

REDRESS

Ending torture, seeking justice for survivors

NAZANIN ZAGHARI-RATCLIFFE

Briefing Note: Second Court Case, 9 September 2020

Nazanin is a British-Iranian charity worker who has been arbitrarily detained in Iran and separated from her husband and daughter for over four years. During this time, she has been held in solitary confinement, subject to torture and denied urgent medical treatment.

Nazanin's original five-year sentence expires on 7 March 2021. However, the Iranian Revolutionary Guard Corps (IRGC) has announced a second trial against her, blocking her release.



Nazanin with her husband and daughter before she was detained nearly 4 ½ years ago

SECOND COURT CASE

On 8 September 2020, Nazanin was summoned to see Judge Salavati, the Head of the 15th branch of the Islamic Revolutionary Court in Tehran. He told her that the trial for her second court case was scheduled for 13 September 2020, with the charge of “spreading propaganda against the regime” (Article 500 of the Iranian Criminal Code). The Judge declined Nazanin's request for her preferred lawyer to represent her, but accepted her second option. Her preferred lawyer has had a criminal case opened against him on the basis of his representation of Nazanin. Although Nazanin was not allowed to read the file of alleged evidence against her, her lawyer was able to, and confirmed it appears to rely on the same material that was used for her first conviction and has not been updated in the last three years.

Additional charges were initially threatened against Nazanin by the IRGC in October 2017, a year after her original conviction. They were raised again in November 2017, but were reported to have been closed on 3 February 2018. On 19 May 2018 Nazanin was presented with a charge of spreading propaganda, at which point Judge Salavati told her to expect to be convicted and receive a further sentence of imprisonment. Previous court hearings have not been public and Nazanin and her lawyer have not been allowed to test the evidence or put forward a defence.

INTERNATIONAL LAW

Iran is a party to the [International Covenant on Civil and Political Rights](#) (ICCPR), which it ratified without reservation on 24 June 1975. The second court case contravenes the following obligations under the ICCPR:

- Article 14(1): Nazanin's previous hearings have not been held publicly or conducted fairly, and the tribunal has not been independent and impartial. The same is anticipated for the second trial.
- Article 14(2): Judge Salavati's comments indicate that Nazanin has not been presumed innocent until proven guilty.
- Article 14(3)(a): Nazanin has not been informed in detail of the nature and cause of the charge against her. The precise nature of the charges and evidence remain unclear and indistinct from her original trial.

Article 14(3)(b): Nazanin has not had adequate time and facilities to prepare her defence, being informed of the trial date only five days prior.

Article 14(3)(c): Nazanin has not been tried without undue delay, with additional charges being first initiated three years prior, in October 2017.

Article 14(3)(d): Judge Salavati has not allowed Nazanin to defend herself through counsel of her own choosing. Two of her previous lawyers have had criminal cases opened against them for representing her.

Article 14(3)(e): Nazanin has not been allowed to test the evidence against her.

Article 14(7): The second trial relies on evidence which was already used to convict Nazanin in her first trial for unspecified national security-related charges. Accordingly, she is being tried twice for the same alleged conduct.

Article 9: If convicted, Nazanin will be subjected to further arbitrary detention.

The United Nations [Working Group on Arbitrary Detention](#) has previously ruled that Nazanin's imprisonment is unlawful and has ordered Iran to release her. The Working Group found that her deprivation of liberty contravened articles 9 and 14 of the ICCPR, as well as article 10, which states that all persons deprived of their liberty shall be treated with humanity and respect. It further found that Nazanin's detention is arbitrary on the basis that: it is clearly impossible to invoke any legal basis justifying the deprivation of liberty; there is a non-observance of international norms relating to the right to a fair trial; and the deprivation of liberty constitutes a violation of international law for reasons of discrimination.

ENTITLEMENT TO RELEASE

The Iranian regime has consistently used the threat of the second case to block legal avenues to Nazanin's release. Nazanin's original five-year sentence expires in March 2021. She is currently entitled to release under clemency in accordance with Iranian law, following a ruling by Iran's supreme leader Ayatollah Ali Khamenei in March 2020. She is also entitled to conditional release under Islamic Penal Code 2013, Article 58, having served over one third of her sentence.

RENEWED URGENCY

Recent test results indicate that Nazanin is unlikely to be able to conceive again. This has devastated Nazanin, who said, "I always used to tell myself in prison that they can't take my future away from me. But now they have." Iran has already denied Nazanin the childhood of her first baby, but now she fears she might be denied the childhood of her last.

HOUSE ARREST

Nazanin is currently under house arrest at her parents' residence in Iran, having been released from prison in March due to the Covid-19 pandemic. She is forced to wear an ankle tag with a range of only 300 metres. There are no health clinics, parks, libraries, or shops within this radius.

After over four years in prison, Nazanin remains extremely isolated in Iran, not being able to see her husband and daughter who are in the UK, and with friends and family members being too afraid to visit given the political nature of her detention.

Nazanin urgently needs medical treatment for: lumps in both her breasts; a damaged disk in her neck; severe depression and post-traumatic stress disorder as a result of her incarceration; and heart palpitations.



Nazanin cannot access urgent medical treatment with an ankle tag range of only 300m

BACKGROUND

Nazanin was arrested on 3 April 2016 by the Iranian Revolutionary Guards while on holiday visiting family. Following a secret and unfair trial she was imprisoned on unspecified charges. She has been separated from her husband Richard and her daughter Gabriella, who was one year old when Nazanin was arrested. Gabriella recently celebrated her sixth birthday, the fifth since her mother's incarceration.

The Iranian authorities have forced Nazanin to spend eight and a half months in solitary confinement and have repeatedly denied her critical medical treatment. They have subjected her to inhuman conditions and repeatedly made further threats to her safety and that of her family.

In March 2019, the UK Government took the exceptional step of escalating the matter to an inter-state dispute with Iran, through granting Nazanin diplomatic protection. However, Iran continues to ignore its international obligations and refuses to release Nazanin.



Gabriella's first and only birthday she has celebrated with her mother

ABOUT REDRESS

REDRESS is an international human rights organisation based in London and The Hague that represents victims of torture in obtaining justice and reparations. REDRESS brings legal cases on behalf of individual survivors and advocates for better laws to provide effective reparations. REDRESS has acted for Nazanin and her husband Richard since 2016. For more information please contact Leanna Burnard, Legal Officer at REDRESS, at leanna@redress.org.