

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL IRN 17/2023
(Please use this reference in your reply)

18 October 2023

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 right to education; 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 situation of human rights in the Islamic Republic of Iran and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/4, 53/7, 52/9, 50/17, 49/24 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the new charges against student activists and unjustified suspension or termination of their university studies.

Ms. **Hasti Amiri** is a women's rights defender and student activist. In 2022, she was sentenced to a one-year prison term resulting from her participation in the International Women's Day celebrations and her stance against the death penalty. In July 2023, she was again imprisoned, in relation to her alleged engagement in a protest at her university.

Mr. **Zia Nabavi** is a human rights defender and campaigner for students' rights. He spent nine years in prison for his activities in student unions and was released in 2018 after completing his sentence. Following his release, he received additional prison sentences in 2021 and 2023 due to his human rights activities. His latest sentence was the result of his participation in a protest at Allameh Tabatabai University. Mr. Nabavi has faced educational bans on three occasions, including a 2022 prohibition to pursue a PhD.

Mr. **Shahriyar Shams** is a human rights defender and student activist. He has faced persecution and has been expelled from university due to his participation in peaceful protests, his advocacy for prisoners' rights, particularly those on death row, as well as students' socio-economic and cultural rights.

According to the information received:

The case of Ms Hasti Amiri

In January 2022, Ms. Amiri was arrested by security agents at her residence in Tehran. The arrest was made on the basis of a warrant issued by the second branch of the investigations at Moghadas Prosecutor's Office in Evin Prison, specializing in cases related to national security crimes. She was subsequently

released on bail the following day.

In March 2022, the 26th branch of the Revolutionary Court sentenced Ms. Amiri to a one-year prison term on charges related to propaganda against the state. These charges related to her involvement in the 8th of March International Women's Day event and her vocal opposition to the death penalty. She also faced a two-year ban on affiliating with political and social entities, both online and offline, and her cell phone was confiscated.

In May 2022, the appellate court upheld the primary court's sentence without revision.

On 31 July 2022, Ms. Amiri was detained at her residence by security agents and transferred to Tehran's Evin Prison.

On 7 February 2023, Ms. Amiri was released from prison as part of a pardon granted on the anniversary of the Islamic Revolution.

On 9 August 2023, Ms. Amiri was sentenced to an additional year in prison by the 26th branch of Tehran's Revolutionary Court. This conviction was based on charges of engaging in propaganda against the state due to her participation in a protest organized by students at Allameh Tabatabai University. The protest aimed to address instances of the school poisoning attacks that affected numerous schoolgirls since November 2022.

The case of Mr. Zia Nabavi

In 2007, Mr. Nabavi, along with 15 other students, was arrested during a university hunger strike. He was released from prison on bail and subsequently acquitted of all charges. Nevertheless, he received a two-semester suspension from the university.

In 2009, Mr. Nabavi was arrested for participating in protests against the presidential election results and for his involvement in the "Defend the Rights to Education Committee," a group focused on highlighting the situation of student activists that were banned by the state from continuing higher education in Iranian universities. He was initially charged with various offenses including "gathering and colluding against national security," "propaganda against the system," "disturbing public order" and "moharebeh" (enmity against God), however, the charges were eventually reduced to "creating unease in the public mind," leading to a 15-year prison sentence and 74 lashings. An appeal in May 2010 successfully reduced his sentence to ten years.

On 14 February 2018, Mr. Nabavi was released from prison after serving 9 years of his sentence.

On 25 February 2020, Mr. Nabavi was arrested at his residence by security forces who also conducted a search and seized his personal belongings. He was subsequently released on bail on 2 March 2020.

On 29 June 2021, he was informed of a one-year prison sentence for his student union activities and peaceful protests after the admission by Iran's Islamic Revolutionary Guard Corps (IRGC) regarding the downing of Ukraine International Airlines Flight 752 in January 2020. On 25 October 2021, Branch 36 of the Tehran Court of Appeals confirmed the one-year sentence without holding a court session.

On 9 August 2023, Mr. Nabavi, along with Ms. Amiri, was sentenced to an additional one-year imprisonment by the 26th branch of Tehran's Revolutionary Court. The conviction was based on charges of propaganda against the state, arising from a protest organized at Allameh Tabatabai University by students to address the November 2022 school poisoning attacks.

The case of Mr. Shahriyar Shams

In December 2017, Mr. Shams was arrested by State security agents at the age of eighteen in connection with a protest rally of June 2017 in Tehran. He received a five-year prison sentence for charges of "gathering and colluding to act against national security," a one-year prison term for "propaganda activities against the state," and a two-year ban on social group membership for "disturbing public opinion."

In June 2020, the court of appeal reduced Mr. Shams's sentence to three and a half years for "gathering and colluding to act against national security" and seven and a half months for "propaganda activities against the state." The two-year ban on social group membership for "distributing public opinion" was upheld. Following article 134 of the Islamic Penal Code, the most severe single sentence, three and a half years in prison, was to be executed.

In July 2020, Mr. Shams began serving his sentence. On 4 September 2021, he received a medical furlough after serving almost a year in prison. He was conditionally released with the suspension of the remainder of his sentence.

On 29 September 2022, Mr. Shams was arrested following a raid on his residence shortly after the onset of the mass protests in the Islamic Republic of Iran. The arrest was linked to his social media posts advocating for prisoners' rights and reporting on protestors facing the death penalty. On 4 November 2022, Mr. Shams was arrested for the second time during protests.

On 14 November 2022, Mr. Shams was released on bail. He is currently awaiting two trials pertaining to charges brought against him following both prior arrests.

On 8 June 2023, Mr. Shams disclosed on his Twitter account that he had been expelled from his undergraduate studies at Azad University of Tehran, North Branch. The decision was made by the university's disciplinary committee and published on the university portal without further explanation. He intends to appeal the decision, attributing it to his human rights activities at the university.

Without prejudging the accuracy of the received information regarding the cases of Ms. Amiri, Mr. Nabavi and Mr. Shams, we express deep concern at this continuous cycle of persecution, which appears to be in retaliation for their human rights activities and critical or dissenting opinions. As such, the criminalization of these individuals prima facie constitutes violation of their right to freedom of opinion and expression as well as freedom of peaceful assembly. We are deeply troubled by the new and excessive prison sentences received by Ms. Amiri and Mr. Nabavi, simply due to their alleged participation in a peaceful university protest highlighting the absence of proper state-led investigations into poisonings affecting schoolgirls. Equally troubling are the recent allegations against Mr. Shams, which appear to be closely linked to his advocacy for the protection and promotion of human rights. Of particular concern are the reports indicating Mr. Shams and Mr. Nabavi have been expelled, suspended or banned from academic institutions, effectively denying them the right to pursue higher education. These actions seem to be part of a broader pattern, reflective of a crackdown on university students and professors, their human rights, physical integrity and academic freedom, throughout Iran. This broader pattern includes arbitrary arrests, charges, prison sentences handed down without respect for due process, and expulsions—a trend that has been evident since the September 2022 protests in Iran.

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 detailed information regarding the prison sentences handed down on Ms. Amiri and Mr. Nabavi, clarifying how the peaceful protest within the university has been categorised as a criminal offence, particularly considering Iran's commitments under international human rights law.
2. Please provide precise information about the charges Mr. Shams is facing, including a detailed explanation of how these charges have been formulated within Iran's legal framework and their compatibility with international human rights principles.
3. Please provide information regarding the suspension of Mr. Nabavi from university studies and or expulsion and educational bans imposed on Mr. Shams, including pertinent details regarding the circumstances, reasons, and procedures that culminated in these outcomes. Furthermore, please clarify the compatibility of these decisions with the internationally recognized rights to education as established by international law.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Farida Shaheed
Special Rapporteur on the right to education

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

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

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Annex

Reference to international human rights law

In connection with the 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 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.

Legitimate restrictions to freedom of expression may be implemented in accordance with the requirements of article 19(3) of the Covenant. Restrictions must meet the standards of legality, meaning that they are publicly provided by a law which meets standards of clarity and precision, and is 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 the Human Rights Committee has found 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). Furthermore, an attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19. (CCPR/C/GC/34 para. 23)

Additionally, we recall that article 21 of the International Covenant on Civil and Political Rights guarantees the right of peaceful assembly, while article 22 protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the ICCPR).

We would also like to bring attention to the provisions outlined in articles 2 and 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) to which the Islamic Republic of Iran is a State party. According to these articles read in conjunction, higher education should be made equally accessible to all citizens "without discrimination of any kind as to race, color, sex, language, religion, political or other opinions, national or social origin, property, birth, or other." The actions of the Islamic Republic of Iran, if such occurrences involve the denial of access to education, may raise concerns regarding potential violations of ICESCR as mentioned above, as well as provisions of the Universal Declaration of Human Rights and UNESCO Convention against Discrimination in Education. Specifically, section 1 of article 26 of the Universal Declaration of Human Rights explicitly states that "...higher education shall be equally accessible to all on the basis of merit." Moreover, article 1 of UNESCO Convention against Discrimination in Education prohibits actions that have the purpose or effect of depriving any person or group of persons of access to education of any type or at any level (including higher education) “based on race, color, sex, language, religion, political or other opinion”.

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 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 you to the report by the Special Rapporteur on violence against women and girls, its causes and consequences on violence against women in politics, in which the Special Rapporteur emphasized that women's right to participate in political and public life on equal terms with men is explicitly protected under international human rights law (A/73/301). In the same report, the Special Rapporteur stressed that all forms of gender-based violence and discrimination against women are prohibited under international human rights standards, under which States have due diligence obligations to prevent, investigate and punish.