

EXTERNAL (for general distribution)

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Further information on UA 382/92 (MDE 13/22/92, 3 December 1992) - Fear of torture/death penalty/unfair trial

IRAN: Abdollah Bagheri

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Amnesty International fears that Abdollah Bagheri may be in danger of torture or ill-treatment and possibly execution following an unfair trial. Abdollah Bagheri, a former member of the Kurdish opposition group, Komala, was arrested at the beginning of November 1992 outside Mariwan, close to the Iraq border.

A response sent by the Iranian authorities at the end of February states the following:

"Mr Abdollah Bagheri is a high ranking official of the Komala movement. He was arrested on the Iran/Iraq border for his illegal and armed border crossing and will be charged with [undertaking] terrorist attacks. He is responsible for many murders. The proceedings have not yet been completed. Similar to all defendants, Mr Bagheri has the right to an individual proceeding and legal assistance."

Political trials in the Islamic Republic of Iran fall far short of internationally accepted standards for fair trial. Trial hearings are almost always held *in camera*, inside prisons; proceedings are summary, hearings often lasting only a few minutes. Despite official assurances regarding access to lawyers, Amnesty International continues to receive reports indicating that political detainees are denied access to legal counsel and that they have no right of appeal.

No substantive steps have been taken to introduce safeguards for detainees and fears continue that those arrested are at risk of torture and ill-treatment.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/express and airmail letters either in English or your own language:**

- reiterating your concern that Abdollah Bagheri may be at risk of execution and urging the commutation of any death sentence that may have been passed on him;

- referring to Article 14.2 of the International Covenant on Civil and Political Rights (ICCPR) which states "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law", and expressing concern at the apparent lack of the recognition of this principle in the case of Abdollah Bagheri;

- seeking information regarding his precise place of detention and about the legal proceedings against him, in particular about the sentence he has received if he has already been convicted;

- seeking assurances that he will be given the opportunity to appeal against his conviction and sentence to a higher tribunal in accordance with Article 14.5 of the ICCPR;

- seeking assurances that he is being humanely treated.

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**APPEALS TO:**

1) His Excellency Hojatoleslam  
Ali Akbar Hashemi Rafsanjani  
The Presidency  
Palestine Avenue  
Azerbaijan Intersection  
Tehran  
Islamic Republic of Iran

**Telegrams: President Rafsanjani, Tehran, Iran**

**Telexes: 214231 MITI IR; 213113 PRIM IR (marked for the attention of  
President Rafsanjani)**

**Salutation: Your Excellency**

2) His Excellency Ayatollah Mohammad Yazdi  
Head of the Judiciary  
Ministry of Justice  
Park-e Shahr  
Tehran  
Islamic Republic of Iran

**Telegrams: Justice Minister, Tehran, Iran**

**Telexes: 214231 MITI IR; 213113 PRIM IR (marked for the attention of  
the Interior Minister)**

**Salutation: Your Excellency**

3) His Excellency  
Hojatoleslam Abdollah Noori  
Minister of Interior  
Ministry of Interior  
Dr Fatemi Avenue  
Tehran  
Islamic Republic of Iran

**Telegrams: Interior Minister Noori, Tehran, Iran**

**Telexes: 214231 MITI IR, 213113 PRIM IR (marked for the attention of the  
Interior Minister)**

**Salutation: Your Excellency**

**COPIES OF YOUR APPEALS TO:**

His Excellency  
Dr Ali Akbar Velayati

Minister of Foreign Affairs  
Ministry of Foreign Affairs  
Sheikh Abdolmajid Keshk-e Mesri Avenue  
Tehran  
Islamic Republic of Iran

and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 23 April 1993.