

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE: UA
IRN 18/2014:

19 September 2014

Excellency,

We have the honour to address you in our capacity 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 25/2, 24/5, 24/6, and 25/24.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of Mr. **Heshmatollah Tabarzadi (also known as Heshmat)**, a democratic activist and Secretary General of the Iran Democratic Front, a banned opposition party that advocates for a secular democratic system of government in the country. He suffers from diabetes and high blood pressure allegedly due to prison confinement.

According to information received,

Mr. Tabarzadi was a student leader prior to the student uprising on 9 July 1999. Due to his anti-Government comments, he was imprisoned for six years, two of which were in solitary confinement. On 28 December 2009, he was again arrested, following the 2009 presidential election, and charged with propaganda against the Government, congregation and mutiny with the intention to act against the national security, insulting the Supreme Leader and the President, and disrupting public order. Apart from allegedly having an unfair trial, Mr. Tabarzadi's lawyer claimed that her client was verbally and physically abused during interrogation. In October 2010, Mr. Tabarzadi was sentenced to eight years in prison but was granted conditional furlough for medical treatment in January 2013. His medical conditions at the time included high blood pressure, osteomalacia, a heart condition, and diabetes.

After a year of temporary release, Mr Tabarzadi was informed by the prosecutor's office on 05 January 2014 that he would have to return to prison for breaking his conditional silence by campaigning against executions and mandatory hijab, for freedom of political prisoners and for an increase in minimum wages. On 15 January 2014, he was arrested by security forces after allegedly entering Mr.

Tabarzadi's home and beating his son before taking him away. Mr. Tabarzadi was reportedly held in solitary confinement and mistreated. He is currently serving the remainder of an eight year prison sentence in ward 12 of the Rajai Shahr prison. Furthermore, Mr. Tabarzadi suffers from diabetes and high blood pressure caused by the stresses of long prison confinement.

Serious concerns remain about the arrest, detention and prosecution of Mr. Tabarzadi, which appear related to his exercise of the rights to freedom of expression and of association. We express further concerns about his poor health condition while in detention.

While we do not wish to prejudge the accuracy of these allegations, we would appreciate information from your Excellency's Government on the steps taken by the competent authorities with a view to ensuring the right to the highest attainable standard of physical and mental health of Mr. Tabarzadi, including by properly addressing his health condition and providing him with the necessary medical treatment. This right is reflected, *inter alia*, in article 12 of the International Covenant of Economic, Social and Cultural Rights, acceded by your country on 24 June 1975, which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 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.

Moreover, we would also like to refer to your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which guarantee the rights to freedom of opinion and expression and of association.

We would like to further refer to Human Rights Council resolution 24/5, in which the Council stresses the obligation of States to respect and fully protect the rights of all individuals to associate freely.

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

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 person 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. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?

3. Please provide information on each stage of the judicial and post-conviction proceedings against Mr. Tabarzadi, and indicate how they comply with the guarantees of fair trial and due process, as enshrined, inter alia, in article 14 of the ICCPR.

4. Please kindly provide information regarding the health condition of Mr. Tabarzadi since he returned to prison in January 2014 and the measures that have been taken to address this.

5. Please provide information on the prison living conditions of Mr. Tabarzadi and whether or not he has access to the necessary medical treatment, including adequate medicines.

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.

It is our intention to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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.

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

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Special Rapporteur on the rights to freedom of peaceful assembly and
of association

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