employment opportunities. Most Iranian Kurds are Sunni Muslims, which, as has been noted, has been an aggravating factor in the Kurds' relations with the Shi'a central authorities in Tehran.

Kurdish political organizations were enthusiastic supporters of the revolution against the Shah, which brought Ayatollah Khomeini to power in 1979. The Shah had shown himself to be no friend of Kurdish aspirations for greater autonomy and a loosening of Tehran's control over their affairs. From the early days of the revolution, relations between the central government and Kurdish organizations have been fraught with difficulties. The Kurds, with their different language and traditions and their cross-border alliances, were seen as vulnerable to exploitation by foreign powers who wished to destabilize the young republic. Ayatollah Khomeini expressed the view of many in the new clerical leadership when he said:

> Sometimes the word minorities is used to refer to people such as Kurds, Lurs, Turks, Persians, Baluchis, and such. These people should not be called minorities, because this term assumes that there is a difference between these brothers. In Islam, such a difference has no place at all. There is no difference between Muslims who speak different languages, for instance, the Arabs or the Persians.

[55]GA Res. 47/135, Dec. 18, 1992.

[56]Ibid., preamble.

[57]Ibid., Article 1.

[58]Ibid., Article 2 (3).

[59]Ibid., Article 4 (1).

> It is very probable that such problems have been created by those who do not wish Muslim countries to be united....They create the issues of nationalism... and such-isms which are contrary to Islamic doctrines. Their plan is to destroy Islam and Islamic philosophy.[60]

The honeymoon of the new government was short-lived in the Kurdish region. Sunni Kurds, unlike the overwhelming majority of their countrymen, abstained from voting to endorse the creation of an Islamic republic in April 1979. That referendum institutionalized Shi'a primacy and made no provision for regional autonomy.

[60] Ayatollah Khomeini, Radio Tehran, December 17, 1979. Quoted in David McDowall, *A Modern History of the Kurds* (London: I.B. Tauris & Co., 1996, hereafter McDowall 1996), p. 271.

As early as 1979 armed conflict broke out between armed Kurdish factions and the Iranian government's security forces. The Kurdish forces included primarily the Democratic Party of Iranian Kurdestan (KDPI) and the leftist Komala (Revolutionary Organization of Kurdish Toilers). The security forces consisted of Shi'a zealots from the *Pasdaran* (Revolutionary Guards) and *Komiteh*.[61] Beset by international disputes, the new leadership had little patience for Kurdish demands and set about crushing unrest through military mobilization of the *Pasdaran* and through mobile revolutionary courts under the supervision of infamous Islamic judges like Ayatollah Khalkhali,[62] who sentenced thousands of men to execution after summary trials without regard for the rights of the accused. Those executed included civilians, suspected Kurdish fighters, and suspected supporters or sympathizers of other armed opposition groups which centered many of their military operations in the mountainous Kurdish region. Such draconian measures only intensified Kurdish grievances against the Tehran authorities.

During the war between Iran and Iraq, armed Kurdish political groups did not side with the Iraqis against their own government, but neither did they align themselves completely with Iran's war effort. Moreover, during the war years Kurdish regions became a battlefield for many armed opposition groups, including the Fedayan and the Mojahedine, inviting government reprisals that caused casualties among the civilian population.

With the end of the Iran-Iraq war in 1989, the Iranian authorities were again able to devote greater military resources to stamping out Kurdish opposition to its policies. Military deployment was stepped up after the Gulf War and the creation of the Kurdish autonomous zone in northern Iraq. More than 200,000 troops are now permanently stationed in the Kurdish areas. In the course of combating armed opposition groups, the Iranian military has reportedly destroyed villages, expelled village populations, and mined broad areas. It has also attacked the suspected bases of Iranian Kurdish rebel groups inside Iraqi Kurdistan.[63] The destruction of villages has been centered in areas adjacent to the Iraqi border in an apparent effort to close off supplies of arms reaching the Kurdish fighters from Iraq and to put an end to illicit cross-border traffic of all kinds.

Thus, the civilian population has been a major victim of the armed conflict. According to McDowall, more than 271 Iranian Kurdish villages were destroyed and depopulated between 1980 and 1992. Between July and December 1993 alone, during a major offensive against Kurdish armed groups, 113 villages were bombed.[64]

Kurdish activists complain that the authorities have withheld reconstruction funds for re-building war-damaged villages, directing such funds instead to the construction of housing for non-Kurdish immigrants in what they claim to be a deliberate attempt by the central government to change the composition of the population in the predominantly Kurdish areas of West Azarbaijan and Kurdestan provinces.[65]

In the cultural sphere, in 1985 the government built a Center for the Propagation of Kurdish Culture and Literature in Orumieh, the capital of Western Azerbaijan province. Kurdish artists and poets can display their work, including books and magazines published in Kurdish, but their content is strictly controlled by the Ministry of Islamic Guidance.

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[61]For a detailed account of the fortunes of the Kurds under the Islamic Republic, see McDowall 1996, Chapter 13, "Subjects of the Shi'i Republic," pp. 261-287.

[62]Ayatollah Khalkhali's actions as a judge who sentenced to death large numbers of the government's suspected political opponents were documented by Amnesty International in the early eighties. His activities were not hidden, and he continued to boast about them as a member of the Islamic Consultative Assembly until 1992. He continues to be active in public life.

[63] David McDowall, *The Kurds,* rev. ed. (London: Minority Rights Group International, December, 1996), p. 22.

[64]Ibid.

[65]Human Rights Watch interview with Iranian Kurdish political activists, Washington, D.C., August 1996.

In January 1997, Karimullah Tavahodi, a Kurdish historian, was detained in Mashhad. He was sentenced to one year of imprisonment because of the content of the fifth volume of his *Historical Movement of Kurds of Khorasan*. Earlier volumes of this history had won official awards, but the fifth volume was banned. The authorities apparently objected to his portrayal of the Kurds' struggle for cultural autonomy.[66]

Like others outside the closed circle of Iran's political leadership, Kurdish politicians who have sought to compete in the political process by constitutional means have found their way blocked.[67] For example, Mohammed Karimi, son of Abdullah, sought to stand as a candidate in the 1992 elections for the Islamic Consultative Assembly, Iran's parliament, to represent the town of Bokan. His candidacy was denied because some of his family members had been associated with the KDPI and because he was considered to be insufficiently loyal to the Islamic Republic.[68] The decision to exclude him from the election was taken by an administrative body appointed by the central government.

Kurdish political leaders have been the targets of political assassinations by the government inside and outside Iran. The government deals with Kurdish political groups through arbitrary detention, torture and execution of prisoners after unfair trials, according to Kurdish opposition groups. The KDPI regularly releases names and details of the cases of its supporters allegedly subjected to such treatment. For example:

- Kazem Mirzai, son of Adel, died in Orumieh prison as a result of torture on June 19, 1996. He had been detained since 1994 on suspicion of being a supporter of the KDPI.

- Mohammed Ali Nawruzi from the village of Yonesian, Nagadeh region, was detained for ten days and subjected to torture. He died the day after his release in 1995.

- Khoda Karam Ibrahimi died in a hospital in Kermanshah in August 1995 after being tortured. He had been sentenced to two years of imprisonment for membership in the KDPI.[69]

The KDPI also releases names of its supporters executed for their political and military activities. Each year the KDPI publishes the names of dozens of execution victims and of deaths in custody allegedly caused by torture. However, the true extent of these violations is difficult to gauge because the authorities have not permitted journalists or independent human rights monitors access to this part of the country for many years.

The KDPI also alleges that *Pasdaran* units stationed in Kurdish areas force Kurdish women to enter into temporary marriage contracts with them.[70] The practice of temporary marriage, sanctioned within Shi'a Islamic custom but abhorrent to Sunni Muslims, constitutes a form of rape when carried out by force. The KDPI reports that in August 1994, a *Pasdaran* commander in the Sardasht region assembled the inhabitants of the village of Beitush and ordered the women to enter into temporary marriage contracts with his soldiers. Human Rights Watch has been unable to find independent confirmation of this incident or to assess the extent of the practice in general.

Azaris

[66]Human Rights Watch telephone interview with the head of the Association of Iranian Writers in Exile, Germany, February 1997.

[67]For more detail on the exclusion of independent candidates from the electoral process, see Human Rights Watch/Middle East, "Power versus Choice, Human Rights and Parliamentary Election in the Islamic Republic of Iran," *A Human Rights Watch Short Report,* vol. 8, no. 1 (E), March 1996.

[68]Human Rights Watch interview with Kurdish activist, Berlin, February 1997.

[69]Statements issued by KDPI during 1995 and 1996, on file at Human Rights Watch.

[70]Human Rights Watch interview with Kurdish activists, Washington D.C., August 1996.

The situation of Iran's fifteen to twenty million Azari minority differs in almost every respect from that of the Kurds. Whereas the Kurds inhabit a remote and underdeveloped area, far from the centers of political power, Azaris inhabit a strategically important, prosperous area in northwest Iran, relatively close to Tehran. Millions of Azaris live in the capital. Azaris are more urbanized and intermarry with Persians and other ethnic groups more frequently than do Kurds. Azaris are predominantly Shi'a whereas the majority of Kurds are Sunni Muslims. Moreover, Azaris have a long history of being part of Iran's ruling elite. The Qajar dynasty, which ruled Iran from 1794 to 1925, was of Turkic descent.[71] Many senior clerics in positions of power in the Islamic Republic are of Azari origin.

An active political movement in the early years of the twentieth century, Azari nationalism was suppressed by two centralizing governments, that of the Soviet Union (in the formerly Soviet republic of Azerbaijan) and that of Reza Shah in Iran. With the break-up of the Soviet Union, however, and the creation of the independent state of Azarbaijan with its capital in Baku adjacent to the Iranian border, a new consciousness of Azari nationalism has arisen in Iran.

The main grievances of the Azari community are cultural; it is hard to find evidence of discrimination against Azaris in the economic, professional or educational fields. Azaris complain that there is no Azari language instruction in schools for Azari children and no department of Azari literature in any Iranian university. In this latter regard they compare themselves to the much smaller Armenian minority and feel disadvantaged

An example of growing Azari national sentiment came on May 28, 1996, when a rally took place in Ardebil, a city in the Iranian province of East Azarbaijan, to protest the arrest by the government of Azarbaijan in Baku of nine Islamist activists. The policies of the Azarbaijan government and the Iranian government's relations with Baku are among the points of friction between the government and the Azari community. The war in Azarbaijan over the disputed Armenian enclave of Nagorno-Karabakh has placed the Iranian government on a tightrope. While seeking to mediate this conflict, it has generally been regarded as favoring the Armenian side, an orientation it has adopted in order to counter Turkish influence over the government in Baku and to foster its relations with Moscow. Whatever the policies of their government, most Iranian Azaris side with Azarbaijan in this dispute, creating tension with Tehran.

With the growth of Azari nationalism, the central authorities have begun to take measures to counter it. Those who speak up for Azari rights are labeled by government officials and the state-controlled media as separatists or Turkish spies. Talk of a unified Azarbaijan is met with calls for Azarbaijan to be absorbed within the borders of the Islamic Republic. An example of this type of official rhetoric may be seen in the remarks of Ayatollah Mohsen Shabestary, the Friday prayer leader of Tabriz, appointed by Ayatollah Khamenei, who stated in May 1996:

> The Azarbaijan Republic once was ours. So, if there is any talk of unification of the two Azarbaijans, it is they who should come back to Iran....Some agents of world arrogance are trying to damage our national unity by spreading secessionist sentiments in our region. Unfortunately some of their mercenaries in Tabriz repeat these words, and talk of Pan-Turkism. The policy of the Islamic Republic is to avoid such polemics. We do not want to create a hue and cry. But if we are faced with these satanic plots, we should remind everyone, including the people of the Azarbaijan Republic, that we have lost some Azari cities, and we could one day claim them back.[72]

[71] Azaris speak Azari, a Turkic language closely related to Turkish and to the Turkic languages of Central Asia.

[72] "Ayatollah Shabestary addresses religious students in Tabriz," *Sobh* newspaper, Tehran, May 28, 1996.

The authorities have taken security measures to counter the threat perceived to be coming from Azari nationalists. For example, in April 1996, Information Minister Ali Fallahian announced the arrest of twenty-nine "Turkish spies" in Western Azarbaijan Province. In March 1997, fifty "Turkish spies" were reported to have been detained and to have confessed in Orumieh. Activist lawyer Sepehr-rooz Moloudi has been in prison since October 1996. Azari sources claim that he is detained because of his advocacy of Azari rights. He faces charges of espionage that could carry the death penalty, according to the Iran Nation Party.[73] Azari writer Mohammad Hossein Tamasebpour was detained in November 1996 while trying to leave the country and was released more than a month later. No reason was given for his detention.

Muhammad Ali Chehregani, a professor of linguistics at Tabriz University, was a candidate for Tabriz in the March 1996 elections to the Islamic Consultative Assembly *(majles)*. In the first round he was among the leading vote winners from the Tabriz constituency, receiving more than 100,000 votes, despite claims that he was the victim of official manipulation of the vote. His name went forward to the second round of voting, scheduled for April 19, 1996.

Dr. Chehregani's campaign focused on issues of cultural discrimination. He expressed concern that Azari language and culture was in danger of vanishing. He demanded recognition for Azaris as Iranians, not Persians, and called for the teaching of the Azari language instead of Arabic as a second language in schools in Azari areas. Dr. Chehregani is a veteran of the war against Iraq who emphasized his support for the Islamic Republic during his campaign.

On the morning of April 19, 1996, the election committee of Tabriz removed his name from the ballot.[74] This summary measure was met by a large protest in Tabriz by as many as 40,000 demonstrators whom Dr. Chehregani described as "faithful revolutionary Muslims."[75] The security forces broke up the protest and detained more than 600 people. These protests were reported in the media. For example *Azadliq* and *Yeni Musavat*, newspapers published in Tabriz, reported the detention of people who had protested Dr. Chehregani's disqualification.

The protests surrounding Dr. Chehregani seem to have shaken the authorities. On April 21, the authorities detained Dr. Chehregani together with 40 of his supporters on charges of involvement in violations of the election law. Dr. Chehregani, who was released from prison after three days of interrogation, told Human Rights Watch that his arrest created a "volatile" situation in Tabriz that he was anxious to alleviate so as to avoid Azaris becoming caught up in political violence. He stated that some Iranian officials "did not mind to sacrifice Azari people who were faithful supporters of Iran and Islam."[76]

On May 15, 1996, the authorities took drastic action. Five young men, between twenty-one and twenty-three years of age, were hung in public from construction cranes, a practice fairly common in the early turbulent years of the Islamic Republic but more unusual in recent years. The authorities claimed that they had been convicted of drug trafficking. Dr. Chehregani said that the public executions had a chilling effect on the street protests that had been taking place in Tabriz on an almost daily basis. He said that "there was no way of knowing the validity of the charges against the executed young men." He stated that the clear motive for having public executions had been to put an end to the street protests.

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[73]Telephone interview with Iran Nation Party, Tehran, April 7, 1997. The Iran Nation Party, headed by Darioush Farouhar, is an unrecognized opposition party that is barely tolerated by the Iranian authorities. It has been a public critic of the government's human rights practices.

[74]For a description of the procedures by which candidates were arbitrarily removed from the ballot in the 1996 Iranian parliamentary elections, see "Power versus Choice," Human Rights Watch/Middle East, March 1996.

[75]Telephone interview with Dr. Muhammad Ali Chehregani, July 27, 1996.

[76]Ibid.

Since his release from jail Dr. Chehregani has frequently been summoned for interrogation, and he has been publicly accused by the governor of Western Azerbaijan province of being a ringleader engaged in sabotage. During these interrogations, Dr. Chehregani was warned that he should not try to leave the country. By September 1996, he felt under pressure and set out to drive across the border to Azerbaijan. On the road he was stopped and detained without warrant by security forces. He was held in solitary confinement for sixty days, during which time he suffered a stroke. He was hospitalized for two months and then returned to his home under house arrest. Dr. Chehregani is now partially paralyzed as a result of his stroke.[77]

Dr. Chehregani's case illustrates how nationalist sentiment among Azaris may be stirred up by government actions viewed as antagonistic by the Azari community. If a serious conflict were to arise with the Azari community, it might not be possible to contain in a geographically remote part of the country; it could threaten the viability of the entire state.

Baluchis

Baluchis are a Sunni Muslim minority residing primarily in the southeast of Iran on the borders of Pakistan and Afghanistan. They constitute one of the poorest and least developed communities in Iran, residing in a remote part of the country where the influence of the central government has never been strong. Cross-border smuggling and, in recent years, drug-trafficking is endemic. Moreover, the continuing civil war in Afghanistan, the presence of more than a million refugees from that conflict, and the ready availability of arms through Pakistan have contributed to instability in the region and to clashes between the security forces and the local population.

The Baluchis complain that as a Sunni minority they face institutionalized discrimination in the Shi'a state. In addition they complain of discrimination in the economic, educational, and cultural fields. Attempts by the Baluchis to form political organizations to advance their interests have been blocked by the authorities.[78]

Baluchi sources claim that during the past two years a systematic plan has been set in motion by the authorities to pacify the region by changing the ethnic balance in major Baluchi cities such as Zahedan, Iranshar, Chabahar, and Khash. It is claimed that the government has forcibly relocated Baluchis to remote desert areas while encouraging non-Baluchis to move in to take their place by providing them with incentives like free land, subsidized housing, and government jobs.[79] It is claimed that when Baluchi villagers in fertile agricultural areas resist forcible relocation, they face armed attack. For example, in May 1995, *Pasdaran* are alleged to have attacked the villagers in Sorvdar and Zardkoh in the Iranshahr district in order to relocate them forcibly to a desert area.[80]

[77]Telephone interview with Dr. Chehregani, March 27, 1997.

[78]Human Rights Watch interview with Baluchi activists, London, January 1997.

[79]Telephone interview with Baluch Human Rights International, U.S.A., July 1996.

[80]Human Rights Watch interview with Baluchi activists, London, January 1997.

Baluchi activists report further that the hard-line policy of forced relocation increased in response to the February 1994 riots in Zahedan,[81] the capital of Sistan and Baluchistan province, protesting the destruction of a Sunni mosque in Mashad. The riots were allegedly, quelled by *Pasdaran* firing live ammunition into the crowd.[82] Some activists were detained, but their fate is unknown.[83]

In May 1995, in the village of Sourdar in the area of Zadkoh, about forty miles from Iranshahr, security forces met with resistance when they tried to relocate the population forcibly. Two boys, Abdullah and Jabir Zadkouhi, one aged fourteen and the other fifteen, were reportedly killed in the clash. Four villagers were arrested. After these disturbances, the relocation went ahead.

From a distance, political violence in Baluchistan sometimes overlaps with violence surrounding drug trafficking and other illicit smuggling activities. In addition, the political turmoil in Afghanistan, with its warring Islamic factions reflecting the competing interests of regional states including Saudi Arabia and Pakistan, spills over into Iranian territory. The authorities are able to mask many of the measures they take against Baluchi political activists by claiming that they are cracking down on bands of smugglers and drug-traffickers. The prevalence of these practices in the region gives these claims an element of credibility. However, in the absence of independent information about the situation in the region, and its inaccessibility to foreign journalists or human rights investigators, it is impossible to assess the validity of the government's claims.

The repression of Baluchi language and culture out of fear that a movement for Greater Baluchistan would endanger the territorial integrity of Iran predates the formation of the Islamic Republic. Mohammed Reza Shah had banned the use of the Baluchi language and prohibited the wearing of Baluch national dress in schools. The publication of Baluchi books, magazines and newspapers was a criminal offense. The administrative and political districts were arranged so as to avoid the creation of any Baluchi majority province or district, thus preventing the election of Baluchi local elected officials. Immigration of non-Baluchis into the area was encouraged under the Pahlavi state to the extent that almost forty percent of the population of Zahedan were non-Baluchi immigrants.[84]

The Islamic Republic has done nothing to reverse these trends. In 1980 the government closed down three Baluchi-language publications that had emerged after the revolution, *Mahtak, Graand,* and *Roshanal.* In the educational field, Baluchi language and culture has continued to be disregarded in schools. Most teachers are non-Baluchis. According to Baluchi activists interviewed in London in January 1997, only nine students out of a student body of 2,000 at Zahedan University were Sunni Baluchis during the 1995-96 academic year. Zahedan University is the major education institution in the area.[85]

[81] Ibid. There were earlier reports of clashes arising out of the forced relocation policy. For example Amnesty International in its annual report for 1992 reported clashes arising from attempts to relocate the Naroui tribe from the area of Roudmahi, near Zahedan. Forty-two were reported to have been killed in clashes, including women and children. Twenty men were reported to have been publicly executed in Zahedan in 1992 in connection with these disturbances.

[82] Ibid.

[83] Baluchi activists supplied Human Rights Watch with a list of eight men detained after the Zahedan riots. They had no information about their current status or whereabouts.

[84] Selig S. Harrison, *In Afghanistan's Shadow: Baluch Nationalism and Soviet Temptations* (New York: Carnegie Endowment for International Peace, 1981).

[85] Interview with Baluchi activists, London, January 1997.

Arabs

Arabs make up 70 percent of the three million inhabitants of Khuzestan Province in the southwest of Iran, on the eastern shore of the Persian Gulf. Although the great majority of them are Shi'a Muslims, they have grievances against the Persian rulers of contemporary Iran.

An Arab-Iranian activist stated that in the past two years alone more than 180 Iranian Arabs have been detained and prosecuted on charges of espionage for Iraq or other Gulf Arab states. Like all detainees held for suspected political offenses, they have been held in indefinite pre-trial detention without access to lawyers, vulnerable to torture and ill-treatment, and without access to fair judicial processes.[86]

Arab activists claim that the attitude of the present government does not differ from that of the previous regime in its efforts to stamp out Arab culture. There is no Arabic-language newspaper dealing with domestic issues in Khuzestan; Arabic newspapers published in Iran are directed at an audience in the Arab world beyond Iran's borders. Arabic is not taught in elementary schools, and the Arabic teaching in secondary schools focuses exclusively on religious texts. The governor of Khuzestan is not an Arab, and very few high-ranking government officials are from an Arab background. One exception to this is Ali Shamkhani, who in August 1997 was appointed minister of defense by the newly elected president Mohammad Khatami.

A new irrigation scheme designed to boost sugar cane production in the Caroun River region has led to the expropriation of land from Arab peasants. Iranian Arab activists complain that local people are not being hired to work in the Caroun River Project. Instead, workers are being brought in from outside Khuzestan, and new settlements are being built for them.[87] In February 1997, Iraji Sefati Dezfouli, a parliamentary representative for Abadan, protested about the lack of employment provisions for local people in the Caroun River project.[88]

[86]The Iranian Arab Cultural Center in Germany gave Human Rights Watch the names of detainees allegedly held for political reasons in Ahvaz: Sha'i Torfi, Abdulzahra Muhavi, Mehdi Navasari, Samir Muslemina, Saleh Sa'idi, Farajullah Shahrhani, Majid Youssef, Farnous Heydari, and Rahim Shahrhani.

[87]*Resalat* newspaper #3193, January 20, 1997, reported an interview with Mohandes Amili, deputy director of the Caroun River Project, on plans to create a new town called Shirinshahr on the east side of the Caroun River for 10,000 households. Arab activists point out that local people already have houses, and they could be employed in these projects without having to construct new towns. Meanwhile local unemployment remains very high.

[88]*Resalat* newspaper #3202, January 30, 1997.

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