

PUBLIC

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25 February 2004

Further Information on UA 65/04 (MDE 13/010/2004, 13 February 2004) Flogging/legal concern

IRAN

Mohsen Mofidi (m), aged 35

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Amnesty International has learnt with deep regret that, despite appeals, Mohsen Mofidi was flogged on around 18 February, and died on 22 February.

He had reportedly suffered from a lung and sinus infection while he was in prison, and spent a week in a medical facility in Qasr prison, during which time he had periods of semi-consciousness. It is believed that he had not fully recovered at the time of his flogging.

He was released after the flogging was carried out. He was apparently in poor health when he arrived at the home of a relative in Tehran, where his condition deteriorated and he later died. The day he died, he had been taken to hospital and given antibiotics for his lung and sinus infections. A doctor has reportedly certified that his death was due to a heart attack. Mohsen Mofidi had had no heart complaints before.

The funeral ceremony for Mohsen Mofidi is due to take place on 26 February, at Behesht-e Zahra cemetery in southern Tehran. His sisters, who fled Iran for Canada before their flogging sentence could be carried out, are distraught that they cannot be there. One told Amnesty International, "Now that he is gone, nothing matters".

Mohsen Mofidi had been convicted of charges including possession of a medicine containing alcohol, consuming alcohol in the early 1980s, possession of a television satellite dish, and aiding and abetting his sister's "corruption" in having boyfriends. He was sentenced to 80 lashes, to be carried out on completion of a four-month prison sentence. On 11 February, the 25<sup>th</sup> anniversary of the revolution in Iran, the remainder of his prison sentence was suspended, and the flogging was scheduled to take place on the day of his release. It is reported that he was kept in extremely poor conditions at Qasr prison.

According to updated regulations of December 2003, flogging is to be carried out with leather cords of 1.5cm thickness, which are 1m long; usually the prisoner's legs and hands are bound.

Judicial corporal punishments are unlawful because they entail key elements of torture or ill-treatment, including the deliberate infliction of severe pain and suffering as a punishment. The UN Human Rights Committee has stated that the prohibition of torture and ill-treatment under the International Covenant on Civil and Political Rights "must extend to corporal punishment". Amnesty International opposes the punishment of flogging and has long called on the Iranian authorities to cease this practice. The organisation urges the government to conduct an immediate investigation into the death of Mohsen Mofidi and to make the findings public.

**Many thanks to all those who took action on this case. Please send a final round of appeals to arrive as quickly as possible, in Persian, English, French, Arabic or your own language:**

- expressing regret that Mohsen Mofidi's flogging sentence was carried out, and noting that in 1997 the United Nations Commission on Human Rights stated that "corporal punishment (such as flogging) can amount to cruel, inhuman or degrading punishment;
- expressing concern that Mohsen Mofidi died after he was flogged;
- asking for clarification of Mohsen Mofidi's state of health before he was flogged;

- calling for an impartial investigation, drawing on appropriate forensic medical expertise, to establish the cause of his death;
- asking for the details of this enquiry to be made public, and asking to be kept informed of the findings;
- calling for the Disciplinary Court for Judges to examine the decision to carry out the sentence of flogging despite Mohsen Mofidi's reported ill-health;
- urging the judicial authorities to implement a moratorium on flogging, which is a cruel, inhuman and degrading punishment, with a view to its eventual abolition.

**APPEALS TO:**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi  
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

**Telegram: Head of Judiciary, Ministry of Justice, Tehran, Islamic Republic of Iran**

**Fax: + 98 21 879 6671 (please keep trying; please mark "care of Director of International Affairs, Judiciary")**

**Salutation: Your Excellency**

Leader of the Islamic Republic

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

**Telegram: Leader of Islamic Republic, Tehran, Islamic Republic of Iran**

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

**Salutation: Your Excellency**

President

His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami  
The Presidency, Palestine Avenue  
Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Telegram: President, Tehran, Islamic Republic of Iran**

**E-mail: khatami@president.ir (please resend your message if it does not get through the first time)**

**Salutation: Your Excellency**

**COPIES TO:**

Human Rights Department, Ministry of Foreign Affairs

Chairperson,  
Human Rights Office  
Ministry of Foreign Affairs  
Sheikh Abdolmajid Keshk-e Mesri Avenue  
Tehran  
Islamic Republic of Iran

**E-mails: matbuat@mfa.gov.ir (please ask for the message to be forwarded to the Human Rights Department)**

**Fax: + 98 21 390 1999**

Islamic Human Rights Commission

Mr Mohammad Hassan Zia'i-Far  
Secretary, Islamic Human Rights Commission  
PO Box 13165-137, Tehran, Islamic Republic of Iran

**Fax: + 98 21 204 0541**

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 7 April 2004.