

INTERNATIONAL COMMISSION
OF JURISTS

109, route de Chêne
1224 Chêne-Bougeries, Geneva
Switzerland

MASTER

Human Rights and The Legal System In Iran

Two Reports by
William J. Butler, Esq.
and
Professor Georges Levasseur

INTERNATIONAL COMMISSION OF JURISTS
Geneva, Switzerland
March, 1976



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Preface

The International Commission of Jurists has for some time been following with interest and concern developments concerning the advancement and protection of human rights in Iran. In doing so it has sought to examine these issues with an understanding of the economic, social and political problems confronting the country. As is well known the movement towards greater parliamentary democracy since World War II has yielded to an authoritarian one-party régime under the firm control of the Shah. Under this régime important social reforms have been taking place under the name of the White Revolution.

Many reports have been received from time to time alleging violations of human rights, and in particular the severe repression of political dissidents, including the torture of political prisoners by the security force known as the SAVAK.

In 1975 the Commission decided to try to obtain further information relating to human rights in Iran, including economic and social rights as well as civil and political rights. To this end they arranged for two distinguished lawyers, Mr. William J. Butler, Member of the International Commission of Jurists and Chairman of the New York City Bar Association's Committee on International Human Rights, and Professor Georges Levasseur of the University of Paris II, to visit Iran. Like other visitors to Iran, they experienced great difficulty in collecting first hand information about the operation of the military tribunals or the organisation and activities of the SAVAK security police.

The International Commission of Jurists has decided to publish the reports of these two jurists as a contribution to the understanding of the legal system and the situation concerning human rights in Iran.

The authors wish to express their gratitude to all those who have assisted them in collecting materials for their reports, including in particular the officials of the Iranian government who kindly cooperated so fully with them, particularly in the Ministry of Justice and the Ministry of Foreign Affairs. Mr. Butler also received great assistance from Professor Ervand Abrahamian of Baruch College, City University of New York, and from a number of other Iranian scholars in the United States, in particular Professor Jerome Clinton of Princeton University, Professor James A. Bill of the University of Texas, Professor Richard W. Cottam of the University of Pittsburgh and Professor Marvin Zonis of the University of Chicago.

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Niall MacDermot
Secretary-General

International Commission of Jurists
Geneva, Switzerland
March 1976

Report on Human Rights in Iran

by William J. Butler, Esq.

I. Historical Introduction

Iran is a middle eastern country bounded by the Soviet Union in the North, Turkey and Iraq in the West, the Persian Gulf in the South, and Pakistan and Afghanistan in the East. It has an area of 636,000 square miles; equal in size to Turkey and Egypt combined. In 1975 it had a population of 34 million—the third largest in the middle east and north Africa.

The majority of Iranians (of Indo-European extraction) belong to the minority sect of Islam known as Shi'ism. However, although Islam remains one of the major forces infusing and shaping Iranian behaviour, the social heterogeneity of Iran is an obstacle to its achieving complete national solidarity. The tribal peoples such as the Kurds, Turkmens, Bakhtiyaris, Baluchis, and Qashqa'is continue to preserve an important degree of cultural and social autonomy as do the non-Islamic minorities, the Jews, Armenians, Assyrians, Zoroastrians and Bahais who have a social impact disproportionate to their numbers.

Iran has a monarchical system of government with the Shah as the Head of State. It has had a Constitution since 1906, but in reality the country has always been governed by an authoritarian plutocracy. The ruling elite, consisting of the Shah, the royal family, high ranking officers of the army and senior civil servants, wields absolute power. The division of power between the members of the court and the armed forces is delicately balanced so that in every instance of a threat to the security of the state the Shah has had to rely upon the continued loyalty of the army to maintain order.

IRAN BEFORE 1925

Iran is one of the oldest nations on earth having celebrated its 25th centennial in 1971. The ancient Persian Empire developed into a highly influential force in the contemporary world, annexing vast territories from the Nile to the Indus River to an already burgeoning civilization. However, from the 7th century onwards Persian imperial power fluctuated greatly and the empire became increasingly vulnerable to repeated invasions and imperialistic advances by foreign powers; first by the Arabs, Turks, Moguls and later by the west european powers. In fact as late as the mid-1950's Iran had been dominated by foreign powers and foreign economic interests with a constant economic and political instability.

From the early 19th century European powers with Great Britain and Russia playing predominant roles sought not only to influence Iran but to control directly the internal affairs of the country. This provided the social catalyst required to stimulate the growth of an enlightened liberal class in Iran.

Prominent Iranians began to go abroad for their education, adopted European habits, attitudes and political aspirations and demanded a greater voice in government. Their increasingly vociferous demands for a constitutional government forced the Shah to adopt a Constitution in 1906.

However, in practice the Shah was not yet willing to concede political power to others. In the following year with the help of the Russian Cossack military he imprisoned, executed or exiled many of his political opponents inaugurating a reign of terror in Iranian cities harbouring liberal dissenters. Civil war eventually broke out and the Shah was ousted in 1912. The period between 1912 and 1921 witnessed a series of foreign interventions. During World War I, Turkish, Russian and British troops occupied the country. Russia withdrew troops in 1917, but Britain which was heavily subsidizing the Iranian government, attempted to increase its economic control of the country's large natural resources—oil in particular. When negotiations for the granting of oil concessions to Britain broke down in 1920, Britain began to withdraw its troops and investment creating a power vacuum. After a long period of fighting the country was brought under control by Reza Khan, an army officer who was appointed Prime Minister in 1923 and, after deposing the Shah, succeeded him as the new Shah in 1925.

1925-1953

During his reign, Reza Khan managed, with some success, to stabilize Iran both economically and politically. Determined to rid the nation of foreign control, he built up a strong army (he considered that a large military force would provide the most cohesive factor) and centralized governmental power which had drifted back to the tribesmen and provincial leaders. Perhaps his greatest success was to renegotiate the Anglo-Persian Oil Agreement giving Iran a much greater share in profits derived from the sale of oil.

The 1930's and 1940's were marked however, by the recurring problem of foreign power influence especially in relation to the problem of oil concessions and profit sharing. The "oil issue" was a primary factor in encouraging the re-emergence of liberal and nationalistic sentiments in the 1950's concomitant increase in repressive government.

In the 1930's the Shah felt it necessary to strengthen ties with Germany. Germany was encouraged to supply Iran with heavy machinery, technicians and investment advisers in order to offset the influence of Great Britain and the Soviet Union. In 1939 Germany rivalled the Soviet Union in trade with Iran and when the Second World War broke out Iran declared its neutrality in order to preserve its good relations with Germany. Great Britain and the Soviet Union repeatedly requested the Shah to reduce the number of Germans in his country and to adopt a more impartial stance. His failure to do so provoked a British and Soviet invasion in Iran in 1941. The government surrendered and the Shah abdicated. The new Shah steered away from the autocratic authoritarian rule of his father, favouring a more liberal political

climate. Unfortunately the resultant relaxation of government suppressions merely fostered the re-emergence of suppressed political factions each competing in the quest for power to forward their own interests.

At the conclusion of the war the major powers (U.S.A., U.S.S.R., and Great Britain) continued their bid to extract further oil concessions from Iran. The Shah to the chagrin of his political opponents, used Iran's manifest advantage on the oil issue to force reciprocal concessions from these powers. In November 1946 Soviet troops were evacuated after the Iranian government agreed to support legislation in the Majlis (the National Consultative Assembly) granting the USSR certain oil concessions. In the following year the Majlis formally rejected the oil agreement with the USSR and ordered the government to seek a revision of the concessions granted to the Anglo-Iranian Oil company. The nationalistic members of the Majlis were determined to extract a more equitable share of the oil producing revenues and so caused a degree of instability within the government. For two years government changed hands repeatedly, each one unsuccessfully attempting to oppose the National Assembly.

Dr Mohamad Mossadeq, a staunch nationalist, was elected to the Majlis in the 1949 elections. He had in the 1940's pressed for social and economic reforms and a reduction of foreign influence, and was mainly responsible for the prevention of the ratification of the Soviet Oil Concession in 1947. He united the Majlis in a campaign of intense nationalism and adamantly opposed all forms of imperialism and foreign control. On March 15, 1951 the Majlis voted to nationalise the oil industry and when the new Prime Minister, Hosein Ala made no move in this direction, he was removed from office and replaced by Mossadeq.

Mossadeq's intense form of nationalism proved to be too much for both the Shah and foreign investors. When he nationalised the oil properties in 1952 the oil companies withdrew their experts and technicians and their governments imposed embargos on Iranian oil. The result was an almost complete cessation of the production of oil, revenues declined and the Iranian economy began to suffer from the loss of foreign exchange and foreign markets. As the economic and political situation became more strained (the underground communist party—the Tudeh Party—had re-emerged after attempting to assassinate the Shah in 1949, and was actually supporting Mossadeq), Mossadeq began to alienate himself both from the Shah and from the army. After diplomatic relations with Britain were broken off in October 1952 Mossadeq, faced with a chaotic situation, introduced repressive laws, censored the press and attempted to curtail political opposition, alienating many of his own supporters including the National Assembly. With the help of the United States, the army and the most conservative elements, the Shah ousted Mossadeq in August 1953. Considerable political power which had accumulated in the hands of Mossadeq was regained by the wealthy conservative ruling elite and the Shah set about to consolidate his position.

1953 TO THE PRESENT

The last 20 years has witnessed a more determined effort on the part of the ruling élite in Iran to eradicate, ruthlessly in many instances, Iran's perennial political and economic problems. The Shah, desirous of modernising and stabilizing his country and throwing off the foreign yoke, found it necessary to shift from a "loose authoritarianism" in the 1950's to a more repressive form of government in the 1960's described by one writer as a "royal dictatorship."¹ Faced with a worsening political situation in the early 1960's the Shah began to rely more heavily on the army, and the secret police (Savak) to suppress dissenters by whatever means.

It has been during the last two decades that human rights violations are alleged to have taken place on an unprecedented scale in Iran.

With the communist Tudeh party outlawed and the National Front in disarray after the downfall of Mossadeq, the Shah moved to consolidate his power. He carefully selected his Prime Ministers and fawned the wealthy conservatives in the Majlis. Martial law was imposed in 1953 (and remained in effect until 1957) allowing him to take an increasingly active role in the day to day operations of the government. In 1957 he formed the National Intelligence & Security Organisation (known as Savak) to control anti-regime activities both within and outside Iran. It has been reported that this agency was trained by the intelligence experts of the Israeli Secret Police and the American C.I.A. Its ranks now are said to number over 200,000 full and part-time employees. The chief of the Savak is appointed by the Shah and is directly assigned to the Prime Minister's office. The tremendous power wielded by the Savak is reflected in the fact that the chief is given the title of Deputy Prime Minister. The Savak permeates Iranian society and is reported to have agents in the political parties, labour unions, industry, tribal societies, as well as abroad—especially where there are concentrated numbers of Iranian students. In a period of a decade the Savak has established itself—together with the army—as a strong arm of the ruling elite: its methods of suppressing political dissent have been repeatedly condemned by many observers. Violations of human rights, committed both by the army and the Savak have been reported especially since the increasingly agitated political protestations of the early 1960's.

In May, 1961, one leader was killed and two injured in riots for higher pay and in January 1962 when students demanded free elections and the resignation of the Prime Minister, one student was killed, hundreds injured and three hundred arrested when Iranian commandos invaded Teheran University. National Front agitation against the government intensified and late in 1963 the Shah, supported by the army and the Savak, arrested virtually the entire National Front Council. All political activity was effectively suppressed.

1. Richard W. Cottam: *Nationalism in Iran*. University of Pittsburgh Press (1964).

The suppression of the political opposition culminated in 1975 the announcement by the Shah of the introduction of a one-party system. He made it abundantly clear in a policy statement soon after that no political dissent would be tolerated and that the long period of repressions commencing in 1953 would be maintained in order to eliminate once and for all the chronic political and economic "oscillations" that have afflicted Iran in the past. The Shah declared that

A person who does not enter the new political party and does not believe in the three cardinal principles which I referred to will have only two choices. He is either an individual who belongs to an illegal organisation, or is related to the outlawed Tudeh Party, or in other words is a traitor. Such an individual belongs in an Iranian prison, or if he desires, he can leave the country tomorrow, without even paying exit fees and can go anywhere he likes, because he is not an Iranian, he has no nation, and his activities are illegal and punishable according to the law.

II. The Suppression of Political Opposition

Mass Detentions following the Fall of Mossadeq, 1953-1959

After the downfall of the Mossadeq government in 1953, the Shah immediately began a campaign of mass detentions, mainly of two groups of Iranians: (1) the Tudeh Party and (2) the members of the National Front Organisation. Those in the military who had connections with Tudeh were either executed or given long sentences. Civilians who belonged to the Tudeh Party, on the other hand, were usually given prison sentences. It is estimated that approximately 500 military personnel were arrested or imprisoned, 50 of whom were ultimately executed. Several hundred civilians were arrested many of whom made confessions and were released after making public denunciations of the Tudeh Party. An unknown number were sentenced to prison. Dr Mossadeq, together with three of his cabinet ministers—Dr Shayegan, Dr Lutfi, and Ahmad Razavi—were sentenced in open court to prison terms varying from three years to three months. Dr Lutfi, having served a short term, was attacked by hooligans and died a few days later. The opposition claims that the police encouraged the attack. Dr Fatemi, the former Foreign Minister, was tried separately and executed in 1954. Karimpour Shirazi, an independent newspaper editor, died in prison awaiting a trial: the opposition claims that he was burnt to death; the police claim that he "fell out of the window." Also six other detainees,² most of them members of the Tudeh Party, died in Teheran jails.

Four hundred and seventy-one military personnel, together with 6 civilians, were tried *in camera* for having joined an outlawed political organisation, and for having endangered the "security" of the state, and collected information

for a "foreign power." Twenty-seven were executed; one hundred and forty-four were sentenced to life imprisonment accompanied with hard labour; one hundred and nineteen were given fifteen years each with hard labour; and one hundred and sixty-five were sentenced to terms varying from 3 to 10 years solitary confinement.³ In 1959, 4 military officers⁴ were executed for their earlier associations with the Tudeh Party and in the following year 5 members of the Tudeh party were executed in Tabriz.⁵ In the case of the latter the police failed to reveal the charges brought against them.

Political Trials between 1963 and 1975

Prime Minister Animi's moderate government between 1961 and 1962 attempted to temper the repressiveness of the previous decade. He introduced a variety of liberal reforms and strove to form a coalition government with the national front receiving strong popular support. In fact the popular response to these measures was such that political events began to threaten to veer out of the control of the Shah. This culminated in mass demonstrations in Teheran University in January 1962, which were brutally put down by the Shah's paratroops and army units, and nationwide mass demonstrations in June 1963 which were also forcibly suppressed by Iranian military forces resulting in an estimated 1,000 deaths in Teheran alone.

Following these explosive events the government stepped up its drive to eliminate political dissention. The following reports on cases involving human rights violations occurred between 1963 and 1975. In most of them those brought to trial alleged they were tortured or held in custody for excessively long periods before trial. Many received extensive prison terms and some were sentenced to death after being tried summarily.

The Trial of the Leaders of the Movement of Iran's Liberation (January 1964)

The movement for Iran's Liberation (Nahzat-i-Azad-i-Iran) was formed in 1961. Among other things it stressed constitutionalism. Three members of the organisation were detained in January 1963, another eight in May, and their collective trial commenced in January 1964. They were accused of organising a conspiracy to "undermine the constitutional monarchy." Professor Nichdi Bazangon, the main spokesman of the group alleged during the trial that one of his colleagues had been tortured.⁶

Ten months later, four defense lawyers⁷ were brought to trial for disseminating propaganda in favour of a group holding an ideology in opposition to the constitutional monarchy of Iran.

The Trial of the Leaders of the Socialist Society of Iran (September 1965)

The Socialist Society of Iran (*Jam'eh-i Sosiyalist-ha-yi-Iran*) was formed in 1960. It advocated socialism, and constitutionalism. Its activities were limited to holding discussion groups and translating western works into Persian. Four of its leaders were arrested in June 1965 and brought to trial in September 1965. They were accused of "endangering the security of the State and advocating an ideology detrimental to the constitutional monarchy of Iran."⁸

Dott. Giancarlo-Lannutti, who was sent by the Italian Committee for the Defense of Political Prisoners to observe the trial, reported:

The relatively light sentences are due to the fact that the court could not recognise the four guilty of any specific crime, but wanted despite this to 'punish' their 'antimonarchical ideas.' The impossibility of making specific accusations did not, however, hinder the Savak from subjecting the accused, with the exception of Maleki, whose precarious health gave cause for fear that he would not have stood up to the ordeal, to repeated and severe mistreatment. Shansi in particular was continually tortured in order to force him to confess to the crimes with which he was accused and which he had in fact never committed. This beating and mistreatment continued to the point at which he was driven to attempt suicide in prison . . . Maleki and his companions were arrested months before the trial. Until the trial they were not allowed to make use of the defense counsel. The document of accusation was neither shown to them nor given to them in copy. It was merely given a hurried reading during the first hearing . . . Of particular significance is the conclusion of the debate which took place at the reading of the verbal report. The President of the Military Tribunal announced to Maleki that he was absolved from all specific accusations but was still being sentenced to three years' imprisonment for having spread ideas contrary to the regime. What these accusations of spreading propaganda consisted of and what proofs supported it, it is impossible to find out . . . One last particular: the trial took place simultaneously with that of the 55 youths of the Islamic Party and in some cases the counsel for the defense used was the same in both trials. The simultaneous hearings of both cases made the already difficult and formal work of the defense still more complicated.

The Trial of Fourteen Intellectuals (September-November 1965)

In April 1965, one of the guards at the Marble Palace tried to assassinate the Shah. The guard was killed in the ensuing skirmish. The police immediately arrested fourteen intellectuals, most of whom had recently returned from British universities. Five months later they were brought to trial on charges of conspiring against the state, plotting to kill the head of state, and propagating 'anti-shahist' ideology. Although some of the accused received short sentences two were given life terms.⁹

Dr Hans Heldmann, who observed the trial on behalf of Amnesty International, reported:

It was evident that the defendants were severely tortured during the interrogations. [They were] stripped and confessions were obtained by whipping them. Cigarette burns could be seen on the backs and arms of the defendants. Nikkah was given electrical shocks. Kamerani was hung upside down. Bottles were inserted in Kamerani's anus and his rectum injured severely due to breakage of bottles. Kamerani had to be hospitalized. Kamerani's legs were injured by rubbing them with barbed wire. The injuries can still be seen. The injury inflicted from a hot rod is also visible.

Dott Cavaliere, an Italian lawyer who also observed the trial stated:

We discovered that these tortures included the use of special electric chairs with gradually increasing and intensifying shocks, insertion of electric wires in the ears and other parts of the body, insertion of articles in the anus, and hanging the prisoners upside down for long periods of time, always accompanied by whipping, breaking of teeth, and beatings with nightsticks.

A special correspondent sent to cover the trial reported in *The Economist* (November, 6, 1965):

Lawyers from Italy, Britain and Germany who attended the trial appear to have been most troubled by the failure of the prosecution to provide evidence of any kind of conspiracy . . . The evidence is a jumbled mixture of criticism of their left-wing leanings, their possession of Marxist literature, their political activities as students in England, their support for a taxi driver's strike in Teheran, and, in Mr Mansouri's case, a strangely produced confession. According to the prosecution this all adds up to a plot with a Peking label. Outsiders, who do in fact appreciate the unusual chance they were given to listen in, remain uneasy and unconvinced by what they learnt.

The Trial of Fifty-five Members of the Islamic Nation's Party (February-March 1966)

Fifty-five members of the Islamic Nation's Party were accused of conspiring to overthrow the government and receiving arms from an unidentified "foreign country." Most of the accused were high school and college students, some were minors. At the trial, the accused complained that they had not been permitted to examine the case against them and had been tortured while in detention.¹⁰

An observer who was sent by the International Association of Democratic Lawyers to observe the trial, but failed to gain admission to any of the sessions, stated in his report: "Although the secrecy of the trials is never admitted and it is claimed that all the trials are open, no one, Iranian or foreign, can be present, without obtaining special permits . . . The interrogations from the defendants have taken place in total secrecy and none of the defence attorneys have been allowed to help the defendants. The main defendant Bujnourdi has

been severely tortured. The local press has given no reports about the manner of the trial and only briefly reported the beginning of the trial and the court sentences.”

The Trial of Seven Members of the Tudeh Party (April–May, 1966)

Seven members of the Tudeh Party were arrested in July 1965 and brought to trial in April 1966. The two leading members of the seven were accused inter alia of “advocating an ‘armed uprising,’ attempting to ‘subvert’ the armed forces, and conspiring to carry out ‘espionage activities.’” The prosecution declared in court that anyone opposing the “Constitutional Monarchy” deserved the death sentence. Foreign lawyers were not allowed into court; a Belgian lawyer was admitted to the final appeal session.¹¹

Hekmat-Ju, who was serving his sentence in Qasr prison outside Teheran, was transferred to the special interrogation centre of “Komiteh” on May 16, 1974. Three weeks later, the police announced that he had died of “ill health.” His family was refused permission to see his body.

The Trial of Fourteen Intellectuals and Students (December 1968–January 1969)

Fourteen intellectuals and students were accused of forming an illegal organisation, collecting arms, and planning an armed uprising.¹² A special correspondent reported in *The Times*, 6 January 1969:

The military tribunal in which the 14 accused are being tried entered a new phase today when most of the defendants alleged that they were tortured by the security police.

The harshest accusation came from Abbas Sourki, who said he was kept awake for 50 hours during the interrogation, then given a beating which led to his admission to an army hospital, where the interrogation was continued as he lay in bed. It was under these conditions that he signed the confession dictated to him, he said.

The court, presided by Brigadier-General Agahian supported by three army judges, has set a precedent here by allowing the defendants and counsel to speak out uninterruptedly.

An American lawyer, Mrs Assheton, who observed the trial on behalf of Amnesty International, stated in her report:

It was obvious that defendant Shahzad had difficulty with his hearing during the trial; according to rumours his hearing had been damaged by electrical charges placed into his ears. He was the first of the six defendants who declared, on the third day of the trial, that their phoney confessions had been extracted from them through the intensive use of torture . . . It seems that Jazani had a broken bottle inserted into his anus. Zarifi was hospitalized for 12 days then tied to an iron chair

with a fire lit underneath. It appears that these tortures were inflicted ten to twelve months before the opening of the trial.

Seven of the defendants—Jazani, Sourki, Afshar, Sarmadi, Zarifi, Kalantari and Chupenzad—were killed in prison in May 1975. The prison authorities announced that they had been shot while trying to escape. The opposition papers declared that they had been murdered while serving their sentences in different prisons.

The Trial of Eighteen Students (December 1970–January 1971)

College students and young professionals, were detained in March 1970 and brought to trial nine months later. They were accused of forming an illegal organization, “endangering the security of the state,” intending to cross the border illegally, planning bank robberies, and conspiring to smuggle arms into the country.”¹³

Dr Hans Heldman, who tried to observe the trial on behalf of Amnesty International was expelled from the country. However, Thierry Mignon from the International Federation of Human Rights was able to observe some of the sessions. In his opinion the defendant’s allegations that they had been tortured were confirmed at the trial. He reported that two of the prisoners (Hassan Nikdavoudi and Ayatokat Soyyid Mohammad Reza Khurasani) had recently died under torture concluding that “Savak regularly and systematically uses torture on those it considers to be a threat to the regime.”

The Trial of 100 Persons between January and March 1972

In mid-1971 over one hundred individuals, some of them former members of the Movement for Iran’s Liberation, were detained. In January 1972, 56 of the detainees were brought to trial in two separate groups. They were accused of “endangering the security of the state,” planning to hijack planes, collecting arms, and conspiring to rob banks.¹⁴

Jacquelyn Portelle, who travelled to Teheran on behalf of the International Federation of Human Rights reported:

The objective of the mission that was given to me was to attend as an international observer the trials of a group of engineers, doctors, and university students who had been arrested since August 23, 1971. there were, specifically, statements of concern about the fate of the following: Muhammad Hanifnezad, Ali Askhar Badi’zadegan, Sayyid Mu’sen, and Kazem Shefi’iha. I must confirm that these individuals have been tortured severely.

A special correspondent wrote in *Newsweek*, (23 April 1972):

As a result of Savak witchhunts, hundreds of suspects have been arrested without charge and tortured to provide leads for further arrests. At least a dozen suspects have committed suicide rather than submit to interrogation by the police. Those who have appeared in court have not had it much better. According to observers allowed into the initial sessions in January, there was no cross-examination of witnesses and the defense attorneys—officers and ex-officers—who had been given crash courses in military law—often spent no more than five minutes pleading the cases of men who faced the death penalty. When foreign reporters and jurists criticized the proceedings, the regime closed the trials, refusing even to admit the parents of the defendants.

The Trial of Writers and Artists (January 1974)

Twelve artists and writers were arrested in October 1973 and brought to trial in January 1974. They were accused of forming an illegal organisation, planning to assassinate the Head of State, and conspiring to kidnap other members of the Royal Family.¹⁵ Foreign lawyers and journalists were not permitted, to attend the trial.

In 1971 an armed conflict occurred between the army and a group of approximately 15 individuals belonging to left-wing organisations operating as guerrilla bands in northern Iran. Some were killed during the skirmishes and others were executed by the government summarily. Since February 1971 over 150 guerrillas have been tried for "terrorist" activities against the state. All were tried *in camera*; 65 were sentenced to death, some being executed before their trials were made public.¹⁶

Since then increasing numbers of dissenters from intellectual and left-wing organisations (engineers, writers, teachers, lawyers, civil servants and university students) have been arrested and detained for indefinite periods. Since 1971 of the 424 known individuals who have been imprisoned for charges relating to actions against the security of the state, 75 have been executed, 55 have been given life sentences, 33 have been sentenced to between 10 to 15 years imprisonment and others have been given lesser sentences. Also 50 have been killed in skirmishes with the police, 9 have been killed in prison, presumably while trying to escape, and the opposition press has named 16 prisoners all of whom have been killed under torture.

III. Human Rights and Fundamental Freedoms

Iran ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of the United Nations on June 24, 1975. Pursuant to Part II Article 2 of each of these Covenants Iran has undertaken to give effect to the rights set forth in these Covenants.

Economic and Social Rights

Iran has already taken important steps towards the implementation of many of the principles set out in the International Covenant concerning Economic Social and Cultural Rights.

The Shah, through the declaration of the fourteen principles known as the "White Revolution" has laid the foundation for social change.

THE WHITE REVOLUTION

In January 1963, the Shah embarked on a comprehensive programme of social reforms in an attempt to broaden the public support of his regime. At the First All-Iran Farm Cooperative Conference he announced his new programme—referring to it as: "The revolution of the Shah and the people." He dramatized his announcement by calling for a national plebescite on January 26, 1963 to demonstrate public approval.

Between 1963 and 1967 the Shah formulated 12 primary objectives upon which the reforms were to be based. They were:

1. Abolition of the peasant-landlord tenure and redistribution of all landed estates which were not being cultivated by the proprietors themselves.
2. Nationalisation of forests and the conservation and better use of lands generally.
3. Public sale of state-owned factories to cooperatives and private individuals to finance land reform and to create investment opportunities for the public generally.
4. The introduction of profit sharing in industry—between workers and owners.
5. Electoral law reform on the basis of equal and universal suffrage.
6. The formation of an educational corps of high school graduates who during their military conscription would act as primary school teachers in rural areas to combat illiteracy.

7. The establishment of a health corps composed of doctors and dentists giving free medical attention in rural areas and providing training in sanitation and health standards.

8. The establishment of a reconstruction and development corps to help modernize farm life and agricultural methods and increase farm productivity.

9. Reformation of the rural courts of justice: to improve the judicial system in the villages and towns where long delays and distances hampered or prevented the prompt administration of justice.

10. The nationalisation of waterways to encourage the conservation and the better use of Iranian water resources and to stimulate research in that field.

11. The commencement of national reconstruction on a greater scale in rural and urban areas.

12. Implementation of administrative reforms including the modernization, reorganisation and decentralization of government and agencies and the civil service generally.

Some of the achievements of the White Revolution in the fields of land reform, education and literacy, health, women's rights, industrial ownership and equitable pricing, are set out in Appendix B. They may be summarised as follows:

LAND REFORM

The Land Reform Programme has resulted in the purchase and redistribution of 16,351 villages (out of a total of approximately 54,000 villages) to millions of Iranian farmers. It is estimated that as of 1975, over 12,500,000 persons, including farmers and their families, have become owners of their land. Although the evidence tends to show that the productivity of these lands has substantially decreased, the government is now attempting to increase production through the development of rural cooperatives, rural houses, educational programmes pertaining to the use of seed, fertilizer and water and financial institutions to aid the farmer to work his land more productively.

EDUCATION AND LITERACY

Iran, with an illiteracy rate of approximately 65%, has undertaken a large-scale programme to raise the literacy level of its people. In addition to the creation of colleges and universities through contacts with universities of learning throughout the world, Iran has also created a Literacy Corps which travels from village to village initiating literacy programs among the people. In the first ten-year period ending in 1974, it is estimated that this Corps helped 2,200,000 children, youths and adults to achieve literacy in the villages and over 600,000 in urban centers. Today, over 100,000 young men and women are serving in the Literacy Corps. It is hoped that the increasing number of schools and teachers and the activity of an expanding Literacy Corps, will lead to a dramatic increase in the

overall literacy level of the country. Expertise, however, in this field falls far behind the ambitions of the government and may retard the development of this institution for some time.

HEALTH

In the thirteen years since the proclamation of the White Revolution, the average life expectancy has increased from 41 years to 53 years. This bears witness to the improvements in medical care provided by the increased number of physicians and hospitals.

The Health Corps has enabled over one-third of the rural villages to receive medical help. Seventeen million Iranians have been vaccinated and over four million patients were treated by the Health Corps in rural areas in 1974.

Although only one-half of the rural population does not at present receive medical aid, it is hoped that all Iranians will have access to medical facilities by 1982.

WOMEN'S RIGHTS

Until 1935 every Iranian woman was required to wear a veil. They were unable to obtain jobs in government, go to a university, or engage in a profession.

In 1935, Reza Shah unveiled Iranian women and since 1963 women have been given the full franchise rights described in principle 4 of the White Revolution. Today, women are found in the medical, teaching and legal professions and the number of girl students has increased in ordinary schools from 506,532 to 1,168,001 in 1972. Even more striking are the number of women attending institutions of higher education, which rose from 3,839 in 1962 and 28,869 in 1972. Iranian women have also been protected by law from the unilateral prerogative formerly given to men with regard to divorce and polygamy.

Civil and Political Rights

In the field of civil and political rights, it must be said that, except in the field of Human Rights for women, the Iranian government has not implemented the basic and fundamental civil and political rights of its citizens.

By way of justification or explanation it is sometimes argued that rapid progress cannot tolerate political dissent in any way, and that a developing country must repress the violent acts of terrorists who seek to destroy national progress.

However, it is to be hoped that, with the development of its fundamental institutions and ethics as embodied in programmes relating to land reform, public health, education and the Literacy Corps, the modernization of industry and agriculture, the development of water resources and the distribution of the

national wealth, the Iranian government will feel able to implement the basic civil and political rights as the best guarantee for the stability and security of the nation.

THE IRANIAN BILL OF RIGHTS

Since 1906 Iran could theoretically be regarded as a constitutional monarchy. The Constitution of 1906 and the supplementary law of 1907 constitute the legal basis of the governmental system.

The supplementary law of 1907 contained 18 articles which are sometimes referred to as Iran's "Magna Carta." In addition to providing for the separation of the legislature, judicial and the executive powers, it specifically guarantees to Iranian citizens:

Equal rights under the law. Personal safety under the law. Rights against summary arrest. Rights against forcible entry into homes and dwellings. Rights against summary exile. Rights against dispossession and confiscation, and rights against forced transfer of legal venue.

Each of these guaranteed rights, however, are subject to the proviso "except in conformity with the Law," a clause which has come to mean "except when the Shah determines otherwise."

PRESS FREEDOM

The Law theoretically guarantees freedom of the press from censorship, "unless they are heretical or in violation of the applicable press law," and freedom to assemble peaceably and form societies "not prejudicial to public order."

However, in practice there is no freedom of speech or freedom of the press.

The law strictly forbids any criticism of the Shah or the royal family. Article 16 of the Press Act of 1955 provides as follows:

Anyone who through newspapers, or magazines, or any other publications uses offensive words against the sovereign position, or the person of the King or the Queen, or the Crown Prince, shall be condemned to simple imprisonment ranging from one to three years.

There are two chains of newspapers, both published in Teheran. These two companies, Ettela'at (government controlled) and Keyhan, print 75% of everything published in the country. There are no newspapers in cities such as Tabriz, Shiraz or Isfahan. Each paper has a circulation of approximately 120,000, with the Keyhan being the more advanced, polished and sophisticated of the two.

The radio and television is tightly controlled by the government-owned NIRT—National Iranian Radio and Television—the only broadcasting organization in the country.

Because the illiteracy rate is so high—almost 65%—only about 300,000 out of a population of over 32,000,000 read newspapers.

Although there is no systematic censorship, tight control over material published is effectuated through control of advertising, control of newsprint, severe sedition laws, past practices of the government in closing newspapers in the summer of 1974 critical of government policies, and through control of information coming from government. All these methods have a very chilling effect on editors and are most effective in suppressing any anti-government comment.

THE JUDICIAL SYSTEM

The Shah through his Prime Minister appoints all judges, at all levels, throughout the country. He also appoints the Public Prosecutor and his staff and may dismiss them at will.

Under the reign of Reza Shah substantial attempts were made to modernize the Iranian legal system which had traditionally been composed of two bodies of law; the Shari'a or religious law and the secular law known as the Urf. They were administered by the Islamic clergy and the Shah's government respectively.

From 1926 a modernized legal system was adopted based on the French legal system. In the 1920's Parliament promulgated extensive legal codes such as the 1925 penal code and the civil code enacted in 1928. At present this system continues, and all courts (except the military courts) are organised under the Ministry of Justice and are obliged to render verdicts in accordance with established codes of law.

The writer was told that there has been a considerable number of resignations from the judiciary owing to the low pay of the judges. This is to be regretted. Apart from the loss of judicial skills, adequate remuneration is an essential safeguard for the independence of the judiciary.

The Civil Courts. There are 82 high courts (2-5 Judges), 220 district courts and approximately 2,053 judges (45 of them women) throughout the country.

Radical reform has taken place in the administration of the law by the creation of Arbitration Councils and Houses of Equity.

Houses of Equity created in 1963 now number 9,000 and are operating in 16,103 villages. They are presided over by members elected by the local voters to a council of five members (2 of which are alternates). Members serve without compensation and exercise limited civil and criminal jurisdiction.

The Head of the village carries out judgments which are recorded. Complaints are guided through the process by a member of the Literacy Corps. All judgments are subject to review by the Chief of the Court and the Minister of Justice may dissolve any House of Equity if he feels there has been an "irregularity or negligence in the fulfilment of duties.

Arbitration Councils created in 1966 now number 250 (mostly in big cities). Over one-million cases are adjudicated by these institutions every year. They are composed of five "locally dependable men elected for a term of three years by the inhabitants of the district where the council has been set up." (again

three regular and two alternate members) Each must be over 35 years of age, "reputed for piety, honesty and devotion to religion" and be able "to read and write." (By contrast, members of Houses of Equity can be illiterate). Government employees, members of the armed services, and employees of government corporations, as well as attorneys-at-law, cannot be elected to the Councils. They have civil and criminal jurisdiction (up to 10,000 rials in civil cases and up to two months in jail for penal offenses). The Councils are supervised by the head of the District Court of First Instance.

These new legal entities have replaced the religious courts and other informal courts usually presided over by the Head of the village, and these new procedures seem to be fostering a new respect for the law on the part of the population. Codification of the law and the safeguards built into the new systems are a far cry from the old methods when a case could be determined by personal bias, religious prejudices, local influences and even the outright bribery of the decision-makers.

As far as the more formal courts are concerned, it was noted that young judges are resigning in alarming numbers, chiefly because the pay is so low (approximately \$500 a month) that the judges are not able to pay their rent. This fact, coupled with a shortage of lawyers arising from the rapid expansion of the country, makes a career in the judiciary much less attractive and lucrative than private practice.

Military Tribunals. Military tribunals come under the Procurator General of the Armed Forces; they have a separate military code to guide their actions, decisions and punishments. In addition to handling cases involving military personnel, these courts have jurisdiction over:

1. Political cases involving crimes against the State and crimes against the Shah. (It is reported that all crimes involving subversion are brought before military tribunals regardless of the military or civilian status of the accused).
2. Armed robberies on highways.
3. Smuggling and production of narcotics.

In all these cases the military tribunals impose much harsher sentences on prisoners than do civilian courts. Hearings are nearly always held *in camera*. The accused may be represented by a military Defender who may or may not be legally trained and who is usually chosen by the court and not by the accused.

THE SYSTEM OF INTERNAL SECURITY

There are a number of agencies which have the responsibility of maintaining security at the local and national level but the ultimate internal security of the country is maintained by the armed forces and the secret police (SAVAK) under the personal control of the Shah.

Arrests. The internal security of the country and the prevention of any kind of conspiratorial activity "detrimental to the public interest" has been turned over by law in 1957 to "the National Information and Security Organization,"

more commonly known as the SAVAK. Although the head of this organization is an assistant to the Prime Minister, the unit works very closely with the National Police and the Royal Iranian Army.

The enabling legislation, a copy of which will be found at Appendix A, gives SAVAK officers the power to act as "military magistrates." This, in turn, enables these security officers to arrest and detain suspects (the Iranian Constitutional requirement of arraignment before a magistrate within 24 hours is complied with by the officer acting as a "military magistrate") for long periods of time, sometimes turning over the prisoner to a military tribunal for trial and sometimes even releasing him after long periods of incarceration and even torture.

As a practical matter, most political arrests are made by decision of the Joint Committee of the National Police Force and the SAVAK. This Committee, presided over by the much feared chairman Sabeti, is the main investigative committee for internal security. It decides most cases and acts as sort of a clearing house receiving information from other security sources in the government and the Army.

This Committee has considerable power. In addition to the regular duties which it performs, it can enforce economic sanctions on individuals and their families. (e.g. by prohibiting the payment of wages to them). All government employees are subject to a general review by the SAVAK before employment. It maintains extensive files on individuals, including government employees.

The SAVAK operates throughout the world where Iranian students congregate and where Iran may have a national interest such as in the Middle East countries. It has been expertly trained by the Israeli Secret Service, the CIA and AID agents. It operates its own prison for interrogation of suspects and detainees and is accountable to no-one except the Shah.

There is no system to provide a check on abuses by SAVAK. Iran has enacted a statute providing for a "Conseil d'Etat" but has not implemented the enabling legislation.

One prominent Iranian said "the trouble is that once you are arrested by the Savak there is no place to go." There is no institutional check. Its power is nearly absolute.

Iran does have another institution called the Bazrassa (control), an ancient Persian method of allowing the people to petition the King. In Iran today the Bazrassa (or Commission of Royal Inspection) is a military committee which receives complaints inter alia of illegal and unwarranted police action. It has the power to investigate and reports directly to the Shah. Unfortunately, this institution is reluctant to use its authority over the police, and its timid attempts to curb police excesses are often in some mysterious way aborted.

Military Trials. In Iran, the civilian courts and the systems of military courts sit in a parallel position. While the Supreme Court is known as "the highest Court of Appeal," there is in fact no appeal from a military tribunal to the Supreme Court.

Another important development is the governmental decision in 1957 to transfer the trial of certain categories of crime to the military courts, such as the trial of (1) spies, (2) those carrying arms against the government, (3) those in collusion with or providing information to a foreign government and (4) those taking part in any action incompatible with the "security and order" of the country, or intending to further communism.

The judges are all military men. The law provides that in each district there is a Military Tribunal composed of three army officers. Each court has a prosecutor, an examining magistrate and a clerk. The examining magistrate prepares the case and prefers the charge.

It has already been mentioned that there is a right to a Defender from a panel but one appointed by the government. A list of Defenders is supplied to the accused and if he does not choose one the court then nominates one. He must be a member of the armed forces, and may have no legal training. In practice he does little to defend his client. Military Tribunals sit *in camera* and their proceedings are often unsatisfactorily brief. The executions of the judgments are carried out swiftly.

There is one appeal to the military Court of Appeal, composed of a presiding officer and four member—all officers. These courts are permanent.

Conditions of detention. The writer did not visit any prisons or interview any prisoners. However he had interviews with ex-prisoners and with relatives who described the prison conditions in some detail.

Different categories of prisoners are treated in different ways. Students are treated differently from dope smugglers, communists from general dissidents such as writers and poets and others whose activities are confined to the dissemination of ideas; as distinguished from political dissidents who rob banks or kidnap officials for political purposes. Also rich and well-known detainees are better treated than those who are poor or than a wildcat striker who refuses to work because of some petty injustice to him.

The prisons also have their categories, some being better than other, depending on their location or category of prisoners. Likewise, the type of treatment may depend on the detainee and his circumstances in life.

Torture and ill-treatment. Many allegations of torture by the SAVAK have been made by detainees. Sometimes these allegations have been made by defendants in open court, as in a number of the cases reported in Section II above. These allegations appear to be ignored or summarily dismissed by the military tribunals and no independent investigation of them has ever been ordered or made.

Journalists have frequently questioned the Shah on these allegations. In an article in the London *Observer* on 23 November 1975 Gavin Young stated, "In interviews, the Shah has never denied that torture exists in Iran. 'Every country uses it' he says in effect. 'Show me the country which does not.' He has simply denied that certain specific and publicized cases are true. And those denials have been pretty vague."

In the opinion of the writer there can be no doubt that torture has been systematically practiced over a number of years against recalcitrant suspects under interrogation by the SAVAK. The number of detailed allegations which have been made, the absence of any impartial investigation, and the fact that the SAVAK is, and knows itself to be, a law unto itself, point inevitably to this conclusion.

A particularly graphic and detailed account of his torture was given to the writer by a well-known Iranian poet, Reza Baraheni in September 1975. He was held for 120 days by the SAVAK, only to be released after agreeing to make a television recording condemning Communism. He was threatened, kept in a dungeon, beaten, whipped, and exposed to the sounds of screaming prisoners. The following excerpt from his statement describes the methods used to extract information from prisoners.

"Tie him up," Dr. Azudi ordered his men, and turning to me he said: "Go and lie down." There was a bed on the floor. There were also two other iron beds, one on top of the other, in another corner of the room. These last two, I later learned, were used to burn the backs, generally the buttocks, of the prisoners. They tie you to the upper bed on your back and with the heat coming from a torch or a small heater, they burn your back in order to extract information. Sometimes the burning is extended to the spine, as a result of which paralysis is certain. There were also all sizes of whips hanging from nails on the walls. The electric batons stood on little stools. The nail-plucking instrument stood on the other side. I could only recognize these devices upon later remembrance through description by others as well as personal experience. The gallows stood on the other side. They hang you upside down, and then someone beats you with a mace on your legs, or uses the electric baton on your chest or on your genitals, or they lower you down, pull your pants up and one of them tries to rape you while you are still hanging upside down. And evidently, great rapists, with very ingenious imaginative powers, have invented this style to satisfy their thirst for algolagnia (sadism). There were in the other torture rooms worse instruments which other prisoners would describe; the weightcuffs that break your shoulders in less than two hours of horrible torture; the electric shock instrument, apparently a recent introduction into the Iranian torture industry; and the pressure device which imposes pressure upon the skull to the extent that you either tell them what they want or let your bones break into pieces.

CONCLUSIONS

On the basis of the foregoing, the following conclusions may be drawn in relation to civil and political rights in Iran:

(1) The introduction of the one-party system of government, with candidates for Parliament being either appointed by the Shah or selected by a Committee under his control, is a severe limitation on the freedom of association and freedom of expression, as well as of the principles providing for a constitutional form of government contained in the Iranian Constitution of 1906.

(2) There are serious limitations on freedom of the press and freedom of speech resulting from the severe penalties which have been imposed for the

expression of dissent; limitations on the size and numbers of newspapers, radio and television stations; closing publications which express disagreement with government policies; arrest, imprisonment and intimidation of persons who openly question government policies. These appear to conflict with the principles of the Iranian Constitution and with Articles 18 and 19 of the International Covenant on Civil and Political Rights.

(3) The procedures and practices for the arrest and detention of political suspects by the SAVAK, the National Police and the military authorities effectively deprive such persons of their right to be brought before an independent examining magistrate upon arrest in order to ensure the legality of their detention.

(4) There is abundant evidence showing the systematic use of impermissible methods of psychological and physical torture of political suspects during interrogation. The Iranian authorities have not subjected this evidence to independent investigation.

(5) The trial procedures of political suspects before Military Tribunals deprive them of accepted standards of due process of law, including a "fair and public hearing by a competent, independent and impartial tribunal," the right to counsel so that he may defend himself "through legal assistance of his own choosing," the right "to examine or cross-examine state witnesses," the right "not to be compelled to testify against himself or to confess guilt," and the right to appeal before properly constituted courts, all provided for in Article 14 of the International Covenant on Civil and Political Rights.

IV. Recommendations

The Iranian government is respectfully urged to consider taking the following steps to ensure better protection of the rights of the individual in accordance with the international obligations assumed by the Iranian government, in particular by ratifying the International Covenant on Civil and Political Rights:

- transfer back to the civil courts the jurisdiction of military tribunals over civilians. If it is considered on security grounds that this is not at present feasible, steps should be taken to guarantee all defendants the fundamental processes of law contained in the Iranian Constitution of 1906 and in Article 14(3)(a) to (g) of the International Covenant on Civil and Political Rights;
- guarantee the independence of the judiciary, and ensure that judges are adequately remunerated;
- encourage greater freedom of criticism and comment in the press and other media;

- grant a general amnesty to those arrested, indicted or sentenced for expressing criticism of the Iranian government or its policies as distinguished from those who have incited or committed acts of violence;
- permit international legal observers and members of the foreign press to attend trials and appeals of political dissidents;
- revoke the authority given to certain officers of the SAVAK in 1957 "to act as Military Magistrates and assume the responsibilities of such office" and transfer this jurisdiction back to the military, or preferably to the civilian courts;
- institute strict administrative procedures to prevent torture or ill-treatment of persons in custody;
- arrange for the impartial investigation of complaints of torture or other ill-treatment, and if they appear well founded bring the offenders to justice;
- strengthen the authority and effectiveness of the Bazrassa as a check on abuses of power at lower levels; people should be encouraged to bring complaints of social injustice to it;
- encourage the Iranian Bar Association and the legal profession to become more active in defence of human rights. A Committee on Human Rights of the Iranian Bar Association could play a useful role.

Notes to Section II

2. Hussein Hariri
1st Lieutenant Munzavi
Muhammad Kurcheq Shustari
Zakharian
Abu al-Fazel Farahi, and
Vartan Salarkhanian

Six members of the Tudeh Party died in the Rasht jail:

Muhammad Taqi Iqdamdust	Sabz 'Ali Mohammad Pour
'Ali Bolandi	Mohammad Taqi Mahbubkar, and
Hormuz Nikrah	Parviz Fakharahi

3. Executed:

Colonels Hussein Siamak
Muhammad Jalali
Muhammad Mubashari
Ali 'Akbar 'Aziz Namini
Kazem Jamshidi
Amir Afshar Bekshalu

Majors Jafar Vakili
Nasrallah 'Itar
Hushang Vazirian
Qulam Hussein Muhbi
Muhammad Reza Behnia
Arstu Sureshian
Rahim Behzad

Captains Mir Ahmad Madani
Nurallah Shafa
Muhammad 'Ali Va'iz Qayim

Lieutenants Abbas Afrakteh
Muhammad Valeh

Hussein Kalali
Ahmad Mehdian
Mustafi Biati
Mansur Kalhuri
Isma'il Mahquq Davani

Manucher Mukhtari
Hussein Nasiri
Hussein Marzevan
civilian Murteza Keyvan

Life imprisonment (commuted from death):

Habiballah Ali Akbar Fazlallahi	Ismail Nabati
Habiballah Reza Purman	Ali Qassemllu
Muhammad Jafar Khan Afshang	Ali Saberi
Abdulsamad Khir-Khah	Hussein Maleki
Muhammad Vidafir	Hussein-Qali Heshmati
Murteza Sadr al-Ashrafi	Abdullah Berdin
Mehdi Abdulvhab Humayouni	Samad Pur-Assadallah
Ibrahim Khalili	Qulam-Hussein Buqini
Ardashir Vasiq Keshtakir	Qulam-Reza Nasiri
Hadi Efkar	Ibrahim Sulayman Unesbaneh
Yadallah Shayidi Zandi	Sulayman Basiri-Tehrani
Muhammad Shahsar	Abbas Abu al-Qassemzadeh
'Ali Arhami	Khusro Muhammad Ali Pouria
Mir Hamzeh Yaqubi-Shahir	Ali Akbar Hirbed
Ni'matallah Manucheri	Houshang Ibrahim Sultani
Kazem Minunejad	Muhammad Ali Abdaljavad Umuyi
'Ali Kurakhuhi	Kazem Sahil
Muhammad Pur-Mukhtar	Hussein Daftari
Hussein Razm-Pur	Muhammad-Hussein Mehrani
Muhammad Jafar Muhammadi	Muhammad Langari-Ferdousi
Akbar Hussein Dad-Khah	Taqi Keymenshi
Mukhtar Bani-Sayyid	Karim Zandravani
Houshang 'Ali Madi	Abutarab Baqerzadeh
'Ali Ifkhami Ardakani	Masud Muhammad Qurehchehdaqi
Abuqassem Muhammad	Abbas Baba Ferqaniab-Kenari
Qurehguzlu	Abu al-Fateh Vossuqzamani
Ismail Muhammad Fiyazi	

Life imprisonment:

Hussein Javid	Muhammad Darmishian
Key-Khosru Keshavarz	Ismail Taherian
Rahim Zhanfar	Abbas Uvqazi
Fatallah Pahlevan	Mansur Muhammad 'Adle
Muhammad Hussein Intezami	Javad Sh'ayi
Assadallah Kazemian	Abulqassem Budzarjamhuri
Abbas Rashidi	Muhammad Javad 'Iqlidas
Muhammad Rahnemun	Muhammad Qulqader
Abdul-Hussein Mumni	Muhammad Ishna'i
Ahmad Tiva	Qulam Abbas Forutan
Qulam Hussein Sakhmash	Manir 'Alavi
Mansur Ahmadi	Ali Akbar Zinali Yazdi
Hussein Fetrusi	Khalil Gudarzi
Nur Muhammad Rustumgavran	Muhammad Sadeq Rurafi
Abbas Pu-Mervadashti	Hussein Dusti
Ahmad Zila	Mahmud Pur-Aksi

Khalil Musuyan
 Rahim Shuva
 Abbas Majri-Bujustani
 Reza Arfi Askuyi
 Ali Akbar Islamdoust
 Ahmad Sultan Yeganenezad
 Ali Pur-Isma'il
 Abbas Ibrahim Islami
 Muhammad Khir Muhammadi
 Muhammad Baqer Anvari
 Nader Nerges Zanjani
 Basha Meshkuti
 Muhammad Tiveri
 Kazem Tabatabai Gilani
 Muhammad Mushraf al-Malek
 Iraj Homayoun-Pour
 Muhammad Yaqub Mahmud
 Gurgani
 Muhammad Qali Seqfi
 Ali Muhammad Afghani
 Muhammad Moqadam
 Timour Gelsurat Pahlevyani
 Abdul Hamid Samimi
 Iraj Erivani
 Zia Shahrestani
 Ramazan Nasr Isfahani
 Muhammad Sayyid Houshmandi
 Yousef Judi
 Hussein Rasulpour
 Reza Kalantari Janderani
 Muhammad Ali Meshkuri

Naser Pahlevan
 Qulam Reza Taqavi
 Muhammad Tamadundalal
 Ahmad Hussein Afsahr
 Hussein Vahabzadeh
 'Azim Vahabzadeh
 Khalil Sa'adat
 Naser Nurdasht
 Houshang Nisazi
 Reza Shletuki
 Manucher Muhammad Alizadeh
 Ibrahim Aslan Sultani
 Houshang Qurbannezad
 Mu'sen Rushna'i Tali'eh
 Parviz Mirbahai
 Abdullah Azadian
 Jahangir I'tizami
 Manucher Kiani
 Sherif Parviz Shahsani Bakhtiyar
 Abu al-Qassem Baharlu
 Naser Saber Fivuzi
 Ali Ashraf Sheja'yan
 Mas'ud Abu al-Fazl Maleki
 Muhammad Hussein Dustdar
 Khushqaleb
 Abdul Rahim Zarandi
 Hussein Ismail Husseini Sabzviri
 Mahmud Rahim Rehmani
 Ahmad Rahnama
 Hussein 'Ishizadeh
 Muhammad Ali Akbar Hunaryar

4. Khoustru Rouzbeh
 Ali Olavi
 Arsen Ovaression, and
 Houshang Pova-Razavani
5. Johansoh Azeri
 Hussein Zahteb
 Javad Azimzadeh
 Javad Yaranghi Elias
 Yavob Kalantari
6. The following sentences were given:

Professor Mehdi Bazargan	10 years imprisonment
Professor Yadallah Sahabi	4 years imprisonment
Professor Muhammad Talqani	10 years imprisonment
Dr. 'Izatallah Sahabi	4 years imprisonment
Ahmad Ali Babayi	6 years imprisonment
Abu al-Fazel Hakimi	4 years imprisonment
Mehdi Ja'fari	4 years imprisonment

Mustafi Mufidi	5 years imprisonment
Abbas Radnia	2 years imprisonment
Muhammad Basteh-Negar	4 years imprisonment

7. Ali Ashkar Massoudi
Azrzallah Aouir Rahrmi
Ali Akbar Shoffani, and
Ismail 'Ilmieh

8. The following sentences were given:

Khalil Maleki	3 years imprisonment
Hassan Sarshar	2 years imprisonment
Alijan Shansi	18 months imprisonment
Reza Shayan	18 months imprisonment

9. Ahmad Kamenani and Ahmad Manzanri

10. The following sentences were given:

Mohammad Kazem Musavi	death, commuted to life imprisonment
Bujnourdi	life imprisonment
Two (names not given)	15 years imprisonment
Five (names not given)	8 years imprisonment
Three (names not given)	

The others were given prison sentences varying from 5 years to 3 years

11. The following sentences were given:

Parviz Hekmat-Ju	life imprisonment
Ali Khavari	life imprisonment
Sulayman Daneshian	7 years imprisonment
Taqi Motemedian	7 years imprisonment
Abdullah Moharramzadeh	3 years imprisonment
Aslan Barahman	3 years imprisonment
Jafar Najarian	8 months imprisonment

12. The following sentences were given:

Bijan Jazani	15 years imprisonment
Abbas Sourki	10 years imprisonment
Ahmad Jalil Afshar	10 years imprisonment
'Aziz Sarmadi	10 years imprisonment
Hussein Zia Zarifi	10 years imprisonment
Mash'uf Kalantari	10 years imprisonment
Heshmatallah Shahzad	10 years imprisonment
Zarar Zahedian	10 years imprisonment
Muhammad Kianzad	8 years imprisonment
Muhammad Chupnezad	8 years imprisonment
Farukh Negahdar	5 years imprisonment
Keyvumas Izad	5 years imprisonment
Qassem Rashidi	3 years imprisonment
Majid Ahsen	3 years imprisonment

13. The following sentences were given:

Shakrallah Paknejad	life imprisonment
Naser Kakhsaz	life imprisonment
Masoud Butahi	life imprisonment
Salamat Ranjbar	10 years imprisonment
Davoud Salehdoust	10 years imprisonment
Mohammad Reza Shalgouni	10 years imprisonment
Hedayat Sultanzadeh	7 years imprisonment
Ibrahim Enzabinejad	7 years imprisonment
Naser Rahimkhani	7 years imprisonment
Mohammad Ma'zer	3 years imprisonment
Ahmad Sabouri Kashani	3 years imprisonment (commuted from life sentence)
Ahmad Faseli	2 years imprisonment
Hasehm Sogund	1 year imprisonment
Bahram Shalgouni	4 years imprisonment
Naser Jafari	3 years imprisonment
Farshid Jamali	1 year imprisonment
Farhad Ashrafi	1 year imprisonment
Navab Bushiri	1 year imprisonment

14. The following sentences were given:

Keramat Daneshian	death (believed to have been executed in February 1974)
Khousro Golsurkhi	death (believed to have been executed in February 1974)
Iraj Rehmatallah Jamshidi	life imprisonment
Abbas Samkar	life imprisonment
Timour Butahi	life imprisonment
Muhammad Reza 'Elamehzadeh	life imprisonment
Manoucher Sulaymani Moqadem	life imprisonment
Mariam 'Ettehadeh	5 years imprisonment
Sheku Farhangrazi	3 years imprisonment
Farhad Fesari	3 years imprisonment
Morteza Siahposh	3 years imprisonment
Ibrahim Farhangrazi	3 years imprisonment

15. The court gave the following sentences:

Muhammad Askarizadeh	death sentence
Ali Mehandoust	death sentence
Ali Askhar Badi-zadegan	death sentence
Muhammad Hanifnezad	death sentence
Sayyid Mu'sen	death sentence
Naser Sadeq	death sentence
Ali Bakeri	death sentence
Muhammad Bazergani	death sentence
Habib Doust-Delkhah	15 years imprisonment
Parviz Yaqoubi	10 years imprisonment
Hassan Rahi	10 years imprisonment
Mansour Bazergan	10 years imprisonment

Mustafi Molayeri
Hussein Madani

10 years imprisonment
10 years imprisonment

Life imprisonment

Ali Reza Tashid
Reza Bakeri
Kazem Shefi'iha
Musavi Naser Khiabani
Muhammad Ali Tashid
Hussein Khoustro-Shahi
Mehdi Khoustro-Shahi
Masoud Ismail Khanian

Jalil Ahmadian
Abdullah Mu'azemi
Naser Samvati
Bahman Bazergani
Muhammad Sayyid Kashani
Ahmad Hanifnezad
Fatehallah Arzang Khamnehi
Masoud Rejvi

8 to 5 years imprisonment

Samad Sajedian
Muhammad Ahmadi
Sulayman Farsi

Mehdi Firouzian
Muhammad Ali Rehmani
Hussein Baqer Qazi

4 to 1 year imprisonment

Muhammad Sadeq
Mehdi Khoustro
Abbas Davoudi
Hussein Mahsal
Muhammad Taqi Shahram
Muhammad Hiyati
Mehdi Mahsal
Muhammad Musbeh-Yazdi

Qulam Hussein Musbeh
Hamid Behrami Ahmadi
Muhammad Reza Shams
Naserallah Ismailzadeh
Muhammad Hussein Akbari
Farhad Safa
Dr. Muhammad Milani

16. The Tribunals passed the following sentences:

Death sentence (executed in March 1971)

Hassanpour Asil
Jalil Enferadi
Sha'allah Mushidi
Muhammad Hadi Fazeli
Ismail Iraqi
Muhammad Houshang Niri
Abbas Danesh Behzadi

Muhammad Ali Qandchi
Seifdalil Safai
Hadi Khuda-Langrudi
Morteza Iskander-Rahini
Ahmad Farhudi
Ali Akbar Farahani

Death sentence (executed)

Abbas Moftahi
Mehdi Savaluni
Kazem Salami
Majid Masoud Ahmadzadeh
Jafar Ardabilchi
Muhammad Taqizadeh
Askhar Harisi
Assadallah Foftahi
Hassan Sarkar
Ahmad Khormabadi
Qulam Reza Galui
Melki Tabrizi

Akbar Moyid
Sayyid Aryan
Yahi Aminian
Abdul-Karim Hajian
Behman Azhang
Ali Qali Mortezi Aresh
Ali Reza Nabdol
Hamid Tavakoli
Naser Madani
Hodayun Katirayi
Houshang Targol
Bahram Taherzadeh

Naser Karini
Sayyid Taheri
Muhammad Mofidi
Rashdu Isfahani
Rasm Mushkinfam
Muhammad Baqerabbasi
Sabri Maleki
Asud Maleki
Amer Maleki
Qarib Noruzadeh
Muhammad Havizavi
Abdullah Rashidi
Shanvah Rashidi
Malek Maleki
Valliallah Sheif
Ruallah Sheif
Mashallah Sheif
Kazem Zualanvar
Hejatallah Abdul
Bahman Monshat
Abdallah Rahmi
Mahmud Sadiq
Aziz Mostafizadeh
Monfared Ilahyar Rihani
Razaq Yasyanzadeh
Hamid Mosavi
Mahmud Ke'bi
Fakhr Haghvaleh
Mehdi Muhsen
Hussein Zia Zarifi
Houshang Delkhaw
Iraw Niri

15 years imprisonment

Qassem Arzpayman
Hassan Golshahi
Mu'in 'Iraqi
Khashyar Sanjari

10 years imprisonment

Ruhadi Muradian
Simin Nahavandi
Ali Mehdizadeh
Mahmud Mahmud
Taher Ahmadzadeh
Farkh Sarkuhi
Mrs. Shayegan
Shahin Tavakoli
Rezieh Daneshgari
Habib Farzad
Ali Behpour
Ezatallah Sahabi

Hussein Khushnevis
Muhammad Taqi Ahmedi
Muhammad Taqi Afshani-Nagoteh
Bahram Qubadi
Sirous Nahavandi
Manoucher Nahavandi
Abdul Rahim Sabouri
Abdul Hamid Toseli
Rahim Banai
Muhammad Ali Partouvi
Javad Rahimzadeh Iskoui
Mahmud Jalayir
Nehmat 'Eviz Mahmudi
Akbar Izdpaneh
Ahmed Gifayi
Kouresh Yektayi
Ali Reza Shekouhi
Muhammad Ahmadian
Hassan Dastparvardeh
Hussein Hashemi
Abdullah Razavi 'Emad
Ibrahim Avakh
Muhammad Sadat Darbandi
Mahmud 'Etayi Mahmudian
Hamid Jalelizadeh
Jalel Samsam
*Mehdi Iftekhari
*Fereydoun Qulam Hussein
*Mehdi Mostufi Koshdel
*(killed in May, 1975 in prison
trying to escape).

Ashraf Dehqan
Ali Reza Zamardian
Hussein Mentzer-Haqiqi

Karim Taslimi
Ibrahim Nezri
Hejatallah Avrezmani
Valiallah Keshfi
Muhammad Talebian
Ali Reza Kermi
Mahmud Afshar
Hussein Ezyi
Morteza Rehmatalahi
Heyatallah Tabib Ghoffari
Mehdi Taqrani

7 years imprisonment

Rahim Ansari-Lari
Mohammad Farsi
Mehdi Ebrishmchi

6 years imprisonment

Hussein Ardboushi
Abbas Davoudi

Ahmad Fateh
Abdullah Muhsen

The following 52 persons are reported to have died at the time of attempted arrest, either in ensuing shooting or by committing suicide:

Houshang Tizabi
Faramarz Sharifi
Mehdi Fazilat Kalem
Muhammad Reza Ahmadi
Jussein Mahmudian
Abdullah Borati
Hassan Rumina
Nader Shayegan
Parviz Poyan
Muhammad Ali Salmi
Rehmat Muhammad Nezeri
Hussein Nowzadi
Changiz Qubadi
Hussein Karini
Mehrnoush Qubadi
Ezat Shahi
Abbas Kalbi
Yusef Zerkar
Husseim Nowrozi
Iskander Sadeqnezad
Manoucher Bahaipour
Farkh Sepahri
Farhad Sepahri
Sirous Sepahri
Iraj Sepahri
Rehmat Pirvandiri

Nader Etayi
Muhammad Safari Ashtiyani
Assadallah Beshardoust
Mujtabi Khormabadi
Kazem Sa'adati
Ahmad Zibrem
Husseinjan Langvari
Marzieh Ahmadi Askouhi
Javad Salahi
Muhammad Rahim Sama'i
Mehdi Eshaq
Muhammad Reza Khansari
Ali Asghar Mentezer Haqiqi
Ahmad Reza'i
Muhammad Javad Hafezifar
Samin Razmavar Salahi
Ali Valipour
Qulam Hussein Elmzadeh
Reza Reza'i
Khashyar Sakhbari
Mansour Farshidi
Muhammad Reza Beheshnezad
Hassan Hamadani
Youresh Qadervardi
Morad Bek Berakhaz
Fatehallah Naseri

Appendix A

The Establishment of Security Organization Act, Approved in 1336 (1957)

ARTICLE 1. For the purposes of security of the country and prevention of any kind of conspiracy detrimental to the public interests, an organization under the name and style of "the National Information and Security Organization," affiliated to the Premier's Office, shall be established. The Chief of the Organization shall hold the rank of the Assistant to the Prime Minister and shall be appointed by a Decree of His Imperial Majesty the Shahanshah.

ARTICLE 2. The functions of the National Information and Security Organization are as follows:

a) Obtaining and collecting items of information required for the maintenance of national security.

b) Pursuing the activities which constitute a portion of espionage and the acts of such elements conducted against the independence or integrity of the country or those who act in the favour of an alien.

c) Repressing the activities of those groups whose establishment or management has been or will be declared as illegal; likewise preventing the formation of the groups whose aim or policy is against the Constitution.

d) Foiling conspiracies and plots against the national security.

e) Inspecting, discovering and investigating the following crimes:

1. The crimes which are provided for in the Treason Act, approved on 22nd Khordad 1310 (1931).
2. Misdemeanors and/or felonies provided for in Chapter One, Part Two of the Penal Code approved on 23rd Dey 1004 (1925).
3. The crimes mentioned in Articles 310, 311, 312, 313, 314, 316 and 317 of the Court-Martial Act 1318 (1939).

ARTICLE 3. The functionaries of the National Information and Security Organization shall, from the standpoint of prosecuting the crimes mentioned in this Act as well as discharging their functions, be considered as the military magistrates and in this respect shall enjoy all the authorities extended to the military magistrates and assume the responsibilities of such office. As from the date of approval of this Act, the permanent court-martials shall deal with all the crimes hereinabove mentioned.

Note 1. Discharging the functions of the National Information and Security Organization, to the extent that their functionaries are considered as military magistrates, shall by no means affect the functions charged to the military magistrates by virtue of the Court-Martial Act. Similarly, the provisions of this Act do not preclude execution of the laws, orders, administrative regulations

and stipulations concerning the functions of the military, Gendarmerie and Police functionaries in regard to assignments.

Note 2. Taking cognizance of the crimes which in accordance with this Act fall under the jurisdiction of the permanent Court-Martial, and those accused to have committed the said crimes who have been prosecuted by the competent authorities before the approval of this Act, where a bill of indictment has not been issued against the accused, the file so prepared shall be sent to the Military Prosecutor for taking cognizance and prosecution. In regard to those files wherefor a bill of indictment has been issued, cognizance shall be taken by the relevant courts.

ARTICLE 4. Where the employees of the National Information and Security Organization are accused of having committed an offense which concerns their functions or has a relationship to their duties or services, they shall be considered as the military personnel and military employees, and they shall be governed by the permanent court-martial, with due observance of the provisions of the Court-Martial Act of 1318 (1939).

ARTICLE 5. Articles of Memorandum of the Organization and internal employment and finance regulations relevant to this Act are enforceable with the approval of the Government.

Appendix B

Some Achievements of the White Revolution

LAND REFORM

For centuries the Iranian agricultural economy was based upon a medieval and feudal structure in which feudal landlords owned sometimes hundreds and even thousands of villages. Traditionally, the landlord controlled, not only the land, but the water, the seed and the implements necessary to till the soil. The peasant provided the manual labor. In the end, the landlord collected 80% of the crop and kept the peasants in serfdom. This pattern continued even after 1906, at which time there emerged a constitutional parliamentary regime. But this was more a matter of form than substance, for the landlords elected to the Parliament enacted laws to perpetuate their own interests and their own power.

Land reform began to take place as early as 1950 when the Shahanshah voluntarily distributed some of the Crown lands. At that time, the government submitted a bill to the Maglis which provided for a mild form of land distribution. But the effect of this bill, approved on May 6, 1950, was diluted by hundreds of amendments entered by the landlord deputies of Parliament.

Thus it was not until Parliament was dissolved in 1961 and the principles of the White Revolution were announced in 1962, that meaningful land reform could begin.

During this ten-year period the effects of land reform can best be summarized by referring to the specific data released by the government on the achievements of this program up to 1972 when the program was completed.

Number of villages purchased under 1st and 2nd Phases	16,351
Number of farms purchased under 1st Phase	946
Price paid for the above property	Rls. 9,920,677,554
Payment made by Land Reform in respect of first instalment	Rls. 3,139,419,224
Price of State lands distributed	Rls. 1,343,469,750
Number of farmers who obtained land under the 1st Phase	761,931
Number of owners who distributed their land under the 2nd Phase	18,636
Number of farmers who obtained land from them	156,046
Number of farmers who leased (and eventually sold) their lands to farmers	216,968
Number of farmers who obtained land from them	1,222,769
Number of owners who divided their land with farmers to form agricultural units	60,116
Number of farmers who obtained land from them	109,314
Number of farm corporations formed	27
Number of rural cooperatives formed	8,320

Further investigation reveals, however, that although there has been a massive redistribution of lands to the peasantry and the farmers, production from these lands has decreased up to 75%. The reason for such a drastic reduction has been that the Iranian government did not couple land redistribution with a program to equip and/or educate the farmer on how to use the land, i.e., the use of seed, fertilizers, water, efficient use of implements and efficient marketing systems. For this reason, many contend that the entire redistribution system has been a failure, except from the point of view of the landlords, who were compensated handsomely by money payments or by taking shares of stock in lucrative government corporations.

To correct this situation, the government has created four additional institutions in order to increase productivity. They are rural cooperative societies, medical insurance programs, agricultural joint stock companies and rural

cultural centers. In addition, the government has launched a 3 million rial program to free farmers from usurers who have loaned these farmers monies at exorbitant rates.

As of January 1972, 8,425 cooperative societies involving 38,262 villages had a membership of 1,723,071. These societies recently had been merging into cooperative unions with the help of the government and the agricultural cooperative banks. Likewise, the number of agricultural joint stock companies increased from twenty in 1971 to forty-three in 1973 and to sixty-five today.

A similar increase in the number of rural cultural centers is noted. From 776 in 1973, they increased to 1,001 in January of 1974 and their membership expanded from 98,000 in 1968 to 156,000 in 1974. In these centers, books, educational programs, training in the techniques of production such as the use of fertilizer, were provided without charge to the local farmer.

Although substantial results have already been achieved by these steps, the government admits that it will take years, if not generations, for the programs to reach their goals, for attempts to improve the health, educational and literacy level of the Iranian people must be carried out simultaneously if the programs are to bear fruit.

As a result of these programs many feel that a new class of Iranians is emerging together with the social institutions, political power and economic influence which are characteristic of such a development even in its incipient stage.

EDUCATION AND LITERACY

Several programs have been initiated by the government in an attempt to raise the literacy level of the country as a whole. It is estimated that, at the present time, approximately 35% of the population is literate. This, however, may be misleading in part since the literacy rate in some villages may be only 10%, whereas the literacy rate in large cities such as Teheran may be as high as 85%.

Notable are some newly instituted programs providing for (1) a completely new system of education, (2) the introduction of compulsory attendance at schools at the primary level, and (3) the creation of a Literacy Corps.

As to number (1), the new system brought about a major change in the structure of education in the country under which the school cycle, instead of comprising two 6-year periods of primary and secondary education is now divided into three periods consisting of a five-year primary period, a three-year academic guidance period and a four-year secondary period.

There is a substantial amount of "channeling" of students to technical and vocational courses in addition to the classical courses which had been customarily taught during the years when the Germans, Russians and Americans heavily influenced the conduct of education.

In regard to point (2), the law regarding compulsory education was initiated on April 7, 1972, to take effect on September 23, 1972 the beginning of the

school year. Under this law, all children between the ages of six to twelve must regularly attend elementary school classes in 50 selected areas of the country. Prior to that time, a similar law had been in effect in only 25 areas of the country. But by 1972 it was estimated that over half the country was covered by the law requiring at least five years compulsory education. To further enforce the law of compulsory education, the government in July 1974 enacted a statute punishing any parent who failed to send his child to school (up to 200,000 rials fine or for a second offender, up to three years imprisonment).

Perhaps a more striking comparison would be to compare statistics for the ten-year period commencing in 1963 and ending in 1973:

	<i>1963-1964</i>	<i>1973-1974</i>
Number of kindergartens in Iran	245	607
Number of children at kindergartens	12,949	40,987
Number of primary schools	12,451	33,930
Number of primary school children	1,719,353	3,646,421
Number of introductory schools	—	371
Number of introductory school children	—	906,338
Number of high schools	1,207	2,216
Number of high school children	326,856	746,885
Number of evening high school children	—	145,086
Number vocational schools	?	339
Number of vocational schools pupils	?	76,491
Number of teachers' training schools	?	870
Number of teachers' training schools pupils	14,968	36,835
Number of Technological institutes	—	11,563
Number of university students	24,456	123,000

(Source: Ministry of Education,
Ministry of Science & Higher Education)

It is estimated that during the 1973-1974 school year, 80% of the children in urban centers and 40% of the children in rural areas attended school. Although there was considerable difference in teaching standards from school to school, the new educational approaches were adding to the population approximately 1,000,000 literates per year. The demand for education became so great that the government on October 8, 1973 introduced teaching courses by television.

The establishment of the Literacy Corps in 1962-1963 was intended to help eradicate illiteracy in rural areas. At that time there were only 1.4 million students in primary schools throughout Iran. In the villages, however, there were only 640,000 students studying in village schools in that year. The rest of the village children had to do without education.

From 1963 to 1975, over 100,000 young men and women of Iran were called up for duty in the Literacy Corps. The results are impressive. Prior to this ten-year period, Iran's 50,000 villages had only 7,000 primary schools. By January of 1974, there were 21,652 schools in 20,416 villages, staffed by over 100,000 teachers, of whom the great majority were members of the Literacy

Corps. (Approximately 13,000 were women members).

It is estimated that during this ten-year period, the Literacy Corps helped 2,200,000 children, youths and adults become literate. During the same period, over 600,000 adults had become literate in urban centers through the anti-literacy committees set up in the major cities.

The government forecasts that by 1982, it will be required by law to offer educational facilities to every Iranian in urban as well as rural areas and that, as a result, every Iranian between the ages of ten and forty-five will be literate.

Independent observers, however, point to the lack of expertise, insufficient staff, and equipment, etc. as being a major obstacle to the reaching of this goal. Many observe that the impact of these programs have generated more than a million literates per year, but that this achievement is being negated by population growth.

HEALTH

It must be remembered that over two-thirds of Iran's population is scattered over an area of more than 1.5 million square kilometers and over fifty-thousand individual villages, and that the illiteracy levels in the small villages is sometimes over 90%.

Most physicians invariably tend to live in the large cities where they maintain lucrative practices and high standards of living. The result has been that the vast majority of the Iranian people were not receiving adequate medical care.

The bill to establish the Health Corps was passed into law on August 3, 1964. The Corps was divided into two groups:

1. The Medical Group, composed of university graduates (rank of Lieutenant).
2. The Medical Aid Group, composed of secondary school graduates (rank of Sergeant).

The Corps was divided into teams with one doctor and several medical aids in each unit. In many cases, they were equipped with mobile units. They operated in many different ways, sometimes visiting a village once a week, sometimes stationing themselves in strategic places between villages. Their objectives were not only to provide treatment but also a program of preventive medicine.

In the first seven years their visits and treatment of patients increased from 1,658,020 in the first year to 3,075,167 in the seventh year.

They initiated a truly universal vaccination program (the 1966 incidence was 400/100,000 per month and in 1972 30-40/100,000 per month). Seventeen million people have been vaccinated by the Health Corps.

The Health Corps also advises on family planning, abortion and in serious cases arranges for the transfer of patients from a village to a better equipped medical center in a city.

It is unfortunate to note that the exodus of doctors from Iran constitutes

95% of its so-called brain-drain. In the U. S. alone, over 8,000 of the 18,000 Iranian nationals living here are medical doctors. Some would say that these doctors, many of whom were trained in Iran, refuse to return because of political repression. This is not necessarily true. Many find very lucrative jobs here as well as far better opportunities for developing a special expertise. Last, but not least, many Iranian doctors marry American girls who simply do not want to live and raise a family in Iran.

The government has taken steps to check the drain. Today, an Iranian trained doctor cannot leave his country except under very unusual circumstances. Even then, he must pay or post a bond indemnifying the government for all monies spent on his education. Medical students and nurses must spend their compulsory military training of three years in the Corps, the rebuy enabling the government to keep medical expertise in the field.

As of January 1974, approximately 35% of the rural population of the country has been covered by the public health programs. (Arthur D. Little, an American consulting firm, reports that the government has called for the building in Iran of 20 major hospitals on a "turnkey" basis, i.e., to be built and staffed by American personnel.)

As in many fields, the problem is that there is not sufficient expertise and personnel to staff the ambitious programs of the government. Other obstacles are the lack of education and literacy of the people, strong and sometimes fanatical opposition to progressive ideas and change, inadequate housing and lack of adequate family planning, not to mention an alleged lack of morale or sense of purpose in the Corps itself.

Some progress is being made. The average life expectancy has increased from 41 years in 1962 to 53 years in 1974. In the same period, the number of physicians has increased from 4,505 to 10,053, of which 700 are women. And the number of hospital beds from 24,126 to 42,000, with the number of hospitals and sanatoriums increasing from 352 to 519.

Nevertheless, over one-half of the rural population still receives no medical aid. This fact represents the challenge facing Iranian health authorities.

WOMEN'S RIGHTS

Women's rights, in the modern sense, did not exist in Iran prior to January 7, 1935. In fact, discrimination was so great that until that time all female roles in the theatre were played by males dressed as females.

In January of 1935 a royal proclamation by Reza Shah unveiled Iranian women. Thereafter, some women were able to obtain jobs in government, attend the university and engage in a number of professions which theretofore had been closed to them.

One of the important points of the White Revolution of January 1963 (Point 4) gave women full franchise rights. Not only were women now given the right to vote, but also to be elected to the Parliament, as well as to local councils and to other bodies. His Imperial Majesty has repeatedly proclaimed the

complete freedom of women, even though such proclamations were at odds with the spirit and words of the Constitution and the spirit and teachings of Islam.

During the 21st term of the Maglis, several women entered the Iranian Parliament for the first time in the history of the country. As of January 1975, Iranian women held some of the highest ranks in the governmental administration; two are senators, eighteen are members of Parliament, twenty-one are mayors, seventeen are directors general, thirty-eight are judges, twenty-eight are lawyers and over 200,000 are government employees.

In the field of family protection law, progress has also been made controlling men's unilateral prerogatives in regard to divorce and polygamy. Today, no Iranian husband may marry another woman without the free consent of his first wife, nor can he divorce his wife without a court order, and the courts are instructed to attempt reconciliation before granting such requests.

Article 16, Section 3 of the Universal Declaration of Human Rights has been followed as the new foundation of Iranian family law.

In the professions, there has been a marked increase in the number of women employed as doctors and teachers. In 1972, there were approximately 34,000 doctors and dentists, of which 11,243 were women. In the same year, there were 74,632 teachers, of which 38,294 were women. Progress in the legal profession, however, has been much slower. Today, there are only 28 women lawyers in Iran. Discrimination by the Bar of Iran against women is marked and continues to exclude women from the legal profession.

Substantial progress has also been made in the field of abortion, adoptions and in the literacy of women.

For instance, the growth rate of female students in various educational institutes during the last ten years may be described as follows:

<i>Educational Institutes</i>	<i>Number of female students 1961-1962</i>	<i>Academic year 1971-1972</i>	<i>Average Annual Growth rate %</i>
Kindergartens	6,289	9,509	5
Ordinary Schools	506,532	1,168,001	13
Public Secondary Schools	94,663	382,031	30
Vocational & Technical Schools	904	8,850	88
Teachers' Training Colleges	1,533	13,159	76
Higher Education	3,839	28,869	65

Many of these new developments can be traced to the work and dedication of Her Royal Highness, Princess Ashraf, in various capacities such as Iran's delegate to the United Nations Human Rights Commission and as Chairman of International Women's Year to achieve equality for women everywhere.

INDUSTRIAL OWNERSHIP AND EQUITABLE PRICING

On August 7, 1975, the Shahanshah proclaimed the 13th and 14th principles of the White Revolution which dealt with the expansion of industrial owner-

ship and equitable pricing. These new principles were to be incorporated into the Charter of the new Rastakhiz Party as "permanent guaranties against consumer exploitation and industrial feudalism."

The government, concerned with massive profiteering and the narrow base of ownership of industrial production facilities, took two major steps to carry out what the Shah has called "the sale of industrial and mining shares to workers, other employees of firms going public and the general public."

THE THIRTEENTH PRINCIPLE

On April 24, 1975, the Shah issued an Imperial Farman instructing the government to implement a far-reaching program to broaden the ownership base of the productive units in Iran. A council was formed under the chairmanship of the Minister of Economics and Finance. It included also the Ministers of Agriculture and Natural Resources, Minister of State in charge of Plan and Budget Organization, Minister of Labor and Social Affairs, Minister of Justice, Minister of Mines and Industries, Minister of Commerce, together with the Governor of the Central Bank of Iran and the President of the Iran Chamber of Commerce, Industries and Mines.

The overall plan, already enacted by Parliament aims at the participation of the workers, farmers and general public in the shares of industrial institutions. Special financial institutions are being created to finance the workers' and farmers' participation in the ownership of the shares.

It is contemplated that share-participation will put 49% of the shares of private sector industry and 99% of the shares of State-owned industry into the hands of the masses of the people "thereby insuring that the fruit of Iran's economic miracle will be shared by a wide number of people."

Under the government's plan, 320 companies are grouped so that 106 of them will offer their shares by March 21, 1976, another 108 will make their offers in the year beginning March 21, 1976, and the rest must complete offerings by March 1978. Foreigners are forbidden to hold shares to be included in the program. Companies must have registered capital exceeding five million dollars, or fixed assets of at least three million dollars, or sales of at least 3.75 million dollars with a production record of at least five years.

Each worker is eligible for shares equivalent to three months pay. Ten-year government loans on easy terms assist workers unable to buy the stock in other ways.

Nobody really knows whether the plan will work. The employees in general prefer to buy goods. There is a certain distrust of the shares.

THE FOURTEENTH PRINCIPLE

The Fourteenth Principle, also aimed at the ending of "industrial feudalism," launches an intensive campaign to eliminate profiteering and to insure no over-charging by manufacturers, importers, distributors and retailers.

Although the program was only started in early August 1975, within two

weeks over 8,000 manufacturers, retailers, shopkeepers, restaurateurs, and even some top and lower government officials had been arrested for price rigging, hoarding and obstructing the price campaign.

Some of those arrested were:

1. Ali Morad Zand, Deputy Governor of Khuzestan Province and Governor of Ahuaz City, charged with creating artificial shortages in steel and other construction materials.

2. Mayor Mohammad Mani of Isfahan and Reza Najafi, Director of Industries and Mines Department of the Province, charged with frustrating the anti-profiteering campaign due to their own vested interests.

3. Habib Elqanian, a leading industrialist and department store owner, charged with price rigging.

4. Hamid Akhauan Kashani, the owner of Forushgah Bozor Department Stores and Supermarket Chain, charged with price rigging.

Restaurants were closed down by army officers especially mobilized to carry out the government edicts. Special courts were hastily set up because of the inability of the normal court system to handle the traffic. Summary procedures were operative, detainees were tried and fined or sentenced without an adequate hearing and often on the testimony of a third party who may not have enjoyed the service or the food at a local restaurant.

This initial shock was somewhat effective and prices of some food and department store items were reduced by twenty percent. The government now recognizes that it must control all levels of the economy to be effective and is now examining more thorough and meaningful ways to achieve this objective, such as breaking up monopolistic practices and exerting better control over the systems of distribution so as to allow businessmen to make a fair profit while at the same time protecting the interests of the consumer public.

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On the Legal System In Iran

by Professor Georges Levasseur

The writer, Georges Levasseur, Professor of Criminal Law at the University of Law, Economy and Social Sciences of Paris (Paris II), went to Iran from 16 to 28 October, 1975, on behalf of the International Commission of Jurists.

The object of this mission was to gather information about the judicial system, and in particular the system of criminal law at present in force in Iran. The writer was asked to pay particular regard to the protection of defence rights as well as human rights and individual freedoms in the legal system at present operating in Iran.

Apart from Dr. Kazémi, President of the Iranian Section of the International Commission of Jurists, the writer entered into contact with numerous lawyers, most of whom had been his students at the University of Paris and some of whom are now teaching at the University of Teheran or the National University, others being members of the staff of the public prosecutor's office. These conversations were confidential and fruitful. The writer was subsequently able to meet the First President of the Court of Cassation, the Rector of the National University and leading members of the bar.

In spite of a number of requests, he was not able to obtain an interview with the senior officers of the system of military justice and in particular with General Fakhr Modarresse (author of a thesis on military justice which he defended in Paris in 1953). Nevertheless it was possible to collect some useful information.

Finally the writer was able to visit the centres for observation of juveniles and reform schools in the suburbs of the capital. Long interviews with senior officials of the Office of the Public Prosecutor brought him up-to-date with the most recent penal reforms. The links between the police forces and the judicial authorities were also made clear to him. On the other hand, no valid information could be obtained at first hand about the activities of the special police force known as the SAVAK.

I. Organisation of the Judicial System in Iran

A distinction should be drawn between the ordinary courts and specialized or emergency courts. In both cases there is some overlap between civil, penal and administrative matters.

Civil Law

The organisation of the civil courts, in the ordinary jurisdiction, is directly inspired by the French judicial system. On the other hand, the emergency jurisdictions are largely inspired by local traditions, and have a particular character.

The basic court to which recourse should be had in a civil case if there is no express provision giving competence to another form of court, is the District Court, composed of several magistrates and corresponding to the French civil court at present called the "tribunal de grande instance."

Disputes which do not exceed a certain sum are dealt with by a lower court known (as formerly in France) as a judge or tribunal of the peace ("de paix"). In any event, the work of these courts, as well as a considerable part of that of the District Courts, has been considerably diminished by the creation in 1965 of the Houses of Equity,¹ and later of Arbitration Councils.

Appeals from decisions of civil courts lie to the Civil Chamber of the Court of Appeal. This Court sits in each principal town of a department.

Appeals "in cassation" (i.e. for errors in law), which are available against a final decision given in one of the former courts, are heard before a Civil Chamber of the Court of Cassation, which is a single court for the whole country sitting in the capital at the Law Courts in Teheran.

Since 1965 there have existed some special courts charged with a kind of arbitration in small cases. They were first created in the rural areas, under the name of "Houses of Equity." Their number at present amounts to about 10,000 and they dispose of about 200,000 cases a year. The success of this institution led to the creation in 1966 of a similar organisation in the towns, under the name of "Arbitration Councils." There are about 300 of these composed, like the Houses of Equity, of laymen but chosen from among the leading citizens. With numerous specialized courts sitting in different parts of the town, they deal with about 400,000 minor cases. The fifth national plan, at present in force, envisages the development of these institutions whose functioning seems

1. See Mir Ahmad Hachémi, Thesis, Paris 1970; adde, "La révolution sociale de l'Iran," p. 122 et seq.

to be giving satisfaction, and whose activity is being extended partly into the field of criminal law.

The creation of the Houses of Equity was confirmed by the 9th principle of the White Revolution. They are composed of five leading citizens, of whom two are alternates, elected for three years by the inhabitants falling within its jurisdiction. The members must be at least 35 years of age, married and of good repute from the point of view of religion, honesty and morality (the heads of villages are not eligible). They receive no remuneration, and the services of the court are provided free of charge. The jurisdiction of the Houses of Equity in civil matters extends to cases involving a sum not exceeding 10,000 rials (50,000 in cases concerning chattels if the parties consent) and to all family disputes, but not to disputes about ownership of real property.

The plaintiff gets his claim written out by a "soldier of the army of knowledge" or literacy corps (or if one is not available, a local teacher or the head of the village designated by the justice of the peace), who is present at the hearing and acts as clerk to the court. The judges can hear any person and take any steps they consider useful. The decision is given as an arbitration award, taking into account the requirements of justice, of equity and of local custom. It is deposited in the archives of the justice of the peace who has to verify its validity and ensure its execution.

The Arbitration Councils created by the law of 30 June, 1966, function according to similar rules for small claims in the towns. Their jurisdiction extends to cases concerning chattels up to 20,000 rial in value (50,000 in commercial cases or for compensation for a breach of duty) and in certain exceptional cases for larger amounts. Their services equally are given freely. The Arbitration Councils are assisted by a counsellor chosen from among active or retired judges, advocates or notaries. This counsellor can assist the arbitrators on legal questions, but the decisions belong solely to the Members of the Councils.

The Houses of Equity and the Arbitration Councils have been compared to institutions existing in Sweden, in various socialist countries of Eastern Europe, in China, in the Democratic Republic of Vietnam and in Cuba (denominated variously "country courts," "comrades courts," "factory courts," "courts of honour," "people's courts," "disciplinary councils," etc . . .). An enquiry into jurisdictions of this kind has recently been undertaken by a research centre of an American university. But their functions in these different countries, are, compared with those of the Iranian Houses of Equity and Arbitration Councils, more extensive in criminal matters than in civil matters.

Criminal Law

As in the case of civil courts, the organisation of the criminal courts is directly inspired by the French model.

ORDINARY COURTS

The least serious offences are generally referred to the police court, composed of a single judge (Article 185 and Articles 208 et seq. of the Code of Criminal Procedure—C.P.P.). Moreover, some of these offences, and above all those of a rural nature or which involve breaches of urban police by-laws can be submitted respectively to the Houses of Equity and the Arbitration Councils. The Houses of Equity can deal with offences involving up to 200 rials (Regulation of 7 July, 1965, containing three categories). In cases of urgency they can perform certain functions of the judicial police (in particular to preserve evidence and to authorize detention in cases where a person is caught redhanded). The Arbitration Councils have jurisdiction over offences for which the maximum penalty does not exceed 20,000 rials fine or two months' imprisonment (unless otherwise specified).

Apart from these cases, offences are referred to the Criminal Courts, sitting in the principal town of the district. They are composed of several justices. The creation of Arbitration Councils has served to relieve the criminal courts of a significant number of cases. The procedure of these courts, following the recent reform of criminal procedure, will be summarized below. Appeals from the Criminal Courts lie to a criminal chamber of the court of appeal. This sits in the principal town of the department (Art. 340 et seq. C.P.P.).

Crimes, (i.e. all offences incurring a penalty of more than two years' imprisonment) are referred to an Assize Court, which is to be found in each department. These Assize Courts do not include a jury (except, in principle, in political cases and in cases concerning the press, but most cases of this kind fall at present within the jurisdiction of the military courts). In spite of certain suggestions in the press, there is no intention of modifying this provision. The Courts of Assize deal with a large number of cases, for the French or Belgian practice of reducing charges of crimes to ones of misdemeanours is not generally applied. The cases are dealt with expeditiously and the decision is taken solely by professional judges who make up the court. These number five or three depending upon whether the offence involves a maximum penalty of life imprisonment or death, or some lesser penalty. Appeal by way of "cassation" is available against the decisions of courts of final jurisdiction. The appeal lies to the criminal chamber of the Court of Cassation (Art. 430 C.P.P.).

SPECIAL COURTS

Military Tribunals (Permanent Tribunals of the Armed Forces). The first class of special courts to be mentioned are the Military Tribunals. Military Tribunals exist in the area of each of the twelve Courts of Appeal and are at times divided into chambers. They are composed of three officers (generally of superior rank) for tribunals of first instance and of five officers on appeal. Equally a military officer represents the prosecution. In general, the deputies of the military Prosecutor General are qualified in law. The defence is also

undertaken by a member of the armed forces. Civilian advocates are not allowed to plead before these tribunals. The defence is undertaken by one of a corps of officers or retired officers of whom some have some legal knowledge. The assistance of this Defender takes place only during the trial itself and not at the preliminary enquiry ("instruction").

The jurisdiction of the Military Tribunals has become more and more extended. Apart from purely military offences (which can only be committed by members of the armed forces) and of common law offences committed by members of the armed forces while on duty (including road traffic accidents caused by military vehicles), recent laws have allotted to Military Tribunals a number of serious offences which it was thought should be dealt with severely and not with leniency. In the greater part of these cases, the offenders are liable to the death penalty, which is frequently imposed and in respect of which the sovereign exercises his right of clemency only very exceptionally.

One example is drug offences, in respect of which the law is particularly severe (see below). Other examples are offences against the external or internal security of the state, sabotage of public services, particularly water, gas and electricity. Military Tribunals had already been entrusted with cases of armed robbery by about 1960. Subsequently they were entrusted with cases of arms smuggling and more recently still consideration has been given to making them responsible for trying offences against economic laws (partly failure to reduce prices in accordance with price controls) following the promulgation in August 1975 of principles 13 and 14 of the White Revolution.

The military prosecuting authorities do not contain specialized sections, and it seems that the same applies to the military tribunals of first instance and of appeal. The result has been a considerable congestion, which has been referred to in recent public declarations by some of the ministers. However, it was not possible to obtain even an approximate estimate of the number of cases dealt with annually by the tribunals of the armed forces. Neither was it possible to ascertain the share or percentage of cases according to the categories to which they belonged.

It may be noted that the decisions of military tribunals are always taken by a simple majority, whatever may be the gravity of the sentence, including the death sentence. The only means of recourse against decisions of the appeal tribunals is the appeal by way of cassation, but this will only lie if the Shah gives leave for the exercise of this recourse.

Juvenile Courts. Since 1959 Iran has had special courts for trying delinquent minors. Juveniles aged from 6 to 18 are called before these courts. They are divided into two categories, six to 12 years and 12 to 18 years. They may be dealt with by way of warnings, or by measures for their reeducation either within or outside their family. Only those over twelve years of age can be detained in a penal institution for a period of between six months and five years. (the minimum sentence is two years and the maximum eight years for a minor of over 15 years of age found guilty of a crime involving liability to the death penalty or life imprisonment). After a third of a sentence

has been served, a review of the sentence can take place.

The above system is adapted according to circumstances in places where there are no centres for re-education or where a juvenile court has not yet been established. The author was able to visit a centre for re-education situated at Kharadji in the suburbs of Teheran (see below).

The Criminal Court for Government Officials. This court was created by a law of 10 January, 1928, which has since been modified. It is composed of administrative officials nominated to these judicial functions by a ministerial order. This court, of which there is only one for the whole country, comprises several divisions. Its function is to try offences committed by government officials (and, since 1936, by other persons carrying out public duties), and particularly cases of extortion, corruption, embezzlement of funds and abuse of authority or powers, with the exception of offences punishable by death. Each division is composed of a president and two judges. A prosecutor, his deputies and examining magistrates are attached to the court.

Whilst legislative developments up to 1931 tended to enlarge the jurisdiction of the court, this has been reduced in recent years. Cases involving relatively unimportant amounts are now dealt with by the ordinary courts. A limit was fixed in 1949 at 50,000 rials for extortion and fraud, and at 10,000 rials for corruption. The court was even suppressed under the régime Dr. Mosadegh, but was reestablished in 1954 with the following limits: 30,000 rials (extortion and fraud) and 5,000 rials (corruption) for all officials. There is, however, no lower limit for senior officials and judges who are, moreover, subject to the jurisdiction of the court for all offences committed in the exercise of their duties.

The prosecuting authorities consist of a Public Prosecutor ("procureur"), advocates general and deputies. There are also specialized examining magistrates. However the prosecution have powers of examination of their own, and can even take written evidence or hear witnesses on commission ("commissions rogatoires"). They also have the power to order the detention of the accused pending trial. An appeal against such a decision lies to the Minister of Justice.

The examining magistrates have the right to obtain information from all registries and administrative documents. If the examining magistrate wants to issue a warrant to seize any property or to order its release, he can only do it with the agreement of the prosecutor. The same applies for the release on bail of the defendant or the provisional release of any property.

Before opening the hearing, the Criminal Court for Government Officials holds a preliminary hearing in camera during which it satisfies itself that the file contains a sufficient *prima facie* case. It can order, if necessary, supplementary information. The hearing finally takes place in public.

Since the Criminal Court for Government Officials has the rank of a court of appeal, its decisions cannot be appealed except by recourse to the Court of Cassation. This recourse is open to the prosecution even in cases of acquittal.

Financial Court. This is particularly concerned with the trials of cases of fiscal fraud.

ADMINISTRATIVE LAW

There exists a court based on the French model for controlling the legality of administrative acts and the determination of duties called into question by their exercise. The court is called the Council of State, as in France. Created by a law of 1960, duly promulgated and published, this court has unfortunately never been constituted, so that its role is non-existent and the law passed on this subject has received no practical application.

There is a law of 1920 regulating the public service which also envisages a right of recourse to the Council of State, and which gives an official a right of appeal against decisions taken against him by the administration.

However, there exist a number of administrative committees invested with judicial powers, who are called upon to decide administrative appeals in a similar way to certain tribunals in common law countries. These exist, for example, to deal with questions of customs duties, direct and indirect taxes, the application of the land reform, etc.

The composition of these committees is mixed, comprising both officials and judges. The decisions can be appealed to a higher tribunal.

There is also an Administrative Council, a court composed of professional judges, which is called upon to decide suits between officials and the administration. If the official is the defendant, he has the right of appeal to the court of cassation.

Disciplinary questions within the public service are dealt with by special bodies.

Special mention should be made of an institution which enjoys a certain prestige among the established authorities. This is the Commission of Royal Inspection, which calls to mind certain aspects of the *missi dominici* of Charlemagne or the Ombudsman in certain countries today. In effect, as the Shah has himself solemnly declared, the Commission of Inspection "constitutes the eyes and ears of His Majesty."

Anyone who considers that he is the victim of an abuse of law or an injustice in the operation of the public service may address a complaint to the President of the Commission. He in turn entrusts to one or several members of the Commission, of which there are 15, the task of enquiring into the matter.

It sometimes happens that delegations of the Commission travel round the provinces of the kingdom and proceed to peripatetic investigations. The Commission also has representatives in certain provincial centres.

The complaints received are of every kind. Not infrequently they concern the delay caused by an official in the determination of a matter or in dealing with a file. The procedure before this Commission seems to have considerable effect. Its impact has been felt by many officials who have been subjected to its enquiry. To avoid the risk of being the subject of such a complaint, officials apply themselves more zealously to carry out their duty. However, the Commission is often obliged, in order to avoid being overwhelmed with complaints,

to reject a great number of the complaints which it received. Also, the number of enquiries undertaken seems at present to be diminishing.

It should be noted that if their enquiries disclose the commission of offences by officials, the Commission can launch proceedings against them before the Criminal Court for Government Officials.

The institution just described could eventually be used for the protection of human rights. It is to be noted in this connection that the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations has been accepted in Iran and solemn ceremonies marked the occasion of its 25th anniversary. There also exists an Iranian Committee for Human Rights.

II. Iranian Criminal Law

General Criminal Law

Iranian criminal law is essentially contained in the penal code. This penal code was adopted at the beginning of the 20th century and, like the greater part of the codifications, is directly inspired by the French Napoleonic codes.

In 1973 an important reform of the penal code modified 59 articles of the *general part of the code*. The object of this reform was to bring more precision and clarity into the code and derived from a concern for the principles of the Rule of Law.

Thus the code contains a theoretical definition of an offence (Article 1, para 2), some rules concerning the temporal and geographical limitations on the application of the criminal law, and a revised classification of offences and penalties. The *classification of offences* still follows the French model, namely contraventions (fine of 200 to 5,000 rials), misdemeanours (six days to three years imprisonment and fines greater than 5,000 rials; however, every sentence to imprisonment for 30 days or less must be changed by the judge to a fine of 5,000 to 30,000 rials), and felonies (deprivation of liberty for more than 2 years imprisonment). The penalties for felonies are imprisonment in the first degree (two to ten years), imprisonment in the second degree (3 to 15 years), and imprisonment for life or sentence to death by hanging.

The code also contains an enumeration of *supplementary and complementary penalties* and of *security measures*. These latter were introduced by a reform of 1960 to deal with delinquents considered dangerous by reason of their antecedents and personality. The law of 1960 authorized the detention of the insane in asylums, of repeated recidivists in deportation camps, of vagabonds in work camps or in agricultural colonies, of alcoholics or drug addicts in medical treatment centres, and of young delinquents in education centres. In addition, the same law provides for the following measures restric-

tive of liberty: professional restrictions, restrictions on domicile (one month to three years), expulsion of a foreigner. All these security measures require a finding of a state of danger (a serious probability of a future offence). The decisions are given by a judicial authority and can be reviewed at any time.

The supplementary or complementary penalties consist of deprivation of certain rights (especially in electoral, civic or family matters), in a residence requirement, the carrying out of a specified task, the closing of a commercial establishment, disqualification for the public service or teaching, disqualification from the legal or judicial professions, the forfeiture of declarations, etc.

The penal code defines the concept of an *attempt*, as subject to conditions similar to those of the French model but, unlike the latter, applies a lower penalty than that of a completed offence (following, it would seem, the example of the Belgian penal code).

Penalties are increased in cases of *recidivism* (in this connection the code assimilates corruption with theft and fraud with abuse of confidence). Nevertheless mitigating circumstances are still applicable and can result in a reduction of the penalty by one degree.

Iranian penal law provides for the *suspension of sentences* during their enforcement (but not at the time of their pronouncement). It takes the form of so-called "simple suspensions" (implying no kind of supervision) and not of probation.

The penal code is careful to distinguish between authors, co-authors and accomplices. The concept of an *accomplice* is taken from French law. The penalty to which an accomplice is liable is, as in French law, the same as that applicable to a principal author, save for the power given to the judge to reduce the sentence having regard to the guilt of the co-participants. An original provision provides for group criminality and the particular responsibility of ring leaders.

In relation to plurality of offences, the reform of 1973 contains some clarifications intended to remove certain former ambiguities.

The provisions of the law of 1959 on the treatment applicable to juveniles (see Chapter I, B. (2) (b) above) have been incorporated in the penal code in the rules concerning criminal responsibility.

The new provisions of the penal code contain some interesting innovations in the matter of *mentally abnormal delinquents*. If they appear to be dangerous, they can be detained by the order of a court and their release can only take place in accordance with the advice of the Public Prosecutor ("procureur"). The family can appeal in the case of a refusal and it is the court which takes the final decision. A fresh demand for liberation can be made every six months. In the case of a simple disorder of the mind or of the will having an effect on a person's behaviour, the court can reduce the penalty by one or two degrees (without going below two months). For misdemeanours the court can inflict a simple fine. In the case of capital crimes, the death penalty cannot be applied.

The new code also deals expressly with cases of offences committed in a state

of *drunkenness*. This, or any other kind of intoxication, cannot constitute a defence. If it has been brought about intentionally, the maximum penalty must be given. On the other hand, if it was not, and if it has brought about a disorder of judgment or of the will, the tribunal can reduce the penalty (by two degrees if the disorder was total, and by a single degree in other cases). Even if the drunkenness is the result of an irresistible duress, the sentence can be reduced only subject to the same conditions. If it is the result of mistake, that does not alter the rules stated above.

On the other hand, uncontrollable *duress* constitutes a justification for the person who acts under its influence, but the author of the threat can be punished in his place. Another defence of justification lies in *necessity* which the codes expressly recognizes and defines. The necessity must not have arisen by reason of the fault of the accused and his conduct must have been no more than was necessary to avoid the danger with which he was threatened and to have been the only means of avoiding it at the least cost.

A *lawful order* is equally a good defence in cases where the carrying out of the order could not be effective without the use of violence. In the case of an unlawful order, both the person who gives the order and the person who carries it out are liable to punishment. However, a mistake about the lawfulness of the order given or received can result in a reduction of the penalty by two degrees.

Lawful permission is also a good defence. Article 42 expressly grants a right of punishment, proportionate to the fault in favour of parents and guardians. Even medical and surgical acts are authorized if they take place with the consent of the person concerned or his legal representatives, and if they have been carried out in conformity with the rules of the profession. In cases of urgency this consent is not required, since the practitioner finds himself in a state of necessity. The case of aesthetic surgery is also dealt with. It is not punishable if it has a social benefit. Finally, accidents occurring in the course of sporting activities do not incur penal sanctions if the persons concerned have properly respected the rules of the sport.

Legitimate defence, covered by Article 43, extends to defence against acts of indecency and defence of property as well as of the physical person of oneself or of another in the case of an act, or imminent threat, of violence. It is also provided that the defensive action must be proportionate to the act of violence or imminent danger threatened, that this defensive action is only permissible if it is not possible to obtain in time effective help from the police or someone else. Moreover, defensive action is not considered legitimate where the person concerned has provoked the attack. Article 44 provides moreover that resisting the security forces acting in the course of their duties cannot constitute legitimate defence. However, if these forces have exceeded the execution of their duties, and the evidence show that there was a danger that the action of the forces would result in physical or moral injury, this can constitute an exceptional case of legitimate defence.

The new Chapter IX of the general part of the code is particularly impor-

tant. It sets out in particular the definition and rules applicable to *mitigating circumstances*. Abandoning the French system, and coming closer to the Italian system, it expressly enumerates a certain number of circumstances which can be considered as mitigating, while specifying that the list given is not exhaustive. Examples are the consent of the victim, the withdrawal of the complaint, the cooperation of the offenders in the investigation or in disclosing the facts (in particular in assisting the discovery of the fruits of a crime or of the identity of those responsible), any particular circumstances which influenced the conduct of the defendant (for example the fact that he was provoked), any honourable motive from which he acted, the fact that he admitted his guilt before being charged or that he made a confession during the judicial investigation, the previous good conduct of the defendant or a particular situation which he occupies, any acts by which he has shown his repentance and, in particular, the fact that he has made good the damage and compensated the victim. Contrary to French law (and following Belgian and Luxembourg law), the court pronouncing sentence must mention expressly which are the circumstances which it accepted as mitigating, and the court of cassation strictly controls the performance of this requirement. Mitigating circumstances are not applicable in cases where the law provides for a reduction in the penalty by reason of a particular cause. Neither are they applicable at the stage of the judicial investigation so as to enable the matter to be dealt with (as in Belgian and Luxembourg law) by a warning or by treating it as a minor offence or contravention.

The effect of accepting mitigating circumstances is to entitle a reduction of the penalty by two degrees, without however reducing the sentence below 61 days in the case of a sentence of imprisonment, but the court may limit the penalty to a fine.

It is to be noted that in a case where a complaint by the victim is a precondition for the launching of a prosecution (it will be seen below, Chapter III, A (2), that these cases are very numerous), the *withdrawal of the complaint* terminates the prosecution if the withdrawal is unconditional, and the victim cannot subsequently go back on his withdrawal. In a case where there are several victims of an offence, the withdrawal must be unanimous for the prosecution to be terminated. A withdrawal formulated by a guardian in the name of a minor is only valid with the agreement of the Public Prosecutor ("procureur"). If the victim dies, his heirs can withdraw a complaint in his name within six months. Moreover, the absence of a complaint within this period, in cases where a complaint is necessary, is presumed to constitute a tacit renunciation of the complaint, unless the victim is subject to duress. Equally, the *period of limitation* for a prosecution is to be found in the penal code. The periods provided for are unusual: one year for contraventions, three years for misdemeanours, five years for misdemeanours punishable with more than three years imprisonment, ten years for felonies and 15 years for felonies punishable with death or life imprisonment. The limitation period begins on

the day of the commission of the offence, unless it be a continuing offence. The limitation period is suspended from the moment when the prosecution is subject to an administrative authorization. Any act of prosecution or judicial investigation interrupts the period of limitation, even if those responsible for the offence have not yet been identified.

The code also lays down the *period of limitation for the carrying out of sentences or security measures* imposed. This period is 2, 5, 15 or 20 years depending whether the penalty relates to an offence of one or other of the categories specified above in relation to the limitation period for prosecution. Security measures are limited to five years. There is a limitation period of three years for the placing of minors under 18 years of age in a house of correction. These limitation periods can be interrupted (the code provides specially for the case of fines to be paid by instalments). Revocation of a conditional release granted by a court interrupts the limitation period of the penalty.

The penal code also contains certain regulations concerning the *prison regime*. Criminal convictions for ordinary offences carry with them an obligation to work. If the sentence is for a minor offence, work should be provided for the prisoner if he requests it. In any event the court can order that he be placed under an obligation to work. Work in prison is remunerated. The earnings are paid in part to the family, in part are at the disposal of the prisoner and in part are placed in a savings account. The organisation of work and the prison system in general are subject to inter-ministerial regulations by the Minister of Justice and Minister of the Interior. An example is the regulation of 1975 which will be examined below.

Finally, the new general part of the penal code deals in Chapter X with the problem of *amnesty* and of rehabilitation.

Amnesty is governed by a law. It has the effect of stopping any prosecution and of wiping out convictions in any field of application. If an amnesty relates only to one of several offences covered by a conviction, the results of the conviction remain.

The code provides that an amnesty may be special (in particular in political cases) and relate only to a part of the penalty. In this case it seems that it takes the nature of an act of clemency to the extent that it operates as a reduction of the sentence. A demand for clemency comes from the Minister of Justice, who transmits it to the Shah through the Prime Minister. As will be seen below, the collective clemency granted to 240 prisoners in the military jurisdiction on 23 October, 1975, on the occasion of the Shah's birthday, was of the nature of an amnesty, in that it benefitted equally persons who had not yet been convicted.

Clemency can apply to supplementary or complimentary penalties as well as to principal penalties. The *discharge of sentences* can take place after a certain time has elapsed from the completion of the sentence (5 years for prison sentences, 10 years for sentences for crimes, and immediately after the completion of the sentence for security measures and complementary penalties).

Convictions for political offences can be discharged after completion of the sentence or after the period of limitation has passed, if they relate to 'correctional' sentences for more than one year or to 'criminal' sentences for more than five years. The person concerned must not, however, have received a further conviction in the intervening period.

Special Criminal Law

(1) The Iranian penal code contains the essentials of 'special criminal law.' The offences to be found are those met with in most capitalist countries. Offences against the State (external and internal security) and against the sovereign, the constitution and the government, are placed at the head. Public security and order come next, followed by offences against public property. Offences committed by officials and those committed against them occupy an important place.

As far as concerns offences against individuals, attacks against the physical person come first, as well as offences against a person's freedom. Then come offences against children and offences against the respect due to the dead. Acts against morals and family duties are dealt with summarily but with severity. Lies and falsifications, including perjury, come next as well as violation of professional secrecy. There are detailed provisions dealing with offences against the right of property of the usual kind, including commercial dishonesty. The destruction, burning or damage to other peoples' goods are rigorously punished. The right to privacy, a person's home and his reputation are all protected by the criminal law. Offences involving alcohol and drugs are subject to increased penalties imposed by special laws. The code also deals with the misdemeanour of vagabondage and finally includes various rural offences.

(2) There are numerous special laws outside the framework of the code. A few merit special mention. Some of them concern modern forms of crime, for example offences against the security of air transport (the Conventions of Tokyo, The Hague and Montreal have been ratified), the carrying of arms or smuggling of arms (punishable by death if the offender is armed), or in a more modest sphere the passing of fraudulent cheques (the subject of a law of 1965 which anticipated the French law of 3 January, 1975). The press law of 1955 is concerned essentially with injury caused to individuals.

Numerous laws, containing supplementary penal provisions, relate to the economic sphere (land reform, exchange control, trading companies, insurances, protection of forests and pastures, shooting and fishing). The most recent (August 1975) relate to consumer protection and the struggle against industrial feudalism (by the participation of workers in the ownership of enterprises) as well as with price control (8,000 prosecutions were notified in less than 15 days and recourse to special courts was being considered).

Some indication may be given of the severity of Iranian law against trafficking, possession and consumption of drugs. The penalties involved (and the

appropriate court) vary in accordance with the nature (hard or soft drugs) and the quantity of the drugs in question. The importation, sale or possession of less than 50 gr of opiom or of 1 gr of heroine is an offence punishable with 5 years imprisonment by a criminal court. If the quantity involved in the offence is between 50 gr and 1 kg of opium or of hashish, or between 1 and 10 gr of morphia, heroine or cocaine, it constitutes a felony punishable with 3 to 15 years imprisonment and triable by the Assize Court. Above 1 kg of opium or of hashish, and of 10 gr of hard drugs, the offender is liable to a sentence of death and is tried by the permanent tribunals of the armed forces.

In spite of this severity, the consumption and traffic in drugs appears not to be diminishing. Over 300 prosecutions, launched within a period of three or four months, were in progress. To intensify the struggle against drugs, the police have urged the public to denounce traffickers and consumers (the newspapers of 23 October 1975 stated that more than 40 deaths from drugs had occurred in Teheran in the preceding month).

Among recent laws increasing the severity of punishments and giving jurisdiction to the Military Tribunals over offences involving the death penalty or life imprisonment, mention may be made of the law of May 1974 against hoarders sabotaging the economy or the security of the nation, and the law of June, 1974, punishing with death kidnapping followed by the death of the victim, and with life imprisonment any kidnapping of a child of less than 12 years (with attenuating circumstances reducing the penalty to imprisonment for 2 to 15 years if the child is given back safe and sound).

III. Iranian Criminal Procedure

The Procedure in Ordinary Criminal Courts

The procedure followed in the ordinary criminal courts is very largely inspired by western European procedure. The suggestion put forward in December 1974 that Iran should turn towards the system of the common law countries, a suggestion followed by the immediate constitution of an ad hoc commission, does not appear to have any serious future to it, as will be shown below at the end of this section A.

This appears all the more from the fact that the penal procedure code, adopted in 1912, and also based on the Napoleonic codes, has been the subject in recent years (1974) of a fairly far-reaching reform which is in no way orientated towards the anglo-american procedural system.

INVESTIGATION INTO OFFENCES

Investigation into offences is entrusted to the police services. These consist essentially of two forces: the gendarmerie on the one hand and the urban police

on the other. These police come under the Minister for the Armed Forces and the Minister of the Interior respectively. Each of them also has direct relations with the Ministry of Justice.

Both police forces divide their activity between public security and the "judicial police". The activity of the "general information services" of the French system and the responsibility for the protection of the external and internal security of the state seems to be entrusted in Iran to the special police force known as the SAVAK, which will be examined when considering the procedure for the Military Tribunals.

The public security services, charged with maintaining order in the urban agglomerations and with road traffic, are concentrated in commissariats (police divisions). They also perform the functions of administrative police. Both the urban police force and the gendarmerie are organised on a hierarchical basis directly copied from that of the army (their budget however depends on the Minister of the Interior); both of them are directly subordinated to the Shah.

The judicial police services differ very little from the French model. Thus they are responsible for the preliminary enquiries, enquiries into persons caught red-handed and the carrying out of "commissions rogatoires" (hearing witnesses and taking written statements of evidence). As in France, to enable them to perform their duties, they are entitled to hold suspects for up to 24 hours, which can be extended to 48 hours on the decision of the Public Prosecutor ("procureur") or of the examining magistrate.

In the case of a person caught in flagrante delicto the police superintendent or officer of the gendarmerie begins the enquiry while awaiting the arrival of the Public Prosecutor or examining magistrate.

The training of police officers and in particular of the judicial police, takes place for the most part in the Police Faculty of the University of Teheran. The studies, which are open to persons who have passed their baccalauréat, last three years. The students receive both legal and military instruction. At the end of these studies, the students are awarded the rank of lieutenant at the same time as they obtain their degrees.

At the end of their training police officers can undertake one of several specializations, urban and road traffic, judicial police, drug traffic etc.

THE SETTING IN MOTION OF A PROSECUTION

A recent law (1974) which modified the Iranian penal procedure code has introduced some significant changes in the former procedure.

Formerly the prevailing opinion was that the prosecuting authority was bound to follow the principle of the "legality of prosecutions," i.e. to set in motion a public prosecution each time that it appeared that an offence had been committed and that the decision to prosecute was not subject to a complaint by the victim (except in few cases).

The new law recognises on the other hand the principle (applied in France)

of discretion or the suitability of prosecuting. It gives to the Public Prosecutor the exceptional power of granting a conditional stay of prosecution when certain conditions are satisfied.

A stay of prosecution can take place only in the case of a misdemeanour and not of a felony. For felonies the principle of prosecution according to law remains the rule, c.f. art. 40 bis, para. 1, C.C.P. Even in the case of misdemeanours a stay cannot be granted where the case concerns the security of the state or the public peace. Other conditions are that the suspected offender must have acknowledged his guilt, that he has not been previously sentenced to a penalty of 60 days or more imprisonment, and that there is no civil claim ("partie civile") in the case (art. 40 bis, para 3). If these conditions are satisfied the Public Prosecutor can issue an order that the prosecution will be stayed "in view of the social and family situation, the way of life, the psychological state of the accused, as well as the circumstances in which the offence has been committed." An order made in these circumstances must later be submitted for verification by the court (art. 40 bis, para 4). If the court confirms it no prosecution will take place on this count, provided that the offender commits no other misdemeanour or crime within three years. If the court quashes the order of the Public Prosecutor, it proceeds to try the case under the ordinary rules.

The reform of the penal procedure code also deals with the situation where a prosecution is subject to a prior complaint by the victim (the withdrawal of such a complaint involving an automatic stay of the prosecution). Formerly art. 277 of the penal code enumerated some twenty offences subject to this procedure, in particular involuntary injuries, illegal seizure of goods for less than 5 days, rape, child neglect, offences against public decency, living off the earnings of prostitutes, etc; art. 7 of the law of 1965 had added the passing of fraudulent cheques; and the offender must not have had any previous conviction for misdemeanour or felony.

The recent reform has in some ways limited the field of application of this system (for example it excluded offences against public decency and living off the earnings of prostitution), but on the other hand it extended it to certain new offences. The present list is contained in art. 8, para. 2, C.C.P. On the one hand certain offences can never be the subject of a prosecution without a complaint by the injured party. Examples are blows or injuries resulting in an incapacity without the loss of the use of a limb (art. 172, penal code), or, a fortiori, a simple incapacity for more than 20 days (art. 173, penal code), the deflowering of a consenting girl who has come of age (art. 208, penal code; formerly this offence could be the subject of a state prosecution), defamation by imputation of facts contrary to proper conduct, morality or family duties (art. 214 bis, para 2, penal code), arson of crops or vehicles, reckless action by way of eviction or making a complaint or planting on another's land (art. 268 bis, penal code), repeated trespass on the land of another (art. 265 bis, penal code), fraudulently obtaining a meal or hotel accommodation

without the means to pay (law of 1943), trespass on land belonging to the state, to a municipality or a bank (law of 1960).

On the other hand four other offences cannot be prosecuted without a prior complaint by the victim when there exists between him or her and the offender a marital or family relationship to the third degree. These are theft, abuse of trust, fraud and other similar offences, the extortion of money or blackmail, deliberate assault and battery resulting in disablement or the partial loss of the use of a limb (art. 8, appendix 2, No. 5, penal code), involuntary injuries resulting from a road accident and resulting in the loss of the use of a limb (law of 1949 on road traffic, art. 5).

THE PRELIMINARY EXAMINATION

(a) The reform of criminal procedure has profoundly altered this stage of the procedure, in enlarging very significantly the powers of the prosecutor's office (public prosecutor and his deputies).

Under the former system the intervention of an examining magistrate was mandatory in the case of felonies and optional in the case of misdemeanours. However, in the case of an offender caught in flagrante delicto, the public prosecutor had the choice either of carrying out the preliminary examination himself or by one of his deputies, or of laying an information and passing the case to the examining magistrate. In practice, most charges of felonies or misdemeanours were drawn up by the examining magistrate.

Under the new law this situation is completely changed. The new art. 40, para 2, decides that the examining magistrate no longer has power to examine cases of misdemeanours (except in certain thinly populated provincial regions and solely upon the authorisation of the Minister of Justice). The examination of these cases is now entrusted to the Public Prosecutor or one of his deputies and even, under their direction, to officers or constables of the police force or the gendarmerie, or even to another official or agent on whom has been conferred by the certain functions of the judicial police (for example the members of the Houses of Equity or Arbitration Councils). Henceforth the Public Prosecutor is armed with the same power as the examining magistrate and is equally subject to the same duties.

Thus the Public Prosecutor, when carrying out an examination into a misdemeanour, can make searches or seizures of property, and even issue warrants. On the other hand, the examining magistrate now has a monopoly in the examination of felony, even in the case of a person caught in flagrante delicto.

(b) The protection of individual freedom during the examination; provisional detention (detention pending trial).

Here the legislature has recently decided to bring about a liberal reform limiting the length of provisional detention.

According to art. 38 C.P.P. an accused person in provisional detention can apply for his release. If the instructing magistrate (public prosecutor or exam-

ining magistrate) does not grant this application within 5 days the accused has the right to refer his application within the following 10 days to the Chamber of the Council (a section of the Appeal Court). Formerly the period of provisional detention was unlimited. The accused could apply to be set free every four months in case of a felony and every two months in other cases. The 1974 reform introduced instead a system of detention for a fixed period and, if necessary, successive detentions. Now the detention of an accused person during the preliminary examination can not exceed 4 months in the case of felony and 2 months in the case of misdemeanour.

Once this period has expired, if the investigation has not been finished, the examining magistrate or the public prosecutor are bound in principle to cancel the order for detention and replace it by one of a number of alternatives to provisional detention which are known to Iranian law (art. 129, C.P.P.). These consist of an undertaking given not to leave the jurisdiction of the court (law of 1959), an undertaking not to go more than a certain distance, bail with deposit of a sum of money and finally bail with a surety (called Kafile) furnished by a third person to guarantee the appearance of the accused at the various stages of the proceedings and in order to undergo his sentence.

Nevertheless an extension of the fixed period can occur in exceptional cases if the instructing officer (examining magistrate or public prosecutor) so decides on legally valid grounds arising out of the facts of the particular case. The accused can appeal from such a decision within 10 days to the Chamber of the Council referred to above.

It should, moreover, be noted that in the ordinary criminal procedure Iranian criminal justice does not make excessive use of provisional detention. The bonds of friendship of families are so highly developed in the east that a surety can be found without difficulty. It is a fairly common practice to go surety to enable an accused person to be set free. An enquiry made at Ahvaz, a town in the south of Iran showed that out of 100 persons whose cases had been examined by an examining magistrate for misdemeanours in 1970 only 9 accused had been kept in provisional detention. 38 had been set free by making a pecuniary bond, 46 on the giving of personal sureties, 6 on bail with deposit of a sum of money and 1 on his personal undertaking.

In the case of felonies the former system of provisional detention remains in force. Under this system it is the examining magistrate who has to make the order for detention (since it is he who has investigated the offences), but he cannot now withdraw the order without the agreement of the Public Prosecutor. Failing this, the court has to decide what course to take (art. 129, appendix 2, para 2).

For the last 20 years Iranian legislation has made provision for certain cases of mandatory provisional detention. This is the case where there are serious and consistent indications of guilt in a case relating to drugs (art. 17 of the law of 1959 on the cultivation of poppies), in a case of homicide or of wounding

with intent, committed with a knife or other steel weapon (not firearms) (art. 3 of a law of 10 April 1965), and in the case of doctored medicines if their use has resulted in death, in permanent illness or in infirmity (art. 18, para. 4 of a law of 1955).

These provisions have been maintained and new cases have even been added by a law of 1974. The most important concern theft, fraud, forgery and use of forged documents, where there are serious indications of guilt and the accused has already been finally sentenced for one of these offences or tried several times, even without the cases being finally determined. It seems that in such cases provisional detention operates as a security measure.

(c) Protection of defence rights during the investigation.

Provisions for defence rights during the investigation are still in a fairly rudimentary stage. The accused can have the assistance of a lawyer who is not entitled as a right to see the prosecution file. The ability to do so depends on the good relations between the examining magistrate (or the public prosecutor in the case of misdemeanours) and the lawyer. Similarly, if the lawyer is allowed to assist at an interrogation or a confrontation he does not have a right to put questions.

THE JUDGMENT

Judgments in ordinary criminal courts are preceded by oral pleadings and argument in public (except where a trial *in camera* has been ordered, and even then there is a certain degree of verification by specialists).

In the oral pleadings the prosecutor and the defence advocate are placed approximately on the same footing. The hearing of witnesses can be followed by questions put to them by each party.

The decision is given in public after the court has deliberated (there are usually several judges). It has already been indicated that the Assize Court must comprise five judges if the maximum penalty is death or life imprisonment.

THE AVENUES OF APPEAL

There is a right of appeal against decisions in cases of misdemeanours, but not against the decisions of the courts of assize. There is only one stage of appeal. It has already been indicated that the decisions of investigating offices (examining magistrates or public prosecutor or his deputy) refusing to release the accused or prolonging his detention can be appealed to a section of the Court of Appeal sitting in the Chamber of the Council.

The appeal lies equally on questions of law and questions of fact, without needing the leave of the Court which has given the decision complained of (or of one of its members) or of a member of a higher court.

These rules have not been amended by the reform of the procedure of 1974. On the other hand, this reform has introduced important restrictions in the operation of the exceptional right of appeal provided by an appeal to the Court of Cassation. As the Court of Cassation was congested with

appeals, the reform subjected the examination of these appeals to a kind of filter in the form of an auxiliary court called "Schobe Taschisse." This is a chamber for controlling the legal validity of cases, corresponding to some extent to the former Chamber of Requests of the French Court of Cassation in civil cases. There is moreover some question of recreating this court in France including in criminal matters.

The appeal to the Court of Cassation should be lodged with the staff of the court which gave the decision. The appeal can be struck out at this stage if it is lodged out of time. However the appellant can refer this striking out to the Schobe Taschkisse within 10 days. The task of the Schobe Taschkisse is to examine the appeals before passing them, in suitable cases, to the Court of Cassation (new art. 441, C.C.P.). The court is divided into teams of two members (called Heyat Taschkisse) composed of a counsellor of the Court of Cassation and a deputy judge of the Court of Cassation. The Heyat Taschkisse looks to see whether the appeal is admissible as to its subject matter, the time factor, the decision complained of (which can even be an order for arrest or a decision to keep a person in detention), and the error complained of. It also examines the grounds of appeal. It can refer cases back. However, if the case raises a conflict between the jurisdiction of the ordinary courts and of the courts of the armed forces, the question must be referred to the Court of Cassation sitting in plenum (art. 204 and appendix to art. 442 C.C.P.). The Schobe Taschkisse does not intervene in the case of an appeal against a decision of a military tribunal (for the procedure on appeal in such a case, see below Ch.III-B).

The Heyat Taschkisse can, by order, reject the application to appeal (art. 443, para. 2, C.C.P.). On the other hand, if it considers that the appeal is well-founded, it makes an order submitting the appeal and sends the file to the First President of the Court of Cassation.

Decisions of the Heyat Taschkisse must be taken unanimously by its two members. In case of disagreement, the president of the Schobe-Taschkisse intervenes to decide the matter (Article 443 bis). In order to ensure the unity of the court, where there is a difference of opinion between several teams of the Heyat Taschkisse about the same point of Law a plenary session may take place at which are present the whole of the Schobe-Taschkisse and of the Court of Cassation.

POSSIBILITY OF A CHANGE OF DIRECTION IN THE ORDINARY IRANIAN CRIMINAL PROCEDURE

On 9 December, 1974, following a television interview in which His Majesty the Shah was questioned about the delay in certain criminal trials before Iranian courts, the Minister of Justice appointed a commission to examine whether certain aspects of the Anglo-Saxon criminal procedure could not be introduced into Iranian law.

Certain circles welcomed this as a decisive step towards the overthrow of the existing procedural system, leading to a better protection of individual

freedoms and the granting of a greater flexibility to the courts. The least that can be said at the present time is that this prospect does not appear to correspond with certain recent reforms, quite apart from the fact that it is difficult to introduce a procedural system which is totally different from that of the system of law in which the judges and practising advocates have been trained. Moreover, contrary to the opinion expressed in the same circles, neither the Iranian system nor the French system assume the guilt of the accused person. On the contrary, the presumption of innocence is written firmly into both legal literature and the positive law.

Some people expected nothing less from the work of the commission than the adoption of trial by jury, the rule of "stare decisis," the accusatory system pure and simple, even in the preliminary proceedings, etc.

The conversations which the writer was able to have with some of the members of the commission in question have led him to the conclusion that the result of its work will not result in any major change of direction. It seems that the principle modification which the commission is at present considering would consist in altering the procedure by which witnesses are heard before trial courts (and particularly in Courts of Assize). A procedure resembling in some ways the system of cross examination may eventually be recommended.

Criminal Procedure in Military Courts

THE INVESTIGATION AND PROOF OF OFFENCES

There is a military judicial police force which is essentially employed in investigating purely military offences or offences committed by members of the armed forces while they are on active service (see above, Chapter I, B).

Apart from this force, another police organisation has been created, and it is this that investigates offences and carries out the preliminary examination in all other matters which fall within the jurisdiction of the permanent tribunals of the armed forces.

This organisation was the subject of a law on the organisation of security, passed in 1955. According to Article 1 of this law, an organisation named "Intelligence and National Security Organisation" was created to ensure the security of the country and the prevention of all forms of concerted action to the prejudice of the public interest. This organisation, known under the abbreviation of SAVAK is attached to the Prime Minister and the head of the organisation has the rank of deputy Prime Minister and is appointed directly by the Shah.

Article 2 sets out the functions of the organisation: to enquire into and obtain all necessary information for the maintenance of national security, to prosecute espionage activities and acts against the independence or integrity of the country as well as persons who undertake intelligence work for foreign

powers, to repress the activities of any body whose constitution or operation has been, or may be, declared illegal, and to forestall any plots and conspiracies against national security. In addition, the same article instructs the security organisation to enquire into, investigate, and discover all acts constituting crimes envisaged in the law on the security and independence of the country (1931), offences against the security of the state enumerated in Chapter I of the special part of the penal code, and a certain number of crimes dealt with in various article of the code of military justice (1939).

Article 3 provides that the officers of this intelligence and security organisation will have the status of military judicial police, and will exercise all their powers and responsibilities. The permanent courts of the armed forces have jurisdiction to try all offences referred to in the law. Subsequent laws enlarging the jurisdiction of these tribunals imply automatically the extension of the powers of the SAVAK into the field in question.

It follows from these provisions that the SAVAK enjoys a monopoly over various classes of delicate matters, some of which lie at the frontier between the ordinary criminal law and political subversion. Although no legal provision provides (as far as the writer knows) that everything concerning the operation of the SAVAK is a national defence secret (as is the case in France for the French organisation known as the Defence and Supervision of the Territory (*Défense et Surveillance du Territoire*), all lawyers (and even more the non-lawyers) manifested an extreme reticence about discussing this subject.

The conclusion must be drawn that the SAVAK constitutes a kind of state within the state, and that the secrecy which surrounds it helps numerous stories about it to flourish. The military prosecutor general has no direct authority over the personnel of the SAVAK, who are responsible solely to the head of the organisation.

It seems beyond dispute that offenders arrested, interrogated and imprisoned by the SAVAK do not enjoy the same rights as the offenders triable before the ordinary courts. The latter are brought within a short time before the public prosecutor who immediately refers the matter to an examining magistrate in the case of a felony or conducts the investigation himself (with the assistance of of the ordinary judicial police) in the case of a misdemeanour. By contrast, persons arrested and detained under the authority of the SAVAK seem to remain in detention for varying but long periods before the military prosecutor and the military examining magistrate have seisin of their case. Another period of time elapses while the examination takes place, before the military tribunal can proceed to the trial. The recent laws limiting the period of provisional detention, examined above, do not apply to an enquiry and examination before the tribunals of the armed forces. It is not for the writer to say, in the absence of factual information in one direction or the other, whether detainees are subject to ill-treatment nor whether certain of them disappear.

Whereas provisional detention is relatively little used in the ordinary crimi-

nal jurisdiction (at least away from the main centres), this does not seem to be the case in matters within the competence of the military tribunals, where more than $\frac{3}{4}$ of those held in detention are detained by way of provisional detention and only $\frac{1}{4}$ are detained as the result of conviction. As has been mentioned above neither the total number of cases in hand nor the way in which they are distributed between the different classes of case could be ascertained. The more moderate estimates are of 4,000 or 5,000 detainees subject to the military tribunals, 1,000 of these being ideological opponents and the other being involved in acts of violence.

THE OPENING OF THE PROSECUTION AND THE JUDICIAL EXAMINATION

Prosecutions are brought by the military Procurator General who has the power to prefer the charge and to place the accused in provisional detention.

The official examination is carried out by a military examining magistrate. At the present time the great majority of these examining magistrates have a law degree, by virtue of a requirement introduced five or six years ago.

The accused does not have the assistance of a lawyer during the examination. Withdrawal of the order for detention can apparently only take place with the agreement of the military prosecuting authorities and appear to occur very seldom.

THE HEARING AND JUDGMENT

As has been indicated above (when dealing with the organisation of the courts), the permanent tribunals of the armed forces consist only of officers on active service (three or five according to the level of the court and the maximum penalty for the offence). They are generally of senior rank.

The Defenders are also military personnel, but many of them are retired officers who have received some legal training. The writer was told by a leading member of the bar that these Defenders had shown competence and zeal.

MEANS OF APPEAL

Appeal by way of cassation is in principle available against decisions of military tribunals. However, this means of appeal only lies with the express leave of the Shah. It seems that this is rarely granted.

Once the sentence has been confirmed, only an appeal for clemency can alter its nature or length. Clemency in individual cases seems to be exceptional. On the other hand, selective acts of clemency take place on certain occasions (that of 23 October, 1975 when 240 prisoners subject to military justice were released, was a particular important example).

IV. The Prison System

The writer did not visit any establishments where persons under trial or condemned by the Military Tribunals are detained. Indeed, he made no request to do so during his short stay.

He was, however, able to pay a long visit to an institution for the observation and re-education of delinquent juveniles and young adults. He was also able to obtain certain details about the new penal system for adults from the officials of the Ministry of Justice who drew up the recent legislation (1975).

Institutions for Juveniles

The institution which was visited lies in the outskirts of Teheran. It was formed in 1968, following the Congress on Criminology which was held in Teheran. It is a model institution, which is always shown to visiting penologists. It was established on the initiative of the Shah, and it received wide support from the public authorities.

The institution receives juveniles and young adults of both sexes. On the girls' side there are usually only three or four at a time. The greatest number at any one time was 15. There are also separate quarters for children under 15, for recidivists and for those who are prone to violence.

For the last three years this institution has functioned as a centre for consultation and observation, in addition to its role as a centre for re-education. Two other centres of the same kind are planned for Tabriz and Arvaz.

The inmates sleep in dormitories and not in individual rooms. However, in the new centres which are planned there will be separate houses each containing about 20 rooms.

The capacity of the institution is from 400 to 500 places. Children of 15 years of age are kept at the centre even if they are not subject to any educative measures but have been sentenced to a prison term, even one lasting for several years.

One extremely interesting provision is as follows. From the moment when a minor is arrested by the police in Teheran and taken to the prosecuting authorities, the public prosecutor, if he does not immediately set the child free, transfers him at once to the centre. The judicial examination is then carried out on the premises, the examining magistrate coming to the institution in order to avoid the accused being traumatized by the atmosphere of the courts. Equally, the juvenile court sits on the premises twice a week.

The centre has a considerable socio-educational staff: one psychiatrist, 11

psychologists, 9 teachers, 25 training staff, 3 social assistants and a voluntary worker recruited from the university students.

The education consists of both schooling (at primary level) and of technical education (apprenticeship training is available in various trades, with modern equipment).

Particular care is taken on the release of the youths to help their social reintegration. The social services look for suitable employment for them, with the help of the employment services of the Ministry of Labour. They are usually lodged in a special hostel which makes possible after-care treatment. The centre can also rely on the assistance of a considerable number of voluntary workers (students and members of the Iranian Women's Organisation) who meet every month to coordinate their action.

The percentage of known recidivists has been 25.5%. Usually these are juveniles without any family, for whom the aid societies have not been able to find any foster home.

The Penal System for Adults

The 1973 reform of the general part of the penal code contains only two Articles dealing with the serving of sentences. These deal respectively with the distribution of the prisoners in the different establishments, and with the organisation of remuneration for the work of the prisoners.

A new regulation was published in July/August 1975 which introduced far-reaching reforms into the organisation and operation of the penal system. The most remarkable aspect is the role entrusted to a representative of the judiciary, a role clearly inspired by that of the Judge for the implementation of sentences in France, an office officially created in 1958 and of which the powers have been repeatedly enlarged by the laws of 1970, 1972 and 1975. In Iran this role devolves upon a representative of the department of the public prosecutor, known as the "deputy in charge of prison affairs." He exercises his functions not only in relation to closed prisons, but also in relation to open prisons and those on conditional release.

CLOSED PRISONS

In closed prisons the essential task of the deputy in charge of prison affairs is to follow the conduct of the prisoner with a view to his being granted conditional release. This can take place after he has served half his sentence (with a minimum of three months) in the case of a sentence for a misdemeanour, or after the service of $\frac{2}{3}$ of the penalty in the case of a conviction for felony, and after 12 years imprisonment if the sentence is life imprisonment. Recidivists are not entitled to benefit from conditional liberty. This privilege is reserved for first offenders.

It is granted according to the conduct and work record of the prisoner. As far as possible, he should have made good the damage which he has caused.

The deputy in charge of prison affairs recommends release to the public prosecutor of the court which imposed the sentence. If the public prosecutor agrees, he refers the matter to the court, which examines whether or not to grant conditional liberty.

The closed penal system, as organised by the decree of 1975, adopts virtually all the Standard Minimum Rules for the Treatment of Prisoners formulated by the Economic and Social Council of the United Nations in 1955 (and as added to in 1970 by the Council of Europe).

OPEN PRISONS

The Iranian authorities have begun to use on a very large scale the system of "open prisons." The prisoners are normally under lock and key, but work outside the prison without being subject to systematic supervision (it is a different system from that of "external work" in French law, and is nearer to the French system of "semi-liberty"). The work involved is usually road work, building work, forestry and agricultural work, either for the benefit of the state or under contract with private undertakings. Quite often the prisoners do not return to their prison in the evening, but spend the night in hutments provided for this purpose.

The prisoners who are subject to this régime can, in appropriate cases, be granted conditional liberty. They then cease to be confined in prison during the night or on non-working days.

CONDITIONAL LIBERTY

Once granted conditional liberty, the prisoner is set free, but the deputy charged with prison affairs continues to follow and keeps check on his case, with the assistance of the police and gendarmerie. A person on conditional liberty is subject to a number of conditions similar to those imposed in France, and very close to those applying in countries with the probation system (however, Iran has not yet adopted the proposals, which have often been projected, for introducing the probation system or suspended sentences with proof of good behaviour).

The conditions imposed in cases of conditional release are fixed by the court which grants it. A condition of residence in a particular place is usual, but is not universal.

THE JUDICIAL CONTROL ENTRUSTED TO THE DEPUTY IN CHARGE OF PENAL AFFAIRS

The deputy prosecutor charged with the duties referred to above exercises them with the assistance of a consultative committee which brings together the various penal officials of the institution, the teachers, the doctors, the social workers etc. Each case is examined individually. The officer in charge of penal affairs presides over the committee and takes personal responsibility for its decisions.

His powers in relation to closed prison are greater than those of the judge for the implementation of penalties under French law, since he also deals with problems relating to visits and decides questions of transfer.

Conclusions

In such a short mission it was only possible to gather a limited amount of information. The picture of Iranian law which has been outlined above is not sufficient to disclose in any profound sense the real situation concerning the application of the principles of the rule of law, the protection of defence rights (due process), the safeguarding of individual freedoms and the respect for human rights.

Only a study in greater depth and for a longer period, attending court hearings and being able to observe the operation of certain administrative functions of the prosecuting authorities and visit penal institutions, with a sufficient knowledge of the language, would enable one to express a fully confident opinion.

In the light of the findings made and the information gathered, it can only be said that Iran has lawyers of excellent quality (whether it is a matter of the judges, the prosecuting authorities, the members of the bar, the university staff, or the senior officials) who are fully aware of all that is implied by devotion to the fundamental principles of an enlightened humanism. They are well aware of the difficult problems of policy which a growing crime rate imposes on the public authorities in the light of the stage of economic development of the country and present-day ideological antagonisms.

It seems desirable that they should be able to exercise their influence to achieve greater enlightenment in certain regrettably obscure sectors of the system of social control. In this connection, one may express the hope that the functions of the military courts will once again be limited to those which are normally performed by such courts, and that the procedure of these courts will approximate more closely to those of the ordinary courts which recent reforms have, moreover, striven to improve in a more liberal direction without, however, limiting their effectiveness.

Appendix A

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IRANIAN PENAL LAW

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