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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 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 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 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 15/18, 16/4, 16/5, and 19/12.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **arrest of 15 journalists** in Tehran between 26 and 30 January 2013, and the arrest warrants issued for at least a further three journalists.

According to the information received:

On 26 January 2013, journalist Mr. **Milad Fadai Asl**, the political editor of the Iranian Labour News Agency (ILNA), and Mr. **Soleyman Mohammadi**, a reporter and editor working for the Bahar daily newspaper were arrested and reportedly taken to Evin prison.

On 27 January 2013, plain-clothes intelligence ministry officials allegedly simultaneously entered the offices of five newspapers, the dailies Etemad, Arman, Shargh and Bahar, along with the weekly magazine Aseman, and arrested ten journalists: Mr. **Akbar Montajebi** (Aseman Weekly); Ms. **Emily Amraei** (Bahar); Ms. **Motahareh Shafie** and Ms. **Narges Joudaki** (Arman); Mr. **Pouria Alemi** and Mr. **Pejman Mousavi** (Shargh); Mr. **Sassan Aghaei**, Mr. **Javad Deliri** and Ms. **Nasrin Takhiri** and Ms. **Saba Azarpeik** (Etemad). The intelligence officials also searched and videotaped the premises of the news outlets. The homes of some of the journalists affected had also been searched, and their phones

and permits confiscated. Nine of the ten journalists are currently held at an unknown location, while Ms. Motahareh Shafie was released on 28 January 2013, after 24 hours of arrest, without any reason being given for either her arrest or her release.

On 28 January 2013, Mr. **Keyvan Mehrgan** (Shargh); and Mr. **Hossein Taghchi** were arrested. On 30 January 2013, the economic editor of Bahar daily, Mr. Ali Dehghan was also arrested.

The fifteen journalists are reportedly accused of cooperating with “anti-revolutionary” Persian language media organizations outside Iran, in particular the BBC. According to the state-affiliated Mehr News Agency, the journalists had been arrested on arrest warrants.

Authorities have also issued arrest warrants for at least three other journalists. Mr. **Sadra Mohaghegh**, a reporter for Shargh; Ms. **Reihaneh Tabatabaei**, a reporter for Bahar; and Mr. **Ehsan Mazandarani**, a reporter for Etemad were informed by their colleagues that security officers had asked for them during the raids on the offices.

On 21 January 2013, Prosecutor General and spokesperson for the judiciary Gholamhossien Mohsen Ejei stated at a press conference that information had been received from “reliable sources” that “unfortunately today, other than writing in the country’s newspapers, several journalists have their hands in the hands of westerners and anti-revolutionaries”, and that “tomorrow, if any of these individuals are arrested for a criminal act, you will scream and yell, whereas unbeknown to you that individual was the mouthpiece of the enemy”. On 28 January 2013, the Minister of Culture and Islamic Guidance, Mohammad Hosseini announced that the arrests of the journalists were unrelated to their work. In a statement issued on 30 January 2013, the Ministry of Intelligence indicated that more journalists are likely to be arrested in the near future.

Concern is expressed that the arrest and detention of the above-mentioned journalists and the arrest warrants issued for a further three of them is solely related to their legitimate and peaceful activities as journalists. Further concerns are expressed at the physical and mental integrity of the above-mentioned persons, in particular with regard to those ten journalists who are currently being held at an unknown location.

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).

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, 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, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5, paragraph c) of the Declaration which states that in order to promote and defend human rights and freedoms fundamental everyone has the right, individually or collectively, both nationally and internationally, "to communicate with non-governmental or intergovernmental organizations."

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

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 ICCPR, 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."

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 the above international instruments.

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, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by the victims or on their behalf?
3. Please provide information on the current whereabouts of Akbar Montajebi, Emily Amraei, Narges Joudaki, Pouria Alemi, Pejman Mousavi; Sassan Aghaei, Javad Deliri, Ali Dehghan and Nasrin Takhiri.
4. Please provide information concerning the national legislation related to freedom of opinion and expression, including freedom of the press, its conformity with article 19 of the International Covenant on Civil and Political Rights and with other relevant provisions included in international treaties.
5. Please provide the details of the prosecution against the above-mentioned individuals, and how it is compatible with the international norms and standards of the right to freedom of opinion and expression and the related right to peaceful assembly and association.
6. Please provide information concerning the legal grounds for the arrest and detention of the above named persons and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

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 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.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

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