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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Reynaldo Galindo Pohl (El Salvador), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 12 of Commission on Human Rights resolution 1988/69 of 10 March 1988 and Economic and Social Council decision 1988/137 of 27 May 1988.

ANNEX

Interim report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights in accordance with Commission resolution 1988/69 and Economic and Social Council decision 1988/137

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I. INTRODUCTION

1. At its forty-fourth session, the Commission on Human Rights decided, by its resolution 1988/69 of 10 March 1988, to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to present an interim report to the General Assembly at its forty-third session on the human rights situation in the Islamic Republic of Iran, and a final report to the Commission at its forty-fifth session.
2. In compliance with paragraph 12 of Commission on Human Rights resolution 1988/69, the Special Representative submits herewith to the General Assembly at its forty-third session his interim report on the human rights situation in the Islamic Republic of Iran.
3. As in previous reports prepared by the Special Representative, section II of the interim report contains the communications between the Special Representative and the Iranian Government. Section III describes the information, both oral and written, received by the Special Representative since the renewal of his mandate, regarding the evolution of the situation of human rights and fundamental freedoms in that country. Section IV contains the consideration of views recently expressed by the Iranian Government. The examination of such views in the present report would seem opportune, as it might assist the General Assembly in its deliberations on the question and on the resolution it may subsequently adopt. Section V sets forth general observations.
4. Several issues pertaining to the legal system applicable in the Islamic Republic of Iran will be dealt with in some detail in the final report to the Commission on Human Rights. These would include the question of the availability of remedies in the Islamic Republic of Iran and their conformity with the provisions of the International Covenant on Civil and Political Rights. Some points which the Iranian Government may wish to consider on the occasion of the termination of the trial period of its Penal Code, with a view to harmonising it with international instruments, will also be examined.

II. COMMUNICATIONS WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

A. Written communications

5. On 5 February 1988, in reply to the letter addressed to him on 20 January 1988 by the Special Representative (quoted in his report to the Commission on Human Rights, document E/CN.4/1988/24, para. 6), the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative a letter which read as follows:

"Your letter dated 20 January 1988 is well received and has the honour to inform you that the Government of the Islamic Republic of Iran having taken note of the contents and its attachments will do all that is in its power to co-operate with the Centre for Human Rights to furnish any information that it finds relevant to the allegations made against it.

"An arrangement could be made in order to meet and discuss the matter and look forward to hearing from you in the very near future, indicating the time and place for our meeting.

"I take this opportunity to express my desire to continue the good relationship already established between our two institutions."

6. On 25 March 1988 the Permanent Representative addressed a letter to the Special Representative regarding the issue of Kurdish civilians, which was referred to in paragraph 23 of the report (E/CN.4/1988/24) to the Commission on Human Rights. The letter read as follows:

"Since the issue of Kurds was taken up in your report addressed to the Commission on Human Rights, I would like to draw your attention to several points in this regard:

"1. Thousands of Kurds have been deported by Iraq forcefully and involuntarily. Most of these deportees are now sheltered in Iran.

"2. The residential quarters of Iraqi Kurds are constantly under Iraqi bombardments and shelling particularly cluster and Napalm bombs.

"3. The Iraqi Kurds have been subjected to chemical weapons and the most abhorrent occasion was against the Kurdish population of Halabchah in Soleimanieh Province of Iraq which left 5500 dead and 4500 injured. As a western reporter has reported and I quote 'more than 100 bodies of women, children and elderly men lay in the streets, alleys and courtyards of this now empty city, victims of the worst chemical warfare attack on civilians. Some victims hugged children in silent embraces, others sprawled in doorways. In other houses, the cellar became the death chamber for residents trying to flee the heavier-than-air cloud that seeped down into their refuge to kill them. Outside, the streets were littered with bloated corpses.'

"Excellency, there are hundreds of Kurds who are ready to be interviewed by you as witnesses of inhuman crimes and violation of human rights by the Iraqi régime. We hereby await your speedy response to the urgent appeal of these Kurds to be interviewed by you."

7. In reply to that letter, the Special Representative, on 21 June 1988, addressed a letter to the Permanent Representative. The letter read as follows:

"I would like to thank you for your letter dated 25 March 1988. After having thoroughly examined its contents, it would appear that it concerns acts carried out by the Government of Iraq, against Kurds of Iraqi nationality living on Iraqi territory. It would therefore seem that the situation referred to in your letter, however serious it may be, does not enter within the terms of my mandate.

"Nevertheless, since your letter refers to information which I had received and included in my latest report to the Commission on Human Rights (paragraph 23), I would transmit its contents to the competent organs of the United Nations by referring to it in my forthcoming report. These organs may take action thereon, as they deem appropriate."

8. Following the adoption of Commission on Human Rights resolution 1988/69 and subsequent to Economic and Social Council decision 1988/137 of 27 May 1988, the Special Representative, on 3 June 1988, addressed a letter to the Minister for Foreign Affairs of the Islamic Republic of Iran, transmitting to him the text of that resolution. The letter read as follows:

"I have the honour to refer to Commission on Human Rights resolution 1988/69 concerning the human rights situation in the Islamic Republic of Iran, of which the text is attached. As Your Excellency may note the Commission on Human Rights decided to extend my mandate as its Special Representative for a further year and requested me to present an interim report to the General Assembly at its forty-third session and a final report to the Commission at its forty-fifth session.

"I would like to assure Your Excellency, as I had already done following my appointment as Special Representative of the Commission, that I intend to carry out the mandate and the responsibilities with which the Commission has entrusted me in a spirit of total objectivity and impartiality.

"I should like to take this opportunity to reiterate my strong conviction that in order to fully discharge my responsibilities, it is essential that direct contacts with Your Excellency's Government be maintained and further enhanced. I remain at the disposal of Your Excellency's Government for any contacts it may wish to maintain with me, through the Centre for Human Rights, Palais des Nations, Geneva."

9. On 6 September 1988, after having conducted a series of informal hearings in the course of which 16 persons who claimed to have first-hand knowledge and experience of various aspects of the human rights situation in the Islamic Republic of Iran described to him their experience, the Special Representative addressed a letter to the Permanent Representative communicating to him the summary of statements made by these persons, as well as written information received by him. These summaries of oral and written information are reflected in section III below. The letter read as follows:

"I should like to inform you that, during my visit to Geneva from 20 to 24 June 1988 I conducted, in the framework of my mandate under Commission on Human Rights resolution 1988/69 a series of informal hearings with sixteen persons who claimed to have first-hand knowledge and experience of various aspects of the human rights situation in the Islamic Republic of Iran. A summary of the allegations made in the course of these hearings is enclosed herewith, for your information.

"A summary of allegations contained in various documents and letters provided to me in recent months by various organisations and individuals concerned is also enclosed herewith for your information.

"I would greatly appreciate receiving any information or comments that Your Excellency's Government may wish to provide with regard to these allegations.

"I should also like to inform you that I intend to visit the Centre for Human Rights in Geneva from 26 to 30 September 1988, in connection with the preparation of my interim report to the General Assembly. I hope that a meeting may be arranged between us on that occasion in order to continue the dialogue upon which we embarked last year, in the same constructive and positive spirit as the one manifested in the statement made by Your Excellency on 9 March 1988, before the forty-fourth session of the Commission on Human Rights and the one made by the observer for the Islamic Republic of Iran, Mr. Asadi, on 19 August 1988 before the fortieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities."

10. On 28 September 1988, after having received information about a wave of executions that was allegedly taking place in the Islamic Republic of Iran since the month of July 1988, the Special Representative addressed a letter to the Permanent Representative, communicating to him a summary of these allegations, as well as a summary on allegations concerning discrimination against followers of the Baha'i faith. These summaries are reflected in section III below. The letter read as follows:

"Subsequent to my letter of 6 September 1988, by which I communicated to Your Excellency summaries of oral and written information I had received in recent months, I hereby wish to submit to you further detailed allegations which were brought to my attention recently. I would greatly appreciate receiving any information or comments that Your Excellency's Government may wish to provide with regard to these allegations."

B. Meeting with the representative of the Government
of the Islamic Republic of Iran

11. On 27 September 1988 a meeting was held at the United Nations Office at Geneva between the Special Representative and the Chargé d'affaires of the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva, Mr. Asadi. In the course of the meeting, the Special Representative stressed the importance of receiving circumstantiated replies from the Iranian Government to the

allegations submitted to it, in order to provide the competent United Nations organs with a complete picture of the situation. Other matters pertaining to the mandate of the Special Representative were also discussed.

III. INFORMATION AVAILABLE TO THE SPECIAL REPRESENTATIVE

A. Oral information

12. On 21, 23 and 24 June 1988, the Special Representative conducted a series of informal hearings in the course of which 16 persons who claimed to have first-hand knowledge and experience of various aspects of the human rights situation in the Islamic Republic of Iran described their experience. Seven of the persons appearing before the Special Representative were Baha'is, who requested that their identity not be revealed. The other nine persons described themselves as sympathisers of the Mojahedin organisation. They were, in order of appearance before the Special Representative, Mrs. Jokar Kobrah, Mr. Mohamed Reza _____, Mr. Abolfasel Barsegar Fathi, Mr. Mashallah Maccaneke, Mr. Mahmood Davoodi, Mrs. Maryam Hajei Khanian and Mr. Mahmood _____ (the persons whose surnames are not indicated asked that they not be revealed).

13. All the persons appearing before the Special Representative stated that they had spent periods of various durations in prisons in Iran. In the case of the Mojahedin sympathisers, the periods spent in prison were often five to six years. Several of these persons affirmed having witnessed executions in prison. Others claimed that members of their family or other relatives had been executed. One of the Baha'is appearing before the Special Representative stated that three other Baha'is who had been held with him in the same prison in 1981 were later executed. They were Mr. Amini, Mr. Babsadeh and Mr. Khayrkah. Another Baha'i affirmed that two members of his family, Mr. and Mrs. Siyavashi, were executed in June 1983, allegedly due to their being active Baha'is. Their bodies were not returned to their families, but were buried by revolutionary guards together with other Baha'is who were executed, two or three in one grave in the cemetery of Shiras. The same person had also been acquainted with two other Baha'is who were later executed: Mr. Ardishir Akhtari, a member of the disbanded national Baha'i council, executed on 28 September 1987 after three years' imprisonment, and Mr. Jahangir Hedayati, also a member of the national Baha'i council, who was executed on 15 May 1984.

14. Mrs. Jokar Kobrah stated that her nephew, Mahmood Savaghi, had died in prison under torture. Mr. Bahman Jenat Sadeghi stated that while he was in prison some 90 prisoners were executed in one night, in three successive groups of 30. He later learned that the number of persons executed that night had reached 155, and that they were all buried in a mass grave. He personally knew a prisoner who was executed, Hasan Safai, aged 65. He further alleged that by 1987 the policy regarding executions of prisoners had changed, and that prisoners were no longer executed in Evin prison but in various houses in town. Miss Vajieh Karbalaei Fatah stated that while she was held in the Komiteh Moshtarak prison, in 1987, she witnessed the death under torture of a female detainee whose surname was Mokhtarsadeh. Her sister, named Zahra, allegedly also died under torture. Mr. Abolfasel Barsegar Fathi affirmed that some 20 detainees among some 700 who

went on hunger strike in Evin prison in 1987 to protest against their prison conditions, had been beaten and were later executed. Mrs. Maryam Hajei Khanian spoke about several of her acquaintances who were executed. These included her brother-in-law, Mortasah Habasian, a woman aged 60, Hadijeh Zabihi, who was raped and executed, and all her sons who were also executed as Mojahedin sympathizers. Another man, Hasan Sabaghi, who was arrested before the Mojahedin organization was outlawed, was executed in 1987. Mohamed Reza _____ stated that a fellow inmate in Gohardasht prison, named Nasser Nazeri, was executed as a punishment for having chanted Koran verses.

15. All the persons who appeared before the Special Representative alleged having been subjected to ill-treatment and to physical and psychological torture. The most common form of torture was flogging, especially on the soles of the feet, and beating by several guards simultaneously. Various persons were subjected to mock-executions and other forms of psychological torture, including threats of sexual abuse and threats of torturing the detainee's parents, children or spouses. Prison conditions were invariably described as extremely poor. Cells were narrow, damp, dark and extremely overcrowded. Food was insufficient and of poor quality. Sanitary conditions were very bad, resulting in the spread of skin and other diseases among the detainees and there was insufficient access to doctors and to medicine. Very often political prisoners were kept together with common criminals, including drug addicts. Prisons where conditions were allegedly very bad included Ghezal-Hesar in Karaj, Evin in Teheran, Salehabad, Gohardasht and Saveh in northern Iran.

16. Some of the persons appearing before the Special Representative described particular forms of torture to which they had allegedly been subjected or which they had witnessed. Mrs. Jokar Kobrah stated that while she was in prison she saw children aged 8 to 11, mostly girls, being used for forced labour. She witnessed girls being raped by revolutionary guards, and other children, as young as six years old, being tortured. She also witnessed the torture of women immediately after giving birth, and mentioned in particular the name of Maryam Abdelahi. Mohamed Reza _____ and Mohamed Davoodi described a form of torture known as the "coffin", consisting of having the prisoner seated, blindfolded, in a coffin-like box which is then repeatedly pushed against a wall. Mohamed Davoodi mentioned the name of two prisoners who had allegedly been subjected to that torture, Maghrebi and Rashidi. Several persons affirmed that in recent years, and in particular since 1987, methods of torture practised in Iranian jails had become more sophisticated and measures were being taken to eliminate all traces of physical torture. New sorts of cables were being used for flogging and tortured prisoners were being separated from the others and kept elsewhere, until they showed no trace of torture. Bahman Jenat Sadeghi affirmed that one of the new methods of torture consisted of introducing brutal common criminals among political prisoners and inciting them to torture and rape other prisoners. He further affirmed that since 1987 a machine was being used that introduced needles into the soles of the feet of prisoners after they had been flogged with cables, in order to eliminate swelling and other marks of torture. Some persons showed the Special Representative scars and marks on various parts of their body, allegedly resulting from torture in prison.

17. Most of the persons appearing before the Special Representative described their trial in prison as an extremely summary proceeding lasting sometimes no more than a few minutes. Such proceedings were held before a religious judge, and sometimes before a judge and another religious official serving as an interrogator. In some of the cases the sentence was made known to the accused only months after the trial took place. None of the persons had access to a defence lawyer, and there was no possibility of appealing to a higher instance. In some cases pressure was exerted on the defendants to recant their faith and become Muslims, or repent their political ideology and appear on television to announce such repentance. Some were blindfolded during their trial. Bahman Jenat Sadeghi affirmed that in his trial, which was held after his arrest on 1 November 1980, before the Mojahedin organisation was outlawed, the court, which consisted of a judge named Ravandi and a prosecutor named Katchoui, acknowledged that his arrest was illegal, but sentenced him nevertheless to six months' imprisonment. Abdol'asef Barsegar Fathi had a trial that lasted three minutes, after being held one year in prison. He was sentenced to three years imprisonment, but was in fact held for six years. Mohamed Davoodi stated that he was tried twice before the same religious judge, who allegedly proposed to him on both occasions that he collaborate with the régime. He refused, since collaboration meant flogging other prisoners, and was sentenced to three years imprisonment, but was in fact held for four years.

18. The followers of the Baha'i faith appearing before the Special Representative described various forms of persecution and harassment to which they personally or their family members had been subjected and which had eventually led to their departure from their country. The most common forms of harassment suffered by almost all the Baha'is who appeared before the Special Representative was the denial of means of subsistence and of access to higher education.

19. All the Baha'is who appeared before the Special Representative described instances of brutal arrest and interrogation to which they had been subjected, mostly in the early 1980s. In all these cases the arrest was accompanied by searches and confiscation of Baha'i literature and documents. Interrogation was often very brutal and accompanied by beating and by pressure to recant their faith. At trials held in prison before one or two religious officials, these persons were always offered the possibility to recant their faith and be released forthwith and regain all their rights and property. Charges most commonly pressed against them included collaboration with the former, imperial régime and spying for the United States of America or Israel.

20. One of the persons appearing before the Special Representative, who was born a Zoroastrian but later converted to Baha'ism, stated that a religious judge named Mesbah, who specialised in Baha'i cases, had pronounced the death sentence against him for having become a Baha'i and having married a Baha'i woman. He had also condemned him to pay back all the salaries he had received during his years of work. Another person witnessed the case of a Baha'i widow whose only income was rent from her house. The house was allegedly confiscated by the religious judge Mesbah who rented it to his own relatives. The same religious judge was also allegedly involved in hitting Baha'i prisoners severely, and causing them serious injuries.

B. Written information

21. The Special Representative has continued to receive written information contained in various documents and reports, made available to him by various bodies concerned, including non-governmental organizations in consultative status with the Economic and Social Council. That information contained allegations of human rights violations in the Islamic Republic of Iran relating to the period from October 1987 to July 1988. A summary of such allegations is reproduced below.

1. Right to life

22. It was alleged in September 1987, that 40 persons, described as political prisoners, had been executed in Evin prison after having participated in a hunger strike.

23. According to a report appearing in the Keyhan newspaper on 20 October 1987, the Supreme Judicial Council had approved 24 death sentences for members of opposition groups.

24. The same newspaper reported on 29 October 1987 that the Supreme Judicial Council had approved death sentences on seven members of "atheistic and hypocritical mini-groups", which were passed by Islamic courts in West Azerbaijan, Isfahan and Ilam. No details were given as to the nature of the groups concerned or the charges against the convicted prisoners.

25. According to a report appearing in the Keyhan newspaper on 21 November 1987, two members of the Kurdish Democratic Party, named Karim Ghaderzadeh and Abdullah Berrinjani, were executed in Sanadaj.

26. It was alleged that Mohammad Amin Danesh, who was arrested on 10 December 1987 in Iranshahr, was tortured and then murdered on 12 January 1988. His body was subsequently burnt, and his family told that he had committed suicide by burning himself. The case was said to be reported by his brother who was in the same cell at the time.

27. On 27 May 1988, Anoushirvan Lotfi, Hojat Mohammad Pour and Hojatollah Ma'boudi were reportedly executed in Evin prison, Teheran, for having allegedly attempted to overthrow the Government of the Islamic Republic of Iran and participated in armed clashes with Government forces. Mr. Lotfi was a leading member of the People's Fadayan Organization of Iran (Majority). Mr. Pour was described as a member of the Union of Iranian Communists and Mr. Ma'boudi was reportedly a member of the Mojahedin organization.

28. It was further alleged that 12 persons, described as political prisoners, were executed on 20 July 1988. The identity of only four of those allegedly executed was reported. They were identified as Koumars Zarshenas, Simin Farzin, Sayed Azarang and Faramarz Sadeghi. According to the same information 55 other persons described as political prisoners were being held in solitary confinement, awaiting execution. The charges against those persons had reportedly never been announced, and they had allegedly been denied a fair and public trial.

29. According to a report appearing in the Keyhan newspaper on 3 August 1988, 10 members of the Mojahedin organisation were hanged in public in Bakhtaran, western Iran, on 1 August 1988.

30. According to IRNA information reported by Reuters on 4 and 5 August 1988, a leading member of the Mojahedin organisation was hanged in public in Ilam, western Iran, on 3 August 1988, and two other members of that organisation were hanged in Kangavar, western Iran, on 4 August 1988.

31. On 26 August 1988 it was alleged, that on 28 July 1988, 200 persons described as political prisoners, sympathisers of the Mojahedin organisation, had been massacred in the central hall of Evin prison. It was further alleged that, from 14 to 16 August 1988, 860 bodies of "executed political prisoners" had been transferred from Evin prison, in Teheran, to Behesht Zahra cemetery.

32. In addition, the Special Representative continued to receive information, based on official Iranian press reports, on death sentences being pronounced and carried out against persons convicted of crimes, such as murder and drug trafficking. One reported case concerned a youth, aged 17, from Mehdishahr, who was hanged after being convicted of child murder. The case was reported by the Keyhan newspaper of 28 January 1988. Other cases included the following: Mohammad Ali Barati, aged 30, and Mohammad Rahim Anvari, aged 18, hanged at Qasr prison, Teheran, for murder (Keyhan, 6 March 1988); Jamshid Taheri Khan, aged 24, and Karam Bahmani, aged 21, executed in Qasrin for armed robbery (Keyhan, 8 March 1988); Mahmood Neyestani, Valli Rostem, Nasser-Hassan Nejad and Ali Kamali, members of a group known as "Scorpio", executed in Bojnurd for sexual abuse of children (Keyhan, 12 May 1988); Abbas Omidbash, publicly executed in Shiraz for the murder of a young girl (Keyhan, 15 May 1988). Four persons described as "atheistic terrorists", whose names were not specified, had their death sentence confirmed by the Supreme Judicial Council and were consequently executed (Ettelaat, 16 May 1988).

33. Furthermore, the Special Representative in January 1988 received information that 67 prisoners, accused of being members of various political groups held in Evin and Gohardasht prisons, were sentenced to death. The sentences were reportedly approved by the Supreme Judicial Council. No information was received concerning the fate of these prisoners. It was also reported (Keyhan, 17 February 1988) that a woman named Adjabnas Keshavars was sentenced by a tribunal in Shiraz to death by lapidation for adultery and the murder of her husband. It was reported that the sentence was to be publicly executed shortly in the town of Marvdasht. The newspaper Djomhuri Eslami of 11 July 1988 reported that the Supreme Judicial Council had confirmed death sentences for 10 persons described as "spies and counter-revolutionaries", and convicted of having collaborated with Iraq.

2. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

34. The Special Representative continued to receive information that torture was still applied in Iranian prisons and that it consisted in particular of beating and

flogging with cables on all parts of the body, and particularly on the soles of the feet. Psychological torture also reportedly persisted and included such practices as mock execution and threats of sexual abuse of female prisoners and female relatives of male prisoners.

35. In addition, the Special Representative received information, based on official Iranian press reports, on corporal punishment being applied to persons convicted of various offences such as stealing or making alcohol. The Keyhan newspaper, of 10 April 1988 reported that Mohammad Reza Zandi, aged 18, had four fingers of his right hand amputated for theft. The newspaper Djomhuri Eslami of 6 January 1988 reported that Seyyed Hassan Ghadiri had also had four fingers amputated. Other similar cases were reported in the towns of Shiraz and Zahedan in May 1988.

3. Right to liberty and security of person

36. According to information received by the Special Representative, an Iranian official named Davoud Karimi reportedly affirmed on 18 February 1988 that 9,000 persons, who he described as belonging to small counterrevolutionary groups, were at that time held in prisons in the Islamic Republic of Iran. According to other sources, the number of prisoners who were members or sympathisers of opposition groups was much higher and reached many thousands. Many of those imprisoned were reportedly arrested for non-violent activities, such as distributing leaflets or newspapers, or merely on suspicion of being sympathisers of such opposition groups. It was also reported that 152 followers of the Baha'i faith were still in prison, allegedly on the sole grounds of their religious beliefs.

37. It was further alleged that the practice of arresting the parents and other family members of wanted persons continued in the Islamic Republic of Iran. Parents were often held in detention despite their old age and poor health, without any charge or trial.

38. Following are some detailed allegations brought to the attention of the Special Representative:

The Mideast Mirror of 5 May 1988 reported that some 200 members of the outlawed Marxist opposition party Fedayeen e-Khalq had been arrested in the north-eastern province of Khorasan. They were reportedly accused of having been trained for "political, espionage and military operations in a foreign country". One of those arrested was identified as Khaleq Ahmadi, member of the Tudeh Party, who was detained by security police as he was crossing the border from Afghanistan into Iran, allegedly in order to set up an alliance between two rival leftist groups;

On 31 May 1988 six members of the Association for the Defence of Freedom and Sovereignty of the Iranian Nation, or of the Freedom Movement, two non-violent groups advocating an end to the Gulf war, were reportedly arrested by revolutionary guards. They were identified as Dr. Ali Ardalan, Head of the Executive Committee of the first group mentioned above, Mohammad Tavassoli,

Hossain Shah-Hossaini, Khosrow Mansourian, Hashem Sabbaghian and Ahmad Zarijani. The six men were reportedly arrested following the circulation of an open letter calling for an end to the war with Iraq. Some of those persons were said to be elderly men. No information was given as to their place of detention.

39. The Special Representative also received a letter concerning a British citizen named Roger Cooper, who was reportedly arrested in Teheran in December 1985 and had since been held in Evin prison. He was reportedly charged with espionage and put on trial towards the end of 1987. He allegedly had no legal representation and was found guilty and sentenced to death. It was further alleged that Mr. Cooper's health was deteriorating and that he had not been given appropriate medical care and had no access to consular visits. The Special Representative was subsequently informed that Mr. Cooper had received a visit from a special British envoy visiting Iran.

40. The Special Representative was also informed by the Working Group on Enforced or Involuntary Disappearances that it had transmitted to the Government of the Islamic Republic of Iran five cases of disappearances which allegedly occurred in 1987. No cases of disappearances were reported to have occurred in 1988.

4. Information concerning the situation of followers of the Baha'i faith

41. According to information received by the Special Representative the general policies and attitudes of the Iranian authorities towards the followers of the Baha'i faith remained unchanged. Thus, Baha'is allegedly continued to be denied any right to profess their religion, to meet as a community, to have places of worship or to maintain the administrative institutions of the Baha'i faith. It was acknowledged, however, that the intensity of the campaign of persecution against the Baha'is in Iran had somewhat diminished in the first half of 1988. Baha'is in Iran allegedly continued to be subjected to various forms of discrimination and harassment. They were still denied access to higher education, and Baha'i school children were threatened with being denied the opportunity to take their examinations if they did not renounce their religion. Some students had none the less been allowed to return to school in recent months.

42. It was alleged that most Baha'is in Iran continued to be denied government employment and pensions, and that they had been instructed to repay all salaries received during their period of government employment. The Special Representative received copies of announcements made in the official national newspaper Ettela'at, dated 10 February and 30 June 1988, with their French or English translation, according to which two persons were being permanently banned from government service due to their being followers of the "misguided Baha'i sect".

43. The Government of the Islamic Republic of Iran allegedly continued its campaign to deny Baha'is the opportunity to earn their living in the private sector. Baha'i farmers had been denied membership in co-operatives and had been forced to flee from their homes after many Baha'i farms had been burned and confiscated. The Government had also allegedly confiscated numerous Baha'i-owned properties.

44. All Baha'i holy places in Iran remained desecrated and confiscated, and Baha'is were still denied access to Baha'i cemeteries and often had difficulties in burying their dead. Baha'is in Iran continued to be deprived of the right to leave the country.

45. By July 1988, a number of Baha'is, including some prominent members of the Baha'i community who had been arrested, allegedly because of their faith, were released from prison and some prison sentences were reduced. In the month of July alone, 13 Baha'is were reportedly released from prison and since February no new arrests have been reported.

46. Recently, the Special Representative received the English translation of three official letters addressed to followers of the Baha'i faith. According to one letter, dated 28 June 1988, and sent by the Department of Trade and Commerce of Teheran, two ration coupon books for five persons were cancelled "due to the holders being Baha'is". According to the other two letters, dated 28 and 31 January 1988 respectively, and sent by the Central Council of Trade Unions of the town of Burujan, the Council was unable to issue business licences for two persons, because they were "connected to the Baha'i sect".

C. Additional recent information concerning alleged violations of the right to life

47. According to information received by the Special Representative in September 1988, a large number of prisoners, members of opposition groups, were executed during the months of July, August and early September 1988. Most of those allegedly executed were reported to be members of the People's Mojahedin Organization, but some 20 supporters of other opposition groups, such as the Tudeh party and the People's Fedayan Organisation of Iran (Majority) were also reported to have been executed.

48. It was further reported that, following the incursion between 25 and 28 July 1988 of the group known as the National Liberation Army into Iran, alleged members of, or collaborators with the People's Mojahedin Organization, said to be linked with the National Liberation Army, including an unknown number of prisoners who had been serving terms of various durations, were publicly hanged in Kangavar, Bakhataran and Islamabad a-Gharb, in western Iran, close to the area of incursion. In addition, approximately 80 members of the People's Mojahedin Organization, mostly prisoners or former prisoners, were allegedly executed in early August 1988 in the towns of Mashad, Kermanshah, Arak and Varamin, and in the prisons of Evin, Shiraz and Malayer. Some of them were reported to have been publicly hanged. Two former prisoners who were allegedly executed in Arak recently, were identified as Mahmoud Hamseh Louian and Hossein Namdar. It was also alleged that death sentences had been confirmed on 55 political prisoners who were currently awaiting execution.

49. The Iranian Chief Justice was reported as declaring on 5 August 1988 that "the Judiciary is under very strong pressure from public opinion asking why we even put them (members of the People's Mojahedin Organisation) on trial, why some of them are jailed, and why all are not executed ... the people say they should all be

executed without exception". The Chief Justice reportedly added that more members of that organisation should be executed, and that they should not benefit from any amnesty. "It was lucky that many of those who fought with the National Liberation Army were killed, this saved having to prepare files to have them executed" (published in Etelast of 6 August 1988). It was further reported that the Government had told revolutionary courts to be more severe against "armed and atheist" groups.

50. It was reported that Mahrhad Farjad, an alleged member of the Central Committee of the Tudeh party, who was arrested in April 1983 and had since then been held in Evin prison, allegedly without being charged or tried, on 26 August 1988, was instructed to write his will.

51. It was also reported that family visits to political prisoners in Evin prison in Teheran and in other prisons had been suspended since August 1988.

IV. CONSIDERATION OF VIEWS RECENTLY EXPRESSED BY THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

52. The Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, Mr. Syrous Nasser, made a number of interesting comments and judgements in his statements of 9 and 10 March 1988 before the Commission on Human Rights, in the framework of the discussion of the final report of the Special Representative. Some of them would tend to confirm that the passage of time, and the exercise in which the Special Representative has been engaged over the past few years, may be conducive to a better understanding of the problems encountered in the implementation of human rights in the Islamic Republic of Iran.

53. Some of the points made in the statement may be qualified as positive because of their contribution to the implementation of the mandate. Other points would tend to indicate that the exercise has not yet reached the necessary degree of maturity for the positions of the Iranian Government to be convergent with the demands of binding international instruments. Following is a brief examination of the principal points made in the statements of the Permanent Representative.

A. The question of politics in human rights

54. The Iranian statement began with a subject that is of fundamental importance, namely, the application of principles of fairness, objectivity and non-selectivity. The argument considered the possible reduction to a minimum of political components in dealing with human rights. The Special Representative shares the opinion that the principles of fairness, objectivity and non-selectivity should be adhered to. But, while agreeing on these principles, the question of their scope, contents and interpretation still remains. While reducing them to uniform criteria, the problem shifts to the proof of facts and situations to be appraised under international norms. The unavoidable conclusion is that veracity in this field pertains to the kind of topical logic that is founded on probable reasoning and not on absolute truth.

55. In order to reduce to the point of elimination the political components that at times permeate the discussions and actions in the field of human rights, the meticulous exclusion of political objectives, on the one hand, and strict adherence to the universally recognized principle of the protection of the inherent rights of all human beings, irrespective of nationality, race, religion, political affiliation or sex, on the other, are essential. Certainly such desiderata are not easy to attain but must be omnipresent, as a fundamental regulatory principle, in order to ensure that misuse or deviation is kept to a minimum. There are some expressions of politics that are naturally incompatible with human rights, such as those directed to win and maintain control over Governments or to compete or struggle for power, both in the domestic and the international arenas. But human rights express a kind of policy, as a definite course of action selected among alternatives, and as a scheme embracing goals and procedures in accordance with agreed international instruments.

B. Compatibility of Islamic law with international law

56. The Permanent Representative stated that "the Islamic Republic of Iran welcomes the initiation of the discussion on the very important issue of compatibility between Islamic law and international law", expressed the hope that "this valuable discussion can lead to a comprehensive analysis and a comparative study on a broader scale", and added that "the Special Representative's decision to engage in this dialogue is positive and fruitful". The Iranian Ambassador indicated that the importance of this issue is not due to the peculiarities of the current situation in Iran but "concerns all Islamic countries and Muslims the world over". He disputed the thesis that "adherence to international law is a must for all States", and repeated that "Islamic doctrine had very limited presentation and reception at the time the Declaration and the two Covenants were formulated". He concluded that "it is contrary to the objectives of a constructive approach and dialogue, therefore, to just turn around and say: 'ours was to make the law, yours is to concede'". These comments were followed by the statement that, "at the same time, I shall reiterate that the discussion should not at all serve as an obstacle in reflecting on the true situation of human rights in Iran. Matters raised by the Special Representative may still be considered in practical terms: there is no unresolvable complication stemming from the compatibility between Islamic law and international law. I shall stress that Iran does not pursue a selective approach to international law".

57. This statement contains three elements that may be considered as promising with respect to the implementation of resolutions of both the General Assembly and the Commission on Human Rights: (a) notwithstanding problems of compatibility between Islamic law and international law, "matters raised by the Special Representative may be considered in practical terms", because there is no unresolvable complication stemming from that issue; (b) the question of compatibility is not an obstacle in reflecting on the true situation of human rights in Iran; and (c) "Iran does not pursue a selective approach to international law".

C. Co-operation extended by the Government of the Islamic Republic of Iran

58. The General Assembly and the Commission on Human Rights have reiterated urgent demands to the Iranian Government to co-operate fully in the procedures that should enable the examination of the situation of human rights in Iran. In another statement made by the Permanent Representative before the Commission on 10 March 1988, he concurred with the opinion that the United Nations procedures on human rights were predominantly co-operative in nature. "It is on this understanding", he stated, "that the Islamic Republic of Iran has engaged in positive and constructive dialogue with the Special Representative". Those qualifications are compatible with polemical approaches and divergence of views. If there were complete agreement the dialogue would become devoid of substance and would turn into a merely formal exercise.

59. The Special Representative has emphasized the crucial role of that co-operation in regard to the full discharge of his mandate. The Iranian Ambassador declared that "on the question of co-operation, the Government of the Islamic Republic of Iran once again states its readiness to fully co-operate with the Special Representative". However, the implementation of this encouraging assertion was postponed on account of two obstacles, namely, the wording of the resolution adopted by the Commission and the source of some of the information received by the Special Representative. As regards the wording of the resolution, the Permanent Representative indicated that "one major difficulty that remains is the attribution of the term 'religious minority' to Baha'is", and continued: "we invite the sponsors of the resolution to clarify precisely on what basis have they decided to attribute the term 'minority' to the Baha'is". The Iranian statement referred to a resolution of the Islamic Assembly of Jurisprudence, a subsidiary organ of the Islamic Conference, which in the course of its fourth session held at Jiddah, Saudi Arabia, "decided that Bahaism does not represent a religion". The other point of contention was the source of some of the allegations collected by the Special Representative. Specific reference was made to the Mujahedin Khalq, an organisation which, according to the International Herald Tribune of 8 December 1987, referred to in the Iranian statement, had affirmed having killed several thousand Iranian soldiers and taken hundreds of prisoners.

60. The Special Representative considered this question in his final report to the Commission (E/CN.4/1988/24, paras. 60-65). A distinction was then made between the channel through which the information reaches the Special Representative and the allegations concerning the rights of individuals. Furthermore, it was asserted that members of all organisations, including those engaged in violent actions, were formed by human beings who, as such, were entitled to the enjoyment of human rights. They may be prosecuted and convicted but only within the norms of fair trial and full guarantees to which all human beings are entitled without distinction or discrimination, including their inherent right to be detained, investigated and tried without ill-treatment or torture. Whatever the channel or origin of the information, the Special Representative cannot discard reports on human rights violations simply on account of their origin. One major difficulty in the current exercise resides in the absence of circumstantiated replies from the Iranian Government.

D. Release of prisoners

61. The statement by the Iranian Ambassador contained another paragraph that deserves to be brought to the attention of the competent organs of the United Nations, namely, that "it is the firm policy and intention of the Government of the Islamic Republic of Iran to release all prisoners as long as they do not re-engage in violent and criminal acts". He continued by noting that the experience had not been encouraging thus far because a percentage of released prisoners had re-engaged in violent actions. No precise figures were given.

62. The statement may be understood as suggesting that more prisoners might be released if an appropriate situation were created. To that effect, it was suggested that the sponsors of United Nations resolutions could co-operate with representatives of the Iranian Government. This was expressed in the conclusion of that part of the statement according to which the Iranian Government "looks forward to this co-operation whether on a direct basis or through the Special Representative."

E. Detailed replies to allegations

63. The statement under consideration contained the unqualified promise to give detailed response to allegations of violations of human rights. This was expressed in the following words: "on the lists of names provided by the Special Representative, I would like to add that the final report of Mr. Galindo Pohl was received in early February. Preparation of more detailed response is currently under way and, once completed, will be communicated to the Commission".

V. GENERAL OBSERVATIONS

64. During the period under review, detailed allegations of human rights violations, both oral and written, in the Islamic Republic of Iran continued to be received. Such allegations were made both by Iranians who had fled their country in the past few years and by non-governmental organizations and other independent sources. New lists of cases of alleged violations of human rights were communicated to the Iranian Government through official channels.

65. It may be noted that the collection of first-hand information regarding the situation of human rights in the country presents certain difficulties, due to the conditions under which potential informants leave the country and reach other countries, and the lapse of time between their departure and the time of informing the Special Representative of their experience.

66. The cases communicated to the Iranian Government may be classified into the categories of right to life, right to freedom from torture or cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, right to a fair trial and right to freedom of thought, conscience and religion. No allegations pertaining to other categories were received during the period under consideration.

67. The Special Representative shares the Iranian Government's view that the principles of fairness, objectivity and non-selectivity should be adhered to in dealing with human rights, and that the use of the international protection of human rights for particular political gains should be rejected.

68. The announcement made by the Iranian Government indicating that the preparation of more detailed responses to the cases presented to it hitherto was currently under way, and that such replies would be made known as soon as they were ready, deserves to be mentioned as a positive development. The transmission of circumstantiated official replies will contribute to balance the information constituting the basis for the resolutions of the organs in charge of monitoring the compliance of certain practices with international instruments. Moreover, it would provide an additional and tangible proof of the increasing degree of co-operation extended by the Iranian Government to the competent United Nations organs.

69. During 1987, the number of alleged violations of the right to life continued to decrease, as it had in the past few years. Nevertheless, in July, August and September 1988, an increase in the number of executions, principally of prisoners, members of various opposition groups, has been reported. Such executions justify an international concern that the provisions of the International Covenant on Civil and Political Rights regarding the right to life are not fully adhered to by the Iranian Government. The Special Representative shares the concern expressed by the Special Rapporteur on Summary and Arbitrary Executions who, on 24 August and 14 September 1988, addressed telegrams to the Iranian Minister for Foreign Affairs, transmitting to him cases of alleged violations of the right to life and recalling the provisions of article 14 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party.

70. All the sources providing information to the Special Representative, be they Iranian individuals, non-governmental organizations or other independent sources, converged in alleging that ill-treatment and torture, both physical and psychological, continued to be common in Iranian prisons, especially during interrogation but also immediately after arrest and before and after the final verdict.

71. Those sources also coincided in affirming the existence of extremely summary, informal and irregular proceedings, failure to inform defendants of specific accusations against them, lack of legal counsel, absence of an appropriate instance for appeal and other irregularities that contravene the international standards on fair trial.

72. With regard to the number of political prisoners, even the figures admitted by official Iranian sources are sufficient to provoke genuine concern. While some of such prisoners had indeed engaged in violent actions, others have allegedly been arrested on grounds of mere sympathy with opposition groups or criticism of the current political situation.

73. Regarding the conditions prevailing in Iranian prisons, the Special Representative continued to receive preoccupying reports alleging in particular

overcrowding, lack of access to medical treatment, poor quality and insufficient quantity of food and extremely poor sanitary conditions. In addition, the Special Representative is concerned about reports that all family visits to political prisoners in Evin prison in Teheran and a few other detention centres, have been suspended since August 1988.

74. The alleged ill-treatment and torture of prisoners, the absence of regulations on fair trial and the infringement of the regulations in force, the large number of political prisoners and the alleged poor conditions prevailing in Iranian prisons continue to be a matter of legitimate concern. The examination of the Iranian Penal Code, which will be dealt with in the final report to the Commission on Human Rights, reveals that it does not fully conform with the pertinent provisions on fair trial of the Universal Declaration of Human Rights (arts. 7-11) and the International Covenant on Civil and Political Rights (arts. 6, 14 and 15).

75. All allegations concerning the Iranian penitentiary system deserve to be thoroughly investigated by the Government. The total elimination of such practices has to be considered at the levels of both legislation and implementation. The Iranian constitution does contain a provision forbidding torture, but it appears to be ignored by certain officials in charge of investigations and by prison wardens. The importance of prompt investigation into all allegations of irregularities referred to above, as well as redress action, must be emphasized as part of the necessary efforts to reconcile the Iranian penal system with the requirements of the international human rights instruments.

76. With regard to alleged violations of the right to freedom of thought, conscience and religion, the Special Representative received information concerning the situation of the Baha'i community in the Islamic Republic of Iran, whose members allegedly continued to be harassed solely on the grounds of their faith. According to recent reports, however, harassment against Baha'is diminished somewhat in recent months. Since February 1988, no new arrests have been reported, but 140 Baha'is are still said to remain in prison. There have been no reports of recent executions. By July 1988, a number of Baha'is, including some prominent personalities, had been released from prison, including 13 for the month of July alone, and the sentences of others were reduced. Lately, some schoolchildren were allowed to return to school.

77. Whereas the official Iranian stand has been that Baha'is had never been persecuted on account of their faith, and that those imprisoned or executed were punished for engagement in subversive activities, the Bahá'i International Community has strongly denied these charges. According to that non-governmental organization, in consultative status with the Economic and Social Council, Baha'ism is an independent world religion whose members are forbidden from getting involved in partisan politics or in subversive activities.

78. Although the state of full co-operation has not yet been achieved, during the period under consideration the Iranian Government continued to indicate its willingness to increase gradually its co-operation with the competent United Nations organs. The promise of full co-operation has none the less been conditional on the removal of the two obstacles referred to in paragraph 59 above.

It may therefore be advisable at the present stage to renew the urgent appeal to the Iranian Government to extend its full co-operation to the Special Representative in order to facilitate the full implementation of the resolutions adopted by the General Assembly and the Commission on Human Rights, and to comply with the obligations contained in the International Covenants.

79. The information received from the Iranian Government, from Iranians who have recently fled their country and from non-governmental organisations and other independent sources does not contain elements that are likely to change the view expressed by the Special Representative in his report to the Commission on Human Rights. The Special Representative expressed his belief that acts continued to occur in Iran that were inconsistent with international instruments to which the Government of that country was bound. The Special Representative had reached the moral conviction that there was a nucleus of veracity in the information received thus far, and consequently, that acts continued to occur in Iran which deserved the full attention of the Government, in order to redress abuses and prevent their recurrence.

80. In the light of the foregoing, it appears that the persistence of alleged violations of human rights in the Islamic Republic of Iran, in particular, the recent reports of a renewed wave of executions in the period from July to September 1988, suffices to justify international concern and the need for the competent United Nations organs to continue monitoring the situation in that country.
