

URGENT ACTION

IRANIAN MUSICIANS, FILMMAKER AT RISK OF ARREST

Iranian musicians Mehdi Rajabian and Yousef Emadi, and filmmaker Hossein Rajabian, have had their prison sentences upheld by an appeal court in Tehran. They are at imminent risk of arrest. If jailed, they will be prisoners of conscience.

Filmmaker **Hossein Rajabian**, his brother **Mehdi Rajabian** and **Yousef Emadi**, both musicians, all sentenced to six years' imprisonment and fined 200 million Rials (about US\$6,625) on charges related to their artistic work, are at risk of arrest, as the Court of Appeal in Tehran has upheld their prison sentences. The men were told on 28 February that the appeal court had ruled they must serve three years of their six-year prison sentence. The court suspended the rest for a period of five years, conditional on their "good behaviour". Their case is now before the Office for the Implementation of Sentences, so they could be arrested and imprisoned at any time.

Hossein Rajabian, Mehdi Rajabian and Yousef Emadi had been convicted of "insulting Islamic sanctities", "spreading propaganda against the system" and "illegal audio-visual activities", after a three-minute trial on 26 April 2015 before Branch 28 of the Revolutionary Court in Tehran. The charges had arisen from their artistic work, including Hossein Rajabian's feature film dealing with women's right to divorce in Iran and Mehdi Rajabian and Yousef Emadi's distribution of unlicensed music by Iranian singers from outside the country, some of whose lyrics and messages are political or cover taboo subjects. The men have been out on bail since December 2013. Before that, they were held for two months in solitary confinement, where they have said they were subjected to beatings and electric shocks to make video "confessions". Their "confessions" were used as evidence against them to secure their convictions even though they told the judge that they were obtained through torture and other ill-treatment. They have had no access to a lawyer at any stage of their arrest, detention, trial or appeal.

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

- Calling on the Iranian authorities to quash the convictions of Mehdi Rajabian, Hossein Rajabian and Yousef Emadi as they arise solely from the men's peaceful exercise of their rights to freedom of expression and association through music and film;
- Urging the authorities to order a prompt, independent, and impartial investigation into their torture and other ill-treatment allegations, and bring to justice anyone found responsible in a trial that meets international fair trial standards;
- Expressing concern that Revolutionary Court hearings continue to be seriously flawed and do not meet international fair trial standards;
- Reminding them that Article 19 of the International Covenant on Civil and Political Rights, to which Iran is a state party, protects the right to freedom of expression, including in the form of art.

PLEASE SEND APPEALS BEFORE 15 APRIL 2016 TO:

The Office of the Supreme Leader
Ayatollah Sayed 'Ali Khamenei
Islamic Republic Street- End of Shahid
Keshvar Doust Street
Tehran, Islamic Republic of Iran
Email: via website
<http://www.leader.ir/langs/en/index.php?p=letter>
Twitter: @khamenei_ir (English)
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadeq Larijani
c/o Public Relations Office Number 4,
Deadend of 1 Azizi
Above Pasteur Intersection
Vali Asr Street
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
Salutation: Your Excellency

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

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 41/16. Further information:

<https://www.amnesty.org/en/documents/mde13/3506/2016/en/>

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ADDITIONAL INFORMATION

Hossein Rajabian, Mehdi Rajabian and Yousef Emadi were arrested, tasered, and blindfolded by Revolutionary Guards officials on 5 October 2013 while they were working in their office in the northern city of Sari, Mazandaran Province. For the next 18 days, they were held at an unknown location where it is believed they were tortured or otherwise ill-treated, including by electric shocks. They were then held in solitary confinement in Section 2A of Tehran's Evin Prison, which is under the control of the Revolutionary Guards, where they were detained for the next two months. Their interrogators apparently pressured them into making video "confessions", threatening them with life in jail if they failed to do so. All three were released on bail in December 2013. At their appeal hearing, the judge told them that having a lawyer was "pointless".

For most of the time they were detained, Hossein Rajabian, Mehdi Rajabian and Yousef Emadi were held incommunicado. In the last few weeks, and after they had been forced to "confess" in front of a video camera, they were allowed short intermittent calls with their families. Ten days after their three-minute long trial on 26 April 2015, they were told the verdict had been issued and they should go to the courthouse to read it. They were each sentenced to five years' imprisonment for "insulting Islamic sanctities", one year imprisonment for "spreading propaganda against the system", and fined 200 million Rials for "illegal audio-visual activities". They were not given the written judgement, but were told by a court clerk they had 20 days to lodge an appeal, which they did without the assistance of a lawyer. They represented themselves during their appeal hearing on 22 December 2015, as they were told by the presiding judge that they were not entitled to have a lawyer present. At both trial and appeal, the men told the presiding judges that their "confessions" had been extracted under torture and other ill-treatment while they were held incommunicado. The investigator at the Office of the Prosecution in Evin Prison told them that being tortured in the city of Sari was irrelevant in Tehran. The presiding judge at their appeal hearing before the Court of Appeal in Tehran warned them against talking about their torture and other ill-treatment allegations and threatened to give them harsher sentences if they did so. Mehdi Rajabian suffered a seizure following beatings while he was detained in Sari and has suffered more seizures since. Following his release, he was diagnosed with epilepsy and has been taking daily medication to treat the condition.

Mehdi Rajabian is the founder of the Iranian website Barg Music, which was launched in 2009 and distributed unlicensed music. In Iran, only music that passes official censors receives licenses, and musicians without licences operate underground. Barg Music distributed Persian-language music by Iranian singers from outside the country, some of whose lyrics and messages are political or cover taboo social subjects. They include famous Germany-based Iranian rapper Shahin Najafi whose 2012 song referencing a Shi'a religious figure caused such controversy that some Iranian clerics issued fatwas calling him an "apostate", which is considered punishable by death under Iranian law. The Barg Music website had apparently attracted 300,000 visitors a day and had exclusive contracts with Iranian artists who mentioned the website's name in their videos. Mehdi Rajabian had been recording the history of an Iranian musical instrument called setar when he was arrested. The arresting officers searched his studio, confiscating his recordings and other materials related to this project. Hossein Rajabian was arrested after making his first feature film, called "Inverted Triangle", about women's right to divorce in Iran. The arresting officials confiscated all the materials related to the film. The film has not been allowed to be broadcast. Mehdi Rajabian and Yousef Emadi have been accused of broadcasting the voices of female singers, as well as those of "anti-Islamic Revolution" singers. The Iranian authorities place restrictions on female singers, with a ban on women singing solo in front of men. Conservative clerics say that women's voices have the potential to trigger immoral sensual arousal. In February 2015, conservative cleric Grand Ayatollah Hassan Nouri Hamedani said "We will stop any film, book, or music that is anti-Islamic and anti-revolutionary...No action can normalize women's singing, and we will stop it."

Names: Mehdi Rajabian, Hossein Rajabian, Yousef Emadi

Gender m/f: m

Further information on UA: 41/16 Index: MDE 13/3563/2016 Issue Date: 4 March 2016