

Decision No. 28/1994 (Islamic Republic of Iran)

Communication addressed to the Government of the Islamic Republic of Iran on 22 April 1994.

Concerning: Manouchehr Karimzadeh, on the one hand, and the Islamic Republic of Iran, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than 90 days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of Decision No. 10/1994.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of the Islamic Republic of Iran. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. According to the communication, a summary of which has been transmitted to the Government, Manouchehr Karimzadeh, a cartoonist for the scientific revue "Farad", was allegedly arrested on 11 April 1992 for having illustrated an article criticizing the state of sport in Iran. He was being detained in Evin Prison. According to the source, Manouchehr Karimzadeh was accused of "blasphemy" and insulting the memory of the founder of the Islamic Republic, Imam Khomeini. It was reported that he was sentenced to one year in prison and fined 500,000 Rials (US\$ 350) on 16 September 1992, a judgement which was repealed on 14 May 1993 by the Supreme Court. However, in mid-October 1993 he was sentenced to 10 years in prison.

6. It appears from the facts as described above that Manouchehr Karimzadeh is being kept in detention since 11 April 1992 solely for having exercised pacifically his right to freedom of opinion and expression, a right guaranteed by article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights.

7. In the light of the above the Working Group decides:

The detention of Manouchehr Karimzadeh is declared to be arbitrary being in contravention of article 19 of the Universal Declaration of Human Rights, and article 19 of the International Covenant on Civil and

Political Rights, to which the Islamic Republic of Iran is a Party and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned person to be arbitrary, the Working Group requests the Government of the Islamic Republic of Iran to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 29 September 1994.