

12 January 2004

Part of the report submitted by the Special Rapporteur of the United Nation on the right to freedom of opinion and expression, Ambeyi Ligabo -Mission to the Islamic Republic of Iran.

F. The case of Zahra Kazemi

71. The Special Rapporteur would like to make specific reference to the case of Zahra Kazemi, firstly because of its gravity, secondly because of its exceptional nature, and thirdly, because of the concerns raised by the way the case is being handled by the authorities.

72. Mrs. Kazemi, an Iranian-Canadian photojournalist and film-maker, was arrested on 23 June 2003 while she was taking pictures of families of detainees protesting in front of Evin prison against the detention of their relatives for their participation in the recent demonstrations. She had obtained a permit to take pictures during her stay in Iran in June and July from the Foreign Press Service of the Ministry of Culture and Islamic Guidance. After her arrest, Mrs. Kazemi was interrogated for four days, without any access to a lawyer, by officials from the Prosecutor's Office, including the Deputy Prosecutor and the Prosecutor, Said Mortazavi; the Intelligence Unit of the Law Enforcement Forces; and the Ministry for Information (intelligence). On 27 June, she was taken unconscious to the hospital, where she remained in a coma until 10 July, when she died. Mrs. Kazemi's family was informed of her whereabouts only on 6 July and of her death on 12 July, when the Government made the official announcement through IRNA.

73. Preliminary reports from the Office of the Prosecutor indicated that Mrs. Kazemi died from a digestive disorder, but an independent medical examination was not allowed. This statement provoked waves of protests, both inside and outside the country, as all non-governmental reports available indicated that Mrs. Kazemi was ill-treated during her detention, resulting in her death.

74. On 13 July, President Khatami announced that an inquiry into Mrs. Kazemi's death would be carried out by a Ministerial Inquiry Committee composed of representatives of the Ministries of Culture and Islamic Guidance, Justice, Information (intelligence), the Interior and Health. On the same day, the Director General of the Foreign Press Service of the Ministry of Culture and Islamic Guidance announced that Mrs. Kazemi died as a result of a stroke. However, he subsequently wrote a letter to the Majlis indicating that he was pressured by Prosecutor Mortazavi to make that statement, which was false. On 16 July, Vice-President Abtahi announced that Mrs. Kazemi had died as a result of a skull fracture after sustaining a

blow while in custody, and on 21 July, the report of the Ministerial Inquiry Committee confirmed this statement.

75. On that basis, the case was assigned to Judge Javad Esmaeili on 25 July. On 30 July, the Article 90 Commission of the Majlis decided to launch an inquiry into Mrs. Kazemi's death. On 30 August, before the conclusion of the inquiry of the Article 90 Commission of the Majlis, two intelligence officials were arrested and charged with "quasi-intentional murder", while no charges were brought against the Office of the Prosecutor, despite the fact that most reports indicated that it was involved in Mrs. Kazemi's death.

76. On 28 October, the Article 90 Commission of the Majlis released its report, which concluded that Prosecutor Mortazavi and other members of the judiciary were directly involved in Mrs. Kazemi's death, having subjected her to violent interrogations in Evin prison. The Commission also accused them of attempting to cover up the cause of her death.

77. During his visit, the Special Rapporteur made requests for information on the result of inquiries into, and the investigation of, Mrs. Kazemi's death to several officials of the Government and the judiciary, including Vice-President Abtahi, the Tehran Prosecutor, and the Article 90 Commission of the Majlis. He notes with regret and concern that he has received no substantive response thereto, as all he was told was that the case was being investigated by a court, which would take into account the inquiries carried out. The Special Rapporteur is not satisfied with these answers, especially as the information he received indicates that up to now, although there seem to have been comprehensive inquiries into the circumstances of Mrs. Kazemi's death, including who might be responsible, there seem to have been no comprehensive public report thereon, as the reports of both the Ministerial Inquiry Committee and the Article 90 Commission of the Majlis are alleged to have been partially censored before being released to the public.

78. The Special Rapporteur notes with great concern that Mrs. Kazemi was killed after she was arrested for performing her work as a journalist. He fears that, in the present circumstances, there will be no adequate and satisfactory response from the authorities to this odious crime and that the chain of responsibility will not be elucidated, at least not publicly, thus allowing the persons responsible for Mrs. Kazemi's death to remain unpunished.

79. The Special Rapporteur is concerned that, by failing to fully disclose the findings of the comprehensive inquiries carried out, the authorities are favouring a climate of impunity for officials of law enforcement agencies and send a message that officials are not accountable to the people for their acts.

80. On a related note, the Special Rapporteur appeals to the authorities to allow Mrs. Kazemi to be buried in Canada, in accordance with the express wish of Mrs. Kazemi's son, Stephan Hachemi, and her mother, Ezzat Kazemi.