

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 independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA IRN 3/2019

1 April 2019

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 independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 33/30, 37/8, 35/11 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged continued arbitrary detention of eight environmentalists, some of whom were reportedly subjected to torture and other-ill treatment.

A related communication was transmitted to your Excellency's Government by several special procedures mandates of the Human Rights Council on 21 February 2018 (case no. UA IRN 6/2018). As indicated in this communication, it was reported that between January and February 2018, nine members of the Persian Wildlife Heritage Foundation (PWHF) were arrested on suspicion of espionage for having reportedly gathered classified information "under the cover of scientific and environmental projects". It was further reported that one of those arrested, Mr. [REDACTED], died in custody in what appeared to be unclear and suspicious circumstances. We regret that no response was received from your Excellency's Government, and urge you to respond, particularly on whether an impartial and independent investigation has been conducted into the circumstances of Mr. [REDACTED]'s death in custody in Evin prison.

While still awaiting a response to the last communication, we would be grateful for your observations on new allegations that we have received in connection to this case.

According to the information received:

Since their arrest and detention by members of the Revolutionary Guards' Intelligence in January and February 2018, [REDACTED], [REDACTED], [REDACTED], Morad Tahbaz and two other environmentalists were held in pre-trial detention in Evin high-security

prison, without being informed of the charges held against them. They had been conducting research into Iran's endangered animals, including the Asiatic cheetah and Persian leopard, at the time of their arrest. Throughout nine months of pre-trial detention, the conservationists were systematically denied access to a lawyer of their choice, and contacts with their families were severely restricted. One of the detainee was repeatedly subjected to prolonged periods of solitary confinement and subjected to physical and psychological torture and other ill-treatment.

On 24 October 2018, the Prosecutor-General of Tehran formally issued national-security related indictments against the eight environmental conservationists. Four of them face the charge of "spreading corruption on earth", a crime punishable by the death penalty. The other charges include "contacts with enemy states" and "assembly and collusion against national security". The Prosecutor-General reportedly claimed that the conservationists were "seeking proximity to military sites under the cover of environmental projects to obtain military information." However, a committee formed by President Rouhani's administration in May 2018, which included the Ministers of Intelligence, Justice and the Interior, reportedly concluded that there was no evidence that the environmentalists were conducting espionage operations.

On 30 January 2019, the eight environmentalists appeared in court for the opening of the trial. Branch 15 of Tehran's revolutionary court did not allow the defendants' lawyers to review the indictment prior to the session and restricted the defendants' choices for lawyers to a list approved by the judiciary. Further court sessions were conducted on 2, 12, 13 and 18 February 2019. On 30 January and 2 February 2019, Ms. Niloufar Bayani interrupted the session, claiming that she had been physically and psychologically tortured and coerced into making false confessions. She was subsequently denied access to the courtroom.

We express serious concern at the arrest and detention of the eight environmentalists, as well as at the allegations of torture and other ill-treatment suffered by some of them, which appear to be directly related to their peaceful conservation activities. We also express deep concern about the physical and psychological integrity of the environmentalists throughout the period of their detention. Moreover, we express concern at the apparent violations of due process guarantees, including lack of access to legal counsel of their choice, lack of information regarding the charges they face, and the apparent lack of an independent investigation into claims of torture.

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 rights not to be arbitrarily deprived of liberty, to fair proceedings before an independent and impartial tribunal, to freedom from torture and

cruel, inhuman or degrading treatment and to non-discrimination in accordance with articles 6, 7, 9, 14, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of jus cogens, as mirrored, inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156. Human Rights Council Resolution 16/23 further urges States "to ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings".

We would also like to bring to the attention of your Excellency's Government, the Basic Principles on the Role of Lawyers, in particular to Principle 1 stating that "all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings."

The full texts of the human rights instruments and standards recalled above are available on 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 and human rights norms.

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 the eight environmentalists, and explain how these measures are compatible with Iran's obligations under articles 9, 14, 19 and 22 of the ICCPR.
3. Please provide details of how the arrest and detention of the eight environmentalists are in compliance with Iran's obligations under ICCPR, in particular with the rights to liberty and security of the person, freedom from torture and cruel, inhuman and degrading treatment, and freedom of expression.
4. Please provide the details and, where available, the results of any investigation, medical examinations, and judicial or other inquiries which may

have been carried out into the allegations that some of the detainees were tortured and forced to confess to the crimes imputed to them. Please also explain how any investigations carried out were consistent with Iran's international human rights obligations.

5. In connection with question 4 above, please provide information on the measures taken to prosecute any act of torture found to have been perpetrated against Ms. Bayani and the other environmentalists.
6. Please provide information on any measures taken to ensure the physical and psychological integrity of the eight environmentalists.

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

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.

Please accept, Excellency, the assurances of our highest consideration.

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

David R. Boyd

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

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

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