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CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the 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 situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences

REFERENCE: UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Iran (2011-16) G/SO 214 (53-24) G/SO 214 (89-15)IRN 13/2011

11 October 2011

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 situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/4, 15/21, 16/5, 16/9, 16/23 and 16/7.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the situation of women human rights defenders in Iran; in particular the arrest and detention of Ms. **Faranak Farid** and Ms. **Fereshteh Shirazi**, and the continuing judicial harassment and sentencing of Ms. **Nasrin Sotoudeh**, Ms. **Narges Mohammadi** and Ms. **Shiva Nazar-Ahai**.

Ms. Faranak Farid is a human rights activist who works on women's and environmental issues. She is also a member of the One Million Signatures Campaign and editor-in-chief of the banned monthly publication Dilmaj.

Ms. Fereshteh Shirazi is a women's rights activist, blogger and member of the One Million Signatures Campaign.

Ms. Nasrin Sotoudeh is a lawyer and prominent human rights activist. Ms. Sotoudeh has represented clients ranging from juvenile offenders facing the death penalty, prisoners of conscience and human rights activists to Nobel Peace Laureate Ms. Shirin Ebadi. She has also spoken openly about alleged shortcomings in the rule of law and administration of justice in Iran.

She was the subject of two communications sent on 19 November 2010 and 23 December 2010, by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We regret that to date no responses to these communications have been received from your Excellency's Government.

On 6 May 2011, the Working Group on Arbitrary Detention adopted Opinion No. 21/2011, concerning Ms. Nasrin Sotoudeh. It held that the deprivation of her liberty is arbitrary in violation of articles 9, 10, 19, 20 and 21 of the Universal Declaration of Human Rights and articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights, falling within categories II and III of the categories applicable to the cases submitted to the Working Group. The Working Group requested the Government to proceed to immediate release of Ms. Nasrin Sotoudeh and provide her with adequate reparation. We regret that these recommendations have not yet been implemented by your Excellency's Government.

Ms. Narges Mohammadi is the spokesperson and vice-president of the Defenders Human Rights Centre. She was the subject of a communication sent on 23 June 2010, by the Chair-Rapporteur 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 situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment following her arrest and detention. We regret that to date a reply has not been transmitted by your Excellency's Government to this communication.

Ms. Shiva Nazar-Ahaji is a member of the Committee of Human Rights Reporters, an organisation which campaigns against human rights violations, including abuses against women, children, prisoners and workers.

Ms. Nazar-Ahaji was the subject of previous communications sent on 10 July 2009, 27 August 2010, and 24 September 2010, by the Chairperson-Rapporteur 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 situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Responses were transmitted by

your Excellency's Government to these communications on 6 May 2010, 9 February 2011 and 17 Feb 2011, respectively.

Ms. Shiva Nazar-Ahaji was also the subject of a communication sent on 22 February 2010, by the Chairperson-Rapporteur 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 situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We regret that to date we have received no response from your Excellency's government to this communication.

According to the information received:

On 3 September 2011, it is reported that Ms. Faranak Farid was arrested by plain-clothes security officials while shopping in Tabriz. It is reported that, she was severely beaten during her arrest. Security forces allegedly later searched her house and seized her computer as well as personal documents.

It is reported that, Ms. Farid was subjected to ill-treatment during a lengthy interrogation which resulted in her temporarily losing hearing in her left ear and left her unable to move one of her arms. During the interrogation her glasses were allegedly taken off her and she was forced to sign a document which she was unable to read. Following the interrogation, she was allegedly brought before a judge and sentenced to ten days temporary detention based on charges of "insulting the Supreme leader", "propaganda against the system" and "acting against national security".

It is reported that apart from a brief visit from her sister on 12 September, Ms. Farid is being held in incommunicado detention in the women's section of Tabriz Central Prison. It is alleged that her requests for medical treatment have been denied.

The arrest of Ms. Farid is reportedly linked to her involvement in peaceful demonstrations against the construction of further dams around Lake Oroumieh, in eastern Iran. The region surrounding the lake has reportedly experienced long periods of drought since 1999 related to the construction of 40 dams along the lake's tributaries. Since April 2011, demonstrations have been organised in towns and cities calling on the government to take action to prevent the lake from drying up.

On 4 September 2011, Ms. Fereshteh Shirazi was allegedly arrested when she presented herself for interrogation at the Office of the Ministry of Intelligence in Amol city. She was initially detained in Amol prison, however her current location is reportedly unknown and she remains in incommunicado detention.

According to information received, the reason for her arrest remains unknown, however it is suspected that it may be related to a criminal case which was reportedly opened against her in 2009 by the Offices of the Ministry of Intelligence in connection with her women's rights activities and entries made on her blog. The case is reportedly based on accusations of "acting against State security", "publicising lies" and "causing unease in the public mind."

On 24 and 25 August 2009, it is reported Ms. Shirazi was summoned to the Office of the Ministry of Intelligence in Amol, and she was interrogated about the One Million Signatures Campaign, her friends in Amol as well as writings on the personal blog.

On 14 September 2011, Ms. Nasrin Sotoudeh was reportedly sentenced by Branch 54 of the Appeals Court to six years imprisonment and a ten-year ban on practicing as a lawyer. This sentence is a reduction of the sentence handed down by Branch 26 of the Islamic Revolution Court's in January of this year which condemned the human rights defender to 11 years imprisonment and banned her from practicing as a lawyer and from travelling abroad for 20 years. She reportedly remains detained in Section 350 of Evin prison.

The sentence allegedly relates to charges of "propaganda against the state", "collusion and gathering with the aim of acting against national security" and "membership of the Defenders of Human Rights Centre". It is alleged that the accusations brought against Ms. Sotoudeh are primarily based on interviews with foreign media in relation to her clients who were imprisoned after Iran's June 2009 presidential election.

On 26 September 2011, it is reported that Branch 26 of the Islamic Revolution Court sentenced Ms. Narges Mohammadi to a total of eleven years in prison on charges of "assembly and collusion against the national security", "membership of the Defenders of Human Rights Centre" and "propaganda against the Islamic Republic".

According to information received, five years of the sentence are based on Article 610 of the Islamic Penal Code (IPA), five years on Article 499 and one year was based on Article 500. It is reported that the ruling referred to Ms. Mohammadi's human rights activities as attempts to overthrow the Islamic Republic. Her human rights work such as founding the National Council for Peace, the Free, Healthy and Fair Elections Committee, Stop Children's Execution Campaign, visiting political prisoners, and preparing reports relating to human rights violations were allegedly, all specifically mentioned in the ruling. Although she is currently on bail, she reportedly remains at risk of arrest at any time.

Ms. Shiva Nazar-Ahai was reportedly sentenced on 8 January 2011 by Branch 36 of the Tehran Appeals Court to four years imprisonment to be spent in internal exile away from her home. The sentence reportedly relates to charges of “attempts to deface the Islamic Government”, “disturbing the public peace of mind” and “waging war against God”. Although she currently remains free on bail, it is alleged that she faces risk of arrest at any time.

Concern is expressed regarding the physical and a psychological safety and integrity of Ms. Faranak Farid, Ms. Fereshteh Shirazi and Ms. Sotoudeh given their arrests and detention and allegations that Ms. Farid has been denied medical treatment. Serious concern is expressed that the charges brought against and the subsequent sentences handed down to Ms. Faranak Farid, Ms. Nasrin Sotoudeh, Ms. Narges Mohammadi and Ms. Shiva Nazar-Ahai may be directly related to their legitimate and peaceful work in defence of human rights. Finally concern is expressed for the general situation of women human rights defenders in Iran and the risks, such as arrest and detention that they may face a result of the human rights work that they carry out.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Ms. Faranak Farid, Ms. Fereshteh Shirazi and Ms. Nasrin Sotoudeh is arbitrary or not, we would like to appeal to your Excellency’s Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their 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 article 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR). Moreover, the Working Group notes with concern that your Excellency’s Government has not complied with the Working Group’s recommendations contained in Opinion No. 21/2011 regarding the arbitrary detention of Ms. Nasrin Sotoudeh.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency’s attention to the right to physical and mental integrity of Ms. Faranak Farid, Ms. Fereshteh Shirazi, Ms. Nasrin Sotoudeh, Ms. Narges Mohammadi and Ms. Shiva Nazar-Ahai.

We would also like to draw the attention of your Excellency's Government to paragraph 8 (b) of Human Rights Council Resolution 16/23, which reminds all States that “Prolonged incommunicado detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person...”.

We would also like 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 International Covenant on Civil and Political Rights, 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.”

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the International Covenant on Civil and Political Rights, which provides that "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others.

Furthermore, we would 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, which provides that “Everyone shall have the right to freedom of association with others...”.

We would, in addition, like to bring to your Excellency’s Government’s attention article 4 (b) of the United Nations Declaration on the Elimination of Violence against Women (adopted by General Assembly resolution 48/104 on 20 December 1993), which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Article 4 (c) and article 4 (d) of the Declaration, notes the responsibility of states to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence. Women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered. States should, moreover, also inform women of their rights in seeking redress through such mechanisms. Finally, we would, to bring to your Excellency’s Government’s attention article 4 (o & p) of the Declaration which notes that States should recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women, and should, moreover, facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels.

In this connection, 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 5, point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- article 12, paras 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.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Faranak Farid, Ms. Fereshteh Shirazi, Ms. Nasrin Sotoudeh, Ms. Narges Mohammadi and Ms. Shiva Nazar-Ahaji 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.

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. Faranak Farid, Ms. Fereshteh Shirazi, Ms. Narges Mohammadi, Ms. Nasrin Sotoudeh and Ms. Shiva Nazar-Ahai 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 these cases accurate?
2. Please provide the full details of any legal basis for the charges brought against Ms. Faranak Farid, Ms. Nasrin Sotoudeh, Ms. Narges Mohammadi and Ms. Shiva Nazar-Ahai.
3. Please provide information concerning the legal grounds for the arrest and detention of Ms. Faranak Farid, Ms. Fereshteh Shirazi and Ms. Nasrin Sotoudeh and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).
4. Please provide any details of measures put in place to guarantee the physical and psychological safety of Ms. Faranak Farid, Ms. Fereshteh Shirazi and Ms. Nasrin Sotoudeh while in detention.
5. Please explain why no measures have been taken with regard to recommendations of the Working Group on Arbitrary Detention as contained in its Opinion No. 21/2011, Islamic Republic of Iran adopted on 6 May 2011.
6. In the event that the arrest and trial against Ms. Faranak Farid, Ms. Fereshteh Shirazi, Ms. Narges Mohammadi, Ms. Nasrin Sotoudeh and Ms. Shiva Nazar-Ahai is found to be unlawful under the applicable domestic law, please indicate whether, in accordance with international law, any disciplinary, administrative or penal action against the alleged perpetrators is provided for in national law, and if so, whether any such action has been taken and what they have resulted in.
7. Please indicate what measures have been taken to ensure that the legitimate right to meet and assembly peacefully is respected and that the

physical and psychological integrity of those exercising this right 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.

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

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

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