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IRAN - APPEAL CASE Abbas Lisani- Prisoner of Conscience

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Abbas Lisani © Private

Abbas Lisani, aged 39, is an activist for the rights of the Iranian Azerbaijani minority. He has been held in Ardebil Prison since 31 October 2006, when he was arrested by members of the security forces, apparently without a warrant, in violation of Iranian law. He is currently serving two prison sentences: one of 18 months and the other of one year. Abbas Lisani undertook a hunger strike between 1 January and 31 January 2007 in protest at being denied short-term prison leave and at the harassment of his family. Amnesty International believes him to be a prisoner of conscience, held for the peaceful exercise of his right to freedom of expression and of association.

Abbas Lisani was initially arrested on 3 June 2006, and spent nearly four months in detention in poor health before being released on bail of 80 million rials (over US \$8,600). He faces other trials related to his peaceful political and cultural activities on behalf of the Iranian Azerbaijani minority.

Arrest following the “cartoon demonstrations”

Abbas Lisani was arrested at his home in the north-west town of Ardebil on 3 June 2006. More than 30 plainclothes security officials are said to have shot the lock off the door and entered the

house without showing a warrant, in violation of the law. Abbas Lisani was beaten by security officials in front of his wife and two young children, and they insulted his wife when she asked them not to beat him. The security officials reportedly said that they had orders allowing them to shoot him, and then handcuffed him and took him away. They also confiscated CDs, books, two mobile phones and a computer from the house.

From 22 May 2006 onwards, there had been widespread demonstrations in cities in north-west Iran, in protest at a cartoon published in the state-owned daily newspaper *Iran*, which many Iranian Azerbaijanis found offensive. On 27 May 2006 there was a mass demonstration in Ardebil, which Abbas Lisani attended. He had reportedly been threatened by security officials prior to the demonstration that he would be killed if he attended the demonstration. Abbas Lisani was reportedly injured during the demonstration, but managed to escape and went into hiding for about a week. He was arrested after he returned home. Before he was arrested, he told his family and friends that he would go on hunger strike if detained.

Initial detention

For two days, Abbas Lisani was detained at a detention facility run by the Ministry of Intelligence in Ardebil, before being transferred to Ardebil Prison. His family did not know his whereabouts until 7 June, when, in a phone call lasting only a couple of minutes, he told them that he was detained in Ardebil Prison, held in solitary confinement, and was on hunger strike.

Abbas Lisani had limited access to his family. He was permitted his first family visit on 29 June 2006, some 26 days after his arrest. His lawyer was only allowed to see him once, though several other requests for visits were denied.

Abbas Lisani's hunger strike reportedly lasted for 58 days, for some of which he also refused liquids. He was reportedly put on a drip on several occasions: once while in a prison medical facility, and on two other times it was administered to him inside his prison cell. Throughout his hunger strike he was detained in solitary confinement. He finally ended his hunger strike on 30 July 2006, after being granted his first family visit, during which he was reportedly very weak and could barely speak. By the end of his hunger strike he had lost about 30 kilograms in weight.

Four days prior to his release, on 26 September 2006, Abbas Lisani and some other prisoners went on hunger strike again to protest at the arrest of a three-months' pregnant woman. Kobra Gorbanzadeh and her husband Fazayel Azizian had participated in a protest for the release of all political prisoners in Iran in front of Ardebil's justice department. Her husband was arrested and when Kobra Gorbanzadeh attempted to visit him later in prison, she was arrested too. Having found out about his wife's arrest, Fazayel Azizian began a hunger strike and was joined by Abbas Lisani and others. The authorities finally released Kobra Gorbanzadeh as well as Abbas Lisani, thus breaking the hunger strike.

Abbas Lisani reportedly told his wife, Roghayeh Lisani, that he was sharing his cell with Ostovar Ebrahimi, one of the prison guards, who was apparently detained with him after having received several warnings from his superiors about treating Abbas Lisani with too much respect, which he had ignored.

“Cartoon demonstration” trial

On 27 September 2006, one day after Abbas Lisani was released from detention, Branch 105 of Ardebil General Court sentenced him to 10 months' imprisonment and 50 lashes for participating in the “cartoon demonstration” on 27 May 2006 in Ardebil, and to a further six months' imprisonment for participating in the destruction of public and state property by calling on people to participate in the demonstration which had led to this damage.

Abbas Lisani submitted a written appeal against this sentence, dated 26 October 2006. He claimed in his defence that the demonstration was not illegal, and that he had never called on people to cause damage, but had rather sought to keep matters calm. He alleged that the authorities had ignored video and other evidence from the demonstration to this effect.

On 31 October 2006, five days after lodging his

appeal, he was re-arrested. His family later received a copy of a verdict from Branch 1 of Ardebil Appeal Court, which indicated that the prosecution had also appealed the initial verdict. The Appeal Court judge increased the sentence of 10 months' imprisonment to one year, bringing the total to 18 months' imprisonment. The verdict apparently confirms the sentence of 50 lashes and, in addition, states that his punishment should include spending three years in forced exile in the city of Tabas in the central province of Yazd. His current imprisonment is in order to serve this sentence, and another sentence confirmed later relating to his participation in a cultural gathering in 2003.

Amnesty International is concerned that the procedure before the Ardebil Appeal Court, particularly the speed with which the review appears to have taken place, may not have provided a genuine review, both in facts and in law, of Abbas Lisani's case.

On 20 December 2006, Abbas Lisani's lawyer, Mohammad Reza Faqih, stated in an interview with the Iranian Students News Agency that Abbas Lisani's case was being considered by Branch 15 of the Supreme Court.

Amnesty International recognizes that although the May 2006 demonstrations were largely peaceful, some ended with attacks on government buildings and cars. Some Iranian Azerbaijani sources have claimed these attacks were instigated by government agents. The Iranian government has accused the United States (US) and other outside forces of stirring up the unrest. The US government has denied this.

However Amnesty International has noted Abbas Lisani's statement that he had never called on people to cause damage, but had rather sought to keep matters calm. As such, it believes that he was detained solely on account of his participation in the organization of demonstrations in May 2006, which he believed should have remained peaceful. Amnesty International therefore believes that Abbas Lisani is a prisoner of conscience and is calling for his immediate and unconditional release.

Hunger strike

Abbas Lisani wrote a letter to the Prosecutor General of Ardebil in late December 2006 in which he criticised the failure to grant him leave, his increased sentence and the manner of his latest arrest. He announced that he would start a hunger strike after three days if he was not granted leave from prison.

On 16 January 2007, Abbas Lisani was moved from solitary confinement to Section 1 of Ardebil Prison, where he was forced to share a cell with non-political prisoners, some of whom are drug addicts. In Iran, although many prisons have sections for political prisoners, at times political detainees are detained with non-political prisoners; a measure which political prisoners believe is implemented by the authorities in order to increase pressure on them. On 18 January 2007, Abbas Lisani was transferred back to solitary confinement, where he was reportedly detained in a very small cell without any heating, in an area of Ardebil where the temperature can reach -10°C during the night. After several days he was reportedly given a heater. Prison officials have allegedly threatened him.

Abbas Lisani is said to suffer from stomach and kidney problems, and pain in his ribs, which is allegedly a consequence of torture inflicted during previous periods of detention. According to reports, he is receiving no medical treatment in prison.

On 27 January 2007, Abbas Lisani's family was permitted to see him. He was said to have lost a lot of weight and to be unable to recognize some members of his family. On 28 January 2007, following rumours that he had died, his mother was permitted to speak to him inside the prison very briefly.

On 27 January, Abbas Lisani wrote a letter to the prison authorities protesting at their decision to send his file to Tehran to seek a pardon for him. On 30 January, Akbar A'lami, Majles member for Tabriz, talked about Abbas Lisani's case in an interview with the Iranian Labour News Agency ILNA. He said, "*It seems that his protest stems from double-standards and arbitrary interpretations of a circular issued by the Head of the Judiciary and Article 216 of the regulations of the Prisons' Organization. Based on the said circular ... the prison's classification council can give prisoners five days leave per month after they have served a minimum of two months, whereas, according to Lisani's lawyer, he has not benefited from this facility...Experience shows that the continuation of such a trend is not by any means beneficial for the country. Hence, in view of the steps that have been taken to obtain the release of the people detained and jailed in relation to the recent events in Azerbaijan - which ... Ayatollah Shahrudi's [the Head of the Judiciary] ...has issued the relevant order [for] – the expectation continues to be that they should arrange for the people, including Abbas Lisani, who still remain in prison on the charge of taking part in the recent unrest, to be released as soon as possible so that they can return to the arms of their families.*"

On 31 January 2007, Abbas Lisani ended his hunger strike, in response to requests from his family and supporters. There are still concerns about his health, and access to medical treatment.

Previous detention, torture and trials

Abbas Lisani has been detained on several occasions previously because of his peaceful activities for the rights of the Iranian Azerbaijani community. Several cases have been brought against him in connection with these arrests. These include charges related to attending a commemorative gathering for Constitution Day at the mausoleum of Baghir Khan in August 2005; attending an annual cultural gathering at Babek Castle in 2003 and 2005; and his participation in a protest at the Sarchesme mosque in Ardebil in 2004.

On 25 August 2003, Abbas Lisani was arrested after participating in an annual cultural gathering at Babek Castle in the town of Kalayber, north-western Iran. Each year, thousands of Iranian Azerbaijanis gather in Kalayber and walk up to the castle to celebrate the birthday of Babek Khorramdin, who lived in the ninth century and is regarded as a hero by Iranian Azerbaijanis. He was eventually released on bail of 50 million rials (equivalent to over US\$6,000) on 18 September 2003.

On 6 August 2005 Branch 1 of the Revolutionary Court in Ardebil sentenced him to one year's imprisonment, to be served in exile in the province of Khuzestan, after conviction on the charges of 'acting against national security', 'propaganda against the system', 'pan-Turkism', and 'publishing a Turkish calendar'. Abbas Lisani appealed against this sentence and his case was referred to the Supreme Court in Tehran which sent it for retrial in Kalayber. On 13 August 2006, the Revolutionary Court in Kalayber sentenced Abbas Lisani to one year's imprisonment. The requirement for the sentence to be served in exile was removed. This sentence was confirmed on appeal, and has been added to the time he must serve in prison.

On 22 June 2004, Abbas Lisani was arrested for his participation in a peaceful sit-in protest at the Sarcheshme mosque in the city of Ardebil. On this occasion, after security forces took control of the mosque, they beat Abbas Lisani severely, and suffocated him by covering his mouth and nose with a blanket until he fainted. He was left with severe injuries, including broken ribs, a punctured left lung, damage to his left kidney, a broken nose, facial injuries, but was denied medical treatment.

He continues to suffer ill-health as a result of his ill-treatment. He lodged a complaint against his treatment in court, but this was dismissed.

Abbas Lisani was then detained in solitary confinement for two days at an unknown location, believed to be a detention facility run by the Ministry of Intelligence. He then appeared before a judge in Branch 7 of the Revolutionary Court in Ardebil, who ordered that he be detained for a further month. The judge reportedly refused to order medical treatment for him and told him that the Intelligence service "should have done worse". In Ardebil prison he was again detained in solitary confinement on two occasions; the first for 13 days, and a second time for 7 days. Abbas Lisani went on hunger strike twice to demand medical care, but without success. He was released on 22 July 2004 following a bail payment of 200 million rials (equivalent to over US\$25,000). He was later fined 800,000 rials (equivalent to around US\$87), and given a suspended sentence of 15 lashes, for 'disturbing public order'.

Abbas Lisani was also arrested in connection with his participation in the 2005 annual gathering at Babek Castle, which took place on 29 June. He was reportedly arrested at the Babek Hotel, by Ministry of Intelligence officials. He spent eleven days in detention, and was on hunger strike for eight days in protest at his arbitrary arrest, prior to his release on bail.

On 6 September 2006, while he was still in detention in Ardebil, Branch One of the Revolutionary Court in Kalayber sentenced Abbas Lisani to one year's imprisonment, for spreading "propaganda against the system" under Article 500 of the Penal Code. According to the court verdict, the basis for the charge includes his participation in the annual Babek Castle demonstration in 2005; encouraging others to participate in this gathering; reciting Azerbaijani poems and other material at the gathering; publishing and distributing an Azerbaijani Turkic language calendar, sending messages abroad via the internet, being in telephone contact with his supporters abroad, and intending to promote Azerbaijani Turkic nationalism and independence. He is believed to have appealed against this sentence and his case to be under review by a Revolutionary Court in Tabriz.

Amnesty International believes that the charges of "propaganda against the system" and "acting against state security" of which Abbas Lisani has been convicted in relation to his attendance of the 2003 and 2005 Babek Castle gatherings, do not constitute recognizably criminal offences. Moreover, according to the court verdicts, the

bases for the charges appear to relate solely to his peaceful political and cultural activities on behalf of the Iranian Azerbaijani minority. If he were to serve these prison sentences Amnesty International would continue to consider him a prisoner of conscience and call for his immediate and unconditional release.

Abbas Lisani was also arrested on 3 August 2005 among with several other Iranian Azerbaijani activists, after participating in a gathering to celebrate Constitution Day, at the mausoleum of Baghir Khan, the leader of the constitutional movement and a national hero for Iranian Azerbaijanis. He was released on bail after several days in detention. According to recent reports, Abbas Lisani will soon face a further trial before the Revolutionary Court in Tabriz on charges related to his participation in this event.

Harassment

In addition to arrest, imprisonment and torture, Abbas Lisani has been subject to other forms of harassment as a consequence of his activism. His house and butcher's store have been searched on numerous occasions by officials from the Ministry of Intelligence, often without a court order. During these searches property has been confiscated from the house, including Turkish-language books, music cassettes and videos, copies of a Turkish calendar which he had designed and published; and photographs of friends, family members and of the Babek Castle events. He has been verbally insulted, and received threats to his personal safety, including death threats, on many occasions.

Members of Abbas Lisani's family have also been subject to harassment. Some of them have been questioned and threatened, in phone calls and in person, by officials from the Ministry of Intelligence. After his arrest in June 2006, Abbas Lisani's wife was threatened on numerous occasions that she should not talk about her husband's condition to the media or she too would be arrested. The family's butcher's store - their sole source of income - has been closed. The store had previously been vandalized on several occasions by unknown individuals, and customers of the store have also reportedly been questioned by Ministry of Intelligence officials. Following the closure of the store, a former employee was briefly detained and was released on condition that he no longer works in the shop. The authorities then withdrew the store's license to operate. While free from prison between 27 September 2006 and 31 October 2006, Abbas Lisani was allowed to reopen his shop, but was unable to find any workers so was unable to trade. As a result of this, and his subsequent detention, his family is

suffering financial hardship. While out of detention, his house was monitored by the authorities using CCTV, with guards stationed outside who questioned guests who entered or left.

Background: The Iranian Azerbaijani minority

Iranian Azerbaijanis, who are mainly Shi'a Muslims, are recognized as the largest minority in Iran and are generally believed to constitute at least 25-30 percent of the population. They are located mainly in the north and north-west of Iran. Although generally well-integrated into society, in recent years, they have increasingly called for greater cultural and linguistic rights, such as the right to education through the medium of the Azerbaijani Turkic language (often referred to as "Turkish" in Iran), which they believe is provided for under the Constitution, and to celebrate Azerbaijani culture and history at events such as the annual Babek Castle gathering and Constitution Day. However, these demands have often been suppressed by the Iranian authorities. A small minority advocate secession of Iranian Azerbaijan from the Islamic Republic of Iran and union with the Republic of Azerbaijan. Those who seek to promote Iranian Azerbaijani cultural identity are viewed with suspicion by the Iranian authorities, who often accuse them of vague charges such as "promoting pan-Turkism".

At the end of June 2005, scores of Iranian Azerbaijani participating in the Babek Castle gathering in Kalayber were arrested. At least 21 were later sentenced to prison terms of between three months and one year, some of which were suspended, reportedly after conviction of charges such as "spreading propaganda against the system" and "establishing organizations against the system". Some were also banned from entering Kalayber for a period of 10 years.

On 31 March 2006, scores were reportedly arrested after holding an annual commemorative demonstration in the city of Tabriz.

In May 2006, massive demonstrations took place in towns and cities in north-western Iran, where the majority of the population is Iranian Azerbaijani, in protest at a cartoon published on 12 May by the state-owned daily newspaper *Iran* which many Iranian Azerbaijanis found offensive. Hundreds were arrested during or following the demonstrations. Some of those detained were allegedly tortured, with some requiring hospital treatment. Publication of the newspaper was suspended on 23 May and the editor-in-chief and the cartoonist were arrested. Iranian Azerbaijani sources have claimed that dozens were killed and

hundreds injured by the security forces. The security forces have generally denied that anyone was killed, although on 29 May a police official acknowledged that four people had been killed and 43 injured in the town of Naqada. While many have now been released, others remain detained and some, like Abbas Lisani, have been sentenced to prison terms and flogging in connection with the demonstrations.

Further arrests took place around the 2006 Babek Castle gathering and in September 2006, when many Iranian Azerbaijanis participated in a boycott of the new academic year which began on 23 September.

RECOMMENDED ACTION

Please send faxes/ e-mail letters in Persian, Arabic, English, French or your own language:

- calling for the immediate and unconditional release of Abbas Lisani, as he is a prisoner of conscience, held solely on account of his peaceful political and cultural activities on behalf of the Iranian Azerbaijani community, including his participation in the 2003 Babek Castle gathering and the May 2006 "cartoon demonstration" in Ardebil;
- asking the authorities to give details of the procedure before the Ardebil Appeal Court, particularly as the review of Lisani's case was conducted so quickly and expressing concern that the procedure followed may not have provided a genuine review of Abbas Lisani's case;
- expressing concern that Abbas Lisani is facing further prison terms connected to his peaceful activities;
- urging the authorities to commute his sentence of flogging immediately, as it amounts to torture;
- calling on the authorities to grant Abbas Lisani immediate and unconditional access to his lawyer, continued and regular access to his family, and access to any medical treatment that he requires;
- calling for an investigation into Abbas Lisani's allegations that he was tortured and denied medical care for his injuries in June 2004;
- reminding the authorities of their responsibilities as a state party to the International Covenant on Civil and Political Rights (ICCPR), of which Article 7 says "No one shall be subjected to cruel, inhuman or degrading punishment";
- calling for all those found responsible for torture of detainees or prisoners to be brought to justice in fair trials;
- expressing concern for the safety of Abbas Lisani's family, who have reportedly been harassed and intimidated by the authorities, and calling for them to be given all necessary protection to ensure their safety.

PLEASE SEND YOUR APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei,
The Office of the Supreme Leader
Shoahada Street, Qom, Islamic Republic of Iran

Email: info@leader.ir

istiftaa@wilayah.org

Salutation: **Your Excellency**

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan
Intersection, Tehran, Islamic Republic of Iran
**Fax: Via foreign affairs: +98 21 6 674 790 and
ask to be forwarded to H.E Ahmadinejad**

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via website: www.president.ir/email

Salutation: **Your Excellency**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi
Shahroudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic
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Salutation: **Your Excellency**

Speaker of Parliament

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