

URGENT ACTION

SON AND LAWYER OF STONING WOMAN DETAINED

The son and lawyer of an Iranian woman currently under sentence of death by stoning, Sakineh Mohammad Ashtiani, were arrested on 10 October 2010 and have since been held without access to a lawyer or family. Amnesty International believes they may be prisoners of conscience.

Javid Houtan Kiyan, Sakineh Mohammad Ashtiani's lawyer, and **Sajjad Qaderzadeh**, her son, were arrested in Javid Houtan Kiyan's office along with two German journalists who were conducting an interview with them about her case, which had received widespread international attention in preceding months. The State Prosecutor, Gholam-Hossein Mohseni-Ejei, confirmed the arrest of the two Germans the following day.

There was no official confirmation of the arrest of Javid Houtan Kiyan until 1 November 2010, when the State Prosecutor said that a lawyer arrested along with the two Germans was held on suspicion of having three forged or duplicate ID cards. He added that as the case was connected to "anti-revolutionary groups abroad" it was still at the investigation stage. So far, there has been no official confirmation of Sajjad Qaderzadeh's arrest, although Rajanews, a website close to the authorities, has referred to it. Amnesty International believes both he and Javid Houtan Kiyan remain in detention in Tabriz without access to lawyers or family members.

If Sajjad Qaderzadeh and Javid Houtan Kiyan are held solely on account of their peaceful exercise of their rights to freedom of expression and association and their efforts to save the life of their mother and client respectively, they should be released immediately and unconditionally, as should anyone else held on similar grounds. Otherwise, they should be released unless they are charged with a recognizably criminal offence and tried promptly and fairly in line with the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a state party.

PLEASE WRITE IMMEDIATELY in Persian, Arabic, English, French or your own language:

- Calling for Javid Houtan Kiyan and Sajjad Qaderzadeh and any others to be released immediately and unconditionally if they are held solely for peacefully receiving or imparting information about the case of Sakineh Mohammadi Ashtiani;
- Urging the Iranian authorities to ensure they are protected from torture or other ill-treatment while held;
- Calling for them to be granted immediate access to lawyers of their choice and to their families.
- Calling for Sakineh Mohammadi Ashtiani not to be executed by any means and to be released if she continues to be held solely on the grounds of consensual sexual relations, in which case Amnesty International would consider her a prisoner of conscience.

PLEASE SEND APPEALS BEFORE 15 DECEMBER 2010 TO:

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street – End of
Shahid Keshvar Doust Street, Tehran,
Islamic Republic of Iran

Email: info_leader@leader.ir, **via website:**

<http://www.leader.ir/langs/en/index.php?p=letter>

(English)

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh Larijani
Howzeh Riyasat-e Qoveh Qazaiyeh
(Office of the Head of the Judiciary)
Pasteur St., Vali Asr Ave., south of
Serah-e Jomhuri
Tehran 1316814737

Islamic Republic of Iran

Salutation: Your Excellency

And copies to:

Secretary General, High Council for
Human Rights

His Excellency Mohammad Javad
Larijani, Bureau of International Affairs,
Office of the Head of the Judiciary,
Pasteur St., Vali Asr Ave. south of
Serah-e Jomhuri, Tehran
1316814737, Islamic Republic of Iran

Email: info@humanrights-iran.ir

Fax: + 98 21 5 537 8827 (keep trying)

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the fourth update of UA: 211/09 Index: MDE 13/082/2009: [http://www.amnesty.org/en/library/info/mde 13/082/2009/en](http://www.amnesty.org/en/library/info/mde%2013/082/2009/en)

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ADDITIONAL INFORMATION

Amnesty International wrote to the Iranian authorities on 12 October 2010 seeking confirmation of the arrest of Javid Houtan Kiyani and Sajjad Qaderzadeh, and calling for their release if held on account of their activities to save the life of Sakineh Mohammadi Ashtiani. No response has yet been received.

Sakineh Mohammadi Ashtiani was arrested in 2005 following the murder of her husband. Initially accused of murder, her children waived their right to press charges against her as is their right under Iranian law. Instead she was charged and convicted under Article 612 of the Penal Code for her alleged participation in the murder and sentenced to the maximum penalty of 10 years. Javid Houtan Kiyani told Amnesty International before his arrest that the Supreme Court had reduced this to five years in 2009 – the maximum penalty for “complicity in murder” after he had successfully argued that she had done nothing which would have led directly to her husband’s death. (For further information, see *Iran: Sakineh Mohammadi Ashtiani, A life in the balance*, Index MDE 13/089/2010, September 2010, <http://www.amnesty.org/en/library/info/MDE13/089/2010/en>)

The State Prosecutor confirmed on 11 October 2010 that two foreign nationals had been arrested. On 12 October, the Foreign Ministry Spokesperson, Ramin Mehmanparast, said that the two had entered the country on tourist visas and had no journalistic accreditation, adding that they had been arrested because they had a link to a “foreign anti-revolution network”. They have been moved to Tehran and have been allowed consular access.

Recent months have seen increased persecution of defence lawyers. **Nasrin Sotoudeh** remains in detention (see UA 197/10, <http://www.amnesty.org/en/library/info/MDE13/087/2010/en>), **Mohammad Oliyaeifard**, a lawyer and board member of the Committee for the Defence of Political Prisoners in Iran, a human rights organization, is serving a one-year prison sentence imposed for speaking out against the execution of one of his clients during interviews with international media. Two other lawyers, both colleagues of Nobel Peace Laureate Shirin Ebadi in the NGO Centre for Human Rights Defenders (CHRD), which they all helped to found, are also at risk of prosecution for their human rights work. **Abdolfattah Soltani** and **Mohammad Ali Dadkhah** were both arrested after the disputed presidential election of June 2009. Though both were later released on bail, they have court cases in process or pending against them on vaguely worded charges which could lead to their imprisonment and eventual disbarment. Prominent lawyer, **Mohammad Seyfzadeh**, who is also a founder member of the CHRD, has just been sentenced to nine years in prison for “forming an association ... whose aim is to harm national security” and “being a member of an association whose aim is to harm national security” in relation to the CHRD. He was banned from leaving the country in 2009, as has **Dr Hadi Esmailzadeh**, another member of the CHRD.

The authorities are also resorting to other methods to prevent lawyers from practising their profession freely. Such measures include unwarranted tax investigations under which the authorities freeze the lawyers’ bank accounts and other financial assets and which could lead to the disbarment of a lawyer. (For further information, see *Iran: Lawyers’ defence work repaid with loss of freedom.*, Index: MDE 13/093/2010, 1 October 2010, <http://www.amnesty.org/en/library/info/MDE13/093/2010/en>)

Article 14 of the ICCPR provides for the right of an accused person to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing. The UN Basic Principles on the Role of Lawyers provide that lawyers must be allowed to carry out their work “without intimidation, hindrance, harassment or improper interference.” In addition, it affirms the right of lawyers to freedom of expression, also provided for in Article 19 of the ICCPR, which includes “the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights”.

The UN Special Rapporteur on the Independence of Lawyers and Judges has not been permitted to visit the country despite the Standing Invitation issued by Iran to all UN human rights mechanisms in 2002.

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