

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls**

Ref.: UA IRN 13/2024

(Please use this reference in your reply)

29 July 2024

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/8, 53/4, 52/9, 50/17, 52/4, 53/12, 49/24, 52/7, 50/7 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 death sentence against Ms. **Sharifeh Mohammadi**, a woman human rights defender and labour and civil rights activist following her arrest on 5 December 2023 and trial before the first Branch of the Rasht Revolutionary Court.

Ms. **Sharifeh Mohammadi** is a 45-year-old woman human rights defender and labour and civil rights activist from Mianeh, in Eastern Azerbaijan, who resided in Rasht. Ms. Mohammadi was a member of the Coordination Committee to Aid for Formation of Labour Unions in Iran (the Coordination Committee) until 2011. The Coordination Committee was founded in 2005 by several Kurdish activists to assist and facilitate the creation of independent labor organizations.

*According to the information received:*

On 5 December 2023, Ms. Mohammadi was arrested by the Iranian authorities and accused of "armed rebellion against the state" (*baghy*).

On 4 July 2024, Ms. Mohammadi was sentenced to death for *baghy* charges by Branch One of the Rasht Revolutionary Court after her first trial.

According to information received, Ms. Mohammadi has been denied access to phone calls and visits from her family since her arrest. In addition, she has not been allowed to choose her own lawyer. During the entire investigation

and indictment stages, she was represented by one of the mandatory government-approved lawyers. It was only after Ms. Mohammadi was charged of "baghi" by Branch Four of the Revolutionary Prosecutor's Office in Rasht that she was able to have a lawyer chosen and approved by her family. Furthermore, she was not allowed to attend the court session in person and was only allowed to attend via a video conference.

Reportedly, Ms. Mohammadi was subjected to severe psychological and physical torture to extract forced confessions. The authorities placed her in solitary confinement for five months, attempting to coerce her into confessing that she had been armed and actively fighting against the Islamic Republic of Iran.

The Islamic Republic claims that Ms. Mohammadi was involved with the Coordination Committee to Aid for Formation of Labour Unions during the 2020s and asserts that this committee had ties to Komala, an armed Iranian Kurdish communist party. However, Ms. Mohammadi, her family, and friends have consistently denied any involvement in armed actions. Furthermore, the Coordination Committee has also refuted these claims, stating that Ms. Mohammadi's membership was during the 2010s. According to information received, Ms. Mohammadi had been a member of the Coordination Committee until 2011. This group has no connection to Komala.

Following the arrest of Ms. Mohammadi, several members of her family were also detained but released after a few days of interrogation, presumptively to put pressure on Ms. Mohammadi to confess. On 11 June 2024, the authorities arrested Ms. Mohammadi's husband and subjected him to interrogation and psychological torture for nine days. He was released after 9 days and then charged for "spreading public disquiet". His case remains open.

On 18 July 2024, it was announced that an appeal lodged by Ms. Mohammadi's lawyers against her death sentence was registered in the Supreme Court.

Without prejudging the accuracy of the above-mentioned allegations, we express our concern at the arrest and detention of woman human rights defender Ms. Mohammadi, which appear to be solely related to the peaceful exercise of her rights to freedom of peaceful assembly and expression. We further express our grave concern about the imposition of the death sentence against Ms Mohammadi in complete disregard to fair trial principles and for a crime "*baghy*" that would not amount under international law to the required threshold of the most serious crimes. We reiterate that retentionist States are required to abide by the strict application of the death penalty to the "most serious crimes", meaning intentional killing. We also recall the requirement set out by the Human Rights Committee to "revoke death sentences issued for crimes not qualifying as the most serious crimes and pursue the necessary legal procedures to resentence those convicted for such crimes." (General comment No. 36 (GC no. 36) of the Human Rights Committee (HRC), para. 35).

The reported allegations, if they prove to be accurate, would be in contravention of the rights of every individual to life, health, physical integrity, the absolute prohibition of torture and other cruel, inhuman or degrading treatments or punishment, and of arbitrary deprivation of liberty, as well as the right to recognition

as a person before the law, the rights to freedom of opinion and expression, including through artistic disciplines, to freedom of association and peaceful assembly, to health and cultural rights, as established, *inter alia*, in articles 3, 5, 6, 9,10, 14, 19, 20 and 27 of the Universal Declaration of Human Rights (UDHR), articles 6, 7, 9, 16, 17, 19, 21, 22, 24 and 26 read alone and in conjunction with article 2, para. 3 of the International Covenant on Civil and Political Rights (ICCPR), as well as articles 2.2, 12 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), both ratified by your Excellency's Government on 24 June 1975.

We remind that the right not to be arbitrarily deprived of life, the right not to be subjected to torture and the prohibition of enforced disappearance are *jus cogens* norms, also enshrined in international customary law, from which no derogation is permitted, regardless of contexts of internal political instability or any other public emergency (Human Rights Committee, general comment No. 36, para. 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.

We make further reference to the standard that the extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (GC no. 36, para. 57). Furthermore, enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance (GC no. 36, para. 58).

According to the Human Rights Committee, the ICCPR requires States parties to ensure that individuals have accessible and effective remedies to vindicate their rights as provided under the Covenant and that there is a general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies (see CCPR/C/21/Rev.1/Add.13, para. 15). Where investigations find human rights violations, States parties must ensure that those responsible are brought to justice. Importantly, investigations should explore, *inter alia*, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates. They must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoid repeated violations.

Also, under international law, States have a duty to investigate acts of torture and other cruel, inhuman or degrading treatment or punishment via prompt, independent, transparent and impartial investigations wherever there is a 'reasonable ground' to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed even in the absence of a formal complaint. Persons making complaints must likewise be protected from intimidation or other risks to their personal integrity or safety. It is further prohibited to use any form of intimidation or pressure to coerce a person to confess or provide information, against their will and such information or confession shall not be admitted into any proceedings except for proceedings to establish that torture or another form of ill-treatment has been committed. We refer your Excellency's Government to the recent

report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Human Rights Council, A/HRC52/30, which sets out a State's obligations including under customary international law to investigate all allegations of torture or similar mistreatment and the protection of the rights of victims.

The allegations would also be in breach of the guarantees of a fair trial, provided by article 14 of the ICCPR, which sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14 of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing (see also principles 17 and 18 of UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment). Also, principles 19 require that a detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his/her family and shall be given adequate opportunity to communicate with the outside world. We remind your Excellency's Government that handing down death penalties on the basis of forced confessions of guilt extracted under torture is a grave violation of the exclusionary rule as set out in article 15 of the CAT, and renders the sentence arbitrary in nature.

These guarantees provide that lawyers are entitled to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards.

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the ICESCR, which establish 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 like to underline 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). We wish to also remind rule 46 that 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.”

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 the CESCR, which interprets the right to health as “an inclusive with 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 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, including artistic expression (art. 19), the rights to freedom of peaceful assembly (art. 21), and of association (art. 22) 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 also like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR. This right shall include freedom to seek, receive and impart information and ideas of all kinds either orally, in writing or in print, in the form of art, or through any other media of his choice. The Human Rights Committee underlined that the freedom of expression includes political expression and commentary on public affairs and cultural and artistic expression. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR, that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. We wish to remind your excellency’s Government that, as stated by the Human Rights Committee in [general comment 34](#), under no circumstance can 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, be compatible with article 19 (paragraph 23). In this regard, we are alarmed by the detention, prosecution and sentence to death of Ms. Mohammadi as it appears to be in direct retribution for her work as a human rights defender and the exercise of her freedom of

expression. We are also concerned about the chilling effect on freedom of expression that Ms. Mohammadi's sentence to death is prone to generate, including on human rights defenders and labour rights activists who will be extremely discouraged from continuing carrying out their important work.

Furthermore, we wish to recall article 3 of the Declaration on the Elimination of Violence Against Women, which states that women have a right to life, liberty, equality and freedom from being subjected to torture, inhuman or degrading treatment. We would also like to refer 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1 and 2 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.

We would also like to recall your Excellency's Government that the Working Group on discrimination against women and girls, in its report on women deprived of liberty (A/HRC/41/33), emphasized 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. It recommended that States should 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. Moreover, in its report on public and political life (A/HRC/23/50), the Working Group noted that women human rights defenders are often target of gender-specific violence such as intimidation, attacks, and death threats, which are sometimes condoned or perpetrated by State actors (paragraph 65). The Working Group has 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 (paragraph 97(i) of the abovementioned report). In addition to these provisions, we would like to remind your Excellency's Government of the respective resolutions of the General Assembly resolution 68/181 and of the Human Rights Council resolution 31/32, expressing particular concerns about systemic and structural discrimination and violence faced by women human rights defenders. States should take the appropriate measures to ensure their protection and to integrate a gender perspective into their efforts to enable a safe environment for human rights defenders.

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.

**Under these circumstances, we appeal to your Excellency's Government to revoke the death sentence, immediately investigate the allegation of unsupported charges as well investigate the allegation of torture. Furthermore, we urge your Excellency's Government to take the necessary measures to ensure that her case and the imposition of the death penalty is reviewed, in consideration of her appeal and in accordance with international standards and the fundamental guarantees of trial fairness.**

**We also call on your Excellency's Government to stop harrassing and targetting labour and civil rights activists for the legitimate exercise of their rights to freedom of opinion and expression, of association and peaceful assembly; and to adopt all necessary measures to prevent any irreparable harm to the life and personal integrity of persons deprived of their liberty.**

In view of the urgency of the matter, we would appreciate a response regarding the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

We are issuing this appeal in order to safeguard the rights of the abovementioned individual 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/or comment(s) you may have on the above-mentioned allegations. In addition, please specify the legal basis for the death sentence to Ms. Mohammadi and how this case meets the threshold of "most serious crimes".
2. Please provide information on the factual and legal basis for the arrests and detention of Ms. Mohammadi, and how this is compatible with Iran's obligations under international law as stated, including the international norms and standards on the right to freedom of opinion and expression, including the rights to freedom of peaceful assembly and of association.
3. Please provide detailed information on elements relating to the state of health of Ms. Mohammadi, and the measures taken to provide them the needed medical healthcare in an effective and timely manner.
4. Please also provide information as to what measures have been taken to ensure that the rights of Ms. Mohammadi, 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 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. Please also provide information on the measures that have been taken to protect complainants from any form of intimidation or harassment or other violations for having made such allegations.

6. Please indicate what measures have been taken to ensure that civil society actors in Iran, including women human rights defenders, are free to exercise their fundamental rights to freedom of expression, of peaceful assembly and of association in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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 responsible of the alleged violations. We also urge the authorities to publicly condemn violence against peaceful protesters, and immediately remove the military and security units and personnel allegedly involved in the human rights violations from managing the protests.

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.

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

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