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PUBLIC AI Index: MDE 13/057/2007

18 May 2007

UA 120/07 Possible prisoners of conscience/Fear of torture or ill-treatment

IRAN Up to 17 men

Up to 17 men remain in detention after being arrested at a private party in Esfahan province, central Iran on 10 May. They may have been tortured or ill-treated and remain at risk of such abuse.

The men were among 87 people reportedly arrested at the party; the others have been released, apparently on bail, and are likely to face prosecution in the future. Those still detained are believed to have been wearing clothes generally associated with women at the time of their arrest. They are not believed to have had access to lawyers or family members, and a judge has reportedly said that those still detained will be charged with consumption of alcohol, and "homosexual conduct" (*hamjensgarai*). Amnesty International is not aware of any evidence that the men attending the party identify themselves as gay or were engaging in same-sex sexual relations. Their arrests were made at a time when the Iranian authorities have been mounting a security operation to enforce dress codes in Iran.

Eyewitnesses to the arrest have reportedly described how those attending the party were dragged into the street by police and members of the Basij force (volunteer paramilitary units attached to the Revolutionary Guards Corps), who beat them severely, causing bruising and, in some cases, broken bones. It is not known if those detained have been allowed access to medical treatment.

Amnesty International recognizes that consumption of alcohol is a criminal offence in Iran, although the organization has no information as to whether any of those detained had consumed alcohol. However, the organization is concerned that the men may be held because of what they were wearing at the time of their arrest, in light of the fact that the others arrested have since been released. If this is the case, then they are prisoners of conscience, detained solely for the peaceful exercise of their right to freedom of expression.

BACKGROUND INFORMATION

The arrests have come in the context of an annual crackdown on "immoral behaviour" in Iran, which began in April. Police are reported to have stopped thousands of people in the street, and to have required many of them to sign statements committing themselves to observe the official dress code in Iran, which prescribes what is regarded as acceptable attire for men and for women. More than 130 people are reportedly facing prosecution either for refusing to comply with the police demands or for breaching the official dress code.

Men convicted of homosexual sex face the death penalty or flogging, depending on the particular act. Women convicted of lesbian sex face flogging or, after conviction for a fourth time, the death penalty.

Consumption of alcohol in Iran carries a penalty of one hundred lashes, or, after conviction for a third time, the death penalty.

Amnesty International opposes the criminalisation of consensual adult sexual relations conducted in private and urges the Iranian authorities to urgently review law and practice to ensure that no one can be prosecuted for such reasons. Amnesty International is also opposed to the use of flogging and other judicial corporal punishments which constitute torture or other cruel, inhuman or degrading punishment, and is unconditionally opposed to the use of the death penalty.

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

- expressing concern at the reports of the continued detention of up to 17 men;
- urging the authorities to grant them immediate and regular access to family members and to lawyers of their choice;
- asking why, of those who were originally arrested at the same time, around 70 of whom have since been released, these individuals continue to be detained;
- stating that if the reason for their continued detention is solely related to what they were wearing at the time of their arrest, then they are prisoners of conscience, detained solely on account of the peaceful exercise of their right to freedom of expression, who should be released immediately and unconditionally;
- urging the authorities to review the cases against those individuals who have already been released, and to drop any charges arising solely out of the peaceful exercise of the right to freedom of expression;
- expressing concern at the reports of beatings of those arrested by the security forces and urging the authorities to conduct an

immediate and impartial investigation, with anyone responsible for abuses to be brought to justice in a trial which complies with international fair trial standards;

- seeking assurances that those still detained are protected from torture or ill-treatment and that they have access to any medical treatment they may require;
- urging the authorities to review legislation with a view to ensuring freedom of expression, decriminalising consensual adult sexual relations conducted in private and to abolishing the use of cruel, judicial punishments such as flogging, and with a view to abolishing the death penalty.

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

Fax: +98 251 7774 2228 (mark FAO Office of His Excellency Ayatollah al Udhma Khamenei)

Salutation: Your Excellency

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Email: dr-ahmadinejad@president.ir

via website: www.president.ir/email

Salutation: Your Excellency

Minister of the Interior

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

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

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran, Islamic Republic of Iran

Fax: +98 21 3390 4986 (please keep trying)

Email: info@dadgostary-tehran.ir (In the subject line write: FAO Ayatollah Shahroudi)

Salutation: Your Excellency

COPIES TO:Speaker of Parliament

His Excellency Gholamali Haddad Adel
Majles-e Shoura-ye Eslami, Baharestan Square, Tehran, Islamic Republic of Iran

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and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 July 2007. *****

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