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The situation in Iran

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Göran LINDBLAD, Sweden

Summary

Since 13 June 2009, Iran has been the scene of the biggest popular upheaval since the 1979 revolution. Massive protests following the announcement of the results of the presidential election which was held on 12 June, calls for annulment of the vote by the opposition supporters and the reaction of the authorities, who have used violence against peaceful demonstrators, detained hundreds of them and imposed severe restrictions on the freedom of expression, raise the utmost concern about possible future developments.

Whereas an independent and credible investigation should clarify all concerns about irregularities and the contested results, the principal concern at present is the human rights situation in Iran and the use of force and violence against peaceful demonstrations.

The only way to find a peaceful and sustainable solution to the present situation in Iran, as well as stability and peace in the region, is through democracy, respect of human rights and the rule of law. The Assembly stands ready to engage in a meaningful dialogue with the Parliament of Iran and the democratic forces in Iran as well as the civil society.

1. Reference to committee: Reference No. 3579 on 22 June 2009.

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A. Draft resolution

1. The Parliamentary Assembly is deeply concerned about the situation in Iran following the announcement of the results of the presidential election held on 12 June 2009, according to which the incumbent President Mahmoud Ahmadinejad won 66% of the votes cast.

2. Numerous alleged irregularities during the vote evoked by the three defeated presidential candidates, as well as 646 complaints of misconduct lodged with the Council of Guardians, raise justified concerns as regards the fairness of the electoral process as established by Iranian law. In particular, reported cases of opposition monitors being refused access to polling stations and a large number of mobile ballot boxes not subject to monitors' control are in clear contradiction with basic electoral standards.

3. Non-violent protests and massive peaceful demonstrations in favour of the main opposition candidate, Mr Hossein Mousavi, which have been taking place in Iran since 13 June 2009, constitute a legitimate political action inscribed in the democratic principle of freedom of expression. Use of violence against peaceful demonstrators is a serious infringement of human rights and the basic principles of democracy.

4. The Assembly deplores the recent actions of the state police and the Basij, which resulted in the death of at least 18 people, according to the official sources, and many more according to the independent sources, as well as numerous other casualties.

5. Similarly, the Assembly regrets the excessive use of force and brutality of the police, as well as the fact that over 400 demonstrators have been placed in detention.

6. Moreover, the official statements made, and repressive measures taken by the Iranian authorities in reaction to the massive demonstrations give rise to utmost concern about future possible developments. In particular, the detention of a number of politicians, their families and journalists, including five members of the family of Mr Rafsanjani and Mr Ebrahim Yazdi, a former foreign minister and a leader of the Freedom Movement of Iran, the closure of the opposition newspapers, the blockage of websites and mobile phone services and the restrictions imposed on domestic and foreign journalists, illustrate the Government's intention to suppress the opposition and to avoid any form of political dialogue as it has succeeded in doing for 30 years now.

7. The Council of Europe and its Assembly, as a leading parliamentary European Organisation standing for human rights, democracy and the rule of law, cannot remain silent in the face of such lack of respect for universal values and of the serious threat of further violence, potentially leading to dramatic consequences.

8. The situation in Iran has been a matter of concern for the Assembly for a long time, in particular, the Iranian nuclear issue, which has been the subject of several debates and resulted in Resolutions 1436 (2005) and 1567 (2007) on Iran's nuclear programme: the need for an international response. Another report is under preparation in the Political Affairs Committee.

9. Furthermore, Iran’s destabilising role in the region, including its support for terrorist activities, provocative statements on and refusal to recognise Israel and the denial of the Holocaust, has been condemned on the occasion of numerous debates on the situation in the Middle East.

10. The Assembly firmly believes that the only way to find a peaceful and sustainable solution to the present situation in Iran, as well as stability and peace in the region, is through democracy, respect for human rights and the rule of law.

11. The Assembly notes that the election of Mr Barak Obama as President of the United States and his statements demonstrating his readiness to launch an enhanced dialogue with the Iranian authorities have opened up a new window of opportunity for confidence building and for enabling the Iranian people to take the place it deserves in the international community.

12. The Assembly stands ready to contribute to efforts aimed at building confidence and promoting democratic values by engaging in a dialogue with the Iranian Parliament and the democratic forces in Iran as well as the Iranian civil society.

13. The Assembly urges the Iranian authorities to:

13.1. refrain from using force and violence against peaceful demonstrators;

13.2. release the more than 400 people detained during the peaceful demonstrations of the last few days;

13.3. release the more than 170 politicians and their families, and the journalists detained following the demonstrations;

13.4. lift the restrictive measures imposed on freedom of expression and in particular;

13.4.1. stop closing opposition media;

13.4.2. stop disrupting internet and mobile services;

13.4.3. stop sanctioning and expelling foreign journalists and allow them, as well as domestic journalists, to report freely on the situation;

13.5. allow an independent and credible investigation into the alleged irregularities in the election process;

13.6. initiate a meaningful dialogue in the internal political process;

13.7. respond in a positive way to the new approach of the United States administration and establish a dialogue with the international community with a view to mutual confidence building;

14. The Assembly calls on all sides of the Iranian politics to refrain from any form of violence to achieve political goals and to privilege dialogue;

15. The Assembly calls on Council of Europe member and observer states to:

15.1. intensify contacts with the Iranian authorities with a view to conveying the concerns of the international community;

15.2. establish an enhanced political dialogue;

16. The Assembly calls on the Iranian Parliament to contribute to regional stability and to engage in a meaningful dialogue with the international community.

17. The Assembly resolves to:

17.1. step up its contacts with the Iranian Parliament and the democratic forces in Iran as well as the Iranian civil society.

17.2. follow closely how the situation in Iran develops.

B. Explanatory memorandum by Mr Lindblad, rapporteur

1. Introduction

1. Since 13 June 2009, Iran has been the scene of the biggest popular upheaval since the 1979 revolution. Massive protests following the announcement of the results of the presidential election which was held on 12 June, the contesting of the results of the vote, calls for annulment of the vote by the opposition supporters and the reaction of the authorities, who have used violence against peaceful demonstrators and imposed severe restrictions on the freedom of expression, raise the utmost concern about possible future developments.

2. Numerous allegations of irregularities during the vote reported by the three defeated presidential candidates raise obvious concerns about the fairness of the electoral process. Even if the electoral law, the basis of which the presidential election was conducted, does not meet Council of Europe standards, the rules, once established by the Iranian Guardian Council, should be observed. An independent and credible investigation should clarify all concerns about irregularities and the contested results.

3. That said, at present, the principal concern is the human rights situation in Iran and the use of force and violence by the Iranian authorities against peaceful demonstrations. The clashes, which have already resulted in at least 18 deaths, according to the official information and many more according to independent sources, as well as numerous casualties and over 400 detentions, may lead to unpredictable and tragic consequences which could spiral out of control.

4. Peaceful demonstrations are an acceptable expression of public opinion and constitute a political act compatible with a political system aspiring to democracy. They are inscribed in the basic principles of freedom of expression and freedom of assembly.

5. Iran is an important member of the international community and a key player for regional stability. Regrettably, over recent years, it has been playing a destabilising role in the region, supporting terrorist actions and pursuing its nuclear programme. The international community has a legitimate interest in the situation in Iran.

6. The election of President Barak Obama in the United States and the new approach of the United States administration to possible dialogue and co-operation with the Iranian authorities have opened up a window of opportunity for the future. It would be regrettable if this opportunity were to be wasted. The international community should not spare any effort to support the prospects for the establishing of a climate of confidence necessary for launching new relations.

7. The Assembly, as a leading pan-European Organisation standing for human rights, democracy and the rule of law, cannot remain silent when the most basic democratic values and human rights are violated irrespective of the place in the world where this occurs. The potential for dramatic consequences in the present situation puts even greater responsibility on the international community and obliges it to make every effort which might contribute to the solution of the problem.

8. The present report, which is prepared under urgent procedure, is the first attempt to identify the Assembly's possible contribution to the peaceful solution of the situation in Iran in the aftermath of the presidential election. As it is my deep conviction that the best way to achieve stability and security is through democracy, respect for human rights and the rule of law, I also propose to increase the involvement of the Assembly in the promotion of these values by dialogue at the parliamentary level.

2. Chronology of events

9. The electoral campaign leading to the presidential election, scheduled on 12 June 2009, with unprecedented television debates between the candidates and rallies attended by thousands of people, was animated and emotional. The Iranian society is politically active and the turnout in the elections is usually high.

10. Four candidates who were admitted to compete in the 2009 election included the incumbent President, Mahmoud Ahmadinejad; Mr Hossein Mousavi, a former Prime Minister who stayed out of politics for several years and returned to stand as a moderate reformist; Mr Mohsen Rezai, a former head of the Revolutionary Guards, who is now critical about President Ahmadinejad's foreign policy and handling of the nuclear issue, and a reformist, Mr Mehdi Karroubi, a former Speaker of parliament.

11. The turn-out on the day of the election was 85% of over 46 million eligible voters. Long queues were reported at polling stations, and voting was extended by at least four hours.

12. Soon after the closure of the polls, the two leading candidates, Mir Hossein Mousavi and the incumbent Mahmoud Ahmadinejad, claimed victory. Mr Mousavi said that he was the “definite winner” and alleged that there had been widespread irregularities.

13. On 13 June, the Interior Ministry announced that Mr Ahmadinejad had won with 62,6% of the vote, against 33,8% for Mr Mousavi. Mr Rezai obtained 1,7% of the vote cast and Mr Karroubi 0,9%. All three opposition candidates contested the election and called for it to be annulled and re-run. More than 600 objections have been filed complaining about the poll.

14. Iran's Supreme Leader, Ayatollah Ali Khamenei, described the outcome as a real celebration, urged the opposition to accept the result and called for calm. Mr Ahmadinejad called the vote “free and healthy” in a live address to the nation.

15. In Teheran, crowds of people gathered in the streets in support of defeated candidates. They protested about the fairness of the election and called for a re-run of the vote. Clashes with the state police took place on several occasions.

16. In parallel, Mr Ahmadinejad's supporters descended in the streets waving flags and hooting car horns.

17. On 14 June, the Supreme leader, Ayatollah Ali Khamenei announced that he had asked the Guardian Council - the country's supreme legislative body - to investigate the allegations of vote-rigging.

18. Meanwhile demonstrations continued with several violent confrontations between the security forces and protesting demonstrators. In contrast, tens of thousands of people attended a rally elsewhere in the capital to celebrate the re-election of Mr Ahmadinejad.

19. According to the reformist political groups in Iran, as many as 100 people - including the brother of the former president, Mohammad Khatami - were arrested during the night.

20. The Iranian authorities jammed the BBC’s Persian language broadcasts.

21. On 15 June, the opposition leader, Mir Hossein Mousavi, appeared in public for the first time since the election, at a mass rally in Tehran, which gathered hundreds of thousands of people. Violence broke out at the end of the rally when the demonstrators were attacked by the police.

22. The same day, the Guardian Council confirmed that it had received complaints from Mr Mousavi and Mr Rezai and committed itself to issue a ruling within 10 days.

23. The United States President, Barack Obama and United Nations Secretary General Ban Ki-moon expressed concern about the situation in Iran.

24. On 16 June, the Guardian Council announced that it was ready to recount votes in areas where results were contested. Earlier, the Council ruled that the results were only "provisional". However the Council said it would not annul the election.

25. Iranian state radio announced that seven people were killed during the opposition demonstration on the previous evening. Opposition rallies continued.

26. There were reports of the unrest spreading to other cities, including Mashhad, Isfahan and Shiraz.

27. The number of people detained since the beginning of the demonstrations increased to over 100. Among them were prominent journalist and academic Ahmad Zeidabadi and a close aid of ex-President Mohammad Khatami, Mohammad Ali Abtahi.

28. There were reports of demonstrations at Tehran university and about 120 university lecturers resigned.

29. The authorities announced tough new restrictions on foreign media, requiring journalists to obtain explicit permission before covering any story. Journalists were also banned from attending or reporting on any unauthorised demonstration.

30. On 19 June, Ayatollah Khamenei criticised Western governments for their reaction to the re-election of President Ahmadinejad. He accused the West of trying to foment unrest in the country. He called on protesters to stop and said their political leaders would be blamed for any violence.

31. In Washington, President Barack Obama said the United States should not interfere in the situation in Iran, but repeated his concern about the scenes of violence.

32. On 20 June, a massive demonstration took place in the centre of Teheran. Police forces were used against the demonstrators. According to the official information, 10 people were killed and many more injured. Over 400 people were arrested during the demonstration, including 5 members of the family of Mr Rafsanjani.

33. On 21 and 22 June, demonstrations continued.

3. Matters of concern

34. As I have already stated, the electoral law in Iran does not meet Council of Europe standards. All candidates must receive the approval of the Guardian Council and of the Supreme Leader; there are no clear and fair rules for the electoral campaign; state media openly support the incumbent president and the principle of freedom of expression is not observed.

35. But even in these difficult conditions, it is possible for an opposition candidate to beat an incumbent president as was the case in 1997, when a reformist moderate, Mr Mohammad Khatami, won with 70% of the votes, beating the conservative ruling elite.

36. This victory was repeated in the parliamentary elections in 2000, when liberals and supportors of Mr Khatami won control of parliament from conservatives.

37. The concerns about the fairness of the electoral process were present even before the date of the vote. In his letter to Iran's Supreme Leader of 11 June 2009, Mr Mousavi evoked a number of alleged irregularities such as withdrawing badges from opposition monitors and giving them confusing instructions as to access to the polling stations.

38. The concerns were increased immediately after the first announcement of the partial results, only four hours after the closure of the polls. The way the results were announced, in blocks of millions of votes and in percentages rather than province by province as in the previous elections, seemed to be most unusual. Furthermore, as the blocks of votes came in, the percentages for each candidate changed very little, which suggested that Mr Ahmadinejad received equally good results in rural and urban areas. Conversely, it meant that the three defeated candidates lost even in their home regions and provinces. These results were unusually inconsistent with typical variations between different regions and cities, and overturned all precedents in previous elections.

39. Very soon after, numerous other reports on irregularities were evoked: allegedly there was a shortage of ballot papers and millions of people had been denied the right to vote. The opposition monitors were not allowed proper access to polling stations: many of them were issued with invalid ID cards, or they were simply refused entry. The number of mobile polling stations largely exceeded the number planned, the ballot boxes were transported from one place to another by agents of the Interior Ministry and the monitors had no control over them.

40. Much of the mobile phone text messaging system, which the opposition had been hoping to use to send back reports from their monitors at polling stations and election counts, was not working.

41. The vote counts that were released on 15 June, showed an improbable switch in voters' preferences in certain areas since 2005. For example, Mehdi Karoubi polled 5% in Lorestan despite having won 55% there four years ago. Furthermore, in some provinces like Khoresan or Mazenderan, the number of people who voted, exceeded the number of eligible voters in these provinces.

42. That said, I would like to underline that caution is necessary when assessing the situation: one cannot ignore the genuine popularity of President Ahmadinejad and the possibility that he really won the election. An independent poll, conducted in May, by the US organisation Terror Free Tomorrow, found that 34% of voters would vote in favour of Mr Ahmadinejad, 14% in favour of Mr Moussavi, and 27% were still undecided.

43. As monitors were excluded from the voting and counting process, it is difficult for the opposition to come up with evidence of fraud. At this stage, the only way to clarify the contested results is to carry out a credible and independent investigation into the electoral process.

44. Over the last few days, however, a major concern has been linked to the human rights situation in Iran. The use of excessive force and violence against peaceful demonstrators, which resulted in deaths and injuries, massive detention of demonstrators and of opposition politicians, their families and journalists including Mr Ebrahim Yazdi, a former foreign minister and a leader of the Freedom movement of Iran, must put the international community on the alert.

45. The authorities have also imposed a number of restrictive measures on domestic and foreign journalists and media, and communications, thus making it impossible for them to report on the real situation.

46. All these developments create the risk of losing control of the situation which might lead to dramatic consequences.

4. What is at stake?

47. Iran is not a democracy according to universal standards upheld by the Council of Europe. It combines unelected religious authorities with subordinate elected civilians. It is designed to give people the chance to express their preferences which would provide it with a sort of legitimacy.

48. Thus the constitution stipulates that the people are the source of power and the country holds phased presidential and parliamentary elections every four years.

49. As already mentioned, elections in Iran cannot be considered as democratic according to the Council of Europe standards. Every candidate must be approved by the Supreme Leader of Iran and accept revolutionary principles. Also, as regards the electoral campaign, there are no adequate conditions in Iran for freedom and expression of the press. The country has been criticised for its lack of respect for human rights and the rule of law.

50. Those who voted for Mr Mousavi hoped for more personal freedom, more opportunities and better relations with the international community. The West hoped that his election would bring about peaceful reforms in Iran, the establishment of a dialogue on the nuclear issue, and put an end to the destabilising role of Iran in the Middle East.

51. The rules under Mr Ahmadinejad's presidency have been illiberal and authoritarian. They were often vicious in the suppression of opponents and in their disregard for human rights. Iran has the highest rate of judicial executions per capita in the world. Women are deprived of many basic rights. There is widespread corruption and a high rate of poverty.

52. Supporters of Mr Ahmadinejad have praised him for pushing forward the nuclear programme and say he has earned more respect for Iran internationally.

53. But today there is more at stake than the political future of persons. What is even more more important is the direction in which the country will go.

54. The government has encouraged the people to vote and to campaign, thus giving them the illusion of real influence on the political process in their country, but at one stage it has lost control over their wish to exert this influence in reality.

55. If the protests are not handled with care and respect for human rights, the future of the whole regime may be put under question and the final outcome may be unpredictable. So far, the Iranian leaders have sought to claim both: legitimacy and monopoly of power. The time has come to choose between the two.

5. International community

56. The international community should make every effort to help the Iranian authorities make the right choices in respect of human rights and democratic values.

57. A clear signal should be sent that the world is watching, as the US President has stressed in his statement. The use of force and violence should be condemned unequivocally. Also other repressive measures taken by the government, including detentions and restrictions on the freedom of expression and communication should be denounced.

58. At the same time the international community should refrain from meddling with the domestic politics in Iran.

59. The approach espoused by President Obama aims to keep the window of opportunity open and does not rule out the possibility of meaningful dialogue.

6. The Assembly's contribution

60. The Assembly is well placed to contribute to the promotion of democratic values, rule of law and respect for human rights.

61. The Third Council of Europe Summit of Heads of State and Government has underscored the importance of the inter-cultural dialogue.

62. The Assembly and its Political Affairs Committee has accumulated an important body of experience in pursuing a dialogue at the parliamentary level with parliaments in non-member states.

63. The situation in Iran has been followed by the Committee for a long time now, and a number of resolutions on the Iranian nuclear issue have been presented for debate in the Assembly. The situation in Iran has also been discussed in the context of the situation in the Middle East.

64. The Assembly should declare its readiness to engage in meaningful dialogue with the Parliament of Iran and Iranian civil society.

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Reporting committee: Political Affairs Committee

Reference to committee: Reference No. 3579 on 22 June 2009

Draft resolution unanimously adopted by the committee on 23 June 2009

Members of the committee: Mr Göran **Lindblad** (Chairman), Mr David Wilshire (Vice-Chairman) (alternate: Mr John **Austin**), Mr Björn **Von Sydow** (Vice-Chairman), Mrs Kristina Ojuland (Vice-Chairperson), Mrs Fátima Aburto Baselga, Mr Françis **Agius**, Mr Alexander Babakov (alternate: Mr Sergey **Markov**), Mr Viorel Badea, Mr Denis **Badré**, Mr Ryszard **Bender**, Mr Andris Bērzinš, Mr Pedrag Boškovic, Mr Luc Van den Brande, Mr Mevlüt **Çavuşoğlu**, Mr Lorenzo Cesa (alternate: Mr Pietro **Marcenaro**), Mr Titus Corlătean, Ms Anna **Čurdová**, Mr Rick Daems, Mr Dumitru Diacov, Ms Josette Durrieu, Mr Frank **Fahey**, Mr Piero Fassino (alternate: Mr Andrea **Rigoni**), Mr Per-Kristian **Foss**, Mr György Frunda, Mr Jean-Charles **Gardetto**, Mr Marco **Gatti**, Mr Charles Goerens, Mr Andreas **Gross**, Mr Michael **Hancock**, Mr Davit Harutiunyan, Mr Joachim **Hörster**, Mrs Sinikka **Hurskainen**, Mr Tadeusz **Iwiński**, Mr Bakir Izetbegović, Mr Michael Aastrup Jensen, Mr Miloš Jevtić (alternate: Mr Milos **Aligrudic**), Mr Emmanouil **Kefaloyiannis**, Mrs Birgen **Keleş**, Mr Victor Kolesnikov, Mr Konstantion Kosachev (alternate: Mr Alexander **Pochinok**), Mr Jean-Pierre Kucheida (alternate: Mr Laurent **Béteille**), Ms Darja **Lavtižar-Bebler**, Mr René **van der Linden**, Mr Dariusz Lipiński, Mr Juan Fernando López Aguilar, Mr Younal Loutfi, Mr Gennaro Malgieri, Mr Dick Marty (alternate: Mrs Liliane **Maury-Pasquier**), Mr Frano Matušić, Mr Dragoljub Mićunović, Mr Jean-Claude **Mignon**, Ms Nadezhda Mikhailova, Mr Aydin Mirzazada (alternate: Mr Sabir **Hajiyev**), Ms Lilja Mósesdóttir, Mr João Bosco Mota Amaral, Mrs Olga **Nachtmannová**, Mr Gebhard **Negele**, Mrs Miroslava Nemcova, Mr Zsolt Németh, Mr Fritz Neugebauer (alternate: Mr Franz-Eduard **Kühnel**), Mr Hryhoriy **Omelchenko**, Mr Theodoros Pangalos (alternate: Mr Konstantinos **Vrettos**), Mr Ivan Popescu (Mrs Olha **Herasym'yuk**), Mr Christos **Pourgourides**, Mr John **Prescott**, Mr Gabino Puche (alternate: Mr Pedro **Agramunt**), Mr Amadeu **Rossell Tarradellas**, Mr Ilir Rusmali, Mr Oliver Sambevski, Mr Ingo Schmitt, Mr Samad Seyidov, Mr Leonid **Slutsky**, Mr Rainder Steenblock, Mr Zoltán Szabó, Mr Mehmet Tekelioğlu, Mr Han Ten Broeke, Lord **Tomlinson**, Mr Petré Tsiskarishvili, Mr Mihai Tudose, Mr Ilyas **Umakhanov**, Mr José Vera Jardim, Mr Luigi **Vitali**, Mr Wolfgang **Wodarg**, Ms Gisela Wurm, Mr Emanuelis **Zingueris**.

Ex-officio: MM. Mátyás Eörsi, Tiny Kox

N.B.: The names of the members who took part in the meeting are printed in **bold**

Secretariat of the committee: Mrs Nachilo, Mr Chevtchenko, Mrs Sirtori-Milner, Ms Alleon