

PUBLIC

AI Index: MDE 13/021/2005

06 May 2005

UA 113/05 **Fear for safety/medical concern**

IRAN **Nasser Zarafshan (m), lawyer, human rights defender**

Human rights defender Nasser Zarafshan, who has been in prison since 2002, is being denied treatment for a chronic and worsening kidney condition. He has not been allowed visits from his family since early April, and has been moved to a cell which he shares with prisoners convicted of violent crimes.

His recent treatment may be connected to the fact that he recently wrote an open letter in support of a referendum on the structure of Iran's government. His support for the idea of a referendum was already well-known.

Nasser Zarafshan is serving a five-year term in Evin Prison, in the capital, Tehran. He was sentenced in March 2002, after a secret trial before a military court for his role in representing the families of two political activists murdered in November 1998 during a series of killings which came to be known in Iran as the "serial murders". At least 18 people, including former senior Ministry of Intelligence officials, were tried in connection with the murders, in a case which attracted wide publicity and controversy within Iran.

Nasser Zarafshan has suffered repeated bouts of ill-health since he was imprisoned. In December 2004 he was hospitalized in Evin prison with a severe kidney inflammation. His lawyer has filed repeated requests in court for him to be allowed to leave prison for specialist medical treatment. These requests are reportedly supported by the prison medical team, but Tehran's Chief Prosecutor has allegedly blocked them.

In a recent letter, written around the middle of April, Nasser Zarafshan described the severity of his illness and his repeated attempts to alert prison officials to his need for specialist medical care outside the prison. Shortly afterwards, while he was in a meeting room with his lawyer, prison staff ransacked his cell and damaged his possessions. After this he was moved to a cell housing prisoners convicted of violent crimes, some of whom have reportedly threatened and harassed him. Amnesty International fears that the prison authorities took this action in order to intimidate him.

Principle 8 of the UN Standard Minimum Rules for the Treatment of Prisoners states that "the different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of ... the legal reason for their detention ...". It is clear that political prisoners, such as Nasser Zarafshan, should not be housed with people convicted of violent crimes.

Nasser Zarafshan began a hunger strike at the end of April, to protest at the way he was being denied necessary medical treatment and family visits, and had been moved to a cell housing violent prisoners. He stopped his hunger strike after the prison authorities assured his family that they would be permitted to meet him if he resumed eating, but this has not happened.

BACKGROUND INFORMATION

It is thought that the recent intimidation and harassment of Nasser Zarafshan may arise from an open letter that he wrote in support of a referendum on the structure of government in Iran. This called for a secular state and for the constitution to be in keeping with the Universal Declaration of Human Rights. For further information on this call for a referendum, please see the website <http://www.60000000.com>. After he signed an open letter calling for a referendum in 2003, Amir Abbas Fakhrafar was summoned to court, beaten there and then transferred to Evin prison, where he was detained until March 2004. For further information please see <http://web.amnesty.org/library/Index/ENGMDE130092003?open&of=ENG-IRN>

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

- expressing concern for Nasser Zarafshan, who has reportedly been moved to a cell housing violent prisoners and has been denied essential medical treatment and visits from his family;
- urging the authorities to grant Nasser Zarafshan immediate access to the specialist medical treatment that he requires, as provided for by article 291 of Iran's Code of Criminal Procedure, which allows courts to order that inmates receive medical treatment outside prison;
- calling for Nasser Zarafshan to be granted full access to his family and lawyer;
- reminding the authorities that Principle 8 of the UN Standard Minimum Rules for the Treatment of Prisoners states that "the different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of ... the legal reason for their detention ..." and that Nasser Zarafshan should therefore not be housed with prisoners convicted of violent crimes;
- calling for Nasser Zarafshan to be released immediately and unconditionally, as he is a prisoner of conscience, arrested solely for the peaceful expression of his beliefs, and was convicted after an unfair trial by a military court.

APPEALS TO: Please note that email servers in Iran can be unreliable, please keep trying.

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

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

Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Email: info@wilayah.org

Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (mark 'Please forward to HE Ayatollah Shahroudi')

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

Gholamali Haddad Adel

Majles-e Shoura-ye Eslami (Parliament)

Imam Khomeini Avenue,

Tehran, Islamic Republic of Iran

Fax: + 98 21 646 1746

Salutation: Dear Sir

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 17 June 2005.