

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; 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 Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL IRN 12/2024
(Please use this reference in your reply)

9 July 2024

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 in the field of cultural rights; 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 Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/4, 51/8, 55/5, 52/9, 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 **sentencing of five members, Ms. Soma Pourmohammadi, Ms. Serveh Pourmohammadi, Mr. Seivan Ebrahimi, Mr. Edris Menbari and Ms. Zahra Mohammadi of the Nozhin socio-cultural association to lengthy prison sentences, as well as the sentencing of woman human rights defender Jina Modares Gorji to 21 years in prison.**

Nozhin is a socio-cultural association established in 2011, certified by the Iranian Ministry of Interior in 2013. The association raises awareness of the legal and cultural rights of ethnic groups in Iran and has been active in promoting cultural education through the organisation and holding of Kurdish language classes in various cities in the region.

Ms. Soma Pourmohammadi is a woman human rights defender and a sociologist. She began her sociocultural activities in 2009 by teaching Kurdish language in different associations. She has been involved in the Nozhin socio-cultural association since 2013; from 2013 to 2017 as director and from 2021 to 2023 as a member of the board of directors.

Ms. Serveh Pourmohammadi is a woman human rights defender and a member of the board of directors of Nozhin between 2021 to 2023. She defends the sociocultural rights of the Kurdish community by teaching Kurdish language and organizing cultural events.

Mr. Seivan Ebrahimi is a human rights defender and he was a member of the board of directors of Nozhin from 2021 to 2023. He defends the sociocultural rights of the Kurdish community by teaching Kurdish and organizing cultural events.

Mr. Edris Menbari (Idris Manbari) is a human rights defender and member of the board of directors of Nozhin.

Ms. **Zahra Mohammadi** is the director of Nozhin.

Ms. **Jina Modares Gorji** is a woman human rights defender, bookseller, feminist podcaster and blogger in Sanandaj, in the Kurdistan province of Iran. She advocates for the rights of women and girls, and socio-cultural rights through holding book clubs and writing blogs. Special Procedures mandate holders have written two previous communications to your Excellency's Government concerning Ms. Modares Gorji's previous arrest and detention in the context of the 'Woman, Life, Freedom' protests in Iran ([UA IRN 1/2023](#) and [AL IRN 14/2023](#)). We thank your Excellency for [its response](#) provided to AL IRN 14/2023, dated 18 October 2023.

According to the information received:

Regarding members of the Nozhin socio-cultural association

In July 2020, Ms. Zahra Mohammadi was sentenced to ten years in prison on the charge of 'forming groups and association with the intention of disturbing national security', by Branch 1 on the Islamic Revolutionary Court of Sanandaj. In February 2021, she was sentenced to five additional years in prison by the Court of Appeal of Kurdistan Province.

Mr. Edris Menbari was arrested on 18 December 2022, after his house was raided and his electronic devices confiscated. On 12 October 2023, Branch 106 of the Sanandaj Criminal Court sentenced him to one year in prison and forty lashes, for 'disturbing the public order', in relation to his participation in the 'Women, Life, Freedom' protests, following one court hearing held in absentia.

On 26 October 2023, Branch 1 of the Sanandaj Revolutionary Court sentenced Ms. Serveh Pourmohammadi and Mr. Edris Menbari (Ms. Soma Pourmohammadi's sister and husband) to ten years in prison on the charge of "forming groups and association with the intention of disturbing national security", due to their peaceful human rights activities to promote socio-cultural rights. They both appealed their sentences and are currently awaiting the verdict of the Revolutionary Court of Appeals.

On 3 December 2023, Branch 1 on the Sanandaj Revolutionary Court sentenced Mr. Seivan Ebrahimi to one year in prison and forty on the charge of 'disturbing public order'. He began serving his sentence on 30 December 2023.

Additionally, on 3 December 2023, Mr. Ebrahimi was sentenced to ten years in prison on charges of 'forming groups and association with the intention of disturbing national security' and 'propaganda against the state' which relates to his advocacy efforts for the release of his wife, Ms. Mohammadi.

On 17 June 2024, the remainder of Mr. Ebrahimi's sentence on charges of 'disturbing public order' was suspended under an amnesty scheme announced by the Iranian Judiciary pardoning prisoners who had less than six months of sentences left to serve. Following a brief release, on 29 June 2024, Mr. Ebrahimi was then acquitted of the charges of 'forming groups and association with the intention of disturbing national security,' and had his ten-

year prison sentence overturned. His sentence on charges of ‘propaganda against the state’ was reduced from one year to eight months and on 2 July 2024, Mr. Ebrahimi began serving this sentence.

On 16 April 2024, Branch 1 of Sanandaj Revolutionary Court sentenced Ms. Soma Pourmohammadi to ten years on prison on charges of ‘forming groups and association with the intention of disturbing national security’, and informed her about the sentencing on 21 April 2024. On 13 May 2024, Ms. Soma Pourmohammadi appealed this sentence.

In a separate case, on 4 March 2024, Branch 106 of Sanandaj Criminal Court sentenced Ms. Soma Pourmohammadi to one year in prison, on the charge of ‘disturbing public order’, due to her participation in the ‘Women, Life, Freedom’ protests which started in September 2022.

Regarding Ms. Jina Modares Gorji

On 9 May 2024, the final hearing took place in the criminal case against Ms. Modares Gorji on charges of ‘forming groups and associations with the intention of disturbing the national security’, ‘collaboration with a hostile government’, and ‘propaganda activities against the state.’ These charges are believed to be related to her peaceful and legitimate human rights activities, including participating in international conferences and organising other activities to promote women’s rights in the Kurdistan region of Iran.

On 24 May 2024, Ms. Modares Gorji was notified of her conviction and sentence to a combined 24 years in prison by Branch 1 of the Sanandaj Revolutionary Court. This sentence is currently under appeal and, if confirmed, 10 years of this sentence may be executable under article 134 of the Islamic Penal Code of Iran.

There is an additional pending criminal case against Ms. Modares Gorji before Branch 2 of the Sanandaj Criminal Court on charges of ‘spreading disinformation’ and ‘inciting violence.’

Without wishing to prejudge the accuracy of the above detailed allegations, we wish to express our concerns at the charges against, and sentencing of, human rights defenders working on the cultural and linguistic rights of the Kurdish population and the rights of women and girls, as well as for participating in peaceful protests. We are concerned that the targeting and prosecution of human rights defenders not only directly limits the freedom of expression of the individuals concerned, it also sends a chilling message to all individuals wishing to exercise their freedom of expression, including human rights defenders, activists and journalists, having a severe chilling effect on the freedom of expression in Iran. We are further concerned about the reported shortcomings of the judicial proceedings, including hearings held in absentia. Moreover, we are concerned about the lengthy sentences they have received, which appear to be excessive and disproportionate, and may thereby possibly amount to persecution based on intersecting grounds.

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 any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information about the legal basis for the arrest and sentencing of Ms. Soma Pourmohammadi, Ms. Serveh Pourmohammadi, Mr. Seivan Ebrahimi, Mr. Edris Menbari and Ms. Zahra Mohammadi in relation to their legitimate human rights activities for the promotion and protection of the cultural and linguistic rights of Kurdish minorities, as well as their participation in peaceful protests, and how these are compatible with the obligations of Your Excellency's Government under international human rights law. Please also provide detailed information about the legal basis for the sentencing of Ms. Jina Modares Gorji in relation to her defence of the rights of women and girls in the Kurdistan region of Iran.
3. Please provide information on measures taken to ensure an enabling environment for civil society and human rights defenders in Iran, including for those working on cultural and linguistic rights of minorities, as well as the rights of women and girls.

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.

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 also 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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Ganna Yudkivska
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

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

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

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.

Article 9 of the ICCPR enshrines the right to liberty and security of person and establishes 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). The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. 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) 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).

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others". Article 22 of the ICCPR protects the right to freedom of association with others.

In this regard, we would also like to recall earlier jurisprudence of the Working Group on Arbitrary Detention, which concerned detention of a female human rights activist who was also arrested for her work to protect the Kurdish minority. As such, in its Opinion 1/2026 (Iran), the Working Group underlined that "her activities as a social and political activist for the rights of Kurdish women clearly fall within the protection given by article 19 of the ICCPR to freedom of opinion and expression" and referred to "credible information to suggest that she was targeted as a Kurdish woman seeking to help other Kurds, and because of her involvement in political activism".

In addition, we wish to underline that the mentioned provisions need to be implemented without any discrimination. Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, according to the general comment no. 18 of the Human Rights Committee, "constitute a basic and general principle relating to the protection of human rights. Thus, article 2, paragraph 1, of the ICCPR obligates each State party to respect and ensure to all persons within its territory and subject to its jurisdiction the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 not only entitles all persons to equality before the law as well as equal protection of the law but also prohibits any discrimination under the law and guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

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.

In addition, we wish to refer to the UN General Assembly Resolution on Promotion of 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: protecting women's human rights defenders (A/RES/68/181) which "Calls upon all States to promote, translate and give full effect to 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, including by taking appropriate, robust and practical steps to protect women human rights defenders (1). The same resolution further "Stresses that respect and support for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights, and condemns all human rights violations and abuses committed against persons engaged in promoting and defending human rights and fundamental freedoms (2)."

As emphasised by the Working Group on discrimination against women and girls in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as human rights defenders, leaders, community workers and politicians. Women defenders are often the target of gender-based violence, including verbal abuse, sexual abuse, rape, intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. Furthermore, the Working Group has pointed out that 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 (A/HRC/41/33)." Furthermore, the Working Group on Discrimination against Women and Girls, in its report on Women Deprived of Liberty (A/HRC/41/33), states that "women's deprivation of liberty is a significant concern around the world and severely infringes their human rights." they are mostly deprived arbitrarily, and in a discriminatory manner.

Additionally, article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in its article 2, highlights that States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.