

URGENT ACTION

NEW NGO LAW WOULD GREATEN RISKS FOR ACTIVISTS

The Iranian parliament is set to approve a law which will limit the independence of civil society organizations in the country. If passed, many more civil society activists in Iran could risk prosecution for peacefully exercising their rights to freedom association and assembly.

The Bill on the Establishment and Supervision of Non-Governmental Organisations (NGOs) is undergoing a final reading in Iran's parliament. In the last few days, articles have been passed that will severely limit the independence of civil society organizations, despite vigorous opposition from many organizations which would be affected.

The law will create an unaccountable body, the Supreme Committee Supervising NGO Activities. All currently-operating NGOs will have to re-register with the Committee, which will issue and revoke registration permits for all NGOs, and have ultimate authority over their boards of directors. Currently, the closure of registered organizations requires a court decision. Activists taking part in organized activities with NGOs which fail to secure a registration permit, or who have their permit revoked, will be at much greater risk of prosecution under vaguely worded provisions of Iran's Penal Code. Other measures passed include the requirement for all "non-political demonstrations" and for all contacts with international organizations to have prior permission from the Supreme Committee.

Discussion of the Bill is continuing in the Majles, Iran's parliament. After it has been passed, it will be sent to the Council of Guardians who will review it for conformity to the Constitution and to Islamic Law.

PLEASE WRITE IMMEDIATELY in Persian, Arabic, English, French or your own language:

- Calling on Iranian parliamentarians not to pass the Bill on the Establishment and Supervision of NGOs, which would severely limit the peaceful exercise of the rights to freedom of association and assembly in Iran;
- Reminding the Iranian authorities that freedom of association and assembly is guaranteed by Articles 26 and 27 of the Iranian Constitution and by Article 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a state party;
- Urging the authorities to cease harassing and arresting civil society activists, including students' and women's rights activists, environmentalists, journalists, human rights defenders and members of professional associations, such as the Teachers' Trade Associations.

PLEASE SEND APPEALS BEFORE 22 April 2011 TO:

Speaker of Parliament

Ali Larijani
Majles-e Shoura-ye Eslami
Baharestan Square
Tehran

Islamic Republic of Iran
Email: Larijani@parliran.ir

Fax: +98 21 3355 6408

Salutation: Your Excellency

Chair of the Council of Guardians

Ayatollah Ahmad Jannati
Council of Guardians
Imam Khomeini Avenue
West of junction with Vali-Asr
Ave/Falestin Jonubi St.
Tehran 1317735111

Islamic Republic of Iran
Fax: +98 21 6640 1012 (press 2 when
automated voice comes on in Persian to
begin transmitting fax)

Email: info@shora-gc.ir

Salutation: Your Excellency

And copies to:

Secretary General, High Council for
Human Rights

Mohammad Javad Larijani
High Council for Human Rights
[Care of] Office of the Head of the
Judiciary, Pasteur St., Vali Asr Ave.
south of Serah-e Jomhouri, Tehran
1316814737, Islamic Republic of Iran
Email: info@humanrights-iran.ir (subject
line: FAO Mohammad Javad Larijani)
Salutation: Dear Sir

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The new body, the Supreme Committee Supervising NGO Activities, would be chaired by the Interior Ministry, and will include members from the Intelligence Ministry, the Police, the Basij (a volunteer paramilitary force), the Revolutionary Guards Corps, and the Foreign Ministry, among others, with only one elected member representing NGOs interests.

If this bill is passed, members of NGOs which fail to secure a registration permit, or who have their permit revoked, risk prosecution under Iran's Penal Code which contains numerous vaguely worded articles relating for example to "national security" which restrict freedom of expression, association and assembly, by prohibiting activities such as demonstrations, public discourse and formation of groups and associations. These vaguely-worded criminal offences are in breach of the principle of legality and legal certainty by being too wide and vague, thus failing to meet requirements for clarity and precision needed in criminal law and may not amount to a "recognizably criminal offence" under international human rights law.

Specifically, Articles 183 to 186 of the Penal Code, which concern the "offence" of "*moharebeh va ifsad fil-arz*" or "enmity against God and corruption on earth" restrict the right to freedom of association. These terms are defined as follows in the Penal Code: "Any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered as a *mohareb* and to be corrupt on earth". Among those designated as "*mohareb*" are "those convicted of membership of or support for an organization that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this". Other references in law specify other circumstances where someone may be considered a "*mohareb*", which include espionage and forming a group to harm state security.

The "crime" of "*moharebeh*" can carry the death penalty and judges have a wide degree of discretion in interpreting the provision on "*moharebeh*".

Articles 498 and 499 of the Penal Code state that whoever forms or joins a group or association either inside or outside the country, which seeks to "harm the security of the country" will be sentenced to between two and 10 years' imprisonment, yet there is no definition of "harm" or "security of the country" in the Code. Articles 501 and 508 relate to forms of "espionage".

People who join unauthorized demonstrations or gatherings can face prosecution under Article 610 which criminalises "gathering and colluding with intent to harm state security" and Article 607, which relates to disobeying the orders of officials.

Many civil society organizations were established during the presidency of Mohammad Khatami between 1997 and 2005. Since President Mahmoud Ahmadinejad was elected in 2005, the authorities have regarded them with suspicion, and have accused them of being part of a "soft revolution" intended to overthrow the Islamic Republic. NGOs have been closed down, like the Centre for Human Rights Defenders, co-founded by Nobel Peace Laureate Shirin Ebadi, and the Association for the Defence of Prisoners' Rights, whose Head, Emadeddin Baghi, is held as a prisoner of conscience. Other activists are also serving long prison terms, like Mohammad Sadigh Kabudvand, the founder of the Kurdistan Human Rights Organization, Sa'id Metinpour, an activist for the rights of the Azerbaijani minority, and Behareh Hedayat, a student leader and women's rights activist, while some face ongoing harassment and employment bans.

For more information, please see Iran: Independent civil society organizations facing obliteration, Index MDE 13/037/2011, 4 April 2011.

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