

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;  
the Working Group on Arbitrary Detention; and the Special Rapporteur on torture and other cruel,  
inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Working Group on Arbitrary Detention; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 28/21, 33/30 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the imminent risk of amputation of Mr. Ali Rahzani and Mr. Hushang Kavusi**.

Mr. Ali Rahzani, aged 22 years old, is a farmer by trade from the city of Arak. Mr. Hushang Kavusi, aged 25 years old is also from the city of Arak.

According to the information received:

*Case of Mr. Ali Rahzani*

On 26 April 2016, Mr. Rahzani was identified as a suspect of numerous burglaries of markets and stores in the city of Arak and arrested by the Police Investigations Bureau. During investigation stages at Arak's Agahi police station, Mr. Rahzani was reportedly subjected to torture and other ill-treatment, including beatings with cables. After 9 days, he reportedly confessed to committing the multiple robberies he was accused of. Mr. Rahzani had not access to a lawyer until the very first day of his trial. No investigation is known to have been conducted into his allegations of torture.

On 15 June 2016, Mr. Rahzani was officially charged by the General and Revolutionary Prosecutor's Office with theft, attempted theft and manufacturing and making of keys for the commission of theft.

On 15 October 2016, Mr. Rahzani was sentenced by Branch No.1 of the Arak Criminal Court to the Hadd Punishment of amputation of four fingers of his right hand for the alleged commission of 17 counts of theft, to two and a half years

imprisonment for attempt theft, to one and a half year imprisonment and 75 lashes for manufacturing keys to commit thefts and to return stolen property to the 17 plaintiffs. The implementation of the amputation sentence is reported to be imminent.

*Case of Mr. Hushang Kavusi*

On 21 August 2011, Mr. Kavusi was arrested on several counts of thefts by the Arak Police and held in detention due to his inability to post bail.

On 4 December 2011, Mr. Kavusi was sentenced by Branch 105 of the Judiciary Criminal Court of Arak to the Hadd punishment of amputation of four fingers of his right hand for theft pursuant to Islamic Penal Code Articles 198 and 200. Additionally, Mr. Kavusi was sentenced to return the stolen property, or to procure similar property, or to pay the value of the stolen property to the plaintiffs and to a total of 3 years imprisonment for forging official documents, for the use thereof, and for intentional destruction of property. Mr. Kavusi was also sentenced to 74 lashes for having had illicit relations with another inmate.

On 5 May 2012, the appeal of the decision lodged by Mr. Kavusi was rejected by the Markazi Province Court of Appeals Branch 3. At no point during the judicial process, Mr. Kavusi was assisted by a lawyer. The implementation of his amputation sentence is reported to be imminent.

While we do not wish to prejudge the accuracy of the information made available to us, grave concern is expressed about the imminent implementation of amputation and flogging sentences against Mr. Rahzani and Mr. Kavusi in violations of international treaties to which the Islamic Republic of Iran is a party. We are further concerned that Mr. Rahzani's confession was reportedly obtained under duress.

We would like also to express serious concern that Mr. Rhazani and Mr. Kavusi's sentences were upheld following judicial procedures that may not fulfil the most stringent guarantees of fair trial and due process, especially as regards their access to a lawyer. In this context, we would also like to refer your Excellency's Government to article 14 of the ICCPR, which enshrine the right to a fair trial, including the right to access to a lawyer and other essential procedural guarantees.

We further would like to remind your Excellency's Government that punishments, such as amputation, and flogging violate the absolute and non-derogable prohibition of torture and cruel, inhumane or degrading treatment or punishment, as codified, inter alia, in article 7 of the International Covenant on Civil and Political Rights (ICCPR), which Iran acceded to on 24 June 1975, which states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

We would also like to draw your Excellency's Government's attention to the report of the UN Special Rapporteur on Torture to the 60th session of the General Assembly (2005), in which he concluded, with reference to the jurisprudence of UN treaty bodies, that any form of corporal punishment is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The Rapporteur also noted that States cannot invoke provisions of domestic law to justify violations of their human rights obligations under international law, including the prohibition of corporal punishment and called upon States to abolish all forms of judicial and administrative corporal punishment without delay (para.28, A/60/316, 2005). This position has been reaffirmed in the 2012 report to the General Assembly of the Special Rapporteur against torture (para. 28, A/67/279, 2012).

As concern the allegations according to which Mr. Rahzani's confessions were obtained under duress, we would like to remind your Excellency's Government of its duty to ensure that complaints of torture are promptly and impartially investigated by competent authorities.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 punishment of flogging and amputation pronounced against Mr. Rahzani and Mr. Kavuzi, and indicate how these measures comply with the norms and standards developed under international law, in particular with the absolute prohibition of torture and other ill-treatment under ICCPR.
3. Please indicate which measures your Excellency's Government has adopted to respect and protect human rights in Iran, including the prohibition of torture and other ill-treatment, in compliance with international human rights norms and standards.
4. Please provide detailed information on the measures taken to provide Mr. Rahzani and Mr. Kavusi with the guarantees of due process, fair trial and effective access to a legal assistance of their choosing as established

under international human rights law, in particular articles 9, 14 and 15 of the ICCPR.

5. Please provide information regarding steps taken to guarantee the physical and psychological integrity of Mr. Rahzani and Mr. Kavusi while in detention.
6. Please also provide information on investigations conducted, if any into the allegations that Mr. Rahzani was subjected to torture and its outcome. If no inquiries have taken place or if they have been inconclusive, please explain why.

While waiting for your response and in view of the urgency of the matter, we call upon your Excellency's Government as a matter of urgency to halt the implementation of the amputation and flogging sentences against Mr. Rahzani and Mr. Kavusi and to ensure that these sentences be annulled and that both are re-tried in compliance with international standards.

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.

Asma Jahangir

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

José Guevara

Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment