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IRAN

Open letter from Amnesty International to members of the Sixth *Majles-e Shoura-ye Eslami* (parliament)

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The following is the text of an Open Letter from Amnesty International's Secretary General to members of the Sixth Majles-e Shoura-ye Eslami (Islamic Consultative Assembly)

Your Excellencies,

I am writing to you as Secretary General of Amnesty International on the occasion of your recent election to the Sixth Majles-e Shoura-ye Eslami (Islamic Consultative Assembly). We are greatly encouraged by the public statements made by some of your members expressing their commitment to defend fundamental freedoms, as well as some concrete moves to ease constraints on freedom of expression. We hope that your term of office in the next four years will be memorable for the advancements made in promoting a program of legal and administrative reform enabling all the people of Iran to enjoy to the full their internationally recognised human rights.

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Amnesty International, as an independent non-governmental organization, promotes the indivisibility and interdependence of all human rights and freedoms, and campaigns to prevent and combat some of the most flagrant violations of these rights. As a recent example of our work in this regard, I would like to draw your attention to the following documents published by Amnesty International:

1. *Lebanon: "Where is the door?" - Letter from an Amnesty International delegation visiting Khiam detention centre in south Lebanon (AI Index: MDE 18/08/00, 30 May 2000)*
2. *Attacks on Lebanese Civilians in south Lebanon by Israeli Forces (AI Index: MDE 02/06/00, June 2000)*
3. *NATO/Federal Republic of Yugoslavia - "Collateral Damage" or Unlawful Killings? - Violations of the Laws of War by NATO during Operation Allied Force (AI Index: EUR 70/18/00, June 2000).*

We recognise that parliaments all over the world are playing an increasingly important role in promoting and safeguarding human rights values, and are encouraged that the steps taken in the short time since your inauguration reaffirm this trend. We believe that full implementation in law and practice of the individual rights currently enshrined in the Iranian Constitution and in such instruments as the International Covenant on Civil and Political Rights (ICCPR), to which the Islamic Republic of Iran is a state party, would go a long way towards securing the basic freedoms of expression, association and belief. We believe that progress in this regard is needed urgently, given the ongoing patterns of serious human rights violations which our organization has documented over the years and, most recently, the sweeping clampdown on freedom of expression witnessed in Iran in the weeks leading up to the first round of the *Majles* elections on 18 February 2000 (29 *Bahman* 1378) and continuing thereafter.

The unprecedented rise in the prosecution and conviction of writers, editors and publishers by special courts, whose procedures do not conform to internationally recognised standards for fair trial, is a clear violation of their fundamental rights. A free press in any country plays an important role in raising public awareness of social and political issues, thus leading to an informed public debate, which is one of the hallmarks of a dynamic civil society. In this context, we welcome the recent public statements by a number of newly-elected Deputies expressing their intention to review and reject the restrictive amendments to the Press Law which were passed in the last days of the Fifth *Majles*, which permit the detention of prisoners of conscience. We urge you to establish clearly defined legal safeguards for freedom of the press and of expression

through legislative reform and to do everything possible in your power to ensure the implementation of these and other reforms for the protection of human rights which you may undertake. We would also urge you to ensure that any amendments are in accordance with Article 19 of the ICCPR.

Amnesty International is encouraged by the recent statement of a member of your Assembly reportedly indicating that the issue of fair trials would be included in the program of reforms envisaged by the Sixth *Majles*. You might already be aware of Amnesty International's Fair Trial Manual (AI Index: POL 30 / 02/ 98). If you wish, you could download the document from our website: www.amnesty.org/ailib/themes/fairtria.htm or, alternatively, receive it from us in a different format.

We remain concerned by reports that hundreds of people arrested in connection with student demonstrations in July 1999 continue to be detained without charge or trial and that some have been sentenced to long prison terms, or death, after manifestly unfair trials by Islamic Revolutionary Courts. The use of these and other special courts, such as the Special Court for the Clergy (*Dadgah-e vizhe-ye Rouhaniyat*), has created serious obstacles in the way of a fair trial, due to the inconsistency of their procedures with international standards. The right to a fair trial in Iran is also compromised by the 1994 Act establishing Public and Revolutionary Courts, in which, among other things, the responsibility of the Public Prosecutor was transferred to the judge, apparently on the grounds that this would expedite the hearing of cases. This clearly compromises the independence of the judiciary, in violation of Article 10 of the United Nations Guidelines on the Role of Prosecutors, which states that: "The office of prosecutors shall be strictly separated from judicial functions", and Article 14 of the ICCPR which provides for the right to be tried before an independent and impartial tribunal.

In August 1997 Amnesty International wrote to His Excellency President Mohammad Khatami proposing some recommendations for the advancement of human rights in Iran. It is in pursuit of the same goals that we now express some of our continuing concerns and urge you and your government to undertake the recommendations included at the end of this letter, which would help to establish a practical framework for ensuring respect for human rights in Iran.

We have noted the reported commitment by some *Majles* Deputies to pass legislative reforms necessary to end discrimination against women and ensure equality of opportunity for both women and men. We urge you to give international expression to this commitment by facilitating your government's accession, without reservation, to the UN Convention

on the Elimination of all forms of Discrimination against Women and its Optional Protocol, and full implementation of this important Convention in practice. We trust that you will also play a full and effective part in fora promoting the development, implementation and monitoring of other international human rights instruments.

In October 2000, Amnesty International will be launching a worldwide campaign to stop torture and to call on those governments who have not already done so to ratify without reservation, and with a declaration under Article 22, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and in this context we would urge you to consider this in a future session.

Amnesty International has, for many years, been seeking to visit Iran. Although we routinely convey our concerns to the Government of the Islamic Republic of Iran, and seek a constructive dialogue with all concerned authorities, our delegates have not been given access to carry out fact finding, trial observation and talks. In the event of a visit taking place, we would welcome the opportunity of meeting with members of the Sixth Majles. We also look forward to the enactment, during your term of office, of the necessary legislation for the protection of all human rights. We hope that, in pursuit of our shared objectives as human rights defenders, our organization will be able to begin a new era of open dialogue and mutual understanding with you as the elected representatives of the Iranian people.

Yours sincerely,

Pierre Sane
Secretary General

Recommendations:

- **secure the release of all prisoners of conscience** currently held in Iran. These include Mashallah Shamsolva'ezin, editor of the now-banned newspaper *Asr-e Azadegan*, sentenced to three years' imprisonment by the Tehran Press Court judge for "insulting Islam"; Abdollah Nouri, managing director of the now-banned newspaper *Khordad*, sentenced by the Special Court for the Clergy in November 1999 to five years' imprisonment for publishing articles expressing the beliefs of writers whose views are at odds

with some sections of the authorities and for giving publicity to Grand Ayatollah Hossein Ali Montazeri, who continues to be held under house arrest. Amnesty International is also concerned about the recent detention of, among others, journalist Akbar Ganji and human rights defenders Shirin Ebadi and Mohsen Rahami.

- **review legislation** to ensure that no one may be imprisoned as a prisoner of conscience solely on account of their non-violent political or religious beliefs or activities, their colour, language, ethnic origin or gender. Abolish the use of special courts, such as Revolutionary and Press Courts and the Special Court for the Clergy, for offences which may be dealt with within the normal judicial framework.
- **ensure freedom of belief** for all religions, not just those recognized in the Constitution.
- **ensure that cases of all political prisoners are reviewed** with a view to retrying them in accordance with international standards for fair trial. These include 10 members of the Iranian Jewish community and two Muslims, sentenced in July by a Revolutionary Court in Shiraz to prison terms of between two and 13 years following their conviction in a closed trial for “belonging to a spy ring”; Dr Mahmudali Chehregani, of Azeri origin and an advocate of the preservation of regional languages, was sentenced in February to six months’ imprisonment by a Revolutionary Court and reportedly ordered to pay a fine of approximately US\$20,000, or face a further 10 years’ imprisonment. Those held without formally being charged, such as hundreds of students detained in connection with the civil unrest in July 1999, should be brought to trial promptly and fairly on recognizably criminal charges, or be released.
- **ensure that torture is prohibited** in all circumstances, not just for the purpose of obtaining confessions as currently stated in Article 38 of the Constitution, including corporal punishments amounting to cruel punishment or torture. Anyone suspected of inflicting torture or cruel, inhuman or degrading treatment should be brought to justice.
- **review the use of the death penalty** with a view to restricting progressively the number of crimes for which this most serious and irrevocable of penalties may be applied.

- *empower the Islamic Human Rights Commission to carry out impartial and thorough investigations into allegations of human rights violations including torture, Adisappearances@, and extrajudicial executions. The methods and findings of such investigations should be made public.*