

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 situation of human rights defenders; 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

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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 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 situation of human rights defenders; 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, 25/18, 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 death sentence issued by Iran's Islamic Revolutionary Court on 1 August against Dr. **Mohammad Ali Taheri**, honorary doctor, author of alternative medicine theories used in Iran and abroad, and founder of Erfan-e-Halgheh (inter-universalism). Dr. Taheri was already the subject of urgent appeals sent on 10 July 2013, 22 August 2013, 24 March 2014 and 25 November 2014 and we are grateful for the reply provided in relation to the case of Dr. Taheri on 12 February 2014.

According to Information received:

Dr. Mohammad Ali Taheri, honorary doctor, author of alternative medicine theories used in Iran and abroad, and founder of Erfan-e-Halgheh (inter-universalism) was arrested on 4 May 2011. In October 2011, Dr. Taheri was

reportedly sentenced to five years imprisonment, seventy-four lashes and a fine of nine billion rials for allegedly insulting Islamic sanctities. Meanwhile, the court acquitted him of the charge of Saab ul Nabi, denigrating Prophet Mohammad, which could carry the death penalty.

While serving his five year sentence, the charge of Mosfed fel Arz (spreading corruption on earth) was introduced against Dr. Taheri for establishing Erfan-e-Halgheh, at a second trial that took place in two sessions on 11 March and 29 April 2015, in branch 26 of the Islamic Revolutionary Court in Tehran. On 1 August 2015, the Islamic Revolutionary Court sentenced him to death.

Grave concerns are expressed at the decision to hand down a death sentence against Dr. Taheri for his peaceful activities.

Without making any judgment as to the accuracy of the information made available to us, it appears to be sufficient grounds to indicate that the above alleged facts seem to be in contravention of international human rights law.

We would like to bring to the attention of your Excellency's Government that, although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) of the International Covenant on Civil and Political Rights, which ratified Iran on 24 June 1975 provides that countries which have not abolished may only impose it for the most serious crimes. Moreover, we would like to refer to article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty.

We are concerned that the charge of "corruption on earth" is a vaguely worded offense that does not meet international law mandates for clarity and precision for criminal convictions. We are also concerned that the issuing of this sentence will impair the right of others to seek, receive and access information and will have a deterrent effect on the exercise of the right to freedom of opinion and expression as set out in article 19 of the ICCPR, as many in Iran will fear criminalization and severe consequences for freely expressing their opinions. Any restrictions to the exercise of the right freedom of expression, in accordance with article 19(3) ICCPR, must be provided by law and necessary and proportionate. Furthermore, Article 18 of the ICCPR protects "the right to freedom of thought, conscience and religion". This right includes freedom to have or adopt a belief of one's choice. It also includes freedom to manifest the belief in observance, practice and teaching, either individually or in community with others in public or private.

Between Articles 6 and Articles 18 of ICCPR, not only does imposition of the death penalty on Dr. Taheri violate international law, but since his arrest and detention were for practicing and teaching religion, the arrest and detention also violated international law.

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure protection of the rights to freedom of religion or belief and freedom of expression, as recognized in articles 18 and 19 of the UDHR and ICCPR.

We would like to call the attention of your Excellency's Government to the evidence of an evolving standard within international bodies and a robust State practice to frame the debate about the legality of the death penalty within the context of the fundamental concepts of human dignity and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (A/67/279).

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 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 abovementioned persons in compliance with international instruments. As 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 be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above allegations.
2. Has a complaint been lodged by or on behalf of Dr. Taheri?
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 the case of Dr. Taheri. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide information on the legal and other grounds invoked for sentencing Dr. Taheri to death.
5. Please provide details of how the prosecution, imprisonment and sentencing of Dr. Taheri are in compliance with international human rights law, norms, and standards as stated, inter alia, in the UDHR and ICCPR, in particular with the rights to life, freedom of religion and belief, and freedom of expression.
6. Please provide information on measures taken to ensure that Dr. Taheri is being protected from torture and other forms of ill treatment, that he enjoys access to legal counseling, family and adequate medical attention.

While awaiting a reply, we urge the authorities of your Excellency's Government, as a matter of urgency to take all steps necessary to prevent the execution of Dr. Taheri and to commute his death sentence.

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.

Seong-Phil Hong
Chair-Rapporteur 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
Special Rapporteur on freedom of religion or belief

Michel Forst
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



Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment