

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 rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 minority issues and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL IRN 20/2024
(Please use this reference in your reply)

26 November 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 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 minority issues and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9, 50/17, 51/21, 53/12, 55/19, 52/5 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the conviction and prison sentence of Mr. Taher Naghavi, a lawyer and ethnic minority rights defender, whose treatment in prison and limited access to hospital care have raised serious concerns.

Mr. Taher Naghavi is a lawyer and human rights defender, who has represented political prisoners and has been actively involved in defending ethnic minorities in Iran, especially Azerbaijani Turks. He also serves as the director of the Azerbaijani Literary Association in Alborz Province. Additionally, he is the editor-in-chief of two weekly publications focused on Azerbaijani cultural and social issues and heads the cultural institute "Rahpooyan Andisheh Ostad Shahryar".

Concerns at the crackdown on lawyers and minority groups has been the subject of a communication sent by Special Procedures on 4 October 2022 (reference: [IRN 20/2022](#)). We thank your Excellency's Government for the response, but remain concerned that the violations continue.

According to the information received:

On 6 February 2024, Iranian security forces reportedly searched Mr. Naghavi's home, seizing electronic devices belonging to him and his family. He was subsequently charged with "propaganda against the state" and "collusion against national security" and detained. During his detention, he allegedly

spent over forty days in Ward 209 of Evin Prison, where he was reportedly subjected to physical assault, sexual harassment, threats, and denied access to a lawyer.

In July 2024, Evin Prison officials reportedly filed additional charges against Mr. Naghavi in Branch 4 of the Evin Prosecutor's Office for “disturbing public order” and “insulting prison officers”, following an alleged altercation with a prison officer. In response, Mr. Naghavi filed a counter-complaint, alleging assault and unlawful actions by the officers. Both cases were ultimately suspended, halting prosecution.

On 20 October 2024, Branch 15 of the Tehran Revolutionary Court sentenced Mr. Naghavi to a total of six years in prison, five of which for “gathering and collusion against national security” and one for “propaganda against the state”. He was also given supplementary punishments, including a two-year travel ban and a two-year prohibition from joining political parties. Mr. Naghavi has appealed the case, which is reportedly now under review in the appellate court.

In November 2024, after refusing to wear prison clothing and restraints, Mr. Naghavi reportedly faced retaliations, such as lack of access to hospital care. This was allegedly not the first instance of restricted medical access. While in detention, his health conditions have reportedly significantly deteriorated, and concerns about his health remain to date, [REDACTED]

[REDACTED] Although Iranian prison doctors have reportedly recommended an MRI and specialist care, Mr. Naghavi has not been transferred to a hospital. Additionally, he has allegedly been held in wards with prisoners considered dangerous, putting his physical integrity at risk.

Without prejudging the accuracy of the received information, we express profound concern regarding the conviction of Mr. Naghavi, which appears to be linked to his work as a human rights lawyer and his peaceful advocacy of minority rights. We are also deeply concerned that his prison term has reportedly worsened his health, and that he is deprived of access to adequate medical treatment. It is also alarming that he has reportedly been subjected to physical assault, sexual harassment, threats and allegedly been beaten by prison officers in detention and placed in a ward with dangerous prisoners, raising serious concerns about his safety. In the light of several communications on related matters sent to your Excellency’s Government in past months, these actions seem to reflect a broader pattern, indicative of a crackdown on lawyers and minority groups in Iran. Such practices trigger a serious chilling effect on lawyers, human rights defenders and minority groups, deterring or impeding them to carry out their work.

Should the allegations be confirmed, they would violate article 9 of the ICCPR, which enshrines the protection of the right to liberty and security of a person and establishes 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. Certain allegations would also conflict with the State’s obligations to treat arrested and detained persons with dignity and humanity, in line with articles 7 and 10 of the

ICCPR. The allegations would also constitute a violation of article 19 of the ICCPR, which guarantees the right to freedom of expression, which can only be subject to limited restrictions. In this regard, we wish to reiterate that the Human Rights Committee has held 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, is incompatible with article 19. We are also worried about the negative implications these violations have on the freedom of expression in general, including through the chilling effect on individuals, in particular women and girls, who wish to express themselves, demonstrate peacefully, and participate in public and political life in Iran.

We wish to recall that according to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment, or interference. The free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees.

It is pertinent to remind your Excellency's Government that, according to the UN Basic Principles on the Role of Lawyers, governments have the duty to ensure that legal professionals are able to perform all of their functions without intimidation, hindrance, harassment or improper interference, including threats of prosecution or administrative, economic or other sanctions for any action taken in accordance with their recognized professional duties, standards and ethics (principles 16 and 17).

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 regarding the legal basis for the detention, prosecution and conviction of Mr. Taher Naghavi, in seeming relation to his human rights activism as a lawyer and defender of minority rights and explain how those are compatible with Iran's obligations under international human rights law.
3. Please provide information on Mr. Naghavi's current health condition and on the reasons why he has allegedly been denied treatment in a hospital. Please provide information about the measures taken to provide Mr. Naghavi the needed medical healthcare in an effective and timely manner. Additionally, please clarify on what grounds why he has reportedly been placed in a ward where his safety might be in jeopardy, and which policies and measures under the Iranian law have been applied in his case to protect his physical integrity.

4. Please provide information as to any investigation and/or prosecution opened, in respect of allegations of torture and/or other cruel, inhuman or degrading treatment in detention, and the outcomes of any such proceedings. If no such investigation has taken, please explain why.
5. Please provide information on the measures undertaken to ensure an enabling environment for civil society and human rights defenders in Iran, including lawyers and those working on minority rights.

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.

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.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Ganna Yudkivska
Vice-Chair 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

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

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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

Nicolas Levrat
Special Rapporteur on minority issues

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

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.

At the outset, we recall article 7 of the ICCPR which refers to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and that persons deprived of their liberty are to be treated with dignity and humanity. Attached to the prohibition on torture and other cruel, inhuman or degrading treatment or punishment are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims.¹

As per article 12 of the International Covenant on Economic Social and Cultural Rights, ratified by the Islamic Republic of Iran on 24 June 1975, States parties recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and take steps to achieve the full realization of this right, including those necessary for the creation of conditions which would assure to all medical service and medical attention in the event of sickness. In particular, States are under the obligation to respect the right to health by refraining from denying or limiting equal access for all persons, including prisoners (*CESCR, general comment No. 14 (2000), E/C.12/2000/4, para. 34*).

Furthermore, we would like to refer to the so-called "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 would also 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 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

¹ For a full explanation on the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the related States' obligations to criminalize, investigate and prosecute crimes of torture and other ill-treatment, see Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/77/502): <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/610/77/PDF/N2261077.pdf?OpenElement>; and Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Good practices in national criminalization, investigation, prosecution and sentencing for offences of torture (A/HRC/52/30): <https://documents.un.org/doc/undoc/gen/g23/033/16/pdf/g2303316.pdf?token=clzfg4HLIHmm6KknXQ&fe=true>.

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 the right to freedom of opinion and expression, which includes the right “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”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee stated that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserted that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stressed that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing

a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed.

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 also recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

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, we would like to bring to the attention of your Excellency's Government the provisions of article 12, which provide that “1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms” and that “2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 present Declaration.”