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Further Information on UA 40/07 (MDE 13/018/2007, 16 February 2007) – <u>Arbitrary Arrest/medical concern/possible prisoner of conscience</u>

IRAN Ali Farahbakhsh (m), journalist

A Revolutionary Court in Tehran reportedly sentenced journalist Ali Farahbakhsh to three years' imprisonment and a fine of about US\$71,000 on 26 March, on charges of espionage and "receiving money from foreigners". He had been arrested on 27 November 2006, when he returned from a conference in the Thai capital, Bangkok, on government and the media, organised by Thai NGOs. Amnesty International fears that he is a prisoner of conscience, detained solely for the peaceful exercise of his right to freedom of expression and association.

Ali Farahbakhsh's arrest was not made public until 6 January. In a response to a letter from his mother and sister, the Head of the Judiciary, Ayatollah Shahrudi, reportedly authorised an order for him to be released on bail. However Ali Farahbakhsh remains in Section 209 of Tehran's Evin prison, where he has been held since his arrest. His trial began on 24 February.

Ali Farahbakhsh has been allowed family visits, but according to his wife and mother he is in poor health and kept in solitary confinement. His lawyer reportedly met him for the first time on the first day of the trial, and was unable to prepare adequately for the trial since the judicial authorities either delayed or denied his access to the relevant documents. The court hearings were held behind closed doors.

In an interview published by the Iranian news website Rooz on 4 April, Ali Farahbakhsh's mother, Badri, said that a mistake had been made in the way her son's trial was conducted. He was charged with receiving US\$2,300 from abroad, which was intended to meet the costs of his trip to Thailand. The judge reportedly changed that to US\$23,000.

According to the Rooz interview, Badri Farahbakhsh said that the judge in the case openly told her that he would not follow the Head of the Judiciary's instructions to release her son on bail. Ali Farahbakhsh's defence lawyer reportedly said that he would protest against the judgment and would seek to have the case referred to another court, where he would lodge an appeal.

A journalist for the Iranian daily newspaper *Sarmayeh*, Ali Farahbakhsh reportedly also wrote on economics and foreign affairs for other Iranian dailies such as *Yas-e no* and *Shargh*, which have been shut down.

On 21 April, the Association of Iranian Journalists issued an open letter signed by 247 of its members drawing attention to flaws in the administration of justice in the treatment of Ali Farahbakhsh. The letter called on the Head of the Judiciary to ensure that justice would be adhered to in this case.

BACKGROUND INFORMATION

Because of fundamental flaws in the administration of justice in Iran, it is easy for the authorities to harass intellectuals, journalists and other human rights defenders. The Penal Code contains a number of vaguely-worded provisions relating to association and "national security" which prohibit a range of activities, including many connected with journalism and freedom of expression, which are permitted under international human rights law. Detainees are often held for weeks or months without access to their families, and are frequently denied access to a lawyer of their choice until an indefinite period of interrogation is completed.

Yas-e-No was closed down along with *Shargh* on 18 February 2004 for publishing a letter in which parliamentarians accused the Supreme Leader of heading a system that abused people's rights. *Shargh* later re-opened, but was closed down again on 11 September 2006 after it published a cartoon perceived by some as an insult to President Mahmoud Ahmadinejad, and for failing to follow an order to replace its managing director.

On 23 October 2006, the authorities also banned the daily *Rozegar*, which had taken on many of the *Shargh* journalists, because the appearance of the newspaper was very much like that of *Shargh*, and for a new publication to resemble a banned one in this way is forbidden by Article 33 of the Press Law.

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

- expressing concern that the trial of journalist Ali Farahbakhsh appears to have been summary in nature: his lawyer was unable to prepare adequately for the trial since his access to the relevant documents was delayed or denied, and that neither he nor his client were given adequate time to meet to prepare for the trial;
- stating that Ali Farahbakhsh appears to have been detained solely for the peaceful exercise of his internationally recognized right to freedom of expression or association, which would make him a prisoner of conscience who should be released immediately and unconditionally:
- asking for a detailed account of the reasons for his arrest, the specific charges brought against him and the details of his trial:
- calling on the authorities to ensure that he is not tortured or ill-treated, and to allow him immediate access to any medical treatment he may require.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader

Shoahada Street, Qom, Islamic Republic of Iran

Email: info@leader.ir

istiftaa@wilayah.org

Fax: +98 251 774 2228 (mark FAO the Office of His Excellency Ayatollah al Udhma Khamenei)

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran, Islamic Republic of Iran

Fax: +98 21 3390 4986 (please keep trying)

Email: info@dadgostary-tehran.ir (In the subject line write: FAO Ayatollah Shahroudi)

Salutation: Your Excellency

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Email: dr-ahmadinejad@president.ir

via website: www.president.ir/email

Speaker of Parliament

His Excellency Gholamali Haddad Adel

Majles-e Shoura-ye Eslami, Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

Fax: +98 21 6 646 1746 Salutation: Your Excellency

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 7 June 2007.