

# Information on the implementation of the recommendations of the UN Working Group on Arbitrary Detention in Opinion No.28/2016, *Nazanin Zaghari Ratcliffe v Iran*

## I Procedural Background

1. On 17 June 2016, REDRESS submitted to the UN Working Group on Arbitrary Detention (UNWGAD or Working Group) an individual complaint in respect of Ms Nazanin Zaghari Ratcliffe.<sup>1</sup>
2. On 1 July 2016, the UN Special Rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; on the independence of judges and lawyers; on violence against women, its causes and consequences; on torture and other cruel, inhuman or degrading treatment or punishment; and on the situation of human rights in the Islamic Republic of Iran (Special Rapporteurs), submitted a joint Urgent Appeal to the Government of Iran, highlighting their concern about Nazanin's situation and requesting further information from the Government on steps taken to safeguard Nazanin's rights.<sup>2</sup>
3. On 5 August 2016, REDRESS submitted additional information to the Working Group regarding Nazanin's situation.<sup>3</sup>
4. Iran responded to the letter of the UN Special Rapporteurs and a communication from the UNWGAD on 25 August 2016. According to Iran, Nazanin was arrested in accordance with the law for acting against national security. She was allowed frequent contact with her family, had access to a lawyer and "was in good health condition in prison."<sup>4</sup>
5. The Working Group issued its Opinion No.28/2016 in Nazanin's case on 7 September 2016. It was transmitted to REDRESS on 6 October 2016. The UNWGAD, found, *inter alia*, that:
  - a. Nazanin's arrest and detention were unlawful and arbitrary contrary to article 9 of the International Covenant on Civil and Political Rights (ICCPR);
  - b. her right to a fair trial was violated contrary to article 14 ICCPR;

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<sup>1</sup> REDRESS, Submission to United Nations Working Group on Arbitrary Detention, Nazanin Zaghari Ratcliffe v Iran, 17 June 2016, at <http://www.redress.org/downloads/160617submission.pdf>.

<sup>2</sup> Office of the High Commissioner for Human Rights, Urgent Appeal IRN 20/2016, 1 July 2016, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=3232>.

<sup>3</sup> REDRESS, Follow up submission to United Nations Working Group on Arbitrary Detention, Nazanin Zaghari Ratcliffe v Iran, 5 August 2016.

<sup>4</sup> Reply from the Islamic Republic of Iran to UA IRN 20/2016 and UNWGAD Communication 2016/IRN/CASE, No.2050/9483., 25 August 2016.

- c. Iranian authorities subjected her to treatment in violation of article 10 (1) ICCPR. The Working Group referred the case to the UN Special Rapporteur on torture for further investigation, including whether article 7 ICCPR has been violated.
6. The Working Group requested the Government of Iran to, *inter alia*:
  - a. take “the necessary steps to remedy the situation of Ms Ratcliffe without delay;”
  - b. release her immediately;
  - c. accord her an enforceable right to compensation; and
  - d. fully investigate the circumstances of her arrest and detention.
7. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his report of 30 September 2016 highlights Nazanin’s case, including her solitary confinement, the denial of adequate access to a lawyer and her sentence to five years imprisonment on “secret charges.”<sup>5</sup> Iran refuted all allegations in response.<sup>6</sup> A detailed analysis of Iran’s response is provided in Annex 1 of this submission.<sup>7</sup>
8. On 6 October 2016, the Special Rapporteurs sent a follow up Urgent Appeal to the Government of Iran, expressing their serious concern about Nazanin’s situation and requesting information on the allegations made in Nazanin’s case, including her arbitrary and unlawful arrest and detention, treatment in prison, lack of access to adequate medical care, her unfair trial in August 2016. On 7 February 2017, Iran responded to the Urgent Appeal, stating that Nazanin was “charged with membership and cooperation with hostile groups and projects aiming at disturbing public security” and that she was sentenced after hearing her defence and following a trial “in the presence of Ms Zaghari and her defence lawyer.”<sup>8</sup>
9. On 7 October 2016, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran called for Nazanin’s immediate and unconditional release, stating that “[S]entencing individuals for charges that are kept secret from defendants and their defence lawyers is a mockery of justice.” His appeal was endorsed by other Special Rapporteurs as well as by the Chair-Rapporteur of the Working Group.<sup>9</sup>

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<sup>5</sup> Office of the High Commissioner for Human Rights, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/71/418, 30 September 2016, para.37.

<sup>6</sup> Response of the Islamic Republic of Iran to the draft report of the Special Rapporteur on the situation of human rights in Iran to the seventy first session of the United Nations General Assembly – September 2016, pp.29-30.

<sup>7</sup> See Annex as prepared by Richard Ratcliff, Nazanin’s husband.

<sup>8</sup> Reply of the Islamic Republic of Iran to UA IRN 26/2016, Ref: 2050/10599, 7 February 2017, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=30059>.

<sup>9</sup> Office of the High Commissioner for Human Rights, Iran: UNN rights expert calls for the immediate release of dual nationals, 7 October 2016, at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20653&LangID=E>.

10. On 25 January 2017, REDRESS submitted further information to the Working Group on Nazanin's situation under the Working Group's urgent action procedure (January 2017 Update). The Update provided information on Nazanin's trial and appeal hearing, the prosecution of Nazanin's lawyer, concerns regarding her worsening health and limited and tightly controlled communication with the outside world.<sup>10</sup>

## **II IMPLEMENTATION OF THE WORKING GROUP'S RECOMMENDATIONS**

11. The Government of Iran has not implemented any of the Working Group's recommendations. To the contrary, at the time of writing, Nazanin remains in detention, having been sentenced to five years imprisonment for national security related crimes in an unfair trial. Her situation has been further aggravated since the Working Group's Opinion in September 2016, as also set out in the January 2017 Update and further below.

## **III UPDATE ON NAZANIN'S SITUATION**

12. Since the January 2017 Update, further information has come to light regarding Nazanin's situation as summarised below and as detailed in confidential Annex 2.
13. The following information is provided to update the Working Group on relevant developments since it issued its Opinion on 7 September 2016 and to complement information previously submitted to the Working Group, in particular pertaining to i) Nazanin's trial and appeal hearing; ii) the impact of her detention on her health; and iii) her ability to communicate with the outside world. Further information is provided on threats to Nazanin's family and on the United Kingdom's consular support to Nazanin and her family.

### **III.1. COURT HEARINGS AND ACCUSATIONS AGAINST NAZANIN<sup>11</sup>**

14. According to information available to REDRESS, following her arrest in April 2016, Nazanin was pressured to confess that she was a British spy working for the British Government. She was also forced to confess that she was working in Iran for the Thomson Reuters Foundation. None of these claims are true, and no evidence was presented to support these claims.
15. As set out in the January 2017 Update, on 6 September 2016, Judge Salavati of the Revolutionary Court 15 sentenced Nazanin to five years imprisonment for unspecified national security related crimes. The court session took around 2.5

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<sup>10</sup> REDRESS, Urgent follow up submission to United Nations Working Group on Arbitrary Detention, Nazanin Zaghari Ratcliffe v Iran, 25 January 2017.

<sup>11</sup> See for more detail, January 2017 Update, paras. 3-8.

hours and Nazanin was not provided time to defend herself. She was only allowed to meet her lawyer once for 45 minutes one day before the court session. She was not allowed to speak during the session, and her lawyer was given only five minutes to defend her.

16. The same procedure was followed for the appeal procedure before the Revolutionary Court 54 on 4 January 2017. The judge, just like the judge at first instance, was surprised by the media coverage of her case, and suggested she record a filmed interview to deny what was said in the media to have happened to her. She refused. During the trial, her interrogator from Kerman Prison acted as informant, which is contrary to Iranian law, and pretended that he had seen Nazanin participating in demonstrations against the government in 2009. Nazanin was not in Iran at the time, and did not participate in any demonstration against the government in the UK. She was wrongly accused of being knowingly married to a British spy. Her interrogators had previously attempted to make Nazanin confess that her husband worked on Iran for the UK government (which is a falsehood). She was also accused of having been the Head of Recruitment BBC Persian, which is also incorrect. The Head of the BBC World Service stated publicly that “Mrs Zaghari-Ratcliffe has never worked for BBC Persian. She worked briefly for BBC Media Action, our international development charity, in a junior administrative capacity.”<sup>12</sup> However, this notwithstanding, on 22 January 2017, the spokesperson of the judiciary announced that the Court had upheld Nazanin’s sentence of five years imprisonment for national security related crimes.
17. On 4 April 2017, a news agency close to the judiciary published an article on Nazanin’s case, claiming that Nazanin confessed to being a spy and to being in touch with western intelligence services, that she was a leader of a “foreign linked hostile network” and an agent of Thomson Reuters Foundation. The article states that Nazanin confessed that she was in charge of a Cyber and Media Project of Reuters in Lebanon, Georgia, Burma, Morocco and Jordan, and that her objective was to overthrow governments and to spy.<sup>13</sup>

### **III.2. IMPACT ON NAZANIN’S HEALTH AND ACCESS TO MEDICAL CARE**

18. Nazanin was kept in solitary confinement for 7 months, in cells that were very small and depressive, with the majority of them about 1.5 square meters in size. The cells did not have any windows to the outside and there was no natural light and no fresh air. She was allowed two walking breaks of 30 minutes outside her cell per day, always taken there blindfolded. As a result of those circumstances, she had panic attacks, palpitations, fear and low confidence.

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<sup>12</sup> See for instance Reuters, British-Iranian aid worker sentenced to jail for “cooperation with BBC”- family, 23 January 2017, at <http://www.reuters.com/article/iran-ruling-nazanin-idUSL5N1FD3LQ>.

<sup>13</sup> See Mizan Online, at <https://goo.gl/hns5Rj> (in Farsi).

19. In October 2016, Nazanin confessed to her family that she was feeling suicidal. She complained of a number of physical problems – blurred eyesight, back pains, dental problems and uncontrollable palpitations. In November 2016, Nazanin embarked on a hunger strike over her treatment, which she only broke when her mother, together with her daughter Gabriella, came to prison to plead with her to eat, and because her mother passed out in front of her under the stress, sending her daughter Gabriella, hysterical.
20. Nazanin’s health has also deteriorated as a result of the solitary confinement. She is suffering from arthritis in her neck, which is getting worse due to the conditions of detention. On or around 4 February 2017 she was taken to the prison hospital, where a doctor, after having carried out an x-ray, prescribed that she should see a specialised neurologist for her neck and shoulder. On 19 February 2017, a neurological specialist recommended Nazanin’s urgent hospitalisation, which, at the time of writing, still had not been approved by the authorities. While she received an MRI scan in early March 2017, she is yet to be hospitalised for necessary treatment in her shoulder, arm and neck. The pain in her arm and right hand results in extensive periods of numbness, and a limited ability to move her arms beyond a certain point. She is no longer able to lift her daughter during visits, to climb a ladder to use prison bunk beds, or some days to use her hands. She had some further medical tests in early April 2017, yet there is no indication suggesting that her hospitalisation has been approved. Nazanin confirmed to her family on 10 April that she had not yet been hospitalised.
21. The family does not have access to all x-ray and MRI scan results. An early x-ray suggested that the problem was caused by either vertebrae out of place or intervertebrae discs out of place, causing her severe pain. One MRI scan the family did see showed that there was a problem with deterioration and arthritis in Nazanin’s neck, and that the main problem was with her shoulder. On that basis the specialist recommended urgent hospitalisation. Nazanin’s family have been allowed to give her a neck brace to wear during the day. According to her family, she is suffering from spasms up and down her spine, and on occasion, passed out and could not speak when she woke up.
22. This is accompanied by regular panic attacks, unexplained stresses and compounded by an inability to sleep. She reported to family a feeling of inescapable pressure and depression,<sup>14</sup> and wrote that “[E]very day and every second I would submerge more and more in an ocean of doubt, fear, threat, loneliness and more than anything mistrust.”<sup>15</sup> The prison doctor recently prescribed some anti-depressant sleeping pills, but no painkillers. Nazanin is still struggling to put on weight and continues to suffer from hair loss.

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<sup>14</sup> See further, Free Nazanin Campaign, Press Release, Nazanin awaiting hospitalisation – neurological specialist requests urgent treatment; family awaiting approval from Prosecutor’s Office, 20 February 2017.

<sup>15</sup> Letter sent to her husband, 14 March 2017, at <https://www.change.org/p/free-nazanin-ratcliffe/u/19698755>.

23. Her precarious health situation prompted 49 Members of the European Parliament in a joint letter published on 3 April 2017 to call for her “immediate admission to hospital for tests and treatment.”<sup>16</sup>

### **III.3. COMMUNICATION WITH THE OUTSIDE WORLD**

24. Nazanin’s contact with the outside world was, and continues to be, very limited and tightly controlled. She was not allowed to see her daughter for the first 40 days of her arrest, and then a second time only on day 70, two days after her daughter’s second birthday, whereas she had previously been promised she would be released on this date. Since Christmas, she has mostly been allowed a family visit once a week. Since the beginning of April 2017 she has been allowed two visits per week, however no clear pattern is yet discernible.
25. Occasionally her interrogators allowed Nazanin to call her family in their presence and the presence of a translator, who were then allowed to call her husband on another line so that both can communicate via speakerphone and an audience. On 18 February 2017 the Prosecutors Office approved a monthly phone call direct to her husband. She was allowed to make a phone call directly to her husband’s phone that day, though could not reach him, so called indirectly. Subsequently that approval has been revoked and it was denied that it had ever been issued. Nazanin informed her family on 9 April that she will again go on hunger strike if a direct call to her husband is not allowed. On 10 April 2017, Nazanin for the first time since her arrest in April 2016 was allowed a one-off call direct to her husband. It is unclear whether future phone calls will be granted. On 9 April 2017, the authorities allowed Nazanin for the first time since her arrest to write a letter to her husband. However this was in Farsi, which he does not speak.
26. In December 2016, Nazanin told her husband by telephone that she was being pressured to choose between moving Gabriella into prison or signing a document renouncing all her rights regarding her child. This issue has also been reported in the advance version of the UN Special Rapporteur’s 2017 report on Iran [A/HRC/34/65]. This pressure was dropped once Nazanin was moved to the general cells. In January 2017, through a subsequent phone call in the presence of her interrogators, Nazanin informed her husband that she was being pressured to sign a document requesting that the Revolutionary Guard keep hold of Gabriella’s passport, otherwise the British government was going to take her baby away from her. Nazanin did not sign the document.
27. The British ambassador is denied access to visit Nazanin in prison as Iran does not recognise Nazanin’s British nationality.

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<sup>16</sup> See letter sent by the Progressive Alliance of Socialists and Democrats to Iran Judiciary, Ministry of Justice and Council for Human Rights, March 2017.

#### **III.4. THREATS TO NAZANIN'S FAMILY AND HER LAWYER IN TEHRAN**

28. Nazanin's family is very concerned about communicating publicly about her situation in prison and about her husband's public campaign for her release, fearing that it may result in intimidation and reprisals against them. These concerns are compounded by the fact that they are currently looking after Nazanin's daughter, Gabriella, who is dependent on their support.
29. As highlighted in the January 2017 Update, authorities prosecuted Nazanin's lawyer for his role in defending Nazanin.<sup>17</sup> The case against him remains open.

#### **III.5. CONSULAR SUPPORT BY THE UNITED KINGDOM**

30. The United Kingdom (UK) plays an important role in Nazanin's case as also recognised by the Working Group's finding that the Iranian authorities were motivated by Nazanin's dual UK –Iranian nationality status to arrest and detain her.
31. Nazanin's case is regularly raised by UK authorities at the embassy level and periodically by the Foreign Secretary and by the Prime Minister. While the substance of what was raised specifically is not known to REDRESS or Nazanin's husband Richard, the UK Government did call for consular access to her and expressed its concern over Nazanin's health reports, requesting that she be given appropriate treatment. Upon Richard's request, officials of the UK Foreign Office visited their daughter Gabriella once in December and facilitated meetings with the UK Minister for the Middle East. The Government also requested the return of Gabriella's passport to the family.
32. Richard requested that the Government publicly state that there is no substance to the allegations that Nazanin is a spy. The UK Government has not yet acted on this request.
33. Richard also urged the UK Government to acknowledge that their daughter Gabriella is not voluntarily in Iran, contrary to statements made in Parliament. The UK Government has not yet expressly and publicly called for Nazanin's release. It has also not acknowledged the negative impact on both Nazanin and Gabriella in being separated from each other, for more than a year. Furthermore, the Government has failed to acknowledge the likely significant negative impact on both Nazanin's and Gabriella's well-being, if her daughter was to be repatriated to the United Kingdom whilst Nazanin remains in prison.

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<sup>17</sup> See January 2017 Update, paras. 9-12.

## IV. Conclusion

34. At the time of writing, more than 6 months after the Working Group issued its Opinion, and more than one year after Nazanin's arrest and detention, Nazanin remains in detention, separated from her daughter and her husband, in increasingly precarious conditions. We therefore urge the Working Group to follow up on its recommendations of 7 September 2016, and, in addition to those recommendations, request Iran to:

- Guarantee that, pending release, Nazanin has proper access to health care in compliance with international standards as set out by the UN Standard Minimum Rules for the Treatment of Prisoners and in particular, to immediately proceed with the hospitalisation of Nazanin as recommended by the specialised neurologist;
- Pending release, guarantee full visitation rights to Nazanin's parents and other family members, and by her daughter, in full compliance with Iranian law and international standards, including, in respect of her daughter Gabriella, the rights enshrined in the UN Convention on the Rights of the Child;
- Release Nazanin's daughter's passport (held by the Revolutionary Guard) to the grandparents;
- Immediately invite UK consular officials to have unfettered access to Nazanin;
- Immediately cease any harassment and any other retaliatory action against Nazanin's family and others associated with her case, including her lawyer.



**Annex 1: Refutation and clarification of matters included in the Islamic Republic of Iran's response to the Special Rapporteur Report (October 2016), “Response to Paragraph 38.” In that section, a number of false or misleading statements are made regarding Nazanin’s case and treatment by the Iranian authorities, which are replied to below.<sup>18</sup>**

| Iran’s Misstatement to the UN  | The Facts   |
|--|---|
| <p><i>"According to the received information, Ms. Nazanin Zaghari was arrested after finding documented evidence for her attempts against national security in Kerman city, followed by orders of judicial authorities and after dispatching to Kerman (the place where crime was discovered) investigations regarding her mentioned accusations was initiated."</i></p> | <p>This is not true.</p> <p>Nazanin was not in Kerman in 2016. She has not been to Kerman for over 10 years, since she was working for the Red Cross following the Bam earthquake.</p> <p>Neither Nazanin, her family in Iran or her husband, know what Nazanin is alleged to have attempted in Kerman city which is against Iranian national security. It is implausible that Nazanin committed any crime in Kerman given that she has not been there since 2005.</p> <p>Statements in Iranian state controlled media have described Nazanin as being involved in the 'soft overthrow' of Iran through her membership to a network of hostile foreign organisations and the 'evil British media'. Nazanin is a charity worker for the Thomson Reuters Foundation in London. The Thomson Reuters Foundation is an international charitable organisation that has no involvement in Iran.</p> <p>Without any plausible evidence provided as to what Nazanin has or is alleged to have done, this statement is refuted.</p> |
| <p><i>"Ms. Zaghari during her detention was in a suite in Kerman prison and had access to phone calls and met her family frequently"</i></p>   | <p>This is not true.</p> <p>Nazanin's "suite" in Kerman prison was a small prison cell where she was kept in solitary confinement for a period of 45 days. The conditions were so poor in fact, that Nazanin could not even walk or stand without blacking out for days after she was moved out of solitary confinement. Nazanin's family were not informed of her location for almost 2 weeks after she was taken at Tehran Imam Khomeini International Airport. It was not confirmed who was holding her for the first 3 weeks of her detention.</p> <p>The assertion that Nazanin met her family frequently during her detention in Kerman is incorrect. Only <u>one</u> visit was allowed on 11 May 2016 in a hotel room in Kerman, during which Nazanin could neither discuss her arrest nor disclose the location or conditions of her detention. Kerman is over 1,000 km away from Tehran, the home of Nazanin's family and place of her arrest, and so frequent visits would have been impossible.</p>            |

<sup>18</sup> Prepared by Richard Ratcliffe, Nazanin’s husband.

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Whilst in solitary confinement, Nazanin was allowed only 10 phone calls to her family, each at the end of a day as reward for co-operation in her interrogation.

After her period in solitary confinement, Nazanin was moved to the general women's wing of Kerman prison where she slept on the floor of a crowded cell, where she was kept for 18 days. This is not a "suite" in any sense of the word. Although more frequent family calls were allowed in the general wing, on some occasions these were denied to Nazanin as punishment for her family's campaigning activities in the UK (notably, Nazanin was denied from calling her daughter on her second birthday). Calls to her husband have generally been prohibited.

It is worth re-iterating that Nazanin had no access to a lawyer and faced no charges during her detention in Kerman. She was denied her fundamental freedoms of liberty and access to justice.

*"Since her two-year old child was in Tehran under the care of relatives, due to humane reasons, Ms. Zaghari was transferred to Tehran where she was provided with daily meeting with her child; also, she was in perfect health condition."*

Neither part of this statement is true.

Visits:

The assertion that Nazanin has been allowed daily meetings with Gabriella following her move to Evin prison is plainly false. Nazanin has never had daily visits with Gabriella.

The frequency of family visits has varied during the course of her detention, as where she has been held has changed.

There have been periods where a number of weeks passed without Nazanin having access to Gabriella – particularly in the periods prior to her court appearances or during active interrogation where she was kept isolated, and a number of weeks could pass without Gabriella being allowed to see her mother.

Equally visits were promised and then suddenly revoked despite the family holding papers from the Prosecutors Office. On other occasions, Gabriella and the rest of the family have been made to wait a number of hours before admission for a shortened visit (when the only ones in the waiting room) to punish them or Nazanin.

Since Nazanin's transfer to the general cells and her appeal verdict in late January 2017, visits have largely followed the standard pattern of weekly visits alongside the families of other women political prisoners.

Twice a week visits were promised by the Prosecutors Office in March 2017 and have started in early April.

Over the course of the year, family visits have largely been used by the Iranian authorities as a discretionary favour to reward or punish Nazanin's behaviour, rather than a right.

Additionally in December 2016 Nazanin was presented with an ultimatum by her IRGC interrogators – either Gabriella should move into prison with her for part of the week, or she should sign a waiver rejecting her custody and visiting rights. Following her move to the general cells, this ultimatum was not pursued.

Health:

It is not correct to assert that Nazanin is in perfect health condition.

To the contrary, reports from family visits and more recent specialist examinations have indicated that Nazanin's health has suffered significantly whilst under the control of the Iranian authorities.

During the period of her initial solitary confinement and interrogation in Kerman, Nazanin suffered significant weight and hair loss, and physical weakness. She was too weak to even lift Gabriella, who had to be placed in her mother's arms.

In the autumn, Nazanin went on hunger strike while back in solitary confinement following the authorities refusal to allow her to speak to her husband. At the time she again complained of suffering from regular palpitations and sudden pains in her neck from the stress and anxiety of being locked up and worries for her family.

In late January 2017 these neck pains became more extensive. Nazanin suffered from regular spasms, restricted movement in her neck, back and arms, an inability to lift any weight, and passed out - unable to speak for a period when she came round. After a number of visits by her family to the Prosecutors Office, she was eventually granted permission to see a neurological specialist on 19 February 2017, who recommended she be admitted to hospital immediately for urgent treatment and follow up tests, or risk permanent impairment of her ability to use her hands. He again repeated this advice on 18 March 2017 after a follow up consultation. Almost 2 months later, Nazanin remains in Evin Prison, while the Judge considers whether to grant this treatment.

As for Gabriella's health, there is no way the Iranian authorities could make a statement that she is in good health, since they have never examined her, or offered any health checks. She has also missed various hospital appointments that had been scheduled in the UK. Plainly for a child of 1.75 years to be taken away from both her parents for a year is deeply traumatic, in a way that she is too young to be able to express.

Nazanin's family welcome the Islamic Republic of Iran's acknowledgment that there are serious humanitarian concerns with this case, particularly in separating a young child from her mother and father across different continents. Given these concerns and the Islamic Republic of Iran's promises regarding Nazanin's treatment, they continue to request assurance from the Embassy that:

1. Nazanin will be permitted daily visits from Gabriella and her family as reported until she is released home;
2. Nazanin will be provided with adequate medical care and admitted to hospital for treatment per the neurological specialist's recommendation;
3. Nazanin will be permitted a visit from a British consular official so that her health and wellbeing can be independently verified.

*"Since Ms. Zaghari's child had entered Iran using* This statement is misleading. The Iranian authorities continue to hold Gabriella's passport, and

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*British Passport, access to her was available to the British Consulate while the child was kept by close relatives (grandparents) from the beginning." ... "Furthermore, the claim of banning the child from leaving Iran is untruthful."*

have not returned it despite a number of requests.

The family's understanding is that Gabriella's passport is currently being held by the Kerman branch of the Revolutionary Guard.

There have been a number of requests for the return of Gabriella's passport to the family:

- The family requested from Nazanin's IRGC interrogators repeatedly during prison visits in Evin prison since June 2016.
- Her husband has made the request from the Iranian Embassy in London.
- The UK government formally requested it from the Iranian Ministry of Foreign Affairs in November 2016
- Her family formally petitioned the Court in Evin Prison, administered by the Prosecutor's Office for the return of the passport on 25 February 2017, when it was again promised.
- The Iranian Ministry of Foreign Affairs again promised to return Gabriella's passport to her grandparents in March 2017.

To date this passport has not been returned.

Additionally in January 2017 Nazanin was strongly pressured to sign documents formally stating that she requested the Revolutionary Guard to keep hold of Gabriella's passport. She refused to sign these documents.

Since the Iranian authorities are unwilling or unable to return Gabriella's passport, despite all these requests, it remains accurate to state that she personally is detained in Iran. This is in effect a ban against her leaving Iran.

Gabriella is currently only 2 years old. Any effective consular access needs to be provided to her through her legal guardian in Iran, Nazanin. However, Nazanin has been denied consular access on her own behalf, or on behalf of our daughter.

In order to provide her with effective consular access, Nazanin, as Gabriella's legal guardian and representative, should be allowed to speak with a British consular official.

*"Upon request, Ms. Zaghari's husband will receive latest information about her dossier, legally and officially, by referring to the Consulate section of the Embassy of Islamic Republic of Iran"*

To date, this promise has not been kept.

Her husband has requested this dossier from the Iranian Embassy in London a number of times, and has received no response.

He has also offered to travel to Iran to meet with the Judiciary and view the dossier there, and requested assistance with a visa. Again no response.

Both of Nazanin's trials were held in secret, and no family member was allowed to attend.

While Nazanin's lawyer in Iran was given a copy of her charge sheet following her sentence being upheld on appeal, he has been prohibited from sharing it with her husband, or with her family in Iran. Neither Nazanin nor the prison have been given a copy of it either.

Her husband welcomes the Embassy's offer to provide him with the latest information on Nazanin's dossier as soon as possible.

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*"He can even travel to Iran."*

This is also untrue.

The Iranian authorities have never responded to any request for advice in how her husband could get a visa to travel to Iran, the first stage of which is how to get a visa authorisation number from the Ministry of Foreign Affairs in Iran, despite a number of requests in writing.

*"Regarding the claim for not having access to lawyer, it is informed that the referenced person insisted to have her father-in-law as her lawyer while according to Iran's law, just like many other countries, official lawyer of an individual (if required) shall be selected by referring to the country's Lawyers Association."*

This statement is also a distortion.

Nazanin never requested that her father-in-law should be her lawyer. While she was in Kerman, in May 2016 Nazanin presented the name of her Iranian lawyer to the authorities. During her investigation in Kerman, she was denied any legal assistance and was interrogated in solitary confinement for 45 days (in breach of International Law and Iranian Laws).

Subsequently, Nazanin was moved to Tehran (Evin prison) where she was subjected to a second round of interrogations.

Nazanin was indicted on 11 July 2016.

Nazanin was first granted access to her lawyer on 11 August, 3 days before her trial. Legal representation was permitted but subject to her lawyer being approved as "suitable" by the Judge trying her case.

In the course of a year's detention, Nazanin has been allowed to meet her lawyer twice, outside of court appearances. She did not meet her lawyer subsequent to her first trial until half an hour before her appeal hearing.

Though Nazanin is unaware of it, a case has been opened personally against her lawyer for the appeal papers he wrote.

Following Nazanin's indictment, her family in the UK requested from the Iranian Embassy in London that her husband be allowed to attend her trial as an observer. The request for an observer was made given serious concerns over Nazanin's access to independent legal support and a fair trial. It was not granted.

Nazanin has been sentenced for 5 years and is still not aware of the charges she has been sentenced for. Consequently, her access to justice and a fair trial continues to be impaired.

*Furthermore, by stating the final date of the court, Ms. Zaghari finally accepted the policy of selecting the lawyer and the court of her dossier was held on September 5, 2016."*

This is another factual inaccuracy.

Nazanin's court hearing was held on 14 August in the presence of Judge Salavati in Revolutionary Court 15.

Nazanin's sentence was confirmed to her lawyer some 3 weeks later on 6 September, the day after the British Embassy was upgraded in Tehran, and Iranian Embassy in London.

News of this sentence was made public by her family on 9 September following personal confirmation by Nazanin in the presence of her Revolutionary Guard interrogators.

Her appeal was filed on 14 September, and subsequently heard on 4 January. Under Iranian law it should have been heard within 30 days. On 19 January the Spokesperson for the Judiciary confirmed her sentence of 5 years had been upheld.

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**ANNEX 2: CONFIDENTIAL [Submitted separately]**

**ANNEX 3: CONFIDENTIAL [Submitted separately]**