

PUBLIC

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EXTRA 76/02 Fear of Imminent Flogging

1 October 2002

IRANI Dariussh (m), aged 24, German-Iranian dual national
Mehdi (m), aged 20

Javad (m), aged 18

Mohammad S (m), aged 22

Davoud N (m)

Alireza T (m)

Hossein D (m)

Hamid A (m)

Mojtaba A (m)

Hossein Mojahed (m), member of the Islamic Iran Participation Front (*Jebhe-ye Mosharekat-e Iran-e Eslami*)

Mojtaba Heydari (m), member of the Islamic Revolution Mojahedin Organization (*Sazman-e Mojahedin-e Enqlab-e Eslami*)

Amnesty International is concerned that eleven men, involved in four separate incidents, may be at risk of imminent flogging. According to a report on 24 September in the Persian language daily *Iran*, Dariussh, Mehdi and Javad, Iranians resident in Hamburg, Germany, were each sentenced to 64 lashes and ordered to pay a fine of 10 million Iranian Rials (US\$1250) in damages, after reportedly filming women in central Tehran as part of documentary on social life in Iran. The three were also prohibited from leaving Iran, pending completion of further investigations regarding their activities.

According to another report on 24 September, printed in the daily newspaper, *E'temad* (Trust), Mohammad S, Davoud N and Alireza T were handed down flogging sentences in connection with drugging individuals and later stealing their cars. Mohammad S was sentenced to 70 lashes, three years' imprisonment and a fine of two million Rials (US\$250), while Davoud N and Alireza T were each sentenced to six years' imprisonment and 50 lashes. According to a 24 September report in the daily *Qods* (Jerusalem) newspaper, an appeal court in the northeastern Khorasan province has upheld sentences of 20 years' imprisonment and 174 lashes sentences passed on Hossein D, Hamid A and Mojtaba A, in connection with robbery.

The internet news service *Payk-e Iran* (The Iran Courier), quoting Iran's state news agency, reported on 30 September that a court in the western city of Hamadan has sentenced Hossein Mojahed to 30 months' imprisonment and to 74 lashes in connection with defamation and "inciting the public". The same court reportedly also sentenced Mojtaba Heydari to six months' imprisonment and 74 lashes in connection with similar charges. The sentences are subject to appeal within 21 days.

BACKGROUND INFORMATION

In the course of this year, Amnesty International has recorded at least 39 cases of flogging, many of them in public. The true figure may be significantly higher. In 1997 the United Nations commission on human rights stated that "corporal punishment [such as flogging] can amount to cruel, inhuman or degrading punishment, or even to torture". Vaguely worded provisions in Iran's Penal Code undermine the full exercise of the legal and protected right to freedom of opinion and expression, and provide for flogging in connection with "incitement" allegations. The statements made by Hossein Mojahed and Mojtaba Heydari

which led to their sentences were reportedly in support of the currently imprisoned writer and prisoner of conscience, Hashem Aghajari, who recently faced a closed trial on various charges including insulting the clergy. He has not yet been found guilty, though statements by the two convicted men were found to "incite" the public.

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

- expressing concern at reports that the eleven people named above may be flogged imminently;
- urging these and other flogging sentences be annulled in line with Iran's obligations under Article 7 of the International Covenant of Civil and Political Rights (ICCPR), to which Iran is a state party. Article 7 of the ICCPR states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment";
- urging the Foreign Ministry to issue an immediate and open invitation to the United Nations Special Rapporteur on Torture to carry out a full review of court procedures and sentencing where flogging is involved;
- urging the judicial authorities to implement a moratorium on the use of flogging, which is a cruel, inhuman and degrading punishment, with a view to its eventual abolition;
- seeking details of the charges in each of the cases above, querying whether the charges constituted recognizable criminal offenses under international law and whether each was tried according to internationally accepted standards for fair trial.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei,
The Presidency, Palestine Avenue, Azerbaijan
Intersction, Tehran, Islamic Republic of Iran

Telegramms: Ayatollah Khamenei, Tehran, Iran

Email: webmaster@wilayah.org ("For the attention of the office of His Excellency, Ayatollah al Udhma Khamenei, Qom")

Salutation: Your Excellency

President

His Excellency Hojjatolislam val Moslemin
Sayed Mohammad Khatami

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

Telegramms: President Khatami, Tehran, Iran

E-mail: khatami@president.ir (please re-send if your message is returned)

Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi
Shahrudi

Ministry of Justice, Park-e Shahr, Tehran, Islamic
Republic of Iran

Telegramms: Head of Judiciary, Tehran, Iran

Email: irjpr@iranjudiciary.org ("For the attention of the office of His Excellency, Ayatollah Mahmoud Hashemi Shahrudi")

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

Telegramms: Minister of Foreign Affairs,
Tehran, Iran

Faxes: + 98 21 390 1999 ("Care of the Human
Rights Department, Foreign Ministry)

Salutation: Your Excellency

Parliamentary Committee

Chairperson, Article 90 Commission
(Komisyon-e Asl-e Navad)

Majles-e Shura-ye Eslami, Imam Khomeini
Avenue, Tehran, Islamic Republic of Iran

Telegramms: Majles, Tehran, Iran

Faxes: + 98 21 646 1746 (Can be difficult to
reach, please be patient)

Salutation: Dear Sir

and to diplomatic representatives of Iran
accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.