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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD

**Written statement* submitted by International PEN,
a non-governmental organisation in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

International PEN, the world association of writers representing members in 99 countries, has central to its mandate, the promotion and protection of the right to freedom of expression. Since its founding in 1921, PEN has regarded this right as crucial to the advancement of understanding between nations and cultures, and hence of international peace and stability. Since 1960, the association's Writers in Prison Committee, has monitored attacks against writers and journalists for the practice of this right. Today, it has on its records almost 1,000 cases of killings, arrests, imprisonment, physical attack, threats, and court proceedings that have occurred world-wide in the past 12 months.

The Writers in Prison Committee has noted recently an alarming deterioration in the enjoyment of freedom of expression in the Islamic Republic of Iran, a nation-state that ratified the International Covenant on Civil and Political Rights in 1976. A number of 'webloggers' and 'online journalists' – those who have embraced the relatively new possibilities of the Internet to express their views – have been arrested and detained. Some of them recently reported that they were tortured while in custody.

The Internet has been a world phenomenon over the last decade, with online information transforming societies and their economies. The new communications technologies allow for swift access to complex information, instantaneous information-sharing across the world and links people across the globe in a low-cost manner. The Internet enjoys huge popular support, with a growth in web sites, webzines and on-line chat-rooms in which individuals can exchange information and ideas. In many countries around the world local communities have embraced the Internet with enthusiasm as a peaceful method of expressing their views about their governments and launching campaigns for political reform. 'Cyberdissent' has become the *samizdat* of the 21st century.

Use of the Internet has grown faster in the Islamic Republic of Iran than in any other place in the Middle East, with individuals expressing views they could not give vent to hitherto, often through Weblogs, sometimes referred to as 'Blogs'. Very often, traditional print-forms of communication, such as journals, have been closed down by the Iranian authorities: as many as 100 publications are believed to have been banned in the past five years. The Internet has then promised individuals an alternative means of unfettered exchanges of opinions. However, in September 2004, the Iranian government authorities began a clamp-down on this method of communication also.

Of special concern to the Writers in Prison Committee, are the cases of seven on-line journalists who were arrested between September and November 2004, in Iran. They are among 25 reported cases of Internet activists who have been taken into custody at this time by the Iranian authorities. The seven – two women and five men – are: **Mahboudeh Abbasgholizadeh**, female editor-in-chief of the women's magazine *Ferzaneh*; **Rozbeh Mirebrahimi**, former political editor of *Etemad*; **Fershteh Ghazi**, female correspondent for the daily *Etemad*; **Hanif Mazroi**, reformist journalist; **Omid Memarian**, reformist journalist and weblogger; **Shahram Rafihzadeh**, cultural editor of the reformist daily *Etemad*; **Javad Gholam Tamayomi**, journalist with the daily *Mardomsalari*.

The five men were reportedly accused of 'spreading propaganda against the regime, threatening national security, incitement to rebellion and insulting leading figures in the regime'. However, only in the case of the woman journalist, Mahboudeh Abbasgholizadeh, did the authorities file charges. She is facing trial for 'acts against national security and spreading propaganda'.

The seven were held incommunicado, until six of them were released on bail during November and December. (Javad Gholam Tamayomi remained detained at this time). However, after the father of one of the seven issued a public letter on 11 December 2004, protesting against the detentions and alleging that the detainees had been tortured by the authorities while in jail, Omid Memarian, Shahram Rafihzadeh, and Rozbeh Mirebrahimi were re-arrested. Judge Saeed Mortazavi, Tehran's Chief Prosecutor, is reported to have said they would face lengthy jail-terms if they did not repudiate the claims that they had been tortured. On 14 December 2004, the three appeared at a television press conference stating that they had not been mistreated in prison.

However, between 25 December 2004 and 1 January 2005, a group of the detainees appeared before a presidential committee investigating the mistreatment of detainees. They testified that they had indeed been tortured by 'secret squads' operating under orders of the Iranian judiciary. Fershteh Ghazi claimed she had sustained a broken nose during an interrogation. The others said they had been beaten, humiliated, and threatened with rape. On 3 January 2005, Chief Prosecutor Mortazavi publicly denied that any mistreatment of the detainees had taken place. He added that the accused might face additional penalties for 'allegations against the security forces and prison officials that are politically motivated'. On 4 January 2005, a report from the Committee for Monitoring the Implementation of the Constitution stated that it believed torture had indeed taken place.

The claims and counter-claims regarding torture are part of a larger, persistent pattern of such reports of mistreatment of detainees in Iran. It appears that a section of the Iranian government holds a *bona fide* intention to put a stop to the practice, as witnessed by the hearings that took place in this case. However, in other areas of government, there appears to be a continuing motivation to ensure that security compounds and places of imprisonment remain opaque, and not subject to external scrutiny. In this instance, the Writers in Prison Committee expresses grave concern that Tehran's Chief Prosecutor publicly threatened those who alleged that torture had taken place with further judicial proceedings for those very allegations. By doing so, he endeavoured to create an atmosphere of self-censorship, where such malpractices might have been hindered from coming to light. The Writers in Prison Committee believes that impartial and open proceedings, in a spirit of impunity, are the only way to establish the truth of such allegations. Without such a process, those found responsible for carrying out torture cannot be brought to justice and the practice cannot be eradicated.

The Writers in Prison Committee understands that, as of early February 2005, the case against the seven continues. The accusations against them are reportedly being pursued by the Iranian authorities, although the seven are no longer held in custody. The Writers in Prison Committee has investigated the seven's activities and has established no evidence of violent or otherwise criminal activity on their part. The two women were writers and activists on a range of women's issues, while the men's work covered a range of social and political topics. Their online publishing activities were in complete conformity with their internationally-recognised right to freedom of expression.

Meanwhile, the Writers in Prison Committee has received reports that charges of sexual impropriety are being prepared against some of the seven. The Writers in Prison Committee fears that such charges may be used as a pretext for imprisoning them for their legitimate activities as journalists and writers. The Writers in Prison Committee believes that the cases against the seven should be dropped, as they comprise a violation of the individuals' human rights. It also

believes that anyone found to have practised torture or ordered or sanctioned its use while the seven were detained, should be brought to justice.

These arrests are part of a long-standing and continuing trend of suppression of writers and journalists in Iran. PEN also has on its records 28 other writers and journalists who are in prison or on trial in Iran on charges that are in blatant contravention of Iran's obligations under Article 19 of the International Covenant on Civil and Political Rights. Some are serving sentences that are as high as ten years, and reports of ill-treatment in prison are common.

The Writers in Prison Committee calls on the members of the United Nations Commission to do all in their power to persuade the Iranian authorities to desist from such harassment of on-line journalists, writers and activists in the future and to instead allow them unfettered access to the Internet and the freedom to express their views fully, in accordance with Article 19 of the International Covenant on Civil and Political Rights.
