

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/67/369 para 79

Full recommendation

The Special Rapporteur again emphasizes his concern about alleged violations of rights of due process, and requests that the Government investigate allegations of physical and psychological torture and the denial of due process rights. In this regard, the Special Rapporteur also re-emphasizes the need for an extensive, impartial and independent investigation into the violence in the weeks and months that followed the presidential election of 2009. He reiterates his call for the immediate release of all political prisoners and prisoners of conscience, including those alluded to in the current and previous reports; requests that the treatment of prisoners meet minimum international and national standards; and that prisoners are granted adequate access to medical care, in accordance with international standards and Iranian law.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur requests that the Government investigate allegations of physical and psychological torture and the denial of due process rights.

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.”² 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 [...]”.³ 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.⁴ While Iranian law conditionally prohibits torture and certain abusive conduct during interrogations, it does not provide a definition of torture *per se*. Torture and other ill-treatment inflicted on an individual for purposes other than extracting confessions and/or information is, therefore, not explicitly prohibited.

¹ CCPR.7.1.S.1; CCPR.9.1.S.1; CCPR.9.1.S.2; CCPR.9.1.S.3; CCPR.9.2.S.1; CCPR.9.3.S.2; CCPR.14.1.S.2
CCPR.7.1.P.1; CCPR.9.1.P.1; CCPR.9.1.P.2; CCPR.9.1.P.5; CCPR.9.1.P.6; CCPR.9.2.P.1; CCPR.9.3.P.1
CCPR.7.1.O.1; CCPR.7.1.O.2; CCPR.7.1.O.3; CCPR.9.1.O.1; CCPR.9.2.O.1; CCPR.9.2.O.4; CCPR.14.1.O.8; CCPR.9.1.O.1

² Constitution of the Islamic Republic of Iran English translation

http://www.iranchamber.com/government/laws/constitution_ch03.php

³ 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/>

⁴ 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/>

The prohibition of torture and other ill-treatment is a *jus cogens* norm under international law and cannot be restricted under any circumstances,⁵ including by conflicting domestic laws. However, 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 infringe individuals' rights and punishes the use of torture in order to force confession, these provisions do not criminalize torture in all cases, nor do they use the term "torture." The absence of a crime of torture under Iranian law prevents prosecution, which is limited only to cases of torture provided under the law.

There are mechanisms to receive and investigate complaints of torture and ill-treatment as understood under Iranian 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 and confronts those in breach. 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."⁶ The Supervision and Inspection Board also 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 Protection of Citizenship Rights and provincial supervisory boards, conduct regular inspections and investigate any reports or complaints" with regard to allegations of torture.⁷ 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.^{8 9} Amnesty International reported widespread and systematic use of torture by Iranian authorities against protestors during and after the November 2019 protests.¹⁰ As of December 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.

⁵ CCPR General Comment No. 20: Article 7, 10 March 1992, <https://www.refworld.org/docid/453883fb0.html>

⁶ See Executive By-law of Article 1(15) of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights, available at bit.ly/1nRuftq (accessed on 3 February 2016).

⁷ Report of the Working Group on the Universal Periodic Review, February 2020, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁸ 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>

⁹ 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>

¹⁰ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF>

Furthermore, Iran’s legal framework provides for limited guarantees of due process, notably with regards to access to legal counsel. The guarantee of the right to legal defence is enshrined in Article 35 of the Constitution, which also ensures the right to choose a lawyer.¹¹ Similarly, Article 190 of the revised Code of Criminal Procedure (CCP) protects the right of a suspect to “be accompanied by a lawyer during the preliminary investigations.” Article 48 of the Code of Criminal Procedure (CCP), revised in 2015, permits the accused to “demand the presence of a lawyer from the start of detention.”¹² ¹³ However, a Note to Article 48 of the 2015 CCP,¹⁴ specifies that individuals facing charges for certain offences, including those relating to national security and organized crime, must select their legal counsel from among a limited list of lawyers approved and announced by the Head of the Judiciary at the phase of preliminary investigations.¹⁵ The right to legal assistance during the pre-trial phase is also not guaranteed under Iranian law as the CCP does not ensure access to free legal assistance during the investigation phase in cases where the accused faces charges other than those punishable by severe punishments, such as the death penalty or life imprisonment. In May 2019, the Iranian legal and judicial parliamentary commission proposed an amendment to Article 48 of the Code of Criminal Procedure which would allow the prosecution to delay access to a lawyer for 20 days, with a possibility of extension to the whole duration of investigation, in cases related to national security, terrorism or financial corruption.¹⁶ ¹⁷ Such amendment would further restrict access to legal counsel during the investigation phase. Yet, the Human Rights Committee has explicitly stipulated that the accused should be granted prompt access to legal counsel,¹⁸ including during the pre-trial phase.¹⁹

In many reported cases, especially national security cases, defendants have reported seeing their lawyer for the first time on their day of trial.²⁰ Members of the Sunni²¹, Arab Ahwazi²²,

¹¹ Constitution of the Islamic Republic of Iran < http://www.iranchamber.com/government/laws/constitution_ch03.php >

¹² Code of Criminal Procedure of the Islamic Republic of Iran (2015) as referenced in the joint submission to the Human Rights Committee from the Abdorrahman Boroumand Center, Iran Human Rights Documentation Center, Impact Iran, Human Rights Activists in Iran, 2020,

<https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICS_IRN_42313_E.pdf >

¹³ Code of Criminal Procedure of the Islamic Republic of Iran (2015) original version < <http://dotic.ir/print/5584> >

¹⁴ Code of Criminal Procedure of the Islamic Republic of Iran (2015) as referenced in the joint submission to the Human Rights Committee from the Abdorrahman Boroumand Center, Iran Human Rights Documentation Center, Impact Iran, Human Rights Activists in Iran,

2020, <https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICS_IRN_42313_E.pdf >

¹⁵ The former CCP had conditioned the presence of a lawyer at the investigative stage on the permission of the judge in cases with a “confidential” aspect, cases where the presence of a party other than defendant would “corrupt” proceedings as determined by the judge, and in national security cases; See the March 17, 2017 report of the UN Special Rapporteur, Asma Jahangir, on fair trial in Iran <<https://undocs.org/en/A/HRC/34/65> >

¹⁶ Abdorrahman Boroumand Center, <https://www.iranrights.org/newsletter/issue/99>

¹⁷ www.amnesty.org/en/documents/mde13/0379/2019/en/ ; <https://www.amnesty.org/en/latest/news/2019/05/iran-proposed-law-restricting-access-to-lawyer-would-be-crushing-blow-for-justice/>

¹⁸ CCPR General Comment No.32 <<https://undocs.org/CCPR/C/GC/32>>

¹⁹ HRC, Concluding observations on Georgia, CCPR/C/79/Add.75, para. 27, available at bit.ly/20caB7i; HRC, Concluding observations on the Netherlands, CCPR/C/NLD/CO/4, para. 11, available at www.refworld.org/docid/4aa7aa642.html

²⁰ HRANA <<https://www.en-hrana.org/arash-sadegh-golrokh-iraeis-lawyers-access-cases>

²¹ HRANA <<https://www.en-hrana.org/court-prevents-lawyer-accessing-files-five-sunni-prisoners>>

²² UNPO <<https://unpo.org/article/21430>>

Kurdish²³ and *Baha'i*²⁴ minorities are reportedly frequently denied legal representation. Prisoners reportedly remained incarcerated without proper access to legal representation at all stages of their trial process and lawyers were reportedly denied timely access to their clients' legal files.²⁵ ²⁶ In cases where legal representation is granted, it is usually allowed only during official trial proceedings and denied during the investigative phase of the process; this is a common trait of reported national security cases, where Iranian intelligence agencies are involved in the investigative stages.²⁷ Lastly, there are reports of individuals being kept in pre-trial detention for disproportionate amounts of time before being notified of their charges and before being brought before a judge.^{28 29 30 31 32}

Despite the existence of several means and mechanisms that accept complaints regarding the violation of rights in Iran, including fair trial and due process, such as the Judges disciplinary court, the Article 90 parliamentary commission and, in general, any appeals courts including the Supreme Court, there is no official and readily available evidence to suggest that all complaints are addressed and adjudicated by the relevant authorities. There is no official and readily available information or data on investigations of human rights violations in the Islamic Republic of Iran, including physical and psychological torture and denial of due process. However, reports above mentioned suggest that such violations occur regularly in the Islamic Republic of Iran.

Following the announcement of the victory of incumbent president Mahmoud Ahmadinejad in the presidential election on June 12th, 2009, thousands of demonstrators took to the streets in Iran to protest the results. In response to the protests, the Islamic Republic sent the Islamic Revolutionary Guard Corps and the *Basij* militia (a volunteer paramilitary force) to repress the demonstrations.³³ Due to the lack of official information about the whereabouts of victims, the total number of those killed in the 2009 post-elections protests remains largely unknown.³⁴ Although the government stated in September 2009 that a total of 36 people, including security

²³ HRANA <<https://www.en-hrana.org/political-prisoner-denied-access-to-an-attorney>>

²⁴ HRANA <<https://www.en-hrana.org/uncertain-situation-of-seven-bahai-detainees-in-rajaie-shahr-prison>>

²⁵ HRANA <<https://www.en-hrana.org/political-prisoner-denied-access-to-an-attorney>>

²⁶ HRANA <<https://www.en-hrana.org/court-prevents-lawyer-accessing-files-five-sunni-prisoners>>

²⁷ HRW < <https://www.hrw.org/news/2016/03/24/iran-detainees-denied-fair-legal-representation> >

²⁸ UNPO < <https://unpo.org/article/21430> >

²⁹ Human Rights Watch, <https://www.hrw.org/news/2015/03/13/iran-submission-committee-rights-child>

³⁰ 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>

³¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, September 2019, <https://undocs.org/en/A/HRC/37/24>

³² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2019, <https://undocs.org/en/A/HRC/40/67>

³³ Iran Human Rights Documentation Center, 2013 <https://iranhrdc.org/violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran/>

³⁴ Iran Human Rights Documentation Center, 2013, <https://iranhrdc.org/violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran/>

forces, had been killed,³⁵ reports from human rights organizations have reported over 60 individuals being shot dead during the 2009 events,³⁶ dozens of demonstrators killed by security forces,³⁷ and several deaths of detainees after they were subjected to torture and ill-treatment.^{38 39}

The post-election unrest of 2009 was not investigated by the Article 90 Committee, but by the Special Parliamentary Committee to Investigate the Status of Post-Election Arrestees, which was set up for the purpose in 2009.⁴⁰ However, candidates for Parliament are subject to government-run committees' and the Guardian Council's screenings before being able to run for elections, notably to ensure that they are loyal to the Islamic Republic of Iran and the religious system of law.^{41 42} As a consequence, the impartiality and independence of the parliament's investigation is not guaranteed. Although low-ranking officials have been prosecuted and convicted for abuses, notably in the Kahrizak prison^{43 44}, most of the highest-ranking officials involved in the 2009 protests, and subsequent human rights violations, have been either acquitted,⁴⁵ sentenced to short prison sentences, or have not been prosecuted.⁴⁶

Cases of killings, torture and other ill-treatments during and following the 2009 protests have been largely reported and documented.^{47 48 49 50} Furthermore, the lack of legal safeguards against torture and other ill-treatments and the lack of oversight over security forces' activities during the protests⁵¹ contribute to a legal framework unable to prosecute and hold those responsible for abuses accountable.

³⁵ Iran Human Rights Documentation Center, 2013, <https://iranhrdc.org/violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran/> See also: Amar-i Tazih va Mutafavit-i Yik Maqam-i Nizammiyeh Iran az Qurbaniyan-i Khushunatha [New and Different Statistics of the Victims of Violence by an Iranian Law Enforcement Official], BBC Persian, Sept. 11, 2009, available at http://www.bbc.co.uk/persian/iran/2009/09/090910_si_violence_victims.shtml

³⁶ Amnesty International, Submission to the Human Rights Committee, 2011, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9081_E.pdf

³⁷ Human Rights Watch, Submission to the Human Rights Committee, 2011, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9079_E.pdf

³⁸ Human Rights Watch, Submission to the Human Rights Committee, 2011, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9079_E.pdf

³⁹ Amnesty International, 2009, <https://www.amnesty.org/download/Documents/48000/mde131232009en.pdf>

⁴⁰ Human Rights Watch, 2012, <https://www.hrw.org/news/2012/09/27/iran-bring-notorious-abuser-justice#>

⁴¹ Reuters, 2020, <https://www.reuters.com/article/us-iran-election-factbox/factbox-choices-curtailed-irans-parliamentary-election-idUSKBN20B0C5>

⁴² Brookings, 2016, <https://www.brookings.edu/blog/markaz/2016/02/09/demystifying-irans-parliamentary-election-process/>

⁴³ Human Rights Watch, 2012, <https://www.hrw.org/news/2012/09/27/iran-bring-notorious-abuser-justice>

⁴⁴ Human Rights Watch, 2014, <https://www.hrw.org/news/2014/11/19/iran-ruling-official-linked-protester-deaths>

⁴⁵ Human Rights Watch, 2012, <https://www.hrw.org/news/2012/09/27/iran-bring-notorious-abuser-justice#>

⁴⁶ Human Rights Watch, 2012, <https://www.hrw.org/news/2012/09/27/iran-bring-notorious-abuser-justice#>

⁴⁷ Iran Human Rights Documentation Center, 2013 <https://iranhrdc.org/violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran/>

⁴⁸ Iran Human Rights Documentation Center, 2013, <https://iranhrdc.org/violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran/>

⁴⁹ Human Rights Watch, Submission to the Human Rights Committee, 2011, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9079_E.pdf

⁵⁰ Amnesty International, 2009, <https://www.amnesty.org/download/Documents/48000/mde131232009en.pdf>

⁵¹ Amnesty International, Submission to the Human Rights Committee, 2011, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9081_E.pdf

The Islamic Republic of Iran has not investigated all allegations of physical and psychological torture or the denial of due process rights. Regarding the 2009 protests, the Iranian Government has not established an extensive, impartial and independent investigation into the violence in the weeks and months that followed the presidential election.

B. The Special Rapporteur reiterates his call for immediate release of all political prisoners and prisoners of conscience

Regarding the release of all political prisoners and prisoners of conscience, the Islamic Republic of Iran has released some detainees, such as Narges Mohammadi,⁵² but other human rights defenders, including Nasrin Sotoudeh⁵³ and Arash Sadeghi,⁵⁴ are still in prison as of February 2021.⁵⁵

Iranian authorities frequently resort to the aforementioned legal provisions to intimidate, arrest and prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly, including journalists and media workers, trade unionists, lawyers, environmental and abolitionist activists.^{56 57 58} Those targeted under these legal provisions, are reportedly, disproportionately members of minorities.^{59 60 61 62 63}

C. The Special Rapporteur requests that the treatment of prisoners meet minimum international and national standards and that prisoners are granted adequate access to medical care, in accordance with international standards and Iranian law

⁵² United For Iran, <https://ipa.united4iran.org/en/prisoner/2340/>

⁵³ United For Iran, <https://ipa.united4iran.org/en/prisoner/4445/>

⁵⁴ United For Iran, <https://ipa.united4iran.org/en/prisoner/1931/>

⁵⁵ See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

⁵⁶ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

⁵⁷ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

⁵⁸ See more: Joint submission to the Human Rights Committee from ARTICLE 19, Small Media, Human Rights Activists in Iran Impact Iran, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf

⁵⁹ See more: Association for the human rights of the Azerbaijani people in Iran, <http://www.ahraz.org/association-for-the-human-rights-of-the-azerbaijani-people-in-iran-ahrazs-repot-regarding-the-current-situation-of-the-azerbaijani-arrestees-that-are-arrested-during-the-recent-protests-nove/>

⁶⁰ See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

⁶¹ See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

⁶² Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

⁶³ See more: Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

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.”⁶⁴ Iran’s Prison Regulations provide for the management and supervision of all prisons and detention centres in the country. The management and supervision include oversight of the conditions of detentions such access to adequate food and water, medical care for detainees, as well as visits and communications with the family. Prison regulations include the right for detainees to have a bed⁶⁵ and also stipulate that prisons should have enough showers to enable detainees to shower at least once a week.⁶⁶ The Regulations specify that all prisoners should have access to medical care, including regular medical check-ups, and that their medical needs should be addressed to the fullest extent possible unless transfers to treatment centres outside the prison is considered necessary.⁶⁷

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 conducts periodic inspections within prisons and detention centres. 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, 28,504 inspections were carried out to prosecutors’ offices, prisons and detention centers.”⁶⁸ There is no readily available information about the outcome of such inspections. Additionally, there is no readily official and available information as to the number of complaints, their nature or whether they have been adequately investigated and adjudicated in compliance with international standards. There is no readily available information that might suggest that custodial staff has been investigated for cases of denial of medical care for detainees. There are no readily available report of victims receiving compensation for the violation of their rights while in detention. Further, officials tasked with carrying out inspections in detention centres are not fully independent from judicial authorities, including heads of prisons and prosecutors, hindering impartiality, notably for cases of allegations of torture and ill treatment in detention facilities.⁶⁹

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

⁶⁴ Constitution of the Islamic Republic of Iran, English Translation, Iran Data Portal, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁶⁵ 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>.

⁶⁶ 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>

⁶⁷ See more: Amnesty International, <https://www.amnesty.org/download/Documents/MDE1341962016ENGLISH.PDF>

⁶⁸ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁶⁹ HRANA <<https://www.en-hrana.org/prisoners-zahedan-prison-threatened-not-talk-inspectors>>;

UN <<https://news.un.org/en/story/2019/07/1042141>>;

HRW <<https://www.hrw.org/world-report/2019/country-chapters/iran>>

adequate meals to prisoners.⁷⁰ The Government has been increasing the annual budget of the Organization.⁷¹ Reportedly, the budget of the Organization is spent on the provision of food and clothing for prisoners, as well as health care services.⁷² 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.⁷³ As reported by Amnesty International as of June 2020,⁷⁴ according to recent official statements,⁷⁵ Iran's prison population was around 211,000, two and half times more than the officially declared capacity of 85,000.⁷⁶ Numerous reports received by OHCHR have indicated that detainees are regularly kept in poor conditions in Iranian prisons, notably due to overcrowding, denial of access to healthcare, and serious deficiencies in basic hygiene, adequate food and water. OHCHR and NGOs received numerous reports of abusive use of torture to extract confessions,⁷⁷ use of solitary confinement,⁷⁸ and withholding medical treatments until the individual confesses.⁷⁹ Additionally, numerous reports have documented deaths and cases of ill-treatment of persons detained during the November 2019 protests.⁸⁰ ⁸¹ Although Iran's Prisons regulations guarantee prisoners' access to medical treatment facilities when needed, in practice prison and judicial officials have regularly denied this right.⁸²

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 began. Prisons' overcrowding facilitated the proliferation of COVID-19 cases in several prisons.⁸³ 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 2020.⁸⁴

⁷⁰ Aftab News, <https://aftabnews.ir/fa/news/499098/>

⁷¹ ILNA News, <https://www.ilna.news/fa/tiny/news-707499>

⁷² Mehr News, www.mehrnews.com/xOMTN

⁷³ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#3.2.3>

⁷⁴ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

⁷⁵ IRNA, <https://bit.ly/3bxZsgN>

⁷⁶ Tasnim News, <https://bit.ly/3exWyKT>

⁷⁷ HRW <<https://www.hrw.org/reports/2004/iran0604/5.htm>>;

Nobel Womens Initiative <<https://nobelwomensinitiative.org/white-torture-an-open-letter-from-narges-mohammadi/>>

⁷⁸ HRW <<https://www.hrw.org/legacy/campaigns/torture/iran/>>

⁷⁹ 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

⁸⁰ 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

⁸¹ Amnesty International, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>

⁸² UN <<https://news.un.org/en/story/2019/07/1042141>>; HRW <<https://www.hrw.org/world-report/2019/country-chapters/iran>>

⁸³ HRANA, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf

⁸⁴ 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>

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.⁸⁵

In light of the above, the treatment of prisoners in the Islamic Republic of Iran has not met minimum international and national standards and prisoners have not been granted adequate access to medical care, in accordance with international standards and Iranian law.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁸⁵ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>