

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

Ref.: AL IRN 21/2023
(Please use this reference in your reply)

8 December 2023

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 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, 51/8, 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 new charges against Ms. **Leila Hossein Zadeh**.

Ms. Leila Hossein Zadeh is a woman human rights defender and student activist, who has been advocating for women's rights, the rights of disadvantaged people to employment, and freedom of expression, association and peaceful assembly. She has been prosecuted many times and has been sentenced and imprisoned in relation to her human rights work. Ms. Hossein Zadeh was the subject of a previous communication AL IRN (35/2021). We thank your Excellency's Government for its response dated 28 July 2022, but wish to reiterate our concern at the reported continued judicial harassment of Ms. Hossein Zadeh.

According to the information received:

In January 2018, Ms. Hossein Zadeh was detained during a protest against escalating fuel prices. Subsequently, she was convicted of "gathering and colluding against national security" and "propaganda activity against the state" by the Tehran Revolutionary Court. Her initial prison sentences were later reduced to two and a half years on appeal. She was released from prison in May 2020 due to her immunocompromised status during the COVID-19 pandemic, while she was already on medical furlough.

On 21 June 2020, Ms. Hossein Zadeh faced new charges for alleged disruption of public order by chanting slogans when in prison. She was ultimately acquitted of this crime.

On 21 February 2021, Ms. Hossein Zadeh was sentenced to five years in prison with a two-year cyberspace ban by Branch 28 of the Revolutionary Court of Tehran. Her conviction stemmed from her participation in a student gathering at Sharif University to commemorate the birthday of a student who was incarcerated. Subsequently, on 5 December 2021, Branch 36 of the Tehran Court of Appeals upheld the five-year sentence. Later, the execution of

her prison term was suspended due to medical forensic confirmation affirming her inability to serve prison time due to her medical condition. She has been diagnosed with Crohn's disease, a condition characterised by eye inflammation and severe pain, in addition to another immunocompromising ailment that has been confirmed by medical professionals affiliated with the Iranian Organization of Prisons. She has been periodically asked by the court to undergo a verification process of her medical condition, a total of five times.

On 7 December 2021, while traveling, Ms. Hossein Zadeh was arrested in Shiraz on charges of "gathering and colluding against national security" and "propaganda activity against the state," without clear grounds provided for these allegations. Reportedly, she endured physical abuse during her detention, prompting her to file a legal complaint against the prosecution office and intelligence service in Shiraz. These complaints have not been investigated by the authorities. Subsequently, she was released on bail on 2 January 2022, following her transfer from Shiraz to Evin prison in Tehran, and the case remains pending at the prosecution office in Shiraz.

On 20 August 2022, Ms. Hossein Zadeh was violently arrested in front of her residence in Tehran by intelligence services. Following her arrest, she was detained in Ward 209 of Evin Prison, followed by transfer to two detention facilities in Shiraz, known as Soroush and House No. 100, within Adelabad Prison before being returned to Evin prison. She was eventually released after embarking on a hunger strike following five months of detention.

On 17 September 2023, Ms. Hossein Zadeh defended her post-graduate thesis on 'National Identity versus Ethnic Identity in an Iranian Modern City', at the University of Tehran. Subsequently, her social media posts triggered a social media smear campaign against her. Following these events, a new case was initiated against her in Branch 4 of the prosecution office, with charges of "gathering and collusion against national and external security". She officially received notice of these charges on 15 October 2023.

Without prejudging the accuracy of the information received, we express grave concern regarding the multiple legal proceedings and national security charges brought against Ms. Hossein Zadeh, which appear to be related to her peaceful human rights activism. These charges and convictions are even more concerning given her health conditions as well as the psychological impact of the smear campaign against her. The repeated judicial processes against her pose a potential threat to her already fragile health. Furthermore, we express profound concern about the absence of official investigations into the allegations of physical abuse, as raised by Ms. Hossein Zadeh.

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.

We are issuing this appeal in order to safeguard the rights of the above-mentioned individuals 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 on the factual and legal basis for the various arrests, detention and conviction against Ms. Hossein Zadeh, including the charges that have been brought to her attention on 15 October 2023, and how these measures are compatible with Iran's obligations under international law.
3. Furthermore, please provide information on the status of investigations into Ms. Hossein Zadeh's complaints regarding physical abuse by authorities in Shiraz.

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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case 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.

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

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

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 procedures 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. The 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. Furthermore, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR. In addition, 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 prisoners for exercising their right to freedom of expression. Legitimate restrictions to freedom of expression may be implemented in accordance with the strict requirements of article 19 (3) of the Covenant only.

Restrictions must meet the standards of legality, meaning that they are provided by a law which meets requirements 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.

Additionally, women human rights defenders warrant protection under the General Assembly Resolution 68/181, which was adopted on 18 December 2013. Specifically, Articles 7, 9, and 10 require States to publicly acknowledge the importance of women human rights defenders and take practical steps to prevent threats, harassment, and violence against them. States must also combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting these defenders are compatible with relevant provisions of international human rights law.

Furthermore, in a report to the Human Rights Council (A/HRC/41/33), the Working Group on Discrimination against Women and Girls stressed that deprivation of liberty is deeply linked to gender. Women 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.

We would also like to recall that the Working Group on Discrimination against Women and Girls, in its report on girls’ and young women’s activism (A/HRC/50/25), stated that young women activists face specific barriers that encompass different types of obstacles, including those derived from structural discrimination based on sex, gender and age, rooted in discriminatory social norms and harmful stereotypes. 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 take all appropriate measures to create safe and enabling

spaces for girl and young women activists, where they can exercise their activism and express their views freely, equally, fully and meaningfully on all matters of relevance to them.