

URGENT ACTION

SICK ELDERLY IRANIAN ACTIVIST ON TRAVEL BAN

Elderly human rights defender Dr Mohammad Maleki, 84, is being prevented from leaving Iran to visit his children in the Netherlands and Canada. The authorities have placed him on a travel ban since 2011, in reprisal for his peaceful human rights activism. He suffers from several serious health problems and wants to be reunited with his family.

Dr Mohammad Maleki, a prominent 84-year old human rights defender, has been subjected to a travel ban by the Iranian authorities since 10 September 2011. He has a history of heart disease, diabetes, and prostate cancer. He has repeatedly tried to get his travel ban lifted so that he can visit his children who live in the Netherlands and Canada one last time as he fears he will soon be too ill to travel. His son in the Netherlands cannot travel to Iran as he would face a serious risk of arbitrary arrest and detention due to his dissident beliefs.

Dr Mohammad Maleki was placed on a travel ban in reprisal for his human rights activities including a letter he wrote to the UN Special Rapporteur on the situation of human rights in Iran in September 2011, detailing the torture to which he was subjected during his various periods of imprisonment between 1981 and 2009. Following enquiries made to the Office of the Prosecutor in Evin prison, he was informed in a hand-written note dated 24 December 2013 that his travel ban had been lifted. He subsequently applied to have his passport renewed in order to travel to the Netherlands to visit his son but the Passport Office in Tehran refused to issue him a passport. After months of being referred from one office to another, the Office of the Prosecutor told him in March 2015 that the order to deny him a passport had come from a body "further up", which he later learned was the Revolutionary Guards.

In another open letter to the UN Special Rapporteur on Iran in April 2015, Dr Mohammad Maleki wrote: "I have not committed theft, fraud or any other criminal offence. I have been deprived of my civil rights solely for my [political] beliefs ... and human rights activities... I wish to visit my son after seven years... This is the obvious right and the deep wish of every father." In July 2015, he began a weekly sit-in protest outside a state-affiliated building. He maintained the protest until November 2015 when his health declined and he could no longer continue.

Dr Mohammad Maleki is one of the founders of the Campaign for Step by Step Abolition of the Death Penalty, known by its Persian acronym, Legam. He regularly participates in gatherings held in solidarity with victims of human rights violations, and maintains contact with other human rights defenders as well as families of political prisoners.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- Lift the travel ban imposed on Dr Mohammad Maleki immediately and unconditionally, as he is being solely punished for the peaceful exercise of his human rights to freedom of expression, association and assembly;
- Respect the right of everyone to leave their country, as guaranteed under Article 12 of the International Covenant on Civil and Political Rights, to which Iran is a state party;
- Explicitly recognize the legitimate work of human rights defenders, and end the criminalization of peaceful activities that promote and defend human rights, including communication with UN human rights mechanisms.

Contact these two officials by 14 July, 2017:

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

Permanent Mission to the Islamic Republic of Iran to the United Nations
Mohammad Javad Zarif, Minister of Foreign Affairs
622 Third Avenue, 34th Floor, New York, NY 10017
Fax: (212) 867-7086 | Phone: (212) 687-2020
Email: iran@un.int
Salutation: Your Excellency

2) LET US KNOW YOU TOOK ACTION

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ADDITIONAL INFORMATION

Dr Mohammad Maleki was first arrested in July 1981 when he was the former chancellor of Tehran University at a time when the authorities launched the so-called Cultural Revolution to “Islamicize” universities and bring them under closer state control. He was initially sentenced to death but the sentence was later commuted to 10 years’ imprisonment. He was released in August 1986 after five years of imprisonment. In his 2011 letter to the UN Special Rapporteur on Iran, he described the different forms of torture, including beatings, flogging on the soles of the feet, suspension from the ceiling, and kicking on the head, which he suffered during this period.

He was arrested again in March 2001 and held for about six months in solitary confinement in Tehran’s Eshrat Abad prison, which is run by the Revolutionary Guards and which he described as “horrific”. He was subsequently given a suspended prison sentence of seven years on trumped-up national security-related charges stemming from his peaceful political activities with the banned political group Melli Mahzabi (National Religious Alliance). Dr Mohammad Maleki was rearrested in August 2009 as part of the crackdown that followed the 2009 presidential- election protests. This time, he was held in solitary confinement in Tehran’s Evin prison for three months. He was released on heavy bail in March 2010 due to his poor health in March 2010. He was sentenced to one year imprisonment in October 2011. Dr Mohammad Maleki was summoned twice to present himself to Evin prison in January and December 2012 to begin serving his sentence. On both occasions, he went to prison but the authorities did not imprison him and allowed him to remain at liberty on bail.

The travel ban imposed on Dr Mohammad Maleki since 2011 is in breach of both international law and Iran’s own domestic law. Article 247 of Iran’s 2015 Code of Criminal Procedure authorizes investigators working with the Office of Prosecutor to use a variety of measures, including travel bans, to prevent those accused of committing a crime from absconding or hiding. Article 248 of the code notes that a travel ban shall expire automatically after six months unless it is renewed. Article 250 of the code provides that the measures adopted to address the risk of flight must be “supported by reasons” and “proportionate to the nature and significance of the crime, the severity of the penalty, the [weight of] evidence [against the accused], the risk of flight and loss of the traces of the crime, and the accused’s criminal record, mental and physical state, age, gender, personality and reputation.” These legal requirements have been violated in the case of Dr Mohammad Maleki; the travel ban against him has been enforced for over five years without any reasons provided and in the absence of a pending criminal investigation.

In September 2016, Dr Mohammad Maleki submitted a complaint to the judge presiding over Branch 28 of the Revolutionary Court, asking him to either nullify the travel ban unlawfully imposed on him or order that he be summoned to prison if he is the subject of any criminal proceedings. The judge rejected the request without providing any reasons.

According to Article 12 of the International Covenant on Civil and Political Rights, to which Iran is a state party, “[e]veryone shall be free to leave any country, including [their] own.” The same article notes that this right “shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.”

Name: Dr Mohammad Maleki

Gender m/f: m

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