

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;
the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or
arbitrary executions and the Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression**

REFERENCE:
UA IRN 9/2020

12 May 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 40/18, 42/22, 35/15 and 34/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the reported arrest, detention, imprisonment and condition in detention of Mr. **Mohammad Nourizad**, who attempted to commit suicide due to his and his family's treatment by the Iranian authorities.

Mr. Nourizad was the subject of one previous communication dated 11 January 2011 (case IRN 1/2011). We note no reply was received concerning Mr. Nourizad's situation at the time as detailed in IRN 1/2011.

Mr. Mohammad Nourizad is an Iranian filmmaker, writer and former journalist of the newspaper *Kayhan*, who has allegedly been detained in connection to an open letter he signed calling for the Supreme Leader of Iran to resign and for constitutional reform in the Islamic Republic of Iran.

According to the information received:

On 11 June 2019, an open letter signed by Mr. Nourizad and 13 other individuals was published. The letter called for constitutional changes and for the Supreme Leader of Iran, Ayatollah Ali Khamenei, to resign. All the signatories to the letters were subsequently arrested.

On 10 July 2019, Mr. Nourizad was reportedly arrested and detained for "propaganda against the regime" for having visited the flood stricken areas in Gorgan in March 2019. He was released on bail on 23 July 2019. On 11 August 2019, Mr. Nourizad was arrested alongside three other individuals while protesting the prison sentence issued against one of the open letter writers outside

the judiciary building in Mashhad, Khorasan Razavi Province. He was reportedly detained in Vakilabad Prison in Mashhad. Mr. Nourizad has reportedly remained in detention since this date.

In mid-November 2019, Mr. Nourizad commenced a hunger strike in prison and also refused to take medication. Mr. Nourizad requires medication for heart problems and diabetes. He ended his hunger strike in mid-January 2020, although continued to refuse medication. He reportedly fainted twice during the hunger strike and was taken to the prison medical clinic. He also appeared to be severely malnourished.

On 18 January 2020, Mr. Nourizad went on trial in Branch 4 of the Revolutionary Court in Mashhad. He was reportedly represented by a lawyer. Mr. Nourizad faced nine accusations, including insulting the Supreme Leader; dissemination of falsehoods using social media; insulting the Imam Khomeini; propaganda against the state; establishment and administration of channels with the intention to disrupt national security; forming an illegal organization; disrupting public order; and disturbing the public opinion.

On 2 February 2020, Mr. Nourizad was sentenced to 15 years in prison, three years in exile in Izeh (Khuzestan Province) and was banned from travelling for three years. The sentence related to convictions for forming an illegal organization and propaganda against the state. Further charges of insulting the Supreme Leader and disrupting public order were reportedly still under investigation. Seven other individuals who signed the open letter were convicted and sentenced on the same day.

After the 2 February 2020 verdict, Mr. Nourizad continued to refuse his medication, although he did not resume his hunger strike. There are continued reports that he regularly loses consciousness due to his refusal to take his medication. On 31 March 2020, the Appeals Court for Khorasan Razavi Province reportedly upheld the conviction and prison sentence against Mr. Nourizad, although the court reportedly reduced the exile and travel ban sentences to two years. On 2 April 2020, Mr. Nourizad was reportedly taken to a Ministry of Intelligence detention centre in Mashhad. He was returned to Valikabad Prison at an unknown date.

On 1 May 2020, Mr. Nourizad reportedly stated that he will kill himself if the Iranian judiciary and the prison system do not stop their arbitrary treatment towards him. Mr. Nourizad's threat to commit suicide is in protest against his detention despite committing no crime; against his telephone calls getting disconnected and monitored; against his detention over 900 kilometres from his home in Tehran; and against his family facing harassment by state officials and

arbitrary criminal prosecution and convictions to silence his actions. On 2 May 2020, Mr. Nourizad was seen with bandages on his wrists and head after he reportedly cut his arm on 1 May 2020. Officials reportedly wanted to take him to the prison clinic, but he did not accept. Mr. Nourizad instead requested to be taken to his friends who are detained with him so that they can see his condition. When officials refused this request, Mr. Nourizad attempted to hit a glass window. The officials then accepted his request and took him to a friend, after which Mr. Nourizad went to a prison clinic. On 5 May 2020, Mr. Nourizad was transferred from Valikabad Prison in Mashhad to Evin Prison in Tehran.

Without prejudging the accuracy of the received information, we express grave concern regarding Mr. Nourizad's physical and mental well-being in prison, especially reports that he has attempted to commit suicide, has previously gone on prolonged hunger strike, and refuses to take medication in protest against his treatment. We are also concerned at the underlying reasons for Mr. Nourizad's attempt to commit suicide and the lack of measures by the authorities' to mitigate these. In particular, we are concerned that Mr. Nourizad appears to be detained for the peaceful exercise of his right to freedom of expression, and that contact and communication with his family is being obstructed through disrupted telephone calls and from being detained far from his family. The above allegations appear to be in contravention of provisions of international law, in particular the right to life, to not 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 6, 7, 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975. We reiterate that arrests and detention related to the peaceful exercise of freedom of expression are in clear violation of the conditions for permissible restrictions to that right under Article 19(3) of the ICCPR. Such actions do not fulfill the 'provided by law' requirement, are not in pursuit of a legitimate objective, and they fail to comply with the requirement of necessity and proportionality.

Without expressing at this stage an opinion on the facts of the case and on whether the reported detention is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Mr. Nourizad not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the ICCPR.

Article 7 of the ICCPR states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Furthermore, Article 10 of the ICCPR provides that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person".

We wish also to refer to articles 19 and 21 of the ICCPR which guarantee the right to freedom of opinion and expression and of peaceful assembly. As indicated by the

Human Rights Committee, attacks against individuals for exercising their right to freedom of expression, including through arbitrary detention, torture, inhuman or degrading treatment or punishment, and enforced disappearance is incompatible with the ICCPR, see CCPR/C/GC/34 para. 23. In this connection, we highlight that the value placed by the ICCPR on uninhibited expression is particularly high in the area of political discourse, and about figures in the political domain and in public institutions (CCPR/C/GC/34, para. 38).

Finally, we would like to remind your Excellency's Government of article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Iran on 24 June 1975, which enshrines the right to physical and mental health. The Committee on Economic, Social and Cultural Rights in its General Comment No. 14 (E/C.12/2000/4) has stressed that the right to health is an inclusive right extending not only to timely and appropriate health care but also to the enjoyment of other human rights.

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. Nourizad 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 the observations of your Excellency's Government 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 the arrest, detention and imprisonment of Mr. Nourizad and explain how these are compatible with international law.
3. Please provide details of how the arrest, detention and imprisonment of Mr. Nourizad is in compliance with Iran's obligations under the ICCPR, in particular with the rights to liberty, freedom from torture and cruel, inhuman and degrading treatment, and freedom of expression.
4. Please provide information concerning Mr Nourizad's reported transfer from Valikabad Prison to a Ministry of Intelligence detention centre in Mashhad on 2 April 2020. In particular, please state the reasons why he

was transferred to this facility and when he was returned to Valikabad Prison.

5. Please provide information on any measures taken to ensure the physical and psychological integrity of Mr. Nourizad.
6. Please provide information on measures taken to ensure Mr. Nourizad enjoyed his right to a fair trial.
7. Please provide information on measures taken to ensure that Mr. Nourizad enjoys access to family visits and telephone contact without disruption.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their recurrence 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 to clarify the issues 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.

We would like to inform your Excellency's Government that 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 appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the urgent appeal and the regular procedure.

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

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

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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