

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;
the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights;
the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms
while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or
degrading treatment or punishment**

REFERENCE:
AL IRN 14/2019

29 October 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Working Group on Arbitrary Detention; Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 40/18, 42/22, 37/12, 40/16 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and sentencing of Ms. **Aras Amiri**.

According to the information received:

Aras Amiri is an Iranian citizen who is an arts curator and student. She was arrested by the Iranian authorities on 14 March 2018 during a trip to Iran to visit her family. At the time of her arrest, she was on her way to the airport to return to London, United Kingdom, where she had lived for the previous 5 years.

In the United Kingdom (UK), Ms. Amiri worked for the British Council in London as an artistic affairs officer. The British Council is described as the UK's international organization for cultural relations and educational opportunities. Its work focuses on the fields of arts and culture, English language, education, and civil society. It is strictly non-political.

Ms. Amiri's job involved managing arts programs presenting Iranian arts and literature to audiences in the UK which sought to foster positive cultural relations between the countries. She was involved in projects which brought Iranian musicians to the UK for collaboration and performance, with the organization of a film retrospective and events associated with a literature residency, as well as bringing theater performances to the UK from Iran, among other projects. Several of the projects on which Ms. Amiri worked were supported by the Iranian Ministry of Culture and Islamic Guidance. The Ministry was reportedly engaged

in the formulation of several projects and representatives of the Ministry attended events associated with such projects in 2015 and 2016.

After her arrest on 14 March 2018, Ms. Amiri was held on remand until 21 May 2018. Although bail was initially set and paid by her family, she was not released, and it was communicated that the setting of bail had been done in error. During this time she did not have access to a lawyer, she was repeatedly interrogated, and she was held in solitary confinement for 30 days. She was charged with “acting against national security through assembly and collusion” and “membership of an unlawful group.” She was only informed of the first charge at the time.

Ms. Amiri was released on a new bail agreement on 21 May 2018, subject to payment of additional fees and under a travel ban. Ms. Amiri was re-arrested on 9 September 2018 and charged with the new additional charge of “establishing and administering an unlawful group.” She was also informed of the “membership of an unlawful group” charge at this time. She has been held in detention in Evin Prison in Tehran since then. In a letter Ms. Amiri wrote while awaiting trial, she notes that she was explicitly told during her interrogation that the reason for her arrest was her work with the British Council.

During Ms. Amiri’s trial, which took place between January and February 2019, information reportedly used to support the charges against her focused on her work with the British Council. According to information received, she was described as seeking to change cultural values in Iran. Her work was alleged to have promoted art that was not in line with Islamic values, sexual equality and equality of minorities. She was alleged to have intended to create division in Iran. Ms. Amiri’s lawyer was limited to written interventions, and the proceedings were conducted between the judge and the prosecutor.

On 13 May 2019, Ms. Amiri was informed by the Court that she had been convicted of the charges against her. She was sentenced to 10 years in prison. At the same time, Judiciary Spokesman Gholam-Hossein Esmaili announced her conviction on state television on 13 May 2019, stating that “an Iranian individual in charge of the Iran desk at an English cultural organization known as the British Council cooperated with the British secret service to design and implement projects to adulterate and penetrate our culture.” Esmaili further said that Ms. Amiri had been convicted on her own “confessions.”

Civil society has raised concerns about the alleged confession, citing reports and documented cases of the authorities’ use of torture or threat of torture to extract forced confessions.

In a public statement, the British Council noted that Ms. Amiri had never traveled to Iran for work, and that the British Council does not have any offices nor does it

carry out any work in Iran. Ms. Amiri's work at the British Council focused on "building greater appreciation for Iranian culture in the UK," according to a public statement from the organization.

Ms. Amiri appealed the decision in June 2019. The appeal was rejected without a hearing. At present, pursuant to a request from the head of the judiciary, appeals courts are no longer required to hold hearings, pending new legislation which is expected to eliminate the previous procedural requirement for hearings on appeal. The rejection was communicated to Ms. Amiri's family on 18 August 2019, and announced on state television on 23 August 2019. Ms. Amiri herself has never been informed directly of the appeal's rejection. Ms. Amiri remains in detention in Evin Prison at this time.

We express serious concern at the arrest and detention of Ms. Amiri, which appears to be directly related to her work as an artistic affairs officer with the British Council. This specific targeting of those engaged in cultural and artistic activities is gravely concerning. We express further concern at Ms. Amiri's treatment in detention, prolonged solitary confinement, her lengthy prison sentence and lack of access to legal counsel, and the fact that her appeal was conducted without a hearing.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 detailed information about the legal basis for the detention as well as measures taken to provide to Ms. Aras Amiri the guarantees of due process and fair trial, and effective access to counsel of her choosing as established under international human rights law.
3. Please provide information on the condition of Ms. Amiri's detention, including any details about time spent in solitary confinement, and the state of her physical and psychological well-being.
4. Please provide information about how the charges against Ms. Amiri are compatible with international human rights law, in particular article 27 of the ICCPR and article 15 of the ICESCR.

5. Please provide information about how Ms. Amiri's work in promoting Iranian culture in the UK posed a threat or otherwise raised concerns about national security.
6. Please provide information about the unlawful group that Ms. Amiri is alleged to have created and been a member of.

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.

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(s) responsible for 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.

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

Javaid Rehman
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

Karima Bennoune
Special Rapporteur in the field of cultural rights

Fionnuala Ní Aoláin

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Nils Melzer

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

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, the above allegations appear to establish government action in contravention of provisions of international law, in particular the rights not to be arbitrarily deprived of liberty, not to be subjected to torture, to fair proceedings before an independent and impartial tribunal, to freedom of movement, and to freely take part in cultural life in accordance with articles 7, 9, 12, 14, and 19 of the International Covenant on Civil and Political Rights and article 15 of the International Covenant on Economic, Social, and Cultural Rights, to which Iran is a state party. We would like to draw your Excellency's attention to the following human rights standards:

The right of everyone to take part in cultural life is guaranteed by article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), acceded to by Iran in 1975.

Equally, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) provides that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." Any restriction to freedom of expression must meet the threshold established under article 19(3) of the ICCPR.

Articles 9 and 14 of the ICCPR guarantee the rights not to be arbitrarily deprived of liberty and to fair proceedings before an independent and impartial tribunal. Article 7 prohibits the use of torture or any cruel, inhuman, or degrading treatment or punishment. Article 12 of the ICCPR guarantees the right to freedom of movement.