

**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 the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
AL IRN 19/2020

5 August 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 43/24, 42/22, 41/12, 35/11 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 reported arbitrary arrest, detention and ill-treatment of **Ali Younesi**.

According to the information received:

Ali Younesi is a second year student at Sharif University in Tehran, and a silver medalist of the National Astronomy Olympiad in 2016 and the gold medalist of the World Astronomy Olympiad in 2017 .

At around 9.00 p.m. on 10 April 2020, he was reportedly beaten and arrested by agents of the Islamic Revolutionary Guard Corps (IRGC) on a street in Tehran. On the same day, 12 IRGC agents reportedly took Mr. Younesi to his home while handcuffed. He had a gash on his forehead and blood on his face, as well as wounds on other parts of his body. The IRGC agents searched the house and confiscated several items, including cell phones, laptops, tablets, identification cards and a car. The IRGC agents did not provide an arrest or search warrant, and did not explain the grounds for suspicion or the items for which they searched. Mr. Younesi's parents were reportedly taken for interrogation at an undisclosed location for four or five hours before being released. Mr. Younesi was detained on the date of his arrest in Tehran's Evin Prison, where he remained in solitary confinement for 59 days. He remains in detention in Evin Prison.

There are reported fears of a risk of him being subjected to torture or other ill-treatment during his detention. Mr. Younesi has not been provided access to a freely chosen lawyer and was not allowed to call his relatives for a few weeks after his arrest.

On 5 May 2020, in an apparent reference to Mr. Younesi, the spokesperson for the judiciary stated publicly that students had been arrested on accusations of having links to “counter-revolutionary groups”. In discussing these alleged links, the spokesperson used a word commonly used in reference to the opposition group Mojahedin Khalq Organization (MEK). In the apparent reference to Mr. Younesi, the spokesperson also alleged explosive devices were found in the possession of the accused and that the accused had been “planning to create a catastrophic situation during Corona, which was thwarted by security forces” without providing specific information on the supposed threat. The IRGC agents who searched Mr. Younesi’s family home allegedly said that they had not found any suspicious items.

On 6 May 2020, Mr. Younesi was able to telephone his parents. On the telephone call, his voice reportedly sounded worried and unhealthy. Up until this date, Mr. Younesi had only been allowed one other telephone call to his family since his detention. It is reported that since 6 May he has been allowed one short telephone call per week to his parents but he has not been allowed any visits. Concerned for his welfare due to the injuries inflicted upon him during his arrest, Mr. Younesi’s father has visited the Prosecutor’s office at Evin Prison every few days and spoke with Mr. [REDACTED], the special investigator assigned to Mr. Younesi’s case. Mr. Younesi’s father would ask Mr. [REDACTED] about his son’s case and his situation. He was informed at each visit that Mr. Younesi would be released soon. Mr. Younesi’s family were also reportedly informed by a prosecutor that he had been charged with “undertaking destruction” without further information.

On approximately 8 June 2020, Mr. Younesi was reportedly taken out of solitary confinement and put in a small cell with eight or nine other detainees in Ward 209 of Evin Prison. He reportedly contracted COVID-19 in late May/early June 2020. While he has reportedly recovered from COVID-19, the exact nature of his current condition is unclear.

On 13 July 2020, Mr. Younesi was reportedly interrogated during a meeting held by the judiciary at the Tehran Public and Revolutionary Prosecutor’s Office. The meeting was attended by Mr. Younesi’s inquisitor, the prosecutor, intelligence officers, representatives from Sharif University and members of student associations. After opening remarks, the authorities brought Mr. Younesi into the meeting and began to interrogate him in front of the invited members of the public. He was reportedly forced to attend the meeting against his will, and without a lawyer or members of his family present.

During the meeting, the authorities showed a video of two unidentifiable individuals destroying property. A prosecutor insisted that the two individuals were Mr. Younesi and the other individual interrogated. Mr. Younesi denied the allegation, but the prosecutor continued to insist on his guilt and tried to pressure him to confess. Students present reportedly attempted to get the prosecutor to stop pressuring Mr. Younesi.

Further questioning of Mr. Younesi during the meeting also indicated the authorities were trying to get him to confess to the accusations against him and to take part in a forced televised confession. Mr. Younesi reportedly said at the meeting that he is not willing to be interviewed on the Islamic Republic of Iran Broadcasting television programme, 20:30. The programme has previously broadcast forced confessions. The inquisitor also stated that the case was prolonged because Mr. Younesi refused to speak for about 30 days after his detention.

Mr. Younesi appeared stressed and worried during the meeting and could not speak clearly. Mr. Younesi also stated that he is still negatively affected by the mistreatment of the authorities towards him and that all he wants is for his case to be sent to the courts. It was revealed in the meeting that the beating he received during his arrest caused a bleeding eye which was not treated for several days after his detention. He expressed concern for the well-being of his family and possible problems they may encounter.

Without prejudging the accuracy of the received information, we express serious concern at the arrest, detention and ill-treatment of Mr. Younesi, including the physical assault causing injuries during his arrest. We also express concern at the absence of due process, in particular his continued detention without charges and on vague allegations without sufficiently clear legal basis, as well as his prolonged solitary confinement, lack of access to a lawyer of his own choosing or visits from his family, restricted access to telephone contact with his family and possible risk of torture or other ill-treatment in detention. His reported interrogation by officials before members of the public and their attempts to pressure him to make a forced confession would constitute a clear violation of international human rights law. We are also concerned that he reportedly contracted COVID-19 while in detention.

Without expressing at this stage an opinion on the facts of the case and on whether the reported detention is arbitrary or not, we appeal to your Excellency's Government to take all necessary measures to guarantee the right of Mr. Younesi not to be deprived arbitrarily of his liberty, to protection from any act of torture and ill-treatment, and to fair proceedings before an independent and impartial tribunal, in accordance with articles 7, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1974.

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 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 basis for the arrest and detention of Mr. Younesi and explain how these are compatible with Iran's obligations under the ICCPR, in particular with the right to liberty. Please also provide information about the evidence used to substantiate the accusations against Mr. Younesi, and if any of official charges have been brought against him.
3. Please provide details on the arrest of Mr. Younesi, including allegations of his physical assault by agents for the Islamic Revolutionary Guard Corps. Please inform us if any investigations have taken place into the alleged ill-treatment during his arrest and if so, the outcome of these investigations. If no investigation has taken place, please explain why.
4. Please provide information concerning the access Mr. Younesi has had to freely choose legal representation. If he has not been provided with a lawyer of his free choice,, please explain how this is consistent with Iran's obligations under the ICCPR, especially article 14.
5. Please provide information on any measures taken to ensure the physical and psychological integrity of Mr. Younesi.
6. Please provide information concerning allegations that Mr. Younesi is being pressured to provide a forced confession and how this is consistent with Iran's human rights obligations. Please inform us if any investigations have taken place into this allegation and if so, their outcome. If no investigation has taken place, please explain why.
7. Please provide information on Mr. Younesi's reported prolonged solitary confinement in Evin Prison and other conditions of his detention, and how these actions are compatible with Iran's obligations under international human rights law. Please also provide information on the steps that are being taken to ensure Mr. Younesi is not subjected to torture or other cruel, inhuman and degrading treatment in detention.
8. Please provide information concerning Mr. Younesi's interrogation during a meeting where members of the public were allowed to attend. If accurate, please explain how his interrogation in this setting is consistent with Iran's international human rights obligations.
9. Please provide information on measures taken to ensure that Mr. Younesi is provided with the right to access family visits and telephone contact without disruption.
10. Please explain how the State ensures the right of everyone to freedom of peaceful assembly and of association in practice, as well as what body of the government and on what grounds decides on the legality of associations



in the country, in order to ensure no association in opposition to the government is labeled as illegal.

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.

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(s) responsible for 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.

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

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

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Diego García-Sayán  
Special Rapporteur on the independence of judges and lawyers

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 draw your attention to articles 7, 9, 10, 14, and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, which guarantee the right not to be subjected to torture or cruel, inhuman and degrading treatment, the right to liberty, including the right to not be subjected to arbitrary arrest or detention, the right to be treated with humanity and respect for their inherent dignity while detained, the right to fair trial and due process and the right to freedom of association with others. We also draw attention to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Iran on 24 June 1975.

With regard to the alleged violations of due process and of fair trial guarantees, including the imposed limitations in the access of legal assistance and representation, we would like to recall article 9, which requires law enforcement officers to follow established procedures for arrest, including arrest and search warrants, as well as article 14 of the ICCPR, which provides *inter alia* for the principle of equality before competent, independent and impartial courts and tribunals, the presumption of innocence, and the right of accused persons to communicate with counsel of their own choosing. We also refer to General Comment No. 32 (2007) by the Human Rights Committee (CCPR/C/GC/32), the UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37) and the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990, which provide for the right to legal assistance, and for the prompt access and consultation with counsel without intimidation, hindrance, harassment or improper interference.

Article 7 of the ICCPR prohibits torture and other cruel, inhuman or degrading treatment or punishment. Paragraph 7c of Human Rights Council Resolution 16/23 urges States “To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.” Article 10 of the ICCPR also states that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

We would like to further refer your Excellency’s Government to article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Iran on 24 June 1975, which establishes that an obligation to respect the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (General Comment

14, Para. 34). In addition, we would like to underline the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in resolution 45/111, according to which prisoners should have access to health services available in the country without discrimination on the grounds of their legal situation (Principle 9). We also draw your attention to the UN Standard Minimum Rules for the Treatment of Prisoners (reviewed on 5 November 2015 and renamed the “Mandela Rules”) in particular to Rule 27(1), which provides that all prisons shall ensure prompt access to medical attention in urgent cases as well as Rule 58 which establishes that prisoners shall be allowed to communicate with their family and friends at regular intervals. Furthermore, we would like to recall rule 43 prohibiting prolonged solitary confinement and rule 44 which states that prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.