

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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 the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on violence against women, its causes and consequences**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; 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 the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 33/30, 36/6, 35/15, 34/18, 34/5, 37/30, 34/19 and 32/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. **Esmail Bakhshi** and Ms. **Sepideh Gholian**, who were reportedly arrested in Khuzestan Province on 20 January 2019. The current location of Mr. Bakhshi and Ms. Gholian is not certain.

According to the information received:

*Esmail Bakhshi*

Mr. Esmail Bakhshi is a labour rights defender and representative of the Haft Tappeh sugarcane company workers in Shush, Khuzestan Province.

On 18 November 2018, Mr. Bakhshi was arrested by the authorities after participating in a peaceful demonstration outside the Governor's office in Shush, Khuzestan Province. The demonstrators were protesting against the unpaid wages of Haft Tappeh workers and sought a meeting with officials to discuss the issue. Mr. Bakhshi was reportedly charged with "disturbing public order" and "assembly and collusion against national security." Mr. Bakhshi, Ms. Gholian and at least one other demonstrator were put into a vehicle and first transferred to the Security Police Station in Shush. At the station, Mr. Bakhshi reportedly intervened when he saw officials aggressively handle Ms. Gholian. Officials reportedly severely

assaulted Mr. Bakhshi with punches and batons in retaliation for his attempted intervention. Mr. Bakhshi and the other detainees were then transferred to the Intelligence Ministry Office in Ahvaz. During the two-hour transfer, it is reported that security police and Intelligence Ministry agents targeted Mr. Bakhshi for verbal abuse and physical assault, including continuous punches, kicks and with batons. At one point Mr. Bakhshi appeared to lose consciousness, but the officials resumed assaulting him when he started to make noises. Mr. Bakhshi remained detained at the Intelligence Ministry Office in Ahvaz until 12 December 2018 when he was released on bail.

On 29 November 2018, it was reported that Mr. Bakhshi was taken to hospital due to ill-treatment by officials. He also reportedly did not have access to a lawyer until after his release on bail.

On 4 January 2019, Mr. Bakhshi reportedly posted on Instagram an account of his treatment by the authorities during his detention. He stated that officials tortured him for so long he “thought he was going to die” and that beatings from officials’ “fists and kicks” left him unable to move or to sleep due to pain. It is also reported he was slammed against a wall, shoved to the ground and humiliated and subjected to “sexual profanities.” Mr. Bakhshi reportedly stated that he still felt pain in his “broken ribs, kidneys, left ear and testicles” due to the ill-treatment he suffered.

Following Mr. Bakhshi’s public statements, investigations were ordered by the authorities regarding the torture allegations. On 8 January 2019, President Rouhani reportedly ordered an investigation into Mr. Bakhshi’s claims. That same day, following an order from the head of the judiciary, officials from the Prosecutor General’s Office were ordered to go to Khuzestan Province to investigate the claims. Around this time, Speaker Ali Larijani also agreed to an investigation by the National Security and Foreign Policy Committee of the Iranian Parliament.

On 8 January 2019, after a meeting between the Intelligence Minister and lawmakers, the chair of the National Security and Foreign Policy Committee dismissed Mr. Bakhshi’s claims of torture. The chair also stated that Mr. Bakhshi “confessed” to affiliation with Communist groups after the Committee reportedly saw a video recording of his confession during detention.

On 9 January 2019, a spokesperson for President Rouhani stated that an investigation into Mr. Bakhshi’s claims had been completed and that the investigation found the allegations to be unfounded. The spokesperson reportedly alleged that Mr. Bakhshi had made up the claims for political reasons.

The same day, Mr. Bakhshi's lawyer reportedly stated that the authorities threatened Mr. Bakhshi that they would broadcast on state television his "confessions" if he did not withdraw his torture allegations.

On 14 January 2019, Prosecutor General Mohammad Jafar Montazeri announced that after a two-day investigation, a report had found that Mr. Bakhshi's torture claims were false and he was accused of making the claims for political reasons. However, it is reported that the three investigations did not interview relevant witnesses, including Mr. Bakhshi himself, and lacked independence. Mr. Bakhshi's lawyer reportedly stated that Mr. Bakhshi was interviewed by lawmakers regarding his torture claims on 11 January 2019, but not by the official fact-finding committee.

On 19 January 2019, state television broadcasted alleged "confessions" by Mr. Bakhshi, in which Mr. Bakhshi supposedly "confessed" to colluding with Marxist and Communist groups outside of Iran in an attempt to overthrow the Iranian Government through workers' strikes and demonstrations. These "confessions" were reportedly extracted by torture during Mr. Bakhshi's detention.

During the evening of 20 January 2019, it is reported that Mr. Bakhshi was again arrested in Dezful, Khuzestan Province at the request of the Prosecutor's Office in Shush. The authorities reportedly used excessive force during the arrest. The Prosecutor's Office in Dezful announced that Mr. Bakhshi had been sent to the Prosecutor's Office in Shush, but the location in which he is now detained is not certain.

### *Sepideh Gholian*

Ms. Gholian is a journalist and labour rights defender. On 18 November 2018, Ms. Gholian was arrested due to her participation in the same peaceful demonstration outside the Governor's office in Shush, Khuzestan Province concerning unpaid Haft Tappeh workers. The protesting workers and their representatives requested her presence in order to document the demonstration. Her charges are unknown. After her arrest, Ms. Gholian was first transferred to the Security Police Station in Shush where she was reportedly assaulted by the officials on her arrival. After initial questioning, Ms. Gholian was transferred to the Intelligence Ministry Office in Ahvaz, alongside Mr. Bakhshi and one other person. Ms. Gholian was reportedly detained in the Intelligence Ministry Office until 18 December 2018.

During her detention, Ms. Gholian was reportedly interrogated daily from 10 a.m. until the early hours of the following morning. In these interrogation sessions, Ms. Gholian was reportedly hit with a thick extension cord by intelligence

officials. Furthermore, interrogators reportedly interrogated her about her sexual relationships and subjected her to sexual insults. Officials also reportedly threatened to have her family kill her in the name of so-called honour and to allow male prisoners to sexually assault her. As a result of the psychological and physical duress from officials, Ms. Gholian was reportedly forced to confess to “non-Islamic” relationships and to connections with groups that aim to overthrow the government.

On 9 January 2019, Ms. Gholian reportedly released on Twitter details regarding the torture and ill-treatment she and Mr. Bakhshi suffered during their detention. This included witnessing the severe beating Mr. Bakhshi suffered by officials at the time of his arrest. She stated she is willing to testify to the torture she and Mr. Bakhshi suffered in a fair trial. Ms. Gholian reportedly stated that the day before her release, an official threatened that her confessions would be broadcast on television if she raised her ill-treatment publicly.

On 14 January 2019, it is reported that a witness detained at the same time as Ms. Gholian publicly stated that she would testify to the fact that Ms. Gholian faced severe pressure during her interrogations.

On 19 January 2019, state television broadcasted alleged “confessions” by Ms. Gholian, in which Ms. Gholian supposedly “confesses” to colluding with Marxist and Communist groups outside of Iran in an attempt to overthrow the Iranian Government through workers’ strikes and demonstrations.

On 20 January 2019 at 7 a.m., Ms. Gholian was reportedly again arrested at her family home. Twelve male officers and two female officers reportedly entered the home by force and did not show an arrest warrant. During the arrest, the officers reportedly broke the teeth of Ms. Gholian’s brother and beat her parents. The officials also reportedly threatened to kill Ms. Gholian. It is reported that Ms. Gholian had a brief telephone call with her parents after her arrest, during which she said she is being held at the Intelligence Ministry Office in Ahvaz. Nevertheless, no official confirmation has been received and the location in which she is now detained is not certain.

On 21 January 2019, a media outlet reportedly published a video by Ms. Gholian that she recorded a few hours before her second arrest. In the video, Ms. Gholian reportedly details the ill-treatment she suffered during her first detention and that she fears being sexually assaulted if detained again.

Prior to the release of Ms. Gholian’s video, an audio file was released of an alleged conversation between Ms. Gholian and a security official. Ms. Gholian reportedly states in the recording that if her forced confessions are broadcast, she will commit suicide.

We express serious concern at the reported arrests, detention, death threats, gender-based violence, disappearance and torture of Mr. Bakhshi and Ms. Gholian, which appear to be directly related to the exercise of their right to freedom of thought and opinion and the exercise of their rights to freedom of expression, assembly and association. In particular, we express our concern that the arrest, detention and charges against Mr. Bakhshi and Ms. Gholian are based on legal grounds that criminalize the legitimate exercise of the right to freedom of expression and are therefore in clear violation of international human rights law. We also express deep concern about the physical and psychological integrity of Mr. Bakhshi and Ms. Gholian whilst detained, as well as deep concern that their whereabouts is currently uncertain and that their lives may be at risk in detention. Moreover, we express concern at the apparent lack of due process guarantees, notably the apparent lack of an independent investigation into Mr. Bakhshi and Ms. Gholian's claims of torture, as well as the reported broadcasting of forced confessions on national television before a trial has taken place.

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 the right to life, to not to be deprived arbitrarily of liberty, to fair proceedings before an independent and impartial tribunal, to freedom of expression, to freedom from torture and cruel, inhuman or degrading treatment and to non-discrimination in accordance with articles 6, 7, 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975. We reiterate that arrests and detention related to the peaceful exercise of freedom of expression do not fulfill the conditions for permissible restrictions to that right under Article 19(3) of the ICCPR. Such actions are not in pursuit of a legitimate objective, they are overbroad and they fail to comply with the requirement of necessity and proportionality.

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as mirrored, *inter alia*, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156. In this context, we would also like to draw the attention of your Excellency's Government to Article 7 of the International Covenant on Civil and Political Rights, which provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

We would also like to refer your Excellency's Government to article 10(2) of the United Nations Declaration on the Protection of All Persons from Enforced Disappearances according to which any person deprived of liberty shall be held in an officially recognised place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall

be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned. We further recall that the Declaration establishes that no State shall practice, permit or tolerate enforced disappearances and recall that prompt and effective investigations should be carried out in order to clarify the fate or whereabouts of Mr. Bakhshi and Ms. Gholian and to ensure that their rights are protected (article 2(1)).

We would like to draw your Excellency's Government's attention to Article 4 of the United Nations Declaration on the Elimination of Violence against Women, which stipulates that States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. It further recommends to refrain from engaging in violence against women and to punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

We would further like to highlight that when the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights including their right to life.

We would also 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 and 12.

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 of the above-mentioned person(s) 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 on the current whereabouts of Mr. Bakhshi and Ms. Gholian.

3. Please provide information on the legal and other grounds invoked for the arrest and detention of Mr. Bakhshi and Ms. Gholian and explain how these are compatible with international law.
4. Please provide details of how the arrest and detention of Mr. Bakhshi and Ms. Gholian are in compliance with Iran's obligations under ICCPR, in particular with the rights to liberty, freedom from torture and cruel, inhuman and degrading treatment, and freedom of expression.
5. Please provide the details and, where available, the results of any investigation, medical examinations, and judicial or other inquiries which may have been carried out into the allegations that Mr. Bakhshi and Ms. Gholian were tortured and forced to confess to the crimes imputed to them. Please also explain how any investigations carried out were consistent with Iran's international human rights obligations.
6. In connection with question 5 above, please provide information on the measures taken to prosecute any act of torture found to have been perpetrated against Mr. Bakhshi and Ms. Gholian. Has anyone been brought to justice or otherwise sanctioned?
7. Please provide information on any measures taken to ensure the physical and psychological integrity of Mr. Bakhshi and Ms. Gholian.
8. Please provide information on measures taken to ensure Mr. Bakhshi and Ms. Gholian's right to a fair trial.
9. Please provide information on measures taken to ensure that Mr. Bakhshi and Ms. Gholian enjoy access to legal counsel and family visits.

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.

In the absence of a prompt response from your Excellency's Government, 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 to clarify the issues in question.

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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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

Bernard Duhaime  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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Dubravka Šimonovic  
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