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Kurdish Human Rights Defenders and Journalists - APPEAL CASE Sa'id Sa'edi and Ajlal Qavami

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Iranian Kurdish journalists and human rights defenders (HRDs) Sa'id Sa'edi and Ajlal Qavami will appear before a court in Sanandaj, north-west Iran on 17 July 2006. They are accused of acting against national security and crossing the border illegally. If convicted, they face between two to five years' imprisonment. If imprisoned, Amnesty International believes both men would be prisoners of conscience, imprisoned solely for peacefully exercising their rights to freedom of expression, assembly and movement. Another Kurdish HRD, Roya Toloui, is also facing trial in the same case, although she has left the country and been granted asylum in the USA.

Roya Toloui was arrested on 1 August 2005. Sa'id Sa'edi and Ajlal Qavami were arrested on 2 August 2005, following their participation in organizing a demonstration against the killing of a Kurdish man, Showan Qaderi in July 2005 which was followed by violent unrest in Iranian Kurdistan. Their cases went before Branch 1 of the Revolutionary Court in Sanandaj and on 5 October 2005 they were released on bail of 100 million Toumans (around US\$114,000). The original charge sheet carried further charges, including that of being "mohareb" (at enmity with God) which can carry the death penalty. However, this was not included on the bail release warrant, and following a legal challenge by lawyers in the case, this and other charges were dropped and the two charges referred to above remain.

Sa'id Sa'edi

Sa'id Sa'edi is a freelance journalist who worked briefly on the editorial team of the Kurdish/Persian paper, *Asou*, before resigning, along with 11 others. *Asou* was reportedly closed down by the Ministry of Culture and Islamic Guidance on 3 August 2005 following the unrest. Following his resignation, he helped to establish a non-governmental organization (NGO), the East Kurdistan Cultural Research Institute (EKCRI) (or the Xorkhelat Institute), for which their application for an official permit was turned down by the police.

Following the killing of Showan Qaderi, the EKCRI called for a peaceful demonstration which took place on 30 July 2005, demanding an investigation into his death, and the release of political prisoners. At the

end of the demonstration, Sa'id Sa'edi, Roya Toloui, Azad Zamani, a member of the Association for the Defence of Children's Rights (ADCR, or *Kanoun-e Defa' az Hoqouq-e Koudekan*), and two others were allowed to meet the Regional Governor.



Sa'id Sa'edi © Private

Following this, Kurdish opposition groups called for another demonstration to be held on 1 August 2005 in towns and cities in Iranian Kurdistan. EKCRI agreed to participate in such a demonstration in Sanandaj on the condition that it was peaceful. However, the demonstrators were reportedly attacked by security forces and the protest turned violent.

Sa'id Sa'edi did not participate in this last demonstration as he was at the time appearing in a court in Marivan, accused of illegally crossing the border into Iraq. Nevertheless, the authorities later accused him of going to Marivan in order to organize the demonstration there.

On 2 August 2005, Ministry of Intelligence officials came to his home. He was not there at the time, but when he telephoned home and was told they had come, he returned and was arrested on the spot. He was held for eight days in the Ministry of Intelligence detention facility in Sanandaj and was beaten during his first day in detention. He was then transferred to Sanandaj Central Prison where, after two weeks of incommunicado detention, he was allowed visits from his family and lawyer. Following his release from detention, he travelled to the UK to attend a Chevening Fellowship course on 'Government and Non-Governmental Organisation relations', following which he received death threats from an organization calling itself Ommat-e Hezbollah-e Kurdistan

(Sanandaj Branch), which accused him of being a British spy. These threats were included in a statement by Ommat-e Hezbollah on 14 January 2006 which can be read (in Persian) at <http://azad.gooya.name/politics/archives/042527.php>

Ajlal Qavami

Ajlal Qavami is a journalist who began work in about 2000 with the daily newspaper, *Iran*, which he was forced to leave following pressure and threats by the Ministry of Intelligence. He then became a member of the editorial board of the journal *Payam-e Mardom-e Kurdistan* (People's Message). After only 12 issues had been published, a court in Sanandaj summoned the paper's editor and some of its journalists, including Ajlal Qavami, who was charged with supporting dissident groups by writing articles, and insulting the system's leadership. Ajlal Qavami was released on bail of 2 million tomans (approx US\$2,170). *Payam-e mardom-e Kurdistan* was later closed down. Ajlal Qavami then helped to establish the Kurdistan Human Rights Organization of which he is currently a member of the central council.



Ajlal Qavami © Private

On 2 August 2005 Ajlal Qavami was arrested at his workplace after members of the security forces initially raided his house. In protest at his detention, his prison conditions and his deteriorating health condition, he reportedly started a hunger strike, which lasted 22 days including at the Sanandaj Central Prison where he was transferred after his initial detention in the Ministry of Intelligence detention facility in Sanandaj. He has said that during his detention he was tortured, including by being threatened by prison officials with death at the hands of other prisoners, and with rape by prisoners infected with AIDS.

He too was mentioned in the Ommat-e Hezbollah statement which accused him of acting in the interests of the USA and he has received threatening phone calls from individuals claiming to be from the same group. Ajlal Qavami continues to suffer health problems relating to his detention, including problems with his eyes, which he says became infected as a result of the unsanitary conditions in Sanandaj Prison.

Roya Toloui

Roya Toloui, a pathologist and founding member of the Association of Kurdish Women for the Defence of Peace and Human Rights and editor of the monthly cultural magazine *Rassan*, was arrested on 1 August 2005 and spent 66 days in detention before being released on bail. She then fled Iran and was granted asylum by UNHCR in Turkey before being resettled in the USA. She has described her torture in detention on several occasions. For example, in an interview with Radio Farda on 27 January 2006 she said, "*During the night of 6 August, [an official] personally tortured me in the most brutal ways and subjected me to such behaviours that cannot be expressed,*" she said. "*They were forcing me to confess. I wrote that I will speak only in the presence of my lawyer and they laughed at me. I wrote that this is against human rights and that I had the right to see my lawyer. They lost their patience and they ordered that my children should be brought in and they threatened me and said that they will burn my children alive in front of my eyes.*" She added, "*It's very difficult for me to talk about [what I went through]...I'm partly worried that women who are actively involved in the women's movement would fear that they could face torture in case of arrest. But my message to all Iranian women who fight for their rights is that their struggle should [continue] with courage*". More details of her testimony about her detention can be read (in English) at: <http://www.abfiran.org/english/document-243-499.php> and <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/05/28/wislam28.xml&sSheet=news/2006/05/28/ixnews.html>

Travel bans

Both Sa'id Sa'edi and Ajlal Qavami have received travel bans and are believed to have had their passports confiscated, leaving them unable to leave the country. In Sa'id Sa'edi's case this came into effect after his return from the UK.

Charges

Amnesty International believes that Ajlal Qavami and Sa'id Sa'edi were detained solely on account of their participation in the organization of demonstrations which they believed should have remained peaceful in July and August 2005. Amnesty International recognizes that they have also been charged with crossing the border illegally, but notes that Article 12 of the International Covenant on Civil and Political Rights (to which Iran is a state party) expressly recognizes the right to freely leave one's own country and that crossing the border legally between Iran and Iraqi Kurdistan can be made difficult by Iranian officials. In this context, Amnesty International believes the main reason for their detention was their participation in the organization of the demonstrations.

Amnesty International believes that if Ajlal Qavami and Sa'id Sa'edi are convicted and imprisoned, they

would be prisoners of conscience and would therefore call for their immediate and unconditional release.

Background

The Kurds are one of Iran's many ethnic groups. They live mainly in the province of Kurdistan and neighbouring provinces bordering Kurdish areas of Turkey and Iraq.

Violent unrest in the Kurdish areas of Iran broke out in July 2005 and continued for several weeks, after Iranian security forces shot dead a Kurdish opposition activist, Showan Qaderi, and reportedly dragged his body through the streets behind a jeep. Thousands of Kurds took to the streets to protest. Security forces reportedly used light and heavy weaponry in response to the demonstrations which in at least some places included attacks by demonstrators on government buildings and offices. Up to 20 people were reportedly killed and hundreds more injured. The authorities acknowledged that five people were killed, and stated that their deaths were under investigation. At least 190 were arrested, according to official reports, although the true figure may well be higher.

RECOMMENDED ACTION

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

- urging the Iranian authorities to immediately drop any charges relating to Sa'id Sa'edi's and Ajlal Qavami's organization of the July and August 2005 demonstrations and to illegal border crossing;
- stating that Sa'id Sa'edi and Ajlal Qavami are facing trial on 17 July, and that if convicted and imprisoned, you would consider them to be prisoners of conscience, detained solely on account of their peaceful political activities;
- reminding the Iranian authorities that Article 12 of the ICCPR expressly recognizes the right to leave one's own country and urging them to remove the travel bans against Sa'id Sa'edi and Ajlal Qavami and to return their passports to them;
- urging the Iranian authorities to conduct a prompt, thorough and impartial investigation into the alleged beating of Sa'id Sa'edi and the torture of Ajlal Qavami and Roya Toloui. Anyone found responsible for abuses should be brought to justice promptly and fairly and the authorities should publicly condemn any instances of torture and ill-treatment by security and prison officials. If any violations are found to have occurred, the victims should be granted an effective remedy and appropriate compensation.

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

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

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

Fax: (Via Ministry of Justice) + 98 21 3 311 6567 (Mark: "Please forward to HE Ayatollah Shahroudi")

Email: Please send emails via the feedback form on the Persian site of the website:

<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

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

COPIES TO

Minister of the Interior

Hojjatolislam Mustafa Purmohammadi
Ministry of the Interior, Dr Fatemi Avenue, Tehran, Islamic Republic of Iran

Email: ravabetomomi@moi.gov.ir

Fax: +98 21 8 896 203 / 8 899 547 / 6 650 203

Islamic Human Rights Commission

Mohammad Hassan Ziaie-Far
Secretary, Islamic Human Rights Commission
P.O. Box 13165-137 or PO Box 19395/4698
Tehran, Islamic Republic of Iran

Fax: +9821 2204 0541

E-mail: ihrc@majlis.ir

