

amnesty international

IRAN

PERSISTENT VIOLATIONS OF HUMAN RIGHTS

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SUMMARY

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Evidence collected by Amnesty International since the publication of its major report, Iran: Violations of Human Rights shows that serious human rights violations are continuing.

New examples of torture, arbitrary arrest, execution and of judicial punishments which constitute torture are described. These have come to the attention of Amnesty International since the preparation of the memoranda to the government in 1986 which formed the basis of the 1987 report. The persistent issue of unfair trials is described, particularly with respect to defendants facing the death penalty. Amnesty International makes recommendations and comments on developments in all these areas since 1986.

The Iranian Government has failed to reply to requests for information about steps it has taken to prevent torture and other abuses. Officials have typically responded with blanket denials. The Iranian Government has never responded to Amnesty International's memoranda. Safeguards recommended in it appear not to have been implemented. Without such safeguards widespread human rights abuses in Iran are likely to continue.

This summarizes an eight-page document, Iran: Persistent Violations of Human Rights, (AI Index: MDE 13/07/88), issued by Amnesty International in May 1988. Anyone wanting further details or to take action on this issue should consult the full document.

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Iran: Persistent Violations of Human Rights

Amnesty International has continued to add to its body of evidence of serious human rights abuses in Iran since the publication of its major report, Iran: Violations of Human Rights in May 1987. The evidence, which Amnesty International continues to receive from a wide variety of sources, including first hand accounts of torture authenticated by medical reports, and news reports in the official Iranian press, suggests that arbitrary detention and unfair trials, torture, and summary executions are continuing, though not on the same massive scale as in the early 1980s. Recommendations made by Amnesty International in memoranda to the government in 1986, and published in 1987 (referred to hereinafter as the 1987 report) appear not to have been implemented in Iran. These include: the immediate release of all those imprisoned for the non-violent expression of their conscientiously held beliefs; safeguards against torture during pre-trial detention; fair trial procedures in political cases; independent investigations into all allegations of torture; an end to torture and judicial punishments which constitute torture or ill-treatment such as amputation and flogging, and access to Iran for independent human rights organizations. In the absence of such safeguards the basic pattern of widespread disregard for individual human rights in Iran is continuing.

Torture

Torture is continuing in Iranian prisons, particularly beating and lashing with cables, on all parts of the body, but applied particularly to the soles of the feet. Beating immediately on arrest, by the Islamic Revolutionary Guards Corps (IRGC) remains widespread, and appears to be intended to intimidate prisoners before their interrogation begins. A typical story was related to Amnesty International by a woman arrested by the Islamic Revolutionary Committee and taken to their Headquarters in Rasht in 1986; she said that her beating began immediately on arrest. Komiteh officers beat her, pulled her hair and kicked her. She did not respond to questions when she was beaten as she feared that she might cause trouble for her husband, who was suspected of illegal political activity, but eventually she was forced to sign a confession without reading what was written on the paper. After signing this confession she was released on the payment of a surety. She has since fled the country.

In another case a young student who had been a sympathiser of a left-wing organization, and who claims to have been involved in non-violent activities such as distributing newspapers, was arrested in March 1984, and held for two and a half years. He said that he was arrested by civilians, and he was not told the reasons for his arrest. He was immediately blindfolded, punched and given blows to the head. He was taken to what he later discovered to be the former SAVAK Headquarters in Kamal Esmail Street in Esfahan. During interrogation he was whipped on his feet with cables.

Threats of sexual abuse or rape of female prisoners and female relatives of male prisoners appears to be a widely used form of psychological torture against political prisoners. While Amnesty International remains unable to confirm the widely reported accusations of the rape of political prisoners, the threat of such sexual abuse is very frequently referred to by former prisoners as a particularly harrowing aspect of their imprisonment. Mock execution is another disturbing form of psychological torture which is still reported as being practiced in Iran.

Arbitrary arrest and indefinite periods of incommunicado detention of political prisoners are two factors which greatly facilitate the continuation of torture in Iran. The pattern of detention merely on suspicion, followed by beating and interrogation during which time the prisoner has no redress to the courts, no access to relatives - who may not even have been informed of the prisoner's whereabouts - nor to a lawyer, leave law enforcement personnel with free rein to use whatever methods they deem fit. Torture is one result of this absence of supervision, and of the situation in which a prisoner has no way to bring his treatment to the attention of the outside world, and no route to seek legal redress.

In its 1987 report, Amnesty International proposed a number of recommendations aimed at preventing torture. The organization has received no direct response from Iranian leaders to the detailed memoranda submitted to them, nor to other communications sent from Amnesty International's International Secretariat and from its members worldwide to the government of Iran in which the organization's concern about torture in Iran was made very clear.

Responses to Amnesty International members were received from Iranian embassies and, for the first time, from provincial officials in Iran, and these, as well as government statements reported in the media have denied the existence of torture in Iran. As evidence to this claim respondents have pointed to prohibitions of torture contained in the Iranian Constitution - prohibitions which Amnesty International had itself noted in its memoranda. For example, while appearing to admit the existence of ill-treatment in the early years of post revolutionary Iran, Hojatoleslam Hashemi Rafsanjani said in an interview with the West German newspaper Die Welt on 10 August 1987, "there may have been hardships in interrogation in the early phase of the revolution", but he continued, "there is no torture in our Islamic Republic. It is prohibited by our constitution. Anyone using torture during an interrogation is subject to punishment himself." This blanket denial is an inadequate response to the body of evidence, in many cases substantiated by medical reports, collected by Amnesty International. The fact that torture is continuing in Iran, even after the government has been made aware of the hundreds of complaints of torture, could be interpreted as reluctance on the part of the government to carry out its obligation, as a state party to the International Covenant on Civil and Political Rights, to prevent torture.

Apparent official refusal to acknowledge the problem of torture must be overcome if its use is to be effectively outlawed. Without even recognition by the Iranian Government that torture is an issue which it must face, other recommendations made by Amnesty International appear to have been ignored. Amnesty International knows of no cases where members of law enforcement agencies alleged to have been responsible for acts of torture have been tried, let alone convicted. It knows of no cases where compensation has been paid to torture victims. Amnesty International has

repeatedly sought such information from government authorities but has received no response.

Steps taken by the Supreme Judicial Council to centralise control by the executive over all government agencies empowered to detain citizens include the establishment of the Organization in Charge of Prisons and Security Rehabilitation Activities, reported in the Iranian press in November 1987, and of a new agency to inspect prisons, reported in Keyhan on 3 December 1987. The scope of their jurisdiction is not fully described, but Amnesty International would recommend that they give priority to establishing and implementing meaningful human rights safeguards such as:

The holding of all detainees in publicly recognized places of detention, subject to frequent unannounced inspection by an independent prison inspectorate.

An independent body to investigate prisoners' complaints of torture and ill-treatment.

A commission of inquiry to be set up to investigate and report publicly on nine years of torture in Iran. The findings of the commission should serve as a basis for prosecution and compensation.

Training of all law enforcement personnel who come into contact with prisoners stressing that torture and ill-treatment of prisoners in their custody is unacceptable in all circumstances.

Torture will continue, regardless of blanket denials by the Iranian Government or constitutional prohibitions on torture if practical measures such as these are not implemented.

Arbitrary Arrest of Political Prisoners and Detention of Prisoners of Conscience

Arrests continue to be carried out in an arbitrary and intimidatory manner. For example, in one case reported to Amnesty International a middle aged man was detained in 1987 because his son, who is a political refugee outside Iran, was wanted for investigation. As the son could not be found in Tehran, the man, who had a heart condition, was taken in his place to a Komiteh Headquarters in Tehran. While in detention, he was threatened that his prospective daughter-in-law could no longer be permitted to marry his son because of the alleged counter-revolutionary activities of the son, and that the Komiteh would arrange for her to be married to someone else. The father remains in detention without charge or trial, and subjected to threats against his family.

An article in Ettela'at newspaper on 4 August 1987 reported that 36 parents were arrested because their sons had not presented themselves for compulsory military service. No mention was made in the report that these parents were alleged to have committed any offence.

Another abuse which is commonly reported to Amnesty International is the continuing detention of individuals after the expiry of their sentences. It appears to be common practice for political prisoners coming to the end of their sentences to be obliged to sign a declaration that they will no longer be involved in activities against the government, and that they repent of their former ideas. If prisoners do not sign this

declaration, or in the opinion of the detaining authorities they are not genuinely or sufficiently repentant, then they are not released when their sentences expire. While Amnesty International has been informed that many prisoners do not take such declarations seriously and are willing to take this step in order to be released from prison, others choose not to sign and thus remain incarcerated indefinitely. Amnesty International sought clarification of the question of "statements of repentance" in a letter to the Iranian authorities in September 1987. No reply has been received, and Amnesty International remains concerned that forcing individuals to sign such statements would appear to contravene Article 19 of the International Covenant on Civil and Political Rights, which states:

"Everyone shall have the right to hold opinions without interference."

Those so affected include an unknown number of prisoners of conscience.

An Iranian official, Davoud Karimi, was quoted by Reuters on 18 February 1988 as saying, "The counter-revolutionary grouplets have altogether about 9,000 prisoners..." While the People's Mojahedine Organization of Iran claims that the number of political prisoners extends to 140,000. Amnesty International is not able to give a precise figure, but believes that many thousands of political prisoners are imprisoned in Iran and large numbers of them may be prisoners of conscience. Although a number of opposition groups, including the People's Fedaiyan Organization, the People's Mojahedine Organization and the Kurdish Democratic Party are involved in armed opposition to the government, many sympathisers of these and other groups have been arrested for such activities as distributing leaflets and newspapers, or other activities in which they neither used nor advocated violence. Others have been detained merely on suspicion of sympathising with these organizations.

The Supreme Judicial Council, which, according to official press reports of its meetings, appears to review irregularities in the Iranian judicial process, has itself issued directives which could be said to encourage arbitrary detention. For example on 3 May 1985 the Supreme Judicial Council approved the imprisonment or exile for up to two years of anyone with a criminal record, even without evidence of further criminal acts. To Amnesty International's knowledge this directive, remarked upon in the 1987 report, has not been amended or repealed. Few arrests, particularly in political cases of concern to Amnesty International, are carried out in a way which would comply with Article 32 of the Iranian Constitution which states: "In the case of arrest, charges and supporting evidence must be communicated immediately in writing to the prisoner, and be elucidated to him."

Iranian leaders have appeared aware that a problem exists. Ayatollah Montazeri was reported in Keyhan newspaper on 16 August 1987 as saying that prisoners should be well-treated and not insulted or harmed, and that if someone has suffered ill-treatment then he should receive compensation. In a speech to the Supreme Judicial Council and Heads of the Supreme Court in Qom, reported in Keyhan in July 1987 Ayatollah Montazeri said, "if the rights of a people are safeguarded by the state judicial apparatus, then that regime can be recognized as a just regime ... if we can make our country a judicial example in the world then other countries will imitate us." On 6 June 1987 Ayatollah Montazeri is reported to have advised security forces to be satisfied with the "minimum numbers of arrests necessary", and that these should be promptly charged and tried, "so that families are not separated".

Executions

Reports were received in 1987 of the execution of at least forty political detainees in secret, in a manner which shows a complete disregard for the right to life as described in Article 6 of the International Covenant on Civil and Political Rights:

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

The United Nations Special Rapporteur on summary or arbitrary executions transmitted 21 cases of individuals allegedly at risk of summary or other arbitrary execution to the Iranian authorities in 1987, but the Special Rapporteur's report of 19 January 1988 states that as of that date the Iranian authorities had offered no clarification of these reports.

Amnesty International sought clarification, in a letter to the Iranian authorities in September 1987 of reports that 40 political prisoners had been executed in Evin Prison, Tehran for taking part in hunger strikes and other prisoner protests against torture, secret executions, and the continued detention of prisoners after the expiry of their sentences. In June 1987 urgent appeals were sent following reports that a political prisoner had been executed after two years and eight months of imprisonment in Evin Prison, and that twelve other alleged supporters of the same organization were reportedly at risk of execution having been imprisoned for between one and a half and four years. In these appeals Amnesty International requested information about the judicial proceedings followed in these cases, but received no reply.

Followers of the Baha'i faith, a minority religion not recognized under the Iranian Constitution, have suffered imprisonment, torture and execution apparently because of their religious beliefs. Four Baha'is were reportedly executed in 1987. Amnesty International sought clarification about the charges on which they were convicted, and whether they received a fair trial. Urgent appeals were sent to the Iranian Government in November and December 1987 following reports that 17 Baha'is were at imminent risk of execution, five of whom were later released on bail. No reply to these appeals was received.

In addition to these executions, which were not reported in the official Iranian press, Amnesty International recorded 158 executions during 1987, most of which were reported in the official Iranian press, the majority applied for murder, many others for drug offences. Over 60 were reported to have taken place during a six week period in September and October 1987 following a directive from Ayatollah Khomeini that firm action should be taken against drug traffickers.

Some of the death sentences were reported to have been imposed on supporters of opposition political groups, for example, on 29 October 1987 Keyhan newspaper announced that the Supreme Judicial Council had approved death sentences on seven members of "atheistic and hypocritical mini-groups", passed by Islamic Courts in west Azarbaijan, Isfahan and Ilam. Other similar announcements were made in 1987. It is not clear whether these political prisoners were executed for their non-violent opposition to the government, or whether they had been involved in politically motivated violent acts.

Furthermore, Iran continues to carry out death sentences on minors under the age of 18, in contravention of Article 6,(5) of the International Covenant of Civil and Political Rights. Keyhan newspaper of 28 January 1988 reported the execution of a young man aged 17 in Mehdishahr. He was lashed 50 times before being hanged, having been convicted of child murder.

Fair Trial

The 1987 report, noted a lack of adequate protection for the rights of the accused to a fair trial. This is a cause for concern for Amnesty International where charges are of a political nature, and when the penalty for the offence constitutes torture or ill-treatment, or the death penalty is applied.

In cases where death sentences are passed and announced publicly the death sentence is referred to the Supreme Judicial Council, which is empowered to refer cases back to the courts for further investigation or reconsideration. This has happened on a number of occasions, and is a welcome innovation which could prevent, and has certainly deferred, the carrying out of some executions. However, the defendant does not have the right to present any statements to the Council concerning the trial court's judgment and sentence. Amnesty International is therefore concerned that the right to have one's conviction and sentence reviewed by a higher tribunal is not sufficiently respected in that such procedures do not permit a fully informed review of possible errors by the trial court. Article 14(5) of the International Covenant on Civil and Political Rights states:

"Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal."

Amnesty International has, on numerous occasions, requested details about the judicial proceedings in cases where individuals have been executed. It has never received a substantive response to such inquiries from the Iranian authorities. Amnesty International considers that even in cases where death sentences are carried out in accordance with legal procedures trial procedures still fall short of international standards for a fair trial. The United Nations Economic and Social Council approved safeguards guaranteeing protection of the rights of those facing the death penalty in 1984. Article 6 of the annex to these safeguards states:

"Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory."

Article 27 of the Law of Hodoud and Qesas describes the methods by which murder is proved in court as follows: 1) Confession, 2) Testimony, 3) Oaths, 4) Knowledge of the Judge. Areas of concern for Amnesty International noted in the 1986 memorandum, all of which remain of current concern, included:

The absence of the right of the accused to cross-examine prosecution witnesses who may swear oaths to prove the guilt of the accused. In an article in the Tehran newspaper, Ettela'at on 15 February 1988, Hojatoleslam Sayed Jallal Mussavi, a practicing judge in Tehran described the circumstances in which a conviction can be brought against a defendant in a murder case where the death penalty could be applied, solely through

the victims relatives swearing on oath that the defendant is guilty. Hojatoleslam Mussavi stated:

"When there is no confession, no witnesses have seen the incident, and there are no indications which would establish the knowledge of the judge, but the committing of the murder is an established fact for the judge and there is a strong suspicion that the accused has committed the crime, then it is incumbent upon the judge to ask the accused to show proof of his innocence if he is able to.

If these proofs are insufficient, then measures will be taken for Qassameh (oaths).

Hojatoleslam Mussavi then described how Qassameh is carried out:

"In Qassameh it is necessary to swear fifty times. Therefore, the father (or grandfather) of the murder victim is asked to attend the court together with 49 close relatives and swear, with full certainty, that the defendant is the murderer. If the father has less than 49 relatives, the father shall swear in substitution for any of these relatives."

This would appear to contradict Article 14,3 (e) of the International Covenant on Civil and Political Rights which accords to the accused the right, "to examine, or have examined, the witnesses against him ..."

The absence of safeguards against the admission as evidence of confessions extracted by force or use of torture.

In political cases, Amnesty International continues to receive reports of summary trials. Political prisoners are not represented by a lawyer, often not informed of the charge against them, not permitted to call witnesses in their own defence, and often not informed of the sentence until long afterwards. In some cases, Amnesty International has been informed that the trial consisted of little more than the reading out of the charge and the passing of sentence, with no right of appeal.

In 1986 Amnesty International recommended that all judicial proceedings should be consolidated into a system, which should supply all the safeguards necessary for a fair trial, required by Article 14 of the International Covenant of Civil and Political Rights. Since then Amnesty International is not aware that any further progress has been made towards a fair judicial system in Iran which would be the cornerstone in the building of a durable structure to safeguard human rights in Iran.

Judicial Punishments Which Constitute Torture or Ill-Treatment

In the 1987 report Amnesty International recommended the discontinuation of judicial punishments which constitute cruel inhuman or degrading treatment or punishment incompatible with Article 7 of the International Covenant on Civil and Political Rights. Such punishments include stoning to death, flogging and amputation of fingers. Stoning to death continues to take place in Iran. One case was recorded in 1987, and six in 1986 despite the stated disapproval of Hojatoleslam Hashemi Rafsanjani who said in an interview in the West German newspaper Die Welt on 10 August 1987 that stoning was a punishment prescribed only by "tasteless judges", and that judges should not pass such sentences. In February 1988 a sentence of stoning to death was reported in the Iranian

press, but the carrying out of this sentence has not been reported. Executions where individuals are lashed up to 99 times before being hanged, recorded eight times in 1987, appear likewise to be designed to cause the maximum amount of suffering to the victims.

Many thousands of lashings, carried out as judicial punishments for a wide variety of offences are carried out every year in Iran. These punishments are often handed out after unfair trials. In an article in Keyhan on 4 January 1988 the Chief Justice, Ayatollah Ardebili said that an offender who is arrested when drunk should be given up to 74 lashes immediately. The victim's right of appeal against a sentence of corporal punishment is curtailed, as in criminal cases punishable by death, and Amnesty International knows of no case where someone lashed in error has received compensation. In common with the United Nations Human Rights Committee General Comment 7(16) Amnesty International takes the view that the prohibition on torture and other forms of cruel inhuman or degrading treatment or punishment in the International Covenant on Civil and Political Rights extends to all forms of corporal punishment. The organization is aware of cases where flogging as a judicial punishment has caused lasting physical or psychological injury to the victim.

Amputation of fingers for offenders convicted of repeated counts of theft is practiced in Iran. Six cases of amputation have come to Amnesty International's attention in the first four months of 1988. This disabling punishment clearly constitutes torture.

Amnesty International continues to be of the opinion that the only way to ensure that such excessive punishments, which violate international agreements to which Iran is committed, do not take place is to remove them from the range of punishments available to judges.

Concluding Remarks

A substantial improvement in the human rights situation in Iran can only come from decisive action from central government to stamp out human rights abuses. Initial practical steps which could and should be taken as a matter of urgency have been listed above. Human rights is a topic of increasing public debate in Iran, a debate to which Amnesty International hopes it will continue to contribute. There is evidence of a move towards greater central control over prisons and over the judicial system, an essential first step for reform. It remains to be seen, however, whether the Iranian Government will take seriously its obligation to safeguard the human rights of its citizens, or whether it will continue to avoid this responsibility with the results we have seen for the last eight years.