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IRAN

I. POLITICAL SITUATION

For the past half century Iranian leadership has been dedicated to the creation of a modern nation state against a backdrop of entrenched traditional conservatism, poverty, and illiteracy. During this period Iran has confronted severe challenges to its governmental structure as well as economic turmoil and outside pressures. It has been twice invaded and partially occupied by the Soviet Union. In the post-World War II period, an indigenous communist party with substantial external support grew in influence to the point where it was able to precipitate a governmental crisis in 1953 which resulted in the Shah's fleeing the country temporarily. He returned shortly thereafter and began to lay the basis for major economic and social reform programs now known as "The Shah-People Revolution." Implementation of these programs brought the government and modernizing elements into conflict with landlords and reactionary religious personalities and, in 1962, resulted in a week of confrontation and physical violence in the streets of Tehran. The government carried the day, and since that time its reform programs, which have benefited the majority of the population, have had wide public support.

Beginning in the late 1960s, Iran has also been confronted with a small number of extreme rightist and leftist terrorists operating within the country. There is evidence that they have received substantial foreign support and training. Terrorists have been responsible for the murders of Iranian Government officials and Americans, the latter including three colonels and three civilian defense contractor personnel over the past three years.

The present governmental system is a constitutional monarchy headed by the Shah and a two-chamber parliament. Until March 1975 Iran had a multi-party system. This was then replaced by a new single party, the Resurgence Party of the People of Iran. Elections for both the Majlis (lower house) and the Senate were held in June 1975 and were among the most representative in Iran's history. However, these institutions have limited decision-making powers which in the Iranian tradition are reserved to the Shah.

II. LEGAL SITUATION

Iranian constitutional law provides a comprehensive system of guarantees of basic human rights, combining traditional

Muslim legal principles with codification largely patterned after the French system. Civil and criminal cases are handled with full guarantees of civil rights. The civilian court system which handles the large majority of civil and criminal cases has been recognized by outsiders as giving fair treatment to those brought before it. Most recently a team from the International Commission of Jurists praised certain aspects of this regular Iranian judicial system.

On the other hand, the same team recommended reforms in the handling of civilians charged with crimes involving state security. These recommendations stemmed from the fact that SAVAK (acronym for State Organization for Security and Intelligence) employees are empowered, without supervision of the regular courts, to function as military magistrates with regard to persons they may detain while protecting state security and carrying out other functions. The great majority of those so detained are released within a few hours. Others are held for varying periods pending military trial or release.

Crimes against state security or which involve destruction of government property or bodily harm to government officials are among those which must under Iranian law be before a military tribunal.

As a result of this process, there are currently in prison about 2,800-3,500 persons who are referred to as political prisoners. These figures are based on a definition which includes those convicted of crimes related to terrorism and other forms of violence. If instead the definition used is "persons who have been detained, arrested or punished for their beliefs or opinions but who have neither used nor advocated violence" the total of political prisoners in Iran is much smaller, probably about 100-150. Many persons in this latter group have been convicted because of their membership in the communist (Tudeh) party, which is outlawed in Iran.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. Integrity of the Person

Article 3: Iranian law provides for the protection of life, property, home and honor. These legal provisions are generally observed. Charges that these legal provisions are not properly observed are generally met by the Government's reference to its efforts to suppress the terrorist movement

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and other threats to national security.

Article 5: The Iranian penal code specifically prohibits torture and provides severe penalties for anyone who tortures a prisoner or orders the use of torture. While there is no known verifiable evidence of the use of torture, the reports cannot be discounted particularly in the context of terrorist violence, that such methods have been used by the Iranian police and security services. (Fewer allegations of torture have, however, been made in recent years than in the past.) There is no way for those under provisional detention by SAVAK to seek outside remedy if they should be receiving harsh treatment. There is apparently no information indicating that any official has been prosecuted for the use of torture.

Article 8: In most cases, Iranians can obtain an effective remedy for violations of their rights within the civil judicial system. However, persons in SAVAK custody lack such a remedy unless the Shah authorizes appeal to the criminal chambers of the Court of Cassation.

Article 9: Court orders are required before arrests can be made except in case of serious offenses. The accused must be, and normally is, informed of the charges against him within 24 hours. In some cases, pretrial confinement has been lengthy. While provisional detention may be used in criminal and civil cases, it has been mainly resorted to in cases of suspected threats to national security. There is no immediate legal recourse to the latter type of provisional detention. Internal exile is permitted by law but has been used in recent years only with respect to price fixing and corruption cases after full and fair, usually public, trials.

Article 10: Iranian law provides for equal treatment before the law. Persons suspected of violating civil and most criminal laws are normally charged shortly after arrest and many are able to gain release by posting bond.

Article 11: Trials before Iranian civil and criminal courts are generally public and fair and afford guarantees necessary for defense. Security cases are, however, among those tried in military courts. They are often in camera. A military officer is assigned to act as defense counsel. Decisions by military courts can be and are appealed to a military appellate court, but are not subject to review by the Supreme Court or other civil courts unless the Shah authorizes it. The Shah has final review of all military court decisions and has on occasion lessened the sentences.

B. Other important freedoms

While there are some manifestations of discrimination in Iranian society, largely related to traditional religious practice, equal rights before the law are guaranteed. Among the results of the reforms introduced by the Shah was the granting of equality to women. Freedom of movement, both within the country and abroad, the right to property, and freedom of thought and religion are observed in Iran, which has a long tradition of religious freedom.

The constitution provides for freedom of the press except for a prohibition against publications harmful to Islam, but all publishers and writers are also required to conform with the press law under threat of punishment. Observers from the International Commission of Jurists have noted that "in practice" freedom of the press does not exist.

Special rules govern the behavior of the Iranian military. There are restrictions on the peaceful assembly of groups which the Government considers political or subversive.

IV. OTHER HUMAN RIGHTS REPORTING

Amnesty International, in its report for 1975-76, commented on several aspects of the human rights situation in Iran. It said that organization "continued to study with deep concern the treatment of political prisoners in Iran. There has been an identifiable increase in the repression of opposition within Iran and an extension of the activities of SAVAK ... to countries in which Iranians are living abroad." On the number of political prisoners, Amnesty International "believes it to be several thousands." On torture, the report stated "the torture of political prisoners during interrogation appears to be routine practice, but prisoners may also be subjected to torture again at any time during their imprisonment." The Report also noted that "the number of executions in Iran has been a matter of great concern" to Amnesty International.

The International Commission of Jurists published together two documented reports entitled "Human Rights and the Legal System in Iran" in March 1976. The publication expressed the authors' opinion that SAVAK

had systematically used torture over a number of years; it stated that no independent investigation of torture had ever been made although the Shah had not denied that torture was used. The reports charged that other human rights were also violated in Iran, e.g., by arbitrary arrest, detention, and the denial of due process and a fair trial. The reports praised certain aspects of the judicial and penal systems and the wide-ranging economic and social reforms program of the Government of Iran--the "Shah-People" program--which started in the early 1960's.

Freedom House lists Iran as "not free."

In 1975, Iran agreed to a request by the International Commission of Jurists to send two observers into the country. Iranian authorities cooperated fully with the visitors (see above for some of their conclusions). Also in 1975, the UN Human Rights Commission reviewed accusations of violations of human rights by Iran, based on material presented by Iranian students studying abroad, and decided, on the basis of information before it, that no action was called for in the case of Iran.

IRAN

Over the last thirty years Iran has engaged in a program of rapid economic modernization which has transformed the lives of most citizens and sharply affected the nation's social structure and traditional institutions. The development of representative political institutions, however, did not keep pace with these significant changes. As a consequence, and because of skewed economic priorities, 1978 was marked by serious and often violent demonstrations of popular discontent. During the last quarter of the year the social fabric and the authority of the Iranian Government seriously deteriorated.

Since the end of World War II, the Iranian Government has felt endangered by external threats and subversion. Until roughly 1977 the Government relied on a rigid pattern of controls. These controls were often indiscriminately applied, and violations of human rights by security forces were fairly common-place.

This pattern began to change gradually in recent years and particularly since 1977 as the government undertook some steps toward liberalization. Officially sanctioned torture in prisons apparently ended in early 1977 and later substantial numbers of political prisoners were released. During 1978 the Shah announced a series of steps to offer increased judicial protection to the individual, to lift censorship and to permit more political expression. On August 5, 1978, the Shah announced that free parliamentary elections would be held in 1979.

As unrest continued, government security forces sometimes used extreme violence in attempting to control unarmed demonstrators, arbitrary arrests occurred, and restrictions on many civil and political liberties continued. These tactics contributed to an atmosphere of confrontation and conflict.

The imposition of martial law in September and its accompanying severe controls were both preceded and

followed by periods of greatly relaxed restrictions on public debate. With the appointment of a military-led Cabinet in early November, martial law controls on all political activity again were enforced, but widespread protests against the regime continued.

These demonstrations were met by armed force as the security organs of the Government sought to ban public protests. Possibly several thousand persons were killed, several times that number injured, and substantial damage was done to property by both pro- and anti-Shah forces. Numerous arrests were made, and there was a recurrence of reports of mistreatment of detainees.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture

The Iranian penal code prohibits torture and provides severe penalties for violators. This prohibition, however, was frequently ignored by security forces in the past. Almost two years ago, the Shah announced that torture would no longer be used in the interrogation of prisoners. To the best of the Department of State's knowledge, its systematic use in prisons ended. Nevertheless credible charges continue that torture is still being used during initial interrogations in police stations, particularly outside Tehran. Amnesty International reported that a mission it sent to Iran in November heard reports of numerous examples of torture used during interrogations and as punishment for political activities. These instances of torture did not appear to have government sanction at a high level, and their occurrence may have reflected an erosion of discipline. Partially in response to these reports of torture, the Government dismissed over thirty senior officials of SAVAK, the secret police.

b. Cruel, Inhuman or Degrading Treatment or Punishment

There have been numerous instances of harsh, often brutal treatment by security forces of demonstrators protesting against the Government. On occasion opposition demon-

strators made violent attacks on SAVAK and police officials. These kinds of incidents, which became more frequent at the end of the year, occurred mainly in street clashes between government forces and opposition supporters. No precise estimate of those killed in such clashes is yet available; rough estimates for 1978 range between one thousand to over seven thousand killed with a substantially higher number of persons injured.

The information available to the Department of State regarding the conditions under which political prisoners are held is scanty. There were reports (some of them based on interviews with several former prisoners) that conditions improved during the year. Nevertheless, in the spring there was an extended strike by persons held in a prison near Tehran, suggesting that conditions are still unsatisfactory. Moreover, Amnesty International, in the report based on its November mission, noted "indiscriminate policy brutality following arrest or detention." This appears to have been often the case.

c. Arbitrary Arrest or Imprisonment

The series of amnesties which began in 1977 continued through 1978. At the beginning of 1978, an estimated 2,200 state security prisoners remained in jail, some said by the Government to have been involved in crimes of violence. As tensions grew and riots became more frequent, additional large-scale arrests were made; at the same time, there were frequent announcements of the release of prisoners. Following the imposition of martial law in September, warrants for the arrest of 1,000 persons were issued; many of these were withdrawn within a week--by the end of September one hundred of these remained under detention. In December, the Government announced that all political prisoners had been released, with the exception of slightly over 200 persons convicted of crimes of violence. (Private human rights groups believe the number to be significantly higher.) The Government also announced that it was reviewing the files of former political prisoners with a view to granting amnesties and pardons.

Despite the stated intention of the Government to reinforce judicial protection of accused persons, SAVAK

still appears to combine the functions of both police and examining magistrate. Detainees have been denied counsel for extended periods and sometimes denied or permitted only minimal contact with family and friends.

d. Denial of Fair Public Trial

Civil and criminal cases, with the exception of those involving state security, are tried in a civilian court system in which civil rights are fully guaranteed. Persons charged with political and security offenses were until 1978 tried in military courts. The accused had no freedom to choose counsel and the proceedings took place in camera. Early in 1978, the Government announced reforms which included trials in civilian courts for political offenders and gave greater freedom in the choice of counsel. While these reforms were not fully implemented, the number of the political defendants tried and subsequently acquitted increased.

The effectiveness of the reforms is open to question, however. In Mahabad during the summer of 1978, 38 persons were arrested for political offenses, tried in a civilian court and acquitted. They were subsequently seized by SAVAK and ordered to stand trial in a military court. Fifteen of those arrested apparently remained in detention at the end of the year. In addition, the International League for Human Rights reported that its mission to Iran in November had revealed that political offenders continued to be tried by military courts, the reforms notwithstanding. Moreover, during the strike of oil facilities which occurred during the fall, the Government announced that striking workers who refused to return to work would be charged with sabotage and tried before a "special tribunal"; this was, in fact, not done.

e. Invasion of the Home

Iran's constitutional law of 1907 prohibits forced entry of a house and dwelling except in accordance with legal safeguards. In normal practice, police must apply to a local magistrate for a warrant if they wish to search a home.

Security elements in some instances entered homes without a warrant. In May, for example, Iranian soldiers forced their way into a religious leader's home and killed two persons seeking refuge there. The Government immediately apologized for this action and asserted that it was carried out by inexperienced troops who were disciplined for their misconduct.

Earlier in 1978, bombs were placed outside the homes of dissident leaders and several were beaten or threatened with violence. While the malefactors were never identified, they were suspected to be linked to the security police. The Government charged, in turn, that a sizeable number of homes and businesses were bombed during the year by oppositionists.

2. Governmental Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education

For more than two decades the Iranian Government has emphasized programs designed to fulfill the economic and social needs of the Iranian people. Large scale economic and social development plans have been pursued since the early 1960s, but the major impetus to development has come since 1973 when the dramatic increase in oil prices enabled the Government to invest more heavily in developmental activities. The Government has allocated two-thirds of budgetary outlays to economic development and social welfare programs. Per capita income had reached about \$2,400 by the beginning of 1978. The major land reform program begun in the 1960s ended Iran's feudal land tenure system. Health services have been extended to rural areas and serious efforts to reduce illiteracy have been undertaken. Life expectancy has been raised from 41 to 53 years.

The failure of the achievements to date to meet the needs and expectations of Iran's people has contributed materially to the strife which marked much of 1978. When emphasis was placed on industrialization, agricultural development lagged. The disparity between urban and rural income widened from 2:1 in 1959 to 3:1 in 1972. The population of Iran's cities has grown too swiftly for available housing and services. Income distribution is unbalanced; the most

prosperous twenty percent of the population received 63.5 percent of income in 1975, up from 57.5 in 1972; the share of the middle forty percent decreased from 31 percent in 1972 to 25.5 in 1975; and that of the poorest forty percent decreased from 11.5 to eleven percent. As the Congressional Research Service pointed out in a July 1978 study:

"While Government revenues and expenditures, real net national income, and capital formation have increased considerably, growth has not been balanced, waste has been extensive and the physical and social infrastructure has lagged behind objectives. Middle and low cost housing has been in short supply, and housing objectives have remained far from being met. It had been hoped that Iran's incipient inflation could be arrested during 1975-1978 with price controls and fixed profit margins, but shortages and an accompanying black market developed."

Inequities in wealth, income and opportunity have alienated youth and the intelligentsia. Corruption has done as much as any other factor to erode the accomplishments of development. Many Iranians believe that it has been widespread, reaching into the highest levels of the Government. There have been arrests of former cabinet ministers. The impact of corruption charges led the Shah to issue a code of conduct for the royal family which banned their involvement in any business or charity.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Thought, Speech, Press, Religion and Assembly

Iranian law prohibits the advocacy of communism, attacks on the monarchy or the basic tenets of the political system and the advocacy of violence. The interpretations given by the authorities concerning what constitutes violations of these prohibitions have in most instances limited freedom of speech, press and assembly. In 1978, however, the Government periodically permitted critical comment in pamphlets, at public gatherings, in the media and in Parliament.

Foreign language publications espousing many viewpoints, including some critical of Iran and the Shah, circulate widely. Domestic newspapers and journals were, until 1978, controlled closely by the restrictions noted above and received governmental guidance on foreign policy and security matters. While criticism of the Constitution, the monarchy and the "Shah-People Revolution" remained proscribed, the press through much of 1978 was permitted greater latitude to print articles and editorials critical of the Government. After a period of freedom, restrictions on newspapers and journals were tightened immediately following the imposition of martial law in September. Controls were later relaxed again. However, with the appointment of the military Government in November and the imposition of new controls over the press, journalists and other newspaper employees refused to work. Thus, during November and December, the regular Iranian press was effectively shut down.

Radio and television are government-owned and government-controlled. However, during the course of 1978, they were allowed to broadcast comment critical of the Government; for instance, they aired the Parliamentary debate in September which was highlighted by severe criticism against the Government. When efforts to reimpose tighter control were made in November, staff at the radio and television facilities struck rather than accept censorship.

Strikes in Iran are illegal, but a substantial number of wildcat walkouts occurred, and in the last quarter of 1978 much of the country was paralyzed by strikes in all sectors.

The Shi'a sect of Islam predominates in Iran, but the country has had a long history of religious toleration which has allowed such religious minorities as Christians, Jews, Zoroastrians and members of the Baha'i sect to practice their beliefs. One consequence of the strife in 1978 has been pressure from conservative Shi'a religious leaders against Baha'is, who are viewed by the Shi'as as heretics. As a result of this pressure, the Government removed several of its officials who are Baha'is. There have been instances of personal assaults

against Baha'is by mobs, especially in Shiraz. Other minorities continue to enjoy official protection and toleration, but they fear persecution under conditions of disorder.

Women benefited from the Government's social and educational policies during the last two decades. Moreover, in the past few years several high-level women's committees were formed to design and implement programs which would further women's rights in Iran. In the fall of 1978 these councils were abolished. Women's rights thus received a setback.

Restrictions on the right of assembly have been applied to persons seen by the Iranian authorities as advocating subversion, violence or Communist doctrines. These restrictions have been particularly tight on university campuses and have led periodically to clashes between security forces and student and other dissidents. The growth of popular discontent during 1978, however, made it virtually impossible for the Government and its security forces to prevent, much less control, unauthorized assemblies.

b. Freedom of Movement Within the Country, Foreign Travel and Emigration

The large majority of Iranians have normally enjoyed extensive freedom of movement within Iran and abroad. Some members of the opposition, however, perhaps as many as one hundred, were required to remain in villages and other points remote from their homes. The Government has on occasion denied passports to persons whom it suspected would, while abroad, engage in anti-government activities.

During 1978, a few opposition figures were denied exit permits, but others were free to leave; several in the latter group visited the United States and countries in Europe where they publicly criticized the Iranian Government.

The ability of the average citizen to travel abroad was restricted only by his or her ability to pay a \$350 exit tax and, in the case of wives and children under 18, the need to obtain permission from the husband or father.

This latter provision of law reflects the strong influence of Islamic culture in Iran.

Iranian law does not provide for emigration. However, Iranians who acquire citizenship in another country without previously informing the Government of Iran may apply to the Government for recognition of their new citizenship status. Such applications are usually approved. Also, Iranian citizens over 25 years old who have completed their military obligations may apply for a renunciation of citizenship, which requires the approval of the Council of Ministers.

c. Freedom to Participate in the Political Process

Since 1906 Iran has operated under a Constitution which establishes the monarch as chief of state. Iran has a bicameral legislature; the members of the Lower House, the Majlis, are elected by full adult suffrage as are one-half of the members of the Senate; the remaining one-half are chosen by the Shah. Candidates for office have, in the past, generally been permitted to run for election only if officially approved by the Government.

In 1976, a single political party (Resurgence), encompassing all Iranians, was created by fiat and until 1978 was the only political party permitted to operate. The Resurgence Party was seen as a means to mobilize support for the Government's development and modernization programs. In August, the Shah, in the face of growing unrest, lifted the prohibition on other political parties. The formation of thirty new political groups was immediately announced; over one hundred were eventually announced. The imposition of martial law in September, however, curtailed formal party activities.


4. Government Attitude and Record Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights

The Iranian Government cooperated during the year with the International Committee of the Red Cross and the International Commission of Jurists, both of which sent representatives to Iran to inquire into human rights conditions. The Government has not exhibited the same

spirit of cooperation towards Amnesty International. However, an Amnesty International Mission visited Iran in November and was able to conduct numerous interviews which led to charges of continuing torture and brutality by Iranian security elements. A two-member team from the International League for Human Rights also visited Iran in November where it found discrepancies regarding the release of political prisoners and the right of political offenders to be tried by civilian courts.

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IRAN

For the last three decades Iran has been engaged in a forced pace modernization of its economy and social system. During this period the Iranian Government has faced major internal and external challenges. Twice in this century, Iran has been partially occupied by the Soviet Union, whose objectives continue to be of major concern to the Iranian Government. Internally, Iran has faced strong opposition to its modernization and reform programs -- from both the entrenched landowners and conservative religious leaders and from the far left. Following a near takeover of the government by the communist Tudeh Party in 1953, the advocacy of communism was made illegal. In more recent years, small groups of extreme rightist and leftist terrorists, who have received substantial foreign support and training, have murdered a number of Iranian officials and six Americans.

Since World War II, Iran has given high priority to economic development, providing such human needs as health care, social services, housing and education, and to the national integration of an ethnically and linguistically diverse population. Political power increasingly was concentrated in the monarchy. The government has dealt firmly -- and at times harshly -- with persons from both left and right charged with committing acts against state security, or believed to constitute a serious political threat. Iran has relied on a military court system separate from the normal civilian court system when dealing with persons suspected of crimes against state security. Although procedures of this court have not adequately protected due process, some potentially significant improvements in this system were instituted during the past year.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture

The Iranian Penal Code prohibits torture and provides severe penalties for violators. While the Government

of Iran has not said so publicly, there are reliable reports that several relatively low-ranking officials have been tried and convicted for violations of the code. The Shah has publicly stated that torture is not now practiced.

The 1976 report of Amnesty International offered documentation on specific cases of alleged torture going as far back as the 1960s. Amnesty's 1977 report does not refer to any cases of torture. The International League for Human Rights 1976-77 annual review mentions torture. In Congressional testimony of October 26, 1977, the Chairman of the Executive Committee of the International Commission of Jurists (ICJ) stated that the ICJ was not aware of any case of torture in Iran for at least the previous ten to eleven months. The Department of State itself has received in recent months significantly fewer allegations of torture in Iran than was the case in previous years and does not believe torture has been used recently.

b. Cruel, Inhuman or Degrading Treatment or Punishment

Individual complaints as well as the reports of various international human rights organizations allege that prison conditions and the treatment of prisoners continue to be inadequate. The Government of Iran is attempting to improve prison conditions and treatment of prisoners. In 1977, at the initiative of the Iranian Government, the International Committee of the Red Cross twice inspected Iranian prisons. The U.S. Government has not seen the ICRC's reports of these inspections inasmuch as they are confidential and only for the use of the government concerned. Several foreign journalists also visited prisons within the last year. We believe the Iranian Government is committed to prison reform and that prison conditions have indeed improved.

c. Arbitrary Arrest or Imprisonment

Cases of arbitrary arrest and imprisonment have occurred. In 1976, it was our estimate that the number

of state security prisoners ranged between 3,100-3,700. During 1977, however, a series of amnesties and the normal completion of prison terms reduced the total to about 2,200, of which the large majority were in jail for crimes involving violence or conspiracy to commit violence.

Iranian law combines in one organization -- SAVAK (The State Organization for Security and Intelligence) -- the duties of both the police and the examining magistrate. In some cases, SAVAK has appeared to use its authority to arrest without a warrant anyone suspected of involvement in a crime against state security. Pursuant to the French system, from which the procedure was copied, SAVAK then has carried out an initial investigation and determined initial charges. Some individuals have been held up to several months while investigations were being conducted. During initial detention, counsel has not been provided for the detainee, and contact with family and friends has been prohibited or severely restricted.

Amnesty International and the ICJ have criticized the combining in SAVAK of police and magistrate duties and the holding of prisoners for lengthy periods, sometimes incommunicado, without formal charging. An ICJ official representative presented to the Shah specific proposals for separating the police and magistrate functions and Amnesty International has also discussed the possibility of change with the government.

We also believe that the separation of these two functions would improve due process procedures.

The Code of Military Procedures section dealing with bail and initial charges against detainees has been changed by an amendment, which went into effect in December 1977. The key portion of the wording requires that a detainee "be questioned within 24 hours after he is brought before the examining magistrate who shall thereupon issue an appropriate warrant, be it a warrant for the release of the accused on bail or for his imprisonment." The ICJ representative questioned

whether this wording will offer sufficient protection to an individual in view of possible delay before the arrested person is brought before the magistrate.

1. Denial of Fair Public Trial

Civil and criminal cases, except for the relatively few having to do with state security, are tried in the civilian court system in which full guarantees of civil rights exist. In its 1976 report, the ICJ examined this regular judicial system and found it generally satisfactory. Administrative reforms enacted in the summer of 1977 have significantly speeded up trials in these civilian courts. Students and others brought to trial in civilian criminal courts have come before a judge within four days to three weeks time, depending on the complexity of the case. This is a significant improvement over conditions which pertained through most of the 1970s.

Those accused of a crime related to state security, as defined in Iranian law, are tried before Iranian military courts and under the relevant legal code for these courts. Between 1973 and 1977 most of the state security trials were in camera, and the system appears to have contained important due process deficiencies.

Potentially significant amendments to the military court code came into effect in December 1977. Now "civilian defendants may make their choice among civilian defense attorneys" (Article 182). The same article grants "complete freedom to the defense counsel." Under Article 184, counsel is now granted "up to 15 days" (previously, five days) to study the case prior to trial. Article 192 has been changed so that "military tribunals shall always hold public sessions unless, in exceptional cases where a public session may be deemed to be against the public order, national interest or accepted moral standards." In the latter cases, the court will make a decision on the basis of the prosecutor's request for trial in camera. Article 203 previously declared that "in the pronouncement of the verdict, the judges are free subject to the provisions of law." The new wording says judges "subject to provisions of law and with due regard to the

character of the defendant will pronounce their verdict in complete liberty and independence."

The ICJ representative has stated that his organization views these amendments with "cautious optimism", while other non-governmental organizations have questioned the adequacy of the changes. The coming months should demonstrate the real significance of the changes and the extent to which important due process deficiencies have been removed.

e. Invasion of the Home

Iran's constitutional law of 1957 states "Everyone's house and dwelling is protected and safeguarded. No one may enter forcibly into any dwelling except by order of and in conformity with the law." In normal practice, police officials apply to local magistrates for a warrant when they wish to search a home. Security police have acted in some instances without such a warrant.

2. Governmental Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education

Meeting the economic and social needs of Iranians, particularly the poor, has been emphasized by the government for nearly two decades, especially since the Shah gained secure control of the government in the early 1960s and instituted major economic and social development plans and the reform program known as the Shah-People Revolution.

Iran has had five-year development plans since the late 1940s, but it has been only since the 1973 increase in oil prices that the government has had significant financial resources to implement its plans. Roughly two-thirds of the Iranian Government's total spending in the period 1973-78 can be classified as outlay for economic development and social welfare programs. Per capita income is now about \$2,000. The Shah-People Revolution emphasizes the fulfillment

of human needs. A major land distribution and reform program, initiated in the early 1960s, ended Iran's traditional feudalism and beneficially affected at least a third of the population directly and perhaps another 30 percent indirectly. An early reform involved a profit-sharing scheme for industrial workers. A more recent addition to the program provides a stock divestiture system to pass 49 percent of the ownership of certain industries to workers and farmers. A literacy corps has helped over two million Iranians to read and write. A similar program related to health has helped move the services of doctors and nurses out into rural areas. During the past 15 years, life expectancy has increased from 41 to 53 years. An extension and development corps gives basic technical advice to the rural poor. Houses of Equity have been formed in many villages to provide prompt court service in minor cases covering a wide range of subjects.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Thought, Speech, Press, Religion, and Assembly

Iranian law prohibits the advocacy of communism, attacks on the monarchy or the basic tenets of the political system, and advocacy of violence. The interpretations given at any particular time by the authorities as to what constitute violations of these prohibitions have on some instances limited freedom of speech, press and assembly.

Foreign publications of many viewpoints, including some sharply critical of Iran and the Shah, are widely sold. Domestic newspapers and journals (radio and TV are government-owned) are bound by the restrictions noted above and receive governmental guidance on how to treat what the government regards as sensitive issues -- particularly foreign policy and security matters. Government domestic policy and program implementation are discussed and criticized in the local media.

In a March 1976 report on Iran, an ICJ representative concluded that there are limitations on freedom of the press and freedom of speech resulting from the penalties which have been imposed for expression of dissent. In a brief comment in its November 1976 report, Amnesty International referred to "the suppression of political opposition" and an "atmosphere of fear."

The PEN American Center has protested the government of Iran's alleged mistreatment of some writers and urged the re-activation of the Writers Association of Iran. So far, the government has not permitted the re-establishment of the Writers Association.

According to law, labor in Iran is free to organize. The Iranian Workers Organization, a governmentally controlled union, represents 17 federations which in turn are composed of 750 unions having about 600,000 members. Strikes are illegal, but a substantial number of wildcat walkouts do occur.

The Shia sect of Islam predominates in Iran, but the country is proud and supportive of its long history of religious tolerance which permits religious minorities to practice their faith openly and participate fully in civil life.

Restrictions on the right of assembly are applied to persons seen by the Iranian authorities as advocating subversion, violence or communist doctrines. Restrictions have been particularly tight on university campuses and have led periodically to clashes between security forces and students and other dissidents. In November 1977, several gatherings involving students and others expressing opposition to the political system or complaining about alleged human rights violations were forcibly disbanded by the police. Some injuries resulted from this police action. About 200 individuals were arrested, but most were later released; fewer than 100 have been charged. It is expected that they will be tried for misdemeanors before the civil court system.

In January 1978, a clash took place in Qom between local police and demonstrators. The demonstrators were objecting to a newspaper attack on a conservative religious leader, living in exile in Iraq, on the anniversary of the land reform and liberalization of women's rights carried out by the Shah's government 15 years before. After unsuccessful police efforts to halt the protest march, shots were fired and up to 14 people were killed.

b. Freedom of Movement Within the Country, Foreign Travel and Emigration

Iranians enjoy extensive freedom of movement within Iran and abroad. The government has denied passports to some individuals who the government believes will engage in activities abroad detrimental to the country. The provision, rooted in Islamic law, that a wife must have her husband's permission to travel abroad and a child under 18 must have his father's permission can in effect also restrict freedom of travel. These latter restrictions have been eased over the past year.

Iranian law does not provide for emigration. However, Iranians who acquire citizenship in another country without previously informing the Government of Iran may apply to the government for recognition of their new citizenship status. Approval of such applications is normally extended. Also, Iranian citizens over 25 years old who have completed their military obligations may submit a renunciation of citizenship, which requires the approval of the Council of Ministers.

c. Freedom to Participate in the Political Process

Iran is a constitutional monarchy with a lower legislative body and a senate. The lower house and half the senate are elected under full adult suffrage. The other half of the senate are chosen by the Shah. Power and decision making are concentrated around the Shah.

Two years ago one political party (Resurgence), which by decree encompasses all citizens, was established. This is the

only political party permitted to operate in Iran. The Government's stated objective is to develop a broad political movement to support its development and modernization programs. Within the new party, there is critical debate, particularly on local bread-and-butter issues. Royal commissions and inspectorates, which have been increasingly active in recent months, directly criticize government performance -- often on TV -- and the press is attentive to problems of waste and corruption. Over the past 18 months, decentralization has begun to pass modest decision-making and resource-allocating power to provincial and local government units. Elected provincial councils comment frequently on local administrative shortcomings.

Some Iranians overseas, including students, regularly criticize the Iranian political system, including the limitations on political expression. Private letters objecting to specific aspects of the Iranian governmental system have been freely circulated in Iran recently. Amnesty International has objected to the creation of a one-party system.

4. Government Attitude and Record Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights

Until 1975 Amnesty International was the principal outside organization monitoring Iran's human rights practices. The Government of Iran, which was very irritated by Amnesty's criticisms of human rights conditions in Iran, particularly its allegation that there were 100,000 political prisoners, would not cooperate with that organization. During 1977, however, the Shah met privately with the Secretary General of Amnesty International and contacts with Amnesty have been maintained at other levels.

On the other hand, the Government of Iran has been more forthcoming in dealing with the International Commission of Jurists. In 1975 government officials cooperated extensively with ICJ officials who were

preparing a report on human rights in Iran which was published in 1976. The Chairman of the Executive Committee of the International Commission of Jurists had a long audience with the Shah in 1977, during which a number of amendments to the military penal code were discussed, many of which were enacted into legislation later in the year.

The Iranian Government invited the International Committee of the Red Cross to carry out two inspections of Iranian prisons. We do not know of any Iranian reply so far to the International League of Human Rights 1976-77 report. Finally, prison visits and interviews with prisoners by foreign journalists were arranged during 1977.