

17 October 2000

Further information on UA 236/00 (MDE 13/22/00, 9 August 2000) - Prisoners of Conscience / Medical Concern

New concern: Unfair Trial / Fear of torture

IRAN Hojjatoleslam Hasan Yousefi Eshkevari, researcher and
journalist, aged 50
Ahmad Zeidabadi, journalist
Massoud Behnoud, journalist, aged 55

Prisoner of conscience Hojjatoleslam Hasan Yousefi Eshkevari's case was heard in a closed trial between 7 and 15 October. He has not yet been sentenced, but it is possible he could be sentenced to flogging or even the death penalty.

Hojjatoleslam Hasan Yousefi Eshkevari, who has been detained for two months with only limited access to his family, was tried by the Special Court for the Clergy (SCC). The court reportedly rejected the lawyers he had chosen and would not let him carry out his own defence. Instead, he was appointed a lawyer not of his choosing. His wife, Mohtaram Golbaba'i, has reportedly said in an interview that he was not told when the trial would take place.

He is reportedly accused of "acting against national security", "defaming government officials in published articles", and "denial of the Islamic faith" in a speeches he gave at a Berlin conference, and in articles published in now banned newspapers. The charges carry heavy sentences, including flogging. There have also been unconfirmed reports that he is accused of heresy (*ertedad*), being at war with God (*muhareb ba khoda*) and being a corrupter on earth (*mofsed fel arz*). If found guilty of these charges, he could be sentenced to death.

He was supposed to be sentenced on 16 October, but the sentencing was reportedly delayed after senior officials, apparently including President Mohammad Khatami and the Leader of the Islamic Republic, Ayatollah Ali Khamenei, intervened. Trials in special courts, such as the SCC, often fall short of international standards for fair trial.

Hojjatoleslam Hasan Yousefi Eshkevari was first arrested on 5 August as part of an ongoing clampdown on freedom of speech in Iran, apparently for having participated in the Berlin conference in April, which debated social and political reform in Iran. Ahmad Zeidabadi and Massoud Behnoud, two other prisoners of conscience arrested around the same time, are still in detention.

Ahmad Zeidabadi was transferred to the "Qarantina" section of Evin prison around 12 October. It is highly unusual for journalists to be detained in this part of the prison, which holds for example drugs smugglers and thieves. His wife, Mahdiye Mohammadi, reportedly said in an interview that he may have been transferred because he has refused to sign a letter condemning his actions, and that he is due to remain in this section for approximately 10 days.

Massoud Behnoud was reportedly supposed to be released on bail around 2 October, but there have been unconfirmed reports that his release was overruled by Said Mortazavi, the judge at the court dealing with most press cases. Massoud Behnoud has an ulcer and a heart condition.

BACKGROUND INFORMATION

The current clampdown on freedom of expression in Iran has been underway since July 1999, when the closure of the newspaper *Salam* sparked nationwide protest. Many more newspapers have since been shut down. Eighteen newspapers were closed in April 2000 alone, and many journalists have been arrested. See *Iran: Clampdown on freedom of expression*, News Service 078/00 (MDE 13/08/00, 27 April 2000)

In recent months, the Iranian authorities have arrested a number of journalist who took part in a conference at Berlin's Heinrich Böll Institute in April, which was marked by strong protest by Iranian political groups in exile. Among those arrested in connection with the conference, prisoners of conscience Akbar Ganji and Khalil Rostamkhani are still in custody. (See Extra 43/00, MDE 13/07/00; UA 182/00, MDE 13/13/00 and follow-up MDE 13/27/00). Others, who have been released on bail, remain under investigation, including Mehrangiz Kar, Shahla Lahiji, Ali Afshari and Ezzatollah Sahabi. (See UA 103/00, MDE 13/20/00 and follow-up MDE 13/16/00; UA 182/00, MDE 13/13/00 and follow-up MDE 13/27/00).

Proposals to reform the existing press law, which would have made it harder to prosecute journalists and editors, and which would have shifted legal responsibility to publishers, were controversially withdrawn in August after the Leader of the Islamic Republic, Ayatollah Khamenei, called on the parliament (*Majles*) to leave the law unchanged.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, French or in your own language:

- urging the Special Court for the Clergy (SCC) to review Hojjatoleslam Hasan Yousefi Eshkevari's case, seeking guarantees that he will not be flogged or sentenced to death in violation of international law prohibiting torture and cruel or degrading treatment;
- urging the authorities to release Hojjatoleslam Hasan Yousefi Eshkevari, Ahmad Zeidabadi, Massoud Behnoud and other prisoners of conscience immediately and unconditionally;
- seeking guarantees that they will be treated humanely in prison and that they will not be held in sections of Evin prison not normally used for the detention of journalists;
- asking for details of the charges brought against Ahmad Zeidabadi and Massoud Behnoud, and seeking assurances that have been granted immediate access to a lawyer of their choice and to their families
- calling for Ahmad Zeidabadi, Massoud Behnoud and other prisoners of conscience to be released on bail prior to trial.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei,
The Presidency, Palestine Avenue,
Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Telegrams: Ayatollah Khamenei, Tehran, Iran

Salutation: Your Excellency

President

His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami

The Presidency, Palestine Avenue

Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Telegrams: President Khatami, Tehran, Iran

Salutation: Your Excellency

Head of Judiciary

His Excellency Ayatollah Mahmoud Hashemi-Shahrudi

Ministry of Justice, Park-e Shahr,

Tehran, Islamic Republic of Iran

Telegrams: Head of the Judiciary, Tehran, Iran

Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs,

His Excellency Kamal Kharrazi

Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue

Tehran, Islamic Republic of Iran

Mr Mohammad Hassan Zia'i-Far

Secretary, Islamic Human Rights Commission

PO Box 13165-137, Tehran, Islamic Republic of Iran

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and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 November 2000.