

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 independence of judges and lawyers and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE:
AL IRN 28/2021

7 October 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 independence of judges and lawyers and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 43/16, 43/4, 41/12, 44/8 and 46/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the sentencing of woman human rights defender and lawyer Ms. **Farzaneh Zilabi** to one year in prison and a two-year travel ban on the charge of "propaganda activities against the state."

Ms. Farzaneh Zilabi is a woman human rights defender and lawyer. She has represented the Syndicate of Workers of Haft Tappeh Cane Sugar Company (SWHTCSC) in Shush, Khuzestan .

Concerns regarding undue restrictions of the activities of the labor unions of Haft Tappeh Cane Sugar Company and their members, as well as arrests of their lawyers, have been raised in several communications by Special Procedures mandate holders, including most recently in IRN 12/2021. We regret to inform you that at the time of writing, no response has been received in relation to the allegations raised in that communication.

According to the information received:

Ms. Zilabi has been representing the Syndicate of Workers of Haft Tappeh Cane Sugar Company (SWHTCSC). The SWHTCSC is a trade union established in 1974 for the workers of the Haft Tappeh Sugarcane Agro-Industrial Complex. Initially a state-owned company, the Complex was privatized in 2015.

The syndicate has organized a number of strikes, most recently in August 2021, against the unpaid wages of employees and against alleged corruption by management. Ms. Zilabi has represented a number of individual labour rights defenders and has been outspoken about allegations of torture reported by her clients. Ms. Zilabi also defended several workers prosecuted for participating in the strikes.

On 8 May 2021, the Supreme Audit Court of Iran ruled to deprivatize the Haft Tappeh Sugarcane Agro-Industrial Company, and to return its ownership to

the State. As a consequence, the company was returned to the State. On 13 May 2021, the SWHTCSC issued a statement, which stressed that this achievement was only possible due to the perseverance of the defence team, including Ms. Farzaneh Zilabi.

On 16 May 2021, Ms. Zilabi was summoned by the Ahvaz Central and the Revolution Court on charges of “propaganda against the state” and “gathering and collusion to act against national security”, allegedly due to her work as a legal representative for labour rights defenders. On 16 May 2021, she was released on surety and given a preliminary order of a ban of six months from practicing law.

On 13 September 2021, it was reported that Ms. Zilabi had been sentenced by Branch 2 of the Ahvaz Revolution Court to one year in prison and to a two-year travel ban, on the charge of “propaganda activities against the state”. Ms. Zilabi has been acquitted of the charge of “gathering and collusion against national security”, and the preliminary order of a ban of six months from practicing law.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we would like to express our concerns at the sentencing of woman human rights defender and lawyer Ms. Farzaneh Zilabi in connection with her legitimate work in defence of human rights and representing workers and trade union members exercising their right to freedom of association. We are also concerned that the judicial harassment of Ms. Zilabi occurred in the context of pressure and charges against the workers of Haft Tappeh. We are concerned at the apparent attempts to crack down on protests and legitimate labour rights-related work by prosecuting their lawyers. We are further concerned that “national security” is being invoked as a pretext to justify such limitations on Ms. Farzaneh Zilabi’s legitimate work in the defence of human rights.

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.

We are issuing this appeal in order to request that your Excellency’s Government safeguard the rights of the abovementioned individual from irreparable harm and without prejudicing any eventual legal determination.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information about the factual grounds and evidence used to convict Ms. Zilabi, and how her conviction and sentencing on national security grounds are compatible with the Islamic Republic of Iran’s obligations under international human rights law.

3. Please provide information on the measures taken to ensure Ms. Zilabi's right to a fair trial.
4. Please provide information on measures taken to ensure that lawyers and women human rights defenders are able to carry out their work in a safe environment, free from any undue interference or arbitrary detention.

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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Clément Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

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

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 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. Legitimate restrictions to freedom of expression may be implemented in accordance with the requirements of article 19 (3) of the Covenant, also in the context of the management of the prison population.

We further would like to refer your Excellency's Government to article 22 of the ICCPR, which guarantees the right to freedom of association. In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of this right must be provided by law and be necessary and proportionate to the aim pursued. The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights further note in paras. 30 and 31 that "national security" cannot be invoked as a reason for imposing limitations to prevent merely local or relatively isolated threats to law and order, and, where it is invoked, adequate safeguards and effective remedies against abuse must be provided.

We would like to draw your attention to Human Rights Council resolution 31/32, 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 defense 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.

We would also 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.

Finally, 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.

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 5 (a), which provides for the right to meet or assemble peacefully;
- 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 9, paragraph 3, point c), which provides for the right to provide legal assistance in defending human rights and fundamental freedoms;
- 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.