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

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

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

**Mandate of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other  
cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA G/SO 214 (53-24) G/SO 218/2  
CYP 2/2012

30 May 2012

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolution 15/18 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 situation of Mr. **Morteza Kazemian** and his family, who are facing imminent deportation to the Islamic Republic of Iran.

According to the information received:

On an unknown date, Mr. Morteza Kazemian, 46, a resident of the Islamic Republic of Iran, had reportedly been subjected to harassment and other forms of persecution by an alleged member of the Iranian Intelligence Service. It is also reported that Mr. Kazemian was reportedly arrested by members of the Service, blindfolded and taken to an unknown location where he was held for several days. He was allegedly beaten while detained. In 2006, Mr. Kazemian managed to escape from detention and fled to Cyprus with his wife, Ms. Soheila Sadeghdooost, 46, and their two children, Ms. Marjan Kazemian, 21, and Mr. [REDACTED], 15.

After having his application for asylum rejected by the immigration authorities of Cyprus, and following several attempts to secure the necessary documents to further support his asylum application, on an unknown date, Mr. Kazemian was provided with a letter informing him and his family to leave the country within 75 days of receiving the letter and threatening them with deportation to the Islamic Republic of Iran if they continued to stay in Cyprus. Fearing deportation, Mr. Kazemian had subsequently sent his wife and daughter to the United Kingdom hoping to reunite with the family at a later stage. It is reported that Mr. Kazemian and his son were later arrested by the members of police in Cyprus and taken to Larnaca detention center. His wife and daughter were also sent back to Cyprus from the United Kingdom and arrested upon

their return on 20 February 2012. Ms. Soheila Sadeghdoost and Ms. Marjan Kazemian are currently detained in Larnaca detention center and are reportedly facing imminent deportation to the Islamic Republic of Iran. It is reported that Mr. Kazemian and his family members are forced to sign a letter giving their consent to be deported back to the Islamic Republic of Iran.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons 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).

We should also like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case 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 UDHR, the ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

We would further like to draw your Excellency's Government's attention to article 3 of the CAT, which provides that no State party shall expel, return ("refouler"), or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. In this regard, paragraph 9 of General Comment 20 on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in which the Human Rights Committee states that State parties "must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement". Furthermore, paragraph 9 of the Resolution A/RES/61/253 of the UN General Assembly urges States "not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture".

Furthermore, paragraph 6d of Human Rights Council Resolution 8/8 urges States not to expel, return (refouler), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture and; the Council recognizes in this respect that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement.

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 person 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 summary of the case accurate?
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 and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information concerning the legal ground for forcibly return asylum-seekers to the Islamic Republic of Iran and how these measures are compatible with international obligations of Cyprus as stated in the International Covenant on Civil and Political Rights and the Convention against Torture.
5. Please provide details on whether any risk assessment was carried out by Cyprus authorities to ascertain whether Mr. Morteza Kazemian and his family would be subjected to torture or other cruel, inhuman or degrading treatment or punishment.
6. Please provide information concerning the legal grounds for the arrest and detention of Mr. Kazemian and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

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

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

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