

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
AL TUR 11/2020

10 July 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 34/5, 42/22, 36/6, 34/18, 34/6, 40/16 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding the arrest of human rights defender Mr. Abdollah Bozorgzadeh and his potential extradition to Iran, as well as the attempted kidnapping of human rights defender, Mr. Habibollah Bozorgzadeh Sarbazi in Turkey.

Mr. **Abdollah Bozorgzadeh** is a human rights defender and member of the Baloch minority in the Islamic Republic of Iran. He defends the rights of the Baloch people in the southeast of the country. Through the non-governmental organisation, Baloch Activists Campaign, he works on cases of arbitrary killings, women's rights, the right to health and advocating for an end to impunity for human rights violations.

Mr. **Habibollah Bozorgzadeh Sarbazi** is a human rights defender and brother of Mr. Abdollah Bozorgzadeh. After being arrested and tortured in 2007 and closely monitored thereafter, he fled Iran in March 2009. He briefly worked for a Sunni television network in the United Arab Emirates, where he covered the challenges faced by the Baloch people and Sunni Muslims in the region. He founded the non-governmental organisation Baloch Activists Campaign in October 2012 to raise awareness inside and outside Iran about the human rights violations faced by the Baloch minority people. The organisation focuses on prisoner rights, women's rights, poverty, freedom of expression in the Baloch region of Iran, and seeks to verify and document allegations of killings and attacks on members of the community.

According to the information received:

On 17 June 2018, Mr. Abdollah Bozorgzadeh was arrested without a warrant by four plainclothes officers as he took part in a peaceful demonstration in front of the Municipal Governor's Office in the city of Iranshahr, Sistan va Balochistan province. The demonstrators were demanding justice for 41 Baloch women who were raped by individuals allegedly identified by some of the victims as being members of the Iranian Revolutionary Guards. Mr. Bozorgzadeh was threatened by the police officers after he demanded to see a warrant for his arrest and he was brought to a detention centre in the Ministry of Intelligence. He was then transferred to the custody of the Revolutionary Guard's Intelligence Organisation, where he was detained for 20 days. His family and lawyer were not informed about his place of detention during this time, only that he was being held in a location in the city of Zahedan.

On 22 July 2018, Mr. Bozorgzadeh's family were allowed to visit him in person at the public relations section of the Ministry of Intelligence in the city of Zahedan. On 29 August 2018, he was transferred to the general ward of the Zahedan Central Prison where he was reportedly subjected to verbal, psychological and physical abuse through the simulation of a mock execution. He was allegedly pressured to sign confession papers admitting his guilt on repeated occasions for various charges related to his human rights work, assisting his brother and organizing peaceful demonstrations. He was only permitted one further family visit and was not allowed to consult with his lawyer. On 7 October 2018, Mr. Bozorgzadeh appeared on national television confessing his guilt.

During Mr. Abdollah Bozorgzadeh's detention, media reports surrounding his brother, Mr. Habibollah Bozorgzadeh Sarbazi who fled the country in 2009 allegedly resurged. Mr. Bozorgzadeh Sarbazi was accused of concealing his terrorist activities under the guise of human rights work, being trained by foreign intelligence agencies to create anti-Iranian and sectarian sentiment through his media work and through his vocal support for the UN Special Rapporteur on Iran. On 9 September 2018, Mr. Abdollah Bozorgzadeh was released on bail for 1.2 billion Iranian rials (approx. 13,300 USD). After receiving a court summons dated 15 September 2018, charging him with "disrupting public order through participation in illegal gatherings" he was ordered to present himself in court again on 10 October 2018. He evaded the court and fled the country.

On 19 December 2018, Branch Two of the Revolutionary Court in Zahedan County handed down a 10-year sentence to Mr. Abdollah Bozorgzadeh in absentia, for "espionage" and one year imprisonment for "propaganda against the regime". The sentence of espionage is based on allegations that Mr. Abdollah Bozorgzadeh provided information to his brother, Mr. Habibollah Bozorgzadeh

Sarbazi, and foreign intelligence agencies. “Propaganda against the regime” relates to his work preparing materials for the anti-sexual violence peaceful demonstration, and encouraging others to take part.

On 16 February 2019, Mr. Abdollah Bozorgzadeh was furthermore found guilty in absentia of “disturbing the public mind by way of publishing falsehoods” and “illegally exiting the country”. Branch 106 of Criminal Court Two in Zahedan handed down a sentence of two years for each respectively.

On 26 May 2019, Mr. Abdollah Bozorgzadeh arrived in Turkey from where he continued his human rights work with the Baloch Activists Campaign.

On 24 June 2019, around 12:00 a.m., a number of unidentified masked men unsuccessfully attempted to kidnap his brother, Mr. Bozorgzadeh Sarbazi, near his home. Mr. Bozorgzadeh Sarbazi left Turkey for his own safety following this incident.

On 25 May 2020, Mr. Abdollah Bozorgzadeh’s visa in Turkey expired. He scheduled a renewal appointment for 18 June 2020.

On 11 June 2020, Mr. Abdollah Bozorgzadeh was arrested from his home in the city of Ankara at 2:00 a.m. He was taken to a detention facility of the National Intelligence Organisation of Turkey. He was originally told that his detention related to the expiration of his residency permit however, he was later informed that he was being held on allegations that he had made contact with a terrorist group. He has allegedly not been given any further details on the charges.

On 25 June 2020, after 14 days in police custody, Mr. Bozorgzadeh was released. He has been given a temporary permit to remain in Turkey, which must be stamped at a police station every three weeks. The presiding judge has allegedly requested the Intelligence Agency in Turkey to submit evidence to support the charges against Mr. Bozorgzadeh.

While we do not wish to prejudge the accuracy of the allegations, we express our deep concern that Mr. Abdollah Bozorgzadeh may be extradited to Iran, where he faces a prison sentence of at least ten years. We are furthermore concerned that, if extradited, Mr. Bozorgzadeh may face heavier penalties than those originally handed down to him, including by being subjected to enforced disappearance, torture or execution, for having evaded the Iranian authorities in an attempt to preserve his physical and psychological integrity. We also express concern by reports of the attempted abduction of Mr. Habibollah Bozorgzadeh Sarbazi, who subsequently fled Turkey. We request your Excellency’s Government to ensure that Mr. Abdollah Bozorgzadeh can continue to carry

out his human rights activities in a safe and enabling environment in Turkey, working in defence of the rights of the Baloch minority in Iran.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide details on the factual and legal basis for terrorism-related charges against Mr. Abdollah Bozorgzadeh.
3. Please provide information on steps taken to ensure Mr. Abdollah Bozorgzadeh is not returned to Iran as long as there is significant risk that he may be detained, tortured, executed or subjected to other serious violations of his human rights.
4. Please provide information on the status of any investigation, including results where they are available, into the attempted abduction of Mr. Habibollah Bozorgzadeh Sarbazi.
5. Please provide detailed information as to how comprehensive individual risk assessments are carried out by relevant Turkish authorities, both in terms of procedural safeguards and analysis of the country of return situation, so as to ensure that individuals will not be subjected to violations of their fundamental rights in transit and upon return.
6. Please indicate the measures undertaken by your Excellency's Government to ensure that human rights defenders, and in particular those advocating and working for the rights of persons belonging to minorities, are able to carry out their legitimate work in a safe and enabling environment, without the fear of prosecution, intimidation, harassment and violence, in full respect of their civil and political rights.

We would appreciate receiving a response within 60 days. Thereafter, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. 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 after having transmitted an allegation letter 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 letters in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter 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.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

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

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

Fernand de Varennes
Special Rapporteur on minority issues

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

Annex
Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to remind your Excellency's Government of the international human rights standards regarding the principle of non-refoulement. In line with Article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Turkey on 23 September 2003, the Government has an obligation, "not [to] expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of extradition, expulsion or refoulement". (Human Rights Committee, General Comment No. 20, para 9). This is also codified in article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Turkey on 2 August 1988. The provision provides for the protection of any person from return (refouler) or extradition to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. In addition, in its General Comment No. 4 (2017), the Committee against Torture has stressed that the principle of "non-refoulement" is absolute, similarly to the prohibition of torture, as defined in article 1 of the Convention, and that each case of return should be examined individually, impartially and independently by the State party through competent administrative and/or judicial authorities, in a prompt and transparent manner and by including a review process of the deportation decision through an appeal with suspensive effect. The Working Group on Arbitrary Detention would like to refer to Opinions 77/2019 and 85/2019 in which it recalled that the principle of non-refoulement must always be respected, and the expulsion of non-nationals in need of international protection, including migrants regardless of their status, asylum seekers, refugees and stateless persons, is prohibited by international law

Furthermore, we would like to refer your Excellency's Government to articles 19 and 21 of the International Covenant on Civil and Political Rights 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 the arbitrary detention, torture, inhuman or degrading treatment or punishment, and enforced disappearance is incompatible with the ICCPR, see CCPR/C/GC/34. The duty to respect and ensure the rights of the Covenant entails a positive obligation to prevent attacks by other actors, including other States, see CCPR/C/21/Rev.1/Add. 13. Where the State expulses individuals from its territory contrary to the prohibition of refoulement, and the risk faced by the individual in the third State stems from his or her exercise of the rights under articles 19 and 21 of the ICCPR, the expulsion constitutes a concurrent violation of Articles 19 and 21 of the Covenant.

In this regard, we also recall article 8 of the Declaration of the Protection of All Persons from Enforced Disappearance which stipulates that no State shall expel, return

(refouler) or extradite a person to another State where there are substantial grounds to believe that he or she would be in danger of enforced disappearance. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights. Recognizing that the individuals affected are members of a minority, we would like to bring to your Excellency's Government's attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular articles 26 (prohibition of discrimination), and 27 of the ICCPR, as well as the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law (article 4).

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to refer to articles 5(b) and 6 of the Declaration on Human Rights Defenders, which state that everyone has the right to form, join and participate in non-governmental organizations, associations or groups as well as to know, seek, obtain, receive and hold information about all human rights as well as drawing attention to their own opinions on the observance of human rights in law and in practice.