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HAUT COMMISSARIAT DES NATIONS UNIES
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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief;
and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UA G/SO 218/2 G/SO 214 (56-23) Iran (2011-16)
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16 April 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 15/18, 14/11, and 19/12.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the deteriorating state of health of Mr **Kasra Nouri** and Mr **Saleheldin Moradi**, who have reportedly been on hunger strike since 16 January 2013 and are being kept alive through intravenous drip.

According to information received:

Mr Kasra Nouri and Mr Saleheldin Moradi, both members of the Nematollahi Gonabadi Dervish religious order, held at Adelabad prison-Shiraz, have reportedly been on hunger strike since 16 January 2013, having switched to a dry hunger strike on 21 March 2013. Mr Moradi was reportedly detained on 7 September 2011 at his Shiraz residence and is facing charges related to propaganda against the state; acting against national security and membership in the Majzooban Noor group (a news agency that reports on human rights violations against Dervishes). His case is ongoing and currently before Branch 2 of the Revolutionary Court in Shiraz.

Mr. Nouri was first arrested on 11 January 2012, at his residence in Shiraz and charged with disturbing public opinion, publicizing false information and membership in the Majzooban Noor group. Branch 106 of the Criminal Court of Shiraz reportedly sentenced him to a one-year suspended prison term, which was appealed. The status of the appeal is unknown; he was temporarily released on bail for 500 million rial. He was however rearrested on 14 March 2012, and charged with propaganda against the State in the interest of foreigners, communication and interviewing with foreign media, disturbing public opinion

and publicizing false information and membership in the Majzooban Noor group. Branch 3 of the Revolutionary Court of Shiraz sentenced him to four -and-a-half years in prison. On 1 April, Mr Nouri was reportedly transferred to a Ministry of Intelligence facility, where he was severely beaten before being taken back to Adel Abad Prison

Both are protesting the mistreatment of seven Gonabadi Dervishes currently detained in Evin Prison. Four of these individuals: Mr. Amir Eslami; Mr. Farshid Yadolahi; Mr. Mostafa Daneshjou; and Mr. Omid Behrouzi are lawyers that have represented other Gonabadi Dervishes, whereas Mr Afshin Karampoor, Mr Hamidreza Moradi and Mr Reza Entesari, are administrators of and contributors to the Gonabadi Dervish website Majzooban Noor. All of them were reportedly held in solitary confinement and were also subjected to physical assault including beating.

Mr Nouri and Mr Moradi are reportedly in poor physical condition and have lost approximately 35 kilograms in weight, are experiencing difficulty talking and seeing, and their nails have blackened due to malnutrition. They have also reportedly been subject to forced feeding by officials from the prison as well as the Ministry of Intelligence. Both are allegedly currently receiving fluids through intravenous drips.

In light of the deteriorating physical condition, concern is expressed for Mr. Nouri and Mr Moradi's physical integrity.

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).

Furthermore, we should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of Mr. Nouri and Mr Moradi. We would like to stress that each Government has the obligation to protect the right of physical integrity of all persons. This right is set forth inter alia in the UDHR and ICCPR.

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with article 18 of the ICCPR and the UDHR, this includes the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private.

Furthermore, we would like to recall to your Excellency's Government the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Article 6 (a), (d) and (i) of

the Declaration provides that the right to freedom of thought, conscience, religion or belief includes the freedom “to worship or assemble in connection with a religion or belief”, “to write, issue and disseminate relevant publications in these areas” as well as “to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.”

The General Assembly resolution 66/168 (paragraph 12 (g) and Human Rights Council resolution 19/8 (paragraph 9 (g)) urges States to ensure the right of all persons to “seek, receive and impart information and ideas in these areas [...]”

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 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 provide the details, and where available the results, of any inquiries carried out in relation to this case and also on the allegations of mistreatment of seven other members of Dervish community currently held in Evin Prison.
3. Please provide information concerning the legal grounds for the arrest and detention of Mr Nouri and Mr Moradi 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 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. Nouri and Mr. Moradi 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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

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Special Rapporteur on the situation of human rights in the Islamic Republic of Iran