

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 25/2, 24/6 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged refusal to provide Ms. **Maryam Akbari Monfared**, currently detained in Tehran's Evin Prison, with the medical treatment she requires, and the cancellation of her visitation rights, in possible retaliation against her following a complaint she lodged on 18 October 2016.

According to the information received:

Ms. Akbari Monfared was arrested in the early morning of 31 December 2009. For the next five months, her family reportedly remained unaware of her fate and whereabouts. In May 2010, she appeared before a Revolutionary Court in Tehran, which sentenced her to 15 years in prison on several charges including "enmity against God" (moharebeh) through membership in the banned opposition group known as the People's Mojahedin Organization of Iran (PMOI).

It is reported that the judicial proceedings in her case were grossly unfair and the conviction was based solely on the fact that she had made phone calls to her siblings who are members of PMOI and had visited them once near the PMOI-run Camp Ashraf in Iraq. She was reportedly held in solitary confinement during the first 43 days after her arrest, where she underwent intense interrogations and was denied access to a lawyer throughout. She reportedly met her state-appointed lawyer for the first time at her trial, which was limited to one brief session. She was never provided with a reasoned judgement, setting out the evidence and legal reasoning relied upon to convict her. During her trial session, the judge reportedly told her that "she was paying for the activities of her brother and sister with the PMOI". Her appeals were rejected, with no reasons provided.

On 18 October 2016, Ms. Akbari Monfared filed a formal complaint from inside prison, seeking an official investigation into the reported 1988 executions of political prisoners, including her siblings. Since submitting this complaint, she has reportedly been denied to undertake her regular medical checks outside the prison and is therefore unable to receive treatment for her rheumatoid arthritis and thyroid problems. It is reported that the Associate Prosecutor (dadyar) of Evin Prison told her family on 24 October 2016 that her health care arrangements had been cancelled because she had become too “brazen” (por-rou). Ms. Akbari Monfared was also reportedly subjected to other forms of retaliation against her, including an order from the Office of Prosecutor to stop prison visits from her family, and threats to bring fresh criminal charges against her.

Concern is expressed that Ms. Akbari Monfared is being denied medical treatment and threatened with new criminal charges and with cancellation of her family visitation rights as the result of exercising her legitimate right to request justice for her siblings. We express similar concern at the serious due process and fair trial violations she was reportedly subjected to, including prolonged solitary confinement, incommunicado detention and violations of her defense rights. Further concern is expressed about the growing number of reports concerning similar cases of denial of health care in detention that are being communicated to us and that seem to point towards a trend to use this form of inhuman, cruel and degrading treatment to silence prisoners.

Without making any judgement as to the accuracy of the information made available to us, the above allegations appear to be in contravention with international law, in particular the right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), which Iran ratified on 24 June 1975. The right to have access to a lawyer is also enshrined in the UN Basic Principles on the Role of Lawyers. We would also like to remind the Government of Iran of the absolute and non-derogable prohibition of torture and cruel, inhumane or degrading treatment or punishment, as codified, inter alia, in the ICCPR and, in Human Rights Council Resolution 25/13 and in paragraph 1 of General Assembly Resolution 68/156.

Regarding access to adequate medical treatment in detention, we would like to refer your Excellency’s Government to article 12 of the Covenant on Economic, Social and Cultural Rights, ratified by Iran on 24 June 1975, which establishes that an obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (General Comment 14, Para. 34).

In addition, we would like to reiterate the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in resolution 45/111, according to which prisoners should have access to health services available in the country without

discrimination on the grounds of their legal situation (Principle 9), and draw the attention of the Government to the UN Standard Minimum Rules for the Treatment of Prisoners (reviewed on 5 November 2015 and renamed the “Mandela Rules”) and in particular Rule 27(1), which provides that all prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.

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. Maryam Akbari Monfared in compliance with international instruments.

As it is our responsibility, under our mandate 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 information concerning the legal grounds for the arrest and detention of and explain how the arrest and detention of the aforementioned person is compatible with the principles and norms contained in articles 9, 10, 11 and 19 of the Universal Declaration of Human Rights and articles 9, 14 and 19 of the International Covenant on Civil and Political Rights.
3. Please provide information regarding steps taken to guarantee the physical and psychological integrity of Ms. Akbari Monfared while in detention.
4. Please provide information relative to the measures taken by your Excellency’s Government to ensure the physical and psychological well-being of, and please provide information regarding current policies and regulations in place, to ensure that prisoners, including, have access to adequate and timely medical treatment.
5. Please indicate the measures adopted to ensure that human rights defenders are able to carry out their legitimate work in Iran in a safe and enabling environment without fear of reprisals, violence or harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

Your Excellency's Government's response to the present communication will be reflected in the mission report it will present at the next session of the Human Rights Council for its consideration.

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

David Kaye

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

Dainius Pūras

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

Asma Jahangir

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