

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 33/30, 26/12, 25/2, 31/16 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 **death sentence issued by Tehran Revolutionary Court against Ms. Marjan Davari**, a 50-year-old researcher and translator.

According to the information received:

On 24 September 2015, Ms. Marjan Davari was arrested at her parental house in Mehrsahr, Karaj. Accused of being a member of "Eckankar religious group" for having translated books of this group, she was taken to the Ministry of Intelligence's ward 209 in Evin Prison where she was held in solitary confinement for three months while being interrogated without having access to a lawyer. On 3 January 2016, after investigations ended, Ms. Davari was transferred to the women's ward of Evin Prison.

On 17, 18 and 19 October and 12 December 2016, Ms. Davari appeared before Branch 15 of the Tehran Revolutionary Court under the charges of "spreading corruption on earth", "illegitimate relations" and "assembly and collusion against the state". In late January 2017, she was sentenced to death by the same Court on charge of "spreading corruption on earth" and transferred from Evin to Shahre-Ray Prison in February.

Without making any judgment as to the accuracy of the information made available to us, we express grave concern that Ms. Marjan Davari appears to have been sentenced to death for having worked as a translator for the Eckankar religious group, an activity that does not constitute an offence which meets the criteria of most serious crime. We also express grave concern that the death sentence was imposed following judicial

proceedings that do not appear to have fulfilled the most stringent guarantees of fair trial and due process, in particular in relation to the lack of access to a lawyer and the trial by a revolutionary court.

The above allegations appear to be in contravention of the rights of every individual to life, liberty and security, and not to be arbitrarily deprived of life, as well as the right to fair proceedings before an independent and impartial tribunal and to an effective defense as guaranteed by articles 3, 10 and 11 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights (ICCPR), which the Islamic Republic of Iran ratified on 24 June 1975.

We would like to bring to the attention of your Excellency's Government that, although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) ICCPR provides that countries which have not abolished it may only impose it for the most serious crimes.

Moreover, the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty (ECOSOC resolution 1984/50) provides that capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages of the proceedings (safeguard 5), and that "capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts" (safeguard 4). Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

With respect to the charge of "spreading corruption on earth", we underline that this is a vaguely worded, lacks clarity and precision for restricting expression, and therefore represents a criminalization of expression in violation with Iran's obligations under article 19 of the ICCPR. In this connection, we reiterate 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 expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Furthermore, Ms. Davari's detention for her alleged membership in a religious group contravenes article 18 of the ICCPR, which protects the right to freedom of thought, conscience and religion or belief that includes the freedom to have or adopt a belief of one's choice. Besides, Human Rights Committee General Comment No. 22 stresses that the practice [...] of religion or belief includes acts integral to the conduct by

religious groups of their basic affairs, [...] and the freedom to prepare and distribute religious texts or publications. (CCPR/C/21/Rev.1/Add.4, para. 4) "

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure protection of the rights to freedom of religion or belief and freedom of expression, as recognized in articles 18 and 19 of the UDHR and ICCPR.

We would like to call the attention of your Excellency's Government to the evidence of an evolving standard within international bodies and a robust State practice to frame the debate about the legality of the death penalty within the context of the fundamental concepts of human dignity and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (A/67/279).

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 Ms. Davari 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 on how the translation of books and the membership in a religious group may amount to "spreading corruption on earth", and how this legal basis for sentencing of Ms. Davari complies with Iran's obligations under international human rights law.
3. Please explain how Ms. Davari's trial by a revolutionary court complies with Iran's obligations under international human rights law.
4. Please provide details of how the prosecution, imprisonment and sentencing of Ms. Davari are in compliance with international human rights law, norms, and standards as stated, inter alia, in the UDHR and ICCPR, in particular with the rights to life, freedom of religion and belief, and freedom of expression.
5. Please provide information relative to the measures taken by your Excellency's Government to ensure the physical and psychological well-being of Ms. Davari 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 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 to the present communication will be reflected in the mission report it will present at the next session of the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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