

PUBLIC

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20 August 2004

Further Information on UA 318/03 (EUR 44/025/2003, 5 November 2003) "Disappearance" / fear for safety /forcible return New concern: fear of execution/unfair trial

IRAN

Hojjat Zamani (m), aged 28

Hojjat Zamani, from the Elam region of south western Iran, was reportedly forcibly returned to Iran from Turkey in November 2003. He is said to be held in Section 209 of Tehran's Evin prison. Amnesty International is concerned that he is now facing execution following a trial in Tehran.

According to media reports, Hojjat Zamani was accused of aiding the banned opposition group, Peoples' Mojahedin of Iran (PMOI), in placing a bomb outside an unspecified Revolutionary Court in May or June 1998. The explosion reportedly killed three and injured 22 people. He was reportedly arrested in a square in Tehran in 2000. According to a PMOI statement, he was severely tortured in detention without his case ever coming to trial.

Around August 2003, Hojjat Zamani escaped his detention and fled to Turkey. He was reportedly arrested by the Turkish authorities who were acting in cooperation with Iran's intelligence services. In response to queries made by the United Nations High Commissioner for Refugees (UNHCR) and the Istanbul branch of the *Insan Hakalari Derneği*, Human Rights Association, the relevant Turkish authorities denied that Hojjat Zamani was ever detained in Turkey.

On 17 July 2004, Hojjat Zamani was reportedly tried at Branch six of Tehran's Revolutionary Court, allegedly for aiding the PMOI in planting the bomb. According to unconfirmed reports Hojjat Zamani has been sentenced to 10 years' imprisonment and four death sentences. He was reported to have had a lawyer – possibly an appointed lawyer, though Amnesty International is concerned at unconfirmed reports that judicial officials did not cooperate with him, denying Hojjat Zamani the right to effective counsel.

Cases where the death penalty is a possibility are required to have additional safeguards that ensure that the trial is fair. These include the right to effective counsel and the right to seek pardon and commutation. As a death penalty case, Hojjat Zamani's sentence must be referred to the Supreme Court for its consideration under Iranian Law

Two of Hojjat Zamani's brothers were executed in Iran in 2001. Reports indicate that these two executions contributed to the medical condition that culminated in the death of Hojjat Zamani's father.

Massoud Moqtadari, who was detained at the same time as Hojjat Zamani but subsequently released, is no longer at risk in Turkey.

BACKGROUND INFORMATION

Amnesty International unconditionally oppose the death penalty, which it believes is the most extreme form of torture: it is a cruel, inhuman and degrading treatment, and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. The Iraq-based PMOI is an armed opposition group opposed to the government of Iran. It is a banned organization in a wide range of countries. Amnesty International continues to receive reports of human rights violations carried out by the PMOI against its own members. However, Amnesty International opposes the forced return to Iran of all those who may face human rights violations

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

- recognizing the rights and responsibilities of states to bring to justice those suspected of criminal offences;
- stating your unconditional opposition to the death penalty irrespective of the crime for which it is imposed, as the ultimate violation of the right to life;
- pointing out that the death penalty constitutes cruel, inhuman and degrading treatment amounting to torture and as such violates the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party;
- urging the authorities to commute the death sentence against Hojjat Zamani with a view to identifying an alternative punishment in line with the reported wishes of the Head of the Judiciary, Ayatollah Mahmoud Shahrudi.

APPEALS TO: (Please note that email servers in Iran are unreliable. If your message bounces for any reason, please resend it)

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Faxes: + 98 21 649 5880 / 21 774 2228 (ask fax to be forwarded to Ayatollah Khamenei)

Email: 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

Fax: + 98 21 649 5880

Email: khatami@president.ir

Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi

Ministry of Justice

Park-e Shahr

Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (This is the Public Relations Office. Please ask for your message to be forwarded to the Head of the Judiciary)

Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs.

His Excellency Kamal Kharrazi

Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue

Tehran, Islamic Republic of Iran

Email: matbuat@mfa.gov.ir

Salutation: Your Excellency

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 1 October 2004.