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INTERNAL (for AI members only)

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Amnesty International
International Secretariat
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To: All MERAN coordinators for action.
Iran/Middle East co groups and relevant sections for
information.

From: Middle East Research Department

Date: 3 August 1988

MERAN 06/88

Country: Iran

Subject: Arbitrary arrest, and detention of prisoners of conscience.

Background

information: Please see the attached external paper, Iran: Persistent Violations of Human Rights, in particular the section concerned with arbitrary arrest of political prisoners and detention of prisoners of conscience, and UA 141/88 and its update, also attached.

Rationale: This action is focussed on widespread arbitrary detention in Iran which leads to the imprisonment of many prisoners of conscience. It is also an opportunity to continue to pressure the Iranian authorities to release the prisoners of conscience named in UA 141/88 and update.

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Iran: Arbitrary Arrest and Detention of Prisoners of Conscience

Background Information

Of all the hundreds of Iranian former political prisoners who have contacted AI over the past eight years, or whose cases have been reported to AI, not one has been represented by a lawyer.

Despite the requirements under Article 32 of the Iranian Constitution that prisoners should be informed immediately and in writing of charges and supporting evidence against them, AI believes that in practice in political cases prolonged pre-trial detention without charge is the norm.

Indefinite pre-trial detention is used in many political cases to extract a confession. Use of torture is widespread. The confession so obtained may then be used to bring a conviction in summary trial proceedings which may last less than five minutes and consist only of a reading out of the charge and the sentence being passed. No witnesses for the defence or the prosecution are brought, and proceedings take place in camera. There is no right of appeal.

AI continues to receive reports of relatives of political suspects being held hostage by the authorities to bring pressure on these suspects, who may even have left the country, to give themselves up.

Arbitrary arrest is in itself a violation of human rights contrary to Article 9 of the International Covenant on Civil and Political Rights (ICCPR) which Iran has ratified. Article 9 (1) of the Covenant states,

"Everyone has the right to liberty and security of person. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

In Iran arbitrary arrest has led to the detention of prisoners of conscience, and placed political prisoners in a vulnerable situation where they are often subjected to torture.

The absence of adequate safeguards facilitates the stifling of peaceful political opposition through the arrest of political opponents, among them prisoners of conscience, indefinitely without charge or trial. Arbitrary arrest can be used to harass and intimidate anyone who seeks to take part in any political activity not approved of by the Government.

Recommended Actions

Participants are asked to write courteous letters to the authorities listed below, preferably in English and typed if possible, making reference to the points mentioned above, and to points raised in the background paper, Iran: Persistent Violations of Human Rights. Participants should refer to one or two of the following in each letter:

- 1) Draw attention to the statement by the Iranian official Davoud Karimi (quoted in the background paper) that, "the counter-revolutionary grouplets have altogether about 9,000 prisoners". Ask whether all

these prisoners were arrested in accordance with safeguards contained in the Iranian Constitution, and in the International Covenant on Civil and Political Rights, and whether they were charged with a specific offence and promptly brought before a judge.

- 2) Express AI's concern over reports that political prisoners have been detained after the completion of their sentences, and may be held indefinitely until they agree to sign "statements of repentance" (see the background paper). Point out that continuing to hold prisoners after the expiry of their sentences constitutes arbitrary detention, and as such is forbidden under Article 9 of the ICCPR. Furthermore, holding people in prison until they agree to sign a statement about their political opinions is a violation of Article 19 of the ICCPR.
- 3) Mention consistent reports received by AI that political prisoners are not permitted access to lawyers at any stage of the judicial process. Seek assurances that in future all political prisoners will be permitted access to lawyers of their own choosing.
- 4) Mention AI's concern about summary trials in political cases. Seek assurances that political prisoners will receive a fair trial within a reasonable time. Ask for details of trials which have taken place in political cases (cases involving alleged members of "counter-revolutionary groups"). Ask to be sent copies of transcripts of court proceedings, and/or judgments in political trials. Seek information regarding the right to appeal against conviction and sentence to a higher tribunal.
- 5) Urge that the practice of detaining relatives of political activists wanted for questioning by the authorities be stopped. Point out that such arbitrary arrest is clearly in violation of Article 9 (1) of the ICCPR, and that people so detained are prisoners of conscience.
- 6) Refer to UA 141/88 and update. The nine men mentioned in this action, whom AI considers to be prisoners of conscience, are still in detention. Their detention would appear to be an example of the stifling of peaceful political opposition through arrest. Urge that they be released immediately and unconditionally.

Please send your letters to the following authorities:

H.E. Dr Hassan Ebrahim Habibi
Minister of Justice
Ministry of Justice
Park e Shahr
Tehran
Islamic Republic of Iran

H.E. Ali Akbar Mohtashami
Minister of the Interior
Ministry of the Interior
Dr Fatemi Avenue
Tehran
Islamic Republic of Iran

Please send copies to diplomatic representatives of Iran in your country. If you receive any reply please send copies to your MERAN coordinator, and the Middle East research department, immediately.

Duration: 3 months from receipt of action.