

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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(Please use this reference in your reply)

16 November 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 43/16, 51/8, 44/5, 43/4, 51/21 and 49/24.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and detention of human rights defender, Mr. **Hossein Ronaghi**, his subsequent ill-treatment, critical health condition and medical neglect as well as the indictment of Mr. **Saman Yasin**, a Kurdish Yarasani rapper.

Mr. Hossein Ronaghi is a blogger, independent human rights defender and defender of Internet freedom. He was previously arrested twice, in 2009 and earlier in 2022, and spent six year in prison during which he developed severe medical conditions, leading to surgery and the removal of one kidney.

Mr. Ronaghi was the subject of several previous communications sent by Special Procedures mandate holders: IRN 7/2016, IRN 9/2014, IRN 15/2013 and IRN 12/2012. We thank your Excellency's Government for the replies provided to communications IRN 7/2016 and 15/2013, and regret that no responses were received to the other two communications.

According to the information received:

The case of Mr Hossein Ronaghi

On 22 September 2022, Mr. Ronaghi was giving a live interview from his home with the London-based Iran International News on the protest demonstrations following the death of Ms. Mahsa Amini while in morality police custody. He interrupted the show and said "it seems they came." He later shared a video showing how he had escaped by car from agents who had come to his home to arrest him. He said he would seek an explanation from the prosecutor, and said "I will go myself to the courthouse at Evin ...if you want

to arrest me again, or beat me or kill me, come there.”

On 24 September 2024, Mr. Ronaghi, also known as Baback Khoramddin, was arrested outside Evin Prison Courthouse, where he had been summoned to appear on that day. His family do not know the reason for the summons. Video recordings from the arrest showed people around him trying to help him as he was forcibly taken to the police car while shouting “I want to go to the courthouse, I want to go to the courthouse.”

In a subsequent telephone call from Evin Prison to his parents, Mr. Ronaghi told them he was beaten by riot police during his arrest, leading to fractures in both his legs, and head injuries. He said he had not received any medical attention or treatment, and told them he had started a hunger strike. Mr. Ronaghi has allegedly not had access to a lawyer, and his family has not been informed of the legal basis for his arrest, the reasons for his detention, nor whether any charges had been pressed against him.

According to Mr. Ronaghi’s family, the video shots of his arrest showed him being beaten by a group of men who were not wearing police uniform and could presumably be intelligence agents or riot police. One of the men holding Mr. Ronaghi by the neck while dragging him to a police car allegedly bore a resemblance to one of the agents who had gone to his home on 22 September 2022.

On 31 October 2022, Mr. Ronaghi’s father visited him in Evin Prison, and requested the release of his son on bail. He was allegedly threatened by a prosecution official who said that if Mr. Roghani did not accept to sign a confession, he would face charges warranting the death sentence if convicted. It was not clear what the confession would have included.

On 8 November 2022, Mr. Ronaghi’s father released a video recording expressing serious concern about his son’s life, that he needed medical care and special hospital treatment due to the hunger strike he was on for 47 days. He said that Mr. Ronaghi had partial kidney failure, was suffering from prostate and digestive system problems, and had vomited blood a few times. Mr. Ronaghi was reportedly not given any medication or treatment since his arrest. While he did receive care for his injured legs, he was still unable to walk.

On 13 November 2022, Mr. Ronaghi was taken to Dey Hospital in Tehran following a severe deterioration in his health.

According to his family and other human rights defenders, Mr. Ronaghi has been held in a part of Evin Prison that is usually reserved for political prisoners and Iran’s Revolutionary Court is the judiciary responsible to try him. He had been vocal in his support for the protest demonstrations that broke out in Iran after Ms. Amini’s death and his family and human rights observers claim that this is the reason for his arrested.

Mr. Ronaghi was previously arrested and detained for his blog posts critical of the Iranian Government, and for defending the right to freedom of expression, in particular speaking up against legislation restricting access to the Internet.

In December 2009, Mr. Ronaghi was arrested when he helped journalists and political activists circumvent a website ban imposed following widespread protests against the presidential election results.

In October 2010, Mr. Ronaghi was sentenced to 15 years in prison by the Revolutionary Court on charges of “membership in Iran Proxy Network with the intention of disrupting the national security”, “insulting the supreme leader and the president”, and “spreading misinformation” through his critical blogs. Mr. Ronaghi went on multiple hunger strikes to protest the poor prison conditions, and, due to a delay in providing him with medical attention, Mr. Ronaghi suffered kidney problems that led to surgery and the removal of one kidney.

In 2019, Mr. Ronaghi was released from prison with severe health conditions, after a total of six years in detention in addition to medical furloughs.

On 24 February 2022, Mr. Ronaghi was taken from his home by unidentified security forces and forcibly disappeared for three days, after which he called his family from Evin Prison and told them he was going on a hunger strike. The arrest came after Mr. Ronaghi condemned on twitter the ratification in parliament of a bill, the “User Protection Bill”, which would restrict Iranians' access to the Internet. During his detention, Mr. Ronaghi was denied family visits or access to his lawyer.

On 2 March 2022, Mr. Ronaghi was released on bail, pending trial for the charges of “propaganda against the regime,” and “congregating and colluding against national security.”

The case of Mr Saman Yasin

We would like also to bring to the attention of your Excellency’s Government information we have received concerning the indictment of Mr. **Saman Yasin** a Kurdish Yarasani rapper, aged 27, from Kermanshah.

According to information received, Mr. Yasin was arrested on 2nd of October 2022 in Tehran in relation to his songs in which he reportedly criticized the Government.

On 29 October 2022, Mr. Yasin was charged with “moharebeh” or “war against God”, an offence carrying the death penalty, by ██████████ in Tehran Revolutionary Court.

In a video released of the tribunal by Iranian national tv, ██████████ accused Saman Yasin of “detaining a pistol during a protest” and “gathering to commit crimes against State national security.” Mr. Yasin refuted all these

accusations.

Without prejudging the accuracy of the above information, we express grave concern at the critical medical condition Mr. Ronaghi and the lack of medical attention as well as the lack of information regarding his health condition while on hunger strike. We are also concerned at the lack of information regarding the reason and legal basis for his arrest, the legal reason for his detention, and his lack of access to a lawyer.

The reported allegations would be in contravention of the rights of every individual to life, physical integrity, the absolute prohibition of torture and other cruel, inhuman or degrading treatments or punishment, and of arbitrary deprivation of liberty, and the right to equal recognition before the law, as laid down, inter alia, in articles 3, 5, 6, 9 and 14 of the Universal Declaration of Human Rights (UDHR), as well as articles 6, 7, 9, 16, 17, 19, 24 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 24 June 1975. We remind that the right to life, the right not to be subjected to torture and the prohibition of enforced disappearance are *jus cogens* norms, also enshrined in international customary law, from which no derogation is permitted, regardless of contexts of internal political instability or any other public emergency (Human Rights Committee, General Comment No. 36, paragraph 2). The Islamic Republic of Iran, as a State party to the ICCPR, is required to undertake all necessary measures to prevent arbitrary deprivation of life by law enforcement officials. The Human Rights Committee elaborated that such measures should include legislation controlling the use of lethal force by law enforcement officials, procedures to ensure law enforcement operations minimize risks to life, mandatory reporting and investigations of lethal and life-threatening incidents and providing officials responsible for crowd control with effective protective equipment and "less-lethal" means of force.

The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health. A heightened duty to protect the right to life also applies to individuals quartered in liberty-restricting State-run facilities, such as mental health facilities (Human Rights Committee, General Comment No. 36, paragraph 25).

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 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 (Committee on Economic, Social and Cultural Rights (CESCR Committee), General Comment No. 14, para. 34). We would also like to specifically highlight article 12(2)(c), which obliges States to take the steps necessary for "the prevention, treatment and control of epidemic, endemic, occupational and other diseases" (see also CESCR General Comment 14, para. 16). 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).

According to the Human Rights Committee, the ICCPR requires States parties to ensure that individuals have accessible and effective remedies to vindicate their rights as provided under the Covenant and that there is a general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies (see CCPR/C/21/Rev.1/Add.13, para. 15). Where investigations find human rights violations, States parties must ensure that those responsible are brought to justice.

We would also like to remind your Excellency's Government that article 9 of the ICCPR guarantees the right not to be subjected to arbitrary arrest or detention, and that the prohibition of arbitrary detention is absolute. We also recall that the arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including the right to freedom of expression and opinion (art. 19), the right of peaceful assembly (art. 20), and the right to freedom of association (art. 21) is arbitrary (see CCPR/C/GC/35, para. 17 and the jurisprudence of the Working Group on Arbitrary Detention). In addition, as reiterated by the Working Group on Arbitrary Detention, a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination, including discrimination based on gender or political or other opinion.

We express our grave concern in relation to the sentencing of Mr. Saman Yasin under charges of "moharebeh", which constitutes an offense carrying the death penalty. We highlight that under international law, a death sentence may only be imposed in respect of "the most serious crimes," meaning in cases which involve intentional killing, in accordance with article 6(2) of the ICCPR and Article 1 of the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by the Economic and Social Council on 25 May 1984 (resolution 1984/50). Similarly, it was submitted in a report by the mandate on extrajudicial, summary or arbitrary executions to the Human Rights Council that a death sentence can only be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life (A/HRC/4/20, para. 53). The imposition of the death penalty for crimes that do not result in the loss of life is incompatible with the Covenant (CCPR/C/79/Add.25). Charges of blasphemy do not meet this threshold (CCPR/C/PAK/CO/1 para. 17). Executions for blasphemy related charges amount to a violation of international law and constitute unlawful killings.

We recall that the General Assembly has consistently called upon all States to establish a moratorium on executions with a view to abolishing the death penalty since its resolution 62/149 of 18 December 2007 (para.7) and most recently, in its resolution 73/175 of 17 December 2018 (para. 7), called upon all States to respect the Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984. In view of the irreversibility of the punishment of the death penalty and the ongoing development of an emerging customary law standard prohibiting the death penalty as a form of cruel, inhuman, or degrading punishment,¹ we respectfully reiterate our call on your Excellency's Government to consider reinstating an official moratorium on

¹ Report of the former Special Rapporteur on Torture, A/67/279.

all executions as a further step towards fully abolishing the death penalty in the country.

Under these circumstances, we respectfully call on your Excellency's Government **to halt all steps currently being considered or taken with respect to the further confirmation of the death penalty in the case of Mr. Saman Yasin, to fully investigate the allegations raised in this communication, and to ensure that he is retried in accordance with fair trial and due process standards enshrined in international law.**

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we urge your Excellency's Government to immediately provide access to adequate medical attention to Mr. Ronaghi and to inform his family about his current whereabouts and medical status.

We are issuing this appeal in order to safeguard the rights of Mr. Ronaghi 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 detailed information on the state of health of Mr. Ronaghi and on the measures taken to ensure that he has access to medical care and treatment as needed and that his right to life is fully protected.
3. Please provide information on the factual and legal grounds for the arrest and detention of Mr. Ronaghi and how these measures are compatible with international norms and standards as stated.
4. Please provide details on how the imposition of the death penalty in the case of Mr. Saman Yasin, complies with international human rights law, in particular with the above-mentioned United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty. In this regard, please provide detailed information on how the imposition of the death penalty for blasphemy related charges is consistent with the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty, which states that capital punishment may be imposed only for the "most serious crimes," excluding blasphemy.
5. Please provide information on any efforts envisaged to remove the mandatory death penalty in Iran for blasphemy related charges and to

bring the current legislation in line with international human rights norms.

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 responsible of the alleged violations. We also urge the authorities to publicly condemn the violence against peaceful protesters, and immediately remove the military and security units and personnel allegedly involved in the human rights violations from managing the protests.

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.

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 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.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Mumba Malila
Vice-Chair of the Working Group on Arbitrary Detention

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

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