

Mandates of the Working Group on Arbitrary Detention; 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 the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on violence against women, its causes and consequences; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: UA
IRN 14/2014:

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chairperson-Rapporteur of the 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 the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on violence against women, its causes and consequences; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 24/7, 26/5, 25/2, 24/5, 24/6, 25/18, 26/7, 25/24, 23/25, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of journalists and human rights activists who have been arrested, imprisoned, denied medical assistance, and/or charged in the months of June and July 2014, for exercising their rights to freedom of opinion and expression, peaceful assembly and association.

According to the information received:

Ms. **Mahnaz Mohammadi** is a filmmaker and women's rights activist. She was previously arrested in 2007, 2009, and 2011 for her human rights advocacy work. During her last detention, Ms Mohammadi was unable to receive medical

treatment for a rare spinal condition and her health has been in a precarious state since then.

Ms. Mohammadi was arrested on 7 June 2014, and sentenced to serve a five-year prison sentence, following her conviction of 21 January 2014 on charges of “endangering national security” and propaganda against the system. The Supreme Court reportedly upheld the decision on 26 June 2014. These charges are believed to be linked to her film work, which has focused on the situation of women in the Islamic Republic of Iran. She is detained in Evin Prison. Her lawyer is reportedly still awaiting permission to visit her. Ms. Mohammadi has reportedly recently been treated for cancer and is not in the physical state to serve a five-year prison sentence. Ms. Mohammadi was the subject of urgent appeals by various Special Procedures mandate holders sent on 7 March 2007 (IRN 7/2007) and 8 July 2011 (IRN 9/2011).

Mr. **Mehdi Khazali** is a political blogger and prominent critic of the Iranian Government. He has been arrested on eight occasions since 2009, including the present one, and has been on a total of 300 days of hunger strike to protest his treatment by the Iranian authorities. There have been thirteen cases against him, including one filed by the prosecutor of the city of Isfahan a few months ago on charges of disturbing peace and insulting officials. This case was reportedly not investigated, but sent directly to court. His previous sentences included 14 years in prison, 10 years in exile, and 90 lashes for propaganda against the State, assembly and collusion against national security, acting against national security, and writing a critical letter to the Government.

Mr. Khazali was arrested on 20 June 2014, without explanation while traveling near Mahmoudabad Noor in the north of the Islamic Republic of Iran. The reason for his arrest remains unknown. He was reportedly brutally beaten by security forces during arrest, resulting in a broken arm. Following his arrest and subsequent transfer to Rajaei Shahr Prison, Mr. Khazali reportedly embarked on a hunger strike and suffered a heart attack. On 13 July 2013, Mr. Khazali was freed on health grounds, after the doctor declared the continuation of imprisonment dangerous for his health.

Mr. Khazali has reportedly been denied social rights and his family have been threatened and intimidated. He has not been allowed to earn a living and while in prison and has been denied access to toilet facilities. He has also not been allowed access to newspapers, radio and television. Mr. Khazali has also been denied access to a lawyer, and his lawyer has reportedly been threatened and forced to drop his case. Mr. Khazali was the subject of urgent appeals sent on 10 July 2009 (IRN 19/2009) and 16 February 2012 (IRN 1/2012).

Ms. **Reyhane Tabatabaie**, a journalist, was summoned to Evin Prison on 21 June 2014, to serve a six month prison sentence on charges related to publishing news about the Green Movement and for her political activities. She was charged with engaging in spreading propaganda against the Government during her membership in the national youth headquarters at the time of the 2013 presidential

elections; participation in a gathering of young reformists; and insulting two presidential candidates on her Facebook page in 2013.

Mr. **Mashaollah Shamsolvaezin**, a prominent journalist and member of the Association of Iranian journalists was charged on 29 June 2014 with propaganda against the State for giving interviews and speeches. He was reportedly arrested, interrogated and informed of the charges on the same day, and was released on bail of approximately USD 80,000, and banned from foreign travel.

Ms. **Marzieh Rasouli** is a prominent journalist, who has worked for several reformist publications. She was initially arrested under the supervision of the Islamic Revolutionary Guards in January 2012 and held in Evin Prison for 40 days, but was released after posting a bail of approximately USD 100,000. She was sentenced to two years in prison and 50 lashes for spreading propaganda against the State and disturbing public order by participating in a gathering. On 7 July 2014, Ms. Rasouli announced on her Twitter account that she had been informed of her sentence. On 8 July 2014, Ms. Rasouli allegedly reported to Evin Prison to serve her two year prison term. Ms. Rasouli was the subject of an urgent appeal sent on 16 February 2012 (IRN 1/2012).

Serious concerns are expressed that the arrest, detention, denial of medical treatment, and prosecution of the above-mentioned journalists, bloggers and activists are solely related to their legitimate and peaceful work. Further concerns are expressed at the physical and mental integrity of the above-mentioned persons, in particular with regards to Mr. Mehdi Khazali and Ms. Marzieh Rasouli, who have been sentenced to lashes.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Ms. Mahnaz Mohammadi, Ms. Reyhane Tabatabaie and Ms. Marzieh Rasouli is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the 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, and article 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), which Iran has ratified on 24 June 1975.

The above-mentioned alleged facts indicate a prima facie violation of the rights to equal political participation guaranteed under articles 25 and 26 of the ICCPR. In paragraph 65 of its thematic report on participation in public life (A/HRC/23/50), the Working Group on Discrimination against Women in Law and Practice has noted that women's human rights defenders are often the target of gender-specific violence, which is sometimes condoned or perpetrated by State actors. The Working Group has called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life (para. 97(i)).

Regarding the allegations of denial of medical treatment of Ms. Mahnaz Mohammadi, and the situation those who embarked on hunger strikes to protest against their detention and treatment, they appear to be in contravention with your Excellency's

Government's responsibility to respect and fulfil everyone's right to the enjoyment of the right to the highest attainable standard of physical and mental health, including access to medical care while in detention, as enunciated in article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by your country on 24 June 1975.

The allegations also appear to be in contradiction with the right to be assisted by a lawyer, as set forth in the UN Basic Principles on the Role of Lawyers and with the lawyers' right not be threatened as a result of discharging their functions, as set forth in the UN Basic Principles on the role of lawyers.

Moreover, the reported arrests, charges and/or sentences against Mr. Khazali, Ms. Tabatabaie and Ms. Marzieh Rasouli indicate a prima facie violation of the right of peaceful assembly, and the reported travel ban against Mr. Mashaollah and reported charges against Ms. Tabatabaie appear to be in contradiction with the right to freely associate, in accordance with articles 21 and 22 of the ICCPR.

Furthermore, the fact that three of the five above-mentioned individuals originally arrested were women and that, while the men have since been released, all the women remain imprisoned, one of whom is in a state of precarious health, indicates a primary case of discrimination against women in contravention of articles 2, 3, 19, 21, 22 of the ICCPR.

We would also like to refer to your Excellency's Government to articles 19, 21 and 22 of the ICCPR, which guarantees the rights to freedom of opinion and expression, peaceful assembly and association.

Regarding the alleged beating of Mr. Mehdi Khazali and the sentencing to lashes of Mr. Mehdi Khazali and Ms. Marzieh Rasouli, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as contained in article 7 of the ICCPR and reiterated in paragraph 1 of Human Rights Council Resolution 16/23.

Regarding the arrest and detention of Ms. Mahnaz Mohammadi, 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1, 2, and 12.

The Special Rapporteur on violence against women recalled in her 2013 report to the United Nations General Assembly on Pathways to, conditions and consequences of incarceration for women (A/68/340) the States' obligation to act with due diligence to prevent, respond to, protect against, and provide redress for all forms of gender-based violence and encourages your Excellency's Government to develop gender-specific sentencing alternatives with due regard to Ms. Mohammadi's health and well-being.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org /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 persons in compliance with international 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. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide information concerning the legal grounds for the arrest and detention of Ms. Mahnaz Mohammadi, Ms. Reyhane Tabatabaie and Ms. Marzieh Rasouli and how these measures are compatible with the aforementioned international human rights standards.
4. Please kindly provide information regarding the health condition of Ms. Mahnaz Mohammadi and the measures that have been taken to address this.
5. Please provide detailed information on the judicial proceedings against the five defendants, including if they had access to a lawyer, and explain how these proceedings complied with international human rights law and standards on fair trial.
6. Please provide information on the measures taken to ensure that Mr. Khazali's lawyer is able to perform all of his professional functions without intimidation, hindrance, harassment or improper interference.
7. Please provide information concerning the national legislation related to freedom of opinion and expression, including freedom of the press and freedom of peaceful assembly and association.

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. We also take this opportunity to encourage your Excellency's Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of
discrimination against women in law and in practice

Frank La Rue
Special Rapporteur on the promotion and protection of the right to
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Maina Kiai
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