

**Mandates of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

REFERENCE:  
UA USA 9/2021

2 February 2021

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights; and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 45/5 and 40/16.

As you are aware, we have been in contact with your Excellency's Government previously regarding our concerns about **the situation of Mr. Alireza Rahnavard, a national of the Islamic Republic of Iran, who was listed as a Specially Designated National by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) on 24 June 2020**. Allegations received in relation to this situation were transmitted to the attention of your Excellency's Government in a letter of 4 September 2020, in which a response within 60 days was requested (AL USA 24/2020). Regrettably, to date no reply to this communication has been received from your Excellency's Government.

According to information subsequently received:

Under an employment contract with the National Iranian Tanker Company (NITC), Mr. Rahnavard was assigned to the FORTUNE as merchant ship master (captain) for a voyage that left Bandar Abbas, Iran, on 23 April 2020 with a cargo of petroleum products that was subsequently discharged upon its arrival at El Palito, Venezuela, on 24 May 2020<sup>1</sup>. Since 21 August 2020, Mr. Rahnavard has not been aboard the FORTUNE merchant ship as the result of the termination of that contract.

Also since 21 August 2020, Mr. Rahnavard has not joined any other vessel, nor has he sailed to Venezuela. He is unable to work aboard any vessel anywhere as the result of the US sanctions imposed against him on 24 June 2020.

Notwithstanding the absence of his association with the FORTUNE or any other seagoing vessel, Mr. Rahnavard received an e-mail from the US Department of State on 14 January 2021 informing him that "Your vessel is transporting petroleum products connected to the [Islamic Revolutionary Guard Corps] IRGC of Iran. By carrying out this shipment, you are supporting a U.S. designated foreign terrorist organization." The message stated that the

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<sup>1</sup> Treasury Sanctions Five Iranian Captains Who Delivered Gasoline to the Maduro Regime in Venezuela 24 June 2020 <https://home.treasury.gov/news/press-releases/sm1043>

Department's Rewards for Justice program "offers a reward of up to \$15 million for information leading to the disruption of the IRGC's illicit financial networks." After Mr. Rahnavard received this message, he affirmed that he had no knowledge about the position (physical location) of the FORTUNE.

Also on 14 January 2021, a Twitter post by the Rewards for Justice Program of the State Department publicly communicated Mr. Rahnavard's photo and name, as well as referred to "Up to \$15 million in rewards for information about Alireza Rahnavard, Captain of Tanker Fortune, Part of Iran's plan to support terrorism through oil."

On 15 January 2021, the television news channel Iran International, based in the United Kingdom and broadcasting in Farsi to a target audience of 90 million people in Iran and around the world, reported that "The United States has set a reward for information leading to the capture of Fortune oil tanker captain Alireza Rahnavard."

Starting on or about 17 August 2020, prior to disembarking and ending his association with the FORTUNE, Mr. Rahnavard was in contact with the U.S. law firm that allegedly had dealt with de-listing cases before and had requested a license from OFAC to provide the legal services necessary for Mr. Rahnavard de-listing. The U.S. law firm had not yet received a response by 12 December 2020.

The NITC legal affairs office estimated that requests for de-listing usually take about two years before OFAC makes a decision.

While we do not wish to prejudge the accuracy of the information received, we refer your Excellency to the previous letter (AL USA 24/2020), which detailed the numerous allegations of Mr. Rahnavard's human rights violations due to the imposition of sanctions against him, and that the U.S. Government is obliged to protect for him. These include the rights to life, liberty and security, fair trial and due process (including the rights to be tried in his presence by a competent and independent court, to be presumed innocent until proven guilty, to be informed promptly in an official and direct manner about the nature and cause of the accusation giving rise to the sanctions, to defend oneself and have adequate time to prepare one's defense), as well as the rights to effective remedy, property, freedom of movement, privacy, family life, work, free choice of employment and freedom from forced labor. Many of the aforementioned rights are enshrined in the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified on 8 June 1992, while others are provided by the Universal Declaration of Human Rights and other norms of customary international law.

In view of the subsequent information received, we reiterate and further raise our deep concern that these sanctions continue to be imposed on Mr. Rahnavard on the basis of inaccurate information about his employment and activities. We are particularly concerned that your Excellency's Government is directly endangering his life and security by relying on this information as ground for publicly linking him to the alleged "Iran's plan to support terrorism", an accusation that does not seem to be

based on facts and that has been consistently denied by Iran. The news media reports of a large financial reward for his capture heightens the danger that Mr. Rahnavard may be captured in relation to an alleged crime, imputed on him, but for which he has not been formally accused, charged or tried in any jurisdiction, especially taking into account that he was blacklisted because he declined to divert the FORTUNE and its Venezuela-bound cargo of gasoline to U.S. authorities, which is considered as a criminal act under Iranian law. We are also concerned that Mr. Rahnavard's very life, personal security and bodily integrity may be at serious risk as a result of the reward offer.

Numerous UN documents including resolutions of the UN Security Council have repeatedly referred to the obligation of states to observe human rights inter alia as a fundamental element of preventing terrorism (UN Secretary General report "Protecting Human Rights and Fundamental Freedoms while countering international terrorism," A/72/316, paras. 4-5; UN General Assembly resolution 72/246 of 24 December 2017, para. 5; Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/73/361; etc.). Reference to international terrorism can never be used as a justification for human rights violations.

In this regard, it is a matter of concern that what appears to be wrongful intelligence with respect to Mr. Rahnavard's situation is being acted upon by the US Government, amid the denial of his due process rights, as this seems to have impeded your Excellency's Government from availing itself of the means to verify or disprove such information prior to proceeding.

The mechanisms for correcting these alleged violations of Mr. Rahnavard's human rights are also a matter of serious concern. The process for de-listing may not be allowed to begin at all, in view of the uncertainty about granting a license for attorneys to pursue it; this could result in Mr. Rahnavard's rights being denied indefinitely, including the fundamental right to be able to defend himself against what appear to be unsubstantiated accusations. Moreover, the time necessary for OFAC to decide on the license request, plus the time that elapses before OFAC decides the question of de-listing, runs counter to the right to effective remedy that is enshrined in various human rights conventions, national laws and in the Sixth Amendment to the U.S. Constitution.

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 person in compliance with international instruments

We respectfully urge your Excellency's Government:

1. To substantiate the accusation that Mr. Rahnavard is involved in terrorist activity; and to delete all references to such accusations on its web pages, Twitter or in any other place that promises a reward for

information leading to his capture as under the Rewards for Justice program, and to announce this withdrawal officially.

2. To guarantee Mr. Rahnavard access to justice so the request for his de-listing may be made in accordance with international human rights standards without any delay.
3. To verify the accuracy of the information used as grounds for implementing similar sanctions as well as any other measures taken by your Excellency's Government towards individuals.
4. To develop prompt and effective mechanisms of access to justice as the means of human rights protection for every listed individual and company in accordance with international law, the rule of law and human rights standards.

While still awaiting a reply to the previous communication dated 4 September 2020 (AL USA 24/2020), we urge that all measures be taken to ensure that your Excellency's Government complies with its obligations under international law to protect the human rights of Mr. Rahnavard.

We may consider to publicly express our concerns in this case in the near future as, in our view, the information at hand appears sufficiently credible and reliable to indicate a matter warranting the most serious attention. We also believe that levelling such accusations against any individual, without substantiating, without providing the person the possibility to defend himself or herself, and exposing his life and security through public offers of financial rewards, run contrary to the respect of the most basic human rights and rule of law principles, which are unworthy of a democratic government. For these reasons, we believe that this is a matter that the wider public should be alerted to, given the implications for the enjoyment and exercise of human rights of these allegations. Any public expression of concern from our part 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.

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

Alena Douhan

Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights

Fionnuala Ní Aoláin

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