

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 rights of persons with disabilities; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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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 rights of persons with disabilities; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, pursuant to Human Rights Council resolutions 40/18, 42/22, 35/6, 41/12 and 42/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the physical and mental integrity, including the possible loss of life, of Mr. **Hossein Sepanta**, a prisoner with disabilities held in Adelabad Prison in Shiraz, Fars Province.

According to information received:

Mr. Hossein Sepanta is a prisoner with disabilities currently held in Adelabad Prison in Shiraz, Fars Province. Mr. Sepanta is reportedly serving a 10-year prison sentence on national security-related charges.

In 2000, Mr. Sepanta was reportedly detained by the Islamic Revolutionary Guard Corps (IRGC) in Shiraz. During a 17-day period when he was held by the IRGC intelligence unit, he was reportedly severely hit by officials on his chest and back, damaging his spinal cord and leading to his syringomyelia condition, a rare progressive disorder in his spinal cord. It is reported that security forces at the time agreed to release him due to the severity of his medical condition, on the condition that he does not file a complaint for the injuries he sustained as a result of torture.

On 24 June 2014, Mr. Sepanta was reportedly arrested for a second time in Shiraz, Fars Province due to his alleged association with Anjoman-e Padeshahi-e Iran, a banned group that supports the restoration of the Iranian monarchy. Mr. Sepanta's arrest occurred after he returned to Iran to visit his ailing mother after living for

five years in the United States of America. He reportedly returned to the Islamic Republic of Iran irregularly due to a fear that he may be arrested. Following his arrest, Mr. Sepanta's medical condition worsened as he was allegedly denied access to his medication for 14 months. He was also reportedly held in solitary confinement in a Ministry of Intelligence detention centre in Shiraz for five months without contact with his family and lawyer, before being transferred to Adelabad Prison.

In 2015, following two separate trials before Branch 1 of the Revolutionary Court in Shiraz and Branch 120 of Criminal Court Two of Fars Province, Mr Sepanta was convicted of several national security-related offences, including "insulting the Supreme Leader", "spreading propaganda against the system", "gathering and colluding against national security" and "membership of a group formed with the purpose of disrupting national security". While he was originally sentenced to a combined total of 103 years and six months in prison, his sentence was reduced on appeal to 10 years' imprisonment. The date of Mr. Sepanta's appeal decision is unknown. It is reported that it was decided between March 2016 and March 2017 (Persian calendar year of 1395). Mr. Sepanta reportedly did not have access to a lawyer during his trials. The judicial authorities have also denied him the right to obtain his court documents and review the information and evidence used against him.

Due to this spinal disorder, Mr. Sepanta is reportedly experiencing severe chronic pain, numbness, loss of coordination, impaired movement, swallowing difficulties, and bowel and bladder control issues. He frequently wakes up at night screaming from pain. His physical condition has also reportedly had a negative impact on his mental health. In June 2017, the Legal Medicine Organization of Iran reportedly stated that Mr. Sepanta "can only withstand prison if he is held in sanitary conditions; provided with walking aids, assistance and caregiving with daily activities involving standing on one's feet; and regularly monitored by a specialist." According to information received, Mr. Sepanta has not been provided with reasonable accommodation in detention, nor with the support prescribed by the Legal Medicine Organization. He is reportedly held in unsanitary and overcrowded conditions and is reliant on his fellow prisoners to assist him with movement and personal care rather than a professional caregiver. This has led to falls resulting in further injuries.

Prosecution authorities have reportedly rejected his repeated requests to be transferred to a hospital outside prison despite the lack of specialised facilities in prison. He reportedly takes dozens of powerful painkillers every week at his family's expense to control his pain. His access to pain treatment is reportedly restricted or delayed on occasion as officials withhold his medication for no declared reason.

In 2019, a number of medical specialists reportedly visited Mr Sepanta in prison and warned that his spinal mobility had been reduced by 60 percent. The specialists also stated his continued imprisonment was placing him at risk of total paralysis.

Mr. Sepanta reportedly undertook a prolonged hunger strike between May and July 2019 to protest against the bureaucratic hurdles that he claims the prosecution authorities have imposed to block his conditional release. These hurdles have involved the authorities saying that his request for conditional release could not be processed because some court documents were missing from his file. The authorities reportedly refused to address his concerns and the Prosecutor General of Shiraz publicly denied he was on hunger strike on 22 June 2019. On 10 July 2019, the head of Adelabad Prison ordered Hossein Sepanta to be transferred to an isolated section of the prison under the control of the Ministry of Intelligence that is used for punitive purposes. He was held there incommunicado for over two weeks and only transferred back to section 14 of Adelabad Prison, where he is usually held, after he agreed to end his hunger strike.

On 13 May 2020, Mr. Sepanta reportedly stopped breathing and had to be put onto a respiratory machine in order to breathe. The prison doctor has raised concerns over his serious kidney and lung problems and has said he must immediately be provided specialized medical care, which he is unable to obtain inside the prison.

We express grave concern about the physical and mental integrity of Mr. Sepanta whilst in prison. Specifically, we express serious concerns about the alleged obstruction, delay and denial of appropriate medical care for Mr. Sepanta, particularly in light of his serious and deteriorating health condition. We also would like to express concern regarding the conditions of detention in Adelabad Prison. We are also concerned that the legal basis for the conviction and imprisonment of Mr. Sepanta is incompatible with Iran's obligations under international human rights law.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of provisions of international law, in particular the rights to life and to physical and mental health protected by Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), respectively, both ratified by Iran on 24 June 1975. These rights are also protected by articles 10 and 25 of the Convention on the Rights of Persons with Disabilities (CRPD), acceded by the Islamic Republic of Iran on 23 October 2009.

The Human Rights Committee, in its General Comment No. 36 (CCPR/C/GC/36) establishes that the right to life concerns the entitlement to be free from acts and omissions that are intended or may be expected to cause unnatural or premature death, as well as to enjoy a life with dignity. This applies to all without any distinction, including persons suspected or convicted for crimes (para 3). Moreover, States parties have a heightened duty of care to protect the lives and bodily integrity of individuals deprived of their liberty and may not rely on lack of financial resources or other logistical problems to reduce this responsibility. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health and providing reasonable accommodation for persons with disabilities (para 25). States also have an obligation to refrain from denying or limiting equal access to health services under article 12 of the ICESCR.

Furthermore, we would like to refer to article 14 of the CRPD, which in conjunction with article 5, requires States to ensure that persons with disabilities who are deprived of their liberty are entitled, on an equal basis with others, to guarantees in accordance with international human rights law, including by providing reasonable accommodation and ensuring conditions of accessibility. States have an obligation to ensure that treatment and conditions during arrest and detention do not discriminate directly or indirectly against persons with disabilities and that they respect their inherent dignity. Article 25 requires States, inter alia, to provide those health services needed by persons with disabilities specifically because of their disabilities and to prevent discriminatory denial of healthcare or health services on the basis of disability.

In addition, we would like to refer your Excellency's Government to the United Nations Standard Minimum Rules for the Treatment of Prisoners, or the Mandela Rules, which further establish States' responsibility to provide access to healthcare for prisoners, including prompt access to medical attention in urgent cases and the transfer of prisoners requiring specialised treatment to specialised institutions or civil hospitals. All prisoners, or third parties appointed by them, should be granted access upon request to their relevant medical files. (see rules 22–27, 52, 62 and 71, para. 2).

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.”

Furthermore, we take the opportunity to express our serious concern regarding the arrest, detention and conviction of Mr. Sepanta, which appears to be directly related to the legitimate exercise of his rights to freedom of expression and to freedom of association, as guaranteed under Articles 19 and 22 of the ICCPR. Article 19(3) requires that any restriction on the right to freedom of expression is provided by law, serves a

legitimate purpose, and is necessary and proportional to meet a legitimate objective. Article 22(2) also states that no restrictions may be placed on the exercise of the right to freedom of association other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. We express concern that the legal basis upon which Mr. Sepanta's imprisonment is based does not meet the provided by law requirement as it is overbroad and incompatible with the values of the ICCPR. We are furthermore concerned at the conflation of the legitimate exercise of freedom of association with national security crimes. The use of national security and counter-terrorism as justifications to restrict the right to freedom of expression and association without meeting the strict threshold established by articles 19(3) and 22(2) of the ICCPR respectively represents a measure that is incompatible with Iran's obligations under international human rights law.

We would also like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Mr. Sepanta to life, not to be deprived arbitrarily of liberty, to fair proceedings before an independent and impartial tribunal, to freedom of expression, to freedom from torture and cruel, inhuman or degrading treatment and to non-discrimination in accordance with articles 6, 7, 9, 14, 19 and 26 of the ICCPR articles 5, 10, 12, 13, 14, 15, 17 and 21 of the CRPD, and articles 2, 3, 5, 9, 10 and 19 of the Universal Declaration of Human Rights (UDHR).

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 Mr. Sepanta 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 any comment you may have on the above-mentioned allegations.
2. Please provide information about the reason for denying Mr. Sepanta the specialized medical care that he needs that is unavailable inside the prison, as recommended by prison doctors.
3. Please provide information related to the measures taken by your Excellency's Government to protect the right to life of Mr. Sepanta and ensure his physical and mental integrity and access to reasonable

accommodation and support while in detention, especially following his most recent respiratory issues and diagnosis. Please similarly provide information on the conditions of his detention and the state of his physical and mental status at present.

4. Please provide further information about the legal basis for the arrest and detention of Mr. Sepanta, and the evidence used to substantiate the charges brought against him.
5. Please provide detailed information on the measures taken to provide to Mr. Sepanta the guarantees of due process and fair trial, and effective access to a counsel of his choosing as established in international human rights law, and in particular articles 9 and 14 of the ICCPR.

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 responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release would 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 would indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

We would like to inform your Excellency's Government that 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 appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately to the urgent appeal and the regular procedure

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.

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