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PROCEDURES SPECIALES DU
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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

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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; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/16, 16/4, 16/5 and 16/9.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **alleged arrests of several journalists and bloggers, many of whom are associated with reformist papers or websites in which Government policies have been criticised, in the Islamic Republic of Iran.**

According to the information received:

On 28 December 2012, Mr. **Esmail Jafari**, journalist, labour and human rights activist and writer of the *Rah-e Mardom* (Voice of the People) blog was allegedly arrested on charges of endangering national security in Bushehr.

On 7 January 2012, Mr. **Ehsan Houshmand**, member of the Kurdish minority in Iran, sociologist specialising in the history of the Kurdish people, and journalist, who has written about ethnic minorities in the Islamic republic of Iran was reportedly arrested by security officials in civilian clothes. On the same day, Ms. **Fatemeh Kheradmand**, a journalist who works for the monthly publication *Gozarash Sanat Chap* and writes about social issues, was allegedly arrested by four officials from the Ministry of Intelligence. The officials reportedly had a warrant and accused her of "being in contact with the families of political prisoners." According to the information received, she is in a weak state of health. Also on the same day, Mr. **Said Madani**, a sociologist, political activist linked

with *Melli Mazhabi* (the National Religious Alliance), and journalist who has written several articles in the independent media, was reportedly arrested by security officials in civilian clothes. On 8 January 2012, the Minister of Intelligence reportedly confirmed that the three individuals had been arrested the previous day, and claimed that they had “envisaged carrying out American plans to disrupt the parliamentary elections by using cyber-space and social networks.”

On 9 January 2012, Mr. **Mehdi Khazali**, editor of the *Baran* blog where he has written critical articles about the Government’s policies and human rights violations, was allegedly forcibly arrested and injured. His blog is reportedly no longer accessible.

On 11 January 2012, Ms. **Simin Nematollahi**, a contributor to *Majzooban-e Noor*, a website affiliated with the Nematollahi Gonabadi Sufi order, was allegedly arrested at her home by intelligence officers. Previously, in early September 2011, eleven other members of the website’s staff had reportedly been arrested. They were allegedly later released and are currently awaiting trial.

On 15 January 2012, Ms. **Parastoo Dokouhaki**, blogger for *Zan-nevesht*, women’s rights activist, and former journalist with the now banned magazine *Zanan* (Women), was allegedly arrested at her home in Tehran by officials from the Ministry of Intelligence.

On 17 January 2012, Mr. **Peyman Pakmehr**, editor of the *Tabriz News* website, was reportedly detained in Evin Prison in Tehran, and released approximately one week later after having been charged with spreading propaganda against the system. In mid-January 2012, Ms. **Marzieh Rasouli**, a journalist who has written articles on music and publishing and worked for several newspapers including *Shargh* and *Etemad*, was allegedly arrested by agents who broke into her home in Tehran. She is now reportedly held in Section 2A of Evin Prison. Also in mid-January 2012, Mr. **Said Razavi Faghih**, a student leader and journalist, was reportedly arrested at Tehran International Airport. He is now allegedly detained in Evin Prison.

On 18 January 2012, Mr. **Sahamoldin Bourghani**, a journalist for the news website *Irdiplomacy*, was reportedly arrested when agents broke into his home in Tehran. He is now allegedly held in Section 2A of Evin Prison.

On 19 January 2012, Mr. **Shahram Manouchehri**, journalist and contributor to *u24*, a social networking website, was reportedly arrested by security forces which allegedly broke into his home, confiscated his belongings, and transferred him to an unknown location.

On 20 January 2012, Mr. **Mohammad Soleimaninia**, a translator, journalist, director of the social networking website *u24*, and creator and host of the websites of many non-governmental organisations and Iranian intellectuals, was reportedly arrested by intelligence officials. His home was also reportedly searched by the

intelligence officials who allegedly confiscated his computer, hard discs and compact discs.

Other journalists who were reportedly arrested in January 2012 include **Mr. Hassan Fathi**, **Mr. Farshad Ghorbanpour** and **Mr. Arash Sadeghi**.

Concern is expressed that the alleged arrests of the aforementioned journalists and bloggers may be related to their legitimate exercise of their right to freedom of expression. Concern is also expressed for the physical and psychological integrity of the alleged victims, particularly Ms. Fatemeh Kheradmand and Mr. Mehdi Khazali. Further concern is expressed that these arrests form part of a pattern of violations of the right to freedom of expression in the Islamic Republic of Iran, particularly in the context of the parliamentary elections scheduled for 2 March 2012.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of the above-mentioned persons.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with

others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Without expressing at this stage an opinion on the facts of the cases and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

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 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."

In relation to the allegations according to which the fate and whereabouts of Mr. Shahram Manouchehri are unknown, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 6 (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance);
- article 7 (no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances); and
- article 10 (right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest).

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 for the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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 aforementioned 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 of the cases accurate?
2. Has a complaint been lodged by the victims or on their behalf?
3. Please provide details on the legal basis for the arrest and detention of the aforementioned individuals and how they are compatible with the relevant international norms and standards, including those relating to the right to freedom of opinion and expression.
4. Please provide information on the current whereabouts of Mr. Shahram Manouchehri

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.

Please accept, Excellency, the assurances of our highest consideration.

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