

Mandates of the Working Group on the issue of discrimination against women in law and in practice; 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 violence against women, its causes and consequences; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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Excellency,

We have the honour to address you in our capacity as Working Group on the issue of discrimination against women in law and in practice; 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 violence against women, its causes and consequences; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 23/7, 25/2, 24/5, 24/6, 25/18, 23/25, 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 alleged arbitrary detention and charges issued against a human rights defender and journalist, Ms. **Narges Mohammadi**, for her human rights work, particularly in light of her serious medical conditions.

Ms. Narges Mohammadi is the former 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 worked on women's rights, the environment and civil rights, as well as against the death penalty, and was awarded the Alexander Langer Award 2009, the Per Anger Prize 2011 and Oxfam Novib Free Expression Award 2013 for her human rights work.

Ms. Mohammadi was the subject of communications sent on 29 October 2015, see A/HRC/31/79 (case no. IRN 20/2015); 19 May 2015, see A/HRC/30/27 (case no. IRN 5/2015); 27 March 2012, see A/HRC/21/49 (case no. IRN 5/2012); 11 October 2011, see A/HRC/19/44 (case no. IRN 13/2011); and 23 June 2010 (case no. IRN 16/2010). We acknowledge receipt of replies from your Excellency's Government to some of the aforementioned communications on 16 March 2016, 4 March 2016, 28 November 2012 and 31 May 2012. However, we remain concerned about this case in light of the below allegations.

According to the new information received:

Ms. Narges Mohammadi suffers from several medical conditions, including pulmonary embolism, which is a blood clot in her lungs, and a neurological condition that can cause seizures and temporary paralysis.

In 2009, Ms. Mohammadi was the subject of a travel ban and in 2010, Ms. Mohammadi was arrested, detained and charged allegedly in response to her human rights work at the Defenders of Human Rights Center. She was released on bail on 1 July 2010.

In 2011, Ms. Mohammadi was convicted of "acting against the national security", "membership of the DHRC" and "propaganda against the regime" and was sentenced to 11 years' imprisonment. In 2012, her sentence was reduced to six years' imprisonment on appeal. On 30 July 2012, Ms. Mohammadi was released on bail following the deterioration of her health.

In May 2015, Ms. Mohammadi was arrested and informed by security officers that she was being detained to carry out her remaining six year sentence. However, Ms. Mohammadi has subsequently been issued with the additional charges of "spreading propaganda against the system", "gathering and colluding to commit crimes against national security" and "membership of an illegal organisation whose aim is to harm national security".

In August and October 2015, Ms. Mohammadi suffered several seizures as a result of her medical conditions. She was transferred to hospital where she was handcuffed to the bed for several days. Security officers did not leave her hospital room throughout her time in the hospital, preventing her from having confidential medical consultations with her doctor and interfering with her medical treatment.

After 17 days, Ms. Mohammadi was transferred back to prison, despite the doctor's advice for her to continue treatment in the hospital. On her return to prison, Ms. Mohammadi filed a complaint about her treatment by security officers who had transferred her to the hospital. Subsequently, she has been issued with the new charge of "insulting officers while being transferred to a hospital" reportedly in response to her complaint.

Ms. Mohammadi's trial is ongoing. The evidence against Ms. Mohammadi has included details of her human rights work on women's rights, the environment and civil rights, as well as against the death penalty. It also included reference to her meeting with EU Representative for Foreign Affairs and Security Policy in March 2014.

Ms. Mohammadi remains in detention in Evin Prison and has not been permitted access to communicate with her family for over eight months. Her next trial hearing has been postponed on several occasions without explanation. The next hearing is scheduled to take place on 20 April 2016.

Grave concern is expressed about the deteriorating health of Ms. Mohammadi and the restrictions placed on her right to access medical care. Serious concern is expressed about the alleged arbitrary detention and charges brought against Ms. Mohammadi, reportedly in retaliation for her peaceful and legitimate human rights work, including women's rights, and the exercise of her rights to freedom of association and freedom of expression. Further serious concern is expressed at the lengthy pre-trial detention of Ms. Mohammadi. Concern is also expressed about Ms. Mohammadi's right to a fair trial, including her right to be tried with undue delay and to equality of arms in presenting her defence.

Additional concern is expressed about the broader chilling effect that the above allegations may have on the work of human rights defenders and human rights organizations in the country, in particular with regard to the exercise of the rights to freedom of association and freedom of expression.

We would in this regard like to refer your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Iran in 1975, which guarantee the right to freedom of opinion and expression and the right to freedom of association, respectively. We express concern about the use of vague and broad criminal law provisions to restrict expression and would like to remind your Excellency's Government that any restriction to the right to freedom of expression must meet the conditions set under article 19(3) and conform to the strict tests of necessity and proportionality.

Regarding access to medical treatment by Ms. Mohammadi while in detention, we would like to refer your Excellency's Government to article 12 of the Covenant on Economic, Social and Cultural Rights, ratified by Iran on 24 June 1975, which establishes that States have an obligation to *respect* the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. (General Comment 14, Para.34) In addition, we would like to refer your Excellency's Government to the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111, according to which prisoners should have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9).

In addition, we would like to recall 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, also known as the UN Declaration on Human Rights Defenders. In particular, we wish to refer to articles 1, 2 and 6 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international level; that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms; and that everyone has the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights. Furthermore, article 12 provides that the State shall take all necessary measures to ensure the protection of everyone 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.

Finally, we wish to draw your attention to General Assembly resolution 68/181, in which it expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders (OP5, 19 and 20).

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 Ms. Mohammadi in compliance with international human rights instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comments you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for the continued pre-trial detention against Ms. Mohammadi and explain how this is compatible with the prohibition against arbitrary detention and with the permissible restrictions to the legitimate exercise of her rights under international human rights law, in particular relevant provisions enshrined in the ICCPR and the UDHR. Please also explain the justification for the repeated postponing of her trial hearing.

3. Please provide detailed information on the legal basis and justifications for the additional charges against Ms. Mohammadi and the use of her legitimate human rights work as evidence against her.
4. Please provide information about the justification and legal basis for denying Ms. Mohammadi access to communicate with her family during her detention. Please explain how this is compatible with international human rights norms and standards.
5. Please provide detailed information on the judicial proceedings against Ms. Mohammadi, please explain in particular how her right to a fair trial, especially her right to equality of arms, is guaranteed.
6. Please provide information relative to the measures taken by your Excellency's Government to ensure the physical and psychological well-being of Ms. Mohammadi, and please provide information regarding current policies and regulations in place, to ensure that prisoners, including Ms. Mohammadi, have access to proper and adequate medical treatment.
7. Please indicate the measures adopted to ensure that human rights defenders and associations, including women human rights defenders and groups working on women's rights, are able to carry out their legitimate work in Iran in a safe and enabling environment without fear of reprisals, violence or harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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.

Eleonora Zielinska
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against women in law and in practice

David Kaye
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