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Human Rights Council
Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its seventy-eighth session, 19-28 April 2017

Opinion No. 9/2017 concerning Hana Aghighian, Soudabeh Mehdinejad Behnamiri, Kamelia Bideli, Navid Moallemi, Houshmand Dehghan, Maryam Dehghan, Sheida Ghoddousi, Behnam Hasani, Bita Hedayati, Mona Amri Hesari, Nazi Khalkhali, Hena Koushk-Baghi, Tina Mowhebati, Mitra Nouri, Roufia Pakzadan, Shiva Rowhani, Shohreh Samimi, Shahnam Jazbani, Pouneh Sanaie, Vesagh Sanaie, Parisa Shahidi, Parivash Shojaei, Farah Tebyanian and Mojdeh Zhohori (Islamic Republic of Iran)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The mandate of the Working Group was most recently extended for a three-year period in Council resolution 33/30 of 30 September 2016.

2. In accordance with its methods of work (A/HRC/33/66), on 22 June 2016 the Working Group transmitted to the Government of the Islamic Republic of Iran a communication concerning Hana Aghighian, Soudabeh Mehdinejad Behnamiri, Kamelia Bideli, Navid Moallemi, Houshmand Dehghan, Maryam Dehghan, Sheida Ghoddousi, Behnam Hasani, Bita Hedayati, Mona Amri Hesari, Nazi Khalkhali, Hena Koushk-Baghi, Tina Mowhebati, Mitra Nouri, Roufia Pakzadan, Shiva Rowhani, Shohreh Samimi, Shahnam Jazbani, Pouneh Sanaie, Vesagh Sanaie, Parisa Shahidi, Parivash Shojaei, Farah Tebyanian and Mojdeh Zhohori. The Government replied to the communication on 25 August 2016. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in

the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

Submissions

Communication from the source

4. According to the source, the 24 individuals below have been deprived of their liberty. Between October 2012 and March 2013, the individuals, aged between 21 and 60 years, were arrested following a mass raid on their homes in Gorgan, Minoudasht and Gonbad-e Kavous in the Islamic Republic of Iran. According to the source, none of the individuals had any prior criminal record. They are all members of the Baha'i faith:

(a) Hana Aghighian (also known as Hannah or Hona Aghighian), 53 years old;

(b) Soudabeh Mehdinejad Behnamiri, 42 years old;

(c) Kamelia Bideli, 42 years old;

(d) Navid Moallemi, 47 years old;

(e) Houshmand Dehghan, 46 years old;

(f) Maryam Dehghan, 60 years old;

(g) Sheida Ghoddousi (also known as Shiva Ghoddousi), 47 years old;

(h) Behnam Hasani, 42 years old;

(i) Bita Hedayati, 45 years old;

(j) Mona Amri Hesari, 32 years old;

(k) Nazi Khalkhali (also known as Nazi Tahghighi), 50 years old;

(l) Hena Koushk-Baghi (also known as Hana Koushk-Baghi), 37 years old;

(m) Tina Mowhebati, 21 years old;

(n) Mitra Nouri (also known as Mitra Anvari), 55 years old;

(o) Roufia Pakzadan, 27 years old;

(p) Shiva Rowhani, 45 years old;

(q) Shohreh Samimi, 41 years old;

(r) Shahnam Jazbani, 48 years old;

(s) Pouneh Sanaie, 43 years old;

(t) Vesagh Sanaie, 39 years old;

(u) Parisa Shahidi, 46 years old;

(v) Parivash Shojaei, 37 years old;

(w) Farah Tebyanian, 48 years old;

(x) Mojdeh Zhohori (also known as Mojdeh Zohouri), 43 years old.

5. The source alleges that, in October 2012, 18 of the 24 individuals (Ms. Behnamiri, Ms. Bideli, Mr. Moallemi, Mr. Dehghan, Ms. Dehghan, Ms. Ghoddousi, Mr. Hasani, Ms.

Khalkhali, Ms. Mowhebati, Ms. Nouri, Ms. Pakzadan, Ms. Rowhani, Ms. Samimi, Mr. Jazbani, Ms. Sanaie, Mr. Sanaie, Ms. Shojaei and Ms. Tebyanian) were among a number of Baha'is who were arrested, harassed and tortured in Golestan Province. They were subsequently released on bail awaiting trial.

6. In addition, between October 2012 and March 2013, Ms. Aghighian, Ms. Hedayati and Ms. Koushk-Baghi were among a number of Baha'is who were arrested and harassed in Gorgan. The source alleges that, on 20 January 2013, agents of the Ministry of Intelligence in Gorgan raided the home of Ms. Koushk-Baghi in Gonbad-e Kavous, Golestan Province. During their search, the agents confiscated items such as books, portraits and compact discs relating to the Baha'i faith, and arrested Ms. Koushk-Baghi.

7. On 18 March 2013, Ms. Amri Hesari was arrested and imprisoned in Gorgan. She was released from Amirabad Prison in Gorgan on 10 April 2013 after posting bail of approximately $120,000.

8. On 31 December 2013, Ms. Zhohori was released from Gorgan Prison after posting bail of approximately $60,000. She had been in prison for eight days prior to being released on bail.

9. The source reports that, throughout the arrests and until the interrogations had been completed, none of the 24 individuals had access to a lawyer. They were only able to obtain legal advice once they had been released on bail, and they were legally represented when they subsequently appeared in court. The source also alleges that, in the first few days of their deprivation of liberty, their families were not made aware of their situation and did not know the location of each of the individuals. After some time, the 24 individuals were allowed to contact their families.

10. After their release, the 24 individuals presented complaints against their interrogators to the Public Prosecutor of Gorgan, who reportedly promised to conduct an investigation. The news of their complaints against Ministry of Intelligence personnel spread widely in the community. The source alleges that the Ministry of Intelligence Office of Gorgan has been exerting its influence to take revenge on the 24 individuals for complaining about their treatment.

11. From 28 December 2014, the 24 individuals were summoned, in groups of four, to the Revolutionary Court of Gorgan for trial. The first group included Ms. Ghoddousi, Mr. Jazbani, Ms. Sanaie and Ms. Tebyanian. According to the source, their lawyer, a human rights activist representing the Baha'i community, was only given 15 minutes to read 5,000 pages of court documents. He reportedly received threats prior to the court hearing in a meeting with representatives of the Ministry of Intelligence and a cleric. It is understood that there was more than one lawyer involved, however further details regarding the legal representation of the 24 individuals is not known.

12. On 25 April 2015, Ms. Aghighian, Ms. Hedayati and Ms. Koushk-Baghi were tried. However, Ms. Koushk-Baghi did not go to court, as she had not received a summons. On 12 October 2015, a court hearing was held for Ms. Nouri and Ms. Rowhani in Gorgan, and Mr. Moallemi in Gonbad-e Kavous. During the hearing, their lawyer was not permitted to cross-examine witnesses. The source submits that, in most court sessions involving defendants of the Baha'i faith, the judge is not impartial and will listen neither to the Baha'i defendants nor to their legal counsel, and they are usually subjected to insults from the judge and not allowed to speak. As this is the expected behaviour of the judge, lawyers prepare a written defence statement to be appended to the court filing. The source was not aware of the trial dates for the remaining individuals.

13. On 5 January 2016, the Revolutionary Court of Gorgan handed down its verdict. The 24 individuals were all sentenced to long terms of imprisonment, ranging from six to eleven years. Ms. Behnamiri, Ms. Bideli, Mr. Moallemi, Mr. Dehghan, Ms. Dehghan, Ms. Khalkhali, Ms. Nouri, Ms. Pakzadan and Ms. Rowhani were all sentenced to 6 years' imprisonment. Ms. Aghighian, Mr. Hasani, Ms. Hedayati, Ms. Amri Hesari, Ms. Koushk-Baghi, Ms. Mowhebati, Ms. Samimi, Ms. Sanaie, Mr. Sanaie, Ms. Shahidi, Ms. Shojaei, Ms. Tebyanian and Ms. Zhohori were all sentenced to 9 years' imprisonment. Ms. Ghoddousi and Mr. Jazbani were both sentenced to 11 years' imprisonment.

14. The lawyers for the 24 individuals petitioned for their release and filed appeals. They maintain their clients' innocence. The source reports that the Revolutionary Court normally allows 20 days to file an appeal, which was expected to take place on 13 July 2016. While it was not certain whether that date applied to all of the individuals concerned, it was understood that it did.

15. The source submits that the deprivation of liberty of the 24 individuals falls under categories II, III and V of the categories applied by the Working Group. The source is of the view that the arrest and detention of the 24 individuals was the result of them exercising peacefully their right to freedom of religion. The source expresses deep concern about their prison sentences, alleging that they were handed down solely on the basis of the religious beliefs of the 24 individuals as members of the Baha'i community.

Response from the Government

16. On 22 June 2016, the Working Group transmitted the allegations from the source to the Government under its regular communication procedure. The Working Group requested the Government to provide detailed information by 22 August 2016 about the current situation of the above-mentioned 24 individuals. It also requested the Government to clarify the legal provisions justifying their continued detention and to provide details regarding the conformity of their trial with international human rights law that the Islamic Republic of Iran has ratified.

17. The response of the Government to the regular communication was received by the Working Group on 25 August 2016. The Government had not requested an extension of the deadline in accordance with paragraph 16 of the Working Group's methods of work. The response in the present case is therefore considered late, and, given the failure by the Government to request a time extension, the Working Group cannot accept the response as if it were presented within the time limit. However, as indicated in paragraphs 15 and 16 of its methods of work, and in conformity with its practice, the Working Group may consider any relevant information that it has obtained in order to render an opinion.

Further information from the source

18. On 23 January 2017, the response from the Government was sent to the source for further comment. A deadline of 6 February 2017 was set for the source to respond. The source responded on 2 February 2017.

Discussion

19. In the absence of a timely response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

20. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, most of the response of the Government consisted of references to provisions of Iranian law and a general denial of the source's "untruthful" claims, stating that the 24 individuals had been arrested and detained for unlawful acts rather than their religious beliefs. The response also made mere assertions that lawful procedures had been followed without providing any supporting evidence or documents, which is not sufficient to rebut the specific allegations made by the source.

21. The Working Group considers that the source has established a credible prima facie case. The source has provided information relating to the circumstances of the arrest and detention of 23 of the 24 individuals in the case (not including Ms. Shahidi). However, other credible information, including reports by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, specifically names Ms. Shahidi as having

been arrested, detained and sentenced in similar circumstances to the other 23 individuals.[1] The Government acknowledged in its response that Ms. Shahidi had been among the 24 individuals prosecuted and imprisoned pursuant to an indictment issued on 5 January 2015. She is also listed as one of the appellants in the record of the appeal hearing in the present case.

22. There is a substantial body of reliable information that supports the source's claims and strongly suggests that the arrest and detention of the 24 individuals had been motivated solely by their religious beliefs as members of the Baha'i faith. For example, in June 2016, two special procedure mandate holders had issued a press release in which they noted that, at that time, at least 72 Baha'is had been imprisoned solely on the basis of their religious beliefs and practices. The Special Rapporteurs referred to several statements made by religious, judicial and political leaders in which they attacked, condemned or criticized the beliefs of the Baha'i community and suggested that their faith was a fabricated political party masquerading as a religion. The Special Rapporteurs noted that such attacks had "exposed the Iranian authorities' extreme intolerance for adherents of the religious minority group" and "plainly demonstrate the State's ongoing and systematic persecution of this community".[2]

23. Moreover, the arbitrary arrest and detention of members of the Baha'i community on the basis of their faith has been well documented by the Secretary-General and other special procedure mandate holders. In his report of March 2016, the Secretary-General reported that 20 individuals belonging to the Baha'i community had been arrested in Tehran, Isfahan and Mashhad for their faith-related activities, and that 7 Baha'i community leaders had been imprisoned solely for their religious beliefs. The charges, which resulted in lengthy prison sentences in some of the cases, had included vaguely worded offences such as "espionage", "propaganda against the regime", "collusion and collaboration for the purpose of endangering national security" and "spreading corruption on Earth".[3] The Special Rapporteur on the human rights situation in the Islamic Republic of Iran made similar findings in his March 2016 report, in which he made specific reference to the present case and the fact that, in January 2016, the Revolutionary Court in Golestan Province had sentenced the 24 individuals to a total of 193 years in prison in connection with the peaceful exercise of their faith.[4] The Working Group has also previously considered cases in which members of the Baha'i faith had been arrested and detained in the Islamic Republic of Iran solely on the basis of their faith in similar circumstances to the present case (see, for example, opinions No. 39/2008 and No. 34/2008), in each case finding the deprivation of liberty to be arbitrary.

24. Finally, in the most recent universal periodic review of the Islamic Republic of Iran, held in October 2014, 10 recommendations were made by States that the Iranian authorities put an end to discrimination against the Baha'i community. However, none of the recommendations relating to the situation of Baha'is made during the 2010 and 2014 reviews of the Islamic Republic of Iran has been implemented.[5] According to the source,

[1] See information on the situation of human rights in the Islamic Republic of Iran, supplementing the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, para. 100 (available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Pages/ListReports.aspx).

[2] See Office of the United Nations High Commissioner for Human Rights, News Release by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on freedom of religion or belief (Geneva, 8 June 2016). Available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID= 20073&LangID=E.

[3] See the report of the Secretary-General on the situation of human rights in Iran (A/HRC/31/26), para. 44. See also the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/71/374), paras. 63-72.

[4] See the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/HRC/31/69), para. 56. See also the report of the Special Rapporteur (A/71/418), paras. 71-74.

[5] See information on the situation of human rights in the Islamic Republic of Iran, supplementing the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, para. 99 (available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Pages/ListReports.aspx)

Baha'is are deprived of virtually all citizenship rights. They have been subject to a well-documented government policy of discrimination throughout the four decades of existence of the Islamic Republic of Iran. This includes execution; torture; arrest, detention and imprisonment; monitoring; raids and harassment; unpunished violent attacks by anti-Baha'i groups; the banning of Baha'i institutions; and the loss of employment, access to education and other rights, all solely on the basis of their religious beliefs.

25. According to the Government, the 24 individuals were accused of a variety of offences relating to membership of illegal groups, conducting illegal propaganda with sect-related goals, spreading religious clashes and insulting public beliefs. More specifically, the Government states that the charges against them were: (a) membership of illegal organizations; (b) propagating Baha'ism; (c) receiving orders from the centre of the sect in the lands occupied by Israel; (d) cooperation with hostile Governments by performing activities to advance sectarian and anti-Islamic aims; and (e) holding unlicensed sectarian educational classes. In addition to their vague, overly broad nature, the charges resulted in the imposition of punishment for the holding of religious beliefs by members of the Baha'i faith and, as such, are unacceptable under international human rights law.

26. As the source submits, and the Government has not contested, none of the 24 individuals had a criminal record prior to their arrest and there was nothing to indicate that they had been arrested for any reason other than to persecute them for their religious beliefs. This is supported by the source's allegations, which were not rebutted by the Government, that materials relating to the Baha'i faith that had belonged to some of the 24 individuals were confiscated during the arrests. In addition, all of the 24 individuals are practising Baha'is, they were all arrested during the same period in mass raids targeting the Baha'i community and they were all tried and sentenced together. Finally, as the Special Rapporteur on the human rights situation in the Islamic Republic of Iran has noted, in sentencing the 24 individuals, it was reportedly stated that the Baha'is' belief in their prophet (the Báb) could be considered propaganda against the State.[6]

27. The Working Group considers that there is a sufficient basis on which to conclude that the 24 individuals were arrested and detained solely because of their religion, in violation of their right to freedom of religion under article 18 of the Universal Declaration of Human Rights and article 18 of the Covenant, and their rights to equality before the law and to the equal protection of the law under articles 2 and 7 of the Universal Declaration of Human Rights and articles 2 and 26 of the Covenant. Furthermore, the 24 individuals were arrested and detained in violation of their right as a religious minority under article 27 of the Covenant not to be denied the ability to profess and practise their own religion. The 24 individuals have therefore been arbitrarily deprived of their liberty according to category II of the categories applied by the Working Group. The Working Group also considers that the deprivation of liberty of the 24 individuals is arbitrary because of the discrimination against them on the basis of their religion, falling within category V. The Working Group notes that article 13 of the Iranian Constitution recognizes Christians, Jews and Zoroastrians as protected religious minorities who are free to perform their religious rites, ceremonies and provide religious education, in accordance with the tenets of their faith. However, the Constitution does not extend such recognition to other religious groups, such as Baha'is, leaving them vulnerable to discrimination.

28. The Working Group considers that the source's allegations also disclose violations of the 24 individuals' right to a fair trial under articles 9, 10 and 11 of the Universal Declaration of Human Rights and articles 9 and 14 of the Covenant. Specifically, the Working Group recalls that, according to article 9 (3) of the Covenant, pretrial detention should be the exception rather than the rule and as short as possible. Some of the 24 individuals were held for periods exceeding a reasonable time with no suggestion that they posed any kind of flight or other risk if released, and were required to pay an excessive amount of bail. For example, Ms. Amri Hesari was held for 24 days before posting a bail of approximately $120,000, while Ms. Zhohori was held for eight days before being released on bail of approximately $60,000.

[6] Ibid., para. 100. The source also raised this argument in its response to the Government's submission.

29. Moreover, none of the 24 individuals were given access to a lawyer throughout their arrests and until their interrogations had been completed, contrary to article 14 (3) (b) of the Covenant. They were only able to obtain legal advice once they were released on bail. As the Working Group has set out in Principle 9 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), the right to legal assistance applies at any time during the detention of a person, including immediately after the moment of apprehension. According to Principle 9, persons deprived of their liberty must also be accorded adequate time and facilities to prepare their case, and their legal counsel must be free to act without fear of reprisal, interference, intimidation, hindrance or harassment. The lawyer acting for 4 of the 24 individuals (Ms. Ghoddousi, Mr. Jazbani, Ms. Sanaie and Ms. Tebyanian) was only given 15 minutes to read 5,000 pages of court documents and allegedly received threats prior to the court hearing, which does not meet the standards established under Principle 9. Furthermore, the 24 individuals were held during their interrogations with no access to their families, contrary to the standards set out in international instruments such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (specifically Principles 15, 16 and 19).

30. One of the 24 individuals — Ms. Koushk-Baghi — appears to have been tried in absentia because she had not received a summons to attend court for her trial, contrary to her right to be tried in her presence under article 14 (3) (d) of the Covenant. In addition, the lawyer acting for 3 of the 24 individuals — Ms. Nouri, Ms. Rowhani and Mr. Moallemi — was not permitted to cross-examine witnesses, in violation of article 14 (3) (e) of the Covenant.

31. The Working Group therefore concludes that these violations of the right to a fair trial are of such gravity as to give the deprivation of liberty of the 24 individuals an arbitrary character according to category III of the categories applied by the Working Group.

32. The Working Group is aware that the Court of Appeals in Golestan Province met on 18 and 19 September 2016 to consider the cases of the 24 individuals. The Court issued an order dated 16 October 2016 that reduced substantially the prison sentences of all but 2 of the 24 individuals and ruled that time already served in custody was to be taken into account. The Court found that the charges against some of the 24 individuals should be changed from “coordinating an illegal organization” to a lesser charge of “membership” of that organization. The Court also accepted that there was no evidence to support charges relating to collaboration with hostile regimes for the purposes of espionage or harming the Islamic regime. The sentences of the 24 individuals are now as follows:

(a) The 9 individuals originally sentenced to six years’ imprisonment have had their sentence reduced to one year and six months of imprisonment;

(b) The 13 individuals originally sentenced to nine years’ imprisonment have had their sentence reduced to one year and nine months of imprisonment (the above-mentioned order states that Ms. Mowhebati’s file shall remain open for further review);

(c) The 2 individuals originally sentenced to 11 years’ imprisonment have had no change to their sentence.

33. The Working Group wishes to emphasize that the reduction of the sentences on appeal does not change the arbitrary nature of the deprivation of liberty in the present case. As indicated above, the Working Group considers that the 24 individuals have been deprived of their liberty in violation of international human rights law and should never have been subjected to any form of criminal punishment for their peaceful activities. Furthermore, the imposition of lengthy sentences at trial is likely to have a significant chilling effect upon the peaceful exercise of rights and freedoms by religious minorities in the Islamic Republic of Iran.

34. Finally, the Working Group would welcome the opportunity to conduct a country visit to the Islamic Republic of Iran so that it can engage constructively with the Government and offer assistance in addressing its serious concerns relating to the arbitrary deprivation of liberty. The Working Group considers that it is now an appropriate time to

conduct such a visit, as a follow-up to its 2003 visit to the Islamic Republic of Iran. The Working Group notes that on 24 July 2002 the Government issued a standing invitation to all thematic special procedure mandate holders, and looks forward to a positive response from the Government to its request for a country visit made in 2016.

Disposition

35. In the light of the foregoing, the Working Group renders the following opinion:

> The deprivation of liberty of Hana Aghighian, Soudabeh Mehdinejad Behnamiri, Kamelia Bideli, Navid Moallemi, Houshmand Dehghan, Maryam Dehghan, Sheida Ghoddousi, Behnam Hasani, Bita Hedayati, Mona Amri Hesari, Nazi Khalkhali, Hena Koushk-Baghi, Tina Mowhebati, Mitra Nouri, Roufia Pakzadan, Shiva Rowhani, Shohreh Samimi, Shahnam Jazbani, Pouneh Sanaie, Vesagh Sanaie, Parisa Shahidi, Parivash Shojaei, Farah Tebyanian and Mojdeh Zhohori, being in contravention of articles 2, 7, 9, 10, 11 and 18 of the Universal Declaration of Human Rights and of articles 2, 9, 14, 18, 26 and 27 of the Covenant, is arbitrary and falls within categories II, III and V.

36. The Working Group requests the Government to take the steps necessary to remedy the situation of the 24 individuals without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights and Covenant.

37. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release the 24 individuals immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law.

38. The Working Group urges the Government to carry out a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of the 24 individuals, and to take appropriate measures against those responsible for the violation of their rights.

39. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the allegations of torture to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for appropriate action.

Follow-up procedure

40. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether the 24 individuals have been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to them;

(c) Whether an investigation has been conducted into the violation of their rights and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of the Islamic Republic of Iran with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

41. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example, through a visit by the Working Group.

42. The Working Group requests the source and the Government to provide the above information within six months of the date of the transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action

would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

43. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.[7]

[*Adopted on 19 April 2017*]

[7] See Human Rights Council Resolution 33/30, paragraphs 3 and 7.