

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

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 Independent Expert on minority issues; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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

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

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (3-3-16) Iran (2011-16) Minorities (2005-4) G/SO 214 (33-27) Terrorism (2005-4) G/SO 214 (53-24)  
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Independent Expert on minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 16/4, 15/21, 17/2, 19/12, 16/6, 17/5, 15/15, 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 cases of Messrs. **Mohammad Ali Amouri, Sayed Jaber Alboshoka, Sayed Mokhtar Alboshoka, Hashem Sha'bani Amouri, and Hadi Rashidi (or Rashedi)**, who are reportedly at imminent risk of execution in Iran.

According to information received,

Mr. Mohammad Ali Amouri, aged 34, Mr. Sayed Jaber Alboshoka, aged 27, and his brother Mr. Sayed Mokhtar Alboshoka, aged 25, as well as teachers Mr. Hashem Sha'bani Amouri, aged 32, and Mr. Hadi Rashidi (or Rashedi), aged 38,

all representatives of the Ahwazi Arab minority in Iran, were reportedly arrested at their homes in February 2011 in connection with their alleged membership in a terrorist organization and involvement in shootings that occurred in and around the town of Ramshir in the Khuzestan province.

On 7 July 2012, Branch 2 of the Ahwaz Revolutionary Court sentenced the five men to death on terrorism-related charges, including moharebeh (“enmity against God”), efsad-e fel arz (“sowing corruption on earth”), “gathering and colluding against State security” and “spreading propaganda against the system”. It is alleged that the Supreme Court of Iran upheld the sentences, and that the authorities informed the lawyers and family members of the defendants of the execution orders.

The five men are reportedly held at present in the Karoun prison, Ahwaz city, Khuzestan province. They are allegedly denied access to lawyers and their families. It is alleged that they have been tried unfairly, as well as that there has been no transparency in the judicial proceedings and that information is unavailable concerning the evidence used against the defendants, except televised confessions.

Furthermore, it is alleged that the five persons have been subjected to torture or ill-treatment. Mr. Mohammad Ali Amouri was reportedly tortured during his first seven months of detention. It is further alleged that boiling water was poured on Mr. Hashem Sha’bani Amouri. As a result of alleged torture or ill-treatment, Mr. Hadi Rashidi has been hospitalised and is believed to be in poor health; Mr. Sayed Jaber Abolshoka appears to have lost weight; and Mr. Sayed Mokhtar Alboshoka has experienced depression and memory loss.

It is alleged that Messrs. Mohammad Ali Amouri, Sayed Jaber Alboshoka, Sayed Mokhtar Alboshoka, Hashem Sha’bani Amouri, and Hadi Rashidi (or Rashedi), were arrested in connection with their activities on behalf of the Ahwazi Arab minority in Iran and their involvement in demonstrations and protests. Members of the Ahwazi Arab minority claim that they are marginalized, subject to discrimination in access to education, employment, adequate housing, political participation and cultural rights and that they have faced measures to weaken their Arab identity. Allegedly, hundreds of members of the Ahwazi Arab minority were arrested before, during and after demonstrations on 15 April 2011 to mark the sixth anniversary of mass demonstrations in 2005.

Without prejudging the accuracy of the information made available to us, we would like to express concern that the death penalty may be imposed on Messrs. Mohammad Ali Amouri, Sayed Jaber Alboshoka, Sayed Mokhtar Alboshoka, Hashem Sha’bani Amouri, and Hadi Rashidi (or Rashedi) on charges of crimes that are not considered most serious crimes under international human rights law, and following a trial which did not comply with international human rights law provisions regarding fair trial and due process. We are also concerned about the information that the named

persons have reportedly been subjected to torture or ill-treatment. Finally, we are concerned that the charges against these persons may be related to the exercise of their rights to freedom of opinion and expression, peaceful assembly and association.

We would like to respectfully remind your Excellency's Government that "in countries which have not abolished the death penalty", the "sentence of death may be imposed only for the most serious crimes" in accordance with Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), which Iran ratified on 24 June 1975. In interpreting article 6(2) of the Covenant, the United Nations Human Rights Committee has consistently rejected the imposition of a death sentence for offences that do not result in the loss of life, finding only cases involving murder not to raise concerns under the most serious crimes provision. Offences such as moharebeh and efsad-e fel arz do not meet the threshold of "most serious crimes".

Furthermore, regarding the information on denial of access of the defendants to their lawyers and families, as well as on the lack of transparency of the judicial proceedings and on the evidence used, we would like to refer to the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty. In particular, Safeguard 5 provides that "Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings." Safeguard 4 further states that "capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts".

In this context, we would also like to refer your Excellency's Government to article 14(3) of the International Covenant on Civil and Political Rights, which states: "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing." In its General Comment No. 32, the Human Rights Committee further indicated that: "Adequate facilities' must include access to documents and other evidence; this access must include all materials that the prosecution plans to offer in court against the accused or that are exculpatory."

In addition, we would like to refer your Excellency's Government to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, and in particular principle 6, which states: "The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected."

Moreover, we would like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. In particular, we would like to highlight principle 8, which states: "All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials."; and principle 21, which states: "It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time."

Furthermore, we would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights (UDHR) and the ICCPR.

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would also like to draw your Government's attention to paragraph 6b of Human Rights Council Resolution 8/8, which urges States "To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold those who encourage, order, tolerate or perpetrate acts of torture responsible, to have them brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and to take note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to combat torture".

We also recall that paragraph 6c of Human Rights Council resolution 8/8 of 2008 urges States "to ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". In addition to being a crucial fair trial guarantee, this principle is also an essential aspect of the non-derogable right to physical and mental integrity set forth, inter alia, in Article 7 of the ICCPR.

We draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the ICCPR establishes that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under Article 1.1 that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Article 2.5 requires that "Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group..." In addition, Article 4.1 of the Declaration establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law."

We would also like to refer to article 21 of the ICCPR, which provides that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others".

Similarly, we would like to recall article 22 of the ICCPR, which provides that "[e]veryone shall have the right to freedom of association with others..."

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

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 ICCPR, 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 the above-mentioned persons 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 cases accurate?
2. Please indicate the specific crimes that the five persons mentioned have been found guilty of and the legal basis of the death sentence imposed against them. Please indicate how this is compatible with international human rights law, specifically with the requirement in article 6(2) of the ICCPR.
3. Please provide detailed information on each stage of the judicial proceedings and indicate how they comply with the requirement and guarantees of a fair trial and due process as enshrined in article 14 of the ICCPR, United Nations Safeguards 4 and 5 Guaranteeing Protection of the Rights of those Facing the Death Penalty, the Basic Principles on the Independence of the Judiciary and the Basic Principles on the Role of Lawyers.
4. 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 allegations of torture or ill-treatment in these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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 we await your response and in view of the irreversibility of the punishment of the death penalty, it is imperative that your Excellency's Government take all steps necessary to prevent the execution of Messrs. Mohammad Ali Amouri, Sayed Jaber Alboshoka, Sayed Mokhtar Alboshoka, Hashem Sha'bani Amouri, and Hadi Rashidi (or Rashedi), which, if carried out, would be incompatible with the standards of international human rights law. We call upon your Excellency's Government not to execute these individuals and to commute without delay the death sentences imposed against them.

We urge also your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons 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.

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opinion and expression

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