

Country Visit Working Group on Arbitrary Detention Report E/CN.4/2004/3/Add.2 para 65(2)

Full recommendation:

2. *On the practice of “solitary confinement”.* As this practice generates arbitrary situations, plans should be drawn up for the closure of these prisons, retaining only a few punishment cells in each institution for short disciplinary periods of solitary confinement. In addition, the report of the Article 90 Parliamentary Commission on prisons should be made public or at least debated in Parliament. The Commission would then be responsible for publishing a list of prisons each year.

Assessment using Impact Iran human rights indicators¹

A. Plans should be drawn up for the closure of solitary confinement prisons

The Iranian Criminal Code of Procedure (2015) lists the disciplinary punishments that may be imposed on detainees and prisoners but excludes solitary confinement, which remains prescribed under Article 175 of the Prison Regulations.² Under Iran’s Prison Regulations, any disciplinary measures may be imposed after investigation by a disciplinary council composed of judicial and prison officials, although the Regulations do not specify the offences that may be subject to punishments. If the disciplinary council finds the accused prisoner guilty by majority vote, it may impose “detention in solitary confinement for a maximum of 20 days.”³ The lack of regulations for holding detainees in solitary confinement outside of the circumstances predicted under Prison Regulations put detainees at risk of arbitrary solitary confinement, and for prolonged periods of time.

Article 175 of Iran’s Prison Regulations stipulates that solitary confinement should not exceed 20 days,⁴ while the UN Standard Minimum Rules for the Treatment of Prisoners (or Nelson Mandela’s rules) consider solitary confinement longer than 15 days as prolonged solitary confinement.⁵ The Human Rights Committee has stipulated that the prolonged solitary confinement of detainees may amount to torture or other cruel, inhuman or degrading treatment or punishment.⁶

Reports suggest that the Section 209 of the Evin Prison in Tehran, under the control of the Ministry of Intelligence, is the place of systematic and large-scale use of solitary confinement

¹ CCPR.9.1.S.2
CCPR.9.1.P.1; CCPR.9.1.P.3
CCPR.9.O.1; CCPR.9.1.O.2; CCPR.9.O.3

² Article 524, Code of Criminal Procedure of the Islamic Republic of Iran, and Iranian Prisons Regulations, as referred to in <https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>

³ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>

⁴ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>

⁵ Rule 44, Nelson Mandela’s Rules or UN Standard Minimum Rules for the Treatment of Prisoners, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

⁶ General comment No. 20 (1992) on the prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 6.

“for its own sake and not for traditional disciplinary purposes”,^{7 8 9} as the Working Group on Arbitrary Detention firstly noted during its last visit of the prison in 2003.¹⁰ Similarly, Section 240 of Evin Prison, partially under the authority of the Ministry of Intelligence and other security and intelligence units, has been reportedly used exclusively for holding prisoners in solitary confinement.^{11 12} Section 240 of Evin Prison reportedly contains 700 to 800 solitary confinement cells.¹³

The Working Group on Arbitrary Detentions considers that such “prison within a prison” is “arbitrary in nature and must be ended.”¹⁴ The Government noted in a 2020 Special Rapporteur’s report that solitary confinement “is used only in rare instances during the judicial investigation, as well as a punitive measure in places of detention”.¹⁵ Yet, the existence of sections within Iranian prisons adapted to the use of large-scale solitary confinement suggest the contrary. Additionally, OHCHR and NGOs frequently report cases of solitary confinement in the Islamic Republic of Iran.^{16 17 18 19} Further, NGOs have reported cases of prisoners placed in solitary confinement only because they were displaying COVID-19 symptoms.^{20 21}

B. The report of the Article 90 Parliamentary Commission on prisons should be made public or at least debated in Parliament.

The Article 90 Commission of the Parliament is in charge of investigating complaints from citizens made against the operations of the Parliament itself, the executive and the judiciary.²² There is no publicly available information on data relating to the number of complaints

⁷ Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#2.1.1>

⁸ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1310212019ENGLISH.pdf>

⁹ En-HRANA, <https://www.en-hrana.org/abdul-sattar-sheikh-transferred-solitary-confinement-evin-prison?hilite=%27solitary%27%2C%27confinement%27%2C%27evin%27%2C%27prison%27> and <https://www.hrw.org/reports/2008/iran0108/iran0108web.pdf>

¹⁰ Country Visits, Working Group on Arbitrary Detention, <https://www.ohchr.org/en/issues/detention/pages/visits.aspx>

¹¹ Amnesty International, <https://www.amnesty.org/download/Documents/8000/mde130232014en.pdf>

¹² Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#2.1.1>

¹³ Human Rights Watch, <https://www.hrw.org/reports/2008/iran0108/iran0108web.pdf>

¹⁴ Country Visits, Working Group on Arbitrary Detention, <https://www.ohchr.org/en/issues/detention/pages/visits.aspx>

¹⁵ Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, January, 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

¹⁶ OHCHR News, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26716&LangID=E%20>

¹⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F50&Language=E&DeviceType=Desktop>

¹⁸ Human Rights Watch, <https://www.hrw.org/news/2020/06/06/iran-free-students-long-solitary>

¹⁹ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF> and <https://www.amnesty.org/download/Documents/MDE0113572020ENGLISH.PDF>

²⁰ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

²¹ See more: Abdorrahman Boroumand Center, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf

²² Iran Human Rights Documentation Center, <https://iranhrdc.org/internal-regulation-on-the-commission-of-article-90-of-the-constitution/>

received and investigated, including vis-à-vis cases of arbitrary and abusive solitary confinement. There are no readily available reports from the Article 90 Parliamentary Commission on prisons or information that might indicate that the issue has been discussed in the Parliament.

The Iranian High Council for Human Rights has been established as a “national coordinating and policy-making institution in the field of human rights”²³, and is reportedly composed mostly of government and judicial officials.²⁴ There is no readily available information that might indicate that the institution monitors the compliance of prisons and their resort to solitary confinement with international human rights standards.

Recommendation Status:

This recommendation has **NOT** been implemented.

²³ National Report Submitted In Accordance With Paragraph 15 (A) Of The Annex To Human Rights Council Resolution 5/1: Islamic Republic of Iran, UN Doc. A/HRC/WG.6/7/IRN/1, 18 November 2009, para. 65

²⁴ Amnesty International,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9081_E.pdf