

EXTERNAL

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EXTRA 115/96

Death Penalty / Flogging /
Torture / Unfair Trial

25 July 1996

IRAN Hedayatollah Zendehtdel, businessman
Abolghasem Majd-Abkahi, businessman
Alireza Yazdanshenas, former air force officer
Kurosh Nikakhtar, 28 years old, journalist

Amnesty International is gravely concerned at reports that, in two separate cases, the four men named above have been sentenced to death after Islamic Revolutionary Court trials in Tehran.

Hedayatollah Zendehtdel, Abolghasem Majd-Abkahi and Alireza Yazdanshenas were among a group of six men charged with gathering classified military information during the 1980-1988 Iran-Iraq war and passing it to foreign countries, in particular the United States and Israel. They were also accused of economic sabotage, helping to smuggle people out of the country by forging government documents and of working to restore Iran's imperial family. Other accusations reportedly included adultery, drinking alcohol, taking drugs and attempting to smuggle arms into the country. Their trial began in January 1996, seven years after their arrest.

On 23 July 1996, according to media reports, a Revolutionary Court in Tehran sentenced the three to death in addition to 170 lashes which they will receive before being executed. They were declared to be "corrupt on earth" which usually carries the death penalty. The three other defendants in the case were sentenced to prison terms of between 7 to 23 years and to between 110 to 200 lashes.

Amnesty International has received information that at least one of the men, Hedayatollah Zendehtdel, may have been subjected to various forms of torture and ill-treatment during his detention.

Kurosh Nikakhtar was arrested on 1 February 1994. He was among a group of at least 20 people who were arrested in connection with an incident on that day in which shots were fired at President Ali Akbar Hashemi Rafsanjani as he addressed a gathering to mark the anniversary of the establishment of the Islamic Republic of Iran. According to media reports, on 23 July 1996, the Supreme Court has confirmed the death sentence passed by a Revolutionary Court in Tehran. The Supreme Court reportedly referred the death sentence against a second suspect, Mohammad Musavi-Nia, back to a lower court. The three year prison sentence of a third man was also confirmed. Amnesty International has no information about the others.

BACKGROUND INFORMATION

Amnesty International remains extremely concerned at the high number of executions in Iran. At least 70 people are reported to have been executed since the beginning of 1996.

While the organization recognizes the rights and responsibilities of any government to bring to justice those suspected of criminal offences, it opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International also opposes the use of judicial punishments such as flogging,

which it considers to be contrary to Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, which prohibits the use of torture or cruel, inhuman or degrading treatment or punishment.

Amnesty International is also concerned that the trials may not have met internationally recognized standards for fair trial. A new law which came into force in 1995 transferred the responsibility for prosecution to judges, in violation of international standards requiring the independence of the judiciary. The UN Special Representative on Iran who visited the country in February 1996 and attended part of a session of the trial of the six men stated in his report that:

"The judge played a much more active role and the lawyers a more passive role than in any trial [he had] attended elsewhere. Indeed [he] was left with the impression that the judge was clearly not a neutral third party between the prosecution and the defence."

The Special Representative had also sought to visit Hedayatollah Zendehtdel, but was denied access to him. With regard to the seven-year pre-trial detention, the President of the Independent Bar Association told the Special Representative that it "should not happen, that it would also be a violation of [the] normal judicial process [and that it] would also be a violation of both legal and religious decrees and that the system 'cannot detain a person for a long time on the basis of suspicion alone'".

There is further concern that the defendants may not have been given the right to choose their own attorneys, a right which is stipulated in Article 14.3(b) of the International Covenant on Civil and Political Rights, which states that everyone charged with a criminal offence is entitled "(t)o have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing".

RECOMMENDED ACTION: Please send telegrams/telexes/express/airmail letters in English, French or your own language:

- expressing concern at the death sentences passed against Hedayatollah Zendehtdel, Abolghasem Majd-Abkahi, Alireza Yazdanshenas and Kurosh Nikakhtar and urging that the sentences be commuted;
- drawing attention to world trends to abolish or reduce the use of the death penalty, the desirability of which was reaffirmed in Resolution 32/61 of 8 December 1977 of the United Nations General Assembly;
- urging that all the sentences of flogging be commuted, and stating that you believe flogging to contravene Article 7 of the ICCPR;
- expressing concern that the trials of the four men may not have met internationally recognized standards for fair trial;
- calling for a prompt, thorough and independent investigation into the allegations of torture and urging that all detainees be protected from torture or ill-treatment.

APPEALS TO:

1) Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue

Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Telegrams: Ayatollah Khamenei, Tehran, Iran
Salutation: Your Excellency

2) His Excellency Hojjatoleslam

Ali Akbar Hashemi Rafsanjani
 The Presidency, Palestine Avenue
 Azerbaijan Intersection, Tehran, The Islamic Republic of Iran

Telegrams: President Rafsanjani, Tehran, Iran
Salutation: Your Excellency

3) Head of the Judiciary

His Excellency Ayatollah Mohammad Yazdi
 Ministry of Justice
 Park-e Shahr, Tehran, Islamic Republic of Iran

Telegrams: Head of the Judiciary, Tehran, Iran
Salutation: Your Excellency

4) Minister of the Interior

His Excellency Mohammad Ali Besharati Jahromi
 Ministry of the Interior
 Dr Fatemi Avenue
 Tehran, Islamic Republic of Iran

Telegrams: Interior Minister, Tehran, Iran
Telexes: 214231 MITI IR, 213113 PRIM IR (marked for the attention of the Interior Minister)
Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs
 His Excellency Dr Ali Akbar Velayati
 Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue
 Tehran, Islamic Republic of Iran

Chairman of the Islamic Consultative Assembly's Human Rights Committee
 Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

Mr Hussain Farahi, Secretary, Islamic Human Rights Commission
 PO Box 13165-137, 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 22 August 1996.