

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/43/61 para 70(i)

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: Pending its abolishment, ensure that solitary confinement is used only in exceptional cases, as a last resort and for as short a time as possible, following authorization by a competent authority and subject to independent review;

Assessment using Impact Iran human rights indicators¹

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 of the Islamic Republic of Iran 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 that solitary confinement is not used in exceptional cases, as a last resort and for as short a time as possible. Reports of prisoners held in solitary confinement in the Islamic Republic of Iran are regular.^{16 17 18} Further, NGOs have reported cases of prisoners held in solitary confinement solely because they were displaying COVID-19 symptoms.^{19 20}

Recommendation Status:

This recommendation has **NOT** been implemented.

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?hilitte=%27solitary%27%2C%27confinement%27%2C%27evin%27%2C%27prison%27> and Human Rights Watch <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 Human Rights Watch, <https://www.hrw.org/news/2020/06/06/iran-free-students-long-solitary>

¹⁷ Iran Human Rights, <https://iranhr.net/en/articles/4479/>

¹⁸ OHCHR News, <https://news.un.org/en/story/2020/11/1078522>

¹⁹ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

²⁰ See more : Abdorrahman Boroumand Center, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf