

Mandates of 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 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

Ref.: AL IRN 17/2022
(Please use this reference in your reply)

2 September 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; 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 42/22, 50/17, 43/16, 49/24, 43/8 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention and sentencing of Messrs. **Abbas Dehghan, Kasra Nouri, Mostafa Abdi, and Mohammad Sharifi Moghadam**, members of the Gonabadi Dervish religious minority, following their participation in protests by Gonabadi Dervishes in February 2018, and in connection with their human rights and media work.

Concerns at the harassment, arrest and detention of Gonabadi Sufis have been raised in several joint communications by Special Procedures, including on 15 February 2021 (IRN 6/2021); 9 October 2014 (ref. no IRN 22/2014); 16 April 2013 (ref. no IRN 7/2013); and 16 February 2012 (ref. no IRN 1/2012). We thank your Excellency's Government for the responses sent to IRN 6/2021 and IRN 7/2013, but we remain concerned that the violations continue. More recently, the situation of Gonabadi Sufis has been raised by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his report to the Human Rights Council (A/HRC/46/50). Mr. Kasra Nouri and Mr. Mostafa Abdi were the subject of previous communications on 9 October 2014 (ref. no IRN 22/2014) and 16 April 2013 (ref. no IRN 7/2013).

According to the information received:

The Gonabadi Dervishes are Sufi Muslims and a religious minority. They are the largest Sufi order in Iran. The Government has over the years increased the harassment against the Gonabadi Dervish community and has demolished their places of worship, including in Qom in 2006, Boroujerd in 2007, and Isfahan in 2009. During these incidents, hundreds of Gonabadi dervishes were arrested.

Messrs. Abbas Dehghan, Kasra Nouri, Mostafa Abdi, and Mohammad Sharifi Moghadam are members of the Gonabadi Dervishes. They were members of the editorial committee of the Majzooban-e Noor website, a news site that focused on Gonabadi Sufi Dervish affairs.

The above-mentioned individuals were arrested in February 2018 after participating in a sit-in and protest against the authorities' intensified persecution of their community and in order to prevent the possible arrest of their leader. The protests occurred near the house of the "qutb", or spiritual leader of the Gonabadi Sufis. Subsequently, security forces and the paramilitary Basij tried to forcibly disperse the protesters by using batons, firearms, water cannons and tear gas, leading to clashes with the protesters. Over 300 people, including 60 women were violently arrested. Following these events, the spiritual leader of the Gonabadi Dervishes was held under house arrest.

Messrs. Abbas Dehghan, Kasra Nouri, Mostafa Abdi, and Mohammad Sharifi Moghadam were arrested after being injured during the protests. Following their arrests, they were interrogated without access to a lawyer or their families, during which they were reportedly subjected to torture and ill-treatment for the purpose of extracting confessions. The Islamic Revolutionary Court convicted Mr. Dehghan in January 2021, Mr. Nouri in July 2018, and Mr. Abdi and Mr. Sharifi Moghadam in August 2018 for amongst others national security crimes as indicated below. They refused to request for appeal in protest of the lack of observance of fair trial guarantees in the judicial process. All four remain in detention since 2018 without being granted furlough. Messes. Abdi, Dehghan, and Sharifi Moghadam were held in the Greater Tehran Central Penitentiary before being transferred to Evin prison in Tehran province on 24 July 2022. Mr. Kasra Nouri is being held in Adelabad prison in Fars province, at a distant location from his family.

Mr. Abbas Dehghan

Mr. Dehghan was arrested during the protests of Gonabadi Dervishes in February 2018. He was initially transferred to the Greater Tehran Central Penitentiary (Fashafouyeh prison) and then transferred to Shapour detention centre for interrogations. Mr. Dehghan along with seven other detained Dervishes began a hunger strike on 27 March 2018 in protest against the torture and other ill-treatment to which they were reportedly subjected. Mr. Dehghan had a severe ear infection due to repeated slapping on his ear during the interrogation. Mr. Dehghan was reportedly threatened during the interrogations with arrest and rape of a person associated with him if he did not "confess".

In January 2021, Branch 28 of the Islamic Revolution Courts of Tehran and Branch 1146 of the Criminal courts of Tehran sentenced Mr. Dehghan to a total of 11 years and six months' imprisonment and 74 lashes for "assembly and collusion to act against national security," "disturbing the public order," "insulting government officials," "assaulting members of the paramilitary Basij" and "inciting a murder." According to article 134 of the Islamic Penal Code, Mr. Dehghan has to serve six years and three months' imprisonment, his lengthiest prison sentence to date.

Mr. Dehghan has previously donated one kidney and is more susceptible to disease in prison. He contracted COVID-19 in Evin prison on 27 July 2022. He was denied timely medical care and was only admitted to the prison clinic following the insistence of his fellow inmates. Despite his high fever, he was

denied medical leave or hospitalization.

Mr. Kasra Nouri

Mr. Kasra Nouri is a 32-year-old human rights defender, reporter and manager of the Majzooban-e Noor news website. Prior to his arrest in February 2018, Mr. Nouri was arrested on several occasions in connection with his activities in defending the rights of the Gonabadi Dervish community. He was arrested for the first time on 11 January 2012. He was released on bail after 45 days but was arrested again on 15 March 2012. In April 2013, while he was still in detention, Mr. Nouri was sentenced to four and a half years' imprisonment by Branch 3 of the Islamic Revolution Court in Fars province for "promulgating propaganda against the State" and "acting against national security". Mr. Nouri was released on 30 October 2015 after serving his prison sentence.

Following his arrests during the protests in February 2018, Branch 26 of the Islamic Revolution Court in Tehran sentenced Mr. Nouri to a total of 12 years imprisonment, 74 lashes, two years exile in Salas-e Babajani County, a two-year travel ban, a two-year ban on the membership of any political or social groups, parties or associations and a two-year ban on any media activity. He was convicted of "promulgating propaganda against the State" and "acting against national security," "disrupting the public order," and "refusing the police order". The court stated that Mr. Nouri's illegal activities included "reporting information about the Dervish minority to opposition media," "writing human rights articles against the state," and "participating in the protests." According to article 134 of the Islamic Penal Code, Mr. Nouri has to serve seven years and six months' imprisonment, his lengthiest prison sentence to date.

Mr. Mostafa Abdi

Mr. Abdi had previously been arrested and convicted in connection with defending the rights of the Gonabadi Dervish minority. In July of 2013, he was sentenced to three years in prison on the charge of "assembly and collusion against national security". In December of 2015, he was released from prison after serving his sentence.

Following his arrest in February 2018, in August 2018 the Islamic Revolution Court in Tehran sentenced Mr. Abdi to 26 years' imprisonment, 148 lashes, two years in exile, a two-year travel ban, and a two-year ban on the membership of any political or social groups, parties or associations and a two-year ban on any media activity. He was convicted of "promulgating propaganda against the State" and "acting against national security", "disrupting the public order," and "refusing the police order". According to article 134 of the Islamic Penal Code, Mr. Abdi has to serve seven years and six months' imprisonment, his lengthiest prison sentence to date.

In March 2022, Mr. Abdi contracted COVID-19 for the third time in the Greater Tehran Central Penitentiary (Fashafouyeh Prison). Despite his severe symptoms, he was denied medical leave.

Mr. Mohammad Sharifi Moghadam

Mr. Mohammadi Sharifimoghadam is a Gonabadi Dervish, a student and children's rights activist. He was previously arrested on 30 December 2017 for following up the condition of students arrested during the protests in December 2017. He was released on 9 January 2018.

Following Mr. Sharifi Moghadam's arrest in the Gonabadi Dervishes' protests in February 2018, he was interrogated in Shapour detention centre and at a so-called "safe house" under the control of the Intelligence Organization of the Islamic Revolutionary Guard Corps where he was subjected to torture and ill-treatment. In August 2018, Branch 15 of the Islamic Revolution Court in Tehran sentenced Mr. Sharifi Moghadam to 12 years' imprisonment, 74 lashes, two years of exile, a two-year travel ban, and a two-year ban on the membership of any political or social groups, parties or associations and a two-year ban on any media activity. He was convicted of "promulgating propaganda against the State" and "acting against national security," "disrupting the public order," and "refusing the police order". The conviction of Mr. Sharifi Moghadam was based on amongst others the following activities: "visiting family of a union activist and calling for an illegal demonstration in his support in front of the Labor Ministry;" "supporting the Dervish minority and others during a speech at student open tribune at Sharif university;" "creating the telegram channel 'No to urban death' in support of dervishes;" and "participating in drafting a joint statement of student activists." According to article 134 of the Islamic Penal Code, Mr. Sharifi Moghadam has to serve seven years and six months' imprisonment, his lengthiest prison sentence to date.

Without prejudice to the accuracy of the abovementioned allegations, we are seriously concerned at the reported arrest, detention, conviction, and judicial harassment of Messrs. Abbas Dehghan, Kasra Nouri, Mostafa Abdi, and Mohammad Sharifi Moghadam, which appear to be directly related to their participation in a protest and their advocacy promoting and protecting the rights of the Gonabadi Dervish religious minority. We express our concerns at the overbroad legal basis for their arrests and convictions, which constitute undue restrictions on the rights to freedom of expression, association and peaceful assembly as well as the right to freedom of religion or belief as guaranteed under international human rights law. We furthermore raise concerns at the reported serious violations of due process perpetrated by State authorities and that the arrest, trial and convictions of the abovementioned individuals fall short of requirements under international human rights law. We express our serious concerns at the alleged use of torture against the four individuals for the purpose of extracting forced confessions. Further concern is expressed with regard to the denial of furlough to Messrs. Dehghan, Nouri, Abdi, and Sharifi Moghadam, including on medical grounds. We call on your Excellency's Government to review their cases in line with international human rights law and in the meantime, to allow their temporary release. We express further concern at the broader measures taken in the Islamic Republic of Iran targeting the Gonabadi Sufis community on the grounds of their religion or belief.

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.

We are issuing this appeal in order to safeguard the rights of individuals concerned 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 any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the number of Gonabadi Dervishes who were arrested and convicted following the protests in February 2018 and the number of those who still remain in detention or exile.
3. Please provide information about the factual reasons and legal basis for the arrest, detention and conviction of Messrs. Dehghan, Nouri, Abdi, and Sharifi Moghadam, and explain how they are compatible with the international human rights obligations of the Islamic Republic of Iran.
4. Please provide information whether the above-mentioned individuals have had an unimpeded access to legal assistance of their free choosing.
5. Please provide information about whether any investigation has taken place into the alleged torture, ill-treatment of the abovementioned individuals. If no such investigation has taken place, please explain why.
6. Please provide information about the legal basis for the sentences of travel ban, exile, and ban on any media activity and membership in groups for the abovementioned individuals and explain how this is compatible with international human rights law.
7. Please provide information on the measures undertaken to ensure physical and mental integrity of the abovementioned individuals while in detention and their appropriate access to timely and adequate health care.
8. Please provide information on measures taken to ensure that people belonging to the Gonabadi Sufi order are able to enjoy their right to freedom of religion or belief, and freedom of expression, their rights as members of a religious minority, their right to peaceful assembly, and that they can enjoy all other rights without discrimination in accordance with under international law.

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.

Further, 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.

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

Mumba Malila
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

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

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, and in particular articles 2, 6, 7, 9, 10, 14, 18, 19, 21, 22, 26 and 27, which provide for guaranteeing the principle of non-discrimination, prohibition of torture and other inhumane or degrading treatment, liberty and security of person, the right to an effective remedy by the competent national tribunals for acts violating their fundamental rights, the right to an independent and impartial judicial process with due process guarantees, freedom of thought, conscience, religion or belief, freedom of expression, freedom of association and peaceful assembly, the principle of non-discrimination, guarantees of humane treatment while in detention, the rights of persons belonging to minorities and the protection against arbitrary arrest or detention. All these provisions should be read in conjunction with article 2 (3) of the ICCPR guaranteeing everyone's right to an effective remedy.

Article 9 of the ICCPR establishes that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law. Article 9 (4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. In its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18). It has also stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary.

Furthermore, article 14 of the ICCPR guarantees individuals' right to a fair trial and public hearing by a competent, independent and impartial tribunal established by law. Article 14(3) specifically protects one's right to be informed promptly and in detail of the charges against them, the right to have adequate time and facilities for the preparation of their defence, and the right to communicate with counsel of their choosing. The right to legal counsel is also enshrined in Principle 17 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

In addition, article 6 of the ICCPR imposes obligations on States to particularly protect the lives and bodily integrity of individuals deprived of their liberty, including through the provision of the necessary medical care and appropriate regular monitoring of their health (Human Rights Committee, in its General Comment No. 36 (CCPR/C/GC/36)). Moreover, under Article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Iran on 24 June 1975, States have an obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services.

We would like to further refer to the United Nations Standard Minimum Rules for the Treatment of Prisoners ("the Mandela Rules"), adopted in General Assembly resolution 790/175, and in particular to Rules 24 to 35 regarding States responsibility to provide health care for prisoners, including access to medication and treatment

facilities, and examinations for signs of torture. We would like to remind that Rule 3 stipulates that the prison system shall not aggravate the suffering inherent to deprivation of liberty. Rule 27 in particular establishes that clinical decisions may only be taken by health-care professionals and may not be overruled or ignored by non-medical prison staff.

Article 18 (1) of the ICCPR that stresses “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Human Rights Committee General Comment No. 22 further explains that “[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts.

In addition, we wish also to recall that while the manifestation of religion or belief may be restricted as per Article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria of legality, proportionality and necessity, including being non-discriminatory in intent or effect and constitute the least restrictive measure.

We moreover refer to article 19 of the ICCPR, which guarantees the right of everyone to freedom of opinion and expression, which includes “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”.

In its General Comment No. 34 on the right to freedom of opinion and expression, the Human Rights Committee has found that restrictions of the right to freedom of opinion and expression that a government seeks to justify on grounds of national security and counter-terrorism should adhere to the principle of proportionality and necessity, be designed and implemented in a way that respects the universality of human rights and the principle of non-discrimination, and should never be used to prosecute human rights defenders (CCPR/C/GC/34).

We, once again, wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16. The Resolution calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We further would like to recall that articles 21 and 22 of the ICCPR guarantee the rights of peaceful assembly and of association, and note that “no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

We would also like to refer to Human Rights Council resolution 24/5 in which the Council “reminds States of their obligation to respect and fully protect the rights

of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions of the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law". Furthermore, the Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/41/41) affirms that States must ensure "that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (para. 13).

Furthermore, Article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, "to enjoy their own culture, to profess and practice their own religion, or to use their own language".

We would like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its Article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief." In Article 4 (1), the General Assembly further states that: "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]" Furthermore, we would like to refer your Government to Article 4(2) according to which: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Finally, we wish to refer to 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 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). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.