

His Excellency Ayatollah Ali Hosseini Khomeini
Supreme Leader of the Islamic Republic of Iran
Tehran Province, Tehran, District 11
Islamic Republic of Iran

29 September 2020

Your Excellency,

The Bar Human Rights Committee of England and Wales (“BHRC”) write to raise concerns in respect of the case of the human rights lawyer **Nasrin Sotoudeh**, whose health seriously deteriorated following a prolonged hunger strike. In 2019 she was sentenced to a total of 38 years’ imprisonment and 148 lashes for undertaking her professional obligations to her clients by enabling them to exercise the basic human right of access to justice.

BHRC is the international human rights arm of the Bar of England and Wales. We are an independent body of legal practitioners who work to protect the rights of advocates, judges and human rights defenders around the world and defend the rules of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

We are deeply concerned for Ms Sotoudeh, who has remained in Evin prison despite measures brought in to release thousands of prisoners to deal with overcrowding and sanitary concerns in the wake of the COVID-19 pandemic. In September 2020, the UN High Commissioner for Human Rights reiterated the concerns of several UN experts that political prisoners and prisoners of conscience have been excluded from such temporary release measures, and urged Iranian authorities to pursue such releases as an urgent public health measure.

According to the facts received, on 11 August 2020 Ms Sotoudeh began a second hunger strike to demand the release of political prisoners in Iran. Her health severely deteriorated and she was hospitalised on 19 September 2020. On 23 September she was returned to Evin prison despite reports of concerning cardiac issues. Following this, several UN experts called for her immediate release for medical treatment. It has since been reported that Ms Sotoudeh has ended her hunger strike.

Ms Sotoudeh’s important and courageous work includes defending women prosecuted under Iran’s laws on compulsory veiling and peaceful public protest. In 2012, she received the European Union’s most prestigious human rights award, the Sakharov Prize for Freedom of Thought. In a letter to the UK Foreign Secretary on 20 March 2019, BHRC and the Bar Council noted that the sentence passed against her under Article 134 of Iran’s Penal Code is the harshest sentence Amnesty International has documented against a human rights defender in Iran in recent years.

BHRC respectfully draws your attention to the protections contained in the International Covenant on Civil and Political Rights (ICCPR), to which the Islamic Republic of Iran is a party. Article 6 of the ICCPR enshrines that every human being has the inherent right to life protected by law, and that no one shall be arbitrarily deprived of his or her life. In accordance with the Human Rights Committee's General Comment 36 (2018), the duty to protect life "*implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity*", which includes addressing life threatening diseases.

Further, the Islamic Republic of Iran has a duty under the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) to protect the health of prisoners and detainees. Rule 24 provides that "*prisoners should enjoy the same standards of health care that are available in the community*" regardless of citizenship, nationality or migration status. The OHCHR and WHO interim guidance on COVID-19 and persons deprived of their liberty specifically calls for the release of those whose detention is arbitrary or otherwise does not comply with domestic or international standards.

Finally, we respectfully draw your attention to the duties of the Islamic Republic of Iran under the UN Basic Principles on the Role of Lawyers. Principle 16 provides that "*Governments shall ensure that lawyers are able to perform. all of their professional functions without intimidation, hindrance, harassment or improper interference*" and "*shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and services.*"

BHRC respectfully urges the Islamic Republic of Iran to ensure urgent steps are taken to monitor and safeguard the health of Nasrin Sotoudeh. We strongly reiterate our call for the immediate release of Ms Sotoudeh, as well as all lawyers detained in Iran for performing their professional duties.

Yours sincerely

Stephen Cragg QC
Vice-Chair, BHRC

Zimran Samuel
Executive Committee Member, BHRC

Copy to:

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