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IRAN

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1. INTRODUCTION

Serious violations of human rights continued in the Islamic Republic of Iran during 1991, with hundreds of political arrests, unfair trials, torture and more than 750 executions. Escalating economic difficulties led to demonstrations and sometimes clashes between the police or Revolutionary Guards and demonstrators in Tehran, and elsewhere in the country such as Zanjan, Esfahan and Qazvin, reportedly resulting in hundreds of arrests in the second half of the year. In December the Tehran military prosecutor was quoted as saying that 300 political arrests, including members of monarchist organizations and the People's Mojahedin Organization of Iran (PMOI) had taken place.

Detailed information on human rights violations in the Islamic Republic of Iran remains difficult to gather and verify. Amnesty International welcomes the fact that the United Nations' Special Representative on the situation of human rights in Iran has been able to visit the country, and that an agreement has been reached to allow the International Committee of the Red Cross (ICRC) access to prisoners. However, Amnesty International has not been allowed access to the country to research or discuss its human rights concerns for more than ten years. There are no independent human rights or other concerned organizations in Iran to gather and assess human rights data, or assist those whose rights are violated to seek redress. The media and means of private communication are subject to strict controls, and individuals who bring human rights abuses to the attention of Amnesty International and other international human rights organizations do so in fear of possible reprisals against themselves or their families.

Parts of this document are based on first-hand testimonies given to Amnesty International by former political prisoners from a variety of opposition groups. The experiences these people describe took place in different prisons, over a period of nearly ten years, from the early 1980s to 1991. The many similarities, the consistency of allegations made in different words by individuals of different backgrounds and beliefs, provide compelling evidence of a pattern of torture and cruel, inhuman and degrading treatment of political prisoners in Iran which continues to the present day.

Amnesty International has repeatedly conveyed its concerns to the Iranian authorities, and submitted reports for clarification and memoranda for comment and discussion. It is a matter of some regret that for many years the authorities chose not to respond to the substance of Amnesty International's communications. During 1991, however, the organization received a number of letters from the authorities offering some clarification, and information on certain cases, and many meetings took place between Amnesty International representatives and Iranian diplomatic officials, including delegates visiting the country in May to conduct interviews with Iraqi Shi'a and Kurds seeking refuge in Iran. These are welcome and positive developments.

Nonetheless, as serious violations continue, Amnesty International believes that the introduction of basic safeguards in both law and practise to protect human rights is long overdue.

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2. PRISONERS OF CONSCIENCE

Amnesty International has, on many occasions, raised with the Iranian authorities the cases of prisoners of conscience held in the Islamic Republic of Iran, and has urged their immediate and unconditional release. Such prisoners of conscience currently include a group of men, held since June 1990, apparently in connection with their activities for the Association for the Defence of Freedom and Sovereignty of the Iranian Nation (ADFSIN), dissolved shortly after their arrest, and writing a critical open letter addressed to President Ali Akbar Hashemi Rafsanjani. Their names are: Ali Ardalan¹, Abdolali Bazargan, Habibollah Davaran, Khosrow Mansourian, Nezameddin Movahed, Hashem Sabbaghian, Abolfazl Mir Shams Shahshahani, Mohammad Tavassoli Hojati and Akbar Zarinhabaf. Some held office in the first government of the Islamic Republic, led by Mehdi Bazargan, and a number of them are elderly and in poor health.

Other prisoners of conscience include a number of women imprisoned for many years in connection with their alleged activities for organizations such as the Tudeh Party and People's Fedaiyan Organization of Iran, some of whose sentences expired several years ago, and others apparently held on account of their religious beliefs, such as Mehdi Dibaj, who reportedly converted from Islam to Christianity many years ago.

Amnesty International remains cautious in publicizing the cases of prisoners of conscience in Iran, doing so only where it believes that such initiatives will not put the individuals at risk.

3. UNFAIR TRIALS

Amnesty International has followed with interest official statements and reports regarding detainees' access to defence counsel. In particular, Amnesty International notes the assurance by Ayatollah Yazdi, quoted in the November 1990 report² of the UN Special Representative on the situation of human rights in the Islamic Republic of Iran that "Everyone was entitled to defence counsel and when the accused could not obtain it, the court provided it." In a letter to the Special Representative dated 16 January 1991 quoted in his subsequent report³ the government stated that provisions regarding the right to legal counsel had been adopted by the Iranian Parliament. The law was reported to have been passed on 31 December 1990 by the Islamic Consultative Assembly. According to subsequent reports, however, the law was not approved by the Council of Guardians, and was not therefore put into effect.

Amnesty International wrote to the Iranian authorities seeking clarification of the status of this law, and requesting a copy of the text on 26 March 1991 and 12 July 1991. On 9 October 1991 Amnesty International received a response from the Embassy of the Islamic Republic of Iran in London, which stated, among other things, that

"On 19th September 1991, a Parliamentary Bill stressing the necessity of attorneys being appointed in all judicial procedures was ratified by the Islamic Republic of Iran's Advisory Assembly."

¹In November 1991 the Iranian authorities informed Amnesty International that his sentence was suspended

²UN document reference A/45/697 dated 6 November 1990, paragraph 202

³UN document reference E/CN.4/1991/35 dated 13 February 1991, paragraph 148

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The text which was finally approved is as follows:

Article 1 - The parties to a lawsuit have the right to appoint a legal counsel and all the courts are obliged to receive counsel in all stages of interrogation and court proceedings;

Sub-article 1 - The parties to a lawsuit in the Special Courts for the clergy also have the right to appoint a legal counsel. Courts will provide a number of qualified members of the clergy as a lawyer; the defendant will choose his own counsel from among them;

Sub-article 2 - Failure to comply with the provisions of the above article for the first time shall be punishable according to the third degree of disciplinary punishment and for the second time, by dismissal from the judicial post held. If a court denies the right of a party to appoint a counsel, and without the presence of the latter issues its verdict, it shall be considered null and void;

Sub-article 3 - A legal counsel in his position of defending a case enjoys all the honours and privileges which are accorded to other judicial authorities.

As of December 1991 no information had reached Amnesty International regarding cases where political prisoners had been allowed access to lawyers for their defence. The organization is particularly interested to know to what extent Sub-article 2 applies to current political prisoners, all of whom have been tried and sentenced in the absence of defence counsel, and whose trials should therefore be considered "null and void".

Reliable information received by the organization indicates that the nine prisoners of conscience referred to above, held since June 1990 in connection with their activities for ADFSIN and an open letter addressed to President Hashemi Rafsanjani were given unfair trials in May and June 1991.

In his November 1990 report, the UN Special Representative stated that "the trial of these people will be a test case for the application of the rules of due process".⁴

This case was, unfortunately, no different from the reports of political trials which Amnesty International has received for years: the defendants were, first of all, held in prolonged incommunicado detention where they were subjected to physical and/or psychological coercion to give confessions or information. They were not informed promptly of the charges or evidence against them, and they had no access to a lawyer at any stage whatsoever, in spite of their repeated requests, and were given neither time nor facilities in which to prepare their defence. Trial hearings were held in secret, inside the prison, and proceedings were summary. They were not permitted to bring witnesses. Other people were at the trial, but were seated behind the defendants and could not be seen by them, and their identity was not made known by the court. Nevertheless, these persons reportedly made accusations to which the defendants were required to respond.

Some months after their trial, the nine were told that they had been sentenced to up to three years in prison and 30 lashes. Their prison terms commenced on the day the judgment was pronounced, so that the 15 months spent in pre-trial detention was not subtracted from their sentences. The sentences of lashes

⁴UN document reference A/45/697 dated 6 November 1990, paragraph 284
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had not been inflicted by December 1991.

As long ago as 14 August 1990 Amnesty International had asked the authorities to inform it of the date of the trial in order to send a delegate to observe the trial. This request and proposal were repeated in a second letter sent on 26 March 1991 and the matter was also raised in direct talks with authorities in May 1991. After receiving information that the trials had taken place, Amnesty International wrote to the Iranian authorities in September 1991, proposing to send a delegate to observe any appeal proceedings which might follow. In November Iranian officials informed Amnesty International that the sentence passed on Ali Ardalan, who is about 76 years' old, had been suspended after he became seriously ill and was hospitalized for urgent treatment. Subsequently, reports were received that the prisoners' appeal against their conviction and sentence had been rejected, and in some cases new charges had apparently been added. All proceedings took place in their absence and at no stage did they have access to a lawyer.

Other political prisoners currently held following unfair trials include alleged members of Forgan, PMOI and Rah Kargar, as well as followers of Ayatollah Shariati, in addition to members of Kurdish and Baluchi organisations which seek various degrees of autonomy. Some have already been in prison for many years and are serving sentences of life imprisonment.

4. TORTURE AND ILL-TREATMENT OF POLITICAL PRISONERS

Amnesty International has interviewed many former political prisoners who had suffered physical and psychological torture. Some of those interviewed were released during 1991. They still bear physical and mental scars of their treatment, and in recounting details of their own suffering have also informed Amnesty International of a number of political prisoners who committed suicide in prison as a result of their treatment.

In 1991, as torture continues, the most basic safeguards for the protection of detainees have yet to be put in place, even though Iran is a state party to the International Covenant on Civil and Political Rights, which forbids the use of torture. Iran's own Constitution states:

"Any form of torture for the purpose of extracting confessions or gaining information is forbidden. It is not permissible to compel individuals to give testimony, make confessions, or swear oaths, and any testimony, confession, or oath obtained in this fashion is worthless and invalid. Punishments for the infringement of these principles will be determined by law."

Political prisoners are usually tortured in the period immediately following arrest, but may be subjected to torture at any time during their imprisonment, both before and after trial, particularly if other members of their political group are arrested who give more information on their political activities or the names of other activists. Torture and other forms of physical or psychological ill-treatment are applied not only to obtain information, but also to extract statements, sometimes recorded on film, in which the prisoner condemns the organization to which he or she belonged, repents of their previous political beliefs and activities and pledges support for the Islamic Republic. Information reaching Amnesty International suggests that as a result of such pressures some of those arrested in June 1990 in connection with ADFSIN and the open letter to President Hashemi Rafsanjani, agreed to give televised interviews or sign statements.

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Common methods of physical torture include suspension for long periods in contorted positions, burns from cigarettes, and, most frequently, severe and repeated beating with cables or other instruments on the back and the soles of the feet.

Most former prisoners interviewed by Amnesty International have recounted being beaten on the back or the soles of the feet on numerous occasions, generally with cables. Beatings can last for hours at a time, with guards taking turns to inflict the lashes. Sometimes, a blanket or cloth is stuffed into the victims' mouths to stop them screaming, making it hard to breathe properly. Usually the victims have been blindfolded, and strapped to a kind of bedstead, or held down by guards sitting on their backs.

Prisoners have described how their legs would be swollen, and their clothing bloodstained, from the feet up to the thighs as a result of such beatings. Some were unable to walk at all when the beating ended, and had to drag themselves back to their cells along the floor. Some still bear scars on their feet years after these beatings took place. Beatings on the back have often resulted in serious kidney problems.

A prisoner released in October 1991 described to Amnesty International how he was blindfolded and subjected to prolonged suspension in a contorted position with his hands bound diagonally behind his back, which resulted in a dislocated collarbone. A woman prisoner described the agony of being beaten while suspended in the same position:

"The position my hands were in was exhausting, it affects the body's entire nervous system. After a while even if they don't beat you hard you feel it acutely. If they tap you with a pencil it feels like a hammer."

Similar reports of the torture of political detainees continued to be received by Amnesty International during 1991.

For political prisoners held in Iran stress and uncertainty are constant pressures. Prisoners have been kept blindfolded for hours or days at a time, so that they became disoriented and insecure. Torture and arbitrary punishment may occur at any time, without warning. Uncertainty extends to the future as well as the present. Prisoners have no way of being sure how long they will remain in prison. Those who are tried may not be informed of their sentence for weeks or months. The sentence itself begins only on the day of the judgment and so lengthy periods of pre-trial detention are not subtracted from the prison term. Even when the sentence expires, prisoners may not be released unless they have repented.

Other arbitrary punishments include being kicked or punched, made to stand without moving for hours or days at a time, cancellation of family visits or food being reduced.

Prisoners' attempts to organize group activities have led to harsh punishment. This has applied not only to actions such as protests against prison conditions, but even to organizing a study group or physical exercise.

Several former prisoners interviewed by Amnesty International described how they survived the massacre of political prisoners in 1988. The first one group of prisoners knew of their companions' fate was when

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through a window they caught sight of a pile of plastic sandals the prisoners had worn lying in the courtyard. Prisoners held at that time have recounted how they were interviewed by a panel of clerics regarding their religious beliefs and their performance of prayers, apparently after a fatwa was issued sanctioning the execution of those who failed to fulfil their religious obligations. After the first mass executions took place in Gohardasht, prisoners in one block were able to communicate messages to other prisoners about the interviews, the identity of the panel members, the questions asked and the executions, through a series of morse signals communicated at great risk using the electric light switches. Another prisoner interviewed subsequently by Amnesty International said that he owed his life to those warning signals.

Some women political prisoners who refused to perform their prayers in 1988 were subjected to five lashes every prayer-time (i.e. 25 lashes a day); they were told this would continue until they died or agreed to pray. One former female prisoner told Amnesty International:

"We were aware of the massacre of the men prisoners and assumed that the Mojahedin women prisoners had also been executed. We discussed this among ourselves and decided to stick it out to the end...We could not see the future clearly. We thought at that time that we were in a world of death. There was no contact with the world of the living..."

Amnesty International has repeatedly made detailed recommendations to the authorities for safeguards to prevent torture, including allowing prisoners regular access to relatives, lawyers and doctors, establishing procedures for prisoners to make complaints, ensuring such complaints are properly investigated and bringing anyone found responsible for inflicting torture to justice. Amnesty International knows of no steps taken by the Iranian authorities to bring torture to an end and prevent it from occurring in the future.

5. RELEASES

Amnesty International welcomes the release of many political prisoners during 1991, and the fact that an increasing number of these prisoners have been allowed leave of absence for varying periods. However, it continues to call for the immediate and unconditional release of all prisoners of conscience in Iran, as well as for the release of those political prisoners whose prison terms have expired and whose release appears conditional on their agreeing to sign a statement of repentance.

Some political prisoners have been released only after agreeing to give video-recorded interviews, sometimes lasting several hours, in which they "confess" at length to their alleged wrongdoings, denounce their political organization and pledge support for the Islamic Republic. These "confessions" may then be shown on television. In other cases prisoners are required to sign statements condemning their organizations and pledging that they will not take part in political activities in the future. In almost all cases they are obliged to pledge property and have a relative stand as guarantor for them. Should the released prisoner not return to prison when summoned, the guarantor may be called in his or her place as a substitute prisoner. Prisoners may also be required to sign statements that they will not speak to anyone about their experiences of imprisonment.

As recently as October 1991 Amnesty International was informed of the arrest of three relatives of a political prisoner released on leave of absence after spending more than seven years in prison, who failed

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to present himself to the authorities when required. The prisoner's mother, sister and brother were subsequently released, but were threatened with re-arrest if the former prisoner failed to surrender himself within a certain time.

An increasingly common practice is to allow political prisoners, including prisoners of conscience, to go home on leave of absence. While on leave prisoners must register at designated Islamic Revolutionary Committees, and must also keep in contact with the prison authorities. Such leave may be either for a specific period of days, weeks or months, or may be indefinite. However, even if the leave is for an unspecified period, no one is left in any doubt that their files remain open at the prison, that they are still considered as prisoners and may be recalled to the prison at any time for interrogation or to complete their prison terms.

6. EXECUTIONS

Amnesty International has repeatedly expressed concern about the many thousands of executions which have taken place in the Islamic Republic of Iran during the last ten years and remains deeply concerned about the continuing high number of executions.

The Iranian authorities have never responded to Amnesty International's repeated appeals to account for the fate of the thousands of political prisoners executed during the second half of 1988, and no new safeguards are in place to prevent further mass killings from taking place.

During 1991 Amnesty International recorded more than 750 executions. According to press reports published in Iran, the majority of these death sentences were passed for drug smuggling offences, although available evidence shows that the death penalty carries no special deterrent effect in such cases. Other sources have reported the execution of approximately 50 people for their political activities.

Amnesty International believes that the minimum standards for fair trial in all the above cases were not applied.

7. ALLEGED EXTRAJUDICIAL EXECUTION OF OPPOSITION ACTIVISTS ABROAD

Amnesty International opposes unconditionally the extrajudicial execution of any individual on political grounds by governments, or by others with the knowledge and acquiescence of a government. The most recent victims in a series of such killings of opposition activists abroad were Dr Abdolrahman Boroumand in Paris in April 1991, and Shapour Bakhtiar and his personal secretary, in Suresnes, France, in August 1991. Investigations into these most recent killings are still underway. However, according to reports, at least one of the suspects has implicated the direct involvement of Tehran officials in the killing of Shapour Bakhtiar.

In certain previous extrajudicial executions evidence has come to light indicating the direct involvement of one or more official Iranian services, specifically the killing of Dr Abdolrahman Ghassemlou, leader of the Kurdish Democratic Party of Iran, together with his two companions in Vienna on 13 July 1989 and that of Dr Kazem Rajavi, representative of the National Council of Resistance, who was killed in Geneva

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in April 1990. In both these cases police investigations revealed evidence pointing to the involvement of the Government of the Islamic Republic of Iran.

Amnesty International has urged the competent authorities once again to condemn publicly the practice of extrajudicial killings and to cooperate in identifying those who may have perpetrated such acts, while making it clear to all government officials and representatives in Iran and abroad that such killings will not be tolerated.

8. ABUSES BY POLITICAL OPPOSITION GROUPS

Until September 1991 Amnesty International's policy with regard to human rights violations committed by political opposition groups was limited to condemnation of the torture or killing of prisoners. However, this was extended by the organization's International Council Meeting held in September 1991 to oppose, among other things, deliberate and arbitrary killings committed by opposition groups. Such violations have been committed in the past by political opposition movements inside Iran. Amnesty International has no recent information regarding similar abuses committed by such groups inside Iran, but calls on all Iranian opposition groups to respect and apply basic humanitarian standards.