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Bob Owen notified; will pull back copies  
he has sent to NEA and IO and hold all  
copies closely.

JT



DEPARTMENT OF STATE  
THE LEGAL ADVISER

November 14, 1979

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DEPARTMENT OF STATE  
BRIEFING MEMORANDUM

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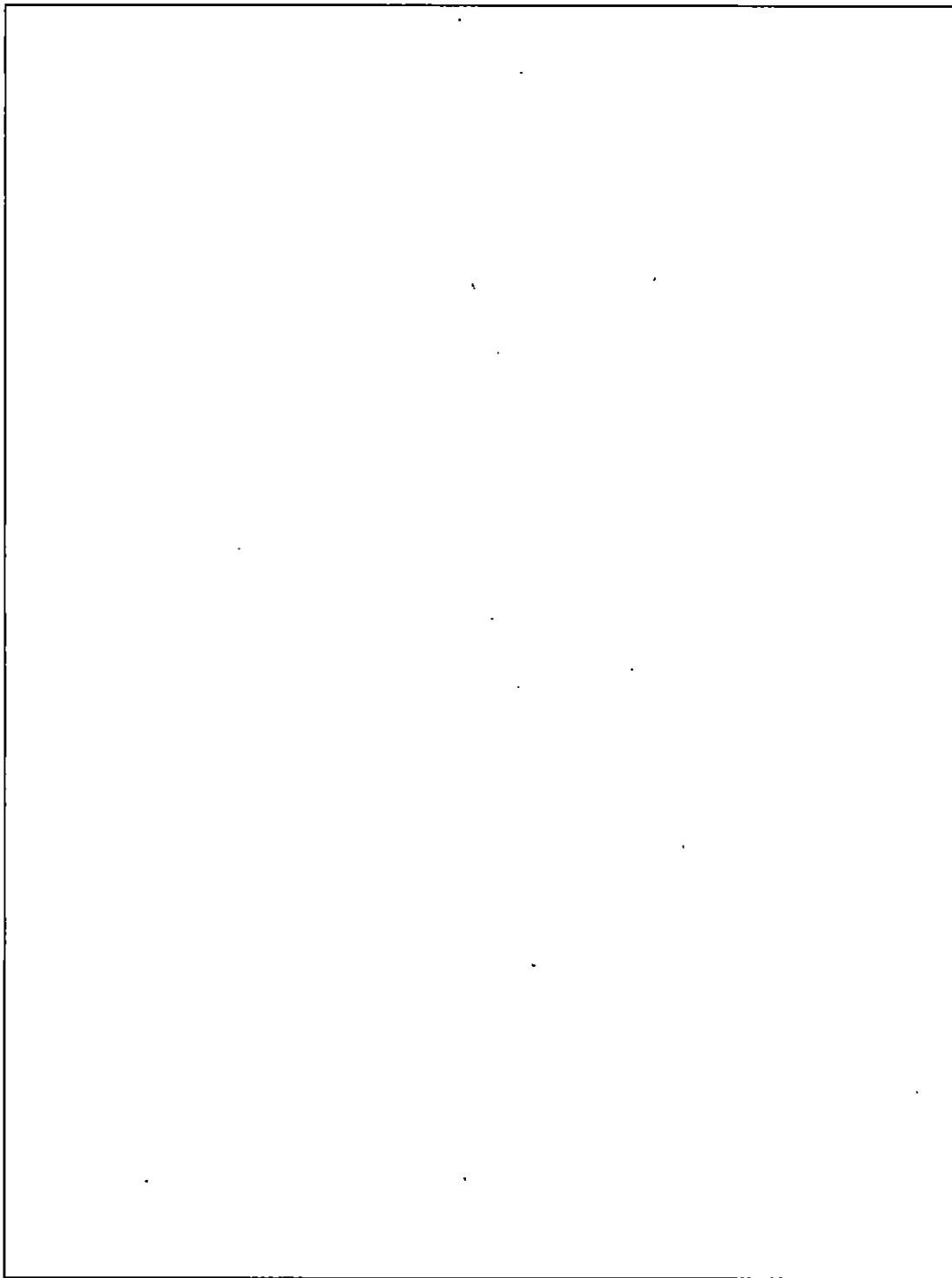
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IRAN

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

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

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

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

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

initial law controls on all political activity again were enforced, but widespread protests against the regime continued.

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

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

a. Torture

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

b. Cruel, Inhuman or Degrading Treatment or Punishment

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

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

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

c. Arbitrary Arrest or Imprisonment

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

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

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

d. Denial of Fair Public Trial

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

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

e. Invasion of the Home

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

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

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

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

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

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

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

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

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

3. Respect for Civil and Political Liberties, Including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Freedom to Participate in the Political Process

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

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

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

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

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