

URGENT ACTION

REPRISAL FOR SPEAKING OUT AGAINST 1988 MASSACRE

Prisoner of conscience Maryam Akbari Monfared has been threatened with an additional three-year prison term and exile to a remote prison. This was in reprisal for her open letters seeking truth and justice for her siblings who were extrajudicially executed in 1988. She has been held in Tehran's Evin prison since 2009 serving a 15-year sentence.

On 13 May, **Maryam Akbari Monfared's** husband Hassan Jafari Hatam presented himself to a Ministry of Intelligence office in Tehran after he was summoned by telephone for interrogation. He was given no reasons for the summons. Hassan Jafari Hatam has said that at the Ministry, intelligence officials verbally abused him and threatened that his wife would face an additional three-year prison term and exile to a remote prison in Sistan-Baluchestan province, south-eastern Iran. They said that these threats would be implemented unless she stopped writing open letters about the fate and whereabouts of several thousand political prisoners, including two of her siblings, who were extrajudicially executed in the summer of 1988. Maryam Akbari Monfared has written several open letters since October 2016 when she filed a formal complaint with the Prosecutor's Office. She is seeking an official investigation into the 1988 massacre, the location of the mass graves where the prisoners' bodies were buried, and the identity of the perpetrators.

To date, the authorities have not processed the complaint. Instead, they have resorted to various punitive tactics. They have refused to take Maryam Akbari Monfared to her medical appointments outside prison to receive adequate treatment for her rheumatoid arthritis and thyroid problems. As a result, she is experiencing severe pain in her legs. They have also repeatedly threatened to stop her family visits. In an open letter leaked from prison in November 2016, she wrote: "How do you think you can scare someone in my position into silence? What have you even left for me that you are threatening to deprive me of? Don't you feel ashamed that you are threatening to cut the family visits of a mother?" Maryam Akbari Monfared has been imprisoned since December 2009, serving a 15-year prison sentence for "enmity against God" (*moharebeh*). Her conviction is solely based on the fact that she had made phone calls to her relatives, who are members of a banned group, the People's Mojahedin Organization of Iran (PMOI), and had visited them once in Iraq.

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

- Calling on the Iranian authorities to release Maryam Akbari Monfared immediately and unconditionally, as her conviction is solely based on an arbitrary interference with her privacy, family and correspondence;
- Calling on them to provide her with immediate and continued access to the medical care she needs outside prison and protect her from torture and other ill-treatment, which the denial of medical care can amount to;
- Urging them to stop the harassment and persecution of families of the victims of 1988 mass executions and respect their rights to truth, justice and reparation, including by conducting a thorough, effective and independent investigation and bringing to justice those responsible in fair proceedings without recourse to the death penalty.

PLEASE SEND APPEALS BEFORE 3 JULY 2017 TO:

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, Iran
Salutation: Your Excellency

Prosecutor General of Tehran
Abbas Ja'fari Dolat Abadi
Office of the General and Revolutionary
Prosecutor
Corner (Nabsh-e) of 15 Khordad Square
Tehran, Iran
Salutation: Your Excellency

And copies to:
President
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Iran

Also send copies to diplomatic representatives accredited to your country. H.E. Hamid Baeidinejad, Embassy of the Islamic Republic of Iran, 16 PRINCES GATE LONDON SW7 1PT, Tel: 02072254208 or 02072254209 Email: iranconsulate.lon@mfa.gov.ir

Please check with your section office if sending appeals after the above date. This is the first update of UA 248/16. Further information: <https://www.amnesty.org/en/documents/mde13/5090/2016/en/>

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ADDITIONAL INFORMATION

Maryam Akbari Monfared was arrested on 31 December 2009. For the next five months, her family remained unaware of her fate and whereabouts. She was held in solitary confinement during the first 43 days after her arrest, where she underwent intense interrogations and was denied access to a lawyer throughout. She met her state-appointed lawyer for the first time at her trial, which was limited to one brief session. In May 2010, she was sentenced to 15 years in prison after Branch 15 of the Revolutionary Court in Tehran convicted her of “enmity against God” (*moharebeh*). The court issued its verdict despite the absence of any evidence that she had been involved in armed activities. Amnesty International understands that Maryam Akbari Monfared was not provided with a written judgement, setting out the evidence and legal reasoning relied upon to convict her. Her husband has said that during her trial session, the judge told her she was paying for the activities of her relatives with the People’s Mojahedin Organization of Iran, a banned opposition group that advocates the overthrow of the Iranian government. Branch 33 of the Supreme Court upheld the sentence in August 2010.

In early 2016, Maryam Akbari Monfared submitted a request for retrial (*e’adeh dadresi*) to the Supreme Court based on Article 279 of Iran’s 2013 Islamic Penal Code, which restricts the scope of the crime of “enmity against God” to situations when an individual personally resorts to the use of arms. Prior to the adoption of the 2013 Islamic Penal Code, any member or supporter of an organization that sought to overthrow the Islamic Republic by procuring arms was considered an “enemy of God” (*mohareb*) even if they did not individually take part in the military activities of the organization. The Supreme Court rejected the retrial request in April 2016 and ruled that any request for a lighter penalty based on the recent changes in the 2013 Islamic Penal Code must be made to the court that initially issued the death sentence. The Supreme Court referenced a Note to Article 10 of the 2013 Islamic Penal Code, which allows courts of first instance to reduce or commute a sentence which they have already issued when a new law comes into effect that provides for a lighter penalty. Maryam Akbari Monfared’s case was subsequently returned to Branch 15 of the Revolutionary Court in Tehran and the court maintained its original verdict.

Maryam Akbari Monfared’s sister Roghayeh and brother Abdolreza were among several thousand political prisoners who were cut off from the outside world in July 1988, and subsequently executed in secret and without trial. They were then dumped into mass unmarked graves. Most of those executed were prisoners who had been imprisoned for political reasons, including prisoners of conscience, and had already spent years in prison for the peaceful exercise of their rights to freedoms of expression, association and assembly. Their activities included distributing newspapers and leaflets, taking part in peaceful anti-government demonstrations, and having real or perceived affiliations with various political opposition groups. Some had already completed their sentences but had not been released because they refused to make statements of “repentance” (*tobeh*).

In an open letter leaked from Evin prison in October 2016, Maryam Akbari Monfared wrote: “Three of my brothers and one of my sisters were executed in the 1980s... My youngest brother Abdolreza was 17 years old when he was arrested for distributing PMOI literature and sentenced to three years in prison. The authorities refused to release him for years after he completed his sentence and executed him in 1988... My other brother Alireza was arrested on 8 September 1981. He was tried and executed 10 days later... On the seventh night of mourning for my brother Alireza, security forces raided our house and arrested a number of guests as well as my mother and sister, Roghieh. My mother was released after five months but my sister was sentenced to eight years in prison. She was executed in August 1988 while she was just a year away from the end of her sentence.” Following the submission of her complaint, the Associate Prosecutor of Evin Prison told Maryam Akbari Monfared’s family: “Such complaints are of no use. They would only make her conditions in prison more difficult and impede her release.”

Further information on UA: 248/16 Index: MDE 13/6267/2017 Issue Date: 22 May 2017