

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

REFERENCE:
UA IRN 14/2017

24 April 2017

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 28/21.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the serious health status of Mr. **Baquer Namazi** and his son Mr. **Siamak Namazi**.

Mr. Baquer Namazi is a retired senior UNICEF staff member. Mr. Siamak Namazi is a business consultant and scholar educated in the United States. Both are dual citizens of the United States of America (United States) and the Islamic Republic of Iran (Iran) and are known for their humanitarian work and their attempts to improve the lives of vulnerable Iranian citizens.

A previous communication (Ref. IRN 25/2016) was sent to Your Excellency's Government on 16 September 2016 concerning Mr. Baquer Namazi who had been arrested in Tehran in February 2016 by Iranian security agents while he was visiting Tehran to try and secure his son's release, Siamak Namazi, who had been arrested in October 2015. In our communication we draw attention to allegations that none of them had access to their lawyers, nor were they allowed to communicate regularly with their family. We also expressed concerns about the deterioration of Mr. Baquer Namazi's health condition.

I regret that no response was received to this communication.

According to the information received:

The first and only hearing for Messrs. Siamak and Baquer Namazi occurred on 1 and 5 October 2016 respectively. On 17 October 2016, both were sentenced to ten years in prison on the charges of "collusion with an enemy state," in reference to the United States. An appeal hearing took place on 1 March 2017 but a decision has not been issued to date.

Health status of Mr. Baquer Namazi

Since our last communication, Mr. Baquer Namazi's physical and mental health has continued to decline at a rapid pace. Mr. Namazi is 80 years old and has serious heart conditions, including anarrhythmia that require him to take special medications. Prior to his detention, he also regularly underwent stress tests and echocardiograms to monitor his heart health. He had a triple bypass surgery approximately 11 years ago, and, prior to his detention, had been going for regular follow-up appointments and receiving medical observation. He was taking six to seven medications a day for issues related to his prostate, blood pressure, heart condition, hypertension, and cholesterol.

Since his arrest and detention, Mr. Namazi has lost at least 14 kilograms and his energy has greatly diminished since his conviction. Because of the severity of his current condition, Mr. Namazi has reportedly been transferred to the intensive care unit (ICU) of an external IRGC-run hospital on two separate occasions since his arrest. The IRGC first transferred him to the ICU in September 2016 for a period of five to six days and in late January 2017. On both occasions, Mr. Namazi's family was not informed of these transfers. The guards did, however, tell his son Siamak that his father had been taken to the hospital. Since then, Mr. Namazi's family has tried relentlessly to obtain information about his health and access to his medical records.

Mr. Namazi's family requested that his own heart specialist be given immediate access to him to determine his current health condition and whether he needs a pacemaker or any other treatment. His wife also wrote to the Office of the State Medical Examiner and provided this Office with Mr. Namazi's past medical records and reports. However, the family was not given access to the medical records pertaining to Baquer's visits to the ICU while in prison.

The Office of the State Medical Examiner reportedly informed the family that the process of forming a medical review of Baquer's case may take a "few months" because of backlog.

While Mr. Namazi was taking six to seven specific medications a day prior to his detention, he is now reportedly given a cocktail of pills that the guards claim to be sedatives, heart medicine, and vitamins although this cannot be verified. His family is concerned that the sedatives may be adversely impacting his heart condition.

Prior to his arrest and detention, his personal physician had noted that he might require a pacemaker due to his arrhythmia. Mr. Namazi is reported to have little to no energy to get through the day, and suffers from dizziness. Due to the severity

of his depression, he is now being seen by a psychologist who is prescribing increasing dosages of sedatives. It was also reported that the psychologist has also determined that Baquer's current prison conditions are adversely impacting his health.

It is also reported that recently, the IRGC guards have been allowing Mr. Namazi to receive more frequent visits by members of his family who have noticed a marked decline in his health in a short period of time.

Health status and detention conditions of Mr. Siamak Namazi

Mr. Siamak Namazi has been continually intimidated and subjected to lengthy interrogations by the IRGC, even after his conviction in October 2016. He has also been subjected to extended periods of solitary confinement.

Mr. Siamka Namazi has been placed in a dark cold and humid cell in the IRGC wing which contains no bed which forces him to sleep on the floor. He was initially not provided with warm clothing, even as temperatures dropped in the winter. Mr. Namazi was reportedly subjected to torture, tased by the IRGC guards, forced to watch propaganda attacking him and showing his father in prison, and forced to partake in recorded interrogations.

Despite promises, Mr. Namazi has still not been moved to the general wing of the prison, as legally required, or at least to a better cell and has not been allowed to speak with his father who is in the same prison wing.

In protest against his prison conditions, Mr. Siamak Namazi went on a hunger strike and has already lost at least 26 pounds (~12 kilograms) during his time in detention. The physical and mental suffering intentionally inflicted on Siamak, combined with his extended isolation, have caused Siamak's mental and physical wellbeing to deteriorate. Concerns have been expressed that he might attempt to commit suicide.

Grave concerns are expressed about the physical and psychological integrity of Messrs. Baquer and Siamak Namazi given the conditions of detention imposed on them. It is feared in particular that Mr. Baquer Namazi might suffer irreversible damage to his physical and mental health and even die if not granted immediate access to appropriate specialized medical care.

While I do not wish to prejudge the accuracy of these allegations, I 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 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, I 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.

I 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.”

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I 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 my responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, I 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 measures taken by your Excellency’s Government to ensure the physical and psychological integrity of the aforementioned persons and please provide information regarding current policies and regulations in place to ensure that prisoners in similar situations have access to proper and adequate medical treatment, including specialized treatment.

While awaiting a reply, I 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.

I intend to publicly express our concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I 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 issues in question.

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.

Asma Jahangir
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran