

URGENT ACTION

BLOGGER UNFAIRLY TRIED, SENTENCED TO 19 YEARS

Blogger Hossein Derakhshan, 35, a dual Canadian-Iranian national, has been unfairly tried and sentenced on 28 September 2010 to 19 and a half years' imprisonment on vaguely worded charges relating to national security. He was detained without charge for about 19 months prior to trial and denied regular access to his family and lawyer. Amnesty International believes he is likely held solely for the peaceful expression of his views, and if so should be immediately and unconditionally released.

According to the Iranian website *Mashreghnews*, **Hossein Derakhshan** was convicted by Branch 15 of the Revolutionary Court of "cooperating with hostile states", "propaganda against the system", "propaganda in favour of counter-revolutionary groups, "insults to the holy sanctities", and "the set-up and management of vulgar and obscene websites". According to his lawyer, much of the evidence used against him consisted of writings from his blogs. According to *Mashreghnews* he was also given a five-year ban on political and journalistic activities and ordered to repay funds he allegedly received, of 30,750 Euros, US\$2,900, and UK£200. The site did not provide further information about the origin or purpose of the funds.

Hossein Derakhshan was arrested at his family home during a visit to Iran on 1 November 2008 by five plain-clothed officials who were said to have had a search warrant. Although a dual Canada-Iran national, he was denied consular assistance.

After months of detention during which he was denied regular access to family or legal representation, his trial, began in June 2010. Amnesty International has for many years raised concerns about trials before Revolutionary Courts in Iran. His lawyer is expected to appeal the sentence and has 20 days since the verdict to do so.

PLEASE WRITE IMMEDIATELY in Persian, English, French or your own language:

- Expressing concern about the fairness of his trial;
- Calling on the Iranian authorities to ensure that his appeal, which should review both facts and law relating to his conviction and sentence, is conducted in accordance with international standards for fair trial;
- Urging the Iranian authorities to immediately and unconditionally release Hossein Derakhshan if he is held solely for the peaceful expression of his views.

PLEASE SEND APPEALS BEFORE 18 NOVEMBER 2010 TO:

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street – End of
Shahid Keshvar Doust Street, Tehran,
Islamic Republic of Iran
Email: info_leader@leader.ir
via website:
<http://www.leader.ir/langs/en/index.php?p=letter>
ter (English)
Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh Larijani
Howzeh Riyasat-e Qoveh Qazaiyeh
(Office of the Head of the Judiciary)
Pasteur St., Vali Asr Ave., south of
Serah-e Jomhuri
Tehran 1316814737
Islamic Republic of Iran
Salutation: Your Excellency

And copies to:

Director, Human Rights Headquarters of Iran
His Excellency Mohammad Javad Larijani
Bureau of International Affairs, Office of the Head of the Judiciary, Pasteur St., Vali Asr Ave. south of Serah-e Jomhuri, Tehran 1316814737, Islamic Republic of Iran
Email: bia.judi@yahoo.com
Fax: + 98 21 5 537 8827 (please keep trying)

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 343/08 (MDE 13/178/2008) <http://www.amnesty.org/en/library/info/MDE13/178/2008/en>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

BLOGGER UNFAIRLY TRIED, SENTENCED TO 19 YEARS

ADDITIONAL INFORMATION

Hossein Derakhshan, who has lived mainly in Canada since the end of 2000, was one of the first Iranians to be involved in blogging and he provided advice for those who also wished to write blogs. His blogs chronicled his views about reform in Iran and his many trips to different countries, including Israel, which under Iranian law, is a crime for Iranians to visit. While he had advocated reform for a number of years, before his return to Iran he began to defend the actions of the government.

Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR guarantees freedom of expression and states that: "Everyone shall have the right to hold opinions without interference" and that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The Penal Code contains a number of vaguely worded articles relating "national security" which prohibit a range of activities, which do not amount to recognizably criminal offences. Articles 498 and 499 state that whoever forms or joins a group or association either inside or outside the country, which seeks to "disturb the security of the country" will be sentenced to between two and 10 years' imprisonment. Articles 500 and 610 are similarly vaguely worded. Article 500 states that "...anyone who undertakes any form of propaganda against the state...will be sentenced to between three months and one year in prison." Under Article 610, two or more persons who conspire to commit or facilitate a non-violent offence against internal or external security of the nation will be imprisoned for between two and five years. In practice these articles have been used to detain, try and convict journalists, intellectuals and social commentators who have done no more than express their conscientiously held beliefs in writing or in public statements. For more information see Iran: From Protest to Prison - Iran one year after the election, (Index: MDE 13/062/2010), June 2010, at: <http://www.amnesty.org/en/library/info/MDE13/062/2010/en>

Since the disputed presidential election in June 2009, the Iranian authorities have intensified the restrictions of freedom of expression in Iran and have arrested journalists and bloggers, many of whom remain held; imposed restrictions on the use of the internet, including social networking sites; and shut down newspapers and political parties.

In February 2010, Iran's human rights record was reviewed before the UN Human Rights Council, in the framework of the Universal Periodic Review. Iran accepted several recommendations made by other states to guarantee freedom of expression and press activities but it rejected other recommendations calling for an end to measures such as harassment and arbitrary arrest of writers, journalists and bloggers.

FU UA: 343/08 Index: MDE 13/094/2010 Issue Date: 07 October 2010

AMNESTY
INTERNATIONAL

