

Opinion No. 6/2009 (Islamic Republic of Iran)

Communication addressed to the Government on 29 September 2008

Concerning Dr. Arash Alaei and Dr. Kamiar Alaei

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

1. (Same text as paragraph 1 of Opinion No. 17/2008.)
2. (Same text as paragraph 3 of Opinion No. 17/2008.)
3. The two cases summarized hereafter have been reported to the Working Group on Arbitrary Detention as follows.

4. (a) Dr. Arash Alaei, the former Director of the International Education and Research Cooperation of the Iranian National Research Institute of Tuberculosis and Lung Disease.

(b) His brother, Dr. Kamiar Alaei, a doctoral candidate at the State University of New York (SUNY) Albany School of Public Health. He holds a Master's degree in Population and International Health from the Harvard School of Public Health and is the founder of clinics specialized in health planning. The Asia Society recognized him as 2008 Asia Fellow, "one of 23 new fellows identifies as being among the most promising trendsetters and emerging leaders in the Asia-Pacific region".

5. Both brothers are medical doctors specializing in the prevention and management of HIV and AIDS. They are deeply involved in HIV prevention and treatment and are known internationally for their efforts to raise the profile of HIV/AIDS issues with the Iranian Government, as well as for creating harm reduction programs for prisoners and young people. Since 1998, they have been carrying out programmes dealing with HIV and AIDS in Kermanshah Province, particularly focused on harm reduction for injecting drug users. They have sought the integration of prevention and care of HIV and AIDS, sexually transmitted infections and drug-related harm reduction, into the Iran's national health care system. In addition to their work in Iran, they have held training courses for Afghan and Tajik medical workers. They have worked to encourage regional cooperation among 12 Middle Eastern and Central Asian countries.

6. It was reported that these two persons were arrested on 22 and 23 June 2008, respectively, by agents of the Iranian Police who did not shown arrest warrants. Documents were seized from both brothers at their homes. They are being separated and held in solitary confinement without charges in Evin Prison in Tehran. It was alleged that their arrest was motivated by the brothers' association with non-governmental organizations based in the United States of America.

7. Concern has been expressed that the two medical doctors could be subjected to tough interrogatories, which could include ill-treatment and even torture, in order to compel them to fake confessions suggesting their involvement in a plot against the Government. According to *E'temad* newspaper, these two physicians are held in detention on "suspicion of plotting to overthrow the Government of the Islamic Republic". It was said that they have been harassed by different parts of the Intelligence services for the past two years.

8. It was further reported that these two persons have been denied legal counsel and adverted not try to ask for legal assistance. Contacts with their relatives have not been authorized. In an interview with the Farsi-language Radio Zamaneh before his arrest, Dr. Kamiar Alaei had expressed serious concern over the spread of HIV and AIDS and stated that the spread could be contained.

9. The source considers that the detention of these two medical doctors is politically motivated. These persons have been arrested and are being kept in incommunicado detention solely for exercising their rights to freedoms of assembly, association, opinion and expression.

10. By note verbale dated 25 March 2009, the Working Group reminded the Government about its request for information on these cases, advising it that the cases would be considered during its fifty-fourth session. Unfortunately, the Working Group has not received any response from the Government.

11. The Working Group considers itself dutybound to adopt an Opinion on the basis of the allegations from the source and of all other information put at its disposal, which have not been contradicted by the Government. in spite of the fact it had the opportunity to do so.

12. The Working Group notes that Drs. Arash and Kamiar Alaei were arrested without any arrest warrant and are being held in solitary confinement in Evin prison in Tehran without charges. They have been denied the possibility to get legal counsel and the authorities have advised them not to try to ask for legal assistance. These two medical doctors are being kept in incommunicado detention for more than 10 months without charges nor trial. The Government has ignored the requests by the Working Group, which were made twice, asking for information on these cases and about the legal basis justifying the maintain in detention of the two physicians.

13. The Working Group considers that the activities of these two medical doctors in the sphere of the prevention and treatment of HIV and AIDS could only strengthen and to make stronger Iran's national health care system. These two medical doctors, who took the Hippocratic Oath when they graduated, have raised the profile of HIV and AIDS issues with the Government of the Islamic Republic of and have worked with other 12 Middle Eastern and Central Asian countries, holding training courses for Afghan and Tajik medical workers. They have been in the vanguard in combating AIDS. It is difficult to understand the allegation relating to the fact that they have been harassed for their activities during the past two years by the Intelligence Services or that their activities could be considered "plotting to overthrow the Government". Particularly, Dr. Kamiar Alaei has been considered by the Asia Society as "one of the most promising trendsetters and emerging leaders in the Asia-Pacific region".

14. In light of the foregoing, the Working Group expresses the following Opinion:

The detention of Drs. Arash and Kamiar Alaei is arbitrary, being in contravention of articles 9, 10, 25 and 26 of the Universal Declaration of Human Rights and articles 9, 14, 18, 19 and 22 of the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a State party and falls within categories I, II and III of the categories applicable to the consideration of cases submitted to the Working Group.

15. The detention of the above-mentioned physicians is also contrary to articles 12 and 13 of the International Covenant on Economic, Social and Cultural Rights and to Principles 11-1, 17-2 and 18-1 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

16. In accordance with this Opinion, the Working Group request the Government to immediately release these two medical doctors or to immediately charge them with a recognizable criminal offence and try them under conditions meeting the standards for a fair trial and to take the necessary steps to redress the situation in order to bring it into conformity with the provisions enshrined in the relevant international instruments.

Adopted on 7 May 2009