

PUBLIC

AI Index: MDE 13/178/2008

15 December 2008

UA 343/08 Incommunicado detention/ fear of torture or other ill-treatment/ possible prisoner of conscience

IRAN Hossein Derakhshan (m), blogger, dual Iranian-Canadian national

Blogger Hossein Derakhshan was arrested at his family home in Tehran on 1 November. Denied access to his family and to legal representation, no one knows where Hossein Derakhshan is held. Although he has been allowed to make four telephone calls to his home, each lasting around one minute, the last was in late November. He may face torture or other ill-treatment while held incommunicado.

Hossein Derakhshan holds dual Iranian-Canadian nationality. He travelled to Iran at the end of October on a travel document issued by Iran's embassy in Paris as the country does not recognize dual nationality. He continued to blog while in Iran, up to the time of his arrest on 1 November. Reports indicate that he was arrested at his family home by six plain clothed officials who are said to have had a search warrant. Following a search, his computer and other personal possessions were removed and he was taken to an unknown destination.

Reports indicate that he is held under the authority of Branch 1 of the Tehran Revolutionary Court and though not charged, he is believed to be facing accusations of "insulting religion", possibly in his blogs.

BACKGROUND INFORMATION

Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR), which is legally binding. Article 19 of the ICCPR guarantees freedom of expression and states that: "Everyone shall have the right to hold opinions without interference" and that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. These rights are to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order or of public health or morals."

Yet, a catalogue of vaguely worded laws is used in Iran to repress and criminalize dissent and public debate. For example, under article 513 of Iran's Penal Code, offences considered to amount to an "insult" to religion can be punished by death or prison terms of between one and five years. Article 698 of the Penal Code concerns the intentional creation of "anxiety and unease in the public's mind", "false rumours" or writing about "acts which are not true", even if it is a quotation, and provides for between two months and two years' imprisonment or up to 74 lashes. For more information see *Iran: A legal system that fails to protect freedom of expression and association* (AI Index MDE13/045/2001), at: <http://www.amnesty.org/en/library/asset/MDE13/045/2001/en/dom-MDE130452001en.html>)

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

- calling on the authorities to immediately release Hossein Derakhshan or to charge him with an internationally recognizable criminal offence and to promptly try him in proceedings meeting fair trial standards;

- urging the authorities to clarify the whereabouts and status of Hossein Derakhshan, while calling on them to grant him immediate access to his family, legal representation of his choice and any medical attention he may require;
- calling on the authorities to ensure that Hossein Derakhshan is not tortured or otherwise ill-treated while in custody.

APPEALS TO:

Head of the Judiciary

His Excellency 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 the 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:

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

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani

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

Fax: +98 21 3390 4986 (there are problems with this line, please try three times)

Email: int_aff@judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)

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 26 January 2009.