

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

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of 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 defenders;; 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 214 (67-17) G/SO 214 (107-9) Iran (2011-16)
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 16/4, 16/5, and 19/12.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **travel bans imposed on Mr. Reza Khandan and his daughter Mehraveh Khandan.**

According to information received:

On 20 June 2012, Branch Two of Tehran's Shahid Moghaddas court allegedly imposed a travel ban on Mr. Reza Khandan and his 12-year-old daughter, Mehraveh Khandan. Mr Reza is the husband of Ms. Nasrin Sotoudeh who is currently serving a six-year prison sentence in Evin Prison in Tehran. The court however did not reportedly provide reasons for the travel ban.

Mr. Reza, who has been publicly campaigning for his wife, was previously summoned for questioning by authorities. In January 2011, Mr. Reza was held overnight at Evin Prison after responding to a summons. He was reportedly questioned for ten minutes while blindfolded and was subsequently accused of spreading lies and disturbing public opinion for writing a letter to the Prosecutor's office in which he complained about the conditions of detention of his wife. Mr. Reza was released after the posting of USD 50,000 bail.

Concern is expressed that the travel ban and interrogation of family members of Ms. Sotoudeh may be connected to the peaceful campaigning by Mr. Reza for her release. Further serious concern is expressed regarding the risk of further sanctions by authorities on Mr. Reza Khandan and his daughter Mehraveh Khandan, as well as their psychological and physical integrity.

While we do not wish to prejudge the accuracy of these allegations, 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 (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."

Moreover, with regard to the travel ban imposed on Mr. Reza Khandan and his daughter, the United Nations Human Rights Committee has stressed that it is incompatible with the obligations under the International Covenant on Civil and Political Rights to "restrict the freedom of journalists and others who seek to exercise their freedom of expression (such as persons who wish to travel to human rights-related meetings) to travel outside the State party, to restrict the entry into the State party of foreign journalists to those from specified countries or to restrict freedom of movement of journalists and human rights investigators within the State party" (Human Rights Committee, general comment No. 34, para. 45).

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 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paragraphs 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.

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. Reza Khandan and Mehraveh Khandan 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 this case accurate?
2. Please provide details of any legal basis for the travel ban on Mr. Reza and Mehraveh Khandan and how it is compatible with the provisions of the International Covenant on Civil and Political Rights.
3. Has a complaint been lodged by or on behalf of Mr. Reza and Mehraveh Khandan?

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. Reza Khandan and Mehraveh Khandan 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.

Frank La Rue

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

Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed

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