

**Mandate of the Working Group on Arbitrary Detention**

REFERENCE: UA  
IRN 20/2014:

3 October 2014

Excellency,

I have the honour to address you in my capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention pursuant to Human Rights Council resolution 24/7.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the detention of Mr. [REDACTED].

According to information received:

Mr. [REDACTED] was born on [REDACTED] and is both an Iranian and British citizen. He is [REDACTED], all living in [REDACTED]. Before his detention, he was a [REDACTED]. Mr. [REDACTED] is about to turn [REDACTED] old and has [REDACTED].

It is reported that on [REDACTED], Mr. [REDACTED] and [REDACTED] were at home in [REDACTED], when they were arrested by five individuals who identified themselves as being "Entezami" officials. The individuals did not show an arrest warrant and did not provide a reason for the arrest but told Mr. and Mrs. [REDACTED] to follow them to a car and took them to Evin Prison, where Mr. [REDACTED] is still detained to date, in [REDACTED].

Mrs. [REDACTED] was released after being detained for 45 days without charge. Following her release, she obtained permission from a judge to visit her husband once a month. According to the source, she attempted to visit Mr. [REDACTED] five times but was authorised by the Evin prison authorities to visit him only twice.

During these visits, Mr. [REDACTED] informed [REDACTED] that he was being investigated but had still not been charged with any crime. In [REDACTED], Mrs. [REDACTED] left Iran to go to [REDACTED] and has not returned.

It is reported that Mr. [REDACTED] was charged one year after his arrest (around [REDACTED]) but it was not made clear to him what he was being charged with and why. It took almost one further year for Mr. [REDACTED] to be tried by the Revolutionary Court and finally sentenced by Judge [REDACTED] to 11 years imprisonment, including eight years for espionage and three years for having alcohol at home. The sentence was subsequently reduced on appeal to eight years. There was reportedly no public access or jury at this first trial and Mr. [REDACTED] and his lawyer were allowed to attend it together only for one day. Moreover, since the trial ended in [REDACTED], his lawyer could only visit him three times, on [REDACTED], [REDACTED] and [REDACTED]. Other attempts to visit him were refused by the authorities.

Since his arrest on [REDACTED], Mr. [REDACTED] was allegedly not allowed to any international calls to speak to his family in [REDACTED], except on [REDACTED] and [REDACTED]. From early [REDACTED] to date, he was permitted phone calls with [REDACTED] generally around three to five times per week. However, on several occasions the phone call was cut off immediately after they said hello. Correspondence with his family is also not permitted, given the espionage charges against him. For the same reason, his lawyer was not able to obtain a copy of the case files and as a consequence was not able to send one to his family in [REDACTED]. Mr. [REDACTED]'s family have only received one fax from Evin Prison authorities detailing the case; the charges and the sentence. The higher authorities of the State including the Head of the Human Rights Department have not responded to written correspondence from the family. These include requests for information on the case and clemency, such as a furlough (temporary release) because of Mr. [REDACTED]'s [REDACTED]. In [REDACTED], the [REDACTED], which sent two diplomatic notes to their Iranian counterparts, was informed that the Islamic Republic of Iran legally does not recognise [REDACTED] and therefore will not formally respond.

It was further reported that on [REDACTED], Mr. [REDACTED] said in a telephone call to his family that he was [REDACTED]. During that call he also said that the prison guards had taken him to a hospital. Medical doctors then confirmed that he was suffering from [REDACTED]. These illnesses were brought to the attention of Judge [REDACTED] in August 2014 as part of a request for clemency. Judge [REDACTED] refused to consider this matter until Mr. [REDACTED] had been separately investigated by an official government doctor of the Court's choosing. As of 20 September 2014, seven weeks later, no medical doctor from the Government had checked on Mr. [REDACTED]'s health and no medical appointment had been made.

Serious concern is expressed at the continued detention of Mr. [REDACTED] and at the allegations that he was detained several months without charge and trial, with only irregular access to legal counsel and limited contact with his family. Even after having been charged, Mr. [REDACTED] was not able to grasp the reason for such a detention and trial and no evidence was brought against him. Grave concern has further been expressed about Mr. [REDACTED]'s physical and mental integrity.

While I do not wish to prejudge the accuracy of these allegations, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

While I do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. [REDACTED] is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of his liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR) acceded by the Iran 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 right to the enjoyment of the highest attainable standard of physical and mental health is reflected, inter alia, in article 12 of the ICCPR. 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.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

It is the Working Group's responsibility, under the mandates provided to it by the Human Rights Council, to seek to clarify all cases brought to its attention. I would be grateful for your observations on the following matters:

1. Please provide any information, observation or comment your Excellency's Government may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest, detention and trial of Mr. [REDACTED] and how these measures are compatible

with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Please also explain why Mr. [REDACTED]'s legal representative had difficulties meeting with his client.

3. Could you please provide information about the charges, especially specifying the charges Mr. [REDACTED] was found guilty of and those for which he was found innocent.

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 this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

5. Please provide details of any action taken to ensure the enjoyment of the right to the highest attainable standard of health for Mr. [REDACTED]. In this respect, please indicate the type of medical assistance provided to Mr. [REDACTED] during his detention, including access to adequate medicines and health care.

While awaiting a reply, the Working Group's urges 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 above 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