

URGENT ACTION

AILING BLOGGER TOLD TO RETURN TO PRISON

Blogger Hossein Ronaghi Maleki has been summoned to return to prison to resume serving his 13-year sentence though he is critically ill and doctors have advised against stopping his specialized medical care. He has been on medical leave since mid-June 2015. If he returns to jail, he will be a prisoner of conscience.

Hossein Ronaghi Maleki received a summons, on 20 December 2015, from the Office for the Implementation of Sentences telling him that he must return to prison within a month to resume serving his prison term, or else the bail amount set to secure his release would be confiscated. He objects to this decision and intends to sit outside the Office of the Prosecutor on 20 January, the deadline of the summons. Despite his poor health, the authorities have told Hossein Ronaghi Maleki on multiple occasions that he “must return [to prison]”, including shortly after he was granted medical leave in June 2015. He has not, however, been rearrested.

Hossein Ronaghi Maleki has only one functioning kidney and according to his doctors needs constant monitoring and access to specialized medical care, which he cannot get in prison.

He was arrested on 13 December 2009 and sentenced to 15 years in prison for offences including “membership of the [illegal] internet group ‘Iran Proxy’”, “spreading propaganda against the system” and “insulting the Supreme Leader”, apparently in connection with articles he had posted on his blog. After arrest, Hossein Ronaghi Maleki was held for over a year in solitary confinement, during which he has said he was tortured and otherwise ill-treated, which may have contributed to his poor health.

Please write immediately in Persian, English, Spanish, French or your own language:

- Calling on the Iranian authorities to allow Hossein Ronaghi Maleki to remain free and have urgent specialized medical care in hospital outside prison;
- Urging them to ensure that he is not punished in any way for the peaceful exercise of his rights to freedom of expression and association;
- Calling on them to ensure that his allegations of torture and other ill-treatment in solitary confinement are investigated, independently and impartially, and that he is protected from further torture and other ill-treatment, such as the denial of medical care.

PLEASE SEND APPEALS BEFORE 1 MARCH 2016 TO:

Office of the Supreme Leader

Ayatollah Sayed 'Ali Khamenei
Islamic Republic Street- End of Shahid
Keshvar Doust Street
Tehran, Islamic Republic of Iran
Email: via website
<http://www.leader.ir/langs/en/index.php?p=letter>
Twitter: @khamenei_ir (English)
Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, Deadend of 1 Azizi
Above Pasteur Intersection
Vali Asr Street
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
Salutation: Your Excellency

And copies to:

Prosecutor General of Tehran

Abbas Ja'fari Dolat Abadi
Tehran General and Revolutionary
Prosecution Office
Corner (Nabsh-e) of 15 Khordad Square
Tehran, Islamic Republic of Iran

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 236/13. Further information:

<https://www.amnesty.org/en/documents/mde13/2021/2015/en/>

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ADDITIONAL INFORMATION

Hossein Ronaghi Maleki has been granted medical leave from prison several times. Before he began his most recent medical leave on 17 June 2015, he had been held in Section 7 of Evin Prison, where he had been taken shortly after he was ordered to return from his previous medical leave. While he was on that medical leave, Hossein Ronaghi Maleki was told to submit his medical records to the Prosecutor's office for inspection. When he went to do so on 28 February 2015, he was arrested to resume serving his sentence. From then until June 2015, Hossein Ronaghi Maleki's health deteriorated rapidly. Though the prison authorities transferred him to the hospital at least four times, he was never given any medical attention and was never given the specialized care for his kidney that he requires continually to maintain his health.

When he was put on trial in 2010, Hossein Ronaghi Maleki was denied access to his lawyer. He said he told the judge he had been tortured, but the judge answered that he "deserved it". He was sentenced to 15 years' imprisonment by a Revolutionary Court. In June 2015, Hossein Ronaghi Maleki was told that his sentence had been reduced to 13 years.

The Iranian authorities frequently transfer prisoners in need of medical care to hospital, but Amnesty International understands that prisoners are not always provided with actual medical care and instead are simply returned to prison. Whether done intentionally or by neglect, failing to provide adequate medical care to prisoners is a breach of Iran's international human rights obligations. The denial of medical treatment may amount to a violation of the absolute prohibition of torture and other ill-treatment, under Article 7 of the International Covenant on Civil and Political Rights, to which Iran is a state party. Article 12 of the International Covenant on Economic, Social and Cultural Rights, to which Iran is also a state party, specifically recognizes the right of every person to the highest attainable standard of physical and mental health. The UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) also state that prisons must provide adequate medical care to prisoners without discrimination (Rules 24-35). Rule 27(1) of the Mandela Rules provides that "Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals." See this public statement <https://www.amnesty.org/en/documents/mde13/2508/2015/en/> for more information.

Iran's own prison regulations are also routinely flouted by prison and judicial officials. The regulations governing the administration of Iranian prisons stipulate that a prisoner suffering from a serious medical condition that cannot be treated inside prison, or whose condition will worsen if they stay in prison, should be granted medical leave so they can receive treatment. Moreover, Article 502 of the new Code of Criminal Procedure, which entered into force in June 2015, states "whenever the convicted individual suffers from physical or mental illnesses and the implementation of the sentence would exacerbate the illness or delay the recovery, the judge overseeing the implementation of sentences, would, after obtaining the opinion of the Legal Medical Organization, postpone the implementation until the time of the recovery." It further provides that in cases of *ta'zir* crimes, if there is no prospect of recovery and the judge overseeing the implementation of sentences is satisfied that the convicted individual is ill and unfit to serve the sentence, he shall refer the case to the court that originally issued the sentence to issue an alternative appropriate sentence.

Name: Hossein Ronaghi Maleki
Gender m/f: m

Further information on UA: 236/13 Index: MDE 13/3243/2016 Issue Date: 19 January 2016