

EXTRA 65/02

Imminent flogging/arrest without charge/
medical concern

16 August 2002

IRAN

Nasser Zarafshan (m), lawyer, aged 56

Amnesty International fears that Nasser Zarafshan may be at imminent risk of flogging. He has reportedly been sentenced to 70 lashes, five years' imprisonment and has been banned from practising law for five years. Nasser Zarafshan, a possible prisoner of conscience, is reportedly currently undergoing medical tests to determine whether he is healthy enough to face the flogging sentence handed down on 19 March and upheld by an appeal court on 16 July.

Nasser Zarafshan was arrested on 8 August, prior to his summons to appear before the *Edare-ye Amaken* (Bureau of Premises), an organization responsible for the enforcement of accepted moral codes in companies and other offices. Nasser Zarafshan is reportedly seeking a further appeal to the Supreme Court in respect to the sentence against him. Amnesty International fears that the charges against Nasser Zarafshan are politically motivated.

A prominent lawyer, Nasser Zarafshan was charged in connection with disseminating "confidential information" relating to a controversial and widely publicised legal case involving his representation of the children of political activists who were murdered in 1998 as part of what is known in Iran as the "serial murders" case. At least 18 Ministry of Intelligence officials have been tried and some continue to face prosecution in connection with some of the murders. He had criticized the investigation and the absence of vital information from court files.

Nasser Zarafshan was also charged with having weapons and alcohol at his law firm following a search of his office carried out while he was in detention and without the presence of his lawyer.

On 19 March 2002, a military court sentenced Nasser Zarafshan to five years' imprisonment and 70 lashes following his conviction in a secret trial before a military court. He was given two years for publicizing state information, three years for possession of firearms and 70 lashes for illicitly possessing alcohol. He was also banned from practising law, an act which only a disciplinary court for lawyers is legally permitted to undertake.

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

- urging the flogging sentence on Nasser Zarafshan to be suspended in view of his medical condition;
- urging the judicial authorities to implement a moratorium on the use of flogging, which is a cruel, inhuman and degrading punishment prohibited under Article 7 of the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a state party, with a view to its eventual abolition;
- calling for Nasser Zarafshan's conviction by a military court to be overturned and that, if he is charged with recognizably criminal offences, he be tried according to internationally accepted standards for fair trial;
- seeking clarification of the reasons why a military court tried Nasser Zarafshan, a civilian, and under what legal provision was the military court able to ban him from practising law;
- urging the Foreign Ministry to issue immediate invitations to the United Nations Special Rapporteurs on Independence of Judges and Lawyers and on Torture for both to carry out a review of court procedures and sentencing.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei,

The Presidency, Palestine Avenue,

Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Telegrams: Ayatollah Khamenei, Tehran, Iran

Salutation: Your Excellency

Email: webmaster@wilayah.org; (on the subject line write: For the attention of the office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

President

His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami

The Presidency, Palestine Avenue
Azerbaijan Intersection, Tehran, Islamic Republic of Iran
Telegrams: President Khatami, Tehran, Iran
E-mail: khatami@president.ir
Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran
Telegrams: Head of Judiciary, Tehran, Iran
Faxes: + 98 21 879 6671 (unreliable; please mark "care of Director of International Affairs, Judiciary")
Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs,
His Excellency Kamal Kharrazi
Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Av
Tehran, Islamic Republic of Iran
Telegrams: Foreign Affairs Minister, Tehran, Iran
Faxes: + 98 21 390 1999 (unreliable; please mark "care of the Human Rights Department, Foreign Ministry)
Salutation: Your Excellency

Parliamentary Committee

Mohsen Mirdamadi Najafabadi, Article 90 Commission, Majles-e Shura-ye Eslami,
Imam Khomeini Avenue, Tehran, Islamic Republic of Iran
Telegrams: Majles, Tehran, Iran
Telex: 21 42 32 ICAI IR
Faxes: + 98 21 646 1746 (Can be difficult to reach, please be patient)
Salutation: Dear Sir

COPIES TO: Diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.