

amnesty international

APPEAL CASE UPDATE 1

IRAN: Human Rights Defender At Risk- Abdolfattah Soltani- HUMAN RIGHTS DEFENDER AT RISK APPEAL CASE-

Abdolfattah Soltani

February/April 2006

AI INDEX: MDE

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[This is an update to Iran: Human Rights Defender at Risk Appeal Case- Abdolfattah Soltani \(AI Index MDE 13-009-2006, February](#)



2006)

[detained in Evin prison under a temporary detention order, lawyer Abdolfattah Soltani was released from prison temporarily on 5 March, following a bail payment of one billion rials \(equivalent to US\\$109,524\). His bail had been originally set at 8 billion rials \(US\\$870,000\), an amount which his family said far exceeded normal bail requirements, but was reduced following pressure from his lawyers.](#)

[On 6 March, his temporary release was confirmed by the Deputy Prosecutor for Tehran, Mahmud Salarkia, who disputed the reported bail payment amount. He said that "Soltani is released from prison temporarily until the convening of his hearing session at the Judiciary".](#)

[According to recent reports, his first court session was held on 5 April 2006 \(16 Farvadin 1385\), with a second court session to be held 15 days later. In addition to the charge of espionage, he is charged with 'insulting the regime', 'propaganda against the regime', and 'acting against national security' under the provisions of the Iranian Penal Code. The charges are said to relate to four cases in which he is acting as lawyer- two of the nuclear espionage cases; on behalf of Zahra Kazemi's family; and the case of a former intelligence ministry official. To date, the legal team representing Abdolfattah Soltani have not had access to his case file.](#)

[Of his 219 days in detention, 43 of them were spent in solitary confinement. Speaking after his release, Abdolfattah Soltani said that his experience of solitary confinement and other](#)

[After spending over seven months- 219 days-](#)



Abdolfattah Soltani ©IranPressNews

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pressures in prison, including psychological pressure, was "disappointing", but that it could also be useful experience for him to have undergone "especially in the defense of other defenders and in exposing the acts of those that violate the law".

Amnesty International welcomes the temporary release from prison of Abdolfattah Soltani, but is concerned by the vaguely-worded charges brought against him. Charges such as "insulting the regime", "propaganda against the regime" and 'acting against national security' are not clearly defined in the Penal Code and as such can be used to prevent Human Rights Defenders and others from exercising their rights to freedom of expression and association. The charges are believed to be specifically linked to his legal representation of cases such as the family of Zahra Kazemi, the Iranian-Canadian journalist who died in custody in Evin prison in July 2003. Abdolfattah Soltani had appealed to the Supreme Court to launch a new investigation into her death in custody after the acquittal of a Ministry of Intelligence official who had been considered a scapegoat for a senior judicial figure.

Amnesty International believes that these charges have been brought against Abdolfattah Soltani in order to prevent or deter him from pursuing his legitimate activities as a human rights defender, and are intended also to discourage other lawyers and HRDs from pursuing cases of official impunity or representing political cases. If convicted of these offences, Amnesty International would consider Abdolfattah Soltani a prisoner of conscience, and call for his immediate and unconditional release.

Many thanks to all those who sent appeals on Abdolfattah Soltani's behalf.

AI was thanked for its action on behalf of Abdolfattah Soltani by a member of his legal team, who said that AI's "support of the defenders of human rights is very crucial".

Please continue to send politely worded appeals:

- welcoming Abdolfattah Soltani's temporary release from prison; but expressing concern about the prolonged solitary confinement he was subjected to during his detention, and calling on the authorities not to subject people held in custody to prolonged solitary confinement, which constitutes cruel, inhuman or degrading treatment;

- expressing concern that Abdolfattah Soltani is to be tried on charges of 'acting against national security', 'insulting the regime', and 'propaganda against the regime', relating to his legal

representation of people accused of nuclear espionage, his work on behalf of the family of Zahra Kazemi and in defense of a Ministry of Intelligence official;

- stating that these charges are vaguely worded, do not appear to constitute recognizably criminal offences; and as they are specifically related to his work as a lawyer in these cases, are designed to curtail his legitimate activities as a human rights defender;

- stating that if convicted of these charges, Amnesty International would consider Abdolfattah Soltani a prisoner of conscience, and call for his immediate and unconditional release;

- calling on the judicial authorities and government to develop national plans of action to implement the UN Declaration on Human Rights Defenders as an important first step to ensure that human rights defenders are able to safely carry out their legitimate work without fear.

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Abdolfattah Soltani, a lawyer, has been detained without formal charge in Tehran's Evin prison since 30 July 2005. He is said to be detained in connection with disclosing information in a nuclear espionage case in which he is acting as defense counsel.

Amnesty International believes that the continued detention of Abdolfattah Soltani is politically motivated, designed to discourage other Human Rights Defenders (HRDs) from pursuing cases against those responsible for committing human rights abuses, or defending people being prosecuted for political reasons. If so, he should be released immediately and unconditionally. At the very least, he must be given the earliest opportunity to defend himself against any charges the Iranian authorities intend to bring against him.

Arrest and detention

On 30 July 2005, Abdolfattah Soltani was arrested whilst holding a sit-in at the building of Tehran's Bar Association. He was protesting a warrant for his arrest, along with a search warrant for his home, both issued by the Chief Prosecutor for Tehran, Said Mortazavi, on 27 July 2005.

Abdolfattah Soltani was held in solitary confinement until 15 September 2005, when he was moved into a cell with another prisoner. His wife and mother were permitted to meet him for the first time only 10 days before this, on 5 September 2005, and then only in the presence of a prison guard. He looked physically weakened, and said that he had not been informed about the authorities' intentions in his case. His wife and mother have been permitted visits since, usually in the presence of prison guards but his children have not seen him since his arrest. He is reportedly barred from making phone calls and reading newspapers.

At the beginning of January 2006, after over five months in detention, Abdolfattah Soltani was permitted access to his lawyer for the first time. He has been interrogated on numerous occasions without the presence of a lawyer. No further visits by his lawyer were known to have occurred by early February 2006.

The investigating judge originally appointed to deal with his case was replaced with another judge in December 2005, apparently because he was considering releasing Abdolfattah Soltani on bail. On 3 December 2005, the new investigating judge extended his temporary detention order for a further three months. Abdolfattah Soltani has still not yet been

formally charged.

Conditional release 'prevented'?

Tehran Chief Prosecutor Said Mortazavi has reportedly set bail of eight billion Iranian rials, equivalent to over US\$870,000, for the conditional release of Abdolfattah Soltani. His family has said that they cannot afford this, and have expressed concern that as the amount far exceeds normal bail requirements it indicates that the authorities wish to keep him imprisoned.

Politically motivated charges

Prior to his arrest, Abdolfattah Soltani was representing a dozen people accused of spying on Iran's nuclear programme for US and Israeli intelligence services. According to a statement made by a Ministry of Justice spokesperson on 31 July 2005, it is in connection with these cases that he was arrested, for "illegally divulging secret and classified information" from one of his clients.

However, Abdolfattah Soltani was also representing the cases of prisoner of conscience Akbar Ganji, an investigative reporter who uncovered the still unpunished complicity of various government officials in the murder of intellectuals and journalists in the 1990s, and the family of Zahra Kazemi, an Iranian-Canadian journalist who died in custody in Evin prison in July 2003. In Zahra Kazemi's case, a Ministry of Intelligence official was tried and acquitted of her semi-intentional murder. He had been considered a scapegoat for a senior judicial figure, and following the acquittal, Kazemi's family, represented by Abdolfattah Soltani, appealed to the Supreme Court, to launch a new investigation into her death in custody.

The newspaper *Kayhan*, which is believed to have close links to the Judiciary, reported that on the last day of these appeal proceedings, Abdolfattah Soltani had openly suggested that the state could be responsible for her death, and that for these comments, "quick retribution" against him was inevitable.

Amnesty International believes that the charges against Abdolfattah Soltani are politically motivated, designed to bar him from the legal profession, and expressly intended to discourage other HRDs from pursuing cases of impunity or defending political cases. If convicted, he would be barred from practicing law.

Defenders under attack

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Fundamental flaws in the administration of justice in Iran facilitate the targeting and harassment of HRDs, limiting their ability to carry out their work. 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 journalism or public discourse which are permitted under international human rights law.

Politically motivated criminal charges frequently result in the sentencing and imprisonment of HRDs such as Abdolfattah Soltani. Fellow HRD and lawyer Nasser Zarafshan is serving a five-year prison sentence for his role in representing the families of two political activists murdered in November 1998 during a series of killings which became known as the "serial murders".

Those associated with the cases of Akbar Ganji and Zahra Kazemi have become particular targets for harassment. 2003 Nobel Peace Prize laureate Shirin Ebadi, who is also on the legal team for Akbar Ganji and Zahra Kazemi's family, has been the subject of threatening statements by officials at Tehran's Public Prosecutors' Office. Abdolfattah Soltani and Shirin Ebadi are members of the Centre for the Defence of Human Rights, an independent NGO, which has not received official recognition from the government.

RECOMMENDED ACTIONS:

Please send politely worded appeals:

- expressing concern that Abdolfattah Soltani has been detained without formal charge or trial since 31 July 2005;
- expressing concern that he was denied access to his lawyer for over five months;
- urging that he be given full and regular access to his family and lawyers;
- stating that Amnesty International fears that the accusations against him are politically motivated and intended to curtail his legitimate activities as a human rights defender. If so, he should be released immediately and unconditionally;
- calling on the Iranian authorities to, at least, promptly bring formal charges against him and bring him to trial promptly and in full accordance with his fundamental rights to fair trial, including being represented by legal counsel of his choice, having full access to whatever evidence there may be against him, and being permitted to call witnesses in his defense and to examine witnesses against him;

-urging the authorities to develop national plans of action to implement the UN Declaration on Human Rights Defenders as an important first step to ensure that HRDs are able safely to carry out their legitimate activities for the promotion and protection of human rights free from harassment, fear or retaliation.

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
Fax: + 98 251 7 774 2228 (mark "FAO the Office of HE Ayatollah al Udhma Khamenei")
Email: info@leader.ir
OR jstiftaa@wilayah.org
Salutation: Your Excellency

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Park-e Shahr,
Tehran, Islamic Republic of Iran
Email via website:
www.iranjudiciary.org/feedback_en.html
Salutation: Your Excellency

Minister of Intelligence

Gholam Hossein Mohseni Ejeie,
Ministry of Information
Second Negarestan Street
Pasdaran Avenue
Tehran, Islamic Republic of Iran
iranprobe@iranprobe.com

Islamic Human Rights Commission

Secretary, Islamic Human Rights Commission
PO Box 13165-137,
Tehran, Islamic Republic of Iran
Fax: + 98 21 204 0541,

Please continue to show your solidarity with Abdolfattah Soltani, by writing to him care of the Iranian Bar Association:

Iranian Bar Association
Attn: Human Rights Committee
No. 3, Zagros St, Argentina Sq,
Tehran, Islamic Republic of Iran
Fax: +98-21-8771340,

Show solidarity! Write to Abdolfattah Soltani at:
Evin Prison, Chamran Highway,
Shahid Katchuyi Street Darakeh,
Tehran, Islamic Republic of Iran

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