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No.: 414/2006  
Date: 21 Nov 2006

The Office of High Commissioner for Human Rights, Geneva,  
Please circulate this letter to Special Rapporteur on (i)  
Independence of Judges and Lawyers and on (ii) Fair Trials

CC Mrs. Harrison, Amnesty International, London



Mr. Saleh Kamrani

Dear sir/madam,

**Re COMPLAINT: UPDATE NUMBER 3 – SENTENCING MR. KAMRANI OR  
GAGGING HUMAN RIGHTS IN SOUTHERN  
AZERBAIJAN**

Please find enclosed Update 3 on our Complaint lodged on 15 September 2006 for safeguarding human rights of the distinguished human rights lawyer of the Southern Azerbaijani national. Mr. Kamrani has suffered an arbitrary sentence issued by the relevant authorities of the Islamic Republic of Iran.

In order to support the Complaint, we are providing you the following:

- Table 1:** gives the translation of the sentence issued by Branch 13 of the Revolutionary Court, Tehran, Iran, together with a copy of the source document.
- Table 2:** provides a record of the references to our letters for safeguarding his human rights
- Table 3:** the Complaint Form filled based on solid evidences using information given by Amnesty International, the Law Society for England and Wales and our own sources.

In particular we draw your attention to the following:

- **Expression of “the holy Islamic Republic of Iran” as mentioned in the sentence:** We are concerned with this expression and hope you agree with us such a dogmatic mindset is in conflict with human rights.
- **Suspending the sentence for years:** We believe that this is a deliberate mechanism designed to gag Mr. Kamrani.

The sentence and its spirit is a testimony that without your intervention there is no hope for justice to Mr. Kamrani. There are no internal mechanisms to bring common sense into a desperately unjust situation, where human rights of this distinguished human right lawyer are blatantly violated. We believe you are the only authority who can defend Mr. Kamrani and have



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ample authority and mandate to do so. With the various documents and information available to you, please do not hesitate to come back to us if you need any further information. We are of the opinion that absence of any data is not a pretext for inaction.

We stress that we have not consulted Mr. Kamrani in pursuing this Complaint. Now Mr. Kamrani's defence rests before you. We thank you in advance for your care in taking up this case.

Yours faithfully,

Boyuk Resuloglu

The Committee for the Defence of the Rights of World Azerbaijanis



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**Table 1: The Sentence Passed to Mr. Saleh Kamrani**

**The Translation of the Sentence Passed to Mr. Saleh Kamrani**

Date: 18 September 2006  
Ref: 1490/85/13

The Islamic Revolutionary Court of Tehran under the authority of the undersigned persons was formed on xx September 2006 (Translator's note: the day "xx" is the date is missing in the source document but we know that it took place on 13 September) at the specified time.

The Accused is Saleh Kamrani, son of Murad, born on 1973, Identity card No 101 issued in Eher, married, educated, a lawyer of the Ministry of Justice, resident of Karaj.

Accusation: publicity activities on against the system of the holy Islamic Republic of Iran.

After the indictment and hearing the defence by the Accused, (the minutes were recorded for the proceedings of the court), evaluating the contents of the file and declaring the end of the trial on 16 September 2006, the Court issued its sentence as detailed below:

**THE SENTENCE OF THE COURT**

This case is with reference to the Accusation on Mr. Saleh Kamrani, son of Murad, on the grounds of publicity activities against the system of the holy Islamic Republic of Iran. The case was formed by:

- An issued prosecution,
- The report by the Ministry of Information and
- Interviews given to the News Services of Voice of America (Translators note: this text is handwritten and the quality is poor and therefore there is a possibility that the abbreviated text may not be exactly as VOA) and the B.B.C on 14 June 2006 (Section or leaf 72 of the file) and
- Undertaking the defence of individuals who are in opposition with the system and those undermining national security inciting their ethnic identity (Section 71 of the file), and
- Escalating the insecurity through a diverse approaches
- Sending SMS to individuals with messages undermining the holy system of the Islamic Republic of Iran
- Also confessions obtained from the Accused and inexcusable statements at the presence of the Court and
- Many other similar instances

The Court concludes the Accused is guilty as charged.

**The Sentence**

Therefore a Sentence is passed according to Article 500 of the Islamic Penal Code to the above mentioned person. The sentence consists of one year of imprisonment but includes those days already spent in the detention. This sentence is suspended for 5 years complying with Article 25 of the Islamic penal Code. However, should he commit an offence during this period of suspension, it will be enforced. The sentence issued was in the presence of the Accused and should he object, his appeal will be heard in the Appeal Court of Tehran Province

Head of the Branch 13 of the Revolutionary Court, Tehran

Undersigned by: Sadat  
Date: 31 October 2006





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**Table 2:** The Various Correspondences of DunAzHAK related to Mr. Saleh Kamrani

Initial informative letters by DunAzHAK

- The letter: Ref. 338/2006 on 19 June 2006 introducing more 30 individuals arbitrarily detained
- The letter: Ref. 340/2006 on 24 June 2006 mentions Mr. Kamrani in our Appeal to Mr. Kofi Annan
- The letter: Ref. 344/2006 on 28 June 2006 mentions Mr. Kamrani as the 200<sup>th</sup> person in the name list of the detained Southern Azerbaijanis
- The letter: Ref. 382/2006 on 17 September 2006 mentions Mr. Kamrani as the 60<sup>th</sup> person for sentencing
- The letter: Ref. 346/2006 on 4 July 2006 informing you of the shifting goals for the release of Kamrani
- The letter: Ref. 348/2006 on 7 July 2006 responding to a number of questions
- The letter: Ref. 362/2006 on 22 July 2006, a news concerning the health of Mr. Kamrani
- The letter: Ref. 351/2006 on 23 July 2006 informing you of an extension of Mr. Kamrani's detention
- The letter: Ref. 360/2006 on 9 August 2006 that a court proceedings will be brought against Mr. Kamrani
- The letter: Ref. 365/2006 on 9 August 2006, a general update on Southern Azerbaijani prisoners of conscience
- The letter: Ref. 360/2006 on 9 August 2006 informing you of the irregularities for compiling a file against Mr. Kamrani

General Complaints lodged:

- The Complaint: 379/2006 lodged on 15 September 2006 on the blatant court irregularities

Updates:

- The letter: Ref. 384/2006 on 20 September 2006 – the release of mr. Kamrani under bail
- The letter: Ref. 405/2006 on 31 October 2006 with the information to attention the court for the delivery of the sentence



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<b>Table 3: The Complaint Form for the Particulars of Mr. Abbas Leysanli</b>	
Working Group on Arbitrary Detention c/o. Office of the UN High Commissioner for Human Rights United Nations Office at Geneva CH-1211, Geneva 10 Switzerland	
<b>I. IDENTITY</b>	
1. Family name:	Kamrani
2. First name: Father's name:	Saleh Murad
3. Sex: (M/F) Marital status	M Married
4. Date of Birth (age):	34 years old
5. Nationality	Southern Azerbaijani, Iranian citizen
6. (a) Identity document:	<ul style="list-style-type: none"> <li>• 101</li> </ul>
(b) Issued by:	<ul style="list-style-type: none"> <li>• Eher General Registry</li> </ul>
(c) On (date):	<ul style="list-style-type: none"> <li>• Not available yet</li> </ul>
7. Profession / activity	<ul style="list-style-type: none"> <li>• Lawyer</li> </ul>
8. Place of usual residence	Karaj, Iran
<b>II. Arrest (This was the case of Abduction)</b>	
1. Date of arrest:	Amnesty International: Saleh Kamrani had reportedly called his wife at their house in Tehran at around 3pm on 14 June to say that he was on his way home. He should have arrived by 4.30 or 5pm, and when he did not she tried to call him, but found his mobile phone switched off, which was unusual for him
2. Place of arrest:	This was a case of abduction and therefore its specific place is unknown
3. Forces who carried out the arrest or are believed to have carried it out:	This was a case of abduction and therefore abductor(s) can only be guessed to be security agents of the Ministry of Intelligence.
4. Did they show a warrant or other decision by a public authority?	This was a case of abduction and it can be guessed that the abductors did not probably care to show any warrant
5. Authority who issued the warrant or decision:	This was a case of abduction and it can be guessed that the abductors were not careful enough to show any warrant
6. <b>Relevant legislation applied (if known):</b>	This was a case of abduction and it can only be guessed that the process was without indictment



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<b>III. DETENTION</b>	
1. Date of detention	After the abduction the authorities resorted to the tactic of zero information and therefore it is not known if there has ever been any formal proceeding from the arrest to remanding in custody and then detaining Mr. Kamrani. For instance, according to Amnesty International, Mr. Kamrani's wife called all the hospitals and police stations in Tehran but did not find any trace of her husband. In the evening, she called Ministry of Intelligence officials who at that time reportedly refused to confirm whether they were holding her husband.
2. Duration of detention	More than three months of imprisonment and released in the last hours of Monday 18 September 2006
3. Forces holding the detainee under custody	Being under custody of the Revolutionary Court of Tehran, most probably security agents were holding Mr. Kamrani but there was no official statement
4. Places of detention	Branch 14 of the Interrogation Centre of the Revolutionary Court of Tehran
5. Authorities that ordered the detention	Being under custody of the Revolutionary Court of Tehran, most probably the Ministry of Intelligence ordered the detention of Mr. Kamrani but the Ministry hardly issued any official communiqué
6. Reasons for the detention imputed by the authorities	At the time, there was no official indictment or any communiqué but with the benefit of the hindsight, the sentence issued later states these as follows: <ul style="list-style-type: none"><li>• Interviews given to the News Services of Voice of America and the B.B.C on 14 June 2006 (Section or leaf 72 of the file) and</li><li>• Undertaking the defence of individuals who are in opposition with the system and those undermining national security inciting their ethnic identity (Section 71 of the file), and</li><li>• Escalating the insecurity through a diverse approaches</li><li>• Sending SMS to individuals with messages undermining the holy system of the Islamic Republic of Iran</li><li>• Also confessions obtained from the Accused and inexcusable statements at the presence of the Court and</li></ul>
7. Relevant legislation applied	Article 500 of the Islamic Penal Code and Article 25 of the Islamic penal Code
<b>8. Sentence</b>	The sentence consists of one year of imprisonment. The sentence is suspended for 5 years (we know that this is conditional on keeping quiet).



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**IV. Describe the circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary**

The statement by the Law Society for England and Wales: <http://www.lawsociety.org.uk/secure/file/155791/e/teamsite-deployed/documents/templatedata/Campaigns/International%20Human%20Rights/Documents/iranskamranino2.doc> on 28 June 2006

The law Society made the following case for immediate and unconditional release of their fellow lawyer, Mr. Kamrani to the Iranian authorities:

“ In this context, I wish to draw your attention again to Articles 16(a), 17 and 18 of the United Nations (UN) Basic Principles on the Role of Lawyers (1990) which state that:

*16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ...*

*17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.*

*18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

In addition, I wish to draw your attention to Principles 6, 10 and 11 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) which state that:

**Principle 6**

*1. No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

*2. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.*

**Principle 10**

*Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.*

**Principle 11**

*1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.*

*2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefore.*





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*3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.*

Regarding Principle 6, I recall that the Islamic Republic of Iran has been party to the UN International Covenant on Civil and Political Rights since 1975. This treaty prohibits torture and ill-treatment under any circumstances.”

Amnesty International has made a case on two occasions for Mr. Kamrani to be a prisoner of conscience (MDE 13/067/2006 on 16 June 2006 and MDE 13/067/2006 on 16 June 2006).

DunAZHAK has kept you continually informed with updates on the arbitrary treatments of the Iranian authorities inflicted on Mr. Kamrani. We have provided references to our letters in Table 2 and therefore do not repeat the sequences of the events.

Now we have the benefit of the sentence issued by the Iranian authorities and the accusations are before you. Evidently, every pointer is towards a blatant arbitrary treatment of Mr. Kamrani. We believe this document delivering the sentence on a human right lawyer will become historic evidence unraveling a deep incompatibility between the mindset of the justice system contributing to the violations of human rights of Mr. Kamrani and the Universal Declaration of Human Rights and its subsequent international conventions. How can one dare to charge a human right lawyer with giving an interview of the Voice of America or BBC?

The data provided to you through our updates together with Amnesty International's authoritative statements portray a complete picture beyond any shadow of doubt that Mr. Kamrani has suffered arbitrary treatments in the hands of the relevant Iranian Authorities, a glimpse of which include:

- Mr Kamrani was not charged but abducted
- The authorities abused their powers and behaved arbitrarily by denying Mr. Kamrani the right of access to his lawyer and his family
- The authorities kept harassing Mr. Kamrani's family
- The authorities kept shifting the goal on the issue of releasing him under bail
- The data all show that the interrogations were without the presence of Mr. Kamrani's lawyer and therefore all interrogation procedures were flawed and illegal
- The court was conducted in a closed-session
- Amnesty International has made a consistent remark that the charges brought by the Iranian authorities to Azerbaijani Turk activists are not recognizable in the international law.

We believe that Mr. Kamrani has suffered all these dreadful treatments purely because he is of a Southern Azerbaijani national, who has a successful track record on defending activists of the Southern Azerbaijani national movement as well as other nationalities, such as Arabs. The authorities wanted to remove Mr. Kamrani from the equation, when 2 million Southern Azerbaijanis orchestrated their democratic protests against the state-owned abuse of the national integrity of the nation of Azerbaijani Turks. Mr. Kamrani was already engaged defending the cases of his native activists. The various Urgent Actions and General Statements issued by Amnesty International bears a witness to these statements.

Iranian authorities seem to deploy the trick of diffusing the demand of the nation of Southern Azerbaijan by inventing rogue charges often by bogus court authorities in dark interrogation cells through arbitrary court proceedings. This case cannot be isolated from the flagrant violation of the national rights of Southern Azerbaijanis by the Islamic Republic of Iran.

We submit to you that his justice rests in your hand.



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**V. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken**

The case speaks for itself, as there is no internal mechanism. However, there are plenty of internal mechanisms to amplify arbitrary acts and invent bogus procedures.

**VI.**

Full name

Mr. Boyuk Resuloglu

On behalf of:

The Committee for the Defence of the Rights of World Azerbaijanis

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Date: 21 November 2006

Signature:

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