

OPINION No. 30/2001 (ISLAMIC REPUBLIC OF IRAN)

Communication addressed to the Government on 29 June 2001

Concerning: Ezzatollah Sahabi, Hassan Youssefi-Echkevari, Mohammad Maleki, former Director of the University of Tehran, Habibollah Peyman, a writer and academic researcher, Mohammad Bestehnegar, a writer and academic researcher, Masoud Pedram, a writer and academic researcher, Ali-Reza Rajai, a jurist and a journalist, Hoda Rezazadeh-Saber, a journalist, Mohammad-Hossein Rafiee, an academic researcher, Reza Raïs-Toussi, aged 65, a writer and academic researcher, Taghi Rahmani, a writer and academic researcher, Mahmoud Emrani, an academic researcher, Reza Alidjani, editor of the journal *Iran-e Farda*, Morteza Kazemian, a journalist, Mohammad Mohammadi-Ardehali, a trader, Saïd Madani, a psychotherapist and academic researcher, a total of 16 persons

The State is a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by Commission resolution 1997/50 and reconfirmed by resolution 2000/36. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group conveys its appreciation to the Government for having provided the requisite information in good time. The Government's reply was transmitted to the source.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - (i) When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable Amnesty act) (category I);
 - (ii) When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, in articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);
 - (iii) When the complete or partial non-observance of the international standards relating to a fair trial set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (category III).
4. In the light of the allegations formulated, the Working Group welcomes the cooperation of the Government.

5. According to the source of the communication, all cases relate to persons associated with the Milli Mazhabi Movement (Religious Nationalist Movement) or with the Iran Freedom Movement. They were arrested between December 2000 and April 2001 in different cities throughout Iran by members of the Islamic Revolutionary Guard on general charges of seeking to overthrow the Islamic Government. According to the source, these persons were arrested in the absence of any evidence or legal framework. They have been denied access to their lawyers, relatives and medical doctors. The source further reports that these persons are being held in incommunicado detention in unknown locations. Some of their relatives have been ordered to remain silent and not publicly protest against their detention.

6. Ezzatollah Sahabi, aged 70, managing editor of the banned journal *Iran-e Farda* (The Iran of Tomorrow). It was reported that this person was arrested on 16 December 2000 after speaking at a student rally. He was on bail at that time, having previously been detained from 26 June to 21 August 2000, in connection with his participation at a conference in Berlin on political and social reforms, organized by the Heinrich-Böll Institute. He has been denied access to his lawyer, medical doctor and relatives since his arrest in December 2000. According to the source, he is being held in an unmarked building in north Tehran. On 13 January 2001, the Islamic Revolutionary Court of Tehran sentenced him to four and a half years' imprisonment. He is also being prosecuted for subversive activities against the security of the State.

7. Mr. Hassan Youssefi-Echkevari, a writer and academic researcher. It was reported that he was arrested in August 2000 on charges of apostasy and subversive activities against the security of the State, in connection with his participation in the Berlin conference.

8. The 14 other intellectuals whose names are listed below are all said to have been arrested without reasons being given for their arrests and to have been pressured to confess. The confession statements are said to be the only evidence against the accused in court proceedings. Those persons are: Mohammad Maleki, Habibollah Peyman, Mohammad Bestehnegar, Masoud Pedram, Ali-Reza Rajai, Hoda Rezazadeh-Saber, Mohammad-Hossein Rafiee, Reza Raïs-Toussi, Taghi Rahmani, Mahmoud Emrani, Reza Alidjani, Morteza Kazemian, Mohammad Mohammadi-Ardehali, Saïd Madani.

9. In its reply, dated 27 November 2001, the Government of the Islamic Republic of Iran explained that eight of them had been released (Mohammad Bestehnegar, Morteza Kazemian, Mohammad Maleki, Mohammad Mohammadi-Ardehali, Masoud Pedram, Mohammad Hossein Rafiee, Mahmoud Emrani, Ali-Reza Rajai) and that other cases, including that of Ezzatollah Sahabi, are currently subject to review in the relevant court.

10. The source, to whom the Government's reply was transmitted, has indicated that the eight persons whom the Government says had been released were not discharged or acquitted, but were released upon payment of a very substantial sum in bail. They will shortly be tried before the Tehran Revolutionary Court. The source is very concerned about this, given that the recent trials of two persons (Mohammad Tavassoli and Hachem Sabagdian) were allegedly held in secret, and that their lawyers were denied access to the case-file and were eventually ejected from the courtroom.

11. In the light of the above, the Working Group renders the following opinion:

(a) The cases of the eight persons released on bail should be dealt with under paragraph 17 (a) of its methods of work;

(b) Concerning the other eight persons listed above (Ezzatollah Sahabi, Hassan Youssefi-Echkevari, Habibollah Peyman, Hoda Rezazadeh-Saber, Reza Raïs-Toussi, Taghi Rahmani, Reza Alidjani and Saïd Madani), the Working Group considers that they are being prosecuted and detained for having peacefully exercised their right to freedom of opinion and expression, as guaranteed under articles 18, 19 and 20 of the Universal Declaration of Human Rights and articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights, and that consequently their detention since August 2000 is arbitrary within the meaning of category II of the principles applicable in the consideration of cases submitted to the Working Group.

12. Having stated this opinion, the Working Group requests the Government:

(a) To take the necessary steps to remedy the situation, in accordance with the standards and principles set forth in the Universal Declaration of Human Rights;

(b) To consider the possibility of amending its legislation to bring it into line with the Universal Declaration of Human Rights and the other relevant international standards which it has accepted.

Adopted on 4 December 2001