

**International Federation for Human Rights (FIDH)**

**World Organisation Against Torture (OMCT)**

**League for the Defence of Human Rights in Iran (LDDHI)**

## **Joint submission to the United Nations Universal Periodic Review (UPR) of Iran**

**34<sup>th</sup> Session of the Working Group on the UPR Human Rights Council (November 2019)**

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*The **International Federation for Human Rights (FIDH)** is an international human rights non-governmental organisation (NGO) federating 184 organisations from 112 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.*

*The **World Organisation Against Torture (OMCT)** is an international NGO that was created in 1985. OMCT works for, with and through an international coalition of over 200 NGOs - the SOS-Torture network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment.*

*FIDH and OMCT also provide a comprehensive and holistic system of support and protection for human rights defenders including in the framework of the Observatory for the Protection of Human Rights Defenders and of ProtectDefenders.EU.*

*The **League for the Defence of Human Rights in Iran (LDDHI)** was founded in Paris in March 1983, following the forced closure of the "Iranian Association for the Defence of Human Rights and Liberties" (established in 1977) in 1981, and the departure of its leaders into exile. Since its establishment, LDDHI has consistently reported and campaigned against human rights violations in Iran, concentrating on the abolition of the death penalty in Iran, women's rights, freedom of political prisoners, rights of religious and ethnic minorities, freedoms of expression, assembly and association among others. LDDHI has been a member of FIDH since 1986.*

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### **I - Worsening of the situation of human rights defenders, in particular human rights lawyers, since the previous UPR of Iran**

1. This document is a joint submission of FIDH, OMCT and LDDHI to the 34<sup>th</sup> session of the United Nations (UN) Working Group on the Universal Periodic Review (UPR) of Iran, to be held in November 2019. It assesses the situation of human rights defenders (HRDs), in particular human rights lawyers, who have been judicially harassed since 2017, and offers recommendations for the third cycle of the UPR.

2. Since the second cycle of the UPR of Iran in October 2014, the situation of HRDs, including lawyers, has continued to worsen. This has been particularly the case since street protests erupted in December 2017 in reaction to the government's economic policies and continued in 2018 in opposition to a wider set of issues.

3. A number of national security-related legislative provisions have been regularly used by the authorities to limit freedoms of expression, association, and peaceful assembly, pursue politically-motivated cases against HRDs, and violate fair trial rights. The use of these provisions is enabled by a judiciary that lacks independence from the executive branch of government and fails to uphold Iran's obligations under international law with regard to the right to a fair trial.

4. HRDs, including lawyers, are frequently arrested without charge, held in prolonged pre-trial detention without access to legal representation of their choosing, sentenced to lengthy prison terms following unfair trials, and incarcerated in poor conditions.

5. FIDH, OMCT and LDDHI recall that Iran has a long story of repression against HRDs. Scores of HRDs were detained prior to and during 2018 and many of them are currently serving prison terms, including Meses. **Narges Mohammadi, Atena Daemi, Golrokh Ebrahimi Iraee, Sepideh Qoliyani** and Messrs. **Arash Sadeqi, Saeed Shirzad, Esmael Abdi, Mehdi Beheshti Langaroodi, Mohammad Habibi, Jafar Azimzadeh and Esmael Bakhshi.**

## II - A legislative framework prone to abuse

6. Iran has taken no concrete steps towards becoming a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since its second UPR, during which Iran received 12 recommendations to ratify CEDAW and 10 to ratify CAT.

7. Iran's Constitution sets no limits or conditions on the right to legal counsel or representation, which is guaranteed by Article 35. In addition, according to Article 48 of the Criminal Procedure Code, people have the right to ask for - and have meetings with - a lawyer as soon as they are detained. However, a note to Article 48 stipulates that in cases of "crimes against internal or external security [...] during the investigation phase, the parties to the dispute are to select their attorneys from a list approved by the Head of the Judiciary."

8. In January 2018, the judicial branch began issuing lists of lawyers who are allowed to take on cases involving national security charges. Defendants accused of "crimes against internal or external security" are only allowed to choose legal representation from those lists during the preliminary investigation stage. This violates Article 35 of the Iranian Constitution, as well as Article 2(d) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, and which stipulates that everyone is entitled to "defend himself in person or through legal assistance of his own choosing."

9. It has been reported that only 20 out of 2,000 lawyers who are members of Tehran's Bar Association have been included in the list. As a result, many HRDs who faced national security charges were prohibited from being represented by a lawyer of their own choosing and were instead being represented by lawyers handpicked by the former Head of the Judiciary.<sup>1</sup>

10. This lack of access to adequate legal representation is exacerbated by a lack of due process in criminal trials in Iranian courts, formally known as Islamic Revolution Courts. Many judges in Iran are clerics who do not have any judicial qualifications and training and have been appointed to their positions based on their non-academic theological background. These judges have broad discretion to sentence the defendants based on an arbitrary provision known as "judge's knowledge", which judges frequently invoke even for handing down death sentences for murder.

<sup>1</sup> The new Head of the Judiciary is Mr. Hojattolislam Ebrahim Ra'eesi, who was appointed by the Supreme leader Ayatollah Khamenei on March 11, 2019. Mr. Ebrahim Ra'eesi is known for his participation in 1988 in a small group of people who sent thousands of political prisoners to death following summary trials.

### III - Government crackdown on peaceful protests

11. Judiciary and security forces in Iran have heavily cracked down on HRDs, including human rights lawyers, since the re-election of President Rouhani in May 2017.

12. Protests against the government's economic policies that began on December 28, 2017, in Mashhad and subsequently spread through the rest of Iran were met with unnecessary and disproportionate use of force by the authorities, resulting in the deaths of at least 21 protesters, according to the authorities. There have also been reports that at least seven protesters died in custody - three in Tehran's Evin prison and two each in Arak, Markazi Province, and Dezfoul, Khuzestan Province.

13. As the reasons why people took to the streets expanded, the movement began to include protests against Iran's mandatory hijab laws. Women participated in the movement by standing on boxes and removing their headscarves in public. Many of the people who participated in these protests against the mandatory hijab laws were subsequently arrested, detained, and charged in various criminal cases. By late 2018, at least 112 female defenders had been arrested or detained for opposing the compulsory hijab.<sup>2</sup>

### IV - Women's rights defenders and human rights lawyers particularly targeted

14. FIDH, OMCT and LDDHI have thoroughly documented **21 cases of judicial harassment of HRDs from January 2018 up to March 2019**, although this figure reflects only the most prominent cases that have drawn international attention.

15. **Many HRDs, both male and female, have been targeted for their support to the protests against mandatory hijab laws, as well as for their defence of women's rights in general.** A least three had been sentenced under national security charges at the date of submission, while at least four others were facing charges, although it is likely that there have been additional similar cases.

16. The most prominent case is that of Ms. **Nasrin Sotoudeh**, a leading human rights lawyer and women's rights defender, who was arrested on June 13, 2018 to serve a five-year sentence issued after she protested restrictions on the legal profession. She had also previously defended several individuals who protested against the mandatory hijab laws. On February 19, 2019, she was sentenced to a total of 33 years and six months in jail and 148 lashes on various charges for her support to the protests against mandatory hijab laws.

17. Meses. **Hoda Amid** and **Najmeh Vahedi**, known for organising educational workshops on topics related to marriage, women's rights, and the legal status of women in Iran, were both arrested on September 1, 2018. Ms. Hoda Amid, a lawyer, was released on bail on November 5, 2018, after spending more than two months in pre-trial detention. Ms. Najmeh Vahedi was released on bail on November 6, 2018. Both women are still facing unknown charges.

18. Ms. **Rezvaneh Mohammadi**, a student who has been promoting gender equality online and participating in gender equality workshops, was arrested on September 3, 2018. She had previously been arrested earlier in March 2018 by the morality police in Gorgan, Golestan Province, for not wearing "Islamic clothing." She was interrogated for 26 days and was eventually released on bail on October 20, 2018, following payment of a hefty fine. During a hearing held on February 17, 2019, Branch 28 of the Islamic Revolution Court in Tehran charged her with "acting against national security through normalising same sex relations." The judicial process is ongoing.

2 <https://www.amnesty.org/en/latest/news/2019/01/irans-year-of-shame-more-than-7000-arrested-in-chilling-crackdown-on-dissent-during-2018/>

19. Ms. **Maryam Azad**, a women's rights defender from the city of Shiraz, Fars Province, very active in the promotion of gender equality, was arrested on September 25, 2018, when she attempted to board a flight at Tehran airport bound for Turkey. She remained detained as of March 2019.

20. Ms. Nasrin Sotoudeh's husband, Mr. **Reza Khandan**, who is known for having raised concerns on Facebook about human rights violations in Iran, including the imprisonment of HRDs and the prosecution of women campaigning against mandatory hijab laws, was arrested on September 4, 2018 and provisionally released on December 23, 2018. On January 22, 2019, he was sentenced to six years of prison. He remains free pending his appeal.

21. Mr. **Farhad Mayssami**, a medical doctor and women's rights defender, was arrested on July 31, 2018, following an order of the Prosecutor's Office Branch 2, on politically-motivated charges, for possessing, among other things, a number of badges reading "I am opposed to forced hijab." On January 22, 2019, he was sentenced to six years of prison. He remained in detention in March 2019.

22. Since the late 2017 wave of protests, **at least fifteen human rights lawyers have been arbitrarily arrested or targeted** for taking up human rights cases and representing other prosecuted human rights lawyers. Although some have since been released on bail, others have been tried and sentenced to jail terms. Other human rights lawyers have been targeted because of their criticism towards the judiciary, including the judiciary's treatment of lawyers and of their clients.

23. Messrs. **Ghasem Sholeh-Saadi** and **Arash Kaykhosravi** were arrested on August 18, 2018, in front of the Parliament for taking part in a gathering to protest against the Guardian Council of the Constitution's exerting full control over election processes and vetting of candidates, and for calling for free, fair, and transparent elections. They were subsequently released on bail on December 10 and 11, 2018 respectively, after being sentenced to six years of imprisonment. The two remain free pending their appeal.

24. Human rights lawyers **Payam Derafshan**, who is defending three other incarcerated fellow human rights lawyers, and **Farrokh Forouzan-Kermani** were arrested on August 31, 2018 while visiting the family of another human rights lawyer, **Arash Kaykhosravi**. Both were released on hefty bails<sup>3</sup> on September 8, 2018, after being charged with "insulting the judicial authorities" (purportedly under Article 609 of the Islamic Penal Code).

25. Mr. **Mohammad Najafi** has been targeted in at least three different cases for taking up sensitive cases or for defending the right to a fair trial. On July 26, 2018, he was arrested for taking up the case of the death of a protester in police custody in January 2018 in Arak, Markazi Province.

26. Mr. **Mostafa Daneshju**, who has defended numerous Gonabadi Dervishes and is a Dervish himself, was arrested on July 8, 2018 and released on bail on March 7, 2019. On December 7, 2018, he was sentenced to eight years of prison. He remains free pending his appeal.

27. Mr. **Amir Salar Davoodi**, who represented political prisoners and defendants belonging to religious and ethnic minorities, was arrested on November 20, 2018 in his office. He was very active on social networks – he notably animated a Telegram channel dedicated to lawyers defending human rights. Some of his work documents were confiscated. On January 21, 2019,

<sup>3</sup> 1,100,000,000 Rials (around 23,000 Euros) - for Mr. Derafshan and 1,200,000,000 Rials (around 25,000 Euros) for Mr. Forouzan-Kermani.

his case was referred to Branch 15 of the Islamic Revolution Court on charges of “spreading propaganda against the system” and “insulting the authorities.”

28. Mr. **Farhad Mohammadi**, a Kurdish human rights lawyer and environmental activist, was arrested in Sanandaj, Kurdistan Province, on January 1, 2019. The reasons for his arrest, his place of detention, and the charges pending against him are not yet known. Mr. **Massood Shamsnejad**, a university professor and lawyer who represented several Iranian Kurdish political prisoners, was arrested on January 8, 2019, during the trial of one of his clients in Urmia, West Azerbaijan Province, and taken to the Intelligence Department's detention centre in Urmia. Security agents subsequently searched his house and office, and seized some of his documents. On February 10, 2019, he was notified of a six-year prison sentence imposed by Branch 3 of the Islamic Revolution Court in Urmia.

29. Mr. **Mostafa Tork-Hamedani** was summoned for questioning on July 26, 2018 for tweets he published about university professor and environmental activist Mr. **Kayous Seyed-Emami**, who died on February 8, 2018 while in custody of the Islamic Revolution Guard Corps (IRGC), and for criticising the judiciary's decision to bar him and other lawyers from defending environmental activists. Furthermore, in another case, on January 15, 2019, he was sentenced by Branch 1060 of the Criminal Court of Tehran, to ten months' imprisonment and 40 lashes under Article 696 of the Islamic Penal Code (“defamation”) for “publishing the non-finalised sentence of Mr. Saeed Mortazavi in an interview with a news agency”. The Court of Appeal subsequently commuted the sentence to six months in prison and suspended the 40 lashes for a period of one year.<sup>4</sup> On February 3, 2019, Mr. Mostafa Tork-Hamedani entered Tehran's Evin prison to serve the prison sentence, before being given an amnesty 11 days later.

30. Mr. **Hossein Ahmadi-Niaz** was summoned for questioning by the Islamic Revolution Court Branch 4 of Sanandaj, Kurdistan Province, on July 10, 2018, after signing an open letter criticising the Head of the Judiciary for imposing restrictions on thousands of lawyers in national security-related cases.

31. Ms. **Zeinab Taheri** was arrested on June 19, 2018, after she objected and criticised on Twitter the unfair proceedings against one of her clients. The Tehran Prosecutor said that Ms. Taheri had “incited the public opinion and mobilised counter-revolution against the Judiciary.” She was released on bail in late July 2018 and reportedly re-arrested on March 11, 2019.

32. On January 1, 2019, Mr. **Mehdi Houshmand-Rahimi** was convicted and sentenced *in absentia* to two years' imprisonment by Branch 1 of the Islamic Revolution Court of Arak, Markazi Province, on charges under Articles 514 (“insulting the Supreme Leader”) and 609 (“insulting the head of the Judiciary”) of the Islamic Penal Code. He remains free pending his appeal.

## V - Constant violations of the right to fair trial

33. HRDs, including lawyers, targeted during the latest crackdown faced numerous violations of the right to a fair trial, which is guaranteed by Articles 9 and 14 of the ICCPR. In many cases, Iranian authorities failed to provide the reasons for the arrest and/or to disclose the pre-trial stage charges, as was the case for Ms. **Hoda Amid**, **Najmeh Vahedi**, **Maryam Azad**, and **Rezvaneh Mohammadi**, and Messrs. **Mostafa Daneshju**, **Payam Derafshan**, **Farrokh Forouzam-Kermani**, and **Farhad Mohammadi**.

34. An egregious illustration of such abuses is the case of human rights lawyer Ms. **Nasrin Sotoudeh**. On June 13, 2018, security forces arrested Ms. Nasrin Sotoudeh at her home in

<sup>4</sup> Mr. Tork-Hamedani was one of the lawyers representing the staff of the Social Security Organisation (SSO), who had filed a complaint against Mr. Saeed Mortazavi, the former director of the SSO and ex-prosecutor of Tehran, on allegations of corruption and embezzlement.

Tehran and transferred her to Evin prison. She was shown an arrest warrant upon arrest and was told that she was being taken to serve a five-year prison sentence, which had been handed down against her *in absentia*. She was not shown the court ruling related to the sentence and had not been informed of the conviction or sentence before arrest. Prior to her arrest, the Iranian judiciary had neither disclosed the procedure by which the sentence was issued and communicated, nor given her the possibility to appeal.

35. The denial by the authorities of legal representation was also common in cases of detained HRDs, including lawyers. HRDs who were denied such right included Mses. **Hoda Amid**, **Najmeh Vahedi**, and **Maryam Azad**.

36. Judicial authorities have also denied many detainees facing national security-related charges, such as Ms. **Nasrin Sotoudeh** and Mr. **Farhad Mayssami**, access to a lawyer of their choice, particularly during the investigation process, pursuant to the Note to Article 48 of the Criminal Procedure Code [See above, Para. 7].

37. After being denied legal representation for months, some detainees were told to choose their lawyer from a list approved by the judiciary. Others were told to send a request for approval to the Head of the Judiciary, and in most of the cases, prominent human rights lawyers were not approved, or were approved too late, after their clients had already been coerced to confess under pressure during the investigation period.

38. It has been further reported that although judicial officials maintain that defendants facing national security-related charges are only forced to choose their legal representation from the list only during the investigation phase, several lawyers have been prevented from representing people accused of national security crimes at all stages of the legal process. For example, during his trial on January 29, 2019, Mr. **Massood Shamsnejad** was denied the right to have a lawyer and on February 17, 2019, during the first hearing of the trial phase, Ms. **Rezvaneh Mohammadi**'s lawyer was not allowed to defend her and was denied access to the court files.

39. Finally, in politically sensitive cases, Iranian courts often deny defendants written copies of their verdicts. Instead, they are only allowed to see the verdict and take handwritten notes of it in the presence of a court official. For example, Ms. **Nasrin Sotoudeh** was only allowed to see the February 19, 2019 verdict and take handwritten notes of its contents on March 16, 2019.

## **VI - Widespread abuse of national security charges undermines HRDs' right to freedoms of expression, association, and peaceful assembly**

40. FIDH, OMCT and LDDHI documented a pattern of criminalisation of HRDs, including lawyers, over national security legislation, which includes Articles 498 ("establishing any group that aims to disrupt national security"), 499 ("membership in a group that aims to disrupt national security"), 500 ("spreading propaganda against the system"), 508 ("cooperating with foreign States against the Islamic Republic of Iran"), 514 ("insulting the Supreme Leader"), 609 ("insulting public officials"), 610 ("gathering and collusion against internal or external security"), 618 ("disrupting order and comfort and calm of the general public or preventing people from work"), 697 ("defamation"), and 698 ("spreading falsehoods with intent to disturb the public opinion") of the Islamic Penal Code.

41. The extensive prosecution of HRDs under such national security provisions allows the authorities to deny them their right to legal counsel, in breach of international fair trial standards. HRDs' right to freedom of opinion and expression is also strongly undermined by the use of such national security provisions, which are in breach of Article 19 of the ICCPR.

42. On February 19, 2019, Ms. **Nasrin Sotoudeh** was found guilty and sentenced to a total of 33 years and six months of jail and 148 lashes over seven charges (including national security-

related Articles 499, 500, 610, 618, and 698 of the Islamic Penal Code), for – among other accusations – defending a woman who had peacefully protested against mandatory hijab laws<sup>5</sup>. Upon the exhaustion of domestic remedies, she will serve the jail sentences concurrently and, as a result, only the highest prison term will be enforced.<sup>6</sup>

43. Ms. Nasrin Sotoudeh's husband, Mr. **Reza Khandan**, was also sentenced on charges under Articles 500 and 610 of the Islamic Penal Code, as was Ms. **Farhad Mayssami**, a fellow women's rights defender. Mr. **Abdolfattah Soltani**, another prominent human rights lawyer, who benefited from a conditional release after seven years' imprisonment on November 21, 2018, had also been convicted under the same charges in June 2012. Mr. **Massood Shamsnejad** was sentenced under Articles 499 and 500. Messrs. **Arash Kaykhosravi** and **Ghasem Soleh-Saadi** were charged under Article 610, while Mr. **Amir Salar Davoodi** is facing charges under Articles 500 and 514.

44. Mr. **Mohammad Najafi** was targeted in three different cases for the exercise of his right to freedom of expression. On November 26, 2018, Mr. Najafi was sentenced to a total of 13 years' imprisonment by the Islamic Revolution Court in Arak, Markazi Province, under three separate articles of the Islamic Penal Code: two years under Article 500, one year under Article 514, and 10 years under Article 508. The charges are related to interviews he gave to *Voice of America*, *Radio Farda*, and *BBC Persian Service*. On January 22, 2019, in another case, Branch 102 of the Criminal Court in Shazand, Markazi Province, sentenced Mr. Najafi to two years' imprisonment and a 40,000,000 Rials (approximately 840 Euros) fine under Article 698 of the Islamic Penal Code for publishing a critically worded letter to Supreme Leader Ali Khamenei on his Instagram page.

45. Ms. **Zeinab Taheri** was arrested on June 19, 2018 purportedly on charges under Article 500 and 698 of the Islamic Penal Code. She was released on bail in late July 2018.

## VII - Harsh prison sentences and ban on future activities

46. HRDs already convicted and sentenced, including human rights lawyers, have often faced harsh prison sentences and sometimes lashes. It has been reported that these prison sentences have become harsher (up to 12 years) in 2018 and 2019.

47. On December 10, 2018, Branch 15 of the Islamic Revolution Court of Tehran sentenced Messrs. **Ghasem Sholeh-Saadi** and **Arash Kaykhosravi** to six years' imprisonment: five years under Article 610 ("gathering and collusion against internal or external security") and one year under Article 500 ("spreading propaganda against the system") of the Islamic Penal Code.

48. On December 7, 2018, Branch 28 of the Islamic Revolution Court sentenced Mr. **Mostafa Daneshju** to eight years' imprisonment: five years under Article 610, two years under Article 698, and one year under Article 500 of the Islamic Penal Code.

49. In some cases, the prison sentence included a specific ban on future activities related to their professional, social or political life.

50. On January 22, 2019, Branch 15 of the Islamic Revolution Court in Tehran sentenced Messrs. **Reza Khandan** and **Farhad Mayssami** to six years of imprisonment and banned them from "membership in social and political groups and parties, undertaking activities in cyberspace, the media and the press" and from travelling abroad for two years.

<sup>5</sup> The two other charges are the following: Article 639 ("encouraging people to commit corruption and prostitution, and providing the means for it"), Article 638 ("appearing without the sharia-sanctioned hijab at the premises of the magistrate's office").

<sup>6</sup> Under Article 134 of the 2014 Islamic Penal Code, defendants only serve the harshest sentence among all.

51. On June 10, 2012, Mr. **Abdolfattah Soltani** was sentenced to 13 years of prison and a 10-year ban on practising law. The ban was later reduced to two years. Mr. Soltani was conditionally released on November 21, 2018, after serving more than seven years of prison, but is still banned from practising his law profession - a fact that raises concerns that such a ban could be imposed on other prosecuted human rights lawyers. In 2010, Ms. **Nasrin Sotoudeh** had also been banned from practising law in a previous criminal case related to similar human rights activities.

### **VIII - Poor conditions of detention below international standards**

52. In general, HRDs in jail are facing harsher detention conditions than other detainees. They may face torture or other forms of ill-treatment, are kept for extended periods of time in solitary confinement, are deprived of essential medical care, and are frequently deprived of family visits.

53. Several female HRDs arrested in the context of the protests against mandatory hijab laws or for their defence of women's rights were detained *incommunicado* in the first days of their detention, without any contact with family, friends, independent lawyers or medical doctors.

54. For example, Ms. **Hoda Amid** and Ms. **Najmeh Vahedi** were both held *incommunicado* in the IRGC-run Section 2A of Tehran's Evin prison during most of their detention. Ms. Vahedi was also detained in solitary confinement for ten days. Ms. **Rezvaneh Mohammadi** was also detained *incommunicado* in Intelligence Ministry-run Ward 209, within Evin prison. Ms. **Maryam Azad** is also believed to be detained *incommunicado* in IRGC-run Section 2A of Evin prison since September 25, 2018. Ms. **Zeinab Taheri** was detained *incommunicado* in Qarchack women's prison in Sharhr-e Rey, southern Tehran, where she was allegedly subjected to ill-treatment, as a result of which she was subsequently transferred to a hospital.

55. Denial of family visits is sometimes used as an arbitrary punishment for detainees. On September 16, 2018, Ms. **Nasrin Sotoudeh** was informed that she would be denied her family visitation rights if she and her female visitors - including her daughter - did not wear a full hijab. Ms. Sotoudeh refused the condition and was denied the right to see her daughter on September 17, 2018.

56. Some HRDs were placed in solitary confinement for prolonged periods of time. Such treatment is in breach of the UN Standard Minimum Rules for the Treatment of Prisoners (the 'Nelson Mandela Rules') and the UN Rules of the Treatment of Women Prisoners (the 'Bangkok Rules'). For example, Mr. **Mostafa Daneshju** spent 45 days in solitary confinement in the Intelligence Ministry-run Ward 209, within Tehran's Evin prison after his arrest on July 8, 2018. It has also been reported that Mr. **Amir Salar Davoodi** has been detained in solitary confinement in Evin prison since his arrest on November 20, 2018. He has not been allowed to receive any visits except a visit from his parents on January 21, 2019, has been denied visits by his wife, and has not been allowed to consult either his lawyer or the prison doctor.

57. Some HRDs, such as **Farhad Mayssami, Abdolfattah Soltani, Zeinab Taheri, and Nasrin Sotoudeh**, repeatedly undertook hunger strikes to denounce their detention conditions and call for the release of fellow detained defenders. Mr. Mayssami undertook a hunger strike on August 1, 2018 to protest against his detention and called for the unconditional release of Nasrin Sotoudeh and Reza Khandan. His health deteriorated rapidly and he lost 34 kg. On September 26, 2018, he was forcibly transferred to the Evin prison clinic and administered intravenous fluids against his will. Following Mr. Reza Khandan's release on bail on December 23, 2018, Mr. Farhad Mayssami ended his five-month hunger strike. Ms. **Narges Mohammadi**, Spokesperson and Vice-President of the Defenders of Human Rights Centre (DHRC), who is

-serving a 16-year prison sentence, undertook a three-day hunger strike on January 14, 2019, to protest the Evin prison's authorities repeated denial of her specialised medical care.

58. Denial of medical care is also common for HRDs held on politically motivated charges, in breach of the 'Nelson Mandela Rules' and the 'Bangkok Rules.' Ms. **Narges Mohammadi** suffers from several very serious health conditions, including a pulmonary embolism and a neurological disorder that results in temporary partial paralysis. Her health condition is exacerbated by the authorities' refusal to allow her adequate medical care in or out of prison. Mr. **Mostafa Daneshju** suffered from cardiac problems and asthma, and authorities had been denying him proper medical care, before his release on bail. On July 21, 2018, Mr. Daneshju was taken to Tehran's Taleqani hospital and returned to prison without receiving care. On January 13, 2019, he was taken to Baqiyatullah hospital and returned to prison again, without receiving care. Mr Daneshju's lawyer reported on January 22, 2019 that 50% of his lungs were not functioning anymore, but the authorities refused to send him to hospital.

## **IX - Recommendations for the UPR of Iran:**

59. FIDH, OMCT and LDDHI urge UN member States to make the following recommendations during the third UPR of Iran:

### **A. General recommendations**

60. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Iran;

61. Fully implement all provisions under international human rights treaties binding on Iran as well as all recommendations issued to Iran by relevant UN Treaty Bodies and Special Procedures.

62. Ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and incorporate their provisions into the domestic legal framework before the next UPR cycle.

63. Comply with reporting requirements under the International Convention on Civil and Political Rights (ICCPR), the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), in a timely manner.

64. Extend standing invitations to all UN Special Procedures, including the UN Special Rapporteur on the Situation of Human Rights Defenders and the UN Special Rapporteur on the Situation of Human Rights in Iran, for an official visit to Iran.

65. Abolish the death penalty.

### **B. Protection of HRDs**

66. Guarantee in all circumstances the physical integrity and psychological well-being of all HRDs in Iran.

67. Immediately and unconditionally release all detained HRDs.

68. Repeal or amend laws, regulations, and other provisions that criminalise or restrict the exercise of the right to freedom of expression, the right to freedom of association, and the right to freedom of peaceful assembly.

69. Immediately end all forms of harassment, including judicial harassment, against HRDs, including human rights lawyers, journalists, trade unionists, and student leaders, and ensure that they are able to carry out their activities without hindrance.

70. Ensure that all criminal proceedings are conducted in full accordance with Article 14 of the ICCPR, including guaranteeing the right to legal assistance of one's own choosing.

71. Ensure the prompt, effective and impartial investigation of threats, harassment and assault, as well as allegations of custodial torture against HRDs, including lawyers, journalists, trade unionists and student leaders, and, when appropriate, prosecute the perpetrators of such acts.

70. Ensure that all criminal proceedings are conducted in full accordance with Article 14 of the ICCPR, including guaranteeing the right to legal assistance of one's own choosing.

72. Ensure the proper implementation of the UN Standard Minimum Rules for the Treatment of Prisoners (the 'Nelson Mandela Rules') and the UN Rules of the Treatment of Women Prisoners (the 'Bangkok Rules').

73. Conform to all the provisions of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998.

### **C. Independence of judges and lawyers**

74. Ensure that the judiciary is free from interference of any kind and upholds the integrity of judges, prosecutors and lawyers, through transparent and merit-based appointments.

75. Remove all executive and judicial interference in the management and working of bar associations and ensure that bar associations are autonomous and self-regulatory bodies.