

**Mandates of 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 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**

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(Please use this reference in your reply)

23 August 2024

Excellency,

We have the honour to address you in our capacity as 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 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 53/4, 52/9, 50/17, 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 **Ms. Pakhshan Azizi**, a journalist and political activist, who has been arrested on 4 August 2023, and later sentenced four years imprisonment and to death by Branch 26 of the Revolutionary Court in Tehran for charges of *baghy* ("armed rebellion against the state").

Ms. Azizi is a 39 years old Kurdish journalist, social work graduate, a former political prisoner and a resident of Mahabad in the Northwestern Iran. Ms. Azizi was previously arrested by the government forces on 16 November 2009 during the student protests at the University of Tehran against political executions in Kurdistan and was eventually released on bail in 2010.

*According to the information received:*

On 4 August 2023, Ms. Azizi was arrested by the Iranian Intelligence Services in Tehran. Ms. Azizi was subsequently held in Ward 209 of Evin Prison – a detention facility known to house detainees of the Iranian Intelligence Services and which is implicated in several communications from Special Procedures alleging torture or other cruel, inhuman and degrading treatment- and was later transferred to the women's ward on 11 December 2023.

The Iranian authorities accused Ms. Azizi of "armed rebellion against the state" (*baghy*) and "membership of opposition groups". In addition, the Iranian authorities claims that Ms. Azizi support participated in armed activities in Iraq and Syria. However, according to information received Ms. Azizi was in Iraq and Syria in connection with her social work, where she supported refugees.

Upon her arrest, she was held in solitary confinement for five months in Ward 209 of Evin Prison. It has been reported that Ms. Azizi was subjected to severe psychological and physical torture with the aim to extract a confession of guilt. During that time, Ms. Azizi has reportedly been denied contact and visits from her family and lawyer. In addition, Ms. Azizi has been denied legal representation of her own choice. Ms. Azizi's arbitrary detention and the ensuing conditions of detention demonstrate the inability of Ms. Azizi to receive due process and a fair trial.

On 16 and 17 June 2024, the trial of Ms. Azizi took place at Branch 26 of the Islamic Revolutionary Court in Tehran.

On 23 July 2024, the death sentence and verdict were issued by Branch 26 of the Tehran Revolutionary Court and communicated to Ms. Azizi in Evin Prison. Ms. Azizi was sentenced to death on multiple charges, including "armed rebellion against the state" (*baghy*) and "membership of opposition groups". Additionally, she received a four-year prison sentence on the charge of being a member of the Kurdistan Free Life Party (PJAK).

Following the arrest of Ms. Azizi, several members of her family were also detained but released after a few days of interrogation, presumptively to put pressure on Ms. Azizi to confess. They are now also facing charges.

Without prejudging the accuracy of the above-mentioned allegations, we express our concern at the arrest and detention of journalist and woman human rights defender Ms. Azizi, which appear to be solely related to her social work. We further express our grave concern about the imposition of the death sentence against Ms. Azizi in complete disregard to due process and 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, physical and mental 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.

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."

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 freedom of expression includes political expression, commentary on public affairs, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR, meaning that 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. The Human Rights Committee further stated that 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 ([General Comment 34](#), paragraph 23). In this regard, we are alarmed by the detention, prosecution and sentence to death of Ms. Azizi as it appears to be in direct retribution for her work as a journalists and human rights defender. We are also concerned about the chilling effect on freedom of expression that Ms. Azizi's sentence to death is prone to generate, including on human rights defenders and journalists who will be extremely discouraged from continuing carrying out their 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 wish to draw your attention to the report of the Special Rapporteur on violence against women and girls that recognized the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) for establishing standards that relate specifically to women prisoners, offenders and accused persons for the first time (A/68/340). In the above report, the Special Rapporteur emphasized the need for relevant international standards to recognize specific implications of violence against women on women's contact with the criminal justice system. The Special Rapporteur also called on Member States have been to develop gender-specific sentencing alternatives and to recognize women's histories of victimization when making decisions on incarceration.

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 harrasing and targeting journalists and women human 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; and to eliminate related laws and policies that are criminalizing women's public role.**

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. Azizi 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. Azizi, and how this is compatible with Iran's obligations under international law, 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. Also, please explain how the imposition of the death penalty in cases related to the crime of *baghy* abide by the requirements outlined in the GC no. 36 on article 6 of the ICCPR.

3. Please also provide information as to what measures have been taken to ensure that the rights of Ms. Azizi, 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.
4. 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.
5. 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.

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

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

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

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

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