

PUBLIC

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16 June 2009

UA 152/09 Fear of torture or ill-treatment/possible prisoners of conscience/arbitrary arrest

IRAN
Leyla Farzadi (f) doctor
Jalil Sharbiyanlou (m) surgeon
Ghaffari Farzadi (m) member of the Central Committee of the Iran Freedom Movement
Rahim Yavari (m) an Iran Freedom Movement activist
At least 24 political activists, students and health professionals

The four individuals named above and at least 24 political activists, students and health professionals were detained following a peaceful demonstration in Abresan Square, Tabriz, East Azarbaijan province on 15 June. Their current whereabouts are unknown and they have yet to be charged or brought before a court of law.

According to press reports, they and hundreds of others were protesting against the conduct of the presidential elections held three days earlier. Amnesty International fears for their safety and would consider them to be prisoners of conscience if they were found to have been arrested for the peaceful exercise of their rights to freedom of expression and assembly.

On 10 June, two days before the election, following widespread public rallies in Tehran and across the country in support of candidate Mir Hossein Mousavi, the Head of the Revolutionary Guards Political Office accused his supporters as being part of a "velvet revolution" in Iran, which "would not be successful".

President Mahmoud Ahmadinejad claimed victory after the Ministry of the Interior announced results showing he had won by what many consider to be an unexpectedly wide margin. The Guardian Council, a higher legislative and administrative body announced that the results were subject to their ratification and that a recount of ballots would be initiated. The three candidates who were declared as having lost the election have submitted formal complaints to the Council of Guardians, which oversees elections. A ruling on their complaints is expected within 10 days.

BACKGROUND INFORMATION

The Iranian authorities have an obligation to maintain law and order and to protect the safety of their citizens. However, international law requires that any restrictions on the right of freedom of assembly or expression must be in accordance with the law and strictly necessary to preserve national security or public safety, public order, public health or morals or the protection of the rights and freedoms of others. Any such restrictions must be proportionate to a legitimate purpose and without recourse to discrimination including on grounds of political opinion. Even if such a restriction is justifiable under international law, policing must be carried out in accordance with international standards regarding law enforcement, which prohibits the use force by law enforcement officials unless strictly necessary and to the extent required for the performance of their duty and to use firearms only when strictly unavoidable in order to protect life. Law enforcement personnel must exercise restraint, minimize damage or injury and respect and preserve human life.

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

- calling on the authorities to immediately and unconditionally release the political leaders and activists named above and all others if they were found to have been arrested for the peaceful exercise of their rights to freedom of expression and assembly;

- urging that they be allowed immediate access to their family members, lawyers of their choice and to any medical treatment they may require, and that they be protected from all forms of torture or ill-treatment;
- calling on the authorities to allow peaceful demonstrations by those wishing to express their opinion of the elections, even if critical

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Qoveh Qazaiyeh (Office of the Head of the Judiciary)

Pasteur St., Vali Asr Ave., south of Serah-e Jomhouri, Tehran 1316814737, Islamic Republic of Iran

Email: shahroudi@dadgostary-tehran.ir (In the subject line write: **FAO Ayatollah Shahroudi**)

Salutation: Your Excellency

Minister of the Interior

Sadegh Mahsouli

Ministry of the Interior

Dr Fatemi Avenue

Tehran, Islamic Republic of Iran

Fax: +98 21 8 896 203

+98 21 8 899 547

+98 21 6 650 203

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

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 July 2009.