

Mandates of the the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE:
UA IRN 12/2019

8 August 2019

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 33/30, 36/6, 35/15, 33/9 and 37/30.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the continued arbitrary detention of the Iranian-Swedish academic Mr. Ahmadreza Djalali and serious concerns related to his treatment and the possibility of imminent execution. Mr. Djalali has been detained in Iran since April 2016. Subsequently, the Iranian courts convicted him of "enmity against God" and sentenced him to death on 21 October 2017. It is reported Mr. Djalali has been tortured during his detention and denied medical treatment for life-threatening medical conditions.

Mr. Ahmadreza Djalali was the subject of three previous communications sent by Special Procedures dated 28 June 2019 (case IRN 7/2017), 13 November 2017 (case IRN 30/2017), and on 10 February 2017 (case IRN 7/2017). He has been the subject of several press releases issued by Special Procedures, most recently on 10 July 2019. He was also the subject of Opinion No. 92/2017 (Islamic Republic of Iran), adopted on 24 November 2017 by the Working Group on Arbitrary Detention. The Working Group found that the deprivation of liberty of Mr. Djalali was arbitrary and in contravention of articles 3, 5, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and of articles 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights, and that it fell within categories I and III of the categories applied by the Working Group. The Working Group requested the Government to take the necessary steps to remedy the situation of Mr. Djalali, without delay and bring it into conformity with the standards and principles in the UDHR and ICCPR. The Working Group considered that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Djalali

immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

According to the information received:

On 29 July 2019, Mr. Djalali was reportedly blindfolded and transferred by officials from Evin Prison to an unknown location. He was reportedly held in solitary confinement, in a room with cameras, for a period of 11 days. During this time, Mr. Djalali was interrogated by unknown officials and reportedly subject to torture. During the interrogations, the officials reportedly put Mr. Djalali under significant psychological and physical pressure to confess to new charges. Mr. Djalali was told that if he did not confess to the new charges, the death sentence issued against him would be enforced.

Mr. Djalali was not permitted to call his wife and children while he was held in the unknown location and he was unable to speak freely about his treatment in detention or the new allegations. While it is understood he was able to contact other family members in Iran, it was reported that the authorities were monitoring his telephone calls.

On 8 August, Mr. Djalali was returned to Evin prison. He is in a seriously weakened physical condition, in part due to lack of access to necessary medical care.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the continued threat of execution of Mr. Djalali, particularly given that his sentence was imposed following judicial proceedings that do not appear to have fulfilled the most stringent guarantees of fair trial and due process, including in relation to the recent attempts to force a confession. We further reiterate serious concern about the continued arbitrary detention of Mr. Djalali and the torture or other cruel, inhumane and degrading treatment he has reportedly been subjected to since his arrest and while held in the unknown location. We continue to be seriously concerned about the ceaseless harms to Mr. Djalali's physical and mental integrity.

In view of the irreversibility of the punishment of the death penalty, we call upon your Excellency's Government **to halt any steps being taken towards the execution of Mr. Djalali**, which on the facts available to us would constitute a violation of applicable international human rights standards, and thus an arbitrary execution. We further urge you to ensure that Mr. Djalali is not subject to torture or cruel, inhuman, or degrading treatment, and to provide him access to needed medical care.

We would like to remind your Excellency's Government of its obligations under the International Covenant on Civil and Political Rights, ratified by Islamic Republic of

Iran in 1975. In particular of article 6(2), which states that sentence of death may be imposed only for the most serious crimes; and article 7 which provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

We would also like to reiterate that in General Comment No. 36 (para. 35) the Human Rights Committee has noted that the term “most serious crimes” must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing. We recall that corruption offences do not meet the threshold of most serious crimes and executions for such crimes constitute unlawful killing.

We would also like to draw your Excellency’s Government’s attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, in particular article 7 which states that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances and article 10 which states that any person deprived of liberty shall be held in an officially recognized place of detention and that accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest.

We wish to further refer to article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by the Islamic Republic of Iran on 24 June 1975, which establishes the right to physical and mental health. Finally, we would like to draw your attention to the “Mandela Rules” which establishes States’ responsibility to provide health care for prisoners and to protecting the physical and mental health of prisoners. (Rules 24 and 25).

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 Mr. **Ahmadreza Djalali** 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 basis for the continued imprisonment of Mr. Djalali, and on the measures taken to ensure his physical and mental integrity;
3. Please provide information on the investigation conducted, if any, into the allegations that Mr. Djalali has been subject to threats in custody, and its outcome. If no investigation has taken place, please explain why.
4. Please provide information on the whereabouts of Mr. Djalali between 29 July 2019 and 8 August 2019;

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 may 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.

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.

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

Bernard Duhaime
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

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

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental
freedoms while countering terrorism

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