

Statement of Jared Genser

Pro Bono Counsel to Siamak and Baquer Namazi

Press Briefing

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It is with a heavy heart and after serving as pro bono counsel to the Namazi family for almost five years that I appear before you today to discuss the terrible news that we have learned over the last few days. The situation for Baquer Namazi, almost 85 years old, is now dire and extremely urgent.

Baquer requires immediate surgery within the next 7-10 days to repair a 95–97% blockage in his right internal carotid artery (ICA) – one of the pair of main arteries that supply blood to the brain. This puts him at severe risk of stroke. To give him the best chance at survival and a successful recovery, the recommended carotid endarterectomy surgery must be performed outside of Iran. There are two reasons this is necessary. First, Iran is a highly stressful environment for Baquer due to the ongoing persecution he faces there and the ongoing imprisonment of his son Siamak Namazi in Iran’s notorious Evin Prison, and the surgery requires a stress-free environment for proper recovery. And second, the situation in Iranian hospitals is nothing short of horrific and Baquer, who is extremely ill and in failing health, would be exposed to a grave risk of contracting COVID-19 both during the surgery and an extended recovery period. According to a recent report in the *New York Times*:

Hospital medics in Iran are triaging patients on the floors of emergency rooms and in cars parked on the roadside. Lines stretch for blocks outside pharmacies. Taxis double as hearses, transporting corpses from hospitals to cemeteries. In at least one city, laborers are digging mass graves.

In addition, according to the *Associated Press*, there have been 5.5 million confirmed virus infections and more than 119,000 people have died across a population of 85 million, but officials acknowledge the toll is likely “far higher.”

Through consultations with multiple neurologists in Iran and the United States, if Baquer is forced to undergo this surgery in Iran, his risk of death, stroke, or heart attack may be 10%-15% or higher both because of the very poor conditions in Iran and his many comorbidities. He has stress-induced adult-onset epilepsy, as well as severe depression. He has lingering heart concerns after an emergency surgery to install a pacemaker and continues to take medication for his arrhythmia. He also easily becomes fatigued, is often confused, and has difficulty walking and maintaining his balance, which has caused him to fall on several occasions. Even in a best case, which can be seen from a study of more than 4,000 patients in the United States who underwent this surgery in normal conditions, for someone 85-years-old, that risk was 5.6%.

I cannot emphasize more strongly that Iran’s leaders have known intimately for years about Baquer’s declining health and they are, therefore, fully, completely, and totally responsible

for anything that happens to him now because it was their knowing and intentional decisions, every step of the way, that have brought us to this point. This is as indisputable as it is irrefutable.

First, it was a panel of Iranian government doctors who recommended to the Iran Prisons Organization that after a dozen hospitalizations that Baquer must be provided a medical furlough after two years in prison or he would likely die.

Second, it was an Iranian Revolutionary Court, based on the advice of another panel of Iranian government doctors, that later concluded Baquer could not be returned to prison.

Third, as a result of that recommendation, in February 2020, it was the same Iranian Revolutionary Court which commuted his sentence to time served and released the bail he had posted to secure his original medical furlough.

Fourth, despite having no legal basis to do so and never even claimed any, the Government of Iran has kept Baquer hostage and refused to issue him an Iranian passport so he could leave the country for a surgery to insert a stent into this same artery, which over a year ago was 80% blocked. In any other case, that less serious surgery would have already been completed. But Baquer's doctor said that having the surgery in Iran would be too risky both because of COVID and poor and very stressful conditions that would have had a negative impact on the prospects of his recovery. With this information, the Namazi family immediately begged Iranian authorities to let him leave. Even UN Secretary General Antonio Guterres asked then President Rouhani to allow Baquer to leave on humanitarian grounds. But all these pleas were ignored.

And fifth, in this case, the Government of Iran doesn't even have a colorable argument, like it would assert with Siamak Namazi and the other detained American hostages that this is somehow a bilateral issue between the United States and Iran requiring negotiations and ultimately a prisoner swap deal. That is because in this case, Baquer's sentence was fully commuted by Iran's own legal system. Iran has never offered any explanation why a free man entitled under Iranian and international law to leave Iran has been denied a passport and subjected to an illegal international travel ban. Even Iran hasn't argued it has any legal right to bar his travel.

But let's also recall very briefly how we got to this crisis today.

After a distinguished career as a senior official with UNICEF, Baquer and his wife retired to Iran only to have their son Siamak detained and disappeared in October 2015. After Siamak was left behind by President Obama during the January 2016 prisoner swap accompanying the entry into force of the JCPOA, Baquer was lured back to Tehran in February 2016 on a one-time offer to see Siamak in prison, after Siamak had been held *incommunicado* for over four months.

Upon arriving at Tehran Airport, he was arrested by the IRGC. He was 79 years old at the time of his arrest and his health was already precarious. He suffered from serious heart conditions, including an arrhythmia, that required special medications. He had previously

undergone a triple bypass surgery and his personal physician had informed Baquer that if his arrhythmia was not well managed, it could soon necessitate the installation of a pacemaker. Despite these concerns, Baquer was held in the harsh conditions of Ward 2A of Evin Prison and immediately denied appropriate medical care. On the first night of his detention, he began to panic and believed he was having a heart attack; he desperately banged on the door of his cell and called out for medical assistance, but the guards only laughed and told Baquer that if he was meant to die, he would. He was subjected to prolonged periods of solitary confinement, full day interrogations by the IRGC, and psychological torture, such as being placed in a cell for weeks with an Al-Qaeda suspect who continuously screamed Quranic verses.

In these conditions, Baquer's physical and mental health declined rapidly. By April 2017, he had lost at least 30 pounds and had been taken to the hospital on multiple occasions, often unbeknownst to his family until after the fact. Prison officials were consistently slow to provide essential medical care. In September 2017, for example, prison authorities waited five days to transfer Baquer to the hospital after the physician called for immediate medical attention. Once there, he underwent emergency surgery to install a pacemaker – a device he could have died without.

Following a sudden deterioration of his health in mid-January 2018 – including a rapid drop in blood pressure and irregular heartbeat – and consequent hospitalization, Baquer was granted a temporary medical furlough two weeks later. A week after that, he was ordered to return to Evin Prison despite his physicians calling for a minimum of three months of furlough for recovery. This pattern of hospitalization, temporary furlough, and reimprisonment continued for several months as his health problems worsened, until Baquer was finally placed on a highly restrictive medical furlough in mid-2018 without a timeline for his return. In total, while in detention, Baquer underwent two heart surgeries, lost six teeth, and was hospitalized over a dozen times, during which he was at times shackled to the hospital bed by the IRGC.

And that doesn't even begin to recount the daily anguish he feels over his son Siamak's almost six years in harsh captivity in Evin Prison, whose anniversary will be marked on October 13, 2021.

Over my 20-year career as an international human rights lawyer, I have hardly ever seen such extraordinary suffering heaped on the shoulders of one innocent man in what should have been the central years of his retirement surrounded by his loving wife, his sons, and his grandchildren. As a father and son myself, it breaks my heart.

And after all the Government of Iran has put Baquer through, it is a miracle he is still alive.

As detailed in our urgent appeal today to the UN Special Rapporteur on the Right to Health, appeal, the United Nations has emphasized that freedom of movement is an “integral component[] of the right to health.” Given that undergoing the surgery in Iran poses a significant threat to Baquer's life and that Iranian authorities lack any legal basis to hold him there, the international travel ban is a gross violation of Baquer's right to the highest attainable standard of health. Further, if Baquer dies while waiting for, undergoing, or recovering from surgery while

in Iran, his death will constitute an illegal deprivation of life by the Government of Iran, which is defined as involving “an intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission.”

So what must happen now?

In short, it is incumbent on the world to demand Iran allow Baquer to travel abroad immediately for this emergency surgery. The time for best efforts is over, the time for action is now. I call on President Biden to engage personally to make this happen. And I implore UN Secretary-General Antonio Guterres, who has previously and to his enormous credit urged Iranian authorities to allow Baquer to travel abroad for medical treatment, to redouble his efforts to make that happen.

Thank you.