

Concluding observations Human Rights Committee CCPR/C/79/Add.25 para 19

Full recommendation:

Effective measures should be adopted to ensure the strictest observance of articles 7 and 10 of the Covenant. All complaints of extrajudicial executions, disappearances, torture and ill-treatment should be duly investigated, the culprits should be punished and measures should be taken to prevent any recurrence of such acts. Severe forms of punishment incompatible with the Covenant should be removed from law and practice and the conditions of detention of persons deprived of their liberty should be improved. The Committee also recommends that training courses should be organized for members of the police, the armed forces and the security forces as well as for other law enforcement officials, so as to better acquaint them with basic human rights principles and norms.

Assessment using Impact Iran human rights indicators¹

- A. All complaints of extrajudicial executions, disappearances, torture and ill-treatment should be duly investigated, the culprits should be punished and measures should be taken to prevent any recurrence of such acts.**

Extrajudicial executions

Article 22 of the Constitution of the Islamic Republic of Iran stipulates that “The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.”²

Article 578 of the Islamic Penal Code asserts “any civil servant or judicial or non-judicial agent who corporally mistreats and abuses an accused person in order to force him to confess shall be sentenced, in addition to *qisas* and [*diyeh*], to six months’ to three years’ imprisonment; [...] if the accused person dies as a result of the abuses, the principal to the murder shall be sentenced to the punishment provided for a murderer, and the person who has issued the order shall be sentenced to the punishment provided for a person who has ordered a murder.”³

The 1995 Law on the Use of Firearms by Armed Forces in Necessary Incidents regulates the use of fire weapons in the context of “illegal” assemblies.⁴ Under the law, firearms can be used to

¹ CCPR.6.1.S.2; CCPR.7.1.S.1; CCPR.10.1.S.1

CCPR.6.1.P.1; CCPR.7.1.P.1;

CCPR.6.1.O.2; CCPR.6.1.O.3; CCPR.7.O.1; CCPR.7.1.O.2; CCPR.10.1.O.2; CCPR.10.1.O.3

² Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ Islamic Penal Code, 2013, English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁴ Official Website of the Parliament of the Islamic Republic of Iran, <https://rc.majlis.ir/fa/law/show/92500>

‘return to order’ as a last resort, when an assembly has been deemed illegal by the local governors (at provincial, city or district levels) or in their absence - their political deputies and in consultation with local security councils. In such circumstances, the commander of operations can authorize the use of live ammunitions when all other means to control the assembly have been exhausted and an ultimatum has been communicated to demonstrators. If demonstrators use weapons, the police and other armed forces are allowed to use live ammunitions without prior authorization and do not need to abide to the conditions of last resort aforementioned.

Reports of extrajudicial executions in the Islamic Republic of Iran are regular.^{5 6 7} NGOs have documented a wide-scale pattern of extrajudicial executions in the context of the November 2019 protests, with at least 300 cases individuals being shot dead by Iranian security forces including members of the Revolutionary Guards, paramilitary *Basij* forces and the police.^{8 9 10 11} As of December 2020, the Iranian authorities have not carried independent and impartial investigations into alleged extrajudicial killings and have not held perpetrators responsible for ordering and carrying those killings into account.

Disappearances

The current prisons operational regulations,¹² passed in 1986, put the management of all prisons and detention centers and affiliated bodies under the responsibility of the Prisons Organization.¹³ Such provision is reiterated under Article 18 of the Prison Regulations passed in 2001. However, the existence of secret detention centers or facilities run outside the supervision of the Prisons Organization is not explicitly prohibited. Secret detention centers run by security and intelligence bodies, notably the Ministry of Intelligence and the intelligence unit of the Revolutionary Guards, remain reportedly prevalent in the Islamic Republic of Iran.¹⁴ Additionally, security and

⁵ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25812&LangID=E>

⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F43%2F61&Language=E&DeviceType=Desktop>

⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2019, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F74%2F188&Language=E&DeviceType=Desktop>

⁸ Iran Human Rights, <https://www.iranhr.net/en/articles/4059/>

⁹ Justice for Iran, <https://justice4iran.org/wp-content/uploads/2020/04/SHOOT-TO-KILL-Preliminary-Findings-of-Justice-for-Irans-Investigation-into-the-November-2019-Protests.pdf>

¹⁰ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spree/>

¹¹ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1323082020ENGLISH.PDF>

¹² Full title: The Law Replacing the Supervisory Council on Prisons and Security and Corrective Measures with the State Prisons Organization and Security and Corrective Measures, 1986.

¹³ Prison Regulations, Article 18. In 1986, the Prisons Organization replaced the Supervisory Council on Prisons and Security and Corrective Measures. See the Law Replacing the Supervisory Council on Prisons and Security and Corrective Measures with the State Prisons Organization and Security and Corrective Measures, 26 January 1986, available on the website of the Islamic Parliament Research Centre at <https://rc.majlis.ir/fa/law/show/91160>. Article 9 of the Law required the passage of an executive by-law which was passed in July 2001, 15 years after the adoption of the Law of Alteration in 1986. The 2001 Prison Regulations were subjected to amendments in 2002 and 2010.

¹⁴ See more: Amnesty International, <https://www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF>

intelligence bodies can, with the approval¹⁵ and under the supervision of the Prisons Organization,¹⁶ set up “security detention facilities”. Prosecution authorities are obliged to inspect security detention facilities regularly and submit a report to the judiciary.¹⁷ Under the Law on Respect for Legitimate Freedoms and Protection of Citizens’ Rights, the head of the judiciary is obliged to set a committee to ensure that prisons and detention centers regulations are respected and that those responsible for committing abuses are held to account.¹⁸ Reportedly, these legal safeguards are not applied in practice, enabling intelligence and security bodies to operate outside the Iranian legal framework and without accountability.¹⁹ Unofficial secret detention centers are not regulated under Iranian law and are not registered under the Prisons Organization, which prevents the detainees from knowing the exact location of where they are being held. This is in contradiction of the Law on Respect for Legitimate Freedoms and Protection of Citizen’s Rights which provides that law enforcement officials and interrogators must refrain from transferring detainees to unidentified locations.²⁰ There is no readily available information that might indicate that committee established by the head of the judiciary is effectively ensuring that cases of enforced disappearances are properly investigated and adjudicated and that those responsible are held into account.

Unofficial and secret detention facilities facilitate the perpetration of enforced disappearances. The lack of proper oversight of secret and unofficial detention facilities in the Islamic Republic of Iran hinders, if not prevents, accountability for perpetrators. Without proper legal safeguards enforced in practice, complaints of disappearances cannot be properly investigated, and culprits cannot be punished accordingly.

Additionally, a number of restrictive provisions under Iranian law prevent relatives of detainees from being informed of the detainees’ arrests when deemed “necessary”.²¹ Further, relatives cannot inquire about the detainees’ whereabouts if it “infringe[s] on the social and familial status of the detainees”,²² conditions that are not further defined and seemingly therefore arbitrary. The

¹⁵ Prohibition of Forming Special Detention Facilities and Allocation of One Detention Facility for Security Crimes in Each Province, www.rc.majlis.ir/fa/law/show/131562 ; Executive Regulations for Management of Security Detention Facilities, 21 November 2006, Note to Article 3, <https://bit.ly/3loEKSf>

¹⁶ Executive Regulations for Management of Security Detention Facilities, 21 November 2006, Articles 2 and 4-6, <https://bit.ly/3o9sqak>

¹⁷ Executive Regulations for Management of Security Detention Facilities, 21 November 2006, Article 2, www.bit.ly/2Fu8rlx; See also the Law on Respect for Legitimate Freedoms and Protection of Citizens’ Rights, 5 May 2004, Article 1(13), www.rc.majlis.ir/fa/law/show/94150

¹⁸ The Law on Respect for Legitimate Freedoms and Protection of Citizens’ Rights, 5 May 2004, Article 1(15), www.rc.majlis.ir/fa/law/show/94150

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

²⁰ The Law on Respect for Legitimate Freedoms and Protection of Citizens’ Rights, 5 May 2004, Article 1(7), www.rc.majlis.ir/fa/law/show/94150

²¹ Article 50 of the revised Code of Criminal Procedure (2015) entitles individuals in custody to inform their relatives of their arrest but permits “judicial officers” to impose restrictions on such right when deemed “necessary”, without clarifying when and for how long such restrictions are allowed or specifying a competent official responsible for the approval of such decision. Relatives then must refer to judicial officials.

²² Article 49 of the revised Code of Criminal Procedure (2015) entitles relatives of detainees to inquire about them to the local Office of the Prosecutor, the Provincial Prosecutor, and the Head of the Justice Department in each province

right of detainees to communicate with and receive visits of family members is restricted under Article 180 of the Prisons Regulations when judicial officials determine that correspondence is not in the interest of a “good trial proceeding”, without clarifying what could contravene “good proceedings” and without setting limitation as to the period of restriction.²³ Competent judicial authorities can allow correspondence and/or visit during the prohibition period, however such decision does not appear to be subject to review by another official or body. Ultimately this means that judges can, in practice, deprive detainees of their right to have access to the outside world for an unlimited period of time. Such provisions facilitate the perpetration of enforced disappearances by Iranian authorities.

Reports of enforced disappearances in the Islamic Republic of Iran are regular. The Working Group on Enforced or Involuntary Disappearances issued communications on alleged cases of enforced disappearances as recently as 2019, mentioning the lack of investigation and follow-up on unconfirmed reports of death.²⁴ The Working Group also noted that the Government had not given information concerning alleged lack of investigation into the disappearance and extrajudicial execution of 5,000 political prisoners in the Islamic Republic of Iran in the 1980s.²⁵ Amnesty International reported wide-scale patterns of enforced disappearances in the aftermath of the November 2019 and the lack -if not absence- of accountability for perpetrators.²⁶ The UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran raised serious concerns about the lack of investigation and accountability into the November 2019 protests.²⁷

In light of the above, the Government of the Islamic Republic of Iran has not duly investigated cases of enforced disappearances, therefore preventing accountability for perpetrators. The current prison and detention center regulations may well provide an enabling environment for the perpetration of enforced disappearances. There is no readily available information that might indicate that the Government took measures to prevent the recurrence of enforced disappearances.

Torture and ill-treatment

but only “to the extent that it does not infringe on the social and familial status of the detainees” without specifying what constitute such infringement.

²³ Executive Regulations of the Prisons Organization, 11 December 2005, www.prisons.ir/page-main/fa/0/form/pId77

²⁴ Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, July 2019, https://www.ohchr.org/Documents/Issues/Disappearances/A_HRC_WGEID_118_1_Advance.pdf

²⁵ Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, May 2019,

https://www.ohchr.org/Documents/Issues/Disappearances/A_HRC_WGEID_117_1_ADVANCE.pdf

²⁶ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF>

²⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/A/75/213>

Article 38 of the Constitution of the Islamic Republic of Iran prohibits torture and other ill-treatment, but only when it is “used to extract an admission of guilt or to obtain information”.²⁸ Similarly, Article 578 of the Islamic Penal Code asserts “any civil servant or judicial or non-judicial agent who corporally mistreats and abuses an accused person in order to force him to confess shall be sentenced [...]”.²⁹ Such provision is reiterated under Article 60 of the Code of Criminal Procedure. Article 169 of the Prison Regulations prohibits “corporal punishment of the accused or convicts, and imposing violent, excruciating or humiliating punishments, in all penal institutions and prisons” and punishments are provided under Article 587 of the Islamic Penal Code.³⁰ While Iranian law prohibits - conditionally - torture and certain abusive conducts during interrogations, it does not provide a definition of torture *per se*. Torture and other ill-treatment inflicted on an individual for other purposes than extracting confessions and/or information is not, therefore, explicitly prohibited.

The prohibition of torture and other ill-treatment is a *jus cogens* norm under international law and cannot be restricted in any circumstances,³¹ including by conflicting domestic laws.

The Iranian legal framework does not adequately protect individuals from torture and other-ill-treatment and may well facilitate impunity. While Iranian laws provide for the accountability of officials and authorities who infringed individuals’ rights and punishes the use of torture in order to force confession, these provisions do not criminalize torture nor do they use the term “torture”. The absence of a crime of torture in itself under Iranian law prevents prosecution, which is limited only to cases of torture provided under the law.

Despite the limited legal framework, there are mechanisms competent to receive and investigate complaints of torture and ill-treatment as provided under the law in the Islamic Republic of Iran. The Supervision and Inspection Board, established under the Law on Respect for Legitimate Freedoms and Safeguarding Citizen’s Rights, monitors the compliance of policies and conducts with the law. The Board’s missions include submitting “the complaints it receives to the relevant bodies and pursuing the investigation until it yields an outcome”; “deploying inspection groups to the bodies”; and “preparing reports on the implementation of laws in the country every three months and making them available to the public every three months.”³² The Supervision and Inspection Board also has set up a database enabling victims and witnesses to submit their complaints. On the occasion of its 2019 Universal Periodic Review, the Islamic Republic of Iran stated that “the prosecutors, through judges stationed in prisons as well as the Secretariat of the

²⁸ Constitution of the Islamic Republic of Iran English translation
http://www.iranchamber.com/government/laws/constitution_ch03.php

²⁹ Islamic Penal Code of the Islamic Republic of Iran (2013), English translation, Iran Human Rights Documentation Center,
<https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³⁰ Islamic Penal Code of the Islamic Republic of Iran (2013), English translation, Iran Human Rights Documentation Center,
<https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

³¹ CCPR General Comment No. 20: Article 7, 10 March 1992, <https://www.refworld.org/docid/453883fb0.html>

³² Executive By-law of Article 1(15) of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens’ Rights.

Protection of Citizenship Rights and provincial supervisory boards, conduct regular inspections and investigate any reports or complaints” with regard to allegations of torture.³³ There is no readily available information that might indicate that complaints have been properly investigated and adjudicated either by the Board or the Secretariat.

Reports of cases of torture in the Islamic Republic of Iran are regular.^{34 35} Amnesty International reported widespread and systematic use of torture by Iranian authorities against protestors during and after the November 2019 protests.³⁶ As of November 2020, there is no readily available information that might indicate that Iranian authorities have opened investigations compliant with international standards into allegations of torture committed by police, security and intelligence agents and prison officials in the context of the November 2019 protests.

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Article 90 Commission of the parliament (established based on Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.³⁷ Additionally and as aforementioned, the absence of a crime of torture in itself under Iranian law prevents prosecution, which is limited to cases of torture provided under the law, and therefore hindering access to justice for victims.

In light of the above, the Government of the Islamic Republic of Iran has not duly investigated complaints of torture and ill-treatment, and the shortcomings of the Iranian legal framework hinder accountability for perpetrators. There is no readily available information that might indicate that the Government of the Islamic Republic of Iran took measures to prevent the recurrence of acts of torture and ill-treatment, apart from the reported inspections and investigations into complaints.

B. Severe forms of punishment incompatible with the Covenant should be removed from law and practice

³³ Report of the Working Group on the Universal Periodic Review, February 2020, <https://undocs.org/en/A/HRC/43/12/Add.1>

³⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, March 2018, <https://undocs.org/A/HRC/37/68>

³⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

³⁶ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF>

³⁷ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

The Penal Code of the Islamic Republic of Iran impose corporal punishment for a significant number of crimes. Articles 386 to 416 contain regulations allowing the imposition of a range of punishment under *qesas-e ozv* (retaliation for injured limb or body part).³⁸ Such punishments include amputation of limbs, cutting of body parts and blinding. Under Article 278 of the Penal Code, the crime of theft, when meeting certain conditions,³⁹ is sentenced with “amputation of the full length of four fingers of the right hand of the thief [...]”.⁴⁰ At least 149 crimes continue to be punishable by flogging in Iran such as: consumption of alcohol, drug use and petty drug dealing, theft, adultery, “flouting” of public morals, illegitimate relationships, and mixing of the sexes in public.⁴¹

Although in 2002 then-Head of the Judiciary Ayatollah Shahrudi issued a ban on stoning,⁴² it remains as a punishment for act of adultery by a woman and a man who meet the condition of *ehsan*⁴³ under the Islamic Penal Code (2013).⁴⁴ In 2007, the Iranian judiciary confirmed that a man who had been convicted of adultery 10 years earlier was stoned to death in Qazvin province.⁴⁵ The practice reportedly further continued despite the issuance of the ban.^{46 47} In 2013 the spokesman for the Iranian Parliament’s Justice Commission confirmed that while the Penal Code no longer prescribes stoning, it remains a valid punishment under *Shari’a* law, which is enforceable under the Penal Code.⁴⁸

³⁸ Islamic Penal Code of the Islamic Republic of Iran (2013) as referenced in “Flawed Reforms: Iran’s next Code of Criminal Procedure”, Amnesty International, 2016, <https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>

³⁹ The conditions stipulated under this provision include but are not limited to the following: “The stolen property has a legitimate value”, “the stolen property was placed in herz [a secure place]”, “the thief breached the herz [the secure place]”, and “the theft was not committed in a time of famine” Article 268, Islamic Penal Code of the Islamic Republic of Iran (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁴⁰ Article 278 Islamic Penal Code of the Islamic Republic of Iran (2013) Islamic Penal Code of the Islamic Republic of Iran, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁴¹ For a list of acts punishable by flogging in Iranian law, see: Abdorrahman Boroumand Center <https://www.iranrights.org/library/document/3643>

⁴² European Parliament Report, 2003, <https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A5-2003-0334+0+DOC+XML+V0//EN>

⁴³ The condition of *ehsan* is described under Article 226 of the 2013 Islamic Penal Code, English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁴⁴ Article 225, Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁴⁵ Radio Farda report: < https://www.radiofarda.com/a/f1_stoning_Iran/401521.html >

⁴⁶ Iran Human Rights, <https://iranhr.net/en/articles/603/>

⁴⁷ Radio Farda report: < https://www.radiofarda.com/a/f7_Stoninig_3_men_in_Iran/479480.html >

⁴⁸ Mohamadali Esfanani, in an interview with Fars News Agency that Radio Zamaneh reported it: <<https://www.radiozamaneh.com/53576> >

Iranian authorities have regularly resorted to corporal punishments, in particular flogging. Over 100 flogging sentences and 19 sentences of amputation were issued over the course of 2017.^{49 50}
^{51 52} In 2020 the Abdorrahman Boroumand Center documented 160 flogging sentences.⁵³

Iranian authorities do not systematically or thoroughly release information on corporal punishment sentences or their implementation. Reports of flogging cases rarely appear in the Iranian media, usually from small towns and villages.⁵⁴

The Human Rights Committee has explicitly stated that flogging, amputation and stoning are not compatible with the International Covenant on Civil and Political Rights (ICCPR).⁵⁵ The text of article 7 of the ICCPR allows for no limitation. Violation of *jus cogens* norms, such as the prohibition of torture or other ill-treatment, cannot be justified on the basis of inconsistent domestic laws.⁵⁶

Consequently, severe forms of punishment incompatible with the Covenant have not been removed from law and practice in the Islamic Republic of Iran.

C. The conditions of detention of persons deprived of their liberty should be improved.

Article 39 of the Constitution of the Islamic Republic of Iran stipulates that “All affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.”⁵⁷

Iran’s Prison Regulations provide for the management and supervision of all prisons and detention center in the country, including the conditions of detentions such as access to adequate food and water and medical care for detainees, visits and communications with the family. Prison

⁴⁹ Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, 12 March 2018, <https://undocs.org/A/HRC/37/68>

⁵⁰ Abdorrahman Boroumand Center, <https://www.iranrights.org/library/document/3126> ; See also Abdorrahman Boroumand Center, <https://www.iranrights.org/library/document/3270>

⁵¹ See Amnesty International urgent action: <https://www.iranrights.org/library/document/3587>

⁵² See Arya News Service, translated by the Abdorrahman Boroumand Center, <https://www.iranrights.org/library/document/3190>

⁵³ Abdorrahman Boroumand Center, <https://www.iranrights.org/projects/flogging>

⁵⁴ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

⁵⁵ UN Human Rights Committee (HRC), CCPR/C/79/Add.85,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/79/Add.85&Lang=en

⁵⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 27 September 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/300/93/PDF/N1830093.pdf?OpenElement>

⁵⁷ Constitution of the Islamic Republic of Iran, English Translation, Iran Data Portal, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

regulations include the right for detainees to have a bed⁵⁸ and also stipulate that prisons should have enough showers to enable detainees to shower at least once a week.⁵⁹

The Iranian Prisons Organization, the governmental agency in charge of overseeing prisons in the country, has reportedly faced challenges in terms of funding and investments. In 2017, then-Head of the Organization stated in an interview that there were not enough funds to provide three adequate meals to prisoners.⁶⁰ The Government has been increasing the annual budget of the Organization.⁶¹ Reportedly, the budget of the Organization is spent notably on the provision of food and clothing for prisoners, as well as health care services.⁶²

However, despite the lack of readily official and available information, NGO reports suggest that investments to improve the conditions of detention of persons deprived of their liberty are insufficient.

Reportedly, prisons in Iran lack showers and adequate sleep amenities for their detainees.⁶³ As reported by Amnesty International as of June 2020,⁶⁴ according to recent official statements,⁶⁵ Iran's prison population was around 211,000, two and half times more than the officially declared capacity of 85,000.⁶⁶

Numerous reports received by OHCHR have indicated that detainees are regularly kept in poor conditions in Iranian prisons, notably due to overcrowding and serious lack of basic hygiene, lack of adequate food and water and denial of access to medical care.^{67 68 69} The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran received numerous reports of abusive use of torture to extract confessions, use of solitary confinement, and medical

⁵⁸ Article 71, Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

⁵⁹ Article 108, Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

⁶⁰ Aftab News, <https://aftabnews.ir/fa/news/499098/>

⁶¹ ILNA News, <https://www.ilna.news/fa/tiny/news-707499>

⁶² Mehr News, www.mehrnews.com/xQMTN

⁶³ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#3.2.3>

⁶⁴ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

⁶⁵ <https://www.irna.ir/news/83819418/هستند-زندان-های-کشور>

⁶⁶ <https://www.tasnimnews.com/fa/news/1398/02/25/2011935/رئیس-سازمان-زندان-ها-2-5-بر-ابر-ظرفیت-زندان-داریم>

⁶⁷ Report of the Special Rapporteur on the situation of human rights 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

⁶⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

⁶⁹ UN News, <https://news.un.org/en/story/2020/10/1074722>

treatments conditional upon confession.⁷⁰ Additionally, numerous reports have documented deaths and cases of ill-treatment of persons detained during the November 2019 protests.^{71 72}

A report published by the Abdorrahman Boroumand Center in partnership with the Human Rights Activists News Agency found that conditions of detentions have further deteriorated since the COVID-19 pandemic started. Prisons' overcrowding facilitated the proliferation of COVID-19 cases in several prisons.⁷³ Such concerns have been echoed by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his report published in July 2020⁷⁴ and January 2021.⁷⁵ Documents recently leaked to Amnesty International indicate that Iran's Ministry of Health has repeatedly ignored urgent appeals from the Prisons Organization to remedy the widespread shortages of the protective equipment, disinfectant products, and medical supplies needed to fight the pandemic.⁷⁶

In its 2019 National Report to the Universal Periodic Review, the Government of the Islamic Republic of Iran reported that the Citizenship Rights Watch Board carries periodic inspections within prisons and detention centers. According to the Government the body has "received and handled 3,275 complaints and reports, through the complaint system, in relation with civil rights violations. Between 2015 and 2018, a number of 28,504 inspections were carried out to prosecutors' offices, prisons and detention centers."⁷⁷ There is no readily available information about the outcome of such inspections and whether they led to the improvements of detention conditions.

In light of the above, the conditions of detention of persons deprived of their liberty in the Islamic Republic of Iran have not been improved.

D. The Committee also recommends that training courses should be organized for members of the police, the armed forces and the security forces as well as for other law enforcement officials, so as to better acquaint them with basic human rights principles and norms.

⁷⁰ Report of the Special Rapporteur on the situation of human rights 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

⁷¹ Report of the Special Rapporteur on the situation of human rights 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

⁷² Amnesty International, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>

⁷³ HRANA, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf

⁷⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/A/75/213>

⁷⁵ 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>

⁷⁶ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

⁷⁷ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

There is no readily available information that might indicate that the Government of the Islamic Republic of Iran has established human rights training courses for members of the police, armed force and the security forces as well as for other law enforcement officials.

Recommendation Status:

This recommendation has **NOT** been implemented.