

URGENT ACTION



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Note: Please write on behalf of this person even though you may not have received the original UA when issued on August 7, 2009. Thanks!

7 April 2011

Further information on UA 211/09 (7 August 2009) and follow-ups (8 July 2010; 15 July 2010; 9 August 2010; 3 November 2010; 16 November 2010) – Prisoners of conscience/ Legal concern/Risk of torture

IRAN
Sakineh Mohammadi Ashtiani (f)
Javid Houtan Kiyani (m) *lawyer*
Sajjad Qaderzadeh (m) - *released*
Marcus Hellwig, (m) *journalist - released*
Jens Koch, (m) *journalist - released*

The son of Sakineh Mohammadi Ashtiani, Sajjad Qaderzadeh, and the two German journalists have been released. However, Javid Houtan Kiyani, the detained lawyer of Sakineh Mohammadi Ashtiani, may have been sentenced. He is feared to have been tortured or otherwise ill-treated.

According to information received by Amnesty International, Javid Houtan Kiyani may have been sentenced to one year's imprisonment, as well a five-year ban on practicing law, in a trial in which he had no access to a lawyer. He is accused of telling "lies" concerning the case against his client, Sakineh Mohammadi Ashtiani, including that she was sentenced to 99 lashes and was tortured or otherwise ill-treated, both of which the authorities deny. He may also be facing further charges in relation to his alleged possession of forged identity documents. A letter attributed to Javid Houtan Kiyani alleges that he was tortured while held in solitary confinement in Section 209 of Evin Prison from 11 October to 12 December 2010. The letter said that he had been burned with cigarettes and repeatedly beaten, causing some of his teeth to be broken. He is also alleged to have been soaked with water and left for hours in the cold. He was reportedly hospitalized as a result. Amnesty International has written to the Iranian authorities urging them to investigate these reports but has yet to receive a reply.

Sakineh Mohammadi Ashtiani's son, Sajjad Qaderzadeh, was released on bail equivalent to US\$ 40,000 on 12 December 2010. He may now be facing criminal prosecution as a result of his campaigning activities for his mother. The two German journalists, now named as Marcus Hellwig and Jens Koch, were released on 19 February 2011 after a court commuted their 20 months prison sentence to a fine of US\$50,000 each.

BACKGROUND INFORMATION

Sakineh Mohammadi Ashtiani was arrested in 2005 following the murder of her husband. Initially accused of murder, her children waived their right to press charges against her as is their right under Iranian law. Instead she was charged and convicted under Article 612 of the Penal Code and sentenced to the maximum penalty of 10 years for her alleged role in her husband's death. Her lawyer has said that this was reduced to five years in 2009 – the maximum penalty for "complicity in murder" - after he had successfully argued that she had done nothing which would have led directly to her husband's death. Despite court documents showing that she was sentenced to a prison term in relation to the murder, the Iranian authorities are now trying to claim that judicial proceedings regarding the murder have not yet been completed and appear to be attempting to portray her as a dangerous murderer who deserves to be executed. (For further information, see *Iran: Sakineh Mohammadi Ashtiani, A life in the balance*, Index MDE 13/089/2010, September 2010, <http://www.amnesty.org/en/library/info/MDE13/089/2010/en>).

Her case came to international attention in June 2010, and has led to the arrest and harassment of her son and lawyers. Javid Houtan Kiyani, Sakineh Mohammad Ashtiani's lawyer, and Sajjad Qaderzadeh, her son, were arrested on 10 October in Javid Houtan Kiyani's office along with the two German journalists who were conducting an interview with them about her case. Another

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

of her lawyers, Mohammad Mostafaei, was forced to flee the country in July for his own safety after he was summoned for interrogation. His wife and brother-in-law were also arrested to try to force him to give himself up. Mohammad Mostafaei has since been sentenced to six years' imprisonment *in absentia* for "acting against national security by discussing Sakineh Mohammad Ashtiani with foreign media" and for "propaganda against the system".

Sajjad Qaderzadeh appeared in a state television program shown on 15 November 2010 and at a press conference, together with Sakineh Mohammadi Ashtiani, on 1 January 2011, in circumstances suggesting that, despite the assurances they gave about their willingness to take part, the statements they made were not freely given, but were the result of some form of duress. During the press conference, Sajjad Qaderzadeh said that his mother was "guilty" but that he had called for the stoning sentence against her to be commuted. He also stated that he would take legal action against Issa Taheri who, he said, had murdered his father but who is "free". During the press conference, Sakineh Mohammadi Ashtiani said that she intended to take legal action against two German journalists because they had "illegally" interviewed her son about her case. The two German journalists, Marcus Hellwig and Jens Koch, were held in Tabriz and in November were said to be facing charges of "espionage. Before their release a court sentenced them to 20 months imprisonment although the precise charges against them are not clear. Following diplomatic efforts by the German authorities, their sentence was commuted to a fine and they were released and returned to Germany.

Article 14 of the ICCPR provides for the right of an accused person to have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing. The UN Basic Principles on the Role of Lawyers provide that lawyers must be allowed to carry out their work "without intimidation, hindrance, harassment or improper interference." In addition, it affirms the right of lawyers to freedom of expression, also provided for in Article 19 of the ICCPR, which includes "the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights". Article 14 (3) (g) of the ICCPR also states that everyone has the right "not to be compelled to testify against himself or to confess guilt". The UN Special Rapporteur on the Independence of Lawyers and Judges has not been permitted to visit the country despite the Standing Invitation issued by Iran to all UN human rights mechanisms in 2002.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- Seeking clarification from the Iranian authorities of the current legal status of Javid Houtan Kiyani and any details of his trial, including details of the charges against him and any appeals he may have lodged;
- Expressing concern at reports that Javid Houtan Kiyani was not granted access to a lawyer during his trial, and calling for him to be granted immediate access to a lawyer of his choice, his family, and to adequate medical care;
- Expressing concern at reports that he may have been tortured or otherwise ill-treated, and calling for a prompt and impartial investigation into these allegations.

APPEALS TO:

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street – End of Shahid Keshvar Doust Street,
Tehran,
ISLAMIC REPUBLIC OF IRAN

Email: info_leader@leader.ir,

Twitter: [@khamenei_ir](https://twitter.com/khamenei_ir)

(please add #Iran in the body of the message which cannot exceed 140 characters, including spaces and punctuation)

Salutation: **Your Excellency**

Head of the Judiciary

Ayatollah Sadegh Larijani
[Care of] Public Relations Office
Number 4, 2 Azizi Street
Vali Asr Ave., above Pasteur Street intersection
Tehran,
ISLAMIC REPUBLIC OF IRAN

Email: bia.judi@yahoo.com

(In subject line: FAO Ayatollah Sadegh Larijani)

Salutation: **Your Excellency**

COPIES TO:

Secretary General, High Council for Human Rights

His Excellency Mohammad Javad Larijani,
High Council for Human Rights
[Care of] Office of the Head of the Judiciary,
Pasteur St., Vali Asr Ave. south of Serah-e Jomhouri,
Tehran 1316814737,
ISLAMIC REPUBLIC OF IRAN

Email: info@humanrights-iran.ir

(subject line: FAO Mohammad Javad Larijani)

Salutation: **Dear Sir**

Iran does not presently have an embassy in the United States. Instead, please send copies to:

Iranian Interests Section
2209 Wisconsin Ave NW
Washington DC 20007

Phone: **202 965 4990**

Fax: **1 202 965 1073**

Email: requests@daftar.org

PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 18 May 2011.