

PUBLIC

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UA 34/06 Possible incommunicado detention/ fear of torture and ill-treatment/ possible prisoners of conscience

IRAN **Elham Afroutan (f), aged around 20, journalist and member of the Writers' Association
And up to six other journalists**

Elham Afroutan and up to six other journalists working for the provincial weekly newspaper *Tammadon-e Hormozgan* (Hormozgan's Civilization) were arrested on 29 January following the publication of a satirical article. They may be prisoners of conscience, detained solely for exercising their right to freedom of expression. The seven may be held incommunicado and are at risk of torture and ill-treatment. If convicted, they may face the cruel, inhuman and degrading punishment of flogging.

The article published by *Tammadon-e Hormozgan* compared the 1979 Islamic Revolution in Iran and the advent of Ayatollah Khomeini to AIDS and gave the current physical embodiment of the disease as President Ahmadinejad. Reports suggest that the article was reproduced in the newspaper's health section because of its title: "Open fight against AIDS".

The journalists were arrested in the city of Bandar Abbas, in the province of Hormozgan, where the newspaper is based, as soon as the issue appeared on the streets. Demonstrations were staged and ended with the newspaper's offices being ransacked and torched. Ali Dirbaz, the editor of *Tammadon-e Hormozgan* and the parliamentary representative for Bandar Abbas, was questioned by the Tehran Prosecutor's Office and then freed on bail. On 30 January the Persian-language Radio Farda, which broadcasts from outside Iran, reported him saying that he was not aware of the article being published and that the author should be executed for the article's numerous insults against the Islamic revolution and state officials.

The Deputy for Press Affairs of the Ministry of Culture and Islamic Guidance suspended *Tammadon-e Hormozgan* shortly after the arrests. The Ministry's statement on the closure accuses the newspaper of violating Iran's press law and refers the case to the relevant judicial bodies for prosecution.

Elham Afroutan and those detained with her are not known to have been formally charged, nor to have had access to legal representation, their families or any medical treatment. Under various articles of Iran's Penal Code which deal with insults to Ayatollah Khomeini (the founder of the Islamic Republic), the Office of the Supreme Leader or defamation of officials or individuals, the journalists could be sentenced to varied amounts of time in prison. They could receive up to 74 lashes as an alternative or in addition to a prison term.

BACKGROUND INFORMATION

Article 24 of the Islamic Republic's Constitution states that "Publications and the press are free to present all matters except those that are detrimental to the fundamental principles of Islam or the rights of the public." This constitutional protection of press freedom, albeit limited, has been paid little regard over the years by the Iranian authorities. Many writers and journalists have had their right to freedom of expression severely restricted and have been victims of grave human rights violations.

Article 19 of the ICCPR, to which Iran is a state party, states that everyone has the right to freedom of expression. While international law recognises that this right is not absolute and may be subject to certain restrictions, it states that such restrictions should be only such as are provided by law and are necessary and proportionate for certain specified purposes, such as protection of the rights of others, national security or public order. While the protection of the rights of others may include protection against defamation, it is

generally recognised that the scope of acceptable criticism of politicians is wider than that of private individuals. Politicians knowingly lay themselves open to public scrutiny and accordingly must be expected to tolerate more criticism than private individuals, particularly in view of the interests of open discussion of political issues. International law does not permit freedom of expression to be restricted simply on the grounds that others find a statement offensive. Amnesty International considers people imprisoned for exercising their right to freedom of expression in line with international law to be prisoners of conscience.

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

- expressing concern for the safety of Elham Afroutan and up to six others detained with her;
- seeking assurances that they are not being tortured or ill-treated in detention;
- expressing concern that they are prisoners of conscience, held solely on account of the peaceful exercise of their internationally recognized right to freedom of expression;
- calling on the authorities to release them immediately and unconditionally unless they are promptly charged with a recognizably criminal offence;
- urging the authorities to be grant the detainees immediate access to lawyers of their own choosing, their families and any medical treatment they may require;
- reminding the authorities that as a state party to the ICCPR they have undertaken to uphold Article 19 of the covenant which states that everyone has the right to freedom of expression.

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

Fax: + 98 251 7 774 2228 (mark "FAO the Office of His Excellency, Ayatollah al Udhma Khamenei")

Email: info@leader.ir OR istiftaa@wilayah.org

Salutation: Your Excellency

Head of the Judiciary

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

Email: irjpr@iranjudiciary.org (mark "Please forward to His Excellency Ayatollah Shahroudi")

OR via the judiciary website: www.iranjudiciary.org/feedback_en.html

Salutation: Your Excellency

Minister of Culture and Islamic Guidance

His Excellency Mohammad-Hossein Saffar-Harandi
Ministry of Culture and Islamic Guidance,
Public Relations Department, Central Building
Kamal al-Molk Street, Baharestan Square, Tehran, Islamic Republic of Iran

Email: info@prcm.gov.ir

Salutation: Your Excellency

COPIES TO:

President

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

Fax: + 98 21 6 649 5880

Email: dr-ahmadinejad@president.ir OR via website: www.president.ir/email

Minister of the Interior

Hojjatoleslam Mustafa Purmohammadi
Ministry of the Interior, Dr Fatemi Avenue, Tehran, Islamic Republic of Iran

Email: ravabetomomi@moi.gov.ir

Fax: +98 21 8 896 203 / 8 899 547 / 6 650 203

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 24 March 2006.