

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on minority issues; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 43/4, 44/5, 43/16, 43/24, 43/8 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the prosecution and sentencing of Iranian journalist, Mr. **Mohammad Mosaed**, for his journalistic activities. We further express our concern over the sentencing of Mr. **Davoud Mehradjam**, allegedly in connection with his affiliation with the Gonbadi Sufi religious minority, and of Mr. **Masoud Akhtarani**, reportedly in connection with his human rights work.

Mr. Mohammad Mosaed is a human rights defender and an award-winning journalist reporting on corruption, public protests, and the Iranian government's response to the COVID-19 pandemic. Mr. Davoud Mehradjam, is a member of the Gonabadi Sufi minority and journalist. Mr. Masoud Akhtarani Tehrani is an attorney, human rights defender and a journalist. All three reportedly fled to Turkey. While in Turkey, Mr. Mehradjam and Mr. Akhtarani are reportedly receiving death threats from government intelligence agents of the Islamic Republic of Iran after taking up journalistic activities.

According to the information received:

Mr. Mohammad Mosaed

On 17 August 2020, Mr. Mosaed was charged with "colluding against national security" and "spreading propaganda against the system" by Iranian authorities on the basis of his critical journalistic reporting concerning actions of the Iranian authorities, including posts on social media on the authorities' actions in the context of COVID-19. On 25 August 2020, Branch 26 of Tehran's Revolutionary Court sentenced Mr. Mosaed to four years and nine months imprisonment, a two-year ban on journalistic activities, and a two-year ban on using any communications devices. He fled Iran in January 2021 where he sought international protection.

Mr. Davoud Mehradjam

Mr. Mehradjam was arrested by Iranian authorities, when security agents attempted to arrest the Gonabadi Sufi spiritual leader, and sentenced in February 2017. The event produced clashes between the authorities and protesters belonging to the Gonabadi Sufi minority. Prior to his arrest, Mr. Mehradjam had reportedly been in charge of administering the Gonabadi Sufis' website in Iran. After his release from prison, Mr. Mehradjam and his family fled Iran to Turkey, where he sought asylum.

While in Turkey, he resumed his activities as a journalist, reporting in particular on the treatment by Iranian authorities of the Gonabadi Sufi minority in the country. Mr. Mehradjam has reportedly received threats from members of the Islamic Revolutionary Guard Corps, FergheNews and other Iranian agencies. On messages received on social media platforms, State agents from Iran identified Mr. Mehradjam's location in Turkey and reportedly affirmed their ability to reach him at any time.

Mr. Masoud Akhtarani Tehrani

Mr. Masoud Akhtarani Tehrani, was arrested and sentenced to five years imprisonment for the crimes of endangering national security and the disruption of peace through propaganda. The basis for his sentencing was reportedly his work for the Tehran Legal Journal, Talieh Edalat magazine (a monthly magazine on social justice issues), and Erfan News, covering human rights and social issues in Iran. He was later released on bail, and due to fear for his safety resulting from increased pressure from the security forces, he fled to Turkey in 2016. He was registered as refugee in 2017.

Upon his arrival in Turkey in 2016, he started his activities as a journalist working with AmadNews and its late founder. After the well publicized death sentence and execution of the founder of AmadNews by Iran in December 2020, security forces of the Islamic Revolutionary Guard Corps (IRGC) reportedly informed Mr. Akhtarani that he would be next in line. Individuals that reportedly are affiliated with the Islamic Revolutionary Guards Corps have been spotted outside the domicile of Mr. Akhtarani, and he has continued receiving numerous threats from members of the IRGC on social media platforms.

Without prejudice to the accuracy of the abovementioned allegations, we wish to express serious concern at alleged violations to the right to freedom of expression, which protects the work of journalists to report critically on government policies, the right to a fair trial, and the right to life.

With regard to the case of Mr. Mosaed, we express serious concerns that the basis for the charges and sentencing appear to be his critical journalistic reporting on actions by the Iranian authorities and public figures. If confirmed, this would constitute a violation of the right to freedom of expression. Moreover, we express concern that the timelapse between the raising of charges against him and the actual sentencing lasted only a few days, raising concerns as to whether fair trial guarantees were observed, in particular his right to prepare an adequate defence. Should either of these

concerns be confirmed, the imprisonment of Mr. Mosaed would constitute an arbitrary deprivation of his liberty.

With regards to the situations of Mr. Mehradjam and Mr. Akhtarani, we express concern at the allegation that they were convicted due to their affiliation to a religious minority and human rights work respectively. Moreover, we express serious concern at the reported death threats against both individuals, allegedly made by members of the IRGC intelligence forces for their journalistic activities carried out abroad, and in particular, given the human rights focus of this journalistic work. If confirmed, this could constitute a violation of their right to life and freedom of expression, and the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms. In this regard, we remind Your Excellency's Government that the obligation to respect and ensure the rights of everyone within the jurisdiction of the State entails the responsibility for acts which would have a direct and reasonably foreseeable impact on the right to life.

In this regard, we recall the obligation to provide effective remedies under article 2 (3) of the Covenant, and remind of the obligation to investigate alleged violations of the Covenant, with a view of prosecuting and punishing those responsible. The obligation also entails a responsibility to cease any unlawful acts, and to make adequate reparations, including in the form of restitution, compensation and just satisfaction.

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 comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the criminal investigations and judicial processes brought against the three journalists, including the charges brought against them, the convictions and sentences received, and the reasons for their prosecution. Please also include the dates of any court decisions and the names of the courts that issued the verdicts.
3. Please provide information on the measures taken, if any, to investigate the alleged threats made against Mr. Mehradjam and Mr Akhtarani by members of the IRGC and other agencies abroad.

We would appreciate receiving a response within 60 days. Passed this delay, 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.

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.

Please note that a letter expressing similar concerns is also sent to the Government of Turkey.

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

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Javaid Rehman
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Fernand de Varennes
Special Rapporteur on minority issues

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

With reference to the abovementioned allegations and concerns, we refer to the International Covenant on Civil and Political Rights, succeeded to by Iran (Islamic Republic of) on 24 June 1975.

The extraterritorial scope of application of the right to life

Under the ICCPR art. 2 (1) the State is under an obligation to “respect and ensure” the rights provided for under the Covenant to “all individuals ... subject to its jurisdiction”. The requirement of jurisdiction has been further clarified by the Human Rights Committee in General Comment 36 on the right to life (2018). Here, the Committee held that the Covenant applies with respect to “all persons over whose enjoyment of the right to life it exercises power or effective control”. This includes “persons located outside any territory effectively controlled by the State, whose right to life is nonetheless impacted by its military or other activities in a direct and reasonably foreseeable manner.” (see para. 63).

With regards to the scope of the substantive right to life, the Committee has expressed that “[t]he obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life” (id. para. 7) “States parties are expected to take all necessary measures intended to prevent arbitrary deprivations of life by their law enforcement officials, including soldiers charged with law enforcement missions.” (id. para. 13).

The right to freedom thought, conscience, religion or belief and freedom of opinion and expression

Article 18 of the ICCPR does not permit any limitations whatsoever on the freedom of thought and conscience or the freedom to have or adopt a religion or belief of one's choice.

The right to freedom of opinion and expression is enshrined in article 19 (2) of the Covenant, and protects the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Restrictions on the right to freedom of expression are compatible with the Covenant if and only if they are compatible with the requirements under article 19 (3). That is, restrictions must be provided by law, pursue one of the exhaustively enumerated legitimate objectives and be necessary and proportionate. There are several types of restrictions to the freedom of expression that in and of themselves will be incompatible with the Covenant. Thus, for example, the “penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression”, see Human Rights Committee, General Comment no. 34 (2011) para. 42. Moreover, any “attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing” will be

incompatible with article 19, id. para. 23. As highlighted by the Committee, “[a]ll such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress”, id.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Protection of the rights of persons belonging to minorities:

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 article 26 of ICCPR: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...]". Moreover, article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, refer 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).

Human rights defenders

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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 9, paragraph 1, which provides for the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- and article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.