

**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 and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
UA IRN 21/2021

16 August 2021

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 and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 46/18, 42/22, 45/3 and 43/20.

In this connection, we like to bring to the attention of your Excellency's Government information we have received concerning the enforced disappearances of Mr. **Hamidullah Arbabi** and Mr. **Falah Heidari**, of the Baloch and Arab minority, respectively. We are seriously concerned that their ongoing enforced disappearances place them at increased risk of torture and other ill-treatment with a high risk of violation of their right to life.

Concerns at the reported escalation of the targeting of minority groups were raised by Special Procedures in several communications, including on 17 March 2021 (ref. no IRN 9/2021) and on 31 May 2021 (ref. no 15/2021). Concerns at the enforced disappearance of individuals belonging to minority groups have been raised in multiple communications by Special Procedures, including most recently on 22 February 2021 (ref. no IRN 6/2021) and 19 February 2021 (ref. no IRN 7/2021). We thank your Excellency's Government for the response received to the former communication, but regret that three of the individuals subject to the communication due to concerns of enforced disappearance were subsequently reported to have been executed.

According to the information received:

*The enforced disappearance of Mr. Hamidullah Arbabi*

Mr. Hamidullah Arbabi is of the Baloch minority in Iran.

The fate and whereabouts of Mr. Hamidullah Arbabi remain unknown since 21 March 2019, when he was arrested. At around 2 AM on 21 March 2019, seven agents, presenting themselves as being from the Intelligence Department arrived at his house in the village of Mehban, in the Nikshahr district of Sistan and Balochistan province. They reportedly arrested Mr. Arbabi. Subsequent to his arrest, his bank accounts were blocked.

Prior to his arrest, Mr. Arbabi had posted several posts on social media with criticism of the Government and denouncing human right violations in Sistan-Baluchistan province. He had on several occasions reportedly been warned to stop his social media posts.

On 23 September 2019, the Islamic Council of Mehban and its suburbs signed a document confirming that Mr. Arbabi was detained on 21 March 2019 by individuals wearing official uniforms and in plain clothes.

On 21 June 2020, a case to locate Mr. Arbabi was registered in the local court in Nikshahr but was subsequently dismissed on the basis of “lack of evidences”.

#### *The enforced disappearance of Mr. Falah Heidari*

Mr. Falah Heidari is a teacher, and of the Arab minority in Iran. His whereabouts remain unknown since 20 May 2021.

On 19 May 2021, several armed security and intelligence agents violently raided the home in Ahwaz of Mr. Falah Heidari, and arrested him and his adult son. No arrest or search warrant was presented. The agents searched the house and seized mobile phones. Mr. Heidari and his son were subsequently transferred to an unidentified location where they were held for some hours before being released on the same day. During this time, Mr. Heidari was reportedly interrogated about the activities of his brother, who acts as spokesperson of the Patriotic Arab Democratic Movement in Ahwaz.

On 20 May 2021, Mr. Falah Heidari, was summoned by phone to go to the office of the intelligence unit of the Islamic Revolutionary Guards Corps in Ahwaz. Upon arrival, he was arrested and transported to an unidentified location. His arrest reportedly relates to the activities of his brother. His whereabouts have since been concealed. Mr. Heidari has since his arrest been allowed to place short phone calls to his family, but without sharing information about his place of detention. The authorities have reportedly not provided any further information about his whereabouts.

Mr. Heidari has health conditions that require treatment, including a heart condition, high blood pressure and diabetes.

While we do not wish to prejudge the above mentioned allegations, we would like to express our serious concern regarding the arrest and ongoing enforced disappearance of Mr. Falah Heidari and Mr. Hamidullah Arbabi, which may amount to torture and other forms of ill-treatment and pose a threat to their right to life. Furthermore, we express our serious concerns that these acts appear to have been carried out in retaliation for the alleged activities of Mr. Heidari’s brother, and as a retaliation against Mr. Arbabi’s exercise of his right to freedom of expression.

We would like to stress that the failure to acknowledge deprivation of liberty by state agents and refusal to acknowledge detention constitute an enforced

disappearance. We reiterate that enforced disappearance is a serious violation of multiple human rights including the prohibition of torture or other cruel, inhuman or degrading treatment or punishment, unequivocally forbidden under international law.<sup>1</sup> Paragraph 27 of General Assembly Resolution 68/156 (February 2014), “[r]eminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished”. In this respect, the alleged enforced disappearance of the aforementioned individuals would contravene Iran’s obligations under the ICCPR, articles 6, 7, 9, 10 and 16, read alone and in conjunction with article 2, para. 3, of the ICCPR, with regard to Mr. Arbabi and Mr. Heidari, and of article 7, read alone and in conjunction with article 2, para. 3, of their relatives, as well as its obligations under the United Nations Declaration on the Protection of All Persons from Enforced Disappearances.

The Declaration establishes the prohibition to practice, permit or tolerate enforced disappearances (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3) and that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7). The Declaration recognizes the right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty (article 9), the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention in order to challenge the legality of the detention (article 10). The same article of the Declaration establishes the obligation of the detaining authorities to make available accurate information on the detention of persons and their place or places of detention, including transfers, to their family, counsel or other persons with a legitimate interest (article 10). The Declaration also establishes the obligation to make the findings of an investigation into the circumstances of the disappearance available upon request to all persons concerned and to ensure that all involved in the investigation are protected against ill-treatment, intimidation or reprisal (article 13).

Furthermore, without expressing at this stage an opinion on the facts of the case and on whether the reported detentions were arbitrary or not, and whether or not they amount to enforced disappearances, we appeal to your Excellency's Government to take all necessary measures to guarantee the right of the detained persons in this case not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the ICCPR.

We furthermore wish to refer to the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR and the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, which refers to the obligation of States to

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<sup>1</sup> See, Communication No. 449/1991, *Mojica v Dominican Republic*, Views adopted by the Human Rights Committee on 15 July 1994, para. 5.7.

protect the existence and the identity of minorities within their territories and to adopt 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 (article 4).

We urge your Excellency's Government to promptly provide information on the current place of detention of Mr. Arbabi and Mr. Heidari, whose fate and whereabouts remain unknown.

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.

We are issuing this appeal in order to safeguard the rights of the abovementioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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 the name and location of the place where Mr. Arbabi and Mr. Heidari are held.
2. Please provide information about the legal basis for the arrest and continued detention of Mr. Arbabi and Mr. Heidari.
3. Please provide information about measures taken to ensure that Mr. Arbabi and Mr. Heidari receive adequate medical care while in detention. In particular, please provide information about the health situation of Mr. Heidari, in view of his multiple underlying health conditions.

While awaiting a reply, we urge that all necessary interim measures be taken to avoid possible irreparable damage to the life and personal integrity of Mr. Arbabi and Mr. Heidari; 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 responsible of the alleged violations.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices 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.

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

Miriam Estrada-Castillo  
Vice-Chair of the Working Group on Arbitrary Detention

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

Nils Melzer  
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