

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 22/20, 25/18, 25/24, and 25/13.

In this connection, we would like to draw the attention of your Excellency's government to information we have received regarding **the physical and psychological torture and ill-treatment, including prolonged solitary confinement, the denial of adequate medical care, and introduction of new charges against Dr. Mohammad Ali Taheri, the founder of a spiritual group called Erfan-e-Halgheh (inter-universalism), and the re-arrest of Mr. Mohammad Reza Pourshajari, a blogger in Iran.** The introduction of new charges against Dr. Taheri and re-arrest of Mr. Pourshajari are alleged to be in reprisal for their cooperation with the United Nations human rights mechanisms. Dr. Taheri and Mr. Pourshajari were already the subject of urgent appeals we sent on 10 July 2013, 22 August 2013 and 24 March 2014 and we are grateful for the reply provided in relation to the case of Dr. Taheri on 12 February 2014.

According to information received:

Mohammad Ali Taheri

Dr. Mohammad Ali Taheri, honorary doctor, author of alternative medicine theories diffused both in Iran and abroad; and the founder of Erfan-e-Halgheh (inter-universalism) faces a very high risk of dying in detention and requires urgent medical attention. Around 25 October 2014, Dr. Taheri embarked on a hunger strike to protest against his continuous incarceration in solitary confinement, the introduction of new charge *Mofsid fil Arz* (corruption on earth) against him that could lead to his execution and also the religious fatwa that order the killing of apostates. He reportedly maintained that he would not drop his hunger strike until the new charges are dropped and his prison condition is improved. He has been in and out of consciousness during the hunger strike but since 15 November 2014, he has become unconscious. He is reportedly kept in Evin Prison clinic, where essential health care facilities and equipment is lacking. This is his 10th hunger strike since his arrest.

Dr. Taheri, who was arrested on 4 May 2011, is currently serving his prison sentence. In October 2011, he was reportedly sentenced to five years imprisonment, seventy-four lashes and a fine of nine billion rials for allegedly insulting Islamic sanctities. He has been serving his prison sentence entirely in solitary confinement and was allegedly subjected to torture, punching, kicking, being presented with false death sentences and mock execution.

In June 2014, the pressure on him and his family reportedly intensified after Dr. Taheri's letter addressed to the Special Rapporteur on the situation of human rights in Iran was published in media outlets. In the letter, Dr. Taheri described the human rights violations that occur in Iranian prisons. Following the publication of the letter on 2 July 2014, the authorities reportedly arrested his wife for a period of two weeks. She was released after acquiring her pledge of maintaining silence. His letter has reportedly been the trigger for the Government to introduce new charges against Dr. Taheri.

Mohammad Reza Pourshajari

Mr. Mohammad Reza Pourshajari, also known by his pen name Siamak Mehr, was released on 23 August 2014, after serving his four-year jail term for propaganda against the State, insulting the Supreme Leader and defamation of Islam. On 30 September 2014, security forces arrested him in Orumieh. He was held in solitary confinement for 14 days, where he was allegedly subjected to prolonged and harsh investigation and psychological mistreatment.

On 14 November 2014, after spending 14 days in Orumieh, Mr. Pourshajari was transferred to Karaj Prison, where he is currently being held and awaiting a court trial on charges of acts against national security, propaganda against the system, attempts to leave the country illegally, contacts with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, contacts with anti-revolutionary and Zionist organisations and individuals. He had not engaged in

any blogging or other activities after his release and was allegedly interrogated about the human rights work of his daughter.

Grave concerns are expressed at the alleged physical and psychological torture and ill-treatment, including prolonged solitary confinement. Moreover, concerns are expressed that the introduction of new charges against Dr. Mohammad Ali Taheri might constitute acts of reprisals for his letter addressed to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. Further concerns are expressed at the alleged denial of adequate medical attention for his urgently deteriorating health condition. Furthermore, the arrest of Mr. Mohammad Reza Pourshajari might constitute retaliation against him for his alleged contact with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the human rights work of his daughter.

Without expressing at this stage an opinion on the facts of the case of Dr. Taheri and Mr. Pourshajari, and on whether their detention is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

While we do not wish to prejudge the accuracy of the allegations on whether Dr. Taheri received adequate healthcare and attention, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his fundamental human rights, including access to adequate health care.

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the rights to freedom of religion or belief and freedom of expression, as recognized in articles 18 and 19 of the UDHR and ICCPR.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as codified, inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

Moreover, we would like to draw the attention of your Excellency's Government to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, which states that any imposition of solitary confinement beyond 15 days constitutes torture or cruel, inhuman or degrading treatment or punishment[...].

We would like to recall article 12 of the International Covenant on Economic, Social and Cultural Rights which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation

on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

We also underline the need to adhere to Rules 22(2) and 25(1) of the Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council. Furthermore, the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111 provide that prisoners should have access to the health services available in the country without discrimination based on their legal situation (see Principle 9).

We also wish to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 6.

We would further like to refer to Human Rights Council resolution 12/2 that, *inter alia*, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights”, and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights”.

Furthermore, Human Rights Council resolution 24/24 calls on States to ensure adequate protection from intimidation or reprisals for cooperation with the United Nations, its mechanism and representatives in the field of human rights.

Finally, the 2014 report of the Secretary-General reiterates the Secretary-General’s “firm position that any act of intimidation or reprisal against individuals or groups, or anyone linked to them, for cooperating with the United Nations, its representatives and mechanisms in the field of human rights is unacceptable and must be stopped.” (para. 48, A/HRC/27/38).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the case of Dr. Taheri. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information on the legal and other grounds invoked for keeping Dr. Taheri in solitary confinement.
5. Please provide information on the steps taken to investigate, prosecute and punish the alleged incidents of torture and ill-treatment.
6. Please state the measures taken to ensure that Dr. Taheri is provided with adequate medical attention, care and treatment.
7. Please provide information concerning the legal grounds for the arrest and detention of Mr. Pourshajari and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
8. Please provide details of how the prosecution, imprisonment and sentencing of Dr. Taheri and Mr. Pourshajari are in compliance with international human rights law, in particular with the rights to freedom of religion and belief and freedom of expression.
9. Please provide the full details of any measures taken to prevent acts of intimidation or reprisals against Mr. Pourshajari and Mr. Taheri for their legitimate activities in the promotion of human rights, including for their cooperation with the United Nations human rights mechanisms.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Michel Forst
Special Rapporteur on the situation of human rights defenders

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

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment