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APPEAL CASE UPDATE 1

IRAN: Human Rights Defender At Risk- Abdolfattah Soltani

April 2006

AI INDEX: MDE 13/038/2006

This is an update to *Iran: Human Rights Defender at Risk Appeal Case- Abdolfattah Soltani* (AI Index MDE 13-009-2006, February 2006)

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Photo caption: Abdolfattah Soltani ©IranPressNews

After spending over seven months- 219 days- detained in Evin prison under a temporary detention order, lawyer Abdolfattah Soltani was released from prison temporarily on 5 March, following a bail payment of one billion rials (equivalent to US\$109,524). His bail had been originally set at 8 billion rials (US\$870,000), an amount which his family said far exceeded normal bail requirements, but was reduced following pressure from his lawyers.

On 6 March, his temporary release was confirmed by the Deputy Prosecutor for Tehran, Mahmud Salarkia, who disputed the reported bail payment amount. He said that "Soltani is released from prison temporarily until the convening of his hearing session at the Judiciary".

According to recent reports, his first court session was held on 5 April 2006 (16 Farvadin 1385), with a second court session to be held 15 days later. In addition to the charge of espionage, he is charged with 'insulting the regime', 'propaganda against the regime', and 'acting against national security' under the provisions of the Iranian Penal Code. The charges are said to relate to four cases in which he is acting as lawyer- two of the nuclear espionage cases; on behalf of Zahra Kazemi's family; and the case of a former intelligence ministry official. To date, the legal team representing Abdolfattah Soltani have not had access to his case file.

Of his 219 days in detention, 43 of them were spent in solitary confinement. Speaking after his release, Abdolfattah Soltani said that his experience of solitary confinement and other pressures in prison, including psychological pressure, was "disappointing", but that it could also be useful experience for him to have undergone "especially in the defense of other defenders and in exposing the acts of those that violate the law".

Amnesty International welcomes the temporary release from prison of Abdolfattah Soltani, but is concerned by the vaguely-worded charges brought against him. Charges such as 'insulting the regime', 'propaganda against the regime' and 'acting against national security' are not clearly defined in the Penal Code and as such can be used to prevent Human Rights Defenders and others from exercising their rights to freedom of expression and association. The charges are believed to be specifically linked to his legal representation of cases such as the family of Zahra Kazemi, the Iranian-Canadian journalist who died in custody in Evin prison in July 2003. Abdolfattah Soltani had appealed to the Supreme Court to launch a new investigation into her death in custody after the acquittal of a Ministry of Intelligence official who had been considered a scapegoat for a senior judicial figure.

Amnesty International believes that these charges have been brought against Abdolfattah Soltani in order to prevent or deter him from pursuing his legitimate activities as a human rights defender, and are intended also to discourage other lawyers and HRDs from pursuing cases of official impunity or representing political cases. If convicted of these offences, Amnesty International would consider Abdolfattah Soltani a prisoner of conscience, and call for his immediate and unconditional release.

Many thanks to all those who sent appeals on Abdolfattah Soltani's behalf.

AI was thanked for its action on behalf of Abdolfattah Soltani by a member of his legal team, who said that AI's "support of the defenders of human rights is very crucial".

Please continue to send politely worded appeals:

- welcoming Abdolfattah Soltani's temporary release from prison; but expressing concern about the prolonged solitary confinement he was subjected to during his detention, and calling on the authorities not to subject people held in custody to prolonged solitary confinement, which constitutes cruel, inhuman or degrading treatment;
- expressing concern that Abdolfattah Soltani is to be tried on charges of 'acting against national security', 'insulting the regime', and 'propaganda against the regime', relating to his legal representation of people accused of nuclear espionage, his work on behalf of the family of Zahra Kazemi and in defense of a Ministry of Intelligence official;
- stating that these charges are vaguely worded, do not appear to constitute recognizably criminal offences; and as they are specifically related to his work as a lawyer in these cases, are designed to curtail his legitimate activities as a human rights defender;
- stating that if convicted of these charges, Amnesty International would consider Abdolfattah Soltani a prisoner of conscience, and call for his immediate and unconditional release;
- calling on the judicial authorities and government to develop national plans of action to implement the UN Declaration on Human Rights Defenders as an important first step to ensure that human rights defenders are able to safely carry out their legitimate work without fear.

PLEASE SEND YOUR APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader

Shoahada Street, Qom, Islamic Republic of Iran

Fax: + 98 251 7 774 2228 (mark "FAO the Office of HE Ayatollah al Udhma Khamenei")

Email: info@leader.ir

OR istiftaa@wilayah.org

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Park-e Shahr,

Tehran, Islamic Republic of Iran

Email via website:

www.iranjudiciary.org/feedback_en.html

Salutation: Your Excellency

Minister of Intelligence

Gholam Hossein Mohseni Ejeie

Ministry of Information

Second Negarestan Street

Pasdaran Avenue

Tehran, Islamic Republic of Iran

iranprobe@iranprobe.com

Islamic Human Rights Commission

Secretary, Islamic Human Rights Commission

PO Box 13165-137,

Tehran, Islamic Republic of Iran

Fax: + 98 21 204 0541

Please continue to show your solidarity with Abdolfattah Soltani, by writing to him care of the Iranian Bar Association:

Iranian Bar Association

Attn: Human Rights Committee

No. 3, Zagros St, Argentina Sq,

Tehran, Islamic Republic of Iran

Fax: +98-21-8771340