

# Iran

## Emaddedin Baqi: human rights defender at risk

This is a public document issued by Amnesty International (AI) focusing on a human rights defender (HRD) in Iran. It is a campaigning document intended to generate action, in particular by AI's *HRDs Network*, against legal proceedings initiated against him and to promote the use of the United Nations declaration relating to HRDs.

Amnesty International is concerned that shortcomings in the judicial system in Iran facilitates the targeting and harassment of human rights defenders, limiting their ability to carry out human rights work.

In Iran flaws in the structure of the administration of justice mean that politically motivated criminal charges frequently result in the sentencing and imprisonment of HRDs such as Emaddedin Baqi.

The misuse of justice systems to prosecute HRDs often results in the silencing of HRDs. Action such as this strikes at the heart of the place that HRDs have in society. This action is aimed at fighting this practice.

### Iran

Since the election of President Mohammad Khatami in 1997, numerous non-governmental organisations (NGOs) have been formed. As a result of the perceived political sensitivity or threat posed by these bodies, most have been affiliated to a political body or powerful social forces. With the awarding, in 2003, of the Nobel Peace Prize to an Iranian HRD, children's rights activist and lawyer, Shirin Ebadi, many in Iran learned about human rights defenders and their important place in society and since then a small number of independent human rights NGOs have been formed.

One of these is the Society for the Defence of the Rights of Prisoners (SDRP), which was granted permanent permission to operate in July 2004. The SDRP works to protect detainees and promote prison reform. Amongst the objectives of the SDRP is the establishment a small fund to provide free legal advice to prisoners; provision of material goods such as books and newspapers where these are not available<sup>1</sup>.

The founders of the SDRP include former prisoners of conscience Emaddedin Baqi and Mohammad Hassan Alipour. Both men have been imprisoned and frequently appeared in court because of their work as journalists. Emaddedin Baqi was in prison between 2000 and 2003 in connection with articles that questioned the place of the death penalty in Iranian society.

Since his release from prison in 2003, Emaddedin Baqi has been summoned to court around six times, facing politically motivated complaints or charges based on vaguely worded

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<sup>1</sup> For more information, please see: <http://web.amnesty.org/wire/September2004/Iran>

provisions relating to defamation and insult of state authorities and propagating against the state (*tabligh 'aleyeh nezam*). No further details have reportedly been provided by the judicial authorities<sup>2</sup>.

In August 2004 he wrote an article about a man who had been left hanging by his wrists, forgotten by prison guards. The man's hands had to be amputated because the nerves had been torn by this torture. This article, on prison reform, is now the subject of an official complaint, lodged against him in his capacity as head of the SDRP.

On 4 October 2004, Emaddedin Baqi was scheduled to travel to North America and Europe where he was going to take part in international human rights conferences. Having received the exit stamp at the immigration desk at Tehran airport, he, his wife and daughters proceeded to board the aircraft when, suddenly they were escorted to small room, their luggage retrieved from the aircraft, emptied out and – finally – Emaddedin Baqi's passport was confiscated<sup>3</sup>.

According to news reports on 4 October 2004, the order preventing him from travelling reportedly came from the Special Court for the Clergy (SCC), an extra-constitutional institution which Amnesty International and several United Nations bodies have urged be fundamentally altered or abolished on account of the Court's inherent incapacity of providing the basic guarantees of due process. Up to that point Emaddedin Baqi had never received a summons from the SSC let alone a conviction.

On 14 October 2004, a Tehran appeal court overturned a one year suspended sentence which was issued one year ago by Bench 6 of the Tehran Revolutionary Court on grounds of vaguely worded provisions concerning propagating against the state (see above). Emaddedin Baqi had dismissed the competence of this court on account of its lack of a jury, a provision routinely ignored in Iranian cases.

The appeal was sought by the Office of the Prosecutor of Tehran province, Said Mortazavi. On 17 October, Amnesty International received reliable information indicating that Said Mortazavi had personally ordered the confiscation of Emaddedin Baqi's passport – despite earlier statements that the SSC had issued this order. This report also indicated that Said Mortazavi issued a directive permanently closing the newspaper for which Emaddedin Baqi was working, *Jomhouriyat* (the Republic). Emaddedin Baqi is currently considering whether to appeal the sentence, for which he has 20 days. He has reportedly stated to colleagues that “step by step

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<sup>2</sup> Amnesty International has stated that restrictive, contradictory and vaguely worded provisions contained in the Penal Code and other laws undermine the full exercise of the right to freedom of opinion and expression. Please see the section entitled *Criticism, insult, defamation and dissemination of false information* in the report, *Iran: A legal system that fails to protect freedom of expression and association* (AI Index: MDE 13/045/2001), 21 December 2001, which can be viewed at: [http://web.amnesty.org/library/pdf/MDE130452001ENGLISH/\\$File/MDE1304501.pdf](http://web.amnesty.org/library/pdf/MDE130452001ENGLISH/$File/MDE1304501.pdf)

<sup>3</sup> For more information about this event, please see: <http://web.amnesty.org/library/Index/ENGMDE130392004?open&of=ENG-IRN>

they are getting closer to imprisoning me once again...” If he is imprisoned in connection with these charges, Amnesty International will again consider Emaddedin Baqi a prisoner of conscience.

### **TAKE ACTION**

The United Nations Declaration on the Right and Responsibility Of Individuals, Groups and Organs of Society to Promote And Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the UN Declaration on Human Rights Defenders<sup>4</sup> provides for, in Articles 1 and 5, individuals and associations which “promote and to strive for the protection and realization of human rights” and for the right “to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms...” It sets out ways in which activists peacefully and legitimately campaign for the protection of their communities’ rights; are not threatened, harassed; imprisoned or subject to malicious prosecution, but rather are recognised and supported in their struggle.

Yet the judicial authorities in Iran have ignored international human rights standards and the provisions made for human rights defenders in moves set out to silence independent HRDs.

### **Please send appeals to the government and judiciary of Iran:**

- Expressing concern that flaws in the administration of justice in Iran are leading to harassment and the threatening of human rights defenders, by using the case of Emaddedin Baqi to illustrate your point;
- Urging the judiciary of Iran to review the sentence handed down to Emaddedin Baqi with a view to amending the procedures in administration of justice in this case;
- Calling on the judicial authorities and governments of Iran 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.

### **Addresses for appeals:**

<b><u>President of Iran</u></b> His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran E-mail: khatami@president.ir (please resend your message if it does not get through the first time) <b>Salutation: Your Excellency</b>	<b><u>Head of the Judiciary, Iran</u></b> His Excellency Ayatollah Mahmoud Hashemi Shahroudi Head of the Judiciary, Ministry of Justice Park-e Shahr, Tehran, Islamic Republic of Iran Email: irjpr@iranjudiciary.org (mark 'Please forward to HE Ayatollah Shahroudi') <b>Salutation: Your Excellency</b>
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<sup>4</sup> Please see: <http://www.unhchr.ch/html/menu6/2/fs29.pdf>