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**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 Chair-Rapporteur of the Working Group on Arbitrary Detention; the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on violence against women, its causes and consequences**

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IRN 14/2011

19 October 2011

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on violence against women, its causes and consequences pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/16, 17/2, 16/4, 15/21, 16/5, 16/9 and 16/7

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the situation of human rights defenders in Iran. In particular the summons of Mr. **Ali Kalaei**; the detention of Messrs. **Ahmad Ghabel, Saeed Jalalifar, Kouhyar Goudarzi, Behnam Ganji and Ms. Parvin Mokhtareh**; the new charge against and on-going detention of Mr. **Mohammad Seifzadeh**; the arrest and detention of Mr. **Farshi Yadollahi**; the sentencing of Mr. **Amir Eslami**; and the on-going detention of Messrs. **Afshin Karampour, Omid Behroozi, Mostafa Daneshju, and Kayvan Samimi Behbahani**.

Mr. Ali Kalaei is a former member of the Committee of Human Rights Reporters (CHRR). He has been detained on three previous occasions in December 2007, February 2010 and May 2010.

Mr. Ahmad Ghabel is a religious scholar and activist who advocates for the abolition of the death penalty and reports on extra judicial killings in Iran. He was previously detained in 2001, during which time he was allegedly placed in solitary confinement for 125 days. He was further detained in December 2009 and September 2010.

Mr. Saeed Jalalifar is also a member of the CHRR and a former member of the Association for Defence of Street and Working Children.

Mr. Kouhyar Goudarzi is a human rights activist and member of the CHRR. He was allegedly arrested and imprisoned by Iranian security forces in May 2006 and in December 2009.

Mr. Mohammad Seifzadeh is a prominent lawyer and a founding member of Defenders of Human Rights Centre (DHRC). He was the subject of previous communications sent by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders on 9 September 2010 and 12 November 2010. We acknowledge the response of your Excellency's Government to the communication of 12 November 2010 on 8 February 2011. However, we regret that to date no response has been transmitted to the communication dated 9 September 2010.

Messrs. Farshi Yadollahi, Amir Eslami, Afshin Karampour, Omid Behroozi, and Mostafa Daneshju are lawyers who represent Dervishes. Mr. Farshi Yadollahi and Mr. Amir Eslami are also members of the Human Rights Commission of the Iranian Bar Association.

Messrs. Farshi Yadollah and Omid Behroozi were the subject of a communication sent on 1 March 2006 by the Special Rapporteur on the independence of judges and lawyers; the Chairperson-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment; and the Independent Expert on Minority Issues.

Messrs. Farshi Yadollahi, Omid Behroozi and Amir Eslami were the subjects of a previous communication sent on 22 May 2006 by the Special Rapporteur on the independence of judges and lawyers; the Chairperson-Rapporteur of the Working Group

on Arbitrary Detention; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment.

We regret that to date no response has been transmitted by your Excellency's Government to these communications.

Mr. Kayvan Samimi Behbahani is a former member of the Association for the Defence of Press Freedoms, a member of the National Council for Peace as well as a member of the Committee for Investigation of Arbitrary Detentions and the Committee for the Defence of the Right to Education.

According to the information received:

On 25 July 2011, it is reported that Mr. Ali Kalaei received an order summoning him to appear in front of the Executive Branch of Evin Prison, to serve a seven year prison sentence which he was handed down in December 2010. The sentence reportedly relates to charges of "propaganda against the system", "publishing false reports about prisoners", "giving interviews" and "assembly and collusion with intent to commit crimes through membership of CHRR". No information is reportedly available regarding his current situation.

On 31 July 2011, it is reported that Mr. Ahmad Ghabel was taken to Vakilabad prison to serve a twenty-month prison sentence on charges of "offending the Leader of the revolution" and "propaganda against the system" in accordance with articles 6 and 9 of the Press Law. On 14 September 2010, he was reportedly initially detained following his disclosure of mass executions having taken place in the prison of Mashad. On 26 December 2010, Mr. Ghabel was subsequently released on bail.

On 31 July 2011, Mr. Saeed Jalaifar was reportedly arrested and detained in Evin prison. It is alleged, that the judge of the Islamic Revolutionary Court informed him that he would remain in detention until a date is scheduled for his trial. His arrest reportedly relates to charges of "engaging in propaganda activities against the regime" for which was first arrested on 30 November 2009 and subsequently released on bail on 16 March 2010.

On 31 July 2011, it is reported that Messrs. Kouhyar Goudarzi and Behnam Ganji were arrested at Mr. Ganji's home in Tehran, by plainclothes security forces. They were reportedly brought, along with a third individual, to an undisclosed location and later transferred to Tehran's Evin prison. It is further reported that

Mr. Goudarzi is in solitary confinement in ward 209 and that he went on hunger strike for 17 days after which he had to stop due to the deterioration of his health.

A few days after Mr. Goudarzi's arrest, his friends and family reportedly went to the Tehran Prosecutor's Office in order to obtain information regarding his detention but were told there was no file regarding his case. They allegedly also visited the prosecutor's office in Evin prison, but were told by authorities that they knew nothing about the arrest. It is alleged that requests by Mr. Goudarzi's lawyer to the government for information regarding his whereabouts and condition have been denied. If these allegations are confirmed and the relevant authorities deny the arrest and detention of Mr. Goudarzi thus not allowing his family to ascertain his fate and whereabouts, this case may amount to an enforced disappearance.

On 1 August 2011, plainclothes security forces allegedly arrested Mr. Goudarzi's mother, Ms. Parvin Mokhtareh, at her home without producing a warrant. It is reported that charges including "disturbing the public order", "insulting the Supreme leader" and "acting against national security" have been brought against her.

It is alleged that such charges are connected to her advocacy for her son during his imprisonment from December 2009 to December 2010. It is reported that she is currently in detention in the Central Prison of Kerman and has not been granted access to a lawyer since her arrest. The first court session of Ms. Mokhtareh case was reportedly held behind closed doors on 6 September 2011 and no information regarding the trial is available to date.

On 2 September 2011, it is reported that, Mr. Ganji, who had been released on 8 August 2011, was found dead at his family's home. It is alleged that following his release it was brought to light that he and Mr. Goudarzi had been taken to Ward 240 of Evin prison where they were detained in solitary cells. Furthermore, it is reported that the men had been blindfolded and subjected to interrogations in separate rooms. Mr. Ganji was reportedly pressured to make confessions incriminating Mr. Goudarzi and was told that he was being charged with "acting against national security through contact with Kouhyar Goudarzi."

On 13 September 2011, it is reported that Mr. Mohammed Seifzadeh, who has been in detention in Evin prison since his arrest in April 2011, was summoned to court and notified of a new charge brought against him of "propaganda against the system". It is alleged that this new charge against Mr. Seifzadeh is related to a letter which he wrote on 21 July 2011 while in prison addressed to former President Khatami. The letter allegedly, referred to widespread breach of the law by the judiciary and claimed that the only solution was to dissolve illegal authorities such as the Islamic Revolution Courts and to reform the structure of

the judiciary. The letter also reportedly stated that due process and citizens' rights had not been respected in the cases of around 200 political prisoners in Section 350 of Evin prison.

Mr. Seifzadeh is reportedly currently serving a two-year sentence for charges of "acting against national security" and "propaganda against the regime" after the nine-year sentence which was handed down on 29 October 2010 was reduced in June 2011.

On 11 September 2011, it is reported that Mr. Farshi Yadollahi, a lawyer who has been involved in the defence of Gonabadi Dervishes was arrested by security agents while he and his wife were at their friend's house. It is alleged that security agents broke the door and beat Mr. Yadollahi during the arrest. It is further alleged that they took laptops, mobile phones, computers, ID cards and books from the house.

The arrest allegedly follows the sentencing of Mr. Yadollahi and Mr. Amir Eslami to six months' imprisonment on 23 January 2011 by the Court of First Instance of Kish Island including on charges of "disturbing public minds", "publishing lies" and "acting against national security".

Other lawyers of the Dervishes have reportedly been detained during the second week of September, including Messrs. Afshin Karampour and Omid Behroozi following attacks on the Dervishes in the town of Kuwar. It is reported that another lawyer of the Dervishes, Mr. Mostafa Daneshju is currently serving a seven-month prison sentence in Sari where he has been in detention since May 2011.

Mr. Kayvan Samimi Behbahani reportedly remains in detention in Rajaieshahr prison. It is alleged that despite the fact that he is suffering from a liver ailment prison authorities have not allowed him to go to hospital for treatment. He was reportedly arrested after the presidential election in 2009 and sentenced to six years' imprisonment and banned from political, social and cultural activities for 15 years.

Concern is expressed regarding the physical and psychological safety and integrity of Messrs. Ali Kalaei, Ahmad Ghabel, Saeed Jalalifar, Kouhyar Goudarzi, Mohammad Seifzadeh, Farshi Yadollahi, Mr. Amir Eslami, Afshin Karampour, Omid Behroozi, Mostafa Daneshju, Kayvan Samimi Behbahani and Ms. Parvin Mokhtareh. Concern is also expressed that the arrests and detentions outlined above against the aforementioned human rights defenders may be directly linked to their work in defence of human rights. Concern is further expressed that acts outlined above relating to Messrs. Omid Behroozi, Afshin Karampour, Mostafa Daneshju, Mohammad Seifzadeh and Farshi Yadollahi may be linked to the legitimate exercise of their profession as lawyers.

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 his/her/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).

In relation to the allegations according to which the relevant authorities have denied the arrest as well as the requests for information concerning the whereabouts of Mr. Goudarzi, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearances which sets out necessary protection by the State, and in particular:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 6 (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance);
- article 7 (no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances);
- article 9 (right to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty);
- article 10 (right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest); and
- article 12 (right to the maintenance in every place of detention of official up-to-date registers of all detained persons).

We are further seriously concerned about the targeting of lawyers allegedly for the activities carried out in the discharge of their professional functions, in particular the arrest and detention of Messrs. Seifzadeh, Karampour, Behroozi, Daneshju, Yadollahi and Eslami, the sentencing of Messrs. Daneshju, Yadollahi and Eslami and the lawsuit against Mr. Seifzadeh. In this regard, we wish to refer your Excellency's Government to

the following provisions of the Basic Principles on the Role of Lawyers (adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990):

- Principle 16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics;

- Principle 17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities; and

- Principle 18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

With regard to the fact that Mr. Goudarzi's lawyer has been denied access to information on the condition and whereabouts of his client, we refer your Excellency's Government to the aforementioned principle 16.

Concerning the allegation that Ms. Moktareh has not been granted access to a lawyer since her arrest on 1 August 2011, i.e. almost two and a half months following her arrest, we wish to stress that it is incumbent upon the Government to "ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention" in accordance with principle 7 of the aforementioned instrument. As to the allegation that her trial was held in camera and that no information is available on the trial, we would like to bring to the attention of your Excellency's Government article 14 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which the Islamic Republic of Iran is party, which provides that "In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Further in General Comment No. 13, on article 14 of the Covenant, the Human Rights Committee emphasized that "the publicity of hearings is an important safeguard in the interest of the individual and of society at large". Apart from the "exceptional circumstances" provided for in article 14(1), "a hearing must be open to the public in general, including members of the press, and must not, for instance, be limited only to a particular category of persons" (HRI/GEN/1/Rev.1. para. 6).

Furthermore, 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 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.”

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.”

In this connection, we would like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

- article 9, para. 3, point c) which provides that everyone has the right, individually and in association with others to offer and provide professionally qualified

legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would, in addition, like to bring to your Excellency's Government's attention article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women (adopted by General Assembly resolution 48/104 on 20 December 1993), which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Article 4 (o & p) of the Declaration also notes that States should recognize the important role of the women's movement and non-governmental organizations worldwide, and should, moreover, facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels.

In this sense, we would also like to recall the recommendations made by the previous Special Rapporteur on violence against women, following her country visit to the Islamic Republic of Iran in 2005, in which she urged the government to implement the provisions of the Declaration on Human Rights Defenders in order to ensure that women human rights defenders are able to carry out their work with full autonomy and without being subjected to retaliation by the State or other actors (E/CN.4/2006/61/Add.3, para. 72).

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.

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 above summary of these cases accurate?
2. Please provide information on the fate and whereabouts of Mr. Kouhyar Goudarzi. If his fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.
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 these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any legal basis for the charges brought against Messrs. Ali Kalaei, Ahmad Ghabel, Saeed Jalalifar, Mohammad Seifzadeh, Farshi Yadollahi, Amir Eslami, Afshin Karampour, Omid Behroozi, Mostafa Daneshju, Kayvan Samimi Behbahani and Ms. Parvin Mokhtareh.
5. Please provide full details on any measures taken to guarantee the physical and psychological integrity of Messrs. Ali Kalaei, Ahmad Ghabel, Saeed Jalalifar, Mohammad Seifzadeh, Farshi Yadollahi, Amir Eslami, Afshin Karampour, Omid Behroozi, Mostafa Daneshju, Kayvan Samimi Behbahani and Ms. Parvin Mokhtareh.
6. Please provide full details of any measures taken to guarantee that Mr. Kayvan Samimi Behbahani has access the medical care he requires for the liver ailment from which he suffers.
7. Please indicate what measures are being taken to ensure that lawyers are able to discharge their professional functions without hindrance, persecution and harassment.
8. Please indicate whether Ms. Mokhtareh has been granted access to a lawyer. Kindly specify whether her trial was held behind closed doors and to what extent this complies with international standards mentioned above.

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 would like to bring to the attention of your Excellency's Government that should the source submit the above mentioned allegations concerning Mr. Kouhyar Goudarzi as a case to the Working Group on Enforced or Involuntary Disappearances, it will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

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

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

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

Rashida Manjoo  
Special Rapporteur on violence against women, its causes and consequences

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances