

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on minority issues

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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 freedom of religion or belief; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on minority issues pursuant to Human Rights Council resolutions 24/7, 22/20, 26/7, 25/24, and 25/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the deteriorating state of health of Messrs. **Mostafa Abdi, Reza Entesari, Hamidreza Moradi** and **Kasra Nouri**, and their lawyers, Messrs. **Amir Eslami, Farshid Yadollahi, Mostafa Daneshjoo, Afshin Karampour** and **Omid Behrouzi**, all of them currently imprisoned. The abovementioned persons are members of the Gonabadi dervish religious minority, who have reportedly been on hunger strike since 31 August 2014 in protest over the imprisoning of Gonabadi dervishes and their lawyers, and destruction of their worship houses (hosseinieh). Mr Kasra Nouri was already the subject of a joint appeal dated 16 April 2013, to which we are yet to get a response.

According to information received:

Most of the above mentioned individuals were reportedly arrested and detained in September 2011, during a wave of arrests of Gonabadi dervishes. Approximately 60 dervishes were arrested after a confrontation with State-affiliated paramilitary basij forces on 3 September 2011. It is reported that the paramilitary forces had openly chanted anti-dervish slogans and set fire to stores displaying photos of dervish leaders on their windows in the town of Kavar in Fars Province.

On 4 September 2011, Mr. Amir Eslami and Mr. Afshin Karampour, both lawyers, were arrested upon arrival at the office of the Governor of Kavar. They had been invited to the office by the Governor to negotiate the release of those detained.

On 5 September 2011, Mr. Hamidreza Moradi, Mr. Reza Entesari and Mr. Mostafa Abdi were arrested by plainclothes agents during a raid on the house of one of the administrators of the website Majzooban-e Noor, which is dedicated to reporting human rights violations against dervishes.

On 7 and 11 September 2011 respectively, Mr. Omid Behrouzi and Mr. Farshid Yadollahi, both lawyers, were also arrested.

On 29 October 2011, Mr. Mostafa Daneshjoo, who was at that time completing a six-month sentence under the charges of “spreading lies” for defending a dervish client, was transferred from Sari prison in the north of Iran to Evin prison in Tehran and accused of new charges.

Reportedly, the nine men were all held in prolonged solitary confinement without access to their lawyers and families. In 2013, they were sentenced to jail on various charges, including “colluding against national security through membership in a deviant sect”, “disseminating propaganda against the state”, “disturbing public opinion”, and “disturbing public order”.

In April 2013, Mr. Kasra Nouri was sentenced to four and a half years’ imprisonment in a separate case by Branch 3 of the Revolutionary Court in Shiraz.

In June 2013, Branch 15 of the Revolutionary Court in Tehran sentenced Mr. Hamidreza Moradi to ten and a half years’ imprisonment, Mr. Reza Entesari to eight and a half years, Mr. Mostafa Abdi to three years, and Mr. Amir Eslami, Mr. Afshin Karampour, Mr. Omid Behrooz, Mr. Farshid Yadollahi and Mr. Mostafa Daneshjoo to seven and a half years each.

It is alleged that in the months leading to their decision to go on hunger strike, the dervish prisoners had been subjected to increased hardship by the prison authorities, being moved between numerous sections shared with prisoners convicted of serious crimes, refused access to the prison library and prevented from going outside for fresh air and communicating with one another. Mr. Kasra Nouri is held in Nezam Prison in Fars Province and the eight other men in Tehran’s Evin Prison.

On 5 September 2014, Mr. Mostafa Daneshjoo, Mr. Reza Entesari and Mr. Afshin Karampour intensified their protest by refusing to take medicine. Mr. Mostafa Daneshjoo is believed to suffer from chronic asthma, exacerbated by lack of access to adequate medical care and his three-month confinement in a basement cell without a window or ventilation in Evin Prison between February and May 2013. Mr. Afshin Karampour and Mr. Reza Entesari are believed to respectively suffer from severe spinal problems and an irregular heartbeat. The state of health of the other hunger strikers is also believed to have worsened, in addition to the hunger strike, due to prison conditions.

We express serious concern about the physical and psychological integrity of Messrs. Mostafa Abdi, Reza Entesari, Hamidreza Moradi, Kasra Nouri, Amir Eslami, Farshid Yadollahi, Mostafa Daneshjoo, Afshin Karampour and Omid Behrouzi.

Without expressing at this stage an opinion on the facts of the case and on whether the detentions 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, as set forth in 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), ratified by the Iran on 24 June 1975. Further, we would like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, in particular principle 18 according to which lawyers should not be identified with their clients or their clients' cause.

In addition, we would 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, that guarantees the right to manifest his religion or belief in teaching, practice, worship and observance either alone or in community with others and in public or private. Human Rights Committee General Comment 22 paragraph 4 also specifies that the concept of worship extends to [...] the building of places of worship.

Furthermore, recognizing that those individuals affected constitute persons belonging to religious minorities in the Islamic Republic of Iran, we would like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to article 27 of the ICCPR, that guarantees minorities, inter alia, the right to profess and practice their own religion. Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires States to protect the existence and identity of religious minorities within their territories, to adopt appropriate legislative and other measures to achieve those ends (Article 1) and to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (Article 4.1).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org and can be provided upon request.

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 Messrs. Mostafa Abdi, Reza Entesari, Hamidreza Moradi, Kasra Nouri, Amir Eslami, Farshid Yadollahi, Mostafa Daneshjoo, Afshin Karampour and Omid Behrouzi in compliance with the above international instruments and standards.

Moreover, 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, when relevant to the case under consideration:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of the above-mentioned persons and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and 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 this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please indicate what measures have been taken to ensure that persons belonging to religious minorities, including the members of the Gonabadi dervish religious minority, can exercise freely and without discrimination their right to freedom of religion and belief.

We undertake to ensure that your Excellency's Government's response will be available 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 the above-mentioned persons 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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

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Gabriela Knaut
Special Rapporteur on the independence of judges and lawyers

Ahmed Shaheed
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