CONCLUSIONS AND RECOMMENDATIONS

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Special courts, known as Islamic Revolutionary Tribunals, were established in Iran after the Revolution of February 1979. Information available to Amnesty International on 899 cases tried by these courts is presented in this report.

Amnesty International has repeatedly received reports that the legal procedures employed by the courts are such that accused persons have not received fair trials, that the charges upon which they have been arraigned are often extremely broad and that sentences of death have been frequently passed. In order that these matters could be investigated at first hand, Amnesty International sent a mission to Iran. It worked in Tehran from 12 April to 1 May 1979 during which time it held discussions with ministers of the Provisional Government, personnel of a local Tehran Komiteh, members of the former secular opposition to the Shah, and others. Amnesty International then conducted the study upon which this report is based. It covers the period until 14 September 1979.

On the basis of the mission findings and subsequent study Amnesty International respectfully submits its conclusions and recommendations:

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Amnesty International:

(1) Deplores the fact that many people have been sentenced to death and executed without a fair trial. We note that on 18 October 1979 Ayatollah Khomeini ordered restrictions upon executions and stated that courts must operate in accordance with Islamic practice. (see Chapter I note 9.)

(2) Opposes the imposition of the sentence of death in all circumstances. It notes that such sentences have been imposed when not required by Islamic law.

(3) Opposes the imposition of sentences of flogging in all circumstances. It notes that such sentences also have been imposed when not required by Islamic law.

(4) Emphasises the right of every human being to be free from arbitrary arrest or detention, torture or cruel, inhuman and degrading treatment or punishment. It regrets that procedures of arrest and detention have not secured protection against threats to or violations of the physical security and integrity of persons affected by such measures. Arrests have often been effected in a manner inconsistent with article 12 of the Universal Declaration of Human Rights which prohibits arbitrary interference with, inter alia, privacy and the home.

Thus:

The authorities in Iran should continue to seek to establish clear lines of authority and responsibility such as would effectively prohibit arrest and searches without official warrant or other authorisation on such grounds, and in accordance with, such procedures as may be established by law.

(5) Urges compliance with articles 3, 9, and 12 of the Universal Declaration of Human Rights and articles 9(1), 9(2), 9(3) and 9(4) of the International Covenant on Civil and Political Rights,

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Thus:

- No one should be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.

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- Anyone who is arrested should be informed, at the time of arrest, of the reasons for his or her arrest and should promptly be informed of any charges against him or her.

- Anyone arrested or detained should be brought promptly before a judge or other officer authorised by law to exercise judicial power and should be entitled to trial within a reasonable time or to release.

- Anyone who is deprived of his or her liberty by arrest or detention should be entitled to take proceedings before a court in order that that court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.

- A time limit should be fixed within which a detained person must be charged, tried or otherwise released.

- The authorities should immediately inform the family of an arrested person of the reasons for, and place of, detention and grant the family access to him or her.

- Detainees should be permitted access to a lawyer and/or other representative of his or her own choice. Free legal aid should be provided in all cases where a detainee is unable to afford and/or to choose his or her own legal representation.

- Detainees should be afforded medical treatment whenever necessary.

- Bail, when offered, should be of a reasonable, not excessive, sum.

- The authorities should continue to seek to establish clear lines of authority and responsibility for the treatment of suspects and detainees.

(6) Expresses its profound concern that the guarantees necessary for a fair trial are effectively lacking in the procedures of the Islamic Revolutionary Tribunal.

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(7) Urges compliance with articles 10 and 11 of the Universal Declaration of Human Rights and articles 6(1), 6(2), 6(4), 14(1), 14(2), 14(3)(a), 14(3)(b), 14(3)(c), 14(3)(d), 14(3)(e), 14(3)(f), 14(5) and 15 of the International Covenant on Civil and Political Rights. It also draws the attention of the Government of the Islamic Republic of Iran to United Nations General Assembly Resolutions 2393 (XXIII) of 26 November 1968 and 2857 (XVI) of 20 December 1971 concerning the death penalty.

Thus the following basic rights should be afforded all defendants:

- The right to know in detail and exactly the charges against one.
- The right to be presumed innocent until found guilty by a competent and impartial tribunal in accordance with law.
- The right to a fair and public trial.
- The right to present evidence and to call witnesses in one's own defence.
- The right to examine, or have examined, the witnesses against one and to obtain the attendance and examination of witnesses for the defence under the same conditions as witness for the prosecution.
- The right to communicate with counsel or a representative of one's own choosing and be represented in court by same.
- The right to adequate time and facilities for the preparation of the defence case.
- The right to a decision based on the true merits of the case as established by the evidence.
- The right to have the decision rendered in public.
- The right of appeal.

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(8) Emphasises that every accused person in Iran should only be tried for crimes, the clear and well-established meaning and content of which are determined in advance by law. The necessary degree of proof for conviction should be similarly established.

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(9) Urges compliance with article 11(2) of the Universal Declaration of Human Rights and article (15) of the International Covenant on Civil and Political Rights.

and Stresses

The application of the principle of legality whereby one may be tried only for an action which is laid down in advance to be illegal and may only be sentenced to a punishment no harsher than was applicable at the time the offence was committed.

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(10) Urges that convicted persons should be afforded the right to benefit from the spirit of Mercy and the goals of rehabilitation and re-socialization in consideration of the penalty to be imposed.

(11) Emphasises that defendants should always be permitted the opportunity to petition for clemency.

(12) Urges compliance with articles 18 and 19 of the Universal Declaration of Human Rights and articles 18 and 19 of the International Covenant on Civil and Political Rights which guarantee the freedoms of conscience and expression.

Thus:

Law, policy or practice should not proscribe the freedoms of conscience and expression

INTRODUCTION

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1. General

Special courts, known as Islamic Revolutionary Tribunals, were established in Iran after the Revolution of February 1979. This report describes their practice and procedure until 12 August. A short up-date, covering the period until 14 September 1979, appears as an Appendix.

The following characteristics of the legal process are among those of concern to Amnesty International:

(i) Procedure: Legal safeguards such as would serve to ensure that accused persons receive fair trials are absent.

(ii) Offences: A broad category of political conduct has been rendered criminal.

(iii) Sentencing: Harsh penalties have been imposed. Sentences of death and flogging have been frequent for various offences.

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This report covers, inter alia, the following matters:

(i) Arrest: Practice and Procedure: Relevant regulations are examined and the role of the Revolutionary Komitehs is discussed. These are the bodies which exercise a provisional law and order function and which have the duty of "familiarizing the population with their religious and ethical duties".

(ii) The Revolutionary Tribunals and their Background: A Survey of Practice and Procedure. The relevant regulations are examined.

(iii) Offences and Penalties: This part of the report illustrates the breadth of jurisdiction of the Islamic Revolutionary Tribunal. Two extensive lists are presented. The first is of those offences that have resulted in the death penalty; the second is of those offences that have resulted in other punishments. Relevant tenets of Islamic law are included in this discussion.

(iv) In Chapter V entitled "An Examination of Laws, Adopted and Proposed, Creating Further New Offences, Courts and Procedures" Amnesty International examines the proposed "extraordinary counter-revolution courts" which await a decree by Ayatollah Khomeini before assuming their jurisdiction.

Chapter V also discusses certain new offences which, upon conviction, could result in the defendants being recognized by Amnesty International as prisoners of conscience.

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Islamic Revolutionary Tribunals possess jurisdiction over, inter alia, "anti-revolutionary" and "counter-revolutionary" offences. Broadly speaking the former category may be understood to encompass activities directly or indirectly in support of the Shah; the latter refers somewhat more specifically to activities directed or perceived to be directed against the Islamic Republic. In the case of "anti-revolutionary offences" criminal liability may be based only on participation in the "illegal" governments of the Shah.

To have occupied a position of responsibility within the Imperial army has been held to amount to maintaining the Shah's "idolatrous rule over a defenceless People." "Participation in strengthening the colonialist hold","collecting funds for Israel,""forming cabinets hand-picked by the USA and Britain", or being an air force General who played "a major role in linking the Iranian Air Force with Imperialist forces" have been among the charges which have resulted in execution. All those who were charged and convicted of the above offences were declared to be "Corrupt on Earth" (Mofsed-e-Fel'Arz). Executions have also taken place for counter-revolutionary offences and a broad category of both violent and sexual crimes. (1)

With executions a common occurrence arrested persons have suffered great anguish waiting to know their fate. They have been held without being told the reason and have not been allowed to see a legal representative. There have been no adequate facilities for the preparation of the defence case and executions have been carried out without the possibility of appeal or petition for a review.

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2. Research background to this Report

An Amnesty International mission visited Tehran between 12 April and 1 May 1979. Whilst in Iran the delegates conducted research into the jurisdiction and function of the Revolutionary Tribunal but were unable to observe it in operation despite permission to do so from a member of the Provisional Government. On each occasion the delegates attended at Qasr Prison in Tehran they were informed that trials had just finished or were not scheduled to take place. The delegates were given further appointments but attendance at these met with the same response.

Although it has been difficult to document accurately the post-revolutionary situation, an examination of official statements about such phenomena as unauthorized arrests, "on the spot" whippings and execution and court practice is revealing. Amnesty International has conducted such an

examination by referring to statements attributed to government or religious spokesmen in the local press, official PARS News Agency reports, foreign press and on Iran Radio. Amongst other sources, articles printed in the newspaper Ayendegan, which has since been closed down by the authorities due to its being characterized as "un-Islamic", have been referred to. Amnesty International wishes to emphasize that articles in the local press (translated into English) have only been used for the purpose of researching factual information on trials, executions and statements of policy. Opinion and comment appearing in their columns are not reflected in this report.

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On 9 July Ayendegan carried a report quoting Tehran prosecutor Abolfazl Shahshahani as saying that the revolutionary courts had processed approximately 10,000 cases since the revolution. If this figure is accurate, it means that Amnesty International's report, based on approximately 900 cases, covers only a small percentage of the Tribunal's case load.

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3. Islamic Law

Although Amnesty International makes reference, where appropriate, to the rules of the legal system of the Shia Imamiya, the principal sect of Islam in Iran, Amnesty International itself makes no interpretations in this report of that body of law. It notes, however, that on 31 May 1979 the First International Conference on the Protection of Human Rights in the Islamic Criminal Justice System, held in Siracusa, Italy, provided in its final resolution that:

> "The basic human rights reflected in the spirit and principles of Islamic law include the following rights of the criminally accused:
>
> (1) The rights of freedom from arbitrary arrest, detention, torture, or physical annihilation;
>
> (2) The right to be presumed innocent until proven guilty by a competent and impartial tribunal in accordance with the Rule of Law;
>
> (3) The application of the Principle of Legality; the right of the accused to be tried only for crimes specified in the Qur'an or other crimes whose clear and well-established meaning and content are determined by Shariah Law (Islamic Law) or by a criminal code in conformity therewith;
>
> (4) The right to appear before an appropriate tribunal previously established by law;

(6) The right not to be compelled to testify against one's self;

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(7) The right to present evidence and to call witnesses in one's defence;

(8) The right to counsel of one's own choosing;

(9) The right to a decision on the merits based upon legally admissible evidence;

(10) The right to have the decision in the case rendered in public;

(11) The right to benefit from the spirit of Mercy and the goals of rehabilitation and resocialization in the consideration of the penalty to be imposed; and

(12) The right of appeal.

The Conference was convened under the auspices of the International Association of Penal Law, the International Institute of Higher Studies in the Criminal Sciences and the Arab Organisation for Social Defence.

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4. International Human Rights Law

Amnesty International makes its conclusions and recommendations on the basis of internationally recognized human rights standards. The standards contained in the following international instruments are applicable to the Islamic Republic of Iran.

(a) The Universal Declaration of Human Rights

(b) The International Covenant on Civil and Political Rights

(c) United Nations General Assembly Resolutions on the Death Penalty:

(i) Resolution 2393 (XXIII) of 26 November 1968
(ii) Resolution 2858 (XXVI) of 20 December 1971

(d) The Declaration on the Protection of all Persons from being subjected to Torture and other Cruel, Inhuman and Degrading Treatment or Punishment

(United Nations General Assembly Resolution 3452 (XXX) of 9 December 1975)

The fact that these standards are applicable to post-revolutionary governments is not controversial. On 26 April 1979, during a session of the

United Nations Human Rights Committee, (2) the Iranian delegate, Mr Shemirami, said that Iran, "as a state party to the International Covenant on Civil and Political Rights, would in due course submit a report to the Human Rights Committee in conformity with Article 40 of the Covenant". (3) Such a report would cover the measures a state has adopted to give effect to the provisions of the Covenant and the "progress made in the enjoyment of those rights". (4)

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The Government headed by Mr Mehdi Bazargan assumed office as a "Provisional Revolutionary Government". It resigned on 6 November 1979 and the Islamic Revolutionary Council then assumed full responsibility for the affairs of state. Conclusions and recommendations by Amnesty International appearing at the beginning of this report relate in the main to events which transpired during the time which the Provisional Government was in office, but, as is explained in Chapter II of this report, it exercised no power of control over the Islamic Revolutionary Tribunals; they were completely independent bodies. (5) Amnesty International affirms that whichever government is in power should redesign the legal structure so that it will:

(i) Eliminate the arbitrariness with which defendants and detainees have been treated since the Revolution; and

(ii) Conform to those international instruments which are applicable to the legal process.

The international instruments in question include: (6)

(a) <u>The Universal Declaration of Human Rights:</u>

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Article 3: Affirming the right to life, liberty and security of person.

Article 5: Prohibiting cruel, inhuman and degrading treatment or punishment.

Article 8: Requiring effective remedy for the violation of fundamental rights.

Article 9: Prohibiting arbitrary arrest or detention.

Article 10: Requiring fair and public hearings by independent and impartial tribunals.

Article 11: Requiring that persons charged with offences be presumed innocent until proved guilty according to law in a public trial in which all the guarantees necessary for defence are available; and

Prohibiting retroactive law.

The International Covenant on Civil and Political Rights:

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Article 6(1): Affirming the right to life and prohibiting arbitrary deprivation of human life.

Article 6(2): Requiring that the death penalty only be imposed for "the most serious crimes ... in accordance with the law in force at the time of the commission of the crime ..."

Article 6(4): Requiring that any person sentenced to death shall have the right to seek pardon or commutation of sentence.

Article 7: Prohibiting torture and cruel, inhuman or degrading treatment or punishment.

Article 9(1): Affirming the right to liberty and security of person and prohibiting arbitrary arrest or detention; and

Requiring that persons may only be deprived of their liberty in accordance with procedures established in law.

Article 9(2): Requiring that arrested persons shall be informed at the time of arrest of the reasons for arrest and that they shall be promptly informed of any charges.

Article 9(3): Requiring that arrested or detained persons be brought promptly before a judge or other officer authorised by law to exercise judicial power and that they be entitled to trial within a reasonable time or to release.

Article 9(4): Requiring that anyone deprived of his or her liberty by arrest or detention shall be entitled to go before a court for a decision on the lawfulness of the detention and for an order for release if the detention is not lawful.

Article 14(1): Requiring a fair and public hearing by a competent, independent and impartial tribunal established by law.

Article 14(2): Requiring that anyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

Article 14(3): Requiring:

(a) that the detainee be promptly informed of the charges against him or her;

(b) adequate time and facilities to prepare a defence and communicate with counsel of the detainee's choice;

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(d) the right to counsel and legal aid;

(e) the right to call witnesses under the same conditions as witnesses for the prosecution and the right to examine, or have examined, the witnesses against one;

(f) the right not to be compelled to testify against oneself or to confess guilt;

Article 14(5): The right to have conviction and sentence reviewed by a higher tribunal according to law.

Article 15: Prohibiting retroactive law: No one shall be held guilty of any criminal offence if it was not criminal at the time when it was committed; nor shall a heavier penalty be imposed than one applicable at the time that the criminal offence was committed.

Article 18: Guaranteeing freedom of conscience.

Article 19: Guaranteeing freedom of expression.

Amnesty International notes that by virtue of the provisions of Article 4 of the Covenant a State is not permitted to derogate from, inter alia, arts 6, 7 and 15 even in event of a "public emergency".

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(c) The manner in which Islamic Revolutionary Tribunals have passed sentences of death is not consistent with standards enunciated in the following United Nations General Assembly Resolutions:

(i) Resolution 2393 (XXIII) of 26 November 1968 invited governments of member states :

"To ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtains, inter alia, by providing that:

(i) a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority, or, as the case may be, to petition for pardon or reprieve;

(ii) a death sentence shall not be carried out until the procedures of appeal, or, as the case may be, of petition for pardon or reprieve have been terminated;

(iii) special attention be given in the case of indigent persons by the provision of adequate legal assistance at all stages of the proceedings;

(ii) Resolution 2857 (XXVI) of 20 December 1971 (4) read, in part:

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"Affirming that, in order fully to guarantee the right to life, provided for in Article 3 of the Universal Declaration of Human Rights, the main objective to be pursued is that of progressively restricting the number of offences for which eapital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries."

This principle was reaffirmed by the General Assembly in Resolution 32/61 of 8 December 1977.(7)

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(d) The attention of the government of the Islamic Republic of Iran is drawn to the provisions of The Declaration on the Protection of all Persons from being subjected to Torture and other Cruel, Inhuman and Degrading Treatment or Punishment: (United Nations General Assembly Resolution 3452 (XXX) of 9 December 1975).

The full text of this document is reproduced in Appendix D. Allegations of mock executions being conducted in Iran have been common(8) Amnesty International considers such practices as psychological torture.

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5. The Human Rights Situation in the Future

The Islamic Revolutionary Tribunal is unlikely to be a permanent feature of Iran's judicial system, but the concerns expressed in this report are based not only upon its methods and patterns of sentencing, but also upon the possibility that a successor tribunal will continue such practices. Proposals were made at one point to replace the Revolutionary Tribunals with "Extraordinary Counter-Revolution Courts". Amnesty International has concluded in Chapter V that these proposals differed little from the methods of the existing tribunals in the potential which they offered for the abuse of basic human rights.

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NOTES TO CHAPTER I

The notion of the "counter-revolutionary" offence has a wide connotation. It encompasses activities which are designed to be directed against the Islamic Republic and those which are perceived by the authorities as such.

Mr Sadeq Ghotbzadeh, the Director of National Iranian Radio and Television, defined the concept in an interview with the Tehran newspaper Bamdad on 19 May 1979. He said:

> "The merchant who charges a high price is a counter-revolutionary. Similarly, those who stole money from the people on the day the arms were seized, those who smuggle heroin and other narcotic drugs and those who indulge in sabotage and espionage are counter-revolutionaries and they must not be given a chance."

Human Rights Committee. Sixth session 149th meeting, New York, Thursday 26 April 1979. Summary Record reported in Document no. CCPR/C/SR 149 - 7 May 1979.

ibid at page 6 paragraph 28.

International Covenant on Civil and Political Rights, Article 40(1)

A strong indication of this is contained in an answer given by the Prime Minister of the Provisional Government, Mr Mehdi Bazargan in an interview published in the International Herald Tribune (Paris), on 31 October 1979:

> "I have already explained to you that the revolutionary tribunals are not subject to the government, they do not act in accordance with the government, they are completely outside my control. In a message to the nation, I denounced their abuses, their lack of witnesses and of proper inquiry. I have quite expressed my rejection of them and my disdain. What else do you want me to add?
>
> "The trouble is that something unforeseen and unforeseeable happened after the revolution. What happened was that the clergy supplanted us and succeeded in taking over the country."

The full text of the relevant articles of the Universal Declaration of of Human Rights and the International Covenant on Civil and Political Rights are set out in Appendix D.

In essentially similar language.

Many such reports have reached Amnesty International.

(From page 1) The full text of the report on which this is based is as follows:

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CHAPTER II

ARREST: PRACTICE AND PROCEDURE

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"Tehran, Oct 18. Reuter - Ayatollah Ruhollah Khomeini has called a halt to executions by Iran's Islamic courts which have sent more than 600 people to the firing squad since the February revolution.

The office of Revolutionary Prosecutor Ayatollah Ali Qoddusi said today executions in the Teheran Area had been halted until further notice and a similar ban would be imposed in the rest of the country.

The Prosecutor's office said any execution order must be counter-signed by the Chief Prosecutor and Ayatollah Khomeini had instructed that no executions be allowed until further notice.

The revolutionary leader's ban came after he warned revolutionary prosecutors and judges they must operate according to strict Islamic principles.

Most of the 600 people executed since the revolution were supporters of the Shah's regime found guilty of torture or taking part in killings, but in recent months the courts have to those guilty of moral offences, such as adultery and prostitution.

Ayatollah Khomeini reminded judges last week that under Islam a conviction for adultery requires four witnesses and added: 'God did not want these affairs to be discovered too quickly'.

The suspension of executions followed widespread criticism that officials operating in the name of Islam and Ayatollah Khomeini have been abusing their powers."

Prime Minister Bazargan has said:

"They are very crude tribunals. They ought to judge in accordance with Islamic law and they don't always do so. In fact, the Koran does not order the execution of adulteresses, homosexuals and prostitutes. In the case of adulteresses, it doesn't even order them to be tried unless there exists irrefutable proof, which is impossible to obtain ... And so I don't see how those tribunals can justify their actions. What makes them so sure that the sexual act was actually committed? Who gives them the authority to judge such things? And besides, Mohammad says it is better that 10 guilty persons go free than that one innocent be condemned."

<u>The New York Times Magazine</u> 28 October 1979
Interview with Orianna Fallaci.

The Provisional Government Statement on the exeuctions (issued on 20 March 1979) (BBC SWB ME/6073/A/11, 22 March 1979 - monitored from Tehran Radio Home Service 20.30 GMT 20 March) referred, <u>inter alia</u>, to Amnesty International's concern and said in part:

"We wish to announce in explanation that in view, on the one hand, of the atrocious acts and barbarous and horrible slayings perpetrated by most of those who have executed against the freedom seeking and honourable people of Iran, and on the other hand, at the level of killings, bloodshed and destruction that have taken place in other political and social revolutions in the world, what is taking place in Iran now is negligible and extremely insignificant."

This chapter, which discusses arrests and, where relevant, unofficial punishment and execution, is in four parts:

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Part 1 - covers the period from the Revolution until the end of March 1979 and includes the promulgation of regulations governing the activities of Komitehs.

Part 2 - covers the period from April until June 1979, when it was reported that the backlog of detainees' cases in Qasr prison, Tehran, had grown to such proportions that extra investigators would be appointed and special courts set up which would work "without any days off".

Part 3 - covers the period June to 12 August 1979, the cut-off date for this report. This period includes the announcement by Ayatollah Khomeini of a general amnesty. (For update see Appendix C)

Part 4 - contains Amnesty International's conclusions and recommendations.

* * *

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Three matters need to be emphasized:

1. This chapter makes lengthy reference to statements by the official Revolutionary authorities. Amnesty International has done this to show the way in which they have sought to assert control over a situation where other bodies have exercised a de facto power over persons in custody.

2. Lengthy citations from regulations and statements often refer to "criminals". Although this may mean ordinary criminals it is important to note that it may also cover persons suspected of being pro-Shah, and who have been identified as such after the Revolution, or persons suspected of being counter-revolutionaries.

3. The conclusions and recommendations suggested by Amnesty International in part 4 are based on the facts related in parts 1-3.

Part One: The six week period immediately following 11 February 1979.

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Arrests of members of the Imperial government had started whilst the Shah was still in Iran. Dr Jafar Sharif Emami, who had succeeded Jamshid Amouzegar as Prime Minister in September 1978, was the first to order such arrests. His administration was followed by the Military Government of General Gholam Reza Azhari. The premiership of Shapour Bakhtiar followed. By 10 February 1979 Mr Mehdi Bazargan, later to become the first Prime Minister of the Provisional Government, is quoted as making reference to the "several hundreds" of civil servants and senior officials of past governments then under arrest or banned from leaving the country. (1)

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It is difficult to trace accurately the events which took place in Iran during the confusion which immediately followed the revolution. Both secular and religious leaders were engaged in an effort to restore order and public appeals for calm were repeatedly being made on "Voice of the Revolution" radio. By 26 February, Tehran's Qasr prison was reported by local correspondents to be full of persons arrested by the revolutionary militia including "SAVAK agents and counter-revolutionaries".

Many people who had been arrested by revolutionary forces were handed over to bodies known as "Komitehs", whose function was to restore order to their locality and "promote the objectives of the Islamic revolution" (see below). Not all those arrested however were handed over. On 14 February the official PARS News Agency reported that Ayatollah Sayed Mohammad Kazem Shariat-Madari had said that officials of the former regime should be turned over for trial to the appropriate authorities and not tried unofficially. Such announcements were an attempt to assert authority and also a direct response to the fact that a number of people captured by revolutionary forces had been summarily executed. Amnesty International is not able to state numbers.

Arrests carried out by Komiteh personnel without proper authorization or by persons unconnected with the Komitehs were commonplace. One of the earliest indications of this phenomenon was a report by local correspondents on 18 February that Ayatollah Khomeini had issued a statement telling the public not to make arrests or enter private homes without authorization:

> "You must identify the criminals to the provisional Islamic government so that steps can be taken for their arrest and trial. This is an Islamic order and acting contrary to it is not permissible". (2)

The local revolutionary Komitehs took on certain responsibilities at the time of the revolution's success. Groups of people assumed a de facto jurisdiction over a local area and exercised a security function by, for example, patrolling the streets during the hours of darkness. The Komitehs acted independently of government and were often made up of people with no previous experience of law enforcement. The absence of any unified revolutionary structure meant that their spontaneous authority was often exercised without restraint or discipline. Hence the unlawful arrests.

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The situation was common to both Tehran and the provinces. On 24 February, for example, the Tabriz Komiteh reportedly issued an order saying that the local population should inform them of the names of "counter-revolutionary suspects and leave the arrest to revolutionary militia". (3)

Theofficial PARS News Agency reported on 24 February that Ayatollah Shariat-Madari had issued a communiqué in which he said, inter-alia, the following:

> "It is repeatedly heard that armed... individuals forcefully enter houses to arrest what they call the criminals of the former regime thus causing fright and inconvenience among the families. Such individuals are warned once again that the majority of the former government's employees are decent citizens and that the punishment of those responsible for the past crimes, torture and plundering of public funds falls exclusively under the jurisdiction of the provisional Islamic government and the permission of the religious authorities. Such actions otherwise would be illegal and would be regarded as an anti-revolutionary act." (4)

The seriousness of the situation was compounded by persons carrying false Komiteh documentation. On 4 March the chief spokesman of the Provisional Government, Vice Premier Abbas Amir-Entezam, said in a press briefing that, "the law and order situation in the country is still very poor"; (5) on 6 March he is reported as saying that "until the government could strengthen its hold [on the Komitehs] it could do very little to improve the situation". (6) A day later, Deputy Prime Minister Ibrahim Yazdi spoke of a lack of communication between the Komitehs so that, "they [could not] accomplish anything". (7) Indeed, it is clear that even though some of the arresting forces handed over their prisoners to official prisons it was often impossible to determine on whose orders an arrest was carried out or for what reason.

As well as illegal arrests the imposition of "on the spot punishment", including death and whipping, occurred. On 17 February the PARS News Agency reported that Ayatollah Sharabyani had stated that "six SAVAK agents [had] been hanged by the people during recent events in Tabriz". (8) Ayatollah Shirazi is reported in Ettela'at on 6 March as condemning the execution of a youth in Shahrud because it had been carried out without authority. Two days after this, on 8 March, Mr Amir-Entezam reportedly said that "only the courts have the right to mete out punishment. Unfortunately some militiamen are ... punishing people without bringing them to courts. This is wrong and we are trying to stop [it] ..." (9)

In an attempt to regularize a potentially very dangerous situation Ayatollah Mohammad Reza Mahdavi-Kani, Chief of the Central Provisional Komiteh for the Islamic Revolution, issued a set of regulations on 8 March governing the functions and activities of all Komitehs. Its main points were as follows: (10)

Functions of the Central Komiteh

1. To ensure compliance with any orders issued by Ayatollah Khomeini.

3. The appointment and dismissal of persons in charge of Komitehs.

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4. To develop co-ordination between Tehran and the regions.

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5. To investigate complaints received from outside Tehran and refer them to competent authorities.

6. To issue warrants for the arrest of criminals and anti-revolutionaries

7. To form councils and make announcements familiarizing people with their religious and legal duties.

8. To establish liasion within and between, in particular, judicial, police and government officials.

9. To work towards the establishment of full control by the Provisional government and the eventual dissolution of Komitehs.

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Functions of Tehran District Komitehs and other local Komitehs

1. To ensure compliance with Ayatollah Khomeini's orders.

2. To control and develop co-ordination within local komitehs.

3. To set up classes for persons in authority to familiarize them with their religious and ethical duties. Particular attention was to be paid to the fact that "all men in Islamic government should be infallible and upright and should be a perfect example of human and Islamic behaviour in their contacts."

4. "All Komitehs are principally responsible to appoint faithful, qualified and loyal men, and to renounce disloyal, corrupt and anti-revolutionary people. Therefore full care and study is required when selecting men".

5. To assist and co-operate with government agencies in operational activities until the official government forces are fully established and in control.

6. To maintain security and order.

7. To fight against anti-revolutionary activities "by any group under any name" and to neutralize"destructive plots".

8. To have full control over regional offices and to report on their operations to the central Komiteh.

9. To hold public gatherings for the purpose of delivering talks to inform the people about the Islamic revolution and"to familiarize them with their religious duties at this delicate time".

10. To protect confiscated or unguarded properties until a final decision is made on them by competent authorities.

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11. To capture political offenders or criminals of the old regime upon written warrant of the revolutionary prosecutor unless otherwise necessary. (Emphasis added).

12. To capture criminal defendants including murderers, thieves, rapists and the like and deliver such people to judicial authorities.

13. To handle legal claims, differences and disputes between people in peaceful mediation and to refer cases to competent courts.

14. To avoid interference in the appointment and dismissal of public and private sector officials.

15. To stop detention and confiscation of people's property and to abstain from entering homes without written warrants from the central Komitehs or judicial authorities.

16. To notify sellers of goods and food of Imam Khomeini's message not to sell at a high price. To send violators and "high sellers" to the central Komiteh together with witnesses and evidence of violations so that "necessary decisions" can be taken. (10A)

17. To co-operate with the police when the district police stations are set up. To ensure that police duties are discharged jointly by one police officer and one Komiteh man "avoiding any disputes".

18. District Komiteh members are obliged to co-operate with municipal officials and to seek to maintain the health and cleanliness of their city.

19. To take "necessary action" if anti-revolutionary propaganda is discovered in the form of publications, tapes, etc. in full consultation with district clergymen.

20. To report immediately the names of persons violating the above procedures to the central Komiteh.

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The situation did not improve and unlawful arrests continued. In those cases where it is possible to identify the reason for arrest the facts are often disturbing. Ettela'at reported on 13 March that the Socialist Workers' Party had announced that by that date ten people who had been selling the party paper had been arrested in Tehran by officials of a local Komiteh and taken for interrogation. It also reported that in an incident on 11 March a person found to have on him a statement published by the Committee for Women's Rights was told by members of the Komiteh that it was "dangerous". Other publications were reportedly confiscated as evidence of a "counter-revolutionary plot".

Amnesty International is not able to estimate the numbers of detainees at this time. Indeed, the government itself did not know. Mr Amir-Entezam reportedly said on 15 March that "I do not know and the Prime Minister does not really know exactly how many prisoners there are in Qasr Prison. We do not know what the conditions are like because we have not found a way to get in ...". (11)

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As part of its drive to round up all anti-revolutionary elements the command staff of the Corps of Islamic Revolutionary Guards (Setad Farmandahiyek Sepah-e Pasdaran-e Engelab-e Eslami) issued a statement on 21 March saying that it

> " ... expects all our dear compatriots to continue, as before, to co-operate with the responsible authorities and with the Komitehs of the Islamic Revolutionary Guards in furthering the aims of the revolution by informing on counter-revolutionary elements and by uncovering and neutralizing their plots and treacherous anti-popular actions ... " (12)

Approximately one week later (on 29 March) a numerically significant release of prisoners after interrogation took place: Ettela'at put the figure at 304. (13)

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Part Two: April and May 1979.

On 5 April Mr Amir-Entezam was quoted by local correspondents as saying that "on-the-spot punishments" were continuing and were "absolutely wrong". (14) "The Imam and the government have repeatedly said that people making arrests, for whatever reason, have no right to whip people in the middle of the street". Mr Entezam said that the reason this was happening was that the country was still in a "state of revolution" and life had not yet settled down to normal. He said that the revolutionary prosecutor and the courts would search out and punish persons responsible for such activities but that such matters were small by comparison to the other problems facing the Provisional Government.

Unauthorised arrests continued. On 8 April, Mr Amir-Entezam again said that the government was aware of the problem and that in "two or three cases arrests have been made, and these people will be put on trial". He said that one should not "blame everyone for what a few of them had done". (15) On 10 April he said that he could put "no figure" on how many prisoners were being held by revolutionary guards and stressed that there was complete independence between the provisional government and revolutionary judiciary.(16)

It is likely, however, that matters were far worse than this as on 14 April the Revolutionary Prosecutor-General issued a statement which cancelled all authority to arrest which the Revolutionary Komitehs and others had hitherto exercised. The statement was couched in strong terms:

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"All the revolution prosecution departments, the revolution Komitehs and the revolution guards throughout the country are hereby informed that all warrants issued for the detention of persons or property, or for the search of houses up to the present date by the Revolution Public Prosecutor and addressed to the Public Prosecution branches, public prosecutors, or the revolution interrogators or any other authority that currently act in the name of the revolution, are repealed and invalid. Until the issue of a new warrant by public prosecutors, none of the said authorities have any right whatsoever to detain persons or properties or to search houses. Violators of any rank or office related to any political or military organization shall be prosecuted by the Revolution Public Prosecution; they shall be dismissed from revolutionary organizations and severely punished." (17)

On 20 April Tehran Prosecutor Abolfazl Shahshahani addressed a circular to the Central Komiteh saying that the Tehran police were ready to exercise a law and order function and that prosecutors in Tehran and its suburbs would only "accept files with reports from police stations or security officers":

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"According to an announcement by the central police department of the country, the Tehran police and the subsidiary police units and personnel with full equipment, are ready to preserve security and public order. Therefore, please inform all the Komitehs of Tehran that they should co-operate with the police offices in the maintenance of general security and bear the following points carefully in mind:

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"1. As the discovery and the prosecution of the guilty is the special duty of the personnel of the Ministry of Justice, therefore whenever the Komitehs are informed about an offence taking place or if people are suspected of committing an offence, without reference to the accused they should immediately report the incident to their nearest police office or gendarme post or a branch of the prosecutor's office of the region. If a person is seen or arrested while in the process of committing an offence, they should hand over the accused with a report of the incident to the police office in their locality.

"2. The Prosecutors of Tehran and in the suburbs will only accept files with reports from the police stations or security officers. As the investigation and the reports of the agents of the prosecutor's office can be used in the courts and by Justice (Ministry) officials, therefore the Komitehs should abstain from investigations of offences and the preparation of reports independently and only help the police offices and the security officials and the court officials.

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"3. Every judgement which is necessary about the committing of an offence and concerning the guilt of individuals will be done under the direct supervision of the head of the local police office or the chief officer of the gendarme office of the locality.

"4. Bearing in mind that the investigation of civil offences is within the jurisdiction of the legal officials of the Ministry of Justice, therefore the Komitehs can pass judgement about an issue when the two sides in a conflict have asked them in writing to do so in a civil issue, but they may not enforce their verdict. (17A)

"5. Also, the Tehran police and the subsidiary police offices are duty bound to perform their duties as the legal agents of the Prosecutor General's office within the present regulations and the rules of the Penal Code, and follow up any action which they come across while performing their legal duties and immediately report the matter.

"6. It stands to reason that the weapons which are at the disposal of the police have the protection of the law and their (?use) depends upon the nature of the case and is subject to the approval of the Ministry of the Interior, superior officers or the local prosecutor". (18)

The terms of this circular were not complied with. See below.

In the provinces the situation was also confused. In Khuzestan, a province much troubled with armed conflict between Arab and Persian, the Ayatollah Shaikh Mohammad Taher al Shabbir Khaqani, the spiritual leader of the local Arabic speaking Shi'ite population, said that the law and order situation in that province had deteriorated because of infiltration into Komitehs. He is quoted by local correspondents on Monday 23 April as having said that "irresponsible people enter the homes of people and create havoc among them" without proper warrant or authority. (19)

On 28 April the Revolutionary Prosecutor-General issued two further statements for the whole of Iran. In the first he announced that not only were arrests without proper warrant prohibited but that prison officials should not receive anyone into their facilities without proper documentation being produced. At the same time he ordered prison officials to notify his office of every arrest. In a second statement he said that the public should immediately contact his office if they knew of an arrest being made without warrant. (20)

Amnesty International was informed by the Revolutionary Prosecutor-General that the prison population of Qasr prison in Tehran was 1,360 on Tuesday 17 April. On 9 May local correspondents (21) reported that the Council of Ministers had approved a measure for the release of petty criminals and persons detained without cause. The newspaper Bamdad reported on that day

that releases would only take place if no charges had been brought or, in cases where charges had been preferred, the complainant withdrew the allegations.

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Amnesty International does not have full information on the terms of the measure but it seems that in any event it did not apply to persons who:

(i) fell within the jurisdiction of revolutionary courts;

and/or

(ii) were being investigated for any of the following crimes:

(a) illegal occupation of land;
(b) forgery involving more than 50,000 Rials;
(c) bribery involving more than 500,000 Rials;
(d) murder;
(e) acts against public decency;
(f) armed robbery;
(g) the importation and production of drugs;
(h) kidnapping;
(i) certain traffic offences.

Local correspondents drew the conclusion from this limited measure that the prisons might be so full of anti-revolutionary detainees that there was no longer any room for petty offenders. (21A)

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There were further attempts to cure the problems of unauthorised arrests, lack of investigation of detained persons and the continued detention of persons guilty of no crime even under applicable standards.

The army of the Islamic Revolutionary Guards made a public statement on 7 May and warned against "opportunists" who,posing as Revolutionary Guardsmen, entered private homes for the purposes of theft.(21B) The statement authorised arrests only if certain strict conditions were complied with. It provided that no revolutionary guard was permitted to enter private homes without a warrant from the Public Prosecutor and additionally an identification card and "positive order" from the Army of the Guards and the Komiteh.

Although collaboration between law enforcement bodies is evidenced by a section in the statement of 7 May which says that the public should assist the Islamic Revolutionary Guards in arresting "opportunists" and hand them over to the nearest police station or Komiteh, there was also evidence of a fundamental dispute at this period between members of the Komitehs and those people who were seconded from the Ministry of Justice to work as investigators in Qasr prison. The dispute,which concerned the release of detainees, effectively precluded the type of co-operation presaged by the statement of the Tehran prosecutor on 20 April.

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Amnesty International has heard reports that it had become common in Iran for sums of money to be demanded as bail for the release of detainees. It seems that the controversy between the two factions stemmed from the fact that when documentary proof of innocence was presented by Ministry officials it was not always accepted by the clergy. As is explained in Chapter III it is entirely within the discretion of the religious judge to order a (21C) release and he may impose any conditions. Reports circulating locally suggested that there was evidence that the religious judges were being extremely cautious about ordering releases and on occasions imposing stringent financial conditions for bail which the secular lawyers felt were unnecessary or excessive.

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On 23 May, however, the newspaper Bamdad reported that Ayatollah Azari Qomi had announced that 700 people in Qasr had been released after their cases had been investigated. He announced that relatives of persons still detained without trial could bring documentation to the prison to show evidence of innocence and that there were still 2000 prisoners in the prison, 30 of whom were women.

Ayatollah Qomi was also quoted as saying that there had been several sessions of the Revolutionary Council discussing the strengthening of the judicial staff in the Public Prosecutor's office. (This refers to those professional lawyers seconded from the Ministry of Justice.) He said that "we are always trying to bring in more people from the Judiciary". (22)

Illegal arrests continued. On 23 May the Revolutionary Prosecutor-General raised a further matter by issuing a statement saying that Komitehs and revolutionary Guardsmen were prohibited from arresting military personnel. It was stated that military personnel should be able to carry out their duties with "absolute security". The terms of the directive were as follows. (23) :

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(i) No warrant or summons may be issued without valid documents.

(ii) Arrests should be made by the staff of the army prosecutors' office or its commanding officer.

(iii) An arrest document should be signed by the Public Prosecutor of the Revolutionary Court or the vice-president of its judicial staff.

(iv) Arrests in Tehran should be carried out by producing a document from the court.

(v) In the case of there being no commanding officer available (armed forces or gendarmerie), the Revolutionary Prosecutor's office should be notified.

The purpose of the circular was to emphasize that in no case did the guards or Komitehs have any right to effect arrests of military personnel. However, the circular seems to have contradicted one put out by the army

prosecutor's office on the same day. This reads, according to a translation in Amnesty International's possession: (24)

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"1. Arrests of any military official shall be carried out by the army officer in charge or if necessary by the guards or the Komitehs and handed over to the Revolutionary Prosecutor's office.

"2. There should be complete co-operation between the guards and the Komiteh on the one side and army officers and personnel in general

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"3. Army prosecutors' offices in towns are directly responsible for the execution of the articles of this circular."

Despite the above efforts the situation in the capital was seemingly unaffected. On 30 May the Tehran prosecutor issued a comprehensively worded order: (25)

"1. None of the guards, Komiteh members or the members of the guards corps, have the right without written permission of the Prosecutor of the Islamic Revolution of Tehran or his representative, to enter the homes of the people, to arrest them, to confiscate their property or to confiscate the property of companies. People have the right to ask for the warrant of arrest or confiscation of property from the person or persons (who go to arrest them), and [to] write down the name and number of these officials. In the case of refusal (by these officials), the owner of the house or the company can report the matter to the office of the Prosecutor of the Islamic Revolution in Tehran and ask for investigation. If the offence is proved the guilty official will be subject to legal and religious punishment.

"2. In cases where permission for arrest has been granted, officials can only make a list of the property, sign the minutes made and return it as a deposit either to the accused or one of his relatives and return with empty hands. They should be certain that the trustee (the person who has been given the list of the belongings), if interfering with the items, will be punished and fines will also be imposed upon him. In case of refusal (by the officials) to comply with this instruction, the official will be subject to punishment.

"3. In cases where the warrant for the confiscation of property, including cash, of the accused has been issued, the guards or the officials of the Foundation of the Poor (former Pahlavi Foundation) have no right to expel the wife, the children or the relatives of the accused from his house; or to take away the furniture, or the utensils of the occupants (of the house) or the property which belongs to others than the accused, unless their confiscation has been stated in the warrant of the court. The Government of Islamic Republic or the Foundation

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> of the Poor should deal with justice, equity and kindness with the family of the accused and regard the relatives separate from the accused. In cases of confiscation of all the property and the house in which they (the accused) reside, they (the officials) are duty bound to ensure that if the family are not able to buy or find another house they should be allowed to stay in that house until another suitable dwelling has been provided for them.

The Prosecutor then added:

> "The Eighth Imam of the Shi'i said: 'Show the true Islam and its beautiful face to the people and they shall come to Islam by themselves. The important matter is that the enemies of the Revolution make many wrong allegations against ... guards ... (presumably against the treatment of the prisoners) which after investigation are proved to be wrong and the enemies of the Revolution are shown to be lying.' "

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It is clear that there was substantial doubt at this period whether persons in custody were those who, even under standards then applied, were guilty of offences. It is doubtful that Komiteh sources even knew who was in prison. It is certain that the Provisional Government remained in ignorance.

There was no minimum protection against violation of the right to be free from arbitrary arrest. On 24 May Ayatollah Mahmoud Taleghani had stated publicly that "there are certain people languishing in prison without being guilty. They should be released". (26) The problem, however, was recognised and Ayatollah Qomi said in the Bamdad article of 3 June that extra investigators would be put onto the task of examining the files of those currently held in Qasr prison and that five special courts would be set up to speed up the hearing of cases. He announced that the present delays in processing cases were due in part to "the reluctance of judges to officiate" in the courts and that the new courts would work"non-stop without days off". (27) Amnesty International has no information on the workings of these special courts.

Part Three: June to August 12 (including the announcement by Ayatollah Khomeini of a General Amnesty.)

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By the middle of June reports had reached Tehran of a wave of arrests among the Arab population in Khorramshahr. The Arab People's Cultural Association issued a statement saying that "besides all the arrests being made on the Arab people, all efforts are being made to accuse [them] of being counter-revolutionaries and separatists. These accusations are neither acceptable to the Association nor to the accused themselves who vehemently protest them". (28)

On 24 June Iran Radio carried a report that Ayatollah Khomeini had spoken of illegal activites by the Pasdaran (Revolutionary Guards):

> "We are at present on the borders of being in great danger, which is worse than the danger of the previous regime. This is the danger of breaking the bridle ... When a man, after finding himself free, after he has seen the walls of despotism broken, after emerging from the prison of 35 million people, breaks the bridle, and does whatever he likes. In other words, he acts against the teachings which have been handed down from the beginning of the world". (29)

The Ayatollah, in a clear warning to the Pasdaran, said that they were not exercising their powers according to Islamic Principles:

> "Are you only a Pasdar and possess a rifle and power to enter into houses and trample on the self respect of people? Is this the training of Islam, or is this anarchy?" (30)

On 25 June the Revolutionary Prosecutor-General issued a limited measure for all prisoners charged with "lesser crimes". (31) The circular announcing the measure said that it was in keeping with Ayatollah Khomeini's call for "pardoning those who have committed lesser crimes" (32), and would serve as a means to prevent prolonging their stay in prison. "Due to shortage of staff all efforts will be made for the release of the prisoners". (33) At the same time it was announced that no-one would be kept in prison without "sufficient grounds" and the confiscation of property of any accused would not be allowed. On the same day, 25 June, Bamdad reported that legal staff in Qasr prison would be assisted by 12 Justice Ministry interrogators and a number of individuals from the Qom Theological School.

The terms of the measure provided that persons who could not be cleared immediately would be freed on bail whilst their cases were under examination. Amnesty International notes, however, that the terms of bail can be very high. On 14/15 July the Defence Committee of the Socialist Workers' Party announced the freeing of one of their members from prison in Ahvaz. (34) Bamdad reported a party circular (35) as saying that 17 members were still in prison and were unwilling to accept an offer by the Khuzestan Revolutionary Court that they be released on bail of Rials 500,000 each. (36)

On 26 June Reuters reported that the Prosecutor-General had said in an interview with Iran Radio that the measure applied to "all prisoners except those who had taken part in killings, torture, spying and plotting against the country". He also said that it was not correct to call it an amnesty.

Bamdad also reported on 25 June on how the files of persons then under arrest were categorized into three types (37) :

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(i) Military offenders

(ii) SAVAK agents and counter-revolutionaries

(iii) Miscellaneous crimes including those of former ministers and politicians.

Some matters, including land offences, gambling and the most recent arrests were to be handed over to the Ministry of Justice. It was also reported that the Prosecutor-General had agreed to the cancellation of all arrest warrants not used by that date and had ordered that in future warrants could only be issued by the prosecutor's office.

The placing of "SAVAK agents and counter-revolutionaries" together in (ii) is evidence that Amnesty International has reason to be concerned that procedures applied to the former by revolutionary authorities may continue to be widely utilised. For a discussion of the breadth of the notion of the "counter-revolutionary" offence, see chapter IV

On 30 June the official PARS News Agency reported that the Tehran public prosecutor had ordered the authorities not to arrest ordinary criminals until the situation at Qasr prison "became clear". (38) Apparently, "people without responsibility" had been running the prison since the revolution and were holding some 2000 "counter-revolutionary detainees". (PARS said that the capacity of the prison was 7000). Those in charge of Qasr were said to be "not ready" to agree to proposals for the settlement of disputes relating to the running of prisons in Tehran and also unwilling to accept orders. The public prosecutor announced therefore that his department would stop arrests and not use Qasr. The police prison and the gaol at the Ministry of Justice were said to be too small to receive prisoners. (38A)

The result was that the Tehran police, the Gendarmerie and Ministry of Justice bailiffs were ordered not to make arrests until Qasr had been wholly or partly handed over to the Tehran public prosecutor. "With this circular we have announced to the government and the revolutionary council that the public prosecutor's office has stopped its work owing to lack of a prison." (39)

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Iran Radio reported on 1 July that the public prosecutors in the cities of Qom and Arak had issued a statement to the Revolutionary Guards there saying that illegal arrests and beatings of prisoners was not permissible. (40) The statement was explicit that Pasdars had the right to arrest only in "cases of obvious crime and danger of the accused fleeing". They were ordered to inform immediately the Islamic public prosecutor's office after making an arrest. Arrests in other circumstances were again forbidden without an order from the appropriate authorities. Arrests between the hours of 10.00 pm and 6.00 am were also banned but the date on which this was ordered is not known to Amnesty International.

Violations of these rules would be reported by senior officials or Komiteh chiefs to the Islamic public prosecutor and would result in a reprimand being issued. A second-time violator would be expelled for one month from the revolutionary organization in question and on the third occasion expulsion would be permanent.

On 3 July Iran Radio reported that the Tehran public prosecutor had told the official PARS News Agency that the problem in Qasr prison had been solved

"with the social insight and the revolutionary courage of the true Pasdars of the Islamic Revolution in Iran" (41), and arrests would now recommence.

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Whether or not all arrests had in fact ceased is questionable. On 4 July the Iranian Bar Association reported that:

> "No day passes without frantic calls from families of prisoners and reports of arbitrary arrests of those who, far from being counter-revolutionaries, have worked for the goal of the revolution ... The prisoners ... are locked up for weeks or months without reason and are not allowed to defend themselves or talk with their family and lawyers." (42)

On 8 July the newspaper Ettela'at reported that the Tehran public prosecutor had said that Ayatollah Khomeini had asked for the investigation of files of prisoners to be speeded up so that "the innocent could be released". (43) He reportedly said that some Ministry of Justice lawyers and judges had left the revolutionary courts and "we are looking for other lawyers. We will take help from those who are acquainted with the principles of Islam." (44)

This seems to be a reference to the resignation of Ministry of Justice lawyers over the vexed question of releases from prison. The prosecutor had also said that the Pasdaran had a right to concern themselves with the cases of prisoners because "they had a lion's share in the revolution". (45) This points to a likelihood of interference in cases by non-judicial personnel. He declared that Qasr prison would soon come under the supervision of the police and that prisoners held within it would be transferred to Evin Prison. As late as 1 August Ayatollah Ahmad Azari Qomi, the Tehran prosecutor, was reported in the newspaper Ettela'at as saying that such a transfer had not yet taken place. (46)

On 9 July Ayatollah Khomeini announced a general amnesty:

> "All those accused of certain criminal acts under the former regime are to be pardoned, with the exception of those who have committed murders or who have issued orders for such acts - that includes those who have tortured our revolutionary prisoners. To identify such crimes, a body faithful to the Islamic revolution shall be responsible." (47)

The Ayatollah said the following with regard to the armed forces:

> "As the security forces which are in the service of the Creator and the Creation must live under secure and peaceful conditions, while maintaining their soldierly morale ... the three branches of the /security/ forces are being pardoned and I and the noble people forgive them. /Subject to the

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> exceptions of murder, torture or ordering such actions ...] However until such time when their guilt is proven within the context of the religious law no-one has the right to cause them any trouble. As for those accused of crimes not covered by the amnesty, they should be handed over to the revolutionary court by the army, gendarmerie and police but no-one is allowed to cause them any problems." (48)

The amnesty covering military personnel included the police and gendarmerie, though a commentary on Iran Radio on 10 July excluded the commanders of the three services under the Shah's regime and those involved in the killings of 15 Khordad (5 June 1978) up to and including Farvardin 57 (month beginning 21 March 1979) or those military personnel who in future commit "crimes and major sins". (49)

On 18 July it was announced in Bamdad that the revolutionary prosecutor's office had informed all Revolutionary courts in the country that the general amnesty should be implemented. The order was stated in the following terms:

> "Those who have not been charged with murder or torture in the past and no warrant has been issued against them and who have not exploited the wealth of the people should be released without delay according to the Imam's orders". (50)

On 3 July the Islamic Revolutionary Council had issued a decree to the effect that no new complaints of counter-revolutionary activity by military, police and gendarmerie personnel would stand if submitted after 10 July. (51) This limitation period was to be absolute and any persons arrested after the date were to be released. Complaints within the due time were to be submitted to the Islamic public prosecutor together with reasons and relevant documentation where possible. Anyone unable to substantiate allegations could be charged with "calumny and slander", and if convicted by the Revolutionary Court could be sentenced to imprisonment for a period of up to two years. (52)

Another clause provided that public prosecutors in the provinces had until 24 August to finalize the investigation of charges already underway against military police and gendarmerie personnel. All findings were then to be submitted to the Revolutionary Prosecutor-General. (53)

Under this new law arrests of military, police or gendarmerie could only be made through the head of the latter two services or the Chief of the Military Judicial Department. Arrested persons were to be handed over to an Islamic court within seven days. In the event of non-compliance the public prosecutor could take all necessary measures to secure the person's presence before him. There is also a provision seeking to remedy the situation whereby military police or gendarmerie officers had been arrested without their superiors being notified. Islamic revolutionary courts and public prosecutors were given until 25 July to submit the names of persons against whom complaints had been lodged to the responsible authorities in the forces. (54)

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Tehran public prosecutor, Abolfazl Shahshahani, told Ayendegan on 9 July that since February about 10,000 cases had come before the Revolutionary Courts (55) If this report is true it represents a figure substantially higher than Amnesty International's limited information as presented in this report. The public prosecutor also said that more than 2000 political prisoners remained in Qasr without their cases being investigated. (56)

On 22 July Ettela'at had published a report saying that there would be a transfer of "counter-revolutionary prisoners" from Qasr prison to Evin prison. It was said that Qasr would then be taken over by police. Persons charged with counter-revolutionary crimes, crimes of violence, extortion and other matters over which the revolutionary courts have jurisdiction would be held in Evin.

Government spokesman Sadeq Tabatabai is quoted as saying that as of 22 July 1,162 prisoners had been released. He said the daily release rate from the work of clergymen and Justice Ministry lawyers on prisoners' files was running at 40 to 60 a day. The spokesman said the government would be recruiting believers and competent persons who are informed about "religious strictures" (58) to staff Evin prison.

On 8 August Bamdad reported that a group of revolutionary prosecutors and investigators, reportedly recently dismissed from their posts, had complained of interference in their work. They were quoted as saying:

> " ... People who were the victims of society were executed while those who put the country into misery have been pardoned" (59)

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They said that the court had concentrated on trying "immoral characters" but the "really corrupt" (60) members of the former regime had escaped punishment.

CONCLUSIONS

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Amnesty International emphasizes the right of every human being to be free from arbitrary arrest or detention, torture or cruel, inhuman and degrading treatment or punishment. It regrets that the procedures relating to arrest and detention have not secured protection against threats to or violations of the physical security and integrity of persons detained.

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Amnesty International therefore respectfully recommends that:

1. No-one should be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.

2. Law policy or practice should not proscribe the rights, inter-alia, of freedom of speech and freedom of association.

3. Anyone who is arrested should be informed, at the time of arrest, of the reasons for his or her arrest and should promptly be informed of any charges against him or her.

4. Anyone arrested or detained should be brought promptly before a judge or other officer authorised by law to exercise judicial power and should be entitled to a fair trial within a reasonable time or to release.

5. Anyone who is deprived of his or her liberty by arrest or detention should be entitled to take proceedings before a court in order that that court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.

6. A time limit should be fixed within which a detained person must be charged, tried or otherwise released.

7. The authorities should immediately inform the family of an arrested person of the reasons for, and place of, detention and grant the family access to him or her.

8. Detainees should be permitted access to a lawyer and/or other representative of his or her own choice. Free legal aid should be provided in all cases where a detainee is unable to afford and/or choose his or her own legal representation.

9. Detainees should be afforded medical treatment whenever necessary.

10. Bail, when offered, should be of a reasonable, not excessive, sum.

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11. The authorities should continue to seek to establish clear lines of authority and responsibility for the treatment of suspects and detainees.

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1. The Guardian, London, 10 February 1979. In a press conference on 11 March the then Deputy Prime Minister and Chief Government spokesman, Mr Abbas Amir Entezam said that "more than 20,000 people" were forbidden to leave Iran. On 15 July Mr Entezam's successor, Mr Sadegh Tabatabai said that one result of the general amnesty of 9 July (see page 31) was to cut the number of persons prohibited from leaving Iran from "22,000 to 5,000". (Bamdad newspaper, Tehran, 15 July 1979.

2. Elamieh (statement) issued by Ayatollah Khomeini, 17 February 1979.

3. Local correspondents reported this on 24 February 1979 citing a PARS News Agency report of that day.

4. PARS News Agency "Daily News" (in English), 24 February 1979, page 3.

5. Official Press briefing, 4 March 1979. (Local reports)

6. Press Conference, 6 March 1979. (Local reports)

7. Address to the Organization of High School Students of the Alborz School, 7 March 1979.

8. PARS News Agency "Daily News", 17 February 1979.

9. Press Conference, 8 March 1979. (Local reports)

10. These regulations were discussed by Ayatollah Mahdavi-Kani in an interview with Ayendegan published on 8 March 1979. A translation into English appeared in Iran Political Digest no. 225, 29 April 1979. Amnesty International has not reproduced the full text; it merely states the main points in a simplified form.

10A. See Chapter I note 1 (page 14)

11. Press Conference, 15 March 1979. (Local reports)

12. BBC Summary of World Broadcasts (SWB), 23 March 1979. (ME/6074/A/16). Monitored from Tehran Radio Home Service. 16.30 GMT 21 March 1979.

13. Ettela'at 29 March 1979. Some reports imply that the 304 releases were of persons acquitted by the courts. Amnesty International believes that these releases were post-investigation rather than post trial.*

14. Press Conference, 5 April 1979. (Local reports)

15. Press Conference, 8 April 1979. (Local reports)

16. Press Conference, 10 April 1979. (Local reports)

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* On 14 March INA reported at 19.00 GMT that 250 persons had been released on bail over the two previous weeks and recalled that on 24 February 243 detainees were freed "for lack of evidence".

17. BBC SWB, 17 April 1979 (ME/6093/A/6) Announcement by Revolutionary Prosecutor-General Mehdi Hadavi. Monitored from Tehran Home Service 10.30 GMT 14 April 1979.

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17A. See page 21 (Rule 13)

18. BBC SWB, 24 April 1979. (ME/6099/A/9 and ME/6099/A/10). Circular signed by Tehran Prosecutor Abolfazl Shahshahani. Monitored from Tehran Home Service 10.30 GMT 20 April 1979.

19. Ayendegan 23 April 1979. Elamieh issued by Ayatollah Shaikh Mohammad Taher al-Shabbir Khaqani.

20. Reported locally on 28 April 1979.

21. See especially Bamdad, 9 May 1979.

21A. See page 30.

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21B. Statement of Army of Revolutionary Guards 7 May 1979. BBC SWB (ME/6111/A/8 and ME/6111/A/9) 9 May 1979 monitored from Tehran Home Service 6 May 1979 and 10.30 GMT 7 May 1979. The broadcast monitored on 6 May 1979 (ME/6111/A/8) was heard as follows:

> "The Islamic Revolution Guards Corps of Iran in a statement has spelt out the rules of the Corps as regards its aims and responsibilities. The statement say that the aim of the Islamic Revolution Guards Corps in Iran and its worldwide expansion is founded on the genuine Islamic ideology. The most important duty of this Corps is to assist in attending to order and security affairs; control; the arrest and prosecution of counter-revolutionary elements; armed struggle against armed anti-Islamic revolution activities; defence against the agents or forces of alien power within the country; and assisting in the implementation of the orders of the Islamic revolution courts and of the judiciary of the Islamic Republic of Iran;supporting the liberation movements; and struggle for the right of the world; oppressed peoples under the supervision of the leadership of the revolution and in consultation with the Government." (sic)

21C. See page 49.

22. Bamdad, 23 May 1979.

23. Issued by Revolutionary-Prosecutor General Mehdi Hadavi, 23 May 1979.

24. Directive issued by office of the Army Prosecutor, 23 May 1979.

25. BBC SWB, 1 June 1979 (ME/6130/A/4 and ME/6130/A/5). Monitored from Tehran Home Service 16.30 GMT 30 May 1979.

26. This information is taken from local reports of a meeting between Ayatollah Mahmoud Taleghani and the press on 23 May 1979.

27. Ayatollah Azari Qomi in an exclusive interview with Bamdad, 3 June 1979.

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28. Elamieh of Arab People's Cultural Organization. Reported in Paygham Emruz, 17 June 1979.

29. Local reports dated 24 June 1979 of a speech made in Qom by Ayatollah Khomeini to a group of women from Langerud and Pasdaran (Revolutionary Guards) from Hamadan, 23 June 1979.

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30. ibid.

31. Announcement by the Revolutionary Prosecutor-General reported in Ettela'at, 25 June 1979.

32. ibid. (see also text to note 21 above).

33. ibid.

34. Statement by Socialist Workers' Party Defence Committee. Date uncertain: 14 or 15 July 1979.

35. Circular by Socialist Workers' Party reported in Bamdad, 15 July 1979.

36. On 15 July the official rate for purchasing dollars with Rials was 70.35. This would make bail in this case equivalent to US $7,107.32.

37. By the prosecutor's office.

38. This report was carried on the wires of the PARS News Agency and reported by Ayendegan on 30 June 1979.

38A. The newsletter of the Iranian Embassy in Washington, Iran Voice, explained this situation in its issue of 17 September 1979 in the following terms:

> " ... The judicial court was to be the guardian over the small prisons. The judicial court could not control the main prison because the major concern was guarding it. However, in the meantime, over 100 people were arrested daily in Tehran. But there was nowhere to confine them because the judicial court had no jurisdiction over the large prison. The problem was not that the prisons were over-crowded (as portrayed by the media) but rather there wasn't a place for them.
>
> Therefore, the Attorney General ordered the discontinuation of arrests; this led to insecurity in Tehran. Finally, the revolutionary court agreed to give the judicial court control over the main prison. Those who committed crimes against the revolution would be under the responsibility of the revolutionary court while other crimes would be handled by the judicial court."

The news agency Reuters reported on 1 July that Public Prosecutor Shahshahani, who had ordered the Tehran police not to make any arrests, had said that Qasr was "in the hands of unauthorised people who were reserving it for political detainees."

40. Reported locally on 1 July 1979.

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41. This statement was attributed to Prosecutor Shahshahani.

42. Taken from an English translation of the text of a letter from the Bar Association to Minister of Justice Ahmad Sadr Haj Sayed Djavadi which was published in Ayendegan on 4 July 1979. Reuters reported on the same day that the letter had spoken of an "irresponsible private system which is functtioning independently of judicial power."

43. Ettela'at, 8 July 1979, reporting a press conference given by Ayatollah Azari Qomi on 7 July.

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44. ibid.

45. ibid.

46. Ettela'at, 1 August 1979. Prisoners were later moved to Evin and trials held there.

47. BBC SWB 10 July 1979 (ME/6163/A/7. Monitored from Tehran Home Service 09.30 GMT, 9 July 1979.

48. ibid. (next page - ME/6163/A/8).

49. BBC SWB, 12 July 1979. (ME/6165/A/4 and ME/6165/A/5). Monitored from Tehran Home Service 09.30 GMT, 10 July 1979.

50. Directive from Revolutionary Prosecutor's office to all Revolutionary courts. Reported in Bamdad, 18 July 1979.

51. BBC SWB, 5 July 1979. (ME/6159/A/3). Monitored from Tehran Home Service 09.30 GMT, 3 July 1979.

52. Report based on local monitoring of broadcast mentioned in note 51 supra.

53. ibid.

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54. ibid.

55. Ayendegan, 9 July 1979.

56. ibid.

57. Ettela'at, 22 July 1979. Amnesty International does not know the exact date on which this transfer took place. Trials have taken place at Evin however since this report was written and prisoners are held within its confines.

58. ibid.

59. Bamdad, 8 August 1979.

60. Amnesty International has no information on whether the term "really corrupt" was spoken by the persons quoted in the previous paragraph. This term was used in local reports of the complaint and may or may not be a literal translation.

CHAPTER III

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THE REVOLUTIONARY TRIBUNALS AND THEIR BACKGROUND:

A SURVEY OF PRACTICE AND PROCEDURE

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THE REVOLUTIONARY TRIBUNALS AND THEIR BACKGROUND:

A SURVEY OF PRACTICE AND PROCEDURE

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After the revolution of 10-11 February 1979, courts known as "Islamic Revolutionary Tribunals" were established all over Iran to try persons who had held positions of authority under the Shah's "illegal" regime. The jurisdiction and procedures of these courts were not originally defined in law but on 5 April regulations were promulgated specifying both. Neither practice nor rules have at any stage offered adequate defence facilities. Trials have been often in camera, there is no legal representation in court, no appeal is usually possible and execution has followed soon after death sentences have been passed.

The only defence facility which has been offered those about to stand trial is an opportunity to write a defence for the court on a piece of paper. Such a procedure, involving the preparation of a defence speech to charges which may not be known until just before trial, is a wholly inadequate and inappropriate mechanism for securing defence rights.

On 16 February the first judicially ordered executions were carried out: Four generals were taken onto the roof of Ayatollah Khomeini's headquarters in East Tehran and executed by machine gun. Prime Minister Bazargan later said that the executions were "done over his head". (1) The following day a court was created in the provinces, in Rasht, and fifteen former SAVAK agents handed over to it for trial. (2)

The Provisional Government played no role in the Revolutionary Court. The Minister of Justice stated in an interview with Ayendegan on 7 April that his Ministry had "nothing to do with the Revolutionary Court ... the conditions of these courts are like wartime trials acting under their own rules and regulations." (3)

Local criticism of the trials was at first largely confined to the argument that their secrecy precluded the public from seeing the evidence against officials of the Imperial government, and that the authorities were therefore failing to show publicly the full nature of the repression to which Iranians had been subjected under the Shah.

Ayatollah Shariat-Madari said:

> "Generally the law according to Islam is that the trial should be held in the open and the accused should be given the right to defend himself. The people should know that [the defendants] have been executed justly and should know why [this punishment has been imposed] so that they themselves will abstain from such activity in the future. In future any trial should be held openly." (4)

Ayatollah Khomeini, however, took a different view: he took any criticism to be indicative of a pro-western attitude. In the first speech on his return to the Holy City of Qom after an absence of sixteen years he said:

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> "I should warn those who are going to look after the executive affairs of the country not to follow Western patterns. They have been telling us that our justice should be in the Western style, that our laws should be in the Western style. Don't let them do that ...We have the spiritual law. Those who want to change God's law to Western law don't know Islam." (5)

Evidence of some popular approval for the executions comes from reports such as that in Kayhan on 10 March telling of scenes of public rejoicing in Shirvan following revolutionary executions on that day. (6)

The Foreign Minister of Iran, Dr. Ibrahim Yazdi, is quoted on 12 September 1979 as saying:

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> "In some cases where the verdicts were imprisonment, the families, the mothers, of people killed by these criminals demanded execution. The mothers say, 'You must execute this man, he killed my children'. A few days ago in one city, the court decided that one criminal should be released. But people gathered, knowing his past record, surrounded him and shot him." (7)

The Trials were halted in March and the question of whether or not the tribunals would be subject to formal regulations became an important political issue. (8) Vice-Premier Abbas Amir-Entezam is reported to have said on 18 March that the government would draft regulations which would be subject to the approval of the Revolutionary Council. (9) He emphasised however that "sentences and punishment [would] still be the concern of the courts". He added:

> "In general the methods of the trial, the conditions and regulations that have to be observed in the trial will be examined, such as the presence of a jury, defence lawyer or whether an appeal can be made on the sentence ... Military and civilian people tried by the courts will be given equal treatment. The trials will be open ... " (10)

Ten days later, on 28 March, it was reported in Ettela'at that the Revolutionary Prosecutor-General, Mr Mehdi Hadavi, had drafted regulations and had submitted them to the Revolutionary Council. (11)

An extract from an article in Le Monde (Paris) of 15 May 1979 throws light on the political background within which these events were taking place:

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"..... When the executions had been stopped pending the drafting of a new procedural code by the Revolutionary Council, members of the Revolutionary Tribunal, those in charge of Qasr prison ... (all of whom were likely to be the former victims of SAVAK) were unrestrained in their fury. They were persuaded that the government of Mr Bazargan ... had used this expedient to save persons connected with the former government and feared even then a disguised restoration of the old regime. The troubles in Kurdistan, and among the Turkomen and Arabs of Khuzestan, coincided in time with appeals for clemency from 'imperialist countries'. As a result the Bazargan government was threatening to resign ... The delegation, made up of the Tehran prosecutor, representatives of the revolutionary tribunal and 'revolutionary guards' went to Qom and asked Khomeini to permit the executions to start again. 'If you don't do it, we will kill all the prisoners without any form of trial' was what they said to him.

"This dramatic episode, reported to us briefly by Mr Bazargan and ... in detail by people close to Khomeini [could have resulted in] a revolt. In Isfahan for example, the President of the Council informed [Le Monde] that the population had attacked the central prison and massacred many important members of the former regime.

"At this time Imam Khomeini is reported to have said to Mr Bazargan: "For the moment we don't have any choice. The trials must continue while we wait for the peaceful atmosphere which your efforts will eventually bring."

[Ayatollah Khomeini is quoted in the Tehran newspaper Kayhan on 26 April as having said: "If the Revolutionary Courts did not prosecute them, the people would have gone on a rampage and killed them all". - Amnesty International note (12)]

"The radicalism of the masses stretches to every area", the President of the Council stressed. "Their demands are so excessive that they tend to paralyse us". (13)

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The English newspaper The Guardian reported on 6 April that Ayatollah Khomeini had said on 1 April that "we try these people according to documents, but our objection is that criminals should not be tried. They should be killed." The Ayatollah also referred to criticism of the trials by saying that he was "sorry that there was still Western sickness among us". He continued: "The defendants should have been killed on the first day instead of being held, among them are people who are not even worthy of contempt."(14)

The regulations were promulgated on 5 April 1979 and executions resumed the the next day.

(i) Broad jurisdiction of the courts;

(ii) Effective presumption of guilt;

(iii) No facilities for defence;

(iv) Many trials were held in camera;

(v) No appeal;

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It is possible that there are some regional variations in court practice as the regulations allow latitude to the religious authorities in the conduct of trials. (15)

* * *

The following list is an explanation of the regulations and the way in which they have been implemented:

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(i) Jurisdiction of the Court: The rules provide that the Islamic Revolutionary Tribunal has jurisdiction over crimes "such as": 1) murder, 2) torture, 3) "imprisoning innocent Iranians", 4) "furthering the influence of foreigners and the disgraceful Pahlavi regime", 5) theft and embezzlement of treasury assets, 6) "ruining the economy", and 7) offences involving the use of armed attacks.

This wide jurisdiction is made even broader by the inclusion of offences of 8):"similar abuses against the people" and 9) "acting against the national or public interest with, or on behalf of, foreigners. The tribunal is also empowered to try certain sexual offences. (16) On 16 May the jurisdiction of the courts to pronounce the capital sentence was extended to "counter-revolutionary activities". (17)

(ii) The courts are temporary in nature; provision is made for another court to succeed them at a later date (18) but the revolutionary tribunal will retain its powers until persons alleged to have committed offences mentioned in (i) above have been submitted to its process. (19) Amnesty International was told in April 1979 by Mr Amir-Entezam that this could involve a total period of one year. (20)

(iii) Cases are heard by a bench of judges taken from the following categories (21):

1. A religious judge, recommended by the Islamic Revolutionary Council and approved by the Imam.

2. One lawyer appointed by the religious judge.

3. A person "chosen by the people in their righteousness who has knowledge both of revolutionary requirements and Islamic principles". He is appointed by the Revolutionary Council. (The alternate members are from people within this third category.)

Amnesty International has heard reports of courts sitting with three, four or five judges. There have also been reports of courts sitting with a single judge; this may be explained by (iv) below.

The court is presided over by the religious judge and all his decisions are binding upon it. (22) This includes his decisions on questions of fact and sentence. His power in court is therefore pre-eminent.

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The defendant has the right to be informed of the charges against him before the court is convened. (23)

Witnesses may be summoned by the court "if considered necessary". (24)

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The court should be open to the public unless the judge decides it is neccessary to conduct the trial in secret. (25)

On 7 April Iran Radio reported that the then Minister of Justice, Mr Assadollah Mobasheri,had said in an interview that he had reached agreement on "open trials" with the revolutionary council. (26) Amnesty International has seen reports of trials since that date indicating that they were not open and that only persons invited could attend. (27)

Court sessions commence with readings from the Qur'an. The charges against the defendant are then read and the trial proceeds with the Prosecutor making allegations; witnesses are sometimes called. (see xv below) It seems that for well-known members of the Shah's regime it is not the defendants who are on trial but the "illegal" regime as such. Local newspapers have reported that this notion has on occasion been articulated in court by the religious judge with the clear implication that such defendants are guilty by association and have no opportunity to establish their innocence. (28)

In other cases witnesses may be called or the statement of persons with relevant information read out. There seems to be no automatic right for a defendant adequately to cross-examine witnesses or to be told the source of the evidence against him. Nor may he require that the court cross-examine on his behalf.

The Prosecutor may have advertised in the local press for people to come forward on the day of the trial to give evidence against an accused. (29) In such a case the judge may ask whether anyone in court wishes to speak. Potential witnesses will then put up their hands and may in turn be given the opportunity to address the court. People who can be of help to the prosecution do not find it difficult to gain entry to the proceedings but there seems to be some controlling of which witnesses appear. Amnesty International has heard that only religious people have been admitted to give evidence, members of the public with left-wing beliefs being systematically excluded. (30)

Witnesses are examined by judges and the prosecutor. The defendant has an opportunity to state his side of the matter but there are no reports available to Amnesty International suggesting that the defendant has the opportunity formally to put questions to witnesses appearing against him. He is able to attempt to refute what is said against him but whether or not the court believes him is a matter for the sole discretion of the religious judge.

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The court has the power to conduct its own investigations into any matter. This may involve an adjournment. (31) If the investigation reveals any errors in the case file it should be returned to the office of the Revolutionary Prosecutor.

"Sentencing shall be based upon Islamic principles" (32) and includes execution, Qisas * , imprisonment, exile, confiscation of property and other punishments.

The court has power to order payment to be made by the government to the dependents of thosewho are convicted of offences, whose property is confiscated and whose dependants need funds. (33)

The regulations provide that an Islamic court shall be established in every town where the Revolutionary Prosecutor-General deems it necessary. Amnesty International possesses reports of courts having been set up in the following 64 locations:

Abadan
Ahvaz
Amlash
Amol
Arak
Aran
Ardebil
Babol
Bandar Abbas
Bandar Anzali
Behbahan
Behshahr
Berazvin
Birjand
Borujerd
Budsar
Dahaghan
Daroud
Dezful
Dogobaden
Fars
Gachsaran
Gonbad-E-Kavous
Gorgan

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Hamadan
Ilam
Isfahan
Kashan
Kashmar
Kazeroud
Kelarabad
Kerman
Khomein
Khonsar
Khorramshahr
Khorramabad
Khoy
Kohtiloyeh/Boir Ahmad
Lahijan
Mahabad
Mallayer
Mashad
Mashid-E-Soleiman
Mehdi Shahr (near Semran)
Miyaneh
Najafabad
Naharand
Naishabur
Qazvin
Qahramanshah (Kermanshah)
Qom
Rafsanjan
Rasht
Sabsevar
Shahr-E-Kord
Shahsavar
Shiraz
Shirvan
Shustar
Tabriz
Tehran
Urumieh (Rezayieh)
Yazd
Zanjan

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(see update Appendix C)

(xiii) Each revolutionary court has its own public prosecutor and as many "investigators and assistants"as are considered necessary. (34) The Prosecutor-General of the Revolution has the duty of overall supervision of all Islamic Revolutionary courts. Local courts are under the immediate supervisory jurisdiction of the local public prosecutor. (35)

The Prosecutor-General is appointed by the Imam on the recommendation of the Revolutionary Council. (36) He may also function as the local Tehran Prosecutor. (37)

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The prosecution is conducted in court either by the investigator in the case (whose earlier function it has been to prepare a file on the defendant) or by an assistant to the Public Prosecutor. This work is conducted under the supervision of the local Public Prosecutor whose tasks also include supervisory functions over the court. (38)

According to Amnesty International's information, defendants are not legally represented. It notes, however, that on 3 July 1979 the Arabic Service of Iran Radio reported that:

> "His Eminence Raji Zamdam, Ayatollah Khomeini's representative in Kermanshah, informed ... PARS news agency correspondents today that on orders from the Revolutionary Council, the revolutionary Islamic courts in Iran have granted defendants the right to appoint their own lawyers.". (39)

Prior to this date defence lawyers did not have the right to appear in revolutionary courts. On 1 April Ayatollah Khomeini had said:

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... "There should be no objection to the trial of these people because they are criminals and it is known that they are criminals. All this about a lawyer being needed ... and that their pleas should be listened to - these are not people charged with crime, they are criminals." (40)

Since 3 July Amnesty International has heard of only one case where a lawyer saw a client in prison. (41) We have not at the time of writing received any reports of lawyers appearing before a Tribunal.

The allocation of cases to judges is probably undertaken by officials in the Prosecutor-General's Department but Amnesty International believes that there may be a difference between the procedures in major towns and those in the regions. In particular there may not always be an effective institutional or procedural distinction to be taken between court prosecutor and judge. (42) (See page 134 last paragraph)

The Prosecutor-General has power to dismiss or transfer a judge. The local public prosecutor may recommend such a course of action but all decisions in this regard are actually taken by the Prosecutor-General himself. Ayatollah Khomeini has exercised the function of ordering judges to certain parts of the country. (43)

A statement issued by the Revolutionary Prosecutor-General on 30 April said that the judges of the Revolutionary court enjoy legal immunity and "complaints against them must be made

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through the public prosecutor's offices". (44) The Prosecutor-General added:"No judges can be arrested until they have been officially removed from the judicial posts." On 24 July Reuters reported that the Revolutionary Prosecutor-General had dismissed the head of the Khuzestan Revolutionary Tribunal. No reasons were given in the report. (45)

(xix) The interrogators and other members of the Public Prosecutor's office and the court are "lawyers, judges and other Moslem individuals who are faithful to the Islamic Revolution". (46)

(xx) A case is heard by the tribunal which has geographical jurisdiction over the area where the offence is alleged to have been committed. If more than one offence is alleged, the court with jurisdiction over the place of the most serious offence will hear the case. It is for the court in the area where the arrest took place to determine which is the most serious offence. If all the crimes with which a defendant is charged are of the same level of seriousness the case is heard in the area of arrest. (47) These rules are subject to the Prosecutor-General's untramelled discretion to order that a case be heard at any court "if advisable because of local difficulties".(47A) Amnesty International believes that the religious judge has the power also to transfer a case at any stage of the proceedings.

(xxi) Interrogation is carried out initially at the Komiteh or prison where the arrested person was brought by the Revolutionary militia. This interrogation is unlikely to be of a formal nature but any notes taken by those conducting the interview are likely to be passed to the investigator. (48)

Such notes may be used as secondary evidence in court but the primary evidence is likely to be collected on formal interrogation. (In ordinary criminal matters a Komiteh may decide to release an arrested person. Amnesty International understands that they have on occasion provided financial aid for persons brought before them and immediately released.)

(xxii) The investigator and/or assistant prosecutor appointed to the case conducts the investigation and interrogation. Recommendations are then made to the Public Prosecutor as to whether a prosecution should result. On the basis of these recommendations the Public Prosecutor will decide whether an indictment should be drawn up.(See chapter IV) (49)

On the evidence available to it Amnesty International has concluded that the decision whether or not to draw up an indictment seems in most cases effectively to be a determination of guilt or innocence rather than whether or not there is a case to answer. (50) Where the Public Prosecutor and the investigator do not agree it is for the court to rule on the matter. Those making this decision apparently include the religious judge who will hear the case in court later. (51)

In such circumstances a decision to indict seems likely to be followed by an acquittal. (But see Introduction to Appendices)

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(xxiii) The investigator has the power to take statements from any person and can also order that witnesses or evidence be produced to him. He has the power to arrest those who he thinks can assist him with his enquiries and who he decides should be placed in custody. (52) His investigation is conducted in secret and the prisoner has no right to legal representation. The investigator and local Public Prosecutor may place conditions on people but where the investigator issues a warrant for arrest, the rules provide that this should be immediately reported to the Public Prosecutor. In the event of any difference of opinion between them as to whether or not an arrest is necessary the court makes the determination. (53)

(xxiv) The duty of building up the case file belongs to the investigator. Such a person may be a lawyer seconded from the Ministry of Justice or a non-lawyer appointed by the revolutionary authorities. The most frequent complaint of prisoners is that interrogations are not done speedily after arrest and that some prisoners are not told why they have been arrested. Others apparently are not even interrogated. There is no rule limiting the amount of time a prisoner may be detained without being charged or indicted.

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(xxv) Release of any prisoner whether unconditionally or on bail is solely within the discretion of the religious judge. This is so even if both investigator and public prosecutor are of the opinion that a release is appropriate. (54)

(xxvi) The investigator has the power to order that the defendant's property may be impounded. In most instances this is subject to the consent of the Public Prosecutor. (55)

(xxvii) The Public Prosecutor has overall supervision over the actions of the investigator and can also exercise the investigator's function himself. (56)

(xxviii) In cases where an absent individual has been found "guilty" by the Public Prosecutor and/or investigator he may be summoned to the court by notice in the press. The regulations provide that if necessary the court may despatch its officers to bring him to the court. For defendants not in Iran a one month time limit exists with which to comply with the summons. (57)

(xxix) The Revolutionary Komitehs, Revolutionary Guards, Armed Forces, Civilian Police, municipalities and population are subject to the jurisdiction of the court and obliged to comply with its orders and those of its officers. In the event of non-compliance the rules provide for a reprimand to be issued in writing; if non-compliance continues the matter may be prosecuted in the court itself. (58)

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The regulations are clear that Revolutionary Komitehs and guards have no authority to detain anyone without a warrant from the Public Prosecuter. Moreover, there is no authority to enter homes or seize property without warrant. Failure to comply with this regulation should result in dismissal from all revolutionary posts held by the offender and, if a crime has been committed (such as theft or kidnapping), prosecution in the Revolutionary court. Where an accused person is attempting to escape, however, Revolutionary Guards and Komiteh personnel are entitled to arrest without warrant if necessary. (59)

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The Public Prosecutor has the responsibility to order that sentences imposed by the court be carried out. (60). The regulations provide that execution of sentence should be carried out in the location of the crime so far as this is possible but there are cases where a person has been sentenced to imprisonment in another area of the country. (61) A sentence should be carried out within 24 hours after it has been pronounced and, where the Public Prosecutor has not issued the necessary order within this time, the religious judge may do so himself.

Enforcement of court orders is one function of the Islamic Revolutionary Guards. On 6 May Mr Abbas Amir-Entezam was quoted by local correspondents as saying that they were "at the disposal of the Revolutionary Court so long as the court itself exists". (62)

The regulations provide that any sentence pronounced by a Revolutionary Court prior to the promulgation of the rules should nonetheless be carried out. (63) Illustrative of this are the cases of two persons convicted of torture and one person of murder by the Revolutionary Tribunal in Isfahan. The three men, identified as an internal security chief, a SAVAK interrogator and a constable, were sentenced to death on 17, 18 and 22 March respectively. The regulations were promulgated on 5 April, the sentences were then confirmed by the chief revolutionary prosecutor in Tehran and the men put before the firing squad on 6 April. (64)

No appeal has generally been allowed from the sentences of the Revolutionary Court though the following are of note: *

(i) On 22 April local correspondents reported the case of a condemned conscript in Kermanshah which, according to the Tehran newspaper Kayhan, was sent to Qom for review by Ayatollah Khomeini after fellow conscripts physically prevented the prisoner from being transferred to the place of execution and threatened to take hostages in an attempt to publicize what in their view was an erroneous verdict. (65)

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(ii) On 19 June Iran Radio reported that a Colonel Ghazanfar Bahmanpour had been sentenced to death in Shiraz for being corrupt on earth and creating terror at the local university campus. His sentence was reduced by Ayatollah Khomeini to life imprisonment and 100 lashes in ten sessions. (66)

(iii) On Monday 6 August the Revolutionary Tribunal in Isfahan sentenced a Mr Ali Pakdelfar to death for murder. According to a report by Iran Radio on that day he was given ten days in which to appeal. (67)

(iv) On 10 April in Tehran a 3 year sentence of imprisonment was reduced to one year. (see below)

The regulations state that an appeal is possible in cases where a defendant is sentenced in absentia. It is provided that in such cases the court verdict should be published in the media (68) and that the absent convict may appeal the sentence within ten days. The appeal will be heard by the same court which pronounced the original sentenced. No further avenue of appeal is available. In most cases where a defendant is sentenced to death in his presence the execution follows shortly thereafter.

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The Legal Process after the Promulgation of the Regulations

The first reported acquittal was by the Tehran tribunal on 10 April. After a four hour trial (resulting in one sentence of death) 16 defendants were acquitted after giving undertakings of their future good conduct. A sentence of three years imprisonment on a former SAVAK employee was reduced to one year. The Guardian newspaper on 11 April spoke of "an attempt at appeasing local critics". (69)

On 15 April, in a move believed to presage the later amnesties, the head of the revolutionary court in Tehran was quoted by local correspondents as asking the Iranian people toforgive those who were awaiting trial on less serious charges and give them a chance to reform. (70) He also said that the revolutionary courts did not look upon all accused people as criminals but rather considered each case on its own.

There is strong evidence at this period of the fluidity of the jurisdiction of the revolutionary courts. On 10 April Ayatollah Khomeini and Ayatollah Shariat-Madari announced that smuggled goods were "haram" (religiously proscribed) and that smugglers would be prosecuted and punished "according to the laws of the Islamic government". (71)
Amnesty International believes that this refers to the revolutionary tribunals . Their regulations made no provision for such a prosecution other than within the general category of "anti-people or anti-revolutionary" offences. (72)

Other examples of this are that on 15 April Ayatollah Madavi-Kani announced that anyone searching homes or stopping and arresting persons

without following the proper procedures would "be prosecuted by the revolutionary authority" (73) and on 7 June the Ministry of Health said that the court would try people who slaughtered animals on the side of the street. (74)

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On 14 and 15 April Iranian TV broadcast video-tapes of revolutionary court sessions. (75) On 15 April families of prisoners protested outside Qasr prison that there was a possibility that charges might be brought out of enmity alone and that miscarriages of justice could occur because of the speed of the trials. (76)

The controversy over court procedures continued. On 22 April, Dr Ibrahim Yazdi, on the first day of his appointment as Head of the Foreign Ministry is reported in Kayhan as saying:

> "The way the court proceedings are going on should be reformed. I believe that the corrupt people should be executed ... [and] proof of the crime should be enough ... the people want to know what happened in the court.... those who have been tortured should give [evidence]. [But] the proceedings which were telecast were not secret trials". (77)

On 25 April, Prime Minister Bazargan made a similar point:

> "We see reports of executions every day in the newspaper ... [and] such things make us worried ... all Iranians are worried ... an imbalance has been created throughout society. Everybody is afraid and asks [about the future] - if these Komitehs and guardians of the revolution continue their activities [and also people acting in the names of the Komitehs and the Imam] in an irresponsible manner, especially when they are armed, what will happen to the nation, the country and also the government?" (78)

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Ayatollah Shariat-Madari raised this question in an interview in Bamdad on 13 May. He made the following points among others:

1. The courts should operate according to Islamic law "or" international standards.
2. Persons who were forced to earn a living by having contact with the previous regime should not be convicted on those grounds alone. (79)

On the same day Ayatollah Khalkhali who, it is often reported, exercises an important function within the revolutionary hierarchy disagreed:

> "The revolutionary courts were born out of the anger of the Iranian people and these people will not accept any principles outside of Islamic principles. There is no room in revolutionary courts for defence lawyers because they keep quoting laws to play for time, and this tries the patience of the people. All those convicted by revolutionary

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courts had committed torture or stifled freedom, been involved in censorship and corruption and promoted festivals /such as/ the celebration of 2,500 years of the Monarchy or the Arts Festival. They have not only taken the wealth of the people but have had a hand in corruption on earth." (80)

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Ayatollah Khalkhali asserted that there were people who wanted the courts to be conducted on the basis of the "western" judicial models, which he rejected, and said that during the trial of "certain influential people" he had felt that the courts were subjected to pressure but continued to work in their own way "with complete valour". (81)

On 13 May Ayatollah Khomeini issued a statement restricting the categories of offence for which the sentence of death could be imposed. Its terms were as follows:

> "No court of justice has any right to issue a death sentence except in the following two instances (1) when a person is proved to have killed a human being; and (2) when a person has ordered a massacre or has perpetrated an act of torture that led to death. No person must be executed outside the two instances stated above. Violation of this command is an offence and a ground for proof of Qisas." (see page 91-95) (82)

It became clear three days later that this decision was in no way designed to tie the hands of the courts when dealing with offences committed in future. On 16 May the Islamic Revolutionary Council referred to Ayatollah Khomeini's statement as:

> "...a necessity at the present stage of the revolution since a phase of construction has begun. Peace and security in society in all sectors of government, and in the private and economic sectors, is imperative."(83)

and announced that:

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> " ... in order that the traitorous and counter-revolutionary elements and the remnants of the previous hated regime - upon whom God's wrath and strokes of fire have descended in the form of swift and decisive sentences passed by the Islamic revolutionary courts, depriving them of the opportunity to engage in conspiracy - may not take advantage of the position and conceive the misguided idea of dealing blows at the revolution they are warned that:
>
> (1) this order of our leader at this stage relates to death sentences only. The way is open for other forms of punishment.
>
> (2) this order, which relates to a particular stage [of the revolution], deals only with past offences.

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> We warn treacherous counter-revolutionary conspirators that if they embark on disgraceful, traitorous and counter-revolutionary deeds and think of damaging the revolution and its achievements that have been attained at the price of the blood of our martyrs they will be crushed unfailingly with the utmost severity by the revolutionary courts and will be punished." (84)

Around this period reports of interference with the work of the court appeared in the local press. It seemed to stem from a variety of motives. On 13 May the Public Prosecutor of Shiraz, members of his office and a prominent member of the revolutionary court in that city resigned over the release by revolutionary guards of 13 prisoners (six SAVAK agents, five charged with massacre, and two police officials). By the next day the entire membership of the Islamic revolutionary court had reportedly resigned. (85)

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The public prosecutor in Kashan resigned in protest against interference by "unauthorized people" in his work (86) and on 29 May the Public Prosecutor of the Lahijan Islamic Revolutionary Court resigned in protest against the "illegal interference of the Governor of Lahijan in the affairs of the revolutionary court". (87)

On 21 May Ayatollah Hassan Tabatabai Qomi reportedly sent a letter to the Islamic Revolutionary Council speaking of "hasty executions" and "unwarranted tortures". (88) He wrote that punishments handed out by Komitehs were "rash" and that he had received allegations of "unjust tortures" being administered to prisoners after they had been found not guilty. The Ayatollah added that"punishment should be handed out according to religious and social laws"and should not be arbitrarily imposed. (89)

Ayatollah Azari Qomi is reported in the local press of 16 May to have said: "We would be happy if [prisoners] were to engage lawyers to defend them in the revolutionary courts, but lawyers themselves have not come forward to help, because they fear the reaction of the public against them." (90) This is surprising as it was not until 3 July that the right to have defence lawyers was granted by the Islamic Revolutionary Council.
(See page 47)

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Criticism of court procedures continued, Ayatollah Khazem Shariat-Madari said in an interview printed on 19 May in Bamdad that:

> "The criminals must undoubtedly be punished in view of the fact that our people have faced the 'devilish' order for 50 years. But the punishments must not exceed those stipulated by Islam. We cannot enforce the same vengeful laws as the former regime. Charges must be classified according to their intensity - those which justify execution, imprisonment, exile, bail and so on. The 50 years of the hated Pahlavi dynasty naturally forces some people to have

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contact with them in some way or other. Most of those executed until now deserved such punishments. But the extent of the punishment and a just trial must be determined by a qualified judge. The defendant must be allowed a lawyer ... so that: (1) justice is thoroughly [carried out] ; (2) Islam is proved to be the best kind of order; (3) foreigners' vehement denunciation of political trials can be parried." (91)

On 22 May a proposal to speed up the process of investigation of detainees' cases was announced by Ayatollah Azari Qomi. (92) He said that the revolutionary system was trying to bring in more people from the judiciary to strengthen the staff of the public prosecutor's office. (93)

The need for proper legal discipline to be established was publicly asserted on 23 May by Ayatollah Sadeq Rouhani. In an interview published in Ayendegan he said that the revolutionary court had not really attended to the conditions of persons whose cases were "ambiguous". (94) They had not given them a fair trial. He said "I hear that in some parts of Tehran, some mistakes have occurred. After all they are also human and humans are prone to error." It was his opinion, however, that executions carried out in Tehran were "justifiable". (95)

This tendency to recognize the inherent unfairness of the procedures seems to have had another result: On 26 May the revolutionary guards at Qasr prison held a demonstration. Their slogans were: "We approve of revolutionary executions" and "The corrupt on earth must be executed". (96) They argued that speedier investigations of the files of persons accused of being agents of the former regime was necessary. (97) Two days later (28 May) Prime Minister Bazargan reportedly went to Qasr with his deputy, Mr Hashem Sabbaghian, to discuss legal procedures. (98)

The debate continued in this way but the fact that revolutionary courts had deviated from acceptable norms of Islamic judicial behaviour is clear if one examines the text of an agreement between Ayatollah Khomeini and Ayatollah Khagani which was disclosed by the latter in a press conference on 27 May in Qom. (99)

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Among the points of agreement between the two Ayatollahs were the following: (100)

(a) A review of the present courts in the country would be conducted.

(b) A review of the executions in the country would be conducted.

(c) The above would be done with a "view to bringing them in line with religious law".

(d) More mercy would be exercised in handing out punishments for criminals"in the same way that the Prophet Mohammad and Imam Ali did after their victories".

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The subject of the agreement had been the religious and legal rights of the Iranian Arabs in Khuzestan. Its significance however is of wider geographical scope. Shortly after, on 2 June, the Revolutionary Prosecutor General issued a statement saying that the Revolutionary Guard Corps and Public Prosecutor's Office in Khuzestan had been ordered to crush anyone "plotting against the Islamic revolution of the Iranian nation". (101)

During the remainder of the period under review the courts continued to act in the same manner. The "legal debate" tended more recently to revolve around the possible setting up of "Extraordinary Counter-Revolution Courts" (see Bamdad, 8 July, and Chapter V) but this has not yet happened and the conflict between secular lawyers and religious authorities continued on many issues. On 3 June Bamdad reported that Ayatollah Azari Qomi had said that the delay in handling cases was due to "the reluctance of judges to officiate in the revolutionary courts". (102)

On 9 July Ayendegan reported that the dispute was continuing in Qasr prison between the Ministry of Justice lawyers and the religious authorities (103) and on 14 July revolutionary prosecutor Ayatollah Azari Qomi said that the Revolutionary courts would only go "when they had completely wiped out counter-revolutionary activities and the Justice Ministry observed Islamic tenets". (104)

Revolutionary courts have been set up in the province of Kurdistan to try persons accused of rebellion and many executions have taken place. (see Update) Further political offences have also been created. (see Chapter V)

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* * *

The introduction of regulations did not improve the Revolutionary Tribunal's regard for human rights. Amnesty International recalls that in an interview published in The Guardian on 7 April, the then Minister of Justice, Dr Assadollah Mobasheri, had said that he had helped to draft the regulations but that they had been changed. They were now a "legally impossible document". Dr Mobasheri said that neither he nor senior religious leaders that he had contacted in Qom and Tehran knew who was responsible for the radical alterations that made "complete nonsense of the code". (105)

Iran Radio reported on 22 July that the Prosecutor-General had submitted a report on the working of the Islamic courts to Ayatollah Khomeini in Qom. The content of this report is not known to Amnesty International but we note that Foreign Minister Yazdi was reported on 12 September to have said:

> "We have these tribunals. These are extraordinary revolutionary tribunals. We are in a state of war. The revolution has not ended. We can't, and we will not,

follow the peacetime trial procedures of either Western countries or of Iran in the past. We are in a revolutionary phase. And in each case - you name it - there are documents about the executed people. Most cases were open to the public, many were shown on TV. These people were criminals. They tortured people, they killed and massacred people". (106)

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Amnesty International is concerned that the guarantees necessary for a fair trial are effectively lacking in cases heard by the Revolutionary Tribunals - viz:

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1. The rights to know in detail and exactly the charges against one.

2. The right to be presumed innocent until found guilty by a competent and impartial tribunal in accordance with law.

3. The right to a fair and public trial.

4. The right to present evidence and to call witnesses in one's own defence.

5. The right to examine, or have examined the witnesses against one and to obtain the attendance and examination of witnesses for the defence under the same conditions as witness for the prosecution.

6. The right to communicate with counsel or a representative of one's own choosing.

7. The right to adequate time and facilities for the preparation of the defence case.

8. The right to be afforded legal aid and representation without payment by the defendant in any case where he or she does not have sufficient means to pay for it.

9. The right to a decision based on the true merits of the case as established by the evidence.

10. The right to have the decision rendered in public.

11. The right of appeal.

12. The right to petition for review of the case.

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NOTES TO CHAPTER III

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1. PARS News Agency "Daily News" (in English) 22 February 1979 Vol 2 no. 557 p.15

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2. Kayhan (Tehran) 17 February 1979. There were reports of courts in the provinces being set up before 10/11 February. The Washington Post on 5 February quoted Ettela'at of 4 February and reported sentences of 30 lashes on four men in Mashad. The report continued:

"The four men had been arrested by 'Islamic stewards' and taken to Ayatollah Ozma Shirazi after admitting the theft. 'People's courts' are reported to have sprung up in various parts of the country in recent months and 'Islamic stewards' have largely replaced police in some provincial centers."

3. Interview with Minister of Justice Assadollah Mobasheri. Ayendegan (Tehran) 7 April 1979.

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4. Report by local correspondents, 1 March 1979.

5. Speech by Ayatollah Khomeini on his return to Qom on 1 March 1979. PARS News Agency "Daily News" (in English) 3 March 1979, Vol 2 no. 564 pp 2-6. This quote taken from local correspondents reports on 1 March 1979.

6. Report in Kayhan 10 March 1979 on execution of Soltan Rezai, known as Sultu. (see Appendix A no 48)

7. Nouvelles de la Revolution (Bulletin d'Information publié par l'Ambassade de la Republique Islamique d'Iran.) Berne, Suisse, 12 September 1979.

8. Amnesty International cannot put exact dates to the period when trials were stopped. Reports from Iran are confusing but seem to indicate a period which started between 14-17 March and ended on 6 April 1979. The Guardian, London, reported on 6 April that courts outside Tehran had been permitted to continue trials but executions were forbidden. Amnesty International has heard reports of two floggings in Amlash during this period. (see Appendix B)

9. Press Conference 18 March 1979. (Local reports)

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10. ibid.

11. Ettela'at 28 March 1979.

12. Kayhan 26 April 1979. (Report of an address in Qom to a group of foreign women resident in Iran and the staff from the magazine Laleh.)

13. Le Monde (Paris) 15 May 1979.

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14. The Guardian, London, 6 April 1979 citing Reuters news agency.

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15. The role of the religious judge in the Shi'ite sect should be seen in the following perspective:

The magazine The Iranian (Tehran), 8 August 1979 (Mordad 17 1358) vol 1 no. 7 (in English) reported on page 3 that:

> "... several notable changes are taking place which are radically altering the country's judicial system ... One is the recent decision to invite Mujtahids into the legal system. This was done in an effort to alleviate the judge and lawyer shortage currently plaguing the profession. Mujtahids are interpreters of Islamic Law who acquire their licence to practice upon the approval of a Marja'e Taghlid (a member of the High Clergy). Their qualifications are based on their knowledge of Islam and its laws."

The following is taken from Misconceptions Regarding the Juridical Status of the Iranian Ulama by Joseph Eliash. (Int. J. Middle East Stud. 10 (1979) 9-25 at page 11:

> "The opinion that Shi'i mujtahids are the deputies of the Hidden Imam* and that they are authorized to wield his authority in his absence is held by many Shi'i mujtahids. The late dean of the College of Shi'i Jurisprudence in Najaf, Ayatollah Muhammad Rida Muzaffar, cites a hadith [saying - Amnesty International note] on the authority of the Imam Jaffar al-Sadiq to the effect that the mujtahid is not only the absolute deputy of the Imam in religious and temporal affairs (al-hakim wa-l-ra'is al-mutlaq) but that to disobey him is equivalent to committing the sin of polytheism (ishrak bi-llah).
>
> [Agapid al-Imamiyya, preface by Hamid Hafni Dawood (Cairo 1961) pp 34-35.]"

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"Mahmoud Shehabi, Professor of Muslim Jurisprudence at the University of Tehran, expresses a similar opinion:

> 'The order was received from the hidden Imam that during the long absence the ignorant are to be guided by the orders and religious ideas of leaders called public deputies, or deputies not specifically appointed - who know jurisprudence, can protect their religion, and are able to save the people from sins, corruption and earthly desires. Such public deputies who have a thorough knowledge from the proper sources are, during the long absence, like the Imam, and following them is comparable to following an Imam.'
>
> [Shi'a' in Islam - The Straight Path: Islam interpreted by Muslims ed. Kenneth W Morgan (New York, 1958) p. 202]"

* It is believed that he will return and"fill the earth with equity and justice"
(See source to no. 5 on page 215 - that publication page 211.)

16. Regulations of 5 April 1979. (hereinafter "Regulations".): Part 1.

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17. Statement by Islamic Revolutionary Council. BBC SWB (ME/6118/A/4),17 May 1979. Monitored from Tehran Home Service 07.30 GMT 16 May 1979. Although this statement was explicit on death sentences being available for counter-revolutionary offences some commentators have said that the regulations of 5 April had already given the court jurisdiction over such matters. See e.g. The Guardian, London 6 April 1979.

18. Regulations : Part 2.

19. Statement by Ayatollah Azari Qomi, Tehran Prosecutor, reported in Ayendegan, 14 July 1979. This is provided for in Regulations : 11.

20. Conversation between Amnesty International delegates and Mr Amir Entezam, Tehran, April 1979. An identical comment is ascribed to Mr Entezam in Iran Political Digest, 16 April 1979. no 223 on page 10.

21. Regulations : Parts 2 and 20.

22. Regulations : Parts 4, 8, 19 and 26.

23. Regulations : Part 5.

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24. Regulations : Part 6.

25. Regulations : Part 6(i).

26. BBC SWB (ME/6089/A/10), 9 April 1979. Monitored from Tehran Home Service 15.30 GMT 7 April 1979.

27. See, e.g., the first hand report of attendance at a trial in Isfahan by the correspondent of The Guardian:

> "Attendance was either by invitation or following special application 24 hours before the court opened."
> (The Guardian 8 May 1979)

But N.B.

On 24 June Reuters reported that two former SAVAK torturers had been condemned to death after a nine-day trial. Up to 800 people a day

reportedly attended the hearing at the Mosque in Tehran's Qasr prison and details of the trial were broadcast nightly on television. Iran Radio reported on 8 August that 1000 persons had witnessed a trial in Tabriz.

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28. See, e.g., (i) reports of the trial of former Prime Minister Hoveyda appearing in Ayendegan and Ettela'at on 8 April 1979;

> "This court is not trying you. It is trying the system, the system you are a representative of, an executor of. [The] system which ... tortured and butchered ... "

(ii) the report of the trial of former Deputy Prime Minister Lt. Gen. Ali Hojjat Kashani appearing in Kayhan on 11 April 1979:

> "You are being tried in this court as a criminal and not as an accused."

29. Such advertisements, which were common, were also placed at the time of investigation. An example is the notice broadcast on the Tehran Home Service at 16.30 GMT on 25 March 1979. (BBC SWB ME/6078/A/11,28 March 1979). It listed the names and personal details of 36 detainees and said:

> "The chief prosecutor of the revolution is asking all dear compatriots that, if they have any documents, papers or complaints against any of these individuals of the previous regime, they should, at the earliest time possible, submit their documents, papers and proofs to the committee responsible for the collection of documents and information at the revolution's prosecutor's office located at the former site of the army's office of the prosecutor at the Old Shemran Road, before reaching the Qasr intersection (in Tehran). "

30. This information was received by the Amnesty International delegates in Tehran.

31. Regulations : Part 8. Such an adjournment occurred in the four-day trial of Brig. General Fazlollah Nazemi which was reported in Kayhan on 7 May 1979. The defendant had said that on 11 February he had ordered his troops to lay down their arms. The court adjourned to check this and "after its own investigations" found it to be untrue. He was sentenced to death.

32. Regulations : Part 9.

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33. Regulations : Part 9(2)

34. Regulations : Part 13.

35. Regulations : Part 14.

36. Regulations : Part 15.

39. BBC SWB (ME/6157/A/11) 3 July 1979. Monitored from Tehran Radio (Arabic service), 17.45 GMT 1 July 1979.

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40. Televised address by Ayatollah Khomeini. 2 April 1979.

41. Amnesty International does not wish to name the lawyer in question.

42. The line between the functions of "Prosecutor" and "Judge" seems to be blurred". Local correspondents reported on 14 May 1979 that the Revolutionary Prosecutor-General also had the title "Officiating President of the Revolutionary Court".

43. On 2 June it was reported locally that Ayatollah Khalkhali was travelling to Khuzestan for this purpose. Amnesty International has received unverified reports that this was on Ayatollah Khomeini's orders. The same judge was reportedly ordered to Kurdistan (see Appendix C - section entitled "Executions - The Kurdish Rebellion ").

44. Statement by Revolutionary Prosecutor-General 30 April 1979.

45. Reuters News Agency 24 July 1979.

46. Regulations : Part 17.

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47. Regulations : Part 18.

47A. Regulations : Part 18(i).

48. Amnesty International received this information whilst visiting a local Tehran Komiteh on 30 April and 1 May 1979.

49. Regulations : Part 20.

50. This conclusion is inescapable after a careful consideration of all available evidence relating to legal procedures. But see pages 134-5.

51. Regulations : Parts 4 and 20(i) read together.

52. Regulations : Part 21.

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53. Regulations : Part 25.

54. Regulations : Part 26. It is important to note that there was dispute in Iran as to whether Part 26 referred to releases on bail or all releases. The importance of this lies in the fact that Part 34 of the regulations provided that they would enter into force upon ratification by the Islamic Revolutionary Council and "publication once in one of the capital's highly circulated papers and announcement by other mass media". If the regulations as published are meant to be authoritative then there is confusion. Amnesty International understands that Ettela'at and Iran Radio on 5 April said that Part 26 covered all releases; Iran Political Digest (16 April no.223) refers only to releases "against a security". As the former, and not the latter, are within the terms of Part 34 and as, in any event, practice has shown that the religious judge exercises the discretion to release in all cases, Amnesty International takes this to be the state of the law.

55. Regulations : Part 27.

56. Regulations : Part 28.

57. Regulations : Parts 6(3) and 29.

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58. Regulations : Part 30.

59. This essentially reproduces the law as promulgated on 5 April. See Chapter II for a chronology of attempts to regularize arrest practice and procedure. These rules are contained in Regulations : Parts 31 and 31(2). The latter provision covers arrests of persons trying to escape and those where the person to be arrested is one where "no negligence or procrastination is advisable." (Iran Political Digest, 16 April, no. 223 at page 17.)

60. Regulations : Part 32.

61. ibid. An example of imprisonment in another area of the country is that of Lt. Mohammad Ibrahim Eskandari who had been convicted on 5 June of firing into the air against demonstrators. He was sentenced to two years imprisonment at a trial in Ahvaz. Originally he was ordered to be detained in Dezful but this was changed to Khorramabad after he told the judge, Ayatollah Khalkhali, that it was his home. (Reuters 5 June 1979.)

62. Press Conference. Local report on 6 May 1979.

63. Regulations : Part 33.

64. Kayhan 7 April 1979.

65. The condemned man's name was Ali Duhi. The case was reported in Kayhan on 21 and 22 April 1979.

66. Monitored locally from Iran Radio, 19 June 1979.(see Appendix B no. 330)

67. Monitored locally from Iran Radio, 6 August 1979.

68. Regulations : Part 7.

69. The Guardian, London 11 April 1979.

70. Ayendegan, 15 April 1979.

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71. Local reports, 10 April 1979.

72. "Anti-people and anti-revolutionary" offences is the concept explicity employed in Part One of the Regulations.

73. Statement issued by the Revolutionary Prosecutor-General, 15 April 1979.

74. Monitored locally from Iran Radio, 7 June 1979.

75. These broadcasts were lengthy. Amnesty International sought to obtain copies of the video-tapes but without success.

76. Local reports, 15 April 1979. There have been complaints that persons have not been permitted to visit detained relatives. Amnesty International has heard a number of accounts from people who have been allowed to visit

but this depends on a determination as to whether or not the prisoner is held incommunicado. Perhaps the best evidence of this is the statement broadcast on the Tehran Home Service at 10.30 GMT on 23 March 1979. It read as follows:

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> "According to information to hand, by the command of the Imam Khomeini, the leader of the Iranian Islamic revolution and on instructions from Hadavi, the Prosecutor General of all the Islamic courts, 250 prisoners connected with the previous regime are to meet their immediate relatives today. It should be noted that another 500 prisoners have had meetings with their families in the past few days. Arrangements for meetings by other prisoners - provided they are not incommunicado - [emphasis added] will be made in the next two or three days. The manner of visits and visiting hours and other details will be communicated by telephone to the families of the prisoners. The prisoners' families are requested not to visit the prisons before they are told to do so by telephone."
>
> (Monitored by BBC SWB ME/6076/A/11 26 March 1979)

77. Exclusive interview in Kayhan, 22 April 1979.

78. Televised statement: 24 April 1979; text reported locally 25 April.

79. Bamdad, 13 May 1979. (Amnesty International does not take paragraph (i) to mean that Islamic law and international standards are necessarily incompatible. The Ayatollah seems to have inferred that the courts were not applying either system.)

80. Statement of Ayatollah Sadeq Khalkhali at a press conference reported locally, 13 May 1979. (Also reported in BBC SWB ME/6116/A/10, 15 May 1979. Monitored from Tehran Home Service 16.30 GMT 13 May 1979.)

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81. ibid.

82. BBC SWB ME/6116/A/9, 15 May 1979. Monitored from Tehran Home Service 20.30 GMT 13 May 1979.

83. BBC SWB ME/6118/A/4, 17 May 1979. Monitored from Tehran Home Service 07.30 GMT 16 May 1979.

84. ibid.

85. Ettela'at, 13 May 1979 and Bamdad, 14 May 1979.

86. Monitored locally from Iran Radio, 13 May 1979.

87. Kayhan, 20 May 1979.

88. Bamdad, 21 May 1979.

89. ibid. Part of the letter read as follows:

> "Several people have been hastily killed without proper grounds."

90. Statement of Ayatollah Azari Qomi, Ettela'at, 16 May 1979.

91. Bamdad, 19 May 1979.

92. Bamdad, 23 May 1979.

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93. ibid. The "judiciary" may be taken to refer to judges from the Ministry of Justice.

94. Bamdad, 23 May 1979.

95. ibid.

96. Kayhan, 26 May 1979.

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97. ibid.

98. Bamdad, 28 May reported that Prime Minister Bazargan had also discussed the subject with Ayatollah Qomi, other clerics and officials of the Ministry of Justice.

99. Bamdad, 28 May 1979. Ayatollah Khaqani had earlier expressed his concerns to the Kuwait News Agency (KUNA).A report by KUNA on 19 May 1979 (07.00 GMT)had read in part:

> "He expressed the hope that the Islamic law would be applied to all regions of Iran without discrimination, saying that Islam did not distinguish between an Iranian, an Arab, a Turk or a Kurd, adding: 'But there are some who want to cause dissension'. He called for justice among all sections, classes and creeds and for the preservation of their rights in accordance with Islamic Shari'ah."
>
> (BBC SWB ME/6121/A/5, 21 May 1979.)

100. Bamdad, 28 May 1979.

101. Reported locally 2 June 1979. (see especially Bamdad)

102. Exclusive interview in Bamdad, 3 June 1979.

103. Ayendegan, 9 July 1979.

104. Ayendegan, 14 July 1979. (Intimation of this was given in the issue of 9 July).

105. The Guardian, London 7 April 1979.

106. Source as per note 7 supra.

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CHAPTER IV

OFFENCES AND PENALTIES

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CHAPTER IV

OFFENCES AND PENALTIES

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CHAPTER IV

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OFFENCES AND PENALTIES

A. General

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Introduction

This chapter describes in detail the broad category of offences over which the Islamic Revolutionary Tribunal exercises jurisdiction. The tribunal's rules (1) give it power to try offences "such as (i) murder, (ii) torture, (iii) "imprisoning innocent Iranians", (iv) "furthering the influence of foreigners and the disgraceful Pahlavi regime", (v) theft and embezzlement of treasury assets, (vi) "ruining the economy" and (vii) offences involving armed attacks.

This wide jurisdiction is broadened by the inclusion of (viii) "similar abuses against the people" and (ix) "acting against the national or public interest with or on behalf of foreigners". The tribunal is also empowered to hear prosecutions for certain sexual offences.

On 16 May Iran Radio reported that the Islamic Revolutionary Council had issued a statement effectively providing that anyone found guilty thereafter of counter-revolutionary activities, or found to be a traitor to the Islamic Republic, could be executed. (2)

Trials before the Islamic Revolutionary Tribunal started immediately after the Revolution and a new Judiciary at once began to sit in judgement over those who had supported and maintained the Shah's rule. Charges brought against defendants were of a somewhat hybrid character. Some of them incriminate a certain type of political conduct, for example "being a Minister in the former government", or "assigning the underground resources of oil, copper and uranium to foreigners"; others charge a criminal responsibility for inhumane conduct such as torture and murder of dissenters and demonstrators. More recent cases may charge "counter-revolutionary activities".

The indictments make reference not only to secular offences, but also to religious concepts of Islamic law such as "Mischief through the land" (Mofsed-E-Fel'Arz). This is taken from Sura 5 Verse 33 of the Qur'an (3) which reveals that:

> "The punishment of those
> who wage war against God
> And his apostle, and strive
> With might and mane
> For mischief through the land
> Is: execution, or crucifixion,
> or the cutting off of hands
> And feet from opposite sides,
> Or exile from the land:
> That is their disgrace
> In this world, and
> A heavy punishment is theirs
> In the hereafter;"

"Mischief through the land" is commonly referred to in English as "Corruption on Earth".

This chapter will study the nature and meaning of those charges known to Amnesty International to have been brought against defendants.

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The Indictment

The indictment is a document in three parts though regional variations may exist. The first part contains the charges and personal details of the accused; the second a brief description of the evidence and the third a reference to Islamic Law and a suggested punishment. The document is signed by the local Revolutionary Prosecutor. It is headed "In the name of God the Merciful and Compassionate".

Many of the charges against defendants are widely drafted and cover political activities. This is true both for persons accused of being "anti-revolutionary" and those accused of being "counter-revolutionary". Amnesty International's knowledge of the charges against approximately 900 defendants appears in Appendices A and B of this report but the five indictments quoted from below illustrate the types of offence upon which defendants have been indicted in political cases.

Example No. 1 Politician (see Appendix A no

Defendant: Former Prime Minister Amir Abbas Hoveyda

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Charges:

" 1) Corruption on earth.
2) War on God, the people of God and the deputy of the Imam (see page 98)
3) Revolt against the security and freedom of the country by forming cabinets handpicked by the United States of America and Britain to safeguard colonialist interests.
4) Acting against the national sovereignty; interfering with Majlis elections and appointing and dismissing ministers and commanders according to the wishes of foreign ambassadors.
5) Assigning the underground resources of oil, copper and uranium to foreigners.
6) Expanding the influence of imperialists, America and her European allies in Iran through the destruction of local resources and conversion of Iran into a consumer market for foreign goods.
7) Paying oil income to the Shah, Empress Farah and countries affiliated to the West; contracting loans from the USA and Western governments at a high interest rate and on enslaving terms and conditions.
8) Destroying agriculture and forests.
9) Direct participation in spy activities in favour of the West and Zionism.
10) Grouping with plotters in Cento and Nato for repressing the nations of Palestine, Vietnam and Iran.

11) Active membership in the Freemasons organization in the Foroughi legion, as supported by existing documents and confession of the accused person.
12) Participation in threats and terrorism against just people, and in their murder, assault and battery and limiting their freedoms by arresting journalists and exercising censorship of the press and books.
13) Founding and holding the first secretary-generalship of the dictatorial Rastakhiz Party of Iran.
14) Spreading cultural and moral corruption, participation in the strengthening of the colonialist foothold and creating a capitulatory system of justice for American citizens.
15) Direct participation in the smuggling of heroin to France in the company of Hassan Ali Mansour.
16) Untrue reporting through handpicked newspapers and appointing handpicked editors at the head of publications."

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Sentence: Death (7 April 1979)

Sources: Reports of trial and execution carried in Ayendegan (Tehran), Ettela'at (Tehran), Kayhan (Tehran) and foreign media.

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Example No. 2 Military Officer (see Appendix A h

Defendant: Former Air Force Chief Lt. General Hossein Rabii

Charges:

"1) Corruption on earth.
2) War on God and Prophet of God.
3) Actions designed to weaken the country's independence and security.
4) Shaking the foundations of the country's system of Government.
5) Participation directly in the murder of innocent people and trying to put down the people's uprising.
6) Defiling all that is sacred, whether religious or national, to the Muslim people of Iran and the world.
7) Dismissing air force officers and having them killed in an attempt to oppose the people's desire for rule.
8) Insulting the pure clergy and trying to discredit them by calling them Communists.
9) Trying to influence the opinions of soldiers and homafars [air force personnel - Amnesty International note] and thereby lead them astray from the true path.
10) Trying to hinder the air force in its desire to join forces with the people.

11) Subjecting the army, the politics, economy and culture of the country to the influence of foreigners and imperialism.
12) Trying to re-establish the Shah's idolatrous rule over the weak and defenceless people.
13) Conspiracy, incitement and attempting to obstruct the path of God to deprive the people of their true desire. "

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Sentence: Death (8 April 1979)

Source: Ettela'at (Tehran) 11 April 1979.

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Part two of Lt. General Rabii's indictment (a brief description of the evidence) was reported by local correspondents on 11 April to have read as follows: (4)

"The arrest of dissident air force personnel, the eviction of some of them from their homes (provided by the air force), according to the testimony of Generals Mashem Berenjian and Setahbod Kamyabipour, preventing the revolutionary flight (of Ayatollah Khomeini) according to his own confession as recorded in his file, and trying to prevent the Ayatollah's return, making facilities available to General Gholam Ali Oveissi to enable him to flee the country in an air force plane; giving permission to the commander of the national guard to station tanks at the Dowshan Tappeh base, which were used in the killings of February 9; being present at the meeting of army commanders with former Premier Shahpour Bakhtiar, where the plan for the attack on Dowshan Tappeh was drawn up, though this plan subsequently turned out against them; being in contact with the CIA through the former US ambassador, Richard Helms, implementing American advisors' schemes to plunder the country's resources, as established in the confessions of Hasratollah Shoayan and (Savak chief) Nasser Moghaddam, and on his own confession, causing irreparable loss to the national wealth by employing people who had been dismissed for embezzlement and corruption and even giving them promotion as established in the confession of Shaayan, providing the means of transport to and from South Africa for one of the oppressors of that country, according to his own confession, and having gone to Israel and had talks on political problems with Israeli leaders. "

Example No. 3 Businessman (see Appendix A no. 214)

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Defendant: Mr Habib Elghanian

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Charges:

"1) Friendship with the enemies of God; hostility towards the friends of God.
2) Espionage for Israel, the Zionist usurper.
3) Collecting funds for the support and aid of Israel and its usurper army which bombs our Muslim brothers of Palestine every day.
4) Spending funds and benefits which have been derived from the exploitation of Iranians to construct the belligerent usurper Israel, which is against Islam and God.
5) Corruption on earth in the form of destroying economic resources and in consequence, destroying society's human resources.
6) Fighting against God, the Prophet, the Representative of the Twelfth Imam and against our disinherited people.
7) Obstructing the way of God and the way towards happiness for all the disinherited people in the world. Obstructing Islamic and human values.
8) Corruption on earth.
9) Contributing to the cruel daily massacre of our Palestinian brothers. "

Part two of the indictment against Mr Elghanian read as follows:

"Evidence of Guilt

"1. Confessions, some of a specific character and others circumstantial, as set out in the case file.

"2. Evidence, included in which are documents and other proof of actions undertaken by the defendant, showing that he sent money to Israel to strengthen its defence capability.

"3. Organizing a meeting with leaders of the Zionist state such as Abba Eban and other usurpers, all of whom are the most cruel enemies of God and the Palestinian people.

"4. The purchase of property and high-rise buildings. "

Sentence: Death (9 May 1979)

Source: Translation of the original indictment and reports of execution in Kayhan (Tehran) and foreign media.

Example No. 4 Politician (see Appendix B no.410)

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Defendant: Former Health Minister Shojaedin Sheikholislamzadeh

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Charges:

"1) Exploitation and plunder of public wealth and illegal utilization of government money and property.
2) Attempting and directly participating in activities to bolster the former hated regime.
3) Participation in economic, social and cultural crime. Being involved in cabinet activity to destroy the rule of the people.
4) Destruction and corruption in the Health Ministry and Clinics.
5) Squandering the budget on socializing and corruption.
6) Indirect killing by creating the conditions in which people could not lay their hands on medicine.
7) Misuse of power and spending of public wealth on people around him and the agents of the former regime.
8) Direct and indirect co-operation with the dissolved Savak."

On 25 July Iran Radio (5) reported that verdicts of guilty had been entered on charges of embezzlement, misappropriation of funds, bribery and association with the former Shah's court. The defendant was sentenced to life imprisonment.

The trial had lasted for nine days and the court had deliberated for three days before announcing its verdict. The defendant's wealth and that of his next of kin were confiscated and the Prosecutor announced that owing to lack of evidence on some points in the list of charges, and also because of the defendant's medical expertise, his services would be used in prison "in accordance with the National Health Plan". This is the first such case in which, to Amnesty International's knowledge, the evidence had been so carefully scrutinized and from which leniency resulted. High-ranking defendants tried earlier were invariably executed.

(But see page 135)

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Example No. 5 "Counter-Revolutionaries"

Defendants: 14 members of The Socialist Workers' Party of Iran tried in Ahvaz on 26 August 1979. Amnesty International has information that the charges against two of the defendants were as follows:

"1) Participation in anti-Islamic and anti-popular activities.
2) Agitation against the central government.
3) Criticism of the central government for being undemocratic.

4) Praising the "anti-revolutionary Kurdish people".
5) Encouraging the armed struggle of the Kurdish people against the central government.
6) Responsibility for the "explosive situation" in Khuzestan Province.
7) Dissemination of "poisonous ideas" and "sexy magazines".
8) Membership in the Executive Committee of the Socialist Workers' Party in Khuzestan Province.
9) Responsibility for the "tragedy in Nagadeh" [a reference to fighting between Revolutionary Guards and Kurds]. "

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Sentence: Two women defendants were sentenced to life imprisonment; the sentences on 12 men are not known.

Source: Amnesty International information.

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Notes on the Above Indictments

(i) The indictments often charge offences which are capable of an extremely broad interpretation.

(ii) The method of drafting the indictment may involve reference to Islamic concepts such as "corruption on earth" without citation of any other specific legal provision such as serves to show a prohibition of the alleged act at the time it took place. However, in cases where the act complained of is a specific Islamic offence, e.g. adultery, no other specific citation would be necessary. This is subject to the caveat that many of the acts alleged to have been committed, e.g. those relating to mere participation in the Shah's government, were not unlawful under the secular laws in force in Iran at the time they were committed. This caveat would not apply to charges of torture and murder, for example, as they were always illegal, but the Savak perpetrators of those crimes were not prosecuted at the time.

(iii) The case against Habib Elghanian, who was Jewish, (5A) is the only instance known to Amnesty International of a non-Muslim being charged with a Qur'anic offence. Part three of the indictment against him read:

> "Taking into consideration [the text of parts one and two of the indictment] and applying [specified and unspecified] verses of the Holy Qu'ran ... and other words transmitted by the Tradition of the Saints it is requested that the defendant be sentenced to death and that his property and that of his family be confiscated."

(iv) Indictment number five above shows that charges against alleged counter-revolutionaries may reflect an effective prohibition on certain political activities of a non-violent nature, e.g. "criticism of the central government for being undemocratic".

The charges should be understood within the context of the declared aim of the Revolution. The term "corruption on earth" represents its key motive. It is taken by the courts to refer to "inherent" vice; an unmitigated evil which the courts hold existed ipso facto because of the Shah's rule. It seems to connote a "perversion" and "impurity" deriving from Imperial rule and the consequent "disorder" whereby Iran was tied to alien "western" conceptions and thereby "corrupted". The Revolutionaries feel that they need to "purify" the country. Those who have created the "impurity" must be done away with, it is said, for they have "sown corruption on earth" and, in the words of the Qu'ran, "strive[n] with might and main for mischief through the land". They are held to have acted in complete violation of the principles of the laws of Islam.

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The charge is the religious, social and political mechanism by which the "traitors to the true Iranian nation" have been labelled. The concept is an allusion to the character of those found guilty of specific crimes. It implies a judgement on irreligious, and therefore illegal, activity:

> "For we are going to
> Bring down on the people
> Of this township a punishment
> From heaven, because they
> Have been wickedly rebellious."
>
> (Sura 29 Verse 34)

> "And we have left thereof
> An evident sign,
> For any people who
> (care to) understand."
>
> (Sura 29 Verse 35)

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Left-wingers are among those who express concern that they could be in danger of being tried for their political views. On 16 August, Ayatollah Khomeini threatened them with "the dustbin of death" (6) and delivered a warning to intellectuals "with connections in the United States". (7)

The Ayatollah reportedly continued by saying that "non-Islamic intellectuals could be disposed of in a few hours' time". (8) A report said that this would happen "on the day he and the Iranian people finally choose to take action against them". (9) He is also reported to have said:

> "As for the Islamic Republic, only when its context is one hundred percent Islamic will it be really realized ... The deviationist elements must become despondent about hatching any plots. All these things can only take place by the Will of God and the noble efforts of the nation ..." (10)

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Retroactive Law

In seeking to purge Iran of those concerned with the past regime, the courts have imposed duties which were not obligations under Iranian law during the period when the actions in question were undertaken. In the terms of some secular lawyers therefore, such charges are being brought on the basis of retroactive legislation. Such a defence would meet with no success in the Revolutionary Court. The law supplied there is professedly Islamic and the court gives its principles an overarching superiority over the secular laws which are themselves seen to have been "unlawfully" imposed upon the nation. But not all the charges are retroactive for although murder, torture, embezzlement and corruption, for example, were criminal offences before the revolution, some of the perpetrators of these crimes were not previously punished. It is crucial to note, as well, that Islamic doctrine was always part of the Iranian system . Article 2 of the Supplementary Fundamental Laws of 1907 (as amended) provided that (10A):

> "At no time must any legal enactment ... be at variance with the sacred rules of Islam ... "

Article 83 of the General Penal Code provided that any Minister, Member of Parliament, armed forces personnel or civil servant who wrongfully deprived individuals of their rights under law, or of their personal freedom, would be dismissed from his post and would lose his civil rights for a period of between five and ten years. The Revolutionary Court does not use arguments based on this law and, in any event, punishment in such cases is much more severe than provided for in the Penal Code.

Article 84 of the Code provided that if the above actions were done under the compulsion of superior orders the person who gave the order would undergo the punishment and the person who carried them out would be exempt. The Revolutionary Courts do not often use this concept and many soldiers have been executed or imprisoned for taking part in massacres whilst under the orders of their commanding officers.

Article 82 of the Code provided that Ministers, Members of Parliament, military personnel and civil servants who "rise against the national government", or who order such a rising, would on conviction mandatorily be executed. This does not really apply in these cases as the "government" in question was that of the Shah. The argument is heard in Iran, however, that the Shah's regime had "risen against the true nature of Iranian government" and that therefore some death sentences have been in conformity with Article 82.

It should be noted that there has been debate in Iran as to whether pre-revolutionary law remains in force in the absence of specific repeal by the Islamic Revolutionary Council. Amnesty International does not intend to enter this discussion as its concerns relate wholly to the law as applied and it knows of no cases before Revolutionary Tribunals which make reference to the General Penal Code. The Military Penal Code, as it related to civilian defendants at least, is no longer in force. The Press laws have been superseded. (see Chapter V)

B. Islamic Offences and Penalties

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Introduction: Amnesty International's Statutory Concerns:

This part of the chapter discusses certain Islamic offences and, where appropriate, Islamic requirements for proving them. Amnesty International has a statutory concern in all cases which involve the imposition of sentences of death or flogging.

Article 1 (c) of its statute provides that Amnesty International shall oppose:

> "By all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or have advocated violence."

Cases with and without a political element are accordingly treated here.

Flogging:

Amnesty International's statutory concerns are based upon the Universal Declaration of Human Rights and other international instruments. Article 5 of the Universal Declaration provides that:

> "No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

Flogging is a cruel, inhuman and degrading punishment. It involves one human being, acting on behalf of society, deliberately inflicting physical violence on another in circumstances that constitute an assault on a person's dignity and physical integrity, both of which international human rights law seeks to protect.

The punishment, moreover, has been administered in Iran without effective legal safeguards being available to a defendant during his trial (see chapter three) and in cases where Islamic law does not make it mandatory.

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The Death Penalty:

Amnesty International believes that the death penalty is the ultimate cruel, inhuman and degrading punishment and that it violates the right to life.

In December 1977 Amnesty International convened a conference on the Abolition of the Death Penalty. (11) More than 200 delegates and participants attended in Stockholm. They came from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region. Present were representatives from the Arab Lawyers Union and the World Muslim Congress. In 1975 these two organisations had signed a joint statement by international non-governmental organisations concerned with

human rights, which were in consultative status with the Economic and Social Council of the United Nations, to the effect that the imposition of the death penalty is in violation of the right to life of every human being and is a form of cruel, inhuman or degrading treatment or punishment. (12)

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The Stockholm Conference adopted a declaration known as the "Declaration of Stockholm". Part of this document stated that: (13)

> "The death penalty is frequently used as an instrument of repression against opposition ... and ethnic groups.
>
> "Execution is an act of violence, and violence tends to provoke violence.
>
> "The imposition and infliction of the death penalty is brutalising to all who are involved in the process.
>
> "Execution is irrevocable and can be inflicted on the innocent."

The Declaration affirmed that:

> " It is the duty of the state to protect the life of all persons within its jurisdiction without exception.
>
> " Executions for the purposes of political coercion, whether by government agencies or others are equally unacceptable. "

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As is shown below the death penalty has been imposed in Iran in cases where it is a discretionary punishment and the inference is hard to rebut that it has been imposed for one or more of the above reasons.

* * *

The three types of Islamic offence will be considered in this chapter:

(a) The Hadd Offences and Penalties (plural: Huddud)

These offences are explicity revealed by the Holy Qur'an or the Sunnah, the practice and precedents of the Prophet Mohammed. They are:

1. Highway Robbery. Sometimes known as "Corruption on Earth" or "Causing Mischief in the Land" (Hiraba).
2. Adultery or extra-marital intercourse (Zina)
3. Making a false accusation of unlawful intercourse (Kadhf)
4. Drinking alcohol (Shurb al-Khamr)
5. Theft (Sariqa)

Two other offences, Apostasy (Ridda) and Rebellion or Transgression (Baghi) are classified by most schools of Islam as Hadd offences.

The legal system of the Shia Imamiya , however, which has been the pre-

dominant school in Iran since the beginning of the reign of the Safavid dynasty in 907 AH (1501 AD), classifies the offences differently. Amnesty International notes from Sharai al-Islam Vol 4, page 147 that the Shia Imamiya (sometimes referred to as Al-Madhhab al Ja'fari) maintain that both these offences should be punished by Ta'azir (see below).

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(b) Qisas (or Qawad) and Diya Punishments

Qisas is applicable in cases invdlving offences against the person. These may give the victim or his/her successor the right to demand a life for a life or a limb for a limb and so forth.

Diya is money which is paid in compensation for blood which has been shed.

These offences are the object of a private claim (hakk adami). The victim or successor may carry out qisas or waive it (whether gratis or as part of a settlement). He may accept or waive Diya.

The Qisas and Diya offence most relevant to this discussion is homicide: deliberate (Katl'amd), quasi-deliberate (Katl Shibh al-Amd), and unintentional (Katl Khata).

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(c) Ta'azir Offences and Punishment

Ta'azir has been defined as "punishment at the discretion of the ruler or judge for wrongdoing which did not come within the exact definition, or degree of legal proof, laid down for certain specified offences." (14)

Ta'azir means deterrence or prevention and may be inflicted upon a person who commits an action for which the Hadd, Qisas, Diya or a requirement for expiation do not apply. Ta'azir offences and penalties are held by some not to need to be specified in advance of the "offence" being committed. The doctrine may thus be invoked by a judge at his discretion without any prior specific warning to society or the accused that the actions about to be undertaken will be punishable later.

This notwithstanding, the religious [political] authority can decide that judges should only apply rules which are promulgated in advance. Penal codes in other Islamic countries have been accepted as being consistent with the application of Ta'azir when they accept non-retroactivity.

The application of Ta'azir is of concern to Amnesty International because it can result in the punishment of acts which were not unlawful under Iranian laws in force and applied at the time they were undertaken. It has also resulted in the infliction of punishments harsher than those provided for at the time that a previously unlawful act was carried out.

These three categories of offence will be discussed in relation to their practical implementation in the Islamic Republic.

The Hadd Offences

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The theory of Islamic law seeks to mitigate the harshness of the mandatory Hadd punishments in, inter-alia, the following ways:

(i) In cases where the act committed resembles another act which is lawful there may be a presumption that the accused person was acting legally. (Shubha)

(ii) The defence of duress is generally admitted in doctrine.

(iii) Proof is made very difficult. A confession to a Hadd offence can always be withdrawn (Ruju'); it is even said that the judge should suggest this course of action to defendants who have already confessed. Stringent pre-requisites to the giving of evidence exist: specifically on how many witnesses are required, their qualifications and what it is they testify to.

These and other matters will be discussed on succeeding pages.

1. Highway Robbery, also known as "Causing Mischief in the Land" (Corruption on Earth) (Hadd El Hiraba) (see also page 78)

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Theory:

The offence, which is revealed in Sura V, verse 33 of the Holy Qur'an, does not have a mandatory sentence prescribed by the Qur'an. The alternatives are "execution or crucifixion or the cutting off of hands and feet from opposite sides, or exile from the land". (15)

According to the Shi'a Imamiya "whoever draws arms in land or sea, by night or at daytime, in a town or desert for the purpose of frightening people" is guilty of the offence of Hiraba. (16) Thus, according to the prevailing doctrine in Iran, the offence is constituted by any violent action which is done with the intention of frightening people. (17) The notion of "violence" is widely interpreted (see "Post-Revolutionary Practice" below). There need be no intention to commit any other offence and it is not necessary that fear in fact be caused. (18) The act of seeking to subject a part of the population seems to be sufficient.

Punishment should vary according to the manner in which the intent to frighten is carried out. Whether or not property is acquired, whether or not the security of the roads is impugned are both relevant. (19) If the act amounting to Hiraba involves murder then there are some Shi'a Imamiya who say that the death penalty is mandatory. This applies apparently even if the next-of-kin or representative of the victim would exercise the right to waive Qisas. (20) (see below)

Hiraba is established either by confession or proof. According to the Shi'a Imamiya the confession must be made twice before any penalty can be inflicted. If only one confession is made there is no Hadd but there can be a Ta'azir punishment. Two morally upright witnesses are sufficient to prove the offence in cases where there is no confession.

Post Revolutionary Practice

The practice of the tribunals in this regard is strongly indicative of one of the long-term aims of the Revolution.

The offence itself has two main components: violence* and placing the population in fear. An analysis of executions from 16 February to 12 August shows that all offences in the categories 3-10 on pages 106-111 can amount to Corruption on Earth: Homicide, torture, crimes against property and sexual offences (particularly where the defendant is charged with setting up brothels and thereby spreading moral corruption). The same is true of holding positions in the Shah's governments and taking action in that capacity - irrespective of whether it was with the direct intent of fighting against the revolution. Activities "for or on behalf of foreign powers" are regarded similarly. (21)

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It is within this context that the failure of the revolutionary tribunal hierarchically to classify offences according to any other criterion of seriousness should be seen. The aim of the tribunal is to purge society of those who have corrupted it with an "idolatrous rule". Hence the capital sentence.

When Ayatollah Khomeini promulgated the general amnesty on 9 July 1979 (22) and excluded those who had committed murder or torture or who had issued orders for such actions he was effectively saying that the purge was accomplishing its aim. Henceforth the death penalty for being Corrupt on Earth could be limited to those whose actions were of the most reprehensible kind.

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In the amnesty speech, the Ayatollah said:

> "It is necessary for the nation to realise that we are only half way towards victory. The fight for victory shall be realised only when the rotten roots of the former regime and its supporters are uprooted and the greed of the plunderers in our country is ended. [Corruption on Earth - Amnesty International note]. As for the Islamic Republic, only when its context is 100 per cent Islamic will it be really realised. Furthermore, the teachings of the Holy Qur'an and God Almighty must be carried out and made free from Satanic laws. [See the discussion of apostasy below - Amnesty International note]...All these things can only take place by the will of God and the noble efforts of the nation. God is with you." (23)

The relationship between the notions of Corruption on Earth, apostasy and rebellion is central to this discussion. They represent between them aspects of the Islamic revolution: the "necessity" to purge the "Satanic regime of the past", the religious imperative, and the "need" to quash all counter-revolutionary movements.

As can be seen from the text of Sura 2 Verse 33 there is a link between the notion of "war on God" and that of "causing mischief in the land":

> "The punishment of those
> Who wage war against God
> And His Apostle, and strive
> With might and main
> For mischief through the land
> is: ....

* See also page 98.

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According to Amnesty International's information, however, separate charges for these offences have been brought against defendants. Amnesty International believes that there is no effective difference between a charge reciting the former and a charge reciting the latter; they both constitute ways of labelling persons who, whether "anti-revolutionaries" or "counter-revolutionaries", are held by the authorities to have acted against Islam. (see also page 78 first paragraph)

As well as the many death sentences passed on those held to be Corrupt on Earth Amnesty International's information from February till 12 August 1979 indicates that the following non-capital sentences were passed for this offence (together with other charges on the indictment):

(i) Unknown terms of imprisonment

(ii) Imprisonment of between six months and three years

(iii) Seven years imprisonment

(iv) 10 years imprisonment

(v) Life imprisonment

(vi) Life imprisonment and 100 lashes in 10 sessions

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An examination of Appendix B will reveal such cases. In the period under review Amnesty International has information concerning approximately 200 executions on charges of Hiraba. 10 non-capital sentences were imposed for the offence.

Corruption on Earth as applied by the courts is a flexible concept:

1. In the trial of the former commander of the Javidan (Immortal Guard) the defendant had commanded forces whose duty was the protection of royal palaces. The defendant said that he had been ordered to second some of his troops to another division; at this point they were placed under the command of another officer, Whilst under this latter command the troops were active in suppressing demonstrations. A member of the court ruled that by allowing his troops to be commanded by somebody else who had then used them against demonstrators the defendant was "corrupt on earth". (24)

2. In the trial of former Prime Minister Hoveyda, the prosecutor is quoted by Ettela'at newspaper on 8 April as having said:"Mr Hoveyda... you saw the system as the guilty party. This court is not trying you. It is trying the system. The system you are a representative of, an executor of. In that system people were not taken into account. The country was completely under the influence of foreigners. SAVAK carried our young people and fighters off to be tortured and butchered. Were you, to sum this up, in favour of such a system?" This would amount to being "corrupt on earth". (25)

3. Category 7* of the list of capital offences below lists the offences relating to positions held and actions taken under the Shah's government. Its breadth is self-evident. Amnesty International is concerned that the concepts of rebellion and transgression may be used in ways analogous to corruption on earth: as an umbrella

*see page 108

concept into which all forms of "counter-revolutionary" activity fall. (See below, and for a discussion of the proposed counter-revolutionary court and its procedures, see Chapter V).

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Hiraba appears also in its other guise. On 29 April Kayhan reported that rules had been drawn up to govern the law and order situation in the province of West Azerbaijan. One of the provisions related to the prosecution of those who "endangered the peace on the roads" around the town of Naghadeh. (26)

2. Adultery or Extra-marital Intercourse (Hadd El Zina)

Theory

a. Adultery

The punishment for this offence is laid down both in the Qur'an and the Sunnah. (26A)

"The woman and the man
Guilty of adultery or fornication
Flog each of them
With a hundred strikes
Let not compassion move you
In their case, in a matter
Prescribed by God, if he believes
In God and the Last Day
And let a party
Of the Believers
Witness their punishment."

(Sura 24 Verse 2)

The Sunnah provides for the death penalty for married persons who commit adultery. For the offence to be proved there has to be a confession or the testimony of four honest witnesses who can speak to all the details of the act including penetration. (27) The penalty in the Sunnah for married persons is stoning to death (lapidation).

Thus the evidence required to sustain the charge of adultery is extremely difficult to obtain. Moreover:

"And those who launch
A charge against chaste women
And produce not four witnesses
(To support their allegations),
Flog them with 80 strikes
And reject their evidence
Ever After; for such men
Are wicked transgressors; "

(Sura 24 Verse 4)

The Shi'a Imamiya maintain that punishment for adultery to which the accused has confessed should not be inflicted unless the confession is repeated four times. (28)

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Although it seems clear that the law provides for the death penalty for married persons, and 100 lashes for unmarried persons, there is a difference on whether to combine lashing and execution for married persons and lashing with exile for unmarried persons.

The Shi'a Imamiya are of the opinion that the two punishments should not generally be given together,(29) but post-revolutionary practice contains instances of its occurrence. (see below)

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Opinions differ as to whether two punishments should be awarded to an unmarried adulterer. It seems accepted, however, that the man may suffer exile but not the woman. (30)

b. Sodomy

Sodomy is forbidden but there is dispute as to punishment among the schools of law. The Shi'a Imamiya take the severest line of all and hold that both the active and the passive participants should in all circumstances be put to death. (31)

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c. Rape

Fornication or adultery committed under duress or coercion results in the punishment of the instigator alone. This applies to both heterosexual and homosexual rapes. The Shi'a Imamiya take a strong line and insist that all rapists be executed. (32)

Post-Revolutionary Practice:

Death Penalty

Amnesty International knows of executions for the following offences involving unlawful intercourse:

1. Rape
2. Indecent Assault
3. Sodomy
4. Homosexual Rape
5. "Deluding and misleading" children

6. Operating brothels
7. Spreading prostitution
8. Adultery
9. "Unchaste acts"
10. Sexual relations within the prohibited degrees of consanguinity.

The frequency of such executions can be seen in Appendix A. (32A)

The following should be noted:

1. The Hadd penalty applies in cases of heterosexual and homosexual intercourse in the event of a confession or evidence from four honest persons who witnessed penetration. These requirements of Islamic law are absolute. Amnesty International believes that the offence has not always been proven according to these rules. See Chapter I note 9.

2. Amnesty International has no information on whether the death penalty has been applied as a Hadd punishment or whether as an exercise of discretion in cases where the requirements of proof were not fulfilled. (Ta'azir, see below)

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Flogging

Amnesty International knows of flogging being imposed for the following offences:

Offence	Variations in number of lashes ordered (see Appendix B)
Rape	350 200 + imprisonment 200 100
Homosexual rape	100 + imprisonment 100 (for a victim)
Adultery or Fornication	100,80,50,40,30,25, 100 + imprisonment, 79 + imprisonment 40 + imprisonment
Offending Public Decency	200, 100, 80 + exile + imprisonment
Setting up a brothel	75
Beguiling a woman	100 + imprisonment

The number of lashes as a discretionary punishment (Ta'azir, see below) is not agreed upon by the schools but the majority is of the opinion that the number should be determined on the basis of the seriousness of the offence. The Shi'a Imamiya maintain that flogging is left to the discretion of the Imam, provided that it does not amount to the number prescribed by the Hadd (33) - 100 for unlawful intercourse.

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Amnesty International therefore points out that sentences in excess of 100 seem to be more severe than is authorised by doctrine.

3. Making a False Accusation of Unlawful Intercourse (Kadhf)

This offence is not considered in this report as Amnesty International has not heard of any such convictions in post-revolutionary Iran. This is not to say that none have taken place; only that after careful consideration of reports of trials none have been noted. The Qur'anic reference to the offence appears on page 86 above.

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4. Drinking Alcohol

Theory

Sura 5 Verse 93 of the Qur'an reveals that:

> "Oh Ye who believe!
> Intoxicants and gambling,
> (Dedication of) stones,
> and (divination by) arrows,
> Are an abomination,
> Of Satan's handywork:
> Eschew such (abomination)
> That ye may prosper."

As is seen from this verse the punishment for drinking alcohol is not laid down in the Qur'an. It is provided in the Sunnah: a person who had drunk wine was given 40 lashes; another 80 lashes.

According to the Shi'a Imamiya all intoxicating liquor is illegal (34), though some schools inflict penalty only for being drunk. It is necessary to prove that the drinking was done voluntarily. The offence is proven by confession or by the testimony of two male witnesses. According to the Shi'a Imamiya the smell of the breath, being patently drunk or vomiting is not sufficient evidence in itself. According to the Shi'a Imamiya the penalty is 80 lashes. However, the Imam or the judge has the right to increase this number up to 160 but in such a case the extra punishment would constitute Ta'azir. (35) (see below).

Post-Revolutionary Practice:

On Wednesday 18 April the then Vice-Premier for Revolutionary Affairs, Dr Ibrahim Yazdi, reportedly announced that mere possession of alcoholic drinks was not a punishable offence. (36)

Amnesty International has information (see Appendix B) of the following sentences being passed for drinking alcohol:

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80 lashes, defrocking of a mullah and an unknown number of lashes.

Only nine actual examples of convictions for drinking alcohol are known by Amnesty International. However, this information is unlikely to be complete: On 6 March 1979 Reuters news agency reported that there had been a "large number" of floggings for this offence. (37)

On 31 May residents of Bandar Anzali saved a man from being whipped. Ayandegan reported that the man had been arrested for drinking alcohol and was being led away for punishment when the residents of the town protested and secured his release. They later held a demonstration to protest against such punishments. (38)

On 16 July Reuters also reported that "about 2000 people protesting against the public flogging of five men for drinking alcohol, stoned the homes of two clergymen and injured a local official in northwestern Iran". (39) Ayendegan reported the event on the same day as having taken place in Miyaneh, East Azerbaijan, but stated the number of defendants as two.

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5. Theft (Hadd El Sariqa)

The punishment for theft is laid down in the Qur'an in the following terms:

> "As to the thief
> Male or female
> Cut off his or her hands: a punishment by way
> Of example, from God,
> For their crime:
> And God is exalted in Power."
>
> (Sura V. Verse 41)
>
> "But if the thief repent
> After his crime
> And amend his conduct,
> God turneth to him
> In forgiveness: For God
> Is Oft - forgiving, Most Merciful."
>
> Sura V. Verse 42)

Amputation for theft is, according to doctrine, only allowed if the stolen property has been taken secretly. (40) Thus, robbery, where the owner is obviously aware that he is being robbed does not require the Hadd punishment of theft. So, too, an attempted theft is not punishable with the Hadd. (40A)

The stolen property must have some value and this therefore excludes the taking of things impure in themselves, such as wine, which are without legal value. The stolen object must have been kept in a safe place, which means either within the sight of its owner or in a secure area, viz: horses in a stable. Stolen property must be of a minimum value but the various schools of law differ on the amount. Cases where these requirements, which we have not spelled out in the most technical detail, are not met,may be punished none the less by Ta'azir (see below).

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The Shi'a Imamiya say that the crime may be established either by proof (two witnesses required) or by confession: In the case of a confession, it should be made twice before the penalty may be inflicted. One confession would probably result in Ta'azir punishment.

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Post-Revolutionary Practice:

Amnesty International believes that amputation constitutes a cruel, inhuman and degrading punishment and is therefore unlawful under International law. It knows of no occasion, however, on which amputation has taken place following a conviction for theft in Iran.

On 4 February 1979 it was reported that four men, who were convicted of stealing 18 sheep, had been punished by 30 lashes in Mashad. (41) The date on which this is reported to have taken place is in the week before the revolution. One report said that the four had been "arrested by Islamic stewards and taken to Ayatollah Ozma Shirazi after admitting the theft. (42)

Reuters reported on 25 February that a thief had been sentenced to 25 lashes in Zanjan and on 6 March that flogging had been awarded to a "large number" of persons convicted of this offence.

In one case four unnamed persons were sentenced to 40 lashes each on 9 March for theft by a tribunal in Kohkilyeh/Boir-Ahmad. (42A) In another case, on 9 May, a court in Kerman reportedly sentenced a defendant to five years corrective detention for theft and "setting up counter-revolutionary assemblies". (42B)

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Qisas (or Qawad) and Diya Punishments

Theory:

Qisas is the right to demand a life for a life, a limb for a limb and so forth. It is exercisable at the option of the victim or his or her successor (family). The Shi'a Imamiya hold that deliberate killing shall be punished by Qisas unless those with the right to exercise the option choose to enter into an agreement and accept Diya (blood money). (43)

The Qur'an lays down that the Qisas punishment should not exceed the extent of injury or loss sustained when the offence was committed:

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"Oh Ye who believe!
The law of equality
Is prescribed to you
In cases of murder:
The free for the free,
The slave for the slave,
The woman for the woman.
But if any remission
Is made by the brother
Of the slain, then grant
Any reasonable demand,
And compensate him
With handsome gratitude.
This is a concession
And a Mercy
From your Lord.
After this whoever
Exceeds the limits
Shall be in grave penalty."

(Sura 2 Verse 178)

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and:

"In the law of Equality
There is (saving of) Life
To you, O Ye men of understanding;
That ye may
Restrain yourselves."

(Sura 2 Verse 179)

and:

"We ordained therein for them,
'Life for life, eye for eye,
Nose for nose, ear for ear,
Tooth for tooth, and wounds
Equal for equal.' But if
Any one remits the retaliation
By way of charity, it is
An act of atonement for himself.
And if any fail to judge
By (the light of) what God
Hath revealed, they are
(No better than) wrong-doers."

(Sura 5 Verse 48)

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"Those who spend (freely)
Whether in prosperity,
Or in adversity;
Who restrain anger
And pardon (all) men;
For God loves those
Who do good."

(Sura 3 Verse 134)

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and:

"Let not those among you
Who are imbued with grace
And amplitude of means
Resolve by oath against helping
Their kinsmen, those in want,
And those who have left
Their homes in God's cause:
Let them forgive and overlook
Do you not wish
That God should forgive you?
For God is Oft Forgiving,
Most merciful,"

(Sura 24 Verse 22)

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and:

"The prohibited month
For the prohibited month,
And so for all things prohibited,
There is a law of equality.
If then any one transgresses
The prohibition against you,
Transgress ye likewise
Against him.
But fear God, and know
That God is with those
Who restrain themselves."

(Sura 2 Verse 194)

This report will not deal with the subject of Qisas for non-homicidal offences, as Amnesty International has not received any reports of its being carried out. See however the "update" in Appendix C.

Post-Revolutionary Practice:

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Amnesty International is aware of a number of incidents involving Qisas. Although it seems unlikely that its information is fully comprehensive it is sufficient to indicate that the concept is of relevance to a discussion on the death penalty in post-revolutionary Iran.

(i) On 18 April a report in Kayhan of two executions in Sabzevar (nos.149 and 150 in Appendix A) spoke of the family of the deceased rejecting an appeal for mercy. This raises the inevitable question whether the prosecution itself was brought as a private claim by the victim's families (see above p.82) or as a revolutionary prosecution. Both defendants were charged with Corruption on Earth. As the former was also charged with massacres during demonstrations and armed attack, and as the latter was also charged with massacre of innocent people, the case seems to be one of Hiraba and Qisas would not normally apply. (See page 83.)

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(ii) On 13 May Ayatollah Khomeini issued a statement saying that the revolutionary courts had power to order executions only "(1) when a person is proved to have killed a human being, and (2) when a person has ordered a massacre or has perpetrated an act of torture that led to death." (44) The statement continued "Violation of this command is an offence and a ground for the proof of Qisas." (45)

(iii) On 15 May the Guardian newspaper reported the execution of Sgt. Mohammad Hossein Zahieh who had been tried in Isfahan on 5 May for killing Mahmud Magrebi and wounding another revolutionary. The family reportedly had the right to exercise Qisas but refused to show mercy.

(iv) One instance known to Annesty International where mercy was shown occurred on 7 June in Ardebil. A report in Kayhan of that date,on the trial of Bakhshali Ghanbari (no 310 in Appendix B),said that the deceased had shown mercy toward the killer of their son. The son's name was Nasrullah Zahedi. Ghanbari was sentenced to imprisonment for one year.

(v) Another case was on 19 May in Babol where Ahmad Asghari, a soldier, was sentenced to two years imprisonment for "contributing to the killing" of Hassan Tajdaran. The family showed mercy. The local report from which this is taken said that mercy was commonly shown in cases involving death in traffic accidents.

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(vi) An unknown woman (no 317 in Appendix A) was reportedly executed for adultery in Mehdishahr near Semran on 17 June. A report by United Press International (UPI) of that date said that a family court had ordered the execution of this woman. The report added that the woman was executed by her mother, father and brother. (46)

The following matters arise:

a. It does not appear that the woman was married and therefore the death penalty was not mandatory.

b. Amnesty International does not know whether this case should be seen as retaliation by the family for a non-homicidal offence or the family exercising a right to implement a Ta'azir punishment.

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(vii) Two further examples are the executions in Ardebil of two "agents of the former regime" on charges of Corruption on Earth. (Nos 361 and 362 in Appendix A). They were found guilty of several crimes during the revolution but Kayhan reported that the executions were held up pending a decision by the family on whether or not to exercise their right of Qisas. (see (i) above)

Diya

The concept of Diya will not be fully discussed here. It is known in English as "blood money". It may be payable where the Qisas has been waived or where it (Diya) is the only punishment available, i.e. as a compensation for unintended homicide.

Ta'azir Offences and Punishment

This part of the chapter discusses discretionary offences and punishment. Amnesty International notes that the Shia Imamiya include apostasy and rebellion within this category (see page 82). We therefore discuss the following matters here:

a. General Theory.

b. Apostasy:

(i) Theory

(ii) Post-revolutionary practice

c. Rebellion (Transgression):

(i) Theory

(ii) Post-Revolutionary practice

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d. Other Offences:

(i) Illegal entry into houses (by revolutionary guards)

(ii) Espionage

e. A concluding note on post-revolutionary practice:

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a. General Theory:

The principle of Ta'azir punishment has been explained in the following way: (48)

> " ... Offences (other than the Hadd) may be either of the same essential nature as the Hadd offences but of a less serious degree or may qualify simply as "corruption"; in the latter case the determination of the offence itself and in both cases the determination of the punishment are matters for the discretion of the Imam."

> "The Imam, however, must not pronounce penalty that is mere whim or pleasure or turn from one to the other in an arbitrary fashion: for this would be injustice and contrary to Ijma (49) [the consensus of opinion of the qualified scholar jurists]. His decision must be the result of conscientious reasoning [Ijtihad] on the basis of the general principles of the law as enunciated in the authoritative texts".

> "Penalties imposed at the discretion of the ruler (or the judge) are known as Ta'azirat. The term Ta'azir has the root meaning "to prevent", and the jurists repeatedly stress the fact that the primary purpose of the Ta'azirat is to serve as a correction for the offender himself and a deterrent for others. (50) In contrast, therefore, with the Hadd offences or the offence of homicide, the sanctions of which are of an essentially retributive nature, the extent of the Ta'azirat must differ according to the nature of the offence, the character of the offender and, where applicable, the character of the victim". (51)

> "The general tendency, however, is to advocate lenience in deserving cases, and to insist that no more punishment should be applied than is necessary to achieve the objective of correcting the offender. It follows naturally from this fundamental principle that Ta'azir punishment is not permissible if the offender choses a true and sincere repentence. 'It is better that the Imam should err in pardon than in inflicting punishment!' " (52)

Punishment is therefore discretionary and the Imam may make actions punishable which are not otherwise illegal. This can in theory be done after the event (but see above - page 82).

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A distinction needs to be drawn between the use of Ta'azir to criminalise and punish afresh and its use in punishing actions which are already specifically forbidden in the Qur'an or Sunnah. Here we deal predominantly with the second category: apostasy, rebellion, entry into houses (by revolutionary guards) without permission, and espionage are all offences revealed in the Qur'an.

Some offences are difficult to classify accurately. Although offences appearing in part C, pages 106 to 115 constitute separate charges in themselves, they may also, however, be subsumed under the headings of Hadd offences and apostasy or rebellion. Massacres during demonstrations, to take an example, bear a conceptual link to murder; several forms of counter-revolutionary offence have a link to rebellion, and creating obstacles to the ways of God and Islamic values may be akin to apostasy by deed. As we have noted above (see page 82) the Shia Imamiyah regard apostasy and rebellion as Ta'azir rather than as Hadd. Latitude is thus practised in Iran in defining constituent parts of these offences.

The result is that although counter-revolutionary offences and offences against God may be seen more easily within the conceptual categories of rebellion and apostasy, they also overlap with each other and with Corruption on Earth. This wide discretionary application of rebellion and apostasy makes it difficult for Amnesty International to describe exactly the limit of these offences.

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b. Apostasy (Ridda)

(i) Theory

Apostasy consists of a Muslim's denial of Islam, either mentally or by words or actions which are incompatible with the faith.

The denunciation of Islam by words may include asserting that God or his Apostles do not exist; or by asserting that the Qur'an or cardinal aspects of its teachings [such as the requirement of prayer] are without value.

More relevant to this discussion of post-revolutionary Iran, however, is the denunciation of Islam by deed. This may involve considering lawful those things which are strictly forbidden by Islamic law, or refraining from doing an act which Islamic law requires.

Not applying the Shariah law and applying secular laws in its place (as was essentially the case under the Shah) constitutes, according to one theory, apostasy. (53) There is a broader consensus in saying that application of laws which are directly in conflict to Islamic law is apostasy. This might involve a refusal to apply a Hadd punishment. (54)

Before words or deeds amount to apostasy they must be done with the intention precisely to refute Islam, or to show a clear indication to mock it. An unexpressed belief of this sort does not amount to apostasy; it must be accompanied by action or declaration. Acts committed under violent compulsion do not amount to apostasy. The revolutionary court, however, does not seem always to have examined the question of whether, for example, soldiers of the Shah's armed forces were acting under a duress which would have resulted in their execution if they had not complied with orders.

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In most schools the apostate is given the chance to return from error and follow the ordained path. If this is not done he or, according to the Shi'a Imamiya, she, will be executed. The period which is given to the apostate to return varies according to the schools but the Shi'a Imamiya are particularly harsh in that they say that whoever was born into Islam and turns away from it should be killed and no repentance accepted.

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It is important to note that the killing of an apostate is the duty of every Muslim - providing the rules relating to repentance are allowed to run their course.

(ii) Post-revolutionary practice

Amnesty International does not know of any cases where an individual has been charged with apostasy in the sense of explicity seeking to change his or her faith from Islam.

As appears above (on page 84) the offences of, inter alia, War on God and War on God's Prophet are revealed by Sura 5 Verse 33 of the Qur'an as linked to the notion of Corruption on Earth. Indictments have however charged these offences separately. They are considered here as they may be seen as expressing the notion that the defendant is alleged to have fought "violently" (see page 84) against the creation or continuation of the Islamic republic.

Amnesty International notes that conviction for the following offences have resulted in execution:

1. War on God.
2. War on God's prophet.
3. Hostility to friends of God.
4. Creating obstacles to the ways of God and Islamic values.
5. Defiling all that is sacred, whether religious or national, to the Muslims of Iran and the World.

Amnesty International's concern is thus directly related to the broad interpretation of apostasy by the Shi'a Imamiya. This includes, for example, denunciation of Islam by deed. Persons opposed to the Islamic government continue to be executed for War on God and rebellion. Most of the cases concern Kurds and the charges include offences of violence. (These have predominantly occurred after this chapter was written and are discussed in the update to this report.)

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c. Rebellion or Transgression (Baghi)

(i) Theory

This crime is committed by "rising against the Imam (leader) by means of force". In the practical terms of the revolutionary court it encompasses the offence of "counter-revolutionary tactics". (see category 8k on page 109 below).

The Qur'an reveals that:

> "If two parties among
> The Believers fall into
> A quarrel, make Ye peace
> Between them; but if
> One of them transgresses
> Beyond bounds against the other,
> Then fight Ye (all) against
> The one that transgresses
> Until it complies with
> The command of God
> But if it complies, then
> Make peace between them
> With Justice, and be fair
> For God loves those
> Who are fair (and just) ."
>
> (Sura 49 Verse 9)

Before the offence is constituted there are two conditions: The first is revolt against the Imam; the second is the use of force.

The Shi'a Imamiya define Baghi as "revolt by means of force against a just ruler (Imam)". (55) This may be directed towards the leader or his representative.

All schools of law concur in holding that one may not fight with the transgressor until the Imam has previously sent an offer to them to lay down their arms and asked them to state their grievances. If they complain of error or wrongful behaviour on the part of the lawful authorities the leader must order an investigation and, if necessary, a remedy. This is the procedure to which Ayatollah Khomeini has alluded when speaking of Kurdistan. If the transgressors refuse these offers the Imam may threaten the use of force. If they do not answer this warning, he may order that they be dealt with by force. According to a common interpretation the force used may only be that necessary to suppress the revolt and would not, therefore, be exercisable against persons 'hors de combat'.

(ii) Post-revolutionary practice

On 6 June the Khuzestan Islamic Revolutionary Tribunal, sitting in Dezful, ordered the execution of six persons on charges of murder, crimes against the people and crimes against the revolution. (see Appendix A) This is

believed to be the first example of executions for explicitly counter-revolutionary offences where the activities complained of were unrelated to positions held under the Shah's regime.

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Since that date there have been executions for the following counter-revolutionary crimes akin to rebellion.

1. Counter-revolutionary tactics
2. Revolt against the Islamic Republic
3. Conspiracy against the Islamic Republic
4. Placing bombs
5. Participation in operations against Holy Warriors

A large number of Kurds have been executed for Rebellion. These cases are discussed in the update.

The Public Prosecutors' Offices in Abadan and Khorramshahr issued an announcement on 31 July that persons carrying arms should turn them into the nearest gendarmerie. The statement forbade the carrying of arms in these two cities and Mahshahr and provided that the ban would be strictly enforced. Persons arrested by the Pasdaran for illegally carrying arms would be considered to be "in rebellion against the government" and would receive "the most severe punishment" in the Islamic Revolutionary Court. (56)

A clear distinction needs to be taken between Armed Rebellion and the offences relating to the non-violent expression of political views. The latter do not amount in Islamic law to "rebellion", but they have carried a discretionary punishment in Iran.

Amnesty International notes with concern the sentences handed down in a joint sitting of the Abadan and Khorramshahr revolutionary tribunal on 8 August against two persons, whose names Amnesty International does not know, of one year and five years imprisonment for the offences of "plotting against the Islamic Republic" and "distributing seditious literature". Amnesty International is concerned that this appears to be an example of imprisonment for the dissemination of non-violent political beliefs. (57)

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d. Other Offences:

(i) A relevant example is the continuing illegal entry into homes by Revolutionary guards. This may be punishable: (58)

> "Oh Ye who believe!
> Enter not houses other than
> Your own, until ye have
> Asked permission and saluted
> Those in them: that is
> Best for you, in order that
> Ye may heed (what is seemly)"
>
> (Sura 24 Verse 27)

"If Ye find no-one
In the house, enter not
Until permission is given
To you. If ye are asked
To go back, go back:
That makes for greater purity
For yourselves: and God
Knows well all that Ye do".

(Sura 24 Verse 28)

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(ii) Another example is espionage: (59)

"Oh Ye who believe!
Avoid suspicion as much
(as possible) for suspicion
In some cases is a sin:
And spy not on each other,
Nor speak ill of each other
Behind their backs. Would any
Of you like to eat
The flesh of his dead
Brother? Nay, ye would
Abhor it ... But fear God:
For God is Oft-Returning,
Most Merciful

(Sura 49 Verse 12)

Ta'azir punishments go from the mildest to the most severe. They include a mere reprimand, for example to revolutionary guards who for the first time make an illegal search of homes; Second offences are punished more severely. Sentences of fines, confiscation, banishment, imprisonment flogging, crucifixion and death may also be imposed as Ta'azirat.

The general principle for flogging is that the Imam or his representative may order the punishment at his discretion. It is the view of the Shi'a Imamiya that the number of strokes inflicted should not reach the lower limit of the Hadd penalties.(60) The majority of jurists also hold that the number should depend on the seriousness of the offence.

Whether or not Ta'azir may result in the death penalty is a matter of controversy but the Shi'a Imamiya believe that it can. What is not controversial is that the Imam or his representative is entitled fn law to grant clemency.

e. A Concluding Note on Post-revolutionary Practice:

An examination of the practice with regard to Ta'azir involves looking at the offences which have resulted in capital or corporal punishment and which are not of the Hadd or Qisas variety. This can be done by

referring to the lists on pages 106 to 115. It should be remembered, however, that a number of offences stated on those pages come within the single conceptual categories of individual Hadd offences. Thus one can usefully understand the majority of charges in Category 2 of List A within the notion of apostasy. The same applies to charges which fall within the umbrella concepts of Corruption on Earth and rebellion.

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Amnesty International is concerned by the manner of use of Ta'azir in I
Three main points arise:

(i) In Islamic theory the Ta'azir punishment should differ according to the nature of the offence. The wide range of crimes which have carried a death penalty would tend to suggest that this is not being complied with.

(ii) There is no evidence of compliance with the "principle of leniency" (see above page 96).

(iii) The right to petition for clemency is being denied defendants as execution follows so quickly after trial.

C. The Offences Catalogued:

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On succeeding pages will be found two lists. The first is entitled "Capital Offences" - the second is entitled "Offences Punishable by Sentences other than Death".

A number of points should be noted:

1. These lists are drawn up on the basis of information regarding offences for which defendants have been convicted by Revolutionary Tribunals in the period from their inception until 12 August 1979.

2. These are lists of reported offences. The information came from several sources including translations of indictments, reports of trials carried by local and foreign media, the bulletins of the official PARS news agency, transcripts of Iran Radio broadcasts and news agency reports.

3. Amnesty International believes that the lists are accurate for the purpose of understanding the broad jurisdiction of the Revolutionary Court. Difficulties in working with translations have been overcome by grouping similar charges into single subcategories. For example in Category 8a of List A the offences of "sending in troops" and "ordering troops to fire" are classified together due to their essentially similar basis, viz: commanding forces against the revolution.

4. The lists seek to group offences together which have a "lowest common denominator". So in category 9e, for example, the offences of "paying oil income to the Shah and countries affiliated with the West" and "assigning natural resources to foreigners" have in common the revolutionary thesis that the Shah's rule effectively served to remove control over Iranian natural resources from the Iranian people. (List A)

5. These are lists of factual allegations; it would be misleading to look at them with the eye of the secular lawyer. There is probably no useful distinction to be taken in some trials between the "charges" and the "evidence". Both are subordinate, in the case of "anti-revolutionary" and "counter-revolutionary" charges, to overall concepts of corruption on earth, rebellion and apostasy.(61)

6. Although list B makes reference to imprisonment and "corrective detention" Amnesty International has not been able to ascertain whether there is any difference between the two punishments.

7. Appearance in these lists gives no indication of the frequency of convictions. Information on this appears in Appendices A & B.

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8. Under the heading "Offences with a specific Religious Connotation" are included not only "Corruption on Earth and "War on God and his Prophet", but also such notions as "spiritual torture" or "friendship with enemies of God". No factual distinction should be taken between the various concepts. They are labels which seek to express in religious terms the moral outrage felt against those who are held to have deviated from Islam. Thus one could be charged with "spiritual torture" and the evidence of it would be essentially similar to a charge of "hostility to friends of God".

9. In cases limited to identified instances of homicide and torture, as well as "positions held and actions taken under the Shah's Government", and "trying to stop the Revolution" the evidence has tended to be more specific. Thus the procedure has evolved whereby the court has directed itself towards seeking to establish certain facts on the basis of which the defendant achieves the status "corrupt on earth". (see page 78)

10. The category "Activities for or on behalf of Foreign Powers" in list A is largely self'explanatory. However, nearly all crimes which were considered to be based on pro-Shah sentiment, or anti-revolutionary intent, have been characterized by the authorities as being for the benefit of foreign powers. In such cases conceptual distinctions are difficult to draw.

List A - Capital Offences:

11. Offences appearing in category 2 in list A seem to be related, directly or indirectly, to the notion of apostasy. The only partial exception to this is the offence of being a "false" clergyman which is a charge levied against members of the clergy who acted for or on behalf of the Shah's regime. 2h, "spiritual torture", is the charge apparently brought against those who defile individual Moslems by, for example, pouring alcohol on them or cutting a religious man's beard.

12. It has been difficult to make distinctions within the homicide category. "Killing Moslems" is placed in 3b because it seems essentially to be confined to cases where killing has taken place during a demonstration.

13. Category 4 is self-explanatory with the exception, perhaps, of 4e - "psychological torture". This should be distinguished from "spiritual torture" in that it refers to the intentional infliction of fear and/or nervous shock but has no religious connotations.

14. Sexual offences are self-explanatory.

15. Crimes against Property are self-explanatory. Robbery and armed robbery have been included together because Amnesty International is not always able on the information available to it to identify whether or not the perpetrator was allegedly armed. In cases where "armed robbery" refers to the crime of Hiraba a charge under 1a will also be brought. (see 5. above)

16. The category of "Positions held and actions taken under the Shah's government" shows the wide area of political conduct [illegible] new regime has criminalized through its courts.

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17. "Fighting against the revolution" refers not only to the activity which certain supporters of the Shah undertook before and during the revolution; it now includes such concepts as "counter-revolutionary tactics (8k) involving the Islamic concept of transgression / rebellion (see page99). 8f, mobilising stick-wielding ruffians", refers to the people used by SAVAK to break up revolutionary demonstrations; They would wait in the path of demonstrations and attack marchers.

18. Such concepts as "expanding the influence of imperialists" in category 9 cover any economic, military or political decision which might be seen to ally Iran with western countries. The same is true, mutatis mutandis, of 9e. 9h is a political charge levied against a former Prime Minister; 9g and 9i are attacks on the political posture and foreign policy of the previous government and 9j is a reference to the immunity enjoyed in some respects by American citizens resident in Iran. 9k refers to policy decisions which have been held to work against the interest of the home agricultural market.

19. Category 10, "other activities", is self-explanatory. 10c, however, should be seen as similar to "Corruption on Earth" in a factual sense without the religious connotation. 10v "supporting the previous regime", has been included in this category because of the width of the charge which goes beyond categories 8 or 9.The same applies to 10t.

List B - Offences Punishable by Sentences Other than Death:

20. These categories are perhaps less complicated than those in List A and are essentially self-explanatory. In category 10, ("actions undertaken directly or indirectly against anti-Shah demonstrators or activists"), 10b refers to actions taken during demonstrations. 10c refers to the creation of a climate of pre-revolutionary fear within which people would not dare to stage demonstrations. (An evidently unsuccessful policy). 10g refers to lengthy strikes before and during the time of the Bakhtiar government which were used as methods of revolutionary protest and pressure. Those who attempted to break these strikes were charged with this offence.

N.B.

21. The lists have been drawn up to show the type of conduct which has been punished by the revolutionary court. Its classifications are done according to factual (not legal) criteria.

22. Offences which have been variously punished appear, where appropriate, in both lists.

23. These lists are the key to charges detailed against defendants in the Appendices. List A corresponds to Appendix A; List B corresponds to Appendix B.

LIST A - CAPITAL OFFENCES

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Offences with a Specific Religious Connotation

1. a. Corruption on Earth (Hiraba - see page 83)

   b. War on God

   c. War on God's prophet and the deputy Imam Zaman.
   War against the representative of the Twelfth Imam.

2. a. Friendship with the enemies of God

   b. Hostility to friends of God

   c. Obstacle to ways of God and Islamic values

   Trying to deprive people of their true desire

   Defiling all that is sacred, whether religious or national to the Muslim people of Iran and the world

   Blocking the path of God

   Fighting against the Islamic tenents

   Treachery versus the Islamic nation

   d. Insulting the religious groups

   Insulting Moslem prisoners

   Insulting the Imam (see note following Category 10 below)

   Insulting the pure clergymen and trying to discredit them by calling them communists

   e. Preventing people attending prayers

   Preventing people from doing religious duties

   f. Being a "false" clergyman

   g. Exiling Khomeini (This refers to the Ayatollah's exile from Iran in 1963)

   h. Spiritual torture

   i. Sacrilege

(see also 10c and 10t)

Homicide

3. a. Mass murder

   Massacre of innocent people

   b. Massacre during demonstrations

   Causing death to unnamed persons during demonstrations

   Killing freedom fighters

   Killing Muslims

c. "Taking part" in murder

"Taking part" in bloody killings

d. Murder of persons (sometimes named in the indictment)

Murder of young children

Murder of religious leaders

e. Beatings resulting in death

Torture resulting in death

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Torture and Other Cruel, Inhaman or Degrading Treatment or Punishment

4. a. Beatings

b. Castrating prisoners

c. Amputating limbs

d. Torture (physical)

e. Torture (psychological)

Sexual Offences

5. a. Rape

b. Indecent Assualt

c. Sodomy

d. Homosexual Rape

e. Deluding and misleading children

f. Procuring

Operating brothels

Spreading prostitution

g. Adultery

h. Unchaste acts

i. Sexual relations within the prohibited degrees of consanguini

Crimes Against Property

b. Destroying property

c. Plunder

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d. Robbery/Armed robbery

e. Forcibly taking over property

f. Illegal entry into peoples' houses

Positions Held and Actions Taken Under the Shah's Governments

7. a. Agents of anti-Islamic government

b. Collaborating with the ousted regime and trying to re-establish the Shah's "idolatrous" rule over the weak and defenceless people.

c. Member of the past regime

d. Minister of former government

e. SAVAK agent

f. Collaborating with SAVAK

g. Informing on people resulting in their being tortured or killed by SAVAK

h. Being member of a government delegation acting against the interests of the nation

i. Membership of a government council responsible for organizing and taking decisions

j. Secretary-General of Rastakhiz Party

k. Taking wrong decisions in parliament

l. Appointing and dismissing ministers

m. Suppression of the army

Trying to influence the opinions of soldiers and air force men and thus lead them astray from the true path

n. Ordering attack on Qom School in 1963

o. Plunder of the National Treasury

Embezzlement of public funds

p. Being member of freemasons organization

q. Shaking the foundations of the country's system of government

r. Participation in the regime's official ceremonies

Fighting Against the Revolution

8. a. Ordering troops to fire

Sending in troops

b. Armed attack

Attacking people's homes

Attacking demonstrators

Shooting at people

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Direct interference to crush campaigners leading to murder and injury

Firing on a demonstration, injuring demonstrators

c. Being sent with an auxiliary command of the ground forces to quell anti-Shah forces

d. Suppressing demonstrators

Suppressing national and religious demonstrations

Punishing demonstrators

e. Bringing pressure to divide the people

Crimes against the people and the revolution

Activities gainst the people during the revolution

Crushing those seeking their rights

Threatening villagers

Conspiring to break the people's will

Creating insecurity

Creating terror among the public

f. Mobilising "stick wielding ruffians"

Participating in threats and terrorism against just people

g. Urging people to fight against the revolution

h. Suppressing justice

i. Illegal arrest of freedom fighters

Arresting campaigning clergymen

Suppressing clergymen

j. Trying to hinder the airforce in its desire to join forces with the people

k. Counter-revolutionary tactics

Being a counter-revolutionary

Conspiracy against the Islamic Republic

Revolt against the Islamic Republic

l. Placing bombs

m. Participation in operations against "Holy Warriors"

n. Posing as a member of a revolutionary komiteh

o. Fighting against Pasdaran (Revolutionary Guards)

a. Expanding the influence of imperialists

Participation in strengthening the colonialist foothold

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b. Being employed by the CIA

c. Participation in spy activities for the West and/or for Zionists and/or espionage in favour of Israel

d. Working to benefit the Shah, USA and Israel

Collecting funds for Israel and its armies

Revenue from exploitation of Iranians to help build the State of Israel

e. Paying oil income to Shah and countries affiliated with the West

Assigning natural resources to foreigners

f. Contribution to the massacre of Palestinians

g. Grouping with plotters of CENTO and NATO for repressing Palestine, Vietnam and Iran

h. Revolt against the security and freedom of the country by forming cabinets handpicked by the USA and Britain

i. Major role in linking the Iranian Air Force with imperialist forces

j. Creating a capitulatory system of justice for American citizens

k. Destroying agriculture and forests

l. Direct contact with Israel

m. Having contact with foreign agents/foreign power

er

a. Treason

b. Violating the rights of people

c. Spreading cultural and moral corruption

Acting against public morals

d. Acting against the interests of the people

e. Forcibly changing people

f. Slander and injury to the people

g. Acting against the security of the nation

h. Illegal arrest

Playing an important part in the punishment of liberals

i. Arresting journalists

j. Executing censorship

k. Promoting untrue reporting through handpicked newspapers

l. Stifling expression

m. Insulting national notables

n. Interfering with election of Majlis (parliament)

o. Kidnapping

p. Drug offences/smuggling heroin (62)

q. Attempting a coup

r. Highway Robbery (see chapter IV)

s. Forcing others to use narcotics and alcohol

t. Actions fatal to the generation

u. Playing leading role in 1953 pro-Shah coup

v. Supporting the previous regime

w. Importing pornography

x. Smuggling arms

y. Organizing illicit gambling

z. Illegal possession of arms

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N.B.

On 8 May reports circulated in Iran and abroad that a defendant had been executed for "insulting the Imam". (63) On 16 May Ayatollah Azari Qomi denied this and said that "It is against religious law to sentence to death for insulting the Imam ..." (64)

On 26 May Ayatollah Khomeini issued an edict banning anyone from insulting the clergy. The edict provided for trial in a revolutionary tribunal and also made provision for the trial of persons who "posed as clergymen for their own ends". (65)

The offence of "Insulting the Imam" is included within List A, Category 2d as the source of Amnesty International's information on this matter comes within the category of material on which these lists have been compiled. (see page 103 paragraph 2)

N.B. Further.

Except as appears elsewhere in this report Amnesty International cannot say with certainty that the commission of any one of these offences would lead to the death penalty. Indictments have normally charged more than one offence and sentence is passed on their totality.

LIST B - OFFENCES PUNISHED BY SENTENCES OTHER THAN DEATH: TERMS OF IMPRISONMENT (CORRECTIVE DETENTION), EXILE, FLOGGING AND OTHER

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Offences with a Specific Religious Connotation

1. a. Corruption on Earth
   b. War on God
   c. Cultural corruption
   d. Spiritual torture
   e. Creating unease amongst the Muslim People

Homicide

2. a. Murder
   b. Massacre
   c. Direct involvement in killings
   d. Contribution to killings

Crimes Against the Person

3. a. Torture
   b. Kidnapping
   c. Assault

Crimes Against Property

4. a. Armed robbery
      Robbery
   b. Theft
      Plundering private property
   c. Setting fire to shops

d. Embezzlement whilst in public office

e. Misappropriation of funds whilst in office

f. Bribery

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Sexual Offences

5. a. Rape
   b. Homosexual rape
   c. Sodomy
   d. Adultery or Fornication
   e. Offending public decency
   f. Beguiling a woman
   g. Setting up a brothel
   h. Extra-marital intercourse
   i. Teasing girls.

Actions Taken Against Students

6. a. Creating terror on campus
   b. Reporting against students
   c. Assistance in suppressing students

Collaboration with the Former Regime and Counter-Revolutionary Activities

7. a. Co-operation with SAVAK
   b. Co-operation with the past regime
   c. Co-operation with the martial law authorities
   d. Supporting the Shah
   e. Opposing the revolution
   f. Setting up counter-revolutionary assemblies

g. Abusing position of power

h. Receiving pay-offs from police and radio

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i. Denying rights to political prisoners

j. Opposing the revolution, even after its success

k. Counter-revolutionary activities

l. Armed warfare on Pasdaran (Revolutionary Guards)

m. Plotting against Islamic Republic

n. Distributing seditious literature

o. Association with the ex-Shah's court

Involvement with Foreign Powers

8. a. Discussing plans to neutralise the revolution with the US and with Iranian officiers

b. Relaying information to Israel

Offences Against the Clergy

9. a. Being a "false clergyman"

b. Keeping aloof from the clergy during the struggle

c. Spying on the clergy

d. Treating the clergy with contempt

Actions Undertaken directly and indirectly against Anti-Shah Demonstrators or Activists

10. a. Firing on demonstrators

b. Firing into the air during demonstrations

Beating demonstrators

Mobilising "stick wielders"

Using tear-gas to disperse demonstrators

c. Suppressing demonstrators

d. Insulting revolutionary ladies

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e. Arrests of freedom fighters

Assisting arrests

f. Harassing people

g. Attempts to break strikes

h. Inciting troops to attack during the revolution

Participating in attacks

i. Possession of firearms or tear-gas guns

Other

11. Drinking alcohol

12. Gambling

13. Distributing hashish

14. Nude Bathing

15. Eating during a religious period of fasting

16. Abduction

17. Profiteering (see update: Decreed as criminal by Ayatollah Khomeini on 9 April 1979.)

1. Amnesty International notes that the crime of "Corruption on Earth" as revealed in Sura 5 Verse 33 of the Holy Qur'an does not carry a mandatory sentence of death.

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2. Amnesty International notes that the Shia Imamiya sect classify the crimes of "Rebellion" and "Apostasy" as being punishable by discretionary punishment, Ta'azir.

3. Amnesty International emphasises that every accused person in Iran should only be tried for crimes, the clear and well-established meaning and content of which are determined in advance by law. The necessary degree of proof for conviction should be similarly established.

4. Amnesty International emphasises the application of the principle of legality whereby one may only be tried for an action which is laid down in advance to be illegal and may only be sentenced to a punishment no harsher than was applicable at the time the offence was committed.

5. Amnesty International notes the principle of Islamic law that "it is better to err in pardoning than in inflicting punishment".

6. Amnesty International emphasises that convicted persons should be afforded the right to benefit from the spirit of Mercy and the goals of rehabilitation and re-socialization in consideration of the penalty to be imposed.

7. Amnesty International emphasises that defendants should always be given time to petition for clemency.

8. Amnesty International unequivocally regrets the imposition of the sentence of death in all circumstances. It notes that it has been imposed when not required by Islamic law.

9. Amnesty International unequivocally regrets the imposition of sentences of flogging in all circumstances. It notes that such sentences have been imposed when not required by Islamic law.

NOTES TO CHAPTER IV

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The appearance in these notes of an original Arabic source of law is normally a reference to a text of the legal system of the Shia Imamiya. On occasions, however, there are multiple references which go beyond this system of law to other schools, such as the Shafi and the Hanbali. This is only done where the rules of the different schools are the same.

1. Amnesty International has worked with its own translation of these regulations which were promulgated on 5 April 1979. Iran Radio broadcast the provisions on that day and they were also reproduced in the local press. The magazine Iran Political Digest (Tehran), no. 223 of 16 April 1979 carried a translation into English.

2. BBC Summary of World Broadcasts (SWB) ME/6118/A/4, 17 May 1979, monitored from Tehran Home Service 07.30 GMT 16 May 1979.

3. Amnesty International has worked with the translation into English of the Holy Qur'an which was prepared by Abdullah Yusuf Ali. The actual volume used was published in the United Kingdom in 1398 (1978) by The Islamic Foundation in co-operation with The Muslim Students' Association of the United States and Canada.

4. Reproduced here without any editorial change by Amnesty International.

5. BBC SWB ME/6177/A/13, 26 July 1979, monitored from Tehran Home Service, 09.30 GMT 25 July 1979.

5A. His religion was mentioned in the indictment. Iranian authorities state unequivocally that religion was not the basis for the execution.

6. The Guardian, London, 17 August 1979.

7. ibid "It is a day when we should warn those intellectuals who have relations with America and with American agents; If they don't stop meddling they will be crushed."

8. The Financial Times, London 17 August 1979.

9. ibid.

10. See page 84 and note 23 below.

10A. Articles 1 and 2 of the Supplementary Fundamental Law of 1907 read as follows:

Art. 1. The official religion of Persia is Islam according to the orthodox Jaffari doctrine of the Ithna 'Ashariyya (Church of the Twelve Imams), which faith the Shah of Persia must profess and promote.

Art. 2. At no time must any legal enactment of the Sacred National Consultative Assemly, established by the favour and assistance of His Holiness the Imam of the Age (may God hasten his glad Advent!), the favour of His Majesty the Shahanshah of Iran (may God immortalise

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his reign!, the care of the Proofs of Islam (may God multiply the like of them!) and the whole people of the Persian nation, be at variance with the sacred rules of Islam or the laws established by His Holiness the Best of Mankind (on whom and on whose household be the Blessings of God and His Peace!).

"It is hereby declared that it is for the learned doctors of theology (the 'ulama)- may God Prolong the blessing of their existence! - to determine whether such laws as may be proposed are or are not conformable to the rules of Islam; and it is therefore officially enacted that there shall at all times exist a committee composed of not less than five mujtahids*or other devout theologians, cognizant also of the requirements of the age, [which committee shall be elected] in this manner. The 'ulama and Proofs of Islam shall present to the National Consultative Assembly the names of Twenty of the 'ulama possessing the attributes mentioned above; and the Members of the National Consultative shall, either by unanimous acclamation, or by vote, designate five or more of these, according to the exigencies of the time, and recognize these as Members, so that they may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islam, so that it shall not obtain the title of legality. In such matters the decision of this ecclesiastical committee shall be followed and obeyed, and this article shall continue unchanged until the appearance of His Holiness the Proof of the Age (may God hasten his glad Advent!)."

Amnesty International notes the following points:

1. Laws were required to be consistent with Islam and the decision of the Ecclesiastical Committee on this was final.
2. The Revolutionary Tribunals have designated clergymen who were actively involved with the Shah's regime, and who have been tried for that reason, as "false clergymen". This has often been done on the grounds that they acquiesced in laws and policies which were in fact contrary to Islam.
3. The clear conflict between secular and religious juridical methods is exemplified by (1.) and (2.) above.

11. The Report of the International Conference on the Death Penalty is published by Amnesty International (index no. CDP 02/01/78).

12. Joint Statement by International Non-Governmental Organisations concerned with Human Rights in Consultative Status with the Economic and Social Council. Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Toronto 1-15 September 1975.

13. In its consideranda.

14. The Shari'a Today, J N D Anderson. Journal of Comparative Legislation and International Law. 3rd series. Vol 29. Part 1, 18, 20.

15. Exile is commonly accepted to include imprisonment.

21. It is instructive to see those offences which are charged together with Corruption on Earth (key no: 1a) see Appendix A passim.

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22. See page 38 and BBC Summary of World Broadcasts (SWB) 10 July 1979. (ME/6163/A/7 and ME/6163/A/8). Report of amnesty speech monitored from Tehran Home Service 09.30 GMT 9 July 1979.

23. ibid - ME/6163/A/8 paragraph (5).

24. The defendant's name was Major General Ali Neshat. Source: Kayhan 12 April 1979. Date of execution: 11 April 1979.

25. Ettela'at 8 April 1979.

26. Kayhan, 29 April 1979.

26A. Sunnah has been described as the "manner of living of the Prophet". See Shi'ite Islam by Allamah Sayyid Muhammad Husayn Tabatabai: Translated from the Persian and edited with Introduction and Notes by Seyyed Hossein Nasr, London, George Allen and Unwin 1975, p.12.

27. The Shia Imamiya require the witnesses to be four men or three men and two women. al Hilli, Mukhtasar, p.293.

28. Sharh Fath el Qadir, Vol. 4, p.117.
al Muajni, Vol. 10, p.165.
al Mukhtasar, p.293.

29. Bidayat al-Mujtshid Vol 2, p. 363.
Sharh al Zurkani Vol 8, p.82.
Sharh Fath el Qadir, Vol. 4, p.113.
al Mughni, Vol.10, p.125.

30. all Hilli, al-Mukhtasar p. 294.

31. al Hilli, Mukhtasar, p.296.

32. ibid. p.297.

32A. Reuters reported from Tehran on 2 July that Ayatollah Khomeini had said in a speech to Muslim clergymen on the previous day that, "a society is reformed by cutting off the hands of a few thieves in public. If a handful of prostitutes are flogged then society will be rid of prostitution." The speech was reportedly published in the local Tehran press on 2 July.

33. see all Hilli. Sharai al Islam p.202.

34. Sharh al Zurkani, Vol. 8 p.112.
al Magni, Vol. 10. p.326.
al Mukhtasar, p.304.

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35. Ibn Sharif en Nawawi, Minhaj et Talibin, translated text p.450.

36. Reported locally on 18 April 1979.

37. For this offence and theft.

38. Ayendegan, 31 May 1979.

39. Reuters cited Peygham-Emruz of 16 July 1979.

40. Ibn'Abidin, ad-Hashiyah, Vol. 3, p.265.
Bada'I' al-Sana'i, Vol. 7, p.65.
al Mughni, Vol. 10. p.239.

40A. A further requirement for the Hadd punishment is sometimes said to be the establishment of a "true Islamic society" such as provides the material well-being and security for all. This is based on the principle that no duty (taklif) can be imposed on persons without them being granted a corresponding right (haqq). This principle is the subject of much debate.

41. The Washington Post, 5 February 1979.
The Guardian, 5 February 1979. Both reports cite Reuters of 4 February 1979.

42. The Washington Post 5 February 1979.

42A. See Appendix B. case no. 15-18

42B See Appendix B. case no. 69

43. al Hilli, al Mukhtasar p.316.

44. BBC SWB ME/6116/A/9 15 May 1979. Monitored from Tehran Home Service 20.30 GMT 13 May 1979.

45. ibid.

46. If this report is accurate it is the first such example known to Amnesty International. (See also The Guardian 18 June 1979)

47. Amnesty International does not know the number of lashes given to the woman's partner.

48. The State and the Individual in Islamic Law. N J Coulson Vol 6. (Jan. 1957). International and Comparative Law Quarterly (ICLQ) 49, 53.

Amnesty International does not know the nature of the "plot" or the "seditious literature".

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See Chapter II, passim.

See page 110, categories 96, 9c, 91 and 9 m.

See al Hilli, Sharai al Islam, p.202.

See page 84.

Reuters reported on 26 June that the use of narcotics had been made illegal by Ayatollah Khomeini. (The report cited the PARS news agency.) Amnesty International has information, however, that on 28 May the prosecutor of the Revolutionary Tribunal in Khorramabad had made a similar announcement.

Local reports on 8 May 1979 said this about the trial of 21 "agents of the former regime" executed on that day.

Statement of Ayatollah Qomi in Ettela'at, 16 May 1979.

PARS news agency report, 26 May 1979.

CHAPTER V

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AN EXAMINATION OF LAWS, ADOPTED AND PROPOSED,

CREATING FURTHER NEW OFFENCES, COURTS AND PROCEDURES

CHAPTER V

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AN EXAMINATION OF LAWS, ADOPTED AND PROPOSED,

CREATING FURTHER NEW OFFENCES, COURTS AND PROCEDURES

General

This chapter examines certain provisions of law, both proposed and recently adopted, which will serve to increase the already broad jurisdiction of the Iranian judiciary.

It covers the following matters:

- A proposal for an "extraordinary Counter-Revolution Court" to supersede the Islamic Revolutionary Tribunal. Amnesty International examines its jurisdiction and procedures.

- The Iranian Press law.

- Conclusions.

As of the time of writing the new courts had not been set up; whether they ever will be is open to doubt. (1) This discussion is still relevant, however, as an indication of the thinking at that time of government and legal officials on the procedures and jurisdiction of a successor tribunal. It is important to note that these proposals fall short of compliance with the standards of international human rights law. For this reason this chapter will show the manner in which this is so and the reasons for which Amnesty International respectfully urges the Iranian authorities to consider these matters in formulating rules and regulations for any new system of courts.

* * *

On 8 July 1979 Bamdad reported that Justice Minister Ahmad Sadr Haj Sayyed Djavadi had said that the Provisional Government would be proposing to the Islamic Revolutionary Council that the Revolutionary Tribunals be dissolved and a system of "extraordinary counter-revolution courts" be created in their place.

The new courts would fall under the supervision of the Ministry of Justice and would have jurisdiction over "crimes against the revolution". The minister is quoted in the report as saying that a Justice of the Supreme Court would be Chief Justice of the new courts and that the names of other judges had already been considered. A special counter-revolutionary prosecutor would be appointed. (2)

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The following day Ayendegan reported that these proposals had been approved by the Islamic Revolutionary Council. (3) Public Prosecutor Bani-Sadr told the newspaper that the courts were being set up for a number of reasons including to prevent unauthorised people and "self-appointed judges" from trying people. (4) The newspaper reported that the Public Prosecutor had said that each court would have three judges and that its jurisdiction would be wider than that of the Revolutionary Tribunal. He reportedly added that these new courts would shortly begin to hear cases.

The proposed new courts stem from Article 3 of the regulations of the Revolutionary Tribunal which provides that the latter are temporary in nature. The new courts were seen by their proponents as a means of stopping interference in the work of the Revolutionary Tribunal, and a way of stepping up the pace with which cases were being investigated and brought to court. (5)

Immediately following publication of the Ayendegan article Iran Radio reported that a spokesman for the Central Islamic Revolutionary Tribunal in Tehran had denied those tribunals were to be dissolved. (6) The spokesman reportedly said that the only person who could authorize such a move was Ayatollah Khomeini and he had not agreed to do this. On 14 July the Tehran Revolutionary Prosecutor, Ayatollah Azari Qomi was reported as saying that the Revolutionary Tribunals would continue to hear cases until they had "completely wiped out counter-revolutionary activities and the Justice Ministry observed Islamic tenets." (7)

On 26 July Justice Minister Djavadi was reported in Bamdad as saying that judges, prosecutors and investigators had been chosen for the extraordinary counter-revolutionary courts but that they would not take office and start hearing cases until Ayatollah Khomeini issued a decree to this effect. (8)

* * *

It became clear on 23 and 24 July 1979 that the question of the dissolution of the Revolutionary Tribunal was distinct from the question of the jurisdiction of other Ministry of Justice courts. (9) A process became identifiable whereby a limited jurisdiction would be given back to the latter courts and the revolutionary system would officially continue to have jurisdiction over five categories of offence. Local correspondents reported on 24 July that Public Prosecutor Bani-Sadr had spelt out the details of these five categories. (10) They were:

1. Murder or massacre meant to strengthen the Pahlavi Regime and suppress the people.

2. Imprisonment and torture of "campaigning people".

3. Economic crimes such as plundering the public wealth and working for the benefit of foreigners.

4. Conspiracy against the Islamic Republic or armed activity, assassination or destruction. Included in this category is spying for foreign organisations.

5. Armed robbery, rape, crimes of violence, smuggling and distribution of narcotics.

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It is noteworthy that with the exception of rape, presumably both heterosexual and homosexual (and other sexual offences involving violence), offences relating to sex and morality would no longer be heard by the Revolutionary Tribunals. This would be in accordance with a statement on 23 July by Mr Bani-Sadr that in any event the Revolutionary Tribunal had never lawfully had jurisdiction over such cases. This latter statement is not consistent with practice both up to and beyond that date. (11)

Sexual offences were heard by a Revolutionary Court in Abadan-Khorramshahr on 26 July, (two courts apparently sitting jointly), in Urumieh on 8 August and in Tehran on 9 August. The defendants were all sentenced to death. (see Appendix A) Sentences of forty lashes for sunbathing naked and seventy-five lashes for setting up a brothel were imposed on 26 July elsewhere in Iran. (see Appendix B - cases 408, 409 and 410) It is not known, however, whether these non-capital sentences were imposed by revolutionary courts.

The Extraordinary Counter-Revolutionary Court

It is within the context of this suggested movement towards a new court that a proposal by Deputy Chief Public Prosecutor Moussa Amir Husseini for a plan to expedite the investigation and trial of political prisoners in Qasr and have them (and others later arrested) tried by "counter-revolutionary" courts should be seen. (Bamdad, 25 June). (12) Ettela'at quoted the Justice Minister as saying that any transfer of jurisdiction would be gradual. (13)

Previous chapters have shown the inherent flexibility of the revolution's judicial method. The new courts, it is proposed, will sit with a three judge bench. They are to be elected by "current or retired Judges" of the Ministry of Justice. It is unclear , however, the extent to which the Ministry of Justice will have a responsibility for these courts but there are provisions for appeal to the Supreme Court. (see below) The Judges are required to be "faithful to the cause of Islam".

The newspaper Bamdad said on 25 June that the following crimes will be within the jurisdiction of the new courts:

1. Ordinary criminal offences as laid down in the Penal Code (Chapter II, sections 1 and 2, and Chapter XII up to Article 261).

2. "Illegal occupation of land and defrauding the Government."

6. Spying for aliens and revealing military secrets.

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7. Holding forests and illegally benefitting from them.

The six following offences will also be within the jurisdiction of the new courts. It seems likely that there will be circumstances where conviction for these offences may constitute imprisonment for the non-violent expression of a political belief:

8. Opposing the Trade Union laws 1351 (13A) [1931 AD.]

9. Indulging in separatist activities or jeopardising the country's independence. (14) (3-15 years imprisonment).

10. Instigating military personnel to help the enemy or create turmoil inside the country. (15) (Death)

11. Instigating personnel of the armed forces to ignore military codes. (16) (3-15 years if effective; 2-10 years if otherwise)

12. Instigating workers or disturbing the work of factories. (2-10 years)

13. Spoiling the economy of the country such as by bringing about the closure of businesses or stoppage of production. This includes smuggling money out of the country. These offences "will be" governed by the criminal code. (17) (Imprisonment up to a life-term at the discretion of the Court)

If courts are to investigate the evidence on which a defendant is brought before them according to internationally accepted standards, the conviction for some of the above offences may not result in the convict being a prisoner of conscience. However, if the courts continue to adopt their (18) "broad brush approach" whereby peaceful and otherwise legitimate activity is rendered criminal by virtue of it being considered, for example, to be "jeopardising the country's independence", an offence of conscience (19) may be involved.

The English newspaper The Guardian reported from Tehran on 28 June that these proposals had been the subject of "a commentary in this week's Azardi which speaks for Iran's main secular opposition ..." The bill is referred to there as a potential "instrument for the setting up of repression that will lay the foundation for another dictatorship". (20)

The concepts of "spoiling the economy of the country" and, more importantly, "jeopardising the country's independence" are capable of the widest interpretation. Hitherto charges in the Revolutionary Courts have equated the notion of the country's independence with support for the revolution. This therefore means that the new courts seem likely to have jurisdiction over persons alleged to be "working against the Islamic Republic".

It should therefore be noted that:

(i) Courts will be empowered to imprison defendants for up to 10 or 15 years, or for a life-term, for offences which may involve proscription of non-violent exercise of the rights of conscience. (21)

(ii) The Islamic concept of Corruption on Earth (Hiraba) is the same offence as "Highway Robbery"(see page 83) and therefore the courts, which have been given an explicit jurisdiction over the latter offence, will be able to continue the employment of the former concept as they have in the past.

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Under the bill an accused person will be entitled to a lawyer. If he cannot afford one he may ask the court to provide one. A lawyer will have five days in which to prepare a case and, it seems, a maximum of three days in which to present it. The only circumstances in which an appeal will be made is where a sentence of life imprisonment or execution is imposed. A notice of appeal must be lodged with the Supreme Court within five days. (22)

The proposed regulations provide that for those cases where a town does not have an "extraordinary court" then counter-revolutionary offences may be heard by the local judiciary. (23) Amnesty International does not know whether this reference to the local judiciary refers to Ministry of Justice appointees or to the Islamic Revolutionary Tribunal of the locality in question.

The magazine The Iranian, published on August 8 1979 (Vol I, No 7) speaks of the recent decision to invite Mujtahids (24) into the legal system. The article in question says on page 3: "This was done in an effort to alleviate the judge and lawyer shortage currently plaguing the profession. Mujtahids are practitioners and interpreters of Islamic law who acquired a licence to practice on the approval of a Marja'e Taghlid (a member of the High Clergy). Their qualifications are based on their knowledge of Islam and its laws." It is likely that the influence of the Mujtahid will be noticeable in the area of criminal procedure. (25)

The Iranian Press Law

On 12 August the Iranian Minister for National Guidance, Mr Nasser Minachi, announced the promulgation of a new press law, the purpose of which was often expressed to be to regulate the press in the light of the Islamic Revolution. (26) The authorities have expressed a fear that unless the press is regulated it may print material which is not accurate about events in Iran and may be used by Iran's enemies. (27)

Ayatollah Khomeini is reported in The Guardian of 20 July to have said:

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> "The nation should be careful. Attacks on Islamic laws, attacks on me, contempt shown to me, are all intended to create turmoil. Ill-wishers should not believe that their intrigues can be scattered across the still unopened blossoms of our nation."

The press bill is intended to stifle such attacks.

This discussion will cover only those aspects of the Press Law which circumscribe the free expression of the press by the threat of political imprisonment. Six substantive provisions are set out here as well as the applicable procedures. Our concern stems not only from the text of the law itself but from the manner in which such offences may be interpreted by the judiciary.

The articles in question are as follows:

> Article 19 "Anyone who through the press provokes people against the internal or external security of the country will be sentenced according to the penal code if the provocation proves effective. If ineffective, he will be sentenced to 3-6 months or a fine of Rials 100,000 - 300,000." (28)
>
> Article 20 "Anyone who through the media insults Islam and its tenets or the tenets of any of the official religions in the country will be sentenced to between 6 months and 2 years."(29)
>
> Article 21 "If any article insults the religious authorities both the manager of the newspaper and the writer may be sentenced to 1-3 years imprisonment."
>
> Article 22 "If any article insults the leader of the Islamic Revolution the publication will be closed for a period of between 1-6 months."

According to a footnote to Article 22 proceedings in the above cases may only be initiated by the authorities.

> Article 24 "Offensive articles about individuals are prohibited. Those found guilty will be sentenced to 3-6 months imprisonment, but the investigation of the cases can only be undertaken following the complaint of the persons affected."
>
> Article 25 "Anyone who through the media threatens the dignity of an individual or who reveals details of their private affairs can be sentenced to between 3 months and 1 year and a fine of Rials 20,000 to 100,000."

The law was passed on 7 August, and on the same day the newspaper Ayendegan was closed down. Bamdad reported however that the Deputy Minister for National Guidance, Mr Mehdi Momken, had said: "The Revolutionary Court ordered this. It is not for a press crime." (30)

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On 9 August Bamdad reported that the Revolutionary Prosecutor-General had said the previous day that the newspaper Ahangar had been closed, inter alia, because "it was talking against the interests and well-being of the Moslem population and the rule of the Islamic Republic ... by publishing commentaries and interpretations that were not based on fact." He added that orders for the arrest of the executive director of the newspaper Peygham Emruz had been ordered by the Islamic Revolutionary Court. (31)

These actions by the Revolutionary Court and the Public Prosecutor exemplify the reasons why Amnesty International is concerned that such laws could result in persons being imprisoned because of a statement of political views which the authorities regard as hostile or inimical to the public good.

These closures were not the first to have taken place. On 14 July Bamdad had reported that the Turkish language publication Yuldash was banned by the Ministry of National Guidance for insulting Ayatollah Khomeini and other clergymen. This, Amnesty International understands, was the first newspaper to be banned by the Ministry. (32)

It is clear that the substantive offences mentioned above are capable of extremely wide interpretation. Amnesty International will study convictions under this law which come to its attention with a view to the adoption of the defendants, where appropriate, as prisoners of conscience.

The Press Law (33) provides that cases will be heard in the criminal courts in the presence of a jury. Article 31 (34) provides that every two years the Minister of National Guidance will convene a committee which will consist of the Chairman of the city courts, the Chairman of the city corporation and a representative of the National Guidance Ministry. This committee will select 14 persons "who have the confidence of the people and who represent different social groups": Clergymen, university professors, doctors, writers, reporters, Justice Ministry lawyers, teachers, tradesmen, workers and peasants are cited. Fourteen will be selected; seven will constitute the principal members of the jury, seven the alternates. The minimum age to serve on a jury will be 30 and it is required that no juryman have been previously convicted of a criminal offence. A "good moral character" is required.

The court will sit with a President, two judges and the jury. The verdict of the jury will be separated into the following issues:

1. A determination of guilt or innocence.

2. If guilty, is any mitigation of sentence appropriate? (35)

It will be for the court to decide on sentence and the availability of appeal is provided in the regulations. The details of procedure for this and other aspects of the implementation of the Press Law are the responsibility of the Ministry of National Guidance. (36) At the time of writing Amnesty International has no information on whether such regulations have been promulgated. (37)

Amnesty International regrets that the procedures to be employed by the "Extraordinary Counter-Revolution Courts" do not include those essential prerequisites for a fair trial as are contained in International Human Rights Law. (see Chapter I)

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Amnesty International is concerned that the proposed "Extraordinary Counter-Revolution Courts" will possess an effective jurisdiction as wide as that of Islamic Revolutionary Tribunals.

Amnesty International is concerned that the offences triable by the proposed new courts are themselves capable of extremely wide interpretation.

Amnesty International regrets that offences of conscience will be triable in the new courts.

Amnesty International is concerned that the Iranian Press Law is capable of being used in such a way as to imprison political opponents of the regime.

Amnesty International expresses its hope that new regulations to be drawn up by the Ministry of National Guidance under the Press Law will be composed with due regard to the principles of International Human Rights Law.

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1. Prime Minister Bazargan is quoted in an interview with the International Herald Tribune (Paris) 31 October 1979 as saying:

> "Think of the revolutionary tribunals. Since the government has no control over them, I proposed setting up an extraordinary tribunal that would act in accordance with our directives. Well, not only has the proposal not materialised, but all the tasks that I intended to assign to the extraordinary tribunal have been shifted to the revolutionary tribunals."

2. The Bamdad article also gave names of the proposed appointees to the following positions:

(i) Chief Justice
(ii) Special Counter-Revolutionary Prosecutor
(iii) Deputy Chief Justice
(iv) Chairman of 1st branch of court
(v) Chairman of 3rd branch of court
(vi) - (xi) Six further judges were reported to have been proposed but were not named.

3. Ayendegan, 9 July 1979.

4. ibid.

5. Amnesty International information. Local correspondents had reported on 8 July that the proposed courts also reflected an attempt to centralize the judiciary under the Ministry of Justice.

6. Monitored locally from Iran Radio, 9 July 1979.

7. Ayendegan, 14 July 1979.

8. Bamdad, 26 July 1979. This is presumably still the position.

9. Statement of Prosecutor Bani-Sadr in Ayendegan, 23 July 1979. On the same day Bamdad reported that 1194 prisoners had been released from Qasr in order that room be made for prisoners who came under the jurisdiction of the Ministry of Justice. It also reported that some political prisoners had been transferred to Evin prison in Tehran.

10. Amnesty International has since heard a report that only persons who had ordered or willingly carried out the actions in (1) - (3) were to be prosecuted. This would exclude persons who accomplished the tasks under duress. Amnesty International does not possess documentary evidence of this .

1. As can be seen from an examination of Appendices A and B.

2. Bamdad, 25 June 1979. The jurisdiction would therefore be theoretically wider than that of the Revolutionary Tribunal. The difference in practice would probably be minimal.

13. Amnesty International has experienced difficulty in tracing the date of this report. It is probably 25-27 June. (See also IHT, Paris, 6 September 1979 and Iran Voice, (Washington) 17 September 1979 for the same point.

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13A. Amnesty International cannot state with confidence the year in the Christian calendar in which the Trade Union laws were passed as it does not know the corresponding month in the Muslim calendar.

14. This offence is capable of being very widely interpreted.

15. This offence is triable in the Revolutionary Tribunal in any event. See discussion in Appendix C on the execution of soldiers in Kurdistan.

16. As per note 15.

17. Amnesty International does not know if this referred to a new code or the former one.

18. Amnesty International uses the term "broad brush approach" to be illustrative of the way in which the Revolutionary Tribunal has exercised a de facto jurisdiction over so many offences.

19. Amnesty International seeks the release of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have neither used nor advocated violence. These are termed 'prisoners of conscience'.

20. The Guardian reported in the same article that "under the bill, the accused will not be informed officially of the charges ... until they are read aloud by the prosecutor in court." Amnesty International cannot confirm this but, if true, it would seem to indicate that accused persons might not formally be notified of the reasons for his or her arrest.

21. See footnote 19 supra.

22. Bamdad, 25 June 1979.

23. ibid.

24. See Chapter III, note 15.

25. As per note 24.

26. Such comments were often made.

27. Such concern was expressed to apply both to local and foreign press (but see footnote 37 below).

28. US $1,428-$4,285 (at an approximate rate of 70 rials to one US dollar).

29. The religions other than Islam are Christianity, Judaism and Zoroastrianism.

31. Bamdad, 9 August 1979.

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32. Report from local correspondents.

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33. On 12 July Iran Radio reported that the Press Bill had been published. It said:

> "Following the publication of the new bill, Nasser Minachi, The Minister of National Guidance, said: 'The bill will be presented to the Council of Government, for approval next Saturday.' Minachi said: 'The new Press Bill is expected to be debated and studied for two or three days at the sessions of the Government Council and then it will be presented to the Council of the Revolution for final approval.' The approval of this bill by the Council of the Government and the Council of the Revolution is expected to take place in a week and during this period the various classes of the people have the opportunity to put forward their views on the new Press Bill so that these views would be taken into consideration in the final phase. The text of the Press Bill ... is formulated in 39 articles ."

BBC SWB ME/6167/A/4. 14 July 1979 monitored from Tehran Home Service 09.30 GMT 12 July 1979.

The bill was reported by Iran Radio as follows:

Articles 1 - 7	BBC SWB ME/6167/A/4 and ME/6167/A/5 and ME/6167/A/6
Articles 8 - 21	(BBC SWB ME/6169/A/3 monitored from Tehran Home Service 09.30 GMT and 16.30 GMT, 12 July 1979.) The reports include pages ME/6169/A/4, ME/6169/A/5 and ME/6168/A/6.
Articles 22 - 39	Monitored from same broadcast as Arts. 8-21. ME/6169/A/4, ME/6169/A/5 and ME/6169/A/6.
NOTE:	The references above are reproduced exactly as they appear in the original pages of the BBC publication.

The final text was reported by local correspondents on 12
The Islamic Revolutionary Council was reported on 7 August (Bamdad) to have passed it with amendments. In its final form the text contained 34 articles.

34. Taken from text released by Mr Nasser Minachi on 12 August 1979.

35. This is taken from Article 36 of the earlier text. (BBC SWB ME/6169/A/5) Amnesty International believes that this procedure is still applicable but has not been able to verify the information.

36. Article 39 of the earlier text.

37. Regulations concerning foreign correspondents were promulgated in mid-August 1979. They do not seem to depend on the Press Law for their binding force.

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Appendix A contains a list of reported executions during the period from the revolution until 12 August 1979. The list is not a definitive count of persons executed; it is merely an indication of numbers and charges. It was compiled from reports of executions in local and foreign media. The heaviest reliance has been on the local press.

The charges which appear in these lists are not necessarily the same in number as appeared in official records: Separate clauses in an indictment may charge a number of offences. (The indictment against former Prime Minister Hoveyda contained 16 clauses; Amnesty International lists 21 offences.)

Appendix B contains a list of persons who have been sentenced to non-capital punishments such as flogging, imprisonment and exile. Although 462 such instances are recorded information on these has not appeared quite so frequently or so comprehensively in the media. For this reason this list should also only be used as an indication of the range of penalties rather than a definitive count.

Appendix B contains no reference to court orders that a convicts salary still be paid to him or to his family; similarly there is no indication of those defendants who have been banned from holding positions or jobs in the future. Both have occured. The information given on Mullahs who have been defrocked for support of the Shah may also be less than comprehensive.

The sources from which Appendices A and B were taken include Kayhan, Bamdad, Ayendegan, Ettela'at and Iran Radio. Foreign media used include the wire services and individual newspapers; mainly French or English.

Why is there no list of acquittals?

It is very difficult to estimate accurately how many acquittals have been handed down by the Revolutionary Tribunals. Information on this has not been comprehensive. Amnesty International is not able to judge whether this is due to their infrequency or to lack of reporting.

It has also been difficult to know whether persons who have been freed have been released following acquittal or following investigation. Indeed, the function of judge and prosecutor has been blurred. (see page). This is exemplified by a report carried on Iran Radio on 14 July 1979 saying that eleven persons who had been arrested in Abadan as counter-revolutionaries (they had demonstrated against the government of the Islamic Republic) had been handed over to the Public Prosecutor's office. The latter was reported as having said that investigations were being made into the cases but the religious judge was not present and therefore the files would be sent to the prosecutor's office in Ahvaz for the sentencing. It is difficult to know whether such sentences would be passed by the prosecutor qua prosecutor or qua judge. Information on this matter is confused; the rules show (see page 47) that it is the religious judge who has the authority to order releases.

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On 29 March 304 persons were reported by the newspaper Ettela'at to have been released. Amnesty International believes that these releases were post-interrogation rather than post-acquittal. An unnamed person was acquitted on 10 April in Tehran, a soldier was acquitted in Kerman on 13 April according to the PARS news agency,and Amnesty International has heard reports of 85 acquittals in the middle of April. This latter cannot be confirmed. A naval lieutenant was acquitted in Bandar Abbas on 25 April and there were reports of 23 prisoners being released from a Tehran jail on the same day (Reuters). On 9 May there were local reports of an acquittal in Kerman of Hossein Mesri and Ramazan Kamali. (See page 51 for the first reported acquittals.)

The PARS news agency reported on 15 May that Ali Ardalin had been acquitted following his suffering a heart attack. Two British consultants were acquitted by a Revolutionary Court in Ahvaz on 23 May. The interrogation of one of them centered on a relationship with SAVAK, possible squandering of resources at the factory in which he worked and corrupt practices.The defendants later said that they had been "impressed by the intelligence and fairness of the court". (Reuters)

Other acquittals known to Amnesty International include the case of an unnamed policeman on 23 May in Zanjan who had been tried for firing on demonstrators, killing, beating, occasioning general damage to the public and supporting the former regime. On 30 May Reuters reported that 62 unnamed persons had been acquitted in Kerman on charges of attacking the Jaleh Mosque in that town. On 6 June a court in Ahwaz acquitted Ali Asgar Zendehdel after he had testified against a co-defendant "since he had been telling the truth and is repentant". Local correspondents reported on 25 June the cases of two unnamed gang members who were tried and acquitted in Mashad.

Another category of acquittal includes cases where persons have been convicted of some offences and acquitted of others. Reuters reported on 9 April the case of Torab Hajalou who had been found not guilty of torture, preventing people attending prayers, working against Islamic principles and taking away peoples' rights. He was, however, found guilty of acting against the security of the nation and executed. Another case of an acquittal on a number of charges but conviction on others is that of Shojaedin Sheikholislamzadeh. (See page 76 above)

Ettela'at reported on 8 August thatthe Revolutionary Tribunal in Abadan had released five persons and applied Ayatollah Khomeini's amnesty. (see page) This case is one in which Amnesty International cannot tell whether the release was post-conviction or post-interrogation.

Iran Radio reported on 6 August that 18 persons had been pardoned on the orders of Ayatollah Khomeini. Amnesty International cannot tell whether this was a post-conviction release or an acquittal.

APPENDIX A

POST-REVOLUTIONARY EXECUTIONS

TILL 12 AUGUST 1979 *

File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
1	Nematollah NASIRI General	Former Chief of SAVAK	Tehran	1a,3d,4d,10q	16 February 1979
2	Manuchehr KHOSROWDAD General	Leader Army Paratroops	Tehran	1a,3a,10a,4d,8e, 10q	16 February 1979
3	Mahdi RAHIMI General	Martial Law Administrator Tehran	Tehran	1a,3a,4d,10q	16 February 1979
4	Reza NAZI General	Martial Law Administrator Isfahan	Tehran	1a,3a,4d,10q	16 February 1979
5	Abdul-Azim VALIAN General	Former Gov. General of Khorassan Province	Tehran		16 February 1979
6	Unknown General	Former MP	Tehran		16 February 1979
7	Parviz AMINI-AFSHAR	Commander Guards Division: Chief 2nd Army Intelligence and Counter-Intelligence Bureau	Tehran	1a,3a,7o,10a	20 February 1979
8	Manuchehr MALEK Brigadier General	Commander Qazvin Armoured Brigade	Tehran	1a,3a,7o,10a	20 February 1979

* It is difficult to ascertain the exact date of executions. This uncertainty is increased by the fact that many executions took place late at night or in the small hours of the morning and reports conflict as to which side of midnight

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
9	Nematollah MOTAMEDI Brigadier General	Martial Law Administrator & Commander Qazvin Division	Tehran	1a,3a,7o,10a	20 February 1979
10	Hossein HAMEDANI Brigadier General	Chief of SAVAK - Kermanshah	Tehran	1a,3a,7o,10a	20 February 1979
11	Monir TAHERI Captain	Army Captain	Rudsar	6a,8a	23 February 1979
12	Mohammed Hossein NADERI	Former SAVAK member in Isfahan	Tehran	4d	26 February 1979
13	Kholan Ali ELYASI	Head of Khonsar Gendarmerie	Khonsar	3a	27 February 1979
14*	Mahmud RA'ISI	Unknown	Rafsanjan	3d,6d	27 February 1979
15	Hossein Karbalai MOHAMNAD, Sergeant	Sergeant - Qazvin Brigade	Qazvin	3b,3d	1 March 1979
16	Jahangir ZAKIRI	Chief Constable	Abadan	3a	1 March 1979
17	Hossein TAJIK	Chief Constable	Abadan	3a	1 March 1979
18	Fakhr MODARESS Lt. General	Former Chief Prosecutor Military Tribunals	Tehran	1a,3a,4d	5 March 1979
19	Abdullah KHAJENOURI Major General	Chief of Military Tribunal	Tehran	1a,3a,4d	5 March 1979

* Amnesty International is uncertain whether this defendant was executed on this date or 9 March. Reports conflict.

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
20	Ahmad BIDABADI Major General	Former Martial Law Commander, Tabriz	Tehran	1a,3a,4d	5 March 1979
21	Ali Akbar YAZDGERDI Brigadier General	Former Martial Law Commander, Mashad	Tehran	1a,3a,4d	5 March 1979
22	Mansur ZAMANI Colonel	Chief of Qasr Prison	Tehran	1a,3a,4d	5 March 1979
23	Jahangir TAREKH alias 'JAHANGIRI' Colonel	SAVAK torturer	Tehran	1a,3a,4d	5 March 1979
24	Salar JAF	Former Majlis [Lower House] Deputy from Paveh	Tehran	1a,3a,4d	5 March 1979
25	Musa Mir SHIKARI Sergeant	Army Sergeant	Abadan	3d	5 March 1979
26	TUTIAN Colonel		Shiraz		5 March 1979
27	Mehdi Mohammadi SEFAT	Police	Rasht	3b	5 March 1979
28	Esmai Khoda TARS		Rasht	8d	5 March 1979
29*	ADIBPOUR Major	Former Chief Police Station No. 2	Shiraz		5 March 1979
30	Reza TEHRANI	Labourer (Afghan)	Shiraz	5d	5 March 1979
31	Bahman BAHRAMZADEH	Labourer (Afghan)	Shiraz	5d	5 March 1979

* Sentenced to death but date of execution not set. Amnesty International does not know whether defendant was executed.

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
32	Zali AFGHANI	Labourer (Afghan)	Shiraz	5d	5 March 1979
33	Yadollah MOTTAQIZADEH Lieutenant		Qom	1a,3d,4a,4d	6 March 1979
34	unknown		Tehran	5a	6 March 1979
35	unknown		Tehran	5a	6 March 1979
36	unknown		Tehran	5a	6 March 1979
37	unknown		Tehran	5a	6 March 1979
38	Mohammad MOHAMMADIAN		Tehran	5b,5d	7 March 1979
39	Ali Doud AFGHAN		Tehran	5b,5d	7 March 1979
40	Ghouch Ali ZAREI'I		Tehran	5b,5d	7 March 1979
41	Jebrail CHARBIDEH		Tehran	5b,5d	7 March 1979
42	Behjat Dil ARA		Tehran	5b,5d	7 March 1979
43	Ali TAKSHIRI		Tehran	5b,5d	7 March 1979
44	Moharram KUCHEK-BEGI		Khoy	3d,10o	7 March 1979
45	Jafaar Gholi SADRI General	Head of Police in Tehran	Tehran	3a,3d,7f	8 March 1979
46	Qasem IRANPANAH (Qasem Shia JANPANAH) Captain	'Torture" Captain [Political Prisoners Wing] Qasr Prison	Tehran		9 March 1979

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File No.	Name	Occupation	Location of courts	Charges (for key see pages 106-111)	Date
47	Naser QAVAMI Major	Former Deputy Head of Police Station No. 13	Tehran		9 March 1979
48	Soltan REZAI (alias SULTU)		Shirvan	3d,5a,6d,7f,8d,8f	10 March 1979
49	unnamed		Tehran	5a,5f	11 March 1979
50	unnamed		Tehran	5a,5f	11 March 1979
51	unnamed	Police Constable	Abadan	3d	11 March 1979
52	Ahmad BAHADORI	Commander of anti-riot unit	Hamadan	3d	11 March 1979
53	Mohammad BAHREHMAND	Gendarmerie Sergeant	Yazd	3d	11 March 1979
54	Nader JAHANBANI Lt. General	Former Chief of Sports Organization and Deputy Commander in Chief IAF (1)	Tehran	1a	13 March 1979
55	Mohammad Vali Zand KARIMI, Major General	Former Chief of Prisons Dept.	Tehran	1a	13 March 1979
56	Mahmoud JAFFARIAN	Former Managing Director PARS News Agency; Former Deputy Chief of Rastakhiz Party and NIRT (2)	Tehran	1a	13 March 1979

(1) Iranian Air Force.
(2) National Iran Radio and Television.

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
57	Parvis NIKKHAH	Former NIRT News Director 'Theoretician of previous regime' (3)	Tehran	1a	13 March 1979
58	Haider Jaffari NIA Captain	Former Police Chief	Ahvaz/Shustar	3b	13 March 1979
59	Gholam Hossein DANESHI	Clergyman and Majlis [Lower House] Deputy	Tehran	1a	13 March 1979
60	Manuchehr VASOUGHI Lieutenant	Officer in Immortal Guards (Javidan)	Tehran	1a	13 March 1979
61	Mohammad NAVID (alias NABAVI)	SAVAK torturer	Tehran	1a	13 March 1979
62	Mir Ahmad KUCHESFAHANI	Interrogation Specialist and Torturer	Tehran	1a	13 March 1979
63	Hossein SHAHKAMAN 2nd Lieutenant	Officer of General Staff, 2nd Bureau	Tehran	1a	13 March 1979
64	Hussein FARJIN	Lorry owner	Tehran	1a	13 March 1979
65	Abdullah Manuchehri QASHQAI	SAVAK 'assassin'	Tehran	1a	13 March 1979

(3) Author of letter in Ettela'at in January 1978 'slandering Ayatollah Khomeini'.

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
66	Mohammad Agha HASSANI Constable or Sgt.	Police, Qom Police Station No. 2	Abadan	1a,3d,8b	13 March 1979
67	Akbar GHAFFARIAN Brigadier General	Commander of Armoured Brigade, Dezful	Dezful	3a,4d	14 March 1979
68	Ali RAHDARI 1st Lieutenant		Dezful	3a,4d	14 March 1979
69	Mohammad Tagli Haj EIDI Chief Constable	Police	Dezful	3a,4d	14 March 1979
70	HUSSAINI Sergeant	Police	Nahavand	3a	14 March
71	Mahmud SHAHIDI	Internal Security Chief SAVAK Interrogator	Isfahan	1a,4d	6 April 1979
72	Gholam-Reza Iraj AMINI-AFSHAR Brigadier	Commander of Kerman Combat Group attached to Isfahan Army Airborne Division and Former Military Governor of Najafabad	Tehran	3a,3b	7 April 1979
73	Mashallah IFTIKHARMANESHI Lt. Colonel	Officer of Guards 1st Div: Tehran Martial Law Region	Tehran	3a	7 April 1979
74	Bahador BAHADORI Lieutenant	Officer of Guards 1st Div: Tehran Martial Law Region	Tehran	3a	7 April 1979
75	Hadi GOLESTANI	Commander 140th Battalion - 1st Naderi Brigade of Guards: Officer in Tehran Martial Law Region	Tehran	3c	7 April 1979

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
76	Mohammad Javad MOWLAVI-TALEGHANI, Brigadier	Tehran Police Chief Anti-Riot Police Chief	Tehran	3a	7 April 1979
77	Mostafa SADRI	Trooper of the Guards 140th Bt. Naderi Brigade	Tehran	3a	7 April 1979
78	Kamal ADEEB	Chief of SAVAK Interrogation Unit, Isfahan	Isafahan	1a,4d	7 April 1979
79	Mahmud ASKARIZADEH	Constable of No. 4 Police Station, Isfahan	Isfahan	3d	7 April 1979
80	Amir Abbas HOVEYDA *	Former Prime Minister	Tehran	1a,1b,1c,3a,7j,7p, 8f,9a,9c,9d,9e,9g,9h, 9k,10c,10g,10i,10j, 10k,10n,10p	7 April 1979
81	Mohammad Bagher ROSTAMI	Warrant Officer	Qom	3d	8 April 1979
82	Seyed Kazem ASHRAFZADEH		Dezful	6e,7b,10b	8 April 1979
83	Rahman ABDULLAHI	Police Officer	Dezful	3d	8 April 1979
84	Hossein RABII Lt. General	Former Air Force Chief	Tehran	1a,2c,2d,3b,7m,7q, 8j,9a,10a,7b	8 April 1979
85	Manuchehr AZMOUN	Former Head Endowment Org: Minister under Hoveyda and Sharif Emami: Majlis Deputy: Gov. General,Fars Province	Tehran	1a,3a,10a	9 April 1979

* See Introduction to Appendices

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
86	Mohammad KHAJENOURI Lt. General	Former Head of Army Command's 3rd Division	Tehran	1a,10a	9 April 1979
87	BALALI	Warrant Officer of Farmaniyeh Police Station	Tehran	1a,3d,10a	9 April 1979
88	Azizullah RAHMANI Colonel	SAVAK Chief	Dogobadan	1a,2c,3a,4d,7e,7g 8d,9d,10d	9 April 1979
89	Abbas Qoli DAVOUDI Captain	Former Chief of District Police Station No. 2	Qom/Behbahan	2d,10b	9 April 1979
90	Yadollah RAFATNIA Sergeant	Intelligence Officer City Police Station	Behbahan	3d,4d,8d	9 April 1979
91	Khosrow MALEKZADEH	Policeman	Behbahan	3d	9 April 1979
92	Seyed Hasham MOUSAVI	Policeman	Behbahan	3c,3d	9 April 1979
93	Houshang TAVANA Colonel	Officer Tehran Martial Law Region	Tehran	1a,2c,8b,8i	9 April 1979
94	Ezzatollah DASHTI Captain		Borujerd	3b	10 April 1979
95	PIDAMAST	Head Constable	Borujerd	3b	10 April 1979
96	Torab HAJALOU *	Former Chief of SAVAK in Ardebil	Ardebil	10g	10 April 1979
97	Nasser MOGHADDAM Lt. General	Former Head Military Intelligence and SAVAK Chief after NASSIRI	Tehran	1a,10a	11 April 1979

* See page 135

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
98	Hassan PAKRAVAN Lt General	Information Minister under Hoveyda: former Deputy Chief of SAVAK: Ambassador to France and Pakistan	Tehran	1a,1b,1c,2d,2g,3a,3b, 3c,8a,8h,10a,10e	11 April 1979
99	Mohammad Taqi MAJIDI	Former Chief Military Tribunal	Tehran	1a,3c,10a	11 April 1979
100	Ali NESHAT Major General	Commander Javidan (Immortal) Guard	Tehran	1a,10a	11 April 1979
101	Abbas Ali KHALATBARI	Foreign Minister for 7 years years - career diplomat	Tehran	1a,7c,7d,7e,7h, 9b,10a,10d,10g	11 April 1979
102	Abdollah RIAZI	Majlis Lower House Speaker	Tehran	1a,7k,10a	11 April 1979
103	Hossein Ali BAYAT	* Former Majlis Deputy	Tehran	1a,3a,10a	11 April 1979
104	Allama VAHIDI Senator	Member of Martial Law Administration: Former Senator	Tehran	1a,7b,10a	11 April 1979
105	Ali Hojjat KASHANI Lt. General	Former Deputy Premier	Tehran	1a,7g,7o,10	11 April 1979
106	Mansour ROUHANI	Former Minister for Agriculture	Tehran	1a,9k,10a	11 April 1979
107	Gholam Reza NIKPAY	Former Deputy of Hoveyda and Mayor of Tehran	Tehran	1a,10a (other charges of which AI is uncertain)	11 April 1979
108	Azizullah RAHMANI Colonel	Local SAVAK Chief	Ilam	3d,9d,10h,10m	11 April 1979

* This defendant had reportedly said that obedience to the former Crown was a Moslem duty.

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
109	Anushirvan ASKARI	'agent of former regime'	Behshahr	3d,8b	11 July 1979 *
110	Hassan DYNARMAND	Police Constable	Borujerd	3d,4d,8b	11 April 1979
111	Cyrus Mohammad BIGLOU Sergeant	Chief of Gendarmerie	Kerman	3d	11 April 1979
112	Ramaran Ali HOSSEINIAN		Kerman	3b	11 April 1979
113	Hossein RAHIMI Sergeant	Gendarmerie Sergeant and part-time Electricity Co. employee	Ahvaz	1a,1b,8b	12 April 1979
114	Ali Reza SHOJA'I	Petrol Station Owner	Ahvaz	1a,1b,8b	12 April 1979
115	Hamid MARZREYEH	Former Mayor of Bustan	Ahvaz	7f,7g	12 April 1979
116	Shayeh MARZREYEH		Ahvaz	3c,7f,7g	12 April 1979
117	Hirshang SANATI: Sergeant		Ardebil	3a	12 April 1979
118	MARANDI, Sergeant		Ardebil	3a	12 April 1979
119	Abbas KAMALI Brigadier General	Commander of the Police Guards	Zanjan	1a,8c	12 April 1979
120	Mahmoud MOAYAN (Mas'ud MANI)	Former City SAVAK Chief	Qom	1a	12 April 1979
121	Amanollah NAQIB		Kerman	3a,6a,8f	13 April 1979
122	Hosein Shahriar BAHRAMI		Kerman	3a,6a,8f	13 April 1979

*Editorial Note: Included out of sequence due to lateness of receipt of information.

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
123	Bijan YAHYAHI Major	Qasr prison senior officer	Tehran	1a,1b,1c,2d,2e,4b, 4c,4d	13 April 1979
124	unnamed Police Officer	Police in Khorramshahr		8b	13 April 1979
125	unnamed Police Officer	Police in Khorramshahr		8b	13 April 1979
126	unnamed Police Officer	Police in Khorramshahr		8b	13 April 1979
127	unnamed Security Officer	Security Officer in Kerman		3d	13 April 1979
128	unnamed Military Officer	Military Officer in Ahvaz		3a,6c	13 April 1979
129-136	8 unnamed				13 April 1979
137	Jahangir ESFANDIARI General	Martial Law Administrator Abadan: former Deputy, Armoured Div. Ahvaz.	Abadan	3a,7o,8b,8i	14 April 1979
138	Parviz YAQHMA'I Colonel	Former Deputy, Abadan Martial Law Administrator	Abadan	3a,7o,8b,8i	14 April 1979
139	BERENJIAN Major General	Former Counter-Intelligence Chief of IAF	Tehran	1a,1b,7b,8e,9b,9i	14 April 1979
140	Reza YUNESI	Head Constable	Tehran	1a,1b,3a,8b	14/15 April 1979
141	Hojjat Amir FATHI Major (retired)		Ardebil	1a,1b,3a,6b,6f,8b	14/15 April 1979
142	Ali Akbar GHOLAMI		Aran (near Kashan)	3a,8b	14/15 April 1979
143	Asghar NASSERI			3a,8b	14/15 April 1979

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
144	Gholam Reza JAVADI Captain		Tabriz	3a,8b	14/15 April 1979
145	Ahmad TAGHIZADEH Warrant Officer		Tabriz	3a,8b	14/15 April 1979
146	Ahmad ABBASI, Sergeant		Tabriz	3a,8b	14/15 April 1979
147	Ahmad Hamidi ASHTIANI Brigadier	Former Chief of Police at Kermanshah	Tehran	1a,3c	15 April 1979
148	Ali MEHRKAR Major	Former Commander, 165th Squadron of Khuzestan. 92nd Armoured Div. and Abadan Martial Law Administration	Abadan	1a,1b,3a,4d,8i	16 April 1979
149	Mohammad SABETI	Warrant Officer	Sabzevar	1a,3d,8b	16 April 1979
150	Haj Abbas QALEHNOURI	Police Officer	Sabzevar	1a,3a	16 April 1979
151	Ganbar Ali BORDBAR Sergeant		Shiraz	3a	16 April 1979
152	Mohammad Taqi DIRRIN		Shiraz	3a	16 April 1979
153	Mohammad Taqi JABBARRIN		Shiraz	3a	16 April 1979
154	Parviz SHEMIRANI Colonel	Imperial Guard	Tehran	1a,3c	18 April 1979
155	Bahram HOSSEINIPOUR		Dahaghan (near Isfahan)	3a,8b	18 April 1979

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
156	Abdollah Haj ABBAS Lieutenant	Imperial Guard	Tehran	1a,3c	18 April 1979
157	Mostafa RAKHSHAN Lieutenant	Imperial Guard	Tehran	1a,3c	18 April 1979
158	Hojjatollah ASHRAFI Sergeant	Imperial Guard	Tehran	1a,3c	18 April 1979
159	Reza MUMIVAND Sergeant	Imperial Guard	Tehran	1a,3c	18 April 1979
160	Fazlollah JAFARI	High Ranking Police Officer	Tehran		18 April 1979
161	Nematollah MORADI	Soldier	Tehran	1a,3c	18 April 1979
162	Ebrahim QORBANI alias NAMAKALI		Kerman	3d	19 April 1979
163	Ahmad ALAMAZADEH		Hamadan	2f,3c,4d,7e	19 April 1979
164	Hassan SHAKRI Lieutenant	Former Chief of Local Prison	Mallayer	1a,1b,3c	18/19 April 1979
165	Mohammad Takhi NAJAFI Lieutenant	Former Chief of Mallayer Police	Mallayer	1a,1b,3c	18/19 April 1979
166	Unnamed Policeman		Ardebil	1a,3b,8f	21 April 1979
167	Mohammad Mehdi ESHRAGHI Major		Khorramshahr	3b,3d	21 April 1979
168	unnamed Police Sergeant		Ardebil	1a,3b,8f	21 April 1979

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
169	Mohammad Tagli JAVAN	Former SAVAK Chief, Shiraz	Tehran		21,22 or 23 April 1979
170	Mahmoud Fakhr YAZDI (alias FAKHROLISLAM)	Clergyman in Khorassan	Mashad	3a,4d,7f,7i,7o	23 April 1979
171	Ali Akbar ATESHIN Captain		Mashad	3a,4d	23 April 1979
172	Mohammad EMANI Major General	Chief of Police, Khorassan Province	Mashad	3a,4d	23 April 1979
173	Hedayatollah ASFOURI	Police Chief, Minab	Bandar Abbas	3a,4d	23 April 1979
174	Ahmad MOSALMI	Governor of Minab	Bandar Abbas	3a,4d	23 April 1979
175	Ali Reza HAQPARAST	Police Officer, Minab	Bandar Abbas	3a,4d	23 April 1979
176	Hedayatollah SALJOUQI	Guard	Bandar Abbas	3a,4d	23 April 1979
177	Reza QASEMI		Bandar Abbas	3a,4d	23 April 1979
178	Abdolali ZARAIE		Bandar Abbas	3a,4d	23 April 1979
179	unnamed	Corporal	Shustar	3d	24 April 1979
180	Mohammad DEHBESHI	Policeman	Isfahan	1a,1b,1c,3a	26 April 1979
181	Mohammad Ali KHAZARI	Policeman	Yazd	1a,1b,3a	26 April 1979
182	Sajjad SOJUDI Sergeant	Policeman	Isfahan	3b,8i	28 April 1979
183	Hossein VAEZY Colonel	Former Chief of Police of Gorgan District	Gorgan	3a,6a, 8e	1 May 1979

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
184	SALIMZADEH Lieutenant		Gorgan	3a,6a,8e	1 May 1979
185	Ali Reza KAMALI	Police Officer	Gorgan	3a,6a,8e	1 May 1979
186	Ahmad Bolaud NAZAR	Police Officer	Kashan	3b,4d	3 May 1979
187	Ismail POUR-GHOLI	Driver	Khoy	6a,8b	6 May 1979
188	Sohrab POUR-MOHSEN	Labourer from Urumieh	Khoy	6a,8b	6 May 1979
189	Abbas VARZGANI-ASL (alis Abbas JENCO)		Khoy	6a,8e	6 May 1979
190	Allahverdi KHALLILZADEH Sergeant, Retired		Khoy	6a,8e	6 May 1979
191	Fazlollah NAZEMI Brigadier General		Tehran	1a,1b,3b,7b,8b	6 May 1979
192	Dr Javad SAEED	Former Speaker of the Majlis lower house and last Sec. Gen. of the Rastakhiz Party	Tehran	1a,1b,1c,2d,3a, 4d,10f	8 May 1979
193	Dr Mohammad Reza AMELI-TEHRANI	Information Minister in Sharif-Emami Cabinet and Education Minister in Azhari Cabinet	Tehran	1a,1b,1c,2d,3a, 4d,7b,10f	8 May 1979
194	Dr Gholamreza KIANPOUR	Former Gov. General of Azarbaijan and Isfahan and held office as Minister of Information and Minister of Justice - Hoveyda Cabinet	Tehran	1a,1b,1c,2d,3a,4d, 7o,9a,10f,10j	8 May 1979

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File No	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
195	Ali Fathi AMIN Brigadier General	Commander of the Hamadan Armoured Brigade and Service Officer in Tehran Martial Law Command	Tehran	1a,1b,1c,2d,3a,4d, 10f	8 May 1979
196	Hossein Ferdows MAKAN Colonel	Commander of National Gendarmerie Staff Headquarters	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979
197	Hossein ESFAHANIAN-FARD, Major	Commander of the Transportation Groups of Central Gendarmerie Staff	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979
198	Javad MAKHFI, Colonel	Deputy Chief of the Information Office of the Police Liaison Officer for the Police and Anti-sabotage joint committee of SAVAK: Liaison Officer for the Committee and 'foreign agents'	Tehran	1a,1b,1c,2d,3a,4d, 9a,10f	8 May 1979
199	Abdullah NOWRUZI Colonel	Chief SAVAK Interrogator in anti-sabotage joint committee of SAVAK and the Police	Tehran	1a,1b,1c,2d,3a,4d, 10f	8 May 1979
200	Ahmad ROSTAMKHANI Colonel	Member of Operations Unit of the anti-sabotage Joint Committee of SAVAK and the Police	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979
201	Mohammad QANADZADEH Captain	SAVAK Official and Chief of a Section of the Joint anti-sabotage Committee	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979

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File No.	Name	Occupation	Location of court	Charge (for key see pages 106-111)	Date
202	Assadollah BAKHTIARI Major	Member of Operations Unit of anti-sabotage Joint Committee of SAVAK and Police	Tehran	1a,1b,1c,2d,3a,4d, 10f	8 May 1979
203	Hossein QALAMKARI Lieutenant	SAVAK Official in Joint anti-sabotage Committee	Tehran	1a,1b,1c,2d,3a,4d, 10f	8 May 1979
204	Mehdi Najatian MOGADDAS, Sergeant	Official of joint anti-sabotage Committee	Tehran	1a,2b,1c,2d,3a,4d, 10f	8 May 1979
205	Yadollah SHADANI (ESFAHDIARI)	Interrogator No. 7 of Evin Prison and Head of SAVAK Unit	Tehran	1a,1b,1c,2d,3a,4d, 10f	8 May 1979
206	Ali KHODADAD-KADICHEH	Warrant Officer and SAVAK Official	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979
207	Ali Asghar IRANLU	Member of SAVAK group and Official in Joint anti-sabotage Committee	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979
208	Hossein NASR (Hassan NAFR)	Head of SAVAK Unit and Member of a Patrol Group of the anti-sabotage Squad	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979
209	Mohammad Mehdi MIDANI	Head of SAVAK Unit and Patrol Officer of anti-sabotage Committee	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979
210	Hamzeh TOFANGCHI	Chief of SAVAK Patrol Unit	Tehran	1a,1b,1c,2d,3a,4d, 10f	8 May 1979
211	Ahmad HOSSEINI	Chief of SAVAK Patrol Unit	Tehran	1a,1b,1c,2d,3a,4d 10f	8 May 1979

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
212	Fereydoun SHADAFAR (SHAHIN)	SAVAK Interrogator	Tehran	1a,1b,1c,2d,3a,4d, 10f	8 May 1979
213	Abdollah MAJIDI	Gendarmerie Sergeant	Fars		8 May 1979
214	Habib ELGHANIAN	Businessman	Tehran	1a,1b,1c,2a,2b,2c, 9c,9d,9f	9 May 1979
215	Rahim Ali KHORRAM	Casino Owner	Tehran	3d,5f,7b,10d	9 May 1979
216	Abolhossein SADATMAND Lt . General	Former Chief, 1st Bureau of SAVAK: Information Minister in Azhari Cabinet: Chief of Army Public Relations: Chief of Military Tribunals	Tehran	2c,4d,7b,7d,10j	9 May 1979
217	Dr Mohammad BAGHAI-YAZDI	Former Member of Parliament and Rastakhiz: SAVAK Physician	Tehran	4d,8d,8e	9 May 1979
218	Mohammad FALLAH	Chief of SAVAK Unit: member of 'Operations Unit' of Joint anti-sabotage Committee	Tehran	1b	9 May 1979
219	Jaafar SHAKARRI (SHOSTAVI)	Police Officer: Chief of Patrol Unit of Joint anti-sabotage Committee	Tehran	1b	9 May 1979
220	Ahmad EBRAHIMI	Police Official	Rasht	3d	9 May 1979
221	unnamed	member of anti-sabotage group	Tehran		10 May 1979 *
222	unnamed	member of anti-sabotage group	Tehran		10 May 1979 *

* uncertain

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
223	* Akbar BAHADORI	Prominent Politician and Parliamentary representative for Arak	Tehran	7b,7f,7k,8e,8g	10 May 1979
224	Kamal Erfanian EDALATI	Army Captain	Mashad	1b,1c,2d,3b,4a,8b	11 May 1979
225	Mohammad Hassan ZARCH	NCO	Isfahan	3d	11 May 1979
226	Saifullah NOORBAKHSR		Isfahan	5f,10c	13 May 1979
227	Javad GHAFFARI	retired Parachute Captain: Chief of SAVAK's Kayhan group: Chief of anti-sabotage Unit in Tehran	Tehran	1a,1b,1c,3a,4d,7a, 8e	13/14 May 19
228	Parviz TORABI-MARRASHI	Former Governor of Behbahan	Behbahan	3b,7b,7f	14 May 1979
229	Qassem JAVIDMEHR		Tehran	1a,1b,1c,3a,4d,7a,8e	15 May 1979
230	Akbar ASKARI (ASGHAR) 2nd Lieutenant	Parachutist and in SAVAK's Amir Squad: Chief of Unit of anti-sabotage Committee	Tehran	1a,1b,1c,3a,4d,7a,8e	15 May 1979
231	Gholamreza POUR-RAHINI	SAVAK Interrogator	Mashad	3d,4d	16 May 1979
232	Akbar RASADTAAM	Head Constable : Chief of Patrol Unit of anti-sabotage Committee of SAVAK and Police	Mashad	3d,4d	16 May 1979

* After three court sessions in Arak defendant was convicted; file sent to Tehran; sentence affirmed.

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
233	Darivsh DJAVID Lieutenant	Gendarmerie Lieutenant	Babol	3d	19 May 1979
234	Mohammad Baghar Latifi MOGHADDAM, Lt. Colonel	Martial Law Administrator Tehran	Tehran	1a,1b,1c,2c,3a,3b, 8a,8d,101	22 May 1979
235	Mahmoud MAYMAR		Tehran	1a,1b,3b,8d	22 May 1979
236	Hedayat ZAMANI	Warrant Officer	Mashad	3a	23 May 1979
237	Mohsen RAHIMI		Tehran	8b	24 May 1979
238	Eskandar QAVIDEL		Tehran	8b	24 May 1979
239	Kamran MAFI		Qazvin	1a,1b	24 May 1979
240	Ghaiz Ali RASHPARZAD Private		Qazvin	1a,1b	24 May 1979
241	TAWAFI (TABBASI) Major		Qazvin	1a,1b	24 May 1979
242	Ramzan Ali Farman ALI Major	Chief of Strike Branch of Joint anti-sabotage Committe in Mashad and Patrol Units	Kashan	1a,1b,3a,8d	24 May 1979
243	Khan Mohammad Mokhtar Tabbar QORBANI		Shahsevar	5a	25 May 1979
244	Daoud SAMADI (alias Dr ALAI	Police Information Officer	Mashad	2b,3e,4d,8i	26 May 1979
245	Fereidoun FARSI, Lt		Isfahan	1a,1b,4d,8b,8k	26 May 1979
246	Ezzatollah KHARARI Lt. Colonel		Tehran	1a,1b,3b,7b,8a,8b,8d	27 May 1979

File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
247	QUREISHI	Warrant Officer	Naishabur	3d,8b	27 May 1979
248	Nasser JAZAYERI 1st Lieutenant		Khorramabad	3d,8b,8d	27 May 1979
249	unnamed		Tehran	5c	27 May 1979
250	unnamed		Tehran	5c	27 May 1979
251	Mohammad Hossein ROUHANAK	1st Guards Division: Commander of artillery unit	Tehran	3a	29 May 1979
252	Hossein GHOLAMI Lieutenant	1st Guards Division	Tehran	3a	29 May 1979
253	Mohammad Reza RABBANI Corporal	1st Guards Division	Tehran	3a	29 May 1979
254	Ahmad Samadi KALASHINI Private	1st Guards Division	Tehran	3a	29 May 1979
255	Ali Reza Mohammadi NODASHTI, Private	1st Guards Division	Tehran	3a	29 May 1979
256	Ghorbanali ARABI Constable		Khomein	1a,3d,4a,4d,8b,8f	29 May 1979
257	Hassan SHOJAI		Khomein	1a,3d,4a,4d,8b,8f	29 May 1979
258	Burham FEREIDUNI Lt. Colonel	Commander 134th Mashad Regiment	Mashad	3d,7m,8b	30 May 1979
259	Araz MADRAM (MOBRAM)	Warrant Officer	Mashad	3d,7m,8b	30 May 1979

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
260	Mohammad AZEMI (ARDAH) Sergeant		Mashad	3d,7m,8b	30 May 1979
261	Hussein TARAGHI (FORGI) Sergeant		Mashad	3d,7m,8b	30 May 1979
262	Nosratollah TOUFI Major		Qazvin	3a	31 May 1979
263	Kamran MAFI		Qazvin	3a	31 May 1979
264	Faiz Ali RASHPOURZADEH Private		Qazvin	3a	31 May 1979
265	Parviz MOHAMMADI		Borujerd	3b	31 May 1979
266	Abbas KURDBACHEH	Conscript Soldier	Yazd	3b,8b	1 June 1979
267	Mohammad KAZEM Corporal		Mashad	3a,8b	1 June 1979
268 *	Ali HAMZALOUIAN Captain	Information Chief Shahsevar Police Station	Shahsevar	3a	1 June 1979
269	Gholam Hossein Shams TABRIZI, Major General		Ahvaz	1a,1b,3a,4a	2 June 1979
270	Houshmand HAMEDANI Brigadier General		Ahvaz	1a,1b,3a,4a	2 June 1979

* sentenced confirmed by Tehran Court

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File No.	Name	Occupation	Location of court	Charges (for key see pages 196-111)	Date
271 *	Gholam Hossein ALA'I Brigadier General		Ahvaz	1a,1b,3a,4a	2 June 1979
272	Mehdi Moghaddam HOSSEINI, Colonel		Ahvaz	1a,1b,3a,4a	2 June 1979
273	Hossein TABE'I Colonel		Ahvaz	1a,1b,3a,4a	2 June 1979
274	Daoud SADEMI Colonel		Ahvaz	1a,1b,3a,4a	2 June 1979
275	Naghai IFTEKHARI Captain		Ahvaz	1a,1b,3a,4a	2 June 1979
276	Alavardi YAGHOOBI Lieutenant		Ahvaz	1a,1b,3a,4a	2 June 1979
277	Masoud HAGHSHENAS Major	Chief of Police Stations 1 and 6 in Tabriz; later Chief of Police Station in Yousefabad	Tabriz	1a,3a	2 June 1979
278	Ma'sum NAJI-NEZHAD Colonel	Former Police Chief of Tabriz	Tabriz	1a	2 June 1979
279	Mohamad BANDAR Major	Former Chief of Police Station no. 2, Tabriz	Tabriz	1a	2 June 1979
280	Hamid Khair KHAN (alias Agha HAMID)	Warrant Officer	Tabriz	1a	2 June 1979

* Executed in Masjid Soleiman as crimes were committed there.

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
281	Mohammad Karim BASARI-NIA	Former SAVAK Chief in Qom	Tehran	1a,1b,3d,4d,8i	4 June 1979
282	Parviz HAJIFAR		Tehran	1a,1b,3a,3d,4d	4 June 1979
283	Valiollah GHIA'I		Tehran	1a,1b,3a,3d,4d	4 June 1979
284	Abdolhossein SAROUSH Major	Police Chief Rafsanjan	Rafsanjan	8a,8b	4 June 1979
285	Hafez SARNAVESHT Lieutenant	Police Information Chief Rafsanjan	Rafsanjan		4 June 1979
286	Mohammad Tagli NASIROGHLI	Police Constable	Tabriz	1a,1b,3a	5 June 1979
287	Jalil KHOSOOSI (PURTUSI) Colonel		Tehran	1a,1b,3d,8a	5 June 1979
288	Khanjan AHANI		Dezful *	3d,8e	6 June 1979
289	Abdol-Reza ABBASHI		Dezful *	3d,8e	6 June 1979
290	Mohammad-Ali JAVANMARDI		Dezful *	3d,8e	6 June 1979
291	Ali Ahmad ALI-HADERI		Dezful *	3d,8e	6 June 1979
292	Bahador ASSASYABI		Dezful *	3d,8e	6 June 1979
293	Qasem MADABI		Dezful *	3d,8e	6 June 1979
294	Aziz MADADNEJAD (Aziz GENDARME)		Tabriz	1a,5a	7 June 1979
295	Hadi AKBARI	Constable, Tehran Central Police Station	Tehran	1a,1b,3d,8b	10 June 1979

* The court sitting in Dezful seems to have been an itinerant tribunal with jurisdiction over Khuzestan province.

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
296	Gholam Hossein ZAKARI Major	Javidan Officer (Immortal Guards)	Tehran	1a,1b,3d,8b	10 June 1979
297	Abbas PORTOGHALI Warrant Officer	Chief of Fereydounkenar Gendarmerie Post	Tehran	1a,1b,3c,6a,8b	10 June 1979
298	Nasser JEZAYERI Captain		Khorramabad *		10 June 1979
299	Mohammad Qoli ALIDOUST	Constable	Gorgan	1a,3d	14 June 1979
300	Ali BAGHA'I	Warrant Officer Gendarmerie	unknown	5e,10c	14 June 1979
301	Hossein AMIRI		Hamadan	5d,5e	16 June 1979
302	Sadegh Mozafar ZARGHAMI Major	Former Police Chief of Kermanshah	Kermanshah	1a,2i,3a,4d	17 June 1979
303	unknown	Gendarmerie Sergeant	Kashmar		between 10-17
304	unknown woman		Mehdishahr (near Semran)	5g	17 June 1979 (see page 95)
305	Essatollah BOUSTANEH	Head Constable of Police	Qazvin	1a,1b,31,8b	19 June 1979
306	Bijan AFRASAYABI	Former Governor of Birjand	Birjand	1a,1b,1c,3c,7c, 7o,8f	20 June 1979
307	Bahman NADERIPOUR (TEHRANI)		Tehran	1a,1b,2c,3d,4d, 7f,8e,9a	24 June 1979

* case sent to Tehran for confirmation

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
308	Fereidoun TAVANGARI (ARASH)	Former Deputy Police Chief Isfahan	Tehran	1a,1b,3d,4d,4e, 7f,8e,9a	24 June 1979
309	Mortega SHIRANI Brigadier		Isfahan	1b,1c,3a,6a,7f, 7i,8d	24 June 1979
310	Hassan SANGAKI		Mashad	5b,10o,10r	24 June 1979
311	Hussein KHALILI		Mashad	5b,10o,10r	24 June 1979
312	Mohammud ALAMI		Mashad	5a,10o,10r	24 June 1979
313	unnamed	'agent of former regime'	Sari	5a,5c,10p	25 June 1979
314	Abdollah SHARIATI	'agent of former regime'	Najafabad	1a,3d,6a,6c	27 June 1979
315	Abdul NABI	'agent of former regime'	Gachsaran	1a,3d	27 June 1979
316	unnamed	SAVAK agent	unknown	3b	27 June 1979
317	unnamed	Police Officer	Isfahan		28 June 1979
318	Ali KHALAKZADEH	Prostitute	Tehran	1a,1b,4d,7r, 8f,10s,10v (100 lashes before execution)	3 July 1979
319	Capt. Abdollah QIZILBASH		Urumieh	3a	4 July 1979
320	Ruhollah MA'ABAR		unknown	1a,1b,3e	5 July 1979
321	Hormorz JABBARI		Mashad	1a,1b,1c,3c,7f,8m	6 July 1979
322	Sakineh QASEMI alias Pari BOLANDEH	Prostitute	Tehran	1a,5f,10t	12 July 1979
323	Saheb AFSARI alias Soraya TURKEH	Prostitute	Tehran	1a,5f,10t	12 July 1979

File No.	Name	Occupation	Location of court	Charges (for key see pages 196-111)	Date
324	Zahra MAFIHA alias Ashraf CHEHARCHESHM	Prostitute	Tehran	1a,5f,10t *	12 July 1979
325	Mansur BAGHARIAN	Journalist, newspaper owner, 'Shafagh Enghalab' newspaper	Tehran	1a,5e,5f,5g,91, 10c,10t,10u,10v,10w	12 July 1979
326	Abdolreza Al KAFIR	unknown	Dezful	8k,10x	12 July 1979
327	Hossein GHOLAMI	'agent of former regime'	Lahijan	1a,1b,3d,4d,	12 July 1979
328	Changiz KHANZADEH	'agent of former regime'	Urumieh	1b,8b,8f,3d	12 July 1979
329	Mohamad Amin MEHRABANI	'agent of former regime'	Mahabad	3a,8b	12 July 1979
-332	three unnamed	unknown	Tehran	5c,5f,5g	13 July 1979
333	Manouchehr SAHFI'I	unknown	Ahvaz	1a,8b,8e,3b	13 July 1979
334	Hossein TAHERI alias Hossein NOONI	unknown	Ahvaz	1a,8b,8e,3b	13 July 1979
335	Safar MUZZAFFARZADEH QAJARI, alias Satar TUJI	unknown	Ahvaz	1a,8b,8e,3b	13 July 1979
336	Mohammad Ali MEHRABI	Warrant Officer	Kermanshah	3d	13 July 1979
337	Abdol Reza ALHAI'I	unknown	Khorramshahr	81	15 July 1979
338	Mohammad ASKARIAN	unknown	Khorramshahr	81	15 July 1979
339	Jasem BEIT SABA	unknown	Khorramshahr	81	15 July 1979

*Nos. 322,323 and 324 were reported by Iran Radio on 12 July to have been "sentenced to death for the sake of protection of the social environment from corruption and destruction."

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
340	unnamed	'supporter of the former regime'	Kermanshah	5f,8f	15 July 1979
341	BACHERI	unknown	Khorramshahr	,81	16 July 1979
342	Jamil BOHRANIPOUR	unknown	Khorramshahr	,81	16 July 1979
343	Constable Hassan IZADI	'agent of former regime'	Dezful	3d	16 July 1979
344	Private Hossein FARHADI	'agent of former regime'	Dezful	3d	16 July 1979
345	Sergeant Kewmarz VAISI	'agent of former regime'	Dezful	3d	16 July 1979
346	Mohammad DALVANDPOUR	Chairman of the Shoush Education Department and 'agent of former regime'	Dezful	3d,5h	16 July 1979
347	Hassan Sahra BADRI	'agent of former regime'	Dezful	5h	16 July 1979
348	Noghreh NAJAFI	unknown	unknown	1a,1b	16 July 1979
349-353	Withdrawn as evidence available indicates that case may be represented by 361-365 overleaf				
354	unnamed	hospital employee	Qazvin	5b	16 July 1979
355-356	two unnamed	army Officers	somewhere in north Iran	unknown	17 July 1979
357	unnamed	policeman	somewhere in north Iran	unknown	17 July 1979
358	Anwar HASSAN-NEZHAD	unknown	Tabriz	5b	17 July 1979
359	Captain Abbas SULTANZADEH	'agent of former regime'	Ardebil	1a, (other unspecified crimes during revolution)	16 July 1979

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
360	Captain Maziar HAGHOUGHI	'agent of former regime'	Ardebil	1a, (other unspecified crimes during revolution)	16 July 1979
361	Mohammad Sadegh TAHMASEBI	unknown	Qazvin	3d,6b,6d,1a *	17 July 1979
362	Qodratollah HASSANI	unknown	Qazvin	3d,6b,6d,1a *	17 July 1979
363	Morteza Shah-KARIMI alias Ali-VAZIRI	unknown	Qazvin	3d,6b,6d,1a *	17 July 1979
364	Yahya SAEBI	unknown	Qazvin	3d,6b,6d,1a *	17 July 1979
365	Fereydoun SHAKERI	unknown	Qazvin	3d,6b,6d,1a *	17 July 1979
366	Police Constable Yadollah KIMANESH	Police Officer	Amol	3d,8b,8e	17 July 1979
367	Captain Reza KARAMI	Chief of Qazvin police stations 1 and 2	Qazvin	1a 1c,3d,4d,8a	19 July 1979
368-370	three unnamed	army officers	Tabriz	1b,1c	19 July 1979
371	Warrant Officer Majid VAZIFEH	Commander of the 16th Armoured Division	Qazvin	1a	19 July 1979
372	Seyyed Hasham DARBANDI	Gendarmerie Colonel	Tabriz (uncertain)	1b,1c	19 July 1979

* "Causing insecurity around Qazvin."

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File No.		Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
373-377		five unnamed	officials of former regime	Khoy	3b	19 July 1979
378-379	*	two unknown	unknown	Qazvin	1a	19/20 July 1979
380		Mohammad Ali AHMADI	Gendarmie Colonel	Ahvaz	1a	19 July 1979
381		Gholam Reza Safid DASHTI	Head Constable	Ahvaz	1a	19 July 1979
382		unknown	unknown	Tehran	5c	22 July 1979
383		unknown	unknown	Tehran	10o	22 July 1979
384		Turan KARIMI (female) alias NAHID	unknown	Tehran	1a,1b,5f	22 July 1979
385		Banoo Alam-JAHIDI (female) alias FATIMEH	unknown	Ahvaz	1a,1b,10p,10z	21 July 1979
386		Gholam Reza Shah-MOHAMADI	unknown	uncertain	3a,5a	22 July 1979
387		Hassan MAHANAD	unknown	uncertain	5e,10e	22 July 1979
388		Ali AHMADI	non-commissioned officer	Gonbad-e-Kavous	1a,3a	23 July 1979
389		Ramzan Ali GORJI-NEZHAD	non-commissioned officer	Gonbad-e-Kavous	1a,3a	23 July 1979
390		Azizullah GHAFFARI	non-commissioned officer	Gonbad-e-Kavous	1a,3a	23 July 1979

* No.378 executed on 19 July may have been the former Chief of the Qazvin police; Reuters reported that his six day trial was held in a Mosque and reportedly watched by 20,000 (sic) people.

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File No.	Name	Occupation		Location of court	Charges (for key see pages 106-111)	Date
391	Gholam Ali QIUCH	unknown		Gonbad-e-Kavous	5i	23 July 1979 (40 lashes before execution)
392	Zafa DARIS	unknown	*	Abadan-Khor-ramshahr	1a,1b,81,10g	24 July 1979
393	Jalil DARIS	unknown	*	Abadan-Khor-ramshahr	1a,1b,81,10g	24 July 1979
394	Aziz MOHAMMADI alias LUREH	unknown	*	Abadan-Khor-ramshahr	1a,1b,10p	24 July 1979
395	Ahmad RESAI alias Ahmad Jahil	unknown	*	Abadan-Khor-ramshahr	1a,1b,5i	24 July 1979
396	Khazir RABI'I	unknown	*	Abadan-Khor-ramshahr	1a,1b,8k	24 July 1979
397	Iraj ZULFIQARI Major	Former police Chief of Amol		Amol	2d,3d,8b	24 July 1979
398	Banoo Khorshid SAFARI (female)	thought to be a prostitute	*	Abadan-Khor-ramshahr	1a,1b,5e,5f	26 July 1979
399	Saleh QADIRAVI	unknown	*	Abadan-Khor-ramshahr	1a,1b,8b,8k, 8o	26 July 1979
400	Hossein RAZKHA	narcotic smuggler		Hamedan	3d,10p	26 July 1979
401	Gholam Reza RAZKHA	narcotic smuggler		Hamedan	3d,10p	26 July 1979
402	Mohammad Reza HOMAYOUNFAR	narcotic smuggler		Hamedan	3d,10p	26 July 1979
403	Ahmad HOSSEINZADEH	unknown		Babol	3b,8b	25 July 1979

* Two courts reportedly sitting together

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
404	Mahmud YAZDANI	Police Constable	Arak	3d,8b	26 July 1979
405	Akbar KHORRAMIANPOUR	'agent of former regime'	Isfahan	1a,3b	31 July 1979
406	Najaf TAHMASBZADEH	Police Officer in Mindoab	Urumieh	1b,3d,4a,8b	2 August 1979
407-408	two unknown	SAVAK agents	somewhere in North Azarbaijan	unknown	2 August 1979
409-410	two unknown	unknown	Tehran	1a,5a,8k, 8n	5 August 1979
411	Abdul Vahab SAKET	unknown	Abadan	1a,1b,8k,8o,9m,10z	6 August 1979
412	Abdol Hossein RASHIDI *	unknown	Abadan	1a,1b,8e,8k,8l	6 August 1979
413	Hassan KESHAVARZ	non-commissioned officer	Isfahan	1a,1b,3d,8b	6 August 1979
414	Ibrahim HOUSHANCI Colonel	officer	Urumieh	1a,1b,3a, 8b	7 August 1979
415	Ali ESKANDERI Warrant Officer	officer	Urumieh	1a,1b,3a, 8b	7 August 1979
416	Ali Asghar SIAHOUSHI	unknown	Urumieh	5a,10o	7 August 1979
417	Lt. Col Mahmud KASHI	former Police Chief of Babol	Babol	1b,3a	8 August 1979
418	Fallah MOGHADDAM (FAZLOLLAH FALLAHI)	Head Constable	Babol	1b,3d	8 August 1979

* Some reports indicate this man was executed on 26 July 1979.

419	Khalaf Ka'ab KAHIRI (KAIRI)	unknown	Abadan-Khorramshahr	3d,6d	8 August 1979

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
420	withdrawn: Amnesty International cannot ascertain whether this case duplicates no. 419.				
421	unknown	unknown	Urumieh	5g	8 August 1979
422	Yahya LIGHVANI	SAVAK Chief of Kurdestan, East Azarbaijan and Lorestan provinces	Tabriz	3d,4d	9 August 1979
423	Ja'afar RASTEGAN	Chief SAVAK investigator and Interrogator in Tabriz and Urumieh.	Tabriz	3d,4d	9 August 1979
424	Sayedollah BARANI	SAVAK Investigator and Chief of Joint SAVAK-Police anti-sabotage Committee in Tabriz	Tabriz	3d,4d	9 August 1979
425	Parviz Saheb-RAFAT alias AFSHAR	SAVAK Investigator and Torturer	Tabriz	3d,4d	9 August 1979
426	Hossein Ali KHALIGHIN alias AFSHIN	SAVAK Interrogator	Tabriz	2h,3e,4d,4e,5a,6f, 8b,8e,10v	9 August 1979
427	Hassan RUMIANI	SAVAK agent	Tabriz	3d,4d	9 August 1979
428	Ramazanali KERMANI	unknown	Tehran	5i (+ 100 lashes)	9 August 1979
429	Morad Hadadi-SAMANI	unknown	Shahr-e-Kord	5a	9 August 1979
430	Sayyed Amin MOZAHARI	unknown	Abadan	1a,8k,8o	10 August 1979
431	Sayyed Hamid MAZARIPOUR	unknown	Khorramshahr	9m	10 August 1979
432	unknown 60-year old man	unknown	Saveh	5i	10 August 1979

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File No.	Name	Occupation	Location of court	Charges (for key see pages 106-111)	Date
433	Gholam Hossein Rahimi-KHORRAMABADI	unknown	Kazeroud	3d	11 August 1979
434	unknown	unknown	Kerman	3d	11 August 1979
435	unknown	unknown	Kerman	3d	11 August 1979
436	unknown	unknown	Kerman	3d	11 August 1979
437	unnamed	unknown	Bakhitiari region	5a,5g	11 August 1979
438	unnamed	Warrant Officer, Gendermerie	Kazerun	3d	11 August 1979

N.B.

Ali Pakdelfar was sentenced to death in Isfahan (charge 3d) on 6 August but given 10 days to appeal. (see page 51)

Admad Khodaparast was sentenced to death (charge 4a, inter alia) in Mahabad on 2 August but Amnesty International does not know if he was executed.

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APPENDIX B

NON-CAPITAL SENTENCES

TILL 12 AUGUST 1979

For key to charges see pages 112-115

File No.	Name	Occupation	Location of court	Charges	Sentence	Date
1	unnamed	unknown	Qahramanshah	4b	13 lashes	19 February 1979
2	unnamed aged 20	unknown	Kerman	11	80 lashes	24 February 1979
3	unnamed aged 22	unknown	Kerman	11	80 lashes	24 February 1979
4	unnamed	unknown	Shiraz	5b (victim)	100 lashes	24-25 February
5	Reza JAFARI	unknown	Zanjan	4a	25 lashes	25 February 1979
6	unnamed man	unknown	Kelarabad	5d	80 lashes	7 March 1979
7	unnamed woman	unknown	Kelarabad	5d	40 lashes	7 March 1979
8-14	seven unnamed	unknown	Shahr-e-Kord	12	5 lashes	9 March 1979
15-18	four unnamed	unknown	Kohkiloyeh/ Boir Ahmad	4b	40 lashes	9 March 1979
19	unnamed Mullah		Urumieh	7b	defrock	11 March 1979
20	unnamed man	unknown	Amlash	5d	* 25 lashes	19 March 1979
21	unnamed woman	unknown	Amlash	5d	* 100 lashes	19 March 1979

* Sentences were passed after the couple refused to marry.

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ove this mark, pleaseregister thissoftware.

File No.	Name	Occupation	Location of court	Charges	Sentence	Date
22	Mustaffa MARADI	Chief of Borujerd Narcotics Bureau	unknown		Prison 2 yrs	11 April 1979
23	Mohammad ILKHANI	SAVAK	Tehran	1e,10e	Prison 1 yr (reduced from 3 years)	10 April 1979
24	Amir RANJBAR	Warrant Officer	Shiraz	2b	Prison 2 yrs	16 April 1979
25	Ramzan Ali FAKURI	Head Constable	Rasht	10a	10 months corrective detention	20 April 1979
26	Jaafar Haghi PIRBAZARI	Constable	Rasht	10a	18 months corrective detention	20 April 1979
27	Faramarz Ali NAQIZADEH	Student - Rasht Industrial College	Rasht		Prison 3½ yrs	20 April 1979
28	Shahzadeh FAFSHA	" "	Rasht		Prison 1 yr	20 April 1979
29	Bahman BAQI	" "	Rasht		Prison 6 mths	20 April 1979
30	Behroz Abdul ALIZAD	Naval Trainee	Rasht		Prison 3 mths	20 April 1979
31	Jamshid ILYASI	Naval Trainee	Rasht		Prison 3 mths	20 April 1979
32-34	three unnamed	unknown	Khorramshahr	2b	imprisonment banishment	21 April 1979
35-39	five unnamed	unknown	Ardebil	2c	1-5 yrs prison	21 April 1979

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
40	Jamal AZADI	2nd Lieutenant	Isfahan	10b	6 months prison	24 April 1979
41	Surajjul WAEZZIN	Chief Mullah, City Divorce Court	Isfahan	7b	Defrocked and 4 years prison	24 April 1979
42	Abol Hassan JAHANANDESH	Former Gov. of Bandar Abbas	Bandar Abbas		10 months prison	24 April 1979
43	Gholam ABDOLLAHZADEH	Former President, Chamber of Guilds	Bandar Abbas		2 years prison and 80% of his property confiscated	24 April 1979
44	Hosseinqoli ZANGNEH	Retired Colonel	Bandar Abbas		1 year prison	24 April 1979
45	Gholam JOUKARBEH	SAVAK Official	Bandar Abbas		6 months prison	24 April 1979
46-48	three unnamed	Policemen	Yazd	1a,1b,2a	6 months to 3 years prison	26 April 1979
49	Amanollah FALAHAT	2nd Lieutenant		2a	1 year prison	28 April 1979
50-51	two unnamed	Policemen	Isfahan	2a,10e	1 year prison	28 April 1979
52-64	thirteen unnamed	Clergymen	Yazd	7b	3 defrocked and 9 months prison; 7 defrocked; 3 banned from preaching	29 April 1979
65-66	two Mullahs		unknown	7a	Defrocked	3 May 1979
67	Majid HAMIDZADEH	Labourer	Khoy	10h	5 years prison	6 May 1979
68	Sheikh Hassan Masadeghi DEHABADI	Clergyman	Kerman	7e	Defrocked	9 May 1979

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File NO.	Name	Occupation	Location of court	Charges	Sentence	Date
69	Mohammad Mehdi Rostam RABARI	unknown	Kerman	4b,7f	5 years corrective detention	9 May 1979
70	Akbar NASARI	Gendarmerie Sergeant	Kerman		1 year prison or 1 year exile (uncertain which)	9 May 1979
71	Mohammad RAZIATBAKHSH	Colonel	Kerman		80 lashes and 2 years corrective detention	9 May 1979
72	Hassan MOVAHIDZADEH alias Sheikh Hassan POURLASHKARI	Clergyman	Kerman	7a,9a	Defrocked and 6 months prison	9 May 1979
73	Hossein SABERI	unknown	Isfahan		100 lashes and 4 years prison	9 May 1979
74	unnamed	SAVAK Official	Rasht		10 months prison	9 May 1979
75-81	seven unnamed	unknown	unknown	1a,1b,9d	imprisonment	9 May 1979
82	Fakor BAYAT	Colonel	Mashad	7a,7c	5 years prison	12 May 1979
83	Morteza ZABIHEE	unknown	Mashad	7d,7h,10d	1 month prison	12 May 1979
84	Fatem BEGHZADEH	Major	Mashad	10h	1 year prison	uncertain
85	ABOLGHASEMI	Police Captain	Hamadan	3a,7d,10h	5 years prison	14 May 1979
86	JOSHANI	Captain	Hamadan	3a,7d,10h	6 years prison	14 May 1979
87	GOLZADEH	Police Warrant Officer	Hamadan	3a,7d,10h	2 years prison	14 May 1979
88-89	two unnamed	Military	Tehran		prison	15 May 1979

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
90	Mohammad Ismail UNDLIBZADEH	Clergyman	Mashad	9a	1 month corrective detention; defrocked	16 May 1979
91	Dr Assadollah DAVAR	Colonel and SAVAK physician	Tehran	7a,7g	expulsion from Army	16 May 1979
92	Ahmad ASGHARI	Soldier	unknown	2d	2 years prison	19 May 1979
93-100	eight unnamed	SAVAK agents	Rasht		prison - various terms	19 May 1979
101	Hassan TAJDARAN	unknown	Babol	2d	2 years prison	19 May 1979
102	Ahmad TAKBIRI	Head Constable	Isfahan	1d,3a	150 lashes in 10 sessions; 6 years prison	20 May 1979
103	Abdullah BAGHESTANI	Head Constable	Isfahan	1d,3a	150 lashes in 10 sessions; 4 years prison	20 May 1979
104	Musa RUZBAHA'I	Constable	Isfahan	3a,10a,10b	100 lashes in 10 sessions; 10 years prison	20 May 1979
105	Reza ARAJI	Constable	Isfahan	4c,10a	60 lashes in 3 sessions and 15 years prison	20 May 1979
106	Ali Reza KALHARI	Constable	Isfahan	4c,10h	60 lashes and 15 years prison	20 May 1979
107	Mehdi MARDANSHAH Captain	Deputy Chief Qom Central Police Station	Qom	7g,10b	18 months prison	20 May 1979

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
108	Ainullah Ali KHAN	Police Officer	Qom	7h,10c,10i	10 months prison	20 May 1979
109	Hassan SAHLABADI	Constable	Qom	7g,10b,10c	10 months prison	20 May 1979
110	Abol Qasem MAGHSOODI	Warrant Officer in Qom Martial Law Administration	Qom	10b	6 months prison	20 May 1979
111	Ismail IRANSHAHI	Police Patrolman	Qom	7g,10b	4 months prison	20 May 1979
112	Sayyed Nasser MOSSAVI	2nd Lieutenant	Tehran	1a,1b,2c, 10c	7 years prison	22 May 1979
113	Morteza Nasser KHAKI	Captain	Tehran	2b	9 years prison	22 May 1979
114	Manuchehr VAJEDI Brigadier General	Information Officer	Tehran	8a,8b	15 years prison	22 May 1979
115	Reza PARVARESH	Brigadier General	unknown	8a,8b	12 years prison	22 May 1979
116	Mohammad ZABARJADI	Constable	Mashad	7b,10a,10b	18 months prison	22 May 1979
117	Ali Akbar Kaseb MOJAVAR	unknown	Mashad	7b,10a,10b	9 months prison	22 May 1979
118	Dr Mehrash NIKJOU (female)	unknown	Mashad	6b,6c,7a	1 year corrective detention	22 May 1979
119	Ramzan SHAHI-KHARI	unknown	Mashad	7a,10f	6 months correct-ive detention	22 May 1979
120	Kazem EMANI	Policeman	Zanjan	2a,7d,10a, 10b	12 years prison and Rls. 150,000 payable by him to parents of one of his victims	23 May 1979
121	Youssef EMADI	Policeman	Zanjan	2a,7d,10a, 10b	30 lashes in two sessions; 8 years prison	23 May 1979

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
122	Abbas GHAFARLOU	Policeman	Zanjan	2a,7d,10a, 10b	10 years and 60 lashes in three sessions	23 May 1979
123	Mohammad NASSIRI	Policeman	Zanjan	2a,7d,10a, 10b	30 lashes in two sessions and 5 years prison	23 May 1979
124	Ayad SOLAIMANI	Policeman	Zanjan	2a,7d,10a, 10b	50 lashes in two sessions and 10 years prison	23 May 1979
125	Reza QASEMIAN	Chief Constable	Zanjan	2a,7d,10a, 10b	45 lashes in three sessions and 1½ years prison	23 May 1979
126	Saif Ali Nader KHOMSEH	Policeman	Zanjan	2a,7d,10a, 10b	200 lashes in ten sessions and 15 years prison	23 May 1979
127	Yadollah Izzati ASL	Policeman	Zanjan	2a,7d,10a, 10b	180 lashes in nine sessions and 13 years prison	23 May 1979
128-135	eight unnamed	Policemen	Zanjan	2a,7d,10a, 10b	total of 47½ years prison	23 May 1979
136-143	* eight unnamed	SAVAK employees	Yazd	7b	various terms of imprisonment	23 May 1979
144-146	three unnamed	SAVAK 'spies'	Kerman	7a	minor prison sentences	23 May 1979

* The court reportedly ordered a further trial if evidence of torture or embezzlement later became available.

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File No.		Name	Occupation	Location of court	Charges	Sentence	Date
147	*	Ali Asghar SALEHI	Lieutenant	Tehran	2b,10a	15 years prison	24 May 1979
148		Gholam KHEDMATGOZAR	Sergeant	Tehran	2b,10a	7 years prison	24 May 1979
149		MALIKSHAHI	Captain	Qazvin	3a,7b,10f 10h	10 years prison	24 May 1979
150		Mohammad Reza MORADZADEH	Sergeant	Qazvin	3a,10e	1 year hard labour	24 May 1979
151		Sayyed Hossein TANKAVANI	Lawyer	Qazvin	7b,7e	2 years exile; all property confiscated	24 May 2979
152		Ali HAGHIGHTKHAH	Head Constable	Berazjan	10f	2 years prison; fine of Rls. 100,000	24 May 1979
153		Valiollah SHAHSAVARI	Former SAVAK Agent	Kerman	7a	Fine and prison sentence	24 May 1979
154		Hassan DOWLATI	SAVAK Agent	unknown		Fine and prison sentence	24 May 1979
155		Ahmad NESHAT-NIA	SAVAK Agent	unknown		Fine and prison sentence	24 May 1979
156		Sayyed Mohsen Vaez MOUSAVI	unknown	unknown	7b,9a	Defrocked; three months corrective detention	26 May 1979
157		Manouchehr EFTEKHARIAN	Deputy SAVAK Chief	Khorramabad	2a,10c,10h	4 years prison; fine of Rls. 500,000	26 May 1979 (uncertain)

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
158	Hashem SANI-KHIABANI alias ASKERI	SAVAK anti-sabotage Committee Member	Mashad		6 years prison	26 May 1979
159	Mohammad Hosseini IRFANI, Captain	unknown	Mashad		4 months corrective detention	26 May 1979
160	Dariush IYAZ	2nd Lieutenant Imperial Guard	Tehran	3a,7e	3 years prison	27 May 1979
-	several unknown	Gendarmes; police; SAVAK	Khorramabad		light sentences	27 May 1979
161	Jalal MIR	Police Captain	Naishabur	1b,10a,10b	2 years prison; 18 months bail at 500 R per day *	27 May 1979
162	ATEFI	Chief Constable	Naishabur	1b,10a,10b	2 years prison	27 May 1979
-187	twenty-five unnamed	Police and Army Officials	Miyaneh		up to 21 years prison each	27 May 1979
188	Firouz BAYDA	Major: SAVAK Commander in Guards Artillery Unit	Tehran		10 years corrective detention	29 May 1979
189	Mohammad Hassan SHAFAGHI	Retired Warrant Officer	Khomein		75 lashes in two sessions; 3 years prison	29 May 1979
190	Ahmad Molla MOHAMMADI	Former Intelligence Officer Chief of Police in Qom	Qom	7a,9d,10b 10i	100 lashes and ten years corrective detention	29 May 1979
191 +	Enayat SALIMI	Major: SAVAK	Qom		3 years prison	29 May 1979
192	Mehdi MORAD-NESHA	Captain: Deputy Chief Central Police Stat.	Qom	10b	18 months prison	29 May 1979

* Amnesty International believes the "bail" was a post-conviction surety granted due to the defendant's ill-health.
\+ Two years in Qom and 1 year in Rafsanjan.

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
193	Gholam Ali Afshar RAD	Former local Chief of Counter Intelligence	Bandar Abbas	7j	5 years prison	29 May 1979
194	Khashayar ABTIN	Navy Counter Intelligence Officer	Bandar Abbas		6 months prison	29 May 1979
195	Moidi NOORI, Major	Military Police Officer	Bandar Abbas		9 months prison	29 May 1979
196	* unnamed	unknown	Bandar Anzali	11	lashing	30 May 1979
197-248	fifty-two unnamed		Kerman	10h	various prison sentences and 10 to one year exiles	30 May 1979
249-251	three unnamed	unknown	Tehran		10 years prison to one year exile	31 May 1979
252-256	five unnamed	unknown	Kashmar		light sentences	31 May 1979
257	unnamed	Retired Colonel	Hamadan	10b	4 years prison	31 May 1979
258-263	six unnamed	Clergymen	Borujerd	9a	defrocked	31 May 1979
264-265	two unnamed	unknown	Borujerd		sentences unknown	31 May 1979
267	Houshang AMIR-AFSHARNIA	Major	Tehran	3a,7i	12 years prison	4 June 1979
268	Nasser RAOOFI	Constable			2 years prison	4 June 1979
269-277	nine unnamed	Police Officers	Rafsanjan		sentences from five years to two months imprisonment	4 June 1979

* This defendant was freed by local residents before punishment was administered. See page 90

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
278	unnamed	unknown	Qazvin		life imprisonment	4 June 1979
279-282	four unnamed	unknown	Qazvin		1 year to 10 year prison sentences	4 June 1979
283-286	four unnamed	Policemen	Tabriz		15 years to 6 months in prison or exile	4 June 1979
287	Lt. Mohammad Ibrahim ESKANDARI	Soldier	Ahvaz	10b	2 years prison	5 June 1979
288	Manuchehr Ghazal IYAGH	Army Officer	Tehran	1c,10b,10c, 10g	12 years prison	6 June 1979
289-291	three unnamed	unknown	Dezful		light prison sentences	6 June 1979
292	Mohammad Reza MOSAPOUR	unknown	Rafsanjan	7a	100 lashes; 1 year prison; 1 year exile	7 June 1979
293	Abdol Karim HABIBJADEH	Clergyman	Qom	7b,7d,9d	705 days in prison; defrocked	7 June 1979
294-303	ten unnamed	unknown	Tabriz	4b,5a	6 months to 15 years prison	7 June 1979
304	SHOJAI	Lieutenant-Commander of Gendarmerie	Rafsanjan	7e,10b	7 years prison	7 June 1979
305	Mohammad AGHTAI	Police Officer	Rafsanjan	7b	1 year prison	7 June 1979
306	Shahrban Ali KARAMI	Warrant Officer	Rafsanjan	7e	1 year prison	7 June 1979
307	Hamid BEEGHEE	Constable	Rafsanjan	10a	6 months prison	7 June 1979 (believed)

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ve this mark, please register this software.

File No.		Name	Occupation	Location of court	Charges	Sentence	Date
308		Ali RAVARI	'Employee of the Commander's Office'	Rafsanjan	7e,10b	2 years prison	7 June 1979
309		Nader Nosrat NEGAMI	unknown	Rafsanjan	4a,10i	2 years prison	7 June 1979
310	*	Bakhshali GHANBARI	Police Constable	Ardebil	2a	1 year prison	7 June 1979
311-315		five unnamed	unknown	unknown	5b	100 lashes; 6 months to 5 years prison	7 June 1979
316		unnamed	Army Officer	Tehran	7a	3 years prison	10 June 1979
317-320		four unnamed	Army/Police Officers	Tabriz		1 to 6 years prison	14 June 1979
321-324		four unnamed	'agents of former regime'	Rasht		6 to 15 months prison	14 June 1979
325-327	+	three unnamed		Qazvin	"minor crimes"	discharged	19 June 1979
328		Abolqasem KAFELLEBASI	Clergyman	Qazvin		1 year exile in Korassan and de-frocked	19 June 1979
329		Sheikh Hassan TAHEROKHANI	Clergyman	Qazvin		1 year exile in Sardasht and de-frocked	19 June 1979

* Because of Qisas: See page

\+ Discharged after having been found guilty.

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
330	Ghazanfar BAHMANPOUR	Chief of Shiraz University Guard	Shiraz	1a,6a	100 lashes in ten sessions and life imprisonment; (original sentence reduced by Ayatollah Khomeini - see page 51)	19 June 1979
331	Qorban Ali VAHDATI	Conscript Soldier	Qazvin	1a,1b,10a	Life imprisonment	19 June 1979
332-339	eight unnamed	(including Captain and retired Colonel)	Qazvin		3 months to 16 years prison	19 June 1979
340-347	eight unnamed	alleged gang members	Mashad	3b,3c,5a	200 lashes each and 2-7 years prison	19/20 June 197
348	SAIFULLAHAHI	Colonel and Former Martial Law Chief	Birjand	10a,10f	3 years prison	20 June 1979
349	Abbas FAKHRI-NEJHAD	Major		2a,10a	convicted - then pardoned by Ayatollah Khomeini	24 June 1979
350-357	eight unnamed (gang)	unknown	Mashad	4a,5a,5e	2-10 years prison; 3 received lashes: 1 x 100 and 2 x 200 lashes	25 June 1979
358	IBRAHIM	unknown	Qazvin	5a	public flogging: 350 lashes	25 June 1979
359	"KARIM"	unknown	Qazvin	5a	public flogging: 350 lashes	25 June 1979
360	Mostafa KA'ABEHPARAST	Clergyman	Shiraz	7a,7d	defrocked	27 June 1979

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
361	Abdol Khaliq SHAMELI	Clergyman	Shiraz	7d,9b	defrocked and 70 days exile	27 June 1979
362	Jamal Mahfvz ANSARI	Clergyman	Shiraz	7d	defrocked and 1 year exile	27 June 1979
363	Sayyed MOHAMMAD	Clergyman	Shiraz		defrocked and fined Rls. 1½ Million	27 June 1979
364	ZIAVDDIN HEDA'IQ alias Ibn YOUSSEF		Shiraz	7d	defrocked	30 June 1979
365	unnamed man	unknown	Shahr-e-Rey	5d	50 lashes	2 July 1979
366	unnamed	Army Officer	unknown		3 years prison	5 July 1979
367	unnamed	Army Officer	unknown		5 years prison	5 July 1979
368-369	two unnamed men	unknown	Qom	5e,5h	40 lashes; 1 month prison	4 July 1979
370-373	four unnamed	former SAVAK agents	Mashad		3 months to two years prison	7 July 1979
374	Hossein Shoja NABAKHTI	Cinema Manager	Mashad	10b	90 lashes	7 July 1979
375	Abolhassan BEHRAVASH	SAVAK Official	Isfahan	3a	Life in prison and 20 lashes for every factory he has worked in	8 July 1979
376-377	two unnamed	Officers of SAVAK/Police	Rasht		10 years and 3 months imprisonment	8 July 1979

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
378	ABOLQASEM	unknown	Behshahr		3 years prison and 100 lashes in three sessions	11 July 1979
379	unnamed	unknown	unknown	10b	2 years in prison	12 July 1979
380-385	six unnamed	unknown	Mahabad		3 months to five years imprisonment	12 July 1979
386-394	nine unnamed	unknown	Daroud	10b	3 months to three years imprisonment; also one given 150 lashes and another 30 lashes	12 July 1979
395-395A	unnamed (two or five)	unknown	Miyaneh	11	lashed (see page90)	16 July 1979
396	unnamed	Clergyman "false"	unknown	7d	2 years prison	16 July 1979
397	unnamed man	unknown	Urumieh	5d	79 lashes; four months jail	17 July 1979
398	unnamed woman	unknown	Urumieh	5d	100 lashes	17 July 1979
399	unnamed	Lieutenant	Isfahan		10 years prison	21 July 1979
400	unnamed	SAVAK agent	Isfahan	1a	life imprisonment	21 July 1979
401	unnamed	Clergyman "false"	Behshahr	7a,9a	defrocked; five years prison and 200 lashes : 40 every ten days	22 July 1979
402	unnamed	Clergyman "false"	Behshahr		6 months prison	

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
403	unnamed	unknown	Behshahr	7a	3 months prison	
404	unnamed	unknown	Behshahr	7a	6 months prison	
405	unnamed	unknown	* Abadan or Khorramshahr	7k	5 years prison	24 July 1979
409	four unnamed	unknown	* Abadan or Khorramshahr	13	5 years prison	24 July 1979
410	Shoejaeddin SHEIKHOLISLAMZADEH Doctor	Former Health Minister	Tehran	4d,4e,4f,7o	Life imprisonment; property confiscated from him and next of kin; required to give "service in accordance with National Health Plan"	25 July 1979
411	Jafar QAYIER	unknown	* Abadan-Khorramshahr	1a,1b,7k	10 years prison	26 July 1979
412	Malek ZOBIDABI	unknown	* "	1a,1b,7k	10 years prison	26 July 1979
413	Jabbar ZOBIDABI	unknown	* "	1a,1b,7k	10 years prison	26 July 1979
414	Mahmud ASKARAN	unknown	* "	1a,1b,7k	10 years prison	26 July 1979
415	unnamed	unknown	unknown	14	40 lashes	26 July 1979 (approx)
416	unnamed man	unknown	Qahramanshah (believed)	5g	75 lashes	26 July 1979 (approx)
417	unnamed woman	unknown	Qahramanshah (believed)	5g	75 lashes	26 July 1979 26 July 1979

* Two courts reportedly sitting together

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File No.	Name	Occupation	Location of court	Charges	Sentence	Date
418	unnamed	Former Official	Isfahan		imprisonment	31 July 1979
419	Abdor Zahra FARGANI (FURHAN)	unknown	Abadan	71	life imprisonment	6 August 1979
420	Kazem BEIKHORMIZI	unknown	Yazd	5e	80 lashes; one month prison; 3 months exile	unknown
-422	two unnamed	'agents of former regime'	Isfahan		10 years prison and 2 years prison	6 August 1979
423	Mahmud AHVAZI	unknown	Masjid-e-Soleiman	1a	life imprisonment	7 August 1979
424	Ahmad MAZARISH	unknown	Masjid-e-Soleiman	1a	life imprisonment	7 August 1979
425	Kahryar LALEZAR	unknown	Masjid-e-Soleiman	1a	life imprisonment	7 August 1979
426	Mohammad Ali BOVAR	unknown	Masjid-e-Soleiman	1a	life imprisonment	7 August 1979
427	Lt. Abbas SHAHBAZI	Officer	Isfahan	2b,10e	life imprisonment	7 August 1979
428	unnamed man	unknown	Isfahan	5f	life imprisonment and 100 lashes	8 August 1979
-430	two unnamed	ordinary criminals	Abadan		unknown	8 August 1979
431	unnamed woman	unknown	Isfahan	5h	1 year prison	8 August 1979
432	unnamed	unknown	* Abadan-Khorramshahr	7m,7n	1 year prison	8 August 1979

* Two courts reportedly sitting together
(this note also applies to 433 overleaf)

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File No.	Name	Occupation		Location of court	Charges	Sentence	Date
433	unnamed	unknown	*	Abadan-Khorramshahr	7m,7n	5 years prison	8 August 1979
434	unnamed man	unknown		Isfahan	5h	3 years prison and 100 lashes	8 August 1979
435	unnamed woman	unknown		Isfahan	5h	3 years prison and 100 lashes	8 August 1979
436-438	three unnamed	SAVAK Officers		Tabriz	unknown	2 to 4 years prison	9 August 1979
439-442	three men and one woman	unknown		Arak	5h	lashes	8 August 1979
443-444	two unnamed	unknown		Abadan	unknown	imprisonment	9 August 1979
445	unnamed	unknown		Isfahan	7f	life imprisonment and 100 lashes	9 August 1979
446	unnamed man	unknown		Tabriz	5i	80 lashes; 1 month prison; 3 months exile	10 August 1979
447-458	twelve unnamed	unknown		Kashan	12 and 15	20 lashes	10 August 1979
459	unknown	unknown		Kashan	16	20 lashes	10 August 1979
460	unnamed	foreign worker		Chahar Langeh (Bakhtiari region)	5c (two attempts)	20 lashes	11 August 1979
461	unnamed young man	unknown		Kerman	4a	"let off lightly"	11 August 1979

The following sentence was reportedly ordered by a "family court". See page 95 and Appendix A number 304

	unnamed	unknown		Mehdishahr near Semran	5d	lashes	17 June 1979

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Many of the events of this period relate to fighting between the Iranian army and Kurdish rebels in the province of Kurdistan.

1. The Jurisdiction and Function of the Islamic Revolutionary Tribunal (see Chapter III)

A number of press reports from the zone of fighting in Kurdistan indicated that some army personnel had protested about their role in putting down the Kurdish rebellion. Ayatollah Khomeini was reported on 19 August (1) to have issued a statement to the effect that if his orders were disobeyed, he would deal with violators in a "revolutionary way". On 22 August (2) the Ayatollah announced over Iran Radio that soldiers taking part in "strikes" or those who failed to obey orders would be tried by "special courts". He also announced that revolutionary Tribunals should operate in a "more revolutionary" way. (3) Two days later, on 24 August, the Ayatollah repeated his warning to soldiers and added that "nobody should use the pen to weaken the forces". Violators would be tried in a revolutionary court.

These reports were confirmed to Amnesty International by the receipt of the text of a statement voiced by Ayatollah Khomeini on 22 August 1979. Its full text is as follows: (4)

"In the name of God, the avenger. From the post of leadership of the revolution and the commander in chief of the armed forces I issue this warning:

(1) I proclaim my support for the law enforcement forces, the army, the gendarmerie, the police and the Revolution Guards. I do not permit either a pen to be employed or a step to be taken to weaken their positions. Violators will be considered criminals, and, should a plot be discovered, will be subjected to revolutionary trials in Revolution Courts. From this date forward, no one and no official has the right to weaken these courts.

(2) The members of the aforementioned law enforcement forces should obey orders issued from above and should observe and maintain the chains of command. If these orders are violated, those responsible will be deemed criminals. When a plot is discovered, I will issue the order for them to be tried in field courts.

(3) Strikes by law enforcement forces are emphatically prohibited. Violators will be deemed criminals, and the instigators will be considered counter-revolutionaries and will receive revolutionary punishment in Revolution Courts. Should a plot be discovered, I will order the establishment of field courts to try them.

(4) I emphatically order that law enforcement forces, particularly the army and the Revolution Guards should co-ordinate their actions. All the Guards groups also should co-ordinate their actions and should co-operate in crushing the criminals and in mopping up the various regions, particularly in Kurdistan and Khuzestan. Violators will be considered criminals. Instigators will be subjected to revolutionary trials.

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(5) I declare to the members of the Democratic Party of Kurdistan and the zealous, pure-hearted Kurds, who have been deceived by the plotting leaders of this party and the traitors to Islam and the nation, that if they allow the traitors to join the ranks of the nation and Islam, surrender to the barracks and the law enforcement authorities and hand over their arms they will be pardoned. If they confiscate and deliver these arms to us, I will give them huge rewards. However, if they continue to oppose the nation and the government, they will be punished for their anti-Islamic deeds and will be treated harshly.

(6) I proclaim to the honourable people of Kurdistan that we consider you to be our brothers and equals and that you will enjoy equal rights with your other Iranian brothers whereever you may be and that in the Islamic Republic there is absolutely no difference between Azarbaijanis, Kurds, Lors, Arabs, Persians or Baluchis. Only plotters and agents of the foreigners prevent the carrying out of reforms. I call on you, Kurdish border inhabitants, to back the law enforcement forces with all your might and to crush completely the ill-wishers to Islam and the country.

(7) I have instructed the managing director of the NIOC,* following discussions with the government, to set aside one day's oil revenues for Kurdistan. In this connection, the government is dutybound to carry out this order as quickly as possible within a week, to pay attention to our dear Kurdish brethren who have been subjected to attacks by desperados and to take steps with regard to other provinces.

(8) I must thank the fighting and honorable Iranian nation, which with the utmost fidelity and bravery declared their readiness to crush the desperados and safeguard the country's borders and which rose to support the law enforcement forces. The Guards and the rest of the law enforcement forces today stem from Islam and are moving along the path of Islam. Support for them is the religious and national duty of all of us.

Ruhollah Mosavi Khomeini
August 22 1979

By 14 September trials had occurred in the following locations which do not appear in Amnesty International's list of Revolutionary Tribunals: (see pages 45-46)

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Baneh
Bushehr
Marivan
Paveh
Saqqez
Sari

On 6 September, Public Prosecutor Abolfazl Shahshahani was reported as having said that the revolutionary courts would be gradually phased out and that the regular judiciary would take over in Iran. He also said that both systems would operate together for an unspecified period. (5) (see Chapter V)

2. Executions

a) The Kurdish Rebellion

The news agency Reuters reported on 19 August that 11 Kurds had been tried and executed after government forces had retaken the town of Paveh. (6) The charges against them included Corruption on Earth and Waging War on God and His Representatives. On 19 August Ayatollah Khomeini said that the Kurdish Democratic Party "was like poison to the health of the revolution ... no trace of them should be left in the country". (7)

On 21 August the news agency Reuters reported from Tehran that:

> "Nine members of the banned Kurdish Democratic Party (KDP) were executed by firing squad today in the western border town of Paveh, the scene of recent bloody clashes between the government and Kurdish guerrillas, according to the state radio.
>
> The Teheran newspaper Islamic Republic, mouthpiece of the ruling Moslem clergy, said another five men accused of taking part in the Paveh fighting were executed in the nearby city of Kermanshah at dawn today. This brings to 25 the number of all those executed since government forces retook the town last Sunday.
>
> All those executed so far have been found guilty of the Koranic charges of 'being corrupt of the earth and waging war on God and His representatives'.
>
> The KDP was banned by Iran's religious leaders last Saturday after it was accused of separatism and counter-revolutionary activities.
>
> The sentences in Paveh were handed down by Ayatollah Sadeq Khalkhali, the man who ... was made responsible by Iran's unofficial head of state, Ayatollah Ruhollah Khomeini, for investigating the cases of those involved in the Kurdish fighting."

On 22 August, Khomeini offered a pardon to the rebels in return for their surrender. 31 members of the Kurdish Democratic Party had reportedly been executed since the previous Sunday. (8)

The net of executions seems to have been cast widely: On 26 August it was reported that the staff of a Tehran public hospital had gone on strike in protest against the execution of a doctor on a charge of "aiding the Kurds". (9)

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Amnesty International has received other reports of doctors being put on trial. The newsletter ofthe Iranian Embassy in Washington (issue of 3 September 1979) said as follows: (10)

> "Upon the assumption of control over Saqqez, Ayatollah Sadeq Khalkhali came to Saqqez to try and punish the counter-revolutionaries. During the trial of members of the Saqqez hospital, an accused doctor said that he and his assistants had been pressured by the Kurdistan Democratic Party and the Fedayeen Guerillas. 'We could not disobey their orders since we were threatened with death.' He said that the injured army personnel were taken to Bokan and Mahabad as military hostages. He finally noted that, as head of the hospital, he accepted all responsibility and the verdict of the just Islamic court even if it was to be a death sentence. Although witnesses presented evidence to the crimes and misdoings of the doctor and his aids, based on his position as Islamic judge, Ayatollah Khalkhali pardoned Dr Nilufarie's aids but exiled the doctor to Rafsanjan."

Amnesty International has received a report of the execution of a Dr Rashvand-Sardari on 27 August. The report (11) read as follows:

> "On August 26, 1979, Dr Rashvand-Sardari went to Paveh in Kurdistan where the recent fighting left people dead and injured with only a few doctors around ... On August 27, 1979, while he was in the operating room operating on an injured Kurd, he was ordered to leave [his patient] in the middle of the operation and go to another wounded person who was not a Kurd but was one of the members of the revolutionary guard. He, as a doctor, could not leave the patient and refused to do that and requested that they wait until he was finished. Since he refused, Ayatollah Khalkhali, the judge, ordered his execution on the grounds that he was operating on a Kurd. Within a couple of hours he was taken behind the hospital and shot. Later, many people and doctors and nurses including his relatives and friends in protest to this violent act marched in the streets next to the hospital. They numbered about three thousand. Soon they were forced to disperse by guns and sticks."

Amnesty International is uncertain whether the execution of Dr Rashvand-Sardari is that which was reportedly followed by the strike at a Tehran hospital. (see above) We note that however, the statement from the Iranian Embassy in Washington that "members [plural] of the Saqqez hospital "had been put on trial". (see above)

On 27 August it was reported that nine Kurds had been executed in Marivan as "traitors" (12) and by 28 August it was estimated that a total of 61 executions had been ordered by Ayatollah Sadegh Khalkhali. (13)

Nine army officers and 11 civilians were sent to the firing squad in (14) Saqqez on 28 August. A report said that Ayatollah Khalkhali had by then ordered a total of 68 executions. (15) On 6 September four more executions took place. (16)

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Executions were also staged by the rebels. A Kurdish spokesman said in Mahabad on 27 August that they had executed four revolutionary guards in retaliation for the execution of nine rebels in Marivan. (17) Iran Radio reported on 5 September that Kurdish rebels had executed 15 or 16 revolutionary guards, but no details were given. The outlawed KDP had said that it would execute one revolutionary guard prisoner for each Kurd executed by the revolutionary courts. (18)

On 12 September 6 Iraqi citizens were sentenced to death for taking part in the rebellion. The executions were reported to have been stayed pending a high level decision. (19)

Amnesty International has not been able to compile further details of persons executed in Kurdistan.

On 13 August a former police chief was reported as having been executed for killing anti-Shah demcnstrators (20) and on the following day two persons were reportedly executed for adultery in East Azerbai'jan province. (21)
On 16 August Amnesty International received reports of three SAVAK members being executed in Urumieh and a policeman being executed in Isfahan. (22)

Reports on 20 August spoke of two army officers and two policemen having been executed in Tehran after conviction on charges of shooting anti-Shah demonstrators. (23) On 22 August a woman was reportedly executed for adultery. (24)

On 21 August Reuters news agency reported that:

> "In the southwestern oil province of Khuzestan, two people were executed by firing squad today, including one member of an Arab guerrilla group, according to the state radio.
>
> The Voice of the Islamic Republic said Mohammad Bassan al-Daghlavi (identified as an Arab by Khuzestan sources) had been sentenced to death for counter-revolutionary activities, shooting revolutionary guards, making inflammatory speeches, and provoking arson.
>
> The radio said he was a member of the 'Black Wednesday' guerrrilla group said to have been formed by Arab separatists, which has claimed responsibility for attacks on oil installations in the province.
>
> The former policemen of the Shah's regime were despatched by firing squad in the central city of Isfahan yesterday, according to the official PARS news agency. They had been convicted of shooting anti-Shah demonstrators before the February revolution."

Fourteen prisoners, including two women, who had escaped from jail in Tabriz were executed on 29 August. (25) On 28 August a couple found guilty of adultery were sentenced to death in Bushehr. (26)

On 30 August a revolutionary firing squad executed a woman for adultery but a convicted murderer who had been sentenced to death went free as the victim's father showed mercy. (see discussion of Qisas commencing on page 91) On the same day there was an execution in Shiraz for heroin trafficking and two in Rayeh for homicide. (27)

On 11 September, it was reported that a revolutionary firing squad had executed seven men within 48 hours after convictions ranging from torture to sex offences. (28) On the following day two women and a man were reported to have been executed in Shahsavar for drug offences and a man was executed in Ahvaz for homosexual rape. (29)

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It was reported on 14 September that nine persons were executed in Iran on that day for offences including heroin smuggling and sodomy. The executions took place in Central Hamedan Province, Gonbad-e-Kavous, Sanandaj and Baneh. (30)

c) Other Sentences

On 26 August, the newsagency UPI, reported that a SAVAK official, Brigadier-General Hassan Badii, who had allegedly been instrumental in the arrest of Ayatollah Khomeini in 1963 had been arrested by revolutionary guards in Shiraz. (31)

On 27 August it was reported by The Guardian that a pregnant woman, identified by the name Showkat, had been sentenced to a public flogging for adultery. The Islamic Revolutionary Tribunal in Naishapur ordered that the sentence be carried out after the baby had been born. Eighty lashes were to be given in public and 20 in private; her lover was sentenced to 100 lashes. (32)

On 28 August it was reported that three Tehran shopkeepers were publicly flogged, having been found guilty by a special court of profiteering. Seven other shopkeepers were given sentences of imprisonment ranging from 20 days to one month. (33) Those flogged were given 15 lashes. Another shop-keeper, identified in the local press as Cyrus Anavin, was whipped on the soles of his feet and declared to be a "profiteer and counter-revolutionary elemtn". (34) (see note 1 to Chapter I)

A couple convicted of adultery in Shiraz on 30 August were reportedly whipped and then told to get married. (35)

On 2 September, the newspaper, Kayhan, reported that the former Iranian Central Bank Governor Youssef Khoskish, 73, had been given a sentence of life imprisonment after being found corrupt on earth. Charges against him included "being a Freemason", maintaining close links with SAVAK and facilitating the flight of capital out of the country. (36)

On 28 August in Tehran a public flogging of a fruit-seller, convicted by a special court of profiteering, was halted when the whip broke during the administration of 25 lashes. (37)

In Shiraz, on 10 September, a former gendarmerie Master Sergeant, Evaz Mehravar, was freed by the judge after the father of the victim showed mercy to him. His son had been shot by Mehravar. (38)

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Page 88, paragraph 2, line 2:

"in cases of heterosexual and homosexual intercourse" should read "in appropriate cases of proscribed sexual intercourse".

Page 89, paragraph 2, line 2:

Following "100" sentence should read "lashes are extremely severe even in the light of doctrine"

Page 95, paragraph 1, line 1:

"317" should read "304".

paragraph 3, line 3

"361 and 362" should read "359 and 360".

Page 121, note 59:

"96" should read "9b".

Page 125, paragraph 2, line 6:

"cases 408, 409 and 410" should read "cases 415, 416 and 417".

Page 133, note 33, final paragraph, line 1 should read:

"The final text was reported by local correspondents on 12 August 1979".

Page 134, paragraph 7, line 3:

The page reference in parentheses should read: "See page 64".

Page 135, paragraph 5, line 2:

The page reference in parentheses should read: "See page 31".