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Iran: Human Rights Abuses against the Baluchi Minority

1. Introduction

State repression of Iran's ethnic minorities, which have been demanding greater recognition of their cultural and political rights, has intensified in recent years. With potentially hostile foreign military forces stationed in countries to the east and west of Iran, the authorities have become increasingly wary of minority communities, many of whom, such as the Iranian Azerbaijanis, Kurds, Arabs and Baluchis, are concentrated in border areas. In certain of these areas, armed groups are active, some of which commit human rights abuses.

In particular, a Baluchi armed group called Jondallah, also known as the Iranian Peoples' Resistance Movement, has mounted several attacks since 2005, including armed assaults (some lethal) on officials and members of the security forces, hostage-taking and the killing of hostages. Other attacks targeting civilians have been attributed to Jondallah by the authorities, although Jondallah has denied responsibility. In response, Iranian security forces have carried out arrests of suspected militants and obtained "confessions" from them using torture, some of which have been shown on television, and committed unlawful killings. New judicial procedures have been introduced which further undermine the right to a fair trial, and there has been an increase in the use of the death penalty, marked by a huge rise in the numbers of executions of ethnic Baluchis.

Amnesty International condemns in all circumstances attacks by armed groups that deliberately target civilians, as well as hostage-taking, indiscriminate attacks and other abuses. It calls for those who commit such abuses to be brought to justice through fair trials and without recourse to the death penalty.

Amnesty International also urges governments not to respond to human rights abuses with further abuses. Governments have a duty to take measures to safeguard the public and protect people from violent attacks, but when doing so they must adhere to their obligations under international law and not use methods that flout human rights.

At a time when world attention on Iran is focused on the country's nuclear programme, with sanctions in place and the possibility of military intervention, there is a danger that serious human rights issues may disappear from the international agenda. As an independent human rights organization, Amnesty International generally takes no position on the imposition of sanctions or on military action, but is concerned that at times of heightened international tension, as now exists in relation to Iran, there is a danger both that human rights violations increase and that when Amnesty International and other organizations draw attention to them this can be exploited to further agendas unrelated to the protection and promotion of human rights. Amnesty International's role, however, is to be an impartial defender of human rights

across the globe, and it documents and reports on human rights violations as part of its campaigning and other efforts to end such violations and obtain redress for the victims.

This report focuses on human rights violations committed against Baluchis, one of Iran's ethnic minority communities, and follows a report about the situation of Iran's Ahwazi Arab community issued in May 2006.¹ Many of the concerns and individual cases detailed in this report were included in a detailed letter which Amnesty International addressed to Mostafa Mohammad-Najjar, Iran's Minister of Defence, in December 2006. Subsequently, Amnesty International raised further cases with the Iranian authorities in July and August 2007. No response to any of these communications had been received at time of writing. Unfortunately, the Iranian authorities rarely respond to Amnesty International's interventions. The authorities have not permitted the organization to visit Iran in order to assess human rights situation at first hand for more than 28 years, since shortly after the Islamic Revolution in February 1979.

Amnesty International is greatly concerned about the rise in human rights violations against members of the Baluchi minority and is calling on the Iranian authorities to take urgent steps to end abuses and respect human rights. In particular, they should end arbitrary arrests and torture and ill-treatment of prisoners, and bring to justice those members of the security forces and officials responsible for torture; ensure that all those accused of crimes receive fair trials and end the use of the death penalty. They should also review the security provisions in place in Iran's Baluchi minority areas to ensure they do not facilitate the commission of human rights violations, and end discrimination against Baluchis in law and practice. They should also give particular attention to violations against women and girls by taking steps to end trafficking of girls and women and to improve access to education by girls and women.

Amnesty International is also calling on Jondallah to desist immediately from carrying out human rights abuses, including indiscriminate attacks, hostage-taking and the killing of hostages.

2. The Baluchi community in Iran

Iran's Baluchi minority is believed to constitute one to three per cent of the country's total population of around 70 million.² Most ethnic Baluchis live in Sistan-Baluchistan province,

¹ *Iran: Defending Minority Rights – The Ahwazi Arabs* (AI Index: MDE 13/056/2006).

² Iran does not provide official statistics on the demographic makeup of its population. The Head of the Iranian Statistics Centre said in November 2006 that initial estimates from the sixth national census suggested a total population of 70,049,262. *Iran* website, 26 November 2006. Of these around half are believed to belong to the Persian majority.

with smaller numbers in Kerman province. However, Baluchis have migrated elsewhere in Iran, particularly Tehran, to find work. Many have strong tribal and family ties to Baluchi populations in neighbouring Pakistan and Afghanistan and several hundred thousand are believed to have migrated to find work in other Gulf countries. Baluchis in Iran mostly speak Baluchi as a first language, with a minority speaking Brahoui. Most are Sunni Muslims, although the majority (around 90 per cent) of Iranians are Shi'a. An estimated 20,000 of the 1.7 million inhabitants of Sistan-Baluchistan province are said to be nomads.³

2.1 Economic and cultural discrimination

Sistan-Baluchistan is one of the poorest and most deprived provinces in Iran. In recent years it has suffered severe drought and extreme weather conditions, which have placed further strain on the province's resources. It has Iran's worst indicators for life expectancy, adult literacy, primary school enrolment, access to improved water and sanitation, and infant and child mortality.⁴

Women and girls

Baluchi women and girls face particular problems accessing education and health care. Early marriage of girls, often when they are as young as 12, is common. In 2002, the minimum age for voluntary marriage of girls was raised from 9 to 13, but parents can still apply to the courts for approval for marriages of girls who are below the age of 13. In considering the Second Periodic report submitted by Iran in 2005, the UN Committee on the Rights of the Child noted "the increase in the age of marriage for girls from 9 to 13 years (while that of boys remains at 15) and is seriously concerned at the very low minimum ages and the related practice of forced, early and temporary marriages."⁵ The Committee went on to recommend that Iran, "take the necessary steps to prevent and combat forced, early and temporary marriages."⁶

Although primary schooling from 6 to 11 is free and compulsory, school enrolment rates in the province are 71.5 per cent for girls and 81.8 per cent for boys, well below the national average⁷. The primary reasons for families deciding to keep girls at home include the long distances between schools and the isolated Baluchi communities, a lack of female teachers, the relatively high level of poverty which leads to children being kept out of school to work,

³ www.unodc.org/pdf/iran/drug_crime_situation/dsr/Supply_Reduction_trends_and_trafficking.pdf.

⁴ UN Common Country Assessment for Iran, <http://www.undp.org.ir/reports/npd/CCA.pdf>.

⁵ UN Doc. CRC/C/15/Add.254, para 22

⁶ Ibid, para 23.

⁷ The national figures are 92 per cent for girls and 93.4 per cent for boys. UN Common Country Assessment for Iran, op.cit.

and cultural attitudes which place less value on education for a girl than for a boy. For example, UNICEF has found that:

“few teachers are willing to serve in sparsely populated rural and nomadic areas. This means that many of the teachers are men on military service – and are thus considered unsuitable by families living there. In addition, owing to the lack of not only school buildings but also teachers, some classes are multi grade, co-educational and take place outside.

*Negative attitudes towards female education continue to exist in these areas too. Some families still view girls as better engaged in housekeeping and child care activities. Whilst they may allow their daughters to go to primary school nearby, they are reluctant to let them travel long distances to reach secondary school”.*⁸

Under its development plans, the Iranian authorities have been working with organizations like UNICEF to try to improve the access of girls to school in deprived areas such as Sistan-Baluchistan with some very positive results. According to UNICEF:

“dozens of female assistant teachers were recruited from the community and trained to teach subjects such as hygiene, basic mathematics and science, literacy, life-skills education, school preparatory activities and storytelling. Training was also given to teachers on how to facilitate peer education, multi-grade classes and activity-based teaching. In order to enhance community participation, weekly after-school classes were held in villages with groups of young girls already enrolled in the school system supervising the activities. The results have been astounding: girls’ enrolment in primary school increased nearly threefold in one year.

*“Now that there are more female teachers, the situation for girls has improved a lot,” says Mehri Maleki Meshkini, a young teacher, who dresses in the traditional black chador. ‘In our classes we try to discuss serious issues like early marriage, so that the girls become more aware of the situation. But it is difficult because the men in the family decide everything.’*⁹

The UN Special Rapporteur on Violence Against Women, who visited Iran in January-February 2005, stated in her January 2006 report that women from minorities experienced multiple forms of discrimination, but noted that the government did not accept this. She also highlighted the issue of trafficking in girls and women, stating that “[m]ost of the trafficking is said to occur in the eastern provinces and mainly in border towns with Pakistan and

⁸ http://www.unicef.org/iran/media_2296.html

⁹ http://www.unicef.org/iran/reallives_2546.html

Afghanistan [which are mainly Baluchi areas] where women are kidnapped, bought or entered into temporary marriage in order to be sold into sexual slavery in other countries”.

The Iranian authorities have taken some steps to address the problem of trafficking of girls and women. In August 2004, the Law on Combating Human Trafficking was passed which specifically criminalizes trafficking in persons in Iran. In some cases, people involved in trafficking, including some operating through Sistan-Baluchistan province, have been tried and convicted.¹⁰

In her recommendations the Special Rapporteur urged the government to “*provide special programmes for women from minority groups who suffer multiple forms of discrimination*” and to “*ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and protect women victims of trafficking, ensure accountability of the traffickers and provide compensation to the victims*”.¹¹

Violent storms in the province in June 2007 led to widespread flooding and destruction of homes and property, reportedly killing at least 23 people¹² and leaving thousands of others at risk of disease because of lack of clean drinking water and adequate housing. Some Baluchis complained that the authorities did not provide disaster relief and that the Revolutionary Guards Corps failed to offer adequate help until a local Sunni religious leader had criticized them during Friday prayer sermons.¹³ Another Sunni leader, Mowlavi Isa Amiri, the Friday prayer leader of the city of Chabahar, was reported as saying

“The honourable governor-general is saying that nothing has happened, whereas a natural disaster and a crisis has occurred and the humanitarian problem has taken on an ethnic character. Is the death of 25 (sic) people, 80 per cent fatalities among livestock and 95 per cent damage to farmland nothing? How is it that neither national TV nor even the provincial TV are providing any kind of adequate news coverage of this tragedy? If your helicopter was unable to fly, why didn't you give petrol to private boats so that the people themselves could rush to the aid of the flood victims?”¹⁴

Iran’s Constitution as well as several international human rights treaties to which Iran is party -- including the International Covenant on Civil and Political Rights (ICCPR), the

¹⁰ Iranian court sentences sex gang members to 281 years in prison, IRNA 6 May 2003

¹¹ E/CN.4/2006/61/Add.3. 27 January 2006

¹² Reuters 10 June 2007

¹³ www.sunnionline.net.

¹⁴ <http://zamanonline.blogfa.com>, post dated 17 June 2007

International Covenant on Economic, Social and Cultural Rights (ICESR), the Convention on the Rights of the Child (CRC), and the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD) -- all clearly prohibit discrimination on grounds of ethnicity. Despite this, Baluchis say they have suffered systematic discrimination by the Iranian authorities both under the Pahlavi monarchy which ended with the fall of the Shah and throughout the period since the Islamic Revolution in Iran in 1979.¹⁵

A practice that has led to discrimination against Baluchis and other minority groups is *gozinesh* -- an ideological selection procedure that requires state officials and employees to demonstrate, among other things, allegiance to Islam and the Islamic Republic of Iran, including the concept of *velayat-e faqih* (Rule of the Jurisconsult), which is the political basis of the Islamic Republic of Iran. In law and practice, this process impairs – on grounds of political opinion, previous political affiliation or support or religious affiliation – equality of opportunity or treatment in employment or occupation for all those who seek employment in the public and parastatal sector (such as the Bonyads or Foundations) and, reportedly, in some instances in parts of the private sector. Access to further education may also be subject to *gozinesh* scrutiny.¹⁶ Under *gozinesh* rules, non-Shi'a Iranians are excluded from certain state positions such as that of President. Molavi Ali Akbar Mollazadeh, a Baluchi cleric, described in 1997 the impact of *gozinesh* on Baluchis in Baluchi-majority areas such as Sistan-Baluchistan province:

“If a Baluchi wants to open a shop, he must first go to the government and get his political beliefs thoroughly examined by the Pasdaran [Revolutionary Guards] and the intelligence services. They ask: have you done anything for the Islamic Republic? Did you fight in the Iraq-Iran war? Do you believe in the Velayat-e faghih? Sunnis don't believe in the Velayat-e faghih -- it is against our beliefs, and because we don't believe in taqiyah,¹⁷ which we consider to be lying, we must answer the truth. The result is that Sunnis don't get the permit to open the shop, they don't get jobs, they don't get places in the university - unless they agree to become informers for the intelligence services. Out of 5,000 students at Baluchistan University in Zahedan, there are only 10 or 15 Baluchis. Even the education law of the Islamic Republic says

¹⁵ Article 3 of the Constitution stipulates that all Iranians are equal under the law and Article 19 of the Iranian Constitution specifies that: “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and colour, race, language, and the like, do not bestow any privilege”.

¹⁶ For further information about discriminatory *gozinesh* procedures, please see Amnesty International's concerns relevant to the 91st International Labour Conference (AI Index: IOR 42/003/2003).

¹⁷ Taqiyah (dissimulation) is the concealment or disguise of one's beliefs or convictions at a time of imminent danger, to save oneself from injury or death. Mostly regarded as a Shi'a Muslims practice, based on verses from the Qur'an, some Sunni Muslims do not agree with the concept.

*that 75 per cent should be Baluchis -- and now, 99 per cent are non-Baluchi. They treat us like the Untouchables in India.*¹⁸

He also complained about an official policy to resettle members of other ethnic groups in the area, which he said was aimed at reducing the proportion of Baluchis locally:

*“We are Iranians by passport and by nation, and so we want our rights as Iranians. We want our rights in Baluchistan... We want to be allowed to work, to have our own people in the police. We don't want them to bring people from Tehran who are enemies of our people as police and to run the entire administration. They give all the jobs to their own people. By the Constitution, if you are not a Shia you cannot be a Minister. If they make a factory, they give the job to their relatives and to their own people. They bring in hundreds of thousands of people, to make them a majority in Baluchistan and in Kurdistan. They are not actually sending Baluchis out, but they are pushing them out by these discriminatory policies. There are now 200,000 Baluchis working in Gulf countries, because they can't get jobs in Baluchistan.*¹⁹

After the election of President Khatami in 1997, Baluchi participation in higher education appeared to increase and some Baluchis gained employment in state-run institutions. However, after the election of President Ahmadinejad in 2005, many Baluchis were reported to have been forced from their jobs in a widespread purge of government employees. When questioned about this in March 2007, the *Majles* (parliament) member for Zahedan, Hossein Ali Shahryari, denied it and said that under former President Khatami, there had been only one Sunni [city] governor as well as a Sunni deputy governor-general and several directors-general, whereas there were now 14 Sunni managers in the province.²⁰

Some Baluchis have claimed that there is an official policy to dilute Iran's ethnic minorities by dispossessing them of their ancestral lands, providing incentives for them to move away, and encouraging other groups to take their place. Baluchi sources claimed in the 1990s that this policy had escalated following serious riots in February 1994 in Zahedan after the destruction of a Sunni mosque in Mashhad, allegedly for city planning purposes²¹, which were reportedly quelled by Revolutionary Guards firing live ammunition into the crowd. For example, in May 1995, Revolutionary Guards are alleged to have attacked villagers in Sorvdar and Zardkoh in the Iranshahr district, forcibly displacing them to a desert area.²²

¹⁸ *The Iran Brief*, No.35, 2 June 1997.

¹⁹ *Ibid.*

²⁰ Interview with Ayyaran, 17 March 2007

²¹ Iran's Peeling Veneer by Chris Kustschera, *The Middle East*, September 1994

²² Human Rights Watch, Iran: Religious and ethnic minorities – discrimination in law and practice. http://www.hrw.org/reports/1997/iran/Iran-06.htm#P397_84566

Similar claims have been made by other ethnic minorities in Iran, notably the Ahwazi Arabs.²³ The UN Human Rights Committee has clarified that forced internal displacement is a violation of the right to freedom of movement and to choose a place of residence.²⁴

More recently, minority groups have suggested that certain statements by government officials are evidence of a secret policy of “Persianization”. For example, they point to remarks reportedly made by Majles Speaker Gholam Ali Haddad Adel on 22 November 2006 when commenting on President Mahmoud Ahmdadinejad’s call for an increase in Iran’s population to 120 million:

*“The President believes that family planning should not be the same all around the country. The President’s concerns in this regard should be taken into consideration ... We should see the underlying thought within the President’s discourse. We should come to the conclusion that geographical equilibria should be taken into consideration in family planning.”*²⁵

In May 2007, the Minister of the Interior stated when discussing security related issues that *“Pirsuran region, which was the special zone for smugglers and terrorists, is now cleansed and 700 hectares of Tasuki region has now turned into farmland.”*²⁶

In other cases, Baluchi houses have reportedly been demolished, particularly in the port city of Chabahar. On 30 June 2005, an unspecified number of Baluchis are reported to have been forcibly evicted and made homeless in Chabahar when their huts were demolished by security forces. The Ministry of Housing and Urban Development had apparently allocated the land for housing for the security forces²⁷. During clashes with the forces carrying out the forced eviction and home demolition, several people protesting against the destruction of their homes were reportedly injured. Those who were forcibly evicted do not appear to have been offered alternative housing. Their subsequent fate is unknown. One evicted resident, Mahgani Bahok declared that she and her children had lost everything and had been left with nowhere to seek shelter.²⁸

²³ See Iran: Appeal Case -- The Ahwazi Arabs: Land Confiscation and Population Transfer (AI Index: MDE 13/060/2006).

²⁴ (Article 12, ICCPR), CCPR General Comment 27, para 7.

²⁵ Reportedly made to IRNA on 22 November 2006

²⁶ Iranian Provincial TV 19 May 2007

²⁷ An open appeal to the United Nations General Secretary, President Bush, President of European Union Commission, Human Rights Watch and Amnesty International by the Balochistan National Movement-Iran (Balochistan Raji Zrombesh) dated July 3rd 2005, which can be read at <http://www.zrombesh.org/>, quoting a report carried by IRNA. The IRNA article, which reportedly was carried at <http://www.irna.ir/fa/news/view/menu-149/8404090210105404.htm> appears to have been removed from the agency's internet archive.

²⁸ *ibid*

Since Amnesty International is not permitted access to Iran, the organization is not able to verify reports of discrimination and other human rights violations at first hand; however, it notes that information from sources such as UN human rights mechanisms is generally consistent with the information obtained and received by Amnesty International.

For example, in his March 2006 report, the UN Special Rapporteur on the Right to Adequate Housing, who visited Iran in July-August 2005, expressed concern regarding “*the continued discrimination faced by ethnic and religious minorities and nomadic groups, as reflected in the disproportionately poor housing and living conditions of these groups; the considerable number of alleged cases of land confiscation and forced evictions; discrimination against women with respect to housing rights, land, inheritance and property; and the poor and limited quantity and quality of basic services provided to informal settlements and poor neighbourhoods*”²⁹ (which are often filled with rural migrants, many of whom come from ethnic minorities).

The Special Rapporteur pointed to the apparent discriminatory nature or impact of forced evictions from informal neighbourhoods and expropriation of rural land for large-scale agricultural plantations or petrochemical plants, stating that:

*“[i]n some regions, these expropriations seem to have targeted disproportionately property and land of religious and ethnic minorities, ... [including]...houses. No participatory process or consultation has taken place before the decision by relevant authorities to evacuate the area. The expropriations are considered a form of land confiscation by the affected population, particularly since prices paid in return for land are considerably lower than market values.”*³⁰

He also noted that while the provision of basic services, including to rural areas, appeared reasonable in most cases, he was “*disturbed by the fact that ... exceptions seemed to disproportionately affect predominantly minority neighbourhoods and provinces, clearly constituting discrimination*”³¹. In his concluding remarks and recommendations, he made several recommendations specifically relating to minorities. He indicated that the Iranian authorities should end forced evictions, and should allocate budget resources to historically marginalized provinces, including Sistan-Baluchistan, in order to assist the realization of human rights in these areas, including the provision of civic services, such as adequate

²⁹ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living: Mission to the Islamic Republic of Iran, E/CN.4/2006/41/Add.2, 21 March 2006, Summary.

³⁰ *Ibid*, para. 43

³¹ *Ibid*, para. 51.

housing, access to utilities and basic infrastructure, to people and communities in those regions³².

Although a number of Baluchi cultural organizations and centres do exist, most established during the presidency of Hojjatoleslam Mohammad Khatami, they have reportedly not found it easy to exercise their cultural rights. For example, Amnesty International is aware of organizations such as the Voice of Justice Young People's Society³³ in Zahedan, the Baluchi Song Institute in Iranshahr, the Kavir Future Makers Young People's Society in Gosht-Saravan, the Mokranzamin School of the Learned in Saravan, and the Green Palm Young People's Society in Nikshahr, among others. However, Amnesty International has also received reports that such organizations have experienced difficulties in obtaining permits to hold Baluchi cultural events. For example, in June 2005 the Voice of Justice Young People's Society was only granted permission after some difficulty to stage the first Baluchi music concert in the province. Another group tried to organize a similar concert in 2006, but permission was refused by the authorities. The first university-based Baluchi music concert in Zahedan University took place only in May 2006 after the Baluchi students who organized it finally persuaded university officials to let it go ahead.

Members of the Baluchi minority have also faced difficulties in exercising their rights to use their own language, despite the requirement in international law that persons belonging to minorities be allowed to use their own language, in private and in public, freely and without interference or any form of discrimination. States are prohibited from denying an individual the right to use his or her own language.³⁴

Article 15 of the Iranian Constitution states:

“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.”

All state schooling in Baluchi areas, which is free and compulsory at the primary and middle (“guidance”) stages (between 6 and 13), is conducted exclusively in Persian. Although

³² *Ibid*, paras. 103-105.

<http://www.universalhumanrightsindex.org/documents/834/779/document/en/text.html>

³³ Anjoman-e Javanan-e Sedaye Edalat.

³⁴ Article 27, International Covenant on Civil and Political Rights; Article 30, Convention on the Rights of the Child.; Article 2.1, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by UN General Assembly resolution 47/135 of 18 December 1992.

private schools have been permitted to operate since 1988, none are known to teach in Baluchi. The Ministry of Education is responsible for the supervision of the curriculum and the production of text books. At the compulsory levels, these are believed to be available solely in Persian, in accordance with the Constitution.

The first time that Baluchi publications were allowed was after the Islamic Revolution in 1979. The following year, however, the government closed down three Baluchi-language publications that had emerged: *Mahtak*, *Graand* and *Roshanal*.³⁵ Baluchi publications resumed in the 1990s and there are at least two bilingual Persian-Baluchi publications, one in Zahedan and another in Iranshahr.³⁶ In addition, the bilingual *Marze Porgohar* is reportedly published in Tehran, although since its inception the paper has reportedly periodically been suspended. In 2004, Baluchi students at Zahedan University were granted a licence to publish a bilingual newsletter *Istun*; the first issue of which appeared in October 2004³⁷. Chabahar is said to have a Baluchi bookshop, selling material in Baluchi mainly imported from Pakistan. There is also reported to be limited programming in Baluchi on state radio, but no programming in Baluchi on state-run provincial television, which apparently counts only one Baluchi staff member among its broadcasters.

Some members of the Baluchi minority are involved in criminal activity, notably drug-smuggling from Afghanistan and Pakistan, both as a route towards the West and to supply Iran's rapidly growing population of drug-users.³⁸ Most of the drug-smuggling is done by well-organized gangs, although there is a reported increase in the number of individuals who are carrying small amounts across the borders.³⁹ Baluchi activists claim that economic deprivation leaves their community with few alternatives to involvement in smuggling.⁴⁰ The Iranian authorities are co-operating with the international community in attempts to curb the activities of drug-smugglers. Among other projects, a 10 feet high and three feet thick wall is being built along 700 km of Iran's eastern border with Afghanistan and Pakistan, between Taftan and Mand. Baluchis, including in Pakistan, have criticised the project, claiming it will make it more difficult for Baluchis to maintain their family ties and conduct legitimate economic activities across the border. The authorities have pointed to gaps in the wall where "easement rights" can be maintained. There are also believed to be landmines along the

³⁵ Human Rights Watch op.cit www.hrw.org/reports/1997/iran/Iran-06.htm#P501_108586.

³⁶ State Control and its Impact on Language in Balochistan, by Carina Jahani, <http://www.lingfil.uu.se/personal/carinajahani/jahani-red.pdf>

³⁷ *Istun* can be viewed at www.estoon.tk

³⁸ Iran is believed to have at least two million regular drug users, and possibly as many as 3.5 million. According to a Deputy Health Minister, addiction is growing by around eight percent a year. AFP 27 June 2006

³⁹ www.unodc.org/pdf/iran/drug_crime_situation/dsr/Supply_Reduction_trends_and_trafficking.pdf.

⁴⁰ According to a study carried out in Shirabad, a small town near the Sistan-Baluchistan provincial capital, Zahedan, 40-60 per cent of Shirabad residents earn their living either by smuggling goods between Iran and Pakistan or by providing logistical support to local drug-trafficking criminal organizations. www.unodc.org/pdf/iran/drug_crime_situation/dsr/Supply_Reduction_trends_and_trafficking.pdf.

eastern border and in February 2006 the Ministry of Foreign Affairs stated, “*Due to our expansive [sic] borders and problems resulting from narcotics and terrorist trafficking, our defense institutions are considering the use of landmines as a defensive mechanism.*”⁴¹

Many Baluchis arrested by the authorities are accused of drug-smuggling or armed banditry, both of which can carry the death penalty. It is difficult to know the truth in any individual case, but Baluchi activists say that, in at least some cases, innocent Baluchis are accused of such crimes as a reprisal against the general population for attacks that have occurred against government targets. Out of over 50 executions in 2006 that may have involved Baluchis, at least 19 were reported to have been of drug-offenders or drug-smugglers. The others were mainly convicted of crimes such as armed robbery or banditry, murder or kidnapping.

Economic, social and cultural rights

Iran is a state party to the ICESCR as well as the CRC and the ICERD. These require the immediate prohibition, and steps towards the elimination, of discrimination against minorities in the realization of economic, social and cultural rights -- including the rights to work which is freely chosen, to adequate housing, food and water, to education, to the highest attainable standard of health and to equal participation in cultural life. Reports of huge disparities between minority communities and majority groups in Iran in literacy, access to education, access to clean water and sanitation, as well as reports of “land grabbing” and forced evictions -- a gross violation of human rights, including of the right to adequate housing -- which appear to target minority communities, all suggest that the Iranian authorities are failing to comply with these international obligations.

Iran is also a party to the ICCPR, which in Article 26 upholds equal protection of the law and non-discrimination in the exercise of human rights. The Human Rights Committee, which monitors compliance with the ICCPR, has clarified that this extends to all human rights, including economic, social and cultural rights. The ICCPR, in Article 27, also provides that “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 practise their own religion, or to use their own language.”

In 2003, the Committee on the Elimination of Racial Discrimination stated in paragraph 14 of its concluding observations on Iran’s 16th and 17th periodic reports:

“The Committee takes note with concern of the reported discrimination faced by certain minorities ... who are deprived of certain rights, and that certain provisions of

⁴¹ Landmine Monitor 2006 report on Iran: <http://www.icbl.org/lm/2006/iran.html>

the State party's legislation appear to be discriminatory on both ethnic and religious grounds."⁴²

In its General Comment on forced eviction, the Committee on Economic, Social and Cultural Rights notes that the obligations of States parties to the Covenant in relation to forced evictions are based on article 11.1, which recognizes the right of "everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", read in conjunction with other relevant provisions. The Committee draws attention, in particular, to article 2.1 of the ICESCR, which obliges States to use "all appropriate means" to promote the right to adequate housing.

The Committee further notes that ethnic minorities are among those groups which suffer disproportionately from the practice of forced eviction. It reminded governments that the "non-discrimination provisions of articles 2.2 and 3 of ... [the ICESCR] impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved."⁴³ The Committee stressed that:

"States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected. In this respect, it is pertinent to recall article 2.3 of the International Covenant on Civil and Political Rights, which requires States parties to ensure "an effective remedy" for persons whose rights have been violated and the obligation upon the "competent authorities (to) enforce such remedies when granted"."⁴⁴

The Committee further considered that:

"...the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative

⁴² UN document CERD/C/63/CO/6, 10 December 2003

⁴³ Committee on Economic, Social and Cultural Rights, General Comment 7: Rights to Adequate Housing: Forced Eviction, 20 May 1997, para. 10.

⁴⁴ *Ibid*, para. 13.

*purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.*⁴⁵

Persons belonging to minorities cannot be discriminated against in the enjoyment of the right to education. This means not only that they must be granted access to education on a footing of perfect equality with other nationals of the state, but also that they must be granted suitable means to preserve their identity, including their language. While the state provides education in the state's official language(s) for the majority population, members of minorities have a right to establish and maintain schools where education is provided in their own language.⁴⁶ International law recognizes the right of individuals (including members of minorities) to establish and direct educational institutions, provided that they conform to the minimum educational standards laid down by the state.⁴⁷ Parents have a prior right to choose the kind of education that is provided to their children;⁴⁸ this includes the right to choose for their children institutions other than those established and maintained by the public authorities.⁴⁹

State authorities should take positive measures: (a) so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue; and (b) in order to encourage knowledge of the language of the minorities existing within their territory.⁵⁰

3. Armed opposition: Jondallah

Jondallah, also known as the Iranian Peoples' Resistance Movement (Jonbesh-e Moqavemat-e Mardom-e Iran), came to attention in 2005 when it took eight Iranian soldiers

⁴⁵ Ibid. para. 15.

⁴⁶ Permanent Court of International Justice, *Minority Schools in Albania*, Advisory opinion of 6 April 1935, Series A/B, no. 64.

⁴⁷ Convention on the Rights of the Child, article 29.2. See also Convention against Discrimination in Education article 5.c.

⁴⁸ Universal Declaration of Human Rights article 26.3; International Covenant on Civil and Political Rights, article 18.

⁴⁹ International Covenant on Economic Social and Cultural Rights, article 13.3; UNESCO Convention against Discrimination in Education, article 5.b.

⁵⁰ Article 4.3 and 4.4, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992.

hostage. Led by Abdolmalek Rigi, aged about 24, and reportedly comprising around 1,000 trained fighters, it appears to operate in Baluchi areas in Iran and to have bases across the border in Pakistan. In the past, Iranian officials have linked Jondallah to al-Qa'ida, but have also claimed that it has links to foreign states, particularly the USA⁵¹ and the UK⁵². The Iranian authorities have frequently described Jondallah attacks as being carried out by "armed bandits".

The aims of Jondallah are not entirely clear, but statements by the group's leaders have referred to discrimination against Iran's Baluchi population as a driving force for their actions. For example, Abdolhamid Rigi (Abdul Hameed Reeki) stated in January 2006 that the group would fight for a more democratic government and full rights for Sunnis in Iran. He said that many members had joined after experiencing injustice at first hand; Abdolmalek Rigi's brother and uncle are said to have been killed in separate encounters with Iranian police.⁵³ On 14 May 2006, Abdolmalek Rigi reportedly said that four years previously he had turned to armed opposition against the state as a last resort in order to "protect the national and religious rights of the Baluchis and Sunnis in Baluchistan Province" who had suffered persecution since the 1979 Islamic Revolution⁵⁴.

In a public statement issued on 20 February 2007, the "People's Resistance Movement of Iran (former Jondallah of Iran), said that it was:

" a defensive organization that has been formed to campaign for freedom and democracy in Iran and to protect the Baloch people and other religious and ethnic minorities. Our mission is to change the present regime and establish a new system in Iran in which every Iranian enjoys equal opportunity and equal rights. We have undertaken to accept the Universal Declaration of Human Rights and all other United Nations conventions or resolutions. We only act in self-defence and whenever the Iranian regime kills an innocent Iranian, we act in accordance to all United Nations conventions that allow people and nations to defend themselves against aggression and genocide... We strive to force the Iranian regime to abandon its brutal

⁵¹ On 3 April 2007 ABC news reported that US sources had told it that money for Jondallah was channelled through Iranian exiles in Europe and the Gulf, to avoid any direct funding which would require an official Presidential "finding" and Congressional oversight. This claim was denied by the Central Intelligence Agency (CIA.)

http://blogs.abcnews.com/theblotter/2007/04/abc_news_exclus.html

⁵² Commander of the Law-Enforcement Force General Esmail Ahmadi-Moqaddam in an interview with IRNA, 17 Mar 2006

⁵³ "We will cut them until Iran asks for mercy" by Massoud Ansari,

www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/01/15/wiran15.xml&sSheet=/news/2006/01/15/ixnewstop.html.

⁵⁴ Interview with Maryam Kashani on the internet publication Rooz , 14 May 2006

<http://roozonline.com/english/015534.shtml>

policies against the Baloch people and other Iranian citizens. We campaign to stop discrimination, brutality, injustice, corruption and ethnic cleansing in Iran”⁵⁵

The statement denied that the group had any links to foreign governments or Islamic groups such as al-Qa’ida or the Taleban; and it denied that it receives funding, arms or training from foreign sources.

Amnesty International notes, however, that despite Jondallah’s statements regarding its motivation and its claims to comply with international law, it has, by its own admission (see section 3.1 below), carried out gross abuses such as hostage taking, the killing of hostages and attacks against non-military targets such as the Governor’s Office in Zahedan. Amnesty International condemns unreservedly hostage-taking, the killing of hostages and torture and ill-treatment, as well as direct attacks on civilians and indiscriminate attacks, whatever the cause of the perpetrators, and whatever justification they give for their actions. Under international law, and in Amnesty International’s view, nothing can ever justify these actions. They are always unlawful and wrong, and should be ended.

3.1 Attacks by Jondallah

Around 20 Iranian officials have been taken hostage by Jondallah since June 2005, apparently in support of demands that the Iranian authorities should release a number of Jondallah members or other members of Iran’s Baluchi minority from detention or imprisonment. Some were later killed, others were released. Other captured officials have reportedly been summarily killed, giving the lie to Jondallah’s claims to respect human rights.

In 2005 UAE-based Al-Arabiyyah Television reported that Jondallah claimed to have captured an Iranian intelligence official, Shehab Mansouri, on 20 June 2005. On 12 July, the group was said to have distributed a video showing his killing.⁵⁶ In December 2005, shortly after an attack on a motorcade carrying officials⁵⁷ in which two people died, at least eight Iranian policemen were captured by Jondallah.⁵⁸ At least one -- Captain Abbas Namju, believed to be a border guard -- was reportedly killed by the group in January 2006 while the

⁵⁵ <http://jonbeshmardom.blogspot.com/2007/03/statement-of-peoples-resistance.html>

⁵⁶ On 16 July, in an interview with the officially-licensed Iranian Students’ News Agency (ISNA), Iran’s Minister of Intelligence, Ali Yunesi, confirmed the killing, but denied that Shehab Mansouri was an intelligence official.

⁵⁷ President Ahmadinejad had been due to travel in this motorcade, but had later altered his travel plans.

⁵⁸ In November 2006, Mohammad Askani was hanged in Iranshahr after being convicted of involvement in an attack on a motorcade (see section 3.1 below).

others were later released. Three Turkish nationals were also kidnapped in December 2005 amid reports that Jondallah may have been responsible. The three were later released.⁵⁹

Jondallah also claimed responsibility for what became known in Iran as the “Tasuki incident”. On 16 March 2006, Jondallah members attacked a convoy of vehicles near the town of Tasuki in the Sistan area, capturing a number of Iranian officials. Some 23 of the officials who were separated out as non-Baluchis were killed by the roadside. Seven others were taken hostage, two of whom -- Ahmad Zahed Shaykhi, a Revolutionary Guards Corps officer and Colonel Hamid Reza Kaveh Birjandi, head of a Special Unit of the Revolutionary Guards Corps (Intelligence),⁶⁰ -- were killed in April and May 2006. Video footage alleged to be of the hostages and their identification cards was sent to al-Jazeera television on 21 March 2006, and further footage apparently depicting the killings of Ahmad Zayed Shaykhi and Colonel Kaveh Birjandi was circulated later. However, Interior Minister Mostafa Purmohammadi denied that the pictures were of the colonel but rather of an “old hostage” who had been killed previously⁶¹. Ali Purshamsiyan, Deputy Head of the Iranian Red Crescent Security Department, who was among those taken hostage in the “Tasuki incident,” said in August 2006, after his release, that Ahmad Zahed Shaykhi and Colonel Kaveh Birjandi were alive and still being held as hostages. He said that four other “Tasuki” hostages had also been released.⁶² However, in April 2007, the official Iran newspaper reported that four of the “Tasuki” hostages had been killed, and three released.⁶³

Jondallah was also accused of responsibility for another incident on 13 May 2006 when 12 people, all reportedly civilians, were killed in Kerman Province in an attack on the Kerman to Bam road. The attackers, who were wearing police uniforms and Baluchi dress, shot dead 11 people after forcing them to get out of their vehicles, and also killed another person in a passing car that did not stop. They also tied a boy aged 11 or 12 to an electricity pole and forced him to watch the killings. Iranian officials, including Amir Reza Savari, head of the secretariat of the Supreme National Security Council, and General Eskandar Momeni, Deputy Commander of the Law Enforcement Force, subsequently accused Jondallah of carrying out this attack⁶⁴ but Jondallah denied it. Amnesty International sought clarification from the Iranian authorities in December 2006 regarding any official investigation into this incident, but had received no response by August 2007.

⁵⁹ Iran: Group Releases Turks, Still Holding Soldiers Hostage
<http://www.rferl.org/featuresarticle/2006/01/b66f6681-b4db-47fc-9284-44a92bcbb8e2.html>

⁶⁰ Yegan-e vizhe Pasdaran (Etela'at), Mardom-e Salari, 8 May 2007, citing ILNA.

⁶¹ Mardome Salari website, 8 May 2006

⁶² Keyhan newspaper, 20 August 2006.

⁶³ Iran Daily, 18 April 2007 <http://www.iran-daily.com/1386/2821/html/index.htm>

⁶⁴ Reports carried by ISNA and Fars News Agencies of 14 May 2006

On 14 December 2006, the day before nationwide elections for the Assembly of Experts and local council elections, a bomb in a car exploded in Zahedan outside the office of the Governor-General of Sistan-Baluchistan province, killing the owner of the car, who had reportedly been kidnapped, and slightly damaging the office building. The attack was claimed by Jondallah. Shortly afterwards, another bomb reportedly placed in a rubbish bin exploded outside Zahedan University, injuring a student. Government officials blamed Jondallah but Jondallah denied responsibility.

On 14 February 2007, a car packed with explosives blew up a bus carrying Revolutionary Guardsmen and others, killing at least 14 people and injuring around 30. The attack, which was condemned by UN Secretary-General Ban-Ki Moon⁶⁵, was later claimed by Jondallah. The group apparently stated that the attack was in reprisal for the execution of several members of Iran's Ahwazi Arab minority⁶⁶ convicted after unfair trials of bomb attacks committed in Khuzestan Province in 2005.⁶⁷ Two days later, another bomb exploded in Zahedan without causing injury.

On 27 February 2007, Jondallah took four Iranian policemen hostage following an armed clash between members of the group and security forces in Sistan-Baluchistan province. Three were reportedly freed by Pakistani security forces which raided a building in Buleda, Pakistan, on 23 March 2007. They said the fourth had been killed by Jondallah several days before.⁶⁸

Amnesty International condemns utterly hostage taking, and the killing of hostages, whether carried out by state forces or armed groups. These are serious violations of international law. The organization also opposes in all cases deliberate attacks on civilians, indiscriminate attacks and disproportionate attacks

Armed groups and international law

Amnesty International's opposition to abuses by armed groups is rooted in principles and values of respect for human rights and dignity for all and the principles of international humanitarian law (IHL). Human rights law generally is not directly applicable to armed groups (who are not parties to human rights treaties). IHL, which can apply directly to armed groups, sets out standards of humane conduct applicable to all parties in armed conflicts. In

⁶⁵ Secretary-General Condemns Terrorist Attack In Zahedan, Iran 14 February 2007, <http://www.un.org/News/Press/docs/2007/sgsm10881.doc.htm>

⁶⁶ See, for example, *Iran: Four Iranian Arabs executed after unfair trials* (AI Index: MDE 13/005/2007) and *Iran: Amnesty International condemns executions after unfair trials* (AI Index: MDE 13/016/2007).

⁶⁷ AFP, 14 February 2007.

⁶⁸ AFP, 26 March 2007.

the words of the International Committee of the Red Cross (ICRC), the foremost authority on international humanitarian law, “whenever armed force is used the choice of means and methods is not unlimited.” This basic rule is explicitly reflected in a number of international humanitarian law treaties. Article 3 common to the four Geneva Conventions of 1949 and their Additional Protocol 2 are the instruments most directly relevant to non-international armed conflict, which is the context in which armed groups usually operate. These treaties increasingly are supplemented by customary international law. The authoritative ICRC study of customary IHL has determined that many of the rules of IHL that were codified for international conflict now apply to non-international conflicts as well. These include the prohibitions on direct attacks on civilians, indiscriminate and disproportionate attacks.

In situations that fall short of armed conflict, AI calls on armed groups to uphold fundamental principles of humanity derived from IHL. On this basis, AI condemns serious abuses by armed groups including attacks that target civilians, indiscriminate and disproportionate attacks, torture and other ill-treatment, hostage taking, and the killing of captives.

4. Human rights violations against Baluchis

Although information about the Baluchi areas in Iran has always been difficult to obtain and verify, Amnesty International has documented human rights violations against Baluchis over the years when they have come to the organization’s attention. In the late 1980s and the 1990s, for instance, Amnesty International documented executions of Baluchis after unfair trials. Those executed were usually accused of banditry, drug-smuggling or armed opposition against the Islamic Republic.

A number of Baluchis, including Sunni clerics, have been killed in suspicious circumstances both in Iran and abroad. Similar suspicious deaths of members of other religious minorities or of those opposed to the Iranian authorities point to a pattern of extrajudicial executions by the Iranian authorities⁶⁹. Two members of the Naroui tribe, Haibat and Dilavar, were shot dead outside their home in Karachi, Pakistan, in March 1993⁷⁰. Molavi Abdolmalek Mollazadeh, (the brother of Molavi Ali Akbar Mollazadeh quoted above and the son of a prominent Baluchi Sunni cleric) was killed in suspicious circumstances in Pakistan in 1996 along with an associate, Abdolnasser Jamshid Zahi⁷¹. They were reportedly shot dead in the

⁶⁹ See for example Iran: Amnesty International concerned about possible government involvement in deaths of Iranian nationals AI index: MDE 13/07/96; and Iran: “Mykonos” trial provides further evidence of Iranian policy of unlawful state killings AI index: MDE 13/15/97

⁷⁰ Amnesty International Report 1994

⁷¹ Iran: “Mykonos” trial...op.cit

street in the Liari district of Karachi by unknown individuals who were passing in a taxi. Molavi Ahmad Sayyad, a Sunni leader of Baluchi origin, died in unclear circumstances after being arrested by Iranian security forces at Bandar Abbas airport in January 1997 on his return from the United Arab Emirates. His body was found outside the city five days later. He had previously been arrested in 1990 and apparently detained without trial for five years on account of his religious beliefs and perceived close relationship with Saudi Arabia. After his release from detention he had opened a school for Sunni Muslims in Sistan-Baluchistan⁷². In a letter to the former UN Special Representative on the situation of human rights in the Islamic Republic of Iran, the Iranian authorities said that Molavi Ahmad Sayyad had “died in a bus station” and that the “Forensic Department [had] confirmed that he had died of heart failure”⁷³. Aman Naroui, a Sunni cleric from Zabol, was killed in July 1998 by unidentified gunmen, following his criticism of government policies in the region. His death is not known to have been investigated by the Iranian authorities⁷⁴.

In recent years, notwithstanding the cautious cultural openings permitted to Baluchis, widespread allegations of human rights violations against Baluchis have been reported in the context of the official response to a deteriorating security situation in Baluchi areas.

4.1 Military response

For many years, the east of the country has had a heavy military presence. This increased further after the “Tasuki incident” (see above). A small force known as Mersad (Ambush), which has reportedly been based in Kerman province since 1995 to counter drug-smuggling,⁷⁵ was expanded into a joint operational unit of various security forces with a base



Molavi Ahmad Sayyad, found dead after being arrested by Iranian security forces in 1997
© www.taftaan.mihanblog.com

⁷² Iran: Amnesty International concerned about possible government involvement in deaths of Iranian nationals op.cit

⁷³ Interim Report On The Situation Of Human Rights In The Islamic Republic Of Iran, Prepared By The Special Representative Of The Commission On Human Rights In Accordance With Commission Resolution 1996/84 And Economic And Social Council Decision 1996/287 11 October 1996
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/61f4b0d4b32382958025670c00538894?Opendocument>

⁷⁴ Amnesty International Report 1999.

⁷⁵ In March 2005, Brigadier General Hamid Gorizan, then the commander of the Mersad base in south-eastern Kerman Province, commented on improvements to his base, established in 1995 “in order to counteract armed bands of [drug]traffickers, stop banditry, and in general terms, to restore a sense of security in the eastern part of the country” and that smaller bases in the provinces of Sistan-Baluchistan, South Khorasan and Kerman had been established. RFERL: Iran: Country's Drug Problems Appear To Be Worsening , quoting the official newspaper Jomhuriye Eslami of 6 March 2005.

near Zahedan. Baluchi sources allege that this unit has a remit to maintain security by instilling fear in the local community and is thus empowered to commit serious human rights violations, such as unlawful killings and torture, with impunity. In 1998 the commander of the Mersad garrison reportedly said, “*We have not been given orders to arrest and hand over those who carry weapons. On the basis of a directive we have received, we will execute any bandits, wherever we capture them.*”⁷⁶

In April 2006, the Rasoul-e Akram military base was set up in Zahedan, intended to coordinate the efforts of police, military and other security agencies in the area, following the “Tasuki incident”. This apparently followed the establishment of a “security council”⁷⁷ in the province. The Rasoul-e Akram military base is believed to be the main base for an expanded Mersad unit in Sistan-Baluchistan, currently estimated to number between 20,000 and 25,000 troops.⁷⁸

In June 2006, Brigadier-General Qasem Reza’i, then acting commander of Iran’s Law Enforcement Force at the Rasoul-e Akram base, told IRNA:

*“This military base transcends military and national boundaries in that the forces that are based in it are from the Army, the [Islamic Revolution] Guards Corps, the army aviation unit [havaniruz], the Bassij [a volunteer paramilitary force under the control of the Revolutionary Guard Corps] and the Law Enforcement Force... [The] Military Base began its activities two months ago, in the space of which, it set up and activated five bases under its command in the province. It is currently engaged in preparing armed brigades to become operational.”*⁷⁹

In August 2006, the same commander said that one of the main functions of the base was to stop drug-smuggling in eastern parts of Hormozgan province, and in Kerman, South Khorasan and Sistan-Baluchistan provinces. He said that “forward operating bases have been established in the region, paramilitary [Bassij] camps are being set up, and friendly tribes will be used”, and stressed that the authorities had “strengthened the intelligence system of the region.”⁸⁰ He also announced plans to block a 70-km stretch of the border with Pakistan with a trench that is 5m wide and 4m deep, with electronic monitoring, and with armed patrols.

⁷⁶ Official newspaper *E'tela'at*, 25 February 1998 quoted in UNCHR Document E/CN.4/Sub.2/1998/NGO/32, viewed at <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/e8fd3e68a3e4b563802566880051d10e?Opendocument>.

⁷⁷ Shura-ye ta'min. This may be the same as the Council for the Extension of Security in the East of the Country [Shura-ye Tosi'eh-yeh Amniat Sharq-e Keshvar], referred to by General Esma'il Ahmadi-Moghaddam, the Commander of the LEF during the inauguration of the base. Aftab-e Yazd website, 15 April 2006 (quoting ISNA).

⁷⁸ Mardom-Salari website, Tehran, in Persian 25 April 2006.

⁷⁹ IRNA news agency, Tehran, in Persian, 11:02 GMT, 15 June 2006.

⁸⁰ Kerman-based Iranian provincial publication *Rudbar Zamin*, 9 August 2006

In November 2006, Antonio Maria Costa, Executive Director of the UN Office on Drugs and Crime (UNODC), while visiting the Rasoul-e Akram base announced that UNODC would make a US\$22 million contribution to Iran. He said the funds were intended to strengthen the eastern border against drug traffickers and for intelligence activities by police in that part of the country.⁸¹

4.2 Judicial response

In May 2006, Hojjatoleslam val Moslemin Mohammad Ebrahim Nekunam, a judge who was the Prosecutor for the Special Court for the Clergy before being appointed Deputy Prosecutor-General, was appointed adviser to the Chairman of the Judiciary and the Managing Director of the Administration of Justice of Sistan-Baluchistan province.⁸² The same month Brigadier-General Qasem Reza'i announced that a special court was being established in the east of the country. He said:

“Establishing this court at the same time as the eastern base is starting its work will step up the process of confronting the bandits, and imposing penalties that suit the committed crimes will certainly have an important role in controlling crime.”⁸³

Seyyed Mohsen Sadeqi, the Deputy Governor in charge of political and security affairs in Sistan-Baluchistan province, referred to this court in June 2006 when he said:

“[t]he establishment of the Rasoul-e Akram Military Base, the operation of the bases and brigades under its command in their decisive fight against lawless elements and those who undermine security, the activities of a special court dealing with security offences, the judicial system's firm stand against crime and the intensification of security measures, have all contributed to make people feel more secure and tranquil.”⁸⁴

The same month Hojjatoleslam Nekunam was reported as saying that a “special judicial complex for security affairs” had begun work to deal with “mischief, insecurity, hostage taking, kidnapping, banditry, road blocking, armed robbery, major and networked drug, weapons and ammunition smuggling and any turbulence and insecurity”. He said that a recommendation had been made to the Judiciary to establish a branch of the Supreme Court in the complex in order to expedite the implementation of sentences and to reduce the time between the commission of crimes and the implementation of sentences. He added:

⁸¹ IRNA 8 November 2006

⁸² Website of the Iranian newspaper Farhang-e Ashti, 9 May 2006

⁸³ Website of the Iranian newspaper Kayhan, 23 May 2006, p15.

⁸⁴ IRNA 15 June 2006.

“The judicial organization is restricted and assigned to enforce the divine and Islamic limits. Ethnicism, religion and views do not bring any difference to investigation.”

The same article said that the complex had begun work with one examining magistrate and two assistant prosecutors.⁸⁵

Later in June 2006, when announcing the execution of six people for violating religious laws,⁸⁶ Hojjatoleslam Nekunam noted local problems and said there were efforts under way to overcome them:

“The administration and judicial systems of the province are inefficient. There are many system blockages. But despite all these problems, we will use all our power in order to solve them. There is no doubt that, with the attention of the [head] of the Judiciary and the eminent leader [Ayatollah Ali Khamenei] to this province, the religious orders will be executed as fast as possible.”⁸⁷

Amnesty International has no other information about this court or the procedures under which it operates. It is unclear whether the court operates as a branch of the Revolutionary Court and is thus governed by the General and Revolutionary Court procedures, or whether it is a special court operating outside that framework, such as a military or other extraordinary court. The organization wrote to the Head of the Judiciary in July 2007 seeking further information, including clarifications regarding the court’s mandate, procedures and composition, including any process of appeal and sought statistics about the operation of this court since its establishment, such as the number of cases which have been brought before it, types of cases and the charges, the number of people convicted by it, the number of people sentenced to death by it, and the number executed following convictions in this court. Amnesty International had received no response by August 2007. The establishment of this court also coincides with a marked rise in the number of Baluchis reported executed in Iran (see Section 4.4 below).

Amnesty International is concerned that procedures before this court, like those before other courts in Iran such as the Special Court for the Clergy, fall far short of international standards relating to fair trial, such as those laid down in the ICCPR, to which Iran is a state party. The scanty information available about the trials of some Baluchis who have been arrested, tried and executed in a matter of days, and the large numbers of Baluchis who have been executed since the establishment of the court in May 2006, along with Hojjatoleslam Nekunam’s statements regarding the necessity for speedy implementation of sentences, seemingly without regard to the right of appeal, and the need to solve “system blockages”

⁸⁵ *Kayhan*, 7 June 2006.

⁸⁶ These six are believed to have been sentenced to death for being moharebs (at enmity with God) or mofsed fil-arz (corrupt on earth), *Aftab-e Yazd*, 22 June 2006.

⁸⁷ ILNA 21 June 2006 <http://www.ilna.ir/shownews.asp?code=318992&code1=15>.

give rise to serious concerns that fair trial procedures are being flouted in the special court for security offences. Amnesty International is particularly concerned about the unfairness of procedures before that court, given that the death penalty is a possible sentence and carries with it particular international obligations regarding fair trial rights of accused persons. Any death sentence carried out after an unfair trial amounts to arbitrary deprivation of the right to life.

The Iranian authorities have an obligation under international law to ensure fair trials to all persons brought before the justice system (see box in Section 4.5 below on minimum standards for fair trial). The Human Rights Committee, responsible for overseeing the implementation of the ICCPR, has stated that “article 14 applies not only to procedures for the determination of criminal charges against individuals but also to procedures to determine their rights and obligations in a suit at law.” The Committee has further warned against “*the existence ... of military or special courts which try civilians. This could present serious problems as far as the equitable, impartial and independent administration of justice is concerned. Quite often the reason for the establishment of such courts is to enable exceptional procedures to be applied which do not comply with normal standards of justice.*”⁸⁸

The Human Rights Committee has also stated that fundamental principles of fair trial, including the presumption of innocence, are peremptory norms of international law. These are norms that apply to all states at all times, and from which states cannot at any time derogate. The Committee added that the principles of legality and the rule of law require that fundamental requirements of fair trial must be respected during a state of emergency. Although Iran does not have a state of emergency, this comment reflects the importance of respect to rule of law, legality and fair trials at all times.⁸⁹

4.3 Killings and arrests by security forces

Following the December 2005 motorcade attack in which eight security officials were taken hostage, the “Tasuki incident” in March 2006, and the attack in Kerman in May 2006, Amnesty International received the following information about human rights violations or possible violations against Baluchis:

⁸⁸ Human Rights Committee: General Comment No. 13: Equality before the courts and the right to a fair and public hearing by an independent court established by law, 13 April 1984.

⁸⁹ Human Rights Committee: General Comment 29: States of Emergency, CCPR/C/21/Rev.1/Add.11, 31 August 2001, paras. 11 and 16.

- Three youths -- Abdollah Nouti Zahi, aged 15; Ruhollah Nouti Zahi, aged 16; and Masoud Shebaksh, aged 18 -- were shot dead by Iranian security officials shortly after 9:00pm on 22 January 2006 in Zahedan. They were returning from visiting their uncle in hospital when Iranian security officials in a car fired on them as they were travelling by motorbike along Khorramshahr Avenue. They fell into the road injured and were then shot again by the security officials. Abdollah Nouti Zahi and Masoud Shebaksh died at the scene; Ruhollah Nouti Zahi was taken to hospital but died later.

- Mowlavi Abdolrahman Rajabi, Sunni muezzin of the Makki mosque in Zahedan, was reportedly shot at by a guard of the Bassij on 14 May 2006, the day after the event in Kerman province in which 12 civilians were killed, for which the government said that Jondallah was responsible. The shot was fired while he was passing the Bassij building in Khayam Street at about 03:10am while on his way to make the call to prayer. He was not injured although the guard fired from only a few metres away. Subsequently, he complained to the local commanders of the Bassij and to the Bassij Headquarters and asked that the incident be investigated, but is not known to have received a response⁹⁰.



- At least ten people were reportedly killed by Iranian security forces in May 2006. Following the killing of the 12 civilians in Kerman province on 13 May, Iranian security forces reportedly launched a counter-insurgency operation in Baluchi areas near Bam and Nosratabad involving aerial attacks with helicopter gunships. On 17 May, Kerman's Deputy Governor-General announced that "four operational battalions from the Law Enforcement Police and some army and security units" had "surrounded the terrorists" in a region bordering Kerman and Sistan-Baluchistan provinces.⁹¹ The Governor of Bam had announced the previous day that at least 10 people not involved in the 13 May attack had been killed during the aerial operation,⁹² while Baluchi sources reported that at least 18 people, mostly farmers or shepherds, had been killed by fire from helicopter gunships⁹³.

⁹⁰ http://sunnionline.ir/fa/?id=1&browse.page=all.txt/&content=620&_vti_cnf=1/200605140109

⁹¹ Fars News agency 17 May 2007

⁹² European-based internet newsservice *Rooz*, 16 May 2007

⁹³ Pictures of some of those allegedly killed in the attacks can be seen at <http://www.balochpeople.org/eng/2006/Jun/IranianAtrocities-Pic.htm>

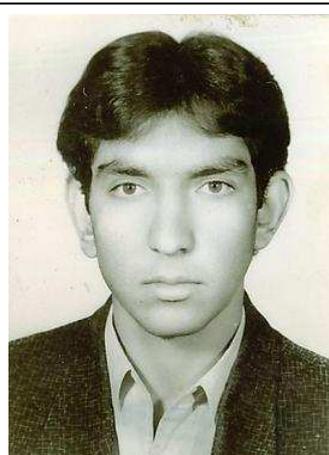
- Following the so-called Tasuki incident, Baluchi opposition groups alleged that over 200 Baluchis were detained by Iranian security forces and taken to unknown locations, raising concerns about their safety. Official statements indicated that more than 100 people were arrested in Sistan-Baluchistan province in the weeks following the start of the Iranian New Year, 21 March 2006. For example, on 9 May, Mohsen Sadeqi, Deputy Governor-General of Sistan-Baluchistan province, told ISNA that 124 people had been arrested in the province since the start of the year for “offences of armed blockade of roads, abduction, theft and armed robbery”⁹⁴. The same article reported that Brigadier General Javad Hamed, Commander of the province’s Law Enforcement Force, had announced the arrest of two people -- identified as Reza A, aged 20, and Amanollah Z, aged 35 – for suspected “co-operation with the terrorist mini-group” responsible for the Tasuki attack. In April 2007, the Minister of the Interior said that 40 members of “the terrorist grouplet behind the Zabol-Zahedan [Tasuki] incident” had been identified, 17 of whom had been executed, or killed during clashes and operations. He also said, “*The Interior Ministry admits that there was a failure to act promptly in [the] Tasuki incident and therefore the officials of the nearby checkpoint have been handed to the court. Some of those officials have been convicted and a number of others are being tried.*”⁹⁵

Amnesty International enquired about all these cases in correspondence with the Iranian authorities in December 2006 and sought information about any investigations that may have been carried out into the first four incidents. The organization also sought details of anyone detained in connection with security incidents in Sistan-Baluchistan province and called for all detainees to be granted access to their families, a lawyer of their choice and to any necessary medical treatment, and for them to be tried promptly and fairly on recognizably criminal offences, or released.

Following the December 2006 bombings in Zahedan and the February 2007 bus bombing, the authorities announced scores of arrests. For example, on 12 April 2007, *Keyhan* reported that the Minister of Intelligence had announced the arrest of 90 alleged members of Jondallah near the border with Pakistan, of whom four had been preparing for armed action. On 24 April, the Interior Minister stated that 174 “armed villains, murderers and fugitive thieves” had been arrested in the south and southeast of Kerman province. He said that six others had been killed during the operation. At least two people have been executed after conviction of involvement in the bombing (see below). Baluchi sources say that some of those detained were subjected to enforced disappearance. There have also been reports of unlawful killings by the security forces.

⁹⁴ Iran daily website, 9 May 2006

⁹⁵ *Fars* News Agency website, 24 April 2007



Vahid Mir Baluchzahi © Radio Baloch FM

Vahid Mir Baluchzahi, aged 23, was reportedly found dead in Zahedan on 13 June 2007⁹⁶. He went missing on 14 February 2007, the day of the bus bombing, after he had left his home by car upon hearing the explosions. His family apparently made strenuous efforts to locate him, to no avail. His body reportedly bore injuries suggesting that he had been tortured before death, but no investigation is known to have been initiated. Amnesty International wrote to the Iranian authorities in August 2007 urging that Vahid Mir Baluch's death be investigated.

According to eyewitnesses, Roya Sarani, aged 11, was shot dead in a street in Zahedan at about 5:30pm on 16 May 2007 after leaving a school examination. Her father, Haji Ghader Sarani, was driving her and her brother Elyas home

from school, when members of Section 19 (said to be the intelligence section) of the Law Enforcement Force (LEF), stopped their Peugeot 405 car at the end of Bargh Boulevard in Zahedan. Haji Ghader Sarani tried to explain to the LEF officers that he was merely driving his children home from school, but the officers paid no heed to him and opened fire on him and the car. Elyas Sarani was reportedly wounded, and required hospitalization, whereas Roya Sarani was killed on the spot. Her family was reportedly put under pressure by the authorities to hold a quiet funeral and not to allow others to attend. Her family may have received condolences from local Iranian officials, but that no formal investigation is known to have been launched into her death and the wounding of her brother. Amnesty International wrote to the Iranian authorities in July 2007, without response.



Roya Sorani © Private

Six members of the Voice of Justice Young People's Society, a recognized non-governmental organization with accreditation from the National Youth Organization, were reportedly arrested in early May 2007. The Head of the Association, Ya'qub Mehrnehad, was reportedly arrested after attending a meeting in the Provincial Office of Culture and Islamic Guidance, which the Governor of Zahedan reportedly attended⁹⁷. It is not known if the other five also attended that meeting. Three (identified only as Sangak Zahi, Khane Gir and Reza

⁹⁶ http://www.radiobalochi.org/BH_Rights/Vahid_Mirbalochzahi20070613.html

⁹⁷ <http://www.zamanonline.blogfa.com/8602.aspx>

Qazzaq) were reportedly released several days later⁹⁸, while Ebrahim Mehrnehad and Nasir Brahoui were released around 7 July 2007⁹⁹ but Ya'qub Mehrnehad is believed to remain in detention, apparently without access to family members or a lawyer of his choice. It is not known if he and those released have been charged, although some newspaper reports in July said that a man identified as Ya'qub M. was being detained on suspicion of "aiding Abdolmalek Rigi", the head of Jondallah¹⁰⁰.



International standards relating to the use of force and arrest and detention

Some of these cases suggest that the Iranian authorities may have been responsible for violating key international human rights standards, notably the prohibition against the arbitrary deprivation of life. This right is embodied in many international standards including article 6 (1) of the ICCPR. Commenting on this, the Human Rights Committee has emphasised that the right to life is a "supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation."¹⁰¹ The Committee has stressed that States must "take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities."¹⁰²

The Code of Conduct for Law Enforcement Officials¹⁰³ stresses that such officials are under the obligation to respect and protect human dignity and maintain and uphold the human rights of all persons in the performance of their duties (Article 2). They may use force only when strictly necessary and to the extent required for the performance of their duty (Article 3). The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials require that law enforcement officials, in carrying out their duty, "shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use

⁹⁸ <http://marzeporgohar.mihanblog.com/Post-104.ASPX>

⁹⁹ <http://www.taftaan.mihanblog.com/>, post dated 7 July 2007

¹⁰⁰ Ya Lesarat ol Hossein, 12 July 2007. See also

http://bultannews.com/index.php?option=com_content&task=view&id=823&Itemid=1

¹⁰¹ Human Rights Committee, General Comment No. 6: The right to life, 30 April 1982, para. 1.

¹⁰² *Ibid*, para. 3.

¹⁰³ Adopted by General Assembly resolution 34/169 of 17 December 1979.

force and firearms only if other means remain ineffective or without any promise of achieving the intended result.” (Principle 4).¹⁰⁴ The Basic Principles require that use of force or fire arms must not only be lawful, but also unavoidable. In such a case, law enforcement officials shall, among other things, “(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; and (b) Minimize damage and injury, and respect and preserve human life”. (Principle 5).

The authorities in Iran are also obliged to uphold Article 9 of the ICCPR, which states:

- 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.*
- 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.*
- 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release*

4.4 The death penalty

Death sentences have been reported for many years in Baluchi areas, imposed mainly for drug-smuggling and armed robbery, banditry and kidnapping. However, in 2006, the numbers of Baluchis executed, mainly on these charges, rose dramatically.

In 2005, Amnesty International recorded six executions of people considered likely to have been Baluchis, out of a total of 94 executions recorded across Iran. In January and February 2006, before the “Tasuki incident”, Amnesty International recorded four executions of men who were or may have been Baluchis. Executions of Baluchis began to rise in May, after the appointment of Hojjatoleslam Ebrahim Nekunam to the provincial judiciary and after the establishment of the “Special Court for security offences” (see section 4.2 above). By the end of 2006, at least 32 and possibly more than 50 Baluchis had reportedly been executed. Those whose ethnicity was not identified, but who may have been Baluchis, were executed in areas with a significant Baluchi population, mostly on charges of drug-smuggling, armed banditry and kidnapping. In any event, the true numbers of those executed is likely to have been much higher.

¹⁰⁴ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

The authorities also carried out public executions of Baluchis in the days following bombings. For example, three men were executed in public in Kargar Square in Zahedan on 24 December 2006. Mohammad Shahbakhsh had been charged with “sabotage and criminal activity through participating in armed robbery, causing fear and panic, obstructing the peace, armed banditry, and possession of 220kg of opium and sale of seven kilograms of opium”. Changiz Naroui had been charged with “sabotage and criminal activity through blocking highways for the purpose of armed robbery, causing fear and panic, stealing people’s property, using illegal weapons and ammunition, and committing two acts of manslaughter”. The third man, Ali Baqeri, was charged with possession of more than 16kg of heroin. All had been convicted by Branch One of the Revolutionary Court in Zahedan, and their death sentences were approved by the Supreme Court.¹⁰⁵

Two other men were executed in Zahedan the following day: Pordel B., convicted of murder during an armed clash as well as involvement in the armed trafficking of 15kg of opium, and Yusof H., convicted of 11 counts of armed kidnapping and also of banditry.¹⁰⁶ Amnesty International has no information that these men were connected in any way to the bombings. In the past, public executions have been carried out shortly after popular unrest in other minority areas and opposition activists have said that this is intended to stem further unrest in the area.¹⁰⁷

By August 2007, Amnesty International had received reports of the execution of up to 50 Baluchis, out of a total of 166 executions across the country since the beginning of the year, all but one of which took place after the February bus bombing. Baluchi sources say that the Iranian authorities have begun taking Baluchis to other provinces to execute them after Amnesty International and others drew attention to the rise in executions of Baluchis after the Zahedan bus bombing and following publication of an interview with the *Majles* member Hossein Ali Shahryari in ‘*Ayyaran* newspaper’¹⁰⁸ on 17 March 2007. In this he stated that there were 700 people then awaiting execution in Sistan-Baluchistan province, whose sentences had been confirmed by the Supreme Court. Among others, the Baluchi sources referred to the announcement in mid-May 2007 that 15 unnamed men had been executed in the past 10 days in Mashhad¹⁰⁹ and to the reported execution of four unnamed men in Birjand, South Khorasan province, on or around 27 May 2007. In the absence of access to

¹⁰⁵ Iranian Labour News Agency (ILNA) 24 December 2006.

¹⁰⁶ Iranian Students’ News Agency (ISNA) 25 December 2006.

¹⁰⁷ On 21 April 1996, Dr Chehregani, an Iranian Azerbaijani candidate for the 1996 parliamentary elections, was arrested along with around 40 of his supporters. He was released after three days, but protests continued, until 15 May, when five young men in their early twenties were hung in public from cranes in the street. The authorities claimed they had been convicted drug trafficking, but Dr Chehregani believed that the motive for the public hanging, whatever the validity of the charges, was to quell the protests. See Human Rights Watch, Iran: Religious and Ethnic Minorities: Discrimination in Law and Practice http://www.hrw.org/reports/1997/iran/Iran-06.htm#P397_84566

¹⁰⁸ ‘*Ayyaran* newspaper has since been closed down on the order of Hojjatolislam Nekunam.

¹⁰⁹ *Quds* newspaper 14 May 2007

Iran, it is impossible for Amnesty International to verify whether those executed in Mashhad and Birjand were indeed Baluchis transferred from Sistan-Baluchistan.

In the same interview, referring to a question about 40 executions that had taken place in the province in the previous nine months, Hossein Ali Shahryari said:

“All the people who were executed were either people who had committed murder, for which the penalty in Islam is execution, or armed hostage takers, for which the penalty in all branches of Islamic Jurisprudence (fiqh) is execution.”

The death penalty in Iran

Under Iranian law, people may be sentenced to death for certain *hodoud* crimes (crimes against God defined by Islamic law) and certain *Ta'zir* crimes (discretionary crimes that are not defined by Islamic law).

Under the category of *hodoud* crimes, capital offences include adultery by married people; incest; rape; fornication for the fourth time by an unmarried person, having been punished for each previous offence; drinking alcohol for the third time, having been punished for each previous offence; “sodomy”; same-sex sexual conduct between men without penetration (*tafhiz*) for the fourth time, having been punished for each previous offence; lesbianism for the fourth time, having been punished for each previous offence; fornication by a non-Muslim man with a Muslim woman; and false accusation of adultery or “sodomy” for a fourth time, having been punished for each previous offence.¹¹⁰

The law of *hodoud* also provides for the death penalty as one of four possible punishments for those convicted of the vaguely worded offences of “enmity with God” (“*moharebeh*”) and “corruption on earth” (“*ifsad fil arz*”). These terms are defined in the Penal Code as “Any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered as a *mohareb* and to be *mofsed fil-arz* (corrupt on earth)”.¹¹¹ Further articles clarify that those convicted of armed robbery, highway robbery, membership of or support for an organization that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this purpose will be regarded as *mohareb*. References in other articles relating to *ta'zir* crimes, and other laws, specify other circumstances in which an individual may be considered a *mohareb*, including espionage and forming a group to harm state security. Corruption on earth is not further defined in the

¹¹⁰ Amnesty International considers the criminalisation of consensual sexual relations in private to be a grave violation of human rights, including the rights to privacy, to freedom from discrimination, and to freedom of expression and association, which are protected in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

¹¹¹ Article 183 of the Islamic Penal Code.

hodoud section of the Penal Code, but a number of other laws provide for the possibility that certain crimes may in some circumstances fall into this category. These include crimes such as economic corruption, embezzlement, repeated drug-smuggling, forgery of banknotes, hoarding and profiteering.

Judges apparently have a wide degree of discretion in deciding whether a particular crime is so serious that it amounts to one of these categories and therefore can be punished by death rather than a term of imprisonment or other penalties.

As *hodoud* crimes are regarded as a crime against God, they are not open to pardon by the Supreme Leader on the recommendation of the Head of the Judiciary in the same way as *ta'zir* or discretionary punishments are. However, in the case of adultery, "sodomy", same-sex sexual conduct without penetration, and lesbianism, if the person has confessed to the crime and repented (publicly sought forgiveness from God), then the judge in the case has the power to seek a pardon from the Supreme Leader or to insist on the implementation of the verdict.¹¹²

4.5 Torture and unfair trials, including in death penalty cases

Amnesty International, while recognizing the rights and responsibilities of governments to bring to justice those suspected of criminal offences, opposes the use of the death penalty in all cases as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment. In addition, any death sentence carried out after an unfair trial amounts to arbitrary deprivation of the right to life."

Under international human rights law, those suspected of, or charged with, crimes punishable by death are entitled to the strictest observance of all fair trial guarantees at all stages of the legal proceedings, including during the investigation stage, as well as to certain additional safeguards. The UN Human Rights Committee has stated that "the death penalty should be quite an exceptional measure" and should only be handed down after a trial that observes all the procedural guarantees for a fair hearing.¹¹³

Unfair trials in Iran

In Iran, serious failings in the justice system commonly result in unfair trials, including in cases where defendants face the death penalty. These failings include: lack of access to legal counsel and to a lawyer of one's choice; torture or ill-treatment in pre-trial detention;

¹¹² Articles 81, 126 and 133 of the Islamic Penal Code.

¹¹³ Human Rights Committee, General Comment No. 6 on the right to life, para. 7.

allowing confessions extracted under duress to be used as evidence in trial proceedings; pre-trial detention of suspects in detention centres outside the official prison system which facilitates the use of torture or ill-treatment to extract confessions; denial of the right to call defence witnesses; failing to give adequate time to the defence to present its case; and imprisoning defence lawyers if they protest against unfair proceedings.¹¹⁴

A defendant's right to legal counsel is one of the key safeguards for a fair trial, enshrined in international law,¹¹⁵ and applies to all stages of the judicial process, yet it is frequently breached in Iran. The Human Rights Committee and other human rights bodies have recognized that the right to a fair trial requires that any person accused should have access to a lawyer during detention, interrogation and preliminary investigations.

In Iran, however, defendants only have the right to a lawyer after investigations have been completed and they have been formally charged. This results in prolonged periods of incommunicado detention as well as interrogation without the presence of lawyers, both of which facilitate the use of torture or ill-treatment to obtain confessions. The Islamic Penal Code specifies that confessions to *hodoud* and *qesas* offences may be used as a sole means of proving an offence,¹¹⁶ heightening the risk that defendants will be unfairly convicted on the basis of confessions that were not freely given. Lawyers may be present during committal proceedings, but are not allowed to speak until the end of proceedings. In "sensitive" cases, the judge has the discretionary power to exclude lawyers from the hearing that decides sentencing.¹¹⁷ If a defendant cannot afford a lawyer of their own choice, one is appointed for them by the court.

The UN Working Group on Arbitrary Detention, reporting on its visit to Iran in February 2003, noted: "[T]he absence of a culture of counsel, which seriously undermines due process... The Group noted that many ordinary law prisoners have no understanding of the role of counsel and do not request the assistance of State appointed counsel. The latter are in any event few in number, and largely unmotivated owing to the low pay. As for the choice of counsel by political prisoners, this is increasingly difficult owing to the serious risk of harassment."¹¹⁸

International fair trial standards (see box below) also include the right to a public hearing, the right to trial by a competent, independent and impartial tribunal, the right not to be compelled to confess guilt, and the right to equality before the law and courts.

¹¹⁴ Report of the Working Group on Arbitrary Detention, 27 June 2003, E/CN.4/2004/3/Add.2.

¹¹⁵ For example, Article 14 of the ICCPR.

¹¹⁶ Other means of proving such crimes include testimony of witnesses or the knowledge of the judge "obtained through conventional methods".

¹¹⁷ Article 15 of the Code of Criminal Procedure.

¹¹⁸ Report of the Working Group on Arbitrary Detention, 27 June 2003, E/CN.4/2004/3/Add.2,p.15.

In Iran, the judge may refuse a public trial if it is deemed incompatible with accepted principles of “morality or public order”.¹¹⁹ Access to clients by lawyers is at the discretion of the judge in cases that relate to national security or “corruption”.¹²⁰ Trials before Revolutionary Courts are frequently held in closed session, and proceedings are often summary.

The rules of evidence in Iran are based on the constitutional principle of the presumption of innocence. However, this is limited in practice by the importance attached to confessions in Iranian courts.¹²¹

The right to trial by a competent, independent and impartial tribunal is undermined in Iran because the judiciary lacks the structural independence guaranteed by the Constitution. There is also a lack of separation of powers between the investigator, prosecutor and judge in some parts of the country. In changes made in 1994 to the Revolutionary and General Courts, these functions were vested in the presiding judge of the case under investigation. In 2002, the prosecution function was reinstated in General and Revolutionary Courts.¹²² However, at the time of writing, it appears that this has not been rolled out throughout Iran. In at least some areas outside the major towns, the functions of investigator, prosecutor and judge remain merged: judges both investigate and prosecute allegations, and then pass sentence, making an impartial hearing impossible.

Amnesty International continues to receive reports of summary trials, particularly before Revolutionary Courts in the provinces, including Sistan-Baluchistan, where defendants are brought before a single judge who questions them briefly, without the presence of a lawyer, and then hands down a sentence.

Five days after the February 2007 bus bombing in Zahedan, the authorities announced the execution of Nasrollah Shanbezehi. Arrested in the hours after the bombing, he was hanged in public at the site of the bombing. He was said to have been tried and sentenced by a branch of the Revolutionary Court after his televised “confession” had been broadcast the day after the bombing. He was convicted of “assassinating personnel of the Law Enforcement Force”, “bombing a bus carrying Iranian Revolutionary Guards Corps personnel”, “participating in the murder of two citizens”, and “robbing Bank Refah-e Kargaran [Workers' Welfare Bank]”.¹²³ Pictures of his execution can be seen on the Internet¹²⁴. In one, where the noose is being placed around his neck, a bruise is clearly visible above his right eye. In his “confession”, he reportedly said that he had joined Jondallah three months previously, solely

¹¹⁹ Article 165 of the Constitution.

¹²⁰ Article 128 of the Code of Criminal Procedure

¹²¹ Report of the Working Group on Arbitrary Detention, 27 June 2003, E/CN.4/2004/3/Add.2

¹²² For a discussion on the lack of independence of the judiciary and the role of judges, see Amnesty International's report, *Iran: A legal system that fails to protect freedom of expression and association*, AI Index MDE: 13/045/2001.

¹²³ ILNA, 19 February 2007.

¹²⁴ See for example <http://www.balochpeople.org/farsi/2007/feb/EdameShanbezhai.htm>

for financial reward. Baluchi sources have said that he was arrested because he was taking a picture of the bus with his mobile phone.

No other details are available about his trial, but Baluchi sources say that he, in common with many other detained Baluchis, had no access to a lawyer. It is not clear whether he was tried by the Special Court for security offences, but this seems likely. Under Iranian law, all death sentences can be appealed, and must be confirmed by the Supreme Court prior to their implementation. The speed with which Nasrollah Shanbezehi was executed, the photographs that suggest that he sustained injuries prior to his execution and his televised “confession” cast severe doubt on the judicial procedures followed. Even if he had a lawyer, which is doubtful, it is unlikely that any lawyer would have had adequate time to mount a defence. It appears that he may have been tortured to obtain a “confession”. After his conviction, Nasrollah Shanbezehi would not have had adequate time to meaningfully exercise his right to appeal against his sentence – under Iranian law defendants usually have 20 days from the issuing of a sentence to lodge an appeal - and the Supreme Court would appear not to have had an adequate opportunity to thoroughly review the facts and procedure in the case, if indeed his case was reviewed by the Supreme Court, as is required under Iranian law.

Sa’id Qanbar Zahi, a Baluchi, was hanged in Zahedan prison on 27 May 2007. He had been sentenced to death at the age of 17 along with six other Baluchi men -- Javad Naroui, Ma’soud Nosrat Zahi, Houshang Shahnnavazi, Yahya Sohrab Zahi, Ali Reza Brahoui and Abdalbek Kahra Zahi (also known as Abdalmalek) -- in March 2007, despite the absolute international prohibition on the execution of child offenders.¹²⁵ Information provided to Amnesty International suggests that the seven may have been arrested because of their family ties to those suspected of involvement in the February bus bombing.

According to media reports, Sa’id Qanbar Zahi and the six others all “confessed” on Iranian state television to a number of crimes that allegedly took place in Sistan-Baluchistan province, including carjackings and attacks such as the explosion outside the Governor-General’s office. The “confessions” linked Jondallah to these crimes, and to the attack on the bus.¹²⁶ Some reports suggest that those who “confessed” were tortured, including by having bones in their hands and feet broken, by being “branded” with a red-hot iron, and by having an electric drill applied to their limbs, shredding their muscles.

According to Iranian state television, Sa’id Qanbar Zahi was tried on 11 March 2007. The report said that he was tried in open court attended by the families of his alleged victims. He was accused of murder, participation in the bombing in December 2006 outside the office of

¹²⁵ For a fuller discussion of Iran’s continuing violations in this regard see *Iran: The last executioner of children* (AI Index: MDE 13/059/2007), June 2007.

¹²⁶ Sistan-Baluchistan Provincial Television, 15-17 March 2007.

the Governor-General and of guarding hostages in Pakistan in 2006.¹²⁷ He is not known to have had access to a lawyer.

At the time of writing (August 2007) the other five men were believed to remain on death row without access to their families or lawyers.

Minimum standards for fair trial

The UN Safeguards guaranteeing protection of the rights of those facing the death penalty state that capital punishment *"may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights."* These include:

The right to a public trial before an independent and impartial court.

Article 14(1) of the ICCPR states that everyone is entitled to a public hearing by a competent, independent, and impartial tribunal established by law.

Principle 5 of the UN Basic Principles on the Independence of the Judiciary requires that the judiciary should decide matters without influence from the other branches of government. The Basic Principles also state that everyone has the right "to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals."

International standards, including Article 14(1) of the ICCPR, also require that the right to public hearing should be guaranteed generally, and restricted only in exceptional circumstances. The principle of equality before the courts and tribunals is a fundamental principle in international law to guarantee fair trial.

The right to prompt access to a lawyer and the right to prepare an adequate defence.

Article 14(3) of the ICCPR states: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality... (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing." The right of detainees to be assisted by a lawyer when charged is also enshrined in the UN Basic Principles on the Role of Lawyers. Principle 6 notes specifically that individuals charged with serious crimes should have access to a lawyer "of experience and competence commensurate with the nature of the offence," who

¹²⁷ Sistan-Baluchistan Provincial Television, 12 March 2007.

should be provided free of charge if the defendant does not have the means to pay for such services.

The right to appeal.

Article 14(5) of the ICCPR states: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

The right not to be compelled to testify against oneself or to confess guilt

Article 14(3)(g) of the ICCPR states that everyone has the right "not to be compelled to testify against himself or to confess guilt". Further, the UN Safeguards guaranteeing protection of the rights of those facing the death penalty¹²⁸ provide that: *4. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.* Article 7 of the ICCPR also states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Also relevant to this is the prohibition on the use of prolonged incommunicado detention, without access to family members or lawyers. The UN Commission on Human Rights has stated that: *"prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment or even torture."*

Article 6(2) of the ICCPR also stipulates that "sentence of death may be imposed only for the most serious crimes", clarified in several UN resolutions as not exceeding "intentional crimes with lethal or extremely grave consequences".

5. Recommendations

TO THE IRANIAN AUTHORITIES

On the death penalty

- Commute all death sentences.
- Order a moratorium on executions.

¹²⁸ Approved by Economic and Social Council resolution 1984/50 of 25 May 1984

- Review all legislation in Iran under which a convicted person may be killed by the state, with the immediate aim of progressively restricting the scope of the death penalty, and with a view to the eventual abolition of the death penalty.
- Revise Iranian legislation to ensure that anyone facing judicial execution by the state can seek pardon or commutation of their sentence, in line with Iran's obligations under Article 6(4) of the ICCPR, and be permitted adequate time and opportunity to do so.
- Review law and practice to ensure that no one aged under 18 at the time of their alleged crime, may be sentenced to death and executed.

On torture or ill-treatment

- Take urgent steps to ensure that no one is tortured or ill-treated in Iran, including by ending the practice of prolonged incommunicado detention which facilitates the use of torture and other ill-treatment.
- Order a thorough and impartial investigation into all allegations of torture and other ill-treatment, bring to justice those responsible for any abuses, and give full reparation to the victims.
- End the showing of televised forced "confessions" which breach the right to the presumption of innocence and the right not to be compelled to testify against oneself or to confess guilt.

On security provisions

- Review the security provisions currently in place in Baluchi areas to ensure that they do not lead to human rights violations, including arbitrary arrest and detention, torture and other ill-treatment, enforced disappearances, extrajudicial executions or other unlawful killings.
- Ensure that all allegations of human rights violations by security forces are properly investigated and anyone found responsible is brought to justice promptly and fairly.
- Remove anti-personnel landmines, including along the eastern border, and desist from using them in the future.

On trials in Iran

- Clarify publicly the status of the “Special Court for security affairs” in Sistan-Baluchistan province, including its jurisdiction and procedures.
- Review the use of all special courts in Iran, including Revolutionary Courts and the Special Court for the Clergy.
- Ensure that all trials, including in capital cases, respect as a minimum the relevant provisions of the ICCPR.
- Release all prisoners of conscience.
- Order fair retrial in ordinary courts or release for all political prisoners including Baluchis.

On discrimination

- Issue directives and take effective measures to ensure that all Iran’s minority communities can enjoy their full range of civil, political, economic, social and cultural rights.
- Review all legislation with a view to removing all provisions that discriminate against, or have a discriminatory impact upon, ethnic, religious and other minority communities, such as the discriminatory *gozinesh* criteria governing employment and public office.
- End forced evictions and any policy of land expropriation or population transfer which is discriminatory or otherwise contrary to international human rights law and standards.
- Ensure that any evictions are carried out only as a last resort and in accordance with due process of law, following consultation with those affected, assurance of adequate alternative accommodation and in compliance with international human rights law.
- Cease forced internal displacement linked to forced evictions and “land grabbing”.

On girls and women

- Take targeted, effective measures to the maximum of available resources to ensure, as a matter of priority, gender equality in education, including through removing all direct and indirect charges payable to obtain primary education, prioritising the training and recruitment of female teachers, and ensuring respect for minority rights

in education. Identify areas where gender disparities in education are most severe, including Sistan-Baluchistan and ensure that adequate resources are promptly directed to redressing all gender disparities in education.

- Take immediate steps to prevent the trafficking of girls and women, which occurs mainly in eastern Iran, including implementing the recommendation of the UN Special Rapporteur on Violence against Women to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to implement it in practice; protecting women victims of trafficking; ensuring that traffickers are held criminally liable, and providing compensation to the victims.
- Take all necessary steps to prevent and combat forced, early and temporary marriages, as recommended by the Committee on the Rights of the Child.

On independent scrutiny

- Facilitate as a matter of priority the outstanding requests to visit Iran made by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on enforced or involuntary disappearances, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on torture, and the Special Rapporteur on the independence of judges and lawyers, and give consideration to inviting the UN Independent Expert on Minorities to visit Iran including Baluchi and other minority areas.
- Invite other independent bodies, such as Amnesty International, to visit Iran, including Baluchi and other minority areas and to engage in discussion of human rights concerns.
- Submit all overdue reports to UN Treaty bodies, including Iran's periodic reports on its application of the ICCPR, CERD and the ICESCR.

TO JONDALLAH

- Immediately cease all abductions and hostage-taking, which violate international law.
- Immediately cease all executions, torture and ill-treatment of people under their control, which violate international law.

- End indiscriminate and disproportionate attacks and refrain from attacks against civilians.
- Remove any members suspected of abuses from positions and situations where they might continue to perpetrate abuses.
- Publicly condemn attacks against civilians, indiscriminate attacks, hostage-taking, executions, torture and ill-treatment, and issue instructions to members strictly prohibiting such acts in all circumstances.
- Undertake to abide by customary principles of international humanitarian and human rights law.

TO THE INTERNATIONAL COMMUNITY

- Press the Iranian government to uphold its international obligations with respect to its minority communities.
- Ensure that any assistance and cooperation being provided to the Iranian authorities to combat narcotics trafficking is not being used to commit human rights violations.
- Condemn unequivocally human rights abuses by Jondallah and any other armed group in Iran.
- Exert all possible influence on Jondallah or any other armed group which may exist or emerge in Iran to refrain from the unlawful acts of hostage-taking, torture or killings of prisoners, or attacks on civilians, or indiscriminate or disproportionate attacks and refrain from granting any assistance to such groups which may be used to facilitate the commission of such abuses.