

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA IRN 9/2014:

11 June 2014

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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council decision 25/116, and resolutions 24/7, 25/2, 24/5, 25/18, 17/2, 25/24, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **acts of intimidation and reprisals in the form of the ill-treatment of detainees, including six human rights defenders detained in Evin prison.**

Mr. **Omid Behrouzi** is a human rights lawyer who is also a member of the Nematollah Sufi Muslim community, and part of a group of 173 individuals who were arrested on 13 February 2006 due to their participation in a peaceful protest against an order by the security forces to evacuate the community's place of worship, known as Hosseiniye. Mr. Behrouzi has been the subject of a previous communication on 1 March 2006 by the mandates of the Special Rapporteur on contemporary forms of racism, xenophobia, and related intolerance; the Special Rapporteur on freedom of religion and belief, the Independent Expert on Minority Issues, the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the then Special

Rapporteur on the question of torture established by the Commission on Human Rights (IRN 8/2006). We thank your Excellency's Government for the response dated 19 November 2006. He was also the subject of a communication on 22 May 2006 by the mandates of the Working Group on Arbitrary Detention, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the question of torture established by the Commission on Human Rights (IRN 21/2006). We regret that no response has been transmitted to this communication.

Mr. Behnam Ebrahimzadeh is a trade unionist and child rights activist.

Mr. Mohammad Sadiq Kabudvand is the founder and President of the Human Rights Organisation of Kurdistan (HROK). He has also served as managing editor of the bilingual Kurdish and Farsi weekly magazine Payam Mardom Kordestan (Kurdistan People's Message), and as Secretary of the Kurdistan Organisation for the Defence of Human Rights (KODHR). He has been serving an 11-year prison sentence since 2007. Mr. Kabudvand has suffered three strokes while in detention. He has been the subject of previous communications; on 22 September 2006 by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (IRN 43/2006), on 10 July 2007 by the mandates of the Chairperson-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 question of torture, the then Special Representative of the Secretary-General on the situation of human rights defenders (IRN 31/2007) and on 14 July 2008 by the mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders (IRN 31/2008). We thank your Excellency's Government for the responses to these three communications.

Mr. Sa'id Metinpour is a human rights defender advocating for Azerbaijani linguistic and cultural rights in the Islamic Republic of Iran. He has been the subject of two previous communications. The first was sent on 7 June 2007 by the mandates of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture and the then Special Representative of the Secretary-General on the situation of human rights defenders (IRN 23/2007). We regret that no response has been received to date. The second communication was sent on 23 January 2008 by the mandates of the Working Group on Arbitrary Detention, the Special Rapporteurs on the independence of judges and lawyers, and on the question of torture; and the then Special Representative of the Secretary-General on the situation of human rights defenders (IRN 4/2008). We thank your Excellency's Government for the response dated 15 July 2008.

Mr. **Hossein Ronaghi-Maleki** is an internet blogger and political activist. Mr. Ronaghi-Maleki is currently serving his 15-year prison sentence. He has been the subject of a communication sent on 11 September 2013 by the 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 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 (IRN 15/2013). We thank your Excellency's Government for the response dated 12 December 2013.

The Working Group on Arbitrary Detention, in its Opinion No. 48/2012 (Islamic Republic of Iran) adopted on 16 November 2012, considered that the deprivation of liberty of Mr. Kabudvand was arbitrary and requested the Government to remedy his situation, releasing him and providing him with adequate compensation (A/HRC/WGAD/2012/48),

Mr. **Abdolfattah Soltani** is a prominent human rights lawyer in the Islamic Republic of Iran and co-founder of the Defenders of Human Rights Centre (DHRC). Mr. Soltani has represented many high-profiles political and human rights activists. He is currently serving his 13-year sentence in Evin Prison, and is reported to be in critical condition due to denial of necessary medical care. Mr. Soltani has been the subject of fifteen urgent appeals and letters of allegation since 2005. The most recent communication was sent on 17 April 2014 by the mandates of the Working Group on Arbitrary Detention, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 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 (IRN 7/2014). We thank your Excellency's Government for the responses provided. However, we regret that a large number of the communications remain unanswered.

In its Opinion No. 54/2012 (Islamic Republic of Iran) adopted on 19 November 2012, the Working Group on Arbitrary Detention considered that the deprivation of liberty of Mr. Soltani was arbitrary, being in contravention with articles 9, 10, 19, 20 and 21 of the Universal Declaration of Human Rights and articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights. The Working Group requested the Government the immediate release of Mr. Soltani and to provide him with adequate reparation (A/HRC/WGAD/2012/54).

According to the information received:

On 17 April 2014, Messrs. Omid Behrouzi, Behnam Ebrahimzadeh, Mohammad Sadiq Kabudvand, Sa'id Metinpour, Hossein Ronaghi-Maleki and Abdolfattah Soltani, and other detainees in Ward 350 of Evin prison were severely beaten by prison guards and security agents during an inspection of the detainees' personal

effects and were transferred to solitary confinement. Reportedly, this took place after the detainees had peacefully demanded permission to remain present during a search operation.

On 22 April 2014, the Speaker of Parliament's National Security Committee reportedly justified the raid on Evin Prison and attributed it in part to the flow of information from inside the prison. He reportedly mentioned “a series of fabricated and unfounded reports” that had been passed on from inside Evin prison to “defiant elements such as Mr. Ahmed Shaheed, the Special Rapporteur on the situation of human rights in Iran”. He further stated that the raid had aimed at “furthering the security of the prisoners”.

The case of Mr. Abdolfattah Soltani:

Mr. Soltani was reportedly handcuffed and had his head forcibly shaved while in solitary confinement. He was transferred back to Ward 350 on 19 April 2014.

The case of Messrs. Omid Behrouzi, Sa'id Metinpour and Hossein Ronaghi-Maleki:

Mr. Metinpour was reportedly taken to Ward 240, where he was handcuffed, struck with batons on his back, forced to strip naked, and had his head forcibly shaved. Messrs. Ronaghi-Maleki and Behrouzi also suffered injuries and were in need of medical care. Messrs. Behrouzi, Metinpour and Ronaghi-Maleki were returned to Ward 350 on 1 May 2014.

The case of Mr. Behnam Ebrahimzadeh:

Mr. Ebrahimzadeh was kept in solitary confinement until 1 May 2014. On 3 May 2014, he was summoned to the Prosecutor's Office and has not been returned to Evin prison. Mr. Ebrahimzadeh's fate and whereabouts are not known.

The case of Mr. Mohammad Sadiq Kabudvand:

Mr. Kabudvand was removed from Ward 350 of Evin prison and was detained in solitary confinement in Ward 240 for three days despite his need for medical care. On 20 April 2014, he was taken to Evin prison clinic for treatment. According to reports, he had suffered three broken ribs, two broken toes on his left foot, kidney bleeding, and injuries to his left hand and his head. He was returned from the Evin prison clinic to Ward 350 on 5 May 2014.

Serious concern is expressed at the ill-treatment of these human rights defenders in detention, namely their beating by prison guards and placement in solitary confinement. Further concern is expressed at the inadequate provision of medical

treatment for detainees in Evin prison. Concern is also expressed regarding the fate and whereabouts of Mr. Ebrahimzadeh. Grave concern is expressed that the ill-treatment of the detainees in Evin prison might be an act of reprisals due to the engagement of some of them with the United Nations and its human rights mechanisms.

While we do not wish to prejudge the accuracy of these allegations, they appear to be in contravention of the right not to be deprived arbitrarily of their 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), the human rights standards related to prevention of enforced disappearances (articles 7, 9.1, and 10 of the Declaration on the Protection of all Persons from Enforced Disappearance), 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.

Furthermore, the above-alleged facts indicate a *prima facie* violation of the articles 19, 21 and 22 of the ICCPR, which guarantee the rights to freedom of expression, peaceful assembly and association.

In this connection, we would like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that reminds States of their positive obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely and to take all necessary measures to ensure that any restrictions on the free exercise of these rights are in accordance with their obligations under international human rights law.

The allegations also appear to contravene the prime responsibility and duty of the State to protect, promote and implement all human rights and fundamental freedoms 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 which state that everyone has the right 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. We would also like to refer to article 12 paragraphs 2 and 3, which urge States to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of the rights referred to in the Declaration.

The above allegations also appear to be in contravention with the Basic Principles on the role of lawyers.

In addition, we would like to refer to resolution 24/24 of the Human Rights Council, which calls on States to refrain from and to ensure adequate protection from

intimidation or reprisals for cooperation with the United Nations human rights mechanisms, including the independent experts of the Human Rights Council. Furthermore, paragraph 8a of Human Rights Council Resolution 16/23, states that intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture.

The full texts of the human rights instruments and standards recalled above are available on 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 the above-mentioned persons 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. Please provide any additional information and any comment you may have on the above-mentioned allegations.

2. Please provide the details, and where available the results, of any investigation, medical examinations and inquiries carried out in relation to the cases of Messrs. Omid Behrouzi, Behnam Ebrahimzadeh, Mohammad Sadiq Kabudvand, Sa'id Metinpour, Hossein Ronaghi-Maleki and Abdolfattah Soltani. If no examinations have taken place, or if they have been inconclusive, please explain why.

3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken; have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

4. Please provide the full details on Mr. Ebrahimzadeh's summons to the Prosecutor's Office, and his fate and whereabouts.

5. Please provide information concerning access of human rights monitors, including lawyers, to Evin prison.

6. Please kindly indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in the Islamic Republic of Iran in a safe and enabling environment and can interact with the United Nations and its human rights mechanisms without fear of violence or harassment of any sort.

7. Please provide information on the eventual measures adopted by Your Excellency's Government to implement the recommendations contained in Opinions 48/2012 and 54/2012 (Islamic Republic of Iran) of the Working Group on Arbitrary Detention.

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

Ariel Dulitzky
Chair-Rapporteur of the Working Group on Enforced or Involuntary
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