

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; 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 minority issues and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
UA IRN 16/2020

17 June 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; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on minority issues and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 40/18, 42/22, 36/6, 35/15, 34/6 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 enforced disappearance and reported secret execution of **Hedayat Abdollahpour**, a member of the Kurdish minority. The situation of Mr. Abdollahpour and his reported enforced disappearance were raised by Special Procedures mandate holders in a communication dated 15 May 2020 (IRN 11/2020). We refer you to this communication for further information concerning the circumstances of Mr. Abdollahpour's case. We regret that to date we have not received a response to this communication.

According to the information received:

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 at the central prison in Urumieh, the Centre for the Implementation of Sentences in Urumieh, the prosecution offices in Urumieh and Oshnavieh, and the offices of the Ministry of Intelligence and the Intelligence Unit of the Islamic Revolutionary Guards Corps in Urumieh, but were not provided with information.

On 12 May 2020, persons associated with him were reportedly 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."

On 23 May 2020, lawyers for Mr. Abdollahpour were told by the Deputy Prosecutor in Urumieh that Mr. Abdollahpour was alive and being held in a detention facility run by the intelligence unit of the Islamic Revolutionary Guards Corps in Urumieh, but they were given no further information on his situation.

In late May 2020, Mr. Abdollahpour's application for a pardon was rejected for a second time by the Islamic Republic of Iran's Amnesty and Clemency Commission.

In early June, a lawyer for Mr. Abdollahpour went to Urumieh and talked to the General Deputy Prosecutor. The General Deputy Prosecutor told the lawyer that because Mr. Abdollahpour's trial began in Oshnavieh, the execution of his sentence must also take place there. However, he reassured the lawyer that Mr. Abdollahpour has not yet been executed. The lawyer also reportedly met with the General Prosecutor of Oshnavieh. The General Prosecutor told him that he has not received the file of Mr. Abdollahpour and he is not aware that he has been executed. The lawyer also contacted Section 9 of the Centre for the Implementation of Sentences of the Islamic Revolutionary Court of Urumieh. The lawyer asked the General Prosecutor of Urumieh and Oshnavieh to inform him of the fate of Mr. Abdollahpour. He also informed him that Iran's Constitution states Mr. Abdollahpour's lawyer and his family have a right to visit him and to be informed about his fate and whereabouts. The authorities reportedly did not provide a clear answer to the lawyer's queries.

On 10 June 2020, persons associated with Mr. Abdollahpour were verbally informed by the head of the Centre for the Implementation of Sentences in Urumieh that Mr. Abdollahpour had been secretly executed 20 days ago in an undisclosed location in the city of Oshnavieh, also in West Azerbaijan province. In response to questions about why Mr. Abdollahpour's family had not been informed and where his body is now, the official first said he knew nothing and then said that he is not allowed to provide further information. The official did claim that the secret execution had been carried out pursuant to "an order from above", indicating a potential involvement of the Islamic Revolutionary Guard Corps.

The Iranian authorities have not provided Mr. Abdollahpour's lawyers or his family with any information concerning his reported execution. Under Iranian law, the authorities are required to inform lawyers of the scheduled execution of their clients 48 hours in advance and also to grant families the right to visit their relatives for the final time.

Without prejudging the accuracy of the received information, we express serious alarm at the alleged secret execution of Mr. Abdollahpour following his reported enforced disappearance in May 2020. We also reiterate concerns that he may have been or may be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

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 individual 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 immediately disclose the fate and whereabouts of Mr. Abdollahpour. We also urge your Excellency's Government to ensure his death penalty is annulled and to ensure that he is granted a re-trial in compliance with international standards if he is still alive.

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 Mr. Abdollahpour 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 Mr. Abdollahpour.
3. If Mr. Abdollahpour has been executed, please explain how his execution is consistent with Iran's obligations under international human rights law, particularly the right to life.
4. If Mr. Abdollahpour has been executed, please provide information as to why his family and his lawyers were not informed prior to his execution. Please also provide information concerning the return of Mr. Abdollahpour's body to his family.
4. Please provide information on measures taken to provide Mr. Abdollahpour with due process and fair trial guarantees, including with regard to ensuring evidence extracted under torture or ill-treatment is not admissible in court.
5. Please provide information on the condition of Mr. Abdollahpour's detention if he is still alive, including any details about time spent in solitary confinement, family visits and communication with his lawyers, as well as about the state of his physical and psychological well-being, especially in light of the COVID-19 outbreak in Iran's prison system.
6. 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, and secret execution. 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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Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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

Luciano Hazan  
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