

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on freedom of religion or belief**

REFERENCE:  
UA IRN 14/2018

20 November 2018

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 33/30, 34/5, 34/18, 35/11, 37/30 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. **Mohammad Ali Taheri**, who is currently serving a five-year prison sentence for the offence of "spreading corruption on earth".

Mr. Taheri is the author of alternative medicine theories diffused both in Iran and abroad. He is the founder of *Erfan-e-Halgheh* (inter-universalism) and was the subject of seven previous urgent appeals sent by several Special Procedure mandate holders on 10 July 2013 (see case IRN 11/2013, HRC report A/HRC/25/74), 22 August 2013 (see case IRN 13/2013, HRC report A/HRC/25/74), 24 March 2014 (see case IRN 4/2014, HRC report A/HRC/27/72), 25 November 2014 (see case IRN 28/2014, HRC report A/HRC/28/85), 10 August 2015 (see IRN 12/2015, HRC report A/HRC/31/79), 13 October 2015 (see IRN 18/2015, HRC report A/HRC/31/79) and 29 November 2016 (see case IRN 32/2016) respectively. We acknowledge receipt of letters that your Excellency's Government sent to us concerning Mr. Taheri.

According to information received:

*First trial*

Mr. Taheri was arrested in May 2011 and accused of a number of charges based on his teachings on alternative medical practices. Following his trial before the Revolutionary Court in November 2011, he was sentenced to five years

imprisonment, as well as lashes and a fine. A charge of “spreading corruption on earth” remained open.

#### *Second trial and appeal*

In August 2015, during a subsequent trial, Mr. Taheri was sentenced to death for “spreading corruption on earth”. The death sentence was quashed upon appeal at the Supreme Court. The case was reverted back to the Revolutionary Court.

#### *Third trial and appeal*

In March 2017, Mr. Taheri was brought once more before the Revolutionary Court in Tehran to face the charge of “spreading corruption on earth”. In August 2017, the same Court convicted Mr. Taheri of the charge and sentenced him to death again. Mr. Taheri once more appealed this decision before the Supreme Court. Mr. Taheri’s choice of legal counsel was restricted to those on a list which was pre-approved by the Head of the Judiciary.

In December 2017, the Supreme Court for a second time quashed the death sentence, and ordered a retrial by the Revolutionary Court. In February 2018, Mr. Taheri was put in solitary confinement and went on hunger strike in protest against the judicial process. The hunger strike exacerbated Mr. Taheri’s already fragile health.

#### *Fourth trial and appeal*

In March 2018, the Revolutionary Court sentenced Mr. Taheri to five years imprisonment for “spreading corruption on earth” after the retrial. The Court did not allow one of Mr. Taheri’s lawyers to attend the court session.

Mr. Taheri requested an appeal, which was heard before Branch 36 of the District Court of Appeal. In August 2018, the Court of Appeal convened a hearing. However, rather than examine Mr. Taheri’s case, the Court allegedly stated that Mr. Taheri should accept his sentence and sign a repentance letter. Mr. Taheri refused. Court officials subsequently allegedly stated that the court would hold his file indefinitely to keep him imprisoned and threatened him with torture. On 18 August 2018, the same Court confirmed the five-year prison sentence against Mr. Taheri.

Mr. Taheri appealed this decision to the Supreme Court and has been told that the outcome will be issued after a review. Mr. Taheri also sent a letter of complaint to the Court of Government Employees concerning his treatment and the decision of

the District Court of Appeal. He has not received a response to the letter, and remains on hunger strike.

We express serious concern at the reported sentencing, re-trials, and imprisonment of Mr. Taheri, which appears to be directly related to the exercise of his right to freedom of thought, conscience and religion and the exercise of his right to freedom of expression. In particular, we reiterate our concern that the charges upon which Mr. Taheri's conviction rest are charges that criminalize the exercise of the right to freedom of expression and are therefore unlawful under international human rights law. We also express deep concern about the physical and psychological integrity of Mr. Taheri whilst in prison. Moreover, we express concern at the apparent lack of due process guarantees, notably as a consequence of the restrictions placed on seeking and affording access to a legal defence.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of provisions of international law, in particular the right not to be deprived arbitrarily of liberty, to fair proceedings before an independent and impartial tribunal, to freedom of expression, to freedom from torture and cruel, inhuman or degrading treatment and to non-discrimination in accordance with articles 7, 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975. With respect to the charges of "spreading corruption on earth", we reiterate that such charges do not fulfill the conditions for permissible restrictions to freedom of expression under Article 19(3) of the ICCPR. Such charges are neither in pursuit of a legitimate objective, they are overbroad and they fail to comply with the requirement of necessity and proportionality.

Furthermore, Mr. Taheri's detention for his beliefs appears to contravene article 18 of the ICCPR, which protects "the right to freedom of thought, conscience and religion". This right includes the freedom to manifest the belief in observance, practice and teaching, either individually or in community with others, in public or private. Moreover, the allegations appear to contravene article 19 of the ICCPR and Mr. Taheri's legitimate enjoyment of his right to freedom of opinion and expression. In this connection, we would like to remind your Excellency's Government that criminal sanctions, in particular imprisonment, for insulting religious figures is not compatible with article 19(3) of the ICCPR.

We would like to recall article 12 of the International Covenant on Economic, Social and Cultural Rights which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, 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.

As it is our responsibility, under our mandate 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 and other grounds invoked for sentencing Dr. Taheri to five years' imprisonment;
3. Please provide details of how the prosecution, imprisonment and sentencing of Dr. Taheri are in compliance with Iran's obligations under ICCPR, in particular with the rights to liberty, freedom of religion and belief, and freedom of expression; and
4. Please provide information on measures taken to ensure that Dr. Taheri enjoys access to legal counsel and family visits.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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 to clarify the issue/s in question.

We would 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 prejudge any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

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

Diego García-Sayán  
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