

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers; 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

REFERENCE: UA
IRN 28/2016

27 October 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers; 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 25/18, 25/2, 26/7, 32/19 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 arbitrary conviction and sentence of Ms. **Golrokh Ebrahimi Iraee**, Mr. **Arash Sadeghi** and Ms. **Fatemeh (Atena) Daemi**, by the Iranian authorities.

Ms. Daemi was the subject of an urgent appeal sent by 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 on 24 June 2015. We acknowledge receipt of your Excellency's Government reply dated 16 March 2016.

According to the information received:

The case of Ms. Golrokh Ebrahimi Iraee and Mr. Arash Sadeghi

On 6 September 2014, Ms. Golrokh Ebrahimi Iraee and her husband and human rights activist, Mr. Arash Sadeghi, were arrested at his workplace in Tehran by men believed to be members of the Revolutionary Guard. Without showing an arrest warrant, the men took the couple to their house, where they searched their

possessions and seized personal items including laptops, notebooks, and CDs. It was during this incident that Ms. Golrokh's unpublished fictional story was discovered by the authorities. The story is about a young woman who watches the film *The Stoning of Soraya M* (which narrates the true experience of a young woman stoned to death for adultery), and becomes so enraged that she then burns a copy of the Quran.

The men then transferred Mr. Sadeghi to Tehran's Evin Prison. Ms. Golrokh was transferred to a secret detention place where she was kept for the night, and then transferred to a section of Evin Prison that is under the control of the Revolutionary Guard. For three of a total of twenty days of detention she was in solitary confinement. Throughout the detention she was denied access to her family or a lawyer and she was not presented to a court. She was subjected to emotional distress caused by hours of interrogations while blindfolded and facing a wall, repeatedly being told by interrogators that she could face execution for "insulting Islam". Her distress was worsened by the fact that she was able to hear her husband being threatened and verbally abused in the cell next to hers. Mr. Sadeghi has since said that he was tortured while in custody at the hands of interrogators that punched, kicked, slapped and choked him.

During their trials, both Mr. Sadeghi and Ms. Golrokh were denied legal representation. During the two brief hearings before a Revolutionary Court in Tehran, Ms. Golrokh's first lawyer was put under pressure to avoid the case, while her second lawyer was barred from reading her court case and representing her. Moreover, Ms. Golrokh was not given a chance to speak in her own defence, since the first hearing focused on her husband's activism and she could not be present for the second one as she was recovering from major surgery in hospital. Although she provided the court with her medical records, her request to adjourn the hearing was rejected.

Mr. Sadeghi is currently serving a 15-year prison sentence in Evin Prison for charges which include "spreading propaganda against the system", "gathering and colluding against national security" and "insulting the founder of the Islamic Republic". The evidence presented to support the charges against him consists of printed copies of his Facebook messages and emails to journalists and human rights activists abroad.

On 4 October 2016, Ms. Golrokh received a phone call from the Centre for the Implementation of Sentences, ordering her to present herself to Evin Prison to begin serving her 6 year prison sentence for "insulting Islamic sanctities" (a charge that carries a five year prison term) and "spreading propaganda against the system". On 24 October, Ms Golrokh was arrested and transferred to Evin Prison to serve her prison sentence, following a raid on her home.

The case of Ms. Fatemeh (Atena) Daemi

On 21 October 2014, Ms Fatemeh (Atena) Daemi was arrested by members of the Revolutionary Guard. She has been in detention in Evin Prison ever since, despite her lawyer's repeated requests for her release on bail. Her preliminary trial, which lasted less than half an hour, was held on 5 March 2015 at Branch 28 of the Revolutionary Court. Ms Daemi and her lawyer were not given a chance to present a defence and were not allowed to have a copy of the indictment. There is also evidence to suggest that her sentencing was influenced by the security forces, since the judge allegedly admitted so, and Ms. Daemi saw a letter from the Revolutionary Guard addressed to the Appeals Court asking for maximum punishment against her. She was initially sentenced to 14 years in prison.

On 7 March 2015, she was tried in a brief trial on charges of "assembly and collusion against national security", "propaganda against the state", "insulting the Supreme Leader and the sacred", and "concealing crime and evidence", and was consequently sentenced to seven years in prison. The evidence presented to support the charges was based on Facebook posts, jokes and songs on her mobile phone, and her participation in gatherings against the death penalty and in support of children of Kobane.

Ms. Daemi has since apologised, rejected all charges against her, and appealed the court's ruling.

We express serious concern at the arrest, detention and conviction of Ms. Golrokh, Mr. Sadeghi and Ms. Daemi, which appear to be directly related to their human rights work and the legitimate exercise of their right to freedom of expression. We express equal concern that the legal basis upon which their convictions and sentences are founded do not meet Iran's obligations under international human rights standards as they criminalize legitimate expression. The charges pressed and the sanctions imposed in these cases do not pursue objectives that are considered legitimate under international human rights law, nor do they conform to the strict test of necessity and proportionality. Moreover, we express concern at the lack of due process and fair trial guarantees, notably as a consequence of the serious restrictions placed to legal defense, including various obstacles and intimidations faced by the lawyers of the three individuals, as well as the alleged pressure exerted by security authorities on the courts adjudging the cases.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention with international law, in particular the right not to be deprived arbitrarily of liberty, to fair proceedings before an independent and impartial tribunal, and the right to freedom of expression, in accordance with articles 9, 14 and 19 of the International Covenant on Civil and Political

Rights (ICCPR), to which Iran is a State party, and articles 9,10 and 19 of the Universal Declaration of Human Rights (UDHR). We would like to remind your Excellency's Government that any limitation to the right to freedom of expression must meet the high standard established under Article 19(3) of the ICCPR. We also reiterate the statement by the Human Rights Committee in General Comment 34 that article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (CCPR/C/G/34).

Likewise, we would like to call your Excellency's Government attention to the duty of all States to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference established in the UN Basic Principles on the Role of Lawyers (Principle 16). In a similar vein, the UN Basic Principles on the Independence of the Judiciary establish that the judiciary shall decide matters before them impartially and without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from for any reason (Principle 2).

We would like to also underline the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted by the General Assembly in resolution 65/229, which complement the UN Standards Minimum Rules for the Treatment of Prisoners, providing guidance for specific characteristics and needs for women in prison, in particular Rule 13 which states that Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

With regard to the alleged connection between the apparent violations and the individuals' human rights work, we would 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, 8 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(s) 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 about how the charges in the cases of Ms. Golrokh Ebrahimi Iraee, Mr. Arash Sadeghi and Ms. Fatemeh Daemi meet the standards of international human rights law, in particular with respect to Article 19 of the ICCPR.
3. Please provide detailed information on the measures taken to provide to Ms. Golrokh Ebrahimi Iraee, Mr. Arash Sadeghi and Ms. Fatemeh Daemi, the guarantees of due process and fair trial, and effective access to a counsel of their choosing as established in international human rights law, and in particular articles 9 and 14, of the ICCPR.
4. Please provide information relative to the measures taken by your Excellency's Government to ensure the physical and psychological well-being of Ms. Golrokh Ebrahimi Iraee, Mr. Arash Sadeghi and Ms. Fatemeh Daemi while in detention.
5. Please indicate what measures your Excellency's Government has adopted or is planning to adopt in order to bring its Criminal Code into line with its obligations under international human rights law.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to halt the alleged violations and prevent their re-occurrence and in the event that investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for 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.

Michel Forst
Special Rapporteur on the situation of human rights defenders

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mónica Pinto
Special Rapporteur on the independence of judges and lawyers

Dubravka Šimonović
Special Rapporteur on violence against women, its causes and consequences

Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran