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His Excellency Ayatollah Ali Hosseini Khamenei

Supreme Leader of the Islamic Republic of Iran

The Office of the Supreme Leader

Tehran Province, Tehran, District 11,

Islamic Republic of Iran

9 September 2020

Open letter to His Excellency, Ayatollah Ali Hosseini Khamenei, Supreme Leader of the Islamic Republic of Iran from the International Bar Association's Human Rights Institute

Your Excellency,

We are writing to you on behalf of the International Bar Association's Human Rights Institute (IBAHRI) to express our grave concern over the continued detention of political prisoners, including human rights lawyers Nasrin Sotoudeh and Amirsalar Davoodi, who are currently detained in Tehran's notorious Evin Prison despite the global spread of Covid-19.

The International Bar Association, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The IBAHRI, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

The IBAHRI previously addressed Your Excellency in March 2019 calling for the immediate release of human rights lawyers Nasrin Sotoudeh and Amirsalar Davoodi. In July 2018, we expressed our concern to Your Excellency on the arrest and conviction in absentia of Ms Sotoudeh. Both Ms Sotoudeh and Mr Davoodi are serving their punitive, lengthy sentences in Evin Prison.

In accordance with the Covid-19 crisis, human rights groups, including the IBAHRI, have called on authorities to take urgent steps to prevent or limit the spread of the virus in detention facilities. Despite releasing thousands of prisoners to deal with overcrowding and sanitary concerns presented by the pandemic earlier this year, many prisoners and human rights defenders in Iran were excluded from consideration and remain in detention. The IBAHRI has received reports of a surge of cases of Covid-19 among political prisoners in Evin Prison. On 9 August 2020, 17 prisoners tested for the Covid-19 virus, with 12 confirming positive. However, none of these prisoners received any medical treatment. There has been little to no efforts to mitigate the spread of the virus among political prisoners. Prisoners who have presented symptoms have not been separated from the others. Given that only 17 prisoners were subjected to testing, there is a high probability that a larger number of prisoners may have contracted the disease. The IBAHRI is

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gravely concerned that the unjust sentences of political prisoners, including lawyers and human rights defenders, may turn into death sentences if urgent action is not taken.

In response to these events, Nasrin Sotoudeh, imprisoned prominent human rights lawyer, began a hunger strike on 11 August 2020. In a letter detailing her reasons for starting a hunger strike, Ms Sotoudeh has demanded the release of political prisoners at risk of catching Covid-19. Her latest action follows a lack of response from the judicial authorities to several letters she had previously written about the poor conditions that political prisoners are subjected to. Ms Sotoudeh is in a critical condition, after entering into day 24 of her hunger strike. She has been suffering from low blood pressures, fluctuating blood sugar levels, as well as continued rapid weight loss. Further, on 18 August, Ms Sotoudeh's daughter, Mehraveh Khandan was arbitrarily arrested by five security officers at her home in Tehran, and transferred to the court in Evin Prison. No reason was given for her arrest at the time, however she later learned that she is accused of physically assaulting a female security officer who had warned her about wearing a hijab in Evin Prison a year ago. She was held at the court before being released on bail. This arbitrary arrest appears to be part of a strategy of increasing pressure on Ms Sotoudeh while she is on hunger strike. The intimidation and assaults against Ms Sotoudeh's family members continue. It is understood that Ms Sotoudeh's peaceful hunger strike is open ended and will continue until her demand is met.

Another human rights lawyer, Amirsalar Davoodi is amongst those who have contracted the virus. The IBAHRI previously expressed concern as to the arbitrary arrest and sentencing of Mr Davoodi by the Iranian Revolutionary Court to over 29 years in prison, 111 lashes, and a fine of 60 million rials after being charged with crimes against national security for his human rights work. Mr Davoodi penned an open letter in February as he embarked on a hunger strike in protest at the Iranian authorities' refusal to grant him prison leave. Iranian authorities continue to systematically deprive political prisoners of basic legal and due process rights, and have ignored their appeals for legal remedies, such as conditional bail or early release.

With regard to these issues, the IBAHRI respectfully draws Your Excellency's attention to domestic and international law provisions regarding the right to life and the international standards on the treatment of prisoners. The right to life is protected in Article 6 of the International Covenant on Civil and Political Rights: *'Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.'*

In its General Comment No 36 (2018), the United Nations Human Rights Committee stated that the right to life is guaranteed: *'right for all human beings, without distinction of any kind, including for persons suspected or convicted of even the most serious crimes'* and that it entitles individuals, including those in detention, to *'be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.'* It further explains that *'the duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life'* such as *"the prevalence of life threatening diseases."*

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The UN General Assembly Resolution 70/175 sets the UN Standard Minimum Rules for the Treatment of Prisoners and we draw your attention to the following rules:

- Rule 24: ‘1. The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.’
- Rule 27: ‘1. 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’.
- Rule 30: ‘(d) In cases where prisoners are suspected of having contagious diseases, providing for the clinical isolation and adequate treatment of those prisoners during the infectious period.’

The IBAHRI calls on Your Excellency to take urgent, immediate action to prevent any loss of life, allowing for the immediate release of Ms Sotoudeh, Mr Davoodi, and all other political prisoners unjustly held in Iran’s prisons. The IBAHRI further urges the Iranian authorities to implement all possible measures consistent with their domestic and international obligations, including the right of persons deprived of their liberty to be treated with respect for their inherent dignity, and the right to life provide the adequate medical treatment to the political prisoners who have contracted Covid-19.

We would be grateful to receive your assurances that you have received our letter and that our concerns will be addressed as a matter of urgency.

Yours sincerely,

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Cc.

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