

UA 40/07 Arbitrary arrest/medical concern/possible prisoner of conscience

IRAN Ali Farahbakhsh (m), journalist

Journalist Ali Farahbakhsh was 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. He has been held since then in Tehran's Evin Prison, and is reportedly due to go on trial on 24 February. 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. He reportedly suffers from a stomach complaint, believed to be an ulcer.

His arrest was reportedly not made public until 6 January, more than 40 days after it had taken place, when it was confirmed to the Iranian Students' News Agency by the Director of Prisons for the Tehran region. It is not known what charges, if any, he is facing, although his parents believe he is held on suspicion of espionage. He has not been allowed to see a lawyer. His family have been allowed to visit him, but were reportedly ordered to say nothing about what had happened to him.

His wife and mother wrote to the Head of the Judiciary, Ayatollah Shahroudi, on 22 January, expressing concern about his health. They also complained that he had spent his first 44 days in custody in solitary confinement.

In an interview with the Persian-language online news service *Rooz* on 2 February (which can be read at <http://www.roozonline.com/english/archives/2007/02/002016.php>) Badri Farahbakhsh, the journalist's mother, said, "During the first week of his detention, Ali had a heart attack and also developed stomach complications, after which he spent 8 days in the prison clinic. He was extremely nervous on the two occasions that I met him." She also said that he told her that since he had not done anything wrong, he would be released soon. She explained that the last time she saw him he seemed not only nervous, but also very angry, arguing that all he had done was attend an economic-cultural seminar. According to her, his interrogators wanted to know why he had been invited to the seminar. His mother further explained that government officials had specifically promised her that he would be freed if she did not talk about her son's detention and condition. "I believed them and did not, until he was formally charged. When I saw him last, he had lost 10 kilos during 35 days of detention. He looked lean with circles around his eyes, which has made me very concerned about his health. His wife was denied visitation until she staged a sit-in at the prison," she complained."

A journalist for the Iranian daily newspaper *Samayeh*, 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 6 January the Iranian Journalists' Union (IJU) expressed concern about his arrest. The IJU said later that he had reportedly been interrogated for 10 days, mainly about the conference and people who attended.

According to a 14 February report from the Iranian Labour News Agency, Ali Farahbakhsh is to be tried on 24 February in Branch 6 of the Tehran Revolutionary Court.

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 it looked very much like *Shargh*, on the grounds that this violated 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 Ali Farahbakhsh may have been detained solely for the peaceful exercise of his internationally recognized right to freedom of expression or association, in which case he is a prisoner of conscience and should be released immediately and unconditionally;
- calling on the authorities to release him unless he is to be promptly charged with a recognizably criminal offence and given a prompt and fair trial;

- asking for a detailed account of the reasons for his arrest, including any charges brought against him, and of any trial which may be held;
- calling on the authorities to ensure that he is not tortured or ill-treated, and to allow him immediate access to a lawyer of his own choosing, and 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 OR istiftaa@wilayah.org

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

Salutation: Your Excellency

Minister of Intelligence

Gholam Hossein Mohseni Ejeie

Ministry of Intelligence, Second Negarestan Street, Pasdaran Avenue, Tehran, Islamic Republic of Iran

Email: iranprobe@iranprobe.com

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

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 30 March 2007.*****