

PUBLIC

AI Index: MDE 13/125/2006

08 November 2006

Further Information on UA 163/06 (MDE 13/063/2006, 8 June 2006) and follow-up (MDE 13/105/2006, 19 September 2006) - Incommunicado detention/ Fear of torture/ Medical concern/ Prisoner of conscience New concern: Fear of flogging

IRAN

**Abbas Lisani (or Leysanli), (m) aged 38, activist
His family**

Abbas Lisani, a prominent activist for the rights of Iranian Azerbaijanis, was released on bail on 26 September 2006. He was redetained on 31 October 2006 by security forces, apparently without a warrant, in violation of Iranian law. His detention is apparently related to one of the several prison terms he is currently facing in relation to his participation in annual gatherings and other demonstrations of Iranian Azerbaijanis. He is believed to be held in Section 7 of Tabriz Prison in northwestern Iran. Amnesty International believes him to be a prisoner of conscience, held for the peaceful exercise of his right to freedom of expression and of association.

During his previous period of detention, Abbas Lisani was reportedly harassed and threatened by cellmates. He is said to suffer from stomach and kidney problems, and pain in his ribs, which allegedly results from torture during previous periods of detention. It is not known whether he currently has access to adequate medical care. Since the day of his arrest, he has apparently had no access to his lawyer, and his wife has been permitted to visit him only once. His wife has also reportedly been threatened with arrest in connection with her advocacy on his behalf.

On 27 September, one day after Abbas Lisani was released from detention, Branch 105 of Ardebil General Court sentenced him to 10 months' imprisonment and 50 lashes for participating in a demonstration on 27 May 2006 in Ardebil, and to a further six months' imprisonment for participating in the destruction of public and state property by calling on people to participate in the demonstration which caused this damage. Abbas Lisani submitted a written appeal against this sentence, dated 26 October 2006. He claimed in his defence that the demonstration was not illegal, and that he had never called on people to cause damage, but had rather sought to keep matters calm. He alleged that the authorities had ignored video and other evidence from the demonstration to this effect. Five days after lodging his appeal he was re-arrested. His family later received a copy of a verdict from Branch 1 of Ardebil Appeal Court, which increased the sentence of 10 months' imprisonment to one year, bringing the total to 18 months of imprisonment. The verdict apparently confirms the sentence of 50 lashes and, in addition, states that his punishment should include spending three years in forced exile in the city of Tabas in the central province of Yazd.

Amnesty International is concerned that the procedure before the Ardebil Appeal Court may not have provided a genuine review, both in facts and in law, of Abbas Lisani's case. In a statement to the Iranian Labour News Agency, Abbas Lisani's lawyer reportedly said, "this verdict is unprecedented in the judicial history of the Islamic Republic of Iran, or at least I am unaware of such a case ...since the Lower Court has not issued [such] a sentence to my client, how can the Appeal Court add to it? .. I believe this verdict is arbitrary and I will protest against it to the Supreme Court". Amnesty International is seeking clarification of the process of Abbas Lisani's appeal, noting that Article 4 (2) of the Law of Appeals against Court Judgments states that in criminal cases the appeal court cannot increase sentences ordered by the initial court unless the prosecutor had lodged the appeal for such an increase.

In August 2006 Abbas Lisani was sentenced in a retrial to one year's imprisonment by the Revolutionary Court in Kalayber for "spreading anti-government propaganda". This sentence is currently subject to appeal.

According to the court verdict, the basis for the charge includes his participation in an annual gathering in 2003; encouraging others to participate in this gathering; reciting Azerbaijani poems and other material at the gathering; publishing and distributing a "Turkish-language" calendar; sending messages abroad via the internet; making calls to his supporters abroad; and intending to promote Iranian Azerbaijani nationalism and independence. Abbas Lisani's previous sentence of one year's imprisonment to be spent in exile in Masjed-e Soleyman in the south-western province of Khuzestan on these charges was later quashed on the grounds that Ardebil Revolutionary Court had no jurisdiction over the case, and it was sent for retrial in Kalayber.

On 17 August 2005, Abbas Lisani was sentenced to one year's imprisonment by Branch 1 of the Revolutionary Court of Kalayber for "propaganda against the system" in connection with his participation in the 2005 annual gathering. This sentence is also currently under appeal. Separately, Abbas Lisani has also been charged with attending a commemorative gathering for Constitution Day at the mausoleum of Baghir Khan in August 2005, but this case is not known to have been concluded.

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

- expressing concern that Abbas Lisani has been redetained in order to serve an 18-month prison sentence in connection with his peaceful participation in a demonstration in Ardabil on 27 May 2006, noting Abbas Lisani's position that he is personally opposed to violence and in no way advocated the use of violence by anyone during the demonstration;
- stating that, as such, Amnesty International believes that Abbas Lisani is a prisoner of conscience, and should be released immediately and unconditionally;
- asking the authorities to provide clarification about the procedure before the Ardabil Appeal Court, particularly in light of the speed of the review and Article 4(2) of the Law on Appeals against Court Judgments which only allows for the increase in sentences in cases where the prosecution has lodged the appeal;
- expressing concern that the procedure followed may not have provided a genuine review, both in facts and in law, of Abbas Lisani's case.
- urging that his sentence of flogging be immediately commuted, as it amounts to torture;
- calling on the authorities to grant Abbas Lisani immediate and unconditional access to his lawyer, continued and regular access to his family, and access to any medical treatment that he requires;
- expressing concern about Abbas Lisani's safety and calling on the Iranian authorities to offer him protection from prisoner-on-prisoner violence;
- expressing concern for the situation of Abbas Lisani's family, members of which have reportedly been harassed and intimidated by the authorities, including by being threatened with arrest.

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 OR istiftaa@wilayah.org

Fax: +98 251 774 2228 (mark "FAO the Office of His Excellency, Ayatollah al Udhma Khamenei")

Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Email: Please send emails via the feedback form on the Persian site of the website:

<http://www.iranjudiciary.org/contactus-feedback-fa.html>

(The text of the feedback form translates as:

1st line: name, 2nd line: email address, 3rd line: subject heading, then enter email into the text box)

Salutation: Your Excellency

COPIES 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 20 December 2006.