

IRAN

SAEED MALEKPOUR



Saeed Malekpour © Private

Saeed Malekpour, an Iranian national with permanent residency in Canada, has been imprisoned in Iran since his arrest on 4 October 2008. In late 2010, he was initially sentenced to death for “spreading corruption on earth” in relation to a web programme he created for uploading photos which the Iranian authorities said was used on pornographic websites. This was an open source programme and Saeed Malekpour has maintained that the use of this web programme on other websites was without his knowledge. His death sentence was commuted to life imprisonment in 2012.

Saeed Malekpour was also sentenced at the same time to seven and a half years’ imprisonment on vaguely worded charges, including “insulting the Leader”, “insulting the President”, “insulting Islamic sanctities”, and “spreading propaganda against the system”. These charges were also in relation to the web programme as well as the public letter Saeed Malekpour wrote in 2010 detailing the torture he was subjected to while in pre-trial detention.

Saeed Malekpour has said that he was tortured and otherwise ill-treated following his arrest, including during an extended period of solitary confinement that lasted over one year. He has also said that he was denied medical care for the injuries he sustained as a result of torture and other ill-treatment. His televised “confessions”, which he says were made under torture, were subsequently used as “evidence” to secure his

conviction in court. His sister has told Amnesty International her brother’s forced televised “confessions” are the only “evidence” that was presented against him in court.

Saeed Malekpour’s arrest and sentencing was part of a larger operation called *Gerdab* (Whirlpool), which was conducted by the Cyber Crimes Unit of the Revolutionary Guards in 2008 and sought to crack down on on-line activities deemed “immoral” or “un-Islamic”.

ARREST AND PRE-TRIAL DETENTION

Saeed Malekpour had moved to Canada in 2004. In 2008, he travelled back to Iran after he learned that his father was in poor health. He was arrested on 4 October on the street by officials from the Revolutionary Guards without an arrest warrant and taken to Section 2A of Tehran’s Evin Prison, which is under the control of the Revolutionary Guards.

In a letter that Saeed Malekpour wrote in March 2010, he details the torture and other ill-treatment he says he was subjected to in the first 18 months of detention. He says that he was held in solitary confinement from 4 October 2008 to 16 August 2009 “without access to books, newspapers, or any contact with the outside world”. He remained in Section 2A until 21 December 2009, when he was transferred to Section 240 and held again in solitary confinement until 8 February 2010. He was subsequently transferred to Section 350 of Evin Prison.

He is now detained in the general ward of Evin Prison. He wrote in his letter that during the period he was held in Section 2A “my life was under constant threat, and I never felt safe”.

TORTURE AND OTHER ILL-TREATMENT

Saeed Malekpour specifies in his March 2010 letter that his interrogators tortured him with electric shocks and the threat of sexual violence during pre-trial detention. He wrote:

Most of the time, the torture was performed by a group. While I remained blindfolded and handcuffed, several individuals armed with cables, batons, and their fists struck and punched me. At times, they would flog my head and neck... Sometimes, they used extremely painful electrical shocks that would paralyse me temporarily... Once, in October 2008, the interrogators stripped me while I was blindfolded and threatened to rape me with a water bottle.

Saeed Malekpour says he suffered bleeding in his ear, a smashed jaw and broken teeth, as a result of the torture inflicted on him during pre-trial detention. Though he was taken to the Evin Prison medical clinic and eventually to a hospital, he was not provided with medical care at either place. He writes:

That night [after interrogations and torture] I was taken back to my cell and later at night I realized my ear was bleeding. I banged on the door of my cell, but nobody responded. The next day I was taken to Evin Prison's [medical] clinic; the left side of my body was paralysed and I was unable to move. The doctor, after seeing my condition, emphasized that I should be transferred to a hospital. However, I was returned to my cell instead, and I was left to my own devices until 9pm.

Three guards eventually transferred me to Baghiatollah Hospital blindfolded and handcuffed. On our way to the hospital, the guards told me I was not allowed to give my real name, and ordered me to use the alias Mohammad Saeedi. They threatened me with severe torture if I did not follow their orders. The doctor did not do any examinations and all he said was that my problem was related to mental issues and prescribed some pills for mental issues and wrote this in my medical report. Even when I asked if my ear could be sanitized he refused and said there was no need for that and I was returned to prison in the same situation. When I asked him to at least wash my ear, the doctor said it was not necessary.

I was returned to the detention centre with the clotted blood remaining in my ear. For 20 days, the left side of my body was numb, and I had little control over my left arm and leg muscles. I also had difficulty walking.

In addition to describing physical torture and other ill-treatment in his letter, Saeed Malekpour reports that he found the psychological torture he experienced to have been worse. He writes:

The physical torture was nothing compared to the psychological torments. I endured long solitary confinement without phone calls or the possibility of visiting my loved ones, constant threats to arrest and torture my wife and family if I did not co-operate, threats to kill me. They also gave me false news that my wife had been arrested. My mental health was severely threatened. I had no access to any books or journals in the solitary cells, and at times, I would not speak to anybody for days.

Saeed Malekpour's forced "confessions" were filmed and later televised. In his letter of 2010, he wrote that the interrogators forced him to "confess" to purchasing a web-hacking software from the UK that he used to



Saeed Malekpour © Private

hack the webcams of individuals visiting pornographic websites and film their intimate moments without their knowledge. In the televised "confessions", he also "admits" to putting pornographic pictures on the images of religious figures and ceremonies as part of a plan to attack religious beliefs.

The forced "confessions" were aired on Iranian state television before his trial and verdict, in contravention of the right to the presumption of innocence and the right to be tried by an impartial tribunal. In his letter, he also says:

I was promised – in the presence of the magistrate assigned to my case – that if I participated in their false televised confession, they would release me conditionally or on bail until the court date.

TRIAL

The trial began on 29 November 2009, over a year after his arrest. Though he was represented by a lawyer, his sister told Amnesty International that Saeed Malekpour's lawyer had not been permitted to meet with him until a few minutes before his trial began. The lawyer was given limited time to access the court case in advance of the trial and was barred from making copies of the case file the prosecution had gathered.

During the trial, the court dismissed Saeed Malekpour's allegations of torture and other ill-treatment, arguing that they were lies and did not order any investigation into them. The "confessions" he alleges were obtained under torture were not dismissed by the court and subsequently used as "evidence" to secure his conviction.

In late 2010, he was sentenced by a Revolutionary Court in Tehran to death for "spreading corruption on earth" in relation to the web programme he designed that the

authorities allege was being used for pornographic purposes. At the same time, Saeed Malekpour was also sentenced to seven and a half years' imprisonment on vaguely worded charges, including "insulting the Leader", "insulting the President", "insulting Islamic sanctities" and "spreading propaganda against the system". These charges were also in relation to the web programme he created. His sister, Maryam Malekpour, said some of these charges also stemmed from the public letter Saeed Malekpour wrote in 2010 detailing the torture he was subjected to while in pre-trial detention following his October 2008 arrest.

The death sentence was quashed by Branch 32 of the Supreme Court in June 2011 and the case was transferred to a lower court for further investigation. Following a retrial in October 2011, Saeed Malekpour was again sentenced to death in November 2011 by Branch 28 of the Revolutionary Court. In January 2012, this second death sentence was upheld by the Supreme Court.

Saeed Malekpour asked for his IT specialist to testify on his behalf about the technical details of the case, but the court did not permit this.

Saeed Malekpour's death sentence was later commuted to life imprisonment. In August 2013, his lawyer at the time, Seyed Mahmoud Alizadeh Tabatabaei, explained that the sentence had been reduced by Iran's Amnesty and Clemency Commission because Saeed Malekpour had "repented and expressed remorse".

RECOMMENDED ACTION

Please send appeals by post, e-mail and Twitter messages and letters in English, Persian, French, Spanish or Arabic.

Amnesty International urges you to:

- Call on the Iranian authorities to release Saeed Malekpour immediately and quash his conviction and sentence;
- Urge the Iranian authorities to order a prompt, independent, impartial investigation into Saeed Malekpour's allegations of torture and other ill-treatment and bring to justice anyone suspected of responsibility in a fair trial without recourse to the death penalty.

PLEASE SEND YOUR APPEALS TO:

Ayatollah Sayed 'Ali Khamenei

Office of the Supreme Leader

Salutation: Your Excellency

Twitter: @khamenei_ir (English), @Khamenei_ar (Arabic), @Khamenei_es (Spanish).

Ayatollah Sadegh Larijani

Head of the Judiciary

Salutation: Your Excellency

And copies to:

Hassan Rouhani

President

Salutation: Your Excellency

Twitter: @HassanRouhani (English), @Rouhani_ir (Persian)

When writing letters, please address them to the officials above, but send them via the Iranian diplomatic representatives accredited to your country. If there is no Iranian diplomatic mission in your country, please send them to Iran's mission to the UN in New York:

Permanent Mission of the Islamic Republic of Iran to the United Nations
622 Third Avenue
34th Floor
New York, NY 10017
USA