

**Mandates of the Working Group on Arbitrary Detention; 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 situation of human rights defenders; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

REFERENCE: UA  
IRN 25/2014:

21 October 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; 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 situation of human rights defenders; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18, and 25/24.

In this connection, we would like to bring to the attention of your Excellency's Government allegations we have received concerning the arrest and detention of Mr. **Saeed Shirzad**, a human rights activist and a member of the Society for Defending Street and Working Children in Iran, including as a form of reprisal for cooperating with the office of the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. Mr Shirzad was already the subject of a joint urgent appeal dated 15 July 2014, to which we are yet to receive a response.

According to information received:

On 2 June 2014, Mr. Saeed Shirzad was arrested by officials from the Ministry of Intelligence at his workplace in Tabriz, East Azerbaijan province. He was held overnight at the Ministry of Intelligence detention facility before his transfer to Evin Prison in Tehran. He was reportedly held in solitary confinement for two months in Ward 209 of Evin Prison. During this time, he was reportedly not permitted contact with his family or access to a lawyer.

Although authorities have not yet issued an indictment against Mr. Shirzad, he was allegedly verbally informed, on 18 August, in the Prosecutor's Office at Evin Prison, of his charges, which included association and collusion against national security, propaganda against the system and cooperation with the office of the United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

Mr. Shirzad was previously arrested in the village of Cheraghloo on 19 August 2012, when he was conducting field research on the needs of victims of the 2012 earthquake in Azerbaijan. Intelligence officers reportedly arrested him without an arrest warrant in the house where he was staying. He was allegedly accused of being in the village without a permit and verbally charged with acting and propagating against the system and insulting the Supreme Leader. He was initially held in the Intelligence Office in Ahar before being transferred to a Ministry of Intelligence office in Tabriz, where he was allegedly kept in solitary confinement for 11 days, during which time he was interrogated for over six hours per day. He allegedly had no contact with his family during this time. On the 12th day after his arrest, Mr Shirzad was transferred to the General Prosecutor's Office at Evin Prison, where he was eventually released on bail.

Concerns are expressed that the arrest and detention of Mr. Saeed Shirzad might be related to his peaceful human rights activities. Concerns are further expressed that given the information allegedly received orally on 18 August, his arrest and detention might be an act of reprisal for cooperating with the United Nations, its mechanisms and representatives in the field of human rights.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. Saeed Shirzad 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), 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.

We would also like to refer to your Excellency's Government to articles 19 and 22 of the ICCPR, which guarantee the right to freedom of opinion and expression and the right to freedom of association.

We would also 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. In particular, we would like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5 and 6.

Furthermore, we wish to recall the provisions of resolution 12/2 of the Human Rights Council (A/HRC/RES/12/2), which, inter alia, “condemns all acts of intimidation on reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (OP 2) and “calls upon all States to ensure adequate protection from intimidation or reprisals for individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights (...)” (OP 3).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or 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 Mr. Saeed Shirzad 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 above summary of these cases accurate? Please provide any additional information and any comment you may have regarding the above-mentioned allegations.
2. Please provide details on the legal basis for the detention of Mr. Saeed Shirzad. Please also explain how this is compatible with international human rights law, in particular relevant provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.
3. Please kindly indicate what measures have been taken to ensure that human rights activists are able to carry out their legitimate work in the Islamic Republic of Iran in a safe and enabling environment and can associate with human rights institutions, including UN mechanisms without fear of reprisal, violence or harassment of any sort.

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.

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

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

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

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