

Mandate of the Special Rapporteur on the situation of human rights defenders

Ref.: UA TUR 9/2023
(Please use this reference in your reply)

5 December 2023

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolution 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information I have received concerning new charges against human rights defender Mahyar Ahmadi and the risk of deportation he is facing.

Mr. **Mahyar Ahmadi**, an Iranian human rights defender and environmental activist, was arrested for the first time in 2017 during his junior year at university. He has since faced various instances of persecution and imprisonment due to his advocacy for human rights, prisoners, and environmental protection, such as expulsion from university.

According to the information received:

In February 2017, Mr. Ahmadi was arrested by security forces in Sanandaj, Iran and subjected to a 30-day period of solitary confinement in connection with his environmental activism with the Green Society NGO. Subsequently, after two months, he was released on bail. Later, he received a three-month prison sentence with an additional three-year suspended sentence from the Sanandaj Islamic Revolution Court on charges of propaganda against the regime. In May 2018, he was transferred to Sanandaj prison to serve his sentence and was released after completing his prison term.

In September 2022, Mr. Ahmadi actively participated in demonstrations alongside thousands of Jina Mahsa Amini protesters in his town. His involvement resulted in security forces raiding his home, causing him to flee from Iran to the Kurdistan Region of Iraq in November 2022.

Following Mr. Ahmadi's departure, his sister, as his only remaining family member, was summoned repeatedly by Iran's intelligence service and faced pressure to ask him to return to Iran. Due to the threats against his sister, Mr. Ahmadi suffered a significant mental toll, as he was already suffering from psychological distress due to losing his mother to cancer in 2020, and previous experiences of persecution and imprisonment as a young individual.

On 12 September 2023, due to concerns about insecurity and potential reprisals from the Islamic Republic of Iran and other political groups, Mr. Ahmadi left the Kurdistan Region of Iraq, seeking refuge in Türkiye. However, upon entering the territory of Türkiye, he was apprehended by Turkish border forces. After being interrogated without access to a lawyer, he was subsequently transferred to prison in Van, Türkiye. He is currently awaiting trial on charges relating to his alleged association with political

parties. If convicted in relation to these charges, Mr. Ahmadi faces the risk of deportation to Iran where there is reason to believe he may be subjected to further persecution, torture and possible execution as a result of his human rights work.

Without prejudging the accuracy of the above information, we express our profound concern regarding the prospect of the deportation of Mr. Ahmadi to Iran. Such an outcome could expose him to persecution, torture and even execution. Additionally, the situation is particularly disconcerting given his deteriorating mental and physical health. He suffers from serious psychological distress and depression, and his physical health condition, which includes lung complications and high blood pressure, adds to the gravity of the situation. Furthermore, we are concerned about the security charges brought against him in Türkiye, in light of his role as a human rights defender in Iran seeking refugee status in the country. It is deeply concerning that his detention poses a potential threat to his already fragile health. This concern is exacerbated by his limited access to family and friends, heightening overall concerns about his well-being.

Should these new allegations be confirmed, they would violate article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003, protecting the right to liberty and security, emphasizing lawful grounds for deprivation of liberty and the right to access to family and legal assistance from arrest onwards. Additionally, we highlight articles 12 and 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Türkiye on 23 September 2003. These articles emphasize the obligation to uphold the right to health, ensuring equal access to health services for all, including prisoners and detainees (CESCR, General Comment No. 14, para. 34). Moreover, we express concern about the possible deportation of Mr. Ahmadi, urging compliance with the *non-refoulement* principle as outlined in article 33 of the Refugee Convention and article 4 of the Law No. 6458 on Foreigners and International Protection (LFIP) enacted in 2013 in Türkiye. This principle, embedded in both international and Turkish law, prohibits the return of individuals to locations where they may encounter torture or other forms of cruel, inhuman, or degrading treatment.

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, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to our attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information regarding Mr. Ahmadi's mental and physical health status and the steps taken to ensure his access to necessary medical care, safeguarding his right to life.

3. Please provide information on the factual and legal grounds for the arrest and detention of Mr. Ahmadi and how these measures are compatible with international norms and standards as stated.

While awaiting a reply, I 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.

I would appreciate receiving a response within 60 days. Past 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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders