

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

REFERENCE: UA Iran (2011-16) G/SO 214 (33-27) G/SO 214 (53-24)  
IRN 15/2012

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 19/12, 17/5, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the imminent execution of two individuals Mr **Saeed Sedeghi** and Ms **Safieh Ghafouri**.

According to information received:

On 29 November 2011, Mr Saeed Sedeghi, was arrested along with three other men in Tehran for drug trafficking. He has been held in the Kahrizak detention centre, in southern Tehran, since his arrest and has reportedly been tortured and mistreated, which resulted in bodily injuries, including the loss of several teeth.

On 26 May 2012, the trial of Mr Sedeghi was held in Tehran's Revolutionary Court, where he was reportedly represented by a state-appointed lawyer. His lawyer did not have access to Mr Sedeghi's case file before the proceedings. It is further reported that Mr Sedeghi and his lawyer had not been in contact before the trial. On 2 June 2012, Mr Sedeghi was sentenced to death for his participation in the purchase and possession of 512 kilograms of methamphetamine. Furthermore, Mr Sedeghi was also sentenced to 20 lashes for possessing 21 grams of opium and marijuana and was ordered to pay a fine equivalent to \$163. It is feared that authorities may carry out the death sentence at any moment since he has no substantive right to appeal.

In addition, Ms Maryam (legal name: Safieh Ghafouri), a 28-year-old woman convicted of murder in 2006, is reportedly in imminent danger of being executed in Adel Abad prison in Shiraz. Authorities have scheduled the execution of Ms Maryam three times already. Most recently she was granted a 10-day stay of execution, which expired on 10 June 2012 with the aim of seeking the consent of the victim's family. In parallel, Ms Maryam's case has been accepted on appeal by the Supreme Court, but the Court stressed that it will not hear the appeal unless its Chief Justice, Mr Sadegh Larijani agrees to it. There has been no indication that either the family has given its consent to the sentence, or that Mr Larijani has taken action to stay the execution order. As a consequence, Ms Maryam may be executed at any time.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to life, physical and mental integrity of the above-mentioned persons. Concern is meanwhile expressed that the sentencing to death of these persons may not be in compliance with international human rights law.

With respect to the information received on the fact that Mr Sedeghi was sentenced to death for purchasing and possessing drugs, we would like to respectfully remind your Excellency's Government that, although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. As such, it must be interpreted in the most restrictive manner and can be imposed only for the most serious crimes. In this respect, we would like to recall that article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 24 June 1975, provides that "in countries which have not abolished the death penalty", the "sentence of death may be imposed only for the most serious crimes". In interpreting article 6(2) of the Covenant, the Human Rights Committee has consistently rejected the imposition of a death sentence for offences that do not result in the loss of life, finding only cases involving murder not to raise concerns under the most serious crimes provision.

Furthermore, regarding the information on the lack of access of the lawyer to Mr. Sedeghi and his file before the proceedings, the absence of a right to appeal in his case, as well as on the appeal filed with the Supreme Court on the case of Ms. Maryam, we would like to refer to the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty. In particular, Safeguard 5 provides that "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings." Safeguard 6 further states that "Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory". Finally, Safeguard 8 stipulates that capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence. By consequence, only full respect for

stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from a summary execution, which by definition violates human rights standards.

We should also like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of the persons named above. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights (UDHR) and the ICCPR.

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide detailed information on each stage of judicial proceedings in both cases and indicate how they comply with the requirements and guarantees of fair trial and due process as enshrined in article 14 of the ICCPR, the Basic Principles on the Role of Lawyers, and the Safeguards Protecting the Rights of those Facing the Death Penalty. Please explain how the international human rights law provisions on the imposition of the death penalty for the most serious crimes were respected in the case of Mr Sedeghi.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response and before any irreversible actions are taken, we urge your Excellency's Government **not to execute the abovementioned persons** and to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed  
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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