



## **Discrimination against ethnic and religious minorities in IRAN**

Alternative Report submitted by  
the International Federation for Human Rights (FIDH);  
The Iranian League for the Defence of Human Rights (LDDHI); and  
Defenders of Human Rights Center (DHRC)

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**on the Elimination of Racial Discrimination**

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## Preamble

In 2003, in its concluding observations concerning the Islamic Republic of Iran, the United Nations Committee on the Elimination of Racial Discrimination made several recommendations to the Islamic Republic for its next periodic report,<sup>1</sup> namely to:

- provide an estimate of the demographic composition of the population;
- consider reviewing the definition of racial discrimination contained in its domestic law (i.e. Article 19 of the Constitution) in order to bring it into full conformity with article 1, paragraph 1, of the Convention;
- include more information in its next periodic report concerning the measures it has adopted to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction;
- ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention;
- permit students of different origins to register in universities without being compelled to state their religion;
- consult with organisations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

In spite of those recommendations, the eighteenth and nineteenth periodic reports of the Islamic Republic of Iran have either failed to address those issues or attempted to gloss over the stark realities.

The International Federation for Human Rights (FIDH), the “Iranian League for the Defence of Human Rights” (LDDHI) and the Defenders of Human Rights Center (DHRC) wish to take this opportunity to highlight the deteriorating discriminatory treatment of members of ethnic groups and religious minorities and to demonstrate that the Islamic Republic of Iran has not fulfilled any of the above recommendations. This presentation will not touch upon the last recommendation, simply because the eighteenth and nineteenth periodic reports self-evidently have not indicated any consultation with civil society organisations.

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<sup>1</sup> CERD/C/63/CO/6, 10 December 2003

## Introduction

A general outline of principles of governance in the Islamic Republic of Iran is essential in order to fully understand the roots of the severe discriminations that religious minorities, ethnic groups as well as the entire population suffer in Iran.

The basic and decisive theory on which the Islamic Republic of Iran is founded is that divine law is the unique source of legitimacy and political authority - a fully fledged theocracy. Divine law in this sense, however, is even much more narrowly interpreted. It is tantamount to the canonical beliefs of a relatively very small group of clerics within the Twelfer Ja'afari School of Shi'a that adheres to the concept of "*Velayat-e Faqih*."<sup>2</sup>

This concept that Ayatollah Khomeini formulated contends that during the period of waiting for the reappearance of the Twelfth Imam of the Shi'a, one Shi'a canonist, in his capacity as the worldly representative of the Absent 12<sup>th</sup> imam has absolute power and is the sole and uniquely authorised interpreter and enforcer of the divine law - the *Vali Faqih*, in other words the spiritual leader.<sup>3</sup> Thus, he exerts control over all aspects of civil and political society. The State itself is conceived as an institution and instrument of the divine will, which is applied through a clerical oligarchy. Hence, divine truth and clerical authority are identical.

Article 110 of the Constitution lists all the powers granted to the Supreme Leader, appointed by his peers for an unlimited duration. The Spiritual Leader exercises his control over the judiciary, the army, the police, the radio, and the television. Furthermore, he also controls the president and the parliament, i.e. institutions elected by the people. Under Article 91 of the Constitution, the 12-member Guardian Council has power of veto over all parliamentary legislation. The Guardian Council has six clerical canonist members who have exclusive power to determine the compatibility of the legislations with *shari'a*. The full council, including six civilian jurists, checks and determines the compatibility of parliamentary legislation with the Constitution.<sup>4</sup> Evidently, the Supreme Leader is the final decision maker of all parliamentary legislation.

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<sup>2</sup> Guardianship of the Islamic canonist

<sup>3</sup> *Vali Faqih* literally means the canonist guardian, who is currently Ayatollah Khamanei.

<sup>4</sup> The Supreme Leader appoints the six canonist members. The six jurist members are elected by the Parliament from among nominees put forward by head of the Judiciary, who is also appointed by the Supreme Leader.

## Legalised Discrimination<sup>5</sup>

### The Constitution

*“Consequently, discriminatory approach has no effect on the laws, regulations or the current policy makings of the country and nowhere in the rules (including the Constitution or the laws of the Islamic Republic of Iran), can anybody find an example of treating different groups of people in the society based on their racial, ethnic or language differences.”<sup>6</sup>*

The Constitution of the Islamic Republic of Iran has declared Islam and specifically the Twelver Ja’afari School of Shi’a as the official religion of the country (Articles 12). Sunni Muslims are officially given a higher status than other religious minorities. Article 12 accords ‘full respect to other schools of Islam, including [five such schools]’. It then stipulates that they are completely free to practise their religious rites and rituals and even recognises the primacy of their canon in courts in regard to inheritance and will, marriage, divorce and provides for the local regulations to be in line with their religion within the frameworks of law, in regions where they constitute the majority of the population.

Contrary to conventional interpretation of Article 12, the Constitution has excluded a number of major Islamic schools, e.g. some of the significant Shi’a schools such as the Isma’ilis, and the Alawites.<sup>7</sup>

The Constitution stipulates: “Zoroastrian, Jewish, and Christian Iranians are the *only* recognized 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 rules in matters of personal affairs and religious education” (Article 13).<sup>8</sup>

Evidently, the Constitution has refused to recognise a number of faiths as well, e.g. the Baha’is, and various branches of Sufis. If “other religions” exist but denied their rights, non-believers and atheists do not have the right to exist at all. This pointed and deliberate

<sup>5</sup> This section does not claim to offer an exhaustive list of all the discriminatory laws or even all discriminatory provisions of the laws referred to here.

<sup>6</sup> Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Para 2

<sup>7</sup> The English translation of Article 12 available on the website of the Ministry of Foreign Affairs (<http://www.mfa.gov.ir/cms/cms/Tehran/en/Tourism/Constitution.html>) has omitted the names of those five Islamic schools, giving the wrong impression that all Islamic schools are recognised. For a more complete translation of Article 12, see: [http://www.iranchamber.com/government/laws/constitution\\_ch01.php](http://www.iranchamber.com/government/laws/constitution_ch01.php) (Note: all links in this report have been accessed in July 2010)

<sup>8</sup> Some government sources seem to think that provision is not clear enough and although they admit that other religions do exist, they adamantly emphasise the discrimination practised against their followers: “Of course followers of other religions are not free to propagate their religions.” See Home page of Commercial Attaché of the IRI Embassy in Kabul (<http://www.iranattache-afghan.ir/about-ir/#fgf>)

refusal to recognise other religions and beliefs is in stark contrast to Article 18 of the International Covenant on Civil and Political Rights to which Iran is a State party. It also contravenes Article 18 of the Universal Declaration of Human Rights.

Many rights that the Constitution seems to recognise for the Iranian citizens are extremely restricted and qualified based on their compliance with Islam and its standards.<sup>9</sup> These may be noted for instance in Articles 4, 10, 14, 20, 24, 26, 27, and 28 among others. One of the worst is perhaps Article 14 which expressly and emphatically denies human rights to those who “conspire and act against Islam and the Islamic Republic of Iran.”

**“Article 14**

*In accordance with the sacred verse; (“God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes” [60:8]), 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. This principle applies to all who do not engage in conspiracy or activity against Islam and the Islamic Republic of Iran.”*

The Committee on Elimination of Racial Discrimination has already noted the inconsistency of Article 19 of the Constitution with ICERD. Article 20, appears to guarantee equality before the law, but its restriction by ‘in compliance with Islam and its standards,’ relegates the non-clerics to second class citizens in practice. This contention has been implicitly pointed out by the UN Working Group on Arbitrary Detention. In its report following its June 2003 visit to Iran, the UN Working Group on Arbitrary Detention found that the Special Court for Clergy, an illegal body that operates on a discriminatory basis, lacks “any constitutional legitimacy” and “is incompatible with Article 20 of the Constitution, which provides for equality of citizens before the law.”<sup>10</sup>

The same, if not stronger, restriction is fully visible in Article 26 of the Constitution on political parties and groups. While, the eighteenth and nineteenth periodic reports of the IRI are particularly proud of Article 26,<sup>11</sup> it is notable that the said article emphasises: “The formation of parties... as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities, is permitted.” Thus, no other associations are tolerated.

The Committee on Elimination of Racial Discrimination wrote in 2003:

*“13. While the Committee notes that, according to the State party, the teaching of minority languages and literature in schools is permitted, it requests that the State party include more information in its next periodic report concerning the*

<sup>9</sup> This is also the case with many ordinary laws.

<sup>10</sup> UN Working Group on Arbitrary Detention, E/CN.4/2004/3/Add.2

<sup>11</sup> Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Paras 66, 77, 92 and 93

*measures it has adopted to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction.*"<sup>12</sup>

It is to be noted, however, that the Ministry of Foreign Affairs of the IRI has provided the following translation for Article 15 of the Constitution:

*"The Official Language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as text-books, must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian."*<sup>13</sup>

That plainly means that only teaching of literature in languages other than Persian is permitted and those languages can be used in the media. There is no question of "opportunities to learn their mother tongue and to have it used as a medium of instruction." The Constitution does not allow education to be conducted in other languages in schools. Nor is the use of those languages readily permitted in the media.

Last but not least, it is notable that the leader, the president, and head of the Judiciary can only be Shi'a Muslims. Judges can only be Moslems.<sup>14</sup> Members of Parliament can only be Moslems. The three recognised religions are allocated five MPs: one Jewish, one Zoroastrian, one Assyrian and Chaldean Christian, one Armenian Christian from the north and one from the south. Members of the recognised religions cannot stand for election and be elected by other Iranians.

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<sup>12</sup> Concluding observations, CERD/C/63/CO/6, 10 December 2003; emphasis added.

<sup>13</sup> <http://www.mfa.gov.ir/cms/cms/Tehran/en/Tourism/Constitution.html>; emphasis added

<sup>14</sup> Article 163 of the Constitution and the 1982 Law for Selection of Judges (See <http://tarh.majlis.ir/?ShowRule&Rid=EF32C5EC-6BE5-4F51-B263-75DD656CD8B9>)

## The Civil Code

**Inheritance:** The provisions of the Civil Code concerning inheritance clearly discriminate against non-Muslims if a Muslim is also involved. According to Article 881 of the Civil Code a non-Muslim cannot inherit property from a Muslim. Moreover, the same article states that if one of the heirs of a non-Muslim is Muslim, the latter (regardless of that person's relationship with the deceased) will collect the entire inheritance to the detriment of all other non-Muslim heirs. In practice, this law not only discriminates against religious minorities but also seeks to encourage conversion to Islam for material gain.

**Marriage:** Marriage between a Muslim woman and a non-Muslim man is forbidden by Article 1059 of the Civil Code. However, Muslim men are allowed to marry non-Muslim women. This gender-based discrimination is justified by the fact that the man is deemed to be the dominant partner in the couple. Therefore, if the man is Muslim, Islam is supposed to be dominant in the couple, whereas it would not be the case if the woman were Muslim and the man non-Muslim.

## Islamic Penal Code (IPC)

Article 63 of the Islamic Penal Code (IPC) stipulates that in case of fornication, fornicators shall be lashed 100 times. However, if the male partner is not a Muslim, he shall be killed (Article 82).

Likewise, a non-Muslim man will be sentenced to death if he is the active party in same-sex relations not involving penetration (Article 121), whereas a Muslim man shall only be lashed for the same ‘offence.’

Discrimination of similar nature prevails in regard to the crime of murder. “If a Muslim is killed, the murderer shall be subjected to [retributive punishment]” (Article 207). But, similar provisions apply to non-Muslims only if the killer is also non-Muslim: “In the event that an infidel<sup>15</sup> intentionally kills another infidel, s/he shall be subjected to retribution even if the two are followers of different religions...” (Article 210)<sup>16</sup>

Legalised religious discrimination against non-Muslims goes further. By definition, anybody who is not a Muslim or a follower of the three religions recognised by the Constitution is an apostate. The Press Law stipulates: “Anybody who insults Islam and its sanctities by means of the press, amounting to apostasy, shall receive the sentence for apostasy...” (Article 26). The applicable IPC does not define or include provisions on apostasy or heresy, which are ‘offences’ based on religious discrimination. However, Ayatollah Khomeini is quite clear on the issue: “*Nothing shall be accepted from others outside of those three groups [Jews, Christians and Zoroastrians] but Islam or death.*”<sup>17</sup> And Article 167 of the Constitution has empowered judges to issue rulings based on authoritative Islamic sources in the absence of legislation.

Under the chapter headed “Insulting religious sanctities and assassination attempt on domestic officials,” anybody who insults ... Ayatollah Khomeini or the [incumbent] supreme leader shall be sentenced from six months to two years imprisonment” (Article 514). But insulting individuals is punishable by 74 lashes or fine (Article 608).

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<sup>15</sup> In his famous catechism, which has formed the backbone of all penal codes since the 1979 revolution, Ayatollah Khomeini specifies the three groups as such: Followers of Christianity, Judaism or Zoroastrianism (Ayatollah Khomeini, *Tahrir ul-Vassileh*, Vol. IV, bilingual text, P 249;

<http://www.melliblog.blogfa.com/post-301.aspx>)

<sup>16</sup> We are opposed to the death penalty and believe in its abolition. We have also called on the Iranian authorities to abolish the death penalty in our relevant reports in April 2009 and February 2010. It is therefore the discriminatory nature of the law with which we are concerned here.

<sup>17</sup> Op. cit.

## Selection Law

*“According to article 28 of the Constitution every person is entitled to choose the employment he/she wishes, so long as it is not contrary to Islam or the public interest or the rights of others. The Government is bound, with due regard for the needs of society for a variety of employment for all persons, to create the possibility of employment, and equal opportunities.”<sup>18</sup>*

The 1995 Law for Selection of Teachers that was extended to employees of all ministries and other governmental organisations in 1996 contains the following provisions that discriminate specifically against non-Muslims, Muslims who do not believe in or adhere to the supreme leader, Muslims who do not practise the rulings, people who do not take part in Friday or mass prayers, and women who do not wear the full-body length veil:

Article 2: Some of the general criteria for moral, ideological and political selection [of employees] are as follows:

1. Belief in Islam or one of the religions stipulated by the Constitution
2. Practical adherence to Islam’s rulings
3. Belief and adherence to *Velayat-e Faqih*<sup>19</sup>, the Islamic Republic and the Constitution
4. Recognised religious minorities are governed by their own regulations, but they must not openly breach the Islamic rulings
5. Invalids of the war will be given priority, and in case of shortage of capacity, other priorities will be taken into consideration e.g. record of work for revolutionary organisations, record of participation in Friday and mass prayers, wearing of *chador* (full body-length veil) for women.

The discrimination outlined above has been further reinforced in Chapter Two of the Rules of Procedure for the same Law, enacted in 1998, headed “General criteria and criteria for selection of the best.’ Article 3 of those Rules defines ‘Practical adherence to Islam’s rulings’ of Article 2 of the Law in the following manner: 1) Practising the imperatives, e.g. prayers, fasting etc.; 2) Avoiding forbidden deeds (not committing cardinal sins).

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<sup>18</sup> Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Para 82

<sup>19</sup> See Footnotes 2 and 3

## Employment and Education Regulations

*“In view of the principles of the Constitution of Iran (art. 30), which ensures equal access for all to education, all the decisions of the High Cultural Revolution Council as the highest policymaking authority of the country in the area of education are based on the principles of equality and justice.”<sup>20</sup>*

**Education:** The statement of the National Educational Evaluation Organisation<sup>21</sup> for the entrance examinations of the universities in 2010 sets the general conditions for candidates as follows:

*“a) Not having hostility toward the Islamic Republic of Iran;  
Note: Hostility includes (1) armed struggle against the IRI; (2) organisational affiliation to combatant opposition groups; (3) giving financial assistance to, sympathising with or membership of those groups; (4) promoting materialism or man-made religions.”<sup>22</sup> (Emphasis added).*

On the other hand, the head of the Secretariat of the Central Students Selection Board (CSSB) said on 11 June 2010:

*“Students following man-made religions and unofficial minorities do not have the right to study in the universities and if they are currently enrolled, they should be reported to the [CSSB].”<sup>23</sup>*

**Those provisions clearly contradict the claim made in the eighteenth and nineteenth periodic reports about access to education for all, and education based on principles of equality and justice.**

**Employment:** The general conditions for employment by the Ministry of Education, including the one of teachers announced in April 2010, have tightened the screws further than the Selection Law (Article 2, Paras 1-3 above) and require the applicants:

*“To have belief in and practically adhere to foundations of the Islamic Republic of Iran;*

*“To have belief in and practically adhere to Islam, the Constitution and the progressive principle of absolute Velayat-e Faqih;*

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<sup>20</sup> Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Para 130. It is to be noted that contrary to the claim made in the eighteenth and nineteenth periodic reports, the said High Cultural Revolution Council is an unconstitutional and consequently illegal body, which engages in cultural and academic policy making and is accountable to the Supreme Leader.

<sup>21</sup> *Sazeman-e Sanjesh-e Amuzesh Keshvar*

<sup>22</sup> <http://www.noet.ir/noet/FullStory.aspx?gid=1&id=240>

<sup>23</sup> <http://www.farsnews.com/newstext.php?nn=8903210443>

*“To believe in Islam or one of the official religions stipulated by the Constitution.”*<sup>24</sup> (Emphasis added)

The general conditions for employment by the *Mostazafan* Foundation (Foundation for the Oppressed), one of the largest state-owned and operated economic concerns, require the applicants to “believe in Islam or one of the official religions stipulated by the Constitution.”<sup>25</sup> It can only be concluded that followers of other religions or Muslim critics of the principle of *Velayat-e Faqih* or even believers and Muslims who do not “practically adhere to foundations of [the IRI]”, not to speak of non-believers, do not qualify for employment by the Ministry of Education or other state institutions.

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<sup>24</sup> <http://www.tabnak.ir/fa/pages/?cid=95824> or <http://www.khabaronline.ir/news-58506.aspx>

<sup>25</sup> <http://foroshbiz.parsfa.com/post-53220.html>

## Ethnic minorities

There are a number of ethnic groups living in Iran, the largest of which are the Persians. Among the others, the most populous ones are Azerbaijani Turks, Kurds, Baluchis, and the Turkmens.

Table 1 in the Eighteenth and Nineteenth periodic reports of the Islamic Republic of Iran provides the habitat of various ethnic peoples. According to that table, Azeris live in East and West Azerbaijan, Ardabil, Kurdistan and Zanjan provinces; Kurds live in Kurdistan, West Azerbaijan, Kermanshah, Ilam and North Khorassan provinces; Turkmens live in the Golestan and North Khorassan provinces; Baluchis live in Baluchistan; Arabs live in Khuzestan and Lurs in five provinces.

The table has, however, totally ignored the Arabs living in Bushehr and Hormuzgan provinces. Secondly, there is no reference to ethnic peoples living in other parts of the country, e.g. very large numbers of Azeris living in all the cities nationwide, in particular in Tehran and the large provincial capitals, or the Baluchis living in Khorassan and Kerman provinces, or the Kurds living in Tehran and Hamedan provinces. Thirdly, and the most important here, there is no information anywhere in the reports to indicate the population figures for each of those ethnic groups, despite the recommendations made by CERD/C/63/CO/6, 10 December 2003. The eighteenth and nineteenth periodic reports emphasise: *“It has to be explained that ethnical centralization in the provinces above does not mean that there is no presence by other ethnic groups or Farsi-speaking people”* (Paragraph 8). This is in line with the Iranian authorities’ persistent policy of deliberate secrecy and refusal to provide exact details of ethnic population figures, even though they do collect the related information during the population censuses.

## Arabs

The Arabs in Khuzestan are facing rather different problems in comparison with some other ethnic groups.

Around 15 April 2005, a controversial letter dated 1999 and attributed Mr. Mohammad Ali Abtahi, advisor to then President Khatami, surfaced in Ahvaz. While the alleged writer denied its authenticity, the letter suggested policies for transfer of Arabs to other parts of Iran, the settling of non-Arabs in Khuzestan among others, and removing Arab names of places. The Arabs who peacefully demonstrated against the letter in Ahvaz were fired upon by the police and security forces. Consequently, protests spread to many other cities in the province and in the resulting excessive use of force by the authorities, scores of people were reported to have died including at least two children, hundreds injured and hundreds arrested, including women and children.

Arab activists have argued that, regardless of the authenticity of the letter, those policies aiming at changing the demographic composition of the Arab-inhabited regions have been gradually implemented over the years. They contend that several hundred thousand non-Arabs have been settled in Ahvaz from 1996-2006. This policy goes hand in hand with measures aimed at confiscation of land and displacing the local Arab population as well as denying the Arabs their cultural rights.

Those points and some more were voiced in the open letter of the former MP for Ahvaz (2000-2004) and leader of the *Lejnat Al-Wefaq al-Eslami* (Islamic Unity Party; IUP), Jasem Shadidzadeh Al-Tamimi, to then President Khatami in late April 2005, a few days after the start of the protests. Those concerns may be summarised as follows:

- More than 15,000 people have been displaced to Mashhad, because their lands have not been demined properly and the military forces are housed on their lands; many refugees of the Iran-Iraq war are still living in other cities, 20 years since it ended;
- The people's lands have been bought or confiscated at negligible prices or without any compensation: More than 120,000 hectares for cane sugar expansion project, more than 47,000 hectares for agricultural project of war veterans at Jofeir region, more than 25,000 hectares for the Fisheries, more than 6,000 hectares for housing the devout people from northern and north-eastern Khuzestan province at areas bordering the city of Shoush;
- Demolition of the Sepidar housing complex in Ahvaz where more than 4,000 people were made homeless;
- Denial of licence to the IUP; refusal of publication licence for an Arabic-language newspaper; refusal of permission to establish NGOs;
- Arabs are the most numerous prisoners in Khuzestan.

Mr. Shadidzadeh, having been disqualified from standing for parliamentary election in 2004, was detained and later released without charge. The IUP had engaged in lawful peaceful activities to represent the rights of the Arab population and its list of all-Arab candidates had won the municipal council elections in Ahvaz in 2003, with the exception of one seat. Nevertheless, the authorities outlawed the IUP in November 2006.

The UN Special Rapporteur on adequate housing, who visited Iran in July 2005, confirmed these concerns and added others:

*“The UN Special Rapporteur on adequate housing observed disproportionately poor living conditions that may point to a significant degree of neglect in relation to the housing necessities of ethnic minorities. Such groups seem to have been suffering from uneven distribution of development resources from the national authorities in Tehran.*

*“The living conditions in Khuzestan and Kermanshah in poor neighbourhoods mainly inhabited by Kurds, Arabs and Muslim Sufis were extremely unsatisfactory. Particularly serious conditions were observed in places like Ghal’e Channan and Akhar Asphalt in Ahvaz with, in some cases, a complete lack of basic services impacting negatively on the populations’ health status, in addition to contributing to severe security problems. Most poor neighborhoods were unpaved, open-air sewage was sometimes observed and uncollected garbage blocked streets, obstructing traffic and access from the outside in case of emergencies...*

*“Information was also received suggesting that displacement caused by development projects and land confiscation disproportionately affected minority groups.*

*“In Khuzestan, the Special Rapporteur visited lands traditionally cultivated by Iranian Arabs, which were expropriated by the Government for remarkably low prices in order to provide space for development projects and plantations.”<sup>26</sup>*

The rate of unemployment among the Arabs is reportedly much higher than the national average. There is shortage of water, electricity and sanitation in Khuzestan. Nevertheless, there are reports about channeling of water from the Karun River in Ahvaz to Isfahan, Yazd and Rafsanjan.

Ever since the 2005 protests, there have been reports of high numbers of executions of Arabs every year.

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<sup>26</sup> E/CN.4/2006/41Add.2, 21 March 2006, Summary

## Azeris

The main problems that Azeris face concern cultural discrimination. Many Azeris believe the main languages other than Persian should be promoted in Iran and their speakers be allowed to have access to education in their own language. In June 2009, the appeal court of Azerbaijan sentenced Mr. Alireza Farshi and his wife Sima Didar to six months imprisonment for taking part in a demonstration in May 2009 in the Il Guli [People's Lake] Park of Tabriz, where "Education in Turkish" was one of the slogans.

Azerbaijanis have also complained of disrespect for their culture and language. In May 2006, some controversial cartoons in the government newspaper, daily Iran, that depicted cockroaches speaking Turkish, caused uproar in many cities of Azerbaijan as well as in Tehran. Scores of demonstrators were arrested, some were injured and four were said to have died in Naqadeh, a city in West Azerbaijan province.

Since then, Azerbaijani cultural activists commemorate what is known as the "cartoons anniversary" every year, which the authorities try to contain by detaining the activists, including 31 in May 2010.

At the start of every school year, on 23 September, many Azerbaijanis boycott the schools to draw attention and in protest to the denial of their right to be educated in Azerbaijani Turkic. The authorities respond by making arrests. In 2006, two young teenagers, Mohammad Reza Evezpoor, aged 14, and his brother Morteza, aged 16, were among at least 15 who were detained in Tabriz.

Azerbaijani cultural activists have criticised the local radio and TV channels for not carrying enough Turkish language programmes and for using non-standard Turkish. Responding to such criticism in April 2010, head of the Zanzan Radio and TV by revealed: *"We are not legally authorised to broadcast [Turkish-language programmes for children, adolescents and young people] in local language. Tehran must give authorisation for Turkish broadcasting of those programmes to enable us to do it... Based on their instructions, 50% of the programmes must be in Persian."*

Azerbaijani cultural activists point out that the authorities are pursuing a policy of blocking the spread of the Turkish language by preventing children from watching programmes in their mother tongue.

Azerbaijani cultural activists have faced problems for writing about or celebrating the Mother Tongue Day.

Detentions also occur frequently in July every year, when thousands of Azerbaijanis gather at Fort Babak (Qaleh Babak) near the town of Kalibar in East Azerbaijan to mark the birthday of an Azerbaijani leader by the name of Babak, who rebelled against the Arab Islamic rulers 1,200 years ago. In May 2010, according to Azerbaijani sources, a

court in Kalibar tried Ayat Mohammad Jafari and sentenced him to 91 days imprisonment for “disrupting public order” by taking part in the 2004 celebrations at Fort Babak.

The same sources allege Azerbaijani military personnel are expelled from the armed forces for taking part in cultural activities or celebrations related to Azerbaijan in recent years. Firooz Yousefi, a non-commissioned officer, was said to have been expelled from the Army for pan-Turkism in March 2010 and detained in June.

Some of the Azerbaijani publications banned in the past few years include Yarpaq, Dilmaj, Neday-e Azarabadegan, Varavi, Shams-e Tabriz, and Yashmaq.

- Sa’eed Matinpour, an Azerbaijani journalist and cultural activist from the city of Zanjan, was arrested in 2007 and tried in a court behind closed doors, where his lawyer was not present. In June 2008, he was sentenced to 8 years imprisonment for “propaganda against the Islamic system,” and “relations with foreigners,” which he is currently serving. Matinpour is known for his writings protesting human rights violations by the Iranian authorities and calling for increased political, cultural and linguistic rights of the Azerbaijani people in Iran, including the right to primary education and to publish in Azerbaijani Turkic.

## Baluchis

A sizable part of the plight of the Baluchis has been outlined under the section dealing with Sunni Muslims and clerics (see below). However, there are other aspects directly concerning the Baluch people as an ethnic group.

The Sistan-Baluchistan province, the main habitat of the Baluchis, is the least developed region of the country. It is believed that the province has a rate of unemployment five times more than the national average and the highest proportion of illiteracy. The amount of investment in the province has been the lowest and the number of executions the highest in the last few years. Ninety per cent of the people are believed to be economically vulnerable and at least 45 per cent live under the poverty line. Drug smuggling and distribution is widespread and almost a profession. The State Welfare Organisation maintains that the province ranks first as far as the drugs addiction rate is concerned and media reports confirm that it is the most insecure province in the country.

Education in schools is conducted only in Persian. The state radio broadcasts a few programmes in Baluchi language, but the local state TV channel is not known to broadcast any Baluchi-language programmes. Baluchi publications are mainly imported from Pakistan, but they are not readily available.

The senior officials of the ethnically populated provinces, civilian or military, are usually appointed from among the non-natives and non-Sunnis, and this tradition has been pursued with special care in the Sistan-Baluchistan province. City governorship is the highest position the Baluchis have been appointed to, and there have been only a handful of them. There have not been any Baluchi ministers, governors-general or ambassadors since the revolution. The armed forces do not use the Baluchis even at lower ranks.

This policy has been reinforced by giving preference to the predominantly Shi'a Zabulis, who form about 20 per cent of the province's population. Since the taking of office by President Ahmadinejad in 2005, this trend has been further reinforced. Appointment of a Zabuli governor-general, Mr. Habibollah Dehmardeh, in 2005 is said to have led to a total purge of the local government from Baluchis.

Even the selection system for the teachers training colleges was allegedly fiddled with in 2006 to purge the Baluchis and to grant the quotas for the Baluchi towns to the Zabulis.

On the other hand, the policy of changing the demographic make-up of Baluchistan also seems to be in full gear. Baluch sources maintain that hundreds of thousands of people are brought in from other provinces and settled in Baluchistan in order to change the proportions of ethnic population in the province. Forced eviction and land confiscation are the complementary parts of that policy. For example, forced evictions are said to have taken place in rural areas of Iranshahr in May 2005 and in the port city of Chabahar in June 2005, where the local people were forced out of their homes. The homes were

demolished and the land was taken over to construct houses for security forces. The residents were not offered any alternative housing.

Following his July 2005 visit to Iran, the UN Special Rapporteur on adequate housing recommended to the Iranian government to, “*Focus on historically marginalized provinces, such as Ilam, Khuzestan and Sistan-Baluchistan, with budget allocation aiming at ensuring the realization of human rights, including provision of civic services to people and communities in the region.*”<sup>27</sup>

The armed campaign by a group calling itself the People’s Resistance Movement of Iran (otherwise known as the *Jondollah*) against the government forces has been met by arbitrary response of the authorities, who have been harshly treating the ordinary civilian Baluchis. For instance, after an incident at Tasuki, where two dozen Iranian military and other officials were taken hostage and killed by the *Jondollah*, in March 2006, scores of Baluchis were reportedly hanged often after summary trials and frequently in public. It is believed that many were not connected to any attacks, but fell victims for their family ties. In March 2007, MP for Zahedan said that 700 people whose death sentences had been upheld by the Supreme Court were on death row in Sistan-Baluchistan province.

- Yaqub Mehrnahad, head of the of the Voice of Justice Young People’s Society, a registered NGO, was arrested with some other members of the Society in Zahedan in May 2007. He was also representative of the daily Mardomsalary in the province. He spent over a year in detention during which he was sentenced to death and his sentence was upheld. He was finally executed on 4 August 2008. Mehrnahad had been accused of cooperation with the *Jondollah*. He had never taken up arms and was reportedly not given access to lawyers during his detention.<sup>28</sup>

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<sup>27</sup> Ibid.

<sup>28</sup> For some other cases of persecution and execution of Baluchis, see ‘Persecution of Sunni clerics’ under Sunni Muslims below.

## Kurds

The Kurds, similar to Baluchis, suffer a sizable part of their plight for being Sunni Muslims, who have been discussed at length below. Nevertheless, they face discrimination also for being Kurds as an ethnic group. Since 1979, the Kurdish people have not fared any better than before and, in their strife to achieve their rights, they have suffered the harshest political repression and the highest number of casualties in comparison with other ethnic groups.

Kurds have been denied, both before and after the 1979 revolution, their political, economic and cultural, including language rights. Since 1979, suppression of religious rights has been added. This aspect has been discussed under the “Sunni Muslims” section below.

The Kurdish regions are extremely poor and short of investment. Dr. Bayazid Mardukhi, a former high ranking authoritative expert of the Plan and Budget Organisation, says the poverty index is 31.7% in Kurdistan in comparison with 18 per cent nationally and the rate of unemployment is on the rise in the region, in particular among the graduates.

The same type of denial of the right to learn and practice the mother tongue that was discussed in the case of Azerbaijanis is also prevalent in the Kurdish regions. Before 2005, Kurdish MPs made efforts to have the Kurdish language and literature taught in Kurdistan University and they obtained former President Khatami’s approval for it. However, with the completion of the term of parliament as well as the ascent to power of President Ahmadinejad in 2005, the issue was shelved.

The Selection Law has been used frequently to deny employment to Kurds in particular in the state sector including in the Education Ministry as teachers or the possibility of standing for parliamentary elections or issuing business licence for not having the obligatory belief in and adherence to the principle of *Velayat-e Faqih*.

The UN Special Rapporteur on adequate housing “observed disproportionately poor living conditions that may point to a significant degree of neglect in relation to the housing necessities of ethnic minorities,” and found “the living conditions in Khuzestan and Kermanshah in poor neighbourhoods mainly inhabited by Kurds, Arabs and Muslim Sufis were extremely unsatisfactory.” He wrote:

*“Testimonies received about the housing situation in Ilam province, with a large Kurdish population, were equally [as compared with Arabs] disturbing and indicated that post-war reconstruction efforts had been disproportionately slow and insufficient in this area.”<sup>29</sup>*

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<sup>29</sup> E/CN.4/2006/41Add.2, 21 March 2006, Summary; see also Arabs

## **Kurdish publications banned in the past few years<sup>30</sup>**

- Licence of the biweekly *Rougehelat*, published in Kurdish and Persian, was revoked after four issues in January 2009.
- Licence of the biweekly *Havar*, published in Kurdish and Persian, was revoked after 45 issues in March 2008.
- Other outlawed publications include *Karaftoo*, *Payam-e Mardom*, *Ashti*, *Payam-e Kurdistan*, *Rassan*, and *Asso*.

## **Kurdish journalists persecuted<sup>31</sup>**

- Adnan Hassanpoor, a journalist and Kurdish cultural activist, was arrested in January 2007. His friend and cousin, Abdolwahed (Hiwa) Butimar, an environmentalist, was arrested in December 2006. They were both sentenced to death in June 2007 on charge of fighting God (*moharebeh*) after spending several months incommunicado. The death sentence on Hassanpoor was commuted to 15 years imprisonment and that on Butimar to 8 years imprisonment<sup>32</sup>.
- Mohammad Sadiq Kabudvand, editor of the banned weekly *Payam-e mardom-e Kurdistan (Kurdistan People's Message)* and Chair of the Kurdish Human Rights Organization, was arrested in July 2007 and spent five months in solitary confinement. In June 2008, he was sentenced to 11 years in prison, which was upheld in October. The weekly newspaper *Payam-e mardom-e Kurdistan*, published in Kurdish and Farsi, was banned in June 2004 after just 13 issues for 'disseminating separatist ideas and publishing false reports'. In August 2005, he had been convicted of 'disseminating tribal issues and publishing provocative articles' and handed down an 18-month suspended sentence and a five-year ban on working as a journalist.
- Farzad Kamangar, a Kurdish teacher and cultural activist, arrested in June 2006, was subjected to torture for two years and then sentenced to death in February 2008. He was executed in May 2010, together with four other political prisoners, three of whom were Kurds.
- At least 20 Kurdish political prisoners are currently on death row.

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<sup>30</sup> This list is not exhaustive

<sup>31</sup> *Idem*.

<sup>32</sup> See 2007 Annual Report of the Observatory for the Protection of Human Rights Defenders, a joint FIDH - OMCT programme, section Iran.

## Religious minorities

The overwhelming majority of the population in Iran is Shi'a by birth. That means between 80-90 per cent of Iranians. Of the rest, from 7-9 per cent (by some estimates higher) are said to be Sunnis, the branch of Islam that is in majority throughout the world. Officially, the rest of the population is composed of followers of different branches of Christianity, Judaism and Zoroastrianism. However, followers of the unrecognised Baha'i faith are believed to constitute the largest religious minority.<sup>33</sup> Since the 1979 revolution, there has not been a single non-Shi'a minister of the Cabinet, nor a deputy minister, governor-general, ambassador or high level military or police commander.

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<sup>33</sup> It is to be noted that according to World Directory of Minorities and Indigenous Peoples, Sunnis constitute more than 10% of the population in Iran, Jews 0.04% (25,000), Christians 200,000-250,000, Zoroastrians 0.02% (10,000), Baha'is 0.5% (300,000) (see: <http://www.minorityrights.org/5092/iran/iran-overview.html>). Other sources have mentioned the number of Zoroastrians up to 32,000, Jews over 30,000, Christians more than 300,000 and Sunnis 9%.

## Baha'is

Regarding it to be 'man-made' in comparison with 'divine' religions, the Baha'i faith is seen as the worst form of heresy by the Islamic Republic authorities, as it originated in Iran in the 19<sup>th</sup> century and its founder claimed to be a messenger of God. Although Islam recognises Judaism and Christianity as divine religions before it, Muslims believe Prophet Mohammad was the ultimate prophet of God and Islam the ultimate divine religion. Others, such as the Baha'i faith, are man-made religions and thus tantamount to apostasy. Its followers are considered to be apostates and frequently accused of spying for Israel, presumably because their founder is buried in Israel and their Centre is also located there. In early 2009, in a letter to the intelligence minister, then Prosecutor-General Ayatollah Dorri Najafabadi, emphasising that the Baha'i World Centre is located in Israel, said: "[The Baha'is] have long-standing and solid relations with the Zionist regime and they engage in collecting information, infiltrating activities and demolishing the ideological foundations of the people."<sup>34</sup>

Followers of the Baha'i faith, reportedly around 300,000, have been treated harshly in particular since the Islamic revolution of 1979. By estimates of the international Baha'i community, more than 200 Baha'is are believed to have been killed since 1979, many of them executed and others killed in other ways.

Although the waves of killings and executions have subsided since the early 1990s, pressures of different forms on the community has increased in particular since the taking of office of the incumbent President Ahmadinejad in 2005.

Problems faced by the Baha'is may be classified into at least five categories:

**1. Direct political persecution.** Members of the Baha'i community are frequently arrested and spend long spells in detention or sentenced to imprisonment.

It is beyond the scope of this report to give full details of such persecution, but we provide a few non-exhaustive examples from 2010, emphasising that there are others: Since the beginning of 2010, numerous Baha'is have been sentenced to imprisonment, e.g. two in Hamedan to one year each; five in Mashhad to five years each and four to two years each; one in Semnan to three years; one in Sari to one year and one to six months; one in Bonab to one year. Scores of others have been detained in Tehran, Shiraz, Yazd, Sari, Semnan and elsewhere.

Seven Baha'is, who were responsible for coordinating the Baha'i community's affairs were detained in March and May 2008 and have been held since. They have appeared in court several times, the last being in June 2010, but it is still unclear what specific charges they are facing, except the recurring charge of espionage and the vaguely worded charges of "propaganda against the Islamic system," and "corruption on earth."

<sup>34</sup> <http://www.farsnews.com/newstext.php?nn=8711271271>

A total of 140 Baha'is were reportedly arrested during the post-election protests in 2009, of whom 40 are believed to remain in detention at the time of writing.

**2. Demolition of cemeteries and property.** The cemeteries of Baha'is in various cities have been regularly attacked and demolished, at times completely and at other times partially, by bulldozers, e.g. in Mashhad (June 2010); Damavand, west of Tehran (April 2010); Abadan and Khorramshahr, southern Iran (December 2009); Villashahr and Najafabad, central Iran (September 2009); northern city of Qaemshahr for the fourth time (January 2009); Isfahan (September 2008). Permission to bury the deceased Baha'is is frequently refused.

Houses and property have not been spared either. While, there have been recurrent reports of attacks on and damaging property, in the most recent case, 50 houses of Baha'is in a village near Sari, in the northern Mazandaran province were demolished in June 2010. The Baha'i community has reported a number of cases of land and property confiscation.

**3. Denial of education.** The Baha'i students have regularly been deprived of entering the university or expelled afterwards. For many years, Baha'i students were denied the right to higher education by the requirement to declare their allegiance to Islam or one of the three officially recognised religions in application forms. The requirement was removed<sup>35</sup> in 2004, but Baha'i students who passed the university entrance examinations were not able to enrol, because they had been described as Muslims on result forms, which they tried to have corrected. Out of nearly 180 Baha'is who were admitted in 2006, most were expelled later when the authorities established their religious allegiance, which the Baha'is refuse conscientiously to conceal. In 2007, at least 130 were expelled. In the current academic year, they will be facing the restriction pronounced by the CSSB (See Employment and Education Regulations above).

Even Baha'i children in primary and secondary schools and their parents are insulted and face pressure from school authorities.

**4. Denial of employment and business.** A problem of similar nature persists in regard to employment by state institutions, which are legally bound not to employ the Baha'is. The state also refuses to issue business licences to followers of the faith or revokes the existing licences by refusing to extend them when they come up for renewal, unless they recant their belief.

**5. Denial of social rights.** Baha'is are not covered under the social security and pension system. They do not have the right to inheritance and do not qualify for financial compensation in case of physical harm or being killed. Marriage and divorce solemnised by the Baha'is are not recognised, and they cannot use the authorised notaries public, where couples are required to state their religion to be entered in documents.

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<sup>35</sup> The state-run universities removed the requirement, but the quasi-private Islamic Azad (free) University still includes it.

## Christians

Generally speaking, there are two groups of Christians in Iran, who may be classified as ethnic and 'non-ethnic'. Ethnic Christians include the Armenians, Assyrians and Chaldeans. Many of them are followers of the Orthodox Church, but some are also Catholics or Protestants. 'Non-ethnic' Christians are mostly followers of the Protestant and Evangelical churches and many are converts from Islam.

The recognition of Christianity as one of the three non-Islamic accepted religions by the Constitution has given a safe margin to the ethnic Christians only. 'Non-ethnic' Christians, however, have faced great pressure because, unlike the 'ethnic' Christians, they are involved in proselytising.

Former Muslims who have converted from Islam are frequently persecuted, ill treated and prosecuted for their beliefs. According to Islamic tenets, Prophet Mohammad was the last prophet of God and Islam the last and ultimate religion on earth. Any conversion from Islam to pre-Islamic religions is forbidden and considered as an act of apostasy. Even if a person was not a Muslim before conversion to Islam, but decided to give up Islam and convert back to their previous religion or another religion, they would be considered apostates.

The evangelical priests and missionaries are also persecuted for proselytising, i.e. attempting to convert Muslims to Christianity.

Some examples of the persecuted Christians in recent years, covering the period of the eighteenth and nineteenth periodic reports,<sup>36</sup> are as follows:

- Ghorban Dordi Tourani, pastor of House group Church, was killed with his throat cut outside his house in the northern city of Gonbad in November 2005.
- Mohammad Jaberri and Mohammad Ali Ja'afarzadeh, of the House group Church, were killed in May 2007.<sup>37</sup>
- Abbas Amiri was killed by security forces in Isfahan in 2008. His wife reportedly also "died of injuries under torture"<sup>38</sup>

Other than those unlawful killings, newly converted Christians are regularly detained and held for long periods in detention. They are occasionally charged with apostasy, but in recent years most have either been released after a period in detention or received

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<sup>36</sup> Numerous other cases of similar nature have occurred prior to the said time span (See <http://www.jesusmygod4.blogspot.com/>).

<sup>37</sup> Other reports indicated that both were executed in Evin Prison, Tehran, in May 2007, Mohammad Jaberri for converting to Christianity and Mohammad Ali Ja'afarzadeh for claiming to be a prophet.

<sup>38</sup> It is not clear if his wife was also a Christian.

imprisonment sentences. There are frequent attacks on public celebrations of Christmas every year in various cities including Rasht and Karaj as well as Tehran.

Most recently, a number of followers of the Pentecostal Church were arrested in Tehran and Rasht in June 2010. They included Pastor Behrouz Sadeq Khanjani, who was arrested in Shiraz. Another priest of the Church, Yousef Nadarkhani, has been in detention in Rasht since October 2009, for objecting to the practice of forcing Christian school students to read the Quran. A house-church pastor, Behnam Irani, who had been detained in Karaj in April 2010, was released on bail in late June. All three pastors had been detained in previous years as well. Their lawyer said the main charge against them was apostasy, but they had also been charged with “acting against the national security,” “insulting Islam,” and “propaganda against the system.” He also said that the number of newly converted Christians charged with apostasy was on the rise and he represented about 10 of them.<sup>39</sup>

Wilson Issawi, pastor of the Assyrian Pentecostal Church of Kermanshah, was arrested in February 2010 and was released on bail in March. Authorities had earlier sealed his Church and banned him from returning to Kermanshah or reopening the Church. Last year, two other Assyrian Pentecostal Church centres had been closed down in the Shahrara district of Tehran and the city of Urmiya in north-western Iran.

Books on Christianity are printed in small print runs and they are not available in the provinces. Christians have to travel to Tehran to buy religious books.

In early June 2010, Gerdab.ir, one of the websites of the Islamic Revolutionary Guards Corps, reported that hundreds of “distorted versions” of the Old and New Testament had been discovered at the border and burnt on the spot.

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<sup>39</sup> <http://www.dw-world.de/dw/article/0,,5742972,00.html>

## **Sunni Muslims**

Sunni Muslims are estimated to constitute about 10% of the total population, if not higher. The overwhelming majority of Sunni Muslims belong to the Kurdish, Baluchi and Turkmen ethnic groups, and their ethnic origin further compounds the problems. They live in 16 provinces of Iran. Most Kurds, Baluchis, and Turkmens are Sunnis. Officially Sunni Muslims are not supposed to face any problems in the Islamic Republic of Iran and even freely practise their own canon in respect of various social and religious issues (Article 12 of the Constitution). That is certainly far from the reality.

In recent years, pressures on the Sunni Muslims have increased throughout Iran. For instance, the authorities have removed a special annex for the Sunni Muslims from school textbooks in the Turkmen Sahra region. In the same region, the Sunni clerical teachers who taught religious subjects have now been forced to sign teaching contracts as sports or other instructors. Furthermore, the only possibility for Sunni clerics to be employed by the state was through an examination that allowed them to enter and complete academic studies. The School of Theology of Tehran University has now stopped holding that examination. Sunni sources have reported that they are not given permission to publish their religious books.

In 2008, the High Cultural Revolution Council<sup>40</sup> passed the statute of the “State Council for Planning Curricula of Sunni Seminaries.” The measure has ever since provoked strong objections from the Sunni leaders, who have written to the president demanding its revocation.

As noted before, there has not been a single Sunni Moslem among ministers, deputy ministers or even province governors-general. The Sunni Muslims are not allowed to construct mosques in large cities such as Tehran, Mashhad, Isfahan, and others. In other cities, where such mosques exist, they face great difficulties when repairs are needed and they are not given permission to build new mosques. The only Sunni mosque in Mashhad, Feyz Mosque, was demolished in 1993 leading to strong protests from all Sunnis.

### **Persecution of Sunni clerics**

The following is a non-exhaustive list of detention, imprisonment and execution of Sunni religious leaders in recent years:

- 14 May 2006: Molawi Abdolrahman Rajabi, Baluchi Sunni muezzin of a mosque in Zahedan, was shot dead by members of the Basij paramilitary force.
- After the Imam Abu Hanifeh Sunni Mosque and Seminary in Azimabad of Zabul, in the south-eastern Sistan-Baluchistan province, was demolished overnight in

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<sup>40</sup> See Footnote 19.

late August 2008, scores of Sunni Muslims and a large number of their clerics (titled in Baluchistan as Molawi) have been detained for long periods and occasionally sentenced to imprisonment. In August and September 2008, Molawis Ahmad Narouie (substitute Friday imam of Zahedan and head of Sunni Online), Hafez Mohammad Ali, head of Imam Abu Hanifeh Theology School, Yousef Esmail-Zahi, Abdolmajid Salah-Zahi, Molawi Abdollah Brahuie, Molawi Zabihollah Brahuie, Dr Nour Mohammad Shahbaksh and his brother Abdolrahman Shahbaksh, Mohammad Omar Baluch, Abdolqader Narouie, and Molawi Ali Narouie were among the detainees.

- Reports in January 2010 indicated that 19 Sunni clerics had been arrested for spreading Sunni teachings in Kurdistan, Kermanshah, Baluchistan, West Azerbaijan, Ahvaz (Khuzestan), Tavalesh (Gilan province) and Khorassan province. Five of them were Baluchi clerics, who had studied in Pakistan and were detained after returning to Iran. These were Molawi Habib Hakimzadeh in Taybad, Molawis Sadiq Rashidi and Abdolsattar Haydari in Torbat Jam, Molawis Nour-Ahmad Laqaie and Abdolkarim Gol in Khaaf.
- Molawi Abdolali Khayrshahi, a Baluchi Friday imam of Sunni Muslims in Mashhad, spent two years in detention and was then sentenced to 9 years imprisonment and internal exile.
- Sunni Kurdish clerical leaders in the western provinces of Kermanshah, Kurdistan, and parts of West Azerbaijan known with the title of Mamusta or Mullah, have been victims of repression, too. In 2008, the Special Court for Clergy of Kermanshah sentenced Mamusta Sayfollah Hosseini to 28 months of imprisonment and subsequent internal exile in Isfahan province. Mamusta Hossein Hosseini was sentenced to 10 months imprisonment and subsequent internal exile in Zanjan province. Both were mass prayer leaders in Javanrood and affiliates of the *Maktab-e Quran* (School of Quran) in Kurdistan. Mamusta Ayyub Ganji, a prayer leader in Sanandaj, provincial capital of Kurdistan, has been sentenced to 10 years imprisonment. Ten members of *Maktab-e Quran* in Bukan were sentenced to 91 days of imprisonment each.
- In early 2009, two Baluchi Sunni clerics, Molawi Abdolmajid Salah-Zahi and Molawi Abed Gohra-Zahi, as well as other members of the Baluchi ethnic group, were sentenced to 22 years imprisonment for alleged affiliation to the *Jondollah*, a group engaged in armed struggle against the government in Baluchistan.
- In November 2009, Molawi Abdolghani Shahbaksh, a substitute Friday imam of Zahedan and a Sunni Baluchi theology teacher, and a number of managers of Sunni seminaries were arrested for having admitted Afghan and Tajik theology students and resisting the government planning for Sunni seminaries.
- On 10 April 2008, two Baluchi Sunni clerics, Molawi Abdolghodus Mollazahi and Molawi Mohammad Yusof Sohrabi, were hanged in Zahedan. They had been arrested following an attack by the security forces on the Sunni seminary in the

city in December 2007. A statement of the local Justice Department carried by the semi-official news agency, ISNA, referred to them as “disrupters of social security who intended to sow discord between the Shi’a and the Sunnis.”

- On 4 March 2009, two more Baluchi Sunni clerics, Molawi Khalilollah Zare’i and Molawi Hafez Sallaheddin Seyyedi, were hanged in Zahedan prison. The Justice Department of Zahedan announced that they had been charged with “*moharebeh* [fighting God] and “corruption on earth” through membership of terrorist groups,” according to the daily Jomhuri Eslami, 5 March 2009.

## Sufis

The various Sufi orders, including Nematollahi, Naqshbandi, Qaderi, Yazidi and others have been victims of repression, especially in recent years. The Nematollahi Gonabadi Order has probably been persecuted more strongly than all.

The Nematollahi Gonabadi Order members consider themselves to be Shi'a Muslims. Their prayers centres are called *hosseinieh*, after Hossein, the third imam of the Shi'a. Their leader Dr. Noorali Tabandeh celebrates the important religious events, in particular the days of Tasua and Ashura that mark the martyrdom of the third Shi'a Imam Hossein. Nevertheless, their belief that anybody from any religion may find God and their practical rejection of the clerical hierarchy and dogma is anathema to the Islamic Republic authorities. The Nematollahi Gonabadi Order has faced perhaps the most pressure ever since the taking of office of Mr. Ahmadinejad in 2005, and in particular in the last couple of years. The support by their leader, Dr. Noorali Tabandeh, for Mehdi Karrubi, a reform-oriented presidential candidate in 2009, encountered the Order with more pressure.

The *hosseiniehs* of the Nematollahi Gonabadi Order were demolished in the city of Qom in February 2006, then in the city of Borujerd in November 2007 and in Takhteh Fulad of Isfahan in February 2009. During the latter attack, the Tomb of Dervish Nasser Ali, a cultural heritage monument, was also demolished. Their prayer centre in a village in Isfahan, a private house, was demolished in July 2008. In Ahvaz and Omidiyeh, both in Khuzistan province, their *hosseiniehs* were attacked by people throwing Molotov Cocktails, in June and October 2008 respectively. The Ministry of Intelligence agents attacked the Order's *hosseinieh* in Karaj in June 2010.

Hundreds of dervishes of this Order have been detained and arrested or faced other ill treatment on various occasions in the past few years. Others have been sentenced to fine or imprisonment, e.g. Mohammad Esma'il Salahi in Maybod (Yazd) to one year in September 2008; Jamshid Lak in Dorood (Lorestan) to 74 lashes in January 2009; Amin Dalvand in Qom to one year in October 2009.

In May 2010, 24 dervishes from the Nematollahi Gonabadi Order were sentenced to prison terms ranging from 91 days to five months, flogging, and internal exile for a demonstration outside the Governor's Office in Gonabad, eastern Iran, in July 2009. The demonstration had been prompted by the detention of Mr. Gholam-Abbas Zare-Haqiqi, the supervisor of the Dervishes cemetery, known as *Mazar-e Soltani*, in Bidokht, who had allowed a burial to take place there, despite a government directive banning such burials. Mr. Zare-Haqiqi has also been sentenced to four months imprisonment. He is facing another standing imprisonment sentence of seven months for a similar case in the past.

In other instances, various people have been expelled from work or lost their licences for their affiliation to the Nematollahi Gonabadi Order. For example, three female teachers, Lida Taban, Vida Taban and Faezeh Vahedi were expelled from work in Karaj and

Hashtgerd after seven years of teaching in July 2008. Three university professors, Dr. Nassir Ahmadi, Emad Mardani and Dr. Bijan Bidabadi were also expelled in July 2008, while two lawyers, Mostafa Daneshju and Omid Behroozi lost their licences for the same reason, also in July 2008. Another lawyer, Farshid Yadollahi, also lost his licence. All three had represented the cases of dervishes on various occasions.

## Others

A number of other religious groups have been targets of repressive measures.

- **Ahl-e Haq:** This is an Alawite faith with several branches and some following in the western Iranian Kurdish and Azerbaijani regions. They consider themselves to be a sect of the Shi'a Islam. Their deep love of the first imam of the Shi'a, Ali, has given them the epithet of Ali-Allahi, i.e. people who believe Ali to be God. Some Ahl-e Haq followers have been sentenced to death in the past. Sahandali Mohammadi, Bakhshali Mohammadi, Ebadollah Qassemzadeh, Yunes Aqayan and Mehdi Qassemzadeh, were arrested in 2004 in Miandoab, a West Azerbaijan city in western Iran, after they clashed with the attacking police forces, and sentenced to death. The sentences of the first three were commuted to 13 years imprisonment and the death sentences of the latter two were upheld. Mehdi Qassemzadeh was executed in February 2009.
- **Al-e Yassin** is, according to its members, a cultural association that started operating in 1996-97. Its leader is Mr. Payman Fattahi, whose followers refer to as Master Ilia M. Their proclaimed aim is "to raise the level of public awareness and develop 'the culture of thinking.'" The authorities have closed down the group's publications, and detained its members. Their leader Mr. Fattahi was detained in May 2007, released in January 2008 and rearrested in January 2009. He is said to be accused of heresy, promoting Christianity and atheism, and acting against national security, among others, and held by the Ministry of Intelligence in Section 209 of Evin Prison in Tehran. One of his brothers, Ramin Fattahi, spent 45 days in detention and died a few days after being released in January 2008.
- **Ayatollah Seyyed Hossein Kazemeyni Borujerdi**, a Shi'a cleric, who believes in separation of religion from politics and is a critic of the *Velayat-e Faqih* theory, had a *hosseinieh* (a prayer centre) which was attacked in October 2006. He and many of his followers were arrested, some of whom were sentenced to long term imprisonment. After initial reports of a death sentence, the ayatollah was sentenced to 11 years imprisonment and is currently serving his sentence.

## **Conclusion and Recommendations**

### **Conclusion**

The Islamic Republic of Iran is based on a theocratic theory that is very narrowly interpreted to favour a small group among the Shi'a Muslims and in particular a group of Shi'a clergy and discriminate against other Shi'a and Sunni Moslems as well as believers of other religions and non-believers. It has an extremely discriminatory system and structure of government that excludes not only the non-Shi'a Moslems and other believers on ground of their religion but also ethnic people on ground of their origin. Further, the IRI denies the right of believers to believe in or practice a religion or belief of their choice and it refuses the right of ethnic groups to receive education, to write and publish freely in their own mother tongue, as the IRI reports state, and to celebrate their cultural events.

### **Recommendations**

We recommend to the Committee on the Elimination of Racial Discrimination to urge the Islamic Republic of Iran to:

- Amend the provisions of the Constitution, the Islamic Penal Code, the Civil Code and all relevant laws that discriminate against the non-Sh'ia and non-Moslems and to bring them in conformity with the provisions of the ICERD as well as the Universal Declaration of Human Rights;
- Include specifically in those amendments the right for all the people to freedom of thought, conscience and religion, the freedom to have or to adopt a religion or belief of one's choice or to change them, and to freely exercise their religion or belief without any restriction; as well as the right to be agnostic or atheist;
- Stop in practice the discrimination and harassment of non-Moslems, and the Sunni Moslems and the systematic persecution of the Baha'i minority, until those laws are amended;
- Take specific measures to ensure the right of all citizens to education and employment, regardless of their race, colour, descent, national or ethnic origin, language, religion or belief;
- Put an end to economic, political, and cultural discrimination against the ethnic and religious minorities;
- Stop forced evictions and displacement of people of ethnic origin and the measures to change the demographic composition of the ethnically inhabited regions
- Recognise and facilitate the right of ethnic people to practise their culture, receive education in their mother tongue and have their own publications and media in conformity with the ICERD and ICCPR of which Iran is a State party.

**FIDH**

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