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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;
the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health pursuant to Human Rights Council resolutions 22/23, 16/23 and 24/6.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the ongoing deterioration of Mr **Zanyar Moradi's** state of health, who is reportedly suffering from a fracture of his lumbar vertebrae and severe chest pain due to a broken rib allegedly caused by the torture at the hands of Intelligence officials.

According to information received:

Mr Zanyar Moradi, Kurdish political prisoner at the Rajaei Prison in Karaj, is reportedly in need of urgent medical care due to fracture of the lumbar vertebrae and severe chest pain due to a broken rib, allegedly caused by the torture at the hands of Intelligence officials. According to a source close to the case, Mr Moradi is in constant pain and can hardly sleep for an hour per day due to his serious physical condition. It has been reported that prison and security officials have prevented his transfer to a hospital by allegedly stating that Mr Moradi must personally pay for his hospital and operation costs.

On 2 August 2009, Mr Zanyar Moradi was arrested, along with his brother, for the alleged murder of the Marivan Friday Imam's son.

On 22 December 2009, Branch 15 of the Revolutionary Court of Tehran sentenced Mr. Moradi and his brother to death by public hanging on charges of "moharebeh"

(sometimes translated as “enmity with God” and sometimes as “drawing a weapon to the populace with intent to instill fear”) and of murder of the Marivan Friday Imam’s son. Mr. Moradi refused to accept the charges and in 2012 published a letter reporting the psychological and physical torture he allegedly endured at the Sanandaj Intelligence Office Detention Center and the false confessions he reportedly made because of it. However, in January 2012, the Supreme Court reportedly upheld his convictions.

In light of his deteriorating physical condition, concern is expressed for Mr. Moradi’s physical integrity. Similar concern is expressed regarding the allegation of torture of Mr Moradi.

Without prejudging the accuracy of the information received, we would like to stress that each Government has the obligation to protect the right of physical integrity of all persons. This right is set forth, inter alia, in the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR).

We would like to appeal to your Excellency’s Government to ensure the right to not be subjected “to torture or to cruel, inhuman or degrading treatment or punishment [...]” in accordance with article 7 of the International Covenant on Civil and Political Rights (ICCPR) and article 38 of the Islamic Republic of Iran’s Constitution that prohibits “all forms of torture for the purpose of extracting confessions or acquiring information [...].” We would also like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the UDHR and the ICCPR.

In this context, we would like to draw the attention of your Excellency’s Government to paragraph 1 of Human Rights Council resolution 16/23, which “Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

With regard to the allegations of the denial of medical treatment and transfer to hospital, we would like to recall that this right is reflected, inter alia, in article 12 of the International Covenant on Economic, Social and Cultural Rights (ratified on 24 June 1975), which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

In this connection, we wish to refer your Excellency’s Government to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which provides that States are under the obligation to respect the right to health by, inter alia, refraining from interfering directly or indirectly with the enjoyment of the right to health, from denying or limiting equal access for all persons, including prisoners or detainees,

minorities, asylum seekers and illegal migrants, to preventative, curative and palliative health services, and from enforcing discriminatory practices as a State policy (para.34).

We would also like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Rule 25(1) provides that, "The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed." (Approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.) We also refer your Excellency's Government to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173, which states that: "A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge" (Principle 24). Furthermore, we wish to refer to the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation" (Principle 9).

Moreover, 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 these cases 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 above summary of the case accurate?
2. Please provide details, and where available the results, of any inquiries, medical examination, and judicial or other inquiries carried out in relation to the allegations of torture and ill-treatment of Mr. Moradi. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide the details on the measures taken to ensure the enjoyment of the right to the highest attainable standard of health, including access to medical treatment and transfer to hospital, by Mr. Moradi.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned

persons 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.

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Republic of Iran

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