

URGENT ACTION

ELDERLY PROFESSOR'S SIX-YEAR JAIL TERM UPHELD

Elderly prisoner of conscience Hossein Rafiee, a retired university professor, has had his six-year prison sentence, imposed for his peaceful political activism, upheld by an appeal court. The authorities have rejected his request for compassionate leave to be with his sick wife, who is due to undergo surgery.

Prisoner of conscience **Hossein Rafiee**, aged 71, had his six-year prison term and two-year ban on membership of political groups and engagement in online activities upheld by Branch 54 of the Court of Appeal in Tehran on 22 February. The court issued its decision after a brief hearing on 24 January, at which Hossein Rafiee refused to appear in person because the authorities had revoked, at the last minute, a permit to attend the hearing in his own clothes instead of prison uniform. He had been waiting for his appeal hearing since June 2015 when he lodged an appeal against the decision of Branch 15 of the Revolutionary Court in Tehran convicting him of "membership of and involvement in an illegal and anti-national security group (meaning the banned political group *Sho'rayeh Melli-Mazhabi*)" and "spreading propaganda against the system" by methods including giving interviews to media "who are against the state".

Hossein Rafiee has been held in Section 8 of Tehran's Evin Prison since his arrest in June 2015. The harsh conditions in that section, which is severely overcrowded, poorly ventilated, infested with insects and does not have enough beds and toilets, are endangering his health. He is not receiving regular medical care for various health problems, including high blood pressure and a heart condition. The authorities have refused Hossein Rafiee's request for compassionate leave to be with his sick wife, who needs to undergo surgery. The couple's children live abroad.

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

- Calling on the Iranian authorities to release Hossein Rafiee immediately and unconditionally, as he is a prisoner of conscience held solely for peacefully exercising his rights to freedom of expression and association;
- Urging them to ensure he receives any medical attention he may require, expressing concern that the extremely poor conditions in Section 8 of Evin Prison amount to ill-treatment, and reminding them that prisoners must be held in adequate conditions, in line with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
- Reminding them that Articles 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 freedom of expression, association and assembly.

PLEASE SEND APPEALS BEFORE 27 APRIL 2016 TO:

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
Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh 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:

Prosecutor General of Tehran
Abbas Ja'fari Dolat Abadi
Tehran General and Revolutionary
Prosecution Office
Corner (Nabsh-e) of 15 Khordad Square
Tehran, Islamic Republic of Iran

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 184/15. Further information: <https://www.amnesty.org/en/documents/mde13/2314/2015/en/>

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ADDITIONAL INFORMATION

Hossein Rafiee, a retired Tehran University chemistry professor, was arrested without a warrant by Ministry of Intelligence officials on 16 June 2015. He was not told why he was being arrested. About a month later, he was told that he had been arrested to serve a three-year prison sentence handed down by a Revolutionary Court in 2004 for "membership of an illegal group", as he was a member of the political group *Sho'rayeh Melli-Mazhabi* (Council of Religious-Nationalists), a loosely-knit alliance of political activists who advocate democratic political reforms. He went on a hunger strike in protest, also refusing to take his medicine. He ended his hunger strike on 20 June, after his wife and friends asked him to stop as it was jeopardizing his health due to his already high blood pressure, a thyroid condition and allergies. He has to take daily medication for each of these conditions.

Hossein Rafiee's arrest came several days after he had lodged an appeal against a ruling issued by Branch 15 of the Revolutionary Court on 25 May 2015, which sentenced him to five years in prison for "membership of an illegal and anti-national security group", one year for "spreading propaganda against the system", fined him for the use of a satellite dish (which is banned in Iran) and barred him, for two years, from membership of political groups and engagement in online activities.

Hossein Rafiee has detailed the severe overcrowding and appalling conditions of Section 8 of Evin Prison: he shares his 20-square-metre cell with 27 others, and sleeps on the floor, along with nine other men, as there are only six three-bunk beds in the cell. Hossein Rafiee has told his daughter, "I wonder if we are in a prison or a torture chamber." He has also said that Section 8 has only five toilets and showers for at least 200 prisoners, and there are constant queues for the bathroom and showers. Hossein Rafiee's blood pressure has not been monitored regularly.

Article 10 of the Mandela Rules states that "all accommodation provided for use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly cubic content of air, minimum floor space, lighting, heating and ventilation." Serious overcrowding, unsanitary environment and absence of sleeping facilities, when combined with the length of the period during which a prisoner is held in such conditions, can amount to cruel, inhuman and degrading treatment, contrary to Article 7 of the ICCPR which prohibits torture and other ill-treatment.

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 "membership of an illegal group". These ill-defined "crimes" are frequently used to curb the peaceful exercise of the rights to freedom of expression, association, and peaceful assembly. Such laws and practices violate Iran's obligations under Articles 18, 19, 21 and 22 of the ICCPR, which guarantee freedom of thought, expression, peaceful assembly and association.

Name: Hossein Rafiee (Mohammad Hossein Rafiee Fanood)

Gender m/f: m

Further information on UA: 184/15 Index: MDE 13/3652/2016 Issue Date: 16 March 2016