

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; 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; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
IRN 18/2015:

13 October 2015

Excellency,

We have the honour to address you in our capacity as First Vice-Chair of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 22/20, 24/6, 25/18, 26/7, 28/21, 26/12, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the health and status of political prisoner **Mohammed Ali Taheri**, currently in hunger strike while in custody in Evin Prison. Mohammad Ali Taheri is an honorary doctor and author of alternative medicine theories diffused both in Iran and abroad. He is the founder of Erfan-e-Halgheh (inter-universalism).

Mr. Taheri has already been the subject of urgent appeals sent on 10 July 2013 (see case IRN 11/20113, HRC report [A/HRC/25/74](#)), 22 August 2013 (case IRN 13/2013,

HRC report A/HRC/25/74), 24 March 2014 (see case IRN 4/2014, HRC report A/HRC/27/72), 25 November 2014 (see case IRN 28/2014, HRC report A/HRC/28/85) and 10 August 2015 (see case IRN 12/2015) and we are grateful for the reply provided in relation to the case of Mr. Taheri on 12 February 2014.

According to the information we received:

Mr. Taheri is serving a five year prison sentence for blasphemy and has been detained in solitary confinement since 2011. In early August 2015 Mr. Taheri was sentenced to death for "corruption on earth," an offense he had previously been acquitted of. These charges were based on Mr. Taheri's teachings on alternative medical practices.

Since 15 August 2015, Mr. Taheri has engaged in a hunger strike while in detention at Evin Prison to protest the circumstances surrounding his death sentence. Mr. Taheri is protesting several aspects of his sentence and conditions of detention. First, that his alleged crime is his personal belief in alternative medicine and the peaceful sharing of that belief. Furthermore, he has not been personally informed of his death sentence, he has not been allowed to meet with his lawyers and he has not been provided the basic material to write a defense for his Supreme Court Appeal. Finally, the defense that Mr. Taheri had written and sent to the prosecutor before his sentencing was not presented to the court.

Mr. Taheri's health is now deteriorating significantly due to his ongoing hunger strike. He has lost 14 kg and is at risk of dying. On 18 September, Mr. Taheri was reportedly taken to the prison clinic for a few hours after he lost consciousness.

Mr. Taheri has reportedly undertaken hunger strikes before and [REDACTED] in protest for his prolonged solitary confinement, and for alleged threats against his family members.

We express serious concern about Mr. Taheri's worsening health condition while in detention at Evin Prison after he engaged in a hunger strike to protest the circumstances surrounding his death sentence, which is having a long-lasting negative impact on his physical and mental health. Moreover, we are concerned that he may not be receiving adequate medical attention given the circumstances, including medical assistance with his full and informed consent.

We also reiterate our concern that Mr. Taheri was sentenced to death following judicial proceedings that may not fulfill the most stringent guarantees of fair trial and due process for the imposition of the death penalty, particularly in relation to access to legal representation and effective defense. Furthermore, Mr. Taheri has been sentenced to death for the crime, "corruption on earth", which crime does not meet the required

threshold of the "most serious crime". We are further concerned that Mr. Taheri may have been targeted for his legitimate beliefs.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, **we reiterate our call upon your Excellency's Government as a matter of urgency to prevent the execution of Mr. Taheri and to annul his death sentence. We further urge you to provide appropriate medical attention and treatment to Mr. Taheri, with his full and informed consent, to ensure that his life, health and physical integrity are protected.**

While we do not wish to prejudge the accuracy of information made available to us, the above allegations appear to be in contravention with international law, in particular the right of every individual to life and security as set out in article 3 of the Universal Declaration of Human Rights (UDHR) and article 6.1 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a State Party, as well as the right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, and the right to legal assistance, 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).

The above allegations also appear to be in contravention of his right to be free from torture or to cruel, inhuman or degrading treatment or punishment, as set out in article 7 of the ICCPR. We would also like to refer to the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), in which it is stated that the use of prolonged solitary confinement in itself runs afoul of this absolute prohibition. Furthermore, Mr. Taheri's detention for his beliefs appears to contravene article 18 of the ICCPR, which protects "the right to freedom of thought, conscience and religion". This right includes the freedom to manifest the belief in observance, practice and teaching, either individually or in community with others, in public or private. Moreover, the allegations appear to contravene article 19 ICCPR and Mr. Taheri's legitimate enjoyment of his right to freedom of opinion and expression.

With regards to Mr. Taheri's sentence to death, we would like to bring to the attention of your Excellency's Government Article 6(2) of the ICCPR which provides that countries which have not abolished the death penalty may only impose it for the most serious crimes. This provision has consistently been interpreted by the Human Rights Committee to mean that the death sentence may only be imposed in respect of violent crimes that result in the loss of life. Furthermore, article 6.(4) of the ICCPR establishes that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Moreover, article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides that capital punishment may only be carried out following a legal process which gives all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages of the proceedings. Only full

respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

Regarding the hunger strike undertaken by Mr. Tahir as a form of protest at his death sentence, we would like to underline that the best way to try to end a hunger strike is to address the underlying human rights violations that are the basis of the protest. Authorities have a duty to look for solutions to extreme situations created by a hunger strike, including through good faith dialogue about the grievances, and always respecting the wishes of those who use this form of protest.

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or 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 the above-mentioned person(s) in compliance with international instruments.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above on the above mentioned allegations.
2. Please provide information on the measures taken to ensure the physical and psychological integrity of Mr. Taheri.
3. In connection with the above, please provide information regarding Mr. Taheri's current medical condition, and the medical assistance and treatment provided to him. What steps are currently being taken to improve Mr. Taheri's medical condition?
4. Please explain what steps have been taken to provide Mr. Taheri with access to his lawyers necessary to compose his defense in the Supreme Court.
5. Please provide information regarding current appeals procedures for those in custody.

6. Please indicate which measures, legislation, and policies your Excellency's Government has adopted to comply with article 23 of the Constitution of the Islamic Republic of Iran, and articles 7, 9, 10, 14, 18 and 19 the International Covenant on Civil and Political Rights.

7. Please indicate what measures have been taken to ensure that the rights to freedom of expression and opinion are respected and guaranteed in Iran.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

It is our intention to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration

José Guevara  
First Vice-Chair of the Working Group on Arbitrary Detention

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

Heiner Bielefeldt  
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