

URGENT ACTION

ELDERLY PRISONER AT RISK OF LOSING HIS EYESIGHT

Kamal Foroughi, a 77-year-old British-Iranian man jailed in Tehran's Evin Prison, has developed cataracts in both his eyes. He may be at risk of losing his eyesight unless he is given access to adequate specialized medical treatment, including cataract surgery.

British-Iranian national **Kamal Foroughi**, 77, has developed cataracts in both his eyes. Around 1 September, Kamal Foroughi was taken to the clinic in Tehran's Evin Prison, where he was examined by a specialist eye doctor brought in from outside the prison. The doctor told him that he would urgently need cataract surgery on both eyes in a hospital outside prison. Amnesty International understands that both Kamal Foroughi and his lawyer are seeking a follow-up appointment with the specialist doctor and a date for surgery. Kamal Foroughi suffers from various other medical conditions and, since his imprisonment, has complained of memory loss and back pain. Prior to his arrest in May 2011, his doctors told him that he was at increased risk of prostate cancer and would therefore need regular specialized medical check-ups and tests, including cancer screening. Despite this, he was only transferred to a hospital for a standard medical check-up in November 2015; neither he nor his family were given any information about the nature or outcome of the tests. In December 2015, he had a meeting with doctors from the Legal Medical Organization (a state forensic institute), after which he was told that his health was fine. In May 2016, he received a second standard medical check-up. This time, the authorities provided Kamal Foroughi and his family with information about the nature and outcome of some of the medical tests, which apparently yielded normal results. However, the tests taken did not include any specific cancer-screening tests. The authorities have refused Kamal Foroughi's repeated requests to be released or granted leave on medical grounds.

Kamal Foroughi was arrested on 5 May 2011 by men in plain clothes who apparently did not show an arrest warrant or explain the reasons for his arrest. They took him to Evin Prison where he was held for the first 18 months in solitary confinement. He was only allowed to meet his lawyer once before the start of his trial, which was held in early 2013. He was told later in 2013 that he had been convicted of espionage and "possession of alcoholic beverages", for which he was sentenced to seven years and one year in prison respectively. He has intermittent access, via visits and phone calls, to his lawyer. The authorities have not allowed him British consular assistance.

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

- Calling on the Iranian authorities to ensure that Kamal Foroughi receives any specialized medical care he needs outside prison, and reminding them that depriving him of essential medical care could amount to torture or other ill-treatment;
- Urging the authorities to apply, without discrimination, Article 58 of the Islamic Penal Code which allows for the conditional release of prisoners after serving one third of their 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; and requesting them to allow him access to British consular officials.

PLEASE SEND APPEALS BEFORE 25 OCTOBER 2016 TO:

Office of the Supreme Leader
Ayatollah Sayed 'Ali Khamenei
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
Salutation: Your Excellency

And copies to:
President
Hassan Rouhani

Please send your appeals to the care of diplomatic representatives accredited to your country. If there is no Iranian embassy in your country, please mail the letter to the Permanent Mission of the Islamic Republic of Iran to the United Nations, 622 Third Avenue, 34th Floor, New York, NY 10017, USA. 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 second update of UA 233/15. Further information:

<https://www.amnesty.org/en/documents/MDE13/3342/2016/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 on 5 May 2011. 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 met his lawyer only once before his trial, which took place in early 2013 before Branch 15 of the Revolutionary Court in Tehran. He was not allowed to telephone his relatives living abroad until August 2014 and Amnesty International understands that he was denied contact with anyone outside the prison between October 2013 and early May 2014. He is currently being allowed regular telephone calls with his family but is only permitted to speak in Persian, making it difficult for his family members, who are not fluent Persian speakers. 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 been sentenced to 10 or more years' imprisonment become eligible for conditional release after serving half their prison term. Those sentenced to nine years or under are eligible for conditional release after serving one third of their prison term.

The Iranian authorities frequently return prisoners from hospital back to prison without ensuring that they have received the adequate medical care they need. Failing to provide adequate medical care to prisoners is a violation of Iran's international human rights obligations. As a state party to the International Covenant on Economic, Social and Cultural Rights, Iran is legally obliged to respect, protect and fulfil "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." Rule 24 of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) clarifies that the "provision of health care for prisoners is a State responsibility" and that prisoners "should enjoy the same standards of health care that are available in the community" and without discrimination. The Mandela Rules also provide that prisoners who require specialist treatment must be transferred to specialized institutions or outside hospitals when such treatment is not available in prison (Rule 27). The failure to provide adequate health care to prisoners may violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including under Article 7 of the International Covenant on Civil and Political Rights, to which Iran is also a state party. For more information, see *Health taken hostage: Cruel denial of medical care in Iran's prisons* (MDE 13/4196/2016), available at <https://www.amnesty.org/en/documents/mde13/4196/2016/en/>

Name: Kamal Foroughi
Gender m/f: m

Further information on UA: 233/15 Index: MDE 13/4815/2016 Issue Date: 13 September 2016