

PUBLIC

AI Index: MDE 13/072/2006

23 June 2006

Further Information on 233/05 (MDE 13/051/2005, 9 September 2005) and follow-up (MDE 13/065/2005, 2 November 2005 and MDE 13/033/2006, 31 March 2006) - Fear of Torture and ill-treatment/ Incommunicado detention/ Death sentence and new concern: Imminent execution

IRAN	Mohsen Bawi (m), aged 33]
	Imad Bawi (m), law student, aged 31]
	Zamel Bawi (m), aged 29] brothers
	Hani Bawi (m), student, aged 22]
	Moslem Bawi (m), student, aged 19]
	Asad Bawi (m), their cousin, aged 34	
	Mansour Tayouri (m)] members of the extended Bawi family
	Hassan Boughedar (or Bou Azar or Bozar) (m)]	
	Lefteh Sarkhi (m), student	

Zamel Bawi had his death sentence confirmed by Branch 3 of the Revolutionary Court in Ahvaz on 10 June 2006 on charges of hiding seven home-made time bombs, which he defused before his arrest. Zamel and Imad Bawi were reportedly sentenced to death in October 2005 and may have appeared in a Tehran court on 21 February 2006. Although no details of that hearing were divulged, new reports suggest that Imad Bawi has been sentenced to 25 years' imprisonment, possibly after appearing before an Appeal Court.

Saleh Nikbakht, the lawyer representing the five Bawi brothers and their cousin Asad Bawi, reportedly said that they will appeal against the verdict adding that "Although buying and selling weapons is illegal, hiding bombs without using them is not subject to the death sentence in the same way as it applies to those who attack the government."

New reports suggest that Mohsen Bawi has been sentenced to 30 years' imprisonment and that the case of the youngest brother, Moslem Bawi, who was under 18 at the time of his arrest, has been referred to a juvenile court. Moslem Bawi had reportedly been sentenced previously to at least 11 years' imprisonment by a Revolutionary Court. Hani Bawi was reportedly sentenced to 11 years' imprisonment with a subsequent 10 years' exile in Azerbaijan, northern Iran in March 2006.

Asad Bawi, who was released on 2 May 2006 on a 500 million Rials bail (equivalent to about US\$55,000), has reportedly been sentenced to 10 years' imprisonment. Mansour Tayouri, Hassan Boughedar (or Bou Azar or Bozar) and Lefteh Sarkhi have also reportedly been sentenced to 11 years' imprisonment terms with subsequent exile to the Northern provinces of Iran.

Given the secretive nature of the trials, the current stage of the legal proceedings is unclear to Amnesty International. Some or all of the cases may have been sent to the Supreme Court for review.

At the beginning of June, seven lawyers who appeared before Branch 3 of the Revolutionary Court representing the prisoners, reportedly wrote a letter of complaint to the president of the court. In the letter, the lawyers described irregularities in the trial: they were notified of their clients' trial date one to two days in advance, instead of the minimum of five days stated in Article 64 of the Civil Procedure Code, and could not study their client's files fully; they were not allowed to meet in private with their clients despite their requests and despite the fact that the Head of the Judiciary reportedly stated on 20 May 2006 that: "*Nobody has the right to issue an order in contravention of the law and to deprive the accused of the right of visit by their family and lawyer. They must know quite clearly that they may request private meeting with their lawyer.*"

The letter also stated that the trial sessions have been held independently, without the other defendants and their lawyers being present.

BACKGROUND INFORMATION

Unrest among the Arab community in Khuzestan province, including bomb explosions in Ahvaz City in June and October 2005, and January 2006 which killed at least 20 people, and explosions at oil installations in September and October 2005, has led to scores of deaths at the hands of the security forces and hundreds of arrests. Two men, Mehdi Nawaseri and Ali Awdeh Afrawi, were executed in public on 2 March 2006 after they were convicted of involvement in the October bombings. Their executions followed unfair trials before a Revolutionary Court during which they are believed to have been denied access to lawyers, and their confessions, along with those of seven other men, were broadcast on television.

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

- stating that Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but strongly opposes the death penalty as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- urging that the death sentence imposed on Zamel Bawi be commuted immediately;
- seeking full details of the trials of all nine men (naming them), including details of the charges and evidence against them and any appeals they may have made;
- expressing concern at reports that they were not granted access to a lawyer during some or all sessions of their trial, and as such, their trial did not meet international standards for fair trial, as laid down by Article 14 of the International Covenant on Civil and Political Rights to which Iran is a State Party.
- calling for the nine men to be given immediate access to lawyers, their families, interpreters and medical treatment if necessary;
- seeking assurances that they are not being tortured or ill-treated in detention.

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

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: Please send emails via the feedback form
on the Persian site of the website:

<http://www.iranjudiciary.org/contactus-feedback-fa.html>

The text of the feedback form translates as:
1st line: name, 2nd line: email address, 3rd line:
subject heading, enter email into the text box.

Salutation: Your Excellency

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan
Intersection, Tehran, Islamic Republic of Iran
Fax: Via foreign affairs: +98 21 6 674 790 and
ask to be forwarded to H.E Ahmadinejad

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
Imam Khomeini Avenue,
Tehran, Islamic Republic of Iran

Fax: + 98 21 6 646 1746

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 August.