



Working Group on Arbitrary Detention
Special Procedures of the Human Rights Council
Office of the High Commissioner for Human Rights
United Nations Office at Geneva

3 September 2020

REQUEST FOR URGENT ACTION FOR NASRIN SOTOUDEH

Dear Esteemed Members of the Working Group on Arbitrary Detention and Special Mandate Holders,

We write to request your urgent action to ensure the health, safety and welfare of Nasrin Sotoudeh, a leading Iranian human rights lawyer who is arbitrarily detained in Iran's Evin prison, serving a shocking and arbitrary sentence of ***38 years in prison and 148 lashes***. Ms. Sotoudeh is the embodiment of the struggle for human rights in Iran. Over the course of Ms. Sotoudeh's dedicated career, she has represented a wide range of vulnerable and persecuted individuals, including minors on death row, abused children and women, journalists, human rights defenders, politicians, and even Iranian Nobel Peace Laureate, Shirin Ebadi. By imprisoning her with this shocking sentence, the Government has effectively sought to use her as a proxy for their assault upon and threats to all other human rights defenders in Iran.

Ms. Sotoudeh is on the 25th day of her open-ended hunger strike to demand the release of political prisoners imperilled by the COVID-19 outbreak in Evin prison. She is now in critical condition, suffering from unstable blood pressure and blood sugar, continued loss of weight, loss of memory, recurring migraines, vomiting and persistent nausea that prevents her from drinking water. Since the beginning of her hunger strike, Ms. Sotoudeh has lost approximately 15 pounds in weight. In light of Ms. Sotoudeh's life-threatening situation, we, the undersigned human rights organisations, urge you to take immediate action to prevent loss of life and imminent damage of a very grave nature in the event of her continued arbitrary detention.

Recent Developments

On 11 August 2020, Ms. Sotoudeh began a hunger strike, for the second time in the six months, to protest the continued imprisonment of human rights defenders and political prisoners in Iran who

are held in cruel, unsanitary conditions and at extreme risk of contracting the COVID-19 virus. In her letter explaining the reasons for her hunger strike, Ms. Sotoudeh exposes how authorities at Iran's Revolutionary Court 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, to which many of them are entitled in light of a new law.¹

Ms. Sotoudeh's serious concern is underscored by a recent COVID-19 outbreak in Evin prison. On 9 August 2020, out of only seventeen inmates who were tested in a single ward at Evin, twelve tested positive for COVID-19, including human right lawyer, Amirsalar Davoodi², suggesting a wider outbreak and onset of a second wave within the prison.³ The situation in Evin is particularly concerning as the prison is known to have long-standing issues regarding hygiene, overcrowding and healthcare⁴, suffering from extreme shortages of sanitary and medical supplies.⁵ The most recent report by the UN Special Rapporteur on Human Rights in Iran warns that these systemic issues are "putting detainees and prison staff at risk."⁶ These concerns are exacerbated where the Iranian Health Ministry has for months repeatedly neglected urgent letters from senior officials from Iran's Prisons Organization raising the severe shortage of essential protective equipment, disinfectant products, and medical supplies, according to recently leaked documents.⁷ Although Iranian officials reported the temporary release of thousands of prisoners in response to the crisis, most political prisoners and human rights defenders⁸, including vulnerable individuals, remain behind bars where they risk contracting the virus and possible death.

¹ www.raoulwallenbergcentre.org/newsfeed/2020/8/12/letter-from-nasrin-sotoudeh-starting-hunger-strike-demanding-release-of-political-prisoners

² www.ibanet.org/Article/NewDetail.aspx?ArticleUid=1d19d922-4f69-4718-9e90-3b446d2e2372

³ iranhumanrights.org/2020/08/nasrin-sotoudeh-begins-hunger-strike-in-evin-prison/

⁴ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25803&LangID=E at para. 60.

⁵ iranhumanrights.org/2020/02/grave-concerns-for-prisoners-in-iran-amid-coronavirus-outbreak/

⁶ <https://undocs.org/A/75/213> at para. 43.

⁷ www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/

⁸ www.amnesty.org/download/Documents/ACT3027652020ENGLISH.PDF

On 17 August 2020, after Ms. Sotoudeh already lost nearly 10 pounds while on hunger strike, the authorities sent five armed security agents to arrest her daughter, Mehraveh Khandan⁹, at her home in Tehran, surmised to be in retaliation against Ms. Sotoudeh's peaceful hunger strike. Mehraveh Khandan was then brought to the court in Evin prison, a court strictly designed for cases involving threats to national security, before eventually being released on bail after hours of interrogation. In 2012, Mehraveh Khandan was subjected to similarly harsh retaliation, when, at only 12 years old, she became the youngest Iranian to be subjected to a travel ban. The recent arrest of Ms. Sotoudeh's daughter followed a number of other assaults on her family, including freezing Ms. Sotoudeh's bank accounts, cutting off the family's access to their savings earlier this year, and sentencing her husband, Reza Khandan, to 6 years in prison *in absentia* on January 22, 2019. Recently, prison authorities have limited Ms. Sotoudeh's phone calls to three times a week for three minutes.

This is Ms. Sotoudeh's fourth hunger strike since her arrest in June 2018. Her previous strikes had more specific demands, such as the release of her husband from prison in 2018, hospital treatment for specific prisoners, granting political prisoners the right to a lawyer of their choice, and extending temporary release to a set of political prisoners who were left out of the mass release at the start of the COVID-19 outbreak in Iran. This time, her hunger strike remains open-ended, as political prisoners have been denied any legal recourse while there is an outbreak of COVID-19 in Evin prison. All of their requests for legal remedies have been ignored. Moreover, the recent unlawful arrest of Ms. Sotoudeh's daughter has prolonged her hunger strike indefinitely, as Ms. Sotoudeh asserted: "breaking my hunger strike is not possible for me after the illegal detention of my daughter." In light of her resolve to continue the hunger strike despite her deteriorating health and the lethal risks, it is imperative that the Working Group take immediate action to prevent loss of life.

Thus far, Ms. Sotoudeh has only been seen by the prison clinic briefly on one occasion, in contravention of Rule 22(2) of the Standard Minimum Rules for the Treatment of Prisoners, that prisoners requiring specialist treatment "be transferred to specialized institutions or civil hospitals." It was recommended to Ms. Sotoudeh that she receive a serum injection due to low blood pressure, although Ms. Sotoudeh refused such injection.

⁹ [//iranhumanrights.org/2020/08/nasrin-sotoudehs-daughter-detained-persecution-of-imprisoned-lawyers-family-intensifies/](https://iranhumanrights.org/2020/08/nasrin-sotoudehs-daughter-detained-persecution-of-imprisoned-lawyers-family-intensifies/)



Background

Over the years, Ms. Sotoudeh has been repeatedly persecuted for carrying out her role as a lawyer and defender of human rights in Iran. Her shocking sentence of 38 years and 148 lashes¹⁰, delivered on 11 March 2019, is emblematic of the recent, persistent and chilling attacks on the independence of the legal profession in Iran.¹¹ In 2018, Iran's Judiciary established a mandatory short-list of 20 state-approved lawyers, out of the over 20,000 members of the Tehran Bar Association, to represent those accused of national security crimes in Tehran's courts— charges used in politically motivated cases. Over the past two years, at least nine lawyers have been arrested, charged, sentenced and/or banned from practicing law for their human rights advocacy.¹²

On 13 June 2018, security forces arrested Ms. Sotoudeh in her home to serve a five-year prison term issued against her *in absentia*. No information was provided to Ms. Sotoudeh relating to the alleged offence she had committed or official charges. Ms. Sotoudeh was only informed during her interrogation that she was facing the falsified charges of 'propaganda against the state' and 'assembly and collusion,' only two of the eventual seven charges in her verdict. In truth, Ms. Sotoudeh, a veteran of the women's rights movement in Iran, was specifically targeted to deliver a severe blow to the community of women's rights defenders, human rights defenders and lawyers in Iran, and to prevent them from access to meaningful legal representation.

On 11 March 2019, Ms. Sotoudeh was convicted *in absentia*, behind closed doors, and sentenced to *33.5 years in prison and 148 lashes* by Branch 28 of the Revolutionary Court in Tehran in addition to the pre-existing five-year prison sentence. Ms. Sotoudeh refused to attend her trial and waived her right to a lawyer because she refused to legitimize the revolutionary court proceeding against her, which also required the selection of counsel from a limited State-approved list of lawyers. The final verdict was based on trumped-up charges, including the aforementioned national security charges, 'membership' in a group against capital punishment, 'appearing in public without the Islamic hijab,'

¹⁰ www.ibanet.org/Article/NewDetail.aspx?ArticleUid=6e5b79df-6b35-4ae8-bfe8-bb5b31c14efc

¹¹ www.ibanet.org/Document/Default.aspx?DocumentUid=D13237B9-27C9-4BE4-88E0-1048E995B302

¹² [//iranhumanrights.org/2020/06/list-of-attorneys-imprisoned-in-iran-for-defending-human-rights/](http://iranhumanrights.org/2020/06/list-of-attorneys-imprisoned-in-iran-for-defending-human-rights/)



‘publishing falsehoods’, ‘disturbing public order,’ and ‘encouraging corruption and prostitution’ for her defence of women who protested the compulsory hijab.

Categories of Arbitrary Detention and Legal Violations

Ms. Sotoudeh’s extremely harsh sentence is arbitrary under categories I, II, III and V of the Working Group’s methods and is in standing violation of the Islamic Republic of Iran’s international obligations under the *Universal Declaration of Human Rights* (UDHR), the *International Covenant on Civil and Political Rights* (ICCPR), which Iran has ratified, as well as the *UN Basic Principles on the Role of Lawyers* and the *UN Basic Principles for the Treatment of Prisoners*.

Ms. Sotoudeh’s deprivation of liberty falls under category I, as she was not informed of the legal basis at the time of arrest, nor during interrogations, and was convicted on spurious and vague charges against national security, for membership in a human rights group, and for encouraging “prostitution” by defending women for choosing to remove the hijab in public. Ms. Sotoudeh’s detention falls under category II insofar as it is a direct result of her public advocacy and legal representation of other human rights defenders and campaigners, association with human rights groups and performance of her professional duties as a lawyer, in violation of Articles 19 and 20 of the UDHR, and Articles 19, 20 and 21 of the ICCPR and Principles 16, 17, 18 and 23 of the Basic Principles on the Role of Lawyers. Ms. Sotoudeh’s detention is further rendered arbitrary under category III due to the grave and flagrant violations of her right to a fair trial. She was deprived of the right to be (1) tried by an impartial tribunal and a public hearing, (2) presumed innocence, (3) informed promptly of the charges against her, (4) the opportunity to adequately prepare a defence, and (5) to counsel of her choosing, as required by Article 14 of the ICCPR, Article 10 of the UDHR and Principles 27 and 28 of the Basic Principles on the Role of Lawyers. Finally, Ms. Sotoudeh’s detention is arbitrary under Category V as she was deprived of liberty in part on the discriminatory basis of gender as she was most harshly punished and targeted primarily for her defence of women’s rights defenders, carrying the most extensive penalty of 12 years imprisonment for “encouraging corruption and prostitution.” Further, the shocking and unprecedented nature of her sentence, as



opposed to those faced by other human rights lawyers or political prisoners, is further evidence that she was discriminated against on the basis of gender.

Moreover, Ms. Sotoudeh's flogging punishment is in violation of the prohibition under Article 5 of the UDHR and Article 7 of the ICCPR, which prohibit any form of flogging, including lashing, whipping, or beating. The United Nations Human Rights Committee has found that the use of flogging violates the ICCPR as it constitutes torture or prohibited cruel, inhuman or degrading treatment or punishment under Article 7.¹³ The State has a duty to prevent and punish such torture, not sanction it by law.¹⁴

It is important to note that this is not the first time Ms. Sotoudeh has been arbitrarily detained by the Government of the Islamic Republic of Iran. In 2011, Ms. Sotoudeh was subject to an opinion by the Working Group, finding her detention to be arbitrary resulting from the exercise of her rights and freedoms and work as a human rights defender. She was then sentenced to 11 years imprisonment, which was later reduced to 6 years, and banned from practicing law for 10 years on national security charges and "cooperating with a human rights body." She was pardoned and released after serving three years in September 2013.¹⁵

Urgent Appeal

Given Ms. Sotoudeh's ongoing hunger strike, now on day 25, her critical condition, and the dangerous conditions in Evin Prison, where there is a shortage of hygienic and medical supplies and a COVID-19 outbreak, we request that the Working Group and Special Procedures:

1. take urgent, immediate action to prevent any loss of life or damage of a very grave nature to Nasrin Sotoudeh should she continue to remain in detention under these dire circumstances;

¹³ See *George Osbourne v. Jamaica*, Communication No. 759/1997, U.N. Doc. CCPR/C/68/D/759/1997 (2000), 15 March 2000 at paras. 9.1 and 11; *Boodlal Sooklal v. Trinidad and Tobago*, Communication No. 928/2000 (2 February 2000), CCPR/C/73/D/928/2000, 25 October 2001 at para. 4.6; and, *Mr. Malcolm Higginson v. Belarus*, Communication No. 792/1998, U.N. Doc. CCPR/C/74/D/792/1998 (2002), adopted 28 March 2002 at para. 6.

¹⁴ See *Basic Principles for the Treatment of Prisoners*, Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990, available at: <https://www.ohchr.org/en/professionalinterest/pages/basicprinciplestreatmen>

¹⁵ www.ibanet.org/Article/NewDetail.aspx?ArticleUid=4af9ec64-8030-4075-9c01-9f60c4af5484



2. issue a prospective opinion under the Working Group's regular procedure to crucially document and seek a remedy for the egregious nature of Ms. Sotoudeh's arbitrary detention; and
3. continue to request an expedited independent and impartial review of all cases of suspected arbitrary detention and to immediately and permanently release all individuals found to be arbitrarily deprived of their liberty in Iranian prisons.

Thank you for your time and for your consideration of this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Irwin Cotler".

Irwin Cotler, PC, OC, OQ
International Legal Counsel to Nasrin Sotoudeh
Chair, Raoul Wallenberg Centre for Human Rights
Former Minister of Justice and Attorney General of Canada

A handwritten signature in black ink, appearing to read "Baroness A. Kennedy".

Baroness Helena Kennedy QC
Director, International Bar Association's Human Rights Institute

A handwritten signature in black ink, appearing to read "Y. Diamond".

Yonah Diamond
Legal Counsel, Raoul Wallenberg Centre for Human Rights

A handwritten signature in black ink, appearing to read "Z. Iqbal".

Zara Iqbal
Programme Lawyer, International Bar Association's Human Rights Institute