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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement* submitted by Physicians for Human Rights (PHR),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

**The Arrest and Trial of Two Iranian Human Rights Defenders,
Dr. Kamiar Alaei and Dr. Arash Alaei**

Physicians for Human Rights would like to address the situation of human rights in Iran by drawing attention to the case of two health and human rights defenders. Dr. Kamiar Alaei and Dr. Arash Alaei, two Iranian physicians known worldwide for their work on HIV/AIDS treatment and prevention, were arrested at their parents' home in Tehran on 22 June 2008 and have since been held in Tehran's Evin prison. The brothers were tried in December 2008 and convicted in January 2009, in a process that has been condemned by human rights groups as unfair, with illegitimate charges apparently aimed at preventing international exchange and communication between Iranians and the outside world.

The brothers were held *incommunicado* for approximately two months before they were given access to a lawyer and family in late August 2008. They were indicted in late December 2008 on charges of communicating with an "enemy government". According to Iranian news sources, Iranian officials have based these charges in part on the extensive travel Kamiar and Arash made to various public health conferences in the United States and around the globe. Physicians for Human Rights believes that treating AIDS is not a crime; rather, it is good medicine. The brothers traveled the world to share Iran's model of HIV prevention and treatment, not to recruit people to foment a "velvet revolution", as alleged by the Iranian government.

According to human rights groups, due process has been violated numerous times in this case. At the time of their indictment, the brothers had been detained two months longer than Iranian penal code allows. Articles 30-34 of the Code of Penal Procedure of the Islamic Republic of Iran allow for detentions, but require that the investigating judge issue such detention orders for one month at a time and for no longer than four months. In addition, the brothers were legally eligible for bail during those six months, but the judge did not hold a bail hearing or issue bail.

On 31 December 2008, the Iranian prosecutor tried the brothers in Tehran's Revolutionary Court on these charges. He also informed the court of additional, secret, charges, which the brothers' attorney had no opportunity to refute because the prosecutor did not disclose either the charges or the evidence on which they are based.

The doctors learned on 20 January 2009 that they had been convicted and sentenced to terms of three and six years respectively, to be served at Evin prison. Their lawyer has filed an appeal. According to their attorney, the brothers categorically deny the charges against them.

Sources close to the trial have told Physicians for Human Rights that one of the brothers had agreed under duress to make a videotaped statement prepared by Iranian authorities, who had promised that if he read the statement both brothers would be set free. Given the isolation, months without charge and perfunctory trial, and the interrogation techniques and duress known to have occurred in similar cases in Iran, PHR believes that any purported *confession* in the trial of the Alaei brothers must be viewed as tainted and unreliable.

Through their harm-reduction work, the Alaei brothers have defended the right to health of people living with HIV/AIDS (PLWAs). Their AIDS work has expanded access to care and prevention for injecting-drug users, ensured health care for PLWAs in prisons in Iran, educated health professionals and communities, and has helped combat stigma and human rights

violations against people living with AIDS. It is against this background of human rights defense that PHR believes they were arrested, and why they must be released.

Request to the UN Human Rights Council

PHR commends the work of the UN Special Rapporteur on the situation of Human Rights Defenders, Ms. Margaret Sekagya, and respectfully requests that she liaise with the Government of Iran with a view to resolving this case of two health and human rights defenders. PHR also requests the Chairman of the Human Rights Council to use his good offices to ensure the protection of these two Iranian physicians.

About Dr. Kamiar Alaei and Dr. Arash Alaei

Dr. Kamiar Alaei is a doctoral candidate at the SUNY Albany School of Public Health in Albany, New York and was expected to resume his studies in Fall 2008. In 2007, he received a Master of Science degree in Population and International Health from the Harvard School of Public Health in Boston.

Dr. Arash Alaei is the former director of the International Education and Research Cooperation of the Iranian National Research Institute of Tuberculosis and Lung Disease. Since 1998, the Drs. Alaei have been carrying out HIV/AIDS treatment and prevention programs in Iran, particularly focused on harm reduction for injecting-drug users.

In addition to their work in Iran, the Alaei brothers have held training courses for Afghan and Tajik medical workers and have worked to encourage regional cooperation among 12 Middle Eastern and Central Asian countries. Their efforts expanded the expertise of doctors in the region, advanced the progress of medical science, and earned Iran recognition as a model of best practice by the World Health Organization.

Since the arrest of the two doctors, thousands of health professionals in more than 85 countries have called on the Iranian government to release the brothers, and leading medical and public health experts and associations have issued appeals for their release. For more information on this case, see www.iranfreethedocs.org.
