

URGENT ACTION

IRANIAN PHYSICIST NEEDS ONGOING CANCER CARE

Iranian physicist and prisoner of conscience Omid Kokabee had surgery on 22 April to remove his right kidney. He has been diagnosed with advanced kidney cancer following five years of medical neglect in prison. He needs ongoing specialized post-operative care and cancer treatment. His life will be in grave danger if he is returned to prison.

In April 2016, **Omid Kokabee's** lawyer, Saeed Khalili, announced that the 33-year-old physicist was diagnosed with advanced kidney cancer and that his affected kidney had to be immediately removed. Omid Kokabee had complained of kidney and stomach pain for five years in prison but was continually denied specialized medical treatment, including diagnostic testing. He was finally allowed to have a sonogram exam on 26 November 2015 in Taleghani Hospital in Tehran, which revealed a large tumour in his right kidney. Despite his doctors ordering a Magnetic Resonance Imaging (MRI) scan to ascertain the nature of the tumour, the Prosecutor General of Tehran did not approve the test until 8 April 2016, after which Omid Kokabee was diagnosed with Renal Cell Carcinoma (kidney cancer). He remains in Sina University Hospital, outside prison, following his surgery on 22 April to remove the tumour and Amnesty International understands that he is recovering well. His treatment, however, could be disrupted any time, as he remains at risk of being returned to prison to serve the remainder of his sentence.

Omid Kokabee had been waiting years to be referred to a hospital with a urology department for specialized testing but the authorities had repeatedly refused the transfer. They had also refused all his requests for medical leave. Omid Kokabee has passed kidney stones and found blood in his urine on several occasions since the start of his imprisonment. Consequently, he had repeatedly gone to the prison clinic complaining of kidney and stomach pain but the prison doctors never adequately examined him and kept prescribing him painkillers instead. Had he been provided with timely adequate medical care, including diagnostic testing, his kidney cancer may have been detected at an earlier stage and treated before advancing further. Omid Kokabee suffers from a number of other health problems, including heart palpitations, shortness of breath, pain and pressure in his chest, and "migratory" joint pain (pain that moves to different joints throughout the body). He has been complaining of severe toothache and has lost four teeth since his imprisonment. He needs dental work on another four teeth. He also requires tests for his heart palpitations, which can only be done outside the prison.

Omid Kokabee is a prisoner of conscience, imprisoned for spurious charges arising solely from his refusal to work on military projects in Iran and his legitimate scholastic ties with academic institutions outside of Iran.

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

- Calling on the Iranian authorities to release Omid Kokabee immediately and unconditionally, as he is a prisoner of conscience, held solely for peacefully exercising his rights to freedom of expression and association;
- Urging them to ensure that he continues to receive the specialized medical care he needs outside prison.

PLEASE SEND APPEALS BEFORE 28 JUNE 2016 TO:

Leader of the Islamic Republic of Iran

Ayatollah Sayed 'Ali Khamenei

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh Larijani

Salutation: Your Excellency

And copies to:

President of the Islamic Republic of Iran

Hassan Rouhani

Please send your appeals to the care of diplomatic representatives accredited to your country, listed below. 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, United States.

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 244/14. Further information: <https://www.amnesty.org/en/documents/MDE13/052/2014/en/>

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ADDITIONAL INFORMATION

Omid Kokabee had experienced some kidney problems in childhood; he passed a kidney stone when he was seven years old. However, this did not happen again until his imprisonment in 2011, when he passed on average one kidney stone a year. His condition has been exacerbated by the poor conditions in Section 7 of Tehran's Evin Prison where he is held.

Omid Kokabee had been pursuing post-doctoral studies in the USA when he was arrested in January 2011 upon his return to Iran to visit his family. He was held in solitary confinement for 15 months and was subjected to prolonged interrogations, and pressured to make "confessions". In May 2012, after an unfair trial in a Revolutionary Court at which no evidence was presented against him, Omid Kokabee was sentenced to 10 years in prison for having "connections with a hostile government". His sentence was later upheld by Branch 36 of the Court of Appeal in Tehran in August 2012.

In October 2014, Branch 36 of the Supreme Court approved Omid Kokabee's request for retrial. In its judgement, the Supreme Court said that, firstly, "at present, there are no governments that are in a state of hostility towards Iran, and political differences with other states do not constitute hostility." The judgement therefore said that the lower courts' interpretation of having "contact with a hostile government" had been incorrect. Secondly, the Supreme Court said that, as Omid Kokabee had repeatedly stated in his defence, he was not in a position to have access to classified and confidential information which he could pass on to any "hostile government". The Supreme Court judgement continued that "discussions, the exchange of ideas, delivering important academic papers in academic conferences, and receiving honours and awards, or benefits for academic and scholastic achievements is not a crime." Thirdly, the Supreme Court ruled that "in cases where the accused person's statements form the [sole] evidence of the crime, the subsequent retraction of the statements will refute that evidence, unless, however, other evidence and documents exist [pointing] against their denial. This was not the case here." Therefore, the Supreme Court ruled that a disproportionate punishment had been imposed on Omid Kokabee. It subsequently granted the request for retrial and the case was sent to Branch 54 of the Court of Appeal in Tehran for retrial. In January 2015, the Court of Appeal dismissed the Supreme Court's ruling and resentenced Omid Kokabee to 10 years' imprisonment.

On 24 April 2016, when asked by reporters during a press conference about the case of Omid Kokabee, Iran's judiciary spokesperson Gholamhossein Mohseni Eje'i said: "He has been convicted of espionage and sentenced to 10 years' imprisonment and his sentence is final." On Omid Kokabee's medical condition, he said "People in prison can become sick like other people. If the prison has the facilities, the person will be treated in prison, otherwise they will be transferred outside. He [Omid Kokabee] is now in hospital. If the Legal Medicine Organization decides that being in prison will worsen a prisoner's condition, the necessary decision will be made."

Name: Omid Kokabee

Gender m/f: m

Further information on UA: 244/14 Index: MDE 13/4052/2016 Issue Date: 17 May 2016