

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Your Excellencies,

RE: Arbitrary Sentencing and Detention of and Lack of Medical Treatment for Ms. Bahareh Hedayat and Mr. Abdolfattah Soltani

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and others who promote human rights and the rule of law through advocacy, education and research. LRWC is an NGO in Special Consultative Status with the UN Economic and Social Council (ECOSOC).

LRWC objects to the wrongful prosecution, sentencing and imprisonment of Ms. Bahareh Hedayat, a human rights defender who is a member of *Daftar-e Tahkim Vahdat* (the largest students' union in Iran), one of the founders of the "One Million Signatures Campaign", and a citizen of the Islamic Republic of Iran. We note that on 26 May 2016, the UN Working Group on Arbitrary Detention (WGAD) released an opinion, adopted on 19 April 2016, that actions of the Government of Iran depriving Ms. Hedayat of her liberty for periods from June 2006 to and

following May 2015 have no legal justification, are arbitrary and are in contravention of the *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights*. (ICCPR). Further, Ms. Hedayat is denied health care and, in particular, was denied the timely treatment of kidney issues that required surgery in 2010 and completely denied post-operative care.¹

LRWC also objects, as it has for years, to the wrongful prosecution, sentencing and imprisonment of Mr. Abdolfattah Soltani, a human rights lawyer and co-founder of the Defenders of Human Rights Center (DHRC). Mr. Soltani, a citizen of the Islamic Republic of Iran, has been imprisoned in Tehran's Evin prison since 2011. We note that on 6 February 2013, WGAD concluded that the deprivation of liberty of Mr. Soltani was arbitrary and in violation of several articles of the International Covenant on Civil and Political Rights (ICCPR).² Further, Mr. Soltani suffers from medical ailments and there are serious concerns regarding the effect of his current imprisonment on his long-term health.³

LRWC urges the Iranian authorities to intervene to protect Ms. Hedayat and Mr. Soltani's internationally protected rights, including their rights pursuant to the ICCPR, ratified by Iran in 1975, and the UDHR adopted by consensus of the member States of the UN General Assembly in 1999.⁴ LRWC also urges Iran to release Ms. Hedayat and Mr. Soltani immediately and unconditionally, in compliance with the recommendations of the WGAD and the requirements of the UDHR and ICCPR. In support of these requests, we provide background facts on each individual and an overview discussion of the applicable international law.

Background Facts on Ms. Hedayat

Ms. Hedayat holds a bachelor's degree in economics and finance from the University of Tehran. She was one of the founders of a campaign that advocated for laws that are not discriminatory towards women, and she received the Harald Edelstam Defence of Human Rights Award in 2012.⁵ The Foundation explained its decision by stating, "Mrs. Bahareh Hedayat has, through her outstanding courage and commitment to justice, actively worked against the violation of human rights in Iran. Despite serious warnings and threats from the regime's security and intelligence forces, she has repeatedly risked her life and freedom when defending human rights."⁶

¹ UN Human Rights Council Working Group on Arbitrary Detention, *Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fifth session, 18-27 April 2016*, 13 May 2016, A/HRC/WGAD/2016/2, available at: <https://www.iranhumanrights.org/wp-content/uploads/A-HRC-WGAD-2016-2-Iran-Hedayat.pdf>.

² UN Human Rights Council Working Group on Arbitrary Detention, *Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fifth session, 14-23 November 2012*, 7 August 2013, A/HRC/WGAD/2012/54, available at: https://www.nuernberg.de/imperia/md/menschenrechte/dokumente/preisverleihungen/hrc_wg_on_arbitray_detention_soltani_2013.pdf.

³ International Campaign for Human Rights in Iran, "Imprisoned human rights lawyer's daughter: Help my father before it's too late," 6 May 2016, available at: <https://www.iranhumanrights.org/2016/05/abdolfattah-soltani-needs-hospitalization/>.

⁴ UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution adopted by the General Assembly*, 8 March 1999, A/RES/53/144, available at: <http://www.refworld.org/docid/3b00f54c14.html>. The Declaration, while not in itself a binding instrument, is based on human rights standards enshrined in other international instruments that are legally binding, including the ICCPR. The Declaration thus represents a unanimous commitment by States to its implementation.

⁵ *Supra* note 1; Tavaana E-Collaborative for Civic Education, "Bahareh Hedayat: Women's Rights Defender", available at: <https://tavaana.org/en/content/bahareh-hedayat-womens-rights-defender>.

⁶ "Imprisoned Iranian Woman Activist Awarded Edelstam Prize." Nobel Women's Initiative, March 15, 2012, available at: <http://nobelwomensinitiative.org/2012/03/imprisoned-iranian-woman-activist-awarded-edelstam-prize/>.

Ms. Hedayat was elected to the *Daftar-e Tahkim Vahdat*'s Central Committee in 2008, becoming the only woman serving in its leadership at that time. In addition to advocating for students' and women's issues and investigating human rights abuses, her responsibilities have included acting as the group's spokesperson and managing its public relations.⁷

Violation of liberty rights: Extra-judicial activities from 15 June 2006 to present

Ms. Hedayat has at all times been involved in peaceful advocacy for human rights and has been targeted by the Iranian police and security forces for her successful role in Iranians' efforts to raise awareness of and seek justice for violations. On 15 June 2006, as the secretary of the Women's Commission of the *Daftar-e Tahkim Vahdat*, she participated in organizing a peaceful protest against laws that discriminate against women. While participating in this rally, she endured severe police brutality and was arrested for the first time. At this time, she was charged with unlawful assembly and sentenced to two years' imprisonment, with this sentence being suspended for five years.⁸

During the next year, despite warnings and threats received from Iranian security forces, she organized meetings and seminars on important subjects such as "The Women's Movement and Democracy" and "The Women's Movement, Threats and Resistance," which were well received by civil society, particularly women. On 9 July 2007, while organizing and attending a sit-in in front of Amirkabir University to protest the unwarranted detention and torture of students along with five other members of the *Daftar-e Tahkim Vahdat*, she was arrested for the second time. After spending one month in solitary confinement, she was released on a heavy bail.⁹

She was then re-arrested on 13 July 2008, her wedding night, and released again after spending one month in solitary confinement.¹⁰

Ms. Hedayat was arrested a fourth time at the beginning of the Iranian New Year in 2009 for participating in a peaceful assembly with the families of political prisoners in front of Evin prison. Following crimes committed by security forces, such as a night attack on the university campus and dormitory, Ms. Hedayat, as one of the key figures in the student movement, became a target of the security forces. They raided her house twice in June 2009 and in August 2009 attempted to arrest her, but did not succeed. As a result of her message to university students in Europe on Student Day, 17 November 2009, as well as her message to Dutch university students meeting in solidarity with Iranian students on Iranian Student Day, 7 December 2009, Ms. Hedayat was arrested for a fifth time on 30 December 2009.¹¹

⁷ "Biography of Bahareh Hedayat." International Human Rights Campaign (FIDH), available at: http://www.fidh.org/IMG/pdf/biography_of_bahareh_hedayat.pdf.

⁸ UN Office of the High Commission for Human Rights, *Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fifth session*, 4 May 2016, A/HRC/WGAD/2016, available at: http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session75/Opinion_2016_2_Iran.pdf.

⁹ *Ibid*; The Observatory for the Protection of Human Rights Defenders "Arbitrary arrests and sentences against women's rights defenders in Iran: the Observatory urges the international community to react." September 2007. http://www.omct.org/files/2007/09/4297/iran_note_09_2007_women_activists.pdf.

¹⁰ *Supra* notes 5, 7.

¹¹ "UN Body Calls for Immediate Release of Bahareh Hedayat", International Campaign for Human Rights in Iran, 14 June 2016.

Violation of fair trial rights: Judicial activities between February 2010 and August 2015

On 19 February 2010, Tehran Prosecutor Jafar Dolatzabadi indicted Ms. Hedayat on 16 counts of propaganda against the regime, taking part in protests, communicating with foreign press, insulting both President Mahmoud Ahmadinejad and Supreme Leader Ali Khamenei, and acting against national security. At that point, Ms. Hedayat was being held in Ward 209 of Evin Prison, where she was held in solitary confinement. After two months of interrogation, she was transferred to the women's section of Evin in March 2010. On 21 May 2010, she was sentenced to nine and a half years in prison by the Revolutionary Court in Tehran, with two years coming from her previous suspended sentence.¹²

In response to the letter, the Iranian judiciary leveled new charges against all three, accusing them of "propaganda against the regime." After being found guilty, six more months were added to Ms. Hedayat's sentence, making it a full ten years.¹³

She completed her five-year sentence in May 2015, subsequent to which there was no basis under Iranian law for her continued detention. Ms. Hedayat has been imprisoned since January 2010 on charges related to her peaceful activism. She was due for release in June 2015, based upon Article 134 in *Islamic Penal Code of the Islamic Republic of Iran*, which states that in the case of conviction on multiple charges the prison term should not exceed the sentence for the charge that carries the heaviest punishment. There was also no justification under Iranian law for the continued detention, as it was also contrary to the five-year statute of limitations which expired in 2012. Ms. Hedayat was also held for five days after a judicial order for her release was issued, which amounts to an arbitrary deprivation of liberty under Article 9(1) of the ICCPR.¹⁴

In addition, when Ms. Hedayat's two-year suspended sentence was enforced on 17 August 2015, she was not brought promptly before a judge or other officer authorised by law to exercise judicial power, in violation of Article 9(3) of the ICCPR. Neither Ms. Hedayat nor her lawyers were allowed any involvement in these proceedings, and Ms. Hedayat was simply informed on 22 August 2015 that the Court had decided to enforce the sentence.¹⁵

Violation of right to medical treatment: Prison officials' actions from 2009 to present

Prisoners have a right to receive medical treatment. By arresting and detaining a person, a State takes full responsibility under international law for providing health care to ensure their lives and

¹² "Jafar Dolatabadi Personally Indicts Bahareh Hedayat", Persian2English, 19 February 2010, available at: <http://persian2english.com/?p=7262>; "Detained Tahkim Vahdat Members Transferred to General Section of Evin", Persian2English, 21 March 2010, available at: <http://persian2english.com/?p=8743>.

¹³ "Activists' Jail Terms Lengthened", Radio Zamaneh, March 11, 2011, available at: <http://archive.radiozamaneh.com/english/content/activists-jail-terms-lengthened>.

¹⁴ *Supra* notes 1, 8.

¹⁵ Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fifth session, 18-27 April 2016, Opinion No. 2/2016 concerning Bahareh Hedayat (Islamic Republic of Iran), available at: <https://www.iranhumanrights.org/wp-content/uploads/A-HRC-WGAD-2016-2-Iran-Hedayat.pdf>; Tavaana, "Bahareh Hedayat: Women's Rights Defender", available at: <https://tavaana.org/en/content/bahareh-hedayat-womens-rights-defender>.

wellbeing.¹⁶ The UN Human Rights Committee (HR Committee) has held that adequate or appropriate and timely medical care must be provided to all detainees as part of state duties to ensure the enjoyment by all persons of the ICCPR Article 6 right to life and Article 10 right to human treatment of prisoners.¹⁷

LRWC shares the WGAD's grave concern about Ms. Hedayat's deteriorating health since her detention in December 2009, which may result in irreparable harm to her health, such as leaving her permanently sterile, in violation of her right under Article 10(1) of the ICCPR to be treated with humanity and with respect for her inherent dignity. Ms. Hedayat is reportedly suffering from chronic reproductive disease and has been diagnosed with gallstones during her imprisonment, which were not treated for months. In December 2010, Ms. Hedayat and Mahdieh Golroo went on hunger strike to protest their lack of visitation rights as inmates in the Methadone Ward, leading Hedayat to be transferred to the prison infirmary. Hedayat has been denied regular visits from her husband and those close to her, who have been kept from seeing her in person for months at a time. Despite finally being granted short-term medical furloughs starting in July 2011 and again during July 2012, January 2013 and September 2013, there is concern that she is being denied adequate medical treatment in Evin Prison.¹⁸

In a January 2014 interview, Amin Ahmadian, Ms. Hedayat's husband, reported that "Bahareh suffers from chronic reproductive system problems, and the doctors believe that if her treatment is delayed she may not be able to have children in the future." While most furloughs have only lasted a few days, authorities allowed a temporary release in January 2013 to last until late May 2013, when she and several other political prisoners were made to return to prison in the run-up to the presidential election. Even during respites from detention, Ms. Hedayat has been subject to strict conditions, including no interviews or visits. Further, her release in January 2013 was only granted after her family posted 700,000,000 *toman* (\$200,000 USD) bail.¹⁹

Background Facts on Mr. Soltani and the DHRC

In 2001, Mr. Soltani, along with four other Iranian lawyers, co-founded the DHRC, an Iranian human rights organization. The DHRC provides legal aid and representation to various

¹⁶ Lines, Rick, "The right to health of prisoners in international human rights law" (2008) 4(1) *International Journal of Prisoner Health* 3-53, available at http://www.ahrn.net/library_upload/uploadfile/file3102.pdf, citing *Lantsova v. Russian Federation* (26 March 2002) UN Doc CCPR/C/74/763/1997, at para. 9.2.

¹⁷ See the following cases: Human Rights Committee 'Concluding Observations: Georgia' (2002) UN Doc A/57/40 vol I 53 para 78(7); *Pinto v. Trinidad and Tobago* (Communication No. 232/1987) Report of the Human Rights Committee vol 2 UN Doc A/45/40 p. 69 para 12.7; *Kelly v. Jamaica* (2 April 1991) UN Doc CCPR/C/41/D/253/1987 para 5.7; Human Rights Committee 'Concluding Observations: Portugal' (2003) UN Doc A/58/40 vol I 56 para 83(11); Human Rights Committee 'Concluding Observations: Cambodia' (1999) UN Doc A/54/40 vol I 57 para 306; Human Rights Committee 'Concluding Observations: Congo' (2000) UN Doc A/55/40 vol I 43 para 282; Human Rights Committee 'Concluding Observations: Mongolia' (2000) UN Doc A/55/40 vol I 49 para 332; Human Rights Committee 'Concluding Observations: Syrian Arab Republic' (2001) UN Doc A/56/40 vol I 70 para 81(13).

¹⁸ UN Office of the High Commission for Human Rights, "Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran..." 22 January 2016, UA IRN 1/2016, available at: [https://spdb.ohchr.org/hrdb/32nd/public_-_UA_IRN_22.01.16_\(1.2016\).pdf](https://spdb.ohchr.org/hrdb/32nd/public_-_UA_IRN_22.01.16_(1.2016).pdf); "Authorities Refuse Furlough For Student Activist After Eight Months In Prison." International Campaign for Human Rights in Iran (ICHRI), 20 December 2010, available at: http://www.iranhumanrights.org/2010/12/bahareh_hedayat_ahmadian/; "Bahareh Hedayat Returns to Prison After Furlough for Medical Treatment." One Million Signatures Campaign, 9 September 2011, available at: <http://www.we-change.org/english/spip.php?article931>.

¹⁹ *Supra* note 5.

vulnerable members of Iranian society, including members of religious minorities, journalists, women and student activists.²⁰ Although the DHRC's offices were closed by Iranian authorities in 2008, the organization still attempts to provide *pro bono* representation for persons accused of political crimes and prisoners of conscience, many of whom are lawyers and law students.

On 30 July 2005, Mr. Soltani was first arrested and imprisoned. Other lawyers involved in DHRC who have been harassed and arrested on an ongoing basis by Iranian authorities due to their advocacy work are Mr. Mohammad Seifzadeh, *Ms. Nasrin Sotoudeh*, *Mr. Mohammad Ali Dadkhah*, *Mr. Mohammad Sharif* and Nobel Peace Prize winner *Ms. Shirin Ebadi*.²¹

Mr. Soltani was arrested and imprisoned in 2005, 2009 and 2011 on charges of co-founding DHRC, endangering national security, and "illegally" accepting award monies from the Nuremberg International Human Rights Award in 2009. The most recent imprisonment came after an arrest on 10 September 2011, while he was preparing to defend a group of Baha'i defendants. He was sentenced to 18 years in prison, which was reduced to 13 years on appeal in 2012. After applying the *Accumulation of Charges Act* and Article 134, his imprisonment was reduced to 10 years and his deprivation time was reduced to 2 years. Mr. Soltani is currently serving his long-term prison sentence in Tehran's Evin prison.²²

In addition to the arbitrary imprisonment, Mr. Soltani has also suffered non-penal punishments. Although he was acquitted on May 28, 2007 of all charges that were pending against him since July 2005, the Iranian authorities did not return his identity documents (i.e., passport and family record book), thus preventing him from exercising his freedom of movement, in violation of Article 12.2 of the ICCPR. Furthermore, in the 2008 elections to the Board of *Kanoon-e Vokala* (the Central Bar Association), Mr. Soltani was one of four lawyers - the others being Mohammad Dadkhah, Dr. Hadi Esmaeilzadeh and Fatemeh Gheyreat, all members of the DHRC - who were disqualified from standing by order of the judiciary.²³

In October 2012, Soltani was awarded the International Bar Association's Human Rights Award and Amnesty International designated him a prisoner of conscience, "held solely for the peaceful exercise of his right to freedom of expression and association, including his work as a defence lawyer and in the Centre."²⁴

²⁰ Carol Coulter, "Iran Human Rights Lawyer Calls for Global Support", Irish Times, 6 October 2012, available at: <http://www.irishtimes.com/news/iran-human-rights-lawyer-calls-for-global-support-1.548463>.

²¹ UN Office of the High Commissioner on Human Rights, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/25/61 (March 2014), available at: http://www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_25_61_AEV.doc.

²² HRANA News Agency, "Abdolfattah Soltani's Sentence Reduced To 10 Years", HRANA, 9 November 2015, available at: <https://hra-news.org/en/abdolfattah-soltanis-sentence-reduced-10-years>; Amnesty International, "Iran: Overturn jail sentence and release human rights lawyer", March 2012, available at: <https://www.amnesty.org/en/latest/news/2012/03/iran-overturn-jail-sentence-human-rights-lawyer/>.

²³ LRWC, Mr. Abdolfattah Soltani, arrest and incommunicado detention (18 June 2009), available at: <http://www.lrwc.org/mr-abdolfattah-soltani-arrest-and-incommunicado-detention/>

²⁴ International Bar Association, "Jailed Iranian Lawyer, Abdolfattah Soltani wins 2012 IBA Award", IBA, 10 October 2012, available at: <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=11F15056-2D67-4F67-B3BB-D010647BD6C8>.

In 2013, the WGAD declared that the deprivation of liberty of Mr Soltani is arbitrary, in violation of several articles of the ICCPR, and called on the Iranian Government to immediately release Mr Soltani and provide adequate compensation for his arbitrary detention.²⁵

On 10 March 2016, Mr. Seifzadeh was freed after serving a five-year prison sentence.²⁶ We submit that because their circumstances are similar, Mr. Soltani is equally deserving of immediate release from imprisonment. Based upon Article 58 the Islamic Penal Code, which states that the deciding court can issue the order of conditional release for convicts sentenced to more than ten years imprisonment after half of the sentence is served, and in other cases after one-third of their sentence is served, Mr. Soltani should be released by the judiciary, particularly in light of violations of his right to medical treatment, as outlined below.²⁷

Violation of right to medical treatment: Prison officials' actions from 2012 to present

Ms. Maedeh Soltani, the daughter of Mr. Soltani, reported that “[o]n Tuesday [May 3, 2016] my father suffered chest pains and his cellmates took him to the infirmary and then he was brought back to the ward. My father has become very thin. His body has melted away. His frequent visits to the prison clinic are not a good sign”. She further stated that “[t]hese incidents show he’s very sick and he needs immediate treatment. I hope he will be transferred to the hospital before it’s too late.” She also added that “[m]y mother puts in a request for my father’s medical furlough almost every week. But Mr. Hajiloo, the prison’s judicial official, doesn’t pay any attention,” and that “[h]e only takes the requests and says they will be reviewed.” Mr. Soltani was previously hospitalized for 41 days in 2013 for heart and digestive problems and returned to Evin before he had fully recovered. He was granted medical furlough on 17 January 2016 for 21 days, and again returned to prison prior to full recovery.²⁸

Islamic Republic of Iran’s Response

Despite these serious issues and other reports of similar situations, the Iranian government has failed to investigate or otherwise remedy the violations of domestic and international law by their agents. International concern with Iran’s inadequate response was noted by Lawyers for Lawyers, the Asian Legal Resource Centre and LRWC at the 26th Session of the UN Human Rights Council, alongside the International Bar Association’s and UN Special Rapporteur’s concerns about the continued erosion of the independence of the legal profession.²⁹

²⁵ International Federation for Human Rights, “Iran: United Nations Working Group on Arbitrary Detention orders immediate release of Abdolfattah Soltani”, 6 February 2013, available at: <http://www.refworld.org/docid/511cb66c.html>.

²⁶ International Campaign for Human Rights in Iran, “Lawyer Released from Prison in Iran Describes Grim Conditions for Political Prisoners”, 14 April 2016, available at: <https://www.iranhumanrights.org/2016/04/grim-conditions-prisoners/>.

²⁷ International Campaign for Human Rights in Iran “Lawyers still languishing in jails in Iran for defending dissidents under Rouhani’s watch” (2 August 2016), available at: <https://www.iranhumanrights.org/2016/08/lawyers-still-languishing-in-jails-in-iran-for-defending-dissidents-under-rouhanis-watch/>

²⁸ Jones, B. for The Global Dispatch, “Maedeh Soltani speaks out against Iran’s treatment of her father, human rights lawyer Abdolfattah Soltani”, 9 May 2016, available at: <http://www.theglobaldispatch.com/maedeh-soltani-speaks-out-against-irans-treatment-of-her-father-human-rights-lawyer-abdolfattah-soltani-85838/>.

²⁹ LRWC, Iran: Wrongful Prosecution and Imprisonment of Lawyers Report (27 May 2014), available at: <http://www.lrwc.org/iran-wrongful-prosecution-and-imprisonment-of-lawyers-report/>; UN Office of the High Commissioner on Human Rights, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/22/56 (February 2013), available at: http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-56_en.pdf; International Bar

Given the violations of international human rights in Iran that have continued unabated since the June 2013 elections and given the treatment of Ms. Hedayat and Mr. Soltani, the judicial sentences in mid-April 2014 and early March 2012 (reviewed in June 2012), respectively, are attempts to dissuade human rights defenders through fear from drawing public attention to violations of the law and to prevent lawyers away from properly exercising their duties and fully representing clients.

In March 2014, the UN Special Rapporteur on the human rights situation in Iran recommended that the Iranian government “prevent the intimidation of lawyers, including threats of detention and prosecution for discharging their ethical and professional responsibilities.”³⁰ The cases of Ms. Hedayat and Mr. Soltani exemplify a misuse of criminal sanctions to punish their peaceful exercise of internationally protected rights. The charges are intended to have a chilling effect on human rights defenders and civil society activists working in Iran and elsewhere and prevent exposure of human rights violations perpetrated systemically by the Government of Iran and on specifically identified residents of Iran.

On 12 February 2016, the WGAD transmitted the allegations regarding Ms. Hedayat to the Government of Iran under regular communication procedure, requesting detailed information regarding the circumstances of arrest and sentencing of Ms. Hedayat, including the legal grounds invoked by the authorities to justify continued detention, by 13 April 2016. Five days after the stipulated deadline, on 18 April 2016, the Government of Iran requested a one-month extension, which was not granted as this extension was to be requested within 60 days of the WGAD’s communication of the allegations. Finally, in June 2016, efforts by international media outlets to reach the judiciary on the WGAD’s report were unsuccessful.³¹

In January 2013, the WGAD declared that Mr. Soltani’s detention was arbitrary. LRWC has written to the Iranian authorities with respect Mr. Soltani in 2005, 2009, 2012 and 2014.³²

Violation of the right of human rights defenders to be protected from retaliation

Human rights defenders are entitled to conduct peaceful human rights advocacy and to be protected from retaliation including malicious prosecution and judicial harassment. The *Declaration on Human Rights Defenders*, adopted 9 December 1998 by consensus of the member States of the UN General Assembly, states that³³:

Association, Iran: IBA Concern over Access to Justice and Independence of the Legal Profession (11 October 2007), available at: <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=8281ffa3-1ce7-4976-a93d-e488cc0fa333>.

³⁰ Reuters, “U.N. body urges release of prominent Iranian rights activist”, 15 July 2016, available at: <http://uk.reuters.com/article/uk-iran-politics-activist-idUKKCN0Z127K>.

³¹ Mr. Abdolfattah Soltani, lawyer arrested and incommunicado detention (4 August 2009), available at: <http://www.lrwc.org/mr-abdolfattah-soltani-lawyer-arrested-and-incommunicado-detention/>; Iran: Human Rights Lawyer Abdolfattah Soltani arbitrarily detained (25 April 2013), available at: <http://www.lrwc.org/soltani/>; Abdolfattah Soltani – Lawyer and Founding member of Defenders of Human Right Centre (26 March 2012), available at: <http://www.lrwc.org/abdolfattah-soltani-lawyer-and-founding-member-of-defenders-of-human-rights-centre/>.

³² *Supra* note 4.

³³ UN Human Rights Council, [UN Guiding Principles on Business and Human Rights Implementing: the United Nations “Protect, Respect and Remedy” Framework](#), A/HRC/RES/17/4.

- “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels” (Article 12.1);
- “everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms” (Article 1);
- “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 present Declaration” (Article 12.2); and
- “[i]n the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject *only to such limitations as are in accordance with applicable international obligations* and are established by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society” (Article 17, emphasis added).

Iran has a duty to ensure the protection of Ms. Hedayat and Mr. Soltani as human rights defenders. LRWC urges the government of the Islamic Republic of Iran and its agents to:

1. Immediately and unconditionally release Ms. Hedayat and cease all reprisals against her, including the dropping of all criminal charges against her;
2. Immediately and unconditionally release Mr. Soltani and cease all reprisals against him, including the dropping of all criminal charges against him;
3. Respect the Islamic Republic of Iran’s international law obligations to provide adequate medical treatment for detained lawyers and other prisoners; and
4. Comply with the UDHR and specifically, the UN *Declaration on Human Rights Defenders* as well as the international human rights instruments ratified by the Islamic Republic of Iran.

We look forward to your early reply.

Sincerely,

Gail Davidson, Executive Director, LRWC

cc. Head of the Judiciary

His Excellency Ayatollah Sadeq Larijani

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