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HUMAN RIGHTS DEFENDER AND LAWYER - APPEAL CASE

Saleh Kamrani

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Saleh Kamrani © Private

Saleh Kamrani, an Iranian Azerbaijani lawyer and human rights defender, was released from Section 209 of Evin prison (which is run by the Ministry of Intelligence) on 18 September 2006. Amnesty International believes that he was detained solely in connection with his activities as a lawyer defending Iranian Azerbaijanis and others and for the peaceful exercise of his internationally recognized rights to freedom of expression and association in support of greater rights for the Iranian Azerbaijani community. Amnesty International is also concerned that Saleh Kamrani and his family have continued to be harassed by the Iranian authorities since his release, and that the charges brought against him have been used to prevent him from practicing his profession.

Incommunicado detention

Saleh Kamrani "disappeared" on 14 June 2006. At around 3pm on that day, he called his wife, Mina Esgeri, at their house in Tehran to say that he was on his way home. He should have arrived by 4.30 or 5pm. When he did not arrive as expected, she tried to call him, but found his mobile phone switched off, which was unusual for him. She called all the hospitals and police stations in Tehran but did not find any trace of him. In the evening, she called Ministry of Intelligence officials who at that time reportedly refused to confirm whether or not they were holding her husband.

Saleh Kamrani's office staff later said that he had left his office expecting to give an interview to an employee of INS, an Azerbaijani news agency, who is also said to work for the BBC.

Saleh Kamrani had, in fact, been accosted by three plain-clothes men five minutes after finishing the interview, one of whom said they were from the Anti-Drugs Department and who demanded he go with them. When he objected and demanded a court order, the men threatened to shoot him. After getting into their car, he was handcuffed, sworn at and insulted. One of the men pressed his hands against Saleh Kamrani's face. He was finally taken to Section 209 of Evin Prison. At the entrance, he was blindfolded and the handcuffs were removed. He was forced to undress and all his belongings were confiscated before he was taken to Cell 77 (measuring 2x1.5m) on the second floor, where he was given two old blankets. The door had only one small window with three bars for the guards to look in. The cell light was kept on permanently, and this, combined with the shouts and cries of other prisoners and their conflicts with their interrogators, meant that Saleh Kamrani had extreme difficulty sleeping. He had no access to books or newspapers, or to fresh air in the cell, which he described as a small dungeon.

Allegations of torture and ill-treatment

After four days, it became clear that Saleh Kamrani was indeed detained by the Ministry of Intelligence. In an interview on 19 June 2006 on Araz Radio, broadcasting from Sweden, Mina Esgeri said that she had been allowed to meet her husband on 18 June 2006. Further information relating to this meeting suggested that it lasted for 20 minutes and took place in the Revolutionary Court detention facility.

Saleh Kamrani was held in solitary confinement and reportedly subjected to psychological torture, which included threats of arresting his wife. He was also prevented from sleeping as he was repeatedly summoned for lengthy interrogation sessions in the middle of the night. He spent a

total of 97 days in solitary confinement, but said that occasionally other prisoners were brought to his cell in order that he could not complain to the court that he had never been held with others. He reportedly went on hunger strike for seven days, demanding an end to threats against his wife and the release of one of his lawyers, Ramin Mohammadkhani, who had been arrested during the interrogation of Saleh Kamrani before Branch 14 of the Revolutionary Prosecutor's Office and had been brought to Evin Prison handcuffed to Saleh Kamrani.

Saleh Kamrani was questioned about all aspects of his life and was threatened. The evidence against him reportedly included speeches, interviews, and correspondence from the previous 15 years, recorded telephone conversations, SMS messages, statements of other people about him, including from his brothers, which had been extracted under torture (see below) and even included a picture of Saleh Kamrani wearing a tie. He was also accused of contacting human rights organizations such as Amnesty International and of having contacts with foreigners, including Israelis.

Access to family

The authorities reportedly discussed with Mina Esgeri the possibility of releasing her husband on bail and she was told that he could be conditionally released if she paid 10 million Toumans (over US\$10,000). Mina Esgeri reportedly used family property deeds to guarantee the sum, but was told that the bail amount had been increased to 50 million Toumans (around US\$54,000). She managed to raise this amount, and on 6 July 2006 reportedly spent the day outside Evin Prison awaiting his release only to be told that the authorities had changed their mind about releasing her husband on bail, and that the order for his detention had been extended. On 18 July 2006 she reportedly waited for the whole day in front of Evin Prison, hoping to be able to visit her husband, but to no avail.

Since then Mina Esgeri was permitted to visit her husband several times in Evin Prison at an approximate interval of two weeks. The visits always took place in the presence of officers of the Ministry of Intelligence who requested that Saleh Kamrani and his wife spoke in Persian, which they categorically refused to do.

Medical Concerns

Saleh Kamrani suffers from a defective heart valve for which he has to take regular medication in order to control his heart rate. If his heart rate

increases too much, he is at risk of heart failure. During his detention he was reportedly denied access to his medication. On 9 August, his wife was reported as saying that he had been examined on two occasions by prison doctors, but that a request that he be transferred to the medical ward had been denied by the prison authorities. When his heart rate increased during his detention, despite the recommendation of his doctor that in such cases he should be treated by a heart specialist, he was taken to the prison clinic where he was treated by a doctor, or on occasion, by a nurse, who gave him medication without the presence of a doctor. Following medical examinations after his release, it has been reported that his heart condition has worsened.

Saleh Kamrani is also suffering stomach pains as a result of his hunger strike, skin rashes for which he is receiving treatment from a dermatologist, and leg pain.

Trial proceedings

In July, it was reported that Saleh Kamrani's case was under investigation by Branch 14 of the Revolutionary Prosecutor's Office in Tehran. However, in August, it was reported that the case had been referred to Branch 13 of the Revolutionary Court in Tehran and that his initial court hearing had been set for 13 September 2006. This was the first time that he was allowed to meet his other lawyer, who had never been given an opportunity to meet Saleh Kamrani to discuss his case. A further court hearing took place on 18 September 2006, in which he was charged under Article 500 of the Islamic Penal Code of Iran which states that "*Whoever propagates in whatever manner against the system of the Islamic Republic of Iran or in favor of groups or organizations who oppose the system shall be sentenced to imprisonment from three months to one year*". He was sentenced to one year's imprisonment, suspended for five years. Ministry of Intelligence officers were present at both court hearings.

The verdict in his trial stated: "*In respect of the charge against Mr. Saleh Kamrani, son of Morad, concerning his propaganda activity against the sacred Islamic Republic of Iran, his guilt and delinquency has been ascertained and established with a view to the indictment issued, the report by the Ministry of Intelligence, interviews with foreign radio stations including VOA News and the BBC on 14/6/2006, page 72 of the file, his legal representation of opponents of the system and disrupters of national security and ethnic nationalists, page 71 of the file, exacerbating the lack of security by various means, sending SMS messages to various persons containing*

propaganda against the system of the Islamic Republic of Iran, confessions of the defendant in this regard and his unjustified statements before the court and other indications and circumstantial evidence. Under Article 500 of the Islamic Penal Code, he is sentenced to one year's imprisonment, accounting for the period of his detention. The said sentence is suspended for five years in accordance with Article 25 of the Islamic Penal Code, to be enforced should he commit a crime during the period of suspension." Following this court session, Saleh Kamrani was released from detention.



Saleh Kamrani after his release from detention in Section 209 of Evin Prison (© Private)

Harassment and denial of right to practice his profession

According to information, following his release, Saleh Kamrani is reportedly under tight surveillance by the Ministry of Intelligence: he is being followed and has been threatened with arrest should he "misbehave". His wife, Mina Esgeri, reportedly said that he has since visited a cardiologist who ordered him to rest for two months; however she added that he now seems to suffer from post traumatic stress disorder as he is too nervous and worried to sleep.

Since his release, Saleh Kamrani has been unable to practice as a lawyer as his lawyer's card was retained by the authorities, and as a result he has no source of income to support himself and his wife. Without his card, he is unable to carry out functions such as entering court. His mobile phone was also confiscated while he was in detention and has not been returned to him and as he has had to close his office, his clients have no means of contacting him. Saleh Kamrani and his lawyer have both requested that his phone and lawyer's card be returned to him, but this has been refused.

Article 9 of the UN Declaration on Human Rights Defenders affirms the right of everyone to offer

and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms. Article 11 of the same Declaration states that everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession (UN General Assembly resolution 53/144 of 1998).

BACKGROUND INFORMATION

Iranian Azerbaijani lawyer Saleh Kamrani has been practicing his profession since 1999. He has represented a number of Iranian Azerbaijanis who have been detained in connection with their political or cultural activities. Saleh Kamrani has also defended members of other ethnic groups, such as Iranian Arab writer Yusuf Azizi Bani Torof and Persian human rights defender Mohsen Sazegara. He has repeatedly suffered harassment at the hands of the Iranian security forces, including phone calls threatening him with arrest. His telephone conversations, correspondence and contacts are monitored and he and his wife have been interrogated and threatened by security officials when leaving or entering the country. Saleh Kamrani has also been prevented from leaving Iran on several occasions. In 2005 he was detained for three days with his brother in the town of Oromieh.

Saleh Kamrani has also reportedly written articles on human rights and has helped to organize training in human rights for lawyers and students. Saleh Kamrani's brother, Maharam Kamrani, was arrested on 30 March 2006, and reportedly tortured during 19 days in detention (see Urgent Action 86/06, MDE 13/039/2006, 12 April 2006) <http://web.amnesty.org/library/index/ENGMDE130392006?open&of=ENG-IRN> <http://web.amnesty.org/library/Index/ENGMDE130432006?open&of=ENG-IRN>

Iranian Azerbaijanis, who are mainly Shi'a Muslims, are the largest minority in Iran, who constitute at least 25-30 per cent of the population. They are located mainly in the north and north-west of Iran. As Shi'a, they do not suffer as much discrimination as minorities of other religions, and are well-integrated into the economy, but there is a growing demand for greater cultural and linguistic rights, including implementation of their constitutional right to education through the medium of Azerbaijani Turkic. A small minority advocate secession of Iranian Azerbaijan from the Islamic Republic of Iran and union with the Republic of Azerbaijan. Those who seek to promote Iranian Azerbaijani cultural identity are viewed with suspicion by the Iranian authorities,

who often accuse them of vague charges such as "promoting pan-Turkism".

At the end of June 2005, scores of Iranian Azerbaijanis participating in an annual cultural gathering at Babek Castle in Kalayber were arrested. At least 21 were later sentenced to prison terms of between three months and one year, some of which were suspended, reportedly after conviction on charges such as "spreading propaganda against the system" and "establishing organizations against the system". Some were also banned from entering Kalayber for a period of 10 years. On 31 March 2006, scores were reportedly arrested after holding an annual commemorative demonstration in the city of Tabriz.

In May 2006, massive demonstrations took place in towns and cities in north-western Iran, where the majority of the population is Iranian Azerbaijani, in protest at a cartoon published on 12 May by the state-owned daily newspaper *Iran* which many Iranian Azerbaijanis found offensive. Hundreds were arrested during or following the demonstrations. Some of those detained have allegedly been tortured, with some requiring hospital treatment. Publication of the newspaper was suspended on 23 May and the editor-in-chief and the cartoonist were arrested. Iranian Azerbaijani sources have claimed that dozens were killed and hundreds injured by the security forces. The security forces have generally denied that anyone was killed, although on 29 May a police official acknowledged that four people had been killed and 43 injured in the town of Naqada. While many have now been released, others remain detained and some have been sentenced to prison terms and flogging in connection with the demonstrations.

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

- welcoming the release of Saleh Kamrani;
- stating that you consider Saleh Kamrani to have been a prisoner of conscience, detained solely on account of his peaceful activities, including his duties as a lawyer;
- urging the authorities to review his conviction with a view to dropping his suspended sentence, which, if it were implemented, would lead to his re-detention as a prisoner of conscience;
- calling on the authorities to return his mobile phone and lawyer's card to him to enable Saleh Kamrani to continue working as a lawyer;
- reminding the authorities that, as a state party, they have undertaken to uphold Article 19 of the ICCPR which states that everyone has the right to freedom of expression.

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")**

Salutation: Your Excellency

Speaker of Parliament

His Excellency Gholamali Haddad Adel

Majles-e Shoura-ye Eslami

Imam Khomeini Avenue,

Tehran, Islamic Republic of Iran

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