

URGENT ACTION

ACTIVIST FORCIBLY DISAPPEARED FOR OVER A YEAR

Iranian authorities have been subjecting activist Ebrahim Babaei to enforced disappearance for 15 months, amid grave concerns of torture and other ill-treatment. Despite mounting evidence indicating that he is in state custody, authorities continually refuse to acknowledge his detention or reveal his fate and whereabouts to his family. He was forcibly disappeared in December 2021 during an attempt to flee Iran to avoid unjust prison and flogging sentences.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Head of judiciary, Gholamhossein Mohseni Ejei

c/o Embassy of Iran to the European Union, Avenue Franklin Roosevelt No. 15, 1050 Bruxelles, Belgium

Dear Mr Gholamhossein Mohseni Ejei,

*Political activist **Ebrahim Babaei**, 56, remains forcibly disappeared 15 months after attempting to flee Iran by crossing the border to Turkey to escape unjust prison and flogging sentences for his peaceful activism, including supporting Iranian women's campaign against discriminatory compulsory veiling laws. His family has not had any contact with him since his messages abruptly stopped on 21 December 2021. Since then, his family and lawyer have approached various judicial, prosecution and prison authorities, but the authorities have refused to confirm that he is in state custody and to provide them with any information about his fate and whereabouts. The authorities opened a missing person's casefile for him at the family's insistence but the judicial authorities in Maku, West Azerbaijan Province, closed the case on 12 June 2022, without conducting any investigations. Following a BBC Persian report broadcast on 19 June 2022 about his disappearance, an individual contacted the family on 1 July 2022, and reported witnessing Ministry of Intelligence agents arresting Ebrahim Babaei and 25 others who were also being smuggled on 21 December 2021. The witness said that Ebrahim Babaei and two others were taken to Branch 103 of the Department of Justice in Maku and from there Ebrahim Babaei was taken to the Intelligence Unit of Revolutionary Guard in Urumieh, West Azerbaijan province. Separately, an official informally told Ebrahim Babaei's family that security officials transferred him from Urumieh to an unknown location in Tabriz, East Azerbaijan province, before transferring him to an unknown location in Tehran on 30 December 2021. The source also stated that Ebrahim Babaei was wearing an ankle monitor and "looked like he had been severely beaten". Ebrahim Babaei needs treatment and medication for multiple health conditions including heart disease, a chronic leg injury and mental health issues, heightening concerns about his health and wellbeing.*

Shortly after Ebrahim Babaei's disappearance, two official sources told the family informally that he was held in secret detention places known as "safe houses" (khanehay-e amn), which was corroborated by a third source with close ties to intelligence and security bodies. Amnesty International has documented a pattern of dissidents being subjected to enforced disappearance and other crimes under international law and serious human rights violations by intelligence and security forces in "safe houses", including the systematic use of torture and other ill-treatment to elicit forced "confessions" to secure convictions in unfair trials.

I urge you to immediately disclose Ebrahim Babaei's fate and whereabouts, and release him immediately and unconditionally, as he is held solely for the exercise of his human rights to freedom of expression, association and peaceful assembly. Pending his release, I urge you to ensure that he is moved to an official place of detention, is protected from torture and other ill-treatment, and is given regular access to his family, a lawyer of his choosing and to adequate medical care.

Yours sincerely,

ADDITIONAL INFORMATION

Following Ebrahim Babaei's disappearance, smugglers initially told his family that he was in the Turkish city of Van but then, several days later, claimed that he had died in the home of one of the smugglers near Van and that his body was in the custody of the Turkish police who transferred it to a hospital where an autopsy was performed. The smugglers later gave his daughter Shima Babaei another conflicting account claiming that he had died in the remote Turkish village of Ozalp, which is around 16 km from the border with Iran, and that she should go to Ozalp to collect his body. The family's lawyer in Turkey inquired at morgues, hospitals and with the security police in Van; the city council and police in Ozalp; and Turkish border guards. The Turkish authorities told him that they had not received a body matching Ebrahim Babaei's description during this time period and said that based on their investigations, Ebrahim Babaei never entered Turkey.

In previous years, Ebrahim Babaei was subjected to years of arbitrary arrest and detention, unfair trial, and torture and other ill-treatment in Iran because of the peaceful exercise of his human rights. Ebrahim Babaei was first arrested in Sari, Mazandaran province, on 2 February 1984 and spent 16 months in Sari prison after being convicted of spurious national security-related charges stemming from reading "anti-Islamic Republic" leaflets and being in possession of banned books. Over the following two decades, the authorities summoned him for interrogations on numerous occasions in relation to his political activism and detained him for several hours each time.

Ebrahim Babaei was rearrested on 7 February 2010 in connection with his peaceful participation in protests that took place in December 2009. He was held in a "safe house" for several days before being transferred to Tehran's Evin prison, where he was held in prolonged solitary confinement for around four months and was moved between sections 209, 240 and the general ward. His health declined in detention as he was denied the adequate medical care he needed, including for a chronic leg injury sustained during his conscripted military service in the Iran-Iraq war. He was unable to walk unassisted without a walking aid and help from other prisoners. He was released on bail around December 2010. Shortly before his release on bail, he was put on trial before a Revolutionary Court in Tehran on charges related to his peaceful participation in protests in December 2009. In 2011, while he was still out of prison on bail, he was sentenced to five years, nine months and one day in prison and 74 lashes on charges of "gathering and colluding to commit crimes against national security", "spreading propaganda against the system" and "disturbing public opinion". He was rearrested in October 2011 to begin serving his sentence. He spent part of his prison sentence in "internal exile" in Raja'i Shahr prison in Karaj, Alborz province and the rest of his sentence in Evin prison. His flogging sentence of 74 lashes was carried out on 13 August 2013 in Evin prison. He was released in September 2013 after being granted a pardon in light of his medical conditions.

While held in Raja'i Shahr prison, he learned that the authorities had opened another case against him, without his knowledge, and had sentenced him in his absence, to a five-year suspended sentence in relation to peaceful acts in prison, including joining other prisoners jailed for political reasons in group hunger strikes and writing joint statements about prison conditions. He was also sentenced to 74 lashes in a separate case in September 2018 in for supporting the campaigning of his daughter, women's rights activist Shima Babaei, against Iran's discriminatory, and abusive compulsory veiling laws. In the months before he attempted to flee Iran, Ebrahim Babaei lived in hiding and feared that the authorities were seeking to locate and arrest him and implement his pending sentences.

Enforced disappearance is a crime under international law that occurs when someone has been arrested, detained or abducted by state agents, or people acting with their authorization, support or acquiescence, followed by the refusal to acknowledge this or conceal the person's fate or whereabouts, placing them outside the protection of the law. Unofficial places of secret detention in Iran fall completely outside the protection of the law and facilitate enforced disappearance and other crimes under international law and human rights violations including torture and other ill-treatment. They are often houses or apartment buildings that are unlawfully repurposed by intelligence and security bodies, most often by the Ministry of Intelligence or the intelligence unit of the Revolutionary Guards, to keep individuals in custody. Such secret detention places are not registered under the Prisons Organization and detainees and their relatives never find out the exact location in which they were held. Security and intelligence officials colloquially refer to them as "safe houses" (*khanehay-e amn*). The detention of individuals in such facilities has been enabled by a flawed legal framework that fails to establish proper oversight over all prisons and detention centres and thus ensure that authorities responsible for human rights violations are held to account.

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 8 May 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Ebrahim Babaei (he; him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde13/5556/2022/en/>