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Iran: Magazine editor accused of espionage should be given a fair trial

Amnesty International today was alarmed at reports that Faraj Sarkouhi, the editor of the magazine *Adineh*, had gone on trial for charges including “spying for a foreign country and attempting to illegally leave the country”.

According to media reports, the Head of the Judiciary, Ayatollah Mohammad Yazdi, suggested in a press conference that the first session of the trial had already taken place. Amnesty International believes that this took place yesterday.

“Despite the reported charges, we believe that Faraj Sarkouhi may be a prisoner of conscience, who has not used or advocated violence and who is held purely for political reasons,” Amnesty International said. “If this is the case, he should be released immediately and unconditionally.”

It is not known in which court he has been brought to trial, but is likely to be a Revolutionary Court, the competence of which includes “*any crime against the domestic or foreign security of the Islamic Republic of Iran, and ‘corruption on earth’*”. According to reports, Faraj Sarkouhi was not represented by a lawyer during the session on 23 June, but Ayatollah Yazdi is reported to have said that “*according to the law, he can have a lawyer*”.

At the end of May, when there were reports that the trial was due to start imminently, Amnesty International sought to send a delegate, Wesley Gryk, to observe the trial proceedings. Unfortunately, the organization was informed by the Foreign Ministry that “*it was not an appropriate time*” for an Amnesty International delegation to visit Iran. However, the organization was given assurances that the trial was almost certainly to be held in public. Amnesty International has not been permitted to visit Iran for fact-finding, trial observations or government talks since 1979.

“The reported statements by the Head of the Judiciary that the trial may be held *in camera* at the discretion of the judge make us fear that the authorities are trying to conceal the details of Faraj Sarkouhi’s trial,” Amnesty International said. “When coupled with our concerns about the fairness of trials in Iran, we are deeply worried that Faraj Sarkouhi may not receive a fair trial and in fact risks facing the death penalty.”

Amnesty International is calling on the Iranian authorities to provide full details of the charges against Faraj Sarkouhi and the evidence against him, and allow the court proceedings to be scrutinized by independent bodies. The authorities should also ensure that his trial meets the minimum standards for fair trial laid down in Article 14 of the International Covenant on Civil and Political Rights, to which Iran is a state party.

Faraj Sarkouhi was arrested in late January 1997. The authorities claimed in early February that he had been detained, along with his brother, while trying to leave the country illegally. He had previously “disappeared” in Tehran airport for about seven weeks in November 1996. The authorities maintained that he had travelled to Germany.

In a press conference on his reappearance in Tehran airport in December, Faraj Sarkouhi said that he had travelled to Germany. However, he is believed to have written a letter in January 1997 -- sent clandestinely out of Iran and made public after his later arrest -- in which he says that he was in fact held in incommunicado detention and forced to "confess" to various offences such as espionage and adultery, both of which can carry the death penalty in Iran. The letter also said that he had participated in the press conference in order to obtain his temporary release.

In addition, the letter suggested that among the reasons for his original arrest had been the Iranian authorities' desire to pressure the German Government over the Mykonos trial concerning the killings of four Kurdish Democratic Party of Iran members in Berlin in 1992.

FURTHER BACKGROUND

In an interview with the Iranian News Agency, IRNA, on 23 June 1997 Mohammad Reza Abbasifard, the Deputy Head of the Judiciary, is reported to have criticized Amnesty International's Annual Report on Iran, denying that anyone in Iran was prosecuted for "*following a particular religion or ideology*". He also denied that torture occurred in Iran, stating "[s]ince torture is considered as a criminal act by Islam and the constitution, there has never been - and will never be - even a single case of torture in Iranian prisons." He went on to say, "[i]n its report, Amnesty International has termed as torture the punishment of convicts on the basis of divine and Islamic tenets and in accordance with the country's laws".

Amnesty International has documented the use of numerous methods of torture in Iran over many years. Most recently, in a report issued on 3 June 1997 the organization raised concerns that followers of Shi'a religious leaders had been tortured in detention. Most were held without charge or trial, and many, if not all, were believed to be prisoners of conscience.

The statement by the Deputy Head of the Judiciary gives no indication that any of the reports of torture have been thoroughly and impartially investigated. In addition, the organization considers judicially imposed punishments such as flogging to constitute torture or cruel, inhuman or degrading punishment, both of which are unconditionally forbidden under international law. This view has been endorsed by the United Nations (UN) Special Rapporteur on torture, and in a resolution by the UN Commission on Human Rights in April 1997.

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