

URGENT ACTION

SICK BLOGGER BEING FORCED TO RETURN TO PRISON

Blogger and pioneering anti-censorship activist Hossein Ronaghi Maleki was released on temporary medical leave on 4 May. He suffers from major health conditions and was assessed in April by a state forensic institute as being unfit to serve his prison sentence. Despite this, he will be forced to return to prison in July if his leave is not extended.

Hossein Ronaghi Maleki, 30, was released on temporary medical leave on 4 May after the Office of the Prosecutor finally approved a 30-day leave from prison on medical grounds. He was told verbally at the end of May that his medical leave had been extended by another 30 days but that he must return to prison at the end of this period. On 26 April the Legal Medicine Organization of Tehran (a state forensic institute) assessed his medical condition and issued a written statement, saying that he was not in a fit state to be imprisoned. Despite this, he will be forced to return to prison at the beginning of July if his leave is not extended by the Office of the Prosecutor. Prior to being granted leave, he had gone on hunger strike on 26 March in protest at the Evin Prison authorities' refusal to allow him access to his medication, as well as his continued imprisonment. He had been taken to a Tehran hospital on 5 and 9 March for tests, including an examination by an orthopaedic doctor for his back pain, but was returned to prison without receiving adequate treatment on either occasion. He was also not allowed to attend a hospital appointment for a Magnetic Resonance Imaging (MRI) scan for his spine.

Hossein Ronaghi Maleki suffers from several serious medical conditions, including kidney disease, and gastro-intestinal, bladder, heart, chest, and spinal problems. Some of his medical problems appear to have developed whilst he has been in prison. His health has deteriorated as a result of poor prison conditions and ongoing denial of adequate specialized medical care. He has only one functioning kidney and needs constant monitoring and regular specialized medical care that is only available outside prison. The prison authorities have also at times withheld his medication which has resulted in the further deterioration of his health. Due to his gastro-intestinal condition, he requires a special diet, which is unavailable in prison.

Hossein Ronaghi Maleki is a blogger and pioneering activist against on-line censorship who was sentenced to 13 years in prison for establishing the first ever popular, widely used proxy server in Iran and for his writings on his blog. He was convicted following an unfair trial of charges including "insulting the Supreme Leader" and "spreading propaganda against the system". After his arrest, he was held for 13 months in solitary confinement in Section 2-A of Evin Prison, under the control of the Revolutionary Guards, where he says he was tortured.

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

- Calling on the Iranian authorities to ensure that Hossein Ronaghi Maleki is not returned to prison, and that his conviction and sentence are quashed, as they arise solely from his peaceful exercise of his rights to freedom of expression and association;
- Urging them to order a prompt, independent, impartial and effective investigation into his allegations of torture, bringing to justice anyone suspected of being responsible in a fair trial.

PLEASE SEND APPEALS BEFORE 19 JULY 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

Also send copies to diplomatic representatives accredited to your country. H.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 seventh update of UA 236/13. Further information: <https://www.amnesty.org/en/documents/MDE13/3759/2016/en/>

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ADDITIONAL INFORMATION

Hossein Ronaghi Maleki, from the city of Malekan, near Tabriz, East Azerbaijan province, was one of the founding members of Iran Proxy, a group which focused on the creation and maintenance of proxy websites that allowed on-line users to circumvent internet censorship inside Iran. Following his arrest, the group became inactive due to pressure from the authorities. After his arrest on 13 December 2009, Hossein Ronaghi Maleki was held for 13 months in solitary confinement in Section 2-A of Tehran's Evin Prison, during which he has said that he was subjected to torture, including through beatings. He was allowed only one visit from his mother and one from his lawyer during this time and was pressured to make televised "confessions" and to make statements in support of the 2009 presidential election results. On 6 September 2010, Branch 26 of the Revolutionary Court in Tehran sentenced Hossein Ronaghi Maleki to a total of 15 years' imprisonment. He received a 10-year prison term for "membership of the [illegal] internet group 'Iran Proxy'", two years for "insulting the Supreme Leader", two years for "insulting the founder of the Islamic Republic", and one year for "spreading propaganda against the system". In convicting him, the court used articles he had posted on his blog, as well as his association with human rights activists, journalists, and political prisoners as evidence against him. He was apparently told informally by an official that the reason for his lengthy prison sentence was his refusal to "co-operate" with the authorities, presumably referring to his refusal to make a televised "confession". His trial was grossly unfair. He did not have access to a lawyer during the entire investigative phase, even though he was repeatedly interrogated. His lawyer was allowed to appear only at his first trial session and, even then, he was not given permission by the court to represent his client. At trial, Hossein Ronaghi Maleki told the judge that he had been tortured in detention and that his "confessions" had been taken under duress. The court failed to order any investigations into his allegations of torture and other ill-treatment, with the judge apparently telling him that he had "deserved it". In November 2010, his conviction was upheld by Branch 54 of the Court of Appeal in Tehran, though he was informed in June 2015 that his sentence had been reduced to 13 years.

Hossein Ronaghi Maleki's parents have been targeted for harassment and intimidation by the Iranian authorities because of their activism on his behalf and told to stop their public campaigning for him. In July 2015, Branch 116 of the Criminal Court in Tabriz convicted Hossein Ronaghi Maleki's father, Ahmad Ronaghi Maleki, of "spreading lies in order to disturb public opinion" and sentenced him to four months' imprisonment. The trial took place without Ahmad Ronaghi Maleki's knowledge and in the absence of both him and any lawyer acting on his behalf. He only learned of his conviction and sentence when security officials went to his home to deliver the verdict in July 2015. On 23 February 2016, Branch 6 of the Court of Appeal in West Azerbaijan province ruled that, due to his age and poor health, his four-month sentence would be suspended for five years. The court also ruled that, for the period that his sentence is suspended, Ahmad Ronaghi Maleki must attend Friday prayers and provide evidence of his attendance to the Office for the Implementation of Sentences.

Article 502 of Iran's new Code of Criminal Procedure, which entered into force in June 2015, states that "whenever the convicted individual suffers from physical or mental illnesses and the implementation of the sentence would exacerbate the illness or delay the recovery, the judge overseeing the implementation of sentences shall, after obtaining the opinion of the Legal Medicine Organization, postpone the implementation until the time of the recovery." It further provides that in cases of *ta'zir* crimes (crimes for which fixed penalties are not provided in Islamic law), if there is no prospect of recovery and the judge overseeing implementation of sentences is satisfied that the convicted person is unfit to serve the sentence, the judge will refer the case to the court that originally issued the sentence to issue an alternative, appropriate sentence. Hossein Ronaghi Maleki's convictions are considered *ta'zir* "crimes".

Further information on UA: 236/13 Index: MDE 13/4205/2016 Issue Date: 7 June 2016