

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

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Excellency,

We have the honour to address you in our capacity as the Working Group on Arbitrary Detention; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 24/7, 25/13, 24/5, 26/7, and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest and detention and denial of due process guarantees to Mr. **Nizar Ahmed Zakka**, a Lebanese citizen.

According to the information received:

Mr. Zakka, an information and communications technology consultant based in Beirut, travelled to Tehran on 14 September 2015 to participate in a conference on entrepreneurship and employment at the Second International Conference and Exhibition on Women in Sustainable Development, at the invitation of Iranian government officials. On 18 September 2015, Mr. Zakka was scheduled to return to Beirut, but never arrived. Unofficial reports indicated that he had checked out of his hotel, but had been arrested while on his way to the airport. On 3 November 2015, the Associated Press reported that the Iranian state-sponsored television station aired a report indicating that Mr. Zakka had been arrested and was being held by the Iranian authorities. In May 2016, an Iranian Foreign Ministry spokesperson officially acknowledged, reportedly for the first time, that his Government had detained Mr. Zakka and that the authorities "will try to speed up" the case against him.

Mr. Zakka is believed to be held in Ward 2-A of Evin Prison. There are also reports that after months in detention, including in solitary confinement, and long interrogation sessions, Mr. Zakka has finally been granted access to a lawyer who

has taken his case, and that his lawyer has accompanied him to several investigation sessions before Tehran's Revolutionary Court. It is believed that no official charges have yet been announced against Mr. Zakka.

Mr. Zakka is a Lebanese citizen and a US permanent resident. His mother is reportedly ill and in critical condition in a hospital in Beirut.

Serious concern is expressed that the arrest and detention of Mr. Zakka may be related to his participation in the aforementioned meeting in Tehran, in the exercise of his right to freedom of peaceful assembly. Serious concerns are also expressed about the alleged arbitrary arrest and detention, including in solitary confinement, of Mr. Zakka, whose whereabouts were not originally disclosed by the authorities and who did not have access to a lawyer for a long period of time.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Mr. Zakka not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Iran on 24 June 1975, and articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR). The right to access to a lawyer no later than 48 hours from the moment of arrest or detention is also enshrined in the Basic Principles on the Role of Lawyers (see in particular principle 7).

We would also like to remind the government of Iran of the absolute and non-derogable prohibition of torture and cruel, inhumane or degrading treatment or punishment, as codified, inter alia, in the ICCPR and, in Human Rights Council Resolution 25/13 and in paragraph 1 of General Assembly Resolution 68/156. We would also draw the attention of your Excellency's Government to paragraph 27 of General Assembly Resolution 68/156 as well as the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268) which reminds States that prolonged incommunicado detention and solitary confinement can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment, due to the detainees lack of communication and witnesses, and can in itself constitute a form of such treatment

We would further like to remind your Excellency's Government that Mr. Zakka is a Lebanese national, and that pursuant to the Vienna Convention on Consular Relations, which Iran has ratified, consular officers or their authorized representatives "shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation."

We would like to also refer to article 21 of the ICCPR which guarantees the right to freedom of peaceful assembly.

In addition, we would like to draw your Excellency's Government's attention to paragraph 23 of the methods of work of the Working Group on Arbitrary Detention, according to which, "after having transmitted an urgent appeal to the Government, the Working Group may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent action procedure and the regular procedure.

The full texts of the international human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

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 any comment you may have on the above mentioned allegations.
2. Please provide information on the legal basis for the arrest and detention of Mr. Zakka. Explain in particular why his whereabouts were not originally disclosed and why he did not have access to a lawyer until several months into his detention.
3. Please provide information on any measures taken to ensure the physical and psychological integrity of Mr. Zakka.
4. Please provide detailed information on the judicial proceedings against Mr. Zakka, including the charges brought against him and the legal basis and evidence used in court to justify his continued detention. Explain in particular how these proceedings comply with due process and fair trial guarantees as enshrined in the ICCPR.
5. Please provide detailed information regarding whether Lebanese consular officials have been allowed to visit Mr. Zakka during his detention pursuant to the Vienna Convention on Consular Relations.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms Mr. Zakka are respected

and, in the event that your investigations support or suggest the above allegations to be correct, we request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

We also take this opportunity to inform your Excellency's Government that a copy of this letter will be shared with the Lebanese authorities.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Mónica Pinto  
Special Rapporteur on the independence of judges and lawyers

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

José Guevara  
First Vice-Chair on behalf of the Working Group on Arbitrary Detention