

PUBLIC

AI Index: MDE 13/147/2008

10 October 2008

UA 279/08 Forcible return/ Prisoners of conscience/ Fear of torture and ill-treatment

IRAN	Ma'soumeh Ka'bi (f), aged 31	
	Shima' Nabgan (f), aged 14]
	Asia Nabgan (f), aged 13]
	Asma' Nabgan (f), aged 11] Ma'soumeh Ka'bi's children
	Iyad Nabgan (m), aged 8]
	Imad Nabgan (m), aged 4]

Ma'soumeh Ka'bi and her five children, all members of the Arab minority in Iran, were forcibly returned in breach of international law on 27 September from Syria to Iran, where they are all now said to be in custody. They were forcibly returned by the Syrian government despite having registered with the UN High Commissioner for Refugees (UNHCR) in order to seek asylum. They were scheduled to leave for Denmark where they were to join Habib Nabgan, the children's father and Ma'soumeh's husband. Ma'soumeh Ka'bi and her five children are prisoners of conscience held solely in order to force Habib Nabgan to return to Iran. They may be at risk of torture and other ill-treatment.

Habib Nabgan is a prominent member of the *Lejnat al-Wefaq* (Reconciliation Committee), a political party which promotes the rights of Iran's Arab minority. He was resettled as a refugee in Denmark two years ago. Ma'soumeh Ka'bi fled Iran with her five children on 7 May 2008 and applied for refugee status with the UNHCR in Damascus, who were processing her case. She had been granted permission to join her husband by the Danish authorities.

After the Danish authorities issued Ma'soumeh Ka'abi with a temporary travel document, on 9 September she took her five children to the office of Syria's Immigration Department in order to obtain an exit visa, which would allow them to leave the country. The six were all detained that day, and despite interventions made by the UNHCR in Syria requesting the family's release, they were forcibly returned to Iran on 27 September. On arrival in Tehran, Iran's capital, the family was held at a detention facility at the airport for one night then transferred to a detention facility run by the Ministry of Intelligence in Tehran. On or around 29 September, the children were separated from their mother. All the family members were again transferred and taken to another Ministry of Intelligence detention facility in Ahvaz, Khuzestan province, where Ma'soumeh Ka'bi is still being held separately from her children. Security personnel then telephoned other family members in Iran, informing them of the place of detention of the children and warning them not to ask questions about Ma'soumeh Ka'bi.

Ma'soumeh Ka'bi and her younger son Imad, then aged two, were previously arrested on 27 February 2006 (see UA 65/06, MDE 13/028/2006). They were held until they were released on bail on 28 April 2006. The other four children, and Habib Nabgan's mother, were also arrested but were released the following day. Habib Nabgan, who had fled the country, received threats that his family would be tortured or killed if he did not return to Iran.

BACKGROUND INFORMATION

Much of Arab community in Iran lives in the province of Khuzestan, which borders Iraq. The Arab minority in Iran have complained of discrimination, including in access to resources, as well as forced evictions. There were mass demonstrations in April 2005, after it was alleged that the government planned to disperse the country's Arab population or to force them to relinquish their Arab identity. Following bomb explosions in

Ahvaz City in June and October 2005, which killed at least 14 people, and explosions at oil installations in September and October 2005, hundreds of people were arrested. Further bombings on 24 January 2006, in which at least six people were killed, were followed by further mass arrests. At least 17 men have now been executed as a result of their alleged involvement in the bombings. It is not clear if another man was executed or died in custody.

Article 15 of the Iranian Constitution states: "The official language and script of Iran... is Persian... However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian." *Lejnat Al-Wafaq* was established in 1999 to promote Iranian Arab minority rights, including linguistic and cultural rights, but the party was declared illegal on 4 November 2006, and a statement from the Ahvaz Prosecutor's office said that "membership and connection with that party will be severely confronted."

Four Iranian men, members of Iran's Arab community, are believed to have been forcibly returned from Syria to Iran in 2006 (see UA 132/06, MDE 24/037/2006, 15 May 2006 and follow-ups and UA 67/07, MDE 24/018/2007, 16 March 2007). At least one of these men is facing a death sentence.

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

- expressing concern that Ma'soumeh Ka'bi and her five children (please name them) are prisoners of conscience, held solely in order to force Habib Nabgan to give himself up to the Iranian authorities;
- calling on the authorities to release all of them immediately and unconditionally;
- expressing concern for their safety and urging the authorities to ensure that they are not tortured or otherwise ill-treated;
- calling on the authorities to ensure that they are given immediate access to lawyers of their own choosing, their families and any medical treatment they may require;
- reminding the Iranian authorities that Article 12(2) of the ICCPR expressly recognizes the right to leave any country, including one's own, and urging them to allow Ma'soumeh Ka'bi and her children to leave Iran;
- reminding the Iranian authorities that as a state party to the Convention on the Rights of the Child, detention of children should be only if they come in conflict with the law and should be as a last resort for the shortest period of time after judicial proceedings. The best interest of the child and the children's development should be paramount considerations in any measures taken against children.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Office of the Supreme Leader, Islamic Republic Street - Shahid Keshvar Doust Street

Tehran, Islamic Republic of Iran

Email: info@leader.ir

Salutation: **Your Excellency**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary

Pasteur St., Vali Asr Ave., south of Serah-e Jomhouri, Tehran 1316814737, Islamic Republic of Iran

Email: info@dadgostary-tehran.ir (In subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

Minister of Intelligence

Gholam Hossein Mohseni Ejeie

Ministry of Intelligence, Second Negarestan Street, Pasdaran Avenue, Tehran, Islamic Republic of Iran

Salutation: **Your Excellency**

COPIES TO: 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 21 November 2008.