

PUBLIC

AI Index: MDE 13/012/2004

17 February 2004

Further Information on UA 25/04 (MDE 13/004/2004, 21 January 2004) Fear for safety/Torture and ill-treatment and new concern: legal concern

IRAN                      Ensafali Hedayat (m), freelance journalist

---

Ensafali Hedayat's month-long detention was extended for a further 10 days on 16 February, by order of the Ministry of Intelligence. He is reportedly held at a detention centre under the control of the Ministry of Intelligence, where he is at serious risk of ill-treatment. It has also emerged that the prosecutor and the judge in his case will be the same person.

Since he was arrested on 17 January, his lawyer and family have been permitted to meet with him on at least three occasions, at least two of these being at his own home. However, his lawyer has not been allowed to be present during successive interrogation sessions, and Amnesty International fears that he may be ill-treated at such sessions or that he may be compelled to make statements that may later be used against him in court.

Ensafali Hedayat reportedly faces charges relating to national security in connection with a visit to Turkey in 2003 and his participation in a conference in Berlin in January 2004. The conference was organized by the *Ettihad-e Jomhuri Khahan-e Iran* (known in English as 'Unity for Democracy and Secular Republic in Iran') and took place in Berlin on 8-10 January. The organisation supports the principles of a pluralistic republic, parliamentary democracy, the separation of religion and state, and a non-violent approach to establish a new system of government in Iran that adheres to equal rights for all based on the Universal Declaration of Human Rights. He reportedly also faces defamation charges relating to an article he wrote which appeared on a website.

According to information received by Amnesty International, the prosecutor will also be judging the case, in contravention of Guideline 10 of the United Nations' Guidelines on the Role of Prosecutors, which states that "The office of prosecutors shall be strictly separated from judicial functions." This structure undermines the guarantee of an impartial hearing in the Public and Revolutionary Courts as required under international standards for fair trial, including the provisions set out in Article 14 (1) of the International Covenant on Civil and Political Rights.

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

- expressing concern for the safety of Ensafali Hedayat, and seeking assurances that he is not being tortured or ill-treated in detention;
- reminding the authorities that confessions extracted under duress are prohibited by Article 38 of the constitution of Iran, which says that "All forms of torture for the purpose of extracting confession or acquiring information are forbidden," and that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR), of which Article 7 states that "No one shall be subjected to cruel, inhuman or degrading punishment.";
- reminding the authorities that according to the UN's Basic Principles on the Role of Lawyers establishes the right to assistance at all stages of legal proceedings, including interrogations.

**APPEALS TO:**

President

His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran  
**Telegram: His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami, Tehran, Islamic Republic of Iran**  
**E-mail: [khatami@president.ir](mailto:khatami@president.ir) (please resend your message if it does not get through the first time)**  
**Salutation: Your Excellency**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi  
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran  
**Telegram: Head of the Judiciary, 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**

Minister of Intelligence

Hojjatoleslam 'Ali Younesi  
Ministry of Information, Second Negarestan Street  
Pasdaran Avenue  
Tehran, Islamic Republic of Iran  
**Salutation: Your Excellency**

**COPIES TO:**

Local office of the Ministry of Intelligence

Setad-e Khabariyeh Ettela'at  
Edareh-ye Ettela'at  
Khiyaban-e Hafez  
Tabriz, Azarbaijan- e Sharqi  
Islamic Republic of Iran

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 30 March 2004.