

URGENT ACTION

HEALTH OF ELDERLY PRISONER REMAINS AT RISK

Kamal Foroughi, a 76-year-old British-Iranian serving an eight-year prison term in Tehran's Evin Prison, was taken to hospital and received a number of medical tests in November 2015. The outcome of these tests have not yet been shared with him. He remains without consular assistance and has restricted contact with his family members.

Kamal Foroughi was taken to hospital and received a number of medical tests in November 2015. The outcome of these tests, however, have not yet been shared with Kamal Foroughi or his family members. He also had a meeting with doctors from the Legal Medical Organization in December, but the nature and purpose of this meeting remain unclear. Amnesty International understands that, prior to his arrest, Kamal Foroughi was told that he was at increased risk of cancer and was advised by doctors to have regular specialized medical tests and check-ups, including screening for cancer. Since his imprisonment he has complained about several health problems such as memory loss and back pain. He was transferred to a hospital outside prison several times between December 2014 and October 2015 but did not receive the medical care he needed because no specialists were available.

Kamal Foroughi was arrested on 5 May 2011 by men in plain clothes who apparently did not show an arrest warrant or explain to him the reasons for arrest. They took him to Evin Prison where he was held in solitary confinement for periods of time, without access to a lawyer or his family. He was only allowed to meet his lawyer the day before his court hearing which took place in early 2013. He was told in April 2013 that he had been convicted of espionage and "possession of alcoholic beverages", for which he is serving seven years and one year, respectively. He now has very limited access to his lawyer and is not allowed to write to, or receive letters from, his relatives living abroad. He is allowed regular phone calls but is only permitted to speak in Persian, making it difficult for his family members who do not speak Persian well. The authorities have not allowed him British consular assistance.

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

- Calling on the Iranian authorities to ensure that Kamal Foroughi receives any specialized medical care he may require and has access to his medical records;
- Urging the authorities to apply without discrimination Article 58 of the Islamic Penal Code which allows for his conditional release after serving one third of his sentence;
- Urging them to ensure that he has regular access to a lawyer of his choice and to his family, including facilities to communicate with those living abroad without any unreasonable restrictions;
- Requesting the authorities to allow him to communicate with British Consular officials.

PLEASE SEND APPEALS BEFORE 11 MARCH 2016 TO:

The 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](http://www.leader.ir/langs/en/index.php?p=letter)
Twitter: @khamenei_ir (English)
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadeq 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
Salutation: Your Excellency

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 first update of UA 233/15. Further information:
www.amnesty.org/en/documents/mde13/2712/2015/en/

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ADDITIONAL INFORMATION

Kamal Foroughi was working as a consultant for the Malaysian national oil and gas company, Petronas, when he was arrested. International fair trial standards were not followed. He was not charged until a year later, and even then, was not given information regarding the reasons for his detention or the charges against him. He had no access to a lawyer until the day before his trial in early 2013, before Branch 15 of the Revolutionary Court in Tehran. He was not allowed to phone his relatives living abroad until August 2014 and Amnesty International understands that he was denied contact to anyone outside the prison between October 2013 and early May 2014. Kamal Foroughi has persistently denied the charge of espionage. His family believes that his friendship with a former British ambassador in Tehran may have raised the authorities' suspicion.

Under Article 58 of the 2013 Islamic Penal Code, the court, with the recommendation of the prosecutor or the judge overseeing the implementation of sentences could order the conditional release of a prisoner provided that, among other things, the convicted individual has shown good character while in prison and is not likely to reoffend upon release. Prisoners who have more than 10 years prison term against them become eligible for conditional release after serving half their prison term. Those under lighter prison sentences are eligible for conditional release after serving one third of their prison term.

The Iranian authorities frequently return prisoners whom they transfer to hospital to prison without ensuring that they receive the medical care they need. (See this public statement <https://www.amnesty.org/en/documents/mde13/2508/2015/en/> for more information) Failing to provide adequate medical care to prisoners is a violation of Iran's international human rights obligations. 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) 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."

Under Principles 25 and 26 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (adopted by the UN General Assembly in 1988), detainees have a right to access their own medical records and request a second medical opinion. Detainees also have a right to communicate and receive visits from family without unreasonable restrictions.

Name: Kamal Foroughi
Gender m/f: m

Further information on UA: 233/15 Index: MDE 13/3342/2016 Issue Date: 29 January 2016