

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 the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

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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 the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 24/7, 25/2, 25/24, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the cases of Mr. **Arzhang Davoodi**, who was recently sentenced to death on the charge of "enmity against God", and the recent report about the detention of four journalists, including Mr. **Jason Rezaian** and Ms. **Yaganeh Salehi**, under unknown charges.

According to information received:

On 20 July 2014, Mr. Arzhang Davoodi learned that he was sentenced to death by the Revolutionary Court of Karaj on a charge of "enmity against God" (*moharebeh*), reportedly based on his alleged membership and support of the banned group, People's Mojahedin Organization of Iran (PMOI). Mr. Davoodi's purported connections to the PMOI was reportedly based on an allegation that he referred to the group as *Mojahedin*, rather than the term *Monafedhin*, which is used by the authorities. This sentence was imposed despite a reported lack of evidence and trial proceedings falling short of international standards. Mr. Davoodi presented his defense to the Revolutionary Court in Bandar Abbas. He was reportedly allowed less than an hour to raise his arguments. His statement was then transmitted to the Revolutionary Court of Karaj, which handed down the death sentence, in a session that neither he nor his lawyer were present.

Mr. Davoodi was the subject of a communication sent to the Islamic Republic of Iran on 18 June 2008. He was imprisoned since 9 November 2003 and was transferred to different facilities multiple times. He is currently detained at the Central Prison of Bandar Abbas. Upon his arrest, Mr. Davoodi was reportedly held in an undisclosed location for 10 days in which he was allegedly tortured and mistreated. He was relocated to Evin Prison where he was held in solitary confinement for 109 days, and was reportedly again tortured and did not have access to a lawyer or his family. In March 2005, Mr. Davoodi was initially sentenced to 15 years imprisonment, which was subsequently increased to 25 years, on charges of “spreading propaganda against the system” and “establishing and directing an organization opposed to the government”. These charges were allegedly in connection with his position as Director of the Parto-e Hekmat Cultural Education Centre in Tehran, to his participation in the documentary *Forbidden Iran*, and his writings regarding governance in the country. Upon appeal, this sentence was reduced to 10 years, which he completed serving in September 2013. However, the charge of “enmity against God” was brought against him on 28 August 2012 by Branch 15 of the Revolutionary Court in Tehran.

On 14 May 2014, Mr. Davoodi was sentenced by the Revolutionary Court in Tehran to an additional two years’ imprisonment on a charge of “insulting the Supreme Leader”, based on a phrase he allegedly wrote on a prison bathroom wall. Over the course of Mr. Davoodi’s incarceration, it was reported that he has suffered from multiple incidents of ill-treatment in which he sustained injuries to his eye, eardrum, teeth, shoulder and knee.

Of additional concern is the recent report about the detention of four journalists on the evening of 22 July 2014. These individuals include Mr. **Jason Rezaian**, a journalist with the *Washington Post* and an Iranian-US citizen; his wife Ms. **Yaganeh Salehi**, a correspondent for *The National*, and two other US citizens. The basis for their detention remains unclear; whether they have been charged, and if they have been permitted access to legal representation or other procedural guarantees. It was reported that these detentions come in the wake of intensified prosecution of journalists in the country over the last two months.

While we do not wish to prejudge the accuracy of these allegations, we would like to express concern that Mr. Davoodi has been sentenced to death on charges of “enmity against God”, which may not be considered as a “most serious crime” under international law. Concern is also expressed that Mr. Davoodi was not provided with all the necessary guarantees of due process and the right to a fair trial.

Without making any judgment as to the accuracy of the information made available to us, the above allegation concerning the imposition of the death sentence against Mr. Arzhang Davoodi appear to be in contravention of the right of every individual to life and security and not to be arbitrarily deprived of his life, as set forth in articles 3 of the Universal Declaration of Human Rights (UDHR) and 6(1) of the

International Covenant on Civil and Political Rights (ICCPR), which your Excellency's Government has ratified on 24 June 1975.

We would like to draw the attention of your Excellency's Government attention to article 6(2) of the ICCPR which states that the sentence of death may be imposed only for the most serious crimes. The UN Human Rights Committee has interpreted this to mean that the death penalty must be an "exceptional measure and should not be used on non-violent crimes" (Communication No. 838/1998, 20 December 2002, paras. 6.3,7). The Human Rights Committee also noted that the imposition of the death penalty for crimes that do not result in the loss of life is incompatible with the Covenant (CCPR/C/79/Add.25).

Furthermore, article 6.4 of ICCPR establishes that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. In addition, according to article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty, capital punishment may only be imposed following trials that scrupulously respect the guarantees of due process and fair trial as stipulated in international human rights law.

According to article 287 of the Islamic Republic of Iran's Penal Code that went into effect in May 2013, individuals convicted of "enmity against God" may be sentenced to death, but only if they have personally used weapons against the state. Based on the alleged evidence provided, mere membership or support of an organization purported to have use arms against the state, does not attain the Code's definition as a crime liable for the penalty of death. Further, article 15(1) of the ICCPR guarantees that a person convicted of an offense must benefit when a change of the law imposes a lighter penalty for that offense.

While we do not wish to prejudge the accuracy of these allegations and without expressing an opinion on whether the detention of Mr. Arzhang Davoodi, Mr. Jason Rezaian, Ms. Yaganeh Salehi and the two other persons is arbitrary or not, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of their liberty as set forth in article 9 of the UDHR and article 9 of the ICCPR, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR.

We would also like to refer to your Excellency's Government to 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."

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 irreversibility of the punishment of death penalty, we urge your Excellency's Government to take all steps necessary to prevent the execution of Mr.

Arzhang Davoodi. If carried out, these executions would be inconsistent with international human rights law. As a State Party of the ICCPR, your Excellency's government has the obligation to protect all individuals' right to life and their right not to be arbitrarily deprived of their life.

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?
3. Please provide information concerning the legal grounds for the arrest and detention of Mr. Arzhang Davoodi; Mr. Jason Rezaian; Ms. Yaganeh Salehi and the other persons and how these measures are compatible with international norms and standards as stated, *inter alia*, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
4. Please provide information concerning the legal grounds for the imposition of the death penalty against Mr. Davoodi, and indicate how they comply with international human rights laws prohibiting arbitrary imposition and implementation of capital punishment.
5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
6. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
7. Please indicate any remedial action taken vis-à-vis the victim or his/her family.

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.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue in question.

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
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freedom of opinion and expression

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