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Iran

Five years of injustice and ill treatment: Ahbar Mohammadi - case sheet



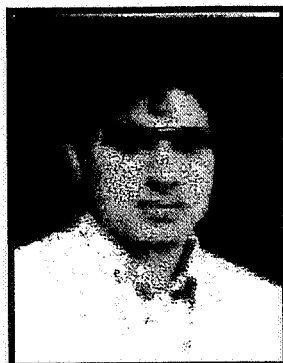
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Iran

Five Years of injustice and ill treatment: Akbar Mohammadi – case sheet



This document is an external campaign document focusing primarily on the case of Akbar Mohammadi, a possible prisoner of conscience.. However, the document also highlights Amnesty International's (AI) concerns in relation to torture, ill treatment of political prisoners, the administration of justice, and freedom of expression in Iran. This case sheet provides AI members with the opportunity to take sustained, long term action, locally, nationally and internationally on AI concerns in Iran

Full Name: Akbar Mohammadi

Nationality: Iranian

Occupation: Student

Current Status: Akbar Mohammadi is in Evin prison serving a fifteen year prison sentence. He is reported to be suffering from serious health problems without prompt and adequate access to medical treatment.

Related information: Urgent Actions: AI Index numbers: MDE 13/004/2000, MDE 13/015/2000, MDE 13/021/2003, MDE 13/020/2004

Medical letter writing action: AI Index numbers: MDE 13/05/00, MDE 13/10/00

Amnesty International Annual Reports: 2000, 2001, 2003

Amnesty International's concerns: Torture/ ill treatment, unfair trial, delay and denial of medical treatment, possible prisoner of conscience.

CASE DETAILS:

In early July 1999, students gathered in a peaceful demonstration outside university dormitories in Tehran to protest against the forced closure of the daily newspaper (see details below). As their numbers grew, and the days passed, there were increasingly angry exchanges and eventually clashes between the security forces and demonstrators. Akbar Mohammadi was one of the hundreds of students arrested during the demonstrations. Like many other students, he was initially held in incommunicado detention in the Towhid detention centre under the jurisdiction of the Ministry of Intelligence before being transferred to Tehran's Evin prison in March 2000.

Akbar Mohammadi was reportedly sentenced to death in September 1999 after a secret trial by a Revolutionary Court in Tehran whose procedures did not conform to international standards of fair trial. His sentence was reportedly upheld by the Supreme Court, but was subsequently commuted to 15 years' imprisonment by Bench 21 of the Tehran Appeal Court in November 1999.

During his first year of imprisonment Akbar Mohammadi was reportedly subjected to 'mock executions'. He was repeatedly taken from his cell in solitary confinement to places where he was told he would be killed. Officials would go through the motions of preparing to execute him, including reading the Koran to him on one or more occasions, and then would 'change' their minds and return him to his cell. In the subsequent years, Akbar and Manuchehr Mohammadi have been permitted a small number of temporary leaves, or, releases from prison, the recent of which was for 12 days in May 2004.

Akbar Mohammadi is also alleged to have been subjected to other forms of ill treatment. In March 2000, Akbar Mohammadi wrote a letter to the head of the judiciary, Ayatollah Shahroudi, which was widely published in a number of Iranian newspapers, stating that while in detention he had been "violently beaten". He was allegedly handcuffed, suspended by his arms, and whipped on the soles of his feet with electric cables. Prison guards reportedly beat him until he was on the point of losing consciousness, saying that all he had to do was blink to accept the charges against him. His beatings allegedly resulted in the loss of 40% of his hearing in his left ear.

Medical concerns: delay and denial of medical care

In the first year of his imprisonment, Akbar Mohammadi was also reportedly kicked down a flight of stairs, which broke his pelvis. He was said to have been denied medical treatment and has allegedly been unable to walk comfortably since.

At the end of November 2003, Akbar Mohammadi was hospitalised due to stomach and kidney problems, including internal bleeding, and possibly a lung infection. He was operated on at the Taleghani Hospital. During his six day stay in hospital, he was kept under 24 hour surveillance by guards and was not allowed visitors. According to information from his family, a hospital doctor recommended a hospital stay of one month, but he was transferred back to Evin prison after six days. His health is said to have deteriorated since then, as the operation was reportedly unsuccessful.

The Mohammadi family's repeated requests for Akbar to be granted temporary leave in order to go to hospital for medical treatment were reportedly denied until March 2004, when they were told that he could be released on bail equalling – at official rates -US\$42,500; an amount which the family said it cannot afford. Yet, a medical report reportedly prepared by medical officials in Evin prison allegedly states that Akbar requires further medical intervention outside the confines of the hospital and a period of rehabilitation in a suitable environment. According to unconfirmed information received in June 2004, doctors may have told Akbar Mohammadi that even if he was operated on, he may be left disabled in some way. Amnesty International fears that Akbar Mohammadi has not been given prompt access to adequate medical attention.

Akbar Mohammadi may be a prisoner of conscience. Please join Amnesty International and its worldwide members in calling for a judicial review into his case (see details at the end of this document), with a view to his release, if he is imprisoned solely for his conscientiously held beliefs. Join Amnesty International in calling for an investigation into the allegations of torture and for anyone found responsible for having carried out torture to be brought to justice; and for calling for Akbar Mohammadi to be given adequate medical attention.

Harassment and arrest of members of the Mohammadi family

Akbar Mohammadi may have been targeted for arrest in part on account of the activities of his brother, Manuchehr Mohammadi, a member of the *Anjoman-e Daneshjuyan va Daneshamuktegan-e Melli* (National Association of Students and Graduates). Manuchehr Mohammadi, detained around the same time as Akbar, was accused of having a leading role in the unrest, demonstrations on 19 and 26 July 1999. He was shown on television giving televised 'confessions' relating to his involvement with "counter-revolutionary agents". He was charged with offences reportedly relating to national security and tried in secret..

On or around 20 November 2000, an appeals court upheld a sentence of seven years' imprisonment against him. While imprisoned, this sentence was extended by two years at the end of November 2003: one year for having had interviews with foreign media while on leave from prison and another for issuing 'political statements' while in prison. While on leave between 11 and 17 June 2003, he had given telephone interviews to a radio station and a television station run by Iranians based in the United States, who are opposed to the Iranian government. On his return to Evin prison he was reportedly kept in solitary confinement for 37 days, and reportedly ill treated: he was chained in a crouching position with his mouth gagged, in a vermin-infested cell, and was frequently beaten. At a family visit on 5 September 2003, shortly after he was returned to Evin prison, his mother reportedly fainted when she saw him. He apparently had a badly bruised face, could barely walk, and said only one sentence: that he had been tortured. At the end of October 2003 he was reportedly lashed 30 times.

According to reports received by Amnesty International on 28 June 2004, Manuchehr Mohammadi also suffers from gingivitis and chronic, severe bleeding from the gums – which is said to cause him pain when he speaks or eats. Doctors in Evin prison are said to have recommended that he be treated outside the prison. A senior judicial official reportedly accepted a request for him to receive medical attention outside the prison but this has not been carried out by the prison authorities. Meanwhile, the condition of his gums and teeth are said to continue to deteriorate.

The plight of Akbar and his brother Manuchehr, has taken a heavy toll on their parents, who live in the small town of Amol, in northern Iran, and on other members of their family. Following their arrest in July 1999, their whereabouts remained unknown to their family for a considerably lengthy period. When the family learned of their detention they travelled from northern Iran to see their sons in prison and were said to have been distressed by their poor conditions.

The two brothers' father, Muhammad Mohammadi, is said to have written repeatedly to the authorities, including to the judiciary, regarding the plight of his sons but has not received adequate explanation.

On 8 July 2003, he and his daughter Simin, were arrested and taken to Evin prison for their persistent search for justice for the two prisoners. According to information received by Amnesty International, Simin was beaten in front of her father and dragged away. When the father demanded to know where they were taking Simin, he apparently was told that he and Simin would be severely beaten if he asked any more questions. The father is said to have suffered a heart attack while detained in solitary confinement. He was bailed and transferred to a cardiac care unit of a hospital but left around four or five days later.

Simin was held in solitary confinement for 14 days- four or five of which she spent in a prison hospital due to breathing problems. Prison guards would not tell her what had happened to her father. She was reportedly interrogated for several hours every night and repeatedly asked about the activities of her sister Nasrin (see below), who lives in Europe and brother Manuchehr. She was threatened with beatings and told that they could do to her what had happened to Zahra Kazemi, a Canadian-Iranian national who was killed while under official supervision in June 2003. Amnesty International does not know whether she faced charges as a result of this incident, although she was released on bail on 22 July 2003.

Nasrin Mohammadi, 30, fled Iran in September 2001 and gained refugee status in Europe. It has been said that her brothers told her repeatedly to leave the country. She has sought to keep her brothers' fate in the spotlight by continual, tirelessly campaigning on their behalves. Amnesty International fears, however, that harassment of the Mohammadi family may be used in an attempt to stop the brothers and Nasrin Mohammadi from making public appeals or comments on their cases.

According to information received on 28 June 2004, members of the family have – once again – been threatened with unspecified reprisals if they publicly discuss the plight of the two brothers and it is reported that all members of the family are again under considerable pressures.

The 18 Tir (8 July) student-led demonstrations and the fate of other students

In early July 1999 small number of students gathered in a peaceful demonstration outside university dormitories in the Amir Abad district of Tehran to protest against the forced closure of the daily newspaper *Salam* (Hello). As the days passed, their numbers swelled into the hundreds and there were increasingly angry exchanges and eventually clashes with the security forces. In the course of the demonstrations, at which hundreds of students were arrested, demonstrators were attacked by members of the *Ansar-e Hezbollah*, a semi-official organization which opposes political dissent against the State. Security forces at the scene reportedly failed to intervene to protect the students.

In the following days the size and nature of the demonstrations changed dramatically, leading to an escalation in violence. Despite calls for calm from some student leaders, and an official ban on demonstrations in Tehran, demonstrations continued and spread to other towns and cities. Hundreds of people were arrested throughout the country, most of whom were held without charge or trial. Dozens faced torture and ill treatment in incommunicado detention, followed by manifestly unfair trials and imprisonment.

The unrest, which has become known as the events of *18 Tir* (the date in the Iranian calendar during which the events took place), was also marked by a raid carried out by members of the *Ansar-e Hezbollah* and members of the security forces into the student dormitories. This resulted in the killing of at least one person. The attack was strongly condemned by both President Khatami and the Supreme Leader Ayatollah Khamenei and two senior police officers were later arrested and removed from their positions as a result of the official investigations.

In the years following the 18 Tir demonstrations there has been a pattern of human rights violations targeting student protests and demonstrations. On June 11 2003 nearly 80 students living in student dormitories in the same Amir Abad area of Tehran demonstrated against draft proposals to privatize

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universities. They were joined by local residents and the demonstrations reportedly escalated and became widely politicized. Organized groups of non-uniformed, plain-clothed individuals began to attack the demonstrators and police intervened to end the clashes. As the demonstrations grew over the following nights, units of the Special Forces (*Nirou-ye Vajeh*) were deployed to disperse demonstrators. There were reports however that the Special Forces permitted plain-clothed members of the *Ansar-e Hezbollah* to attack peaceful demonstrators and that in certain instances excessive force may have been used to break up the demonstrations. Thousands of students and other demonstrators were arrested: in August 2003, Amnesty International wrote to the authorities, seeking information about the status of 132 individuals who had reportedly been detained, but to date, the organization has not received a response. By the end of 2003, at least 65 individuals had reportedly been charged.

Amnesty International remains concerned about the status of a variety of students or graduates. Heshmatollah Tabarzadi, detained following the demonstrations in 1999, was reportedly beaten and flogged with metal cables on the soles of his feet. He was later released without charge or trial. Amnesty International also received reports that another student, Mohammad Reza Kasrani, endured "blows to his feet until blood poured out". Amnesty International remains concerned regarding the reported continued detention or harassment of other students.

Iran's obligations to investigate allegations of torture

To Amnesty International's knowledge, no investigation has ever been conducted into the allegations of ill treatment and torture made by Akbar or Manuchehr Mohammadi or any of the students held for prolonged periods following their arrest in July 1999. Meanwhile, in 2000 and 2001 former students who arrived in European countries seeking asylum were able to seek treatment for incidences of torture – including instrumental rape carried out on men – that were allegedly carried out by officials during and after the July 1999 events of *18 Tir*.

Article 38 of the Iranian constitution (*Qanun-e Esasi*) states that "all forms of torture for the purpose of extracting confession or acquiring information are forbidden". Moreover, human rights violations carried out by state officials are punishable under Article 578 of Iran's Penal Code, yet these provisions appear to have been ignored by judicial officials.

Iran is also a state party to the International Covenant on Civil and Political Rights, Article 7 of which states that: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Amnesty International calls on its members and supporters to urge the Iranian authorities to help right the wrongs committed five years ago, during the events of *18 Tir*, or 8 July 1999, by using the recommendations below in appeals to the authorities. Please see the addresses given at the end of this document.

Amnesty International urges the Iranian authorities to ensure that:

- An open and independent enquiry into allegations of torture carried out on Akbar Mohammadi and other students during the events of 18 Tir is convened as soon as possible, anyone found responsible be brought to justice;
- Domestic and international commitments regarding the prohibition of torture are upheld;
- Law enforcement officials throughout Iran to be made aware of, and conform to, international standards regarding the use of force and the absolute prohibition of torture in all circumstances;
- Detainees be given access to adequate medical care without delay as provided for by international human rights standards;
- A judicial review into the case against Akbar Mohammadi be convened, with a view to determining whether he was imprisoned for the expression of his conscientiously held beliefs;
- Akbar Mohammadi be released immediately and without condition, if he is found to have been imprisoned solely for the expression of his conscientiously held beliefs
- Review cases of all prisoners held in connection with the demonstrations with a view to releasing them if they are detained solely for the peaceful expression of their conscientiously held beliefs

Please send your appeals to:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi

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

Fax: + 98 21 879 6671 (unreliable; please mark "c/o Director of International Affairs, Judiciary")

Email: Irjpr@iranjudiciary.com (unreliable; please mark "for the attention of HE Ayatollah Shahrudi")

Salutation: Your Excellency

President

His Excellency Hojjatolislam val Moslemin Sayed Mohammad Khatami

The Presidency, Palestine Avenue

Azerbaijan Intersection, Tehran, Islamic Republic of Iran

E-mail: khatami@president.ir (please resend if it does not get through first time)

Salutation: Your Excellency

Please copy your letter, or send a message of support, to Akbar and Manuchehr Mohammadi:

Akbar and Manuchehr Mohammadi

Evin Prison

Chamran Highway, Shahid Katchuyi Street

Darakeh, Tehran, Iran