

URGENT ACTION

ACTIVISTS TORTURED FOR ALLEGED 'FLAG-BURNING'

Two activists for the rights of Iran's Azerbaijani Turkish minority have been sentenced to 10 years in prison for allegedly burning the flag of the Islamic Republic of Iran. Amnesty International fears that the sentences are unjustified, politically-motivated and based on "confessions" extracted under torture.

Hossein Ali Mohammadi and **Taha Kermani**, aged 31 and 26 respectively, were each sentenced to 10 years in prison on 12 May by Branch 3 of the Revolutionary Court, in the north-western city of Tabriz, East Azerbaijan province, which convicted them of "insulting Islamic sanctities" and "vandalizing public property with the intent to rise up against the Islamic establishment". Both charges were based on an allegation that they had burnt a flag of the Islamic Republic of Iran painted on the verges of a highway in Tabriz in October 2013. The charge of religious insult was imposed because the Iranian flag contains the words "God is Great" (*Allahu Akbar*) though it was not established the flag in question contained these words. The intent to rise up against the Islamic establishment was held to exist because, the Court said, "the flag is an important and sacred sign for every country and respect for it is tantamount to respect for the existence of the country itself." The men have denied both charges.

The two men were arrested by intelligence officers on 4 November 2013 and transferred to a Ministry of Intelligence detention centre in Tabriz, where they were held incommunicado and interrogated for 42 days, without access to a lawyer. Taha Kermani told Amnesty International that during this period, Ministry of Intelligence officers routinely punched, slapped and beat them with belts and caused them excruciating back pain by forcing them to squat and carry the weight of the interrogators on their shoulders. During their summary trial, the activists sought to retract their confessions, saying they had been made under torture, but they were threatened by the judge that "they will be sent back to where they were if they reject what they said at the investigative stage." An appeal has been lodged with Branch 7 of Court of Appeal in East Azerbaijan province.

Please write immediately in Persian, English, Spanish or your own language:

- Urging the Iranian authorities to ensure that the convictions and prison sentences imposed on Hossein Ali Mohammadi and Taha Kermani are quashed, as the offences they were convicted of should not have been dealt with through the criminal justice system, and that Hossein Ali Mohammadi is released immediately;
- Urging them to order a full and impartial investigation of the men's allegations of torture and other ill-treatment and if sufficient admissible evidence exists, bring to justice those suspected of being responsible;
- Reminding them that the exclusion of evidence obtained through torture or other ill-treatment is integral to the absolute prohibition of torture and the right to a fair trial, guaranteed by the International Covenant on Civil and Political Rights which Iran has ratified.

PLEASE SEND APPEALS BEFORE 28 AUGUST 2015 TO:

Head of the Judiciary
Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, 2 Azizi Street intersection
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
Salutation: Your Excellency

President of the Islamic Republic Iran
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Islamic Republic of Iran
Twitter: @HassanRouhani (English),
@Rouhani_ir (Persian)
Salutation: Your Excellency

And copies to:
Mousa Khalil Elahi
Prosecutor General of Tabriz
Tabriz General and Revolutionary
Prosecution Office
Valiasr St., Justice Department
(Dadgostari)
East Azerbaijan Province
Islamic Republic of Iran

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Amnesty International understands that every time Taha Kermani and Hossein Ali Mohammadi were brought before a judicial authority they stated, both orally and in writing, that they had been tortured to “confess” but their complaints were met by further insults and threats. The judicial investigator in charge of their case at the Cyber Crimes Branch of the Prosecution Office told them, “You will pay for your big mouths in court.” He added, “Ministry of Intelligence officers are trustworthy forces and there is no need to have judicial oversight over them.” The Ministry of intelligence officer interrogating Taha Kermani told him, “We will mete out to you a sentence that will teach a lesson to all Azerbaijani activists.”

As well as their 10-year sentence for flag-burning, the confessions obtained from Hossein Ali Mohammadi and Taha Kermani have been used to justify a three-year sentence in a separate case in June 2014 for “insulting the Supreme Leader” and “spreading propaganda against the system”. This has apparently been in connection with their alleged cooperation with an unlicensed magazine called *Susma* (Don't be silent) and a blog called *Susuz Göl* (Thirsty Lake), which covered the grievances of Iran's Azerbaijani Turkish minority, including the drying up of Lake Oroumieh.

In reaching this second verdict, the Revolutionary Court in Tabriz reversed the presumption of innocence, noting in its verdict, “the failure of the accused and their lawyers to provide the material documents necessary to establish their claims of innocence of the charges brought against them.” Branch 6 of the Court of Appeal in East Azerbaijan Province upheld the sentence in March 2015. The Appeal judge apparently told Taha Kermani, “I do not read a case that has the stamp of the Ministry of Intelligence on it. I just approve it.”

Hossein Ali Mohammadi and Taha Kermani had no access to their families or lawyers during the 42 days that they were held in solitary confinement in a Ministry of Intelligence detention centre in Tabriz. Taha Kermani told Amnesty International that for the first few days, he was held in “a cell not much longer than the length of a grave” where he was given a bowl to urinate in, and endured profanities, insults and beatings at the hands of Ministry of Intelligence interrogators.

The two men were transferred to Tabriz Central Prison on 15 December 2013, and held for a further four-and-a-half months, kept unaware of the details of the charges against them and denied the opportunity to post bail. Initially, they were placed in Ward 3 of the prison where 700 to 800 people, including mental health patients, drug-users and convicted rapists and murderers, are believed to be held in three poorly ventilated, bug-infested rooms with only 10 toilets between them. The space for sleeping is said to be so limited that prisoners have to sleep wherever they can, even up to the entrance of the toilets.

Hossein Ali Mohammadi is now in Tabriz Central Prison. Taha Kermani has fled the country but is under pressure to return because the authorities have ordered his family to sell their house, which they posted for bail. This would leave his family homeless.

The Iranian authorities have a long history of repressing Iran's minority rights activists including Iranian Azerbaijani Turks who call for greater cultural and linguistic rights, such as the right to study in the Azerbaijani Turkic language. On several occasions in recent years, activists in cities across north-western Iran have staged peaceful protests to call for change in government policies affecting Lake Oroumieh, the largest inland body of water in the Middle East, which is shrinking dramatically.

Names: Hossein Ali Mohammadi, Taha Kermani

Gender m/f: m

UA: 159/15 Index: MDE 13/2110/2015 Issue Date: 17 July 2015