

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on minority issues; 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 21/2024

(Please use this reference in your reply)

3 December 2024

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on minority issues; 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 55/19, 51/8, 54/14, 53/4, 53/12, 52/5, 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 recent death sentence against Ms. Varisheh Moradi. Ms. Moradi is the third woman political prisoner to receive the death penalty on charges of "baghy" in 2024.

Similar concerns were shared with your Excellency's Government with regards to the cases of Ms. Sharifeh Mohammadi (UA IRN 13/2024) and Ms. Pakhshan Azizi (UA IRN 15/2024). We thank your Government for the replies received on both communications. Nonetheless, we express continued concern on both cases. While we understand that their death sentences are not final, both women remain at risk of being executed for crimes that do not meet the "most serious crimes" threshold under the International Covenant on Civil and Political Rights (ICCPR).

In this context, we would like to bring to your urgent attention the case of Ms. **Varisheh Moradi** who is a Kurdish political and women's rights activist, and a member of the East Kurdistan Free Women Society (KJAR) from Sanandaj, Kurdistan Province.

According to the information received:

On 1 August 2023, Ms. Moradi was violently arrested at the entrance of Sanandaj, Kurdistan Province upon her return from Kermanshah Province where she had been involved in political and organizational activities. At the moment of her arrest, Ms. Moradi had been traveling back to Iran to advocate for women's rights after the Woman Life Freedom protests had begun.

The intelligence security forces arrested Ms. Moradi and held her for 13 days at the Sanandaj Intelligence Department's facility without disclosing information on her fate and whereabouts to persons associated with her, while she was reportedly subjected to torture and ill-treatment. She was then transferred to Evin Prison, where she spent five months in solitary confinement in Ward 209. During this period Ms. Moradi was reportedly subjected to intimidation and harassment to extract forced confessions. In December 2023 she was moved to the Women's ward in that same prison.

On 8 November 2023, a website, affiliated with the Ministry of Intelligence, reported the arrest of three individuals, including Ms. Moradi. While the website did not specify the date of their arrest, it described the arrested individuals as members of the Kurdistan Free Life Party (PJAK).

In February 2024, Ms. Moradi appeared in front of Branch Five of the Evin Security Prosecutor's Office and was charged with the capital crime of "armed rebellion against the Islamic Republic of Iran" (baghy), which is a broadly defined security offense frequently used against activists. Ms. Moradi, however, had not engaged in any armed activities in Iran or against the Iranian State. The accusation appears to stem only from her original membership and activities with the KJAR.

On 16 June 2024, her trial began before the Tehran's Islamic Revolutionary Court. According to the information received, the proceedings in the case were marred with severe due process and fair trial violations, including reports of fabricated charges brought against Ms. Moradi by the security institutions, and the absence of sufficient evidence in her case and obstructions faced in her defense. Ms. Moradi was reportedly not allowed to represent herself, and her lawyers were barred by the judge from presenting a defense and from accessing her case file at different stages of the trial.

Ms. Moradi refused to attend her second court session protesting the death sentences of other women activists, Ms. Sharifeh Mohammadi and Ms. Pakhshan Azizi. On 10 October 2024, Ms. Moradi went on a hunger strike participating in the "No to Executions" Campaign.

On 10 November 2024, Ms. Moradi was sentenced to death on charges of baghy (armed rebellion) by Branch 15 of the Tehran Revolutionary Court.

The prosecutor reportedly suggested a maximum sentence of 15 years based on article 288 of Iran's Islamic Penal Code, which pertains to non-violent "rebellion." However, the presiding judge applied article 287, designated for "armed rebellion," arguing that Ms. Moradi's political activism amounted to "armed rebellion" and thus warranted the death penalty. Despite numerous charges brought against Ms. Moradi, the verdict solely focused on the charges that carried the death penalty.

Ms. Moradi is reportedly being denied medical care following her hunger strike and her request to be transferred to a medical facility outside of prison has been denied. Ms. Moradi has also been denied family visitation rights

since 6 May 2024.

Without prejudging the accuracy of the above-mentioned allegations, we express our grave concern about the imposition of the death sentence against Ms. Moradi in complete disregard to fair trial principles particularly in the context of crimes such as “*baghy*” which is in violation of the international law to restrict the application of the death penalty to most serious crimes, understood as intentional killing. We are also concerned about the targeting of Kurdish Women activists with politically motivated charges- This prosecution reflects the heightened persecution that minority women activists face in Iran and the continued intent to punish and silence them.

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).

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, which became a State party to the ICCPR on 24 June 1975, 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 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). We also draw your Excellency’s Government’s attention to the Working Group’s General comment on women affected by enforced disappearances (A/HRC/WGEID/98/2) and the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances, in particular articles 1.2, 7, 9 to 12 and 13.

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.

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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 Convention against Torture, and renders the sentence arbitrary in nature. In addition, paragraph 4 of the [United Nations Safeguards Protecting the Rights of those Facing the Death Penalty](#), provides that capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.

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 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.

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 recall to your Excellency's Government that the Working Group on Discrimination against Women and Girls, in its 2019 thematic report (A/HRC/41/33), noted that not only the causes but also the consequences of deprivation of liberty are gendered, and women and girls experience their confinement in specific ways and are often at risk of heightened gender-based discrimination, stigma and violence. The Working Group recommended, *inter alia*, generating effective gender-specific interventions aimed primarily at diverting women away from the criminal justice system, integrating into the national system the standards set out in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and addressing the underlying factors that lead to women coming into contact with the criminal justice system.

As stated by the Special Rapporteur on Violence against Women and Girls (A/73/301) women in politics can be targeted with violence because they are women or because it affects women disproportionately and can take gender-based forms of violence as included in the Declaration on the Elimination of Violence against Women (art. 1). Women in politics who fall victim to gender-based violence face multifaceted barriers to obtaining justice that go beyond their situation as women in politics, including re-victimization during the reporting and complaint process,

resistance from law enforcement officials responsible for prosecuting perpetrators and inadequate legal protection or access to integrated services, all of which are features common to other forms of gender-based violence against women.

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 enforced disappearances and 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.**

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

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 also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please specify the legal basis for the death sentence to Ms. Moradi and how this case meets the threshold of the "most serious crimes" in particular 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 provide information on the factual and legal basis for the arrests and detention of Ms. Moradi, in addition to the legal and procedural safeguards granted to her since the moment of arrest and throughout judicial proceedings, and explain how these are compatible with Iran's obligations under international law.
4. Please also provide information as to what measures have been taken to ensure that due process and fair trial rights of Ms. Moradi 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 address the security charges being levied against women activists, particularly women belonging to Kurdish communities in Iran, and the measures taken to protect these individuals from the heightened persecution and discrimination faced due to their gender, ethnicity, and political opinions.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of Ms. Moradi, to halt the alleged violations, to 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 for the alleged violations.

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 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 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.

Mai Sato

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