

Iran: Overturn Death Sentences, Other Unfair Convictions

Post-Election Protesters Were Denied Access to Lawyers

October 26, 2009

(New York) - The Iranian Judiciary should immediately quash the convictions that have been handed down by the Revolutionary Court in Tehran since the end of September against defendants accused of inciting post-election unrest, Human Rights Watch said today. The convictions all stem from unfair trials in which the accused were denied access to lawyers.

The authorities repeatedly denied the prisoners' requests for access to lawyers during pre-trial detention that in many cases lasted months, and their requests at their trials for lawyers of their choice were refused, Human Rights Watch said. The wife of one of the sentenced prisoners told Human Rights Watch that her husband was told he would not leave the prison any time soon if he did not agree to write a confession.

"Death sentences following unfair trials expose the mockery of Iran's judicial system," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch.

"Those responsible need to quash these verdicts and sentences, and ensure that everyone detained, or put on trial, has free and regular access to a lawyer of their choosing."

Scores of prominent reformist politicians, intellectuals, journalists, clerics, student leaders, and others have been put on trial before courts that do not meet international fair trial standards following the nationwide protests against the disputed results of Iran's elections on June 12, 2009.

Human Rights Watch also said today that it is especially concerned about the condition of the Iranian-Canadian blogger Hossein Derakhshan who was arrested in October 2008 and has been in prison ever since.

With regard to the trials, on September 30, Alireza Avaie, head of the Tehran Justice Department, told reporters that the Revolutionary Court had issued preliminary verdicts against 20 political prisoners arrested after the presidential elections. He did not give names or the length of the sentences. Since then, authorities have announced more than 10 additional sentences - four death sentences and others ranging from five to 12 years.

All 30 of the prisoners had been held for months without access to lawyers, much of that time in solitary confinement. The authorities assigned them lawyers at their trials, but there was no time to prepare their defense and the court-appointed lawyers have not represented them properly. This was the experience in all of the cases noted below, which are among the 10 most recent sentences and include those that were sentenced to death.

On October 20, the Revolutionary Court sentenced Kian Tajbakhsh, an Iranian-American scholar, to more than 12 years in prison. Authorities arrested Tajbakhsh, 47, on July 9 and later charged him with acting against national security for participating in Gulf 2000,

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an internet forum housed at Columbia University, and for working for the Open Society Institute. At Tajbakhsh's trial, the appointed lawyer simply called the accusations against his client "untenable," but did nothing else to challenge the accusations

On October 17, the court sentenced Shahab Tabatabai, a senior member of Mir Hossein Mousavi's campaign, to five years in prison for "acting against national security." He was arrested on June 18.

On October 17, Hedayat Aghaei, a prominent politician from the reformist political party Kargozaran who was arrested on June 18, was sentenced to five years in prison for "disrupting the public order by provoking people to riot" and "acting against national security."

On October 18, the Revolutionary Court sentenced Masoud Bastani, a journalist arrested on June 25, to six years in prison for "propaganda against the government" and his alleged role in the post election unrest.

On October 17, the Revolutionary Court sentenced Saeed Hajjarian, 55, a prominent reformist who had been disabled in an assassination attempt in 2000, to a five-year suspended sentence for allegedly inciting post-election unrest. He was held without charge for more than 100 days and released on September 30. He did not receive adequate medical care throughout his detention and trial.

On October 10, the Judiciary announced that two men identified only by their initials, M.Z. and A.P., had been sentenced to death. Both were members of the Kinddam Assembly of Iran, a group that wants to restore the monarchy. "M.Z." is believed to be Mohamad Ali Zamani who was arrested before the June 12 election. His name is included in the group indictment of post-election arrests. Another man, with the initials N.A., was sentenced to death for being a member of the Mojahedin-e Khalq Organization (MKO), a dissident group largely operating from exile.

Article 14 of the International Covenant on Civil and Political Rights, ratified by Iran in 1975, requires all persons facing a criminal charge be given the right to defend themselves through legal assistance of their own choosing. Human Rights Watch opposes the death penalty in all circumstances due to its inherently cruelty and irreversible nature.

With regard to Derakhshan, the Iranian-Canadian blogger, a source close to his family told Human Rights Watch that he has been in solitary confinement for more than nine months and has been allowed to meet his family just twice. The source said that Derakhshan had been tortured and put under enormous pressure to write false confessions that might be used against him and others in trial. Derakhshan's family has been threatened that if they speak out it will harm their son's case.

Other sources told Human Rights Watch that the authorities have accused him of spying and that he was coerced into a confession that implicated prominent reformists and activists arrested after the presidential election for purported "soft revolution" activities. They said that the Islamic Revolutionary Guards Corps intelligence service is holding him in solitary confinement in a section of Evin prison under their control.

Background

Tajbakhsh, Tabatabai, Aghaei, Bastani, and Hajjarian were put on trial on August 26. After being held in solitary confinement for weeks, denied access to their lawyers throughout their detention and trial, and permitted very limited access to their families, they testified against themselves and their colleagues.

Four post-election trials have been held at Branch 15 of the Revolutionary Court in Tehran. Authorities have allowed only reporters from pro-government media to cover the proceedings, which were presided over by Judge Abolqasem Salavati. Local and foreign reporters, families of detainees, and their lawyers were not permitted to attend the trials.

Under Iranian law, individuals may appeal their sentences, which must be upheld by both the appeals court and the Supreme Court before they are carried out.

On October 20, Abbas Jaffari, Tehran's general prosecutor, said that the investigation of 12 other prominent political prisoners allegedly involved in post-election unrest has concluded and that their indictment has been sent to the Revolutionary Court.

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