

URGENT APPEAL - THE OBSERVATORY

New information
IRN 005 / 0711 / OBS 098.2
Judicial harassment / Sentencing
Iran
September 28, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Iran**.

New information:

The Observatory has been informed by the Iranian League for the Defence of Human Rights (LDDHI) of the continuing judicial harassment and sentencing of Ms. **Nargess Mohammadi**, Spokesperson and Vice-President of the Defenders of Human Rights Centre (DHRC)

According to the information received, on September 26, 2011, Branch 26 of the Islamic Revolution Court announced the sentencing of Ms. Nargess Mohammadi to a total of eleven years in prison on charges of “assembly and collusion against the national security”, “membership of the DHRC” and “propaganda against the Islamic Republic”. Five of the eleven years are based on Article 610 of the Islamic Penal Code (IPC), five years based on Article 499 and one year based on Article 500. The ruling referred to her human rights activities as endeavours to overthrow the Islamic Republic and mentioned specifically as evidence for the charges her efforts to found the National Council for Peace¹, the Free, Healthy and Fair Elections Committee, Stop Children’s Execution Campaign, visiting political prisoners, meeting with Mr. Mehdi Karroubi, awarding human rights prize to the late dissident Ayatollah Montazeri in December 2009, cooperation with Shirin Ebadi and preparing reports on human rights violations, among others. On the date of publication of this appeal, she remained free on bail but faced risk of arbitrary arrest.

The Observatory strongly condemns the sentencing of Ms. Nargess Mohammadi and denounces this new act of harassment and intimidation against founding members of DHRC, which seem to merely aim at sanctioning their peaceful and legitimate human rights activities.

Background information:

On June 10, 2010, Ms. Nargess Mohammadi was arrested at her home without an arrest warrant and subsequently detained in Evin prison, Tehran. Ms. Mohammadi was released on July 1, 2010 on a 50,000 dollars bail. On February 22, 2011, Ms. Mohammadi appeared before Branch 26 of the Islamic Revolutionary Court.

In 2008, the DHRC, established by five lawyers including the 2003 Nobel Peace Laureate **Shirin Ebadi**, was closed down. Moreover, on August 1, 2009, the Vice-Prosecutor of Tehran publicly accused Ms. Shirin Ebadi and DHRC of having established relations with foreign forces to organise a “velvet revolution” in Iran. Since then, a wave of arrests and harassment has been launched against human rights lawyers and in particular against the founders of the DHRC. To date, the DHRC offices remain closed.

On June 16, 2009, Mr. **Abdolfattah Soltani**, lawyer and founding member of the DHRC. was arrested by four plain-clothes officers. His whereabouts remained unknown until July 7, 2009, when he was located in section 209 of Evin prison. On August 26, 2009, he was

¹ A broad coalition against war and for the promotion of human rights.

released on payment of a USD 100,000 bail, following 70 days of arbitrary detention, including 17 days in solitary confinement. However, since then, he remained accused of “having acted against national security” and has not yet faced trial. Furthermore, on October 2, 2009, his passport was seized by the authorities in order to prevent him from leaving Iran for Germany to receive the Nuremberg International Human Rights Award. Furthermore, on July 5, 2011, Ms. Massumeh Dehghan, Mr. Abdolfattah Soltani's wife, was summoned and detained by the Islamic Revolution Court branch in Evin prison. Mr. Soltani, who is also her lawyer, was not allowed to accompany her before the court. No other information was provided about the existence of charges or the reason of the detention. On July 10, 2011, Ms. Massumeh Dehghan was released on bail. On September 10, 2011, Mr. Abdolfattah Soltani was arrested outside the Islamic Revolution Court by police officers who were holding an arrest warrant. In the afternoon, his house and offices were also searched by four agents without warrant and who took CDs, papers, documents and his children's laptop. According to the latest information received, Mr. Abdolfattah Soltani is held since then in solitary confinement at the Ministry of Intelligence's Section 209 inside Evin prison and his lawyer has not been informed of the charges against him.

On July 8, 2009, Mr. **Mohammad Ali Dadkhah**, also a lawyer and founding member of the DHRC, was arrested together with three of his colleagues as well as his daughter, by three plain-clothes persons, without any warrant. His law firm was subsequently closed and doors were sealed with lead. Mr. Dadkhah, who was accused of “keeping weapons, opium as well as documents” evidencing links with foreign “enemies”, was released on a bail of around 700,000 US dollars on September 13, 2009. On July 3, 2011, he was informed that he had been sentenced to nine years in prison and a ten-year ban on practising law or teaching at university, on charges of alleged “actions and propaganda against the Islamic regime”, pursuant to Article 698 of the Islamic Criminal Code, in relation to the foundation of DHRC and being its spokesperson; as well as his representation in a case against Isfahan's Metro for endangering national heritage monuments. The trial was held on May 21, 2011 and related to a criminal case initiated in 2009. Mr. Dadkhah had 20 days to lodge an appeal against the sentence. As of issuing this Urgent Appeal he remained free on bail.

In addition, Mr. **Mohammad Seifzadeh**, also a founder of DHRC, was sentenced on October 29, 2010 to nine years imprisonment and to a ten years ban to practice as lawyer by Branch 15 of the Revolutionary Court, on charges of “acting against national security” through founding the DHRC, and “propaganda against the regime” through interviews with foreign media. He is detained in Evin prison since April 11, 2011 and has appealed his sentence. In June 2011, Mr. Seifzadeh's family was told that the appeal court had reduced his prison sentence to two years. On September 13, Mr. Seifzadeh was summoned to the court and was notified of the new charge of “propaganda against the system”. This is believed to be connected to a letter he wrote from prison to former President Khatami on July 21, 2011. In that letter, he had mentioned the widespread breach of the law in the judiciary and stated that there was no solution but to dissolve the illegal authorities such as the Islamic Revolution Courts and the Special Clergy Court and to reform the judiciary's structure. Furthermore, he said due process and citizen rights had not been respected in the case of about 200 political prisoners in Section 350 of Evin prison, where he is being held.

Actions requested:

Please write to the Iranian authorities and ask them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Nargess Mohammadi as other DHRC members, including Messrs. Abdolfattah Soltani, Mohammad Ali Dadkhah and Mohammad Seifzadeh and Ms. Shirin Ebadi and their families, as well as all human rights defenders and their families in Iran;
- ii. Release Messrs. Abdolfattah Soltani and Mohammad Seifzadeh immediately and unconditionally as their detention only aims at sanctioning their human rights activities;

iii. Put an end to any kind of harassment – including at the judicial level – against Ms. Nargess Mohammadi, other DHRC members, and more generally against all human rights defenders in Iran.

iv. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular:

- its article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”;
- its article 5.b, which states that “everyone has the right, individually and in association with others, at the national and international levels, (...) to form, join and participate in non-governmental organizations, associations or groups”;
- its article 12.2 which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Iran.

Addresses:

- Leader of the Islamic Republic, His Excellency Ayatollah Sayed Ali Khamenei, The Office of the Supreme Leader, Shahid Keshvardoost St., Jomhuri Eslami Ave., Tehran, Islamic Republic of Iran, E-Mail: info_leader@leader.ir, Faxes: + 98 21 649, + 98 21 649 / 21 774 2228, info_leader@leader.ir
- President Mr. Mahmoud Ahmadinejad, the Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran, Fax: + 98 21 649 5880.
- Head of the Judiciary, His Excellency Ayatollah Sadeq Larijani, Ministry of Justice, c/o Public relations Office, Number 4, 2 Azizi Street, Vali Asr Ave., above Pasteur Street intersection, Tehran, Islamic Republic of Iran, Fax: +98 21 879 6671 / +98 21 3 311 6567, Email: bia.judi@yahoo.com / info@dadgostary-tehran.ir
- Minister of Foreign Affairs, Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Av, Tehran, Islamic Republic of Iran, Fax: +98-21-66743149
- Permanent Mission of the Islamic Republic of Iran, Chemin du Petit-Saconnex 28, 1209 Geneva, Switzerland, Fax: +41 22 7330203, Email: mission.iran@ties.itu.int
- Embassy of Iran in Brussels, 15 a avenue Franklin Roosevelt, 1050 Bruxelles, Belgium, Fax: + 32 2 762 39 15, Email: embassy.iran.bxl@skynet.be

Please also write to the diplomatic representations of Iran in your respective countries.

Geneva-Paris, September 28, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

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