



IRAN

CAPITAL: Tehran

POPULATION: 71.2 million

GNI PER CAPITA: \$3,000

SCORES	2005	2007
ACCOUNTABILITY AND PUBLIC VOICE:	1.75	1.63
CIVIL LIBERTIES:	1.89	1.74
RULE OF LAW:	2.70	2.17
ANTICORRUPTION AND TRANSPARENCY:	1.73	1.85

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

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INTRODUCTION

Ayatollah Ruhollah Khomeini's 1979 Islamic revolution depended on mass participation nationwide, but the clerics who took up the reins of power have since refused to submit to democratic accountability. The authority of the ruling Shiite ayatollahs, who claim to represent God's will, is bolstered by the Islamic Republic's constitutional system. The supreme leader, who is not directly elected by the Iranian populace, sits at the pinnacle of the system. He is supported by the unelected Council of Guardians, which blocks legislative attempts at reform and vets candidates for elected office.

Iran's political system has been dominated since 1979 by conservative clerics and politicians. They have worked over the years to preserve the uprising's Islamic and revolutionary values—and to keep themselves in power. The result is an authoritarian regime that demands public compliance with traditional Islamic laws, affecting people's social interactions

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and private lives. It strongly resists many forms of modernity and the notion of an open society.

Substantial sectors of Iranian society are at a disadvantage under the Shiite and exclusively male-dominated regime. The officially imposed Islamic laws bar many women from playing significant economic or political roles. The political engagement of religious minorities, including Sunni Muslims, is very limited, and ethnic minorities such as Kurds, Arabs, and Baluchis—who make up nearly half the population—are granted little room for participation.

Advocates for political reform and an open civil society made significant progress in the late 1990s, but at present their efforts to boost civil liberties and democratic participation are stalled. The reform movement launched by then president Mohammad Khatami in 1997 was eclipsed after conservatives won a majority in the Majles (parliament) in 2004 and Mahmud Ahmadinejad won the presidency in 2005. A backlash against reform measures was perhaps inevitable, since conservatives saw gradual liberalization as a threat to regime longevity, just as it had been in the Soviet Union and Eastern Europe. In addition, the reformists themselves admit that they lost voter support by concentrating too soon on political development rather than basic economic needs.

The reform movement is not dead, even if reformist politicians are currently out of power. Dissenters continue to voice criticism of government policies, though journalists, intellectuals, students, and proponents of human rights have become more wary, imposing a measure of self-restraint in order to avoid a crackdown by the authorities.

Developments in neighboring Iraq and Afghanistan have increased the Iranian regime's sense of insecurity and helped harden its exclusionary and repressive tendencies. Apprehensive that Washington seeks regime change in Tehran, the ruling clerics have tightened restrictions on freedom of expression and remain distrustful of broader political participation.

Nonetheless, politics in Iran remain dynamic. Voter turnout is impressively high, as most Iranians value what little democratic process is available to them, despite the entrenchment of the ruling clerics and the economic and political incompetence of successive elected administrations. Even within the narrow spectrum of regime-approved candidates, election outcomes can be unpredictable. An abundance of political parties, though often ephemeral and ineffective by Western standards, provide an important forum for political debate.

The constant ebb and flow of Iranian politics has caused some significant setbacks for Ahmadinejad and his hard-line allies. Increasingly blatant criticism in the press after his first year in office was followed by the crushing defeats of his political supporters in nationwide elections in December 2006.

ACCOUNTABILITY AND PUBLIC VOICE

FREE AND FAIR ELECTORAL LAWS AND ELECTIONS:	1.75
EFFECTIVE AND ACCOUNTABLE GOVERNMENT:	1.75
CIVIC ENGAGEMENT AND CIVIC MONITORING:	2.00
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION:	1.00
CATEGORY AVERAGE:	1.63

Iran's present state system is designed to perpetuate the domination of the Shiite clerical hierarchy. Candidates for elective office must express fealty to the principle of *velayat-e faqih*, or rule by a religious jurist, which stipulates that only highly qualified experts on Islamic law are suitable to head the state. This empowers Ayatollah Ali Khamenei in his lifetime position as supreme leader, even if his jurisprudential credentials fall far short of those of his predecessor, Ayatollah Ruhollah Khomeini.

Regular nationwide elections offer some relief from the authoritarian, unelected entities that effectively control the state. For the theocratic regime, elections add a measure of popular legitimacy to the authority it claims to derive from God. The populace, meanwhile, gains some sense of democratic participation by choosing from among officially vetted candidates for the presidency, parliament, local councils, and the Assembly of Experts, a body of loyal senior clerics who choose the supreme leader.

Suffrage is universal in Iran, unlimited by gender or ethnicity. The minimum voting age rose to eighteen in January 2007 after remaining at only fifteen for many years; the change was seen as a measure to counteract the comparatively high popularity of reformists among younger voters.

A comprehensive election bill, under consideration by the Interior Ministry and the Majles since August 2006, promises to codify numerous electoral regulations, but its passage remains uncertain.¹ Among the

issues being debated is a proposal to tighten the screening process for Majles candidates by requiring them to have a university degree and a minimum of five years' executive experience. Opponents charge that this narrows democratic representation, particularly in smaller provincial cities where fewer citizens hold university degrees.²

Campaign financing is not transparent, and in the absence of campaign finance laws there appear to be few restraints on privileged interests wielding influence over the electoral process. Certain politically active clerical organizations, the oldest and most important of which are the Militant Clergy Association (*Jame'eh-ye Rowhaniyat-e Mobarez*) and the Qom Seminary Lecturers Association (*Jame'eh-ye Modarresin-e Howze-ye Elmiye-ye Qom*), endorse their favored candidates in every election. They have access to the enormous resources that accrue from religious tithes and endowments to mosques, but precisely how they provide money to candidates, or how much, is difficult to determine. Information on campaign contributions by other interests, in the business community, the military, or government organizations, is also unavailable. Occasionally, though, the media carry veiled references to the Tehran municipality's use of public resources to back candidates it prefers.

Balloting is secret, and the process is monitored by electoral authorities from the Interior Ministry and the paramilitary Basij organization. Several reformist groups claimed numerous cases of ballot-box fraud in the presidential elections of 2005 and in the December 2006 local council elections; in the latter polling, even the Justice Ministry acknowledged some 290 cases of election offenses in Tehran alone.³ A spokesman for the main reformist coalition complained that the election supervisory board for Tehran ignored demands for a recount, and the interior minister was unresponsive to concerns raised by former presidents Khatami and Hashemi Rafsanjani as well as Mehdi Karrubi, a former Speaker of the Majles and 2005 presidential candidate.

There is, however, genuine competition between the two broad political factions, the conservatives and the reformists, with both comprising a mix of clerical and lay leaders loyal to the regime. Conservatives, who refer to themselves as *osulgarayan* (fundamentalists), currently control the political process and advocate a return to what they perceive to be Islamic and revolutionary values. Reformists seek democratic reforms, greater freedom of expression, an easing of repressive Islamic social strictures, and less confrontational foreign relations.

Conservatives and reformists enjoy a limited rotation of power, resulting from what are sometimes fiercely contested elections. However, interference by unelected institutions centered on the supreme leader has facilitated domination by the conservatives since 2004, making it difficult to present significant policy options in the manner possible under more competitive political systems.

Although all candidates are allowed to put up posters in public places, campaign opportunities are not always equal for everyone. Reformist candidates, unlike conservatives, complain that they are not granted permission to hold political rallies or to speak at university gatherings.

The dominant, conservative side of Iran's political spectrum remains distrustful of parties that would broaden access to the political system. The Freedom Movement of Iran, a liberal Muslim party that supports the Islamic Republic but is less supportive of the need for clerical rule, is banned from elections. No strictly secular party is granted permission to operate.

There are more than 200 political parties in Iran, as well as influential political groups, such as the conservative Militant Clergy Association, that play a similar role. Most political parties have very limited membership and are usually built around a few noteworthy politicians. The parties are generally idle during the stretches between national elections. Nearly all are centered in Tehran, though in recent years some have established provincial offices. Parties try to form coalitions at election time, but rivalries are often too intense for anything but the most ephemeral partnerships.

Iran's parties have been ineffective in promoting democracy. One of their few functions is to decide on which candidates to endorse, but after numerous and often contentious meetings of their central committees, some parties fail to achieve even that. The parties can rarely agree on platforms, so voters frequently find it difficult to understand what candidates stand for.

President Ahmadinejad was elected without the support of any formal party organization and shows little interest in parties. His minister of culture was roundly criticized for declaring in January 2007 that in Iran the Basij paramilitary organization and the "culture of martyrdom" have taken the place of parties both organizationally and ideologically.⁴

The twelve-member Council of Guardians limits and determines Iranians' political choices. Supreme Leader Khamenei directly appoints half

of the council, and the judiciary chief—himself appointed by Khamenei—chooses the other half with the approval of the Majles. The council rules on whether legislation conforms with Islamic law and the constitution; it rejected most laws passed by the reformist Majles of 2000–2004.

The antidemocratic power of the Council of Guardians is most apparent in its vetting of candidates for the presidency, the Majles, and the Assembly of Experts. In the 2004 Majles elections, the council rejected 44 percent of prospective candidates, nearly all of them reformists, for vaguely stated reasons related to insufficient support for the Islamic system of government. In 2005, it rejected all reformist candidates for the presidency, but the ensuing public outcry prompted Supreme Leader Khamenei to order the council to approve one reformist, Mostafa Mo'in. His ultimate defeat was assured when his party's newspaper was shut down some weeks prior to the election.

For the Assembly of Experts elections of December 15, 2006, the Council of Guardians barred the candidacy of all women, laymen, and junior clerics, and nearly all reformist and hard-line clerics. It used unprecedented written and oral exams on Islamic jurisprudence to keep all but traditional, conservative clerics out of the assembly, making the elections more like a system of appointments.

Other inequities were apparent in the nationwide elections for more than 100,000 positions on city and town councils, held concurrently with the Assembly of Experts contest. Candidates for these seats were more closely vetted than ever before by the Electoral Supervisory Board—which is appointed by the Council of Guardians—as well as the Interior and Intelligence ministries. Numerous reformist candidates were barred, sometimes on the basis of allegations that were impossible to prove, such as narcotics use or immoral sexual behavior, or more often for not being committed sufficiently to Islam or to the principle of *velayat-e faqih*. Reformist politician Mohsen Armin observed that Ahmadinejad had abandoned his 2005 campaign promise to breach the wall blocking access to power and was now building an even taller barrier to deny such access to others.⁵

The separation of the executive, legislative, and judicial branches of the government is stipulated in the constitution, but the supreme leader, ranking above all three, has no true constitutional accountability. It is highly unlikely that the Assembly of Experts would ever use its consti-

tutional authority to dismiss him if he proved incompetent, since its members are vetted by the Council of Guardians, whose members are in turn chosen directly or indirectly by the supreme leader.

The accountability of the supreme leader has been debated, but so far he has never been called before any state body for questioning. In December 2006 Ayatollah Mohammad Taqi Mesbah-Yazdi, a hard-line member of the Assembly of Experts, told his followers that while accountability is a requirement of democracy and is therefore suitable for a president, it is not to be expected from the supreme leader, who is above the constitution because he is appointed by God.⁶

The executive branch is generally responsive to Parliament, and ministers are regularly interpellated and sometimes impeached. However, the judicial branch, whose head is appointed by the supreme leader, is not accountable to the other branches, and the courts have summoned deputies for offenses that include speeches made in the Majles, despite a doctrine of parliamentary immunity. Further questions concerning the separation of powers arose when President Ahmadinejad appointed the judiciary spokesman to serve simultaneously as minister of justice.

Iran's bloated and inefficient civil service is plagued by redundant offices and nonmeritocratic preferences for war veterans, members of the Basij paramilitary forces, and relatives of the many clerics with government connections. Cronyism has increased during the Ahmadinejad administration, despite his campaign promise to eliminate it. By the end of his first year in power he was being openly accused of having given numerous government positions to friends from his years in the Islamic Revolutionary Guard Corps (IRGC) and his university, as well as to numerous relatives.

Limited civic engagement regarding government policy and legislation takes place through political parties and the newspapers and websites that often serve as their mouthpieces. These groups comment on pending legislation and the policies of both the executive branch and the Council of Guardians, but they are strictly enjoined from criticizing any policies explicitly set or endorsed by the supreme leader.

Nongovernmental organizations (NGOs) are not prohibited from registering in Iran, but their situation has worsened in the past three years. The optimistic expectations that were engendered by the rapid rise of NGOs during the administration of President Khatami have been tempered by the current government's mistrust of and sometimes hostility

toward them. Emadoddin Baqi, head of the Society to Defend Prisoners' Rights and one of Iran's bolder NGO leaders, recently compared the situation of NGOs under Khatami and Ahmadinejad: "When Khatami was president, we could contact the Majles and correspond with the government, even with the minister of intelligence . . . and eventually even the judiciary was replying to us in a completely open fashion. Once Ahmadinejad took over, however, every link began to break and now we have lost access to the government."⁷

According to Mashallah Shamsolvaezin, the head of Tehran's journalist guild, no more than 10 percent of the approximately 8,300 officially registered NGOs are able to stand on their own feet financially. These organizations are "nongovernmental," yet much of their funding comes from government grants, which have been dwindling since Ahmadinejad took office. Shamsolvaezin adds that Washington's threats of regime change and its announced democracy-support program have caused some Iranian NGO leaders to limit their activities out of fear of being accused either of espionage or of being financed by the United States.⁸ For the regime, this is a convenient pretext for undermining the activities of civil society institutions and inhibiting donor support.

Restrictions on freedom of expression have worsened under Ahmadinejad. Newspapers have been shut for increasingly arbitrary reasons, and reporters' physical security has been compromised by threats and imprisonment. Seeing this, and having already witnessed more than 100 publications shut down during the Khatami era, journalists eventually had to become very cautious after Ahmadinejad entered office. Reformist newspapers are fewer in number than their conservative counterparts because most have been closed down by the conservative judicial authorities. Those that remain are able to promote reformist viewpoints, but they reach a much more limited audience than radio and television.

All radio and television broadcasting, the main source of news and information for nearly all Iranians, is strictly under the control of the supreme leader's office and provide only official points of view. No private broadcasting is allowed. This gives conservative candidates a strong advantage during electoral campaigns. There is media vibrancy, though, among internet-based news agencies and news websites.

The Ahmadinejad administration is far less tolerant of media criticism than the Khatami government had been. It characterizes criticism of its failures as insults, slander, and lies; the president's press adviser

declared that “spreading lies against the government is like injecting deadly poison into the country’s atmosphere of freedom.”⁹ Notably, the strength of the government’s reaction shows that the press does carry views and reports unfavorable to the president and his administration.

Coverage guidelines appear to be elastic, conforming to the non-transparent decisions of such bodies as the Supreme National Security Council and the supreme leader’s office. The government’s primary instrument of control has been the Press Supervisory Board of the Ministry of Culture and Islamic Guidance. The board licenses newspapers and warns them if they have violated the law. According to the head of the Supreme Administrative Court, Dorri-Najafabad, the board can recommend a publication to the judiciary’s Press Court if it deems it to be in violation, and can ban it temporarily until the court date arrives.¹⁰ Reformists have complained that the board imposes the views of the hardliners who support Ahmadinejad, but in mid-2006, when traditional conservatives turned away from Ahmadinejad, the Press Supervisory Board began to be less restrictive.¹¹ Language advocating relations with the United States, for example, was formerly forbidden, but it now appears in at least the reformist press, as does criticism of Ahmadinejad’s handling of the nuclear issue. Such changes in guidelines may be a means for the regime to introduce eventual policy shifts or to gauge public reactions.

The reformist daily *Sharq* became the best-known victim of efforts to control newspapers that are critical of the government. After publishing many critical articles, culminating with a cartoon that subtly insulted the president, the Press Supervisory Board closed it in September 2006 for not complying with orders to change its management. It eventually resumed publication in the spring of 2007.

Other minor papers, several of them provincial and most of them reformist, have also been shut down, but their closures provoked little public outrage, probably because of their limited circulation. Publication of a staunchly conservative paper that supported Ahmadinejad, *Siyasat-e Ruz*, was suspended in early February 2007; conflicting reasons were given as to why. The temporary closure nevertheless raised an outcry from reformists, who saw the case as relevant to their own civil liberties concerns.

Together with some vocal critics in the Majles, the print media and reformist news websites commenced spirited attacks against the administration in the summer of 2006, ostensibly after giving Ahmadinejad

a fair chance by allowing him a full year to get his government in order. With the defeat of Ahmadinejad's allies in the December 15, 2006, local council and Assembly of Experts elections, and amid impending UN economic sanctions and threats from Washington, the media went on the attack, targeting the administration's economic failures and confrontational diplomacy. *Sharq* was a key reformist voice, but other reformist papers such as *Aftab-e Yazd*, *E'temad*, *E'temad-e Melli*, *Farhang-e Ashti*, *Kargozaran*, and *Mardomsalari* also contribute to a certain level of vitality in the press.

The Press Court, a branch of the conservative-controlled judiciary, uses vague libel laws, or even vaguer charges of "insulting Islamic sanctities" or "undermining the state," to suspend or permanently shut down reformist papers. Anything negative about the supreme leader, of course, is prohibited, as are criticisms of Islamic precepts, disapproval of the concept of the Islamic Republic, and rejection of the principle of *velayat-e faqih*.

Journalists, particularly younger and less well-known ones, have little protection from arbitrary arrest and detention. They can be held and imprisoned for violations far beyond ordinary press laws and can fall into the grasp of courts of other jurisdictions. The case of Arash Sigarchi, the former editor of *Gilan-e Emruz*, from the Caspian Sea city of Rasht, illustrates how national security concerns are often invoked to silence journalists. In February 2005, Sigarchi was sentenced to fourteen years in prison by the Gilan Province Revolutionary Court for collaborating with an unnamed "hostile government," inciting the general public, insulting the late Imam Khomeini, and engaging in propaganda activities against the regime. However, an appeals court reduced his sentence to three years, and he was eventually allowed to go outside the prison to receive treatment for cancer.¹²

The internet has been a vexing problem for the Iranian state, which is unable to effectively control it as a source of information and dissident opinion. It is a vehicle for oppositionists outside the country and, more importantly, for dissidents within Iran, particularly political activists and politicians on the margins of the ruling system. Despite several well-publicized cases in which bloggers were jailed, the state has been unable to stop bloggers from using the internet to express frustration with the regime's social and political strictures. The state appears caught between attempting to suppress the internet and allowing access as a safety valve for Iranians expressing their discontent.

Web-based Iranian news services and news websites have proliferated in the past three years, helping significantly to diversify news sources for Iranians. Many are politically oriented, ranging from religiously and politically conservative to reformist. Several have run afoul of government censors, including Baztab, which became officially filtered in February 2007. Affiliated with the conservative secretary of the Expediency Council, Mohsen Reza'i, it apparently offered reports that were too critical of administration officials. In September 2006, the Ministry of Culture and Islamic Guidance sent newspapers a list of news agencies they were permitted to use for their publications. Many well-known agencies, including Baztab, were absent from the list.

In the area of cultural expression, there has been some regression from the blossoming in literature and the arts that characterized the Khatami era. Music in Iran has come under the scrutiny of Saffar-Harandi, the current minister of culture and Islamic guidance, who has taken measures to expunge foreign influences. Convinced that the West is subjecting Iran to a "cultural onslaught" aimed at turning its youthful population against Islamic rule, he even told a visitor from the UNESCO-affiliated International Music Council that the government's "cooperation" with the Iranian music industry has prevented Iranian music from "falling into vulgarism."¹³

Recommendations

- The Shiite clerics' domination of the political realm should be greatly reduced, and membership in the Assembly of Experts should be open to laypeople, including women.
- The Council of Guardians' role in vetting candidates for presidential and parliamentary elections should be eliminated.
- The government should support the activities of political parties and NGOs by reinstating, on a fair and nonpartisan basis, the grants to parties that the Khatami government had provided and which the Ahmadinejad administration has cut off. It should also end its baseless denunciations of NGOs as foreign agents.
- The government should enforce its own standards against cronyism, particularly in granting positions to former members of the IRGC.
- The state should permit unfettered freedom of expression by ending prosecutions of journalists, website operators, and other individuals for peacefully expressing their opinions; ending direct regime control

of the broadcast media; and ceasing the review and prior censorship of books and films.

- Press laws pertaining to newspapers and websites must be applied fairly and without regard to political orientation, so that conservative media outlets are held to the same standards of journalistic responsibility as reformist ones.

CIVIL LIBERTIES

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE:	1.14
GENDER EQUITY:	1.75
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS:	2.00
FREEDOM OF CONSCIENCE AND BELIEF:	2.00
FREEDOM OF ASSOCIATION AND ASSEMBLY:	1.80
CATEGORY AVERAGE:	1.74

The Iranian government continues to violate the civil liberties of its citizens. In July 2005, Iran's judiciary officially acknowledged widespread violations of prisoners' rights, claiming at the same time that reforms had been enacted to address the problems. However, solitary confinement, imprisonment without charge, and torture continue to be reported.

Abuses of prisoners are so prevalent in Tehran's notorious Evin prison that four Iranian human rights groups have courageously called on the United Nations to investigate. Political prisoners held in Section 209, which is controlled by the Intelligence Ministry to the exclusion of Iran's prison organization and even Evin's prison officials, are reportedly beaten and deprived of sleep and medical care. In 2006, prominent human rights lawyer Abdolfateh Soltani was detained in a small cell for more than seven months, two of them in solitary confinement.¹⁴ There are persistent complaints that violent felons are housed with political prisoners and often beat them up. The death penalty is applied more frequently in Iran than in any country except China. In recent years, international human rights organizations have repeatedly decried Iran's use of the death penalty against minors and for nonviolent crimes such as adultery.

There are few checks on arbitrary arrests; citizens are imprisoned for long periods without charge and without notification to their families. The spring 2007 detentions of four Iranian Americans with dual citizenship, still unresolved as of the writing of this report, is a prominent case in point.

On a more positive note, Iran's law enforcement forces, intelligence services, and the IRGC do take very seriously the protection of citizens against violent crime, working to prevent and punish acts of violence by both common and organized criminals.

Iran is less efficient, however, in combating other criminal activity, such as drug trafficking, gasoline smuggling to neighboring countries, and white-collar crime. In October 2006, Iran's prosecutor general, noting poor relations between prosecution offices and institutions relating to the judiciary, called for a better organized and more professional approach to confronting organized crime.¹⁵

Citizens often have no means of redress when they suspect that state authorities have violated their rights. When political prisoners Akbar Mohammadi and Feyz Mahdavi were reported to have died—on July 30, 2006, and September 6, 2006, respectively—because of mistreatment by authorities at Evin Prison, the head of the Supreme Administrative Court, Ayatollah Dorri-Najafabadi, simply dismissed the allegations by saying that we all die sooner or later. He said that the authorities had expressed condolences to the families but that he did not believe anyone would intentionally cause someone's death in prison.¹⁶

Attacks on peaceful activists and political dissidents occur with regularity and with little or no intervention by the state. On university campuses, student demonstrators are often attacked by student members of the paramilitary Basij organization or by outside vigilantes.

Gender equity remains a distant goal in Iran, where traditional Islamic laws deprive women of equal rights in marriage, divorce, child custody, inheritance, and other areas. A woman's testimony in court has half the value of a man's, for example, and women need the written permission of their father or husband to travel. Segregation of men and women in public, institutionalized since the 1979 Islamic revolution, appears to be on the increase. As of early 2007, plans were under discussion for a new women-only park in Tehran as well as single-sex hospitals.

It is increasingly common for women to work outside the home, though it was long taboo in Iran and was considered an insult to the

man in the family. According to a Majles report in December 2005, 12 percent of the female population is employed. Even though more than half of the country's university student population is female, most women graduates have difficulty finding employment. The Majles report indicated that 75 percent of working women have jobs that have nothing to do with their education.¹⁷ President Ahmadinejad outraged many women in October 2006 when he said that women should, at most, only work part time and devote more time to their main job of raising children.

State engagement on issues relating to women falls far short of international standards. Women can be elected to the Parliament and local councils, but they cannot run for the presidency or the Assembly of Experts; women's rights activists perennially seek to gain equality in all four arenas. Following the 2004 election, women held 12 seats in the 290-seat Majles.

A plan to institute gender quotas that would limit admission of female students to universities was being debated in the Majles in January and February 2007. In January, the government shut down a website set up by women's rights activists inside Iran to collect signatures in a bid to reform discriminatory laws.

Ethnic tensions have increased in the past three years, reflecting a perception among Iran's Azeris, Kurds, Baluchis, and Arabs that Persians regard them as culturally and linguistically inferior. The discontent has not reached the level of widespread popular support for separatist movements, however.

Tehran has mixed tougher security measures with efforts to alleviate ethnic dissatisfaction. It also regularly alleges that the American and British forces in neighboring Iraq are fanning unrest within Iran's Arab, Kurdish, and Azeri provinces.

Azeri unrest and street protests erupted in Tabriz and several other western Iranian cities following the May 19, 2006, publication of a cartoon in the state-owned and Tehran-based *Iran* daily newspaper that depicted an Azeri as a cockroach. The state's sensitivity to Azeri concerns was evident in the ensuing closure of the paper and the replacement of its management when it eventually reopened. Khamenei, Ahmadinejad, and others sought to make amends with numerous conciliatory speeches.

In an apparent effort to sooth local tensions, President Ahmadinejad made a visit, extensively covered on state television, to West Azerbaijan

province from August 31 to September 2, 2006. Ahmadinejad has also visited Iranian Kurdistan, Baluchestan, and the ethnic Arab province of Khuzestan, promising in each case that Tehran would pay much greater attention to local concerns. His ability to deliver on such promises, which are similar to those he made to every one of Iran's thirty provinces, has been severely constrained by a lack of central government resources.

The state has responded harshly to terrorist acts in Ahvaz, Khuzestan, attributed to Arab separatists, whom it says are sent by the British from Iraq. Ten ethnic Arabs were given death sentences in November 2006 for armed activity against the state. Three were executed that December and three more on February 14, 2007, reportedly in front of their families. Three UN human rights rapporteurs and several human rights groups, including Amnesty International and Human Rights Watch, said that the trials did not meet international standards. The UN experts said the trials "made a mockery of due process requirements" and that the convictions were based on confessions extracted under torture.¹⁸

In Baluchestan, the Sunni militant group Jundallah was responsible for several recent attacks against government targets, including a February 14, 2007, attack on an IRGC bus near Zahedan that killed at least eleven people. Widespread arrests followed the incident, adding to the list of smoldering local grievances.

The problems with Iranian Baluchis are religious as well as ethnic. The Baluchis are Sunnis, and the 10 percent of the Iranian population that is Sunni is treated as inferior in the Islamic Republic, where Shiite Islam is the state religion. As of 2006, there was still no Sunni mosque in Tehran. In the past year, as Iranian leaders spoke repeatedly against Sunni-Shiite violence in neighboring Iraq, they also spoke of Sunni-Shiite harmony within Iran, although it is likely they were more motivated by international tensions than a sincere desire to remedy inequities at home.

The state maintains careful control over the appointment of Shiite religious leaders, vetting them according to their loyalty to the Islamic Republic and its principles. Clerics must retain the approval of the state, which can dismiss any it deems insufficiently loyal. The regime expects religious leaders of Sunni and non-Muslim minorities to be loyal as well, though it is unclear whether the state plays any role in their appointment or dismissal.

The constitution recognizes Zoroastrians, Jews, and Christians as religious minorities, and they are allowed to worship, although all of their

activities are subject to vetting by the government. These groups have a set number of parliamentary seats reserved for them but are barred from senior government positions.

Adherents of the Baha'i faith, who at more than a quarter of a million comprise Iran's largest non-Muslim religious minority, enjoy no such rights. Deemed heretics by Iran's Shiite clerics for holding that prophecy did not end with Muhammad, they are sometimes alleged to be a security threat and are accused of being agents of foreign powers, despite their lack of political involvement. In November 2006, for example, Majles Cultural Committee member Sattar Hedayatkah told a conservative daily that Baha'ism is not a religion but an "imperial sect" that will threaten Iran's youth if officials do not take it seriously.¹⁹ Rumors of a resurgence of the banned, anti-Baha'i Hojjatiyeh Society have appeared in the Iranian press. The accusation of apostasy, punishable by death according to a hard-line interpretation of Islamic law, hangs over the Baha'i community.

The situation of the Baha'is has worsened over the past two years. According to UN Special Rapporteur on Freedom of Religion Asma Jahangir, the chairman of the command headquarters of the armed forces in Iran sent a secret letter on October 29, 2005, to the Intelligence Ministry, the IRGC, and the police, demanding that they identify and monitor Baha'is, on the orders of Ayatollah Khamenei.²⁰ The Baha'i International Community reports growing threats that include a pattern of arrests—fifty-four in Shiraz in May 2006—and an August 2006 order by the Interior Ministry requesting that provincial officials report the circumstances and activities of local Baha'is, including their "financial status," "social interactions," and "association with foreign assemblies."²¹ The conservative daily *Keyhan*, which is reputedly close to the supreme leader, ran a series of anti-Baha'i articles attempting to show that Baha'is are collaborators with and spies for Israel and America.²²

Although Article 27 of Iran's constitution includes the principle of freedom of assembly, its application is limited in practice. Permission must be sought to hold demonstrations and public protests, and it is not granted in a consistent manner, in part because of differing interpretations of the constitution's vague stipulation that such meetings must not abuse Islamic "fundamentals." According to the government, a women's rights rally in Tehran on June 12, 2006, took place without the

necessary permit. After two hours it was broken up by police, including club-wielding policewomen, resulting in numerous arrests and allegations of police brutality.

Although the Islamic Republic of Iran is a member of the International Labor Organization (ILO) and has agreed to ILO Convention 87, which calls for freedom of association and the right to organize, Iran has no free and independent trade unions. The unions that exist are closely monitored by the state. Under Ahmadinejad, the state has increasingly become involved in the elections of union leaders. In August 2006, for example, the Ministry of Labor banned the election of the board of directors of the Trade Union of Journalists without explanation, even though the union had held such elections six times previously.²³

The regime denies workers the right to strike. Mansur Osanlu, head of the Tehran bus workers' syndicate—a union affiliated with the International Transport Workers' Federation but not recognized by the government—spent most of 2006 in prison for organizing a bus drivers' strike in December 2005. Hundreds of drivers and union organizers were also arrested.²⁴ The government is even cracking down on demonstrations by government-organized unions. In February and March 2007, the Teachers' Union held a series of rallies in Tehran to demand higher salaries, resulting in the arrests of the union's secretary general and numerous teachers.²⁵

Recommendations

- Iran should uphold its constitutional prohibition against torture and ill treatment and vigorously enforce the 2004 law banning torture, arbitrary arrests, and forced confessions.
- Judicial authorities should end long-term “temporary” detention without trial and prolonged solitary confinement, and inform families about the location and status of their detained relatives.
- Discriminatory laws against women should be revoked, and women should be given the freedom to demand their rights and seek equity in employment. Existing labor laws that prohibit gender-based wage discrimination and provide job training for women should be enforced.
- The government should end constitutional discrimination against the Baha'i faith and grant its adherents the same rights as other Iranians.

RULE OF LAW

INDEPENDENT JUDICIARY:	2.20
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS:	1.83
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES:	1.50
PROTECTION OF PROPERTY RIGHTS:	3.67
EQUAL TREATMENT UNDER THE LAW:	1.67
CATEGORY AVERAGE:	2.17

While the judiciary is closely allied with the supreme leader, who chooses its head and sets its general guidelines, it is independent from the executive and legislative branches. It often clashed with the reformist administration of President Khatami and, more recently, has sometimes come into conflict with the hard-line administration of President Ahmadinejad. Noting that court judgments must not be affected by politics, Ayatollah Hasan Mar'ashi, a member of the Assembly of Experts and the judiciary's former deputy for judicial affairs, has claimed that the judiciary moves on a more moderate and logical course than the administration in power, whether that administration is conservative or reform-minded.²⁶ For instance, in some cases in 2007 in which the Ministry of Culture and Islamic Guidance sought to ban newspapers that it found too critical of the administration, the judiciary indefinitely postponed taking action.

At the same time, lawyers' independence is endangered. Several have been jailed for defending political activists and individuals charged with espionage. A bill before the Majles at the time of writing would threaten the independence of the bar association by bringing it under the jurisdiction of the Justice Ministry.²⁷ This bill, if enacted, would violate the constitutional principle that lawyers confront judges on behalf of the people.

The Islamic Republic pays lip service to the rule of law but applies it unevenly. The law is particularly ill-defined when it comes to "political offenses," which consist mostly of vague charges such as "undermining the system." In 2006 and 2007, academics and NGOs with extensive foreign contacts have been subjected to an increasing number of political-offense accusations. Several have been charged with seeking

to effect a “velvet revolution” by promoting democratization. Giving unauthorized interviews to foreign radio outlets or meeting with pro-democracy organizations abroad is particularly risky, and accepting money from such organizations is treated as a subversive political act. A bill that aimed to define political crimes was drafted by the Interior Ministry and sent to the Majles in 2000, but it was never passed. In February 2006, the Expediency Council, which adjudicates disputes among the judicial, executive, and legislative branches, called on all three to cooperate in drawing up a new bill, but as of August 2006 there was still no agreement. The judiciary spokesman declared at the time that there was already a “competent court” to deal with political offenses, even though the term still lacked a clear definition.²⁸

Numerous due process rights that are explicitly guaranteed in the constitution are routinely and blatantly ignored, including freedom from arbitrary arrest (Article 32), the right of access to competent courts (Article 34), the right to select an attorney or be provided with legal counsel (Article 35), and the presumption of innocence (Article 37). A prime example of Iran’s failures to apply the rule of law to protect its citizens from unconstitutional abuses is the case of Ali Akbar Musavi-Khoini, a former reformist lawmaker and head of the Alumni Association of the Office for the Consolidation of Unity student group. He was arrested at a women’s rights demonstration on June 12, 2006, and jailed for two months under a temporary detention order, which was subsequently renewed for another two months. Musavi-Khoini’s defense attorney complained that he had been given no opportunity to meet his client, be informed of the charges, or arrange for independent physicians to examine the detainee after reports that he had been beaten.²⁹ After a 131-day detention, Musavi-Khoini was released on bail.

Lawyers who defend those accused of acting against national security are at risk of facing similar charges themselves. That was the fate of seven lawyers in 2006 who tried to defend the alleged terrorist bombers in Ahvaz. The Public and Revolutionary Prosecutor’s Office in Ahvaz charged them with acting against national security after several websites published a letter in which they criticized revolutionary courts for mishandling the case and refusing to let them meet their clients. Five of the seven were acquitted in February 2006, but as of this writing the cases of two of the lawyers, Javad Tariri and Faisal Sa’idi, remain open.³⁰

Pervasive politicization of the judicial system undermines the rule of law. While government officials are sometimes criticized for abuses of power or for violations of human rights, they are rarely, if ever, prosecuted or held accountable while still in office. The wealthy and powerful in general are rarely prosecuted.

The military and the IRGC are barred by law from interfering in politics, and even law enforcement officers must resign before registering as candidates for political office. However, numerous former IRGC officers serve in the legislative and executive branches, and in the past year reformist political leaders have warned that encroachment into politics by the military is a very real danger. Following the December 15, 2006, local council and Assembly of Experts elections, fifteen reformist Majles representatives complained to Defense Minister Mostafa Najjar that commanders of the Basij Resistance Force, the millions-strong paramilitary branch of the IRGC, had illegally supported some conservative candidates.³¹

Both the IRGC and the Basij, in their official role of combating counterrevolutionaries at home, have engendered concerns of human rights violations. The IRGC is sometimes brought in to control crowds and quell antigovernment disturbances. They have the power of arrest and control a wing at Tehran's notorious Evin prison. On university campuses, members of the "student Basij," under the direction of IRGC officers, are commonly brought in to break up rallies by reformist students.

Property rights are generally upheld in Iran, in accordance with a long Islamic legal tradition of respecting private property. Ethnic and religious minorities such as Arabs and Baha'is, however, have been subject to eviction with inadequate assistance or compensation. In addition, contract enforcement is hampered by the inefficient and politicized judicial system.

Recommendations

- The government must no longer hold political prisoners and other prisoners of conscience, especially when it is unable to define what constitutes a political offense.
- The state should provide for fair trials by informing detainees of the charges against them, giving all detainees access to counsel, and mandating that all trials, including those in "national security" cases, be conducted in public.

- The government should prevent security forces from cracking down on peaceful rallies by citizens demanding their rights and place more controls on the operations of the Basij militias.
- The property rights of ethnic and religious minorities should be respected, with adequate compensation paid for expropriated land.

ANTICORRUPTION AND TRANSPARENCY

ENVIRONMENT TO PROTECT AGAINST CORRUPTION:	1.40
LAWS AND ETHICAL STANDARDS BETWEEN PRIVATE AND PUBLIC SECTORS:	2.50
ENFORCEMENT OF ANTICORRUPTION LAWS:	1.50
GOVERNMENTAL TRANSPARENCY:	2.00
CATEGORY AVERAGE:	1.85

Economic and financial corruption is endemic in Iran. Privileged elites and their families control both legitimate and underground monopolies. Excessive state involvement in the economy—resulting from state control of the oil industry, nationalization of major privately held industries from the prerevolutionary era, and state economic planning left over from the Iran-Iraq war—fosters close cooperation between political and economic interests. Furthermore, income-tax collection is enforced unevenly at best, a result not only of the prevailing bribery and favoritism but also of the oil-based economy, which makes the state much less dependent on taxation from individuals and businesses and helps soften demands for accountability.

The privatization of state-owned industries has resulted in uncontrolled corruption. According to Mohammad Nahavandiyani, president of the Tehran Chamber of Commerce and the economic deputy of the Supreme National Security Council, the lack of transparency in the privatization process engenders favoritism and prevents fair competition for concessions.³²

Excessive bureaucratic regulations and a poorly paid bureaucracy make bribery and petty corruption a normal part of daily life. In 2006, the Majles Research Center released a poll finding that more than

40 percent of managers acknowledged having to pay bribes to facilitate their work.³³ Provisions against conflict of interest between the private and public sectors exist on paper but are rarely enforced.

Regime leaders often call for a crackdown on corruption and promise to remedy the lack of transparency that fosters it, but so far they have offered no concrete solutions. On April 30, 2001, Supreme Leader Khamenei issued a major decree to the heads of the legislative, executive, and judicial branches, rallying them to an organized struggle against economic corruption aimed at rooting out abusers of state resources, greedy individuals, and monopoly seekers. He urged the State Inspectorate Office, the State Audit Office, and the Intelligence Ministry to cooperate closely, but negligence, confusing laws, prolonged legal procedures, redundant investigative institutions, and a lack of transparency and accountability have all stymied the fight against corruption.

Judiciary Chief Ayatollah Mahmud Shahrudi has often spoken out against corruption in Iran's governmental and banking institutions. However, he appeared to ignore the *bonyads*, endowed foundations that account for a sizable but undetermined portion of the country's economic activity. Several *bonyads* constitute large industrial conglomerates that are beyond public scrutiny and are controlled by regime insiders—senior clerics, former officials and politicians, and former IRGC leaders. Shahrudi has called for the implementation of more transparent laws related to financial and administrative performance to stop the corruption and capital flight that undermine Iran's economy. The flawed legal environment offers no protection for whistleblowers or anticorruption investigators.

The judiciary chief has also grandly demanded that secret information within government organizations be made “available to all, transparently and simultaneously,” and has called for reducing the multiplicity of supervisory organizations that he says undermine anticorruption efforts.³⁴ He has explained that the dual nature of Iran's economic system—a mix of state-owned and private enterprises—breeds corruption, as do the many complicated banking, customs, and tax laws. So far, however, he has not elaborated on what could be done to remedy these legal and structural shortcomings.

Meanwhile, Shahrudi has told the Majles that judiciary, security, and law enforcement officials must tread carefully with economic corruption cases because of their “highly sensitive” nature.³⁵ That cautious

approach only helps ensure that allegations of corruption are not given a wide and unbiased airing in the news media. There have been considerable complaints in the Majles and the media that the public cannot learn even the names of those being investigated.

A Tehran daily, noting that the judiciary does not even reveal how many anticorruption cases are in progress, concluded that it “only prosecutes small fries [*sic*] while the big fish boldly pile on their illegal wealth.”³⁶ Moreover, Majles Research Center head Ahmad Tavakoli complained in 2005 that the judiciary’s excessive consideration for corrupt individuals undermined the fight against corruption.³⁷

Redundant judicial and supervisory institutions foster serious inefficiencies and rampant embezzlement in state agencies. For example, the State Audit Court, which is supervised by the Majles, is little more than a ceremonial body because judges appointed by the regular judiciary often overturn its verdicts. The parallel institutions of the State Audit Organization and the State Inspectorate Organization also hamper the audit court and its investigative work. Sometimes several inspection agencies simultaneously investigate a single case.³⁸

A Majles deputy who was overseeing the State Audit Court in December 2005 revealed numerous examples of embezzlement in state agencies. He cited the state-owned Iranian Telecommunications Company, which sold a company to the private sector for a fraction of its real value, and the minister of cooperatives, who gave 4,500 gold coins to his relatives as gifts. The courts convicted individuals in several cases, but the lawmaker charged that the judiciary avoided implementing the sentences.³⁹

Iran’s oil industry remains the most lucrative sector for embezzlement and corruption, despite Ahmadinejad’s campaign promises to combat what he called the “oil mafia.” The Audit Court reported in June 2006 that \$6 billion in oil revenues had not been deposited in the national treasury during the previous fiscal year.⁴⁰ The bonds between Ahmadinejad’s administration and the IRGC may explain how the Corps won three huge construction contracts, worth \$7 billion, in 2006. The headquarters of Khatam ol-Anbiya, the IRGC’s engineering corps, won a \$3 billion contract to develop the South Pars oil field, a deal to expand the Tehran Metro, and a contract to build a 900-kilometer gas pipeline in the Persian Gulf, all without competitive bidding and other legal formalities.⁴¹

The state provides some mechanisms, of questionable effectiveness, for people to register complaints about corruption, particularly regarding public officials. Public complaints increased over 500 percent in 2006 when the state inspectorate set up a telephone hotline for the purpose,⁴² and President Ahmadinejad, who made anticorruption promises a key part of his 2005 presidential campaign, has received thousands of written complaints about corruption during his regular visits to provincial towns. So far, however, the complaints do not seem to have made much difference.

The state has a relatively transparent budget process, in which the government draws up a budget and submits it to the Majles for extensive debate, and it is then submitted for approval by the Council of Guardians. However, there is enough lack of clarity in the budget details, as well as insufficiently accurate accounting of expenditures, to foster suspicions of profiteering by regime insiders.

Recommendations

- The state should reveal the names of officials and private figures being investigated for corruption and allow the news media to report on these cases.
- The state should remove redundant investigative agencies so that cases can be pursued efficiently.
- The judiciary and investigative agencies should be required to report openly to the Majles on the progress of their anticorruption efforts.
- Privatization of state-held industries and properties must be conducted transparently and in full compliance with clearly defined laws.

NOTES

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