

URGENT ACTION

TORTURED OLDER PRISONER'S LIFE AT RISK

Iranian authorities are torturing Shokrollah Jebeli, an imprisoned 82-year-old Australian-Iranian national, by deliberately denying him adequate specialized medical care and withholding medication for his multiple serious health conditions. In light of his age and poor health, as well as violations of his fair trial rights rendering his detention arbitrary, he must be released immediately.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Head of judiciary, Gholamhossein Mohseni Ejei

c/o Embassy of Iran to the European Union, Avenue Franklin Roosevelt No. 15, 1050 Bruxelles, Belgium

Dear Mr Gholamhossein Mohseni Ejei,

*The life of **Shokrollah Jebeli**, an 82-year-old dual Australian-Iranian national, is at risk as Iranian authorities continue to deny him access to adequate specialized medical care. His health has deteriorated since his imprisonment in Tehran's Evin prison on 31 January 2020. He suffers from enlarged kidney stones, a history of strokes, sciatica in his legs, high blood pressure, and an umbilical hernia for which he needs surgery. Although he was taken to a hospital outside prison after he had a stroke in early 2021, the authorities returned him to prison the same day against medical advice. Until January 2022, the authorities denied him all his medication; since then, they have only allowed him access to some of his medications at his own expense. On 8 March 2022, he was found unresponsive and incontinent by other prisoners but the authorities have failed to provide him with the specialized treatment he needs. He has since regained consciousness but is incontinent and slurs his words. In letters dated 17 January 2021 and addressed to the prosecutor's office, which decides on prisoners' medical leave, the Evin prison director and the head of the prison clinic stated that his continued imprisonment would be life-threatening. Despite this, prosecution authorities continue to deny him specialized healthcare and have rejected his release on medical grounds unless he pays 70 billion rial (approximately USD 290,000), which he cannot afford. He is held in conditions that violate the absolute prohibition of torture or other ill-treatment. He shares an overcrowded and insect-infested cell with around 19 other prisoners and is deprived of adequate accommodation, forcing him to sleep on the floor on a mattress. He has difficulty walking unassisted and relies on other prisoners to perform basic daily tasks. He has fallen numerous times, chipping his teeth and resulting in cuts to his face and body.*

According to information available to Amnesty International, Shokrollah Jebeli is facing two separate cases in relation to financial dispute claims brought by several plaintiffs. He has been sentenced to four years and six months in prison in one case, while the second is ongoing. The authorities have denied him legal representation of his choosing and the judge presiding over his second case has demanded the removal of his current independently chosen lawyer. In addition to being denied adequate time and facilities to prepare his defence, informed sources have said that the prosecution and other judicial authorities have refused to consider potentially exculpatory evidence despite numerous requests by Shokrollah Jebeli. The Iranian authorities have also denied him access to consular assistance.

I urge you to release Shokrollah Jebeli, whose detention is arbitrary on the basis of his unfair trial and who, as an older person with pre-existing conditions, is at heightened risk of severe illness or death if he contracts Covid-19 in prison. Pending his release, ensure that he is granted access to regular telephone calls with family, adequate medical care, a lawyer of his own choosing and consular assistance from the Australian authorities. I further call on you to investigate his torture and other ill-treatment claims, including through the denial of adequate medical care, and hold those responsible to account.

Yours sincerely,

ADDITIONAL INFORMATION

Since February 2021, Shokrollah Jebeli has been taken to a hospital outside prison on several occasions for medical examinations but has not been provided with the specialized treatment he needs for his various conditions following these tests. He has also been transferred to hospital on several occasions for examination by specialist doctors from the Legal Medicine Organization of Iran (LMOI), which is a state forensic institute that has the mandate to assess the health of sick prisoners and provide its opinion on whether they can tolerate imprisonment. On at least three of these occasions, after being left waiting for many hours, he was returned to prison without examination and told this was because the prison authorities had failed to make appointments. Upon being examined on other visits, according to informed sources, one of the doctors from the LMOI told him that he should be released from prison due to his poor health. Amnesty International understands that other state officials, including the head of Evin prison and the head of the Prisons Organization, a state body that operates under the supervision of the judiciary, have visited him at Evin prison and acknowledged to him that his health is critical and promised to address his situation. In addition to the denial of adequate specialized healthcare, he is not receiving the special low-salt diet he needs and sufficient potable water and has been forced to buy food at the prison shop with money sent from his family. On 26 July 2021, the Iranian authorities responded to a communication from the UN Special Procedures regarding the case of Shokrollah Jebeli and stated that he had been "examined by medical examiners to decide about capacity to serve time because of old age, physical weakness and movement disorders. To that effect, a demand has been filed for his release under electronic monitoring, which the Council is examining." It is unclear to which Council the Iranian authorities' communication referred, but to Amnesty International's knowledge, the authorities have taken no steps to examine his case since then. The authorities' response to the UN also erroneously stated that he "enjoys access to telephone without let or hindrance", even though he has only been given telephone access for domestic calls, leaving him effectively barred from speaking with his family members, all of whom live in Australia.

Amnesty International understands that Shokrollah Jebeli has been detained in connection with a financial dispute brought by a group of claimants, one of whom, he has said in letters written from inside prison, has links to the political and security establishment in Iran. The legal claim is related to a complex financial dispute over the sale of land, financial transactions, and non-payment of debt; he has repeatedly denied any wrongdoing. In letters written from inside Evin prison, he has made counterclaims of theft and fraud against the plaintiffs involved in the case, detailing his financial dealings with the plaintiffs, and requesting that the Iranian authorities examine his bank accounts and transactions to prove his innocence. The authorities have opened two cases against him in relation to the same financial dispute. He has had two court hearings since his arrest, with the most recent taking place in November 2021, during which, according to informed sources, he was told by a judge that he would be released in two weeks on medical grounds and that the proceedings would continue while he was at liberty. However, the authorities have made his medical release contingent on his payment of 70 billion rial (approximately USD 290,000), which neither he nor his family can afford. In their communication to the UN Special Procedures, the Iranian authorities stated that Shokrollah Jebeli had been sentenced to four years and six months in prison, but failed to provide precise details of his conviction, including charges. The short communication stated: "The aforesaid has been sentenced to four years and six months in jail and 4,000,000,000 IRR in cash fine. Furthermore, the convict is sentenced to restituting the said amount to the claimant. Therefore, allegations of imprisonment on financial grounds and insolvency are absolutely false. It is hereby noted that the convict has hitherto failed to reimburse the plaintiff." Amnesty International understands that this was the first time Shokrollah Jebeli discovered he had been convicted of any crime, and he has never received his court verdict in writing. He appealed his conviction but has received no information on the status of his appeal.

Due to the Iranian authorities' lack of transparency, including their failure to provide Shokrollah Jebeli with a written verdict, Amnesty International has been unable to determine the precise details of Shokrollah Jebeli's conviction. However, if, as the Iranian authorities' communication to the UN Special Procedures suggests, his case is related to non-payment of debt, his detention is arbitrary under international law, which unequivocally prohibits, under Article 11 of the International Covenant on Civil and Political Rights, to which Iran is a state party, the imprisonment of individuals for failure to fulfil a contractual obligation. Despite this, Iranian law permits imprisonment of individuals for debt, under Article 3 of the 2015 Law on the Enforcement of Financial Convictions, and, according to state media, tens of thousands of people have been imprisoned for debt over the years.

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 9 May 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Shokrollah Jebeli (he/him)