

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Working Group on discrimination against women and girls**

Ref.: UA IRN 2/2024  
(Please use this reference in your reply)

23 January 2024

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 51/8, 52/9, 49/24 and 50/18.

We would like to bring to the attention of your Excellency's Government information we have received concerning Ms. **Fatemeh Sepehri**, who reportedly faces life-threatening medical complications and systemic denial of medical care by the Iranian authorities. Ms. Sepehri is a woman human rights defender and is one of the signatories of the "**Letter of 14**" in 2019, which strongly criticized the nation's conditions, including the human rights situation in Iran with a special focus on women and girls' rights, reform and legislative development as well the establishment of a secular government.

According to the information we have received:

On 12 September 2022, Ms. Sepehri was arrested in Mashhad City and taken to Vakilabad Prison in Mashhad.

On 6 February 2023, Ms. Sepehri was reportedly sentenced to 18 years in prison; ten years for "collaboration with hostile foreign governments", five years for "assembly and collusion against national security", two years for "insulting the Supreme Leader of Iran" and one year for "propaganda against the government".

On 1 October 2023, reportedly Ms. Sepehri underwent an open-heart surgery after which she received treatment at Mashhad's Ghaem Hospital and was imprisoned again on 18 October 2023, which interrupted her essential medical treatment and recovery. Reportedly, her two brothers were arrested by security forces when they went to the hospital to visit her. She was allegedly barred from receiving visitors for 3 weeks. Since then, she has reportedly been on medication that induces up to 24 hours of sleep. Reportedly, Ms. Sepehri requested to leave the prison for medical treatment, however, the intelligence and judiciary officials have denied her request for a prison leave on bail, posing a serious threat to her health and well-being.

In addition, Ms. Sepehri underwent a magnetic resonance imaging (MRI) scan a few weeks ago and the doctors ordered that she receive physical therapy because she is extremely physically weak and cannot currently tolerate the

additional surgery she needs. The authorities have reportedly denied her physical therapy. Her heart rate has also increased a lot because of the psychological stress inflicted on her in prison.

As a result, Ms. Sepehri's health has reportedly deteriorated and she is now suffering from several health problems, including cardiovascular, serious injury to her hand and dry eyes.

According to information received, Ms. Sepehri has also experienced extended periods of incommunicado with her lawyer as well been restricted to communicate with her family.

In light of the above information provided to the Special Procedures mandate holders, we convey our deep concerns about the reported ill-treatment and denial of medical care of Ms. Sepehri. In addition, we are concerned by the severity, finality, and irrevocable nature of the long 18 years of prison to which she has been sentenced on various charges, following a process apparently lacking transparency and due process protections, including the presumption of innocence, and the right to correspondence among other fair trial guarantees, and on the basis of legislation that is not in conformity with international human rights law.

While we do not wish to prejudge the accuracy of these allegations, the facts alleged 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 equality, including equality before the law and equal protection of the law, as laid down, *inter alia*, in articles 1,2, 3, 5, 6, 7 and 14 of the Universal Declaration of Human Rights (UDHR), as well as articles 2, 3, 6, 7, 9, 14 and 16 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 24 June 1975. We remind you that the prohibition on arbitrary deprivation of life is a *jus cogens*, peremptory norm from which no derogation is permitted. We recall that the ability to determine one's own identity, is central to the right to equal recognition before the law established in article 6 of the UDHR and article 16 of the ICCPR, among other human rights treaties, and is central to the cross-cutting obligation to realize all human rights without discrimination on the basis of political opinion, sex, or any other status, as recognized in articles 1 and 2 of the UDHR and article 2 of the ICCPR.

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, para. 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 access to quality medical care and appropriate regular monitoring of their health. We make further reference to paragraphs 57 and 58 of the General comment no. 36, which states, *inter alia*, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced

disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance (para. 58).

We further stress that if the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights. When an individual dies as a consequence of injuries sustained while in State custody, there is a presumption of State responsibility (CCPR/C/GC/36; paragraph 29).

The allegations would also be in breach of the guarantees of a fair trial, provided by article 14 of the ICCPR, which sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14 of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing. Moreover, these guarantees provide that lawyers are entitled to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards.

We would like to further refer your Excellency's Government to articles 12 and 2.2 of the ICESCR, which establishes that an obligation to guarantee, without discrimination, 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). The CESCR underlines that the "health is a fundamental human right indispensable for the exercise of other human rights" (General comment no. 14, para. 1). This rights contains both, freedoms and entitlements - freedom from ill-treatment and "the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health" ( General comment no. 14, para. 8). 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 not be exposed to any discrimination, including political opinion (principle 2), and should have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9). Also, efforts must be addressed to abolish solitary confinement or to restrict its use (principle 7).

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 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.” Furthermore, we wish to refer to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (resolution 65/229, annex), including rules on personal hygiene and gender-specific health care, among others (rules 5 ff). The Bangkok rules acknowledges that women prisoners are particularly vulnerable and that the health screening of women prisoners shall include comprehensive screening to determine primary health-care needs (rule 6 a)). Women prisoners’ contact with their families and legal representatives “shall be encouraged and facilitated by all reasonable means” (rule 26).

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 the 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 and access to health-related education and information, including on sexual and reproductive health, among others (CESCR, General comment no. 14, para. 11).

We would also like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the ICCPR; this right shall include freedom to seek, receive and impart information and ideas of all kinds either orally, in writing or in print, in the form of art, or through any other media of his choice. The Human Rights Committee underlined that the freedom of expression includes political expression and commentary on public affairs and cultural and artistic expression. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR, 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. We wish to remind your excellency’s Government that, as stated by the Human Rights Committee in General comment 34, ‘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’. Further, we wish to stress that, in accordance with the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention as punishment for the legitimate exercise of rights such as freedom of opinion and expression is arbitrary. Furthermore, the Special Rapporteur on freedom of expression has voiced concern

about specific threats faced by women in exercising their freedom of expression, holding that gender equality and freedom of opinion and expression are mutually reinforcing, indivisible, interdependent and essential to the achievement of peace, democracy and sustainable development (A/76/258, para. 100). In her report the Special Rapporteur exposes appalling levels of gendered censorship against women, combining discriminatory laws, policies and practices with sexism, misogyny and social and cultural norms based on patriarchal values. Major barriers to women's freedom of opinion and expression, including unequal access to the Internet and information, the spike in online gender-based violence and hate speech, and attacks on female journalists, warrant urgent action (A/76/258, para. 101).

We also remind your Excellency's Government that article 21 of the ICCPR protects the right to peaceful assembly. The Human Rights Committee has confirmed that article 2 'protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs' (CCPR/C/GC/37, para. 6). Restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government, challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. (CCPR/C/MDG/CO/4, para. 51). They should not be used to prohibit insults to the honour and reputation of officials or State organs" (CCPR/C/GC/37, para. 49).

We would also like to recall your Excellency's Government that the Working Group on Discrimination against Women and Girls, in its report on women deprived of liberty (A/HRC/41/33), emphasized that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism. It recommended that States should support and protect women's engagement in public and political life, including the work of women human rights defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women. They should also put in place quotas or similar measures for the meaningful participation of women in the political and public sphere (paragraph 80(i)).

Moreover, in its report on participation in public life (A/HRC/23/50), the Working Group noted that women human rights defenders are often target of gender-specific violence such as intimidation, attacks, and death threats which are sometimes condoned or perpetrated by State actors (paragraph 65). The Working Group has called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling condition for women's participation in political and public life (paragraph 97(i) of the abovementioned report). In addition to these provisions, we would like to remind your Excellency's Government of the respective resolutions of the General Assembly GA Res 68/181 and of the Human Rights Council HRC Res 31/32, expressing particular concerns about systemic and structural discrimination and violence faced by women human rights defenders. States should take the appropriate measures to ensure their protection and to integrate a gender perspective into their efforts to enable a safe environment for human rights defenders.

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 abovementioned individuals from irreparable harm and without prejudicing any eventual legal determination.

**Under these circumstances, we appeal to your Excellency's Government to immediately provide Ms. Fatemeh Sepehri with access to adequate medical care, to adopt adequate measures to prevent any irreparable harm to her life and personal integrity, to allow her lawyer to regularly visit her and to have regular contacts with her family.**

**We also call on your Excellency's Government to stop criminalising women human rights defenders for the legitimate exercise of their right to freedom of opinion and expression, and their right to association and peaceful assembly; to end intimidation and punishment of human rights defenders that cause severe physical or mental pain and suffering; and to investigate all allegations of enforced disappearance, arbitrary detention and ill-treatment.**

**We also reiterate the long standing call on the Government of the Islamic Republic of Iran to adopt all necessary measures to prevent any irreparable harm to the life and personal integrity of persons deprived of their liberty.**

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 your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned case, including all relevant judicial orders and evidence presented to justify the underlying charges, and the prescribed timelines for implementation of judgments and sentences as well as for appeals.
2. According to Iran's own Regulation of Prison Organization, all prisoners have legal rights to access medical services, Please explain the reasons behind the denial of access to medical services to Ms. Sepehri?
3. Please explain what humanitarian measures authorities are providing in order to ensure the enjoyment of the highest attainable standard of physical and mental health of Ms. Sepehri they who continues to be detained.
4. Please, provide information on what measures have been taken to ensure that Ms. Fatemeh Sepehri have access to a fair trial – securing equality of arms and prohibiting any form of discrimination that may compromise the integrity of the investigations, prosecution and

conviction of the women political activists – and have the opportunity to appeal their convictions and sentences before an independent, impartial, and competent judicial body with adequate legal representation.

5. Please explain what measures have been taken to ensure that all human rights defenders in Iran, in particular women human rights defenders, can carry out their peaceful and legitimate activities without fear of persecution or other restrictions.
6. Please provide information on any efforts envisaged to remove the death penalty in Iran, at least for offenses which do not meet the threshold of most serious crimes, and/or to reduce the scope of application of the death penalty.

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 would appreciate receiving a response as soon as is possible, in light of the gravity of the convictions and sentences, and the timeline for appeals of the decision. After **60 days**, 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.

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

Matthew Gillett

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

Irene Khan

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

Javaid Rehman

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

Dorothy Estrada-Tanck

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