

URGENT ACTION

PRISONER OF CONSCIENCE IN NEED OF MEDICAL CARE

Iranian postgraduate student Hamid Babaei is being denied access to the specialized medical care he needs, including medication. He suffers from recurrent panic attacks and has a ruptured eardrum for which he needs surgery. The authorities continue to deny his requests for medical leave. He is a prisoner of conscience.

Prisoner of conscience **Hamid Babaei**, 32, a postgraduate student serving a six-year prison sentence on a trumped up national security charge, is being denied access to the specialized medical care he needs, including medication. He suffers from chronic ear infections caused by a ruptured eardrum in his left ear, for which he needs surgery. He also has a history of panic attacks, which have worsened under the stress of prison conditions. Amnesty International understands that prison officials have dismissed his panic attacks, failing to regard them as a medical condition. The authorities have denied him the specialized medical treatment he needs for both conditions. Officials in Raha'i Shahr Prison, north-west of Tehran, where Hamid Babaei is serving his sentence, often either refuse to take him for his scheduled hospital appointments at all, or fail to take him at the right time or date. Since his arrest in August 2013, he has only been allowed to attend two appointments with a doctor, one with an ear specialist and one with a general practitioner. The Office of the Prosecutor, which is responsible for decisions concerning medical leave and hospital transfers, has denied his numerous requests for medical leave, and is understood to have said that the requests have been blocked by the Ministry of Intelligence.

Hamid Babaei was sentenced in December 2013 to six years' imprisonment on the charge of "acting against national security by communicating with hostile governments [Belgium]" following a trial before Branch 15 of the Revolutionary Court in Tehran. The trial lasted only 10 minutes and failed to comply with international fair trial standards. The charge evidently relates to his refusal to comply with a request by the Ministry of Intelligence to monitor and spy on Iranian students studying in Belgium, where he had been pursuing his postgraduate studies. The scholarship and funds he received from Belgium's University of Liege as a postgraduate student were used as "evidence" of his alleged work for "hostile governments." Following his arrest, Hamid Babaei was held and interrogated without any legal representation for over a month at Tehran's Evin Prison. He was later assigned a state-appointed lawyer by the court. At no point was he allowed to have an independent lawyer of his choice.

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

- Calling on the Iranian authorities to release Hamid Babaei immediately and unconditionally, as he is a prisoner of conscience, held solely for refusing to spy on Iranian students abroad in Belgium and because of his scholastic ties with academic institutions outside of Iran;
- Urging them to ensure that he is immediately granted access to the medical care he needs outside prison;
- Urging them to allow him effective contact with an independent lawyer of his choice and access to his family.

PLEASE SEND APPEALS BEFORE 30 SEPTEMBER 2016 TO:

Office of the Supreme Leader
Ayatollah Sayed 'Ali Khamenei
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
Salutation: Your Excellency

And copies to:
President
Hassan Rouhani

PLEASE SEND YOUR APPEALS FOR THE ATTENTION OF THE AUTHORITIES IN IRAN VIA THE EMBASSY E. Mohammad Hassan Habibollahzadeh, Embassy of the Islamic Republic of Iran, 16 PRINCES GATE LONDON SW7 1PT, Tel: 02072254208 or 02072254209, Email: iranemb.lon@mfa.gov.ir

Please check with your section office if sending appeals after the above date. This is the first update of UA 36/14. Further information: <https://www.amnesty.org/en/documents/MDE13/011/2014/en/>

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ADDITIONAL INFORMATION

When Hamid Babaei was being held in Tehran's Evin Prison before his transfer to Raja'i Shahr Prison in February 2015, he was completely denied all medical care. Since his transfer to Raja'i Shahr Prison, the authorities have taken him to hospital several times, but he has only seen a doctor twice. On all other occasions, the prison authorities have either refused to take him for his appointments or they have taken him hours, or even months, after his scheduled appointments, meaning that he has been unable to see a doctor and to receive any medical care. On 19 January 2016, for example, he was taken to Imam Khomeini Hospital in Karaj to see a specialist ear doctor. The doctor there prescribed him medication and said that Hamid Babaei should return a week later to receive more treatment and obtain his test results. He also told him that he needs surgery. However, prison officials refused to allow him to return for his follow-up appointment. Until his arrest and subsequent imprisonment, Hamid Babaei had been pursuing studies for a PhD in finance at the University of Liege in Belgium. He was arrested when he travelled back to Iran on holiday in July 2013 with his wife Cobra Parsajoo, who was also a student in Belgium. According to Cobra Parsajoo, the officials from the Ministry of Intelligence asked him in a meeting to report back to the authorities about other Iranians studying in Belgium. The officials also showed him photographs of Iranian students in Belgium and asked him to identify them. He refused both these requests, saying that he wished to serve his country only through his academic studies. When Hamid Babaei and Cobra Parsajoo attempted to return to Belgium in August 2013 in time for the start of the new academic year, Hamid Babaei found at the airport that he was barred from leaving the country. He was called to report to a Ministry of Intelligence office on 13 August 2013, after which he was taken to Tehran's Evin Prison, where he was held in solitary confinement in Section 240 and Section 209 for over a month without access to a lawyer before being transferred to Section 350 and then to another ward.

On 21 December 2013, following a 10-minute trial before Branch 15 of the Revolutionary Court in Tehran, Hamid Babaei was convicted of "acting against national security by communicating with hostile governments [Belgium]" and sentenced to a six-year imprisonment sentence and a four-year suspended sentence. Branch 54 of the Appeals Court in Tehran upheld his sentence in May 2014. Hamid Babaei was not allowed an independent lawyer of his choice before and during his trial. His state-appointed lawyer is said to have not acted in a manner that would be appropriate for a defence counsel. In December 2014, Hamid Babaei wrote a letter to the Prosecutor General's office with several grievances, including lack of access to the medications that he needs. He never received a response to this letter. Consequently, Hamid Babaei began a hunger strike on 16 February 2015, ending it after two weeks on 2 March 2015. His transfer to solitary confinement and subsequently to Raja'i Shahr Prison may have been retribution for his hunger strike and grievances to the Prosecutor General's office.

Cobra Parsajoo was herself arrested in September 2014 for peacefully campaigning on behalf of her husband, including by giving media interviews. She was given a six-month suspended prison sentence and put on a two-year travel ban.

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). When depriving a prisoner of medical care causes severe pain or suffering and it is intentionally done for purposes such as punishment, intimidation or to extract a forced "confession", it constitutes torture, which is prohibited under Article 7 of the International Covenant on Civil and Political Rights, to which Iran is a state party.

Further information UA: 36/14 Index: MDE 13/4689/2016 Issue Date: 19 August 2016