

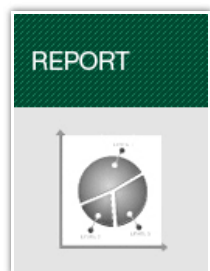


Human Rights & Democracy for Iran

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Amnesty International IRAN BREIFING 1987



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Report

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BRIEFING

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Thousands of executions since 1979 - the victims include juveniles

Political imprisonment * Arbitrary arrests

Unfair trials in political cases * Torture and ill-treatment of prisoners

Amputations and floggings imposed by the courts

This briefing is part of Amnesty International's worldwide campaign for the international protection of human rights.

Throughout the world thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses - taking place in countries of widely different ideologies - demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

-it seeks the release of prisoners of conscience. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;

-it works for fair and prompt trials for all political prisoners and on behalf of political prisoners detained without charges or trial;

-it opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.

Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups.

Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

Amnesty International's work is based on the United Nations Universal Declaration of Human Rights. The organization has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

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[map of Iran]

Violations of Human Rights in Iran^[1]

Thousands of Iranians have been executed since 1979, many in secret. Anyone suspected of supporting the opposition has been at risk of arbitrary arrest and detention. Political detainees have been brutally tortured in prisons and detention centres throughout the country. Political trials are summary, with practically no defence rights at all. Courts impose amputations and floggings as punishments - punishments which contravene human rights standards by their cruelty and inhumanity.

Amnesty International's fight against human rights abuses in Iran dates back nearly 20 years. Some prisoners of conscience for whose release the organization campaigned during the 1970s are now in positions of authority, responsible for the continuing incarceration and execution of prisoners of conscience. Other former prisoners of conscience are again in prison; many have been executed.

The departure of the Shah from the country was followed by the creation of the Islamic Republic of Iran in 1979. In 1980 war broke out with Iraq, which continues to this day. These dramatic and wide-ranging changes heralded a period of turmoil. The first arrests were, predictably, of members of the Shah's entourage and administration and of SAVAK (secret police) agents held responsible for the widespread torture of political prisoners under the Shah. Executions followed on an unprecedented scale and continued as opposition to the new ruling authorities grew. Torture of political detainees was again widely practiced. Arbitrary arrests and summary trials were commonplace and the Bar Association was closed down. Lawyers were banished from political trials. In the early 1980s suspected supporters of the opposition were being executed in their thousands after the most summary of trials.

In years after 1979 there was no centralized authority to ensure compliance with the law. The law enforcement institutions established by the new government - the Revolutionary Guards and komitehs (local committees) - enjoyed a great deal of autonomy. Individual judges appeared to have unbridled powers, local officials could exploit their positions for personal gain or to conduct vendettas, and Revolutionary Guards abused their authority by, for example, torturing prisoners in their custody. Not only did this lead to widespread human rights violations, but it also denied the victims any avenue of legal redress. They could not challenge arbitrary detention at an impartial court hearing, nor were they allowed to present a defence in the course of a fair and public trial. Prisoners sentenced to imprisonment were executed with no further judicial hearings, and vastly disparate sentences were handed down in different parts of the country.

Obtaining, verifying and assessing information on human rights abuses in Iran is a difficult and lengthy process. Amnesty International has not been allowed to conduct on-the-spot research, the authorities do not respond to requests for information and there is no domestic human rights organization or independent Bar Association seeking to protect the rights of Iranians. As a result, the information on human rights violations presented in this briefing is a description of a long-term pattern of abuses, rather than an up-to-the-minute record. The scale of indiscriminate abuses has abated since the early 1980s, and there have been improvements in recent years which Amnesty International has welcomed. However, the measures taken so far do not adequately protect Iranian citizens from violations of the kind documented here. The names of the people quoted in this briefing have been withheld at their request; they fear reprisals against their relatives still living in Iran. In 1986 Amnesty

International sent the government two documents with a request for comments. One analysed Iran's penal code in the light of international human rights standards, the other examined Amnesty International's concerns in Iran. (See Iran: Violations of Human Rights, Documents sent by Amnesty International to the government of the Islamic Republic of Iran.) They were accompanied by recommendations for improving the protection of individual rights, and a request for permission to send a delegation to Iran. No response was received. Despite repeatedly asking for talks with government officials, Amnesty International has not been allowed to send a delegation to Iran since April 1979.

Eight years after the Revolution, human rights violations are still being perpetrated by the authorities in Iran. This briefing is part of Amnesty International's continuing campaign to persuade the Iranian Government to bring the violations to an end.

EXECUTIONS [2]

Thousands of people have been executed in Iran since 1979. Many of the victims died simply because the authorities believed they belonged to opposition organizations. Executions have often been carried out in secret and not officially acknowledged, so the true number of deaths by execution is not known. In 1986 Amnesty International recorded 115 - it believes this figure to be well below the true total.

In the early 1980s the toll was higher. In the second half of 1981, for instance, Amnesty International learned of 2,444 executions. The authorities appeared to be using summary executions as part of a deliberate policy to eliminate the opposition and deter people from supporting it. Members of opposition groups risked not only their own lives, but also those of their relatives and friends.

Amnesty International is unreservedly opposed to the death penalty. It is all the more concerned when the victims have been executed after trials which give the defendant no chance of a fair hearing. In Iran, thousands of men and women have been executed after summary trials lasting a matter of minutes. The accused have had no access at any stage to legal counsel, have been given no opportunity to present a defence, have had no one to speak for them at the hearing and have been denied the right to appeal.

Victims

The victims of execution include people convicted of criminal offences such as murder, offences against the sexual and moral codes of the Islamic Republic such as adultery, and political offences such as membership of opposition organizations.

Among those executed since 1979 for political reasons are suspected supporters of many opposition organizations including the Democratic Party of Kurdistan of Iran, Komeleh, the People's Fedayan Organization of Iran, the People's Mojahedine Organization of Iran, Peykar, Rah-e Kargar, Razmandegan, the Tudeh Party, the Union of Communists, and monarchist groups.

For example, in 1981 and 1982 alone, thousands of members of the People's Mojahedine Organization were executed. In 1983 over 1,500 members of the Tudeh Party were arrested and in February 1984, 10 leading members of the party were executed. In August 1986 Amnesty International appealed on behalf of 13 members of the People's Fedayan Organization whom it believed to be under sentence of death - two had already been executed. These are but a few of the thousands of political executions carried out since the Revolution. Since the early 1980s most executions of suspected opposition activists have not been officially announced.

Over 200 people have been put to death by execution because of their religious beliefs. Members of the Baha'i faith have been subjected to harassment, imprisonment and execution since 1979. The Baha'i faith is not among the religions recognized under the Iranian Constitution.

A not untypical report from Zahedan, a city in the southeast, from May 1986 reads: "Three drug smugglers, two Afghan highway robbers and a Baha'i were executed at dawn yesterday. The Baha'i...was executed for 'acting against the security of the Islamic Republic, spying for Israel and direct financial aid to Israel'."

Many of the executions officially announced are stated to be for drug-related offences. However, Amnesty International has received reports that some of those executed ostensibly for such criminal offences were in fact punished for their political activities.

Amnesty International has interviewed former prisoners who in the course of their imprisonment were forced to watch the execution of relatives, friends and cell-mates. One man, a member of the People's Mojahedine Organization who was held in Tabriz prison between February 1981 and September 1983, told Amnesty International:

"With time I got to know my fellow prisoners and love them... Each time they would take prisoners away to be executed, and then new prisoners came to my cell, and I got to know them in the same way, and the same thing happened so many times.

"In the end it was so emotionally painful that I found myself hoping I'd be the next to be executed...apart from the physical torture, the emotional and psychological torture was terrible...when there were executions we had to load the bodies into a lorry, with maybe a hand or limb missing from them. I had to do it three times, putting the corpses into bags and loading them onto a lorry.

"Sometimes there were relatives executed together, or else one only would be executed, and beforehand they would be allowed a final brief meeting. My cell was close to the execution yard, and I could overhear these meetings and the cries that followed the executions..."

A female student imprisoned in Evin prison and Qezel Hesar prison between September 1981 and March 1982 described living in a cell holding 120 women, ranging from schoolgirls to the very old, some of whom were awaiting execution:

"One night a young girl called Tahereh was brought straight from the courtroom to our cell. She had just been sentenced to death, and was confused and agitated. She didn't seem to know why she was there. She settled down to sleep next to me, but at intervals she woke up with a

start, terrified, and grasped me, asking if it were true that she really would be executed. I put my arms around her and tried to comfort her, and reassure her that it wouldn't happen, but at about 4am they came for her and she was taken away to be executed. She was 16 years old."

Families of prisoners awaiting execution have rarely been informed in advance or allowed visits. Many have simply been asked by telephone to collect the belongings of their executed relative or told the number of the plot in the cemetery where he or she was buried. Relatives are rarely allowed access to the body of the person executed.

Methods [3]

Most executions in Iran are by hanging or firing-squad. Stoning to death is also prescribed for certain offences. Stoning is designed to cause pain to the victim before death. The Islamic Penal Code of Iran states: "In the punishment of stoning to death, the stones should not be too large, so that the person dies on being hit by one or two of them; they should not be so small either that they could not be defined as stones."

A report allegedly from an eye-witness to a stoning reads: "The lorry deposited a large number of stones and pebbles beside the waste ground, and then two women were led to the spot wearing white and with sacks over their heads...[they] were enveloped in a shower of stones and transformed into two red sacks...The wounded women fell to the ground and Revolutionary Guards smashed their heads in with a shovel to make sure that they were dead."

Death by stoning is stipulated for various sexual offences such as adultery. Relatively few stonings to death have been reported since 1979, but Amnesty International learned of eight people who died this way in 1986. A woman who had been convicted of adultery and murder was first given 100 lashes and then stoned to death in Qom in April. In Karaj, three men were publicly stoned to death in April for involvement in a prostitution ring.

Executions are often carried out in public. For example, a 36-year-old man convicted of murder was hanged in Rashediyeh Square in Tehran early in the morning of 9 July 1986. Before being hanged, he was subjected to 74 lashes. According to press reports, because the time of the execution was changed from 6am to 4:45am "not more than 200 people" witnessed the hanging. Often the bodies are left on public view after the execution has been carried out.

Former prisoners have testified to being forced to look at the bodies of execution victims:

"There was a lot of crying and wailing; then I was told: 'We are going to take off your blindfold, you mustn't look to the side, just look straight ahead.' I opened my eyes and saw a young boy hanging from the tree. Both hands were bandaged up to the elbows and both legs up to the knees; he was very thin and his name was written on a card round his neck. A guard stood next to the boy and poked the body with a stick, making it turn round and round. Meanwhile other guards watched the prisoners to see their reactions." (Evin prison 1981/82)

Juveniles

Executing children and young people under the age of 18 is prohibited under international law, including the International Covenant on Civil and Political Rights, by which Iran is legally bound. However, Amnesty International knows of cases, some of which are referred to in this briefing, in which youngsters under 18 have been executed in Iran for political offences.

A 16 year-old boy who was arrested in Amol in northern Iran in 1981 testified that he had been sentenced to death in prison. "I was brought before a judge and a prosecutor. They said that they had tried to help me but that I had refused and insisted on keeping my own views, so they sentenced me to death... They told me to write my will and they would pass it on to my family... I thought I would be executed at any time since I was held in that particular cell where those awaiting execution are held." He managed to escape and left the country. His testimony was corroborated by another former prisoner who had been held with him and who was interviewed independently by Amnesty International.

Political Imprisonment [4]

There are many thousands of political prisoners in Iran, and political arrests are continuing.

In one incident on 10 April 1985, 300 people were officially reported to have been arrested during anti-war demonstrations. Opposition sources asserted that the number arrested that day ran into thousands. Political arrests continued throughout the year. Some followed bomb attacks and other politically motivated violence. Many people, however, were arrested on suspicion of belonging to or sympathizing with opposition movements.

Since the 1979 Revolution people from the entire political spectrum, from communists to members of right-wing monarchist groups, have been arrested. Among those in prison in Iran today are the supporters of the late Shah and members of his entourage and administration, and former SAVAK (secret police) agents. Alongside these prisoners are supporters of many opposition political groups. Members of certain ethnic minorities fighting for greater autonomy, such as the Kurds, have been imprisoned in significant numbers. Another group of prisoners is made up of members of the Baha'i faith.

Many prisoners in Iran are prisoners of conscience; they are held solely because of their beliefs, non-violently expressed. Amnesty International cannot estimate the number of prisoners of conscience currently held because of the difficulty of obtaining and verifying information on individual cases.

Prisoners include writers, journalists, doctors, lawyers, lecturers and teachers, students, housewives and factory and manual workers.

Some are elderly, such as a 74-year-old writer held in prison although he is seriously ill. He was first arrested in March 1981, escaped from prison that year, and was rearrested in December 1981. He was allegedly tortured during his first period of imprisonment. In early 1986 he was temporarily released from prison and allowed home under surveillance, but was then returned to prison, despite needing treatment for serious stomach and kidney problems. Both his legs are paralysed and he is nearly blind.

Many prisoners are teenagers who were at school when they were arrested.

Arbitrary Arrests

Relatives of political activists have been held, either as hostages until the suspects are found, or to apply pressure on individuals already in detention. The wives of suspected political activists who have evaded arrest have often been imprisoned in this way. One told Amnesty International:

"The Revolutionary Guards came to our home in Esfahan in November 1983. They were looking for my husband but had no warrant with them, and my husband had already managed to leave the country. When they couldn't find my husband they said they just wanted to take me for a couple of hours to ask me a few questions. My father and younger sister, aged 19, were taken along too but they were released after six hours. I remained in prison for 14 months..."

Amnesty International believes that similar arrests still take place in Iran. In 1985 a woman whose husband could not be traced was arrested in Tehran and sentenced to seven years' imprisonment. She was apparently told that if her husband were found, she would be released. She is believed at present to be in Qezel Hesar prison.

Entire families have been rounded up:

"I was arrested in September 1980. The Revolutionary Guards came to our home and searched it. My father, mother, sister and younger brother were there and they locked them in a room together. When I got home my brother had also just returned and neither of us knew what was going on. Our house had a cellar and they took the two of us there and beat us up. There were 10 or 12 of them. Then they took the whole family to the Revolutionary Guards headquarters in Orumiyeh. Fortunately we managed to persuade them to release our parents after a few days..."

Everyone who is arrested should be told why they are being taken into detention and promptly informed of any charges against them. This basic right is spelt out clearly in Iran's constitution.

In practice, political detainees are often not told the reason for arrest for weeks or even months. Many people are apparently arrested because their names have been mentioned under torture by friends, relatives or colleagues.

Amnesty International knows of people arrested mistakenly because their names were similar to those of political activists sought by the police.

A former prisoner told Amnesty International of one man brought to the prison where he was held who was aged about 60, was undergoing cardiac treatment in hospital, and was carried on a stretcher. He remained in the prison for two days before the prison authorities realized that although his name was similar to that of a known political activist, he was not the person in question. He was then returned to the hospital.

Individuals are often taken into custody from their homes and are told only that they have to answer some questions, which may require their presence for a few hours. In practice they may be held for many months or even years. Relatives have been insulted and warned not to make inquiries about the detainee, and threatened with imprisonment themselves if they do.

People arrested away from home usually cannot let their families know what has happened or where they are. When approached, the arresting authorities sometimes deny that the person is in their custody. It is not uncommon for families to search for a "missing" relative for months, going to each prison, Revolutionary Guards centre and komiteh in the district.

Preventing communication between detainees and their relatives significantly increases the chance of torture and ill-treatment, and also causes prolonged and unnecessary anguish for both detainee and family.

Who carries out arrests? [5]

The overwhelming majority of political arrests have been carried out by Revolutionary Guards and komiteh members. However, Amnesty International has also been informed of political arrests by the army.

One woman whose testimony is typical of many in Amnesty International's possession told the organization what happened when Revolutionary Guards came to her Tehran home in November 1983 in search of her husband, a suspected opposition activist:

"Four armed guards came to my front door asking if this was my husband's home. When I said that it was, they rushed inside. (They all carried Islamic Revolutionary Guards Corps identity cards.) I was there with my three children, aged 11, eight, and six months, my sister-in-law and her two children. They put us all in one room and locked the door. Then they searched the place. Finally they let me out to question me. They asked me about my husband, his education, age, and profession. I explained he was away on business. They took the photographs of him and phoned their headquarters with his description. The children were crying all the time. My young son had had a tooth removed that morning and his mouth was still bleeding, but they wouldn't let me take him to the doctor. Each time there was a knock at the front door, and this was quite often as I have good neighbours, each guard would crouch in a corner of the room with their guns pointing toward the door as they sent me to answer. The guards were changed at intervals of about two hours. When my brother arrived they took him to another room for questioning, and later they took

him away. The following day at 1pm they brought him back. When the guards had searched the place they had taken away computers, books, pens, anything they took a fancy to - they even took away children's books. When they brought my brother back it was to take me in his place. My children were crying and holding on to me but the guards pushed them aside and told me I was to take my young baby with me. When we reached Evin prison they blindfolded me and took my child away."

Official regulations state that: "Revolutionary Guards are not authorized to arrest anyone without the written permission of the Public Prosecutor. Likewise they are not allowed to enter anyone's house or seize anyone's property without the written permission of the Public Prosecutor." However, Amnesty International has numerous reports describing arbitrary arrest and detention by Revolutionary Guards without any form of written authorization.

The person being detained has often been assaulted during the arrest, and arrest has frequently been followed by systematic physical and psychological torture.

The treatment described in the following testimony is typical of many from the early 1980s:

"One night at about 2.30am [September 1981], a young man came to the door. He was dressed in civilian clothes. He asked to speak to my son. I told him to come back in the morning, but he insisted. Suddenly he took out a pocket radio and I heard someone say 'You'd better go in.' Guards appeared on all three sides. Some were even on the roof. There were 11 armed guards inside the house and more outside. I couldn't see how many.

"They beat me up because I hadn't wanted to let them in, and burst into my wife's bedroom. She told them that if they were good Muslims they should wait till she was dressed, but they hurled insults at her, and then called me a homosexual. They threw my wife out of bed and dragged my son by the hair and beat him. Afterwards they took him straight to Evin prison.

"The rest of the family was taken to the Revolutionary Guard office in west Tehran. My wife and young daughter were released the next day. They kept me in for a week, beating me everyday and deprived me of food for the first three days. My son is still in Evin."

In such cases it is impossible to know whether the Revolutionary Guards had been authorized to make these arrests by the Public Prosecutor. What is clear, however, is that existing procedures have been abused.[6]

Such abuse has been officially recognized. In December 1982, the then Revolutionary Prosecutor General told revolutionary prosecutors throughout Iran that they should not give general warrants to Revolutionary Guards or komitehs to search houses or shops, or to arrest unnamed individuals.

Despite this directive however, a former Islamic Revolutionary judge told Amnesty International: "The Islamic Revolutionary Guard Corps is an absolute power in Iran. Theoretically, on security and intelligence matters, they receive orders from the prosecutors office, but in fact they can even bring about the transfer or removal of the hakem-e shar' [religious judge] or the Friday Imam [prayer leader]. They have created an atmosphere whereby even the judges are cautious in their dealings with them. They consult with the Revolutionary Guards when issuing a verdict and even when passing sentence..."

Detention centres are in use throughout Iran, many of which are not publicly acknowledged to be prisons. Some are buildings and offices used by SAVAK during the Shah's time. In addition, there are schools, houses, offices and even a theatre which have been transformed into detention centres.

The fundamental right to a fair trial within a reasonable time is completely disregarded in political cases.

Because there is no legal time limit on incommunicado detention, individuals are held in isolation without trial for many weeks or months. Former detainees have said that the authorities hoped that they would "confess" to crimes under torture, or give information about political colleagues, or that other detainees would divulge information about their political activities. They assert that people are being detained in the hope that information will emerge on which to base charges.

Detainees are sometimes interrogated immediately on arrival, sometimes simply left alone in a cell with a pen and a piece of paper and told to write down their "problems" or life story, plus the names of all the political activists they know. This may then form the basis for interrogation.

Some former detainees spent months in a cell without being questioned at all, and said that as a result they suffered agonies of suspense and uncertainty.

Occasionally, after spending months in detention without charge or trial, detainees are released. Often it is a condition of release to sign a document undertaking not to become involved in any political activities. Sometimes relatives have to pledge money or property as guarantees, or give personal pledges that the released prisoner will not become involved in political activity or leave the country.

The time spent in detention is not taken into account when a prison sentence is served. The term of imprisonment begins the day the sentence is passed, even if the detainee has already spent years in captivity, and some individuals remain in prison long after their term of imprisonment has been served.[7]

Unfair political trials.

"I was taken to a building called the court where there was a mullah behind a desk who must have been in his early twenties. There were four chairs on one side of the room and I sat down with three other women. None of us had anything in common politically; each of us had been

arrested for different reasons.

"We gave our names one by one and were each asked which organization we had been arrested in connection with and what our political activities were. I said that I had been arrested because they couldn't find my husband, and another woman said she had been at a party and had no political affiliations at all.

"The court convened for no more than five minutes. There was no one else in the room, but there were interruptions the whole time. After five minutes we were told to leave the room and there were no further questions." (From the testimony of a woman held in Evin and Gohar Dasht prisons from November 1983 to early 1984).

"I went to court and the mullah read out a list of 25 charges against me. The mullah said that I had confessed to all of them. The charges included belonging to Peykar, opposition to Imam Khomeini and attempting to brainwash my students.

"When the mullah asked if I had anything to say in my defence, I denied all the charges, saying they had been fabricated. The mullah said he knew that my entire family were members of Peykar and that I deserved to be executed, but in order to show me that Islam is merciful he sentenced me to life imprisonment. He said there were witnesses who could testify against me but when I asked to see them I was returned to my cell.

"Later, when I received the official notification of my sentence, it stated that I had been given 15 years imprisonment." (From the testimony of a man arrested in 1981.)

These two testimonies illustrate many of the problems defendants in political trials in Iran face. They have no access to defence counsel, so that there is no one to help them or speak for them in court. They are not allowed to present any evidence in their defence. They are not told in advance what the charges against them are. Trials are held in secret, with only a single judge - who may be young, inexperienced and lacking in legal training - hearing the case. Proceedings are summary in the extreme: many trials whose outcome affects the very life of the defendants are completed in a few minutes. Many defendants have been subjected to torture or ill-treatment to extract "confessions" which have then been used at evidence in their trials.

In such circumstances, miscarriages of justice are likely to occur, but there is no right of appeal or avenue of redress in political cases. Concern is further intensified because of the wide range of political offences which carry the death penalty.

Transition

Following the 1979 Revolution, a series of measures was adopted to transform the judicial system into one consistent with Shari'a (Islamic) law.

The transition from secular to religious law is still in process, some eight years later. One of the major problems has been a shortage of qualified judges and the lack of a clear legal framework. New legislation has taken time to draft and approve and judges were frequently working in isolation, often lacking experience and legal qualifications, and with no coherent body of legislation to define offences and give guidelines for punishment.

Such factors combined to create an almost entirely arbitrary justice system, with widely disparate sentences being passed in different parts of the country and with little or no possibility of redressing the many wrongs that inevitably resulted.

Today, judicial proceedings are still unpredictable and often arbitrary. Some political detainees are released after several weeks or months without trial, other held incommunicado without charge or trial for long periods with no way to challenge their detention in a court of law. Some are sentenced to long terms of imprisonment after summary trials but are released before they have served their sentences. Others, sentenced to relatively short terms, are kept in prison after the sentences have expired.

Islamic Revolutionary Courts [8]

Islamic Revolutionary Courts were created in 1979 as a temporary measure to try the large number of people arrested in connection with the Shah's administration. Today, these courts are still in operation throughout the country and they hear almost all political cases.

Amnesty International believes that the administrative regulations governing these courts do not guarantee a fair trial and that, in practice, even those safeguards which are provided are not adhered to. Amnesty International of no single case before a Revolutionary Court in which the accused has been represented by a lawyer or allowed even the prescribed 15 hours to offer a defence. The overwhelming majority of former prisoners interviewed by Amnesty International have testified that their trials lasted a matter of minutes in their entirety.

Official regulations state that these courts should have three members, but in practice, Amnesty International knows of no political cases where a three-member tribunal has sat. Often only one religious judge hears the case.

Article 14 of the International Covenant on Civil and Political Rights, which Iran has ratified, sets down basic provisions for fair trial in seven paragraphs. In Amnesty International's view, not one of the seven paragraphs is fully adhered to in political cases tried by Islamic Revolutionary Courts.

Presumption of innocence

It is a fundamental principle of fair trials that the accused should be presumed innocent until proved guilty. The summary nature of trial proceedings by Islamic Revolutionary Courts argues strongly that defendants are not presumed to be innocent. Some former prisoners interviewed by Amnesty International said they had been told by the Islamic judge that their mere presence in the court was sufficient indication of their guilt. One said he was told that "the young people could smell that I was a counter-revolutionary, so I had to stay in prison". Others were informed that their guilt was proved by their confessions, even though these had been extracted under torture.[9]

Lack of defence rights [10]

Amnesty International does not know of a single case in which a person accused of a political offence has been allowed access to a defence lawyer of his or her own choosing, or indeed to any legally qualified person acting in his or her interests. Amnesty International noted with concern the closing of the Bar Association in 1981 and the subsequent arrest of members of the Bar Council. One member of the Council and many other lawyers are still in prison.

There have been some political cases, particularly in the months following the Revolution, in which witnesses testified for the prosecution during the trial. However, Amnesty International knows of no political cases in which witnesses for the defence were permitted. Trials before Islamic Revolutionary Courts appear to dispense with witnesses altogether.

Defendants not told charges

Not only are defendants not allowed legal assistance, not only are they denied the right to present evidence in their defence, they are not even informed of the charges against them before they come to trial. Everyone is entitled to know why he or she has been arrested and what accusations are faced. International law states that they must be informed promptly and in detail of any charges against them. In Iran, people are sometimes held for months without any indication of the reason for their detention, much less of any formal charges against them.

Some former detainees have said that they were accused of belonging to several different illegal and political movements simultaneously, in an attempt to force them to confess to political activities in one of them. Many others believed that they had been known to be politically active during the time of the late Shah and since they were not visibly active in support of the new government it was assumed that they were involved in anti-government activity.

Trial in secret.

Another safeguard for a fair trial is that hearings should be public. Almost no trials of a political nature are held in public, although there have on some rare occasion been public sessions. The usual practice is to hold political trials in secret, with no provision for the family of the accused or for defence counsel of any kind to attend.

Even in cases in which the public is legitimately excluded from the trial, international law says that the judgement must be made public. However, Amnesty International knows of many cases in which the judgement has not been made public and in certain instances there have been clear directives to conceal the outcome of trials.

Amnesty International has been told by many former prisoners that they were not informed of the verdict sentence until days or weeks after the trial.

Some were told by visiting relatives, others had heard "rumours" of their sentences. Few judgements in political cases are officially announced in the news media.

Discrimination

International law on fair trials states unequivocally that, "All persons shall be equal before the courts."

However, in Iran discrimination is practiced on the grounds of sex and religion.

Men and women are not treated equally -for example the penal code states that compensation for the murder of a Muslim woman is half that for the murder of a Muslim man.

The testimony of women is taken to be less valuable than that of men: "quasi-intentional" murder is proved by the testimonies of "two righteous males, or one righteous male and two righteous females..."

Discrimination on religious grounds has been demonstrated by the trials of members of the Baha'i faith, many of whom have been executed for refusing to recant.

In December 1985 a court ruled that a Muslim who had killed a Baha'i with a "pre-mediated blow" should not be prosecuted, nor could any retribution be claimed by the victim's family, because they were Baha'is.

In mid-1985 a Muslim who had killed a Baha'i in a traffic accident was judged guilty of manslaughter, but under no obligation to the victim's family because of their faith.

Torture and Ill-Treatment

Political detainees have been tortured and ill-treated in prisons and detention centres throughout Iran. Amnesty International has received hundreds of reports of physical and psychological torture and ill-treatment in recent years. The detail in these reports, their murder and their consistency make it clear that in some prison and detention centres it has been routinely practiced.

Scores of torture victims who have left Iran and are now refugees have been interviewed in depth by Amnesty International. Some have been examined by doctors at Amnesty International's request. In all cases, doctors concluded that physical scarring and symptoms described supported the allegations of torture, both as methods and timing.

Torture takes place immediately after arrest, during incommunicado detention in Komiteh or Pasdaran (Revolutionary Guard) centres, and afterwards in prison where Pasdaran sometimes also serve as guards. The torture may begin as soon as detainees arrive in the centres - although by then some have already been beaten up in the vehicles delivering them. Once in a detention centre they are completely at the mercy of their captors, with no contact with the outside, possibly for months.

Torture in Iran is usually inflicted on prisoners in order to extract confessions about political activities, names, and addresses of political activists and safe houses.

(Inside the box) The methods most commonly reported are beating, whipping, and being suspended for long periods by arms or wrists. Beatings are most often on the back and on the soles of the feet. All kinds of rope and cable are used, including telephone wire, plaited leather whips, electric cable, with naked wires teased into a ball and steel cable opened into a claw at one end. A recurring image in the many testimonies gathered by Amnesty International is that of rows of detainees sitting on the floor blindfolded, with swollen and bleeding feet, inside Evin prison. (End of box)

Another motive for torture is to induce prisoners to renounce their political or religious beliefs and sometimes to appear on television denouncing their former views.

A young woman who was only 16 when she was arrested in November 1983 and who was held until April 1985, said that when she was taken for interrogation in Evin prison: "They blindfolded me and wrapped a blanket round my head so I could see absolutely nothing. The lashes tore into the flesh on the soles of my feet and I lost consciousness several times."

A woman student aged 26 detained in Evin prison between September 1981 and March 1982 described her first beating: "When I refused to confess I was blindfolded and told to lie down on the floor. One of them whipped my feet with a heavy cable. I was wearing socks, but the first lash was so painful that I jumped up and ran around the room. Then they tied my hands behind my back, and my feet together, removing my socks. They covered my head with a blanket and beat me again on my back and feet, telling me to confess which political organization I belonged to and give the names of my political comrades.

"I don't know how long it continued. At one point I pretended to be unconscious, but they just beat me harder, accusing me of trying to fool them. When they finally stopped, my feet were bleeding badly, especially around the toe-nails.

"They said they were going to lunch and left me sitting on a chair but I was shaking so much I couldn't sit on it. When I went to the lavatory there was blood in my urine. I asked if I could lie [11] on the floor since I was in such pain but they wouldn't let me."

After arrival at a detention center, detainees have often been beaten indiscriminately all over their bodies. This may be accompanied by 'football' - a technique used to disorientate and demoralize the detainee. The bound and blindfolded detainee is pushed violently from one guard to another, while being beaten, punched and kicked.

A man who was arrested in Tehran in August 1982 told Amnesty International:

They [Revolutionary Guards] bound my hands with handcuffs which got tighter as I moved my hands. They were bound behind my back diagonally, one arm stretched over the shoulder and the other under.... In the end it's as though they going to pull your shoulders off and you feel your ribs will crack.

"Later they suspended me [by the handcuffs] from a hook in the wall with only the tips of my toes touching the ground. In the beginning, of course, I took some of the weight of my toes to ease the pain on my shoulders. But my feet had just been beaten and they were also swollen and very painful. Gradually, as my legs became tired, my body slumped down and the pressure on my shoulders began...."

Former victims have also reported to Amnesty International since 1980 various forms of sexual abuse, including rape of both men and women prisoners. Many former prisoners interviewed by Amnesty International became so distressed when asked about sexual abuse that they broke down and could not describe their experiences.

There have been well-publicized reports of young women prisoners being forced into temporary marriage contracts with Revolutionary Guards and being raped the night before their execution. Amnesty International has been told that Revolutionary Guards have boasted of such acts to male prisoners and threatened to enter into marriage contracts with their female relatives. Although Amnesty International has not been able to substantiate these reports, former prisoners often believed them to be true and lived, while in prison, in fear of such abuse.

Psychological Torture

Physical torture has often been accompanied by threats of execution or even mock executions. Detainees have been ordered to write their wills, blindfolded and prepared for execution. Guards have been ordered to fire, and shots fired around the victim.

A former prisoner described his experience as follows:

"They took me to a yard where there were four wooden posts in a semicircle, and they tied us each to a post. The first was a boy of 14 or 15, a member of the Mojahedine. The second was an army officer and the third, aged about 23, was a member of the Peykar. I was the fourth. The time before, when they asked if I had a last wish, I asked them to remove my blindfold, so this time they didn't blindfold me. I saw the bullet hit the boy and the officer was hit in the stomach. The Peykar man may already have been dead, his body didn't react to the bullet. The young boy was shaking violently with a bullet in his[12]

body. His hands were tied and he was trying with all his might to free himself. He was bleeding profusely. I shouted: "What are you waiting for? Why don't you shoot me?" They laughed, and I could do nothing. The young boy died, then the officer, I had just stood there and watched them suffering... I try very hard not to remember."

Other prisoners have testified to the long-term psychological effects of being forced to watch the execution of fellow prisoners, and even having to load their corpses onto lorries.

Many former prisoners say that they were warned that their relatives would be imprisoned, raped or executed unless they gave information.

A member of the Baha'i faith who was imprisoned at Shiraz in early 1983 told Amnesty International of a young woman prisoner there at the same time who was told by prison guards that her husband had been severely tortured but that this would end if she recanted her faith. When she refused, she was taken to see him. She was shocked at his condition; he had lost a lot of weight, had bleeding, running sores on his back and his toe-nails had been removed. Husband and wife, both Baha'is, were later executed. Serious mental disturbance is not an uncommon result of ill-treatment. Some prisoners have reported that disturbed prisoners were deliberately placed in their cells to add to their own distress.

Isolation

Detainees are often held in total isolation for long periods, kept in complete ignorance about their fate and allowed no contact with other prisoners or the outside world. Many describe a sense that they were losing contact with reality. They were often blindfolded for long stretches of time, which exaggerated their feelings of insecurity and vulnerability, and could hear the screams of other prisoners being tortured. Feelings of humiliation and self-disgust are commonly reported.

A woman in her twenties held for 14 months in Evin and Gohar Dasht prisons when her husband could not be found said:

"...in Gohar Dasht there wasn't a minute when you couldn't hear shouts of people being subjected to torture, you could feel it taking place, you could feel the person in the next cell being dragged out. The beating had nothing to do with interrogation -that's why Gohar Dasht is so frightening; it's just part of the prison life.

"...Out of the 14 months I spent in prison I was in solitary confinement for nine months, either in solitary confinement in the strictest sense, or in cells intended for one person, but where there were two or three of us. But for nine months there was no contact whatsoever with the outside world, no reading material. Nothing ... In that period I tried to look after myself and take hold of myself because I could feel myself under pressure and becoming psychologically unbalanced at times.... All the time I saw strange things, like pictures in my mind, and I felt that everyone was an informer. I imagined I saw my husband and that he was an interrogator, and even, can you imagine, I thought my tiny son was one too...."

Deaths

Amnesty International has received a significant number of reports of deaths as a result of torture. The bodies of torture or execution victims are not usually returned to the family for burial, although in a few cases prisoners have been released after torture with such serious injuries that they died in the following few days.

Medical care

Torture victims have been denied medical treatment for their injuries. A former prisoner, in a typical statement, said: "There was usually no medical treatment after torture - you would just be taken to your cell and left there. Other detainees would help you out. They might know something about first aid, and some prisoners secretly kept pills for emergencies. In acute cases, like broken limbs, you would be taken to hospital."

According to Amnesty International's informants, prisoners are not medically examined on arrival at the prison, and often even basic medical care is lacking. In some prisons there is no qualified prison doctor at work so that medical treatment is given by medical students, doctors who are themselves prisoners, or guards trained only in first aid. Access to essential treatment has in some cases been refused or long delayed.

Poor hygiene and inadequate sanitary facilities in prisons, compounded at times by severe overcrowding, has encouraged the spread of skin diseases, and many former prisoners have complained of untreated kidney disorders after beatings. Open torture wounds have become infected, painful and malodorous because of the unhygienic conditions and inadequate medical care.[13]

Amputations and floggings

Iranian officials announced in late 1984 a new machine -an electric guillotine to amputate the fingers or hands of convicted thieves.

In May 1986 such a machine was used in the courtyard of Mashad city police headquarters to sever four fingers from the right hand of a convicted thief, in front of reporters, legal officials and prisoners. The machine had reportedly been used inside Qasr prison in early 1985: the official press claimed that it could [14] sever a hand in less than one tenth of a second.

Punishments such as amputation and flogging continue to be imposed by Iranian courts. Amnesty International considers these punishments to be cruel, inhuman and degrading. Such punishments are outlawed by international human rights treaties such as the International Covenant on Civil and Political Rights, by which Iran is bound.

Criminal trial proceedings leading to flogging or mutilation are often brief and lacking in vital legal safeguards. For example, floggings have been administered immediately after sentencing, with no possibility of appealing against verdict or sentence.

Floggings

There is no reference in reports of flogging to any medical examination either before or after the lashes have been inflicted. Amnesty International has received reports of pregnant women who had miscarriages after being flogged.

The Islamic Penal Code of Iran spells out how floggings should be administered. For fornication or drinking alcohol, a man should be whipped all over his body while he stands naked except for his genitals. A woman, however, is whipped while seated with her dress tied to her body. The punishment for "malicious accusation", although it is also flogging, is less intense: "Whips are applied over the normal dress with medium force, not as in whipping for fornication."

Amnesty International has interviewed a number of former prisoners who were flogged as a judicial punishment as well as many others flogged apparently in order to extract information or confessions. The method of flogging has varied greatly, and the severity has often far exceeded the guidelines in the penal code. While some have said that the lashes were delivered with minimal force, others have said that they were whipped with full force by several officers taking turns, and that the pain was so intense that they lost consciousness.

The physical after-effects of the lashes -weals and scars -lasted for many months for some victims, and in some cases prolonged medical treatment has proved necessary because of damage to internal organs.

Flogging can be imposed for a large number of offences. Some are criminal offences such as forgery, escaping from prison, assisting a criminal to evade justice and receiving stolen property. These, and over 45 other offences, may be punished by up to 74 lashes.

Others are offences against Islamic moral and sexual codes: kissing by an unmarried couple can be punished by up to 99 lashes; drinking alcohol by 80 lashes. Adultery, sodomy and lesbianism are all punishable by flogging, as is failure of women to wear veils and other offences in public places.

Some offences are clearly political, such as "collusion in the commission of crimes against foreign or internal security."

Floggings can take place in public: for example, a well-known Iranian singer was publicly flogged in Tehran on 9 September 1985 for drinking and gambling at a private party. He was given 50 lashes, and sentenced to one year's exile. His host also received 50 lashes, plus a year's imprisonment. Other guests at the party were also whipped and sent to jail, according to press reports.

Amputations

On 25 February 1986, four men each had four fingers cut off their right hands in Shiraz, southern Iran. They had all been convicted of repeated theft.

During 1985 and the first half of the 1986, Amnesty International recorded 11 cases of judicially imposed amputation with penalties that are consistent with internationally recognized human rights standards.

Amputation can be imposed for theft, "intentional mayhem" and offences such as Mohareb (being an "enemy of God") and Mofsed fil Arz ("corrupt on earth")

For theft, the punishment consists of dismembering four fingers of the right hand so that only the palm and thumb remain. If the person is convicted of theft again, the punishment is dismembering of the left foot.

Amputations are carried out by the Judicial Police. Like executions and floggings, they are often carried out in public. When a convicted thief's fingers were publicly severed in a park near a Tehran bus station in May 1986, the chief of the Judicial Police reportedly said: "Travelers will take the word to other cities." [15]

Crucifixion

One of the punishments set out in the Islamic Penal Code of Iran is that of crucifixion, although Amnesty International does not know of any cases in which it has been used.

It is made clear that the purpose of crucifixion is to inflict severe pain which may lead to death.

"The crucifixion of a Mohareb [enemy of God] and Mofsed fil Arz [corrupt on earth] shall be carried out by observing the following conditions:

- a) The manner of tying does not cause his death.
- b) He does not remain on the cross for more than three days; but if he dies during the three days, he may be brought down after his death.
- c) If he remains alive after three days, he must not be killed."

Recommendations

Widespread human rights abuses have continued for many years in Iran, despite the country's commitment to honour the human rights set out in international instruments such as International Covenant on Civil and Political Rights. Amnesty International is again calling on the Government of the Islamic Republic of Iran to adopt, as a minimum, and as a matter of urgency, the following measures. AI believes that as a step towards protecting basic human rights the government should:

- 1) release immediately and unconditionally all prisoners of conscience and ensure that no one is incarcerated in future for non-violent expression of their conscientiously held beliefs;
- 2) introduce and enforce a fixed limit to incommunicado detention for all political detainees. Ensure that they have prompt and regular access to a lawyer of their own choice, relatives and medical treatment when necessary, as well as the chance to challenge their detention in court;
- 3) ensure prompt and fair trials for all political detainees. Trials should include the basic safeguards laid down in international law. Such safeguards must include the right to be represented by a lawyer and the right to appeal against conviction and sentence.
- 4) initiate a thorough and independent investigation into all reports of torture, with a view to bringing to justice those responsible and compensating the victims;
- 5) introduce concrete safeguards to protect detainees from torture and ill-treatment. Such safeguards should include an end to secret detention centers and clear notification of the place of detention to relatives on arrest; medical examination following arrest and at intervals thereafter; frequent and unannounced visits to prisons and detention centers by authorities independent of those detaining, investigating or prosecuting the prisoners;
- 6) demonstrate Iran's opposition to the use of torture by signing and ratifying all international instruments outlawing torture;
- 7) stop executions, and all other judicial punishments which constitute torture or ill-treatment such as crucifixion, amputation and flogging, and replace them with more humane alternatives;
- 8) review all existing legislation with a view to making it consistent with international human rights standards;
- 9) allow independent human rights and humanitarian organizations to visit the country to investigate the human rights situation and present their concern to the government.

[1] There is a picture with the caption "'Revolutionary Guards parade through the streets of Tehran. They have been responsible for arbitrary and violent arrests, and the deliberate and brutal torture of prisoners in their custody."

[2] There is a picture with the caption "The dead bodies of opposition activists are left on public view in the town of Kerman, in southeast Iran. The intention is to intimidate the opposition and deter potential supporters. This photograph dates from 1981."

[3] There is a picture with the caption 'Thousands of people have been executed in Iran since 1979. Most were hanged or shot by firing-squad. Here Revolutionary Guards prepare to execute condemned Kurdish rebels in 1980.

[4] There is a picture with the caption 'A late-night arrest in a Tehran street (1981). Many former prisoners have testified that they were abused, threatened and beaten during their arrests.

[5] There are two pictures that share the caption 'Women have not been spared imprisonment, torture, or execution. Above, female prisoners are shown inside Tehran's huge Evin prison, which houses thousands of prisoners, many incarcerated on political grounds. Below, male prisoners inside Evin prison doing prison work. Both photographs are from 1984.'

[6] An insert in the page reads 'Missing safeguards: Vital safeguards to protect detainees from ill-treatment are absent or ignored. Crucially, there is no limit to the length of time a prisoner may be held incommunicado, with no contact with the outside world.

At no time during arrest and detention, or during trial, do political detainees have access to legal counsel. They are also entirely isolated from family and friends for long periods. They are often denied medical attention, reading and writing materials, radios and correspondences.

In Amnesty International's experience, torture and ill-treatment are most likely to occur when a detainee has no access to relatives, lawyers and doctors. There is even more cause for concern when detainees are not acknowledged to be in detention and when they are held in secret detentions centers, not publicly recognized prisons."

[7] There is a picture with the caption "Qasr prison, one of the prisons where amputations have been carried out."

[8] There is a picture with the caption 'Twenty-eight people charged with taking part in an armed attack on the town of Amol are surrounded by pictures of the victims at a trial in Evin prison in January 1983. Twenty-two of the 28, all members of the Union of Communists, were executed.

[9] An insert in the page reads "Torture: There is a considerable body of evidence that defendants in many political cases have been forced to "confess" as a result of physical and psychological torture. Iran's own constitution proscribes the use of "any form of torture for the purpose of extracting confessions or gaining information" and makes it unlawful 'to compel individuals to give testimony, make confessions or swear oaths". However, confessions extracted under duress have often been the sole evidence in political trials and the basis of conviction. Amnesty International knows of no cases in which the judge has taken allegations of torture into consideration or investigated them.

[10]An insert in the page reads "No right of appeal: In political cases the person convicted has no right of appeal against conviction and sentence and no right to seek a judicial review of the application of the law in the case." The regulations governing Islamic Revolutionary Courts state specifically that their judgments are final and not to be revised. Even when defendants are sentenced to death, they cannot appeal against sentence or verdict, and cannot seek pardon or commutation of sentence.

[11] (A picture in the page) This photograph shows the condition of a young student's back after several months in an Iranian prison. He was never charged with any criminal offence or brought to trial. There are no mechanisms he can use to gain redress or compensation for his injuries. (End of caption)

[12] (A drawing) An artist's impression of a torture method frequently reported by former Iranian prisoners, based on their testimony. (End of caption)

[13] (under the picture) Seventeen days after being released from custody, this was the condition of a 17-year-old girl's foot. She said she had been beaten on her feet with whips, sticks and electric cables. After being beaten, her feet were plunged into cold water and beaten again. (end of caption)

[14] (under the picture) The judicial police, which carries out floggings, issued this document announcing a sentence of 20 lashes imposed by a criminal court for swearing and objecting to government by the clergy. (end of caption)

[15] (under the picture) A public flogging in Qom, northern Iran, in 1981/2. (end of caption)

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