

PUBLIC

AI Index: MDE 13/022/2004

06 April 2004

Further Information on UA 298/01 (MDE 13/046/2001, 27 November 2001) and follow-up (MDE 13/014/2001, 12 December 2001; MDE 13/001/2002, 1 February 2002; MDE 13/007/2002, 10 May 2002; MDE 13/011/2002, 31 July 2002) - Health concern/ possible torture or ill-treatment and new concern: fear for safety

IRAN Siamak Pourzand (m), aged 74, Intellectual, Head of *Majmue-ye Farhangi-ye Honari-ye Tehran* (Tehran Artistic and Cultural Centre)

Siamak Pourzand was allowed out of Evin prison on leave in November 2002, but rearrested in April 2003. He has been held in solitary confinement since then, in appalling conditions, and is being denied medical treatment for a condition that will leave him confined to a wheelchair if left untreated.

Around 31 March 2004, he fell into a coma. He was not treated until another prisoner went to the prison medical facility and insisted that someone examine him. The doctors allegedly told him they had given up on Siamak Pourzand over six months earlier, and would not take responsibility for anything that happened to him. When he insisted, they treated Siamak Pourzand, and after 36 hours in a coma he regained consciousness.

Siamak Pourzand is serving an 11-year sentence, handed down in 2002 after a closed trial that fell short of international standards. In a televised "confession" he admitted to a range of accusations including "having links with monarchists and counter-revolutionaries", "spying and undermining state security" and "creating disillusionment among young people". On 5 April 2004, Tehran's Chief Prosecutor visited him in prison and told him that he would not be released early, reportedly telling him that if he was released he would "make too much noise".

According to a diagnosis given on 30 July 2003 by the *Pezeshk-e Qanoun*, (a doctor employed by the Judiciary to carry out assessments of prisoners' health), at the Imam Khomeini hospital in Tehran, Siamak Pourzand is suffering from spinal stenosis, a narrowing of the spinal canal which causes pinching of the spinal cord: left untreated, it could lead to organ failure, notably of the bowels and bladder, and paralysis, leaving Siamak Pourzand dependent on a wheelchair. In October 2003, Siamak Pourzand's medical records were reviewed by a doctor in the US who concluded that he required immediate surgery on his spine. To date he has not received medical treatment for this condition.

When he was released on leave in November 2002, he was able to tell members of his family about the conditions he was held in. He was rearrested in April 2003 by agents of the *Edare-ye Amaken*, an organisation reportedly responsible for the enforcement of accepted moral codes in companies and other offices. During interrogation he was reportedly urged to implicate film critics detained at that time in unspecified "acts against Iran", to appear in "another television program" possibly a reference to his televised "confession", and to sign a book about singers, artists and film makers who had "acted against Iran". He reportedly refused, and was released. While he was in custody four of his ribs were reportedly broken. Approximately two weeks after his release he was summoned to a court, where he was reportedly asked again whether he would cooperate and appear in the television program. When he refused a second time, he was taken back to Evin prison, stopping first at his sister's house to collect his personal effects, but not the medicine he requires.

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

- expressing concern for the health and safety of Siamak Pourzand;

- urging the authorities to be grant him immediate and unconditional access to the medical treatment that he needs;
- asking them to give him regular access to his family;
- seeking assurances that Siamak Pourzand is not being ill-treated or tortured in custody;
- expressing concern that Siamak Pourzand appears to be a prisoner of conscience, arrested solely for the peaceful expression of his beliefs; and if this is the case, he should be released immediately and unconditionally;
- urging the authorities to end the practice of solitary confinement, in line with recommendations made by the UN Working Group on Arbitrary Detention (WGAD) following its visit to Iran in February 2003 (UN document E/CN.4/2004/3/Add.2), which noted that "such 'imprisonment within imprisonment' is arbitrary in nature and must be ended";
- expressing concern that Siamak Pourzand appears to have been sentenced following a trial in which he did not enjoy effective defence, and in which he appeared to have been forced to testify against himself, in violation of Article 38 of Iran's Constitution, which states: "All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law. "

APPEALS TO:

Head of the Judiciary

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

Telegram: Head of the Judiciary, Tehran, Islamic Republic of Iran
Fax: +98 21 537 8827 (number may be unreliable; a recorded message in English will indicate when to send fax- please send before it gives you the tone to leave a voice message)
Or + 98 21 311 6567 (please mark 'For the attention of HE Ayatollah Shjahrenoudi)
Salutation: Your Excellency

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei
The Presidency, Palestine Avenue, Azerbaijan Intersection,
Tehran, Islamic Republic of Iran

Telegram: Ayatollah Khamenei, Tehran, Islamic Republic of Iran
Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)
Email: webmaster@wilayah.org (on the subject line write: For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

COPIES TO:

Human Rights Office, Ministry of Foreign Affairs

Ambassador Mehdi Danesh Yazdi
Director General, International Legal Affairs
Ministry of Foreign Affairs
Sheikh Abdolmajid Keshk-e Mesri Avenue, Tehran, Islamic Republic of Iran
Fax: + 98 21 390 1999

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 18 May 2004.