

**Mandates of the Working Group on Arbitrary Detention; 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**

REFERENCE:  
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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 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 33/30, 33/9 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding **the denied heart surgery to Mr. Sabri Hassanpour a 60 years old Dutch-Iranian national, who is in detention and in urgent need of specialized medical care.**

Mr. Sabri Hassanpour engages in different type of activities advocating for political change in Iran as executive and host of the Netherlands-based Persian-language on-line network Sima-ye Rahayi (Vision of Liberation).

According to the information received:

On 19 April 2016, after visiting his family for the first time in 30 years, Mr. Hassanpour was arrested without any legal basis by the Revolutionary Guards at his sister's house in Tehran. He was taken to Section 2A of Evin Prison, where he remained in solitary confinement for two months without any contact with his family. During this time, he underwent intense interrogations and was put under pressure to sign statements, which he refused to do. Mr. Hassanpour's right to have access to a legal counsel was allegedly restricted to a brief meeting with his lawyer in October 2016.

In November 2016, he was brought for trial before Branch 15 of the Revolutionary Court in Tehran where he collapsed following an argument with the judge. Since then, no trial session has been scheduled.

On 15 November 2016 Mr. Hassanpour suffered a heart attack in Evin prison. He was taken to a hospital outside prison where a cardiologist informed that he urgently needed an open heart surgery. He has a pre-existing heart condition for

which he has previously undergone several coronary angioplasties to unblock arteries around his heart. He currently has constant pain in his chest and around his heart. His cell mates have taken him to the prison clinic numerous times where the doctors allegedly treat him only with intravenous (IV) fluids and send him back to his cell. He has also been frequently losing consciousness and collapsing. The authorities reportedly said that he must pay for his open heart surgery, which, as he stated, he cannot afford.

Serious concern is expressed about the arrest and detention of Mr. Hassanpour and about the due process and fair trial violations he was reportedly subjected to, including the absence of a legal basis for his arrest, his prolonged solitary confinement and incommunicado detention as well as the complete lack of knowledge on the charges imputed to him. It is alleged that these charges might be related to his political activities. Further serious concern is expressed at the risks posed by the denial of an urgent open heart surgery to Mr. Hassanpour's life and physical integrity.

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 of every individual not be deprived arbitrarily of his or her liberty and to fair proceedings before an independent and impartial tribunal, including the right to access legal counsel, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

In this connection, we would like to call your Excellency's Government attention to 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 established the right not to be deprived arbitrarily of liberty and to fair proceedings before an independent and impartial tribunal. 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.

We would like also 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.

Finally, 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.”

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 Mr. Hassanpour in compliance with the above 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 legal grounds for the arrest and detention of Mr. Hassanpour and the charges have brought against him.
3. Please explain how the 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.
4. Please provide details of the measures taken by your Excellency’s Government to ensure that Mr. Hassanpour has access to the adequate healthcare, in particular the cardiac surgery he urgently needs.
5. Please indicate what measures your Excellency’s Government has adopted or is planning to implement in order to protect the human rights of

incarcerated persons to have access to adequate healthcare, including specialized treatment.

While awaiting a reply, we urge that all necessary interim measures be taken to provide immediately and without prerogative the medical care Mr. Hassanpour's health condition requires. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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.

Elina Steinerte  
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