

PUBLIC

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Further Information on UA 219/05 (MDE 13/046/2005, 24 August 2005) and follow-ups (MDE 13/067/2005, 04 November 2005; MDE 13/046/2006, 04 May 2006) - Fear for safety/fear of torture or ill-treatment/unfair trial/possible prisoner of conscience

IRAN

Hojjatoleslam Ezimi Qedimi (m), aged about 32

Muslim cleric Hojjatoleslam Ezimi Qedimi was released from Tabriz prison on 31 August 2006. He had served approximately five months of his one-year prison sentence. Upon his release, Hojjatoleslam Ezimi Qedimi thanked Amnesty International and its members for their concern and help.

According to reports, his release was ordered by the Special Court for the Clergy. It is believed that the release is conditional and the authorities have stipulated that if he resumes his activities on behalf of the Iranian Azerbaijani community he will be re-detained in order to serve the remainder of his sentence, and will face new charges. He is also banned from taking up employment.

In January 2006 Hojjatoleslam Ezimi Qedimi was tried by Branch Five of the Special Court for the Clergy in Tabriz under Articles 19, 20, 48 and 500 of the Penal Code, Article 42 of the Code of Criminal Procedures and Articles 42 and 48 of the Special Code for the Clergy. His trial was held in a closed session (in violation of Article 14 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party), and he did not have access to a lawyer of his choosing (in violation of Article 14 (3) (b) of the ICCPR) and therefore attended his trial without legal representation. The Judge acted as both Prosecutor and Judge, in violation of international standards on the independence of the judiciary. According to Hojjatoleslam Ezimi Qedimi, unusually for cases in Azeri areas, the judge was not an Azeri Turkish speaker and insisted on conducting the proceedings in Farsi, a language in which Hojjatoleslam Ezimi Qedimi did not feel comfortable defending himself. He has also said that he was not provided with any court documents during his trial, except for the final verdict.

The Court convicted Hojjatoleslam Ezimi Qedimi of "propagandizing in favour of groups and organizations against the system" under Article 500 of the Penal Code, and sentenced him to one year's imprisonment. He received the additional punishments of five years' exile from all Azerbaijani provinces in Iran, and a five year overseas travel ban under Articles 19 and 20 of the Penal Code. These restrictions are in direct contravention of the right to freedom of movement both within one's country and freedom to leave any country, as set out in Article 12 (1) and (2) of the ICCPR. He was also banned from wearing the clothes of a religious scholar for 10 years for "bringing the clergy into disrepute". This ban is also in contravention of his freedom to manifest his religion, as set out in Article 18 of the ICCPR.

An appeal against his sentence was rejected on 20 February 2006 by Branch Two of the Special Court for the Clergy. This court, acting as an Appeal Court, additionally convicted him of the charges of "pan-Turkic activities" and "acting with pan-Turkic opposition groups".

Hojjatoleslam Ezimi Qedimi has stated that he does not believe in the use of violence and is committed to peaceful means of activism on behalf of the Iranian Azerbaijani community. Amnesty International believes that the conviction of Hojjatoleslam Ezimi Qedimi on the charge of "propagandizing in favour of groups and organizations against the system" is in violation of his rights to freedom of opinion and expression, freedom of peaceful assembly, and non-discrimination. These rights are guaranteed in Articles 19, 21, and 26 of the ICCPR. Politically-motivated prosecutions of the Iranian Azerbaijani community for peacefully asserting their rights also infringe their rights as a minority group as guaranteed by Article 27 of the ICCPR.

If Hojjatoleslam Ezimi Qedimi were re-detained, Amnesty International would consider him to be a prisoner of conscience, held solely on account of his belief in non-violent protest and peaceful activities on behalf of the Iranian Azerbaijani community in Iran. Amnesty International calls for his release to be unconditional and for all restrictions on him to be lifted.

Hojjatoleslam Ezimi Qedimi was in poor health during his detention in the military and government section of Tabriz prison. He suffered from dental problems, and was permitted a 20-day leave period to receive treatment in May 2006, and a further period of temporary leave in July 2006. Hojjatoleslam Ezimi Qedimi also developed a sinus infection, for which he was denied medical treatment in prison. As a result, the infection has worsened to the extent that he now suffers from dizziness, nausea, and is unable to stand up. His health is said to be very poor.

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

- welcoming Hojjatoleslam Ezimi Qedimi's release from prison, but expressing concern at reports that the release is conditional, and that if Hojjatoleslam Ezimi Qedimi continues his peaceful activities on behalf of the Iranian Azerbaijani community he will be re-detained and may face new charges;
- stating that Amnesty International considers Hojjatoleslam Ezimi Qedimi's conviction on the charge of "propagandizing in favour of groups and organizations against the system" is in violation of his rights to freedom of opinion and expression, freedom of peaceful assembly, and non-discrimination. These rights are guaranteed in Articles 19, 21, and 26 of the International Covenant of Civil and Political Rights (ICCPR), to which Iran is a state party;
- stating that, as such, if Hojjatoleslam Ezimi Qedimi is re-detained, Amnesty International would consider him to be a prisoner of conscience who should be released immediately and unconditionally;
- calling for the removal of the restrictions and bans against Hojjatoleslam Ezimi Qedimi, including a ban on foreign travel and on travelling to Azerbaijani provinces within Iran, which are in violation of his right to freedom of movement;
- calling for the removal of the imposed ban on Hojjatoleslam Ezimi Qedimi's right to wear the clothes of a religious scholar, in violation of the freedom to manifest his religion;
- urging the Iranian authorities to review the use of special courts such as the Special Court for the Clergy;
- noting that the laws and practices of such courts do not conform to international standards for fair trial, and calling for them to be either reformed in order to meet these standards, or else abolished, as they are currently inherently incapable of providing the basic guarantees of due process which are any defendant's fundamental right.

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 Shahroudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (mark "Please forward to His Excellency Ayatollah Shahroudi")
via the judiciary website: www.iranjudiciary.org/feedback_en.html

Salutation: Your Excellency

COPIES 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 8 December 2006.