

**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 Working Group on Arbitrary Detention; 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; the Independent Expert on minority issues; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

REFERENCE: UA G/SO 218/2 G/SO 214 (3-3-16) Iran (2011-16) Minorities (2005-4) G/SO 214 (33-27) G/SO 214 (53-24)  
IRN 23/2013

15 November 2013

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 independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Independent Expert on minority issues; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 17/2, 22/23, 16/6, 17/5, 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to the information we have received regarding the cases of Messrs. **Zaniar Moradi (or Zanyar Moradee)** and **Loghman Moradi (or Loqman Moradee)**, both members of Kurdish community, who are at risk of imminent execution in the Islamic Republic of Iran.

Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee) were the subject of previous joint urgent appeals to your Excellency's Government, dated 9 January 2013, 29 February 2012 and 15 November 2011. We thank your Excellency's Government for the replies, dated 12 August 2013 and 11 June 2012, on these cases.

According to the new information received:

Mr. Zaniar Moradi (or Zanyar Moradee) and Mr. Loghman Moradi (or Loqman Moradee) are currently held in Rajaee Shahr Prison in Karaj, and are reported to

be again at risk of imminent execution. It is alleged that the judicial and security authorities in the Kurdistan Province have recently undertaken steps to implement the death sentences against Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee).

Furthermore, it is alleged that the first-instance court trial of the two individuals in 2009 lasted 20 minutes. The defendants were allegedly denied assistance of a lawyer during the pre-trial and trial proceedings against them, and denied contact with the family members.

As already mentioned in the previous communications to your Excellency's Government, the new information indicates serious allegations of torture and ill-treatment of Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee) during their interrogation and detention. The two individuals reportedly stated that their confessions were false and void because they had been obtained under severe torture and threats of rape using a bottle. It is also alleged that they were held in solitary confinement.

In particular, it is reported that Mr Zaniar Moradi (or Zanyar Moradee) is currently suffering from severe back ache and testicular pains, as a consequence of torture. After his hospitalization on 24 June 2013 and tests, it was allegedly determined that Mr Zaniar Moradi (or Zanyar Moradee) had two vertebrae displaced as a result of severe blows, and had developed a disc problem in respect of three other vertebrae.

Without prejudging the accuracy of the information made available to us, we would like to reiterate our concerns as expressed in the previous communications that, according to the facts available to us, the execution of Messrs Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee) would constitute a violation of international human rights law. We are particularly concerned about the continuous reports that the defendants were subjected to torture and ill-treatment, including with the aim of forcing them to confess. We are also concerned about the new information received regarding other violations of their right to fair trial and due process guarantees.

In view of the irreversibility of the punishment of the death penalty, we urge your Excellency's Government to take all steps necessary to prevent the execution of Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee), which, if carried out, would be inconsistent with acceptable standards of international human rights law. We call upon your Excellency's Government not to execute Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee) and to commute without delay the death sentence imposed against them.

We would also like to refer to the international duties of your Excellency's Government as mentioned in previous communications, with particular regard to the international human rights law provisions on stringent respect of due process and fair trial guarantees in cases of death penalty, prohibition of torture and ill-treatment, and protection of persons belonging to minorities.

In addition to the international norms and standards regarding the rights of those facing the death penalty, which were already outlined in previous communications, we would like to refer to additional elements of the international duties of your Excellency's Government, in light of the new information reported in the current communication.

With regard to the new information that the accused persons were denied access to a lawyer before and during their trials, we would like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, and in particular principle 8, which states: "All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials."

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR). As stated previously, the latter was ratified by the Islamic Republic of Iran on 24 June 1975.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government not to execute Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee), and safeguard their rights in compliance with international human rights law instruments.

While we are grateful for your Excellency's Government's replies on these cases, dated 12 August 2013 and 11 June 2012, we would appreciate that your Excellency's Government replies with additional detailed information that would address the questions formulated in the previous communications dated 9 January 2013, 29 February 2012 and 15 November 2011. In particular, we would be grateful to receive detailed additional information on the following matters:

1. Are the facts alleged in the summary of the new information received on these cases accurate?

2. Please provide information concerning the legal grounds for the arrest and detention of Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee) and how these measures are compatible with international norms and standards as stated inter alia in the UDHR and ICCPR.

3. Please provide detailed information on each stage of the judicial proceedings against Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee), and indicate how they comply with the requirement and guarantees of a fair trial and due process as enshrined, inter alia, in article 14 of the ICCPR.

4. Please provide the details, and when available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the allegations of torture and ill-treatment in these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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.

While waiting for your response, we urge again your Excellency's Government not to execute Messrs. Zaniar Moradi (or Zanyar Moradee) and Loghman Moradi (or Loqman Moradee) and to take all necessary measures to guarantee that their rights and freedoms are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

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

IZSÁK Rita  
Independent Expert on minority issues

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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