

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 situation of human rights in the Islamic Republic of Iran and the Working Group on discrimination against women and girls

Ref.: AL IRN 18/2023
(Please use this reference in your reply)

2 November 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 promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4, 52/9, 49/24 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the conviction of Ms. Nasim Soltanbeygi, a women's human rights defender and journalist, whose prior detentions have allegedly involved severe mistreatment, leading to her current critical health condition.

Ms. **Nasim Soltanbeygi** is a woman human rights defender and journalist, focusing mainly on women's rights issues in Iran. She has been involved in women's rights movements and contributed to publications addressing social and human rights concerns in marginalized areas of Iran. From 2006 to 2023, she has been arrested three times for her human rights activities. During her detention, Ms. Soltanbeygi allegedly endured intense mistreatment, resulting in serious medical conditions, including epilepsy, which may deteriorate with further incarceration.

According to the information received:

On 12 June 2006, Ms. Soltanbeygi was initially arrested during a women's rights demonstration in Haft-e Tir Square. Following eight days in solitary confinement in Ward 209 of Evin Prison, she was released on bail. Subsequently, on 15 September 2007, Mrs. Soltanbeygi stood trial at Branch 15 of the Revolutionary Court and was given a two-year suspended sentence for charges related to 'illegal assembly' and 'conspiracy against national security.'

On 3 December 2007, Ms. Soltanbeygi was arrested for the second time during a student rally and spent 56 days in detention, 40 of which were in solitary confinement before being released on bail.

On 30 November 2010, Ms. Soltanbeygi was sentenced to six years in prison for her participation in the student movement by Branch 15 of the Revolutionary Court. Upon appeal, she was acquitted of a year's sentence for propaganda against the regime, two years were suspended, and her three-year conviction for activities against national security was confirmed.

On 13 October 2012, Ms. Soltanbeygi began serving her 3-year prison sentence at Evin Prison and spent one year in detention before being pardoned and released.

On 11 January 2023, Ms. Soltanbeygi was arrested at the airport by intelligence agents as part of the "Woman, Life, Freedom" protests and imprisoned for one month in Ward 2A of Evin prison before being released on heavy bail. Despite her temporary release, the intelligence service continued to summon and investigate her, including three times in May 2023. The prosecutor subsequently issued an indictment seeking "the most severe punishment" for her from the court due to her lack of collaboration during the interrogations.

On 3 July 2023, Ms. Soltanbeygi received a sentence from Branch 26 of the Revolutionary Court, consisting of three years and seven months in prison on the charge of 'gathering and colluding against national security' and an additional eight months in prison for 'propaganda against the state.' The verdict also imposed a two-year travel ban and a two-year prohibition from participating in political and social groups.

On 18 September 2023, Branch 36 of the appellate court upheld the primary court's conviction with minor modifications, resulting in a sentence of seven months and sixteen days in prison on the charge of 'propaganda against the regime', and three years and six months in prison on the charge of 'gathering and colluding against national security'. In addition to this, the verdict made clear that Ms. Soltanbeygi could not benefit from the amnesty extended in February 2023. This was a general amnesty declared on the 44th anniversary of Iran's Revolution, leading to the release of many prisoners, including human rights defenders facing similar charges.

Without prejudging the accuracy of the information received, we express profound concern regarding the conviction of Nasim Soltanbeygi, which appears to be linked solely to her peaceful human rights activism. Additionally, we are deeply concerned that the enforcement of her prison term could further deteriorate her already compromised health condition after her previous arrests and detentions. These actions appear to be part of a broader pattern indicative of a crackdown on human rights defenders, particularly women's rights advocates, across Iran. This broader pattern encompasses arbitrary arrests, unfounded charges, and prison sentences lacking due process, which have been widespread since the onset of protests across Iran in September 2022.

Should the allegations be confirmed, they would constitute a violation of the right to liberty and security of person as well as the right to freedom of expression, which can only be subject to limited restrictions in line with international human rights law. We are also worried about the negative implications these violations have on the right to freedom of expression in general, including through the chilling effect on individuals, in particular women and girls, who wish to express themselves, demonstrate peacefully, and participate in public and political life in Iran.

Additionally, in connection with these allegations 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 detailed information regarding the prison sentences imposed upon Ms. Soltanbeygi clarifying how her human rights activism and journalistic work on social issues have been regarded as criminal offences, taking into account Iran's international legal obligations.
3. Please provide detailed information on the legal and procedural safeguards granted to Ms. Soltanbeygi from the outset of her arrest, including her access to a lawyer, to a medical doctor and to her family. Please also clarify any delays in the provision of such safeguards.
4. Please provide information about Ms. Soltanbeygi's current health condition and explain why, in light of her health status, her prison sentence has not been converted to an alternative punishment as provided for under Iranian law.
5. Please indicate what measures have been taken to ensure that human rights defenders in general, and women and minorities human rights defenders in particular, and other civil society actors, including journalists and lawyers, in Iran are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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

Irene Khan

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

Javaid Rehman

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

Dorothy Estrada-Tanck

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

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. We note with concern the apparent retaliatory measures taken against Ms. Soltanbeygi, for exercising her 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.

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).

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 also remind your Excellency's Government of the legal obligations of States under international human rights law to respect, protect and fulfil women's rights and fundamental freedoms, including the rights to non-discrimination and equality set out in Articles 3 and 26 of the ICCPR and Article 3 of the International Covenant on Economic, Social and Cultural Rights.

We further 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 should be developed with the participation of women defenders themselves.

We would also like to recall to your Excellency's Government that the Working Group on Discrimination against Women and Girls, in its report on participation in public life (A/HRC/23/50) stated that women human rights defenders are often the target of gender-specific violence such as intimidation, attacks, and death threats which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling condition for women's participation in political and public life.

In addition to these provisions, we would like to remind your Excellency's Government of the General Assembly resolution 68/181, 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 like to further recall your Excellency's Government that the Working Group on Discrimination against Women and Girls, in its report on girls and young women's' activism (A/HRC/50/25) expressed that girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls' and young women's human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

Moreover, in its thematic report on women deprived of liberty (A/HRC/41/33), the Working Group underlined the increasing risk faced by women human rights defenders of criminalization and detention as a result of their legitimate work and recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders. Women who work specifically to combat gender stereotypes and advance women's rights are most likely to be targets for criminal persecution and imprisonment. Certain laws, including "complicity" laws, and "public order" laws or even anti-terrorism laws, may be particularly instrumentalized to target women human rights defenders. The Working Group recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.