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PROCEDURES SPECIALES DU
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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the 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 the situation of human rights defenders; 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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IRN 11/2011

27 September 2011

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 the situation of human rights defenders; 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 pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/4, 16/5, 16/9 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 arrest and detention of **Mr. Abdolfattah Soltani**, a prominent human rights lawyer in the Islamic Republic of Iran and co-founder of the Defenders of Human Rights Centre (DHRC).

Mr. Soltani has been the subject of several urgent appeals and letters of allegation dated 4 August 2005, 14 December 2005, 31 March 2006, 8 August 2006, 11 August 2006, 15 November 2007, 12 November 2008, 18 June 2009, 10 July 2009, 16 July 2009, and 19 November 2010. We thank your Excellency's Government for responses to those allegations provided on 22 August 2005, 3 April 2006, 8 September 2006, 7 February 2008, 6 May 2010, and 7 October 2010.

According to the new information received:

On 10 September 2011, Mr. Abdolfattah Soltani was arrested in the corridors of the Islamic Revolutionary Court in Tehran by security agents allegedly holding an arrest warrant. Mr. Soltani was subsequently escorted to his law office then his home, where the police officers confiscated computers and several of his personal and family documents. The agents reportedly did not have any warrants to authorize the search of Mr. Soltani's office and home.

Mr. Soltani was subsequently placed in solitary confinement at the Ministry of Intelligence's Section 209 of the Evin prison. Reportedly, his lawyer has not yet been informed of the charges against Mr. Soltani.

Mr. Soltani has represented political and human rights activists, including Akbar Ghanji, Zahra Kazemi, Zahra Baniyaghoub, Nasrin Sotoudeh and Haleh Esfandiari.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of Mr. Abdolfattah Soltani.

We express concern is expressed at the allegation that Mr. Soltani's arrest and detention may be directly linked to his right as a human rights lawyer in the Islamic Republic of Iran to offer legal assistance.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Soltani is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his 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 article 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We would like to draw the attention of your Excellency's Government to paragraph 6 of General Comment No. 20 of the Human Rights Committee. It states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 [on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment] of the ICCPR (adopted at the 44th session of the

Human Rights Committee, 1992). In this regard, we would also like to draw your Excellency's Government's attention to article 7 of the Basic Principles for the Treatment of Prisoners, which provides that "efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged" (adopted by the General Assembly by resolution 45/111 of 14 December 1990).

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 9, para. 3, point c) which provides that everyone has the right, individually and in association with others to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats,

retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Abdolfattah Soltani 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.

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 Mr. Abdolfattah Soltani 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 this case accurate?
2. Has a complaint been lodged by or on behalf of Mr. Soltani in relation to the recent allegations?
3. Please provide the details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to the recent allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide details of any legal basis for the arrest and detention of Mr. Soltani and how this is compatible with the provisions of the International

Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the Declaration on Human Rights Defenders.

5. Please indicate what measures have been taken to ensure that the physical and mental integrity of Mr. Soltani is guaranteed, particularly given that he has been placed in solitary confinement.

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.

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

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

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Margaret Sekaggya
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