

Mandates of the Working Group on Enforced or Involuntary Disappearances; 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 rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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22 November 2016

Excellency,

We have the honour to address you in our capacity as Working Group on Enforced or Involuntary Disappearances; 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 rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 27/1, 25/2, 25/18, 24/5 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 continued harassment of a woman human rights defender, Ms. **Raheleh Rahemipor**.

Ms. Rahemipor is the sister of Mr. Hossein Rahemipor, whose case is under review by the Working Group on Enforced or Involuntary Disappearances. Ms. Rahemipour was the subject of a previous communication by Special Procedures mandate holders on 5 August 2016 (UA IRN 23/2016). Besides seeking justice in the case of her brother, she has endeavored to promote the rights of survivors and family members of individuals who have suffered human rights violations in Iran, including through her participation in peaceful assemblies.

According to the information received:

On 16 August 2016, and following several phone calls, Ms. Rahemipour received an official summon from Branch 2 of the Prosecution Office located at Tehran's Evin Prison requiring her attendance within five days, and indicating that otherwise she would be arrested.

On 20 August 2016, Ms. Rahemipour attended Branch 2 where she was first questioned by the Bazpors (investigating judge), and then interrogated for six hours by two agents, presumed to be from the Ministry of Intelligence. The interrogations reportedly continued again on 22 August 2016.

It is reported that during the interrogations, Ms. Rahemipour was specifically questioned about the complaint received by the Working Group. She was accused

of lying and also told that one of the alleged victims of enforced disappearances related to her, whose case is under review by the Working Group, had never existed. She was demanded to provide a proof of birth of the alleged victim. Ms. Rahemipour was threatened with a lengthy period in jail.

On 18 and 19 October 2016, Ms. Rahemipour was summoned again over the phone. It is reported that she first refused to comply, asking for a written official summon. However, facing threats of arrest, she eventually attended Branch 2 of the Prosecution Office, where she was told that an indictment had been issued against her and her file would be sent to the Revolutionary Court. She was later informed that her file was sent to Branch 15 of the court presided by Judge Salavati, a judge reputed to pass extremely harsh sentences against political activists.

Ms. Rahemipour's first hearing was reportedly held in Branch 15 on 2 November 2016. She was charged with a range of national security offences including "propaganda against the regime", "participation in unlawful assemblies", and "membership of Rah-e Kargar", which is reportedly the same opposition political party that one of her relative was accused of being part of in the past, and targeted for. Her new hearing date is scheduled for 13 December 2016.

We express concern at the continued judicial harassment of Ms. Rahemipour which appear to be directly related to the case of her brother. We express concern at the lack of evidence to justify the charges brought against her, as well at the use of national security to criminalize her legitimate exercise of the rights to freedom of expression and freedom of association.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer Article 13 (3) of the Declaration on the Protection of all Persons from Enforced Disappearance, which states that "Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal". Article 13 (5) of the Declaration also states that "Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished".

We would also like to recall that, in its resolution 7/12, the Human Rights Council urged Governments to take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. The protection of families of disappeared persons should be carried out regardless of the existence of criminal investigation.

In connection with the above alleged facts and concerns, we would also like to refer to articles 19 and 21 of the International Covenant on Civil and Political Rights

(ICCPR), ratified by Iran on 24 June 1975, which provide for the rights to freedom of expression and freedom of peaceful assembly. Paragraph 3 of article 19 sets out the requirement that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law. While national security is a legitimate basis for restricting the right to freedom of expression under article 19(3), it is not enough to simply claim it as a justification to pursue illegitimate purposes such as silencing critical voices. The state has to demonstrate that it is necessary to do so to achieve a legitimate objective. We highlight that restrictions sought to be justified on the grounds of national security is not legitimate unless its genuine purpose and demonstrable effect is to protect a country's existence or its territorial integrity against the use or threat of force, or its capacity to respond to the use or threat to force. Restrictions justified on the ground of national security are not legitimate if the genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from exposure of wrongdoing, to conceal information about the functioning of its public institutions, or to entrench a particular ideology.

We also wish to refer your Excellency's Government 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, 5, 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(s) in compliance with international instruments.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the evidence presented to justify the application of the charges brought against Ms. Rahemipour.
3. Please provide information about how the legal basis for the charges brought against Ms. Rahemipour is compatible with Iran's obligations under international human rights law, in particular with respect to article 19 and 21 of the ICCPR.
4. Please provide information on any measures taken to ensure the human rights of Ms. Rahemipour are protected.

5. Please provide information about measures taken or to be taken to bring the Iranian Criminal Code into line with international human rights law.
6. Please indicate what measures have been taken to ensure that human rights defenders in Iran are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment or prosecution of any sort.

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(s) responsible for the alleged violations.

We would also like to inform your Excellency's Government that we are reserving the right to publicly express our concerns in a press release as we are of the view that the information upon is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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.

Houria Es-Slami

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye

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

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