

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

REFERENCE: UA
IRN 1/2015:

16 January 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, 25/24, 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 Farghdani** a graphic arts student from Al Zahra University in Tehran who has been detained, after responding to a court summon.

According to information received:

On 10 January 2015, Ms. Atena Farghdani was summoned to branch 15 of the Revolutionary Court, where she was arrested and subsequently beaten in front of her parents. Upon Ms. Atena's protest, she was taken to a court room, where she was insulted and beaten again, this time allegedly in front of a court judge. She was then taken to Varamin jail, where she is currently being held. She has been accused of propaganda against the system, acts against national security and insulting Members of Parliament. These accusations stem from a drawing she created, which protest the banning of vasectomies and family planning.

Ms. Atena Farghdani was previously arrested on 23 August 2014 by agents of the Ministry of Intelligence. She was held in Evin Prison for two months. While in prison, Ms. Farghdani reportedly developed psychological and other health problems, which required medical attention outside the prison. She was reportedly temporarily released on health grounds, after posting bail.

Of the two months in detention, she reportedly spent 20 days in solitary confinement and was also subject to a harsh bodily search and mistreatment. She also allegedly engaged in a hunger strike to protest her prison conditions, lack of access to defense lawyer and contacts with family members.

Concern is expressed at the arrest and detention of Ms. Atena Farghdani. Further concerns are also expressed of the physical beatings which occurred inside the courtroom in the presence of authorities. 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 right to a fair trial while acknowledge the right to freedom of expression of all members of society.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether the detention of Ms. Farghdani is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of her liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR. In this connection, we would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, in particular principle 1 which stipulates the right of access to a lawyer. In regards to the alleged beating of Ms. Farghdani in the presence of a judge, we would like to draw attention to the Bangalore Principles of Judicial Conduct.

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 an international norm of jus cogens, and as codified, inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

Moreover, we would like to call the attention of your Excellency's Government to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the General Assembly, in which he observes that the use of prolonged solitary confinement, defined as any period of solitary confinement in excess of 15 days, may never constitute a legitimate instrument of the State and is running afoul the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Furthermore, due to the prisoner's lack of communication, as well as the

lack of witnesses inside the prison, solitary confinement may also give rise to other acts of torture or ill-treatment [and that] (A/66/268).

We would also like to refer your Excellency's Government to 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."

Furthermore, these allegations appear to contravene the prime responsibility and duty of the State to protect, promote and implement all human rights and fundamental freedoms 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, 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 person 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. Please provide information concerning the legal grounds for the arrest and detention of Ms. Atena Farghdani and also on why she was beaten in court while authorities were present?
3. Please explain the reasoning behind the subjection of Ms. Farghdani to solitary confinement, and how this is consistent with international legal standards.
3. Please provide information concerning the national legislation related to freedom of opinion and expression.
4. Please provide information concerning the legal grounds for the arrest and detention of Ms. Atena Farghdani and how these measures are compatible with the international norms and standards of the right to freedom of opinion and expression.

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.

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

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