

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; 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 violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls**

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(Please use this reference in your reply)

23 November 2022

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; 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 violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 49/24, 43/4, 51/21, 43/16, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest and detention of human rights defender, Ms. **Pouran Nazemi**, her subsequent ill-treatment, critical health condition and medical neglect.

We are writing to urgently raise concerns about the 51 year-old human rights defender Pouran Nazemi who has been reportedly held in solitary confinement since her arrest on 19 October 2022. The Iranian authorities have reportedly denied her access to a lawyer and have only allowed her brief and infrequent phone calls to her family members. She is at risk of torture and other ill-treatment, including prolonged solitary confinement and denial of access to adequate medical care for her chronic health conditions.

Ms. Nazemi is a human rights defender who has previously spoken out against the arrest and trials of academics. In 2019, she was arrested following her participation in protests in connection with the trial of a university professor in Mashhad.

According to information received:

On 19 October 2022, Ms. Pouran Nazemi was arrested from her home in Tehran by Ministry of Intelligence agents. The agents confiscated her laptop, mobile and books.

Prior to her arrest, Ms. Nazemi reportedly published a video and gave two media interviews about human rights concerns in Iran.

In a video she released on 13 September 2022, shortly after news of Jina Mahsa Amini's hospitalisation emerged, she demanded that the authorities release CCTV footage of Mahsa Amini's time in custody following her arrest by the "morality" police.

On 15 October, she gave an interview to NYT about the fire at Evin Prison.

In an interview with Voice of America on 17 October 2022, she addressed women police officers questioning their perception of safety in light of their awareness that their male colleagues assault women. A clip of the interview was published online on Voice of America's website.

Shortly after her arrest on the morning of 19 October 2022, she briefly called her family members to inform them of her arrest, and noted that she was on speaker in the presence of Ministry of Intelligence agents. She called her family later that evening informing them that she was being held in section 209 of Evin Prison. Her family did not receive any news from her until she was allowed to briefly call them around 24 October 2022. During this call, she told her family that prison authorities had starved her and deprived her of sufficient water. She specified that she was only given one meal since her arrest, six days prior. In a subsequent call on 26 October 2022, she informed her family that the authorities had begun providing her with food, but was unable to determine where she was being held due to the refusal of the authorities to provide her with that information.

On 1 November 2022, she made another brief call to her family conveying the authorities' ban on any family visits for 30 days, during which time she would remain in solitary confinement. She also indicated that the authorities were not providing her with her prescribed medication, but with other medication.

Since Poursan Nazemi's arrest, her family members and lawyer have repeatedly attempted to obtain information about her whereabouts, conditions and reasons for her detention from the Office of the Prosecutor located in Evin prison. However, the authorities have reportedly refused to provide them with any information about her place of detention and the charges against her.

Ms. Nazemi suffers from a number of health conditions, including chronic neck and back pain which, according to her family members, have resulted from torture and other ill-treatment during her previous arrests; respiratory problems; and fibroids which could lead to severe bleeding requiring urgent hospital care. Ms. Nazemi requires regular medication for her conditions. It is therefore feared that her health may deteriorate as a result of her detention in solitary confinement and denial of adequate medical care.

Without prejudging the accuracy of the above information, we express grave concern at the detention and the medical condition of Ms. Nazemi and her lack of access to the medication and adequate medical care that she requires. We are also concerned at the lack of information regarding the reason and legal basis for her arrest, the legal reason for his detention in solitary confinement, and her lack of access

to a lawyer.

The reported allegations would be in contravention of the rights of every individual to life, physical integrity, the absolute prohibition of torture and other cruel, inhuman or degrading treatments or punishment, and of arbitrary deprivation of liberty, and the right to equal recognition before the law, as laid down, inter alia, in articles 3, 5, 6, 9 and 14 of the Universal Declaration of Human Rights (UDHR), as well as articles 6, 7, 9, 16, 17, 19, 24 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 24 June 1975. We remind that the right to life, the right not to be subjected to torture and the prohibition of enforced disappearance are jus cogens norms, also enshrined in international customary law, from which no derogation is permitted, regardless of contexts of internal political instability or any other public emergency (Human Rights Committee, General Comment No. 36, paragraph 2). The Islamic Republic of Iran, as a State party to the ICCPR, is required to undertake all necessary measures to prevent arbitrary deprivation of life by law enforcement officials. 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. A heightened duty to protect the right to life also applies to individuals quartered in liberty-restricting State-run facilities, such as mental health facilities (Human Rights Committee, General Comment No. 36).

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 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 No. 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).

Additionally, we would like to refer to the Mandela Rules, adopted unanimously by the UN General Assembly (A/RES/70/175), which recognize the responsibility of States to provide health care for prisoners, free of charge without discrimination (Rule 24), paying special attention to those with special healthcare needs or with health issues that hamper their rehabilitation (Rule 25) and indicate that prisoners requiring specialized treatment shall be transferred to specialized institutions or to civil hospitals (Rule 27). In prison, women face significant challenges in accessing health care and are extremely vulnerable to different forms of violence in these institutions. Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented. We wish to also remind Rule 46 that stresses that health-care personnel shall "pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or

prison staff” and that “[h]ealth-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons”.

Moreover, we wish to refer to the report of the former Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in which he makes reference to the fact that “[i]n contexts of confinement and deprivation of liberty, violations of the right to health interfere with fair trial guarantees, the prohibition of arbitrary detention and of torture and other forms of cruel, inhuman or degrading treatment, and the enjoyment of the right to life” and that [v]iolations of the right to health emerge as both causes and consequences of confinement and deprivation of liberty”.<sup>1</sup> He also stresses that “for the right to health to be enjoyed in detention centres, health-care facilities, goods and services must be available, accessible, acceptable and of good quality”.<sup>2</sup> In addition, the Special Rapporteur urges States to “[f]ully abide by, and implement, the Nelson Mandela Rules, in particular as regards the provision of health care in prisons”.<sup>3</sup>

We also wish to bring to your Excellency’s Government attention General Comment No. 14 adopted by CESCR, which interprets the right to health as “an inclusive with extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition” among others (CESCR, General Comment No. 14, para. 11).

The Working Group on Discrimination against Women and Girls also noted in its thematic report on women deprived of their liberty (A/HRC/41/33) that deprivation of liberty is deeply linked to gender and that women experiencing intersectional forms of discrimination are more vulnerable to discriminatory norms and practices. The Working Group also underlined that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalisation and detention as a result of their legitimate public activism, including online activism, and are likely to be subject to criminal prosecution and imprisonment. It recommended that States support women’s participation in public and political life, and eliminate any laws or policy measures aimed at criminalizing women’s public role.

We wish to draw your attention to General Assembly resolution 68/181, in which it expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and

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<sup>1</sup> Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/38/36, para. 18.

<sup>2</sup> *Ibid.* para. 34.

<sup>3</sup> *Ibid.* para. 98 (a).

protect women defenders (OP5, 19 and 20).

The duty to protect the life of all detained individuals includes providing them with the necessary medical care, adequate food and appropriate regular monitoring of their health. A heightened duty to protect the right to life also applies to individuals quartered in liberty-restricting State-run facilities, such as mental health facilities (Human Rights Committee, General Comment No. 36, paragraph 25).

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), 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 Committee), General Comment No. 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 raise our concerns about Ms. Nazemi's arrest, lack of due process and imprisonment, which is incompatible with international human rights law. We reiterate our concerns about the apparent number of cases of women human rights defenders who have been targeted and arrested for their political beliefs and advocacy efforts in public spaces, including online. We are concerned by the use of national security legislation to criminalise the women human rights defenders, which would be a grossly disproportionate use of the law against the defence of the rights of women. Women face significant challenges in accessing health care and are extremely vulnerable to different forms of violence in carceral settings. As the health of Ms. Nazemi remains at risk of deteriorating, we express grave concerns regarding the lack of measures to ensure her access to adequate medical care and attention, as well as protection from violence.

According to the Human Rights Committee, the ICCPR requires States parties to ensure that individuals have accessible and effective remedies to vindicate their rights as provided under the Covenant and that there is a general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies (see CCPR/C/21/Rev.1/Add.13, para. 15). Where investigations find human rights violations, States parties must ensure that those responsible are brought to justice.

We would also like to remind your Excellency's Government that article 9 of the ICCPR guarantees the right not to be subjected to arbitrary arrest or detention, and that the prohibition of arbitrary detention is absolute. We also recall that the arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including the right to freedom of expression and opinion

(art. 19), the right of peaceful assembly (art. 20), and the right to freedom of association (art. 21) is arbitrary (see CCPR/C/GC/35, para. 17 and the jurisprudence of the Working Group on Arbitrary Detention). In addition, as reiterated by the Working Group on Arbitrary Detention, a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination, including discrimination based on gender or political or other opinion.

Under these circumstances, we respectfully call on your Excellency's Government to immediately provide access to adequate medical attention and adequate food to Ms. Nazemi and to immediately inform her family about her current whereabouts and medical status.

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.

We are issuing this appeal in order to safeguard the rights of Ms. Nazemi from irreparable harm and without prejudicing any eventual legal determination.

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(s) 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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the state of health of Ms. Nazemi and on the measures taken to ensure that she has adequate access to medical care, adequate food and treatment as needed and that her right to life is fully protected.
3. Please provide information on the factual and legal grounds for the arrest and detention of Ms. Nazemi and how these measures are compatible with international norms and standards as stated.
4. Please provide information on measures taken to ensure that human rights defenders are able to carry out their legitimate and peaceful work in Iran, without fear of intimidation, attacks or reprisals of any kind, in an enabling environment.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence 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 also urge the authorities to publicly condemn the violence against peaceful protesters, and immediately remove the military and security units and personnel allegedly involved

in the human rights violations from managing the protests.

We would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

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

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Irene Khan

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

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Dorothy Estrada-Tanck

Chair-Rapporteur of the Working Group on discrimination against women and girls