

PUBLIC

AI Index: MDE 13/045/2009
14 May 2009

Further Information on 262/06 (MDE 13/114/2006, 29 September 2006) and follow-up (MDE 13/120/2006, 13 October 2006; MDE 134/2006, 11 December 2006; MDE 13/140/2007, 30 March 2007; MDE 074/2007, 15 June 2007; MDE 13/103/2007, 10 August 2007 and MDE 13/135/2008, 11 September 2008) - Arbitrary arrest/ fear for safety/ possible prisoner of conscience/ medical concern/torture and ill-treatment

IRAN

Ayatollah Sayed Hossein Kazemeyni Boroujerdi (m), aged 50, Shi'a cleric

Ayatollah Sayed Hossein Kazemeyni Boroujerdi was subjected to beatings on 5 May 2009 in Yazd Central Prison, central Iran, where he was transferred in the latter part of 2008. He has been held in solitary confinement since 27 January 2009. He may be a prisoner of conscience, held only because of his religious beliefs.

On 1 May, Ayatollah Sayed Hossein Kazemeyni Boroujerdi wrote a letter to the United Nations Secretary General, Ban Ki-Moon, requesting that international observers be sent to Iran in order to pave the way and to assist Iranian people in an open referendum on the system of government (see letter at http://www.hrairan.org/index.php?option=com_content&view=article&id=967:456&catid=66:304&Itemid=293). Following this letter, Ayatollah Boroujerdi was beaten in prison on 5 May and in protest he began a hunger strike. The prison authorities reportedly told the Ayatollah's family that his telephone privileges of calling his family and lawyer were being suspended and that he was being punished for his latest statements about a referendum. There is no information available to Amnesty International as to his present condition with regard to his hunger strike.

Ayatollah Sayed Hossein Kazemeyni Boroujerdi was sentenced to 11 years' imprisonment on 13 August 2007. According to the judgement he will serve one year in a prison in Tehran and the remaining ten years in a prison in another part of the country. He has been repeatedly denied adequate treatment for his medical concerns including Parkinson's Disease, diabetes, high blood pressure and heart problems. Ayatollah Boroujerdi is reported to have been repeatedly tortured and ill-treated since his arrest. His family have appointed lawyers for him but, the Special Court for the Clergy (SCC) has refused to allow them to defend him on the grounds that only clerics appointed by the Judiciary can make representations on his behalf.

Ayatollah Sayed Hossein Kazemeyni Boroujerdi advocates the removal of religion from the political basis of the Iranian state. He was arrested at his home in Tehran on 8 October 2006 along with more than 300 of his followers. He and 17 followers were initially sentenced to death, but the death sentences were later dropped. In addition to his sentence of 11 years' imprisonment, Ayatollah Boroujerdi was also banned from practicing his clerical duties and his house and all his belongings were confiscated.

Most of the 77 followers of Ayatollah Boroujerdi who also faced trial, have now been released. Five of them are however, serving prison terms ranging between 2 and 5 years.

BACKGROUND INFORMATION

The SCC, which operates outside the framework of the judiciary, was established in 1987 by Ayatollah Khomeini to try members of the Shi'a religious establishment in Iran. Its procedures fall far short of international standards for fair trial: among other things, defendants can only be represented by clergymen nominated by the court, who are not required to be legally qualified. In some cases the defendant has been

unable to find any nominated cleric willing to undertake the defence and has been tried without any legal representation. The court can hand down sentences including flogging and the death penalty.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, Arabic, English, French or your own language:

- calling for a prompt and impartial investigation into allegations that Ayatollah Boroujerdi has been tortured or otherwise ill-treated, and, with its methods and findings made public;
- urging the authorities to end the practice of solitary confinement, in line with the recommendations made by the UN Working Group on Arbitrary Detention;
- seeking assurances that he is not being tortured or otherwise ill-treated in detention;
- urging the authorities to allow Ayatollah Sayed Hossein Kazemeyni Boroujerdi to receive adequate medical attention and regular access to family visits;
- expressing concern that Ayatollah Sayed Hossein Kazemeyni Boroujerdi and his detained followers may be prisoners of conscience, who should be immediately released if not promptly charged with a recognizably criminal offence and given a fair trial;
- expressing concern that Ayatollah Sayed Hossein Kazemeyni Boroujerdi has been denied the right to adequate and regular access to legal representation of his choice.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
c/o Director, Judiciary Public Relations and Information Office
Ardeshir Sadiq
Judiciary Public Relations and Information Office
No. 57, Pasteur St., corner of Khosh Zaban Avenue
Tehran, Islamic Republic of Iran

Email: info@dadiran.ir (In the subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

COPIES 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

via website: <http://www.leader.ir/langs/en/index.php?p=letter> (English)

<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)

Salutation: **Your Excellency**

Director, Human Rights Headquarters of Iran

Mohammad Javad Larijani
Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Iran

Fax: **+98 21 3390 4986 (please keep trying)**

Email: info@dadgostary-tehran.ir (In the subject line write: **FAO Javad Larijani**)

Salutation: **Dear Mr Larijani**

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 25 June.