

**Mandate of 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 torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

REFERENCE: UA  
IRN 26/2016:

6 October 2016

Excellency,

We have the honour to address you in our capacity as 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 torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on violence against women, its causes and consequences and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 24/6, 26/7, 25/13, 32/19 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the detention, trial and sentence of Ms. **Nazanin Zaghari-Ratcliffe** to five years of imprisonment on unknown charges, and the deterioration of her health condition over the past months.

Ms. Zaghari-Ratcliffe was the subject of a previous communication sent by Special Procedures dated 1 July 2016 (case no. IRN 20/2016). We regret that no response has been received from your Excellency's Government.

According to the information received:

On 3 April 2016, Ms. Zaghari-Ratcliffe was arrested with her 22-month old daughter. At the moment of their arrest, authorities confiscated their passports, and Ms. Zaghari-Ratcliffe was forced to give her daughter to her family before going into custody. Her daughter's passport is currently confiscated by the Revolutionary Guard, and she is prevented from travelling back to the UK to be with her father. Ms. Zaghari-Ratcliffe was transferred to a detention facility in the southeastern city of Kerman (approximately 1000 kilometers southeast of Tehran). She is believed to have spent at least 45 days in solitary confinement. On 11 May 2016, the authorities allowed her family, including her daughter, to meet with her in Kerman. Ms. Zaghari-Ratcliffe was allowed to speak to her family by

telephone on several occasions, but the communication has been irregular and unpredictable.

Ms. Zaghari-Ratcliffe was told to inform her family that she would be released without charge on 5 June. She subsequently disappeared and was detained incommunicado until 13 June 2016. Since 13 June 2016, Ms. Zaghari-Ratcliffe is detained in Evin Prison.

On 15 June 2016, the Kerman Branch of the Revolutionary Guard issued a press release in the Iranian media announcing that the investigation in Ms. Zaghari-Ratcliffe's case had been completed, and accusing her of the "soft overthrow" of the regime. The charges were never officially communicated to the defendant. Kerman Branch of the Revolutionary Guard issued a further press release on 25 June 2016 reiterating their original claims.

On 1 July 2016, Ms. Zaghari-Ratcliffe's family was informed that her case had been transferred to the Public Prosecutors Office for review. On 11 July 2016, a spokesperson for the Iranian judiciary publicly announced that Ms. Zaghari-Ratcliffe had been indicted for "sowing unrest", again without informing the defendant of her indictment and the charges against her. It is only on 1 August 2016, at a pre-trial court hearing that Ms. Zaghari-Ratcliffe was informed she was going to be prosecuted. On 11 August 2016, Ms. Zaghari-Ratcliffe met her lawyer for the first time, more than four months after her arrest and only three days before the beginning of her trial.

On 14 August 2016, Ms. Zaghari-Ratcliffe was tried before Tehran Revolutionary Court. On 6 September 2016, Ms. Zaghari-Ratcliffe was convicted and sentenced to five years imprisonment. She is expected to serve her sentence in Evin prison. Ms Zaghari-Ratcliffe was not informed of the legal basis for her conviction.

As raised in our previous communication, Ms. Zaghari-Ratcliffe allegedly suffers from severe weakness and reportedly had blackouts on several occasions. Since the verdict was announced, her already fragile mental health has worsened, and she is suffering from severe psychological distress. It is reported that prison authorities are not adequately addressing Ms. Zaghari-Ratcliffe health needs in detention, and as a result her health condition has deteriorated over the past few months.

While we already expressed serious concern at the arrest and detention of Ms. Zaghari-Ratcliffe at the occasion of a previous urgent appeal (case no. IRN 20/2016), we would like to express serious concern about the trial of Ms. Zaghari-Ratcliffe and her conviction and sentence to five years of imprisonment without having been informed of the charges against her. We are further concerned that this sentence was issued following

judicial procedures that do not appear to have fulfilled even the most basic fair trial and due process guarantees. We reiterate our concerns about the allegations that the health condition of Ms. Zaghari-Ratcliffe has worsened over the past months and that she is not receiving adequate healthcare in detention, including specialized care. We also would like to express serious concern regarding the conditions of detention in the Evin Prison that are known to be severe and having a particularly harsh impact on prisoners' health.

Without making any judgement as to the accuracy of the information made available to us, we would like to appeal your Excellency's Government to take all necessary measures to guarantee the right of Ms. Zaghari-Ratcliffe 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, 11 of the Universal Declaration of Human Rights (UDHR). In addition to being an integral part of article 14 of the ICCPR, the right to have access to a lawyer is enshrined in the UN Basic Principles on the Role of Lawyers.

We would also like to remind the government of Iran of the absolute and non-derogable prohibition of torture and cruel, inhumane or degrading treatment or punishment, as codified, inter alia, in the ICCPR. In this context, we would like to recall the updated United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules, 2015) which lay out generally accepted principles and practice in the treatment of prisoners and prison management, and in particular rules 43.1(b), 43.3, 44, 45 and 46 which refer to the use of disciplinary sanctions or restrictive measures, including solitary confinement, and the role of health-care personnel regarding any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of prisoners subjected to such sanctions or measures.

We would like to bring to Your Excellency's attention Article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Regarding the health situation of Ms. Zaghari-Ratcliffe and her access to adequate healthcare in detention, we would like to remind your Excellency's Government of its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which was ratified by Iran on 24 June 1975, and which provides the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Art.12). In this sense, States Parties should take all the necessary steps in order to ensure all medical services and medical attention in the event of sickness (Art.12.2). This right shall be exercised without discrimination of any kind (art.2.2) and establishes an

obligation by the part of the State 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 this connection, 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 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.

Finally, with regards to Ms. Zaghari-Ratcliffe's daughter, we would like to refer to the Convention on the Rights of the Child ratified by your Excellency's Government on 13 July 1994, in particular article 9.1 which stipulates that States Parties shall ensure that a child shall not be separated from his/her parents against their will, except when such separation is necessary for the best interest of the child, as well as to article 10.2 which establishes the right of a child whose parents reside in different States to maintain on a regular basis, personal relations and direct contacts with both parents.

The full texts of the international human rights instruments and standards recalled above are available on [www.ohchr.org](http://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. Zaghari-Ratcliffe and her daughter 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. Zaghari-Ratcliffe, including the grounds for her arrest and detention and the charges brought against her.
3. Please provide detailed information on the trial of Ms. Zaghari-Ratcliffe and explain how such trial complied with the guarantees of due process and fair trial, as provided in particular in articles 9 and 14 of the ICCPR;

please explain in particular why she did not have access to a lawyer for more than four months.

4. Please provide detailed information on Ms. Zaghari-Ratcliffe access to family members and medical care in detention, including number of visits, purpose and duration, as well as type of healthcare provided, including specialized care, and explain how such access is in line with international human rights norms and standards.
5. Please indicate what measures have been taken to ensure the physical and psychological integrity of Ms. Zaghari-Ratcliffe while in detention, in particular during the time she was held in prolonged solitary confinement.

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. Zaghari-Ratcliffe are respected.

We also take this opportunity to inform your Excellency's Government that a copy of this letter will be shared with the authorities of the United Kingdom of Great-Britain and Northern Ireland.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting attention.

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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