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AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolutions 19/12 and 16/4.

In this connection we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and detention of media professionals as well as the suspension of independent media outlets.

According to information received:

On 2 October 2012, a Tehran jury found Reuters news agency guilty of "propagating against the Islamic Republic" and "disseminating false information to disturb public opinion" for erroneously referring to women's athletes as Ninja assassins. Even though the agency reportedly acknowledged and corrected the report, removed the headlines and offered apologies, Iranian authorities suspended the outlet's press accreditation and forbade its journalists from reporting from inside the country. Furthermore, Ms **Parisa Hafezi**, the agency's Tehran bureau chief was also convicted on charges of "spreading lies" and "propaganda" against the regime.

On 26 September 2012, the Government indefinitely suspended the **Daily Shargh**, for publishing a cartoon that authorities deemed insulting to veterans of the Iran-Iraq war. The cartoonist Mr **Hadi Heydari** received a judicial summons and the paper's editor, Mr **Mehdi Rahmanian**, was detained in Evin Prison after being summoned to court for questioning on the same day. He remained in detention until his release on bail on 29 September, with his trial still pending. On 1 October authorities also entered the offices of **Daily Maghreb**, and arrested its editor, Mr **Mohammad Mehdi Emami Nasseri**. Mr Nasseri's whereabouts and the charges against him were not immediately known.

Furthermore, on 26 September 2012, Mr **Ali Akbar Javanfekr**, the director of the official **Iranian News Agency (IRNA)** was summoned to serve a six-month prison sentence at Evin Prison for publishing a supplement about the chador on 13 August 2011. Following the publication, he was charged with publishing content "contrary to Islamic standards." A Tehran court originally sentenced Mr Javanfekr on 20 November 2011 to a year in prison and a three-year ban on working as a journalist, but the sentence was reduced to six months in prison on appeal.

Concern is expressed that the alleged suspension of independent newspapers and subsequent arrests and detention of the above-mentioned persons may be linked to their profession as media practitioners and for peacefully exercising their rights to freedom of opinion and expression. Further concern is expressed regarding the situation of journalists, bloggers and persons who express views which are critical of your Excellency's Government, given the fact that over 40 journalists and bloggers allegedly remain in detention in the Islamic Republic of Iran, and over 150 persons fled the country to seek exile.

While we do not wish to prejudge the accuracy of these allegations, we would 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."

Furthermore, with regard to the reported charges of libeling and defamation, we would like to draw the attention of your Excellency's Government to the principle enunciated in the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, as endorsed in E/CN.4/1996/39 of 1996, which affirms that no one may be punished for criticizing or insulting the nation, the State or its symbols, the Government, its agencies, or public officials, or a foreign nation, State or its symbols, Government, agency or public official unless the criticism for insult was intended and likely to incite imminent violence.

Without in any way implying any determination on the facts of the case, we also deem it appropriate to make reference to the principle enunciated, inter alia, by the Commission on Human Rights in its Resolution 2005/38, which called upon all States to refrain from the use of imprisonment or the imposition of fines for offences relating to the media, which are disproportionate to the gravity of the offence and which violate international human rights law.

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 above summary accurate?
2. Please provide information on how the arrest and detention of the above mentioned persons as well as closure of independent news outlets are compatible with human rights standards contained, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

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 waiting for your response, we urge 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.

Ahmed Shaheed

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Frank La Rue

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression