

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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice

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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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/6, 26/7, 28/21, 23/25 and 15/23.

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 Ms. **Homa Hoodfar**.

Ms. Homa Hoodfar, aged 65, is an internationally renowned and widely published anthropologist researcher, of Iranian, Canadian and Irish nationalities. She studied a range of issues related to women's roles and status in Muslim contexts as well as on development, refugees and informal economy. Apart from teaching at Concordia University in Montreal, Canada, she regularly participated in international research projects, including in partnerships with universities, research-based networks such as Women Living Under Muslims Laws, and civil society organizations such as Shirkat Gah (Women's Resource Centre).

According to the information received:

On 11 February 2016, Ms. Hoodfar, who resides in Canada, travelled to Iran to visit her family and to conduct historical research on women's participation in elections since 1906. On 9 March 2016, the Counter Intelligence of the Iranian Revolutionary Guards raided her home and confiscated her passports, her research

documents, her computer as well as other personal belongings. Ms. Hoodfar was meant to travel back to Canada a few days later.

Between 9 and 14 March 2016, it is reported that Ms. Hoodfar underwent intensive interrogation sessions, for 8 to 9 hours, where she was asked about her work and about the emails that were found in her computer. It is reported that she was asked by the interrogators questions such as “are you a feminist?” and “what is feminism?”. She did not have access to her lawyer during these interrogations.

During her last interrogation, she was summoned to present herself at Evin prison in Teheran on 14 March 2016. On that day, she was arrested and was asked to provide bail. The property of Ms. Hoodfar’s family in Iran was accepted as bond and she was released.

It is reported that Ms. Hoodfar was not duly informed of the charges against her prior and during her arrest. She was allegedly accused of different offences, including allegations associated with Article 508 of the Iranian Penal Code. Article 508 states that “anyone who cooperates by any means with foreign States against the Islamic Republic of Iran, if not considered as mohareb, shall be sentenced to one to ten years’ imprisonment”.

Between 14 March and 6 June 2016, she was summoned for other interrogation sessions.

On 6 June 2016, after being verbally summoned to the Office of the Prosecutor at Evin prison, Ms. Hoodfar was arrested and brought to detention, without being informed of the charges against her. Since that day, she has been detained at Evin Prison and it is reported that she has not had access to her lawyer nor was able to communicate with her family. On the day of Ms. Hoodfar’s arrest, her lawyer was not informed until late that she had been put in detention as a “security prisoner” nor of the charges brought against her. Since the arrest, he has not been granted access to her file.

Ms. Hoodfar has a rare neurological condition (Myasthenia Gravis) which caused her to suffer a mild stroke in 2015 and needs regular medication and health attention. She also suffers from severe chronic headaches. It is reported that she did not have her medicine with her on the day of her arrest and that her lawyer and relatives have been unable to bring her any medicine even though they have tried to

We wish to express serious concern at the alleged arbitrary detention of Ms. Homa Hoodfar, and more particularly about the fact that she was not informed of the charges against her and that she has been prevented from contacting and communicating with her lawyer and her relatives since her arrest. We are further concerned at the

allegation that Ms. Hoodfar's detention may be directly linked to the legitimate exercise of her human rights to freedom of opinion and expression through her academic research and work. Grave concern is also expressed about the physical and psychological integrity of Ms. Homa Hoodfar, in particular as she might not be provided with appropriate health care and access to her medication as required by her health condition.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of Ms. Hoodfar not to be deprived arbitrarily of her liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, and articles 9, 10 and 11 of the Universal Declaration of Human Rights (UDHR). The right to have access to a lawyer is also enshrined in the Basic Principles on the Role of Lawyers, in particular principles 7 and 8.

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, in addition to being fundamental in itself, is indispensable for scientific research. We refer in this regard to article 15 (3) of the Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Iran on 24 June 1975, and the obligation of states to respect this right.

Regarding access to adequate medical treatment in detention, we would like to refer your Excellency's Government to article 12 of the ICESCR, 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 (General Comment 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), and draw the attention of the Government to the UN Standard Minimum Rules for the Treatment of Prisoners of 2015 (the "Mandela Rules") and in particular Rule 27(1), which provides that all prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care. We would like also to refer your Excellency's Government to the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by the General Assembly in its resolution 46/173 of 9 December 1988, especially Principle 24, which states that medical care and treatment shall be provided, whenever necessary, to a detained or imprisoned person.

The full texts of the international 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 Ms. Hoodfar, including plans to release her, 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 any comment you may have on the above mentioned allegations.
2. Please provide detailed information on the legal proceedings against Ms. Hoodfar, including the charges brought against her and the legal grounds for her arrest and detention, and explain why she has not had adequate access to her lawyer. Please explain in particular how such arrest and detention are compatible with relevant international human rights norms and standards, in particular article 9 and 14 of the ICCPR.
3. Please explain how her academic research and exercise of her profession would amount to cooperation by "any means with foreign States against the Islamic Republic of Iran" as stated under article 508 of the Penal Code of Iran.
4. Please provide information on the legal basis for the confiscation of her laptop, passport, research documents and other personal belongings. Please explain whether any of these items have been returned to her family.
5. Please provide information on whether Ms. Hoodfar has had access to family members and medical personnel in detention.
6. Please indicate what measures have been taken to ensure the physical and psychological integrity of Ms. Hoodfar while in detention and to ensure that she receives the medical care that she requires. Please provide information regarding current policies and regulations in place to ensure that prisoners in similar situations have access to proper and adequate medical treatment, including specialized treatment.
7. Please indicate which measures your Excellency's Government has adopted to respect and protect Ms. Hoodfar's rights in detention, including article 7 of the ICCPR, articles 11 and 12 of the ICESCR, the Standard Minimum Rules for the Treatment of Prisoners (the "Mandela Rules"), the Body of Principles for

the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by the General Assembly in its resolution 46/173 of 9 December 1988, and the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in its resolution 45/111 of 14 December 1990.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms Ms. Hoodfar are respected and, in the event that your investigations support or suggest the above allegations to be correct, we request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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