

## **ANOOSHEH ASHOORI & NAZANIN ZAGHARI-RATCLIFFE**

### **Roadmap to Release - Amnesty International UK and REDRESS briefing (September 2021)**

#### **SUMMARY**

Anoosheh Ashoori and Nazanin Zaghari-Ratcliffe are both British nationals who have been arbitrarily detained in Iran for four years and five years, respectively. They have spent years in prison following grossly unfair trials and have been separated from their loved ones in the UK, with their physical and mental health severely impacted. The pain and suffering inflicted on them, including through prolonged solitary confinement and the denial of adequate medical care, violates the absolute prohibition on torture and other ill-treatment.

Whilst the UK Government has taken some steps in an attempt to secure their release, these have ultimately failed. Following the arbitrary arrest of Nazanin and Anoosheh in 2016 and 2017, respectively, we have witnessed the arbitrary arrest and detention of at least another two British nationals; labour rights activist Mehran Raouf and conservationist Morad Tahbaz (who is also a USA national).

Amnesty International UK and REDRESS share the deeply held concerns of Anoosheh's and Nazanin's families that there remain crucial areas not being pursued by the UK Government to secure their release and bring them home. We are calling on the UK Government to review their current, failed strategy, and to ensure that by the end of 2021, all necessary and available steps have been taken to secure the release of Anoosheh, Nazanin, Mehran and Morad.

#### **RECOMMENDATIONS**

**The UK Government must act to protect all arbitrarily detained UK nationals in Iran and ensure they can return home as a matter of urgency.**

REDRESS and Amnesty International UK, alongside Anoosheh's and Nazanin's families, therefore strongly urge the UK Government, as a matter of priority, to:

1. Grant Anoosheh diplomatic protection, and ensure it is effectively utilised for both Anoosheh and Nazanin (who received diplomatic protection in March 2019).
2. Assert a right under international law to provide consular assistance to all British nationals detained in Iran - including Nazanin, Anoosheh, Morad and Mehran - on the basis of their British nationality, including attending all legal proceedings and carrying out prison visits.
3. Coordinate with other affected states and broader international coalitions to identify the causes and find solutions to Iran's practice of arbitrarily detaining foreign nationals.
4. Pending his release, secure Anoosheh's access to urgently needed dental care and his non-time bound furlough from prison (like Nazanin received in Spring 2020). However, this must not detract from efforts to secure his full and permanent release.

## **BACKGROUND**

### **Anoosheh Ashoori**

67-year-old Anoosheh Ashoori is a British national and retired engineer who has been arbitrarily imprisoned in Iran and separated from his wife and two children for four years, following his arrest in August 2017. He has reported being subjected to torture and other ill-treatment and having threats made against his family during pre-trial detention. Anoosheh suffers from a serious gum disease, which, if left untreated, can lead to partial or total tooth loss, but despite repeated requests, prison officials and prosecution authorities have denied him access to specialised dental care. Anoosheh also suffers from a number of other health problems, including high cholesterol and a torn meniscus, which requires surgical repair. He is held in cruel and inhumane conditions in a section in Evin prison, which is overcrowded, unsanitary, and infested with bedbugs, cockroaches and mice. As COVID-19 continues to spread in Iran's prison system, Anoosheh is at risk of severe illness or death if he contracts the disease. It is suspected that he has caught the virus once already, which has further undermined his health. Anoosheh was denied access to a phone between February and July 2021, which prevented him from contacting his wife. This situation caused him and his family mental distress and anguish, and further harmed their wellbeing. It is unclear what steps have been taken by the UK Foreign, Commonwealth & Development Office (FCDO) to help Anoosheh.

### **Nazanin Zaghari-Ratcliffe**

Nazanin is a 42-year-old British charity worker who has been arbitrarily detained in Iran and separated from her husband and daughter for over five years. On 23<sup>rd</sup> September 2021 she will have spent 2000 days detained in Iran. During this time, she has spent more than eight months in prolonged solitary confinement, in violation of the absolute prohibition of torture and other ill-treatment, and has been denied adequate health care.

In Spring 2020, Nazanin was released on furlough (temporary prison leave) and was confined to within 300 meters from her parents' home in Iran by a tracking device strapped to her ankle. Her five-year sentence ended on 7 March 2021. However, on 14 March 2021 she was tried in a second case. On 26 April 2021 she was again unjustly convicted and sentenced to one-year in prison, followed by a one-year travel ban, a threat of two more years of separation from her husband and young daughter. She remains in the community pending the outcome of her appeal, which she and her family believe is extremely unlikely to be successful due to the lack of due process in Iran's legal system. We are deeply concerned that Nazanin could be returned to prison at any point.

### **Morad Tahbaz**

Wildlife conservationist Morad Tahbaz, is a 65-year-old British national. Following his arbitrary arrest on 10 January 2018, he was held in prolonged solitary confinement for eight months. He is serving an unjust 10-year prison sentence after being convicted of "co-operating with hostile states against the Islamic Republic" following a grossly unfair trial where he was accused of spying in connection with his conservation work. Morad has



multiple underlying health conditions and requires the use of a catheter to urinate. Whilst in prison, Morad has been denied access to necessary specialised health care.

## **Mehran Raof**

Mehran is a 64-year-old British national and labour rights activist who was arbitrarily arrested by Iranian authorities in Tehran on 16 October 2020. From the time of his arrest until mid-June 2021, he was held in prolonged solitary confinement, in violation of the absolute prohibition of torture and other ill-treatment. During this period, he was also denied the right to access legal representation and received no contact from UK officials. On 28 April 2021, during this first trial hearing before a Revolutionary Court, Mehran was accused of national security offences in relation to his peaceful labour rights activities. On 4 August 2021 it was reported that Mehran received a 10 year prison sentence on national security charges.

### **1. DIPLOMATIC PROTECTION**

Anoosheh's family is asking the UK Government to grant Anoosheh diplomatic protection, as it has already done for Nazanin. Steps should then be taken to ensure that diplomatic protection is effectively exercised for them both.

When Nazanin was granted diplomatic protection by the former Foreign Secretary in March 2019, this marked an escalation in the UK's campaign to secure her release. However, to the disappointment of her family, the UK Government has failed to utilise this tool, refusing even to use the language of diplomatic protection when referring to Nazanin's case.

Diplomatic protection is a formal state-to-state process under international law in which a state may secure protection and obtain reparation for a legally wrongful act committed against one of its nationals, including breaches of the state's international human rights obligations. It is based on the assertion that the injury of an individual in a foreign state is an injury to the state of nationality.

The UK Government should exercise diplomatic protection by undertaking a series of diplomatic and legal steps that escalate in severity over time as necessary, and may include:

- Asserting a right to have private consular meetings;
- Ensuring access to an immediate medical examination by an independent doctor;
- Issuing a formal protest to the Iranian authorities;
- Issuing a diplomatic summons to Iran's ambassador to the UK;
- Proposing to the Iranian authorities the immediate commencement of formal negotiations to resolve the dispute over the dual nationals' detention;
- Sending to the Iranian authorities a detailed legal memorandum outlining the breaches of international law arising from its arbitrary detention and ill-treatment of Nazanin and Anoosheh, and other British nationals.

### **2. CONSULAR ASSISTANCE**

The UK Government must assert its right under international law to provide consular assistance to Anoosheh, Nazanin, Mehran and Morad as British nationals.

Under international law, namely the Vienna Convention on Consular Relations, States have a right to provide consular assistance to their detained nationals, in order to ensure that basic needs are met and fundamental human rights are respected. Consular assistance can include visits and phone calls with the detained person, attending their court hearings with them and ensuring they have proper legal representation, and that their human rights are upheld. The detainees also have a right to access and communicate with consular officials. Accordingly, a legal remedy may be available or relied upon by the UK via the International Court of Justice (ICJ) for Iran's failure to allow consular access to British nationals.

Consular assistance can act as a humanitarian safeguard and provide a crucial – and sometimes the only – link between the detainee and the outside world. It can help prevent human rights violations, including torture or other ill-treatment. Torture and ill-treatment are widespread and systematic in Iran's prison system. This is particularly the case during interrogations and/or in cases where the deliberate denial of health care causes severe pain and suffering and is carried-out for the purpose of extracting "confessions" or as punishment. It is in this context that the UK's failure to press for consular access to British nationals detained in Iran, is particularly concerning.

Iran does not allow the UK or other states to provide consular assistance to their dual national citizens as it claims to not accept the principle of dual nationality. The UK Government has never visited Anoosheh in prison, and never visited Nazanin while she was serving her first sentence, either in prison or whilst confined to her parents' home. Mehran Raof, has to date, received no contact from UK representatives despite being arbitrarily detained since October 2020. This includes UK representatives failing to attend Mehran's court hearing in June.

The former UK Ambassador to Iran visited Nazanin after her first sentence had officially ended and her ankle tag was removed, but failed to accompany her to her most recent court hearing, despite requests from Nazanin and her family. Whilst the UK Government has requested access to relevant court hearings, it has yet to assert the right to attend under international law.

### **3. COORDINATED INTERNATIONAL STRATEGY**

As a matter of urgency the UK must work towards securing the release of British nationals arbitrarily detained in Iran, including through discussion, engagement and joint demarches with other States whose nationals have been or continue to be arbitrarily detained in Iran and exchange lessons learned with States whose nationals have been arbitrarily detained. At present, States largely take their own *ad hoc* and bilateral approaches. In addition to liaising directly with other Governments through usual diplomatic channels, the UK should utilise forums such as the UN General Assembly and UN Human Rights Council to build a coalition of affected States to take firm and effective action.



**Canada Declaration:** On the 15th February 2021 [the UK Government, along with 54 other nations](#), signed up to the [Canada Declaration](#) - an initiative against arbitrary detention for leverage in State-to-State relations. Ahead of the G7 summit in June 2021, hosted by the UK, a meeting was held to agree on a '[Partnership action plan](#)' to advance the Declaration. Whilst it is heartening to see the UK Government endorse these initiatives, effective implementation of this plan remains unclear. Amnesty, REDRESS, and the families of British nationals arbitrarily detained in Iran are calling on the Foreign Secretary and UK Government to translate these commitments into effective support for British nationals arbitrarily detained in Iran, including by working with affected families to establish immediate next steps.

#### 4. COVID-19 FURLOUGH FROM PRISON

Anoosheh has not yet been granted non-time bound furlough from prison and continues to be held in overcrowded, inhumane, and unhygienic conditions and is unable to effectively protect himself against the spread of COVID-19. At his advanced age and with pre-existing and unmanaged medical conditions, Anoosheh is at heightened risk of severe illness or death if he contracts the virus in prison. Pending his full and permanent release, he must be granted non-time bound prison furlough as a matter of urgency.

#### PROGRESS IN PARLIAMENT

We have warmly welcomed the support of MPs and Peers from across both Houses in raising the plights of both Anoosheh and Nazanin. In particular, the significant efforts of Nazanin's MP, Tulip Siddiq and Anoosheh's MP, Janet Daby have been key – including when leading parliamentary debates and writing to the Foreign Secretary. Not only has this been instrumental in bringing much needed attention to their cases, it has also maintained pressure on the UK Government to ensure they are doing their utmost to secure their release and bring them home.

**3 November 2020** - Tulip Siddiq MP secured an Urgent Question following the announcement that Nazanin was to stand trial on fresh charges in Iran. Over 25 cross-party MPs spoke during this debate, including the Shadow Foreign Secretary, Lisa Nandy MP, the Liberal Democrats' Foreign Affairs Spokesperson, Layla Moran MP, and the Foreign Affairs Committee Chair, Tom Tugendhat MP. The debate covered a broad range of issues, including the welfare of British-Iranian dual nationals detained in Iran – especially in-light of COVID-19, the need to work with international partners to increase pressure, and the UK's historical debt to Iran.

**26 January 2021** - More recently, Anoosheh's MP, Janet Daby tabled a debate regarding his detention. Janet drew attention to the fact that the UK Government had failed to improve their approach to Anoosheh's case after years of imprisonment.

**27 April 2021** - Following the announcement of Nazanin's additional sentence, an Urgent Question was tabled by her MP, Tulip Siddiq, requesting that the UK Government make a statement on her case. The Minister for the Middle East and North Africa, James Cleverly denounced her second sentence as "totally inhumane and wholly unjustified" adding that,

“the Iranian Government have deliberately put her through a cruel and inhumane ordeal”. He referenced both Anoosheh and Morad’s cases and stated that the UK Government is working towards the release of all British dual nationals held in arbitrary detention in Iran, including their ability to return home. However, he failed to state what concrete steps the UK Government is taking to achieve this.

## **TORTURE AND OTHER ILL-TREATMENT OF BRITISH NATIONALS IN IRAN**

On 2 May 2021, speaking on the Andrew Marr show, the UK’s Foreign Secretary Dominic Raab said that [Iran’s treatment of Nazanin “amounts to torture”](#) and that she is being held unlawfully, as a matter of international law. This marked the strongest language the UK Government has used to date regarding Nazanin’s case. The UK Government has yet to recognise torture in the cases of the other British nationals detained in Iran, even though they have all been subjected to similar treatment and conditions.

Dominic Raab’s statement follows the publication of an independent medico-legal evaluation, commissioned by REDRESS, and carried out by the International Rehabilitation Council for Torture Victims (IRCT) confirming the severity of Nazanin’s ill-treatment in Iran, which has included [prolonged periods of solitary confinement, vastly inadequate living conditions, and traumatising interrogations](#). [The report urged the UK Government to publicly recognise Nazanin as a victim of torture](#). The report’s experts conclude that Nazanin suffers from serious and chronic post-traumatic stress disorder, major depression and obsessive-compulsive disorder due to her treatment in prison and under house arrest, and the continuing legal uncertainty and separation from her family.

The report also concluded that as a result of her ill-treatment and the denial of medical care, she experiences ongoing physical pain and bodily impairments and without reunification with her family in the UK and effective treatment, Nazanin’s conditions will become chronic.

Anoosheh has also reported being subjected to torture and other ill-treatment during his pre-trial detention, including being prevented from sleeping overnight and forced to sign “confessions” following full days of grueling interrogations. He has said that during this time, interrogators made threats against his family in the UK.

The UK Government must take swift and effective action to protect its nationals from ongoing torture and ill-treatment.

## **ABOUT AMNESTY INTERNATIONAL UK**

Amnesty International is a global movement of more than 7 million people - 700,000 of them in the UK - who stand up for humanity and human rights. Our purpose is to protect individuals wherever justice, freedom and truth are denied. We promote all the rights enshrined in the 1948 Universal Declaration of Human Rights and its associated treaties. We are independent of any Government, political party, ideology, economic interest or religion.



## **ABOUT REDRESS**

REDRESS is an international NGO that delivers justice and reparation for survivors of torture, challenges impunity for perpetrators and advocates for legal and policy reform to combat torture.

REDRESS has acted for Nazanin and her husband since 2016.

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