

PUBLIC

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25 June 2008

Further Information on UA 171/07 (MDE 13/081/2007, 4 July 2007) and follow-ups (MDE 13/091/2007, 19 July 2007; MDE 13/127/2007, 1 November 2007; and MDE 13/071/2008, 21 May 2008) - Fear of torture/prisoner of conscience/medical concern

IRAN

Mohammad Sadiq Kabudvand (m), human rights defender, journalist

Mohammad Sadiq Kabudvand has been sentenced to 11 years' imprisonment by Branch 15 of the Revolutionary Court in Tehran. Though his lawyers have not yet received written confirmation of the sentence, it apparently comprises 10 years' imprisonment for "acting against state security by establishing the Human Rights Organization of Kurdistan (HROK)" and one year's imprisonment for "propaganda against the system". The verdict followed a closed trial session held in late May 2008. Three previous trial sessions had been cancelled due to the non-appearance of the prosecution.

Amnesty International considers Mohammad Sadiq Kabudvand to be a prisoner of conscience, held solely on account of his peaceful exercise of his rights to freedom of expression and association during his work as chair of the HROK and his activities as a journalist. Such rights are expressly recognized in the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders.

One of Mohammad Sadiq Kabudvand's lawyers, Ne'mat Ahmadi, told the Persian service of the British Broadcasting Corporation (BBC) (http://www.bbc.co.uk/persian/iran/story/2008/06/080623_bd-kaboodvand.shtml) that Mohammad Sadiq Kabudvand had been summoned to court and informed of his conviction and sentence, in contravention of the law, which requires verdicts to be sent to lawyers first. Despite this procedural breach, attorney Ne'mat Ahmadi stated that he and the other lawyers in the case intend to lodge an appeal within 20 days. Another of his lawyers, Mohammad Sayfzadeh, told the German broadcaster Deutsche Welle (<http://www.dw-world.de/dw/article/0,2144,3431581,00.html>) that the trial was unconstitutional, as the judge had relied on legal provisions permitting trials to be held behind closed doors. Under Iranian law trials may only be held in camera in cases considered "repugnant to public morality"; in family disputes, or where an open trial would undermine national security or offend religious beliefs.

Mohammad Sadiq Kabudvand was arrested on 1 July 2007, the day the publication ban on his newspaper *Payam-e Mardom-e Kordestan* (Kurdistan People's Message) expired. As well as his 11-year prison sentence, he is facing a one-year prison sentence in connection with articles published in this newspaper. Mohammad Sadiq Kabudvand told his family on 17 July 2007 that whenever he was interrogated he was blindfolded and bound hands and feet and held in poor conditions. Bail for his release was set at 1500 million Rials (about US\$163,000) in late 2007, an amount his family was unable to pay. His lawyers asked repeatedly for the bail to be reduced, without success.

Mohammad Sadiq Kabudvand's health is poor. On 19 May he suffered either a heart attack or stroke while in detention, which left him unconscious for about 30 minutes. There are concerns that he may not be receiving the necessary medical care.

BACKGROUND INFORMATION

Iran's Kurdish population live mainly in the west and north-west of the country, in the province of Kurdistan and neighbouring provinces bordering Kurdish areas of Turkey and Iraq. The HROK was founded by Mohammad Sadiq Kabudvand in April 2005 and has around 100 members. The authorities have never granted it official recognition as a non-governmental body, despite a longstanding request. The objectives of the HROK include the protection of fundamental rights such as those set out in the Universal Declaration of Human Rights and international conventions; the teaching, dissemination and encouragement of respect for human rights in Kurdistan; and the development of friendly relations between the peoples of Iran based on the principle of equality before the law.

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

- calling on the authorities to overturn the 11-year prison sentence imposed on Mohammad Sadiq Kabudvand and calling for his immediate and unconditional release, as he is a prisoner of conscience, held solely for the peaceful exercise of his rights to freedom of expression and association through his journalism and human rights work;
- expressing concern that his trial was held behind closed doors and urging the authorities to ensure that his appeal is heard promptly and fairly;
- calling on the authorities to ensure that he receives the necessary medical treatment while in prison;
- urging the authorities to cease the harassment and imprisonment of human rights defenders in Iran.

APPEALS TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square,
Tehran, Islamic Republic of Iran

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

Salutation: Your Excellency

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street - Shahid Keshvar Doust Street, Tehran, Islamic Republic of Iran

Email: info@leader.ir

Salutation: Your Excellency

COPIES TO:

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani
Howzeh Riassat-e Ghoveh Ghazaiyeh (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: fsharafi@bia-judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)
int_aff@judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

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Email: dr-ahmadinejad@president.ir
via website: <http://www.president.ir/email/>

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 6 August 2008.