

**Introduction**

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The Islamic Republic is not just another Islamic state, but the sole theocracy in the modern world. Its birth was marked by a revolution, the first signs of which involved random acts of violence. Soon violence erupted throughout the entire country. Nothing unusual for revolutionary times, but with one exception, the emerging revolutionary party and subsequent powers defined violence as an expression of faith, clothed in the robe of justice delivered through religious, in this case, Islamic Sharia codes and laws. This has been institutionalized through Islamic revolutionary courts and guards who have raised Iran to the top of the executions charts over the past three decades.

The slogan 'independence, freedom and Islamic Republic,' which symbolised the democratic society the revolutionaries were in search of, was soon replaced by a post-revolutionary state that enveloped the nation in a culture of violence. Almost immediately after victory, waves of arrests, torture and executions swept across the nation and the burgeoning administration was symbolised by both a culture of violence manifested by the mistreatment of minorities, women and dissidents, and a body that perpetrated violence, the Islamic Revolutionary Guards Corps (IRGC). According to the Republic's constitution, the IRGC 'have responsibility not only for safeguarding the frontiers, but also for a religious mission, which is Holy War (JIHAD) along the way of God, and the struggle to extend the supremacy of God's Law in the world.'<sup>1</sup>

Authoritarian states rest on a pillar of vague laws and codes that give ruling elites the power to exercise selective justice against those who would challenge their absolute power. The Islamic Republic uses vague laws and codes that breed violence as the dominant feature of its power structure and the way of life in Iran. In its earlier years, the Republic judiciary's few minute-long hearings branded citizens of all strata with the charge of 'corruptor on earth'<sup>2</sup> before sending them to firing squads. This would be followed by publishing images of their bullet-riddled bodies in national papers as a further means of breeding violence. It set a trend for the state to ignore its own laws and constitution through waves of arbitrary arrests, the denial of due process and summary executions. More recently, increasingly and worryingly, the judiciary uses other vague charges of 'acting against state security' and 'propaganda against the system'. Those sentenced to death are not always shot behind prison gates but they can be killed in the spectacle of public executions, where the government rallies the masses, both young and old, to witness the most prolonged and painful form of death by hanging.

Furthermore, vague laws and concepts accommodate the conservative faction and clerics associated with the state to employ 'Islamic criteria'<sup>3</sup> as a condition to block access to civil rights. Activists, dissidents, journalists, artists, and ordinary citizens are censored, harassed, tortured or even executed based on the loose interpretation and application of 'Islamic criteria' to their basic rights. This can lead to violent tensions between the increasing monopolisation of power amongst a few and the deprivation of the most basic rights for a significant portion of the population, particularly among women, children, and ethnic and religious minorities.

In the Iran of today, through legislation and state-sponsored propaganda, both institutional and symbolic forms of violence dominate the relationship between the state and citizens. At the level of the state, political, civic, economic, cultural and social policies have been infused with an intense element of violence. At the level of citizens, physical, sexual and verbal violence defines interactions and relationships. These dynamics have eroded the lives of all Iranian citizens and facilitated the transfer of the Islamic Republic's ideational approach to violence well beyond its borders by barring access to universal human rights in the name of cultural relativism or the narrow reading of Sharia laws endorsed by the Republic's constitution.

In effect, the Islamic Republic's machinery can be described as a surveillance state that shows no regard for civilian life. As a result of a rational calculus, its policies generate a cycle of violence that have, in turn, gradually shifted cultural values and consequently bred domestic violence and contention. This cycle rests on both state actors and particular populations that adhere to violence irrespective of state action, such as religious figures like Friday Prayer leaders<sup>4</sup> or media moguls<sup>5</sup>.

<sup>1</sup>Alavi and Associates, English Translation of the Constitution of the Islamic Republic of Iran <http://www.alaviandassociates.com/documents/constitution.pdf>

<sup>2</sup>The Arabic/Islamic term was 'Mofsed fil Arz'

<sup>3</sup>Article 4 of the Islamic Republic constitution states: "All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria."

<sup>4</sup>The recent case of alleged murder of a member of the Baha'i minority, Ataollah Rezvani, happened a day after the local Friday prayer leader included anti-Baha'i comments in his sermon.

At a time when the international community is focussed on the issue of security symbolised by the nuclear negotiations with the Islamic Republic authorities, this issue of Iran Human Rights Review seeks to draw attention to the underlying problem that affects both access to nuclear energy, as well as Iran's more universal challenge, the systematic and on going violation of human rights. It is hoped that by shining a spotlight on the culture of violence, this current issue of Iran Human Rights Review may serve as a tool to remind decision makers that human rights is not a soft issue for a few zealous citizens. The epidemic nature of violence in the form of gross violations of the rights of children, youth, women and men living in the Islamic Republic implies that human rights should be at the heart of international relations, negotiations and policies regarding the Islamic Republic. Looking at the examples of South Africa or Argentina, it is only when universal human rights take the place of violence that states are able to commit to security at national and international levels.

The aim of this issue is to raise questions, encourage further consideration and highlight the need for experts to explore new approaches to their exchanges with Islamic Republic officials with the aim of replacing the current culture of violence<sup>6</sup> that is at the heart of a considerable portion of Iranian codes and laws with measures that lead to a primacy of non-violence. Historically, nonviolent movements are twice as likely to succeed than those with a violent agenda, a phenomenon that serves as a point of encouragement for those interested in investing in the future of Iran as a regional power.<sup>7</sup> It also draws attention to the need to address the moral and political crisis affecting the core of the Islamic Republic and the necessity of human rights-centric laws and values that result in the gradual transformation of its society and citizens.

This issue benefits from the insights of a number of voices from Iran with a great deal of experience at the grassroots level. It is also enriched by the contributions of two leading figures among Iranian human rights defenders. Furthermore, Professor Payam Akhavan framed the overall message of this issue in light of his experiences as a global expert on gross human rights violations often initiated and accompanied by horrendous expressions of violence.

Mahmood Amiry-Moghaddam and Tabassom Fanaian examine the application of the death penalty in Iran and argue that it is applied in such a way so as to instil fear in society. They argue that Iran has the highest number of public executions with numbers rising in recent years in the wake of the 2009 election protests. He also draws attention to the practice of secret executions, where both the family and legal representatives of those executed are not informed about what has happened. He draws attention to the way in which the death penalty is used as part of Iran's fight against drug trafficking, which receives international support, both in terms of the number of executions and extra judicial killings.

Musa Barzin Khalifelo explores the legal basis for the activities of the Islamic Revolutionary Guards Corps (IRGC) and their subsidiary, the Basij. He examines the origins of both organisations and how their roles have expanded over time to underpin the theocratic priorities of the Iranian state, both at home and abroad. Khalifelo explores the role of these organisations in enforcing public morality codes and the suppression of opposition activity in Iran. He argues that fear and violence are at the heart of their activities and these tactics are rooted in Iran's laws and constitution.

Mahnaz Parakand explores the issue of violence against political prisoners by the Iranian judicial, penal and security services. She examines the ways in which the arrest, detention and trial of political prisoners regularly does not comply with Iranian law or international norms, such as lack of access to legal representation, information about their case or family contact, in addition to issues of physical abuse and illegal prisoner transfers.

Justice for Iran (JFI) presents a review of the various forms of sexual torture devised and implemented by Islamic Republic leadership and prison authorities against women prisoners. It highlights one particular form of sexual torture, the raping of virgins prior to execution, primarily carried out in the 1980s. It further highlights the current state policies on sexual torture, hallmarked by physical violation of female political prisoners, including cavity searches, and accompanied by psychological mistreatment, such as post-detention harassment of citizens and their families.

<sup>5</sup> The Supreme Leader's representative and managing editor of state-backed Kayhan Newspaper, Hossein Shariatmadari, is one of the most controversial figures in spreading inflammatory statements through his publication.

<sup>6</sup> Iran ranks 137 out of 162 on the Global Peace Index, see: Vision of Humanity, Global Peace Index: Iran, June 2013 <http://www.visionofhumanity.org/#page/indexes/global-peace-index/2013/IRN/OVER>

<sup>7</sup> A study looking at movements between 1900 and 2006 found that while more than 50% of nonviolent movements succeeded only 25% of violent yielded results. Please see: Erica Chenoweth, Give peaceful resistance a chance, New York Times, March 2011, [http://www.nytimes.com/2011/03/10/opinion/10chenoweth.html?\\_r=0](http://www.nytimes.com/2011/03/10/opinion/10chenoweth.html?_r=0)

Hossein Raeesi's contribution explores the constitutional and legal basis for discrimination against non-Shia religious minorities and non-Persian ethnic minorities in Iran. He draws attention to a range of articles in the constitution that underpin the actions of government institutions in discriminating against minorities, where the public activities of minority faiths are often framed as action against the state. He also explores the role of language in excluding ethnic minority groups from participation in civic life, particularly looking at discrimination in the education system against those with mother tongues other than Persian.

The International Coalition Against Violence in Iran (ICAVI) examines the ways in which the actions of the Iranian state can be seen to promote violence against children. They focus on three main issues: the treatment of children in prison who are incarcerated with their mothers, the execution of minors and those who committed crimes as minors, as well as new provisions that enable legal guardians to marry the children who have been placed in their care.

Medeh Ghaderi explores the constitutional and legal foundations of discrimination against women in Iran and looks at what this means in practice. She focuses on issues such as the defined role of the man as head of an Iranian household and how this impacts on women in terms of domestic life, divorce, child custody, polygamy and inheritance matters.

Rouhi Shaffi examines the way in which the Iranian state is seen as promoting violence against women. Her contribution focuses on systemic discrimination in family law matters, arguing that this is a contributory factor in why women murder their husbands as a means of escape. It looks at the challenges facing women who are the head of their family and women who are involved in prostitution or suffering from drug addiction.

Nasrin Afzali explores the evolution of how wearing hejab became enforced on Iranian women in the months and years following the 1979 Islamic revolution. She notes how pressure to conform developed from initial restrictions in accessing public institutions to its inclusion in the Penal Code from 1983. Afzali explores the role of the Basij and police force in both formally and informally ensuring compliance with Iran's laws on hejab in workplaces, government institutions and public spaces.

On the basis of the evidence provided in the articles included in this issue edition of the Iran Human Rights Review, it might be useful to consider a number of recommendations:

- The Islamic Republic authorities to look at reform of discriminatory laws affecting specific populations including women, religious minorities, ethnic minorities and sexual minorities
- Increase funding opportunities for human rights, women's rights and children's rights organisations as a means of facilitating the promotion of a culture of human rights that is accessible to the public in Iran online, through traditional media and other resources
- Encourage the rule of law and processes involving truth commissions and tribunals focussed on the victims of human rights violations, particularly among Iranian women and religious and ethnic minorities
- International policy makers could explore educational opportunities for civic actors in core and marginal communities in Iran involved with non-violence education
- Facilitate increased access among Iranian youth to educational and training opportunities focussed on the historical, theoretical and practical elements of a nonviolent culture through on-line education and edutainment
- Explore ways to hold Islamic Republic authorities and bodies to account that promote a culture of violence through state-sponsored media both inside and outside of Iranian borders
- Encourage the Islamic Republic authorities to sign international instruments including the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN Convention against Torture without reservation
- Facilitate increased international relations between global south leaders committed to universal human rights and the Islamic Republic authorities

