

**Mandates of 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 situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

REFERENCE:  
UA IRN 9/2017

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Excellency,

We have the honour to address you in our capacity as 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 situation of human rights defenders and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 33/30, 25/2, 25/18 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government new information we have received concerning Mr. **Arash Sadeghi**, Iranian human rights defender and his wife Ms. **Golrokh Ebrahimi Iraee**.

Mr. Sadeghi and Ms. Iraee were the subject of a previous communication sent by Special Procedures dated 27 October 2016 (case no. 28/2016) and a press release dated 9 January 2017. Mr. Sadeghi was also the subject of a previous communication sent by Special Procedures dated 22 July 2016 (case no. 21/2016).

While we acknowledge receipt of the letters that your Excellency's Government sent us 28 December 2016 and 17 February 2017 concerning Mr. Arash Sadeghi, we regret that no response has been received so far about his wife, Ms. Ebrahimi Iraee. We also regret that your Excellency's Government did not provide information on how the charges in the cases of both, Ms. Ebrahimi Iraee and Mr. Arash Sadeghi met the standards of international human rights law, and on the measures taken to provide them with the guarantees of due process and fair trial, and effective access to a counsel of their choosing as established in international human rights law.

According to new information received:

After having been released on 3 January 2017, Ms. Ebrahimi Iraee was rearrested on 22 January 2017, which prompted Mr. Arash Sadeghi to renew his hunger strike. In response, the authorities reportedly moved him to Section 350 of Evin prison where political prisoners have limited contact with the outside world and are only allowed to make brief phone calls once a week. It has been months since the authorities last allowed the couple to see one another.

Mr. Sadeghi ended his second hunger strike in early February 2017, after Tehran's Prosecutor General promised to address his grievances. On 6 February 2017, he was reportedly transferred to a hospital outside prison, where he underwent a number of tests for his respiratory problems and was diagnosed with asthma. He was returned to prison the same day despite the hospital doctors reportedly warning that his return would seriously endanger his health and that he must instead be hospitalized.

Mr. Sadeghi is suffering from severe kidney and respiratory problems. He has also developed a stomach ulcer that has led to internal bleeding, abdominal pain and digestive complications, preventing him from eating solid food. He is suffering from severe protein deficiency, affecting his heart, liver and kidneys. According to prison doctors, Mr. Sadeghi needs to receive intravenous protein treatment in a hospital outside prison and have warned that his health problems could worsen if he does not receive the treatment. The Office of the Prosecutor in Tehran told his family in early February 2017 that the Revolutionary Guards are blocking his transfer to a hospital outside prison even though the office has authorized the transfer.

Serious concern is expressed about the physical and psychological integrity of Mr. Sadeghi while in prison. In this connection, we are particularly concerned that no measures have been taken to lift the Revolutionary Guards' unlawful blocking of his transfer to a hospital outside prison, despite the doctors' advice. We reiterate our concerns that the arrest and detention of Mr. Sadeghi and Ms. Ebrahimi Iraee are based on oppressive legislation criminalizing the legitimate exercise of the right to freedom of expression and thus rest on legal basis that are incompatible with Iran's obligations under international human rights law.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

Furthermore, while we do not wish to prejudice the accuracy of allegations, 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 underline 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.

We would also like to take this opportunity to refer your Excellency’s Government to article 502 of the Iranian Criminal Code, which states that “[i]f a prisoner is suffering from physical or mental illness and his imprisonment would make his illness worse or delay his recovery, the judge can postpone the sentence being served until the prisoner regains his health after consultation with his physician.”

We would like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR. In this connection, we reiterate the principle enunciated in Human Rights Council Resolution 12/16, calling on states to refrain from imposing restrictions which are not consistent with article 19(3), including on (i) discussion of government policies and political debate; reporting on human rights; engaging in election campaigns, peaceful demonstrations or political activities; and expression of opinion and dissent, including by persons belonging to minorities or vulnerable groups.

With regard to the alleged connection between the apparent violations and the individuals’ human rights work, we would like 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, 6, 8 and 12.

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 the above-mentioned persons 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 information about how the charges in the cases of Ms. Ebrahimi Iraee and Mr. Sadeghi meet the standards of international human rights law, in particular with respect to Article 19 of the ICCPR.
3. Please provide detailed information on the measures taken to provide to Ms. Iraee and Mr. Sadeghi the guarantees of due process and fair trial, and effective access to a counsel of their choosing as established in international human rights law, and in particular articles 9 and 14 of the ICCPR.
4. Please provide information relative to the measures taken by your Excellency's Government to ensure the physical and psychological well-being of Ms. Ebrahimi Iraee and Mr. Sadeghi while in detention.
5. Please explain the reasons why Mr Sadeghi and Ms. Ebrahimi Iraee are not allowed to visit each other.

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.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure."

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.

José Guevara  
Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Asma Jahangir  
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