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Opinion No. 48/2017 concerning Narges Mohammadi (Islamic Republic of Iran)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The mandate of the Working Group was most recently extended for a three-year period in Council resolution 33/30 of 30 September 2016.

2. In accordance with its methods of work (A/HRC/33/66), on 12 June 2017 the Working Group transmitted to the Government of the Islamic Republic of Iran a communication concerning Narges Mohammadi. The Government has not replied to the communication. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

Submissions

Communication from the source

4. Narges Mohammadi is an Iranian national, born in 1972, with usual residence in Tehran. She is a human rights defender, and Executive Chair of the Centre for Human Rights Defenders (reportedly closed by State authorities in 2008), as well as an active member of the Campaign for Step by Step Abolition of the Death Penalty (Legam) and of the Women's Citizenship Centre (Kanoon Shahrvandi Zanan).

a. Context for the current arrest

5. According to the information received, in September 2011 Ms. Mohammadi was sentenced to 11 years of imprisonment, after Branch 26 of the Revolutionary Court in Tehran convicted her of "gathering and colluding to commit crimes against national security" (art. 610, book V of the Islamic Penal Code), "spreading propaganda against the system" (art. 500, book V of the Islamic Penal Code), and "membership in an illegal group" which referred to the Centre for Human Rights Defenders (art. 499, book V of the Islamic Penal Code). In January 2012, Branch 54 of the Court of Appeal in Tehran reduced the sentence to six years.

6. The source submits that Ms. Mohammadi's conviction and sentence stemmed solely from her peaceful human rights activities at the Centre for Human Rights Defenders, which involved documenting and reporting on human rights violations, conducting human rights education training, providing support and relief to victims of human rights violations and their families, and advocating for the human rights of political prisoners, including prisoners of conscience, as well as prisoners facing the death penalty.

7. According to the source, Ms. Mohammadi began serving the six-year prison sentence on 22 April 2012, after two Ministry of Intelligence officials reportedly went to her mother's home in Zanjan, in the north-east of the country, where she was staying, and told Ms. Mohammadi to come with them. The officials allegedly ignored the repeated requests to show identification.

8. The source also advises that on 1 July 2012, Ms. Mohammadi was released on medical leave, and was subsequently hospitalized, on 3 July 2012. Ms. Mohammadi had previously collapsed 14 times in prison, including while in the prison bathrooms, due to a neurological disorder that had resulted in her suffering seizures and experiencing temporary partial paralysis. Reportedly, she developed the disorder following a previous detention in 2010, when she was held in solitary confinement in Section 209 of Tehran's Evin Prison for a month, while allegedly placed under extreme pressure to give "confessions" incriminating colleagues of the Centre for Human Rights Defenders.

9. On 8 March 2014, on International Women's Day, Ms. Mohammadi participated in a meeting with the former High Representative of the European Union for Foreign Affairs and Security Policy, at the Austrian embassy in Tehran. The meeting was attended by a group of women's rights activists. It reportedly attracted a great deal of criticism and condemnation from the State authorities.

10. The source submits that, after the meeting with the European Union High Representative, Ms. Mohammadi faced increased harassment and intimidation. Allegedly, she was repeatedly summoned by Ministry of Intelligence officials for long, intensive interrogations and was threatened with imprisonment on national security-related charges. She also became the target of campaigns in the media. Reportedly, on 12 March 2014, a Member of Parliament — the head of the Women and Family Coalition of Parliament — issued an open letter to the former European Union High Representative suggesting that Ms. Mohammadi had taken up armed struggle against the Islamic Republic of Iran. Furthermore, public media outlets such as Mashregh News allegedly described her as a seditionist activist.

11. On 1 June 2014, Ms. Mohammadi allegedly appeared before the Office of the Prosecutor in Tehran, where she was formally charged with "gathering and colluding to commit crimes against national security", "spreading propaganda against the system", and

"membership in an illegal group", which referred to the Campaign for Step by Step Abolition of the Death Penalty. She was reportedly interrogated for several hours and then released on a 1 billion rial (US$ 40,000) bail.

12. The source submits that during the following five months, Ms. Mohammadi was summoned for interrogation five times. She allegedly revealed that the interrogations were initially focused on her meeting with the European Union High Representative. However in later interrogations, every human rights activity that she undertook became the subject of interrogation and was added to her case, to support the charges brought against her, even when the activity in question took place after she had been formally charged. In an open letter that she wrote to the President, Hassan Rouhani, shortly after her final interrogation session on 8 November 2014, Ms. Mohammadi explained that her interrogators had asked her 45 written questions, all of which related to her involvement with civil society groups.

b. Current arrest

13. On 3 May 2015, Ms. Mohammadi reportedly appeared before Branch 15 of the Revolutionary Court in Tehran. Her lawyers allegedly told the judge that they were unable to defend her because they had not been given access to the case file.

14. According to the source, two days after her court appearance, on 5 May 2015, Ms. Mohammadi was arrested and taken to Evin Prison. The arrest of Ms. Mohammadi took place at her home in Tehran, when security forces of the Ministry of Intelligence allegedly threatened to break down the door if she did not open it. Officials from the Ministry of Intelligence reportedly exhibited a warrant issued by the Office of the Prosecutor, and told Ms. Mohammadi that she was being arrested to resume serving a six-year prison sentence issued against her in 2011. Her arrest took place without any advance notice from the authorities that they sought to enforce her 2011 sentence and while she was awaiting trial on her latest charges.

c. Trial proceedings

15. The source reports that, following her arrest on 5 May 2015, Ms. Mohammadi was only allowed to meet with her lawyer once. The meeting took place in Evin Prison on 18 April 2016, two days before her first trial session. Reportedly, she was not allowed to communicate confidentially with her lawyer during the meeting, as a security official was present the whole time. Ms. Mohammadi was not granted a meeting with her lawyer before her appeal hearing on 19 September 2016. Reportedly, the authorities also refused to provide Ms. Mohammadi and her lawyer with access to her case file until after her first session before Branch 15 of the Revolutionary Court, on 3 May 2015. Even then, the lawyers were not allowed to make photocopies of the case documents and were only given a few hours to read the case file at the office of the Revolutionary Court in Tehran and take handwritten notes. The source also submits that, while an essential criterion of a fair hearing is the principle of "equality of arms", Iranian law does not contain any provisions pertaining to the principle of "equality of arms" between the parties and does not require the disclosure of inculpatory and exculpatory material by the prosecution to the defendant and her/his lawyer.

16. The source reports that Ms. Mohammadi's trial was rescheduled several times but was postponed each time for reasons that were not explained to her or her lawyers. Reportedly the trial took place almost a year later, before Branch 15 of the Revolutionary Court in Tehran, in one hearing on 20 April 2016 that lasted 45 minutes and took place behind closed doors.

17. The source submits that during the trial hearing the judge was hostile and biased against Ms. Mohammadi, and openly defended the allegations brought against her by the Ministry of Intelligence officials. Reportedly, the judge fiercely accused Ms. Mohammadi of attempting to change "divine laws" through her anti-death penalty activities. Moreover, the judge did not allow Ms. Mohammadi to defend herself properly, as he gave her three written questions and told her that she was only allowed to answer them in writing. Reportedly, every time Ms. Mohammadi tried to speak and expand on her answers, the

judge ordered her to stop. Similarly, her lawyers were told by the judge that they were not allowed to speak, and that if they wished to make a point, they could do so in writing.

18. The source submits that revolutionary courts, such as the one that tried Ms. Mohammadi, lack independence and remain particularly susceptible to pressure from security and intelligence forces to convict defendants and impose harsh sentences. Human rights defenders and lawyers in the Islamic Republic of Iran have allegedly expressed repeated concerns that individuals appointed as judges to revolutionary courts are selected primarily on the basis of their political opinions, their religious beliefs and their affiliation with intelligence and security bodies.

19. In addition, according to the information received, Ms. Mohammadi and her lawyers were not formally notified by the authorities of the verdict and sentence, nor were they provided with a written copy of it. Her lawyers allegedly learned about her verdict and sentence on 17 May 2016 when they had gone to Branch 15 of the Revolutionary Court to track the status of her case. They were only allowed to read the judgment at the office of the Revolutionary Court and to take handwritten notes. The source also notes that while the right to a public judgment ensures that the administration of justice is open to public scrutiny, the criminal justice system of the Islamic Republic of Iran does not abide by this international human rights obligation and has no clear legal provisions with regard to making court judgments publicly available.

20. According to the source, Ms. Mohammadi was sentenced to 16 years of imprisonment for "gathering and colluding to commit crimes against national security" (art. 610, book V of the Islamic Penal Code), "spreading propaganda against the system" (art. 500, book V of the Islamic Penal Code), and "founding or running a group composed of more than two people with the purpose of disrupting national security" (art. 498, book V of the Islamic Penal Code). This conviction was allegedly unrelated to the six-year sentence from 2011, which was deemed to have been completed on 15 March 2017, taking into account the time spent on medical leave.

21. According to the information received, the charge of "founding or running a group composed of more than two people with the purpose of disrupting national security", which accounts for 10 years of the sentence, was brought in connection with her involvement with the Campaign for Step by Step Abolition of the Death Penalty. The source reports that during the interrogations and trial of Ms. Mohammadi, the authorities described such campaigning as "un-Islamic" and claimed that her opposition to the death penalty was tantamount to "insulting Islam".

22. Furthermore, the source reports that the "evidence" underlying the two other charges include her media interviews, her participation in public and peaceful gatherings outside prisons to support families of death row prisoners, her contact with other human rights stakeholders, and her participation in peaceful protests to condemn acid attacks against women, as well as her meeting with the European Union High Representative on 8 March 2014.

23. On 19 September 2016, the appeal hearing, of one and a half hours, took place before Branch 36 of the Court of Appeal in Tehran, which upheld the sentence. Reportedly, Ms. Mohammadi was denied a meeting with her lawyer prior to the trial. In addition, during the hearing, the judge was reportedly hostile and biased against the defendant and her lawyers, by repeatedly interrupting her during the session and verbally attacking her for her beliefs in feminism and human rights, while portraying her as an agent of the West. Her lawyers were reportedly not given any meaningful opportunity to speak in her defence either, as they were told that they could send their defence submissions to the court later, after the hearing. When the lawyers returned to the court on 24 September 2016 to present their submissions, they were told that the Court of Appeal had issued its decision, upholding the sentence. The lawyers were only allowed to review the court verdict that same day and to take handwritten notes. The verdict was never officially communicated to Ms. Mohammadi in prison, and she allegedly learned about it through the news.

24. The source reports that a request for judicial review was filed in September 2016 and is currently pending before the Supreme Court.

d. Situation in detention

25. The source submits that Ms. Mohammadi has been subjected to ill-treatment, including by denying her consistent access to adequate medical care that she requires and by preventing her from contacting her children. Reportedly Ms. Mohammadi has chronic health issues, including a condition that could result in blood clots in her lungs if she does not take appropriate medication and does not receive ongoing specialized medical care. However, the authorities have refused to take her to appointments outside the prison. She allegedly needs regular examination by a specialist to adjust the dose of her medication, based on her blood density. In the early weeks following the imprisonment, penitentiary officials reportedly withheld Ms. Mohammadi's medication from her, putting her health at risk.

26. Moreover, the source reports that Ms. Mohammadi also has a neurological disorder that has previously resulted in seizures and temporary, partial paralysis. In October 2015 she suffered several seizures, which eventually prompted the authorities to allow her to be hospitalized. However her treatment was reportedly disrupted, as she was returned to prison against her doctor's advice after 17 days.

27. Ms. Mohammadi reportedly filed a complaint with regard to the degrading and inhumane treatment that she received from the prison guards when she was transferred to hospital for examinations, including their refusal to allow her a confidential consultation with her doctors. In response to the complaint, the authorities allegedly threatened to charge her with "insulting officers while being transferred to a hospital".

28. Furthermore, the source submits that Ms. Mohammadi has limited contact with the outside world. Reportedly, women detained in Evin Prison are only allowed to make brief calls to individuals inside the Islamic Republic of Iran or have family visits once a week. In this regard, the source was informed that during the first year after her arrest she was allowed only one telephone call with her young children, who had to move abroad in July 2015 to live with their father, who is a refugee, as there was nobody to look after them in the Islamic Republic of Iran. In June 2016, she allegedly began a hunger strike to protest against the authorities' refusal to permit her to have contact with her children. She has said that all her requests for telephone calls have been refused, except on 2 April 2016 when, on the written order of the Prosecutor-General of Tehran, she was granted a 10-minute telephone call with her children. She reportedly ended her hunger strike after 20 days, on 16 July 2016, when she was allowed a 30-minute telephone call with her children, and was given a written promise by the Associate Prosecutor that she could have one telephone call with her children a week.

29. The Working Group notes that seven joint urgent appeals concerning the situation of Ms. Mohammadi have been transmitted to the Government of the Islamic Republic of Iran by various special procedure mandate holders, the most recent being IRN 21/2016, sent on 22 July 2016.[1] The Working Group acknowledges the responses provided by the Government of the Islamic Republic of Iran to some of those communications, notably on 16 March 2016, 9 August 2016 and 7 February 2017.[2]

Categories of the Working Group

30. The source alleges that the detention of Ms. Mohammadi is arbitrary under categories II and III of the categories applicable to cases under consideration by the Working Group.

31. The source claims that the detention of Ms. Mohammadi constitutes criminalization of her activities as a human rights defender. Her deprivation of liberty was allegedly carried

[1] Available from https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=3251.

[2] Available from https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=56758, https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=55892 and https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=57932.

out with the aim of supressing and silencing the initiatives that seek to expose human rights concerns before the national and international communities. The criminalization of Ms. Mohammadi for her peaceful human rights activities reportedly occurs within a broader repressive context in which the Iranian authorities use vaguely worded and overly broad national security-related charges to criminalize peaceful, legitimate activities in defence of human rights. The definition of such offences contravenes the principle of legality, as they are overly broad and vague and allow for arbitrary application. Moreover, some of these offences do not amount to internationally recognizable criminal offences.

32. According to the source, Ms. Mohammadi was convicted on national security-related offences even though she has never been involved in any violent activities and has exercised her freedom of expression, association and assembly in an entirely peaceful manner. Her arrest and detention were, therefore, not necessary for the protection of national security or public order. These repressive measures were designed to punish her for making a stand against injustice and for defending human rights.

33. Accordingly, the submission from the source argues that the detention of Ms. Mohammadi results from the peaceful exercise of her rights to freedom of opinion, expression, association and assembly as guaranteed by articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, and therefore constitutes an alleged arbitrary detention falling within category II of the categories referred to by the Working Group.

34. In addition, the source alleges that the deprivation of liberty of Ms. Mohammadi was decided by a ruling reached through an unfair trial. The source submits that the following due process rights and guarantees were violated: the right to a public hearing before a competent, independent and impartial tribunal; the right to adequate time and facilities to prepare a defence, including confidential communication with counsel and disclosure of material information by the prosecution; the right to a public judgment, including a well-reasoned verdict; and the right to appeal. In this regard, the source contends that the non-observance of the international norms relating to the right to a fair trial, as are set out in article 10 of the Universal Declaration of Human Rights and in article 14 of the International Covenant on Civil and Political Rights, is of such gravity as to give the deprivation of liberty of Ms. Mohammadi an arbitrary character under category III.

Response from the Government

35. On 12 June 2017, the Working Group transmitted the allegations from the source to the Government, under its regular communications procedure. The Working Group requested the Government to provide, by 11 August 2017, detailed information about the current situation of Ms. Mohammadi and any comments on the source's allegations.

36. The Working Group regrets that it did not receive a response from the Government, nor did the Government request an extension of the time limit for its reply, as provided for in the Working Group's methods of work.

Discussion

37. In the absence of a response from the Government, the Working Group has decided to render the present opinion, in conformity with paragraph 15 of its methods of work.

38. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a prima facie case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, the Government has chosen not to challenge the prima facie credible allegations made by the source.

39. The source has submitted that the deprivation of Ms. Mohammadi's liberty falls under categories II and III of the categories applicable to cases under consideration by the Working Group. The Working Group will examine these in turn.

40. The source has submitted that the detention of Ms. Mohammadi constitutes a criminalization of her activities as a human rights defender and results from the peaceful

exercise of her rights to freedom of opinion, expression, association and assembly as guaranteed by articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, and therefore constitutes an alleged arbitrary detention falling within category II.

41. In the absence of information from the Government, the Working Group has given regard to other reliable information which supports the source's claims in relation to category II. In particular, the Working Group refers to its previous opinions concerning individual communications received from various sources on arbitrary arrests and detention in the Islamic Republic of Iran.[3] In these cases, findings have been made about the arbitrary deprivation of liberty of individuals who had peacefully exercised their rights under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, demonstrating that this is a systemic problem in the administration of criminal justice in the Islamic Republic of Iran.

42. The Secretary-General of the United Nations and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran have also expressed concern about the detention of human rights defenders in the Islamic Republic of Iran for exercising their rights to freedom of expression, association and peaceful assembly, specifically noting their concern "at the shrinking space for human rights defenders, who continue to face harassment, intimidation, arrest and prosecution for defending rights and speaking up against violations and abuse".[4]

43. The Secretary-General of the United Nations and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran have made reference to the specific situation of Ms. Mohammadi, calling for her release.[5] Moreover, on 20 May 2016, the United Nations High Commissioner for Human Rights publicly reacted to the prison sentence pronounced by the revolutionary court in Tehran against Ms. Mohammadi and called on the Iranian authorities to release her, characterizing her detention as "illustrative of an increasingly low tolerance for human rights advocacy" in the Islamic Republic of Iran.[6] The Working Group also takes note of the seven joint urgent appeals issued in relation to the situation of Ms. Mohammadi between 2010 and 2016.[7]

44. As a result of all of the above, the Working Group is convinced that Ms. Mohammadi has been deprived of liberty in violation of her rights to freedom of expression and assembly under articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 21 of the International Covenant on Civil and Political Rights. The deprivation of liberty of Ms. Mohammadi therefore falls within category II. The Working Group also refers the present case to the Special Rapporteur on the situation of human rights defenders.

45. The source has also submitted that the deprivation of liberty of Ms. Mohammadi was decided by a ruling reached through an unfair trial and that the non-observance of the international norms relating to the right to a fair trial, as set out in article 10 of the Universal Declaration of Human Rights and in article 14 of the Covenant, is of such gravity as to give the deprivation of liberty of Ms. Mohammadi an arbitrary character under category III.

46. First of all, the Working Group notes that since the deprivation of liberty of Ms. Mohammadi was a direct result of her exercise of her rights under articles 19 and 21 of the Covenant, which the Working Group has already established as arbitrary, no trial should have followed. However, given that it did, the Working Group considers that the source's allegations also disclose violations of Ms. Mohammadi's right to a fair trial. Specifically, Ms. Mohammadi has been deprived of the right to a public hearing before a competent, independent and impartial tribunal; the right to adequate time and facilities to prepare her

[3] See, for example, opinions Nos. 26/2006, 21/2011, 48/2012, 54/2012, 1/2016, 2/2016, 25/2016 and 9/2017.

[4] See A/HRC/34/40, para. 59.

[5] See, inter alia, A/HRC/31/26, para. 33; and A/HRC/34/40, paras. 32 and 60.

[6] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19996&LangID=E.

[7] See para. 29 above.

defence, including confidential communication with counsel and disclosure of material information by the prosecution; the right to equality of arms; the right to a public judgment, including a well-reasoned verdict; and the right to appeal. These constitute grave violations of articles 14 (1), (2), and (3) (a), (b), (d) and (e) of the Covenant.

47. Moreover, Ms. Mohammadi was entitled to but did not benefit from the right to be presumed innocent, as enshrined in article 14 (2) of the Covenant. As the Human Rights Committee has noted in its general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, the presumption of innocence, which is fundamental to the protection of human rights, means that all public authorities have a duty to refrain from prejudging the outcome of a trial, for example by abstaining from making public statements affirming the guilt of the accused.[8] The source reported that, in the present case, the judge was openly hostile towards Ms. Mohammadi and her lawyer during the trial. It has been submitted that the judge verbally attacked Ms. Mohammadi for her beliefs in feminism and human rights, while portraying her as an agent of the West. While the Government of the Islamic Republic of Iran had an opportunity to respond to these allegations, it has failed to do so. The Working Group is of the opinion that such actions by the trial judge cannot be reconciled with the presumption of innocence as encapsulated in article 14 (2) of the Covenant. Moreover, the Working Group also takes note of the negative media campaign surrounding Ms. Mohammadi's trial, as reported by the source, and opines that this also adversely affected her rights under article 14 (2) of the Covenant, which requires that the media, too, should avoid news coverage undermining the presumption of innocence.[9] The Working Group therefore concludes that Ms. Mohammadi was denied the right to be presumed innocent, in contravention of article 14 (2) of the Covenant.

48. Taking into consideration all the violations enumerated above, the Working Group concludes that these violations of articles 10 and 11 of the Universal Declaration of Human Rights and article 14 of the Covenant are of such gravity as to give Ms. Mohammadi's deprivation of liberty an arbitrary character, falling within category III.

49. The Working Group has noticed the pattern that has emerged in the treatment of Ms. Mohammadi by the Iranian authorities. The present arrest of Ms. Mohammadi was not the first; in fact, she had been sentenced in 2011 and was on medical leave from that sentence when she was rearrested, and then new charges were brought. The Working Group notes numerous instances of harassment over years, reported by the source, which the Government of the Islamic Republic of Iran had an opportunity to respond to but has chosen not to.

50. The Working Group is convinced that the present arrest was also directed against Ms. Mohammadi as a human rights defender and as the leader of a human rights organization in the Islamic Republic of Iran. The Working Group has in the past concluded that being a human rights defender is a status protected by article 26 of the Covenant.[10] The Working Group therefore concludes that the arrest and detention of Ms. Mohammadi also falls under category V, as it constitutes a violation of international law on the grounds of discrimination on the basis of her status as a human rights defender, contrary to article 26 of the Covenant and article 7 of the Universal Declaration of Human Rights.

51. Finally, the Working Group wishes to record its grave concern about Ms. Mohammadi's deteriorating health, particularly the allegations made by the source that she has not been provided with adequate medical care and that this may result in irreparable harm to her health. The Working Group considers that the treatment of Ms. Mohammadi violates her right under article 10 (1) of the Covenant to be treated with humanity and with respect for her inherent dignity.

52. Finally, the Working Group notes with concern the silence on the part of the Government in not availing itself of the opportunity to respond in a timely manner to the

[8] See para. 30 of the general comment.
[9] Ibid.
[10] See opinion No. 45/2016; and A/HRC/36/37, para. 49.

serious allegations made in this case, and in other communications to the Working Group (see, for example, the Working Group's opinions on the Islamic Republic of Iran Nos. 50/2016, 28/2016, 25/2016, 2/2016, 1/2016, 44/2015, 16/2015, 55/2013, 52/2013, 28/2013, 18/2013, 54/2012, 48/2012, 30/2012, 8/2010, 2/2010, 6/2009, 39/2008, 34/2008, 39/2000, 14/1996, 28/1994 and 1/1992).[11] The Working Group also refers the present case to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

53. The Working Group would like to reiterate[12] that it would welcome an invitation to conduct a country visit to the Islamic Republic of Iran so that it can engage with the Government constructively and offer assistance in addressing concerns relating to the arbitrary deprivation of liberty. In this context, the Working Group notes that on 24 July 2002 the Government issued a standing invitation to all thematic special procedure mandate holders.

Disposition

54. In the light of the foregoing, the Working Group renders the following opinion:

> The deprivation of liberty of Narges Mohammadi, being in contravention of articles 7, 10, 11, 19 and 20 of the Universal Declaration of Human Rights and of articles 10, 14, 19, 21 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories II, III and V.

55. Consequent upon the opinion rendered, the Working Group requests the Government of the Islamic Republic of Iran to take the steps necessary to remedy the situation of Ms. Mohammadi without delay and bring it into conformity with the standards and principles set forth in the international norms on detention, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

56. The Working Group considers that, taking into account all the circumstances of the case, especially the risk of harm to Ms. Mohammadi's health and physical integrity, the appropriate remedy would be to release Ms. Mohammadi immediately and accord her an enforceable right to compensation and other reparations, in accordance with international law.

57. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the situation of human rights defenders and to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

Follow-up procedure

58. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

(a) Whether Narges Mohammadi has been released and, if so, on what date;

(b) Whether compensation or other reparations have been made to Ms. Mohammadi;

(c) Whether an investigation has been conducted into the violation of Ms. Mohammadi's rights and, if so, the outcome of the investigation;

(d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of the Islamic Republic of Iran with its international obligations in line with the present opinion;

(e) Whether any other action has been taken to implement the present opinion.

[11] In the past, the Islamic Republic of Iran has provided information to the Working Group on various communications; see, for example, opinions Nos. 58/2011, 21/2011, 20/2011, 4/2008, 26/2006, 19/2006, 14/2006, 8/2003 and 30/2001.

[12] See opinions Nos. 9/2017, 7/2017, 28/2016 and 25/2016.

59. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

60. The Working Group requests the source and the Government to provide the above information within six months of the date of the transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

61. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken. [13]

[*Adopted on 22 August 2017*]

[13] See Human Rights Council resolution 33/30, paras. 3 and 7.