

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL IRN 19/2023

(Please use this reference in your reply)

20 November 2023

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 51/8, 50/17, 53/12, 49/24 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. **Louis Arnaud**, aged 36, a French consultant based in France, who was reportedly arrested by the Iranian authorities in Tehran on 28 September 2022 and accused of participating in gatherings and conspiring against the security of the Islamic Republic. These allegations expose him to a potential sentence of 7 years in prison. Throughout his time in detention, Mr. Louis Arnaud had limited access to a lawyer of his choice. Also, the Iranian authorities have denied consular access to Mr. Arnaud despite his French nationality.

According to the information received:

Mr. Louis Arnaud started his world tour in January 2020, taking him through Myanmar, India, and Indonesia. The journey was cut short due to the COVID-19 pandemic. On July 19, 2022, Mr. Louis Arnaud set out his second part of the journey, crossing Italy, Greece, Turkey, Georgia, and Armenia.

On September 2, Mr. Louis Arnaud entered Iran through the Armenian Iranian border crossed at Nordouz, accompanied by a few friends. On September 28, Mr. Louis Arnaud along with three other companions he had met in Iran was arrested and taken to Evin Prison in Tehran.

According to the information received, Mr. Louis Arnaud and the three other individuals were forcibly taken into a vehicle and were told that they were being taken to the Police Station for questioning for a few hours, but without being provided with a reason or shown any official documents. In the car, the men instructed them to blindfold themselves and keep their hands handcuffed on their knees and were taken directly to Evin Prison.

Reportedly, six days after the arrest, the French Embassy was informed by phone that a French national was detained. A request for consular visits was immediately submitted, but the first visit was only authorized on December 11, 2022.

On October 13, Mr. Louis Arnaud was allowed to make his first phone call to his family. It was a brief call, lasting only 3 minutes, with the content clearly dictated. There was a translator present nearby, and he was prohibited from discussing the reasons for his arrest or his conditions of detention. A second call took place on 31 October, and a third call on 30 January 2023. The same scenarios played out, with messages dictated and statements made in the presence of a translator, heard in the background. After these initial three months, the conditions of detention did not improve, but he was transferred from the holding corridor to a small cell with nearly 10 other people. Food remained limited and often insufficient.

It is reported that in prison, Mr. Louis Arnaud is only allowed for 30 minutes' walk during the week in a courtyard, blindfolded. He was also blindfolded when taken to an interrogation room. During these interrogations, Mr. Louis Arnaud had to stand without seeing anything, facing the wall, with the interrogator behind him. It is also reported that since mid-March, his confinement has continued under different conditions, but still marked by deprivations, including restricted freedom, limited access to phone calls for the family, limited communication with lawyers, and consular visits often spaced more than two months apart.

The trial lasted for 20 minutes, during which only the judge was present. Neither the prosecutor nor the lawyers were allowed to attend. On three occasions, the judge denied the presence of lawyers, each time with different arguments. Mr. Louis Arnaud was accused of propaganda due to his alleged participation in demonstrations, however, Mr. Louis Arnaud stress that he has never participated in any of the demonstrations.

On 21 October, the Islamic Revolutionary Guard Court sentenced Mr. Louis Arnaud five years in prison, however, Mr. Louis Arnaud had appealed against the verdict.

Without prejudging the accuracy of the above-mentioned allegations, we express our concern at the lack of information regarding the reason and legal basis for his arrest, the legal reason for his detention, his lack of access to a lawyer, including during his court hearing as well the potential sentence of seven years in prison, as well as regarding his conditions of detention and the interrogations processes<sup>1</sup>

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<sup>1</sup> Blindfolding is at a minimum degrading treatment and blindfolds should be prohibited according to the Special Rapporteur on Torture. See [A/78/324, para. 45 and Annex I of A/78/324 "Category A Goods: Prohibited Equipment that is Inherently Cruel, Inhuman or Degrading"](#).  
<https://www.ohchr.org/sites/default/files/documents/issues/torture/sr/annex-i-document-august-2023-ae-18-09-23.pdf>.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal basis for Mr. Louis Arnaud's arrests and detention and how these acts are compatible with Iran's obligations under international law as stated.
3. Please provide detailed information on elements relating to the state of health of Mr. Louis Arnaud and the measures taken to provide him with medical assistance.
4. Please provide information on any measures taken by the Iranian authorities to effectively remove any undue restrictions to the free communication of Mr. Louis Arnaud with his family, legal representatives, and persons with a legitimate interest, whether in person, writing or over the phone.
5. Please also provide information as to what measures have been taken to ensure that the rights of Mr. Louis Arnaud to due process and a fair trial have been respected, and how such measures comply with the obligations of your Excellency's Government under international human rights law.
6. Please provide detailed information on the measures which have been taken, or which are foreseen, to ensure full and impartial, effective, thorough and independent investigations, independent medical examinations, and judicial or other inquiries in relation to the allegations of arbitrary arrest and enforced disappearance, torture and other cruel, inhuman or degrading treatment or punishment. If measures have been undertaken, please make available the results of the investigations. If no such measure has been taken, please explain how this is compatible with the international human rights obligations of Iran.
7. Please inform on how your Excellency's Government ensures the right to a prompt and effective judicial remedy as a means of determining the fate and whereabouts of persons subjected to enforced disappearance.

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

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(s) responsible for the alleged violations.

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.

Please be informed that a copy of this letter has also been sent to the Permanent Mission of France.

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

Matthew Gillett  
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

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

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

## Annex

### Reference to international human rights law

The reported allegations would be in contravention of the rights of every individual to life, health, physical integrity, cruel, inhuman or degrading treatments or punishment, and of arbitrary deprivation of liberty, the right to a fair trial, and the right to equal recognition before the law, as laid down, inter alia, in articles 3, 5, 6, 9, 10 and 14 of the Universal Declaration of Human Rights (UDHR), as well as articles 6, 7, 9, 14, 20, 16, 17, 19, 24, 24 and 26, read alone and in conjunction with article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 24 June 1975.

We would 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 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, (Human Rights Committee, General Comment No. 36).

The prohibition against torture is absolute and non-derogable. We consider the use of blindfolding during arrest, transportation and/or interrogation as a prohibited psychological tactic to increase psychological stress and increase vulnerability of the person being interrogated in conjunction with other potential coercive measures. Because blindfolding and hooding prevents the detainee identifying perpetrators it further enables torture and decreases likelihood of subsequent accountability. The use of hoods and blindfolds fulfill no legitimate law enforcement purpose. The Special Rapporteur on Torture (A/78/324), as well as the Committee Against Torture (see 52<sup>nd</sup> session, Supplement No. 44, A/52/44, Conclusions on Israel, para. 257; Committee Against Torture, Report on Mexico produced by the Committee under Article 20 of the Convention, and Reply from the Government of Mexico, CAT/C/75, 26 May 2003, paras. 142-143), have found that blindfolding and hooding can constitute prohibited ill-treatment.

We further refer your Excellency's Government to the United Nations Standard Minimum Rules for the Treatment of Prisoners (2015 edition, Nelson Mandela Rules), which set out the accepted international standards concerning the treatment of convicted and unconvicted persons, including in relation to the cell size, food and nutrition, and general standards of care.

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 refer to 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). We wish to also recall that rule 46 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". 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". 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".

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).

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. 21), and the right to freedom of association (art. 22) 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.

With regard to the alleged violations of due process and of fair trial guarantees, 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 defence, the right of accused persons to communicate with counsel of their own choosing, and the right not to incriminate oneself. We also refer to 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 counsel without intimidation, hindrance, harassment or improper interference.

We would like to remind your Excellency's Government that restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. The Human rights Committee held in CCPR/C/GC/34 that an attack on a person because of the exercise of his or her freedom of opinion or expression, including arbitrary arrest, torture, threats to life and killing, cannot be compatible with article 19.

We draw your Excellency's Government's attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. We are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances. We further recall that the Declaration sets out the necessary guarantees to be offered by the State, in particular, its articles 3, 7 and 9 to 13.

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.

**Under these circumstances, we respectfully call on your Excellency's Government to immediately provide access to consular service to Mr. Louis Arnaud and to allow an independent lawyer to visit him.**

**Also, we request the competent authorities to immediately initiate impartial investigations into the above-mentioned allegations, which amount to arbitrary arrest and torture or cruel, inhuman or degrading treatment or punishment, prosecute those responsible and provide redress and compensation to the victim.**

**Lastly, we call on your Excellency's Government to adopt all necessary measures to prevent any irreparable harm to the life and personal integrity of persons deprived of their liberty.**