

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of 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 situation of human rights defenders; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

UNITED NATIONS
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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Iran (2011-16)
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Excellency,

We have the honour to address you in our capacity as 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 situation of human rights defenders; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 16/4, 15/21, 16/5, and 19/12.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the heavy sentencing of Mr **Abdolfattah Soltani**, a prominent human rights lawyer in the Islamic Republic of Iran and co-founder of the Defenders of Human Rights Centre (DHRC). Mr. Soltani has represented many high-profiles political and human rights activists.

Mr. Soltani has been the subject of several urgent appeals and letters of allegation dated 4 August 2005, 14 December 2005, 31 March 2006, 8 August 2006, 11 August 2006, 15 November 2007, 12 November 2008, 18 June 2009, 10 July 2009, 16 July 2009, 19 November 2010, 27 September 2011 and 27 March 2012. We thank your Excellency's Government for responses to those allegations provided on 22 August 2005, 3 April 2006, 8 September 2006, 7 February 2008, 6 May 2010, 7 October 2010 and 31 May 2012.

According to the new information received:

Mr Soltani, arrested on 10 September 2011 in Tehran, was charged with collusion, propaganda against the system, establishment and management of an association that endangers national security and acquisition of property through illegitimate means. On 8 January 2012, Mr. Soltani was allegedly sentenced to 18 years of

imprisonment and banned from practicing law for 20 years. The sentence was reportedly reduced to 13 years imprisonment and also his 20 years ban was overturned by the Appeal Court of Tehran around 10 June 2012. The court also decided that Mr Soltani would serve his sentence in the city prison of Borazjan (Boshehr province) because his continued presence in the city of Tehran was 'corruptive'.

Mr Soltani was reportedly coerced to confess on camera, accepting that the DHRC had received foreign funding and also to speak out against the Nobel Laureate Ms Shirin Ebadi. Moreover, since his imprisonment, Mr Soltani's wife Massoumeh Dehghan has been subjected to intimidation and harassment from the Iranian authorities for advocating and giving interviews to journalists about the case of Mr Soltani.

Serious concerns are expressed that the harsh sentencing of Mr Abdolfattah Soltani may be linked to his legitimate human rights activities, including his work as a lawyer, in the exercise of his rights to freedom of opinion and expression, and of association.

While we do not wish to prejudge the accuracy of these allegations, we would also to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." In this connection, we wish also to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions which are not consistent with article 19, paragraph 3 of the ICCPR, including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of

the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In addition, we would like to refer your Excellency's Government to the fundamental principles set forth in 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 9 paragraph 3 point c) which provides that everyone has the right, individually and in association with others to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
- article 12 paragraphs 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

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 Mr Abdolfattah Soltani in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us 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. Are the facts alleged in the above summary of this case accurate?
2. Please provide details of any legal basis for the conviction of Mr. Soltani to heavy sentencing, and how this is compatible with the provisions of the International Covenant on Civil and Political Rights, the Declaration on Human Rights Defenders, the Basic Principles on the Role of Lawyers, and the Guidelines on the Role of Prosecutors, among others.

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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Frank La Rue
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 of
association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

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Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran