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 - Recent documents
 - By country or region
 - By theme
 - Annual reports
- **take action**
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- **latest news**
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 - Israel / Occupied Territories: Forcibly transferring relatives of suspected Palestinian suicide bombers would violate international law
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 - About AI
 - Contact us
 - Jobs
- **campaigns**
 - Stop Torture
- **search**



Freedom of expression and association in Iran is curtailed by legal restrictions and by flaws in the administration of justice. It has resulted in a catalogue of unfair trials and the imprisonment of prisoners of conscience.

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Español | Français

▶ Take Action

▶ Further Information

▶ Other Languages:

فارسی Persian | عربي Arabic

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Iran's Constitution guarantees freedom of belief, yet restrictions on freedom of expression and association in Iranian law go beyond both the Iranian Constitution and international human rights treaties to which Iran is a state party. Restrictive, contradictory and vaguely worded provisions contained in the Penal Code, the Theologians' Law - a body of law that deals with offences committed by clerics - and the Public and Revolutionary Courts' Procedural Law undermine the right to freedom of expression. For example, the Penal Code prohibits a range of activities, such as those connected with journalism or public discourse, which do not amount to recognizably criminal offences.

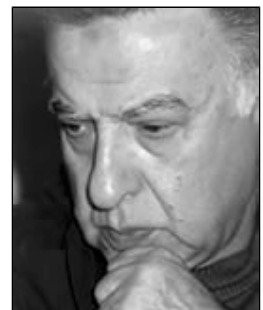
Structural flaws in the judicial system, including with respect to its independence, often result in irregular trial procedures. The judiciary does not enjoy the independence accorded to it by constitutional provisions. Lower court judges are under pressure to investigate and prosecute allegations that may be brought by a superior judicial official who is often the official directly responsible for their appointment and continued employment as a judge and the functions of investigator, prosecutor and judge are frequently combined, bringing the impartiality of the judge into question.

Limits on the Bar Associations, re-established in 1999 weaken its independence and, as a result, safeguards for defence against unfair trial. The function of the Bar Associations to grant licences to newly qualified lawyers and to freely choose its own representatives are, for example, essential safeguards of the independence of the Bar Associations. Recent legislation, however, has removed these functions. The judiciary controls those eligible for apprenticeship places with the Bar Associations, their entry into the legal profession and their continued functioning as a lawyer. This weakens the independence of the Bar Association and undermines the professional integrity, security and independence required by lawyers.

Taken together, these flaws have obstructed the delivery of justice. Over recent years there have been numerous victims of arbitrary detention, unfair trial and imprisonment for no reason other than the expression of their conscientiously held beliefs. Such practices are not only contrary to Iran's own Constitution but also violate international human rights standards.

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[Ahmad Batebi](#)





Ahmad Batebi © Private

Ahmad Batebi, a student of film production attached to Tehran University, was 21 years old when he was arrested in July 1999 during clashes between students and the security forces in central Tehran. From the end of June 1999 until the day of his arrest Ahmad Batebi was, with the authorization of his university, producing a documentary about the dangers of drug addiction and social problems. Ahmad Batebi has been in prison since then and was sentenced to death after a secret trial by the Revolutionary Court; his sentence was later reportedly commuted to 15 years' imprisonment. [Take Action](#)



Nasser Zarafshan © Courtesy of Kayhan (London)

Nasser Zarafshan

Nasser Zarafshan, a prominent Iranian lawyer, was sentenced on 19 March 2002 to five years' imprisonment and 70 lashes following his conviction in a secret trial before a military court. He was charged with disseminating confidential information and with having weapons and alcohol at his law firm following a search of his office carried out while he was in detention and without the presence of his lawyer. He was given two years for publicizing state information, three years for possession of firearms and 70 lashes for illicitly possessing alcohol. [Take Action](#)

Further Information:

[A legal system that fails to protect freedom of expression and association](#)

[All Amnesty International documents on Iran](#)

External links:

These are mostly in Persian
(Amnesty International is not responsible for the content of external internet sites)

[Amir Kabir University \(Tehran, Iran\) Students](#)

[Tehran University](#) (homepage of Ahmad Batebi's university)

[Iranian Students' News Agency](#) (Iran)

[Universal Declaration of Human Rights](#) (in Persian)

[This is the Association of Iranian Journalists](#)(in Persian)

[Noandishan - an Iranian NGO aimed at young people](#) (in Persian)

Some of those who have faced unfair trial (from top to bottom):

Akbar Ganji

© Heinrich Böll Foundation

Ali Afshari

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Ezzatollah Sahabi

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Hojjatoleslam

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