

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 rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
UA IRN 9/2018

16 May 2018

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 rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 36/6, 34/18, 32/32 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the continuous judicial harassment of Ms. **Raheleh Rahemipor**, in reprisal to her legitimate exercise of the right to freedom of expression, freedom of peaceful assembly, and against her efforts to seeking the truth about the fate and whereabouts of her brother and his infant daughter.

Ms. Raheleh Rahemipor is a 65 years-old human rights defender and relative of Mr. Hossein Rahemipor and his infant daughter, whose disappearances have been registered with the Working Group on Enforced or Involuntary Disappearances (WGEID) since June 2016. In February 2017, she was sentenced by the Branch 15 of the Revolutionary Court in Tehran to a year in prison "for spreading propaganda against the system". In September 2017, she was arrested while her first case was still pending in the court of appeal. During the interrogation, she was allegedly pressured to withdraw the complaints that stands before the WGEID as a mean to stop the prosecution against her, which she refused. She was released on bail after being held in detention for one month.

The same concerns were raised in previous communications sent by Special Procedures mandate holders on 5 August 2016 (UA IRN 23/2016), on 22 November 2016 (UA IRN 29/2016), on 26 January 2017 (UA IRN 3/2017) and on 18 September 2017 (UA IRN 27/2017). We thank you for the response received on 27 October 2017 to the former but to our knowledge, the judicial harassment against Ms. Raheleh Rahemipor in retaliation for her effort to clarify the fate of her brother and his daughter, has continued and our concern remain.

The case of Ms. Raheleh Rahemipor has been raised as a case of alleged reprisal for cooperation with the United Nations (A/HRC/36/31). Recently, a reference has been included in the last report of the Secretary-General on the situation of human rights in Iran (A/HRC/37/24, para.47).

According to the information received:

On 5 May 2018, Ms. Rahemipor was tried by the Branch 28 of Tehran Revolutionary Court on the same charge as in February 2017, of “spreading propaganda against the system” for informing the Working Group about the cases of her relatives and for participating in peaceful protests with other activists, where she held a poster reading “You killed my brother. What did you do with his child?”

During the court session, the judge humiliated and verbally abused her for having communicated with organizations outside Iran including UN bodies. The judge said that the authorities made a mistake by releasing her on bail in the first case against her, and that she should have been kept in prison. While she is awaiting the outcome of this new trial, her other case in the appeal court is still pending.

We reiterate, once again, our serious concern at the continuous judicial harassment of Ms. Rahemipor in direct retaliation to her effort to clarify the fate of her brother and his infant daughter. These constitute legitimate activities in defence of human rights in Iran, as she is peacefully exercising her rights to freedom of expression, assembly as well as her right to truth and justice regarding the case of the disappearances of her relatives. We are particularly concerned that the charges against her seem to be in reprisal for her reporting of their disappearance with UN institution. We also reiterate our concerns that the charges against her do not seem to be based on evidence and that the national security grounds used to prosecute her appear to be used to criminalize her legitimate exercise of the rights to freedom of expression and freedom of peaceful assembly.

While we do not wish to prejudge the accuracy of these allegations, the harassment and judicial prosecution of Ms. Rahemipor appear contravene her right to complain to seek clarification of the fate of her disappeared relatives, and not to be retaliated against for doing so, under Article 13 (3) and Article 13 (5) of the Declaration on the Protection of all Persons from Enforced Disappearance. They also appear to contravene the legitimate and peaceful exercise her right to freedom of expression, association and fair trial under articles 14, 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975. Further, they would be contrary to resolution 7/12 of the Human Rights Council and 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, 9 and 12.]

With regard to the allegation that the prosecution of Ms. Rahemipor stems from her cooperation with the Working Group on Enforced or Involuntary Disappearances (WGEID), we would like to recall Human Rights Council resolutions 12/2 and 24/24,

which condemn all acts of intimidation or reprisal by Governments and non-State actors against individuals who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights and call on States to ensure adequate protection from such acts.

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, provide in its articles 1 and 2, that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, article 6 provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, as well as for the right to freely publish, impart or disseminate that information and knowledge.

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 of Ms. Rahemipor, 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 the charges levelled against Ms. Rahemipor and the evidence they are based upon, and how her prosecution is compatible with Iran's international human rights obligations under the conventions it has ratified
3. Please provide information on any measures taken to ensure that persons seeking to clarify the fate and whereabouts of their disappeared relatives or of other persons, are not only protected under the law, but are supported in their efforts as part of the due diligence duty of the State to protect its citizens' rights.
4. Please indicate what measures have been taken to ensure that human rights defenders in Iran are able to carry out their legitimate work, including through the peaceful exercise of their right to freedom of expression and

assembly, in a safe and enabling environment, without fear of threats or acts of intimidation, harassment or violence.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations, 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 are considering to publicly express our concerns in the near future as, in our view, the information upon which our concerns are based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the human rights implications of these allegations. Any public statement on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s 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.

Bernard Duhaime
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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders