

PUBLIC

AI Index: MDE 13/021/2004

25 March 2004

Further Information on UA 88/03 (MDE 13/009/2003, 31 March 2003, and follow-up, MDE 13/009/2004, 13 February 2004) fear of torture/ill treatment/Prisoner of conscience

IRAN **Amir Abbas Fakhavar (m), freelance journalist, aged 26**

Amir Abbas Fakhavar was released on leave on or around 21 March, as part of a larger temporary release of prisoners on the occasion of Iran's *No Rouz*, or new year holiday. He has reportedly been granted 19 days' leave.

He had been held at a detention centre referred to as Band 325 (incorrectly called 125 in the last update), which is under the supervision of Iran's Revolutionary Guard, a national security, military and intelligence force. He was reportedly taken there in January and given two days' leave on or around 8 February 2004. On his return he was moved to Qasr prison.

In Qasr Prison he is reportedly held with prisoners convicted of violent crimes, and he has previously been assaulted by other prisoners, possibly because of his status as a political prisoner.

While in Band 325, he reportedly underwent treatment amounting to torture: he was kept in solitary confinement, in conditions of near-silence where he was only able to see the colour white. This "white torture" (*shekanjeh-e sefid*) is a method of extreme sensory deprivation apparently designed to weaken the prisoner by causing persistent and unjustified suffering.

Amir Abbas Fakhavar was sentenced to eight years' imprisonment on defamation charges in November 2002, because of comments on Iran's political leadership in his book *Inja Chah Nist* (This Place is Not a Ditch). In February 2003, he and imprisoned student demonstrator Ahmad Batebi signed an open letter which criticised the Iranian authorities. The letter stated, "We wish to openly and overtly express our dedication to all universal covenants. We want to show our respect for the Universal Declaration of Human Rights, universal peace, non-violence, environmental protection, permanent progress" and added that "violence has absolutely no place in our struggle, neither in our words nor in our deeds." Shortly afterwards, he was reportedly beaten in front of judges in the court room where his appeal was being heard.

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

- urging the authorities to extend the temporary release of Amir Abbas Fakhavar to permit a full review of the legal process by which he was convicted, with a view to fully acquitting him;
- reminding the authorities that in January 2000, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated that "In the case of offences such as "libelling", "insulting" or "defaming" the head of State and publishing or broadcasting "false" or "alarmist" information, prison terms are both reprehensible and out of proportion to the harm suffered by the victim... imprisonment as punishment for the peaceful expression of an opinion constitutes a serious violation of human rights." (E/CN.4/2000/63, para 205);
- urging the authorities that if Amir Abbas Fakhavar is to be returned to Qasr Prison, he should be kept in conditions commensurate to his category, in line with the UN Standard Minimum Rules for the Treatment of Prisoners, which states under Principle 8 that "The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment".

APPEALS TO: (Please note that email servers in Iran are unreliable. If your message bounces for any reason, please resend it)

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Faxes: + 98 21 649 5880 / 21 774 2228 (ask fax to be forwarded to Ayatollah Khamenei)

Email: webmaster@wilayah.org; (on the subject line write: For the attention of the office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Salutation: Your Excellency

President

His Excellency, Hojjatoleslam val Moslemin Sayed Mohammad Khatami

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Fax: + 98 21 649 5880

Email: khatami@president.ir

Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi

Ministry of Justice

Park-e Shahr

Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (This is the Public Relations Office. Please ask for your message to be forwarded to the Head of the Judiciary)

Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs,

His Excellency Kamal Kharrazi

Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue

Tehran, Islamic Republic of Iran

Email: matbuat@mfa.gov.ir

Faxes: + 98 21 390 1999 (number may be unreliable; please mark "care of the Human Rights Department, Foreign Ministry)

Salutation: Your Excellency

Islamic Human Rights Commission

Mr Mohammad Hassan Zia'i-Far

Secretary, Islamic Human Rights Commission

PO Box 13165-137, Tehran, Islamic Republic of Iran

Fax: + 98 21 204 0541

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 7 May 2004.