

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 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; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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IRN 6/2015:

4 June 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 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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 25/18, 26/7, 28/21, 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 Ms. **Atena Farghadani**, a graphic arts student from Al Zahra University in Tehran who has been detained since August 2014 the detention of American-Iranian journalist, Mr. **Jason Rezaian**, since July 2014, and the trial of Mr. Rezaian and his wife, Ms. **Yeganeh Salehi**, also a journalist. Ms. Farghadani and Mr Rezaian have been the subjects of previous communications sent by various Special Procedures mandate holders on 16 January 2015 and 6 August 2014 (*see cases IRN 1/2015 and IRN 16/2014*). A response to these two letters has yet to be received.

According to the new information received:

On 25 February 2015, Ms. **Atena Farghadani's** lawyers reportedly stated that she suffered a heart attack the previous week and briefly lost consciousness. On 26 February 2015, Ms. Farghadani was reportedly relocated from Gharchak Prison to a hospital. The trial of Ms. Farghadani started on 19 May 2015 on charges including “spreading propaganda against the system”; “insulting members of the parliament through paintings”; “insulting the Supreme Leader”; and “gathering and colluding with anti-revolutionary individuals and deviant sects” based on her art exhibitions, critical paintings, and other peaceful activities, such as meeting with families of political prisoners. On 1 June 2015, she was allegedly sentenced to a 12 years and nine months prison term. She has 20 days to appeal the sentence. Her lawyer was not allowed to review her case file. Ms. Farghadani has allegedly remained in solitary confinement in Evin Prison in Tehran since going to the hospital in February.

On 12 April 2015, Iranian news outlets reported that **Mr. Jason Rezaian**, who had been detained since 22 July 2014 without any formal charges, would be tried. The first trial of Mr. Rezaian started on 26 May 2015. He is being tried with his wife, **Ms. Yeganeh Salehi**, a journalist for the United Arab Emirates newspaper *The National*, who was arrested with him on 22 July but released on bail in October 2014, in Branch 15 of the Revolutionary Court. The closed door hearing was reportedly headed by Judge Abul-Ghasim Salavati. No reasons were reportedly given for the trial to be held in camera. Mr. Rezaian's defense lawyer was reportedly present during the hearing but despite request, the court refused to grant access to his family members and officials from the newspaper *The Washington Post* to attend the hearing. Mr. Rezaian is reportedly facing charges including collaboration with hostile governments, gathering classified information and dissemination propaganda against the Islamic Republic. Mr. Rezaian had reportedly met with his lawyer for only 90 minutes on 20 April 2015, after having been detained for almost nine months. In total, it is reported that Mr. Rezaian has only had access to his defence lawyer on two occasions. In addition, Mr. Rezaian has had minimal contact with his family, who have highlighted that he has high blood pressure, for which he needs daily medication.

Concern is expressed at the detention of Ms. Farghdani and Mr. Rezaian which seem to be directly related to their work as journalists legitimately exercising their right to freedom of opinion and expression. Further concerns are also expressed about the physical and mental integrity of Ms. Farghdani, in light of the beating and other forms of mistreatment she has reportedly suffered in detention, and of Mr. Rezaian, in light of the extensive interrogation periods and conditions of solitary confinement he was subjected to. Grave concern is also raised regarding the health situation of Ms. Farghdani and Mr. Rezaian, whose conditions could be further exacerbated by imprisonment, including detention conditions, and treatment.

Without expressing at this stage an opinion on the facts of the case and if the detention of the above mentioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the rights of Ms. Farghdani, Mr. Rezaian and Ms. Salehi not to be arbitrarily deprived of their liberty, to a fair trial, including in particular access to a lawyer in adequate conditions, and to freedom of opinion and expression, as enshrined in articles 9, 14 and 19, respectively, of the International Covenant on Civil and Political Rights (ICCPR) ratified by the Islamic Republic of Iran on 24 June 1975.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified, inter alia, in paragraph 1 of General Assembly Resolution 68/156 and in Human Rights Council Resolution 25/13, as well as of paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement may amount to acts prohibited by article 7 of the International Covenant on Civil and Political Rights (ICCPR). In addition, the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), states that the use of prolonged solitary confinement in itself runs afoul of this absolute prohibition and may give rise to other acts of torture or ill-treatment.

We would further 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, 6 and 12.

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 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. Please provide any additional information and any comment you may have on the above-mentioned allegations
2. Please provide information concerning the legal grounds for the arrest and detention of Ms. Atena Farghdani and Mr. Jason Rezaian and explain how the arrest and detention of these persons is compatible with the principles and norms contained in articles 9, 10 and 19 of the Universal Declaration of Human Rights and 9, 14 and 19 of the International Covenant on Civil and Political Rights.

3. Please explain why Ms. Farghdani and Mr. Rezaian were held in solitary confinement, and explain how this measure is consistent with international legal standards.

4. Please indicate what measures have been taken to ensure adequate access to legal counsel to Ms. Farghdani's and Mr. Rezaian's, in compliance of their right to a fair trial.

5. Please provide any details regarding the measures put in place to guarantee the physical and psychological integrity of Ms. Farghdani and Mr. Rezaian while in detention.

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 are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention.

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

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