



European Parliament Delegation for Relations with Iran
European Parliament
Rue Wiertz
Altiero Spinelli 12E102
1047 Brussels
(Via email)

Re. Meeting with the Ambassador of the Islamic Republic of Iran

12 June 2017

Dear Delegation Member,

We, the undersigned organisations, write to you in advance of the European Parliament Delegation for relations with Iran (the Delegation)'s upcoming meeting with His Excellency Mr. Peiman Seadat, Ambassador of the Islamic Republic of Iran. We welcome that this meeting is taking place as it provides an important opportunity for dialogue and exchange, in particular in follow up to the recent Presidential elections in Iran. As civil society organisations working with victims of human rights violations, including in Iran, we would like to use the opportunity of the meeting to raise our concerns regarding the situation of several EU citizens and residents currently detained in Iran.

We draw the Delegation's attention to the assessment made by the United Nations Working Group on Arbitrary Detention (UNWGAD) that there is an "emerging pattern involving the arbitrary deprivation of liberty of dual nationals in the Islamic Republic of Iran."¹ The UNWGAD Opinions indicate that dual nationals are being targeted on the basis of "national or social origin" as dual nationals.² Among the dual nationals currently reportedly detained in Iran are 6 EU citizens, who have experienced violations of their due process and fair trial rights and who continue to be detained in Iran in precarious conditions.

¹ Human Rights Council Working Group on Arbitrary Detention, *Opinion No. 28/2016 concerning Nazanin Zaghari-Ratcliffe (Islamic Republic of Iran)*, UN Doc. A/HRC/WGAD/2016/28, 7 September 2016, para 48. Available at: <http://www.redress.org/downloads/wgad-opinion-7-september-2016.pdf> (WGAD Opinion, Zaghari-Ratcliffe). In addition to EU dual citizens and residents, other dual nationals detained in Iran include citizens from the USA and Canada. See for example, UN OHCHR, Press Release, *Iran: UN rights expert calls for the immediate release of dual nationals*, 7 October 2016. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20653> (UN OHCHR Press Release – Iran dual nationals).

These include: Mr. Kamal Foroughi, Ms. Roya Nobakht, Mr. Kamran Ghaderi, Ms. Nazanin Zaghari Ratcliffe, Mr. Sabri Hassanpour and Ms. Elham Barmaki.³ It is important to note that the real number of dual nationals detained is likely to be higher, as families are frequently reluctant to publicly report about the arrest and detention of their loved ones for fear of reprisals against them.

Obtaining information about detained individuals' wellbeing is challenging due to restrictions on communications with the outside world and Iranian authorities' unwillingness to allow EU Member States to provide those detainees who are dual nationals of Iran as well as EU Member States with regular consular assistance. Iran does not recognise dual nationality.⁴

In 2016 the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran criticised the secret charges used in one of these cases noting that it represents "evidence of the Iranian judiciary's complete disregard for the most basic fair trial and due process guarantees enshrined both in Iranian domestic laws and the International Covenant on Civil and Political rights, to which Iran is a State party."⁵

A number of Members of the European Parliament have similarly expressed their grave concern regarding "the situation of dual EU-Iranian nationals being held prisoner in Iran on vaguely-worded charges, subject to unfair trials, as well as to inhumane conditions in prison, including the denial of medical care."⁶

We further recall that the European Parliament has previously called on Iran to free imprisoned EU citizens detained or convicted under a judicial process that did not meet international standards, including Mr. Foroughi and Ms. Zaghari-Ratcliffe.⁷

Following the agreement of the Joint Comprehensive Plan of Action, otherwise known as the Iran Nuclear Deal, Europe and Iran have entered a new relationship. Moving forward in this relationship requires cooperation and frank discussion regarding human rights and the rule of law. As the Delegation offers a direct channel of communication between the European Parliament and representatives of the Islamic Republic, this mechanism provides an opportunity to openly and constructively address the emerging pattern of arbitrarily detaining dual nationals. The meeting with Ambassador Saadat further provides an

³ Please see the attached annex for further information regarding these cases.

⁴ Washington Examiner, *Iranian president on imprisoned American dual nationals: We don't recognize dual citizenship*, 21 Sept 2016. Available at: <http://www.washingtonexaminer.com/iranian-president-on-imprisoned-american-dual-nationals-we-dont-recognize-dual-citizenship/article/2602504>

⁵ UN OHCHR Press Release – *Iran dual nationals*, *supra* n. 1.

⁶ Letter from MEPs to Sadeq Larijani, Head of the Judiciary, Minister Mostafa Pourmohammadi, Head of Council for Human Rights Mr. Mohammad Javad Larijani, 3 April 2017. Available at: http://www.juliewardmep.eu/meps_urge_the_iranian_government_to_release ; See also, Letter from MEPs to HR/VP Mogherini on the case of Nazanin Zaghari-Ratcliffe in Iran, 27 Jan 2017. Available at: <https://marietjeschaake.eu/en/letter-to-hr-vp-mogherini-on-the-case-of-nazanin-zaghari-ratcliffe-in-iran>.

⁷ European Parliament Resolution, EU strategy towards Iran after the nuclear agreement (2015/2274(INI)), 25 Oct 2016, para. 48, 2016.

important opportunity to highlight serious concerns in relation to the broader human rights situation in Iran, including the arrest and detention of hundreds of human rights defenders, journalists, trade unionists and political activists who are arbitrarily detained.⁸

We therefore urge you to use the upcoming meeting with Ambassador Seadat to reiterate calls for the release of all political prisoners and of EU citizens and residents arbitrarily detained in Iran. Noting that the meeting is scheduled to address the outcome of the Presidential election in Iran we suggest that the Delegation request an update on the situation of detained EU citizens and residents following the re-election of President Rouhani, and seek to obtain assurances from the Ambassador that, pending release, their rights will be respected, including full access to medical care and consular assistance from EU Member States.

Yours sincerely,

Jürgen Schurr

Head of Law and Policy
The Redress Trust (REDRESS)

Gerald Staberock

Secretary General
OMCT (World Organisation against Torture)

Jago Russell

Chief Executive
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Andrea Giorgetta

Director of Asia Desk
FIDH (International Federation for Human Rights)

Cc: European External Action Service, Task Force Iran
EU Special Representative for Human Rights
EU Member States
High Representative-Vice President Mogherini

⁸ See for example concerning the situation of trade unionists: FIDH, *Iran: Briefing Note on the Repression of Trade Unionists*, 12 May 2017, Available at: <https://www.fidh.org/en/issues/human-rights-defenders/iran-briefing-note-on-the-repression-of-trade-unionists>

Annex: Cases of EU citizens and residents reportedly currently detained in Iran⁹

I. Kamal Foroughi

1. Mr. Foroughi, a 77 year old British-Iranian citizen, has been detained in Evin prison in Tehran since 2011. He was arrested on 5 May 2011 by plainclothed men who did not show an arrest warrant or explain to him the reasons for his arrest.¹⁰ Mr. Foroughi was held in solitary confinement for over eighteen months, until the end of 2012. Initially he was not informed of the charges against him but was later convicted on charges of “espionage” and possessing alcoholic beverages.¹¹ He was denied contact with anyone outside the prison, including his family in the United Kingdom, until April 2014.¹²
2. In 2016 the Special Rapporteur on the situation of human rights in Iran listed Mr. Foroughi’s case among a “sample of cases... in which the accused’s due process and fair trial rights were, and in some cases continue to be, violated.”¹³ The authorities have not allowed Mr. Foroughi British consular assistance.
3. In October 2016, several UN Special Procedures issued a statement expressing concern about Mr. Foroughi’s deteriorating health, noting complications as a result of his age.¹⁴ Since his detention Mr. Foroughi’s health has deteriorated: he has complained of memory loss and back pain, and he may be at risk of losing his eyesight unless he is given access to adequate specialised medical treatment, including cataract surgery.¹⁵

II. Elham Barmaki

4. Ms. Barmaki, a dual Cypriot-Iranian national, was arrested on 28 December 2011 and spent 3 months in solitary confinement. She was released and then sentenced to 5 years in prison in addition to receiving a fine of 400 million Iranian rials (approx. 25,000 Euros). After she was arrested again on 23 July 2012, she spent 14 months in solitary confinement before being moved to a public prison ward on 29 September 2013. Ms. Barmaki is 47 years old and has one child. In 2016 the Special Rapporteur on the situation of human rights in Iran listed Ms. Barmaki’s case as one of “dozens of women reportedly detained or serving prison sentences either for the peaceful

⁹ Cases are presented in chronological order, by date of arrest. Information on cases of individuals not represented by the undersigned organisations is obtained from public sources. The real number of dual nationals detained is likely to be higher, as families are frequently reluctant to publicly report about the arrest and detention of their loved ones for fear of reprisals against them.

¹⁰ Human Rights Council, UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, *Supplementary information on the situation of human rights in the Islamic Republic of Iran*, UN Doc. A/HRC/31/CRP.5, 10 March 2016, para. 45.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*, para 29.

¹⁴ UN OHCHR Press Release – *Iran dual nationals*, *supra* n. 1.

¹⁵ Amnesty International, *Urgent Action: Elderly Prisoner at Risk of Losing his Eyesight*, 13 September 2016, 2nd update on UA: 233/15 Index: MDE 13/4815/2016 Iran. Available at: https://www.amnesty.org.uk/files/fi23315_2.pdf.

exercise of their fundamental rights or pursuant to flawed trials.”¹⁶ LDDHI (Iranian League for Human Rights), a member of FIDH, informs that Ms. Barmaki is detained in the Women’s Ward of Evin Prison and is suffering from medical conditions including lower back disc pain and arthritis.

III. **Roya Saberi Nobakht**

5. Ms. Saberi Nobakht, a British-Iranian national has reportedly been detained in Iran since 2013.¹⁷ She was reportedly arrested when she arrived in Iran to visit family after posting comments about the Government on Facebook while living in the United Kingdom.¹⁸ She was initially sentenced to 20 years in prison.¹⁹ In 2016 the Special Rapporteur on the situation of human rights in Iran listed Ms. Nobakht’s case as one of “dozens of women reportedly detained or serving prison sentences either for the peaceful exercise of their fundamental rights or pursuant to flawed trials.”²⁰ Though it has been reported that her sentence has been reduced,²¹ sources indicate that Ms. Nobakht remains in detention today.²²
6. As a dual national, similar cases suggest that Ms Nobakht does not have access to any consular assistance.

IV. **Kamran Ghaderi**

7. Mr. Ghaderi, an Austrian-Iranian dual national, was reportedly arrested in Tehran in January 2016 while on a routine business trip.²³ Sources indicate that he has been

¹⁶ Human Rights Council, UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, *Supplementary information on the situation of human rights in the Islamic Republic of Iran*, UN Doc. A/HRC/31/CRP.5, 10 March 2016, para 97.

¹⁷ See for example, Human Rights Council, UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, *Supplementary information on the situation of human rights in the Islamic Republic of Iran*, UN Doc. A/HRC/31/CRP.5, 10 March 2016, para 97 and p. 28.

¹⁸ UNGA, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, *Situation of human rights in the Islamic Republic of Iran*, UN Doc. A/69/356, 27 Aug 2014, para 27.

¹⁹ Human Rights Council, UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, *Supplementary information on the situation of human rights in the Islamic Republic of Iran*, UN Doc. A/HRC/31/CRP.5, 10 March 2016, p. 28.

²⁰ Human Rights Council, UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, *Supplementary information on the situation of human rights in the Islamic Republic of Iran*, UN Doc. A/HRC/31/CRP.5, 10 March 2016, para 97. See also, Independent, *Roya Nobakht: British woman imprisoned in Iran over anti-government Facebook comments is ‘being physically tortured’, say campaigners*, 15 July 2015. Available at: <http://www.independent.co.uk/news/world/middle-east/roya-nobakht-british-woman-imprisoned-in-iran-over-anti-government-facebook-comments-being-10391450.html>.

²¹ See for example, Jimmy Wales Foundation, *Roya Nobakht: UK-Iranian Woman Imprisoned in Iran Over Facebook Posts*, 14 September 2015. Available at: <http://jimmywalesfoundation.org/roya-nobakht-uk-iranian-woman-imprisoned-in-iran-for-facebook-posts/>.

²² Free Roya Now Campaign, 1 March 2017. Available at: <https://www.facebook.com/freeroyanow>.

²³ Radio Free Europe, *Wife of Iranian-Austrian Jailed in Iran Proclaims his Innocence*, 20 Oct 2016. Available at: <https://www.rferl.org/a/iranian-austrian-ghaderi-jailed-wife-proclaims-innocence/28065723.html>.

held in solitary confinement at Evin prison.²⁴ In October 2016, he was sentenced to 10 years imprisonment on charges of espionage and cooperation with an enemy state (the US).²⁵ According to the Center for Human Rights in Iran, Mr. Ghaderi was told that if he did not sign a confession his wife would be detained.²⁶ Reportedly Mr. Ghaderi remains in prison to date and does not have access to consular assistance.

V. Nazanin Zaghari-Ratcliffe

8. Ms. Zaghari-Ratcliffe, a British-Iranian national, was arrested by the Iranian Revolutionary Guard at Tehran airport on 3 April 2016 after visiting her parents with her 22 months old daughter, Gabriella.²⁷ Gabriella's British passport was confiscated by Iranian authorities until May 2017 and she was thus separated from both her parents for over a year as she was unable to return to the UK to her father.
9. Ms. Zaghari-Ratcliffe was held in two undisclosed locations before being transferred to Evin Prison, where she remains in detention today. The Iranian authorities have refused to allow her British consular assistance. She has been held in solitary confinement for considerable periods during her detention and was denied access to a lawyer until three days before the start of her trial in August 2016. In September 2016, following an unfair trial conducted in secret, she was sentenced to five years imprisonment on unspecified charges. Her subsequent appeal hearings have also been held in secret.
10. In September 2016, the UNWGAD issued an Opinion stating that Ms. Zaghari-Ratcliffe's detention was arbitrary, and called on Iran to release her immediately.²⁸ The following month, several United Nations Special Rapporteurs again called for her release.²⁹ Iran has failed to implement the Working Group's Opinion and Ms. Zaghari-Ratcliffe remains in detention in Evin Prison today.

VI. Sabri Hassanpour

11. Mr. Hassanpour, a 60-year-old Dutch-Iranian national, was reportedly arrested by the Revolutionary Guard on 19 April 2016, two weeks after travelling to Iran for the

²⁴ Center for Human Rights in Iran, *Persecution of Dual Nationals: Businessman Service 10-Year Prison Sentence After Coerced Confession*, 4 January 2017. Available at: <https://www.iranhumanrights.org/2017/01/kamran-ghaderi-prison/>.

²⁵ Mehr News Agency, *6 receive 10 years of prison each*, 18 Oct 2016. Available at: <http://en.mehrnews.com/news/120636/6-receive-10-years-of-prison-each>.

²⁶ Center for Human Rights in Iran, *Persecution of Dual Nationals: Businessman Service 10-Year Prison Sentence After Coerced Confession*, 4 January 2017. Available at: <https://www.iranhumanrights.org/2017/01/kamran-ghaderi-prison/>.

²⁷ REDRESS, Submission to United Nations Working Group on Arbitrary Detention, *Zaghari Ratcliffe v Iran*, 17 June 2016. Available at: <http://www.redress.org/downloads/160617submission.pdf>

²⁸ WGAD Opinion, *Zaghari-Ratcliffe*, supra n. 1, para 58.

²⁹ UN OHCHR Press Release – *Iran dual nationals*, supra n. 1.

first time in 30 years.³⁰ Amnesty International has reported serious violations of Mr. Hassanpour's rights during his detention, including denial of access to legal counsel and contact to his family as well as several months in solitary confinement.³¹ Following a heart attack in prison in November 2016 his health is reportedly at risk as he is not receiving the necessary heart surgery that a doctor has recommended.³² Mr. Hassanpour reportedly remains in prison today.

VII. Ahmadreza Djalali

12. Mr. Djalali, an Iranian-born Swedish resident, was reportedly arrested by the Iranian Revolutionary Guard on 25 April 2016 during an academic visit to Iran.³³ His family had no knowledge of his whereabouts until 10 days after his arrest, when he was allowed to call them briefly.³⁴ He was reportedly held in solitary confinement for three months and not allowed visits from his lawyer until seven months after his arrest.³⁵
13. Amnesty International has raised serious concerns regarding violations of Mr. Djalali's rights during his detention, including that he was "subjected to intense interrogations and was forced under great emotional and psychological pressure to sign statements..."³⁶ In January 2017, he was reportedly brought before a Revolutionary Court in Tehran, without a lawyer present, where it is reported that he was told that he was accused of "espionage" and could face the death penalty.³⁷ Mr. Djalali's health has deteriorated significantly and he has reportedly lost 30% of his body weight since his detention, including as a result of several hunger strikes that he has undertaken.³⁸ Reportedly Mr. Djalali remains in prison to date.

³⁰ Amnesty International, *Urgent Action: Dutch-Iranian Prisoner Denied Heart Surgery*, UA: 100/17 Index: MDE 13/6153/2017 Iran, 28 April 2017. Available at: <https://www.amnestyusa.org/urgent-actions/urgent-action-dutch-iranian-prisoner-denied-heart-surgery-iran-ua-10017/>.

³¹ *Ibid.*

³² *Ibid.* See also, Center for Human Rights in Iran, *Iranian-Dutch National and Dissident Imprisoned in Tehran Denied Medical Care*, 1 Feb 2017. Available at: <https://www.iranhumanrights.org/2017/02/sabri-hassanpour-tv-anchor-arrested-by-irgc/>.

³³ See, Amnesty International, *Urgent Action: Doctor on Hunger Strike After Dismissal of Lawyer*, 1st update on UA: 38/17 Index: MDE 13/5807/2017 Iran, 2 March 2017. Available at: https://www.amnesty.org.uk/files/2017-03/FI03817_1.pdf?LOFBbGQjUBgFVeRdAlqM5TCALNndYVOu (AI Urgent Action: Doctor on Hunger Strike, 2 March 2017); New York Times, *Ahmadreza Djalali, Iranian Scientist, May Face Death Penalty, Family Says*, 13 Feb 2017. Available at: https://www.nytimes.com/2017/02/13/world/middleeast/ahmadreza-djalali-iran-arrest.html?_r=0.

³⁴ Amnesty International, *Urgent Action: Iranian Academic Could be sentenced to Death*, MDE 13/5632/2017 Iran, 7 February 2017. Available at: <https://www.amnesty.org/en/documents/mde13/5632/2017/en/>.

³⁵ *Ibid.*

³⁶ See, AI Urgent Action: Doctor on Hunger Strike, 2 March 2017, supra n. 33.

³⁷ *Ibid.*

³⁸ Nature, *Jailed Iranian researcher's health worsening rapidly*, 20 March 2017. Available at: <http://www.nature.com/news/jailed-iranian-researcher-s-health-worsening-rapidly-1.21660>; See, AI Urgent Action: Doctor on Hunger Strike, 2 March 2017, supra n. 33.