PUBLIC **AI Index: MDE 13/114/2006**

29 September 2006

UA 262/06 **Arbitrary arrest/fear for safety/possible prisoners of conscience**

IRAN **Ayatollah Sayed Hossein Kazemeyni Boroujerdi (m), Shia cleric**
At least 40 people, aged 23 - 60

At least 41 followers of Shia cleric Ayatollah Sayed Hossein Kazemeyni Boroujerdi were reportedly arrested in the courtyard of his house in Tehran during the morning of 28 September. They are thought to have been taken to Section 209 of Evin Prison in Tehran, which is run by the Ministry of Intelligence. One was reportedly later released. There are fears that the Ayatollah may be at risk of imminent arrest.

On 30 June 2006 the Ayatollah conducted a large religious ceremony at the Shahid Keshvari stadium in Tehran. On 30 July, the security forces reportedly arrested several of his family and followers at their homes. The security forces also reportedly tried to arrest the Ayatollah himself, but were prevented from doing so by his followers.

Those arrested were taken to Section 209 of Evin Prison where they were held for about three weeks. Some may have been tortured, including Nader Khodadad, who is said to have suffered a heart attack possibly as a result and was transferred to the Taleqani hospital in Tehran. One of those detained told Amnesty International, “I was arrested at home by armed men who broke down my door. I was taken to Section 209, where I was held in solitary confinement for 22 days. I was not even allowed to telephone my family to let them know where I was. I was threatened although I was not physically harmed. I was not even allowed to have any reading glasses, so I could not read. I was accused of being a spy for European countries. I was eventually released after being taken to the Special Court for the Clergy. I did not have a lawyer, it was just a judge, the *Etela’at* (Ministry of Intelligence) and me. They summoned someone to come for me, and after paying a large bail sum, I was released”.

On 3 August, the security forces reportedly tried to arrest the Ayatollah but were again repelled by his followers. They reportedly took up positions outside the house, where they have remained since. On 7 September, representatives of the Special Court for the Clergy visited the Ayatollah in his house and told him to appear before the Prosecutor for the Special Court for the Clergy, which he refused to do. Between 18 and 21 September, the Ayatollah sent appeals to Council of Europe Secretary General Javier Solana (which can be read in Persian at http://www.irancpi.net/pdf/kazemeiniBroujerdi-naderzahedi.pdf), the Pope and UN Secretary General Kofi Annan. In his letter to Javier Solana, the Ayatollah described his history of persecution and the recent events and said he feared he would be killed if he went to the Special Court for the Clergy as instructed. Around the same time, another of his followers, Ms Nourbaksh, was reportedly arrested and taken to an unknown place of detention, possibly Section 209 of Evin Prison.

BACKGROUND INFORMATION

Ayatollah Sayed Hossein Kazemeyni Boroujerdi reportedly advocates the separation of religion from the political basis of the state. Since 1994 he says he has been summoned repeatedly before the Special Court for the Clergy and has been detained in Towhid and Evin Prisons. He has reportedly developed heart and kidney problems as a result of torture. His father was a prominent cleric who refused to accept the principle of *velayat-e faqih* (rule of the [Islamic] jurisconsult, or of those who know Islamic law), on which the Islamic Republic of Iran is based. He died in 2002 and his grave in the Masjed-e Nour mosque in Tehran has reportedly been desecrated and the mosque taken over by the state.

The Special Court for the Clergy, 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

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, and defendants may not have a full right of appeal. 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:
- expressing concern at reports that over 40 followers of Ayatollah Sayed Hossein Kazemeyni Boroujerdi were arrested on 28 September;
- calling on the authorities to release them immediately and unconditionally, if they are held solely for their peaceful activities and beliefs as followers of the Ayatollah, or else promptly charge them with a recognizably criminal offence and give them a fair trial;
- expressing concern that some may have been tortured, and calling for a prompt and impartial investigation into these allegations, with its methods and findings made public;
- urging the authorities to cease any harassment of Ayatollah Sayed Hossein Kazemeyni Boroujerdi on account of his peaceful religious or political beliefs;
- expressing concern that trials before the Special Court for the Clergy are inherently unfair, and urging the Iranian authorities to abolish it, unless they can reform it so as to bring its practices into line with international standards for fair trial.

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
Email: info@leader.ir
istiftaa@wilayah.org
Fax: **+98 251 774 2228 (mark "FAO the Office of His Excellency, Ayatollah al Udhma Khamenei")**
Salutation: **Your Excellency**

Minister of Intelligence
Gholam Hossein Mohseni Ejeie
Ministry of Intelligence, Second Negarestan Street
Pasdaran Avenue, Tehran, Islamic Republic of Iran
Email: **iranprobe@iranprobe.com**
Salutation: **Your Excellency**

COPIES TO:
President
His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran
Email: **dr-ahmadinejad@president.ir**
via website: **www.president.ir/email**

Speaker of Parliament
His Excellency Gholamali Haddad Adel
Majles-e Shoura-ye Eslami, Imam Khomeini Avenue, Tehran, Islamic Republic of Iran
Fax: **+ 98 21 6 646 1746**

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 November 2006.