

Mandates of 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 torture and other cruel, inhuman or degrading treatment or punishment; 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 3/2018

31 January 2018

Excellency,

We have the honour to address you in our capacity as 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 torture and other cruel, inhuman or degrading treatment or punishment; 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 34/18, 34/5, 34/19, 32/19 and 34/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the treatment of Ms. **Golrokh Ebrahimi Iraee** and Ms. **Fatemeh (Atena) Daemi** by the Iranian authorities.

Ms. Fatemeh (Atena) Daemi was the subject of three previous urgent appeals, sent by several Special Procedure mandate holders on 24 June 2015 (see case IRN 9/2015, report A/HRC/31/79); 27 October 2016 (see case IRN 28/2016, report A/HRC/34/75); and 9 May 2017 (see case IRN 17/2017). The first urgent appeal was 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. The second communication was sent by the 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. The third communication was sent by 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 violence against women, its causes and consequences; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. We

acknowledge receipt of your Excellency's Government reply to our first urgent appeal dated 16 March 2016, the second communication dated 28 December 2016 addressing the situation of Ms. Golrokh Ebrahimi Iraee's spouse, Mr. Arash Sadeghi, and the third communication dated 12 October 2017.

In the previous correspondences, concern was expressed at the arrest, detention and conviction of Ms. Fatemeh (Atena) Daemi, which appeared to be directly related to her human rights work and the legitimate exercise of her right to freedom of expression. Concern was also expressed at the lack of due process and fair trial guarantees, notably as a consequence of the serious restrictions placed to her legal defence, including various obstacles and intimidations faced by her lawyers, as well as the alleged pressure exerted by security authorities on the courts adjudging her case. Most recently we expressed concern at the arrest, charges, and conviction of Ms. Fatemeh (Atena) Daemi, as well as her sisters Ms. Hanieh Daemi and Ms. Ensieh Daemi, which appeared to be in reprisal to the complaint submitted by Ms. Fatemeh (Atena) Daemi in relation to the reported violence against her and her family during her arrest. In your Excellency's Government reply dated 12 October 2017, we note the information conveyed that the conviction of Ms. Fatemeh (Atena) Daemi had been commuted to five years imprisonment and that her sisters had been released.

Ms. Golrokh Ebrahimi Iraee was the subject of two previous urgent appeals sent by Special Procedures mandate holders on 27 October 2016 (IRN 28/2016) and 23 March 2017 (IRN 9/2017), and a press release issued on 9 January 2017. The first urgent appeal was sent by 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. The second urgent appeal was sent by 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 and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. We acknowledge receipt of your Excellency's Government reply to our first urgent appeal dated 28 December 2016 addressing the situation of Ms. Golrokh Ebrahimi Iraee's spouse, Mr. Arash Sadegh only, and the reply to the second communication dated 10 July 2017.

In the previous correspondences, concern was expressed that the arrest and detention of Ms. Golrokh Ebrahimi Iraee was based on oppressive legislation criminalizing the legitimate exercise of the right to freedom of expression and thus rest on legal basis that are incompatible with Iran's obligations under international human rights law. In your Excellency's Government reply dated 12 October 2017, we note the information conveyed on the charges and terms of imprisonment, and regret that no information was provided on how the charges met the standards of international human

rights law, and on the measures taken to provide them with the guarantees of due process and fair trial, and effective access to a counsel of their choosing as established in international human rights law.

According to new information received:

On 24 January 2018, Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi were summoned from their cell to ward 2A of Evin prison to be interrogated. They were not provided a reason for the request. In the interrogation room they were requested to separate and refused to do so. After some time, the female guards left the interrogation room, and Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi were severely beaten by male guards. They were then forced to separate and transferred to ward 3 (Quarantine Section) of Garchak womens' prison in Varamin by armed guards. They were not provided with access to a lawyer at any point, and their lawyers were not informed of their transfer. They were also not allowed to take any personal belongings with them.

Without making any judgment as to the accuracy of the information made available to us, we would like to reiterate our concern at the arrest, charges and convictions of Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi. We would also like to express our deep concern at the reports received that they were severely beaten after refusing to separate, and urge the authorities to guarantee their physical and psychological integrity, so as to ensure that they are protected against any form of abuse that may amount to torture or other cruel, inhumane, degrading treatment or punishment.

Such reports appear to be in contravention with the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, in accordance with article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, and article 5 of the Universal Declaration of Human Rights (UDHR).

We appeal to your Excellency's Government to take all necessary measures to guarantee to the above-mentioned persons the right to be free from any gender-based violence, discrimination and abuse. Towards that end, we would like to draw your Excellency's attention to the Declaration on the Elimination of Violence against Women, which was adopted by the United Nations General Assembly and states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia, (a) the right to equality; (b) the right to liberty and security of person; and (c) the right to equal protection under the law.

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 United Nations Standards Minimum Rules for the Treatment of Prisoners (reviewed on 5 November 2015 and renamed the “Mandela Rules”), 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.

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 persons 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 indicate what measures have been taken to guarantee the physical and psychological integrity of Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi, so as to ensure that they are protected against any form of abuse that may amount to torture or other cruel, inhumane, degrading treatment or punishment
3. Please provide the details, and where available the results, of any investigation, medical examination, and judicial or other inquiries carried out into the allegations that Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi were subjected to ill-treatment. If no inquiries have taken place, or if they have been inconclusive, please explain why, and how this is consistent with obligations of the State under the human rights conventions it has ratified.
4. In the event that the allegations of ill-treatment and torture have been confirmed, and the perpetrators identified, including those with direct and supervisory responsibility, please provide the full details of any prosecution which may have been undertaken. Have penal, disciplinary or administrative sanctions been imposed to the alleged perpetrators?

5. Please provide information on the reason why Ms. Golrokh Ebrahimi Iraee and Ms. Fatemeh (Atena) Daemi are alleged to have been interrogated without the presence of his lawyer.

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.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. 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.

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
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