

Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on Arbitrary Detention; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE:
UA IRN 6/2020

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Working Group on Arbitrary Detention; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 40/18, 42/22, 37/8, 35/15, 34/18, 42/16, 34/5, 35/11 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the outbreak of COVID-19 in the Iranian prison system and its impact on the situation of certain categories of detainees, including human rights defenders, dual and foreign nationals and conservationists, and in particular of Mr. **Massud Mossaheb**, Mr. **Morad Tahbaz**, Ms. **Narges Mohammadi**, Mr. **Arash Sadeghi**, Ms. **Nasrin Sotoudeh**, Mr. **Ahmadreza Djalali** and Mr. **Kamran Ghaderi**.

While acknowledging the Iranian judiciary's policy to grant temporary furlough to 100,000 prisoners, we wish to specifically raise concerns that human rights defenders, dual and foreign nationals and conservationists, many of whom have been arbitrarily detained, have not been granted temporary release. This includes individuals who are older persons and/or have underlying health conditions, which makes them vulnerable to health risks and loss of life if they contract COVID-19.

Mr. Tahbaz, Ms. Mohammadi, Mr. Sadeghi, Ms. Sotoudeh, Mr. Djalali and Mr. Ghaderi have all been the subject of previous communications sent by Special Procedures. Mr. Sadeghi, Mr. Djalali and Ms. Mohammadi were also the subject of opinions adopted by the Working Group on Arbitrary Detention concerning their current detention. The Working Group found that the deprivation of their liberty was arbitrary in each case and requested the immediate release of the three individuals. References to the respective communications and opinions are provided below. This is the first communication concerning Mr. Mossaheb.

According to the information received:

COVID-19 outbreak in Iranian prison system

Since the first two reported deaths in Qom on 19 February 2020, COVID-19 has rapidly spread in Iran, with the authorities facing increasing difficulties in containing it. On 19 March 2020, Iran's health authorities stated that one person in Iran dies every ten minutes from the virus and 50 people are infected every hour. According to official figures, as of 1 April 2020, 3,036 people have died in Iran from COVID-19. However, this number could be five times higher due to an inability to test all possible cases.

COVID-19 has also reportedly had an outbreak in prisons in Tehran and other cities, affecting both the prison population and prison staff. There have also been allegations of lack of medical and sanitary supplies, inadequate medical testing and treatment, and concerns about the deteriorating hygiene conditions in overcrowded cells. There are also concerns about the reported transfer of prisoners to wards believed to host or have hosted individuals with COVID-19. Some prisons have limited visits to judicial and health officials, with family visits being only allowed behind glass. Due to overcrowding, prisons do not have adequate space for quarantines. In some cases, prisoners are transferred to solitary confinement cells, which do not meet the minimum standards for long-term incarceration.

In order to address these concerns, the Iranian judiciary announced preventive measures to halt the spread of COVID-19 in prisons. These measures included reducing the number of people sent to prison and granting temporary release or furlough to some of the prisoners to lower the prison population. On 26 February 2020, the Head of the Judiciary, Mr. Ebrahim Raisi, issued a directive according to which some prisoners would be granted furlough after "posting suitable bail." This excludes all those sentenced on national security charges with a sentence of more than five years of imprisonment, as well as those convicted of arms trafficking or sentenced under qisas (retribution in kind). Individuals in pre-trial detention were also excluded under this directive. On 17 March 2020, the Iranian

judiciary announced that 83,000 prisoners had been released on furlough stating, “more than fifty per cent of the security-related prisoners have benefited from this furlough”. The judiciary announced on 29 March 2020 that temporary release had been extended to now include 100,000 prisoners. It is reported that some prisoners of conscience and dual and foreign nationals have benefited from the judiciary’s furlough. However, under this criteria, most human rights defenders, lawyers, dual and foreign nationals and conservationists cannot benefit from these measures. The following cases are emblematic of individuals with these profiles who remain in prison and are at heightened risk of contracting COVID-19.

Massud Mossaheb

Mr. Massud Mossaheb is a 72-year-old dual Iranian-Austrian national. On 26 January 2019, he was arrested by officials believed to be working for the Ministry of Intelligence during a visit to Iran with an Austrian delegation with expertise in medicine. For approximately the first 50 days of his detention, he was kept in solitary confinement in a 1m x 2m cell and was only allowed to make sporadic telephone calls to his family. He was not able to say where and why he had been detained during these telephone calls. He was only allowed to receive a visit from relatives after three months of detention. Mr. Mossaheb has been in detention since 26 January 2019 and is currently in Evin Prison.

During interrogations by intelligence officers, Mr. Mossaheb was reportedly forced to make a false confession under duress, including due to threats that he would receive the death penalty and lashes. Mr Mossaheb was made to prepare and be filmed making a false confession for possible future broadcast on state television. The preparation and filming of the false confession took place on 31 July, 5 August and 7 August 2019 in a hotel. Three armed men were present during the filming. He was threatened with hanging and lashes if he did not make the false confession. To date, the false confession has not been broadcast.

On or around 27 November 2019, Mr. Mossaheb’s chosen lawyer was told that he should not continue representing him in his case. On 30 November 2019, Judge Abolquasem Salavati, the presiding judge in the Revolutionary Court for Mr. Mossaheb’s case, said that he will not accept his chosen lawyer or any other lawyer that he wishes to choose to defend him. The Revolutionary Court instead assigned another lawyer for Mr. Mossaheb’s court proceedings. On 30 November 2019, Judge Salavati reportedly stated the reason was that Mr. Mossaheb “already has his sentence in his drawer.” On 19 December 2019, after almost 11 months of detention without charge, Mr. Mossaheb’s assigned lawyer brought him his indictment, which outlined the accusations against him and his charges. The indictment charged him with “spreading corruption on earth” and “spying for the

Israeli secret service Mossad”, with potential punishments of the death penalty and 80 lashes respectively.

On 23 January 2020, he was interrogated by two intelligence officers again who asked why he signed documentation during his time in solitary confinement. Mr. Mossaheb stated he signed because he was threatened with the death penalty and lashes. The first day of his trial took place on 1 February 2020. Judge Salavati claimed there was a lot of evidence against him, although this was only based on seemingly unrelated activities such as Mr. Mossaheb’s position with the Austrian-Iranian Friendship Society and because he used words like “overseas” in text messages. His trial was supposed to continue on 9 March 2020, but has now been postponed until an unknown date.

Mr. Mossaheb suffers from several medical conditions, including those that have been identified as high risk in relation to COVID-19, such as diabetes, extreme cardiac disturbances, high blood pressure, and also thyroid issues, mitral valve insufficiency, and chronic recurrent diverticulitis. During the approximately 50 days he was in solitary confinement, he did not receive medications necessary for these conditions. In July 2019, Mr. Mossaheb was able to obtain medication only after it was brought by his family from Austria to Iran. On 25 December 2019, Mr. Mossaheb was taken to a doctor for an examination of several growing tumours, for which he was offered surgery. However, Mr. Mossaheb declined surgery as no aftercare was to be provided in prison. He was instead offered an antibiotic, which is usually reserved for veterinary medicine. Other examinations, such as blood examinations, have only been provided after several requests and the results were not systematically communicated to him. Furthermore, the regular medication Mr. Mossaheb is required to take is only made available through his family who bring it to him in prison. Blood pressure and chest pain have also not been properly assessed. He previously received dialysis treatment due to kidney failure in 2011 and had a prostatectomy in 2014.

On 12 March 2020, Mr. Mossaheb was transferred from Ward 7 to Ward 4 in Evin Prison with other detainees who are also dual or foreign nationals. However, two of the detainees with Mr. Mossaheb allegedly committed murder and serious assault respectively. Ward 4 was reportedly the ward in Evin Prison where prisoners had been identified as suffering from COVID-19, including an individual who died in early March 2020. The central medical station of Ward 4 had also been declared a quarantine station without, however, any protective measures being implemented by prison authorities. Mr. Mossaheb’s new location in Ward 4 is described as very small and unclean. He is reportedly in a cell sized 6m x 4m in Ward 4, with 11 other people. There is also no running water, and although previously disinfected, Mr. Mossaheb and the other detainees in his cell cleaned their cell due to fears it is infected with COVID-19. On 22 March 2020, a

detainee in Mr. Mossaheb's cell reportedly developed symptoms associated with COVID-19, such as a fever and coughing. The medical ward in Ward 4 also shut down on the same day.

No special measures have reportedly been put in place to protect detainees and prison workers from contracting COVID-19 in Evin Prison. Prison guards and the owner of the prison grocery store are going about the prison without taking precautionary measures to protect themselves or detainees, such as wearing gloves and masks, despite the brother of the prison grocery store owner dying from COVID-19 in early March 2019. Hand sanitizer and other personal hygiene products are not being provided to the prisoners and the only measure to implement "social distancing" is that prison visits be conducted behind glass windows, with a temperature check done on the visitors outside the prison gate.

Mr Mossaheb requested several times to be granted a medical furlough from detention, including the week beginning Monday, 16 March 2020. However, these requests have been denied because he has not been convicted or sentenced to date. The prison doctor has told Mr. Mossaheb that he is at a very high risk of harm if he contracts COVID-19 due to his underlying medical conditions.

Morad Tahbaz

The situation of Mr. Tahbaz has previously been raised in IRN 6/2018 (21 February 2018) and IRN 3/2019 (1 April 2019), without receiving any response from the Government of Iran. Mr. Tahbaz, a citizen of Iran, the United States and the United Kingdom, has been detained since January 2018 with seven other colleagues from the conservation group named the Persian Wildlife Heritage Foundation (PWHF). On 20 November 2019, Mr. Tahbaz was convicted on national security and espionage charges by the Revolutionary Court, and sentenced to 10 years' imprisonment. Prior to the court's verdict, a committee formed by President Rouhani, including Ministers of Intelligence, Justice and Interior, found no evidence of espionage. It is also reported that Mr. Tahbaz and the seven PWHF conservationists were also not provided with their right to a fair trial and due process guarantees. This included reports that they were forced to make false confessions due to torture, were not allowed to have a lawyer of their choosing, and had their right to prepare and present a defence restricted. On 18 February 2020, the spokesperson for the Iranian judiciary announced that the Court of Appeals had upheld the convictions and sentences in relation to espionage and national security-related charges against Mr. Tahbaz and his conservationist colleagues.

Mr. Tahbaz previously suffered from prostate cancer, a health condition identified as high risk in relation to COVID-19, and requires medical examinations every

three months to prevent recurrence of the cancer. Delayed and inadequate medical care have reportedly deteriorated his health condition and blood test results in August 2018 indicated the possible recurrence of prostate cancer. He has lost 20 to 25 kilograms in detention. He has allegedly not been provided appropriate treatment for thyroid, blood pressure and dental conditions. Although his critical health condition and his significantly weakened immune system renders him particularly vulnerable to disease outbreaks within prison, such as COVID-19, a request submitted on 15 March 2020 with the view to granting him medical furlough was denied on the grounds that he had not served enough of his sentence.

Mr. Tahbaz is currently detained in Ward 4 in Evin Prison. The same concerns stated above regarding the lack of hygiene products and social distancing measures to contain COVID-19 in Ward 4 are also reported. There are 15 people in the same cell as Mr. Tahbaz. Two of these detainees showed symptoms associated with COVID-19, but no measures were taken to protect the other individuals. One detainee was only taken to hospital for tests after many hours of arguing with prison officials that he needed treatment and testing. It is reported that cases of COVID-19 were confirmed in another part of Ward 4 of Evin Prison in the second week of March 2020. On 16 March 2020, a representative of the World Health Organization was reportedly refused entry into Evin Prison, including Ward 4 where Mr. Tahbaz is held.

There are similar concerns for the health and safety of Mr. Tahbaz's colleagues, with only one of the eight Persian Wildlife Heritage Foundation conservationists reportedly being granted furlough from prison due to COVID-19.

Nasrin Sotoudeh

Ms. Sotoudeh is an Iranian woman human rights lawyer. She has been detained since June 2018 and was sentenced to 33 years' imprisonment on national security and public order-related charges in March 2019. The convictions stem from her work as a human rights lawyer, including the defence of women's rights advocates. Under Iranian law, she will have to serve 12 years in prison, that being the longest sentence of the seven charges of which she was convicted. Ms. Sotoudeh's conviction and imprisonment was the subject of a news release by Special Procedures mandate holders on 14 March 2019 as well as two communications concerning her related detention (IRN 10/2018 and IRN11/2018).

Ms. Sotoudeh is currently being held in the Women's Ward of Evin Prison. It is reported that no systematic measures are being taken to monitor, prevent or mitigate an outbreak of COVID-19. Hand sanitizer and other hygiene products are being distributed in her ward, but with delays. Some detainees have also obtained

hand sanitizer from their families, however they are only allowed to keep 10 per cent of it and the rest is confiscated by the prison authorities. It is reported that detainees who shared a cell or area with a person who was transferred to an outside medical facility due to COVID-19 symptoms have not benefitted from any protective measures against the virus. Prisoners themselves have to request assistance from the prison medical clinic before any attention is given to their condition, even if they are symptomatic. On 15 March 2020, two prison wardens reportedly showed symptoms of COVID-19 and have since not been seen on duty. Ms. Sotoudeh has made several formal written requests for a medical furlough to judicial and prison authorities, but she has not received a response to these requests. On 16 March 2020, Ms. Sotoudeh announced in a statement from Evin Prison that she has started a hunger strike in protest against the Iranian authorities' refusal to extend the temporary release of detainees to many political prisoners and prisoners of conscience.

Narges Mohammadi

Ms. Mohammadi is an Iranian woman human rights defender. Since her detention in 2015, her situation has been raised in five communications from Special Procedures mandate holders (IRN 6/2019, IRN 21/2016, IRN 8/2016, IRN 20/2015 and IRN 5/2015). She was sentenced in May 2016 to 16 years' imprisonment on national security-related charges. Her conviction and sentence reportedly stem from her work as a human rights defender, especially concerning the application of the death penalty. Ms. Mohammadi suffers from numerous health conditions, including those identified as high risk in relation to COVID-19, namely pulmonary embolism that requires medicine to stop blood clots and epilepsy. A side effect of her embolism medication is that if she bleeds it is difficult for the blood to clot. Ms. Mohammadi has also had operations in recent years, one of which showed a lump in her stomach. Medical specialists have not been allowed to examine her to see if it is a cancerous tumour. In Opinion No. 48/2017, the Working Group on Arbitrary Detention found that Ms. Mohammadi is being arbitrarily deprived of her liberty and should be immediately released.

On 24 December 2019, Ms. Mohammadi was forcibly transferred from Evin Prison to Zanjan Prison. Her transfer was reportedly in reprisal for protest action she took in Evin Prison in response to the violent crackdown against demonstrations during November 2019. On 21 December 2019, Ms. Mohammadi, alongside other human rights defenders, staged a sit-in in the women's ward in commemoration of those killed during the November 2019 protests. On 26 December 2019, in a letter sent from Zanjan Prison, Ms. Mohammadi stated that on the day of her transfer she was told during the sit-in by prison authorities that her lawyer had come to see her. However, when she left her ward to see her lawyer, she was instead taken to the office of the head of Evin Prison. The head of

the prison shouted at her to end the sit-in or she would be dealt with. Ms. Mohammadi then tried to leave the office, at which point a prison official grabbed her elbow and pulled her back, causing her hand to hit and break a glass pane, which made her hand bleed. The official continued to pull her back, which caused a “loud sound” in her shoulder. Ms. Mohammadi was then forcibly put into a car while being punched in the back by an official. She was then driven to Zanjan Prison. Her hand continued to bleed during the two-hour journey. In Zanjan Prison, other criminals have reportedly been induced to threaten Ms. Mohammadi in an attempt to silence her. She has also been threatened to stop her family, including her children, from making public statements about her situation or “suffer the consequences”. Her lawyers have not been able to visit her in Zanjan or Tehran.

On 22 February 2020, the prosecutor and the prison governor, on behalf of Branch 33 of the Revolutionary Court in Tehran, informed Ms. Mohammadi that there are two new cases against her. They told her that the cases must be prosecuted inside the prison rather than in court because the Ministry of Intelligence has ordered that she must be detained under maximum security measures. In the first case, she has been charged with “spreading propaganda against the system” and “assembly and collusion with intent to take action against national security”. The Prosecutor cited actions such as issuing of political statements, holding educational classes and staging a protest sit-in in Evin Prison as the reasons for the charges. The second case was filed by the head of Evin Prison, and accuses Ms. Mohammadi of “disrupting order in prison”, “disrupting general calm in Women’s Ward by organising gatherings and singing loudly”, and “insulting government agents including the prison governor and defaming him by accusing him of torturing and beating and injuring her”. Ms. Mohammadi denies the charges, does not recognize the charges as valid and refuses to defend herself.

Ms. Mohammadi remains detained in Zanjan Prison. It is reported that there is a lack of adequate provision of personal hygiene products in the prison, with no hand sanitizer being provided to detainees. Despite Ms. Mohammadi’s family writing to the authorities to state they will pay for hygiene products, the authorities refused to purchase and provide the products. Social distancing measures are not being employed, with Ms. Mohammadi’s small cell holding 12 detainees. This includes a lack of special social distancing measures for individuals such as Ms. Mohammadi who are more susceptible to harm from COVID-19 due to underlying health conditions. Zanjan Prison authorities have reportedly not implemented special measures as they say authorities in Tehran are in charge of her case. The Ministry of Intelligence and judiciary have reportedly stated that Ms. Mohammadi must “repent” for her actions before they will allow her to receive medical assistance. Ms. Mohammadi’s relatives have presented furlough requests at the prosecutor’s office in Zanjan and her lawyer has

reportedly made similar requests in Tehran. However, no furlough has been granted to date.

Ahmadreza Djalali

The situation of Mr. Ahmadreza Djalali, a dual Iranian-Swedish national, has been raised in four previous communications (IRN 7/2017, IRN 30/2017, IRN 7/2019, and IRN 12/2019). He was sentenced to death on espionage charges in October 2017 on the basis of a forced confession under the threat of torture. These communications have previously raised serious concerns for the medical condition of Mr. Djalali, as well as reports that access to adequate medical treatment and examination has been delayed or refused by authorities. There are specific concerns that Mr. Djalali is suffering from leukaemia, with a consequent low immunity that will make him in danger of serious harm if he contracts COVID-19. In Opinion No. 92/2017, the Working Group on Arbitrary Detention found Mr. Djalali was being arbitrarily deprived of his liberty and called for his immediate release.

Mr. Djalali is currently held in Ward 7 at Evin Prison. There are reportedly limited measures being implemented in his location to prevent the spread of COVID-19. Hand-washing liquid is being made available to Mr. Djalali, but no other hygiene products are available such as hand sanitizer. Apart from temperature testing at the entrance of Evin Prison, no other testing measures have been implemented. Social distancing measures, especially for vulnerable detainees such as Mr. Djalali who have underlying conditions, are also limited. The only reported measures are that detainees have been told to not shake hands and visits are restricted to meetings behind a dividing glass window. Mr. Djalali is sharing a cell the size of 40 sq m with 16 other detainees.

Mr. Djalali recently made a written request for medical furlough due to his poor health condition. He informally was told that he was not going to be granted furlough as his situation did not fit into the qualifying criteria determined by the head of the judiciary.

Kamran Ghaderi

The situation of Mr. Kamran Ghaderi, a dual Iranian-Austrian national, was raised in communication IRN 7/2019. He is currently serving a 10-year prison sentence after being convicted of espionage in a trial that failed to adhere to fair trial guarantees. Mr. Ghaderi has stated that he was forced to confess under duress after interrogators threatened harm against his family. Mr. Ghaderi is suffering from health conditions, including restricted movement due to hip and back pain. In February 2018, he received surgery, which included the insertion of two plates

in his spine. Mr. Ghaderi has trouble using the toilet due to these health issues, but no assistance is provided to him. In September 2017, a tumour in his leg was found after a Magnetic Resonance Image (MRI) scan. He has not received treatment for the tumour.

On or around 11 March 2020, Mr. Ghaderi was transferred from Ward 7 to Ward 4 of Evin Prison. It is reported that the cells in Ward 4 are smaller and that the sanitary conditions are worse than Ward 7. Mr. Ghaderi is in a cell with 14 other individuals. No measures are being implemented to enforce social distancing or to provide free of charge hand sanitizer or other personal hygiene products. Guards and other prison workers are not wearing gloves or masks. A detainee previously in Ward 4 also reportedly died of COVID-19. In the last month, Mr. Ghaderi has twice written to the authorities to request a medical furlough, but he has not received a response. Given his age and underlying medical conditions, there are concerns for his physical integrity if he is to contract COVID-19.

Arash Sadeghi

Mr. Sadeghi is an Iranian human rights defender. He has been the subject of four communications since he was imprisoned in June 2016 on national security charges (IRN 21/2016, IRN 28/2016, IRN 9/2017 and IRN 13/2018). His conviction and sentence reportedly stem from his activities as a human rights defender. In Opinion No. 19/2018, the Working Group on Arbitrary Detention found that Mr. Sadeghi is being arbitrarily deprived of his liberty and called for his immediate release. As previously raised, there are serious concerns for the health of Mr. Sadeghi, who suffers from a rare form of bone cancer and a serious infection in one arm. Consistent reports indicate Mr. Sadeghi's treatment for these conditions have been arbitrarily delayed or denied. It is noted that Mr. Sadeghi has received radiotherapy treatments in January 2020 for his cancer.

Mr. Sadeghi is currently detained in Raja'i Shahr Prison. No hand sanitizer, masks, gloves or other personal hygiene products are being made available to detainees in the prison. Only bleach products are made available to purchase. No measures are being taken to implement social distancing between prisoners, including a lack of special measures for detainees such as Mr. Sadeghi who are more susceptible to harm from COVID-19 due to underlying health conditions.

In mid-March 2020, according to reports, Mr. Sadeghi was included in the list of prisoners to be granted temporary furlough under the Iranian judiciary's new measures to mitigate COVID-19 in prisons. According to this information, once the medical clinic in Raja'i Shahr prison received notice of the furlough request and confirmed the poor health condition of Mr. Sadeghi, the latter should have been released. However, when Mr. Sadeghi followed up, the Raja'i Shahr prison

clinic officials told him that the clinic had not received any notice about his furlough. The official continued by saying everyone knew about Mr. Sadeghi's health condition and if the authorities wanted to grant him furlough they would have already done so. It is also reported that the prosecutor Amin Vaziri and the Islamic Revolutionary Guard Corps are blocking Mr. Sadeghi's release.

Without prejudging the accuracy of the received information, and while acknowledging the positive steps the Iranian authorities have taken to release thousands of prisoners in the current circumstances, we express serious concern at the continued risk that the named human rights defenders, lawyers, conservationists and dual and foreign nationals face in prisons due to the COVID-19 pandemic, especially to their right to health and potentially their right to life. We also express serious concerns at their detention conditions, including both the lack of hygiene products and social distancing measures to prevent the spread of COVID-19 within prisons. Alarm that these prisoners have not been temporarily released in the current context of the COVID-19 outbreak are exacerbated by concerns that these individuals are being arbitrarily detained, some of whom for the peaceful exercise of their human rights, and after experiencing unfair trials, prolonged solitary confinement, denial of medical treatment for existing conditions and physical and psychological torture to extract confessions.

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 (Committee on Economic, Social and Cultural Rights, CESCR General Comment 14, Para. 34). We would also like to specifically highlight article 12(2)(c), which obliges States to take the steps necessary for "the prevention, treatment and control of epidemic, endemic, occupational and other diseases" (see also CESCR General Comment 14, Para. 16). 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 24 that establishes that the provision of health care for prisoners is a State responsibility and that the state should ensure continuity of medical treatment for chronic conditions; 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 like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of all detained persons in this case not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of International Covenant on Civil and Political Rights (ICCPR), ratified by Iran (the Islamic Republic of) on 24 June 1975.

We would like to remind your Excellency's Government of its obligations under international human rights law. Article 6(2) of the ICCPR, states that the sentence of death may be imposed only for the most serious crimes. In General Comment No. 36 (para. 35) the Human Rights Committee has noted that the term "most serious crimes" must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing.

With regard to the alleged violations of due process and of fair trial guarantees, including the imposed limitations in the access of legal assistance and representation, allegations of forced confessions and of delays in the judicial proceedings, we would like to recall article 14 of the ICCPR, which provides inter alia for the principle of equality before competent, independent and impartial courts and tribunals, the presumption of innocence, provision of adequate time and facilities for the preparation of the defense, and the right of accused persons to communicate with counsel of their own choosing. Furthermore, the Human Rights Committee stated in General Comment 20 that it "is important for the discouragement of violations under article 7 [of the ICCPR] that the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment." The Human Rights Committee further asserted in General Comment 32 that "as article 7 is also non-derogable in its entirety, no statements or confessions or, in principle, other evidence obtained in violation of this provision may be invoked as evidence in any proceedings covered by article 14".

We also refer to the General Comment No. 32 (2007) by the Human Rights Committee (CCPR/C/GC/32), the UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37) and the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990, which provide for the right to legal assistance, and for the prompt access and consultation with a counsel without intimidation, hindrance, harassment or improper interference.

Article 7 of the ICCPR prohibits torture and other cruel, inhuman or degrading treatment or punishment, whereas paragraph 7c of Human Rights Council Resolution 16/23 urges States “To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.”

Article 19 of the ICCPR grants the right to freedom of opinion and expression. We note with concern the apparent retaliatory measures taken against prisoners who exercise their right to freedom of expression, particularly in the case of Narges Mohammadi. Legitimate restrictions to freedom of expression may be implemented in accordance with the requirements of Article 19(3) of the ICCPR, also in the context of management of the prison population. However, the use of force or involuntary transfer of individuals in retaliation for legitimately exercising their freedom of expression to criticise the acts of the authorities constitutes acts incompatible with the Covenant, see General Comment no 34 (CCPR/C/GC/34) of the Human Rights Committee, para. 23.

While a number of provisions of the ICCPR enable limitations on the basis of national security, any such limitations must be non-discriminatory, provided by law, pursue a legitimate aim, and be necessary and proportionate to achieve their protective function, see e.g. General Comment no 31 of the Human Rights Committee (CCPR/C/21/Rev.1/Add. 13), para 6.

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 and 2.

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 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 the observations of your Excellency’s Government on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information concerning how prohibiting temporary medical release to the above named individuals as well as other prisoners of conscience and dual and foreign nationals is compatible with international human rights law.
3. Please provide information on the measures being taken in prisons to protect prisoners and prison staff from the COVID-19 virus, including the free provision of hygiene products, social distancing measures, and testing and medical treatment for prisoners and prison staff with COVID-19 symptoms, including through timely referrals to out-of-prison hospitals and medical centres.
4. Please provide detailed information about the legal and factual basis for the detention, conviction and imprisonment of the above-mentioned individuals, as well as how they were provided guarantees of due process and fair trial, and indicate how the charges against them are compatible with international human rights law.
5. Please provide information on the condition of their detention, including allegations about time spent in solitary confinement, denial of continuous medical treatment, torture and other cruel, inhuman or degrading treatment or punishment, as well as the state of their physical and mental integrity. Please provide details and the results of any investigations and inquiries undertaken in relation to these concerns. If no inquiries have taken place, or if they have been inconclusive, please explain the reasons.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their recurrence and, in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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 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.

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 cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such 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.

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

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

David R. Boyd
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Dainius Puras
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Michel Forst
Special Rapporteur on the situation of human rights defenders

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment