

URGENT ACTION

DUTCH-IRANIAN PRISONER DENIED HEART SURGERY

Dutch-Iranian national Sabri Hassanpour, who has been detained in Tehran's Evin prison since his arrest on 19 April 2016, is being denied urgently needed open heart surgery by the Iranian authorities. He had a heart attack in prison in November 2016.

Sabri Hassanpour, a 60-year-old Dutch-Iranian national who has been detained for over a year in Evin prison, is in dire health. He suffered a heart attack on 15 November 2016 in Evin prison and was taken to a hospital outside prison where a cardiologist told him that he urgently needed open heart surgery. He has a pre-existing heart condition for which he has previously undergone several coronary angioplasties to unblock arteries around his heart. He currently has constant pain in his chest and around his heart. His cell mates have taken him to the prison clinic numerous times but the doctors there simply treat him with intravenous (IV) fluids and send him back to his cell. He has also been frequently collapsing in prison after losing consciousness. The authorities have told him that he must pay for his open heart surgery, which he has explained he cannot afford. This is in breach of international law, which requires that states provide medical care for all prisoners, free of charge and without discrimination.

Sabri Hassanpour was arrested by the Revolutionary Guards on 19 April 2016 at his sister's home in Tehran, two weeks after he had travelled to Iran for the first time in 30 years. Officials offered no reasons for his arrest. He was taken to Section 2A of Evin prison, where he was held in solitary confinement for two months. During this period, his family had no knowledge of his whereabouts and he had no access to a lawyer, even though he was repeatedly interrogated. During interrogations, he was put under pressure to sign statements, which he refused to do. Other than a brief meeting with his lawyer in October 2016, he has had no access to legal counsel. In November 2016, he was brought for trial before Branch 15 of the Revolutionary Court in Tehran where he collapsed following an argument with the judge. No trial session has since been scheduled.

Sabri Hassanpour's charges remain unclear to Amnesty International. However, they could be related to his political activities in the Netherlands which advocated for political change in Iran, including the separation of religion and state. He is the executive and host of the Netherlands-based Persian-language on-line network Sima-ye Rahayi (Vision of Liberation), in which he expressed criticism of the Iranian authorities and the Islamic Republic system.

Please write immediately in English, Persian or your own language, urging the Iranian authorities to:

- Release Sabri Hassanpour immediately and unconditionally if he is being held solely for the peaceful exercise of his rights to freedom of expression and association through his political activities;
- Ensure that, pending his release, he is granted immediate access to specialized medical care outside of prison, the denial of which could amount to torture or other ill-treatment, and end the practice of requiring prisoners to pay for their medical treatment, which violates international law;
- Allow him regular access to his family and a lawyer of his own choosing;
- Grant him access to Dutch consular assistance.

PLEASE SEND APPEALS BEFORE 9 JUNE 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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Sabri Hassanpour was moved to one of the general wards of Evin prison about two months after his arrest. He has been denied the right to be brought promptly before a judge and the right to challenge the lawfulness of his detention.

Under Iran's prison regulations, the prison administration is required to provide prisoners with regular medical check-ups, and ensure that their medical needs are addressed. The regulations also provide for prisoners to be granted medical leave or transferred to treatment centres outside prison when the care they need is not available in prison. Iran's Code of Criminal Procedure further authorizes judges to postpone the implementation of a prison sentence when imprisonment would exacerbate the illness of the prisoner, or to issue an alternative sentence if the individual is deemed too ill to serve it. The reality in Iran's prisons, however, is very different. Amnesty International's research shows that, in general, these provisions are flouted in practice and prisoners are often denied adequate medical care.

Furthermore, under Iranian law, prisoners must bear the financial costs associated with the treatment of conditions and illnesses that do not require urgent or immediate care or are "their own fault". This is in breach of international law, which requires that states provide medical care for all prisoners, free of charge and without discrimination.

As a state party to the International Covenant on Economic, Social and Cultural Rights, Iran is legally obliged to respect, protect and fulfil "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". Rule 24 of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) clarifies that the "provision of health care for prisoners is a State responsibility" and that prisoners "should enjoy the same standards of health care that are available in the community" and without discrimination. The Mandela Rules also provide that prisoners who require specialist treatment must be transferred to specialized institutions or outside hospitals when such treatment is not available in prison (Rule 27). Under the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment as well as the Mandela Rules, health care provided to individuals in custody must be free of charge (Principle 24).

The denial of medical treatment to prisoners may also violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including under Article 7 of the International Covenant on Civil and Political Rights, to which Iran is also a state party. The UN Committee against Torture, in its General Comment 2, has affirmed that "States bear international responsibility for the acts and omissions of their officials and others". This means that conduct such as depriving someone of basic needs, including medical attention, can violate the prohibition on torture and other ill-treatment. Whenever such deprivation is intentional, causes "severe pain or suffering" and meets the other requirements of the torture definition, it would constitute torture.

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