

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

REFERENCE: AL G/SO 218/2 Cultural rights (2009) G/SO 214 (67-17) IRN 2/2013

16 January 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolution 19/6 and 16/4.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged imprisonment of Mr. **Arya (Mohammad) Aramnejad**, for songs critical of the Government released on the Internet since 2010.

According to the information received:

On 15 February 2010, Mr. Arya Aramnejad, 28 years old, was arrested for the first time by Security forces after releasing a song criticizing the Government for its action against the opposition during the presidential elections of 2009. Allegedly, Mr. Aramnejad spent 45 days in solitary confinement. It is reported that Mr. Aramnejad, who was not represented by any lawyer, was later sentenced to six months imprisonment, a term he served from November 2011 until April 2012. During his detention, Mr. Aramnejad was allegedly mocked, humiliated, insulted and led to believe that he would be hanged by prison guards. Mr. Aramnejad was also reportedly severely beaten when he asked to see a doctor due to his genetic heart condition.

According to information, a second court case was opened against the singer for songs he had released on the Internet since 2010, expressing support to the Green Movement. Courts hearing were held in January 2012, and Mr. Aramnejad was

convicted for “propaganda against the state system” and was sentenced to one year of imprisonment. He was not represented by any lawyer.

In December 2012, we received information according to which Mr. Aramnejad’s one year sentence was subsequently changed to a 91 day sentence, and that he was expected to present himself to the Babol prison (Mari Kala Babol), where he is currently detained, to serve this 91 day prison term.

Concern is expressed that the arrest, detention and sentencing of Mr. Arya Aramnejad may be solely related to the exercise of his right to freedom of artistic expression. Further serious concern is expressed that Mr. Arya Aramnejad, who has a genetic heart condition, may experience further ill-treatment.

Without expressing at this stage an opinion on the facts of the case we would 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 your Excellency’s Government ratified on 24 June 1975, 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.”

Furthermore, we would like to refer your Excellency’s Government to article 15 of International Covenant on Economic, Social and Cultural Rights recognizing the right of everyone to take part in cultural life. Under this provision, States Parties have undertaken to respect the freedom indispensable for scientific research and creative activity.

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. Arya Aramnejad 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:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by Mr. Arya Aramnajed or on his behalf?
3. Please provide the details of the judicial proceedings against Mr. Arya Aramnejad and the legal basis upon which he was sentenced, and explain how these are

compatible with the international norms and standards on the right to freedom of opinion and expression, the right to take part in cultural life and the freedom indispensable for creative activities.

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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Arya Aramnejad 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.

Farida Shaheed
Special Rapporteur in the field of cultural rights

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