

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

**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; 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 in the Islamic Republic of Iran; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

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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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18, 14/11, 15/22, 19/12, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received **regarding the deteriorating health, and the denial, of Pastor Behnam Irani to have access to medical treatment in Ghezel Hesar Prison in the Islamic Republic of Iran.** He was the subject of two joint communications on 20 December 2006 (IRN 53/2006) and 22 February 2011 (IRN 4/2011).

Pastor Benham Irani was arrested twice in December 2006 and April 2010, respectively. He was charged with "action against the State" and "action against the order" for engaging in religious ceremonies during Christmas in 2006 and conducting church service in 2010. He received a suspended five-year imprisonment sentence in 2006 and one year imprisonment in 2010. Pastor Irani was released on bail four months later in 2010.

According to the new information received:

On 31 May 2011, Pastor Benham Irani was arrested again and transferred to Ghezel Hesar Prison where he is currently imprisoned to serve his sentences that were reportedly upheld by the Court of Appeal. During the first few months of his imprisonment, Pastor Irani was allegedly held incommunicado in a cell where guards would repeatedly wake him up from sleep. He was later moved into a very

small room where inmates could not lie down to sleep before being transferred to his current cell.

In late July 2012, it is alleged that Pastor Irani has been denied access to hospital treatment for severe bleeding due to stomach ulcers and complications with his colon that caused him to lose consciousness temporarily. Pastor Irani has allegedly received death threats from fellow prisoners and has sustained regular beatings from his cell mates and prison authorities. It is reported that as a result of injuries sustained during these assaults, he has difficulty walking. Pastor Irani also has a problem with his vision and is in poor health condition.

Grave concern is expressed for Pastor Behnam Irani's health condition while in custody and in particular the denial of his access to medical treatment. Concern is also expressed for the maltreatment and assaults on Pastor Irani in the prison. Further concern is expressed for the upheld sentences of Pastor Irani for exercising his right to practice religion.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification on the information drawn to our attention and share our concerns in relation to present circumstances in light of the applicable international human rights norms and standards.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned person is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his 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).

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth Article 18 of the UDHR and the ICCPR that your Excellency's Government acceded on 24 Jun 1975.

We would also like to recall that the General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end "(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or [...]".

We would like to draw the attention of your Excellency's Government to paragraph 2 of General Comment No. 20 of the Human Rights Committee, which provides that, "The aim of the provisions of article 7 [on the prohibition of torture and other cruel, inhuman and degrading treatment or punishment] of the ICCPR is to protect both the dignity and the physical and mental integrity of the individual. It is the duty of the State party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people

acting in their official capacity, outside their official capacity or in a private capacity” (adopted at the 44th session of the Human Rights Committee, 1992).

We would also appreciate information from your Excellency's Government on the steps taken by the competent authorities with a view to ensuring the right to the highest attainable standard of health of Pastor Irani. This right is reflected, *inter alia*, in article 12 of the International Covenant on Economic, Social and Cultural Rights (ratified by your country on 24 June 1975), which provides for the right of everyone to the enjoyment of the highest attainable standard of mental and physical health. This includes an obligation on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. We also wish to refer your Excellency's Government to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which holds that, “States are under the obligation to respect the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal immigrants, to preventive, curative and palliative health services...” (para.34).

We would further like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, “(s)ick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. (approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977). Furthermore, we would like to recall the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation” (Principle 9).

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 Pastor Benham Irani in compliance with the forementioned 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. Have complaints been lodged with regard to the incidents mentioned?
3. Please provide the details of medical assistance or treatment that Pastor Irani has received in Ghezel Hesar Prison. If he has not received any treatment, please provide the reasons for which Pastor Irani is denied access to medical assistance.

4. Please indicate which measures your Excellency's Government has taken to physically protect Pastor Irani from inmates' harassments in the prison and to ensure that Pastor Irani is guaranteed the right to health as provided by international norms and standards.

5. Please provide full details and information of the decision of the Court of Appeal in lifting the sentences of Pastor Irani. Please indicate the exact total period of term that Pastor Irani is required to serve.

6. Please provide information concerning the legal grounds for the arrest and detention of Pastor Irani and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

7. Please provide the details of the measures taken to ensure the enjoyment of the right to the highest attainable standard of health by Pastor Irani.

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 the above mentioned person 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

Anand Grover  
Special Rapporteur on the right of everyone to the enjoyment of the highest  
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Ahmed Shaheed  
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Juan E. Méndez  
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