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از: ژنو
به: صابری انصاری - افخم
رونوشت: سعادت - لطفی - فرازنده - دهقانی

بیش‌نویس یادداشت در خصوص بازداشت خودسرانه آقای اسدی -
درخواست اعلام نظر حقوقی و حقوق بشری

با سلام،

به بیوست متن پیشنهادی یادداشت تهیه شده در این
نماینده‌گی در خصوص بازداشت خودسرانه آقای اسدی دیپلمات
ایرانی خطاب به کمیسر عالی حقوق بشر، گروه کاری بازداشت
خودسرانه، و گزارشگر ویژه شکنجه، ارسال می‌گردد
با توجه به ابعاد مختلف سیاسی و حقوقی مترتب بر
بازداشت مشارالیه توسط دولت آلمان و تحویل (استرداد) وی به
بلژیک برای محاکمه، و نیز با عنایت به اینکه این اولین
مکاتبه رسمی جمهوری اسلامی ایران با سازوکارهای حقوق بشری
راجع به این پرونده خواهد بود، ضروری است همه ابعاد موضوع
در تنظیم ادبیات و عبارت‌پردازی متن مد نظر قرار گیرد. متن
بیوست بر اساس اطلاعاتی که به دست نماینده‌گی رسیده است تهیه
شده است. در عین حال همانطور که در مکاتبات قبلی هم ذکر
شده است، برای تقویت محتوای حقوقی و استنادی متن مزبور،
لازم است به یادداشت‌ها و مکاتبات رسمی که از زمان بازداشت
آقای اسدی در آلمان، از سوی سفارت کشورمان در برلین خطاب
به وزارت خارجه محل ارسال گردیده و نیز یادداشت‌ها و
مکاتبات رسمی که از سوی وزارت امور خارجه به سفارت آلمان
در تهران منعکس شده است، اشاره شود. در این خصوص،
خواهشمند است این اشارات، به شیوه‌ای که مناسب می‌دانند در
متن بیوست اعمال شود

همانطور که ملاحظه می‌فرمایند، در این مرحله، تمرکز
مکاتبه بر اقدام خلاف دولت آلمان می‌باشد که اقدام به
بازداشت خودسرانه آقای اسدی نموده است. به عبارت دیگر
اقدام آلمان، هم‌فی‌نفسه خلاف حقوق بین‌الملل بوده است و
هم به دلیل اینکه اسباب و مبنای یک عمل خلاف از سوی دولت
بلژیک (محاکمه و حبس آقای اسدی) به شمار می‌آید، کماکان
مسئولیت بین‌المللی مستمر دولت آلمان را به دنبال دارد.



بدیهی است می توان در همین متن و یا در متن بعدی (در صورت ارسال شواهد و ادله لازم)، موارد خلاف حقوق بشر و حقوق بین المللی دولت بلژیک را نیز احصاء نمود خواهشمند است دستور فرمایند موضوع بررسی و این نمایندگی را از هر نظری که در خصوص متن پیوست وجود دارد در اسرع وقت مطلع نمایند.

In the Name of God, the Compassionate, the Merciful

Ref.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and would like to draw the attention of your office and relevant Special Procedures to grave violation of human rights of Mr. **Assadollah Assadi**.

Mr. Assadollah Assadi, an Iranian diplomat based in the Embassy of the Islamic Republic of Iran in Vienna, was deprived of his fundamental rights and was subjected to arbitrary arrest and detention by Germany in early July 2018 while he was passing through the German territory to return to his post in Vienna.

At the time of his arrest, Mr. Assadi repeatedly declared that as a diplomatic agent, he was returning to his post in Vienna, and therefore, he enjoyed person inviolability and shall not be liable to any form of arrest or detention. The German police did not record Mr. Assadi's statement and consequently arrested him and his family in the city of Aschaffenburg (accusing him of)

The German police held him and his family in different solitary confinement and denied him any information about his family's condition. The German police did not respond to Mr. Assadi's request concerning the condition of his wife that was badly ill. The German agents made the provision of any information about his wife conditional on the signing of interrogation minutes which were filled out incorrectly. Eventually, the police forced Mr. Assadi to sign those papers under mental pressure and duress. Indeed Mr. Assadi was framed up by German authorities who manipulated the evidence.

Mr. Assadi was deprived of his liberty and wasn't treated with humanity and respect for his inherent dignity, not only as a diplomatic agent but also as a human person. He was not treated appropriate to his status as an unconvicted person. In the pre-trial stage, he was held in prolonged solitary confinement for more than 100 days, including 20 days in bunkers with very poor



conditions which led up to his mental torture. Even, his clothes were taken off and he had no proper clothes and his requests for clothing were unanswered.

Despite the illegal detention of Mr. Assadi, Germany surrendered him to Belgium and he is now imprisoned illegally there. Against this backdrop, Germany has violated its international human rights obligations by arbitrary detention of Mr. Assadi and by illegally rendering him to Belgium.

The Office of the United Nations High Commissioner for Human Rights is fairly expected to intervene and urge Germany to abide by its international human rights obligations and commitments and to take any necessary measures for releasing Mr. Assadi.

The Permanent Mission of the Islamic Republic of Iran avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 9 May 2022

Office of the United Nations

High Commissioner for Human Rights

Palais des Nations

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CC:

Working Group on Arbitrary Detention

Email: ohchr-wgad@un.org



Special Rapporteur on Torture and Other Cruel, Inhuman

Or Degrading Treatment or Punishment

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