

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 rights to freedom of peaceful assembly and of association; 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 situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
UA IRN 6/2019

18 June 2019

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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 33/30, 34/18, 32/32, 33/9, 34/5, 37/30, 32/19 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the deteriorating health situation of the detained human rights defender and journalist, Ms. **Narges Mohammadi**, currently serving a 16-year prison sentence in Evin Prison. Ms. Narges Mohammadi suffers from several serious health conditions, including a pulmonary embolism and a neurological disorder that can result in partial paralysis.

Ms. Mohammadi was the subject of seven urgent appeals and letters of allegation sent by various Special Rapporteurs since 2015. A press release regarding the situation of Ms. Mohammadi was issued by a number of United Nations Special Procedures mandate holders on 16 January 2019. The most recent communication was sent on 22 July 2016 (IRN 21/2016) and note the response sent by your Excellency's Government dated 9 August 2016. We further wish to draw the attention of your Excellency's Government to Opinion No. 48/2017 adopted by the Working Group on Arbitrary Detention at its seventy-ninth session (21-25 August 2017) concerning Narges Mohammadi, which determined the deprivation of her liberty is arbitrary, and in contravention of articles 7, 10, 11, 19 and 20 of the Universal Declaration of Human Rights and of articles 10, 14, 19, 21 and 26 of the International Covenant on Civil and Political Rights.

The Working Group on Arbitrary Detention further noted that the appropriate remedy would be to release Ms. Mohammadi immediately and accord her an enforceable right to compensation and other reparations, in accordance with international law.

According to the new information received:

Ms. Narges Mohammadi has been denied appropriate health care for over a year despite suffering from a pulmonary embolism, related blood clots, bleeding and repeated seizures and is in need of follow-up treatment for a gall-bladder operation. She reportedly undertook a three-day hunger strike to protest her condition and treatment in January 2019.

On 27 April 2019, Ms. Narges Mohammadi was transferred to Mehr Hospital for medical examination and returned to Evin Prison Women's Ward on the same day. On 14 May 2019, she was sent to the hospital again, where she underwent a hysterectomy operation, and was returned to prison on 22 May 2019 before she had the opportunity to fully recuperate from surgery and contrary to her doctor's advice. Her doctor had recommended a period of convalescence at the hospital for at least one month. On 2 June 2019, Ms. Mohammadi was reported to have contracted a serious infection due to the denial of antibiotics and other medication. She continues to be denied appropriate medication and hospitalization as recommended by doctors at the hospital. Ms. Mohammadi has not been able to contact her husband or make telephone calls to her children in the last two weeks.

Serious concern is expressed at the continuing arbitrary detention and deteriorating health condition of Ms. Narges Mohammadi as a result of the alleged denial of appropriate medical care for Ms. Mohammadi, particularly in light of a reported serious infection following surgery.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Ms. Mohammadi not to be arbitrarily deprived of her liberty, to a fair proceeding before an independent and impartial tribunal, to freedom of opinion and expression, and to freedom of association, as enshrined in articles 9, 14, 19 and 22 respectively of the International Covenant on Civil and Political Rights (ICCPR) ratified by the Islamic Republic of Iran on 24 June 1975.

We would like to further refer your Excellency's Government to article 12 of the International 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). We also draw your attention to the UN Standard Minimum Rules for the Treatment of Prisoners (reviewed on 5 November 2015 and renamed the “Mandela Rules”) in particular to Rule 27(1), which provides that all prisons shall ensure prompt access to medical attention in urgent cases as well as Rule 58 which establishes that prisoners shall be allowed to communicate with their family and friends at regular intervals. We would like to underline the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted by the General Assembly in resolution 65/229, which complement the UN Standards Minimum Rules for the Treatment of Prisoners, providing guidance for specific characteristics and needs for women in prison in particular Rules 10, 11, 12 and 13.

We would also 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 and 6.

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, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of Ms. Narges Mohammadi 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 any relevant information regarding the implementation of the Opinion No. 48/2017 adopted by the Working Group on Arbitrary Detention and explain how the detention of Ms. Narges Mohammadi is compatible with the principles contained in articles 7, 10, 11, 19 and 20 of the Universal Declaration of Human Rights and of articles 10, 14, 19, 21 and 26 of the International Covenant on Civil and Political Rights.
3. Please provide information concerning any steps that have been taken to ensure that Ms. Mohammadi has access to independent medical professionals, that she receives all the medical attention and medication that she requires to treat the reported infection, including hospitalization as

recommended by doctors, and the steps taken to guarantee the physical and psychological integrity of Ms. Mohammadi.

While waiting for your response, we urge your Excellency's Government to consider the immediate release of Ms. Narges Mohammadi as recommended by the Working Group on Arbitrary Detention and other UN experts.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We 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 issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Leigh Toomey
Vice-Chair 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

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