

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; 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 situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; 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; and the Special Rapporteur on violence against women, its causes and consequences**

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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; 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 situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; 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; and the Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 28/21, 24/6, 25/18, 26/7, 25/2, 24/5 and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention, denial of due process and fair trial, and denial of adequate medical treatment of Ms. Bahareh Hedayat, a prominent student and women's rights activist.

According to the information received:

On 31 December 2009, Ms. Bahareh Hedayat, a prominent student and women's rights activist was arrested in Tehran, shortly after the Ashura protest. She was reportedly held in solitary confinement in Ward 209 of Evin Prison and interrogated by Iran's Ministry of Intelligence during her pre-trial detention.

Pursuant to her arrest, on 5 May 2010, Ms. Hedayat was sentenced to seven and half years of imprisonment by Branch 28 of Revolutionary Court in Tehran for her alleged involvement in crimes against national security, insulting the President and insulting the Supreme Leader. Underlying actions which reportedly justified the judiciary's conviction against Ms. Hedayat included her membership in *Tahkim-e Vahdat* (Office to Consolidate Unity), a now-banned reformist student organization, participation in peaceful demonstrations, and interviews and speeches criticizing government policies and actions against students and rights defenders.

Ms. Hedayat's lawyers, including Ms. Nasrin Sotoudeh, were allegedly prevented from adequately communicating or meeting with her during her pretrial detention, were not present when she was informed of the charges against her, were prevented from accessing her case files (including the judgment against her), and were therefore not able to mount a proper defense on behalf of their client.

In December 2010, Ms. Hedayat reportedly received an additional six-month prison sentence on charges of "propaganda against the state" for writing a letter from prison, in which she urged Iranian students to continue their peaceful struggle.

On 12 August 2015, Branch 54 of the Tehran Appeals Court reportedly issued Ms. Hedayat's release orders after she had served five years of her sentence but authorities, including Tehran's General Prosecutor for Revolutionary Courts, reportedly refused to release her.

On 17 August 2015, Branch 28 of the Revolutionary Court in Tehran issued a two year suspended sentence for Ms. Hedayat at the request of Tehran's Prosecutor General. The suspended sentence was based on a 27 May 2007 conviction by Branch 6 of the Revolutionary Court of Tehran for "acting against national security by participating in an illegal gathering." The purpose of the reportedly peaceful gathering, which took place in Tehran's Haft-e Tir Square on 12 June 2006, was to call for an end to discrimination against women in law and in practice.

Ms. Hedayat reportedly filed a complaint regarding her detention between 12 and 17 August 2015 but received no response from judicial authorities.

She is reportedly suffering from chronic reproductive disease and has been diagnosed with gallstones during her imprisonment. Despite at least two short-term medical furloughs provided to Ms. Hedayat during her detention, there is concern that she is being denied adequate medical treatment.

We express serious concern at the allegations that Ms. Bahareh Hedayat has been subjected to arbitrary detention and unlawful deprivation of liberty, as a result of the legitimate exercise of her rights to freedom of expression, association and peaceful assembly and her activism in the defense of women's rights. We are further concerned that Ms. Hedayat prison sentence was issued following judicial procedures that may not fulfill the most stringent guarantees of fair trial and due process, which includes the right to adequate time and facilities to prepare a defense. We express our concern that Ms. Hedayat has reportedly not been provided with proper medical treatment to treat her condition.

While we do not wish to prejudge the accuracy of information made available to us, the above allegations appear to be in contravention with international law, in particular the right of every individual to liberty as set out in article 11 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a State Party. More specifically, Article 9(1) of the ICCPR provides that "everyone has the right to liberty and security of person," that "no one shall be subjected to arbitrary arrest or detention," and that "no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." The Human Rights Committee has clarified that the term "arbitrary" in Article 9(1) of the ICCPR must be interpreted broadly to include elements of inappropriateness, injustice and lack of predictability (CCPR/C/51/D/458/1991). Moreover, in accordance with articles 9 and 14 of the ICCPR and articles 9 and 10 of the UDHR states are obligated to provide fair trial and proceedings before independent and impartial tribunals prior to restricting an individual's liberty. We also would like to emphasize the right to due process and a fair trial that includes the principle of equality of arms and the right to have adequate time and facilities for the preparation of one's defence, including access to appropriate information. In this connection, we wish to refer to article 14 of the ICCPR, as well as the UN Basic Principles on the Role of Lawyers.

We also recall that any restrictions to the right to freedom of expression, of peaceful assembly and of association must comply with the provisions of the ICCPR, can only be imposed on legitimate grounds as set out in articles 19, 21 and 22 of and must conform to the strict tests of necessity and proportionality.

Regarding access to adequate medical treatment in detention by Ms. Hedayat, we would like to refer your Excellency's Government to article 12 of the Covenant on Economic, Social and Cultural Rights, ratified by Iran in 24 June 1975, which establishes that States have 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. (General Comment 14, Para.34) In addition, we would like to underline The Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111, according to which prisoners should

have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9).

We also wish 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, 2, 5, 6 and 12, as well as to the General Assembly resolution on the Promotion of 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: protecting human rights defenders, adopted on 18 December 2013. Moreover, we wish to bring to Your Excellency's attention Article 4 (o & p) of the United Nations Declaration on the Elimination of Violence against Women which notes that States should recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women, and should, moreover, facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels.

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.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Bahareh Hedayat 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 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 provide the reasons for the authorities' decision to continue Ms. Hedayat's imprisonment beyond the five years mandated under Iranian law, and article 134 of the Islamic Penal Code in particular, and whether these reasons were every communicated to Ms. Hedayat or her lawyers.
3. Please provide information indicating whether judicial or other authorities ever responded to Ms. Hedayat's complaint regarding her detention between August 12 and 17 and, if so, why not?
4. Please provide information relative to the measures taken to ensure the physical and psychological integrity of Ms. Bahareh Hedayat, particularly

given her medical condition, and please provide information regarding current policies for ensuring that prisoners have access to adequate medical treatment.

5. Please provide detailed information on the measures taken to provide, to Ms. Hedayat, the guarantees of due process and fair trial, including right to reparation for unlawful arrest and detention, as established in article 9(5) of the ICCPR and article 8 of UDHR and effective access to a lawyer, as established in international human rights law, in particular articles 9, 14 and 15 of the ICCPR and the UN Basic Principles on the Role of Lawyers.
6. Please also indicate how Ms. Hedayat prosecution is in compliance with her rights to freedom of expression and of association, as enshrined in articles 19 and 22 of the ICCPR.
7. Please indicate what measures have been taken to ensure that human rights defenders in Iran can operate in an enabling environment and carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

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.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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Republic of Iran

Dainius Puras  
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