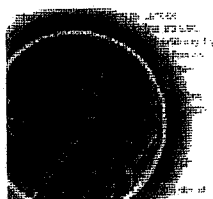


Iran (27)



Amnesty International - News Release - MDE 13/29/99
30 November 1999

IRAN

Iranian Courts used to suppress political opinion and journalistic freedom

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Iranian Courts used to suppress political opinion and journalistic freedom

The prison sentences handed down to the managing director of the daily newspaper Khordad and the editor of the daily newspaper Asr-e Azadegan (Era of The Free) reflect the increasing use of special courts to imprison individuals involved in journalism. They also limit social and political debate in advance of the 19 February 2000 parliamentary (Majlis) elections, Amnesty International said today.

"Abdollah Nouri and Mashallah Shamsolvaezin have been imprisoned for publishing articles that express the beliefs of writers whose views are at odds with elements of the authorities," the organization said. "We consider both men as prisoners of conscience and call on the Islamic Republic of Iran to release them immediately and unconditionally."

On 27 November Hojjatoleslam Abdollah Nouri of Khordad was sentenced to five years' imprisonment by the Special Court for The Clergy (SCC) (Dadgah-e Vizhe-ye Ruhaniyat). Mashallah Shamsolvaezin, of Asr-e Azadegan, was sentenced to three years' imprisonment by the Press Court.

"What is clear is that these newspapers -- which are a forum for public debate and have dealt with areas that have until recently been considered taboo -- have come into conflict with powerful groups opposed to any change in the status quo," Amnesty International said.

Abdollah Nouri, a former Interior Minister and Vice President, faced 20 charges including accusations of publishing "anti-Islamic" articles, insulting government officials, promoting friendly relations with the United States of America and giving publicity to Ayatollah Hossein Ali Montazeri, under house arrest since 1997.

Abdollah Nouri, widely seen as an ally of President Khatami, recently resigned from his position on the Tehran city council and reportedly declared his intention to present himself as a candidate in the February 2000 parliamentary (Majlis) elections -- where he was tipped to become Speaker, formally the third most powerful position in the country after the Supreme Leader and President.

In his defence it is reported that he upheld the rights of a variety of groups and theologians to present their views in his newspapers, a right, he stated that "was protected under the Iranian constitution". He also claimed that the Special Court for the Clergy (SCC) was "unlawful and incompetent" to deal with this case. Amnesty International has repeatedly expressed its concerns that trials before the SCC frequently fall short of minimum international standards for fair trial.

Amnesty International is also concerned about the trial procedures followed in the trial of newspaper editor, Mashallah Shamsolvaezin, who was arrested on 2 November on charges of "insulting Islam". This related to articles that appeared in the now closed newspaper, Neshat

(Happiness) for which he was editor. He was not able to post the 500m Rial bail (approx \$167 000) and was detained at Evin Prison.

New charges brought against him alleged that he forged both an article and the signature of an author whose work was printed in Neshat. The article questioned the the validity of death penalty in Iran.

During his trial Mashallah Shamsolvaezin questioned the legality of the court, for reasons including the absence of the Press Court Jury. He reportedly observed that it had "no legal basis".

Under current Iranian press legislation, it is the publisher and the writer rather than the editor of an article who is legally responsible for the content.

Background

While the Iranian press continues to exercise a remarkable degree of independence it has been under recurrent pressure from opposing factions using the absence of enforceable legal guarantees for freedom of expression.

Abdollah Nouri was tried by the Special Court for the Clergy, whose judges and prosecutor are appointed by the Supreme Leader Ayatollah Ali Khamenei and are accountable to him, not the Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahrudi, who was appointed in August.

Indeed, his trial was brought to an abrupt end on 11 November by the judge, Mohammad Selimi, who prevented Abdollah Nouri from reading out his defence and gave him 10 days to submit the text of his defence. On 17 November it was reported that the jury declared him guilty on 15 of the 20 charges against him, even before the final defence statement was delivered.

It has been reported that Abdollah Nouri does not intend to appeal against the sentence, since he did not recognise the court or its verdict. Following sentencing he was taken to Evin prison and his newspaper Khordad has now been banned for an indefinite period of time.

The trial of Mashallah Shamsolvaezin, in Court 1410 -- the court usually used for Press Law cases -- started on 9 November. Judge Said Mortazavi ruled at the outset that the Press Court jury would not be required for the case. During the trial proceedings, his lawyer, Mohammad Seyfzadeh was sentenced to five days in prison for "disturbing the order of the court". Mashallah Shamsolvaezin has previously indicated that he would appeal the sentence.

Both men were ordered to pay fines up to \$5000.

Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR). Amnesty International has repeatedly urged the authorities to honour the guarantees of fair trial and freedom of expression in accordance with Articles 14 and 19, respectively of the ICCPR.

For more information please see Iran - Human Rights Violations Against Shi'a Religious Leaders and Their Followers (AI Index MDE 13/18/97).

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