

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 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**

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (3-3-16) Iran (2011-16) G/SO 214 (33-27) G/SO 214 (53-24)  
IRN 2/2012

16 February 2012

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 independence of judges and lawyers, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 17/2, 16/9, 17/5 and 16/23.

In this connection we would like to bring to the attention of your Excellency's Government information we have received concerning the imminent execution of Messrs. **Saeed Malekpour, Ahmadreza Hashempour, Vahid Ashghari and Mehdi Alizadeh Fakhrabad**. Mr. Malekpour, a permanent resident of Canada, was the subject of a previous communication sent on 31 December 2010, by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on Arbitrary Detention. The Special Rapporteurs regret that no reply has been received to date.

According to the new information received:

Mr. Saeed Malekpour was convicted on charges of "insulting and desecrating Islam" after one of his web programs was used to host pornographic images without his knowledge. The Revolutionary Court sentenced him to death in October 2010. The Supreme Court returned the case for further review. The Revolutionary Court re-imposed the death sentence in November 2011. On 30 January 2012, the Supreme Court confirmed his sentence. It is alleged that Mr. Saeed Malekpour was tortured while being held in solitary confinement in Tehran's Evin Prison for more than a year.

In January 2012, a death sentence against Mr. Vahid Asghari, a blogger and Information Technology student, was also confirmed. Prior to the confirmation of his sentence, Mr. Asghari was reportedly subjected to acts of torture while in detention. Mr. Ahmadreza Hashempour, a blogger, and Mr. Mehdi Alizadeh Fakhrabad, a web developer, have recently also received death sentences. Messrs. Asghari, Hashempour and Alizadeh Fakhrabad have reportedly been charged with “spreading corruption on earth” and “mohareb” (enmity against God), after allegedly being forced to admit to having links with websites that criticize Islam and the Iranian Government, to distributing pornographic material, and to participating in a plot supported by the United States of America and Israel.

Serious concerns have been raised over the fairness, transparency and speed of court proceedings in relation to all four death sentences.

While we do not wish to prejudge the accuracy of the information provided to us, we would like to reiterate our concerns as expressed in the joint urgent appeal dated 31 December 2010, and refer to the international duties of your Excellency’s Government as mentioned in that communication. We are further concerned that the death sentences against Messrs. Saeed Malekpour, Ahmadreza Hashempour, Vahid Ashghari and Mehdi Alizadeh Fakhrabad may be related to their legitimate exercise of their right to freedom of expression, and about their physical and psychological integrity. Further concern is expressed that this may form part of a pattern of violations of the right to freedom of expression in the Islamic Republic of Iran.

In light of the new information received indicating that Mr. Malekpour was charged after one of his web programs was used to host pornographic images without his knowledge, as well as the information received regarding Messrs. Hashempour, Ashghari and Alizadeh Fakhrabad, 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.”

Concerning the allegations that Messrs. Hashempour and Fakhrabad received death threats, we wish to stress that “effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats” in accordance with principle 4 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65 of 24 May 1989).

Therefore, we urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of Messrs. Saeed Malekpour, Ahmadreza Hashempour, Vahid Ashghari and Mehdi Alizadeh Fakhrabad are respected. We urge your Excellency’s Government to take all necessary measures to prevent the execution of the aforementioned individuals which would, according to the facts available to us,

constitute a violation of international law. 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 individuals in compliance with the international standards.

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 this case to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Please indicate the legal justification for the imposition of the death penalty on Messrs. Saeed Malekpour, Ahmadreza Hashempour, Vahid Ashghari and Mehdi Alizadeh Fakhrabad for non-serious crimes and please indicate how this complies with the standards developed under international law, including the right to freedom of opinion and expression.

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.

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

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

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment