

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE:
UA IRN 10/2017

5 April 2017

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur in the field of cultural rights; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 33/30, 28/9, 27/1, 25/2 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 arrest of Mr. **Ehsan Mazandarani**, a journalist; Ms. **Hengameh Shahidi**, a senior member of the Etemad Melli (National Trust) political party; Ms. **Tahereh Riahi**, the social affairs editor of the State-funded Borna News Agency; Ms. **Zeinab Karimian**, a producer for the state-run "Salam Khorshid" (Hello Sun) television show and former reporter for the official Islamic Republic News Agency; Ms. **Mehrnaz Haghighi**, medical doctor and social activist; [REDACTED], a seventeen-year-old ethnic Arab environmentalist; Mr. **Morad Saghafi**, director of Goftego magazine and researcher; and Mr. **Saleh Deldam**, a film director and producer.

Mr. Ehsan Mazandarani was the subject of a joint urgent appeal sent on 31 January 2013 by the Chair-Rapporteur 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 (case IRN 6/2013). We regret not having received any reply from your Excellency's Government to this communication.

According to information received:

The case of Ms. Tahereh Riahi

On 27 December 2016, Ms. Riahi was reportedly working at Borna News Agency's main office in Tehran when she was arrested by agents of the Intelligence Ministry. She was reportedly accused of "propaganda against the State." When she was first taken into custody, the authorities allegedly said that

she would be released within two or three days. The last contact her family had with her was a phone call on 13 February 2017.

The case of Ms. Zeinab Karimian

Ms. Zeinab Karimian, a producer for the State-run "Salam Khorshid" (Hello Sun) television show and former reporter for the official Islamic Republic News Agency was arrested on 23 January 2017. Since her arrest, her family has had limited contact with her and the reasons for her detention are still not yet known.

The case Mr. Saleh Deldam

Mr. Saleh Deldam a filmmaker, member of Mardom Salary political party and its artists' branch was arrested on 23 January 2017 by agents of the Intelligence Ministry. During the past years, he had been allegedly detained and interrogated on a numerous occasions by Intelligence officers and the Revolutionary Guards because of public statements he had made. Prior to his arrest, Intelligence agents tried to arrest him on the basis of an order issued by Tehran's Prosecutor accusing him of "acting against national security" and "propaganda against the regime."

The case of Mr. [REDACTED]

Mr. [REDACTED], a seventeen-year-old ethnic Arab environmentalist has been allegedly held incommunicado since he was arrested on 8 February 2017 by agents of the Intelligence Ministry in Ahwaz, Khuzestan Province. The agents, who allegedly broke his arm while arresting him, had been surveilling him for at least a month before this arrest. During that month, he was allegedly summoned by phone to the Intelligence Ministry's office in Ahwaz and questioned about his activism and ethnicity.

The case of Ms. Mehrnaz Haghighi

Ms. Mehrnaz Haghighi, a medical doctor and social activist was reportedly arrested at her home in Bandar Abbas, Hormozgan Province, on 19 February 2017. Her family has had no contact with her since her arrest and her whereabouts remain unknown. No information is available about the charges issued against her.

The case of Ms. Hengameh Shahidi

Ms. Hengameh Shahidi, a senior member of the Etemad Melli (National Trust) political party was reportedly arrested in Mashhad on 8 March 2017. Anticipating her arrest, she had written two letters in which she expressed fears that she would be arrested because of her activities. On 11 March 2017, during a short phone

conversation she informed her family that she had been detained, but that she was unaware of the charges against her.

The case of Ehsan Mazandarani

On 11 March 2017, Mr. Mazandarani, the former editor-in-chief of the newspaper *Farhikhtegan* was allegedly returned to Evin Prison in Tehran by agents of the Islamic Revolutionary Guards Corps' (IRGC) Intelligence who came to his home and reportedly shocked him with a Taser stun gun. This arrest took place only a month after he was released from jail. The arresting agents reportedly claimed that he was released by mistake and should be returned to prison to serve the rest of his previous sentence.

Mr. Mazandarani was previously arrested in November 2015 and sentenced to 13 months in prison on charges of "assembly and collusion against national security" and "propaganda against the state." He was also banned from working as a journalist for two years and had allegedly not returned to work after his release.

The case of Mr. Morad Saghafi

Mr. Morad Saghafi, director of *Goftego* magazine and researcher was allegedly arrested at his home on 15 March 2017. According to his lawyer, no reason was provided for his arrest. On the following day, Mr. Saghafi called his family and confirmed that he was detained.

The case of the arrest of 12 administrators of Telegram channels affiliated to the Reformist political faction

Between 14 and 16 March 2017, Iranian security forces arrested 12 administrators of Telegram channels affiliated to the Reformist political faction. Although some of them were released, **Ali Heydarvalizadeh**, the administrator of the Majma Eslahtalaban (Reformist's Forum) and **Ali Ahmadnia**, the administrator of Eslahtat News (Reform News) remain incarcerated at an unknown location.

Serious concern is expressed at the alleged arbitrary raids, arrests, and detention of the aforementioned persons, which seem to be directly related to their affiliation with the *Eslah-talab* political faction and the exercise of their rights to freedom of expression and freedom of association. Concern is also expressed about their physical and psychological integrity, particularly as the fate and whereabouts of some of them remain unclear. We reiterate our concerns at the closed political space and the use of arrests as means to intimidate political actors and civil society in ways that are incompatible with Iran's obligations under international human rights law.

While we do not wish to prejudice the accuracy of information made available to us, the above allegations appear to be in contravention of international law, in particular the right of every individual not be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, including the right to access legal counsel, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, articles 9 and 10 of the Universal Declaration on Human Rights (UDHR), and the UN Basic Principles on the Role of Lawyers.

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."

Furthermore, we would like to refer your Excellency's Government to article 15 of International Covenant on Economic, Social and Cultural Rights (ICESCR), recognizing the right of everyone to take part in cultural life. Under this provision, States Parties have also undertaken to respect inter alia the freedom indispensable for creative activity. The Special Rapporteur in the field of cultural rights stresses that all persons enjoy the right to freedom of artistic expression and creativity, which includes the right to freely experience and contribute to artistic expressions and creations, through individual or joint practice, to have access to and enjoy the arts, and to disseminate their expressions and creations. In particular, decision makers, including judges, when resorting to possible limitations to artistic freedoms, should take into consideration the nature of artistic creativity (as opposed to its value or merit), as well as the right of artists to dissent, to use political, religious and economic symbols as a counter-discourse to dominant powers, and to express their own belief and world vision (A/HRC/23/34, paras. 85 and 89 d). In her recent report to the Human Rights Council, the Special Rapporteur warned of the negative impact on cultural rights of fundamentalist ideologies that seek to stifle artistic expression, as well as expression of cultural opposition and diversity so as to impose monolithic worldviews (A/HRC/34/56, para. 3).

In relation to the allegations that the fate and whereabouts of Ms. Mehrnaz Haghighi, Ali Heydarvalizadeh, and Ali Ahmadnia, remain unknown, we would like to draw your Excellency's Government attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, we would like to recall the prohibition to practice, permit or tolerate enforced disappearance (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7);

the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention, and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

We would also like to bring to the attention of your Excellency's Government that should sources submit the allegations of enforced disappearance mentioned in this communication as cases to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

We would also like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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 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 information relative to the measures taken by your Excellency's Government to ensure the physical and psychological well-being of the aforementioned persons while in detention.

4. Please provide detailed information concerning the fate and whereabouts of Ms. Mehrnaz Haghighi, Ali Heydarvalizadeh, and Ali Ahmadnia.
5. Please provide information on any measures taken to protect the right to freedom of opinion and expression, including of journalists, artists, political actors, and human rights defenders, both online and offline, in accordance with international human rights norms and standards.

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.

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Vice Chair of the Working Group on Arbitrary Detention

Karima Bennoune
Special Rapporteur in the field of cultural rights

Houria Es-Slami
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye
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