

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 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 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 violence against women, its causes and consequences

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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 rights to freedom of peaceful assembly and of association; 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 the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 24/7, 24/5, 24/6, 25/18, 26/7, 28/21 and 32/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrests and detentions of leading human rights lawyer and co-founder of the Defenders of Human Rights Centre (DHRC) Mr. **Abdolfattah Soltani**, former student activist Mr. **Arash Sadeghi**, and human rights defender and journalist **Ms. Narges Mohammadi**, all currently held in Evin Prison under unreasonably harsh and unjust conditions.

Mr. Soltani was the subject of 13 urgent appeals and letters of allegation sent by various Special Rapporteurs since 2005. The most recent communication was sent on 11 June 2014 (see A/HRC/28/85, case no. IRN 9/2014). Mr. Sadeghi was the subject of one prior joint urgent appeal sent on 16 February 2012 (see A/HRC/20/30, case no. IRN 1/2012). Ms. Mohammadi was the subject of six urgent appeals and letters of allegations sent by various Special Rapporteurs since 2010. The most recent communication was sent on 19 April 2016 (case no. IRN 8/2016). We thank your Excellency's Government for the responses provided. However, we regret that a large number of the communications remain unanswered.

According to the information received:

The case of Mr. Abdolfattah Soltani

On 10 September 2011, Mr. Soltani was arrested for a third time while preparing to defend a group of Baha'i accused. He was charged with collusion, propaganda against the system, establishment and management of an association that endangers national security and acquisition of property through illegitimate means. On 8 January 2012, Mr. Soltani was allegedly sentenced to 18 years of imprisonment and banned from practicing law for 20 years. The sentence was reportedly reduced to 13 years imprisonment and his 20 years ban was overturned by the Appeal Court of Tehran around 10 June 2012. The court decided that Mr. Soltani would serve his sentence in the city prison of Borazjan (Boshehr province) because his continued presence in the city of Tehran was 'corruptive'. This transfer made it difficult for his family to visit him, and was allegedly done to prevent him from continuing providing legal advice to other prisoners. His wife and daughter have been denied visitation rights multiple times without explanation. Furthermore, Mr. Soltani has been denied medical furlough numerous times health throughout the years for his ailing.

On 3 May 2016, Mr. Soltani's already weakened digestive and heart condition drastically worsened and he required immediate hospitalization. However, after suffering from chest pains and being taken to the infirmary by his cellmates, Mr. Soltani was brought back to the ward without further treatment. In 2013, Mr. Soltani was hospitalized for the same health problems, but was returned to Evin before fully recovering. In January 2016, he was granted medical furlough, but once again returned to prison before fully recovering. After struggling with these medical conditions, Mr. Soltani now suffers from new medical complications that have allegedly not been properly addressed or intentionally neglected by authorities while he has been imprisoned. On 7 June 2016, Mr. Soltani was returned to Evin prison in order to serve the rest of his sentence.

The case of Mr. Arash Sadeghi

On 6 September 2014, Mr. Arash Sadeghi was arrested for the fourth time and spent 6 months and 20 days in solitary confinement before being released on bail. The court did not allow his lawyer to see his casefile, and said he could only have a lawyer if he or she was appointed by the court. Mr. Arash Sadeghi refused a court-appointed lawyer, so he had no legal representation at trial. The denial of Mr. Sadeghi's right to legal counsel of his choice arose from a provision in the new Code of Criminal Procedure, which had entered into force in June 2015. In May and June 2015, Mr. Sadeghi had hearing sessions attended by a Revolutionary Guards official. By August 2015, an appeals court charged Mr. Sadeghi for "assembly and collusion against national security", "propaganda against the state," "spreading lies in cyberspace," and "insulting the founder of the

Islamic Republic”. The court included a suspended four-year prison sentence from a previous case and sentenced Mr. Sadeghi to a total of 19 years in prison.

On 7 June 2016, Mr. Arash Sadeghi visited the jail to inquire about his official start date and was immediately detained and forced to begin his prison sentence. Mr. Sadeghi had not received a summons and wanted to prevent an unannounced raid on his home as it had happened in the past . Mr. Sadeghi’s family only discovered that Mr. Sadeghi had officially begun his long imprisonment when he called from within Evin Prison to inform them of his imprisonment. He has been in prison since then. Mr. Sadeghi’s combined 19-year prison sentence continues to fail to take into consideration Article 134 of Iran’s New Islamic Penal Code, which limits a prison term to the longest sentence of the most serious charge in cases involving multiple charges.

The case of Ms. Narges Mohammadi

In May 2015, Ms. Narges Mohammadi was arrested by security officers to carry out the remainder of her 6-year sentence for “acting against the national security”, “membership of the DHRC”, and “propoganda against the regime”. However, Ms. Mohammadi was subsequently issued with additional charges of “spreading propoganda against the system”, “gathering and colluding to commit crimes against national security”, and “membership of an illegal organisation whose aim is to harm national security”. In May 2016, after four postponed trials, Ms. Mohammadi finally had a hearing a year after her arrest. Ms. Mohammadi was given an additional 16-year sentence by the revolutionary court in Tehran for establishing and running a human rights movement that campaigns for the abolition of the death penalty. Ms. Mohammadi suffers from a critical neurological condition and has reportedly not been granted adequate access to the specialised medical care she needs throughout her imprisonment.

In August and October 2015, Ms. Mohammadi suffered several seizures as a result of her medical conditions. She was transferred to the hospital where she was handcuffed to the bed for several days. Security officers did not leave her hospital room throughout her time in the hospital, preventing her from having confidential medical consultations with her doctor and interfering with her medical treatment. After 17 days, Ms. Mohammadi was transferred back to prison, despite the doctor’s advice for her to continue treatment in the hospital. After she filed a complaint about her treatment by security officers, she was issued with a new charge of “insulting officers while being transferred to a hospital”. She has been prohibited from communicating with her family since August 2015.

Since 27 June 2016, Ms. Mohammadi has been on hunger strike to protest the authorities’ refusal to contact her young son and daughter on the phone.

Ms. Mohammadi's children had to move abroad one year ago to live with their father, because there was nobody to look after them in Iran after her arrest. Ms. Mohammadi has suffered from heart palpitations and the hunger strike has caused a severe drop in her blood pressure. On 9 July 2016, she was transferred from Evin Prison in handcuffs to the clinic for urgent treatment for her deteriorating health. The doctors at Evin Prison clinic have reported that the medications she has been taking, combined with the lack of physical activity and hunger strike, are increasing her risk of developing blood clots. A Judicial official at Evin Prison has threatened Ms. Mohammadi to end her hunger strike or suffer consequences, such as the prolonged denial of contact with her children.

Serious concern is expressed at the allegedly arbitrary raids, arrests, and detention of Mr. Soltani and Mr. Sadeghi, which seem to be directly related to their legitimate work as human rights defenders and lawyer the legitimate exercise of their rights to freedom of opinion and expression and freedom of association. Further concerns are expressed about the alleged denial of medical care for Mr. Soltani and Ms. Mohammadi, particularly in light of their deteriorating health conditions.

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 rights of these persons not to be arbitrarily deprived of their liberty, to a fair proceeding before independent and impartial tribunal, to freedom of opinion and expression, and to freedom of association, as enshrined in articles 9, 14, 19 and 22 respectively of the International Covenant on Civil and Political Rights (ICCPR) ratified by the Islamic Republic of Iran on 24 June 1975. The above mentioned allegations also appear to be in contravention with the Basic Principles on the role of lawyers.

We would like to further refer your Excellency's Government to article 12 of the Covenant on Economic, Social and Cultural Rights, 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 (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 your attention to the UN Standard Minimum Rules for the Treatment of Prisoners (reviewed on 5 November 2015 and renamed the "Mandela Rules") in particular to Rule 27(1), which provides that all prisons shall ensure prompt access to medical attention in urgent cases as well as Rule 58 which establishes that prisoners shall be allowed to communicate with their family and friends. We would like to also underline the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted by the General Assembly in resolution 65/229, which complement the UN

Standards Minimum Rules for the Treatment of Prisoners, providing guidance for specific characteristics and needs for women in prison, in particular Rule 11.2, which establishes that medical examinations of women prisoners shall be carried out in a manner that safeguards privacy, dignity and confidentiality, Rule 13 which provides that prison staff should be sensitive when a women may feel particular distress and ensure that they are provided appropriate support, as well as Rule 23 establishing that disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children and Rule 26 which recognizes the significant impact that loss of contact with children has on mothers.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 9

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 the above-mentioned persons in compliance with international instruments.

After 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 — which are of a purely humanitarian nature — in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent action procedure and the regular procedure.

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 concerning the legal grounds for the arrest and detention of Mr. Abdolfattah Soltani and Mr. Arash Sadeghi and explain how the arrest and detention of the aforementioned persons is compatible with the principles and norms contained in articles 9, 10 and 19 of the Universal Declaration of Human Rights and articles 9, 14 and 19 of the International Covenant on Civil and Political Rights.

3. Please provide information concerning any steps that have been taken to ensure that Mr. Soltani and Ms. Mohammadi have access to independent medical professionals, that they receive the medical attention and medication that they require while in detention and the steps taken to guarantee the physical and psychological integrity of Mr. Soltani, Mr. Sadeghi and Ms. Mohammadi.
4. Please provide detailed information on the measures taken to provide Mr. Sadeghi with the guarantees of due process and fair trial, as provided in under international human rights law, in particular articles 9,14 and 15 of the ICCPR.
5. Please provide information on whether Mr. Soltani, Mr. Sadeghi and Ms. Mohammadi have had access to family members, including their children, legal counsel, and medical personnel in detention.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to halt the alleged violations and prevent their re-occurrence and in the event that investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

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

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