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Iran: Zahra Kazemi case- justice must be served. Amnesty International welcomes the announcement of a new investigation, but renews its calls for a fully independent investigation

Amnesty International is renewing its call for the establishment of an open and independent investigation into the death in custody of photojournalist Zahra Kazemi, following the announcement yesterday that the Appeals Court has upheld the acquittal of an Iranian Ministry of Intelligence official initially accused of the crime.

On 16 November, the Appeals Court verdict was announced, upholding the acquittal of Mohammad Reza Aghdam. His lawyer told reporters that the Judiciary had concluded that there had been shortcomings into the investigation into the July 2003 death in custody, and had ordered that the case be sent back to the General and Revolutionary Court for a new investigation.

The organization welcomes the announcement of a new investigation, and urges that it be thorough and independent, in order to establish the circumstances of Zahra Kazemi's violent death on 12 July 2003, and to ensure justice. Those carrying out the investigation should be empowered to

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- summon witnesses, including members of the Office of the Tehran Chief Prosecutor,
- compel the disclosure of documents,
- ensure the protection of witnesses from harassment or intimidation,
- develop mechanisms to prevent the recurrence of similar human rights violations in the future.

Background

On 23 June 2003, 53-year old Canadian-Iranian photojournalist Zahra Kazemi was arrested for taking photographs outside Evin prison. According to a governmental enquiry, Zahra Kazemi died as a result of a blow to her skull, while she was under guard at the Baghiyetollah (or Baghiyeta'zam) hospital in Tehran. The report recommended that the case be examined by a "special independent investigator" from the judiciary and that public information should be "swift".

On 29 July 2003 judicial officials announced that five officials, including three members of Tehran's judiciary, and two Intelligence Ministry officials had been arrested in connection with her death, and the following day, a government spokesperson stated that Zahra Kazemi had been murdered. However, four of the five arrested officials were subsequently released and only Mohammad Reza Aghdam, an official of the Ministry of Intelligence, was charged in connection with Zahra Kazemi's death. He went on trial on 2 October 2003 but was acquitted on 24 July 2004. During his trial, lawyers representing the Kazemi family asserted that a judiciary official who had not been charged, not the defendant, was responsible for the death.

Following the acquittal, the lawyers of the Kazemi family appealed to the Supreme Court, citing “incomplete preliminary proceedings” of the lower court, and the need to reclassify her death as murder. The lawyers asked the Court to re-open inquiries into her death, and said that Ali Yunesi, the Minister of Intelligence at the time, and Tehran Public Prosecutor Said Mortazavi should both be summoned to appear before the court.

The first appeal hearing before the Tehran Appeal Court took place on 16 May 2005 and lasted only an hour, during which the lawyers for the family were unable to speak, and journalists were expelled from the courtroom. The second hearing of the appeal took place on 27 July 2005.

Just days after the close of the hearing, a member of the legal team representing Zahra Kazemi’s family, leading human rights defender and lawyer Abdolfattah Soltani, was arrested. He has since been detained without access to lawyers and with very limited access to his family. The newspaper *Kayhan*, which has close links to the Judiciary, reported that on the last day of the appeal proceedings brought by Zahra Kazemi’s family, Abdolfattah Soltani had openly suggested that the state could be responsible for her death, and that for these comments, “quick retribution” against him was inevitable. Judicial officials stated he had been detained in connection with the release of classified information relating to the trial of some clients of his accused of spying on Iran’s nuclear programme.

Amnesty International believes that the continued detention, apparently without charge, of Abdolfattah Soltani is politically motivated, designed to bar him from the legal profession, and expressly intended to discourage other human rights defenders from pursuing cases of impunity or defending political cases. If so, Abdolfattah Soltani should be released immediately and unconditionally, but at the very least he should be granted immediate and regular access to his family and his lawyers and given the earliest opportunity to defend himself against any charges the Iranian authorities may wish to bring against him.

For more information concerning the death in custody of Zahra Kazemi, please see: *An independent inquiry must be opened into the death of Zahra Kazemi*, AI Index MDE 13/022/2003, 15 July 2003. It can be viewed at:

<http://web.amnesty.org/library/Index/ENGMDE130222003?open&of=ENG-IRN>

And: *Only an independent investigative body can serve justice and human rights*, AI Index MDE 13/026/2003, 1 August 2003, which can be viewed at:

<http://web.amnesty.org/library/Index/ENGMDE130222003?open&of=ENG-IRN>