

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**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 Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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.**

REFERENCE: UA G/SO 214 (67-17) Health (2002-7) Iran (2011-16) G/SO 214 (53-24)  
IRN 4/2014

24 March 2014

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 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 16/4, 24/6, 22/23, 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 of Mr. Mohammad Reza Pourshajari, who has been in prison since 2010.**

We wish to draw the attention of your Excellency's Government to the joint urgent appeal sent on 10 July 2013 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the 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, inhumane or degrading treatment or punishment concerning the deteriorating state of health of Mr. Pourshajari. We regret that to date no response to this communication has been received from your Excellency's Government.

According to information received:

Mr. Mohammad Reza Pourshajari, a blogger known by his pen name Siamak Mehr, faces a very high risk of dying in detention and requires urgent medical

attention. In October 2012, Mr. Pourshajari suffered a heart attack and has reportedly been denied access to necessary medical treatment including heart surgery since then. Prison authorities at Ghezel Hesar prison in Karaj, where Mr. Pourshajari is currently held, have allegedly prevented doctors from performing an angiogram requested by prison doctors and also denied his request for furlough to seek medical assistance outside prison and unblock his arteries. Additionally, Mr. Pourshajari is also suffering from prostate disease, kidney stones, high sugar level, disc problems, breathing problems and high blood pressure rate. Prison physicians have reportedly determined that he is not fit to serve his sentence and is in urgent need of specialized medical treatment.

Mr. Pourshajari, who has been in prison since 12 September 2010, is currently serving a four-year prison term. He was initially held in Rajae Shahr Prison, where he was subjected to torture and also mock execution and denied access to family members and lawyer. He also spent seven months in solitary confinement. Authorities also reportedly confiscated a computer, satellite receiver and numerous documents from his home. In December 2010, he was sentenced to three years imprisonment on charges of “propaganda against the system”, and insulting the Supreme Leader” by posting writings on his blog. In October 2011, Mr. Pourshajari was transferred to Ghezel Hesar prison, where hardened prisoners are held. In April 2012, he was handed down an additional year in prison on blasphemy charges.

While we do not wish to prejudge the accuracy of these allegations and on whether Mr. Pourshajari received adequate health care and attention, we would like to appeal to your Excellency’s Government to take all necessary measures to guarantee his fundamental human rights. Of the utmost importance is the right to adequate health care.

We should like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the case of Mr. Pourshajari and stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a state party.

With regard to the allegations of the denial of specialized medical care, we would like to recall that this right is reflected, inter alia, in article 12 of the International Covenant on Economic, Social and Cultural Rights (ratified on 24 June 1975), which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental 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.

In this connection, we wish to refer your Excellency’s Government to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which provides that States are under the obligation to respect the right to health by, inter alia, refraining from interfering directly or indirectly with the enjoyment of the right to health,

from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal migrants, to preventative, curative and palliative health services, and from enforcing discriminatory practices as a State policy (para.34).

We would also 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: "Sick 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. Rule 25(1) provides that: "The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed." (Approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.)

We also refer your Excellency's Government to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173, which states that: "A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge" (Principle 24). Furthermore, we wish to refer to 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).

We would also 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, 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."

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. Pourshajari 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 summary of the case accurate?

2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide details and where possible the result of any 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 provide details of any measures taken to ensure the enjoyment of the right to the highest attainable standard of health, including access to specialized health care and availability of essential medicines to the alleged victim.
5. Please provide legal basis upon which Mr. Pourshajari was sentenced to four years imprisonment and how that is compatible with the international norms and standards on the right to freedom of opinion and expression.

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 Mr. Mohammad Reza Pourshajari 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

Anand Grover

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Ahmed Shaheed

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