

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; 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 in the Islamic Republic of Iran; the Special Rapporteur on minority issues; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls

REFERENCE:
UA IRN 10/2019

30 July 2019

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on minority issues; Special Rapporteur on violence against women, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 33/30, 26/17, 34/18, 37/30, 34/6, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the detention of the teacher Ms. **Zara Mohammadi** by the Iranian authorities.

According to information received:

Ms. Zara Mohammadi is a Kurdish-language teacher and a member of the Kurdish minority in Sanandaj, Kurdistan Province. In association with the Nozhin Socio-Cultural Association, Ms. Mohammadi volunteers to teach the Kurdish language to children in Sanandaj and surrounding villages. She has been teaching the Kurdish language since 2011.

On 23 May 2019, Iranian security agents arrested Ms. Mohammadi at her home in Sanandaj and confiscated her telephone and computer. The governor of Sanandaj allegedly ordered the arrest of Ms. Mohammadi for having sought authorization from the authorities to organize an event in December 2018 during the Iranian festival of Yalda. The basis for Ms. Mohammadi's arrest is also reportedly her activities teaching the Kurdish minority language and "serving Kurdish political agendas" despite her lack of political affiliation.

The authorities detained Ms. Mohammadi incommunicado for seven days before reportedly transferring her to Sanandaj Central Prison. Ms. Mohammadi remains in detention in Sanandaj Central Prison. Ms. Mohammadi has not been officially charged with any criminal offences and she has so far not been provided with an

explanation for her arrest and detention. She has reportedly been subjected to intensive interrogation sessions in prison in the absence of a lawyer. The authorities have reportedly denied Ms. Mohammadi access to a lawyer on the basis of national security.

We are particularly concerned about Ms. Mohammadi's prolonged detention without charges and without being given the reasons for her arrest and detention, and the apparent criminalization of her educational activities, including the teaching of the Kurdish language in Sanandaj, Kurdistan Province.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the concerned individual is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee Ms. Mohammadi's right not to be deprived arbitrarily of her liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 and 11 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

While we do not wish to prejudge the accuracy of these allegations, we call to the attention of your Excellency's Government the international standards regarding the protection of minorities, in particular article 27 of the ICCPR to which Iran is a party since 24 June 1975, which establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, "to enjoy their own culture, to profess and practice their own religion, or to use their own language.". Of note, the Nozhin Socio-Cultural Association was established 8 years ago with the permission of the authorities in the Iranian Kurdistan province.

Furthermore, the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

We further bring to your attention article 13 of the International Covenant on Economic, Social and Cultural Rights, to which Iran is a party since 24 June 1975, which establishes that States Parties undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

We would also like to 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 UN Standards Minimum Rules for the Treatment of Prisoners, providing guidance for specific characteristics and needs for women in prison in particular Rules 10, 11, 12 and 13.

Finally, we would like to reiterate the enforceable right to compensation in accordance with article 9(5) of the ICCPR.

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 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 the details of the legal basis of Ms. Mohammadi's continued imprisonment, especially its consistency with Iran's obligations under international human rights law;
3. Please provide information on whether Mr. Mohammadi has been provided access to a lawyer to represent her, including during her interrogation.
4. Please provide information of any measures taken to ensure the physical and mental integrity of Ms Mohammadi.
5. Please provide information on the current legislative and policy framework guaranteeing the enjoyment without discrimination of the linguistic rights of persons belonging to the Kurdish minority in Iran, including the teaching of the Kurdish language, and its use as a medium of instruction in the educational system.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their recurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

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.

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 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.

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Vice-Chair of the Working Group on Arbitrary Detention

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