

**Mandates of the Special Rapporteur in the field of cultural rights; 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 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 in the field of cultural rights; 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 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, 28/9, 25/2, 24/6, 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 Mr. **Keywan Karimi**, a prominent Kurdish film maker who has been sentenced to one year imprisonment and 223 lashes, starting on 23 November 2016, for making a music clip and a documentary.

According to the information received:

On 14 December 2013, Mr. Karimi was arrested. He was released on bail after 12 days in solitary confinement during which he was accused of insulting authorities after a music clip and documentary were found on his hard drive, even though they had never been screened or shared online. The music clip, which had never been finalised or shown, was reportedly made for exiled Iranian singer Shahin Najafi and it is believed that the video, which the authorities had learned about from other sources, led to his arrest.

Mr. Karimi was accused of 'spreading propaganda against the system' in connection with his 2012 film *Neveshtan Rooy-e Shahr* (Writing on the City) which has never been shown in public, apart from a trailer on YouTube.

On 13 October 2015, after six trial sessions, he was sentenced by the Branch 28 of Tehran Revolutionary Court for 'insulting the holy sanctities', 'spreading propaganda against the system' and 'illegitimate relations'. The latest charge was

reportedly brought because he shook hands with a woman to whom he was not related.

Mr. Karimi's lawyer, highlighted irregularities in the trial, pointing out that at the final session, the judge was reading from a verdict, even though the verdict was supposed to be issued after the trial. This was corroborated by the date on the verdict when he received it, 22 June 2015, which pre-dated the final trial session on 22 September 2015. His lawyer also reported that Mr. Karimi was given the maximum sentence for both charges, although according to article 134 of Iran's Islamic Penal Code, an individual who faces multiple charges should not be sentenced to the heaviest penalty in more than one of the charges.

On 20 February 2016, Mr. Karimi was informed of the verdict of his appeal, held on 23 December 2015. The appeals court ruled to suspend five of the six years he had been sentenced to spend in prison, for a period of five years. Mr. Karimi has been summoned to begin serving his sentence on 23 November 2016. He is also expected to receive 223 lashes while in prison.

Concern is expressed that the arrest, detention and sentencing of Mr. Karimi may be solely related to the peaceful exercise of his right to freedom of artistic expression and creativity, resulting in undue restrictions on the right of all persons in Iran to enjoy and have access to the arts. We express equal concern at the criminalization of the legitimate exercise of artistic expression through charges and legislation that are not compatible with international human rights law. Concern is also expressed at the serious due process and fair trial violations, including prolonged solitary confinement that Mr. Karimi has been subjected to. Further concern is expressed about the growing number of reports concerning similar cases that are being communicated to us and that seem to point towards a harder line of repression toward artists and professionals from the field of culture in Iran.

Without making any judgement 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 and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), which Iran ratified on 24 June 1975.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR, 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.” We would like to reiterate that any limitation to the right to freedom of expression must meet the high threshold established in article 19 (3) of the ICCPR, that is, be provided by law and be necessary in order to pursue a legitimate objective under the provision. Laws must be sufficiently clear in order not to give unfettered discretion to those charged with their execution. Criminal provisions such as “insult to religious figures”, “illegitimate relations” and “propaganda against the system” do not meet the high threshold of article 19(3) for permissible restrictions to the right to freedom of expression. We would moreover like to refer to the principle enunciated in Human Rights Council Resolution 12/16 which calls on states to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate and expression of opinion and dissent.

Furthermore, we would like to refer your Excellency’s Government to article 15 of International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by your country in 1975, recognizing the right of everyone to take part in cultural life. Under this provision, States Parties have also undertaken to respect the freedom indispensable for creative activity. The Special Rapporteur in the field of cultural rights stresses that all persons enjoy the right to freedom of artistic expression and creativity, which includes the right of all persons to freely experience and contribute to artistic expressions and creations, through individual or joint practice, to have access to and enjoy the arts, and to disseminate their expressions and creations. In particular, decision makers, including judges, when resorting to possible limitations to artistic freedoms, should take into consideration the nature of artistic creativity (as opposed to its value or merit), as well as the right of artists to dissent, to use political, religious and economic symbols as a counter-discourse to dominant powers, and to express their own belief and world vision. (A/HRC/23/34, paras. 85 and 89 d)

We would like to remind the Government of Iran of the absolute and non-derogable prohibition of torture and cruel, inhumane or degrading treatment or punishment, as codified, inter alia, in the ICCPR and, in Human Rights Council Resolution 25/13 and in paragraph 1 of General Assembly Resolution 68/156. In particular, we would like to draw the attention of your Excellency’s Government to Rule 43 (d) of the reviewed Standard Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”) which strictly prohibits the use of corporal punishment. Furthermore, we would also like to recall your Excellency’s Government’s attention to the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the General Assembly of 5 August 2011 (A/66/268), in which it is observed that, while solitary confinement for short periods of time may be justified under certain circumstances, with adequate and effective safeguards in place, the use of prolonged or indefinite solitary confinement may never constitute a legitimate instrument of the State.

In addition, we would like to refer to the UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1982), which stipulates that it is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 in compliance with international instruments.

As it is our responsibility, under our mandate 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 of any measures taken to ensure the physical and psychological integrity of Mr. Karimi. In addition, please provide information on allegations he was subjected to 12 days of solitary confinement upon arrest.
3. Please provide the details of the proceedings against Mr. Karimi and the legal basis upon which he was sentenced, and explain how these are compatible with the international norms and standards on the right to freedom of opinion and expression, the right to take part in cultural life and the freedom indispensable for creative activities.
4. Please provide information of any measures taken to ensure the due process and fair trial rights of Mr. Karimi;
5. Please provide information concerning the national legislation related to freedom of opinion and expression, including in the form of arts, and how these are in conformity with the international norms and standards mentioned above.
6. Please provide information about measures taken to repeal the use of lashes as punishment.

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.

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Special Rapporteur in the field of cultural rights

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