

**OPINION No. 19/2006 (ISLAMIC REPUBLIC OF IRAN)**

**Communication: addressed to the Government on 9 February 2006.**

**Concerning: Mr. Arash Sigarchi.**

**The State is a party to the International Covenant on Civil and Political Rights.**

1. (Same text as paragraph 1 of Opinion No. 38/2005.)
2. The Working Group conveys its appreciation to the Government of the Islamic Republic of Iran for having forwarded the requested information.
3. (Same text as paragraph 3 of Opinion No. 38/2005.)
4. The Working Group welcomes the cooperation of the Government, which submitted to it factual information concerning the allegations of the source. The reply by the Government was brought to the attention of the source.

5. Mr. Arash Sigarchi is a citizen of the Islamic Republic of Iran, born in 1978, a journalist by profession. He is the former editor-in-chief of the daily *Gilan Emroz* and, since 2002, the author of several weblogs. In his weblogs he denounced the pressure exercised by the authorities on the on-line journalists and webloggers arrested in the year 2004 in reprisal for their participation in reformist publications.

6. On 9 June 2005, the appeals court in Rashat sentenced Arash Sigarchi to 3 years' imprisonment, having found him guilty of "insulting the Supreme Leader" and "propaganda against the regime", offences punishable pursuant to articles 500 and 514 of the penal code.

7. Arash Sigarchi learned about this judgement only on 22 January 2006. On 26 January 2006 he went to the appeals court of Rashat to obtain a copy of the judgement in order to appeal against it before the Supreme Court. At the appeals court, however, he was arrested and since then is being detained at the central prison of Rashat.

8. According to the Government, Mr. Arash Sigarchi has been charged with "disturbing public order and inciting unrest", "disseminating false information in local media", "blasphemy to the Founder of the Islamic Republic of Iran and the Supreme Leader" and "espionage". He was subsequently sentenced to 14 years' imprisonment. He appealed to the court and he was released on bail on 18 March 2004, pending consideration of the case by the appellate court. The latter reconsidered the case and commuted the sentence to three years' imprisonment. The sentence was upheld by the Supreme Court and he is currently serving his term. He has used prison leave on many occasions so far.

9. The Government did not contest the allegation that Mr. Sigarchi, as a journalist and author of several web logs, was prosecuted for standing up for other journalists and web loggers arrested during 2004 in relation to the publication of their opinion. The Government did not contest either the allegation of Mr. Sigarchi that the detention of journalists and web loggers had been a reprisal for their participation in reformist activities in order to intimidate them and to deter journalists from publications critical to the Government. Moreover, the Government failed to explain how Mr. Sigarchi's activities could have amounted to espionage, blasphemy to the founder of the Islamic Republic and dissemination of false information. In the absence of any convincing argument that his conviction and detention was necessary in the interest of the rights and reputations of others, or for the protection of national security, public order, public health or morals, the Working Group cannot but conclude that he was punished for the expression of his opinion.

10. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Mr. Arash Sigarchi is arbitrary, being in contravention of article 19 of the International Covenant on Civil and Political Rights and falls under category II of the categories applicable to the consideration of cases submitted to the Working Group.

11. Consequent upon the opinion rendered the Working Group requests the Government to take the necessary steps to remedy the situation of Mr. Sigarchi.

Adopted on 30 August 2006.