

Mandates of 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; the Special Rapporteur on the independence of judges and lawyers; 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 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 independence of judges and lawyers; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 33/30, 34/18, 34/5, 35/11 and 37/30.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the reported arrest and arbitrary detention of human rights defender Mr. **Farhad Meysami** by the Iranian authorities.

Mr. Farhad Meysami is a physician and human rights defender, who has advocated for the rights of women who want the hijab to be a choice instead of being compulsory.

According to the information received:

On 31 July 2018, Mr. Meysami was arrested by the representatives of the Intelligence Ministry, following his public advocacy for the right of women to choose to wear the hijab, and following his alleged ownership of badges which have statements supporting such rights printed on them stating "I am protesting against the forced veil" and "I do not agree with the compulsory veil". Mr. Meysami has been held in Ward 209 of Evin Prison since his arrest, and was interrogated without access to legal counsel of his choosing. He was later charged with "collusion and conspiracy to threaten national security", "disseminating propaganda against the establishment", and "insulting the hijab, an essential sacrament of Islam".

Mr. Meysami began a hunger strike on 1 August 2018 in protest at the charges brought against him and the authorities' refusal to allow him to be represented by legal counsel of his choosing. On 8 September he limited his intake of liquids.

On 18 September, Mr. Meysami refused to be transferred to hospital outside of Evin Prison unless he was allowed to go without being shackled. In the course of

his hunger strike, he has lost significant weight and his blood pressure has dropped. As at the time of writing he has yet to be afforded access to legal counsel of his choosing.

We express serious concern at the reported arrest and detention of Mr. Meysami which appear to be directly related to his advocacy on the protection and promotion of human rights and gender equality and the legitimate exercise of his right to freedom of expression. We also express deep concern about the physical and psychological integrity of Mr. Meysami whilst in prison. We express concern at the use of repressive legislation to criminalize the exercise of freedom of expression in ways that are incompatible with Iran's obligations under international human rights law. Moreover, we express concern at the apparent lack of due process guarantees, notably as a consequence of the authorities' refusal to allow Mr. Meysami to call upon the assistance of a lawyer of his choice to protect and establish his rights and to defend them in all stages of criminal proceedings.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of provisions of international law, in particular to freedom from torture and cruel, inhuman or degrading treatment and the rights not to be deprived arbitrarily of liberty, to fair proceedings before an independent and impartial tribunal, to freedom of opinion and expression, and to non-discrimination, in accordance with articles 7, 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a State party, and articles 2, 5, 9, 10 and 19 of the Universal Declaration of Human Rights (UDHR). We would like to remind your Excellency's Government that any limitation to the right to freedom of expression must meet the high standard established under Article 19(3) of the ICCPR. The charges of "Disseminating propaganda against the establishment"; and "insulting the hijab, and essential sacrament of Islam" do not meet the high threshold of article 19(3) of the ICCPR, as they are not considered "legitimate objectives" for the purpose of restricting expression. Moreover, the charge of "collusion and conspiracy to threaten national security" is overbroad, vague and provides the authorities with overbroad discretion and thus falls short of fulfilling the "provided by law" requirement under article 19(3). As such, none of the charges brought against Mr. Meysami are compatible with international human rights law, and are therefore unlawful.

We also reiterate the statement by the Human Rights Committee in General Comment No. 34 that article 19(3) may never be invoked as a justification for the muffling of any advocacy of human rights (CCPR/C/G/34).

Likewise, we would like to call your Excellency's Government attention to the duty of all States to ensure that all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights, and to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference established in the UN Basic Principles on the Role of Lawyers (Principles 1 and 16).

With regard to the alleged connection between the apparent violations and the individuals' human rights work, we would like to refer 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, 6, 8 and 12.

The Special Rapporteur in the field of cultural rights has previously raised her concerns about the imposition of restrictive garments on women and its impact on their right to take part in cultural life without discrimination and on other human rights. (A/72/155) "Through the imposition of "modest" dress codes, fundamentalist groups promote the idea that women are limited to a stereotypical, subordinated position in society and limited in their bodily autonomy, cultural choices and ability to do such things as ride bicycles or play sports" and "promote a culture of shame about women's bodies." (para 73) She has also expressed concern in particular about the arrest, reprimanding and prosecution of Iranian women for not wearing the hijab (para. 76). Human rights defenders acting to challenge such restrictions are acting in defence of universally guaranteed human rights and should not face retribution for doing so.

We would also like to recall that the best way to try to end a hunger strike is to address the underlying human rights violations that are the basis of the protest. Authorities have a duty to look for solutions to extreme situations created by a hunger strike, including through good faith dialogue about the grievances, and always respecting the wishes of those who use this form of protest.

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 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 how the charges against Mr. Meysami, are compatible with international human rights law, in particular with article 19 of the ICCPR. Please also provide information about the evidence used to substantiate the charges.

3. Please provide detailed information on the measures taken to provide to Mr. Meysami, the guarantees of due process and fair trial, and effective access to a counsel of their choosing as established in international human rights law, and in particular articles 9 and 14 of the ICCPR.
4. Please provide information on the conditions of Mr. Meysami's detention and the state of his physical and psychological well-being.
5. Please provide information about measures taken to repeal the compulsory veil legislation.
6. Please indicate what measures your Excellency's Government has adopted or is planning to adopt in order to ensure that human rights defenders, including women human rights defenders and those advocating for gender equality are able to carry out their legitimate human rights work free of repression or threat.

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 would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

We may 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 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.

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

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

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