

PUBLIC

AI Index: MDE 13/031/2003

02 September 2003

Further Information on UA 173/03 (MDE 13/014/2003, 18 June 2003) and follow-up (MDE 13/020/2003, 11 July 2003) - Prisoner of conscience/ Incommunicado detention/ Fear of torture or ill-treatment/ Medical concern

IRAN

Mohsen Sazegara (m), aged 48, journalist

Prisoner of conscience Mohsen Sazegara was reportedly due to be released from Evin prison in the capital Tehran on 25 August. However, he remains in prison, where it is feared he is at risk of torture or ill-treatment. There are also renewed concerns for his health, after he told his wife that he was very weak and barely able to walk.

Mohsen Sazegara was reportedly due to be released after his family posted bail totalling more than US\$717,000 on 21 August at Branch 26 of Tehran's Revolutionary Court. On 1 September, the internet news site *Peyk-e Iran* stated that the Chief Prosecutor for Tehran province, Said Mortazavi, "prevented" the release on bail of Mohsen Sazegara, who has reportedly not yet been charged with any specific offence. A statement issued by the judiciary on the same day (available at www.iranjudiciary.org) claims that Mohsen Sazegara has not been released due to the existence of a "file" of unspecified allegations against him dating from 2002.

Mohsen Sazegara was arrested on 15 June in Tehran after publishing an article on his website calling for "a profound change of the constitution". His son, Vahid Sazegara, was detained with him before being released on 9 July. Since his arrest, Mohsen Sazegara has been detained at Evin prison, reportedly without charge, and has been denied regular access to his lawyer and family. He reportedly carried out a 54-day hunger strike, taking only water. He was transferred on four occasions to Baghiyetollah Hospital in Tehran in order to break his hunger strike, which he resumed each time he was returned to prison. He called off his hunger strike on 24 or 25 August. He also has a severe heart condition, for which he needs regular medication. There are concerns that he may not have access to this medication. Amnesty International considers him to be a prisoner of conscience, arrested solely for the peaceful expression of his conscientiously held beliefs.

RECOMMENDED ACTION: Please send a final round of appeals to arrive as quickly as possible, in Persian, English, French or your own language:

- calling for the immediate and unconditional release of Mohsen Sazegara as a prisoner of conscience, detained solely for the peaceful expression of his conscientiously held beliefs;
- expressing concern at reports that the authorities have failed or prevented the release of Mohsen Sazegara from Evin prison, in contravention of Article 9 (4) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. It states that "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.";
- noting that this principle must be upheld regardless of the number of "files" of allegations that exist in connection with a given individual;
- reiterating concern for the health and wellbeing of Mohsen Sazegara and seeking assurances that he is treated humanely in detention, including being given regular access to his family, lawyer and the regular medication he needs;
- seeking clarification as to what charges, if any, Mohsen Sazegara is to face;
- reminding the authorities of their obligations under Article 7 of the ICCPR, which states that "No one shall be subjected to cruel, inhuman or degrading treatment".

APPEALS TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Telegram: **Head of the Judiciary, Tehran, Islamic Republic of Iran**

Fax: **+ 98 21 879 6671 (please keep trying; please mark "care of Director of International Affairs, Judiciary")**

E- mail: irjpr@iranjudiciary.org (please ask for your message to be forwarded to HE, Ayatollah Shahrudi)

Salutation: **Your Excellency**

COPIES TO:

Minister of Foreign Affairs,

His Excellency Kamal Kharrazi
Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Av
Tehran, Islamic Republic of Iran

Fax: **+ 98 21 390 1999 (please keep trying; please mark "care of the Human Rights Department, Foreign Ministry")**

E-mail: matbuat@mfa.gov.ir (please ask for your message to be forwarded to HE, the Minister for Foreign Affairs)

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 14 October 2003.