

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 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; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

REFERENCE: UA
IRN 12/2014:

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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; 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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; 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, 24/6, 25/18, 17/2, and 25/24.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged **acts of reprisals, judicial harassment, arbitrary detentions, ill-treatment while in detention, and denial and inadequate provision of medical care to individuals charged and sentenced based on their involvement in human rights activities.**

According to the information received:

Mr. Hadi Esmaeilzadeh is a human rights lawyer and was a member of the Defenders of Human Rights Centre (DHRC). Former members have experienced criminalisation and reprisals since the Centre's forced closure in December 2008. Prior to arrest, Mr. Esmaeilzadeh was repeatedly subjected to interrogations regarding his position with the DHRC. On 31 May 2014, the Islamic Revolutionary Court sentenced Mr. Esmaeilzadeh to three-year imprisonment for "assembly and collusion with intent to commit anti-security crimes", based on his

participation with the DHRC. Mr. Esmaeilzadeh received an additional year on the charge of “spreading propaganda against the State” for allegedly sending monthly DHRC reports to human rights organizations and the UN Human Rights Council. The Court banned Mr. Esmaeilzadeh from practicing law or joining any political group for two years. Before he was sentenced, he was prohibited from travelling outside the state. Additionally, he was expelled from the Higher Institute of Banking of Iran in 2009 and the Islamic Azad University-Bam Unit in 2012. Mr. Esmaeilzadeh has not begun serving his prison sentence and is currently appealing the verdict.

Mr. Reza Shahabi Zakaria is a workers’ rights activist and the Treasurer of the Union of Workers of Tehran & Suburbs Bus Company. He was arrested in June 2010 and detained in Evin prison. He was later sentenced by Branch 15 of the Revolutionary Court of Tehran to a five-year prison term for “gathering and colluding against state security”, with an additional year for “spreading propaganda against the system”. He was also banned from all trade unionist activities for five years. It is alleged that Mr. Zakaria has been convicted solely for his peaceful trade union work. On 1 June 2014, Mr. Zakaria began a hunger strike in protest of his transfer from Evin prison to Rajaishahr prison. On 30 June 2014, due to his weakened condition, Mr. Zakaria’s cellmates brought him to the prison clinic for immediate medical care. Clinic officials allegedly refused to provide him with the necessary care and commanded that he end his hunger strike, which he refused. He has requested sick leave from prison in order to obtain medical care and undergo a disc operation that cannot be obtained inside the prison. Doctors have notified the prison administration and the office of the Prosecutor of Tehran that Mr. Shahabi requires the requested medical treatment, and that without it he risks paralysis. Mr. Zakaria is in poor health and was reportedly transferred to the prison infirmary on 30 June 2014.

Mr. Shahrokh Zamani is a 49-year old trade unionist from Tabriz. He is a member of the Committee to Pursue the Establishment of Labour Unions and co-founder of the Painters’ and Decorators’ Union. He is also a member of a group campaigning for the establishment of independent trade unions in Iran. He was arrested in June 2011 and in August 2011 he was sentenced by Branch One of the Tabriz Revolutionary Court to 11 years in prison upon being convicted of “acting against national security by establishing or membership of groups opposed to the system” and “spreading propaganda against the system”. In November 2011 an appeal court upheld his sentence. He began serving his sentence in the Central Prison of Tabriz on 14 January 2012, and was transferred to Rajaishahr prison on 13 October 2012. On 11 March 2014, Mr. Zamani was transferred to Ghezelhessar prison reportedly as a punishment for his activism. In protest, Mr. Zamani began a hunger strike to protest prison conditions and ill-treatment of prisoners, demanding he be returned to Rajaishahr prison. Mr. Zamani ended his hunger strike on 14 April 2014 and prison officials then transferred him to a ward for dangerous prisoners at Rajaishahr prison. He lost approximately 22 kilograms

(48.5 lbs) over 38 days and is in poor health. Mr. Zamani has reportedly been told that he could be charged with “disturbing public order” based on his hunger strike activism and letters he has written regarding prison conditions.

Mr. Mohammad Jarrahi is a labour activist and trade unionist. He is member of the Committee to Pursue the Establishment of Labour Unions, an independent labour organization campaigning for the establishment of independent trade unions in Iran, and co-founder of the Painters’ and Decorators’ Union. He is currently serving a five-year prison sentence in Tabriz prison for “acting against national security by establishing or membership of groups opposed to the system” and “spreading propaganda against the system”. Mr. Jarrahi is in need of immediate medical care, which has been allegedly denied.

Mr. Behnam (Assad) Ebrahimzadeh is a Kurdish labour rights and child rights activist. He is a member of the Committee to Pursue the Establishment of Labour Unions and member of the Follow Up Committee to Set Up Free Trade Associations. In December 2010, he was convicted on charges of “gathering and colluding with intent to harm state security” and sentenced to 20 years in prison, which was reduced to five years upon appeal in October 2011. He is detained in Evin prison. On 18 April 2014, Mr. Ebrahimzadeh was transferred to solitary confinement for two weeks after prison guards beat him during the raid of Section 350 of Evin Prison where dozens of prisoners were assaulted and subjected to other mistreatment. On 3 May, Mr. Ebrahimzadeh was transferred to another solitary cell in Ward 209 for two months. On 29 June, security forces harassed his family and seized a computer and identity and banking documents from their home. Mr. Ebrahimzadeh was the subject of a communication on 11 June 2014 (IRN 9/2014).

Mr. Mohammad Molanaei is a 76-year-old Kurdish labour activist and member of the Coordinating Committee to Help Form Workers’ Organisations. He was arrested in Karaj on 16 June 2012, and sent to Rejaei Shahr prison. In August 2013, Mr. Molanaei was sentenced to two years imprisonment, which upon appeal was reduced to one year beginning in February 2014. He was thereafter transferred to Mahabad prison to serve his sentence. It is reported that he has been denied critically needed medical care and his family has been denied visitation.

Mr. Saeed Shirzad is a labour rights and child rights activist. Mr. Shirzad was one of many activists arrested and imprisoned while aiding earthquake victims in East Azerbaijan in 2012. On 2 June 2014, he was arrested at his workplace in Tabriz by Iranian Intelligence Service agents. He has allegedly been denied access to a lawyer and prohibited from communication with his family. The reasons for Mr. Shirzad arrest and his exact whereabouts are unknown.

Serious concern is expressed at the ill-treatment of these human right activists, the alleged denial and inadequate provision of medical treatment for some of the detainees

and the heavy prison sentences handed down to the aforementioned individuals for exercising their legitimate right to promote human rights in Iran. Concern is also expressed regarding Mr. Hadi Esmailzadeh's restriction of freedom of expression and association and regarding the disciplinary proceedings to ban him from practicing law.

Concern is also expressed about the physical and psychological integrity of Messrs. Reza Shahabi Zakaria, Mohammad Jarrahi and Mohammad Molanaei, who are reportedly not receiving adequate medical care. We stress that Governments have the obligation to protect the right to physical and mental integrity of all persons, regardless of their legal situation. This right is set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a state party.

While we do not wish to prejudge the accuracy of the allegations regarding Messrs. Reza Shahabi Zakaria, Shahrokh Zamani, Mohammad Jarrahi, Behnam (Assad) Ebrahimzadeh, Mohammad Molanaei and Saeed Shirzad, 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) which Iran has ratified on 24 June 1975.

The above allegations also appear to be in contravention with the right to freedom of expression and association of lawyers, as set forth in Principle 23 of the Basic Principles on the Role of Lawyers and with the right of lawyers to fair disciplinary proceedings as set forth in the in Principle 28 of the Basic Principles on the Role of Lawyers.

Regarding the allegations received indicating the denial and inadequate provision of medical treatment to Messrs. Reza Shahabi Zakaria, Mohammad Jarrahi and Mohammad Molanaei, we would like to refer your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by your country on June 1975, which urges States to ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially the most vulnerable or marginalized sections of the population. In this connection, we find it pertinent to refer to the Basic Principles for the Treatment of Prisoners which establish that prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9).

In addition, we would like to refer your Excellency's Government to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which guarantee respectively the rights to freedom of opinion and expression, freedom of peaceful assembly, and freedom of association.

We would like to refer to Human Rights Council resolution 24/5, which highlight the States' obligation to both respect and protect the rights of everyone to assemble peacefully and associate freely.

The allegations also appear to contravene 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 and 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.

Furthermore, 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.

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 information on the legal grounds for the arrest and detention of the above stated individuals and explain how such measures are compatible with international human rights law and standards in relation to the cases of Messrs. Reza Shahabi Zakaria, Shahrokh Zamani, Mohammad Jarrahi, Behnam (Assad) Ebrahimzadeh, Mohammad Molanaei and Saeed Shirzad.
3. Please provide the details, and where available the results, of any investigation and inquiries carried out in relation to the cases of Messrs. Hadi Esmaeilzadeh, Reza Shahabi Zakaria, Shahrokh Zamani, Mohammad Jarrahi, Behnam (Assad) Ebrahimzadeh, Mohammad Molanaei and Saeed Shirzad.
4. Please kindly indicate what measures have been taken to ensure that human rights defenders, such as lawyers, labour rights activists and trade unionists, 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 without fear of violence or harassment of any sort.

5. Please explain how Mr. Hadi Esmaeilzadeh's alleged restriction of freedom of expression and association is compatible with the international human rights standards, and please provide the legal backgrounds of the disciplinary proceedings against him.

6. Regarding the cases of Messrs. Reza Shahabi Zakaria, Mohammad Jarrahi and Mohammad Molanaei, please provide details of measures taken to ensure the enjoyment of the right to the highest attainable standard of health, including access to specialized health care and availability of essential medicines while in 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

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