

**Mandates of 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 situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on freedom of religion or belief and the Working Group on discrimination against women and girls**

Ref.: AL IRN 20/2023  
(Please use this reference in your reply)

5 December 2023

Excellency,

We have the honour to address you in our capacity as 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 situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on freedom of religion or belief and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/8, 52/9, 50/17, 52/4, 49/24, 49/5 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 health deterioration of human rights defender, Ms. **Narges Mohammadi**. In addition, we would like to express our concerns regarding the recent arrests of Ms. **Nasrin Sotoudeh** and Ms. **Manzar Zarabi** at **Armita Garavand's funeral** at Behesht Zahra Cemetery in **Tehran on 29 October 2023**.

Concerns on Ms. Narges Mohammadi were raised by Special Procedures in previous communications, at the beginning of the year on 30 January (reference IRN 1/2023). Previously, in its Opinion No. 48/2017, the Working Group on Arbitrary Detention concluded that the deprivation of liberty of Ms. Mohammadi, being in contravention of articles 7, 10, 11, 19 and 20 of the Universal Declaration of Human Rights and of articles 10, 14, 19, 21 and 26 of the International Covenant on Civil and Political Rights, was arbitrary and falls within categories II, III and V of the Working Group. Despite this, Ms. Narges Mohammadi remains in prison.

Concerns on Ms. Nasrin Sotoudeh were raised by Special Procedures in previous communications, in 2021 (reference IRN 12/2021, IRN 14/2021 and IRN 16/2021). In this regard, we thank your Excellency's Government for your response on 11 August 2021 that explained the case of Ms. Nasrin Sotoudeh and the reasons behind her arrest and detention. However, concerns on the recent arrest and new charges against Ms. Nasrin Sotoudeh remain. We appeal to your Excellency's Government to respond to the letter and the concern raised.

*According to the information received:*

Ms. **Narges Mohammadi** (51 years old) is an Iranian writer and a human rights defender. During 2023, Ms. Narges Mohammadi was summoned to appear before the judicial authorities eleven times between January and October 2023. On 4 August 2023, she was sentenced to an additional one-year prison by Branch 29 of the Tehran Revolutionary Court for “propaganda activities” from prison. The amount of sentence remaining to be served Ms. Narges Mohammadi currently stands at nine years and eight months in prison as well as 154 lashes.

On 6 November 2023, Ms. Narges Mohammadi started a hunger strike in protest against delay and neglect of medical care for sick prisoners, as well as making "mandatory hijab" a condition for the transfer of the women prisoners to medical facilities.

On 12 November 2023, Ms. Narges Mohammadi announced that she had been summoned to the Evin court for a hearing on new charges, but that she had been banned from attending on account of refusing to wear her hijab as instructed.

Ms. Narges Mohammadi suffers from significant heart and lung problems.

Ms. **Nasrin Sotoudeh** (60 years old), an Iranian lawyer, writer, and human rights defender, was arrested and beaten while attending the funeral of the 16-year-old Armita Geravand on 29 October 2023.

Previously, Ms. Nasrin Sotoudeh have been arrested several times. In its Opinion 21/2011, the Working Group on Arbitrary Detention determined that the deprivation of liberty of Ms. Sotoudeh was arbitrary in violation of articles 9, 10, 19, 20 and 21 of the Universal Declaration of Human Rights and articles 9, 14, 19, 21 and 22 of the International Covenant on Civil and Political Rights and fell into categories II and III of the categories applicable to the cases submitted to the Working Group.

On 30 October 2023, Fars News Agency, a media source affiliated with the Islamic Revolutionary Guards Corps, claimed that Ms. Nasrin Sotoudeh had violated the compulsory veiling laws and “act[ed] against the society’s security”. She is allegedly being charged for “assembly and collusion against national security” and “disobeying orders of an officer.”

According to information received, Ms. Nasrin Sotoudeh was severely beaten during her arrest in the face and the head. Plain-clothed officers hit her face and head, breaking her glasses.

Reportedly, Ms. Nasrin Sotoudeh was transferred to Gharchak prison and stated that she refuses any medical treatment and started a hunger strike.

On 7 November 2023, the request of Ms. Nasrin Sotoudeh to be released on bail was rejected by the prosecutor at Branch 29 of Tehran Revolutionary Court.

On 15 November 2023, Ms. Nasrin Sotoudeh was released on bail, however charges remain against her.

Ms. **Manzar Zarabi** (67 years old), a human rights defender and relative of four of the victims of the downed Ukrainian plane<sup>1</sup>, was reportedly arrested with Mrs. Nasrin Sotoudeh during the funeral of Armita Geravand.

Ms. Manzar Zarabi was released when her situation became critical. While in State custody on Oct. 29-30, reportedly security agents subjected her to severe beatings, multiple death threats to her and her family, and sleep deprivation for 40 hours, causing her to nearly faint and suffer two episodes of convulsions within 24 hours, at which point, the security agents were forced to call an ambulance and release her.

Ms. Manzar Zarabi still faces a pending court case against her for "illegal assembly and collusion against national security."

Ms. Manzar Zarabi and Ms. Nasrin Sotoudeh were arrested together with 23 other women, including journalists and civil society actors, most of whom have been granted bail.

Without prejudging the accuracy of the above-mentioned allegations, we express our concern at the lack of information regarding the reason and legal basis for the arrest of Ms. Nasrin Sotoudeh and Ms. Manzar Zarabi. We also express our concern at the enhanced risk faced by women human rights defenders, protesters and their families of being subjected to detention, torture and other forms of ill-treatment. In addition, we express our concern about Ms. Narges Mohammadi and the lack of prompt transfer to a hospital to obtain the necessary medical attention she needs without discrimination.

Should the allegations be confirmed, the reported allegations would be in contravention of the rights of every individual to life, health, physical integrity; freedom from torture and other cruel, inhuman or degrading treatments or punishment, and of arbitrary deprivation of liberty; and the right to equal recognition before the law, as laid down, inter alia, in articles 3, 5, 6, 9, 14 and 18 of the Universal Declaration of Human Rights (UDHR), as well as articles 3, 6, 7, 9, 20, 16, 17, 18, 19, 24 and 26, read alone and in conjunction with article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 24 June 1975.

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<sup>1</sup> On January 8, 2020, Ukraine International Airlines Flight 752 was shot down minutes after taking off from Tehran, Iran.

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

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 on the factual and legal basis for Ms. Nasrin Sotoudeh and Ms. Manzar Zarabi's arrests and detention and how these acts are compatible with Iran's obligations under international law as stated.
3. Please provide detailed information on elements relating to the state of health of Ms. Narges Mohammadi and the measures taken to provide her with medical assistance.
4. Please also provide information as to what measures have been taken to ensure that the rights of Ms. Nasrin Sotoudeh and Ms. Manzar Zarabi to due process and a fair trial have been respected, and how such measures comply with the obligations of your Excellency's Government under international human rights law.
5. Please provide detailed information on the measures which have been taken, or which are foreseen, to ensure full and impartial, effective, thorough and independent investigations, independent medical examinations, and judicial or other inquiries in relation to the allegations of arbitrary arrest and enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment. If measures have been undertaken, please make available the results of the investigations. If no such measure has been taken, please explain how this is compatible with the international human rights obligations of Iran.
6. Please provide information on where detained human rights defenders, and lawyers and in particular women human rights defenders are being held, including the names of the facilities and the number of detainees held in each facility vis-a-vis its official capacity, and the charges they are held under. Please also provide information as to what measures have been taken to ensure that the rights of all detained individuals to due process and a fair trial have been respected, and how such measures comply with the obligations of your Excellency's Government under international human rights law.

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, after having transmitted the new information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

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

Matthew Gillett

Vice-Chair on Communications 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

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

Nazila Ghanea

Special Rapporteur on freedom of religion or belief

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 article 9 of the ICCPR guarantees the right not to be subjected to arbitrary arrest or detention, and that the prohibition of arbitrary detention is absolute.

We remind that the prohibition of arbitrary deprivation of life, torture, and enforced disappearance are *jus cogens* norms, from which no derogation is permitted, regardless of contexts of armed conflict or any other public emergency (Human Rights Committee, General Comment No. 36, I.2). The Islamic Republic of Iran, as a State party to the ICCPR, is required to undertake all necessary measures to prevent arbitrary deprivation of life by law enforcement officials. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health. A heightened duty to protect the right to life also applies to individuals quartered in liberty-restricting State-run facilities, (Human Rights Committee, General Comment No. 36, III.25).

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Iran on 24 June 1975, which establishes that an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14, para. 34). In addition, we would refer to the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in resolution 45/111, according to which prisoners should have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9).

Additionally, we would like to refer to the Mandela Rules, adopted unanimously by the UN General Assembly (A/RES/70/175), which recognize the responsibility of States to provide health care for prisoners, free of charge without discrimination (rule 24), paying special attention to those with special healthcare needs or with health issues that hamper their rehabilitation (rule 25) and indicate that prisoners requiring specialized treatment shall be transferred to specialized institutions or to civil hospitals (rule 27). In addition, rule 30 requires that a health-care professional examine every prisoner as soon as possible, following admission of that person, with the aim, among others, to identify health-care needs and take all necessary measures for treatment; identify any ill-treatment prior to admission; and identify any sign of psychological or other stress. We wish to also recall that rule 46 stresses that health-care personnel shall "pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff" and that "[h]ealth-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner

subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.”

We would also like to draw your attention to the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), adopted by the UN General Assembly (A/65/457), which require that adequate attention should be paid to the admission procedures for women due to their particular vulnerability, and that they are provided with access to legal advice (rule 2). In addition, rule 6 requires comprehensive medical screening on entry of detained women to determine their primary health-care needs. It is further required that prison staff are "made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that women are provided appropriate support" (rule 13) and access to legal assistance (rule 7). We wish to also recall Rule 56 that underlines that women in pretrial detention are particularly exposed to the risk of abuse due to which authorities need to adopt appropriate measures in policies and practice to guarantee them safety. We would further like to stress that rule 58 prescribes that "women offenders shall not be separated from their families and communities without due consideration" and pretrial and sentencing alternatives shall be implemented whenever they are appropriate and possible.

Moreover, we wish to refer to the report of the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in which he makes reference to the fact that “[i]n contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life” and that [v]iolations of the right to health emerge as both causes and consequences of confinement and deprivation of liberty”. He also stresses that “for the right to health to be enjoyed in detention centres, health-care facilities, goods and services must be available, accessible, acceptable and of good quality”. In addition, the Special Rapporteur urges States to “[f]ully abide by, and implement, the Nelson Mandela Rules, in particular as regards the provision of health care in prisons”.

We also wish to bring to your Excellency’s Government attention General Comment No. 14 adopted by CESCR, which interprets the right to health as “an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition” among others (CESCR, General Comment No. 14, para. 11).

We would also like to remind 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.

Moreover, the Working Group on Discrimination against Women and Girls noted in its thematic report on women deprived of their liberty (A/HRC/41/33) that deprivation of liberty is deeply linked to gender. The Working Group underlined that woman human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism, and are likely to be subject to criminal prosecution and imprisonment. It recommended that States eliminate any laws or policy measures aimed at criminalizing women's public role.

The Special Rapporteur freedom of expression in her reports on gender justice and freedom of expression (A/76/258) expressed concerns about gendered censorship: Women's voices are suppressed, controlled or punished explicitly by laws, policies and discriminatory practices and implicitly by social attitudes, cultural norms and patriarchal values. The Rapporteur also expressed concern about the 'weaponization' of public morals, criminalizing women's freedom of expression on grounds of morality or obscenity.

In addition, we would like to recall General Assembly resolution 68/181, on the protection of women human rights defenders. Articles 7, 9 and 10 of the resolution calls upon States 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 remind your Excellency's Government that article 9 of the ICCPR guarantees the right not to be subjected to arbitrary arrest or detention, and that the prohibition of arbitrary detention is absolute. We also recall that the arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR— including the right to freedom of expression and opinion (art. 19), the right of peaceful assembly (art. 20), and the right to freedom of association (art. 21) — is arbitrary (see CCPR/C/GC/35, para. 17 and the jurisprudence of the Working Group on Arbitrary Detention). In addition, as reiterated by the Working Group on Arbitrary Detention, a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination, including discrimination based on gender or political or other opinion.

We would like to remind your Excellency's Government that limitations on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR, that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate (CCPR/C/GC/34). The manifestation of freedom of religion or belief, including the freedom to veil or not, carries similar criteria with regard to limitations. The State has the burden of proof to demonstrate that any such limitations are compatible with the Covenant. The Human rights Committee held in CCPR/C/GC/34 that 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.

We draw your Excellency's Government's attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances. We further recall that the Declaration sets out the necessary guarantees to be offered by the State, in particular, its articles 3, 7 and 9 to 13.

Additionally, we would like to draw 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 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.

We would like to draw your attention General Assembly Resolution 68/181 whereby 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. (OP5, 19 and 20).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.