

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 promotion and protection of the right to freedom of opinion and expression; 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

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SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 16/4, 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 case of Mr. **Gholamreza Khosravi Savadjani**, who is reportedly scheduled to be executed on 10 September 2012, in Iran.

According to information received,

Mr. Gholamreza Khosravi Savadjani, aged 50, was arrested in 2008 in Rafsanjan, Kerman Province, in connection with his alleged support of the Sima-ye Azadi (Voice of Freedom) television station. The Sima-ye Azadi television station allegedly supports the People's Mojahedin Organization of Iran (PMOI), an opposition group banned in Iran. Mr. Gholamreza Khosravi Savadjani was consequently sentenced to six-year imprisonment in 2008.

Another charge, of "enmity against God" (moharebeh), was brought against him in November 2009 for his alleged ties to the PMOI, under which he was sentenced to death in 2010 by Branch 26 of the Revolutionary Court. Following these further legal proceedings, including two retrial proceedings, the Supreme Court confirmed the sentence on 21 April 2012.

It is reported that Mr. Gholamreza Khosravi Savadjani was informed in July 2012 that his death sentence will be implemented on 10 September 2012.

Furthermore, it is alleged that, after his arrest in 2008, Mr. Gholamreza Khosravi Savadjani was held in a detention facility of the Ministry of Intelligence in Kerman, where he was reportedly subjected to torture or ill-treatment as a consequence of his alleged refusal to make a confession. Mr. Gholamreza Khosravi Savadjani has reportedly spent over 40 months in solitary confinement in various detention centres since his arrest in 2008, including in Section 240 of Evin Prison. Since July 2011, he has been held in Tehran's Evin Prison.

Without prejudging the accuracy of the information made available to us, we would like to express concern that the death penalty may be imposed on Mr. Gholamreza Khosravi Savadjani on charges of crimes that are not considered as most serious crimes under international human rights law. We are also concerned about the information received that the said person has been subjected to torture or ill-treatment while in detention.

We would like to respectfully remind your Excellency's Government that "in countries which have not abolished the death penalty", the "sentence of death may be imposed only for the most serious crimes" in accordance with Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency's Government ratified on 24 June 1975. In interpreting article 6(2) of the Covenant, the United Nations 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. Offences such as moharebeh do not meet the threshold of "most serious crimes".

Furthermore, 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 ICCPR.

With respect to the allegation indicating that Mr. Gholamreza was subjected to torture or ill-treatment as a consequence of his alleged refusal to make a confession, 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."

We also recall that paragraph 6c of Human Rights Council resolution 8/8 of 2008 urges States "to ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". In addition to being a crucial fair trial guarantee, this principle is also an essential aspect of the non-derogable right to physical and mental integrity set forth, inter alia, in Article 7 of the ICCPR.

We would also like to draw your Excellency's Government's attention to paragraph 6 of General Comment 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 International Covenant on Civil and Political Rights (adopted at the 44th session of the Human Rights Committee, 1992). In this regard, we would also like to draw your 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 ICCPR, 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.”

In view of the urgency of the matter, we call on your Excellency’s Government not to execute Mr. Savadjani which, if carried out, would be inconsistent with acceptable standards of international human rights law. Furthermore, 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. Please indicate the specific crimes that Mr. Gholamreza Khosravi Savadjani has been found guilty of and the legal basis of the death sentence imposed against him. Please indicate how this is compatible with international human rights law, specifically with the requirement in article 6(2) of the ICCPR.
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 allegations of torture or ill-treatment in this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information on the measures undertaken to ensure that any statement or confession obtained under torture is excluded from judicial proceedings.
5. Please provide information on steps undertaken by your Excellency’s Government to abolish the use of solitary confinement as a disciplinary measure.

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.

We further urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Gholamreza Khosravi Savadjani 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.

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

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