

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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

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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 situation of human rights defenders, and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 25/2, 25/18, and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the unreasonable and disproportionate sentences imposed on Ms. **Afarine Chitsaz**, a journalist of the daily newspaper *Iran*, Mr. **Ehssan Mazandarani**, the editor of the daily newspaper *Farhikhteghan*, Mr. **Saman Safarzai**, a journalist of the monthly publication *Andisheh Pouya*, and Mr. **Davoud Asadi**, the brother of an editor of the opposition news website *Roozonline*, as well as the situation of Mr. **Issa Saharkhiz**, an independent journalist currently in detention and suffering from health problems. Mr. Mazandarani was the subject of a previous communication sent by Special Procedures dated 31 January 2013 (see [A/HRC/23/51](#), case no IRN 6/2013). We regret that no response was received from your Excellency's Government. Mr. Saharkhiz was also the subject of previous communications sent by Special Procedures dated 10 July 2009, 11 February 2010, 1 April 2010 and 7 October 2010 (see cases no IRN 18/2009, IRN 7/2010, IRN 10/2010 and IRN 30/2010). We acknowledge receipt of your replies dated 4 May 2010, 6 May 2010, 7 October 2010, 16 February 2011 and 21 June 2011.

According to the new information received:

Ms. Afarine Chitsaz, Mr. Ehssan Mazandarani, Mr. Saman Safarzai and Mr. Issa Saharkhiz, all Iranian journalists, were reportedly arrested on 2 November 2015 at their homes by personnel from the Revolutionary Guard. Reports indicate that Mr. Davoud Asadi, arrested on the same date, is the brother of Houshang Asadi, the

co-founder of an opposition news website, Roozonline, which is based outside Iran.

On 7 March 2016, Ms. Chitsaz, Mr. Mazandarani, Mr. Safarzai and Mr. Asadi were tried before a Revolutionary Court. On 27 April 2016 they were sentenced to ten, seven, five and ten years in prison respectively. Ms. Chitsaz was found guilty of “collaboration with foreign governments” as well as “assembly and collusion against national security”, Mr. Mazandarani was found guilty of “assembly and collusion against national security” and “propaganda against the state”, and Mr. Safarzai was found guilty of “assembly and collusion against national security”.

Mr. Saharkhiz allegedly remains detained in a hospital after allegedly going on hunger strike and suffering a heart attack.

Concern is expressed at the alleged arbitrary arrest, detention, and sentencing of the aforementioned persons, which seem to be directly related to their work as journalists legitimately exercising their right to freedom of opinion and expression. Concern is also expressed at the use of Revolutionary Courts in this regard. Further concerns are expressed about the physical and mental wellbeing of Mr. Saharkhiz, in light of his hunger strike and health conditions.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the rights of these persons not to be arbitrarily deprived of their liberty, to a fair trial, and to freedom of opinion and expression, as enshrined in articles 9, 14 and 19 respectively, of the International Covenant on Civil and Political Rights (ICCPR) ratified by the Islamic Republic of Iran on 24 June 1975.

We would also like to refer to 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, 5 and 6.

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 person(s) 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 concerning the legal grounds for the arrest and detention of the aforementioned persons and explain how this is compatible with the principles and norms contained in articles 9, 10 and 19 of the Universal Declaration of Human Rights and articles 9, 14 and 19 of the International Covenant on Civil and Political Rights.

3. Please provide detailed information about the judicial procedure against Ms. Chitsaz, Mr. Mazandarani, Mr. Safarzai and Mr. Asadi. In particular, please provide information about the justification for using national security provisions in the sentencing of them and explain how this is compatible with international human rights norms and standards. Please explain the justification for hearing the case before the Revolutionary Court, as opposed to ordinary courts, and explain how this is compatible with international human rights norms, in particular the right to due process and fair trial.

4. Please provide information regarding steps taken to guarantee the physical and psychological integrity of Mr. Saharkhiz while in detention.

5. Please provide information on any measures taken to protect the right to freedom of opinion and expression, including of journalists and human rights defenders, both online and offline, in accordance with international human rights norms and standards.

While waiting for your response, we urge your Excellency's Government to bring the criminal legislation and their enforcement as well as the rules of criminal procedure into conformity with international human rights standards and to take all necessary measures to halt the alleged violations and prevent their re-occurrence and in the event that investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for 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.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

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