

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2004

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Respect for basic human rights in Iran, especially freedom of expression and opinion, deteriorated in 2004. Torture and ill-treatment in detention, including indefinite solitary confinement, are used routinely to punish dissidents. The judiciary, which is accountable to Supreme Leader Ali Khamenei rather than the elected president, Mohammad Khatami, has been at the center of many serious human rights violations. Abuses are carried out by what Iranians call parallel institutions: plainclothes intelligence agents, paramilitary groups that violently attack peaceful protests, and illegal and secret prisons and interrogation centers run by intelligence services.

#### *Freedom of Expression and Opinion*

The Iranian authorities systematically suppress freedom of expression and opinion. After President Mohammad Khatami's election in 1997, reformist newspapers multiplied and took on increasingly sensitive topics in their pages and editorial columns. Prominent Iranian intellectuals began to challenge foundational concepts of Islamic governance. In April 2000, the government launched a protracted campaign to silence critics: closing down newspapers, imprisoning journalists and editors, and regularly calling editors and publishers before what became known as the Press Court. Today, very few independent dailies remain, and those that do self-censor heavily. Many writers and intellectuals have left the country, are in prison, or have ceased to be critical. Days after the visit of the Special Rapporteur for freedom of opinion and expression, Ambeyi Ligabo, in late 2003, one of the student activists with whom he spoke was re-arrested. In 2004 the authorities also moved to block Internet websites that provide independent news and analysis, and to arrest writers using this medium to disseminate information and analysis critical of the government.

#### *Torture and Ill-treatment in Detention*

With the closure of independent newspapers and journals, treatment of detainees has worsened in Evin prison as well as in detention centers operated clandestinely by the judiciary and the Islamic Revolutionary Guard Corps. Torture and ill-treatment in detention has been used particularly against those imprisoned for peaceful expression of their political views. In violation of international law and Iran's constitution, judges often accept coerced confessions. The use of prolonged solitary confinement, often in small basement cells, has been designed to break the will of those detained in order to coerce confessions and provide information regarding associates. This systematic use of solitary confinement rises to the level of cruel and inhuman treatment. Combined with denial of access to counsel and videotaped confessions, prolonged solitary confinement creates an environment in which prisoners have nowhere to turn in order to seek redress for their treatment in detention. Severe physical torture is also used, especially against student activists and others who do not enjoy the high public profile of older dissident intellectuals and writers. The judiciary chief, Ayatollah Mahmud Hashemi Shahrudi, issued an internal directive in April 2004 banning torture and inhumane treatment of detainees, but as of yet no enforcement mechanisms have been established.

#### *Parallel Institutions*

Parallel institutions (nahad-e movazi) is how Iranians refer to the quasi-official organs of repression that have become increasingly open in crushing student protests, detaining activists, writers, and journalists in secret prisons, and threatening pro-democracy speakers and audiences at public events. These groups have carried out brutal assaults against students, writers, and reformist politicians, and have set up arbitrary checkpoints around Tehran. Groups such as Ansar-e Hizbollah and the Basij work under the control of the Office of the Supreme Leader, and there are many reports that the uniformed police are often afraid to directly confront these plainclothes agents. Illegal prisons, which are outside of the oversight of the National Prisons Office, are sites where political prisoners are abused, intimidated, and tortured with impunity. Over the past year politically active individuals have been summoned to a detention center

controlled by the Department of Public Places (Edareh Amaken Umumi) for questioning by parallel intelligence services. According to journalists and student activists who have undergone such interrogations but not been arrested or detained, these sessions are intended to intimidate and threaten students and others.

### ***Impunity***

There is no mechanism for monitoring and investigating human rights violations perpetrated by agents of the government. The closure of independent media in Iran has helped to perpetuate an atmosphere of impunity. In recent years, the Parliaments Article 90 Commission (mandated by the constitution to address complaints of violations of the constitution by the three branches of government) has made an admirable effort to investigate and report on the many complaints it has received, the Commission lacks any power to enforce its findings and recommendations. The Commission repeatedly called for a thorough investigation of the judiciarys violations of the law, but thus far this has not happened. In October 2003 the Article 90 Commission presented a public report on the death in custody several months earlier of Iranian-Canadian photojournalist Zahra Kazemi. The report placed responsibility for her death squarely on agents of the judiciary. In a bizarre development, the judiciary accused a low ranking official of the Intelligence Ministry, Reza Ahmadi, of killing Kazemi. Despite a strong rebuke from the Intelligence Ministry, the judiciary proceeded with a hastily organized trial held in May 2004 in which Reza Ahmadi was cleared of the charges. The judiciary has taken no further steps to identify or prosecute those responsible for Kazemis death.

### ***The Guardian Council***

Irans Guardian Council is a body of twelve religious jurists: six are appointed by the Supreme Leader and the remaining six nominated by the judiciary and confirmed by Parliament. The Council has the unchecked power to veto legislation approved by the Parliament. In recent years, for instance, the Council has repeatedly rejected parliamentary bills in such areas as womens rights, family law, the prohibition of torture, and electoral reform. The Council also vetoed parliamentary bills assenting to ratification of international human rights treaties such as the Convention against Torture and the Convention on the Elimination of all forms of Discrimination against Women.

The Council also has the power to vet candidates for elected political posts, including the presidency and the national parliament, based on vague criteria and subject only to the review of the Supreme Leader. The Council wielded its arbitrary powers in a blatantly partisan manner during the parliamentary elections of February 2004 when it disqualified more than 3,600 reformist and independent candidates, allowing conservative candidates to dominate the ballot. The Councils actions produced widespread voter apathy and many boycotted the polls. Many Iranians regarded the move as a silent coup on behalf of conservatives who had performed poorly during previous elections in 2000. The Council also disqualified many sitting parliamentarians whose candidacy had been approved by the same Council in 2000.

### ***Minorities***

Irans ethnic and religious minorities remain subject to discrimination and, in some cases, persecution. The Bahai community continues to be denied permission to worship or engage in communal affairs in a public manner. In a rare public protest, eighteen Sunni parliamentarians wrote to the authorities in July 2003 to criticize the treatment of the Sunni Muslim community and the refusal to allow construction of a mosque in Tehran that would serve that community. The Baluchi minority, who are mostly Sunni and live in the border province of Sistan and Baluchistan, continue to suffer from lack of representation in local government and have experienced a heavy military presence in the region. In December 2003, tensions between the local population and the Revolutionary Guards led to large demonstrations in Saravan, in Baluchistan province. In the ensuing clashes between demonstrators and the police at least five people were killed.

### ***Key International Actors***

The European Union has increased both economic and diplomatic ties with Iran. The E.U. has pledged to tie human rights standards to this process, but so far with little impact. Australia and Switzerland have also initiated human rights dialogues with Iran, but benchmarks have not been made public, making it unlikely that these will have any greater impact than the dialogue conducted by the E.U.

Iran issued a standing invitation to thematic mechanisms of the United Nations Commission on Human Rights in 2002. Since then, the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have visited the country and issued reports critical of government practices in these areas. The government, however, has failed to implement the recommendations of the U.N. experts, and there were reprisals, such as re-arrest, against witnesses who testified to the experts. Since then, Iran has not responded to requests by the U.N. Special Rapporteurs on Torture and on Extra-Judicial Executions to visit the country.

Relations between the United States and Iran remain poor. The Bush administration has publicly labeled Iran as part of an axis of evil. Deputy Secretary of State Richard Armitage, in October 2003, said that the U.S. was not pursuing a policy of regime change towards Iran, but persistent reports from Washington indicate that the administration remains divided on this point. The U.S. continues to oppose loans to Iran from international financial institutions.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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