

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 in the Islamic Republic of Iran; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on the issue of discrimination against women in law and in practice**

REFERENCE:  
UA IRN 7/2019

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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 in the Islamic Republic of Iran; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 33/30, 35/15, 33/9, 37/30, 40/16, 34/19 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 continued arbitrary detention of Ms. **Nazanin Zaghari-Ratcliffe**, Mr. **Kamran Ghaderi** and Mr. **Ahmadreza Djalali** by the Iranian authorities.

Ms. Zaghari-Ratcliffe was the subject of four previous communications sent by Special Procedures dated 17 March 2017 (case no. IRN 8/2017); 27 January 2017 (case no. IRN 4/2017); 6 October 2016 (case no. IRN 26/2016); and 1 July 2016 (case no. IRN 20/2016). She has been the subject of three press releases issued on 16 January 2019, 20 October 2017 and 7 October 2016. She was also the subject of Opinion No. 28/2016 (Islamic Republic of Iran), adopted on 23 August 2016 by the Working Group on Arbitrary Detention. The Working Group found that the deprivation of liberty of Ms. Zaghari-Ratcliffe was arbitrary, in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR) and articles 9, 10 and 14 of the International Covenant on Civil and Political Rights (ICCPR), and falls within categories I, III and V of the categories applied by the Working Group. The Working Group requested the Government to take the necessary steps to remedy the situation of Ms. Zaghari-Ratcliffe without delay and bring it into conformity with the standards and principles in the UDHR and ICCPR. The Working Group considered that, taking into account all the circumstances of the case, especially the risk of harm to Ms. Zaghari-

Ratcliffe's health and physical integrity and to the well-being of her child, the adequate remedy would be to release Ms. Zaghari-Ratcliffe immediately, and accord her enforceable right to compensation in accordance with article 9(5) of the International Covenant on Civil and Political Rights.

Mr. Ahmadreza Djalali was the subject of two previous communications sent by Special Procedures dated 13 November 2017 (case no. IRN 30/2017) and 10 February 2017 (case no. IRN 7/2017). He has been the subject of a press release issued by Special Procedures on 9 February 2018. He was also the subject of Opinion No. 92/2017 (Islamic Republic of Iran), adopted on 24 November 2017 by the Working Group on Arbitrary Detention. The Working Group found that the deprivation of liberty of Mr. Djalali was arbitrary and in contravention of articles 3, 5, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and of articles 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights, and that it fell within categories I and III of the categories applied by the Working Group. The Working Group requested the Government to take the necessary steps to remedy the situation of Mr. Djalali without delay and bring it into conformity with the standards and principles in the UDHR and ICCPR. The Working Group considered that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Djalali immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

This is the first communication concerning Mr. Kamran Ghaderi.

According to new information received:

Ms. Nazanin Zaghari-Ratcliffe, a dual British-Iranian citizen, has been on hunger strike since 15 June 2019 to demand her unconditional release from prison in Iran. This is the third time she has been on hunger strike since her detention on 3 April 2016. She reportedly continues to be denied appropriate medical treatment with her consent, despite assurances by the authorities being given during her last hunger strike in January 2019 that she would receive access to requested healthcare. Her daughter whose passport was reportedly confiscated by Revolutionary Guard officials at the time of Ms. Zaghari-Ratcliffe's arrest, continues to be banned from leaving Iran and is unable to join her father in the United Kingdom.

Mr. Ahmadreza Djalali, a dual Swedish-Iranian citizen, was charged with "corruption on the earth" and sentenced to death on 21 October 2017. He was not permitted to choose his own lawyer. Instead, a court appointed lawyer represented Mr Djalali throughout the judicial proceedings. He was also denied his case review request by the Qom branch of Iran's Supreme Court on 5 February 2018. After being denied medical care several times, on 19 November 2018, Mr. Djalali reportedly had an urgent operation on a clutched inguinal hernia. Following the

operation, Mr. Djalali was reportedly immediately transferred back to Evin Prison and was visited by a specialist who conducted a series of blood tests. Mr. Djalali was reportedly informed that his bone marrow cells have severely weakened, indicating a high possibility of leukemia. On the recommendation of the Evin Prison doctor, Mr. Djalali was scheduled to see a blood and cancer specialist at a hospital on 5 February 2019. However, prison authorities reportedly prevented him from going to the appointment.

Mr. Djalali is reportedly in a poor physical and psychological condition currently and is in need of urgent access to appropriate medication and treatment.

Mr. Kamran Ghaderi is an Austrian-Iranian dual national and businessman. Mr. Ghaderi has travelled to Iran on many occasions for work and business seminars, including as a member of the Austrian delegation led by then-President Heinz Fischer in October 2015. He was detained on 2 January 2016 upon arrival at Tehran airport from Vienna on a business trip, and is currently serving a 10-year prison sentence for allegedly “conducting espionage for enemy states”. Mr. Ghaderi’s confessions were allegedly dictated by interrogators and extracted under coercion and torture after they threatened to harm his family. He reportedly denied the accusations in court and told the judge that the false confession was signed under torture. His lawyer had no access to him or his case file prior to his confession.

During the first three months of Mr. Ghaderi’s detention, he was allegedly held alternately in a house in an unknown location where he was tortured and subjected to prolonged interrogation, and in Ward 209 of Evin Prison where he was held in solitary confinement in an isolated small cubic container room measuring approximately 1.5 square metres with no windows. He reportedly spent another 427 days in Ward 209 of Evin Prison following his conviction. He was then transferred to a cell with two other prisoners, and then to another cell shared with 10 to 15 prisoners. Since 17 April 2017, Mr. Ghaderi has been held in the public section for political prisoners in Evin Prison.

Mr. Ghaderi’s health condition deteriorated from the spring of 2017 when he reportedly became severely disorientated, weakened and could hardly walk or use the restrooms without the help of other detainees. His request for medical treatment had reportedly been denied at the time by the prosecutor in Tehran. As a result, Mr. Ghaderi suffered from severe hip and back pain for more than one year. He eventually received up to 30 medications a day to relieve the pain and doctors recommended 10 physical therapy sessions. He was transferred from prison to hospital six times for the physical therapy sessions, but it was discontinued without explanation thereafter.

He subsequently underwent two operations in February 2018; first to remove two invertebrate discs in his spinal cord, and then to operate on a 30-cm long prosthesis on the spinal column. He was reportedly allowed to remain at home with his mother for a period of 62 days thereafter, but then returned to prison without receiving the required post-surgery physical therapy.

Mr Ghaderi has reportedly not received treatment for a tumor in his leg, which was identified during a magnetic resonance imaging scan (MRI) in September 2017.

These individual cases are emblematic of a pattern of arrests and detention of dual and foreign nationals charged with unsubstantiated national security-related offences. There are estimated to be at least 30 such cases, some of whom face potentially life-threatening health conditions.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by the Islamic Republic of Iran on 24 June 1975, which establishes the obligation to respect the right to physical and mental 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. In relation to Ms. Zaghari-Ratcliffe, we would also 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 further urge your Excellency's Government to allow the daughter of Ms. Zaghari-Ratcliffe to leave the country.

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 reiterate the call of the Working Group on Arbitrary Detention (Opinions 28/2016 and 92/2017) to release Ms. Zaghari-Ratcliffe and Mr. Djalali immediately, and accord them an enforceable right to compensation in accordance with article 9(5) of the ICCPR. In light of the immediate risk of harm to their health and physical integrity, we call upon Your Excellency’s Government as a matter of urgency to proceed with the immediate release of Ms. Zaghari-Ratcliffe, Mr. Djalali and Mr. Ghaderi.

On the case of Mr. Djalali, we would like to refer to article 6(2) of the ICCPR, ratified by Islamic Republic of Iran in 1975, which states that sentence of death may be imposed only for the most serious crimes. In its General Comment 36, the Human Rights Committee indicates that the term “most serious crimes” must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing. We recall that corruption offences do not meet the threshold of most serious crimes and executions for such crimes constitute unlawful killing. With respect to the charge of “corruption on the earth”, we underline that this is a vaguely worded, lacks clarity and precision for restricting expression, and therefore represents a criminalization of expression in violation with Iran’s obligations under article 19 of the ICCPR. In this connection, we reiterate the principle enunciated in Human Rights Council Resolution 12/16 which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

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 person 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 the observations of your Excellency’s Government 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 details of the legal basis for their continued imprisonment of the three individuals concerned;

3. Please provide information of any measures taken to ensure the physical and psychological integrity of Ms. Zaghari-Ratcliffe, Mr. Djalali and Mr. Ghaderi. Kindly indicate the measures taken to guarantee their access to appropriate medical care for the health issues developed and worsened while in detention, most of them owing to the lack to timely health care. Please also provide detailed information about the current health status of Ms. Zaghari-Ratcliffe, Mr. Djalali and Mr. Ghaderi.
4. Please provide information on the measures taken to ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings;
5. Please provide detailed information on each stage of the judicial proceedings against Mr. Djalali on the charge of “corruption on the earth” and his sentencing to death by the Revolutionary Court on 21 October 2017, and in particular the reasons why his case review request was denied by the Qom branch of Iran’s Supreme Court on 5 February 2018, and indicate how they comply with fair trial and due process guarantees as enshrined in international human rights law and standards.
6. In connection with the above, please provide information on how the charge of “corruption on the earth” complies with Iran’s obligations under international human rights law.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their 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.

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 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.

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 of Mr. Kamran Ghaderi 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.

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

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Vice-Chair of the Working Group on Arbitrary Detention

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