

OPINION No. 8/2003 (ISLAMIC REPUBLIC OF IRAN)

Communication addressed to the Government on 14 February 2002.

Concerning: Syamak Pourzand.

The State has ratified the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 15/2000.)
2. The Working Group conveys its appreciation to the Government for having provided the requested information.
3. (Same text as paragraph 3 of opinion No.15/2002.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source, which made comments on it. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.
5. According to the information submitted by the source, Syamak Pourzand, aged 72, is a journalist and manager of the *Majmue-ye Farhangi-ye Honari-ye Tehran* (Tehran Cultural Centre) and is married to Mehranguiz Kar, a lawyer. Mr. Pourzand was arrested on 24 November 2001, at the residence of Mahin Pourzand (his sister), in Tehran, by four militiamen who presented no warrant or explanation. On 7 December 2001, Ms. Pourzand was allegedly requested to take him a change of clothes. Mr. Pourzand was at the time the communication was submitted and is at present detained on the orders of the Islamic Revolutionary Court of Tehran.
6. On 12 or 13 January 2002, Ms. Pourzand was permitted to meet with her brother at the *Edare-ye Amaken*, or Bureau of Premises, also known as the Committee for the Propagation of Virtue and Prohibition of Vice, for a meeting that lasted 10 minutes. Mr. Pourzand's wife, who is undergoing medical treatment in the United States, and his sister in Tehran have reportedly filed complaints with police and judicial authorities and have written to the Presidency of the Republic, to no avail.
7. The Government provided the Working Group with the following information. Mr. Pourzand was arrested following a complaint submitted by Ms. Venus Farimer, who claimed that she had been the victim of abuse and sexual harassment by him, and charged with several offences: infractions against morality and abuses according to articles 637 and 639 of the Penal Code; propaganda against the Islamic Republic of Iran (art. 500); spying against the State (arts. 501 and 505); and undermining State security (art. 512). The arrest was ordered on 22 November 2001 by the General Court of Tehran. On 24 November 2001, he was presented before the court. On the same date, the court ordered a preliminary investigation and returned the file to the police. Later, the court ordered the release of the accused on bail. Not having been able to pay bail, Mr. Pourzand was kept in detention and sent to a prison under the authority of the Organization of Prisons. On 27 May 2002, Mr. Pourzand was transferred to Evin prison in Tehran. Once the investigations were finished, Mr. Pourzand's trial started and

several hearings took place in the presence of the accused and his defence lawyer. The court determined the accusations to be true and on 13 April 2002, issued verdict No. 10, finding Mr. Pourzand guilty of the above-mentioned offences sentencing him to 11 years' imprisonment (the sentence to take into account the time already spent in prison); payment of a fine of 1 million rials and 80 lashes. Mr. Pourzand appealed, but on 21 May 2002, the Tehran Appeal Court confirmed the judgement.

8. The Working Group deplores the fact that the Government has failed to provide it with the text of the penal legislation applicable in the case against Mr. Pourzand, despite having been requested to do so by the Chairman-Rapporteur in his letter of 14 February 2002. Nor was the judgement of 13 April 2002 of the General Court of Teheran convicting Syamak Pourzand submitted. The Working Group notes that the text of the criminal law provisions - which was not produced, and only referred to by the Government in very general terms - was the basis for the conviction of Mr. Pourzand. The reference to "propaganda against the Islamic Republic of Iran" gives rise to serious doubts about the real nature of and the motivation for the charges brought against him. It should be borne in mind that, according to information available to the Working Group, Mr. Pourzand, a journalist and manager of the Teheran Cultural Centre, has the reputation of being critical of the Government.

9. Therefore, in the absence of any argument to the contrary submitted by the Government, the Working Group cannot but conclude that Mr. Pourzand was prosecuted, convicted and sentenced to a prison term because of his convictions and the expression of his opinions.

10. In the light of the foregoing, the Working Group expresses the following opinion:

The detention of Syamak Pourzand, being in contravention of article 19 of the Universal Declaration of Human Rights and of article 19 of the International Covenant on Civil and Political Rights, is arbitrary and falls within category II of the categories applicable to the consideration of cases submitted to the Working Group.

11. Consequent upon this opinion, the Working Group requests the Government of the Islamic Republic of Iran to take the necessary steps to remedy the situation of Syamak Pourzand in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party.

Adopted on 9 May 2003