

Further Information on UA 262/06 (MDE 13/114/2006, 29 September 2006) and follow-ups (MDE 13/120/2006, 13 October 2006; MDE 13/134/2006, 11 December 2006; MDE 13/040/2007, 30 March 2007) - Arbitrary arrest/Fear for safety/Possible prisoners of conscience/Medical concern/Torture and ill-treatment and new concern: Possible death sentence

IRAN Ayatollah Sayed Hossein Kazemeyni Boroujerdi (m), Shi'a cleric,
Sayed Mahdi Kazemeyni Boroujerdi (m), his son

New names: Massoud Samavatiyan (m)
Alireza Montazer Sa'eb (m)
Ali Shahrabi Farahani (m)
Habib Qouti (m)
Ahmad Karimiyan (m)
Majid Alasti (m)

There are unconfirmed reports that Ayatollah Hossein Kazemeyni Boroujerdi was sentenced to death in Branch 3 of the Special Court for the Clergy (SCC) on 10 June, after an unfair and closed trial, and that six of his followers, named above, were sentenced to death on 13 June.

However, on 13 June an official from the public relations office of the SCC reportedly told at least two news agencies in Iran that no death sentence had been issued and that examination of the case against Ayatollah Sayed Hossein Kazemeyni Boroujerdi was continuing; he told the Iranian Students News Agency (ISNA) that the sentence would possibly be issued within the next two months.

The unconfirmed reports say Ayatollah Boroujerdi was found guilty of at least 30 charges, including "waging war against God" (*Moharebeh*), for which the punishment is death; acts against national security; publicly calling political leadership by the clergy (*Velayat-e Faqih*) unlawful; having links with anti-revolutionaries and spies; and using the term "religious dictatorship" instead of "Islamic Republic" in public discourse and radio interviews. A further 62 of the Ayatollah's followers are reportedly due to be tried on 17 June. It is feared some or all may also face the death penalty.

Ayatollah Boroujerdi, who suffers from Parkinson's disease, diabetes, high blood pressure and heart problems, reportedly appeared frail at his court appearance, increasing concerns that his treatment in custody is putting his life in danger. He is said to be detained in Section 209 of Evin Prison, where he has been denied permission to seek treatment at the prison's medical facility. Ayatollah Boroujerdi went on hunger strike on 19 February in protest at the appalling conditions in Evin Prison and at the authorities' refusal first to let him visit his dying mother and later to attend her funeral. He was allegedly tortured during interrogation, and appeared at a court hearing in March unable to walk upright and coughing up blood.

Ayatollah Boroujerdi was arrested at his home in Tehran on 8 October 2006 along with more than 300 of his followers. His 80-year-old mother was among those arrested and was allegedly ill-treated. The arrests took place during violent clashes with the security forces. All of those arrested, except four men, are thought to have been released, many on bail.

BACKGROUND INFORMATION

Ayatollah Boroujerdi reportedly advocates the removal 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 detained in Evin and other prisons. He has reportedly developed heart and kidney problems as a result of torture or ill-treatment. His father, a prominent cleric, also refused to accept the principle of political leadership by the clergy (*Velayat-e Faqih*), which is a central feature of Iran's Constitution. He died in 2002; his grave in the Masjed-e Nour mosque in Tehran has reportedly been desecrated and the mosque taken over by the state.

The SCC, 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 far 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. In some cases the defendant has been unable to find any nominated cleric willing to undertake the defence and has been tried without any legal representation. 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:

- urging the authorities to clarify reports that Ayatollah Kazemeyni Boroujerdi has been sentenced to death and, if so, to take steps immediately to overturn this sentence and release him unless he is to be tried fairly and promptly on recognisably criminal charges;
- calling on the authorities to disclose the details of others charged and, where relevant, sentenced with Ayatollah Kazemeyni Boroujerdi;

- expressing concern that Ayatollah Kazemeyni Boroujerdi may have been tortured and ill-treated, and urging the authorities to investigate this and to ensure that he has access to all necessary medical treatment;
- calling on the authorities to release all of those detained unless they are to be charged with recognisably criminal offences and tried promptly and fairly;
- noting that Amnesty International would consider anyone detained solely on account of their religious beliefs or their support for Ayatollah Sayed Hossein Kazemeyni Boroujerdi, who has not used or advocated violence, to be a prisoner of conscience, who should be released immediately and unconditionally.

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 Office of His Excellency Ayatollah al Udhma Khamenei)

Salutation: Your Excellency

Chief Prosecutor of the Special Court for the Clergy

Hojjatoleslam val moslemin Shaykh Mohammad Salimi
c/o Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran, Islamic Republic of Iran

Fax: +98 21 3390 4986 (please keep trying)

Email: info@dadgostary-tehran.ir (mark: FAO Hojjatoleslam val moslemin Salimi)

Salutation: Dear Sir

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

Salutation: Your Excellency

Speaker of Parliament

His Excellency Gholamali Haddad Adel
Majles-e Shoura-ye Eslami, Baharestan Square, Tehran, Islamic Republic of Iran

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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 July 2007.
