

URGENT ACTION

FILMMAKER'S FLOGGING AND JAIL SENTENCE UPHELD

Iranian filmmaker Keywan Karimi has had five years of his six-year sentence suspended by the appeal court, which upheld the flogging sentence of 223 lashes. If jailed to serve the one-year prison term, imposed for his peaceful activities, he will be a prisoner of conscience.

Keywan (Keyvan) Karimi was told on 20 February that the court had suspended five of the six years he had been sentenced to spend in prison, for a period of five years. He now needs to serve a one-year term and receive 223 lashes, which the court has upheld. Keywan Karimi had been sentenced in October 2015 to six years in prison and 223 lashes upon conviction of charges that included "insulting Islamic sanctities" and "illicit relations". It appears that he was not told until his last court hearing that he faced the charge of "insulting Islamic sanctities" over a music video clip the authorities had found on his hard drive, for which he has received six years in prison. Instead, he had been charged with "spreading propaganda against the system", which was not mentioned in the final ruling at all.

Keywan Karimi was arrested on 14 December 2013 and charged with "spreading propaganda against the system" in connection with his 2012 film *Neveshtan Rooye Shahr* (Writing on the City), about graffiti written on the walls of Tehran's streets. Except for a trailer on Youtube, the film has not been publicly screened. A charge of "illicit relations falling short of adultery" was brought against him for "shaking hands" and "being under one roof" with a woman "who had not covered her head and neck". After he was arrested, Keywan Karimi was held in solitary confinement in Evin Prison without access to a lawyer. He was allowed to call his family for the first time one week after his arrest. He was released on bail after 12 days.

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

- Urging the Iranian authorities to quash Keywan Karimi's conviction and sentence for charges that arise from his peaceful exercise of his rights to freedom of expression and association;
- Reminding them that Articles 17, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, protect the rights to privacy, and freedom of expression and association;
- Expressing concern that Revolutionary Court hearings in Iran are seriously flawed and do not meet international fair trial standards, and that flogging sentences violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment under international law.

PLEASE SEND APPEALS BEFORE 7 APRIL 2016 TO:

The Office of the Supreme Leader

Ayatollah Sayed 'Ali Khamenei
Islamic Republic Street- End of Shahid
Keshvar Doust Street
Tehran, Islamic Republic of Iran
Email: via website
<http://www.leader.ir/langs/en/index.php?p=letter>
Twitter: @khamenei_ir (English)
Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadeq Larijani
c/o Public Relations Office
Number 4, Deadend of 1 Azizi
Above Pasteur Intersection
Vali Asr Street
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
Salutation: Your Excellency

And copies to:

President of the Islamic Republic Iran
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Islamic Republic of Iran
Twitter: @HassanRouhani (English),
@Rouhani_ir (Persian)

Also send copies to diplomatic representatives accredited to your country. 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 first update of UA 19/16. Further information: <https://www.amnesty.org/en/documents/mde13/3300/2016/en/>

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ADDITIONAL INFORMATION

Keywan Karimi has directed 12 films, including documentaries and fictional works. His documentary *The Broken Border* was awarded the best short documentary prize at the 2013 Beirut International Film Festival. The film focuses on the issue of smuggling state-subsidized gasoline from Iran to Iraq by an impoverished section of the Kurdish community in the western province of Kordestan. Another film directed by him, *The Adventure of a Married Couple*, was screened at Freiburg, San Sebastián and Zurich Film Festivals.

Keywan Karimi was arrested on 14 December 2013 at his home in Tehran, by men believed to belong to the Intelligence department of the Revolutionary Guards. They took him to Tehran's Evin Prison, where he was held in solitary confinement in Section 2A for 12 days. He was allowed to make a brief phone call to his family one week after his arrest but was not allowed to tell them he had been arrested or where he was being held. He could obtain a lawyer only after he had been released on bail.

Keywan Karimi's trial started on 11 May 2014 and concluded on 13 October 2015. He had seven hearings, each lasting around 15 to 20 minutes. His lawyer was present during the hearings but it appears that the court did not give him adequate time to present his defence. There were also irregularities in the court's conviction and sentencing of Keywan Karimi. The verdict issued by Branch 28 of the Revolutionary Court neither acquitted Keywan Karimi of "spreading propaganda against the system" nor imposed any punishment for this charge. Instead, it imposed six years' imprisonment for "insulting the Islamic sanctities", of which he had not been informed until the court's last session. The verdict, issued on 13 October, predated the last hearing, which was held on 22 September. Keywan Karimi also faced other minor, unrelated charges.

Keywan Karimi's appeal hearing, at which representatives of security and intelligence bodies were present, was held on 23 December. Keywan Karimi has obtained a letter from doctors which certifies that his mother is undergoing cancer treatment including chemotherapy hoping that the authorities would not summon him to serve his prison term before her course of treatment ends. He has also expressed a wish to remain free in order to finish making his latest film. Amnesty International will consider Keywan Karimi a prisoner of conscience if he is taken to prison to serve his sentence.

Iran's Islamic Penal Code, adopted in May 2013, maintains vaguely worded "crimes" such as "spreading propaganda against the system", "creating unease in the public mind", "insulting Islamic sanctities" and "defamation of state officials". These ill-defined "crimes" are frequently used to curb the peaceful exercise of the right to freedom of expression. Such laws and practices violate Iran's obligations under Articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which guarantee freedom of thought, expression, assembly and association.

Under the Islamic Penal Code, in cases of certain offences, courts could suspend the implementation of all or part of the sentence for between one and five years (Article 46). Upon the termination of the suspension period, the sentence will no longer be enforceable. However, if the convicted person commits certain offences during that period, the suspension order will be revoked, and that person must serve the previously suspended sentence.

Corporal punishment, such as flogging, violates international law, which prohibits torture and other cruel, inhuman or degrading treatment or punishment.

Name: Keywan (Keyvan) Karimi
Gender m/f: m

Further information on UA: 19/16 Index: MDE 13/3528/2016 Issue Date: 26 February 2016