



Iran: Freedom of Expression and Association in the Kurdish Regions

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Map of Kurdish regions in Iran



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I. Summary

On July 9, 2005, students in the Iranian Kurdish city of Mahabad held demonstrations in Esteghlal Square to mark the anniversary of 1999 student protests in Tehran which the government had violently suppressed. Like the student protests they were commemorating, the demonstrators in Mahabad witnessed brutality when security forces arrived to arrest Shawaneh Ghaderi, a prominent Kurdish activist and one of the organizers of the demonstration. When Ghaderi tried to flee, security forces pursued and shot him, tied him to a car, and dragged him through the streets to his death. Rioting broke out and the incident, as well as photos of Ghaderi's body that circulated afterwards, sparked eight days of protests in Mahabad and other Kurdish cities.

Following this unrest, and the inauguration soon thereafter of President Mahmoud Ahmadinejad in August 2005, the government moved to repress peaceful activities by critics and dissidents throughout the country, including those in the Kurdish regions of Iran. Routinely invoking "security" concerns, the government accused activists, journalists, and writers of "stirring trouble and ethnic and racial conflict," often accusing them of "working with opposition groups."

In bringing such charges, the government has at its disposal a set of articles within Iran's Islamic Penal Code entitled "Offenses against the National and International Security of the Country." These "security laws" give the government wide scope for suppressing a range of peaceful activities and for denying security detainees basic due process rights. Similarly, Iran's Press Law contains broadly worded articles that allow the authorities to ban or deny permits to publications they perceive as critical, bring charges against writers and journalists, and prevent writers from having their works published. The Judiciary also regularly violates the legal requirement that the prosecution of press and expression-related offenses be tried in public courts and in the presence of a jury.

In Iran there is little official tolerance of political dissent by any of the country's citizens. Most reports of widespread human rights violations reflect developments in

or near Tehran, the capital. Iran is a country of many minorities, and the authorities are particularly hostile to political dissent in those areas, especially where there has been a history of separatist activities. This report documents the Iranian government's widespread banning of newspapers, journals, and books as well as its harassment and arrests of publishers, journalists, and writers in the Kurdish regions. Authorities also suppress the activities of non-governmental organizations, by denying registration permits or bringing "security" charges against individuals working with such organizations. In many cases the authorities denied arrested activists basic due process rights. In at least one case, a detainee has alleged torture and mistreatment.

Human Rights Watch calls on the Iranian government to amend or abolish its security laws, press laws, and other legislation that allow the government to suppress the speech and activities of a range of individuals and to arrest them for exercising their rights to peaceful expression and association. Human Rights Watch also urges the Iranian government to respect its international obligations, as well as Iran's constitution, in granting and respecting the social, cultural, and religious rights of the country's Kurdish minority.

II. Recommendations to the Government of Iran

Arbitrary Arrests and Treatment in Detention

- Release all individuals currently deprived of their liberty for peacefully exercising their right to freedom of expression and association.
- Investigate promptly all complaints of torture and ill-treatment;
- Discipline or prosecute, as appropriate, officials responsible for the mistreatment of detainees.
- Ensure that any prosecutions of press-related offenses occur in a court open to the public and in the presence of a jury, as required by Iranian law.

Legal Reform

- Amend Article 9 of the constitution by removing “in the slightest way” from the prohibition against infringing on the country’s independence or territorial integrity “under the pretext of exercising freedom.”
- Amend provisions of the Press Law that are excessively broad and used to curtail freedom of speech beyond the limits allowed by international law, specifically:
 - Article 2, which “endeavor[s] to negate the drawing up of false and divisive lines, or, pitting different groups of the community against each other...”
 - Section 4 of Article 6, which prohibits publishing material that “creates discord between and among social walks of life especially by raising ethnic and racial issues.” Any restrictions on expression must be strictly limited to speech likely to incite directly and imminently violence, discrimination, or harassment and intimidation against an individual or clearly defined group.

- Amend broadly-worded provisions in the Islamic Penal Code entitled “Offenses against the National and International Security of the Country” (“Security Laws”) that permit the government to punish individuals arbitrarily for peaceful political expression, including the following provisions:
 - Article 498, which criminalizes the establishment of any group that the government charges with “disrupt[ing] national security and which the government has used to prosecute peaceful dissent.
 - Article 500, which sets a prison sentence of three months to one year for anyone convicted of “propaganda against the state of the Islamic Republic of Iran or propaganda for the benefit of group or institutions against the state.”

Minority Rights

- Respect and enforce Articles 15 and 19 of the Constitution, which recognize the rights of ethnic minorities to have publications and instruction in local languages alongside that of the national language (Persian) and which confirm that all Iranians enjoy equal rights without regard to color, race, or language.

III. Background

Iran's Kurdish population of about 4.5 million, out of a total of nearly 69 million, is concentrated in the country's northwest regions particularly, in the provinces of Elam, Kermanshah, and Kurdistan as well as some areas in Western Azerbaijan.¹ Virtually all Kurds speak a version of the Kurmanji or Surani dialects of Kurdish.² The majority of Iran's Kurds, approximately 70 percent, are Sunni Muslims; 20 percent are Shia, and most of the remaining 10 percent belong to a Sufi order called *Ahle Haq* with roots in Zoroastrianism.³

Iran's government bases itself on the Shia doctrine of the *velayat-e faqih* (Rule of the Supreme Jurist), which places ultimate temporal and spiritual power in the hands of the most qualified religious scholar as the Supreme Leader of the country (which has been Ali Khamenei since 1989). Articles 5 and 107 through 112 of Iran's constitution set out the qualifications and duties of the supreme leader and the various bodies of religious experts that make up the leadership of the government.⁴ Since the 1979 revolution, Sunni Iranians, about nine percent of Iran's population and the majority of Kurds, have rarely been included in powerful governmental positions.⁵

Political movements in Iran's Kurdish regions have consistently challenged the central government, under the Pahlavi shahs (who ruled from 1925-1979) as well as the Islamic Republic. In January 1946, the Iranian Kurdish leader Ghazi Mohammad declared Kurdish independence and named himself president of the new Republic of

¹ Population figure from Kaveh Bayat, "Iran and the 'Kurdish Question'," Middle East Report 247 (Summer 2008), p. 29.

² On Kurdish language differences, see David McDowall, *A Modern History of the Kurds* (London and New York: I.B. Tauris, 1997), pp. 9-10.

³ Hamid Hamidi, *Ghomiyat va Ghomiyatgerayi dar Iran* [Nations and Nationalisms in Iran], (Tehran: Ney Publishers, 1990), p. 78-79.

⁴ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, Article 5, Articles 107-112.

⁵ "The Week of Unity and the Issue of Shia and Sunni in Iran," BBC Persian, April 16, 2007, http://www.bbc.co.uk/persian/iran/story/2006/04/printable/060415_mf_week_of_unity.shtml, (accessed June 30, 2008). According to official Iranian sources, 89 percent of Iran's population is Shia Muslims, nine percent Sunni Muslims, and two percent are made up of Bahai, Zoroastrians, Jews, Christians, Mandaeans, and others. For more information, please see the official website of the commercial attaché of the Embassy of the Islamic Republic of Iran in Kabul, Afghanistan, <http://www.iranattache-afghan.ir/about-ir/#fgf>.

Mahabad. The central government of Mohammad Reza Shah quickly suppressed the self-declared independent government and publicly hanged Ghazi Mohammad.⁶ Thereafter Tehran tightly controlled the region with the help of the military and the secret police agency known as SAVAK.⁷

In persecuting journalists, writers, and activists in the Kurdish region on security grounds, the government often accuses them of having connections with opposition Kurdish parties. Left-leaning Kurdish activists formed the Komala Party in Mahabad in the 1940s. In July 1945, Komala changed its name to the Kurdistan Democratic Party of Iran (KDPI). Since 1984 the party has been based in Iraq. In 1991, the KDPI called off its armed activities in Iran, although its “self-defense units” have clashed with Iranian troops during Iranian military incursions into Iraqi Kurdistan. According to KDPI leaders, the party does not carry out armed operations inside Iran, a position that Mostafa Hejri, secretary-general of the KDPI reaffirmed as recently as July 2008.⁸

After the 1979 revolution, another left-leaning movement, also calling itself Komala, took up arms against the central government in an attempt to gain Kurdish independence.⁹ Komala unilaterally laid down its arms in the 1990s. According to Hassan Rahmanpanah, a member of Komala’s central committee, the group did so after realizing that government authorities were using the existence of an armed opposition as an excuse for suppressing the peaceful work of a range of activists.¹⁰

⁶ David McDowall, *A Modern History of the Kurds*, (London and New York, NY: I.B. Tauris, 1997), pp. 240-46.

⁷ Nader Entessar, *Kurdish Ethnonationalism*, (Boulder: Lynne Rienner, 1992), p. 20. SAVAK is the acronym for the *Sazaman-e Eteelaat va Amniat Keshvar*, which translates as the Organization of Intelligence and National Security.

⁸ Asked if the party had set aside armed struggle and adopted peaceful methods, Hejri answered, “today, that is correct, we have chosen the democratic method.” See “Secretary General: We have Always Fought for our National and Democratic Rights in the Framework of Iran; Interview of Eleftherotipia with Mostafa Hejri,” official website of Mostafa Hejri, Secretary General of the Democratic Party of Iranian Kurdistan, <http://sikirter.org/persian/index.php?id=154> (accessed September 1, 2008). Ahmad Batebi, an Iranian dissident who spent time in Iranian Kurdish areas before fleeing Iran in March 2008 and subsequently was in touch with Kurdish activists as part of his own human rights activities, told Human Rights Watch that the KDPI has not engaged in armed activities in Iran. Interview with Ahmad Batebi, New York, New York, August 29, 2008. See also “Iran’s Kurdish Democratic Party Turned Sixty,” BBC Persian, August 16, 2005, http://www.bbc.co.uk/persian/iran/story/2005/08/050815_mf_pdk.shtml, (accessed June 29, 2008). The Kurdistan Democratic Party of Iran is to be distinguished from the Kurdistan Democratic Party, a party of Iraqi Kurds. Although both parties trace their founding to Mustafa Barzani and the declaration of the Kurdistan Republic of Mahabad, they function independently.

⁹ Hamid Hamidi, *Ghomiyat va Ghomiyatgerayi dar Iran* (Nations and Nationalisms in Iran), (Tehran: Ney Publishers, 1990), p. 100.

¹⁰ “Komele Denies Arrest of its Members,” BBC Persian, February 14, 2008, http://www.bbc.co.uk/persian/iran/story/2008/02/080214_dd_komele.shtml, (accessed February 19, 2008).

The Iranian government has not since alleged any armed activities by Komala members or sympathizers.

Currently PJAK, the Iranian branch of the Turkey-based Kurdistan Workers Party (PKK), an opposition movement fighting for the independence of Kurds in Turkey, is the only group engaged in armed struggle against the Iranian government.¹¹ Based mostly in Iraqi Kurdistan, PJAK has claimed responsibility for a number of armed operations against Iranian security forces.¹² In response, Iran launched armed incursions into northern Iraq, most recently in August 2007 and June 2008.¹³ The KDPI and other Kurdish parties claim that they have no relationship with PJAK.¹⁴

While government restrictions on freedom of association, assembly, and speech were a problem during President Khatami's two administrations (1997-2005), the Ahmadinejad government has intensified these restrictions in the name of security.¹⁵ The latest security crackdowns in Iran's Kurdish regions can be traced to July 9, 2005, when students in the city of Mahabad held demonstrations in Esteghlal Square to mark the sixth anniversary of student protests in Tehran, which the government had violently suppressed. In response to the July 2005 gathering in Mahabad, security forces arrived at Esteghlal Square to arrest Shawaneh Ghaderi, a prominent Kurdish activist. After Ghaderi resisted arrest by running away, security forces pursued and shot him, tied him to a car and dragged him through the streets until he died.¹⁶ The

¹¹ "Komole Denies its Members were Arrested in Iran," BBC Persian, February 14, 2008, http://www.bbc.co.uk/persian/iran/story/2008/02/080214_dd_komele.shtml, (accessed May 1, 2008). PJAK is the acronym for *Partiya Jiyana Azad a Kurdistan*, which translates from Kurdish to the Party for Free Life of Kurdistan.

¹² "A Visit to a PJAK Camp," BBC Persian, December 19, 2007, http://www.bbc.co.uk/persian/iran/story/2007/12/071219_m_kurds.shtml (accessed July 14, 2008).

¹³ "Iran's Attacks on Iraq's Kurdish Regions Continue," BBC Persian, August 23, 2008, http://www.bbc.co.uk/persian/iran/story/2007/08/070823_mf_kurds_attack.shtml (accessed July 6, 2008) and "Iran's Latest Attack on Iraqi Kurdistan Leaves Two Wounded," BBC Persian, June 4, 2008, http://www.bbc.co.uk/persian/iran/story/2008/06/080604_mf_shelling.shtml (accessed July 6, 2008).

¹⁴ "Secretary General: We have Always Fought for our National and Democratic Rights in the Framework of Iran; Interview of Eleftherotopia with Mostafa Hejri," official website of Mostafa Hejri, Secretary General of the Democratic Party of Iranian Kurdistan, <http://sikirter.org/persian/index.php?id=154> (accessed September 1, 2008)

¹⁵ Human Rights Watch, "You Can Detain Anyone for Anything: Iran's Broadening Clampdown on Independent Activisms," January 2008 Volume 20, No. 1(E), <http://hrw.org/reports/2008/irano108/> and Human Rights Watch interview with Ahmad Batebi, New York, New York, August 30, 2008, "Ahmadinejad's Two Year Report Card: the Government and Civil Liberties," Radio Farda, June 24, 2007, http://www.radiofarda.com/Article/2007/06/24/f7_Iran_Ahmadinejad_Political_Revenue.html (Accessed September 1, 2008).

¹⁶ "Iran Press Reports Kurdish Riots," BBC News, July 26, 2005, http://news.bbc.co.uk/2/hi/middle_east/4718785.stm (accessed September 1, 2008).

event, and photos of Ghaderi's body that circulated afterwards, sparked eight days of sometimes violent protests in Mahabad and other Kurdish cities. Protestors expressed their anger at the killing and the lack of response by the government to calls for an investigation. According to local reporters who spoke with eyewitnesses, the demonstrations on July 9 were peaceful until security forces violently disrupted the gatherings.¹⁷ The clashes led to rioting and the destruction of property such as banks and shops. In response, the authorities arrested at least 50 protestors, according to local activists.

This report examines the government's systematic suppression of efforts by Kurdish activists and dissenters from peacefully exercising freedom of speech and association, and violations of Kurdish minority rights, since those events.¹⁸

¹⁷ See, for example, "Canada Shahrvand Interview with Local Reporter Khosrow Kurdpour: The Death of Shawane and Unrest in Mahabad," Kurdish News Agency, <http://www.mukrian.blogspot.com/?PostID=113>, (accessed February 19, 2008).

¹⁸ For an overview of other human rights issues in the Kurdish areas of Iran, see Amnesty International, "Iran: Human rights abuses against the Kurdish minority," MDE 13/088/2008.

IV. Limits on Freedoms of Expression

Journalists and Publications

After the events of the summer of 2005, officials began closing publications and targeting journalists who covered Ghaderi's killing and the ensuing protests.¹⁹ Courts have banned at least six daily and weekly bilingual Persian and Kurdish publications such as *Payam-e Mardom* (People's Message), *Ashti* (Befriend), *Asu* (Horizon), *Rozhe Helat* (East), *Payam-e Kurdistan* (Kurdistan Message), and *Didgah* (Viewpoint). The government also arrested numerous journalists and others associated with these publications, and convicted at least 38 following unfair trials. Some of these were before Revolutionary Courts, established in 1979 to try alleged offenses against national security, slandering the founder of the Islamic Republic and the Supreme Leader, and smuggling narcotics. (A list of journalists persecuted for their work with local Kurdish publications appears in Appendix 1).

Bahram Valad-Beigi, the editor-in-chief of the bilingual Persian and Kurdish daily *Ashti*, was among the prosecuted journalists interviewed for this report.²⁰ The authorities tried Valad-Beigi, along with the paper's general manager, Barhan Lahnoni, in July and October of 2007 in a Penal Court of the province of Kurdistan.²¹ This trial was one of the few judged by a jury, as required by Iranian law.²²

¹⁹ "Canada Shahrivand Interview with Local Reporter Khosrow Kurdpour: The Death of Shawane and Unrest in Mahabad," Kurdish News Agency, <http://www.mukrian.blogspot.com/?PostID=113>, (accessed February 19, 2008).

²⁰ Human Rights Watch email correspondence with Bahram Valad-Beigi, September 17, 2007 and Human Rights Watch telephone interview with Bahram Valad-Beig in, September 11, 2007 and October 12, 2007.

²¹ "The Banning of *Ashti* and the Sentencing of Defendants to Financial Penalty," Peyke Iran Website, December 3, 2007, http://www.peykeiran.com/iran_news_body.aspx?ID=45511, (accessed October 22, 2007) and "Nikbakht Announced: Court Case for *Ashti* Carried Out, *Roojh Halat* Case will be Examined in October," Iranian Student News Agency, October 22, 2007, <http://isna.ir/Main/Newsview.aspx?ID=News-1020050&lang=p>, (accessed October 22, 2007).

²² "The Banning of *Ashti* and the Sentencing of Defendants to Financial Penalty," Peyke Iran Website, December 3, 2007, http://www.peykeiran.com/iran_news_body.aspx?ID=45511, (accessed April 22, 2007) and "Nikbakht Announced: Court Case for *Ashti* Carried Out, *Roojh Halat* Case will be Examined in October," Iranian Student News Agency, October 22, 2007, <http://isna.ir/Main/Newsview.aspx?ID=News-1020050&lang=p>, accessed April 22, 2007. Article 165 of the Iranian Constitution says that "Trials are to be held openly and members of the public may attend without any restriction unless the court determines that an open trial would be detrimental to public morality or discipline, or if in case of private disputes, both the parties request not to hold open hearing." Article 168 of the Constitution speaks to Press offenses specifically, and making no exceptions such as those noted in Article 165, states "Political and press offenses will be tried openly and in the presence of a jury, in courts of justice."

The accusations the government brought against Valad-Beigi included “sharing the ideology of Barzani” and “running a paper that is not independent.”²³

According to Valad-Beigi’s defense statements, obtained by Human Rights Watch, the government also charged him and *Ashti* with “disturbing the public opinion by publishing lies and articles aimed at stirring trouble and ethnic and racial conflict” and “covering developments and news in Iraqi Kurdistan.” Article 6 of the Press Law provides the legal basis for the latter charge: it prohibits publishing material that “creates discord between and among social walks of life, especially by raising ethnic and racial issues.”²⁴

In his official court defense, Valad-Beigi responded:

Is coverage of well-known developments in Iraqi Kurdistan, issues of federalism which are accepted in our neighboring country’s Constitution, or the presence of Masoud Barzani, Jalal Talabani, Nichirivan Barzani on the Iraqi political scenes lies? Is covering the meetings of Abd al-Aziz Hakim, Ibrahim Jafari, and Muqtada Sadr considered “publishing lies”? How come one is forbidden and the other allowed? In publishing material about Iraqi Kurdistan our only goal has been to transparently provide information. Both before and after the revolution, Iran has for many years hosted the leaders of Iraqi Kurdistan. ... The precedence of publishing news about Iraqi Kurdistan is not limited to our paper, and its history goes back to before the revolution.²⁵

On December 3, 2007, a branch of the Penal Court in the province of Kurdistan banned *Ashti* and ordered Valad-Beigi to pay a fine of 100,000 Toman (approximately 100 USD). On April 9, 2008, Branch 27 of the Supreme Court upheld

²³ Mustafa Barzani, the preeminent Iraqi Kurdish leader for many decades and father of Iraqi Kurdistan president Masoud Barzani, was also active in Iran on behalf of Kurdish rights during the rule of Mohammad Reza Pahlavi. See William Eagleton, *The Kurdish Republic of 1946*, (London, Oxford University Press, 1963), pp. 47-54.

²⁴ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000, art. 6.

²⁵ Defense arguments presented in court on July 16, 2007 obtained by Human Rights Watch.

the fine, but revoked the ban on the paper; according to Valad-Beigi, *Ashti* has not resumed publication.²⁶

The accusations against Valad-Beigi are typical of those brought against journalists and publications in the Kurdish regions. Authorities arrested Asu Saleh, another Kurdish journalist, on similar charges on multiple occasions. In the summer of 2005, the Public Prosecutor's Court in Sanandaj summoned Saleh to appear on charges of "publishing lies" in the weekly *Dang* (Voice). Saleh remained free on bail while authorities investigated his case for one year, after which the court convicted him of the charge and sentenced him to six months in prison.²⁷

Asu Saleh told Human Rights Watch that pressure by the Ministry of Information got him fired from another paper, the weekly bilingual Kurdish-Persian *Didgah*:

When I started working for *Didgah*, in Sanandaj, my colleagues chose me as a member of the writers' council and manager of the Kurdish section of this weekly. From that point, pressure from the Ministry of Information intensified. Many times the ministry threatened that unless Ejlal Ghavami [manager of the Persian section] and I are fired, the weekly would be banned. Unfortunately, the ministry made good on its threats. *Didgah* was banned and both Ejlal Ghavami and I were detained.²⁸

On June 24, 2007, Branch 5 of the Public Prosecutor's Court in Sanandaj accused Saleh of "acting against national security," "propaganda against the state," "agitating youth to participate in illegal gatherings," and "working with opposition groups."²⁹ In August of 2007, the court sentenced him to one year in prison, after he had fled the country.³⁰

²⁶ Human Rights Watch telephone interview with Bahram Valad-Beigi, April 16, 2008.

²⁷ Human Rights Watch email correspondence with Asu Saleh, October 29, 2007.

²⁸ Human Rights Watch email correspondence with Asu Saleh, October 29, 2007.

²⁹ "Trial for Kurdish Student Asu Saleh Begins," June 24, 2007, Advar News, <http://www.advarnews.us/university/5177.aspx>, (accessed September 18, 2008).

³⁰ Human Rights Watch email correspondence with Asu Saleh, September 8, 2008.

In November of 2007, Branch 1 of the Revolutionary Court in Sanandaj summoned Saleh on charges of “spying.”³¹ The court has yet to announce any action on these charges, but this same court routinely summons Asu’s father and questions him about his son’s activities.³²

Hossein Ahmadiniyaz and Jalil Azadikhah, the general manager and editor respectively of the Persian and Kurdish bilingual weekly *Asu*, also faced harassment following the July 2005 protests in Mahahbad. One week after the protests, the intelligence section of the security forces of the Kurdistan province lodged official complaints against the publication, resulting in an immediate government ban on its publication and charges of “publishing lies with the intent to disturb the public mind” and “acting against national security.” In March 2006, Branch 104 of the Penal Court of Sanandaj convicted Hossein Ahmadiniyaz of these charges and ordered him to pay a fine.³³

Mohammad Sadigh Kaboudvand is another Kurdish journalist who has faced government suppression of his writings. Over the last several years, authorities have persecuted him as a result of the activities of the Organization for the Defense of Human Rights in Kurdistan, a human rights organization he founded in April 2005 to produce reports about violations in Kurdish areas (see below). Kaboudvand was also the owner, general manager, and editor of the Persian language weekly *Payam-e Mardom*. The paper ran for thirteen issues before the Ministry of Information lodged a complaint based on its coverage of the July 2005 events. Prior to that, in April 2005, the Public Prosecutor’s Court in Sanandaj gave him a suspended one-year sentence after convicting him of “creating splits among groups of people by raising tribal and racial issues.” The court also banned him from practicing journalism and from owning or managing newspapers for five years, and revoked *Payam-e Mardom’s* publication permit. One year later, in April 2006, a branch of the Appeals Court in the province of Kurdistan upheld his sentence and converted it to one he had to serve in

³¹ Human Rights Watch messenger correspondence with Asu Saleh, November 16, 2007.

³² Human Rights Watch email correspondence with Asu Saleh, September 8, 2008.

³³ Human Rights Watch telephone interview, name and location withheld on request, December 12, 2007.

prison. Kaboudvand's lawyers appealed to the Supreme Court, which in September 2006 upheld the Appeals Court's ruling.³⁴

The government is highly sensitive to any local coverage about factions of the Komala/Kurdistan Democratic Party because of their past involvement in separatist campaigns, or developments concerning the Kurdistan Workers Party (PKK) of Turkey. Saman Rasoulpour, a human rights activist and journalist, documented many cases where the government harassed local publications for covering such news and the government prosecuted him for his peaceful activities.³⁵ On January 30, 2006, authorities arrested Rasoulpour under a warrant issued by the judge of Branch Two of the Revolutionary Court in Mahabad. In March 2006, the court convicted him on charges of "publishing lies" and "acting against national security," and sentenced him to two years in prison in Ardibil, a city 174 miles away from Mahabad. After he had served seven months, the Supreme Court suspended the remainder of his sentence on appeal. Since his release in September of 2007, Rasoulpour resumed his human rights work and his journalism with Persian-language internet publications.³⁶ According to Rasoulpour, authorities have continued to harass him by periodically summoning him for questioning or making threatening phone calls to his home.³⁷

In November 2007, Rasoulpour wrote to Human Rights Watch,

In the last two years, hundreds of Kurdish citizens have been detained and convicted for working with various Kurdish parties. If "acting against national security" has become a threadbare accusation in Tehran, in Kurdish areas activists usually face the accusation of "working with opposition groups." These accusations are frequently exaggerated and mostly merely intended for building cases against

³⁴ "The Human Rights Situation in Iran and Eastern Kurdistan," Kurdistan Report, May 7, 2007, <https://roznahngarkurd.mihanblog.com/More-191.ASPX>, (accessed December 6, 2007) and "Exclusive Interview with Mohammad Sadegh Kaboudvand," blog of activist Saman Rasoulpour, <http://rasoulpour.blogfa.com/post-1.aspx>, (accessed September 18, 2008).

³⁵ Human Rights Watch email correspondence with Saman Rasoulpour November 13, 2007 and December 15, 2007.

³⁶ Human Rights Watch email correspondence with Saman Rasoulpour, November 13, 2007 and December 15, 2007.

³⁷ Human Rights Watch email correspondence with Saman Rasoulpour, July 24, 2008

people. At the current time, most Kurdish publications have been banned and the media environment in this area is stagnant. A quiet like that of a cemetery rules over the media space.³⁸

As a result of Rasoulpour's activities, specifically his work on behalf another detained Kurdish activist, Farzad Kamangar (see below), Ministry of Information agents again arrested him on or about July 27, 2008, on charges of "distributing propaganda against the state"; he was released on August 13 after posting bail of 100 million toman (US\$10,500).³⁹

According to Rasoulpour, lower courts usually hand down heavy sentences to journalists.⁴⁰ While these sentences are often reduced on appeal, some journalists and activists choose to flee the country rather than risk long term imprisonment.⁴¹ (See, for example, the cases of Roya Toloue and Asu Saleh.)

Books and Authors

In the book publishing industry, publishers and writers also struggle in the face of governmental restrictions. Iranian law requires that all books obtain a publication permit from the Ministry of Culture and Islamic Guidance. Publishers must submit requests for permits first to the provincial office of the ministry; the provincial office then sends the application materials to the ministry headquarters in Tehran, which decides whether to grant permission or not.⁴²

Writers and publishers face particular difficulties in obtaining permits for material in the Kurdish language. Books -- whether originally written in Kurdish or translated --

³⁸ Human Rights Watch email correspondence with Saman Rasoulpour, November 13, 2007.

³⁹ On Rasoulpour's release, see Amnesty International update, October 1, 2008 <http://amnesty.org/en/library/info/MDE13/144/2008/en> (accessed October 6, 2008). On his arrest, see OMCT/World Organization Against Torture, "Incommunicado Detention of Mr. Saman Rasoulpour," July 31, 2008 <http://www.omct.org/index.php?id=OBS&lang=eng&articleSet=Appeal&articleId=7943> (accessed October 6, 2008).

⁴⁰ Human Rights Watch email correspondence with Saman Rasoulpour, November 13, 2007.

⁴¹ Human Rights Watch email correspondence with Saman Rasoulpour, November 13, 2007.

⁴² Human Rights Watch telephone interview with journalist and former publisher Shahram Rafizadeh, December 20, 2007. See also "Distinctions in a Dark Room or the Story of the Books Censorship," Ketab News, May 29, 2007, <http://www.ketabnews.com/detail-5602-fa-1.html> (accessed October 29, 2007).

have been very popular in Iran's Kurdish areas, and this popularity extends beyond Iran's borders to Iraqi Kurdistan.⁴³

Under the reformist administration of President Mohammad Khatami, the government had simplified the process of obtaining permits for a variety of books, including novels, short stories, and poetry as well as works of history and other nonfiction. This allowed for much progress in Kurdish language publications. Cross-border cultural and literary exchanges reached a high point.⁴⁴

The Ahmadinejad presidency, with its emphasis on "security," has reversed the growth in the publication and circulation of Kurdish books as part of broader restrictions on publishing and disseminating critical works. The Ministry of Culture and Islamic Guidance has targeted publications across the board, with a heavy impact on Kurdish and other local language publications. Now Iranian Kurds have to import Kurdish-language books from Iraqi Kurdistan.⁴⁵

Shahram Ghavami, a novelist in Sanandaj, has published three novels. The Ministry of Culture and Islamic Guidance, under the Khatami administration, allowed him to reprint his novel *Soheila*. However, the ministry under the Ahmadinejad administration has not granted him permission for a third printing. Ghavami told Human Rights Watch that the authorities required him to delete 761 passages in order to get a republication permit. He told Human Rights Watch that he refused.⁴⁶

Ghavami faces prosecution for another of his novels, *Birba*. In the latter half of December 2006, after the novel appeared, security agents from the Ministry of Information arrested Ghavami on charges of "insulting the state." The authorities detained him for two months in the ministry's own detention center in Sanandaj before releasing him on a bail of approximately 20 million toman (US\$ 20,000).

⁴³ Human Rights Watch telephone interviews with journalist and former publisher Shahram Rafizadeh, December 20, 2007 and with journalist and civil society activist Bahram Valad-Beigi, July 15, 2008.

⁴⁴ Human Rights Watch telephone interviews with Shahram Rafizadeh, December 20, 2007 and Bahram Valad-Beigi, July 15, 2008.

⁴⁵ Human Rights Watch telephone interview with Shahram Rafizadeh, December 20, 2007.

⁴⁶ Human Rights Watch email correspondence with Shahram Ghavami, December 14, 2007.

There have been no further hearings in the case but the charges have not been dismissed and his case remains open.⁴⁷

According to Ghavami, the charges of “insulting the state” stemmed from a scene in his novel where a Ministry of Information agent forces a woman to have a relationship with him. Ghavami maintains that his novel reflects social realities.⁴⁸

Behzad Khoshali, a writer and researcher from Saghz, faced similar problems. Khoshali wrote and translated a number of books in recent years, but the Ministry of Culture and Islamic Guidance has not granted the necessary permits to publish any of them. They gave no reason for denying the permit. These include three original works -- *Self-colonialism*, *The Cultural Colonialism of the Kurdish People*, and *Anfalism* -- as well as his translations into Kurdish of *The Theory of Nationalism*, *Democratic Nationalism and Multicultural Democracy*, and other titles.⁴⁹ Khoshali self-published a collection entitled *Kurdistan: Days of Crisis*, which covers events in Iranian Kurdistan from 1978-1980, despite the ministry’s refusal to give him a permit. On a number of occasions, officials from the Ministry of Information bureau in Kurdistan confiscated *Thirty Three Bullets* and *Ghazi Mohammad*, two of Khoshali’s books, from bookstores despite the fact that he had permission to publish them.⁵⁰

Appendix 2 contains a partial list of cases of governmental persecution and restrictions on writers in the Kurdish Regions.

⁴⁷ Human Rights Watch email correspondence with Shahram Ghavami, December 14, 2007.

⁴⁸ Human Rights Watch email correspondence with Shahram Ghavami, December 14, 2007. Under freedom of expression standards a novel need not reflect social realities.

⁴⁹ The Anfal Campaign, carried out during the rule of Saddam Hussein in Iraq, refers to the systematic murder of at least 50,000 and possibly as many as 100,000 Kurds between February and September 1988. See Human Rights Watch, *Genocide in Iraq- The Anfal Campaign Against the Kurds*, (New York: Human Rights Watch, 1993).

⁵⁰ Human Rights Watch telephone interview, name and location withheld on request, December 14, 2007.

V. Limits on Freedom of Association

Independent Non-Governmental Organizations

Article 26 of the Iran's constitution guarantees the right to form "parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities."⁵¹ Under Mohammad Khatami's presidency, the government played a key role in promoting public discussion regarding the formation and activities of non-governmental organizations (NGOs). On July 29, 2004, near the end of Khatami's tenure as president, as a step towards institutionalizing NGOs and facilitating their functioning, the Ministry of Information submitted to the government draft executive regulations regarding the establishment and activities of NGOs. The government ratified these in July 2005. The ministry cited Article 138 of the constitution, which grants "Council of Ministers or a single minister" the authority to "to frame procedures for the implementation of laws."⁵²

Prior to ratification of the executive regulations, NGOs required permits from both the Ministry of Interior and the Ministry of Information in order to operate. Under the new regulations, state-sponsored institutions like the National Organization of Youth made the work of NGOs easier, including those that operated in the provinces. By acquiring permits, the NGOs gained official status and legitimacy, making it easier to carry out their work.

The Kurdish regions were among the provinces that saw growth in the NGO sector during Khatami's tenure, as a larger number of groups dealing in environmental, women's, children's, and literary issues, and sports organizations carried out activities.⁵³

⁵¹ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 26

⁵² By-laws for the Establishment and Activities of Non-Governmental Organization, ratified on July 19, 2005.

⁵³ "Kurdistan and NGOs, Potentials and Pitfalls," Gooya Newsletter, <http://news.gooya.com/society/archives/043863.php>, (accessed December 12, 2007).

The new regulations mandated the creation of councils to oversee NGOs, ostensibly to facilitate the process of obtaining permits and running NGOs. Under the Ahmadinejad administration, officials instead have used the councils to suppress activities of civil society activists as the councils by denying NGOs permits to operate.

Article 1 of the regulations established councils on the municipal, provincial, and national levels to oversee and facilitate the formation of non-governmental organizations.⁵⁴ Members of the municipal-level councils include the mayor, a representative from the city council, as well as a representative from the NGO community.⁵⁵ Members on the provincial level include the governor, a representative from the provincial council, and a representative from the NGO community.⁵⁶ On the national level, the council is made up of a deputy from the Ministry of Interior, a representative from the High Council of Provincial Representatives, and a representative of NGOs.⁵⁷

Under President Ahmadinejad, the attitude of the government shifted from tolerance and encouragement of NGOs to suspicion and hostility. The government increasingly applied a “security” framework in its approach to NGOs, often accusing them of being “tools of foreign agendas.” The role of the councils during this period has been to suppress the work of activists by denying permits to NGOs to operate, often refusing to meet their legal obligation to provide written explanations for rejecting applications.⁵⁸ This trend is particularly evident in minority regions, including Kurdish regions, where the government often denies permits or prevents the registration of NGOs. Organizations that are able to register and obtain permits still face harassment and worse.

⁵⁴ By-laws for the Establishment and Activities of Non-Governmental Organization, ratified on July 19, 2005, Art. 1.

⁵⁵ By-laws for the Establishment and Activities of Non-Governmental Organization, ratified on July 19, 2005, Art. 1.

⁵⁶ By-laws for the Establishment and Activities of Non-Governmental Organization, ratified on July 19, 2005, Art. 1.

⁵⁷ By-laws for the Establishment and Activities of Non-Governmental Organization, ratified on July 19, 2005, Art. 1.

⁵⁸ By-laws for the Establishment and Activities of Non-Governmental Organization, ratified on July 19, 2005, Art. 1. For the cases of other NGOs covered in this report, the circumstances have varied. Sadegh Kaboudvand did not apply for a permit when he established his Organization for the Defense of Human Rights in Kurdistan. Bahram Valad-Beigi initially succeeded in obtaining a permit for the Cultural Institute of Kurdistan but later faced problems. Student activist Souren Hosseini never received a response from the authorities about his application to form a student organization.

The Organization for the Defense of Human Rights in Kurdistan is one such organization. Sadigh Kaboudvand established the NGO in April 2005 and served as its director and spokesperson. According to its mission statement, the organization considers itself a “non-governmental, non-political, civil society institution” that works for “establishing the basic rights, freedoms, human rights of people in Kurdistan and Iran.”⁵⁹ The organization, based in Tehran, has members active throughout the regions mainly inhabited by Kurds.

On July 1, 2007, authorities arrested Kaboudvand, on charges stemming from his peaceful activities in collecting and publishing accounts of human rights abuses in Kurdish areas. According to one member,

In the more than two years that we have been working, the security forces have arrested a number of our organization’s members on charges such as “disturbing the public mind,” “propaganda against the state,” or “collaboration with opposition parties.” Right now two of our members, Mohammad Sadigh Kaboudvand and Ejlal Aghvami, are in jail, and thirteen others have cases in court. In addition, security, judiciary, and communications officials have limited or filtered websites belonging to our organization.⁶⁰

On June 22, 2008, a branch of the Revolutionary Court sentenced Kaboudvand to 11 years in prison for his NGO activities on charges that he had “acted against national security.”⁶¹ The government had previously detained and prosecuted Kaboudvand for his work as a journalist (see above).

Farzad Kamangar is another member of the organization currently in detention. (A list of persons who faced governmental persecution as a result of their NGO activities appears in Appendix 3.) Authorities arrested Kamangar, who is also the

⁵⁹ Copy of Mission Statement of the Organization for the Defense of Human Rights in Kurdistan obtained by Human Rights Watch.

⁶⁰ Human Rights Watch email correspondence with member of the Organization for the Defense of Human Rights in Kurdistan (name withheld), December 14, 2007.

⁶¹ “Kurdish journalist gets 11-year prison sentence, Tehran daily closed for criticising Ahmadinejad,” Reporters Without Borders, June 24, 2008, http://www.rsf.org/article.php?id_article=27612, (accessed June 26, 2008).

superintendent of high schools in the city of Kamayaran, in July of 2006 in Tehran and held him in various detention centers in Kurdistan, Kermanshah, and Tehran.⁶²

In a letter smuggled out of prison, Kamangar described undergoing torture and ill-treatment,

In 2005, I started working with the Organization for the Defense of Human Rights in Kurdistan as a reporter. In July 2006, I was arrested in Tehran, where I had traveled to find out about medical treatment for my brother, a political activist in Kurdistan. They took me to some unknown place that day, some narrow and dark basement without ventilation, empty cells with bare floors, and nothing inside them.

They took me to a room where they questioned me. Every time they asked me about my ethnicity, I answered, “Kurdish,” and they beat me with a whip that looked like some kind of a hose. They also insulted me and beat me because of my religion. They beat me because of the Kurdish music that was on my mobile. They tied my hands, sat me in a chair, and beat me on the sensitive parts of my body. They also took off my clothes and threatened me sexually with batons and sticks. My left leg was really damaged in this place, and I passed out from simultaneous blows to my head and electric shocks to sensitive parts of my body. I feel like I have lost my sense of balance and I constantly shake.

Sometime later they transferred me to Unit 209 of Evin prison. They blindfolded me in the entrance hallway, and then they took me to some small room. The next day they transferred me to Sanandaj where they arrested my brother. From the moment I arrived at the detention center there, they insulted and beat me. They tied me to a chair and left me in the clinic of the detention center from seven in the morning until the next day. They didn’t even let me go to the restroom so I wet

⁶² “Iran: Kurdish Teacher Tortured, Sentenced to Death,” Human Rights Watch News Release, February 27, 2008, <http://hrw.org/english/docs/2008/02/27/iran18155.htm>.

myself. Then they returned me to Unit 209 again and they continued to harass and beat me in the room on the second floor, the green interrogation rooms.

On August 27, 2006, they tortured me so badly that they took me to see the doctor, who was on the first floor near the interrogation rooms. The doctor recorded all the signs of torture that were evident from the bruises on my back, neck, feet, and thighs. For the two months of August and September I was detained in solitary cell number 43.⁶³

On February 25, 2008 Branch 30 of Iran's Revolutionary Court sentenced Kamangar to death on charges of "endangering national security." The prosecution claimed that Kamangar was a member of the Kurdistan Workers Party (PKK), but provided no evidence to support this allegation.⁶⁴ In July 2008, the Supreme Court upheld the death sentence, and Kamangar remains in prison; according to Kamangar's lawyer, Khalil Bahramian, appealing to the head of the judiciary to intervene is the only remaining option for challenging the sentence.⁶⁵

Other activists have been unable to register their organizations, and if they decide to engage in activities they do so at risk of being detained and seeing their efforts shut down. Roya Toloue, a Kurdish civil society activist, along with several colleagues, planned to establish an NGO called Kurdish Women for Peace and Human Rights. She told Human Rights Watch about the difficulties she faced in obtaining a permit to operate:

In the last month of 2004, we started getting the necessary documentation together and submitted them to the office of the Kurdish governorship. They asked us several times to provide additional documents. In Kurdistan there was a conflict between the

⁶³ Human Rights Watch has obtained a copy of this letter which is now also available online. "Letter of Suffering," *Roozonline Daily*, November 27, 2007, http://www.roozonline.com/archives/2007/11/post_4974.php, (accessed March 21, 2007).

⁶⁴ "Iran: Kurdish Teacher Tortured, Sentenced to Death," Human Rights Watch News Release, February 27, 2008, <http://hrw.org/english/docs/2008/02/27/iran18155.htm>.

⁶⁵ "Death Sentence of Kurdish Teacher and Activist Farzad Kamangar Upheld," Deutsche Welle, July 14, 2008, <http://www.dw-world.de/dw/article/0,2144,3484232,00.html> (Accessed October 26, 2008).

governorship and the Ministry of Information over who should issue the permits. A while after the mandated time for reviewing our application passed, someone called me and told me over the phone that I and Negin Sheikholeslami [another member of the board] did not meet with approval. They weren't ready to announce this to me in writing, even though we had followed all of the required application procedures.⁶⁶

Toloue told Human Rights Watch that she and her colleagues turned to publishing activities.

We decided to put out a publication. We worked really hard to find someone who would rent us their publishing permit, since the government would not grant us permission to publish on our own. We decided to carry on the goals of the NGO this way, by writing about women's issues and carry out our workshops at the office of the publication. We managed to put out the monthly *Rasan* despite many pressures, and we'd succeeded in making connections with women of various backgrounds, including women from villages. But I was arrested after only five issues came out. Of course when the security forces had figured out that I was involved in the project, they questioned the owner of the publication about why I had been chosen to be the editor. After the first issue came out, they said that our logo was feminist and told us to change it, which we did. After every issue, the office of the Ministry of Culture and Islamic Guidance in Kurdistan would issue warnings to us despite the fact that we always considered the law in whatever we wrote.⁶⁷

The authorities accused Toloue of having connections with the summer 2005 protests in Kurdish areas and charged her with "acting against national security through leading protests."⁶⁸ A branch of the Revolutionary Court sentenced her to

⁶⁶ Human Rights Watch telephone interview with Roya Toloue, January 3, 2008.

⁶⁷ Human Rights Watch telephone interview with Roya Toloue, January 3, 2008.

⁶⁸ Human Rights Watch telephone interview with Roya Toloue, January 3, 2008.

six years in prison on this charge, as well as that of “propaganda against the state and disrupting the public mind,” “being anti-revolutionary and an enemy of the state,” and being a member of the Komala party. A branch of the Revolutionary Court convicted her on charges of “acting against national security” and gave her a suspended five year prison sentence. She fled Iran after the authorities released her on 100 million toman (US \$100,000) bail.⁶⁹

The government has been hostile to NGO activities throughout Iran, and particularly in minority areas, on the pretext that they have political agendas – in itself not a legitimate reason to restrict their work. In September and October of 2007, authorities arrested Ronak Safarzadeh, 21, and Hana Abdi, 21 on charges of “endangering national security.”⁷⁰ The two women were active with the Azarmehr Society of Kurdish Women, a group that organizes capacity-building workshops and sports activities for women in Sanandaj and elsewhere in the province of Kurdistan.⁷¹ The two were also active in the One Million Signatures Campaign for Equality, a project to raise general awareness throughout Iran about and change discriminatory laws against women.⁷² In statements to the press, a judge presiding over the case of the two women denied that their arrests stemmed from their involvement in these projects, and instead claimed that they cooperated with opposition groups “under the cloak of civil society organizations.”⁷³ To date, the authorities have not offered any evidence to support these allegations. On June 19, Branch Two of the Revolutionary Court in Sanadaj convicted Abdi on charges of “gathering and colluding to commit a crime against national security,” and ordered that she serve five years in a prison in the city of Germe, in the largely Azeri province of Ardebil. In October 2008, an appeals court reduced Abdi’s sentence to eighteen months.⁷⁴

⁶⁹ Human Rights Watch telephone interview with Roya Toloue, January 3, 2008.

⁷⁰ Iran: Suspend Heavy Sentence for Women’s Rights Activist,” Human Rights Watch news release, November 10, 2007, <http://hrw.org/english/docs/2007/11/10/iran17302.htm>. We shouldn’t be citing ourselves normally as the sole source.

⁷¹ Iran: Suspend Heavy Sentence for Women’s Rights Activist,” Human Rights Watch news release, November 10, 2007, <http://hrw.org/english/docs/2007/11/10/iran17302.htm>.

⁷² Iran: Suspend Heavy Sentence for Women’s Rights Activist,” Human Rights Watch news release, November 10, 2007, <http://hrw.org/english/docs/2007/11/10/iran17302.htm>.

⁷³ “Anti-Revolutionary Exploit Civil Society Organizations,” BBC News Service, December 16, 2007 http://www.bbc.co.uk/persian/iran/story/2007/12/071216_mv-pejak-women.shtml, (accessed December 17, 2007).

⁷⁴ “Updates on Prison Sentences, Detention, and Imprisonment of Women’s Rights Activists,” Website of the One Million Signatures Campaign, October 12, 2008, <http://www.change4equality.org/english/spip.php?article370> (accessed October 26, 2008).

Prosecutors also accused Safarzadeh of the more serious charge of “enmity with God.” Her trial on this charge has not yet concluded at the time of writing. However, the court found her guilty on a new charge of illegally crossing borders and possessing illegal satellite equipment.⁷⁵

As noted, even in cases where NGOs manage to obtain the preliminary permits to establish an organization, they often face difficulties in securing additional permits necessary to carry out various functions, such as workshops, seminars, and festivals. Given these obstacles, some NGOs have chosen to engage in activities without applying for permits.

Bahram Valad-Beigi, the Kurdish journalist profiled earlier, is also a civil society activist who faced government persecution for his political work (see above section on the suppression of free expression). In 2000, Valad-Beigi founded the Tehran-based Cultural Institute of Kurdistan, with the aim of building links among the Kurds of Iran, Iraq, and Syria.⁷⁶ Despite receiving the required permits from the Ministry of Culture and Islamic Guidance, Valad-Beigi faced difficulties in obtaining additional permits for routine activities.

In general it is very difficult to obtain permits for conferences and cultural seminars in Tehran. Over the last eight years, in Tehran, we’ve made numerous requests for permits to organize various events and conferences, but we only succeeded twice. There is a negative attitude towards our activities as Kurdish cultural and political activists. And this attitude seems to be the basis for the decisions they make about our activities. They ignore our rights and consider us second class citizens and think about us in political and security terms in a way that makes a Kurdish person regret living here. We believe Iran belongs to all Iranians. It shouldn’t be the case that all of the resources are available to certain people, and others are neglected and have their legal activities denied because of illogical and unclear reasons.⁷⁷

⁷⁵ Ibid.

⁷⁶ Human Rights Watch telephone interview with Bahram Valdbeigi, December 15, 2007.

⁷⁷ Human Rights Watch email correspondence with Bahram Valdbeigi, December 19, 2007.

Religious Gatherings and Groups

In addition to excluding Sunni Kurds from top government posts, the authorities have persecuted those Kurds active in Sunni religious movements. The *Maktabe Koran* (Quran School, in the sense of a school of thought), founded in 1978 by Ahman Moftizadeh, is one such movement. In 1983, authorities arrested Moftizadeh and a court later sentenced him to ten years in prison. The specific charges against him were never known. At the time the government often accused Kurdish religious and political activists of “endangering national security through separatist activities” but did not always bring formal charges. As a religious leader who called on the government to respect the rights of Kurds, it is likely that the charges against him were similar to those of other Kurds persecuted at the time. Moftizadeh died in 1993, only three months after his release from jail.⁷⁸

On October 14, 2007, security forces in the city of Bukan, in Kurdistan province, arrested several followers of the *Maktabe Koran* while they were gathered to celebrate the final nights of the holy month of Ramadan.⁷⁹ Four months after this incident, on January 6, 2008, security forces arrested *Maktabe Koran* follower Abdullah Fazi in his home without providing any reason.⁸⁰

Security forces have also harassed Sunni clerics critical of the ruling government. Ayoub Ganji is one such cleric. In January 2008, Ganji disappeared, shortly after delivering a Friday sermon in Sandandaj in which he criticized the government’s arbitrary exclusion of candidates from upcoming parliamentary elections and condemned the death in custody of Ibrahim Lotfollahi (see below).⁸¹

Throughout the thirteen days Ganji was missing, local officials denied responsibility for his apprehension and claimed that they had no information as to his whereabouts. After members of his mosque and other locals threatened to carry out

⁷⁸ Official website of Moftizadeh, <http://maktabquran.com/edindex.html>, (accessed March 24, 2008).

⁷⁹ “The Arrest of Maktabe Koran Followers in Bukan,” Gooya Newsletter, <https://news.gooya.com/politics/archives/2007/10/063877print.php>, (accessed October 15, 2007).

⁸⁰ “The Arrest of Abdollah Fazi, One of the Followers of Maktabe Koran,” Gooya Newsletter, <http://news.gooya.com/politics/archives/2008/02/067660print.php>, (accessed February 6, 2007).

⁸¹ “The Arrest of a Cleric from Sanandaj,” Gooya Newsletter, <http://news.gooya.com/politics/archives/2008/01/067439print.php>, (accessed January 29, 2008).

mass demonstrations in protest, an unknown car dropped Ganji off in the city of Sanandaj. He was not in good physical condition, and he reportedly still suffers from amnesia and hallucinations.⁸²

Student Organizations

Like elsewhere in Iran, student activists in Kurdish areas often face charges of “acting against national security.” Authorities also accuse students of endangering national security by “working with opposition parties.”

One way authorities suppress student activism is through the university disciplinary committees, which have the authority to expel or transfer students to other universities.⁸³ These committees have a record of using their powers to punish students for peaceful political activities.⁸⁴

Souren Hosseini, head of the Democratic Student Union, an organization for Kurdish students headquartered in Sanandaj and with branches on campuses throughout Iran, is an example of a student who faced punishment and persecution for his activism. In May 2005, Hosseini and several others applied to the Kurdistan provincial government for a permit to form a student union, but three years later they have yet to receive a response. On December 14, 2006, the university disciplinary committee expelled him from campus on charges of “disturbing the public mind” for organizing campus protests and transferred him to a university in the city of Dehghan.⁸⁵ The university also banned the student union’s publication, *Haref* (Praise-Giver). Hosseini told Human Rights Watch that he had no knowledge he was

⁸² Human Rights Watch email correspondence with Kurdish journalist (name withheld on request), February 8, 2008.

⁸³ Article 3 of Bylaws of the Student Disciplinary Committees of the Islamic Republic outlines the membership of the committees as follows: the dean of students as the head of the committee; the director of the Supreme Leader’s representative office on campus; a member of the scientific council chosen by the president of the university; two students chosen by the president of the university, and the deputy of the committee chosen by the head of the committee.

⁸⁴ See Human Rights Watch, “*Denying the Right to Education*,” October 2006, <http://www.hrw.org/background/mena/iran1006/>.

⁸⁵ See “Bylaws of the Student Disciplinary Committees of the Islamic Republic, Ratified by the 358 Session of the High Council of the Cultural Revolution,” Official Website of the University of Tabriz, <http://www.tabrizu.ac.ir/show.asp?id=61>, (Accessed May 5, 2008).

under suspicion and had no chance to defend himself against the allegations before the university handed down its decision.⁸⁶

Yasser Goli is another member of the Democratic Student Union punished for his participation in peaceful political activities. In September of 2006, the administration of the Azad University of Sanandaj banned him from continuing his studies as punishment for his political activism.⁸⁷

In October 2007, authorities arrested Goli outside Sanandaj University on charges of “acting against national security.” Harassment extended to members of Goli’s family as well. Three weeks after his arrest, Goli’s father, Saleh, went to a court in Sanandaj to inquire about his son. The prosecutor ordered Saleh Goli’s arrest without providing any reasons.⁸⁸ In December 2007, Yasser Goli’s brother Amar reported receiving threatening phone calls after he gave an interview to the activist student news service, *Amir Kabir Newsletter*.⁸⁹ In January 2008, security forces in Sanandaj summoned Fatemeh Goftari, the mother of Yasser Goli, for questioning. Upon her arrival, the security forces arrested her on the orders of Branch 4 of the Revolutionary court.⁹⁰ Other than Yasser Goli’s mother, who was active with the One Million Signatures to End Discriminatory Laws Campaign of the women’s movement, Goli’s other family members had no background in political or social activism.

⁸⁶ Human Rights Watch telephone interview with Souren Hosseini, March 13, 2008.

⁸⁷ “A Student Activist has been detained in Sanandaj,” Peyke Iran, October 11, 2007, http://www.peykeiran.com/iran_news_body.aspx?ID=43987, accessed March 21.

⁸⁸ “The Arrest of the father of Yasser Goli,” Gooya Newsletter, <http://news.gooya.com/politics/archives/2007/10/064512.php>, (accessed November 31, 2007).

⁸⁹ “Amar Goli threatened for giving interviews and providing information about the situation of his brother,” Gooya Newsletter, <http://news.gooya.com/politics/archives/2007/12/066068.php>, (accessed December 17, 2007).

⁹⁰ “Fateme Goftari, the mother of Yasser Goli, is arrested,” Peyke Iran Newsletter, http://peykeiran.com/iran_news_body.aspx?ID=46615, (accessed on January 14, 2008).

VI. Legal Standards

Freedom of Expression in International Human Rights Law

Freedom of expression is a basic human right, set out in Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Iran was one of the first countries in the world to ratify the ICCPR, in 1975 (it entered into force in 1976).⁹¹

Article 19 guarantees all individuals the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media.”⁹² The UN Human Rights Committee, which monitors state compliance with the ICCPR, has stated that “the legitimate objective of safeguarding and indeed strengthening national unity under difficult political circumstances cannot be achieved by attempting to muzzle advocacy of multi-party democracy, democratic tenets and human rights.”⁹³

Freedom of Expression in Iranian Law

Iranian laws ostensibly protect freedom of expression and thought, albeit with broad exceptions. Article 23 of the constitution states that “the investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”⁹⁴ Article 24 ensures the freedom of the press, with the broad exception of cases the authorities consider “detrimental to the fundamental principles of Islam or the rights of the public.”⁹⁵

Article 15 of Iran’s Constitution designates Persian as the “official and shared language of Iran” but allows for the “use of local and ethnic languages in groups’

⁹¹ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976.

⁹² ICCPR, art. 14.

⁹³ *Womah Mukong v. Cameroon*, Communication No. 458/1991, U.N. Doc. CCPR/C/51/D/458/1991 (1994) paragraph 9.7

⁹⁴ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 23.

⁹⁵ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 24.

press and media and teaching of their literature in schools alongside Persian.”⁹⁶ Article 19 of the Constitution states that “the people of Iran, no matter what ethnicity or tribe, have equal rights, and attributes such as color or race or language will not be a reason for privilege.”⁹⁷ Despite these provisions, the cases covered in this report show that the editors and writers of Kurdish publications face violations of rights guaranteed by Iran’s constitution and Press Law.

Article 9 of the constitution contains two seemingly contradictory provisions. On the one hand, it endorses prima facie violations of international human rights law and allows no option for balancing individual rights of freedom of expression or association with legitimate security considerations when it states, “No individual, group, or authority, has the right to infringe *in the slightest way* upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom.” The article goes on to state that “no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.”⁹⁸ The authorities often rely on the first part of Article 9 to justify restricting freedom of speech in the Kurdish regions, while disregarding the same article’s prohibition on undue restrictions.

Iran’s Press Law and security laws arbitrarily limit speech protected under international human rights law. Article 6 of the Press Law, ratified in 1986, echoes the constitution’s ban on publications that “violate Islamic principles and codes and public rights.”⁹⁹ In 2000, the Majles (parliament) amended Article 6 to include “private rights,” thereby expanding the scope of material the government may suppress. (Private rights govern individuals’ business and family relationships.) In 2000, the parliament passed legislation that made all electronic publications subject to Iran’s Press Law, thus allowing the government to expand its restrictions to include online content.¹⁰⁰

⁹⁶ Constitution of the Islamic Republic of Iran, adopted October 24, 1979, amended July 28, 1989, art. 15.

⁹⁷ Constitution of the Islamic Republic of Iran, adopted October 24, 1979, amended July 28, 1989, art. 19.

⁹⁸ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 9 (emphasis added).

⁹⁹ Iran Press Law, ratified on March 19, 1986, art. 6.

¹⁰⁰ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000.

The scope of Article 6 gives authorities broad legal cover to suppress freedom of expression. Section 1 prohibits publication of material that is “atheistic or contrary to Islamic codes, or promote subjects which might damage the foundation of the Islamic Republic.”¹⁰¹ Section 4 outlaws material that “creates discord between and among social walks of life, especially by raising racial issues.”¹⁰² Section 9 outlaws “quoting articles from the deviant press, parties, and groups which oppose Islam (inside and outside the country) in such a manner as to propagate such ideas.”¹⁰³ Section 12 prohibits publishing anything critical of the constitution.

Article 2 of the Press Law “endeavor[s] to prevent ... pitting different groups of the community against each other by dividing people by race, language, customs, local traditions, and...”¹⁰⁴ Publications in local languages such as Kurdish or Azeri should be permissible, provided that the publication does not aim to “divide people based on their language” and the publisher obtains permission to publish from the Ministry of Culture and Islamic Guidance. Authorities increasingly, particularly since the beginning of the Ahmadinejad administration, present violations of Article 2 as national security issues, including “endangering national security” or “disrupting public order” in the charges it brings against journalists in Kurdish areas.¹⁰⁵

Authorities may try press related offenses in general courts (the general courts include, among others, all penal and civil courts), Revolutionary Courts, clerical courts, or military courts.¹⁰⁶ According to Article 34 of the Press Law, all press-related offenses must be tried in “public courts in the presence of a jury.”¹⁰⁷ Article 118 of the Code of Criminal Procedures also affirms that trials must be held in public with the exception of cases that pertain to “chastity,” “family issues or private disputes per the request of both sides,” or cases where a “public prosecution would disrupt

¹⁰¹ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000, art. 6.

¹⁰² Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000, art. 6.

¹⁰³ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000, art. 6.

¹⁰⁴ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000, art. 2.

¹⁰⁵ For further analysis Iran’s security laws and the government’s sweeping application of these laws in suppressing civil society activists in Iran, see Human Rights Watch, “*You Can Detain Anyone for Anything: Iran’s Broadening Clampdown on Independent Activisms*,” January 2008 Volume 20, No. 1(E), <http://hrw.org/reports/2008/irano108/>.

¹⁰⁶ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000.

¹⁰⁷ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000, art. 34.

security or religious feelings.”¹⁰⁸ The government prosecuted most press-related cases in Kurdish areas in closed sessions, often in Revolutionary Courts, without the presence of a jury.¹⁰⁹

To restrict publishing activities in Kurdish areas through prosecutions and convictions in the Revolutionary Courts, the government relies especially on Article 9 of the Press Law, which bars from any publishing activities members and supporters of anti-revolutionary or illegal groups or those convicted in the Revolutionary Courts on charges of anti-revolutionary activities or acting against national or international security and also those who act or spread propaganda against the system of the Islamic Republic of Iran.¹¹⁰

Freedom of Association in International Human Rights Law

The right to freedom of association is also well established in international law. The right to freedom of association may be restricted, but only on certain prescribed grounds and only when particular circumstances apply. According to Article 22 of the ICCPR:

(1) Everyone shall have the right to freedom of association with others, including to form and join trade unions for the protection of his interest;

(2) No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.¹¹¹

¹⁰⁸ Code of the Criminal Procedure for the Courts of General Jurisdiction and Revolutionary Courts, Approved by the Islamic Consultative Assembly September 19, 1999, art. 118.

¹⁰⁹ Official website of the Iranian Judiciary, <http://judiciary.ir/courts-revolutionarycourts-fa.html> (accessed January 16, 2008). Revolutionary Courts were established in 1979 with the mandate to try crimes against national security, slandering the founder of the Islamic Republic and the Supreme Leader, and smuggling narcotics.

¹¹⁰ Iran Press Law, ratified on March 19, 1986, amended on April 18, 2000, art. 9

¹¹¹ ICCPR, art. 22.

The restrictions specified in Article 22(2) should be interpreted narrowly. For example, terms such as “national security” and “public safety” refer to situations involving an immediate and violent threat to the nation. “Necessary” restrictions must be proportionate: that is, carefully balanced against the specific reason for the restriction being put in place.¹¹²

Freedom of Association in Iranian Law

Iran’s constitution allows for the freedom of association, albeit with broadly stated exceptions. Article 26 states that freedom of association is granted except for those who “violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic.”¹¹³

Here, too, Iranian authorities primarily rely on the set of “security laws” in Iran’s Islamic Penal Code to stifle freedom of association.¹¹⁴ Article 498 outlaws the establishment of a group for the purpose of “disrupt[ing] national security.”¹¹⁵ Article 499 sets prison terms of three to five months for anyone who participates in such groups, unless the person can prove that he or she had no knowledge of its goals.¹¹⁶ Article 500 sets prison terms of three months to one year for anyone who “in any way undertakes propaganda against the state of the Islamic Republic of Iran or undertakes propaganda for the benefit of group or institutions against the state.”¹¹⁷

Iran’s Security Laws arbitrarily limit freedom of association protected by Article 22 of the International Covenant on Civil and Political Rights. Article 22 states that “everyone shall have the right to freedom of association with others.”¹¹⁸

¹¹² See Manfred Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary* (Kehl am Rein: N.P. Engel, 1993), pp.386-387.

¹¹³ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 26.

¹¹⁴ Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996.

¹¹⁵ Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996, art. 498.

¹¹⁶ Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996, art. 499.

¹¹⁷ Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996, art. 500.

¹¹⁸ ICCPR, art. 22.

Human Rights Watch has previously documented how the authorities construe these broadly-worded security laws to suppress the activities of a broad range of civil society activists in Tehran.¹¹⁹ The government uses essentially the same mechanisms to suppress activities by critics in the country's Kurdish areas and persecute those activists who promote or engage in those activities.

Minority Rights in International Human Rights Law

Article 27 of the ICCPR states 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 practice their own religion, or to use their own language.” The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the UN General Assembly, states, in Article 2(4): “Persons belonging to minorities have the right to establish and maintain their own associations.”¹²⁰ This means that a state not only cannot prevent a minority from using its language; it is under a positive duty to ensure that a minority can set up associations and be able to publish in their language and practice their religion without discrimination.¹²¹

Minority Rights in Iranian Law

The Iranian constitution includes provisions to protect the rights of linguistic, ethnic, and religious minorities. Article 12 establishes Islam, specifically the Twelver School of Shi'ism as the official religion of the country, but grants other Islamic schools “full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites.”¹²² Article 13 grants religious freedom only to specifically “recognized religious minorities,” stating that “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious

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¹²⁰ Adopted by General Assembly resolution 47/135 of 18 December 1992

¹²¹ See Human Rights Committee, General Comment No. 23: The rights of minorities (Art. 27): 08/04/94 CCPR/C/21/Rev.1/Add.5

¹²² Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 12.

minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.”¹²³

Article 15 states that Persian is the official language of the country but stipulates that “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.”¹²⁴

Article 19 states that “all people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege.”¹²⁵ Article 20 confirms equal protection under the law by stating that “all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.”¹²⁶

¹²³ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 13.

¹²⁴ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 15.

¹²⁵ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 19.

¹²⁶ Constitution of the Islamic Republic of Iran, adopted October 23, 1979, amended July 28, 1989, art. 20.

Methodology

Iran does not allow Human Rights Watch to visit the country for purposes of conducting research. Individuals inside Iran fear that their communications with foreign organizations is under surveillance by the government. Given these limitations, Human Rights Watch conducted interviews with thirteen Kurdish Iranian writers and activists in Iran, Europe, and North America via telephone, internet messenger services, and email. Human Rights Watch chose these persons to interview after consulting with prominent journalists and activists based in Iran's Kurdish areas or with recent experience working in the region. In many cases, activists and lawyers provided Human Rights Watch with scanned court official documents pertaining to the cases covered in this report.

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Appendix 1

Individuals in Kurdish areas of Iran who faced persecution and restrictions as a result of their journalistic activities:

1. Bahram Valad-Beigi, editor of the Persian and Kurdish-language newspaper *Ashti* newspaper (see main text).
2. Barhan Lahooni, general manager of the Persian and Kurdish-language newspaper *Ashti* (see main text).
3. Asu Saleh, journalist and member of the editorial board of the Persian and Kurdish-language newspaper *Didgah* (see main text).
4. Mohammad Saeed Kaboudvand, general manager of the Persian-language weekly *Payam-e Mardom* and the director of the Organization for the Defense of Human Rights in Kurdistan (see main text).
5. Adnan Hassanpur, journalist and member of editorial board of the Persian and Kurdish-language weekly *Asou*.
6. Hiva Boutimar, environmental activist with Green Society of Marivan who published a weekly with this organization.
7. Ejlal Ghavami, journalist and member of the editorial board of the Persian-language weekly *Payam-e Mardom*.
8. Aku Kurdnasb, manager of news section of the Persian and Kurdish-language weekly *Karaftoo*.
9. Abdullah Sohrabi, owner of the Persian and Kurdish-language weekly *Roojh Halat*.
10. Reza Alipour, journalist and member of editorial board of the Persian and Kurdish-language weekly *Roojh Halat*.
11. Saman Soleimani, journalist and member of editorial board of the Persian and Kurdish-language weekly *Roojh Halat*.
12. Tonia Kaboudvand, journalist and manager of the women section of the Persian-language weekly *Payam-e Mardom*.
13. Namu Hedayati, journalist and member of editorial board of *Payam-e Mardom*.
14. Kaveh Hosseinpanah, journalist and member of editorial board of *Payam-e Mardom*.

15. Jahangir Hashemi, journalist and member of editorial board of *Payam-e Mardom*.
16. Jamshid Vaziri, journalist and member of editorial board of *Payam-e Mardom*.
17. Majid Mohammadi, journalist and member of editorial board of *Payam-e Mardom*.
18. Cyrus Ebadi, journalist and member of editorial board of *Payam-e Mardom*.
19. Hassan Sheikhabadi, journalist and member of editorial board of *Payam-e Mardom*.
20. Yousef Aziz, journalist and member of editorial board of *Payam-e Mardom*.
21. Saman Rasulpour, journalist and human rights activist. (see main text).
22. Madeh Ahmadi, journalist.
23. Saeed Saedi, journalist.
24. Farhad Aminpour, journalist and member of editorial board of the Persian and Kurdish-language weekly *Roojh Halat*.
25. Roya Toloué, editor of the monthly Persian and Kurdish-language monthly *Rasan*.
26. Hossein Ahmadiniyaz, general manager of the Persian and Kurdish-language weekly *Asu*.
27. Jalil Azadikhah, editor of *Asu*.
28. Sadigh Minayee, journalist with *Asu*.
29. Ghorban Abbasi, a journalist with the publication Persian language *Farday-e Ma*.
30. Yousef Pirboudaghi, journalist *Farday-e Ma*.
31. Ibrahim Darvishali, reporter for Kurdistan TV channel.
32. Leila Madani, general manager of the weekly Persian and Kurdish-language *Karftoo* and member of the Kurdish Writers Association.
33. Soleiman Bayazidi, member of the editorial board of the weekly the Persian and Kurdish-language weekly *Payam-e Kurdistan*.
34. Feyzallah Piri, journalist and member of the editorial board of the publication *Sirwan*, a Persian and Kurdish-language weekly owned by Kurdistan municipalities.
35. Jalal Jalalizadeh, manager of *Sirwan*.
36. Tofiq Rafiyee, director of *Sirwan*.
37. Kaveh Javanmard, journalist with the weekly Persian and Kurdish-language *Karftoo*.
38. Omid Ahmadzadeh, journalist from Sanandaj who worked with the Persian and Kurdish-language weekly papers *Asu* and *Didgah*.

Appendix 2

Individuals in Kurdish areas of Iran who faced persecution and restrictions as a result of writing or publishing books:

1. Shahram Ghavami, novelist in Sanandaj (see main text).
2. Behzad Khoshali, writer and researcher from Saghz (see main text).
3. Ali Ahmadi, writer of book on religion.
4. Saeed Ahmadi, writer of book on religion.
5. Hadi Ahmadi, writer of book on religion.
6. Zeinab Yusefi, writer and translator from Sanandaj.
7. Chanwar Fathi, writer and translator from Saghz

Appendix 3

Individuals who have been arrested and/or have cases pending against for their peaceful activities with the Organization for the Defense of Human Rights in Kurdistan

1. Sadigh Kaboodvand, founder (see main text).
2. Farzad Kamangar (see main text).
3. Heman Mahmoudi.
4. Borhan Ghesali.
5. Pouriya Mafrah.
6. Saman Rasoulpour (see main text).
7. Zeinab Beyzidi.
8. Navid Fathi.
9. Rahman Eslani.
10. Ghafoor Mohammadi.
11. Kajhal Mohammadi.
12. Leila Kharazi.
13. Aziz Abdollahi.
14. Shirko Jahani.
15. Khalid Ghobadi.