

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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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 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; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/6, 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 Daemi**, a civil rights activist, who has been sentenced to 14 years in prison after an allegedly unfair trial, as well as the detention and sentencing to 3 years imprisonment after an allegedly unfair trial of Iranian journalist Mr. **Seraj Mirdamadi**.

The case of Ms. Atena Daemi:

According to information received:

On 21 October 2014, Ms. Atena Daemi, a civil rights activist was arrested by nine officers of the Revolutionary Guards, in connection with her peaceful activism against death penalty and human rights violations in Iran. Ms. Daemi has been held in Section 2A of Evin Prison since then. She was reportedly held in solitary

confinement for 58 days under degrading conditions, and without access to a lawyer. While in detention, she suffered extensive interrogations during which she was subjected to ill-treatment.

Ms. Daemi's trial was held in March 2015. Her case was reviewed at the same time as three other young individuals and the trial reportedly lasted no more than 15 minutes.

On 12 May 2015, Ms. Daemi was reportedly sentenced to 14 years in prison by Branch 28 of the Revolutionary Court of Tehran. She was allegedly convicted of "gathering and colluding against national security", "spreading propaganda against the system", and "insulting the founder of the Islamic Republic of Iran and the Supreme Leader". Ms. Daemi was sentenced based on her criticisms on social media of the high number of executions in Iran and other peaceful activities, such as expressing solidarity and meeting with families of political prisoners and participating in gatherings against the death penalty or in support of the children of Kobane.

While in prison, Ms. Daemi's has reportedly developed health problems, which require medical attention outside the prison, but the authorities have to this date refused to grant her medical leave to receive her specialized medical care.

The case of Mr. Seraj Mirdamadi:

According to the information received:

At some point in the summer of 2013, Mr. Seraj Mirdamadi, a journalist formerly living in Paris, was questioned at Tehran airport and his passport was confiscated. During the next few months, Mr. Mirdamadadi was allegedly interrogated multiple times by Ministry of Intelligence officers regarding his journalistic work abroad. On 8 January 2014, Branch 15 of the Tehran Revolutionary Court charged Mr. Mirdamadi with "propaganda against the state". His case was returned to the Prosecutor's Office located inside Evin Prison for further investigation.

On 10 May 2014, Mr. Mirdamadi was reportedly arrested and transferred to the Ward 2-Alef in Evin prison, where he was detained in solitary confinement for six months.

On 27 July 2014, Mr. Seraj Mirdamadi was sentenced to six years in prison on charges of "propaganda against the state" and "conspiracy against national security." Mr. Mirdamadi's lawyer was apparently not allowed to meet his client before the trial and was not allowed to speak in court. On 29 October 2014, the Appeal Court reduced Mr. Mirdamadi's sentence to three years in prison and a two-year travel ban.

Mr. Mirdamadi is reportedly 30 percent disabled due to injuries he received during the Iran-Iraq War. His health has reportedly deteriorated due to difficult conditions while in detention, but he was not able to receive adequate medical treatment for five months. On 28 May 2015, Mr. Mirdamadi finally underwent surgery.

In this context, without prejudging the accuracy of the information made available to us, we would like to bring to the attention of your Excellency's Government our main concerns about the detention, ill-treatment, including prolonged solitary confinement, conviction and sentencing after trials that failed to meet basic requirements of due process of Ms. Daemi and Mr. Mirdamadi in relation to their exercise of their rights to freedom of opinion, expression, association and assembly. Further concerns are also expressed at Ms. Daemia and Mr. Mirdamadi's degrading conditions of detention. Grave concern is also raised regarding the health conditions of Ms. Daemi and Mr. Mirardami and their urgent need of medical attention.

Without expressing at this stage an opinion on the facts of the case, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the rights of Ms. Daemi and Mr Mirdamadi 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 article 7 of the ICCPR, and recall paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement of the detained or imprisoned person, may amount to acts prohibited by article 7 of the ICCPR.

Regarding allegations of the deterioration of the health status of Ms. Daemi and Mr. Mirdamadi while in detention and the restricted access to adequate medical treatment, we would like to refer to article 12 of the International Covenant of Economic, Social and Cultural Rights, acceded by your country on 24 June 1975, which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. This includes an obligation on the part of all State Parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination. In addition, we would like to refer your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners, which state that sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and

pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners (Rule 22(2)).

We would also 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 details on the legal grounds for the arrest, conviction and subsequent sentencing of Ms. Atena Daemi and Mr. Seraj Mirardami and please indicate how these measures comply with international human rights law and standards, including the right to freedom of opinion and expression as enshrined in Article 19 of the ICCPR.
3. Please explain the reasoning behind the subjection of Ms. Daemi and Mr. Mirardami to solitary confinement, and how this is compatible with international human rights norms and standards.
4. Please provide information on each stage of the judicial proceedings against Ms. Daemi and Mr. Mirardami and indicate how they comply with the requirements and guarantees of fair trial and due process, as enshrined in particular in article 14 of the ICCPR.
5. Please provide any details on measures taken to guarantee the right to health, including physical integrity, and access to adequate and specialized medical attention and treatment of Ms. Daemi and Mr. Mirardami 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 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.

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freedom of opinion and expression

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