

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE: UA
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19 May 2015

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 24/6, 25/18, 26/7, and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and detention of Ms. **Narges Mohammadi**, the Deputy Director and Spokeswoman for the Centre for Human Rights Defenders (CHRD), President of the Executive Committee of the National Council of Peace in Iran, and one of the founders of the civil society group "Step by step to stop the death penalty", also known as LEGAM.

Ms. Mohammadi has been the subject of previous communications sent on 23 June 2010, 11 October 2011 and 27 March 2012. We acknowledge receipt of your reply dated 26 September 2012.

According to the new information received:

On 22 April 2012, Ms. Mohammadi began serving her six-year prison sentence on charges of “meeting and conspiring against the Islamic Republic,” “anti-government publicity,” and “collaborating with the Centre for Human Rights Defenders.”

On 31 July 2012, she was released on bail for medical reasons directly linked to the treatment received in prison.

On 3 May 2015, Ms. Mohammadi allegedly appeared for her first hearing of trial before Branch 15 of the Revolutionary Court in Tehran. Her lawyers objected to the fact that they had been unable to review the case file prior to the first trial in order to understand what the case was about, and therefore, were unable to defend Ms. Mohammadi. The defence team claimed that they had appeared nine times at Branch 15 Revolutionary Court to review the case file but had not been permitted to do so. The presiding judge reportedly stated that Ms. Mohammadi’s lawyers could go to Branch 15 of the Revolutionary Court on 5 May 2015 to read the case file. Reportedly, the Prosecutor’s representative nevertheless read out the charges and reasons for them at the first trial.

Ms. Mohammadi is allegedly facing three new charges including for assembly and collusion against national security on the basis of her activities at the CHR and her cooperation with Nobel Laureate Ms. Shirin Ebadi, for propaganda against the state based on interviews she conducted with foreign media outlets, and for establishing the anti-security and illegal “Step by Step to Stop the Death Penalty.”

Early in the morning on 5 May 2015, Ms. Mohammadi was arrested at her home by intelligence ministry agents after they allegedly threatened to break down her front door if she did not open it. At the time of her arrest, the intelligence ministry agents reportedly stated that Ms. Mohammadi was being taken into custody in order to serve the remainder of the six-year prison sentence she had received.

Ms. Mohammadi is currently being held in Evin Prison.

Concern is expressed at the recent arrest and new charges brought against Ms. Mohammadi, as well as the first hearing of the new trial, which does not seem to respect basic international standards of fair trial and due process. Grave concern is expressed that this treatment may be in connection with her legitimate and peaceful activities in defense of human rights. Further concern is expressed that this case is indicative of the shrinking democratic space for the freedom of opinion and expression in Iran. Regarding Ms. Mohammadi’s health, serious concern is expressed that her severe condition could be further exacerbated by her continued imprisonment.

While we do not wish to prejudge the accuracy of these allegations and on whether the detention of Ms Mohammadi is arbitrary or not, we would like to appeal to

your Excellency's Government to take all necessary measures to guarantee her right not to be deprived arbitrarily of her liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR). In particular, we would like to highlight the right to mount a defence against criminal charges as provided in article 14(5) of the ICCPR.

We draw the attention of your Excellency's Government to Articles 19 and 22 of the ICCPR respectively providing that everyone shall have the rights to freedom of expression and to freedom of association. We recall Human Rights Council resolution 24/5 which reminds States of their obligation to respect and fully protect the rights of all individuals to associate freely, including persons espousing minority or dissenting views or beliefs, and human rights defenders. It calls on States to take all necessary measures to ensure that any restrictions on the free exercise of the right to association is in accordance with their obligations under international human rights law.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 12.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Mohammadi in compliance with the above international instruments.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

Moreover, it is our responsibility under the mandates provided to use by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate the legal grounds for the arrest and detention of Ms. Mohammadi, and how these measures are compatible with Iran's obligations

under international law, including inter alia, the International Covenant on Civil and Political Rights and the UN Declaration on Human Rights Defenders.

3. Please provide the full details of any legal basis for the charges brought against Ms. Mohammadi and any measures taken to protect Ms. Mohammadi's right to a fair trial in her ongoing trial.

4. Please provide any details of measures put in place to guarantee the physical and psychological integrity of Ms. Mohammadi while in detention.

5. Please indicate what measures have been taken to ensure that the legitimate rights of freedom of opinion and expression and freedom of association are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Seong-Phil Hong
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
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Michel Forst
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Republic of Iran