

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women, its causes and consequences; and the Working Group on discrimination against women and girls

REFERENCE:
AL IRN 12/2021

6 May 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; 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 43/16, 42/22, 43/4, 41/12, 42/16, 44/8, 46/18, 40/16, 43/20, 41/17 and 41/6.

We would like to bring to the attention of your Excellency's Government information we have received concerning the detention of seventeen human rights defenders in the Islamic Republic of Iran for alleged crimes against the State in connection with their work in the promotion and protection of human rights. In particular, we wish to highlight those detentions, which carry penalties of ten years or more in prison, constituting a long-term detention, as well as where detainees are ill-treated or have access to medical facilities restricted. This letter is a follow up to previous communications sent on human rights defenders: Ms. Nasrin Sotoudeh, Mr. Esmail Abdi, Mr. Soheil Arabi, Ms. Farangis Mazloun, Ms. Atena Daemi, Ms. Saba Kord Afshari, Ms. Raheleh Ahmadi, Ms. Narges Mohammadi, Ms. Sepideh Gholian, Ms. Yasaman Aryani, Ms. Monireh Arabshahi, Mr. Farhad Meysami, Ms. Golrokh Iraee, Ms. Hoda Amid and Ms. Najmeh Vahedi. It also addresses for the first time allegations concerning human rights defenders Mr. Amirsalah Davoudi and Mohammad Najafi.

According to the new information received:

Human rights defenders detained or serving sentences of ten years or more

Nasrin Sotoudeh

Ms. Nasrin Sotoudeh is a woman human rights defender and lawyer who has worked on legal cases defending individuals who have challenged compulsory veiling laws for women and those who have been denied the right to a fair trial. She has also advocated against the death penalty, particularly when the sentence was handed down to individuals for crimes they allegedly committed before the age of 18.

Ms. Sotoudeh has been the subject of ten previous Special Procedures' communications (IRN 21/2020, IRN 6/2020, IRN 11/2018, IRN 10/2018, IRN 26/2014, IRN 18/2012, IRN 13/2011, IRN 11/2011, IRN 35/2010 and IRN 32/2010) We thank your Excellency' Government for the replies received to five of these communications. In 2011, Ms. Sotoudeh was the subject of an Opinion No. 21/2011 by the Working Group on Arbitrary Detention concerning her earlier arrest and conviction. The Working Group found that her detention on that occasion was due to the exercise of the rights to freedom of thought, opinion and expression, peaceful assembly and association, and her work as a human rights defender.

Ms. Sotoudeh has been imprisoned since July 2018, she is serving time for seven public order and national security related offences. Of these, she will be required to serve the longest applied sentence, 12 years. Since ending a 46-day hunger strike on 25 September 2020, Ms. Sotoudeh has suffered serious cardiac and pulmonary issues. Despite being hospitalised for five days in September 2020, she was returned to prison while still ill and has reportedly been repeatedly denied an adequate level medical care since her return.

Ms. Sotoudeh has been granted temporary furlough on three occasions in recent months, from 7 November to 2 December 2020 and 8 to 20 January 2021 on medical grounds, and 17 March to 27 March 2021 to spend Nowruz (Iranian New Year) with her family.

Esmail Abdi

Mr. Esmail Abdi is a labour rights defender and former Secretary General of Iranian Teachers' Trade Association (ITTA), the largest teachers' rights organisation in the country. With ITTA, he campaigned for union rights for students and teachers, including through organising and participating in peaceful demonstrations.

Mr. Abdi has been the subject of three previous Special Procedures' communications (IRN 21/2020, IRN 10/2016 and IRN 23/2016). We thank your Excellency's Government for the replies received to two of these communications.

As previously communicated, Mr. Esmail Abdi has been imprisoned on numerous occasions since 2006. In 2011, he was handed down a ten-year

suspended sentence, subject to five years' probation, for "propaganda against the State" and "espionage". On 7 October 2016, just before the completion of his probation period, Mr. Abdi was convicted of "propaganda against the State" and "collusion against national security" and sentenced to six years in prison, of which he was required to serve five years. Mr. Abdi's lawyer was reportedly not permitted to view the evidence brought against the human rights defender in advance of the 2016 trial. Mr. Abdi was furloughed in the context of COVID-19 from 17 March to 20 April 2020. In May 2020, he was informed his original 10-year sentence of 2011 would come into force at the end of his current five-year sentence.

The end of his previous sentence and commencement of his 10-year sentence began on 11 January 2021.

Mr. Abdi has repeatedly undergone hunger strikes against the conditions in prison. He most recently underwent a hunger strike from 7 to 10 March 2021, against the restriction of his access to telephone calls.

From late February until 17 March 2020, Mr. Abdi has reportedly been transferred multiple times between prisons and prison wards from the one where he had originally been held in Evin prison. He is reportedly in a quarantine ward with 30 other prisoners in Albroz Central Prison. The precise reasons for the transfers remain unclear at the time of writing.

Soheil Arabi

Mr. Soheil Arabi is a human rights defender, a journalist and social media activist. He has been outspoken against the imprisonment of human rights defenders, prisoners of conscience, the political situation in the Islamic Republic of Iran and some of the teachings of Islam on social media. While in detention, Mr. Arabi has become a vocal advocate for prisoners' rights.

Mr. Arabi has been the subject of one previous Special Procedures' communication (IRN 27/2020). We thank your Excellency's Government for the response received.

As previously communicated, Mr. Soheil Arabi has been imprisoned since his warrantless arrest in November 2013. Originally sentenced to death, which was later commuted, Mr. Arabi has since also been convicted and acquitted of a number of crimes during his continued detention. He and his lawyers have allegedly at times been refused permission to speak during hearings. His most recent conviction on 8 August 2018 relates to a total of seven years and eight months for "sacrilege to religious sanctities", "disseminating falsities to disrupt public opinion", two counts of "launching a propaganda campaign against the State", "public order and insulting the public sanctities" and "destruction of public property".

On 3 February 2021, he was acquitted of a new charge of "propaganda against the State" by Branch 8 of the Shahr-e-Rey Prosecutor's Office. The charges related to audio recordings he was alleged to have sent to a Persian-language media organisation based outside Iran.

Mr. Arabi is due for release on 7 April 2025. By the time he is released, Mr. Arabi will have served 11 years and 5 months consecutively in prison.

Amirsalah Davoudi

Mr. Amirsalah Davoudi is a human rights lawyer who has represented a number of human rights defenders convicted of national security offences in court. Working for over ten years, he is vocal on social and in traditional media on alleged breaches of due process in court, or violations of fundamental rights and freedoms of both lawyers and their clients.

Mr. Amirsalah Davoudi was detained on 19 November 2018 in relation to an investigation into an interview he gave to a Persian language media outlet based outside Iran as well as his participation in a Telegram channel called “No Retouch”. He reportedly used the Telegram channel to discuss judicial processes, the judicial harassment of lawyers and human rights abuses.

On 1 June 2019, Branch 15 of the Revolutionary Court of Tehran sentenced him to 30 years in prison and 111 lashes. He will be required to serve the longest sentence, 15 years, for the charge of “forming a group to overthrow the political system”. He was also convicted of “propaganda against the State”, “publishing lies”, “insulting the Supreme Leader”, “insulting public officials” and “gathering and colluding against national security”.

Mr. Davoudi went on a 10-day hunger strike in February 2020 in protest against continued detention, interrogation without his lawyer and long periods spent in solitary confinement. In August 2020, he tested positive for COVID-19, spent 14 days in prison quarantine, however is reported to not have suffered any long-term consequences.

Mr. Davoudi started a hunger strike on 27 March 2021 in protest against the exile and transfer of human rights defenders and other inmates, in particular Mr. Esmail Abdi, to other prisons. Mr. Davoudi was transferred to Rajai Shahr prison in Alborz province on 13 April 2021 without any explanation.

Mohammad Najafi

Mr. Mohammad Najafi is a human rights defender and lawyer. He has been critical of the Government of Iran’s human rights record as well as alleged ill-treatment of detainees by prison authorities.

Mr. Mohammad Najafi is currently serving a combined 19-years and six-month prison sentence, of which he is required to serve 10 years. He was arrested in January 2018 after sharing the results of an investigation he undertook into the death of an individual in police custody. Contrary to the official narrative that claimed that the man was arrested for a drug offence and committed suicide, he alleged that the man was arrested at a December 2017 protest and may have died from injuries sustained from torture. Authorities originally held Mr. Najafi on suspicion of organising the unlawful protest and did not permit him access to his lawyer for the first three weeks of his detention. He was released two months later on bail of 1 billion Tomans.

In late July 2018, he was sentenced to three years in prison and 78 lashes for “slander with intent to disturb public opinion” in relation to the investigation he undertook in January 2018. His sentence was upheld on appeal and he was re-arrested on 28 October 2018 and taken to Arak Central prison.

On 11 December 2018, Branch 1 of the Arak Revolutionary Court sentenced Mr. Najafi to 13 further years in prison for “collaborating with an enemy state”, “insulting the Supreme Leader” and “propaganda for opposition groups and organisations”. On 15 December 2018, Branch 102 of the Arak Criminal Court sentenced him to one-year imprisonment for “publishing falsehoods in cyberspace with the intention to disturb public opinion”.

In January 2019, he was furthermore convicted of “disturbing the public mind” by Branch 102 of the Arak Criminal Court and sentenced to two further years in prison. The conviction relates to an open letter he sent from prison, criticising the Supreme Leader of Iran.

On 7 February 2020, Branch 23 of the Tehran Revolutionary Court sentenced Mr. Najafi to six further months in prison in relation to a speech he made in 2012 at the funeral of a deceased blogger.

Mr. Najafi was furloughed on 31 March 2020 and again from 22 February to 15 March 2021. He will remain in prison, unless his sentence is reduced, serving his longest sentence of 10 years in prison for “collaborating with an enemy state”, dated from December 2018.

Human rights defenders who received sentences of ten years or more which were later reduced

Atena Daemi

Ms. Atena Daemi is a woman human rights defender who, prior to her detention, promoted children’s and women’s rights in Iran. While in prison, she has been a vocal advocate for prisoner rights and against the use of the death penalty.

Ms. Daemi has been the subject of five previous communications (IRN 21/2020, IRN 3/2018, IRN 17/2017, IRN 28/2016 and IRN 9/2015); we thank your Excellency’s Government for the replies received to four of these communications. She has also been the subject of one opinion of the Working Group on Arbitrary Detention (Opinion No. 83/2018), which found her deprivation of liberty to lack legal basis; being due to her exercise of fundamental freedoms and work as a woman human rights defender as well as featuring violations of her fair trial rights.

As previously communicated, in 2015, Ms. Atena Daemi had been sentenced to 14 years in prison, for “assembly and collusion against national security” and “insulting the Supreme Leader”, which was later reduced to seven years. Her advocacy for the rights of other prisoners while in detention however, has earned her a number of additional charges. Just prior to her original release date of 4 July 2020, she was convicted of “propaganda against the State” and “disturbing public order”, each carrying a sentence of one year each, the latter

including 74 lashes.

Following the sentencing of Ms. Atena Daemi to two additional years in July 2020, she sought to appeal the decision to the Supreme Court of Iran. On 25 February 2021, the Supreme Court rejected her request for retrial.

On 16 March 2021, Ms. Daemi was transferred to Lakan prison in Rasht from where she was being held in Evin prison. The reasons for Ms. Daemi's transfer to the prison, which is four hours from her family home, remain unclear at the time of writing.

Ms. Daemi is due for release on 19 July 2023. By the time of her release, she will have spent eight of the previous nine years in prison, allowing for a temporary release in 2016.

Saba Kord Afshari

Ms. Saba Kord Afshari is a woman human rights defender who campaigns against the legal requirement in Iran for women to wear a hijab in public. Ms. Kord Afshari participated in the White Wednesday's campaign, a movement in which women post pictures or videos of themselves to social media where they appear in public without wearing a hijab on Wednesdays or dressed in white in solidarity with the movement.

Ms. Kord Afshari has been the subject of one previous communication (IRN 14/2020). We regret not having received a reply to this communication.

Ms. Kord Afshari has been imprisoned on two occasions, for six months from August 2018, and again from 1 June 2019 until present. On 27 August 2019, Ms. Kord Afshari was sentenced to 24 years in prison by Branch 26 of the Revolutionary Court of Tehran, of which she would be required to serve 15 years. She was convicted of "encouraging people to commit immorality or prostitution", "gathering and colluding against internal and external security" and "spreading propaganda against the State".

As previously communicated, the length of Ms. Saba Kord Afshari sentenced has been reduced and extended on more than one occasion. In November 2020, her request for retrial on the basis of procedural irregularities was struck down in by the Supreme Court.

On 9 March 2021, Branch 36 of the Tehran Court of Appeals informed Ms. Kord Afshari that it had reduced her sentence to seven years and six months.

Ms. Kord Afshari has been reportedly denied medical treatment and subjected to ill-treatment in prison, with prison authorities allegedly refusing to allow her to undergo treatment recommended by doctors in September 2020. On 26 January 2021, she was physically assaulted by prison officers, aggravating her medical condition, which reportedly has led to internal bleeding.

She is currently serving her seven-year, six-month sentence in Qarchak prison, where she was transferred on 9 December 2020. She was released on bail of

2.2 billion Tomans on 3 April 2021 after testing positive for COVID-19 but was returned to Qarchak prison on 10 April 2021.

Narges Mohammadi

Ms. Narges Mohammadi is a woman human rights defender and deputy director of the Defenders of Human Rights Centre (DHRC). Among other issues, she has been a strong advocate against the death penalty in Iran.

Ms. Mohammadi was the subject of six previous Special Procedures' communications (IRN 6/2020, IRN 6/2019, IRN 21/2016, IRN 8/2016, IRN 20/2015 and IRN 5/2015). We thank your Excellency's government for responding to the communications IRN 5/2015, IRN 20/2015, IRN 8/2016, and IRN 21/2016. We regret that we have not received a response to the communications IRN 6/2020 and IRN 6/2019. She was also the subject of Opinion 48/2017 of the Working Group on Arbitrary detention, which determined that Ms. Mohammadi had been imprisoned in order to silence her human rights work. It has also found that detention of Ms. Mohammadi featured grave violations of her right to a fair trial as well as constitutes a violation of international law on the grounds of discrimination on the basis of her status as a human rights defender.

Narges Mohammadi had been serving a 16-year sentence for "membership in an illegal group", "gathering and colluding against national security" and "spreading propaganda against the State", of which she was due to serve the 10 years. On 8 October 2020, she was released from Zanjan prison.

Since December 2020, she has been summoned on at least three occasions to appear in court to face charges of "disturbing prison order," relating to events that occurred during the time she was incarcerated. She has refused to attend any of the court dates.

Sepideh Gholian

Ms. Sepideh Gholian is a woman human rights defender and journalist who primarily reports on issues relating to labour rights. She attends and reports on peaceful workers protests and has cooperated closely with the Syndicate of Workers of Haft Tappeh Cane Sugar Company.

Ms. Gholian was the subject of one previous Special Procedures communication (IRN 1/2019). We thank your Excellency's Government for the response received to this communication.

As previously communicated, Ms. Gholian has been imprisoned and released on a number of occasions since February 2017. Her arrest came shortly after she posted a video to social media detailing torture she had allegedly been subjected to during previous detention. In addition, the day before her arrest, State television broadcast a documentary, which sought to draw links between her and communist and foreign interests.

In September 2019, Ms. Gholian was sentenced to a total of 18 years in prison on charges of "assembly and collusion against national security",

“membership of an illegal group”, “propaganda against the State” and “publishing false news”.

On 26 October 2019, a day after ending a hunger strike against the conditions of Qarchak prison, she was released on bail. In November 2019, she was arrested for one day for participating in nationwide protests that broke out across the Islamic Republic of Iran. She was charged with “acting and colluding against national security” and “disrupting public order”, the latter of which she was later acquitted.

On 14 December 2019, the Tehran Court of Appeals reduced her sentence to five years. On 26 December 2019, she filed a lawsuit against Islamic Republic of Iran Broadcasting (IRIB) for airing the allegedly misleading documentary in January 2019. She lost the case and IRIB filed a lawsuit against her, leading to new charges to be levied against her for “propaganda against the State”.

On 16 June 2020, Ms. Gholian was instructed by a judge at the Verdicts Enforcement Office of Evin prison that she should write to the Supreme Leader requesting a pardon. Prisoners in Iran can only be pardoned upon request. Refusing the offer, she was required to surrender herself to the Verdicts Office, which she did on 21 June 2020 to serve her five-year sentence.

During the night of 10 March 2021, Ms. Gholian was reportedly transferred from Evin prison to a remote detention facility in the city of Bushehr.

Yasaman Aryani & Monireh Arabshahi

Ms. Yasaman Aryani is a woman human rights defender, who along with her mother, Ms. Monireh Arabshahi are advocates against the compulsory veil in Iran. Ms. Aryani and Ms. Arabshahi appeared in a video that was posted online where they distributed white flowers to passengers on the women’s carriage of the Tehran metro to mark International Women’s Day. Ms. Aryani was arrested on 10 April 2019 and Ms. Arabshahi on 11 April 2019.

Ms. Aryani and Ms. Arabshahi have been the subject of one previous communication (IRN 5/2019). We thank you Excellency’s Government for the replies received to this communication.

As previously communicated, on 26 June 2019, Ms. Yasaman Aryani and her mother, Ms. Monireh Arabshahi, were sentenced to 16 years each in prison for “propaganda against the State”, “gathering and colluding against internal or external security” and “inciting and facilitating corruption”.

On 5 February 2020, Branch 54 of the Tehran Appeals court reduced Ms. Aryani and Ms. Arabshahi’s sentence to nine years and seven months, of which they will be required to serve five years and six months.

On 21 October 2020, Ms. Aryani and Ms. Arabshahi were told to prepare for a visit from their lawyer but were instead transferred from Evin prison to Kachuei Prison in Alborz province.

Unless their sentence is reduced, Ms. Yasaman Aryani and Ms. Monireh Arabshahi will be imprisoned until 2026.

Human rights defenders sentenced to up to 10 years imprisonment

Farhad Meysami

Mr. Farhad Meysami is a physician, human rights defender and advocate for non-violent resistance in Iran. He was an active supporter of the White Wednesdays campaign, protesting alongside women human rights defenders who call for the hijab for women to be non-compulsory.

Mr. Meysami has been the subject of one previous Special Procedures' communication (IRN 12/2018). We regret not having received a response to this communication.

Mr. Farhad Meysami has been in detention 31 July 2018 when he was arrested for allegedly possessing badges with the slogans "I am protesting against the forced veil" and "I do not agree with the compulsory veil". For this, he was convicted of "propaganda against the State", "gathering and colluding to commit crimes against national security" and "insulting Islamic sanctities". Branch 15 of the Tehran Revolutionary Court sentenced him to five years imprisonment, one-year restriction on his civil and political liberties and a two-year travel ban.

Mr. Meysami, who suffers from pre-existing medical conditions, has not been granted furlough during the COVID-19 pandemic. On 5 October 2020, Mr. Meysami was orally informed that he had contracted COVID-19. The following day he was transferred to the "safe ward" of Raja'i Shahr prison where he spent eight days in confinement, allegedly with minimum medical attention, before being transferred back to the public ward of the prison.

Golrokh Iraee

Ms. Golrokh Iraee is a woman human rights defender, accountant and author. She has been a vocal advocate against the death penalty, continuing her work in prison alongside Ms. Atena Daemi.

Ms. Golrokh Iraee has been the subject of three previous Special Procedures' communications (IRN 3/2018, IRN 9/2017 and IRN 28/2016). We thank your Excellency's Government for the replies received to two of these communications. Ms. Iraee has also been the subject of the Opinion No. 33/2019 of the Working Group on Arbitrary Detention. The Working Group has found Mr. Iraee's detention to be arbitrary and in contravention of articles 9, 10, 11, 12, 18 and 19 of the Universal Declaration of Human Rights and articles 9, 14, 17, 18 and 19 of the Covenant.

As previously communicated, Ms. Golrokh Iraee is currently serving a three-year, seven-month sentence, of which she will be required to serve two years and one month. Ms. Iraee has been in and out of prison since September 2014, when she was briefly arrested alongside her husband and subsequently charged with "blasphemy" and "propaganda against the State" for an unpublished

article that was found during a search of their home. She was later convicted and on 24 October 2015 was summoned to serve her sentence. After being sentenced to five years and one year respectively, she was released on 19 April 2019, having served three years of her sentence.

Ms. Iraee was re-arrested on 9 November 2019 after being convicted of two additional charges, “insulting the Supreme Leader” and “propaganda against the State” relating to activities inside the prison advocating against the death penalty. Branch 26 of the Tehran Revolutionary Court sentenced her to three years and seven months in prison, of which she must serve two years and one month.

On 13 December 2020, Ms. Iraee was transferred from Qarchak prison to Ward 2A of Evin prison, where she was held for 43 days of questioning. She was reportedly dragged by the hair out of the ward at Qarchak prison. On 24 January 2021, she was transferred back to Qarchak prison for a few hours, before being taken to Amol prison in the north of Iran, where she is currently being held. According to information received, not all prisoners are held in two-week quarantine on arrival to the prison, putting Ms. Iraee and other inmates at increased risk of catching COVID-19.

On 12 April 2021, Ms. Iraee was allegedly informed that she had been sentenced in absentia to an additional year in prison, two-year travel ban and a two-year ban on participating in political parties or groups by Branch 26 of Tehran Revolutionary Court.

Ms. Iraee is reportedly being held with prisoners convicted of committing drug-related offences, despite Iranian law requiring inmates to be separated according to the offences they committed.

The distance of Amol prison from Ms. Iraee’s family reportedly makes it difficult for family visits.

Ms. Hoda Amid & Ms. Najmeh Vahedi

Ms. Hoda Amid is a woman human rights defender and lawyer and Ms. Najmeh Vahedi is a woman human rights defender and sociologist. Both women raise awareness and conduct educational programmes on women’s rights in Iran. Together they run a workshop on marital and familial legal rights in Iran for women.

Ms. Hoda Amid and Ms. Najmeh Vahedi have been the subjects of one previous communication sent to your Excellency’s Government, IRN 11/2018. We regret not having received a response to this communication.

On 1 September 2018, Ms. Hoda Amid and Ms. Najmeh Vahedi were detained for two months in ward 2A of Evin prison without being informed of the charges they face. Denied access to their lawyers, Ms. Amid was allegedly denied family visits while Ms. Vahedi was permitted to receive one. Ms. Vahedi reportedly spent the first 10 days of her detention in solitary confinement. They were released on bail on 5 and 6 of November 2018 respectively. They were later informed that they were under investigation

relating to the educational workshops they had been organising since 2015.

On 31 October 2020, Branch 15 of the Revolutionary Court of Tehran convicted Ms. Hoda Amid and Ms. Najmeh Vahedi of “cooperating with the hostile US government against the Islamic Republic in matters relating to women and family”, in relation to their women’s rights workshops. Ms. Amid was sentenced to eight years in prison, a two-year travel ban and a two year prohibition from joining any political group or party or being active on social media or to practice law. Ms. Vahedi was sentenced to seven years in prison and two years prohibited from joining any political group or party or being active on social media.

The sentences were reportedly not communicated to the women human rights defenders until 12 December 2020. On 13 February 2021, Branch 36 of the Tehran Court of Appeals upheld the decision.

As they have yet to be summoned to serve their sentences, Ms. Amid and Ms. Vahedi remain free at the time of writing.

Farangis Mazloun

Ms. Farangis Mazloun is a woman human rights defender and the mother of Mr. Arabi. Since her son was imprisoned in 2013, Ms. Mazloun has protested the charges against him and campaigned against the mistreatment of prisoners in Iran by prison authorities. As a result of her work, she too has faced criminal prosecution. She has previously organised demonstrations against the violation of prisoner’s rights and is active on social media, denouncing the conditions to which her son and other prisoners are subjected.

Ms. Mazloun has been the subject of one previous Special Procedures’ communication (IRN 27/2020). We thank your Excellency’s Government for the response received.

Ms. Farangis Mazloun, who was originally sentenced in absentia to six years imprisonment for “propaganda against the State in the interest of groups and organisations against the system” and “assembly and collusion with the intention to act against national security” had her sentence reduced to 18 months in October 2020. She continues to remain on bail.

Raheleh Ahmadi

Ms. Raheleh Ahmadi is a woman human rights defender and mother of Ms. Saba Kord Afshari. She participated in the White Wednesdays campaign, removing her hijab alongside her daughter, Saba Kord Afshari. She has also been a vocal critic of the repeated criminalisation of Ms. Kord Afshari.

Ms. Ahmadi has been the subject of one previous communication (IRN 14/2020). We regret not having received a reply to this communication.

On 16 December 2019, Ms. Raheleh Ahmadi was sentenced to 31 months in prison for “assembly and collusion against national security”. Her lawyer was reportedly not allowed to view her case file until the day of the trial.

Ms. Raheleh Ahmadi's request to be transferred with her daughter in December 2020 was refused, forcing her to spend the remainder of her 31-month sentence in Evin Prison.

She was released on temporary furlough on 14 March 2021 before being returned to Evin prison on 10 April.

Without prejudging the accuracy of these allegations, we wish to convey our profound concern regarding the widespread detention of human rights defenders, and the heavy sentences frequently handed down to them. We are particularly concerned that human rights defenders and lawyers appear to be systemically and arbitrarily detained, often for several years, for carrying out their peaceful human rights activities. The long-term detention of human rights defenders may ensure that for many years, initiatives that seek to expose human rights violations are suppressed and silenced.

The allegations are demonstrative of a context in which the Iranian authorities use vaguely worded and overly broad national security-related charges to criminalize peaceful, legitimate activities in defence of human rights. We are deeply troubled that defenders of cultural heritage, of minorities, of women, of children, of prisoner rights, of labour rights, of freedom of expression, of freedom of peaceful assembly and association, of the right to receive a fair trial and of the right not to be tortured, all run the risk of long-term detention and possible ill-treatment in prison. We remind your Excellency's Government that human rights defenders, when carrying out their legitimate work, do assist States in upholding human rights domestically and internationally, and should be seen as such.

We find the case of women human rights defenders in Iran particularly concerning as they appear to run a particularly high risk of long-term detention, jeopardizing not only their liberty and security but also seriously endangering their health. This is because of the gender-related risks they face for challenging patriarchal norms and structures. We are deeply concerned that those who protest against the compulsory hijab receive convictions related to incitement of prostitution and corruption, which carry much harsher sentences than the legislation intended to prosecute the removal of the hijab in public places.

Finally, Special Procedures mandate holders have for many years conveyed concerns over prison conditions and the appropriate provision of healthcare in Iranian prisons (see, in particular, A/HRC/43/61, A/75/213 and A/HRC/46/50). There are serious concerns about the reported lack of access to adequate medical care and treatment of human rights defenders Ms. Sotoudeh, Mr. Davoudi, Ms. Kord Afshari, and Mr. Meysami, while deprived of their liberty. We are concerned that many prisons in Iran, but particularly Qarchak and Evin prison, may pose serious risk to the safety, security, health and livelihood of prisoners. Family life is additionally threatened when prisoners have their visitation rights restricted, or phone calls and letters banned. We therefore deeply regret to reiterate concerns over mistreatment, illness death and the denial of healthcare in Iranian prisons

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the use of national security, corruption and prostitution related offences against those exercising and defending fundamental rights and freedoms. Please explain how this is compatible with your obligations under international law.
3. Please provide information on the measures taken to ensure that human rights defenders, including women human rights defenders, in the Islamic Republic of Iran are able to carry out their work in a safe environment, without fear of undue criminalisation, detention or torture.
4. Please provide information on policies and procedures in place in Iran to ensure that security agencies and other relevant actors are meeting their due diligence obligation to protect the right to life of those who may be targeted by State and non-State actors.
5. Please provide detailed information about the current health status of Ms. Sotoudeh, Mr. Davoudi, Ms. Kord Afshari, Mr. Meysami, the medical care they received as well as about the measures taken by your Excellency's Government to ensure that they have access to appropriate health care. In particular, please provide detailed information on the standard of medical care in Iranian prisons, and protocols in place to transfer prisoners to hospitals outside of the prison when the required medical procedures cannot be performed in prison clinics. Please also share information on the reasons to deny medical treatment to Ms. Kord Afshari
6. Please provide details as to measures taken by the authorities to ensure the right of lawyers to practice their profession in a safe and enabling environment is guaranteed, including for human rights lawyers and those who may be working on issues deemed politically sensitive. If no such measures have been taken, please indicate a manner in which we may engage with your Excellency's Government as to the development of such measures.
7. In line with the obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights (ICCPR), please indicate what systems are in place in the country to prevent torture, and any steps taken toward the ratification of the Convention Against Torture.

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 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 having transmitted an allegation letter 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 communications in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

Irene Khan
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

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

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

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

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Elizabeth Broderick
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR or "the Covenant"), ratified by the Islamic Republic of Iran on 24 June 1975.

We would like to refer to article 9 of the ICCPR enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. Article 9 (4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation. Furthermore, in its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of peaceful assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention. It has also stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary. Furthermore, article 14 upholds the right to a fair trial and equality of all persons before the courts and tribunals, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to legal assistance.

We would furthermore like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture or to cruel, inhuman or degrading treatment or punishment, as stipulated in article 7 of the ICCPR, and set forth in article 5 of the Universal Declaration of Human Rights (UDHR).

We would also like to refer your Excellency's Government to article 10 of the ICCPR, which guarantees the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person. In this connection, we draw your attention to paragraph 3 of the General Comment 21 of the Human Rights Committee, which states that article 10 (1) of the ICCPR imposes on States parties a positive obligation towards persons who are particularly vulnerable because of their status as persons deprived of liberty, and complements for them the ban on torture or other cruel, inhuman or degrading treatment or punishment contained in article 7 of the ICCPR. Thus, not only may persons deprived of their liberty not be subjected to treatment that is contrary to article 7, including medical or scientific experimentation, but neither may they be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons.

We also recall article 19 of the ICCPR, which guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression; which includes 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 one's choice. We note with concern the apparent retaliatory measures taken against prisoners, including Mr. Arabi, for exercising their right to freedom of expression. Legitimate restrictions to freedom of expression may be implemented in accordance with the requirements of article 19 (3) of the Covenant. However, the use of force or involuntary transfer of individuals in retaliation for legitimately exercising their freedom of expression to criticize the acts of the authorities constitutes acts incompatible with the Covenant, see paragraph 23 of General Comment 34 (CCPR/C/GC/34) of the Human Rights Committee.

Restrictions must meet the standards of *legality*, meaning that they are publicly provided by a law which meets standards of clarity and precision, and are interpreted by independent judicial authorities; *necessity and proportionality*, meaning that they are the least intrusive measure necessary to achieve the legitimate interest at hand, and do not imperil the essence of the right; and *legitimacy*, meaning that they must be in pursuit of an enumerated legitimate interest, namely the protection of rights or reputations of others, national security or public order, or public health or morals. Although article 19(3) recognizes "national security" as a legitimate aim, national security considerations should be "limited in application to situations in which the interest of the whole nation is at stake, which would thereby exclude restrictions in the sole interest of a Government, regime, or power group". States should "demonstrate the risk that specific expression poses to a definite interest in national security or public order, that the measure chosen complies with necessity and proportionality and is the least restrictive means to protect the interest, and that any restriction is subject to independent oversight" (A/71/373). In this context, we underscore that "It is not compatible with article 19 (3), for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information." (CCPR/C/GC/34 para. 30).

We would like to refer your Excellency's Government to the fundamental principles set forth in 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, we would like to refer to articles 1 and 2 of the Declaration which state 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.

We would also like to refer your Excellency's Government to the International Covenant on Economic, Social and Cultural Rights (ICESC), ratified by Iran on 24 June 1975, which in its article 12 provides for the right to mental and physical health. This includes an obligation on the part of all States parties to, inter alia, refrain from denying or limiting equal access for all persons, including prisoners or detainees, to medical care (General Comment 14 of the Committee on Economic, Social, and Cultural rights, para 34). In this connection, we would like to refer to the UN Standard Minimum Rules for the Treatment of Prisoners adopted unanimously by the UN

General Assembly (A/Res/70/175) in December 2015 (“Mandela Rules”). Rules 24 to 35 establish that healthcare for prisoners is a State responsibility; prisoners should be ensured prompt access to medical attention in urgent cases and those requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

As stressed by the Working Group on discrimination against women and girls in one of its reports to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape: they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women’s human rights and to improve the enabling conditions for women’s participation in political and public life.

In a joint declaration, the Working Group on discrimination against women and girls emphasized that women human rights defenders face unique challenges, driven by deep-rooted discrimination against women and stereotypes about their appropriate role in society. Today’s rising fundamentalisms of all kinds and political populism, as well as unchecked authoritarian rule further fuel discrimination against women, intensifying the obstacles facing women human rights defenders. In addition to the risks of threats, attacks and violence faced by all human rights defenders, women human rights defenders are exposed to specific risks, such as misogynistic attacks, gender-based violence (including sexual violence), lack of protection and access to justice as well as lack of resources. Those working on rights contested by fundamentalist groups such as women’s sexual and reproductive health and rights and those denouncing the actions of extractive industries and businesses are at heightened risk to attacks and violence. (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20938&>

[LangID=E](#)).

We would like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

We would also like to draw your attention to Human Rights Council resolution 31/32, adopted on 24 March 2016, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves.

Finally, we would like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.