

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on minority issues**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 36/6, 35/15, 42/22, 40/18 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the enforced disappearance of **Hossein Silawi, Ali Khasraji, Naser Khafajian**, members of the Ahwazi Arab minority, and **Hedayat Abdollahpour** a member of the Kurdish minority and fears that they may be at risk of torture or secret execution.

According to the information received:

*Cases of Hossein Silawi, Ali Khasraji and Naser Khafajian*

Messrs. Silawi, Khasraji and Khafajian were sentenced to death in relation to an attack on a police station on 14 May 2017, during which two members of law enforcement bodies were killed. Messrs. Silawi, Khasraji and Khafajian were held for several months in solitary confinement in a detention centre in Ahvaz run by the Ministry of Intelligence without access to their families or lawyers. They were subjected to torture and ill-treatment in order to extract confessions, and sustained injuries including broken ribs and hands.

On 31 March 2020, they were transferred from section 5 of Sheiban prison in Ahvaz to an unknown location. There are concerns that they may be at risk of further torture and ill-treatment and that they may be executed in secret.

*Case of Hedayat Abdollahpour*

On 15 June 2016, Mr. Abdollahpour was arrested in Oshnavieh, along with a number of other individuals, in relation to an armed clash which had occurred the

previous day between the Revolutionary Guards and members of the Kurdish Democratic Party of Iran (KDPI). He was held in solitary confinement for 78 days in the detention facility in Almahdi military barracks in Urumieh, which is run by the Revolutionary Guards. He was subjected to torture to extract a confession, including through electric shocks. The ill-treatment he was subjected to caused him to lose hearing in one ear.

On 20 January 2017, the Branch 1 of the Revolutionary Court in Urumieh convicted Mr. Abdollahpour of “taking up arms against the state” and sentenced him to death. His conviction was based solely on his alleged membership of KDPI, which he has denied. The court ignored allegations that he had been subjected to torture or ill-treatment, and convicted him despite no evidence pertaining to his involvement in the armed clash being provided at trial. The sentence was subsequently overturned by Branch 47 of the Supreme Court, citing incomplete investigations, a lack of inculpatory evidence, and noting that Mr. Abdollahpour was not in the area at the time of the armed clashes and was not found to be in possession of any weapons. The case was sent for a re-trial.

On 18 January 2018, Branch 2 of the Revolutionary Court in Urumieh conducted a retrial and re-sentenced Mr. Abdollahpour to death without addressing the concerns raised by the Supreme Court in their judgement. Reportedly, the Court had been pressured by the Revolutionary Guards Intelligence Forces of Urumieh to find Mr. Abdollahpour guilty.

On 8 October 2018, the verdict was upheld on appeal by the same branch of the Supreme Court.

On 9 May 2020, Mr. Abdollahpour was transferred from death row in the central prison in Urumieh, West Azerbaijan province, where he had been held since 2017, to an undisclosed location. Persons associated with him asked about his fate and whereabouts from the central prison in Urumieh, the Centre for the Implementation of Sentences in Urumieh, prosecution offices in Urumieh and Oshnavieh, and the offices of the Ministry of Intelligence and the Intelligence Unit of the Revolutionary Guards in Urumieh, but were not provided with information. Reportedly, on 12 May 2020, persons associated with him were told by the Deputy Prosecutor in Urumieh “When the Ministry of Intelligence and the Revolutionary Guards do not tell you where your relative is, you better refer to the cemetery.”

An application for Mr. Abdollahpour’s pardon is currently being considered by Iran’s Amnesty and Clemency Commission.

There are concerns that he may be at risk of further torture and ill-treatment and may be executed in secret.

Without prejudging the accuracy of the received information, we express grave concern at the alleged enforced disappearance of Messrs Hossein Silawi, Ali Khasraji, Naser Khafajian and Hedayat Abdollahpour and the risk that they may be subjected to torture and other cruel, inhuman or degrading treatment or punishment or secret execution. We also express concern at reports that their death sentences were based on confessions extracted under torture. We are further concerned that their health may be at risk in light of the COVID-19 outbreak in Iran's prison system.

The above allegations, if confirmed, 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 from torture and cruel, inhuman or degrading treatment or punishment, to non-discrimination and the protection of the rights of persons belonging to minorities in accordance with articles 6, 7, 9, 14, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

We once again highlight to your Excellency's Government that no circumstances whatsoever may be invoked to justify enforced disappearances, that individuals should be held in officially recognized places of detention and that family members and lawyers should be promptly informed of an individual's place or places of detention including transfers (Declaration on the Protection of all Persons from Enforced Disappearance). We further remind that Paragraph 7c of Human Rights Council Resolution 16/23 urges States to ensure that no statement established to be the result of torture is invoked as evidence in proceedings and that violation of the fair trial guarantees provided for in article 14 of the ICCPR in proceedings resulting in the imposition of the death penalty, including the use of forced confessions, would render the sentence arbitrary in nature, and in violation of article 6 of the ICCPR (Human Rights Committee, General Comment 36).

We further note that secrecy surrounding the date of execution, giving little or no prior warning, may be inflicting physical or mental torture or other cruel, inhuman or degrading treatment or punishment on the convict and his family awaiting the execution in violation of article 7 of the ICCPR (A/67/279, para 75) and would also violate Iranian law which requires lawyers to be informed of scheduled executions 48 hours in advance and for families to conduct a final visit.

**We urge your Excellency's Government to urgently disclose the fate and whereabouts of Messrs Hossein Silawi, Ali Khasraji, Naser Khafajian and Hedayat Abdollahpour, to ensure their death penalties are annulled and to ensure they are granted a re-trial in compliance with international standards.**

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 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 detailed information on the fate and whereabouts of the aforementioned individuals.
3. Please provide information on measures taken to provide the individuals with due process and fair trial guarantees, including with regard to ensuring evidence extracted under torture or ill-treatment is not admissible in court.
4. Please provide information on the condition of their detention, including any details about time spent in solitary confinement, family visits and communication with their lawyers, as well as about the state of their physical and psychological well-being, especially in light of the COVID-19 outbreak in Iran's prison system.
5. Please provide details and the results of any investigations and inquiries undertaken in relation to the allegations of enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment. If no inquiries have taken place, or if they have been inconclusive, please explain the reasons.

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'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.

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.

We would similarly like to bring to the attention of your Excellency's Government that should sources submit the allegation of enforced disappearance mentioned in this communication as a case to the Working Group on Enforced or Involuntary Disappearances, it will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by a separate correspondence.

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

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

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Leigh Toomey  
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