

PUBLIC

AI Index: MDE 13/047/2009
19 May 2009

Further Information on UA 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; MDE 13/135/2008, 11 September 2008 and MDE 13/045/2009, 14 May 2009) - 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 hospitalized in the medical facility of Yazd Prison on 17 May 2009. This was after he began a hunger strike on 5 May to protest against the suspension of his rights to make telephone calls to his family and lawyer and to receive visits from them. Amnesty International fears that the prison clinic may not provide all the medical attention he needs.

Ayatollah Boroujerdi is being held in solitary confinement. He was beaten in prison by officials following a letter he wrote on 1 May 2009 to United Nations Secretary-General, Ban Ki-Moon, requesting that international observers be sent to Iran in order to pave the way for, and to assist, in allowing the Iranian people to have an open referendum on the system of government.

Ayatollah Boroujerdi has been repeatedly denied adequate treatment outside prison for his medical concerns including Parkinson's disease, diabetes, high blood pressure and heart problems.

Ayatollah 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. Most of these followers have now been released, but five of them are still held, serving prison terms ranging between two and five years.

Ayatollah Boroujerdi was sentenced to 11 years' imprisonment on 13 August 2007, after his initial death sentence was overturned. He 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.

Amnesty International considers Ayatollah Boroujerdi to be a possible prisoner of conscience, in which case he should be released immediately and unconditionally.

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:

- urging the authorities to ensure that Ayatollah Sayed Hossein Kazemeyni Boroujerdi is seen by qualified doctors and receives adequate medical treatment urgently;
- reminding them that every prisoner has the right to adequate medical attention and that they are responsible for prisoners' wellbeing;
- expressing concern that Ayatollah Sayed Hossein Kazemeyni Boroujerdi and his detained followers may be prisoners of conscience. If so, they should be immediately released. Otherwise their sentences should be reviewed urgently as their trials were not fair, with a view to releasing them if they are not to be promptly charged with a recognizably criminal offence and given a fair trial;
- seeking assurances that he is not being tortured or otherwise ill-treated in detention;
- expressing concern that Ayatollah Sayed Hossein Kazemeyni Boroujerdi has been denied the right to adequate and regular access to family visits and legal representation of his choice.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
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**

Head of Yazd Central Prison

Mr Ghasemalizadeh
Yazd Central Prison
End of Imam Khomeyni Street, after Fazaye Sabz Chahar rah
Yazd, Islamic Republic of Iran

Salutation: **Dear Mr Ghasemalizadeh**

COPIES TO:

Minister of Health and Medical Education

Dr. Kamran Baqeri Lankarani
Ministry of Health
Jomhuri-ye Eslami Avenue, Hafez Crossing
Tehran, Islamic Republic of Iran

Email: Lankarani@mohme.gov.ir OR minister@mohme.gov.ir OR pro@mohme.gov.ir

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 30 June 2009.