

UNPRECEDENTED SECOND COMPLAINT TO THE UN SEEKS URGENT INTERVENTION FOR NAZANIN ZAGHARI-RATCLIFFE

6 August 2021 – Following the latest breakdown of diplomatic negotiations with Iran, Nazanin Zaghari-Ratcliffe’s legal team has asked the United Nations Working Group on Arbitrary Detention (WGAD) to intervene urgently and engage both the UK and Iran on securing her release.

The request comes in anticipation of Nazanin’s appeal for her second conviction and sentence being scheduled by Iran’s Revolutionary Court.

The urgent action request and individual complaint, filed by REDRESS and Tatyana Eatwell and Tayyiba Bajwa, barristers at Doughty Street Chambers, requests that the WGAD implement its urgent action procedure following Iran’s prosecution of Nazanin for a second time.

The complaint also seeks a second opinion from the WGAD, its [first opinion](#) on Nazanin’s case having been issued in 2016 shortly after her first conviction, which required Iran to release her, deeming her detention to be arbitrary and unlawful under international law. The UN body has never issued a second opinion in a case of arbitrary detention before. The complaint addresses the ongoing arbitrary detention and torture and ill-treatment of Nazanin, the second prosecution, and Iran’s practice of arbitrarily detaining foreign nationals for diplomatic leverage.

Nazanin’s second prosecution, like the first, is based on groundless charges, and presents a real and serious risk that Iran intends to arbitrarily detain Nazanin indefinitely as a means of exercising diplomatic leverage over the UK – in effect holding her hostage.

The open-endedness of Nazanin’s detention is emblematic of other Iran hostage cases, which carry distinct patterns of human rights abuses. The submission asks the WGAD to consider how the UN can tackle Iran’s practice of hostage-taking more broadly.

In addition to transmitting an urgent appeal to the Government of Iran, the complaint also requests that the WGAD engage the UK Government on the steps it is taking to secure Nazanin’s release.

Conventionally, the WGAD engages the detaining State in such cases. However, recognising that Nazanin is, in effect, being held hostage by Iran for the UK’s failure to pay an historic £400 million debt, and that the UK has previously granted her [diplomatic protection](#) which elevates her detention to an inter-State dispute, the submission emphasises that the UK government must be called upon to play its part.

The complaint asks the WGAD to communicate the family’s grave concerns to the UK, and to request information from the UK Government on the steps it is taking to exercise diplomatic protection and to resolve any underlying disputes with Iran that have led to or are continuing motivation for Nazanin’s ongoing detention.

Following the conclusions of [a medical report commissioned by REDRESS](#), the submission also seeks a recognition by the WGAD that Nazanin’s treatment in Iran amounts to torture under international law.

The ongoing threat of her return to Evin Prison constitutes a serious threat to her physical and mental wellbeing. Her family fears a rapid deterioration in her physical and mental health, should she be returned to prison.

Richard Ratcliffe, husband of Nazanin said:

"We have been relatively quiet these past months, waiting and hoping that the government's negotiations with Iran would finally deliver. But these week's events – Iran's announcements that hostage negotiations are again on hold, and the attacks on shipping that resulted in two lost lives – were a signal that things have again turned for the worse with the change of Government in Iran."

"I met the Foreign Secretary this week to get his sense of things. He insisted the negotiations had come close, hoped they could be picked up again under the new regime, and that he was determined not to leave any Brits behind. I told him I feared the tide had turned, and that a summer of drift would become an Autumn in court. I see that now as inevitable, unless the UK and the international community takes a much firmer stand against state hostage taking, and calls it out as a crime."

"This new submission to the UN is our first step in that call. It is unprecedented to ask for a second opinion from the UN WGAD. It is also the first time they have been asked to rule explicitly on detention for leverage, and the specific human rights risks hostages face."

"By filing the Complaint, I hope the WGAD will help protect Nazanin from what lies ahead, but I also hope the UN will consider its protections to stop others going through what we have endured, and consider how the UN, the UK and others can better follow up on cases like ours as the abuse extends across years. At present, the approach for state hostage case is not fit for purpose. There has been a protection gap for too long."

Leanna Burnard, Legal Officer at REDRESS said:

"Nazanin is being punished for an ongoing dispute between Iran and the UK. She is innocent of the charges against her. We are asking the UN to ensure that the UK Government takes responsibility for securing her release by resolving any underlying diplomatic disputes without delay. In the face of Iran's flagrant violations of international law, diplomatic intervention at the highest levels is critical. After more than five years, Iran's torture of Nazanin must be stopped."

Tatyana Eatwell, barrister at Doughty Street Chambers said:

"Nazanin has been subjected to arbitrary detention and prolonged ill-treatment amounting to torture. She and her family have been, and continue to be, arbitrarily denied their right to family life. Her daughter, Gabriella, who was just 22 months old when her ordeal began and is now 7 years old, has been arbitrarily separated from her mother for most of her life. This abuse, compounded by the threat of Nazanin's return to Evin Prison, is an intolerable cruelty. It demonstrates a blatant disregard for Nazanin's dignity, her well-being, and her rights.

Iran's abusive conduct can only be addressed by the collective efforts of the international community. The Ottawa Declaration against Arbitrary Detention in State-to State Relations is welcome. But States must now take proactive steps to protect their citizens, including dual nationals, from this abusive practice and to ensure the implementation of effective international legal measures to prevent and put a stop to the abuse."

Nazanin's original five-year sentence expired on 7 March 2021. However, a week later she was put on trial for a second unsubstantiated charge of "spreading propaganda against the regime," for which she was convicted and sentenced to a one-year prison term and additional one-year travel ban, resulting in a further two years she will be separated from her husband and daughter in the UK. She has lodged an appeal in Iran, but a court date has not been set. She remains trapped in Iran, pending the outcome of the appeal.

The family fears that Nazanin now faces a further term of imprisonment and arbitrary detention in circumstances where her eventual release will not be determined by law or the length of her sentence, but by the will of those responsible for her continued cruel treatment.

The submission to the WGAD outlines the human rights abuses Nazanin has been subjected to during more than five years in Iran, the impact on her seven year-old daughter Gabriella, and a detailed history of the politics behind her detention, including in relation to the UK's failure to pay an historic £400 million debt to Iran and reluctance to acknowledge or challenge the consequences for Nazanin and others.

Background

Following a submission by REDRESS, the [United Nations Working Group on Arbitrary Detention](#) found in 2016 that Nazanin's detention was arbitrary, ordered her release, and referred the case to the UN Special Rapporteur on Torture.

In 2019, the [UN Special Rapporteur on Torture and five other UN experts](#) stated that Nazanin's treatment may amount to cruel, inhuman or degrading treatment or torture, as prohibited under Article 7 of the International Covenant on Civil and Political Rights. REDRESS considers that Iran's treatment of Nazanin constitutes torture under Article 1 of the UN Convention Against Torture.

The UN Special Rapporteur on Iran [expressed concern](#) about the new court case before the UN Human Rights Council in March 2021.

In March, REDRESS also provided a [medico-legal report](#) to the UK FCDO of Nazanin's severe physical and psychological suffering due to Iran's treatment, confirming that she has been subjected to torture.

Nazanin was detained in Iran in 2016 on charges of crimes related to national security, which she did not commit, and was sentenced to five years' imprisonment. Following the completion of her first sentence, the Iranian authorities convicted her of a further offence of which she is innocent, of "spreading propaganda against the regime", thus trapping her in Iran as leverage over the UK.

After spending four years in Iran's notorious Evin prison, in March 2020 Nazanin was placed under house arrest in Tehran with an ankle tag until her sentence ended on 7 March 2021. She has not seen her husband in five years, and has not been able to raise her daughter, who is now seven years old.

Nazanin and her family have been told by Iranian authorities that she is being detained because of the UK's failure to pay an outstanding £400 million debt to Iran. The debt is the subject of ongoing legal proceedings before the UK courts, with the most recent hearing in January 2020.

Diplomatic negotiations between the UK and Iran have been ongoing in recent months in relation to the JCPOA, prisoners and other issues. However, this week Iran announced that it had [broken off these negotiations](#).

REDRESS has been acting as the legal representatives of Nazanin and her husband Richard Ratcliffe, before the UN and the UK FCDO, since 2016. REDRESS's work on Nazanin's case is carried out in collaboration with Prof John Dugard SC, Alison Macdonald QC, Tatyana Eatwell and Tayyiba Bajwa.