

URGENT ACTION

ELDERLY PRISONER IN NEED OF MEDICAL CARE

A 76-year-old British-Iranian businessman, Kamal Foroughi, is serving an eight-year prison term on charges including espionage. His health is deteriorating and he is in need of specialized medical care outside prison. He is held in Tehran's Evin Prison.

Kamal Foroughi, a 76-year-old British-Iranian man, is serving an eight-year sentence in Tehran's Evin Prison, where he has been held since May 2011. In 2013, he was convicted of charges, including espionage after an unfair trial before Branch 15 of the Revolutionary Court in Tehran. Kamal Foroughi suffers from different medical conditions and Amnesty International understands that, prior to his arrest, his doctors had said that he needed specialized medical tests and check-ups, including screening for cancer. He has been transferred to a hospital outside prison several times since December 2014, but has not received the care he needs because no specialists have been available.

Kamal Foroughi was arrested on 5 May 2011 by men in plain clothes. Amnesty International understands that the men did not show an arrest warrant, nor explained to him the reasons for arrest. They took him to Evin Prison where he spent periods of time in solitary confinement without access to a lawyer or his family. He was only allowed to meet his lawyer the day before his court hearing which took place in early 2013. He was told in April that year that he had been convicted of espionage and "possession of alcoholic beverages", for which he is serving seven years and one year, respectively. He has now very limited access to his lawyer and is not allowed to write to, or receive letters from, his relatives living abroad. He has never been allowed British consular assistance.

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

- Calling on the Iranian authorities to ensure that Kamal Foroughi receives any specialized medical care he may require, and apply Article 58 of the Islamic Penal Code which allows for his conditional release after serving one third of his prison term;
- Urging them to ensure that he has regular access to a lawyer of his choice and to his family, including reasonable facilities to communicate with those living abroad;
- Expressing concern that Revolutionary Court hearings in Iran are seriously flawed and do not meet international standards on fair trial.

PLEASE SEND APPEALS BEFORE 3 DECEMBER 2015 TO:

Leader of the Islamic Republic of Iran
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: (via website)
[http://www.leader.ir/langs/en/index.php?
p=letter](http://www.leader.ir/langs/en/index.php?p=letter)
Twitter: @khamenei_ir (English),
@Khamenei_ar (Arabic),
@Khamenei_es (Spanish).
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:
President of the Islamic Republic Iran
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Islamic Republic of Iran
Twitter: @HassanRouhani (English),
@Rouhani_ir (Persian)

Also send copies to diplomatic representatives accredited to your country.

To Whom it May Concern, Iran Consulate, 16 PRINCES GATE LONDON SW7 1PT, Tel: 02072254208 or 02072254209 Email: iranconsulate.lon@mfa.gov.ir
(these are the details for the consulate which operates in the UK, there is no Ambassador to address correspondence to)

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Kamal Foroughi was working as a consultant for the Malaysian national oil and gas company, Petronas, when he was arrested. International standards of fair trial were not respected. He was not charged until a year later, and even then, was not given information regarding the reasons for his detention or the charges against him. He had no access to a lawyer until the day before his trial in early 2013, before Branch 15 of the Revolutionary Court in Tehran. He was not allowed to phone his relatives living abroad until August 2014 and Amnesty International understands that he was denied contact with the outside world between October 2013 and early May 2014. Kamal Foroughi has persistently denied the charge of espionage. His family believes that his friendship with a former British ambassador in Tehran may have raised the authorities' suspicion.

Under Article 58 of the 2013 Islamic penal Code, the court, with the recommendation of the prosecutor or the judge overseeing the implementation of sentences could order the conditional release of a prisoner provided that, among other things, the convicted individual has shown good character while in prison and is not likely to reoffend upon release. Prisoners who have more than 10 years prison term against them become eligible for conditional release after serving half their prison term. Those under lighter prison sentences must have served one third of their prison term.

The Iranian authorities frequently transfer prisoners in need of medical care to hospitals outside of prison, but Amnesty International understands that prisoners are not always provided with actual medical care and are instead simply returned to prison. Whether intentionally or by neglect, failing to provide adequate medical care to prisoners is a breach of Iran's international human rights obligations. The denial of medical treatment may amount to a violation of the absolute prohibition of torture and other ill-treatment, under Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. Article 12 of the International Covenant on Economic, Social and Cultural Rights, to which Iran is also a state party, specifically recognizes the right of every person to the highest attainable standard of physical and mental health. The UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) also state that prisons must provide adequate medical care to prisoners without discrimination (Rules 24-35). Rule 27(1) of the Mandela Rules provides that "Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals." See this public statement - <https://www.amnesty.org/en/documents/mde13/2508/2015/en/> - for more information.

Iran's own prison regulations are also routinely flouted by prison and judicial officials. The regulations governing the administration of Iranian prisons stipulate that a prisoner suffering from a serious medical condition that cannot be treated inside prison, or whose condition will worsen if they stay in prison, should be granted medical leave so they can receive treatment.

Article 14 of the ICCPR entitles everyone charged with a criminal offence to several minimum fair trial guarantees, including the right to competent and effective defence counsel at all stages of criminal proceedings, including during the preliminary investigation phase. Under international human rights law, every person who has been the victim of human rights violations, including violations of fair trial rights, has an enforceable right to reparation, including compensation. In cases of unlawful detention, reparation includes release.

Name: Kamal Foroughi
Gender m/f: m

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