

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 violence against women, its causes and consequences; the Working Group on the issue of discrimination against women in law and in practice; 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

REFERENCE:
UA IRN 24/2016

7 September 2016

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 violence against women, its causes and consequences; Working Group on the issue of discrimination against women in law and in practice; 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 24/7, 25/2, 24/6, 26/7, 32/19, 15/23, 28/21 and 25/13.

We would like to thank you for your response dated 18 August 2016 to our communication UA IRN 19/2016 providing additional information regarding the arrest and detention of Ms. **Homa Hoodfar**.

While acknowledging the details shared by your Excellency's Government concerning Ms. Hoodfar's access to medical care, legal counselling and her relatives while in detention, we would like to bring to your attention new and alarming information we have received regarding her detention and current health situation.

According to the new information received:

On 24 June 2016, the Public Prosecutor publicly announced Ms. Homa Hoodfar's indictment, reportedly without informing the detainee or her lawyer beforehand. Ms. Hoodfar was reportedly investigated for "dabbling in feminism and security matters", without clear information about the charges brought against her.

In July 2016, she was able to meet briefly with her lawyer but was prevented from discussing her legal case with him. He has not been granted access to her since

then. To date, it is reported that Ms. Hoodfar's lawyer still does not have access to her legal file, he was not present during interrogation sessions and Ms. Hoodfar was denied regular consultations with him. It is also reported that her lawyer has been pressured by the court to renounce to represent her.

It is further reported that Ms. Hoodfar has been kept in solitary confinement for the past three months since her arrest on 6 June 2016 and has been subjected to intense psychological pressure during interrogation sessions, with the alleged intention to make her confess to the unclear charges brought against her. Numerous requests to post bail, as initially ruled by the court in March 2016, have been reportedly made, without success. Furthermore, she continues to be denied regular visits from her relatives.

During the first week of August 2016, Ms. Hoodfar's family was informed that she had been hospitalized due to the rapid decline of her health condition. She was reportedly in an extreme state of weakness, barely able to walk or talk and seemed to have lost a lot of weight. As previously mentioned in our communication (IRN 19/2016), Ms. Hoodfar suffers from a rare neurological condition (Myasthenia Gravis) that requires regular medication and specific health attention.

We wish to reiterate our serious concern at the alleged arbitrary detention of Ms. Homa Hoodfar which appears to represent a criminalization of the legitimate exercise of her rights to freedom of opinion and expression through her academic research and work. We express our concern at the alleged lack of due process she has been subjected to, without being able to regularly access and consult with her legal representative as well as the lack of clear information about the exact charges brought against her or the amount of the bail originally sent by the court in March 2016. Further concern is expressed at the fact that Ms. Hoodfar has been prevented to receive regular visits from her relatives since the beginning of her detention.

We are further deeply concerned at the allegation that Ms. Homa Hoodfar has been kept in solitary confinement since the beginning of her detention. Serious concern is also expressed at the allegations that Ms. Hoodfar has been subjected to intense psychological pressure during interrogations sessions with the aim to make her confess the charges brought against her.

Finally, we are extremely concerned that her precarious health condition could continue to rapidly deteriorate due to the continued solitary confinement and the repetitive interrogation sessions she has been subjected to since her arrest. We remain deeply concerned about the physical and psychological integrity of Ms. Hoodfar.

While we do not wish to prejudge the accuracy of these allegations, we would like to recall 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, 10 and 11 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), the latter having been ratified by Iran on 24 June 1975.

Regarding access to adequate medical treatment in detention, we would like to 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 reiterate 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 (reviewed on 5 November 2015 and renamed 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 also like to recall your Excellency's Government's attention to the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the General Assembly of 5 August 2011 (A/66/268), in which it is observed that, while solitary confinement for short periods of time may be justified under certain circumstances, with adequate and effective safeguards in place, the use of prolonged (in excess of 15 days under conditions of total or almost total isolation) or indefinite solitary confinement may never constitute a legitimate instrument of the State, as it may cause severe mental and physical pain or suffering. Prolonged or indefinite solitary confinement constitutes torture and other cruel, inhuman or degrading treatment or punishment.

We reiterate our appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of expression in accordance with fundamental principles as set forth in article 19 of the ICCPR. We reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on discussion of government policies and political debate, reporting on human rights and expression of opinion and dissent.

In addition, we would like to draw your Excellency's Government's attention to paragraph 23 of the methods of work of the Working Group on Arbitrary Detention, according to which, "after having transmitted an urgent appeal to the Government, the Working Group 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.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 basis for denying Ms. Homa Hoodfar due process and fair trial as guaranteed under international human rights law, in particular articles 9, 14 and 15 of the ICCPR. In particular, please provide information on the legal basis for denying her regular access to consultation with her legal representative, as well as his access to her file. Please provide detailed information on the ongoing legal proceedings against Ms. Hoodfar, including the exact charges brought against her.
3. Please provide detailed information about the measures which are being taken to ensure the physical and psychological integrity of Ms. Hoodfar while in detention, in particular regarding the healthcare provided to her to address her special and urgent health needs. Please provide information about the measures taken to ensure that Ms. Hoodfar's health does not further deteriorate, allowing her to recover promptly.

In view of the urgency of the matter, we would appreciate a prompt response to the the above allegations.. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Hoodfar, including her right to access adequate healthcare and to be free from ill-treatment, are respected. 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 continuance or recurrence of the abovementioned acts.

We would like to inform your Excellency's Government that we might consider publicly expressing our concerns regarding Ms. Hoodfar's situation in the future, as notwithstanding our exchanges on this, we continue receiving alarming information and believe the wider public opinion should be alerted to her situation. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

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

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