

**Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

REFERENCE:  
UA IRN 4/2018

2 February 2018

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 33/9, 34/6, 31/16 and 34/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the sentencing of **Pastor Victor Bet Tamraz, Amin Afshar Naderi** and **Hadi Asgari** (three Iranian Christian men) whose final court hearing will take place on Sunday 4 February 2018 at the Revolutionary Court in Tehran.

According to the information received:

*The arrests in 2014*

On 26 December 2014, security officers dressed in civilian clothes raided the house of 63 year old Pastor Victor Bet Tamraz (Mr. Tamraz) during a Christmas celebration. They separated men from women, body searched them and confiscated all Bibles and cell phones. Two men, Mr. Tamraz, who is an Assyrian Christian and Amin Afshar Naderi (Mr. Naderi) 31 year old who has converted to Christianity, were arrested.

The spouse of Mr. Tamraz was later ordered to meet with officers of the Intelligence and National Security Organization who interrogated her for hours. She was asked to provide with names of other believers and information concerning religious activities in the house.

Iranian authorities have for the past ten years interrogated Mr. Tamraz at various places, such as detention centres, hotels and offices. He has usually been released the same day of the interrogation.

Mr. Tamraz was in this case charged with ‘conducting evangelism’ and ‘illegal church activities in the house’ as well as printing and distributing the Bible. All charges are considered as ‘acting against national security’. He was released on bail (USD 110,000) on 1 March 2015. Mr. Naderi was charged with similar activities and also released on bail.

#### *The arrests in 2016*

On 26 August 2016, security officers from the Ministry of Intelligence and Security (MoIS) raided a picnic in Firuzkuh. A group of Christians were on a fishing trip in the area. The security officers separated the men from the women and took the four men away without informing their family about where they were taking them.

On 7 September 2016, the family of one of the detainees was informed that the four men were being held in solitary confinement in Evin prison.

On 10 October 2016, two of the men were released on bail (USD 33,000 each) without being informed of any charges against them.

The two remaining detainees, Mr. Naderi and Hadi Asgari (Mr. Asgari) 40 year old who had converted to Christianity, were not able to file an application for bail at that time.

#### *Hunger strike*

On 12 February 2017, Mr. Naderi became very ill. His blood pressure dropped and reportedly, he did not receive any medical care in prison. Mr. Asgari was suffering from a kidney infection and had similarly been refused any medical attention.

The two of them decided to start a hunger strike, to demand adequate medical care and to put an end to the delays in the judicial proceedings in their cases. The hunger strike lasted around 20 days.

The second time that Mr. Naderi went on a hunger strike, his health condition had allegedly worsen to a point where he was bailed out of prison and taken to the hospital. He is reported to be in a better condition today.

#### *The court hearings in 2017*

On 14 February 2017, the Head of the Attorney General’s office reportedly visited Evin Prison and promised to investigate the situation of political prisoners and

others imprisoned based on their religion or belief. The amount of bail for Mr. Asgari and Mr. Naderi were subsequently reduced to USD 52,000 each.

A hearing was to take place on 8 April, but could not be concluded since the judge failed to provide necessary documents to the defendant's lawyer.

Another hearing took place on 11 June 2017. The judge issued a verdict on 3 and 4 July sentencing both Mr. Tamraz and Mr. Asgari to ten years imprisonment for 'illegal house church activities' and 'conducting evangelism'. Mr. Naderi was sentenced to 15 years of prison for the same charges as Mr. Tamraz and Mr. Asgari, though five years were added in his case for blasphemy charges. Furthermore, the judge allegedly raised the amount of bail for Mr. Asgari and Mr. Naderi to USD.80.000 each.

On 25 July 2017, Mr. Naderi was released on bail. Mr. Asgari remains in prison as he was not able to post bail.

On 4 February 2018, Mr. Tamraz, Mr. Asgari and Mr. Naderi will have their sentences reviewed at a final court hearing at the Revolutionary Court in Tehran.

We express grave concern about the arrest, detention and heavily sentencing of the three above-mentioned men. We are also concerned about the lack of medical attention and care available to them while in detention and about the poor health condition of Mr. Asgari who remains in prison. We are equally concerned by a seemingly disturbing pattern of individuals targeted based on their religion or belief.

While we do not wish to prejudge the accuracy of information made available to us, the above allegations appear to be in contravention of international law, in particular the human rights standards related to the right to freedom of religion or belief and to not be subjected to discrimination by any State, institution, group of persons, or person as stated in the International Covenant on Civil and Political Rights (ICCPR) ratified by Iran on 24 June 1975 and in the United Nations 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55).

In this regard, we would like to stress that article 18 in the ICCPR guarantees the right to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice and not to be subject to coercion. This includes the freedom to either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

We recall Human Rights Council resolution 24/5 which reminds States of their obligation to respect and fully protect the rights of all individuals to associate freely, including persons espousing minority or dissenting views or beliefs. It calls on States to

take all necessary measures to ensure that any restrictions on the free exercise of the right to association is in accordance with their obligations under international human rights law.

Recognizing that those individuals affected are members of religious minorities in Iran, we would like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to article 27 of the ICCPR, that guarantees minorities, inter alia, the right to profess and practice their own religion.

We also wish to refer your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights, which Iran acceded on 24 June 1975. The article provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health which includes the obligation of the State to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. Furthermore, the United Nations Standard Minimum Rules for the Treatment of Prisoners, or the Nelson Mandela Rules (rules 22–26; 52; 62; and 71, para. 2), further establish that it is the responsibility of States to provide healthcare for prisoners. Inter alia, all prisons shall ensure prompt access to medical attention in urgent cases and prisoners who require specialized treatment shall be transferred to specialized institutions or civil hospitals (Rule 27).

Furthermore, we would like to appeal to your Excellency's Government to take all necessary measures to ensure that the above-mentioned individuals will be entitled to a fair and public hearing by a competent, independent and impartial tribunal, in accordance with article 14, 18, 27 of the ICCPR and article 12 of the ICESCR.

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.

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 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 on the factual and legal grounds for the arrest and detention of the above-mentioned members of the Christian community and explain how these measures are compatible with article 9 and 14 of the ICCPR
3. Please provide details of the proceedings against Mr. Tamraz, Mr. Asgari and Mr. Naderi the Christians identified above, and the legal basis and evidence used in court to convict and sentence them.
4. Please indicate the grounds to deny any medical care to Mr. Naderi and Mr. Asgari while in detention and the measures taken by the relevant authorities in connection with the hunger strike they undertaken in February 2017 to, inter alia, demand adequate healthcare.
5. Please provide information on the physical and mental health status of Mr. Naderi in July 2017 at the time he was released on bail and the current physical and mental health status of Mr. Asgari who remains in prison at present. Please provide details about the healthcare currently being provided to Mr. Asgari in prison.
6. Please indicate what measures have been taken to ensure that persons belonging to religious minorities, including members of the Christian community, can freely and without discrimination exercise their right to freedom of religion or belief.

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.

We intend to publicly express our concerns in this case, as, in our view, the information upon which our concerns are based appears to be sufficiently reliable to indicate a matter warranting serious attention. We also believe that the wider public should be informed of these concerns and their human rights implications. Our public statement will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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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