

DECISION No. 14/1996 (ISLAMIC REPUBLIC OF IRAN)

Communication addressed to the Government of the Islamic Republic of Iran on 7 February 1995.

Concerning: Ali-Akbar Saidi-Sirjani, Said Niazi Karmani and Abbas Amir-Entezam, on the one hand and the Islamic Republic of Iran, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the revised 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 till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (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 each of the cases of alleged arbitrary detention brought to its knowledge.
3. (Same text as para. 3 of Decision No. 35/1995.)
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 cases, especially since the facts and allegations contained in the communication have not been challenged by the Government although it was given the opportunity to do so.
5. In rendering its decision, the Working Group, in a spirit of cooperation and coordination, has also taken into account the report of the Special Representative of the Commission on Human Rights, Mr. M. Copithorne, pursuant to Commission resolution 1995/68.
6. The communication submitted by the source, a summary of which was forwarded to the Government, concerned the following persons:
  - (a) Ali-Akbar Saidi-Sirjani, aged 63, a writer, was reportedly arrested on 14 March 1994 in Tehran by agents of the Anti-Vice Department of the Revolutionary Prosecutor's Office, and has since been held in the "special sector" of the Evin prison in Tehran. No charges have reportedly been filed against him, but the Director-General of National Security at the Iranian Ministry of Intelligence was reported to have said in an interview published in the Iranian press in April 1994 that Saidi-Sirjani had "confessed" to using drugs, making alcoholic drinks, homosexual acts, links with espionage networks and receiving money from "counter-revolutionary" circles based in the West. All these charges reportedly carry the death penalty in the Islamic Republic

of Iran. According to the source Mr. Saidi-Sirjani is well known for his public opposition to censorship, since 17 of his books were banned in 1989. Earlier on the day of his arrest, his home had been raided by police who produced a search warrant and proceeded to inspect his apartment. It was further reported that Mr. Said Niazi Karmani, a poet and publisher, was detained together with Mr. Saidi-Sirjani, and was held together with him in the "special section" of Evin. Government sources reported in June 1994 that both men would be tried in public court after completion of the charge sheets against them.

(b) Abbas Amir-Entezam, engineer, deputy-Prime Minister in the Cabinet of Dr. Mehdi Bazargan, was arrested on 19 September 1979, after he had been recalled from abroad by the Iranian Foreign Ministry. Allegedly, he was summarily tried inside the Evin prison in Tehran in December 1980. His trial allegedly lasted a few minutes and he had no access to a defence lawyer. He was charged with espionage for the United States and sentenced to life imprisonment. Although he appealed the verdict, no judicial appeal hearing took place. He was denied visits by his family for the first three and a half years of his prison term. He was kept in solitary confinement for 550 days, without access to fresh air.

7. It appears from the above allegations, which, it may be recalled, the Government of the Islamic Republic of Iran did not refute despite the opportunity given to it to do so, that the detention of Ali-Akbar Saidi-Sirjani and of Said Niazi Karmani is based solely on the grounds that, in the framework of their literary activity, they peacefully exercised their right to freedom of expression, guaranteed by article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights. As for Abbas Amir-Entezam, he is detained since 1979 and sentenced in 1980 to life imprisonment following a trial which lasted only a few minutes, and during which he was denied the right to defend himself, the right to legal assistance and the right to appeal. This constitutes a violation of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9.3, 9.4 and 14 of the International Covenant on Civil and Political Rights. The denial of these rights to the defence constitutes a violation of international standards of such gravity that it confers on the deprivation of liberty an arbitrary character.

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

(a) The detention of Ali-Akbar Saidi-Sirjani and of Said Niazi Karmani 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.

(b) The detention of Abbas Amir-Entezam is declared to be arbitrary being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9.3, 9.4 and 14 of the International Covenant on

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

9. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned 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 23 May 1996.