

PUBLIC

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UA 65/04 Flogging/legal concern

IRAN Mohsen Mofidi (m), aged 35

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Mohsen Mofidi has been sentenced to be flogged, and the sentence could be carried out at any time.

He and his three sisters were arrested by the morality police in July 2003, at their home in Tehran. All were released on bail, and ordered to attend court for trial on 28 July. Mohsen was sentenced to four months' imprisonment, to be followed by 80 lashes, on charges including possession of a medicine containing alcohol, consuming alcohol 20 years previously, possession of a satellite dish, and aiding and abetting his sisters' "corruption" (having boyfriends, to which they allegedly admitted after being beaten in custody). He has also reportedly been fined US\$239. Mohsen apparently did not have access to adequate legal representation during his trial, as the person appointed to act as his lawyer lacked legal qualifications. His sisters were sentenced to 80 lashes and 130 lashes respectively on charges of 'corruption' for having boyfriends.

He and his sisters were summoned to appear on 10 January 2004; only Mohsen attended, and began his jail sentence. His sisters did not attend, and fled the country before their own flogging could be carried out.

On 11 February, the 25<sup>th</sup> anniversary of the 1979 revolution in Iran, his prison sentence was suspended, and he is scheduled to be released imminently. It is believed that his flogging sentence will be carried out on his final day of detention. Prison officials are alleged to have told him that he will be able to keep his shirt on during the lashing in return for a bribe.

Mohsen Mofidi is reported to be in Qasr prison in Tehran, where he has been denied access to his family. He has reportedly been told by prison officials that for a payment of \$4,000, \$1000 of which is to be paid immediately, he will be transferred to a better part of the prison and be allowed to receive visitors.

#### **BACKGROUND INFORMATION**

Amnesty International considers the punishment of flogging to constitute cruel, inhuman and degrading treatment amounting to torture, in contravention of the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a state party. In 2003 the organisation recorded 197 floggings as having been carried out in Iran, although many more may in fact have taken place. In 1997 the United Nations commission on human rights stated that "corporal punishment [such as flogging] can amount to cruel, inhuman or degrading punishment, or even to torture".

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

- recognizing the rights and responsibilities of states to bring to justice those suspected of criminal offences;
- expressing concern that Mohsen Mofidi has been sentenced to 80 lashes, due to be carried out upon his imminent release from detention;
- urging the authorities to commute the sentence of flogging;
- asking for details of the trial proceedings, and expressing concern that Mohsen Mofidi reportedly did not have access to adequate legal representation in accordance with international standards;
- noting that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR). Article 7 of the ICCPR states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment";

- urging the judicial authorities to implement a moratorium on the use of flogging, which is a cruel, inhuman and degrading punishment, with a view to its eventual abolition.

**APPEALS TO:**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi  
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

**Telegram: Head of Judiciary, Ministry of Justice, Tehran, Islamic Republic of Iran**

**Fax: + 98 21 879 6671 (please keep trying; please mark "care of Director of International Affairs, Judiciary")**

**Salutation: Your Excellency**

Leader of the Islamic Republic

His Excellency Ayatollah Sayed >Ali Khamenei,  
The Presidency, Palestine Avenue,  
Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Telegram: Leader of Islamic Republic, Tehran, Islamic Republic of Iran**

**E-mail: webmaster@wilayah.org (on the subject line write: For the attention of the office of His Excellency, Ayatollah al Udhma Khamenei, Qom)**

**Salutation: Your Excellency**

President

His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami  
The Presidency, Palestine Avenue  
Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Telegram: President, Tehran, Islamic Republic of Iran**

**E-mail: khatami@president.ir (please resend your message if it does not get through the first time)**

**Salutation: Your Excellency**

**COPIES TO:**

Islamic Human Rights Commission

Mr Mohammad Hassan Zia'i-Far  
Secretary, Islamic Human Rights Commission  
PO Box 13165-137, Tehran, Islamic Republic of Iran

**Fax: + 98 21 204 0541**

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 26 March 2004.