
amnesty international

IRAN - APPEAL CASE Iranian Arab Activists sentenced after unfair trials

17 May 2006

AI INDEX: MDE 13/058/2006



Brothers, Zamel, Hani and Moslem Bawi © Private

Brothers **Hani Bawi**, 22 and **Moslem Bawi**, 19, two members of their extended family, **Mansour Tayouri and Hassan Bou Azar** (or Boughedar or Bozar) and another man, **Lefteh Sarkheh** (or Sarkhi), were reportedly sentenced by a Revolutionary Court in Ahvaz City on 19 March 2006. Hani Bawi and Lefteh Sarkheh were reportedly charged with participating in forming an illegal group with the intention of disturbing state security, and participation in propaganda against the Islamic Republic. Mansour Tayouri, Hassan Bou Azar and Moslem Bawi were reportedly accused of participating in the hiding and carrying of explosive materials, membership in the same illegal group and participating in propaganda against the state. According to reports, none of these men were allowed legal representation and the court sessions took place behind closed doors. If so, this violated fair trial guarantees in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which Iran has ratified.

The two Bawi brothers named above, three of their other brothers, **Zamel**, 29, **Imad**, 31, and **Mohsen**, 33, and their cousin **Asad Bawi**, 34, were reportedly arrested by security forces on 10 and 11 August 2005. They come from a prominent family in the city of Ahvaz, in Khuzestan province in western Iran. Mohsen Bawi is an IT consultant; Imad Bawi was studying law at the Lebanese University of Beirut. He was visiting his family in Ahvaz during the summer holiday when the Iranian authorities banned him from returning to

Lebanon. Amnesty International has no further information on the reasons for the ban. Zamel Bawi, a businessman who owns shops in Ahvaz, is married with a son; Hani Bawi is a student of commerce and trade at the University of Ahvaz; Moslem Bawi is also a student. Their cousin, Asad Bawi, a businessman, is also their brother-in-law, and lives in the family home in Ahvaz. On 2 May 2006, Asad Bawi was released on 500 million Rials (equivalent to about \$55,000) bail.

Their father and uncle, Hajj Salem Bawi, a tribal leader and a businessman who runs a number of computer stores in Khuzestan province, was also arrested by security forces after enquiring about where his sons and nephew were being detained. He was released on 28 August 2005 and had apparently met three of his sons while he was held in Amaniya Prison, in the city of Ahvaz. He reported that they showed visible signs of ill-treatment.



Imad Bawi © Ahwaz Human Rights Organization (AHRO)

Reports at the end of October 2005 suggested that Zamel and Imad had been sentenced to death. Further reports suggested that the brothers appeared before a Tehran court on 21 February 2006 accused of distributing material against the state, having contact with dissident organizations operating abroad, and endangering state security, possibly in connection with bomb explosions in Ahvaz city; that they had not been afforded legal representation; and that the court sessions took

place behind closed doors. Mohsen Bawi is still believed to be detained without access to his family or legal representation.

In an 8 February 2006 letter addressed to Iranian President Dr Mahmoud Ahmadinejad, Hajj Salem Bawi complained that his sons had been arrested arbitrarily and were being detained by the security forces without charge or trial. He reported that the authorities had failed to provide any information about their situation despite his continued inquiries. He also called on the president to clarify the charges against his sons and to order a review of their cases by "a competent court" in accordance with article 37 of the Iranian Constitution.

On 19 March 2006, the death sentence was reportedly confirmed for Zamel Bawi. No details of the hearing or the outcome were divulged, and Amnesty International has no further information about Imad Bawi (please see also Appeal Case, AI Index: MDE 13/051/2006). Hani Bawi was reportedly sentenced to 11 years' imprisonment in the province of Azerbaijan, northern Iran, with a subsequent 10 years' exile in the same province.

Moslem Bawi was reportedly sentenced to either 11 or 16 years' imprisonment in Arak, south of Tehran, with a subsequent 10 years' exile in the same province.

Mansour Tayouri, Hassan Bou Azar (or Boughedar or Bozar) and Lefteh Sarkheh (or Sarkhi) were also reportedly sentenced to 11 years' imprisonment terms in northern provinces of Iran with subsequent exile in the same provinces. Lefteh Sarkheh, a student at the Chamran University in Ahvaz in south west Iran, is reported to have been detained since his arrest on 20 October 2005. On 22 November 2005, Amnesty International wrote to the Iranian authorities and requested urgent clarification of his legal status and condition of health. No reply had been received at the time of writing.

At the end of May at least five people were said to have been sentenced to death by Branch 3 of the Revolutionary Court in Ahvaz. Reports suggest that a further 11 people would appear before the same court in Ahvaz on 1 June 2006, including Zamel, Imad and Mohsen Bawi.

Amnesty International's concerns

AI has long expressed its concern that trials before Revolutionary Courts in Iran do not meet international standards for fair trial. The Penal Code contains a number of vaguely-worded provisions relating to association and 'national security' which prohibit a range of activities, including those connected with freedom of

expression which are permitted under international human rights law. The judiciary is not independent and limitations on the registration, role and disciplining of lawyers undermine the right of an accused person to effective defence. Despite its prohibition under the Iranian constitution, confessions made under duress are accepted as evidence in court. (For further information on AI's concerns related to fair trials, please see *Iran: A legal system that fails to protect freedom of expression and association*, AI Index MDE 13/045/2001, December 2001).

Torture has been used systematically in Iran for many years for the purpose of extracting information and "confessions" are sometimes broadcast on television. Torture is facilitated by laws and procedures governing detention and interrogation which permit solitary confinement and ban access of detainees to lawyers until the process of investigation is completed, and by the existence of parallel and sometimes informal institutions which run their own detention centres to which the judiciary has no access.

Amnesty International opposes the death penalty in all circumstances as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

BACKGROUND

Much of Iran's Arab community lives in the province of Khuzestan which borders Iraq. It is strategically important because it is the site of much of Iran's oil reserves, but the Arab population does not feel it has benefited as much from the oil revenue as the Persian population. Historically, the Arab community has been marginalized and discriminated against. Tension has mounted among the Arab population since April 2005, when scores of Arabs were killed, hundreds were injured and hundreds more detained during and following demonstrations. The demonstrations were undertaken in protest at a letter which came to light allegedly written in 1999 by a presidential adviser, who denied its authenticity. This appeared to set out policies for the reduction of the Arab population of Khuzestan, including resettling Iranian Arabs in other regions of Iran, resettling non-Arabs in the province, and replacing Arabic place names with Persian ones. The text, with an English translation, can be found at <http://www.ahwaz.org.uk/images/ahwaz-khuzestan.pdf>;

The reputed author's denial that he wrote the letter, along with an explanation of the contents, can be found (in Persian) at <http://www.webneveshteha.com/>.

The security forces appear to have used

excessive force in stopping the demonstration resulting in unlawful killings, including possible extra-judicial executions. Following the unrest, 180 members of the Majles (Iran's Parliament) wrote to the then President, Mohammad Khatami, urging the release of detainees who were found not to have committed any crime and criticizing officials who had not taken sufficient measures to address the socio-political problems of Khuzestan. They also called for civil rights to be respected.

Since then, the cycle of violence has intensified in the province. Scores of Arabs were arrested following four pre-election bomb blasts in Ahvaz and two others in Tehran which killed up to 10 and injured at least 90 people. Other bombs in October 2005 and January 2006 killed at least 12 people and were followed by waves of arrests. Arrests have also followed demonstrations on significant occasions such as the Muslim festivals of 'Id al-Fitr and 'Id al-Adha. Amnesty International has received the names of around 500 Iranian Arabs detained since April 2005, some repeatedly, although the true number of detainees is likely to be much higher. 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" were broadcast on television.

Amnesty International recognizes that there have been acts of violence in Khuzestan province which have led to injuries and deaths among the civilian population. It also recognizes that the Iranian government has a responsibility to bring to justice those who commit crimes, though when doing so the Iranian authorities must abide by relevant international human rights law and standards.

RECOMMENDED ACTION

Please send faxes/ e-mail letters in Persian, Arabic, English or French:

- expressing concern at reports that the eight men (please name them) were not granted access to a lawyer during 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.
- expressing concern that trials before the Revolutionary Courts do not meet international standards for fair trial, and calling for a review of the cases by a competent tribunal;
- calling for the eight men to be given immediate access to lawyers, their families, interpreters and

medical treatment if necessary;

- expressing concern that some or all of the detainees may have been tortured or ill-treated while in detention;
- seeking assurances that they are not being tortured or ill-treated in detention;
- expressing grave concern that Imad and Zamel Bawi may be at risk of execution;
- urging the Iranian authorities to commute any death sentences passed against them immediately;
- acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life.

PLEASE SEND YOUR 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

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

Minister of Intelligence

His Excellency Gholam Hossein Mohseni Ejeie
Ministry of Information

Second Negarestan Street

Pasdaran Avenue

Tehran, Islamic Republic of Iran

E-mail: iranprobe@iranprobe.com

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

Salutation: Your Excellency

COPIES TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi
Shahrودي
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](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, then enter your email into the text
box.

Salutation: Your Excellency

Islamic Human Rights Commission

Mohammad Hassan Ziai-Far
Secretary
Islamic Human Rights Commission
P.O. Box 13165-137
Tehran, Islamic Republic of Iran

Fax: +9821 2204 0541

Governor General of Khuzestan Province

His Excellency Amir Hayat-Moqaddam
The Office of the Governor General
Felestin Street, Amanieh, Ahvaz,
Islamic Republic of Iran

Fax: +98 611 336 7313

Salutation: Your Excellency