

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 independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on minority issues; 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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, 17/2, 25/24, 25/5, 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 imminent execution of Messrs. **Hamed Ahmadi, Shahram Ahmadi, Alam Barmashti, Jahangir Dehghani, Jamshid Dehghani, Seyed Shaho Ebrahimi, Varia Ghaderifard, Mohammad Gharibi, Seyed Abdol Hadi Hosseini, Farzad Honarjo, Mohammad Keyvan Karimi, Taleb Maleki, Kamal Molaee, Pouria Mohammadi, Keyvan Momenifard, Sedigh Mohammadi, Seyed Jamal Mousavi, Teymour Naderizadeh, Farshid Naseri, Ahmad Nasiri, Borzan Nasrollahzadeh, Idris Nemati, Omid Peyvand, Bahman Rahimi, Mokhtar Rahimi, Mohammadyavar Rahimi, Abdorahman Sangani, Amjad Salehi, Behrouz Shahnazari, Arash Sharifi, Kaveh Sharifi, Farzad Shahnazari, and Kaveh Veysi**, all Kurdish Sunni Iranians.

On 17 June 2014, a joint urgent appeal was transmitted to the Government of Iran with regard to the situation of four of these detainees, namely Messrs. Hamed Ahmadi, Jameshed Dehghani, Jahangir Dehghani and Komal Molaye. No reply to this communication has been received.

According to information received:

Between 2009 and 2010, the 33 Kurdish men mentioned above were arrested by Intelligence Ministry officials in the western Iranian province of Kurdistan. Although they deny involvement in armed or violent activities, they were sentenced to death after being convicted of several national security offenses, including 'spreading propaganda against the system', 'gathering and colluding against national security,' 'corruption on earth,' and 'enmity against God'. It is reported that they may have been targeted because of their promotion of the Sunni religion by taking part in seminars and distributing religious reading materials. During pre-trial detention, they were allegedly tortured, ill-treated and held for several months in solitary confinement, without access to a lawyer or their relatives. One of the detainees, Mr. Borzan Nasrollahzadeh, is reported to have been a minor at the time of his alleged offence.

Amongst the 33 detainees, Messrs. Hamed Ahmadi, Jameshed Dehghani, Jahangir Dehghani and Komal Molaye were reportedly sentenced to death following a summary trial and without the presence of a lawyer for the killing on 17 September 2009 of a Sunni cleric who had ties to the Government. The Supreme Court upheld the death sentences in September 2013. The Supreme Court also confirmed the death sentences of four other members of the group - Seyed Jamal Mousavi, Abdorahman Sangani, Sedigh Mohammadi and Seyed Hadi Hosseini. The sentences of the eight men have been sent to the Office for the Implementation of Sentences. The other 25 men remain on death row pending review by the Supreme Court.

Messrs. Hamed Ahmadi, Jameshed Dehghani, Jahangir Dehghani and Komal Molaye have allegedly been subjected to both physical and psychological torture, including mock executions. It is alleged that they are also being repeatedly beaten up and deprived of food. In addition, several signs (low blood pressure and weight loss, among others) indicate that their health condition is deteriorating to a worrying level: this is reportedly due to the atrocious conditions in which they are being detained. One of the detainees, Mr. Hamed Ahmadi is reported to have developed an infection and, as a result, lost a kidney.

On 16 June 2014, as the officials failed to keep the promises that were made to the men relating to the re-examination of their cases by a court and the appointment of their own lawyer. Messrs. Hamed Ahmadi, Jameshed Dehghani, Jahangir Dehghani and Komal Molaye joined 80 Sunni political prisoners who were on hunger strike, thereby worsening their already serious ill health.

Without making any judgment as to the accuracy of the information made available to us, we would like to express our concerns regarding the high risk of imminent execution of the above-mentioned detainees. We are also concerned about the allegations that the defendants were arrested and detained on the grounds of their religious affiliation and for exercising their right to freedom of opinion and expression, and were not provided with all the necessary guarantees of due process and fair trial in particular access to a lawyer. We would like to further express serious concern about the physical and psychological integrity of the defendants and about the allegations that they have been subjected to torture and other ill-treatment, including prolonged solitary confinement, and that they are in precarious health conditions. We further express grave concern that death penalty was imposed against Mr. Borzan Nasrollahzadeh, who was reportedly a minor at the time of his alleged offense.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion, these allegations appear to be in contravention of the above-mentioned persons' right not to be deprived arbitrarily of their liberty, freedom of religion or belief and freedom of opinion and expression, as set forth in articles 9, 18 and 19 of the Universal Declaration of Human Rights (UDHR), and articles 9, 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR), which Iran has ratified on 24 June 1975, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR. The allegations also appear to be in contradiction with the right to be assisted by a lawyer, as set forth in the UN Basic Principles on the Role of Lawyers.

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as well as of paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement of the detained or imprisoned person, may amount to acts prohibited by article 7 of the ICCPR.

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 provides that countries which have not abolished may only impose it for the most serious crimes, meaning in respect of offences that result in the loss of life.

We would also like to draw the attention of your Excellency's Government to the fact that any judgment imposing the death sentence and execution of juvenile offenders are incompatible with the international legal obligations undertaken under your Excellency's Government under various instruments, including article 6(5) of ICCPR and 37 (a) of the Convention on the Rights of the Child (CRC).

Additionally, 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, according to

article 5 of the United Nations Safeguard Protecting the Rights of those Facing Death Penalty, capital punishment may only be imposed following trials scrupulously respect the guarantees of due process and fair trial as stipulated in international human rights law.

The allegations of the poor health conditions of some of the individuals mentioned appear to be in contravention with your Excellency's Government's responsibility to respect and fulfil the men's right to the enjoyment of the right to the highest attainable standard of physical and mental health, including access to medical care while in detention, as enunciated in article 12 of the International Covenant on Economic, Social and Cultural Rights (accession on 24 June 1975), as well as in the United Nations Standard Minimum Rules for the Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and Basic Principles for the Treatment of Prisoners.

International standards relating to the protection of the rights of persons belonging to minorities include article 27 of the International Covenant on Civil and Political Rights which requires States to ensure that minorities may enjoy their culture, profess and practise their own religion. The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that States must protect the national or ethnic, cultural, religious and linguistic identity of minority groups within their territories. Article 4(1) requires governments to take measures to ensure that minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

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 irreversibility of the punishment of death penalty, we urge your Excellency's Government to take all steps necessary to prevent the execution of the 33 persons mentioned above. If carried out, these executions would be inconsistent with international human rights law. We call upon your Excellency's Government not to execute them and to free them.

In view of the urgency of the matter, we would appreciate a response as soon as possible on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned detainees 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-mentioned allegations.

2. Please provide information on the legal grounds for the arrest and detention of the abovementioned 33 detainees of Kurdish origin and explain how such measures are compatible with international human rights law and standards.

3. Please provide the details, and where available the results, of any investigation, judicial or other inquiries carried out in relation to the allegations of torture and ill-treatment. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide detailed information on the judicial proceedings against the 33 defendants, including if they had access to a lawyer, and explain how these proceedings complied with international human rights law and standards on fair trial.

5. Please provide details of any measures taken by your Excellency's Government to ensure that the defendants/the above mentioned persons receive necessary medical treatments while in detention.

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 responsible of the alleged violations.

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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

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freedom of opinion and expression

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