

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
UA IRN 6/2018

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 33/30, 28/11, 34/18, 36/15 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the arbitrary arrest and detention of seven environmental human rights defenders, as well as the suspicious death of Mr. Kavous Seyed Emami while in detention in Evin prison, in relation to their environmental work.**

Mr. Kavous Seyed Emami was a professor at the Imam Sadegh University and environmental human rights defender. He was also a founder and managing director of the Persian Wildlife Heritage Foundation, a conservationist organization aimed at protecting Iran's biodiversity and endangered species found in the country.

According to the information received:

On 24 January 2018, Mr. Emami was arrested on charges of espionage and taken into custody in Evin Prison. The prosecutor reportedly referred to his case being part of the broader investigation into individuals, who had gathered classified information "under the coverage of scientific and environmental projects". Mr. Emami did not have contact with his family or lawyer while in detention.

On 10 February, the spouse of Mr. Emami was summoned by the 27<sup>th</sup> District Court of Tehran. After a three-hour interrogation, she was informed Mr. Emami had committed suicide and was pressured to sign an agreement not to contact the

media. The Tehran prosecutor later stated that Mr. Emami committed suicide because of the allegedly overwhelming evidence gathered against him. The family were under pressure to quietly bury the remains of Mr. Emami and forgo an independent autopsy into his death. The circumstances behind the death of Mr. Emami raised suspicion because it was one of other three suicides that took place in Iranian prisons in January 2018, and that Evin prison is one of the high-security facilities, where all precautions are taken to prevent detainees from committing suicide. A criminal complaint of a suspicious death case was filed by Mr. Emami's family at the Tehran criminal court.

Furthermore, seven other members of the Persian Wildlife Heritage Foundation were said to have been arrested since the arrest of Mr. Emami. The arrests are seen to be part of the broader investigation that started in January 2018 into human rights defenders, including those involved on issues related to the protection of the environment. According to the statements by the Tehran Prosecutor's office the individuals are suspected for pursuing the "triangular mission" combining environmental activism with influencing the scientific community in Iran and gathering information from such strategic sites as missile bases. The request for the power of attorney to represent the detained individuals was submitted but there are concerns that it may be rejected pursuant to Article 48 of the Criminal Procedure Code due to the nature of accusations. The prosecution is carried out in the context of the widespread anti-government protests, which had taken place in Iran in later 2017 and early 2018.

Without making any judgment as to the accuracy of the information made available to us, we express serious concern at the arrest and detention of Mr. Emami and seven other environmentalists, in what appears to be a pattern of widespread arbitrary arrests and detention of environmental human rights defenders on the basis of espionage charges for carrying out their peaceful human rights activities. We also express our deep concern at the reports received into the suspicious nature of the death of Mr. Emami while in detention in Evin prison. We further deplore instances when espionage or national security laws have been misused to target human rights defenders and endanger their safety in a manner contrary to international human rights law.

The above allegations appear to be in contravention of articles 9, 14, 19, 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

We also wish to draw your Excellency's Government's attention to article 6(1) ICCPR, which guarantees the right to life and to not be arbitrarily deprived of one's life. The Human Rights Committee, in its General Comment No. 31 on article 6, recalled the responsibility of State parties to exercise due diligence to prevent, punish investigate and

bring perpetrators to justice, and stated that a failure to do so could in and of itself give rise to a separate breach of the ICCPR.

We also wish to reiterate that the prime responsibility and duty of the State to protect, promote and implement all human rights and fundamental freedoms 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, in particular articles 1, 2, 6 and 12.

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 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 on the legal grounds for the arrest and detention of Mr. Emami and other seven environmental human rights defenders, and explain how these measures are compatible with Iran's obligations under articles 9, 14, 19 and 22 of the ICCPR.
3. Please provide the details, and where available the results, of investigation, or other inquiries carried out into the allegations of the suspicious circumstances of Mr. Emami's death while in detention in Evin prison. If no inquiries have taken place, or if they have been inconclusive, please explain why, and how this is consistent with obligations of the State under the human rights conventions it has ratified.
4. Please indicate what measures were taken to ensure that human rights defenders, including those involved in the protection of the environment, are able to carry out their legitimate work in a safe and enabling environment in Iran, without fear of threats or acts of intimidation and harassment of any sort.

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 the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release 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.

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

John H. Knox  
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

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

Baskut Tuncak  
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Michel Forst  
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