

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

REFERENCE:
AL IRN 14/2021

27 May 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; 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 situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 46/18, 42/22, 43/4, 42/16, 43/16, 43/20 and 41/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **transfer of several human rights defenders and political prisoners to prisons in distant locations**, including **Maryam Akbari Monfared, Zeinab Jalalian, Yasaman Aryani, Monireh Arabshahi, Mojgan Keshavarz, Atena Daemi, Sepideh Gholian, Golrokh Iraee, Saba Kord Afshari, Nasrin Sotoudeh** as well as the health condition of **Raheleh Ahmadi** and the denial of temporary leave to **Zeinab Jalalian, Maryam Akbari Monfared**, and **Atena Daemi**, over the last 13, 12, and 4 years that they have respectively remained in prison.

Ms. Maryam Akbari Monfared is a woman human rights defender. Concerns regarding due process and fair trial violations in her case have been raised in two previous communications sent on 30 November 2016 and 14 June 2017 (IRN 30/2016, IRN 21/2017). We acknowledge receipt of your Excellency's Government's responses to these communications. Ms. Akbari Monfared was sentenced to 15 years in prison on the charge of moharebeh (taking up arms to take lives or property and to create fear in the public) in 2010. She remains in detention since her arrest in December 2009.

Ms. Zeinab Jalalian is a Kurdish activist and political prisoner. She was the subject of three urgent appeals dated 23 April 2010 (IRN 13/2010), 29 September 2010 (IRN 28/2010) and 25 November 2010 (34/2010) by Special Procedure mandate holders. The Working Group on Arbitrary Detention adopted an opinion on 4 May 2016 that the deprivation of liberty of Zeinab Jalalian was arbitrary, being in contravention of international law. Ms. Jalalian was sentenced to death on the charge of moharebeh (taking up arms to take lives or property and to create fear in the public) in May 2009. Her death sentence was commuted to life imprisonment in 2011. She remains in detention since her arrest in March 2008.

Ms. Yasaman Aryani, her mother Ms. Monireh Arabshahi, and Ms. Mojgan Keshavarz are women human rights defenders who protested against compulsory veiling laws on International Women's Day in 2019. Concern regarding the arrest and detention of Ms. Aryani and Ms. Arabshahi was the subject of two communications sent on 20 April 2021 and 14 May 2019 (IRN 12/2021, IRN 5/2019). Concern regarding the arrest and detention of Ms. Keshavarz was the subject of a communication sent on 14 May 2019 (IRN 5/2019). We thank your Excellency's Government for the responses received. Mses. Aryani, Arabshahi, and Keshavarz are each serving a five-and-a-half-year prison sentence for "encouraging people to corruption and prostitution".

Ms. Atena Daemi is a woman human rights defender. Ms. Daemi was the subject of several previous communications, sent on 20 April 2021, 25 August 2020, 31 January 2018, 9 May 2017, 27 October 2016 and 24 June 2015. We thank your Excellency's Government for the replies received to four of these communications. (IRN 12/2021, IRN 21/2020, IRN 3/2018, IRN 17/2017, IRN 28/2016, IRN 9/2015). Ms. Daemi was also the subject of Opinion No. 83/2018 by the Working Group on Arbitrary Detention. The Working Group found that her deprivation of liberty is arbitrary, being in contravention of international law. Ms. Daemi was due for release on 4 July 2020 after serving five years' imprisonment. In a new case brought against her, in June 2020 she was sentenced to two years' imprisonment and 74 lashes on charges of "propaganda against the state and disrupting prison order".

Ms. Sepideh Gholian is a woman human rights defender. Concerns at the detention, gender-based violence, and torture of Ms. Gholian was raised in two communications on 20 April 2021 and 25 January 2019 (IRN 12/2021, IRN 1/2019). We acknowledge receipt of your Excellency's Government's response on 15 April 2019. In December 2019, Ms. Gholian was sentenced to five years in prison on the charges of "assembly and collusion against national security".

Ms. Golrokh Iraee is a woman human rights defender. Concerns regarding the previous arrest, conviction, and prison condition of Ms. Iraee was the subject of four communications on 20 April 2021, 31 January 2018, 23 March 2017, and 27 October 2016 (IRN 12/2021, IRN 3/2018, IRN 9/2017, IRN 28/2016). We acknowledge receipt of your Excellency's Government's responses to two of these communications. Since November 2019, Ms. Iraee is serving a new prison sentence on the charges of "insulting the Supreme Leader" and "propaganda against the state". Ms. Iraee is the subject of Opinion No. 33/2019 by the Working Group on Arbitrary Detention. The Working Group found her deprivation of liberty arbitrary and in contravention of international law.

Ms. Saba Kord Afshari and Ms. Raheleh Ahmadi are woman human rights defenders. Concern regarding the arrest, conviction and long-term imprisonment of Ms. Saba Kord Afshari and Ms. Raheleh Ahmadi was raised in two communications dated 20 April 2021 and 11 June 2020 (IRN 12/2021, IRN 14/2020). We regret not having received a reply to the communication sent on 11 June 2020. In March 2021, Branch 36 of the Tehran Court of Appeals reduced the prison sentence of Ms. Kord Afshari from 15 years to 7 years and 6 months. Ms. Raheleh Ahmadi was sentenced to 31 months in prison on 16 December 2019 for "assembly and collusion against national security".

Ms. Nasrin Sotoudeh is a lawyer and woman human rights defender. Ms. Sotoudeh has been the subject of several communications, most recently sent on 20 April 2021, 25 August 2020, 2 April 2020, 26 September 2018 and 6 July 2018 (IRN 12/2021, IRN 21/2020, IRN 6/2020, IRN 11/2018, IRN 10/2018). We thank your Excellency' Government for the replies received to five of these communications. Ms. Sotoudeh was also the subject of Opinion No. 21/2011 by the Working Group on Arbitrary Detention. The Working Group found that her detention on that occasion was arbitrary and in contravention of international law. Ms. Sotoudeh is currently serving a 33-year sentence on national security and public order-related offences, of which 12 years are enforceable under Iranian law.

According to information received:

In the past year, the authorities have transferred several human rights defenders and political prisoners to prisons in distant locations across the country, reportedly as a punitive measure. According to information received, most of the transfers took place abruptly without previous notice to the human rights defenders and political prisoners. In some cases, the human rights defenders or political prisoners could not take their personal belongings with them to the new prison. The new prisons, to which they were transferred, are mostly under-resourced and at distant locations from their families. The transfers took place despite the risk of contracting COVID-19 during the transfer and the insufficient quarantine wards in the new prisons. It has also been reported that some of the women human rights defenders and political prisoners are held in the same wards as prisoners convicted of general crimes including violent crimes, in contravention of the regulations of the Islamic Republic of Iran's Prisons Organization. The far distance of the new prisons has caused difficulty for the families of human rights defenders and political prisoners to visit them, in particular due to the travel restrictions and health concerns during the COVID-19 pandemic. It has furthermore been reported that human rights defenders and political prisoners, including those serving long term prison sentences, are often denied furlough.

Legal Framework

The Code of Criminal Procedure of the Islamic Republic of Iran states that prisoners should serve their prison sentence in the prison of their place of residence, unless this causes "corruption". The Code of Criminal Procedure does not elaborate on the definition and examples of "corruption". This regulation is stated in article 513 (note 3) of the Code of Criminal Procedure:

"If the place of residence of the person sentenced to imprisonment is outside the jurisdiction of the court issuing the sentence, he/she shall be transferred to the prison of his/her place of residence to serve his/her prison sentence. Unless this causes corruption, in which case, at the discretion of the judge issuing the final verdict, he/she will be transferred to the nearest prison to his place of residence. The transfer fee is paid from the credit of the Judiciary."

The Code of Criminal Procedure states the conditions of furlough for prisoners in article 520:

"Convicts can enjoy a maximum of three days of furlough per month; provided that they observe the rules and regulations of the prison and participate in corrective and educational programs and obtain the required scores after providing suitable security. In cases of acute illness or the death of first-degree consanguineous or affinity relatives in the level of the

spouse or marriage of children, the prisoner can furlough up to five days at the discretion of the prosecutor.”

Note 4 of article 520 limits the rights of some categories of prisoners to furlough. If a prisoner is convicted of crimes to which according to the Penal Code suspension of execution of sentences does not apply, he/she can be granted temporary furlough only after one-third of their prison sentence has passed. In addition, the amount of furlough days dedicated to this category of prisoners is significantly less than that of other prisoners:

“Note – 4: Convicts who according to law cannot benefit from the provisions of the suspension of execution of penalties, can furlough for a maximum of five days in every four months; provided that they request after passing one-third of the sentence with the observance of the conditions articulated at the beginning of the article and the discretion of the prosecutor.”

One of the categories of crimes that the Penal Code excludes from provisions of suspension of execution is crimes against national security. Since human rights defenders are often convicted for national security-related crimes, they cannot benefit from the provisions on suspension of execution of sentences and hence, they can only receive furlough after one-third of their prison sentence is passed.

Regarding the separation of prisoners based on the type of sentence, article 69 of the Prisons Organization regulations provides that:

“All convicts, upon being admitted to prisons or rehabilitation centres, will be separated based on the type and duration of their sentence, prior record, character, morals and behaviour, in accordance with decisions made by the Prisoners Classification Council.”

Transfers to distant prisons

Maryam Akbari Monfared

Maryam Akbari Monfared was arrested on 31 December 2009 following the 2009 Ashura protests in the city of Tehran. Concerns about due process violations that Ms. Akbari Monfared was reportedly subjected to have been raised in the abovementioned communications. In 2010, Branch 15 of the Revolution Court in Tehran sentenced Ms. Akbari Monfared to 15 years in prison on the charge of moharebeh for alleged membership in the banned opposition group known as the People’s Mojahedin Organization of Iran (PMOI, also known as MEK). Ms. Akbari Monfared has denied being a member or follower of PMOI. The grounds for her convictions were reportedly based solely on phone calls she had to her relatives, who are members of PMOI, and visiting them once in Iraq. The judge of Branch 15 of the Revolution Court reportedly told Ms. Akbari Monfared during her trial “you are paying for your siblings”.

According to reports, threats and harassment against Ms. Akbari Monfared in prison increased after she filed a formal complaint in October 2016 with the Prosecutor’s Office calling for an investigation into the executions of political prisoners, including two of her siblings, in 1988. A prison official reportedly told Ms. Akbari Monfared’s family that such complaints were of no use and that they would only result in her detention conditions being made

increasingly difficult, and impeding her release.

In 2016, Ms. Akbari Monfared submitted a request for a retrial to the Supreme Court based on the new definition of the crime of moharebeh in the new Islamic Penal Code adopted in 2013. Article 279 of the new Islamic Penal Code restricts the scope of the crime of moharebeh to situations when an individual personally resorts to the use of arms. Prior to the adoption of the 2013 Islamic Penal Code, the charge of moharebeh could apply to any member or supporter of an organization that sought to overthrow the Government by procuring arms even if the member did not individually take part in the military activities of the organization. In April 2016, the Supreme Court rejected the retrial request of Ms. Akbari Monfared. The Supreme Court stated that, according to article 10 of the new Islamic Penal Code, Ms. Akbari Monfared could apply to the court of first instance to commute her sentence on the ground that a new law has come into effect, which is more favourable to the defendant. Ms. Akbari Monfared's case was subsequently returned to Branch 15 of the Revolution Court in Tehran and the court maintained its original verdict without any justification.

Since her arrest in 2009, Ms. Akbari Monfared has remained in detention without furlough. Her repeated requests for furlough including on medical grounds have remained unanswered. Since 2014, Ms. Akbari Monfared's family has posted a 17,000,000,000 rial (then USD\$362,000) security deposit as requested for her furlough, which remains denied. Mr. Akbari Monfared's daughters, who were 3, 11 and 12 years old at the time of her arrest, have seen their mother only in prison visits over the last 12 years.

On 9 March 2021, Ms. Akbari Monfared was transferred from Evin Prison to the general ward of Semnan central prison in Semnan province. The central prison of Semnan is located about 350 kilometres from the city of Tehran, where Ms. Akbari Monfared's husband and daughters live. Following her transfer, Ms. Akbari Monfared was denied access to her personal belongings and her phone calls have been restricted.

Zeinab Jalalian

Zeinab Jalalian has remained in detention since her arrest in May 2008 without furlough. From 2016 to 2020, she was denied transfer to outside facilities for medical treatment that is not available in prison. According to reports, denial of adequate medical treatment has exacerbated Ms. Jalalian's health issues over the last 13 years. Her requests for medical leave to undergo an operation for a serious eye condition have continuously been denied. Ms. Jalalian was also denied furlough to attend the funeral of her brother in 2019. On 2 June 2020, Ms. Jalalian tested positive for COVID-19. On 8 June 2020, she was transferred to a hospital outside prison and examined for COVID-19, and was then returned to prison.

In the course of 2020, Ms. Jalalian was transferred to four different prisons across the country. She was first transferred on 2 May 2020 from Khoy prison, which is located in the same province as her family lives, to Qarchak prison in the province of Tehran. On 20 June 2020, Ms. Jalalian started a hunger strike in protest of her continued detention in Qarchak prison, requesting to be

transferred to Khoy prison or to Evin prison. On 25 June 2020, she was transferred to Kerman prison in Kerman province and was subsequently held in prolonged solitary confinement for nearly three months. She was denied contact with her family until 28 July 2020, when she was permitted a short phone call. On 22 September 2020, Ms. Jalalian was transferred to Kermanshah prison in Kermanshah province. On 9 November 2020, she was transferred from Kermanshah prison to Yazd prison in Yazd province.

Yasaman Aryani, Monireh Arabshahi, Mojgan Keshavarz

Yasaman Aryani, her mother Monireh Arabshahi, and Mojgan Keshavarz were serving their sentence in Evin Prison in the province of Tehran. On 21 October 2020, Ms. Aryani and Ms. Arabshahi were taken out of the ward after the prison authorities as a pretext to get them out of the ward told them that their lawyers wanted to meet them. Ms. Aryani and Ms. Arabshahi were then forcibly transferred to Kachuei Prison in Alborz Province. On 5 December 2020, Mojgan Keshavarz was transferred from Evin prison to Qarchak prison without previous notice.

Atena Daemi

Ms. Daemi had been serving her previous and current prison sentences in the women's ward in Evin prison since 2016. On 16 March 2021, Ms. Daemi was transferred from Evin Prison to Rasht Central Prison (also known as Lakan prison) in Gilan province. The Rash Central Prison is located more than 300 kilometres from the city of Tehran, where Ms. Daemi's family lives. Ms. Daemi was transferred to Rash Central Prison in handcuffs and shackles and was not given any explanation concerning the reason for her transfer. Since the start of Ms. Daemi's detention in December 2016, she has not been granted furlough.

Sepideh Gholian

Ms. Gholian was released on bail on 9 February 2020 but was returned to prison on 21 June 2020 to serve her five-year prison sentence. On 10 March 2021, Ms. Gholian was transferred from Evin Prison to the central prison of Bushehr in Bushehr province. In order to facilitate family visits, Ms. Gholian had previously requested a transfer to Sepidar Prison close to her family home in city of Dezfoul in Khuzestan province. Prior to her transfer, she was reportedly told that she would be moved to Sepidar Prison. However, only upon arrival did she realize that she had been transferred to Bushehr prison in Bushehr province which is about 600 kilometres away from the city of Dezfoul where her family lives.

Golrokh Iraee

Ms. Iraee was arrested on 9 November 2019 and transferred to Qarchak prison to begin a new prison sentence. On 13 December 2020, Qarchak prison authorities and 20 prison guards entered ward 8 of Qarchak prison and beat the political prisoners detained in this ward with electric shockers and batons. The attack took place after the prisoners in ward 8 opposed the transfer of three political prisoners to another ward. Following the attack against prisoners in

ward 8 of Qarchak prison, Ms. Iraee was physically assaulted and forcibly transferred to ward 2A of Evin prison, which is run by the intelligence service of the Islamic Revolution Guard Corps (IRGC). On 24 January 2021, Ms. Iraee was returned back to Qarchak prison after 43 days of interrogation. On the same day, Ms. Iraee was transferred from Qarchak Prison to the central prison in the city of Amol, Mazandaran province without her personal belongings. She is now held in a ward with poor sanitary conditions, which is reportedly designated for individuals convicted of drug-related offences.

On 12 April 2021, Ms. Iraee was informed that Branch 26 of the Revolution Court of Tehran had issued a one-year sentence *in absentia* against her on the charge of “propaganda against the state.” The decision also banned her from leaving the country and from membership in any political group or party for two years.

Transfers to Qarchak prison (also known as Shahr-e Rey prison)

Qarchak prison is located in the city of Varamin, province of Tehran. Concerns regarding the overcrowding and poor hygiene of Qarchak prison have been raised in previous reports of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/HRC/43/61, A/75/213). The poor quality and quantity of food provided to prisoners, lack of proper heating and ventilation as well as the lack of drinkable water are among other reported concerns about the conditions in Qarchak prison. While the Prisons Organization regulations require prisoners to be separated based on the type of crimes, political prisoners in Qarchak prison are held in the same wards as prisoners convicted of general crimes, including violent crimes. In 2020, the number of women human rights defenders and political prisoners who are transferred to Qarchak prison has increased. Ms. Saba Kord Afshari and Ms. Nasrin Sotoudeh are among those who have been transferred to Qarchak prison.

Saba Kord Afshari, Raheleh Ahmadi

On 9 December 2020, Ms. Kord Afshari was transferred from Evin prison to Qarchak prison without any explanation. Ms. Raheleh Ahmadi, who is the mother of Ms. Kord Afshari, remains detained in Evin prison. Despite the request of Ms. Ahmadi to be held in the same prison as her daughter, they remain detained in different prisons. On 26 January 2021, Ms. Kord Afshari was physically assaulted by prison security officers and forcibly transferred from Ward 8 to Ward 6 of Qarchak prison.

Ms. Ahmadi has lost movement in her left leg after experiencing severe mental distress on 9 December 2020. Ms. Ahmadi’s request for medical care remained unanswered until 14 March 2021, when she was granted medical leave. Ms. Ahmadi was returned to Evin prison on 10 April 2020. Ms. Ahmadi cannot undergo the surgery and physiotherapy sessions prescribed for her medical condition while she remains in detention.

Ms. Kord Afshari was released on temporary furlough on 3 April 2021 before being returned to Qarchak prison on 10 April. On 8 May 2021, Ms. Kord Afshari started a hunger strike to protest against the pressure on political

prisoners as well as the detention of her mother, Raheleh Ahmadi despite the deterioration of her health. Ms. Kord Afshari ended her hunger strike on 18 May 2021 due to her health condition.

Nasrin Sotoudeh

Nasrin Sotoudeh was transferred on 13 October 2020 from Evin prison to Qarchak. Ms. Sotoudeh was transferred to Qarchak prison after the authorities told her to get ready to go to the hospital. The prison authorities did not announce the transfer, but Ms. Sotoudeh was allowed to make a brief phone call to her family.

Ms. Sotoudeh has been granted temporary furlough on two occasions in recent months on medical grounds and most recently between 17 March to 27 March 2021 during Nowruz (the Iranian New Year) holidays.

We express concern at what appears to be a pattern of transfers of human rights defenders and political prisoners to distant locations. We are concerned that these measures represent an additional form of harassment against human rights defenders and political prisoners, reportedly with the aim of isolating them as well as restricting their interaction with their family, and as such can be considered as additional punishment. We note that these transfers often take place abruptly, without prior notice and in some cases repeatedly, and we are concerned at the psychological distress that this inflicts on the individuals concerned. We are also concerned by reports that the individuals have been transferred after being informed under a false pretext by the authorities that they are receiving a visit from their lawyer or that they are being taken to hospital. Further concern is expressed with regard to denial of furlough to Ms. Akbari Monfared, Ms. Jalalian, and Ms. Daemi, including on medical grounds. We are also concerned at the health situation of Ms. Ahmadi. We reiterate our concerns that the arrest, trial and convictions of the above-mentioned individuals fall short of requirements under international human rights law, including through the use of overbroad and vague charges that criminalize the legitimate exercise of the rights to freedom of expression, association and peaceful assembly, the lack of evidence to substantiate the charges and prolonged solitary confinement. We call on your Excellency's Government to review their cases in line with international human rights law and in the meantime, to allow their temporary release.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

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 transfer of the aforementioned individuals to prisons distant from their families and to prisons and wards designated for general and violent

crimes. Please explain the reasons for why advance notice about the transfer in many cases is not provided to the detainees. Please also explain why prison authorities provide false reasons for removing detainees from their ward ahead of a transfer.

3. Please provide information about the number of human rights defenders or political prisoners who were transferred to prisons in distant locations over the last 12 months.
4. Please provide information about the legal basis for denying Ms. Jalalian, Ms. Akbari Monfared, and Ms. Daemi furlough over the last 13, 12, and four years respectively and explain how this is compatible with international human rights law and standards.
5. Please provide information about the rejection of Mr. Akbari Monfared's request for commuting her sentence following the adoption of a new law which is more favorable to her as a defendant.
6. Please provide information about the legal basis for denying Ms. Jalalian medical leave to undergo operation for her eye condition.
7. Please provide information about measures taken to ensure that Ms. Jalalian and Ms. Ahmadi receive adequate health care in prison, in particular specialist health care for their health conditions.
8. Please provide information about the measures taken to ensure hygiene and health standards in Qarchak prison are in line with international standards and to separate prisoners based on the type of crime they have been convicted of.
9. Please provide information on the concrete measures adopted by your Excellency's Government to ensure a safe and enabling environment for human rights defenders in the Islamic Republic of Iran to carry out their legitimate and peaceful human rights activities.

We would appreciate receiving a response within 60 days. Passed this delay, 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.

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(s) responsible for the alleged violations.

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 urgent appeal and the regular procedure.

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

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
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Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
standard of physical and mental health

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975.

We would like to refer to article 9 of the ICCPR which enshrines the right to liberty and security of the person and establishes in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law, as well as the right to legal assistance from the moment of detention. Article 9 (4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. In its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of peaceful assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18).

We also recall article 19 of the ICCPR, which guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression; which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice. We note with concern the apparent retaliatory measures taken against prisoners, in the abovementioned cases, for exercising their right to freedom of expression. Legitimate restrictions to freedom of expression may be implemented in accordance with the requirements of Article 19 (3) of the Covenant, also in the context of the management of the prison population. However, the use of force or involuntary transfer of individuals in retaliation for legitimately exercising their freedom of expression to criticize the acts of the authorities constitutes acts incompatible with the Covenant, see paragraph 23 of General Comment 34 (CCPR/C/GC/34) of the Human Rights Committee.

We would like to further refer your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the Islamic Republic of Iran on 24 June 1975, which establishes the obligation of States 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 (Committee on Economic, Social and Cultural Rights, General Comment No. 14, para. 34). We would also like to specifically highlight article 12(2)(c), which obliges States to take the steps necessary for "the prevention, treatment and control of epidemic, endemic, occupational and other diseases" (General Comment No. 14, para. 16).

We also draw your attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (adopted by General Assembly resolution 43/173 of 9 December 1988) in particular to principle 19 that establishes the right of prisoners to be visited by and to correspond with, in particular, members of his family and to be given adequate opportunity to communicate with the outside world, and principle 20 that states if a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence. In addition, we would like to underline 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 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 like to refer your Excellency's Government to the fundamental principles set forth in 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, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would also like to draw your attention to article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves.