



Rights Disregarded:

Prisons in the Islamic Republic of Iran



Iran Human Rights Documentation Center

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Encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

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Front cover: A scene from a warehouse on the grounds of Ghezelhesar Prison in Karaj, the largest prison in Iran. The warehouse is also being used to hold prisoners due to extreme overcrowding in the prison. Portrait: Ayatollah Sadegh Amoli Larijani, the head of Iran's judiciary, which oversees the country's prisons.

Back cover: An inmate walks in Gharchak Women's Prison in Varamin, near Tehran.

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Executive Summary

Although many of the largest prisons in Iran were in use before the Islamic Revolution, the rate of imprisonment per capita and the sheer volume of prisoners have both significantly increased since 1979. After the Revolution, the new government managed the political upheaval of its rise by rounding up members of opposition groups, dissidents, and loyalists to the previous regime in order to maintain a stranglehold over society. As such Iran's prisons have played a central role in the country's recent history.

Today, political dissidents, activists, journalists, human rights lawyers, artists and others are often imprisoned on vague charges such as "distributing propaganda against the regime," "acting against national security," or "insulting the Supreme Leader." These ambiguously-defined criminal charges are elements of the legal framework utilized by the Iranian government to stifle dissent and subject prisoners of conscience to arbitrary detention. While the Constitution of the Islamic Republic of Iran (hereafter "IRI") provides limited protections of the freedom of the press, freedom of association, and freedom of assembly, in practice exercising these freedoms can—and often does—land Iranian citizens in jail. Those imprisoned often lack access to legal counsel and are held for days or weeks on end without being charged of any crime. Some prisoners are tortured and pressured to admit their guilt, even if they did not commit any crimes. This report examines a number of cases of the abuse and mistreatment of inmates in several prisons throughout Iran, including untimely deaths in prison and the brutal physical attacks by prison guards and security officers carried out in April 2013 in Evin Prison's Ward 350, where many political prisoners are held.

The government does not allow the United Nations Special Rapporteur on the situation of human rights in Iran to visit the country and independently monitor its prisons; nonetheless reports from witnesses and former political prisoners provide a glimpse into the harsh prison conditions in Iran. Many former prisoners report unhygienic conditions as a result of overcrowding in prisons, which results in prisoners sleeping on hallway floors, shortages of prescription medicines in prison medical clinics, and a lack of access to necessary medical treatment, which has resulted in the untimely deaths of several prisoners. Despite the numerous reports attesting to the poor conditions in Iranian prisons, the government describes prison conditions as satisfactory.

As a party to the Universal Declaration of Human Rights and a signatory of the International Covenant on Civil and Political Rights, the IRI must respect its citizens' freedom of thought, freedom of assembly, and expression. The use of solitary confinement and physical and psychological torture violate international law, and the absolute prohibition against torture is a peremptory norm from which no derogations are permitted. Finally, lack of access to legal counsel, lack of access to medical treatment, forced labor, detention incommunicado, and other forms of mistreatment and abuse of prisoners also violate not only the Iranian Constitution, but also domestic and international laws governing the treatment of prisoners.

Introduction

The torture and mistreatment of prisoners in Iran and the violation of their rights in contravention of international and domestic norms has persisted for decades.¹ The following account from Mohammad Reza Homayun, a political prisoner in the early 1980s, provides a glimpse of the harrowing experiences of prisoners held in Iranian prisons. Homayoun recounts what another political prisoner named Mehran had told him:

They came early in the morning and made us queue up. They put blinders on us and moved us out of the cell. I could see a little from the behind the blinders... I was scared for a moment. I thought they were gonna do another one of their mass executions again, like the early days. The night before it had snowed heavily and that made it difficult to walk on the ice with our flimsy slippers. Like usual our hands were resting on the shoulders of the one in front of us. But we were moving much slower than usual. We were struggling along when suddenly the person in front of me fell to the ground, and something hit my head also. I lost my balance and fell too. I tried to get up but something else hit my head and back, and I fell again. My hands had touched something in mid air. I was hanging onto it. I didn't know what it was at first. Then I realized that it was a pair of legs. The queue was in disarray. Everyone was stumbling around like me. Then I got a glance from under my blinder and my heart stopped. They were passing us through the hanged bodies that were just dangling there. I saw a glimpse of a white face, with eyes popped out of their sockets. The guards in front were laughing uncontrollably.²

A more recent account of abuse of prisoners was provided by Hossein Ronaghi Maleki, a blogger who was imprisoned in Ward 350 of Evin Prison. On April 17, 2014, hundreds of anti-riot police raided Ward 350 of Evin Prison, brutally attacking and beating the political prisoners³ detained there at a level unprecedented in over two decades:⁴

We heard the loud moans of our friends and when we looked into the ward from the windows [of the yard], the grim reality shocked us. The guards while using insults and vulgar language were ripping prisoners' clothing, viciously dragging them on the ground and beating them. When we witnessed this scene from outside we all went to the door and chanted slogans in protest. The door broke and many entered the ward. There we saw

¹ Perhaps the most serious human rights violations in modern Iranian history took place in prisons across Iran in the summer of 1988. Following the end of the Iran-Iraq war, the Mojahedin-e Khalq (MEK) staged an armed incursion into Iran aimed at toppling the Islamic Republic. After the failure of this military operation, the Iranian government executed thousands of political prisoners, mostly MEK members who had been imprisoned for several years, after secret summary trials. According to Ayatollah Montazeri's memoirs, between 2800 to 3800 MEK members and 500 nonreligious political prisoners were executed within weeks. The 1988 prison massacre is the subject of two IHRDC reports entitled *Deadly Fatwa: Iran's 1988 Prison Massacre* and *Speaking for the Dead: Survivor Accounts of Iran's 1988 Massacre*.

² Mohammed Reza Homayun, *The Execution of Sadeqh Ghotbzadeh*, HUMAN RIGHTS AND DEMOCRACY FOR IRAN, <http://www.iranrights.org/library/document/94> (last visited Feb. 12, 2015).

³ While there is no standard definition of political prisoners, for the purposes of this report, the term "political prisoners" refers to prisoners in jail for political reasons, such as human rights lawyers, journalists, bloggers, political activists, student activists, artists, opposition leaders, participants in demonstrations, persons imprisoned for their political affiliations, and members or defenders of religious, ethnic, or sexual minorities.

⁴ *hamlihiyi vahshānih bih bandi 350 ivīn/zarbu shatmi bīsabiqiyi dāhhā zindānī sāsī*, KALEME (Apr. 17, 2014), <http://www.kaleme.com/1393/01/28/klm-180841>.

how the guards had formed a tunnel of batons and with no care viciously beat inmates as they dragged them through.⁵

This incident, now referred to as “Black Thursday” by prisoners and human rights activists, reflected the mistreatment, abuse, and torture to which political prisoners are routinely subjected in the IRI’s harsh prison system with no means for redress or accountability for the abused prisoners. While political prisoners and prisoners of conscience constitute a tiny fraction of prisoners in Iran, their accounts provide most of the available information regarding what takes place inside Iran’s prisons. Therefore, this report mostly relies on the information provided by those prisoners to draw its conclusions about the state of prisons in Iran.

While the government claims that there are no political prisoners in Iran and that prisoners are treated well, the testimonies of numerous former prisoners almost unanimously tell a different story. The use of interrogations and torture to gain false confessions has become systematic, even in cases where people have never been charged with a crime, had access to a lawyer, gone before a judge or been convicted. The mistreatment of political prisoners, harsh prison conditions, torture, and routine abuse serve as examples of the fates that journalists, human rights defenders, and political activists may face for their activities, leading many activists and dissidents to self-censor, stop their activities altogether, or go into exile in order to escape the conditions faced by their peers without so much as the benefit of due process or access to counsel.

Torture, arbitrary detention, and the denial of access to legal counsel are all prohibited under the Iranian Constitution. Moreover, domestic regulations governing the administration of prisons provide further protections for prisoners. Nonetheless violations of these provisions are commonplace and the IRI bears responsibility for the inhumane practices political prisoners have faced in Iran’s prisons which contravene the IRI’s obligations under international law. The Universal Declaration of Human Rights (“UDHR”) and the International Covenant on Civil and Political Rights (“ICCPR”) guarantee freedom of thought, assembly, and expression. In addition, they also protect the right to life and guarantee freedom from arbitrary arrest and detention. Moreover, Article 3 of the Convention against Torture prohibits the use of torture, the prohibition of which is widely understood as a peremptory norm under international law.⁶ The treatment of political prisoners and prisoners of conscience and the harsh prison conditions they face, which can often include lack of access to medical care, lack of access to counsel, detention prior to being convicted of any crime, detention incommunicado, rape and sexual abuse, solitary confinement, physical and psychological torture, and forced public recantations violate national and international laws.

This report first discusses the history of prisons regulations in Iran and provides background on the historical context in which penal policy has evolved. In the second section, this report provides testimony and details regarding the mistreatment and torture of prisoners across Iran. Finally, the report will explain the existing laws regarding the administration of prisons in Iran and examine how the treatment of political prisoners in the IRI violates these laws and regulations, as well as a number of international laws.

⁵ AMNESTY INTERNATIONAL, “JUSTICE IS AN ALIEN WORD”: ILL-TREATMENT OF POLITICAL PRISONERS IN EVIN PRISON 7(2014), available at <http://www.amnesty.org/en/library/asset/MDE13/023/2014/en/6fe53276-1c66-4711-9740-6fc9b9983912/mde130232014en.pdf>. [hereinafter “Justice is an alien word”].

⁶ Prosecutor v. Furundzija, Case No. IT-95-17/1-T, Judgment, ¶ 144 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 10, 1998), <http://www.icty.org/x/cases/furundzija/tjug/en/fur-tj981210e.pdf>.

1. History of the Legislation Regarding Prisons

1.1. Prisons Regulations Before 1979

In the nineteenth century, Iran did not generally punish criminal acts with prolonged imprisonment as a matter of policy, but rather imposed corporal punishment and the death sentence on transgressors.⁷

The first regulatory code governing Iranian prisons was approved in 1919.⁸ Amid the modernization efforts that began after the Constitutional Revolution, this code was drafted by Swedish advisers who were invited to Iran in 1912 to organize Iran's police force.⁹ Torture and the shackling of prisoners were prohibited in this code.¹⁰ The effort to reform the Iranian judiciary continued when Reza Shah Pahlavi ascended to the throne in 1925. Building on the judicial reforms of the Constitutional era, the government of Reza Shah completely overhauled Iran's judicial system. A new justice minister was appointed¹¹, a new court system was established, and new penal codes were written.¹² The new penal and criminal codes, modeled after the laws of Italy and Switzerland, emphasized prison sentences over corporal punishment, stressed incarceration and rehabilitation, and limited the application of the death penalty to the crimes of murder, high treason, and armed rebellion.¹³ In 1941, Reza Shah was deposed by the Allies and his son Mohammad Reza Pahlavi came to power.

Between 1959 and 1975, Iran's prison system saw significant changes.¹⁴ One important reform involved the establishment of "open prisons." In these prisons, inmates were not supervised systematically, and were not obliged to wear prison uniforms.¹⁵ Some inmates were expected to find work outside the prison. These individuals were permitted to stay at specific dormitories at their workplaces overnight.¹⁶ This system, which was first developed by critics of closed prisons in the United States, left the inmates dependent on the employment opportunities provided by the prison system and did not succeed in helping inmates find work outside this system.¹⁷

In 1975 the Regulatory Code Governing Prisons and Affiliated Industrial and Agricultural Institutes was promulgated.¹⁸ This regulatory code recognized six categories for places in which prisoners were to be

⁷ Ervand Abrahamian, *Tortured Confessions* 17 (1999).

⁸ *zindān 'az dīdgāhi qurān va rivāyāt*, STATE PRISONS AND SECURITY AND CORRECTIVE MEASURES ORGANIZATION, http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOP=View&SMM_CMD=&PageId=2 (last visited Feb. 12, 2015).

⁹ *Id.* The group, which was comprised of five Swedish police officers, was headed by superintendent and reserve lieutenant Gunnar Westdahl. The Swedish advisers succeeded in reforming Tehran's police force. For further information on the role of Swedish advisers in Iran, see Mohammad Fazlhashemi, *Swedish Officers in Persia, 1911-15* in *ENCYCLOPEDIA IRANICA* (2006), <http://www.iranicaonline.org/articles/sweden-ii>.

¹⁰ *zindān 'az dīdgāhi qurān va rivāyāt*, *supra* note 8.

¹¹ Ali Akbar Davar (1885-1937) is considered the founder of the modern judicial system of Iran. Davar received his law degree from the Université de Genève, and was a doctoral candidate at the time of the 1921 *coup d'état*. Davar abandoned his doctoral thesis and returned to Iran to enter politics. He served in a number of governmental posts, including the director-general of the Ministry of Education and a representative in the Iranian parliament. A supporter of Reza Shah before he ascended the throne, Davar was appointed as Minister of Justice in 1927. Davar dissolved the existing judiciary within 48 hours after assuming office. See HADI ENAYAT, *LAW, STATE, AND SOCIETY IN MODERN IRAN* 121 (2013). He subsequently implemented significant reforms such as the introduction of the civil code, the basic judicial law, the criminal code, the commercial code, and the code for religious courts. In September 1932 Davar was appointed Minister of Finance. Davar died from an apparent suicide in 1937. For further information regarding Davar, see Bāqer 'Aqelī, *Dāvar, 'Alī-Akbar* in *ENCYCLOPEDIA IRANICA* (1994), available at <http://www.iranicaonline.org/articles/davar-ali-akbar>.

¹² ABRAHAMIAN, *supra* note 7, at 25-26.

¹³ ABRAHAMIAN, *supra* note 7, at 26.

¹⁴ DARIUS M. REJALI, *TORTURE & MODERNITY: SELF, SOCIETY, AND STATE IN MODERN IRAN* 66 (1994).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Regulatory Code of 1975 (Governing Prisons and Affiliated Industrial and Agricultural Institutes), available at <http://www.dastour.ir/brows/?lid=89911>.

held: detention centers, admission and diagnosis centers, closed prisons, semi-closed prisons, affiliated industrial and agricultural institutions, and juvenile correctional facilities.¹⁹ This categorization has mostly remained in place until today. Article 151 of this code limited disciplinary measures in prisons to six types of punishment, none of which involved corporal punishment. .²⁰

The 1975 regulatory code also included provisions mandating educational programs in prisons.²¹ Prisoners under 30 were required to participate in educational and vocational training offered in prison.²² Daily exercise was also mandatory in the 1975 regulatory code.²³

Despite protections mentioned in the 1975 regulatory code, particularly the provisions against physical abuse of prisoners, there is ample evidence indicating that the Iranian state engaged in torture during the reign of Mohammad Reza Shah. Formed in 1957, the National Intelligence and Security Organization (SAVAK), monitored, arrested and tortured dissidents. A 1976 Amnesty International report detailed the human rights abuses committed by SAVAK. This report stated that it was very unlikely that an arrested individual was informed of his or her charges until just before the case went to court.²⁴

Prison conditions were likewise reported to be harsh.²⁵ According to Amnesty International, methods of torture in the 1970s included “whipping and beating, electric shocks, the extraction of nails and teeth, boiling water pumped into the rectum, heavy weights hung on the testicles, tying the prisoner to a metal table heated to white heat, inserting a broken bottle into the anus, and rape.”²⁶

1.2. Prisons Regulations Since 1979

The first law regarding prisons in the post-revolutionary era was announced in September 1979. Through this law the Provisional Government, headed by Prime Minister Mehdi Bazargan, put prisons under the control of the Ministry of Justice.²⁷ In 1982, however, a new regulatory code was adopted that put prisons and their affiliated institutions under the control of the Prisons and Security and Corrective Measures Managerial Council, which in turn was selected by the Supreme Judicial Council.²⁸ The 1982 regulatory

¹⁹ Regulatory Code of 1975, art. 29 (Governing Prisons and Associated Industrial and Agricultural Institutes), *available at* <http://www.dastour.ir/brows/?lid=89911>.

²⁰ These punishments were verbal warnings, banning written correspondence with family members for a week to two months, suspending family visits between one week to two months, withholding warm meals for a maximum of one week provided that a physician approves it, banning the prisoner from using recreational amenities for one month, or a maximum one month solitary confinement or change in type of incarceration. See Regulatory Code of 1975 (Governing Prisons and Associated Industrial and Agricultural Institutes), art. 151, *available at* <http://www.dastour.ir/brows/?lid=89911>.

²¹ Regulatory Code of 1975 (Governing Prisons and Associated Industrial and Agricultural Institutes), arts. 261-272, *available at* <http://www.dastour.ir/brows/?lid=89911>.

²² Regulatory Code of 1975 (Governing Prisons and Associated Industrial and Agricultural Institutes), art. 262, *available at* <http://www.dastour.ir/brows/?lid=89911>.

²³ Regulatory Code of 1975 (Governing Prisons and Associated Industrial and Agricultural Institutes), art. 277, *available at* <http://www.dastour.ir/brows/?lid=89911>.

²⁴ AMNESTY INTERNATIONAL, IRAN 4 (1979), *available at*

<http://www.amnesty.org/es/library/asset/MDE13/001/1976/en/08d8b278-a29b-4fc6-853b-0114b40b4f0a/mde130011976en.pdf>.

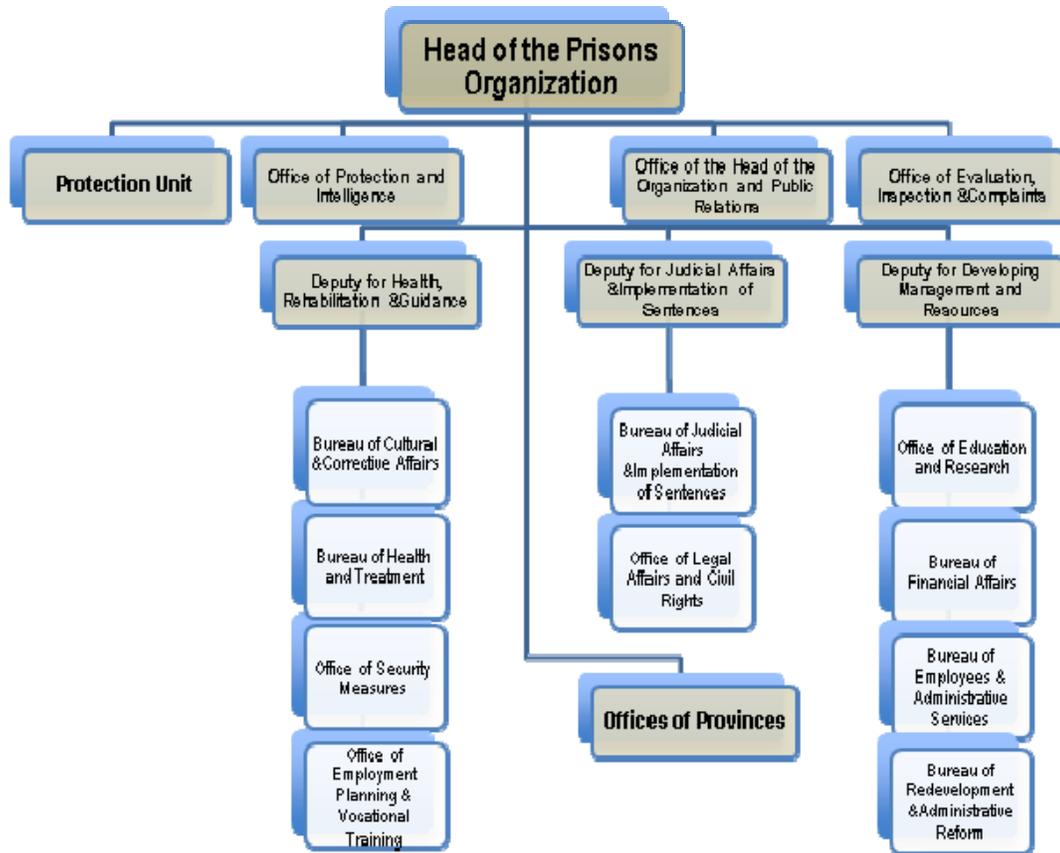
²⁵ In this report Amnesty International wrote, “Prisoners held in pre-trial detention in the Committee and Evin prisons have no contact with other prisoners, or with the outside world, and are subjected to torture. They are locked up in small, damp cells with only a straw mattress on which to sleep. In these prisons, as in others, the extremes of temperature in Iran are an important factor. Lack of heating in the winter or cooling in the summer create extra hardship frequently remarked upon by prisoners. Washing facilities are inadequate and opportunities for washing are infrequent. Food rations are small and inadequate and no opportunities are provided for exercise.” *Id.* at 7.

²⁶ *Id.* at 8.

²⁷ Law of 3 Sept. 1979 (Transferring the Control of Prisons’ Affairs to the Ministry of Justice), art.1, *available at* <http://www.dastour.ir/brows/?lid=99411>.

²⁸ Regulatory Code of 1982 (On Prisons Affairs and Security and Corrective Measures in the Islamic Republic of Iran), art. 1 *available at* <http://www.dastour.ir/brows/?lid=112628>. The Supreme Judicial Council headed the Iranian judiciary according the original Constitution of the Islamic Republic of Iran. This constitution came into effect after being approved in a referendum in December 1979. The Supreme Judicial Council was comprised of the head of the Supreme Court, the Attorney General, and three

code made some changes to the bureaucratic administration of prisons in Iran.²⁹ The daily schedule of prisoners remained more or less the same as the 1975 regulatory code, albeit with more emphasis on religious activities.³⁰ Punishments allowed for disciplining prisoners also remained relatively unchanged.



[Chart mapping administration of Prisons Organization]³¹

In early 1986, the Iranian parliament passed a law by which the State Prisons and Security and Corrective Measures Organization (hereinafter the Prisons Organization) replaced the Prisons and Security and Corrective Measures Managerial Council.³² New regulations were promulgated in 1989, 1993 and

mujtahid clerics elected by the judges across the country. Qanuni Assassi Jumhuri Islami Iran [The Constitution of the Islamic Republic of Iran] 1358 [1979], art. 157. The 1989 revisions to the Iranian Constitution eliminated the Supreme Judicial Council and replaced it by the head of the judiciary, who is directly appointed by the Supreme Leader. *Islahat Va Taqyрати Va Tatmimah Qanuni Assassi* [Amendment to the Constitution] 1368 [1989], art. 157, available at <http://www.dastour.ir/brows/?lid=228095>.

²⁹ See generally the Regulatory Code of 1982, arts. 2-63 (On Prisons Affairs and Security and Corrective Measures in the Islamic Republic of Iran), available at <http://www.dastour.ir/brows/?lid=112628>.

³⁰ Regulatory Code of 1982, art. 134 (On Prisons Affairs and Security and Corrective Measures in the Islamic Republic of Iran), available at <http://www.dastour.ir/brows/?lid=112628>.

³¹ *chārti sāzmāni zindānhā va iqdāmāti ta' mīnī va tarbyatī kishvar*, STATE PRISONS AND SECURITY AND CORRECTIVE MEASURES ORGANIZATION, <http://prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=54> (last visited Feb. 13, 2015).

³² Law of 26 Jan. 1986 (Changing the Prisons and Security and Corrective Measures Managerial Council to the State Prisons and Security and Corrective Measures Organization), available at <http://www.dastour.ir/brows/?lid=124750>.

2001.³³ The latest regulatory code governing prisons was adopted in 2005. This code, which is in effect at the time of the publication of this report, is discussed in more detail in Section 3.2, *infra*.

2. Prisons: Treatment of Detainees and Conditions of Detention

Although Iran's Prisons Organization reports that there are 150,000 prisoners in the country,³⁴ according to the International Center for Prison Studies, there were 217,851 persons held in Iran's prisons in 2014.³⁵ As of December 25, 2012, the official capacity of the prisons was 113,000. If these figures are accurate, the occupancy level at Iran's prisons stands at 192.78%.³⁶ As many as 22% of prisoners were between the ages of 19 and 25.³⁷ Juveniles in turn make up one percent of the prison population.³⁸ Only 3.5% of the prison population is female.³⁹

In contrast to these numbers, in 1978, when Iran's total population was less than half of what it is today, there were 11,000 prisoners total in the country.⁴⁰ In 1979, the national prison population rate was 48 prisoners for every 100,000 people, compared to 281 prisoners for every 100,000 people today.⁴¹

Although Article 32 of the Constitution of the IRI states that detainees must be informed of the charges against them "as soon as possible", pre-trial detention can last for weeks and months, especially for political prisoners. In December 2012, pre-trial detainees comprised 25.7% of the prison population according to the ICPS.⁴² Most prisoners are imprisoned due to drug-related offenses.⁴³ Over 70% of prisoners are said to be poor or come from poor families.⁴⁴ Data collected by ICPS demonstrates a sharp increase in the rate of incarceration from 1993-2010:⁴⁵

A shortage of prison guards has accompanied the ongoing rise in the prison population.⁴⁶ However, the government is making substantial investments in its prison and security apparatus. In early 2014, Gholamhossein Esmaili, then head of the prison system, announced that the government was planning to hire 2,000 new prison employees due to a shortage in personnel,⁴⁷ building 150 new prisons and temporary detention centers,⁴⁸ and importing 1000 electric tethers and 7 body scanners.⁴⁹

³³ Prisons Regulations of 19 June 1989, available at <http://www.dastour.ir/brows/?lid=273244>, Regulatory Code of 27 Mar. 1993 (On the Rules Governing the Prisons Organization and Security and Corrective Measures) available at <http://www.dastour.ir/brows/?lid=268214>, Regulatory Code of 17 June 2001 (Governing the Prisons Organization and Security and Corrective Measures in Accordance to Article 9 of the Law to Change the Prisons and Security and Corrective Measures Managerial Council to the State Prisons and Security and Corrective Measures Organization (passed on January 26, 1986)) available at <http://www.dastour.ir/brows/?lid=201862>.

³⁴ 'alī aṣghar ramizānpūr, *buhṛāni niḡahdārī zindānāni sāsī dar 'īrān*, BBC PERSIAN (Apr. 29, 2014), http://www.bbc.co.uk/persian/iran/2014/04/140425_139_ramezanpour_prisoners_nazeran.shtml

³⁵ Iran, INTERNATIONAL CENTRE FOR PRISON STUDIES, <http://www.prisonstudies.org/country/iran> (last visited Feb. 13, 2015)

³⁶ *Id.*

³⁷ ramizānpūr, *supra* note 34.

³⁸ Iran, *supra* note 35.

³⁹ 6 hizār khārijī mīhmāni zindānhāyi 'īrān, EBTEKAR (Apr. 23, 2013), <http://www.ebtekarnews.com/Ebtekar/News.aspx?NID=114149>.

⁴⁰ ramizānpūr, *supra* note 34.

⁴¹ *Id.*

⁴² Iran, *supra* note 35.

⁴³ 6 hizār khārijī mīhmāni zindānhāyi 'īrān, *supra* note 39.

⁴⁴ siyyid hādī kasāyīzādih, *mavvādi mukhaddir va faqr; dalīli afzāyishi zindāni/ dasti khālīyi quzzāt barāyi jāyguzūni zindān*, MEHR NEWS (Aug. 1, 2011), <http://www.mehrnews.com/news/1312265>.

⁴⁵ Iran, *supra* note 35.

⁴⁶ ramizānpūr, *supra* note 34.

⁴⁷ taqāzāyi 2 hizār "pāsyār" barāyi zindānhāyi kishvar, TASNIM NEWS AGENCY (Jan. 10, 2014), <http://www.tasnimnews.com/Home/Single/245032>.

⁴⁸ *Id.*

⁴⁹ *Id.*

Year	Total prison population	Prison population rate
1993	101,801	174%
2001	158,000	239%
2004	144,755	210%
2007	148,843	208%
2010	204,365	276%

The UN Special Rapporteur has concluded based on interviews with witnesses and former prisoners that the prisons do not meet the minimum standards for treatment of prisoners, as the prisons suffer from “severe overcrowding, inadequate access to water, insufficient prisoner segregation practices, extremely poor quality and unhygienic facilities, hazardous ventilation conditions, insufficient access to medical services, paltry nutritional provisions and the perpetuation of violence and use of prisoners to facilitate punishment.”⁵⁰

2.1. Prisons

2.1.1. Evin Prison

Located in northwestern outskirts of Tehran, Evin Prison is the most notorious of Iran’s prisons, in part due to the large number of political prisoners held there, as well as the numerous accounts of mistreatment and abuse of former prisoners.

Evin Prison has a long history which pre-dates the IRI. Evin was built by Mohammad Reza Shah Pahlavi and completed in 1972. According to scholar Ervand Abrahamian, no prisoner ever succeeded in breaking out of Evin. Most cells had only one tiny window above the eye level of most inmates.⁵¹

Following the 1979 Iranian Revolution, Evin Prison became the focal point of the revolutionary government’s campaign against its domestic adversaries. Asadollah Lajevardi, Evin Prison’s warden for several years after the revolution, claimed that “our prison is a university,” referring to the practice of forcing prisoners to repent their heresy and transforming them into ideologically-motivated “tavvabs”, or believers, through repeated torture.⁵²

⁵⁰Standard Minimum Rules for the Special Treatment of Prisoners, adopted in 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by two Economic and Social Council resolutions in 1957 and 1977, establish international guidelines on treatment of detained individuals. In the Special Rapporteur’s judgment the IRI has not met these standards. See Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, Human Rts. Council, U.N. Doc. A/HRC/19/66 (Mar. 6, 2012), available at <http://shaheedoniran.org/wp-content/uploads/2014/01/G1211412.pdf>.

⁵¹ ABRAHAMIAN, *supra* note 7, at 105.

⁵² The term *tavvab* refers to political prisoners who would “repent” in prison. Once a prisoner became a repentant, or a *tavvab*, he or she would cooperate with prison guards, and might even become part of the prison regulatory complex, becoming indistinguishable from the prison guards themselves. *Tavvab* prisoners could become interrogators and executioners and would even be recruited as informers go into the streets to search for opposition figures with whom they were acquainted before prison. *Tavvabs* were often placed in shared cells with political prisoners. See *Interview with Nasser Mohajer*, MIDDLE EAST LEFT FORUM, <http://www.iran-bulletin.org/interview/LITERA1.html> (last visited Feb. 16, 2015); ABRAHAMIAN, *supra* note 7, at 138.



Evin Prison has its own courts, which are alleged by many to be under the influence of the Ministry of Intelligence.⁵³ Jurisdictional control over Evin Prison is more complex than is usual in the IRI. As opposed to being under the singular purview of the Prisons Organization, different wards of the prison are controlled by different organs of the IRI's multifarious security services. Some wards are controlled by the Prisons Organization, while others are controlled by the Iranian Revolutionary Guard Corps (hereinafter IRGC) and the Iranian Ministry of Intelligence (*Vezaarat-e Eteleat-e Jomhuri-e Eslami-e Iran*, or "Ministry of Intelligence", hereinafter MOI).⁵⁴

Evin has several wards. Wards 3, 4, 7, and 8 hold prisoners detained for failure to pay their debts and those convicted of financial crimes.⁵⁵ The prison also has a Quarantine Ward.⁵⁶ Other wards which are administered by the Ministry of Intelligence or IRGC, and which hold political prisoners and contain solitary cells include Ward 2A, Ward 350, Ward 209, and Ward 240. The prison also contains a separate ward for women and another ward where clerics are held, which is called the Special Ward for the Clergy (*Band Vizheh Rowhaniat*).

In 2006, the Justice Minister at the time, Jamal Karimirad, responded to criticisms of treatment of prisoners ahead of the UN Human Rights Council meeting in Geneva by allowing journalists to visit Evin

⁵³ *Human Rights Group Demands Closure of Evin Prison Court*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Apr. 14, 2010), <http://www.iranhumanrights.org/2010/04/close-evin-court/>.

⁵⁴ Mojtaba Samienejad, *Inside Ward 2A of IRGC: The Plight of the Human Rights Activists*, CNN (Apr. 4, 2010), <http://ireport.cnn.com/docs/DOC-428416>; bīzhani yigānih, *vujūdi yik sad bāzdāshgāhi ghyiri qanūnī dar 'īrān ta' īd shud*, RADIO FARDA (Dec. 25, 2006), http://www.radiofarda.com/content/f3_prisons_illegal_Iran/368963.html.

⁵⁵ maryam yūshīzādih, *guzarishī az bandī zindānīani jarāyimi ghyiri 'amd*, JAME JAM (Dec. 10, 2008, 12:21 AM), <http://www1.jamejamonline.ir/papertext.aspx?newsnum=100958242262>, 'asāmū zindānīani intiqālī az bandī 350 bi bandī māli, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Aug. 5, 2014), <https://hra-news.org/fa/prisoners/اسامی زندانیان-انتقالی-از-بند-۳۵۰-به-بند-350>; *bāzdīdi khabarnigārān az nigīni zindāni 'ivīn*, HAMEDA (May 17, 2008, 6:15 AM), <http://www.hamseda.ir/fa/news/260/بازدید-از-نگاران-خبرنگار-از-خنگین-زندانیان-اوین>.

⁵⁶ *dar zindānhāyi tīhrān chi mīguzarad*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Jan. 31, 2011), <https://hra-news.org/fa/uncategorized/1-5521>.

Prison.⁵⁷ Foreign journalists were surprised that a blue swimming pool was the first thing they were shown when they visited the prison.⁵⁸ BBC News reported that they were only shown the women's ward and that they were not permitted to film anything other than empty dormitory cells.⁵⁹ They also reported that everything seemed recently refurbished and that they were not permitted to choose where or who they could visit.⁶⁰ These reports seem to be very different from those coming from prisoners, signifying that Iranian officials were attempting to portray Evin Prison as a comfortable and hygienic facility to outsiders.

According to the Iranian authorities, there are no "political prisoners" in Evin, as the government does not recognize this as a category.⁶¹ According to officials, no one is subjected to torture inside Evin.⁶² But in contrast former prisoners often report harsh interrogations, forced confessions, psychological torture, and physical torture, solitary confinement, and rape.

Student activist Mahdis, who was arrested in December 2002, described her interrogations and the torture she endured in Evin:

When I did not confess, the two interrogators put me under a barrage of punches and kicks. They hanged me from the ceiling and beat me with batons. They wanted to teach me a lesson.⁶³

Following this torture, Mahdis was raped for 3 days and the torture continued.⁶⁴ She recalled the abuse her interrogators inflicted on her:

They continued to torture me every day. They punched and kicked me. They wanted me to confess that I had a problem with the government and I wanted to overthrow it and that I was linked to the Mojahedin. They wanted these confessions so that they could hand down a stiff sentence if they arrested someone for a second time. They also wanted to establish a crime so that they could claim the person they had arrested was not innocent.⁶⁵

Mahdis' testimony is not unique. Ali Afshari, a political analyst, human rights advocate, and former leader of the student movement also reported facing harsh interrogations, solitary confinement, and torture that resulted in a false confession. Afshari, who was held at Evin Prison following his participation at the Berlin Conference⁶⁶ in April 2000, stated:

The physical torture included beatings. They kicked my back and ribs. For example, during the interrogations there would suddenly be two or three people punching and

⁵⁷ Frances Harrison, *Inside Iran's Most Notorious Jail*, BBC NEWS (June 14, 2006, 8:41 AM), http://news.bbc.co.uk/1/hi/world/middle_east/5077180.stm.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.* See also *zindānī sāsī dar ʿirān nadārīm/ bā ʿiftikhār dar har dādghāhī shirkat mīkunam*, MEHR NEWS (July 10, 2012, 09:17 AM), <http://www.mehrnews.com/detail/News/1646352>.

⁶² *Inside Iran's Infamous Evin Prison*, KHALEJ TIMES (Sept. 13, 2007), http://www.khaleejtimes.com/DisplayArticleNew.asp?xfile=data/todaysfeatures/2007/September/todaysfeatures_September13.xml§ion=todaysfeatures&col.

⁶³ *Witness Statement of Mahdis*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 28, 2010), <http://www.iranhrdc.org/english/publications/witness-testimony/3181-witness-statement-mahdis.html>

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ The Berlin Conference was organized by the Heinrich Boll Foundation. This foundation, which is based in Germany, defines itself as "a catalyst for green visions and prospects, a think tank for policy reform, and an international network." The Heinrich Boll Foundation is "closely affiliated" with the German Green Party.

kicking my head from behind. One day I was sitting on a chair when one of my interrogators, Sabeti, kicked me on the side. When I fell to the ground they lifted me from my hair and continued with the interrogation.⁶⁷

Afshari also emphasized the extent to which psychological torture is used, in addition to physical torture, to bring a prisoner to his or her breaking point:

Psychological torture was extremely severe. They threatened to arrest and torture my family members and said that they will arrest my dad, sister and friends. Once they announced my arrest warrant. One of my interrogators who was playing the role of the bad cop said that I should get ready to be executed. He took me out of the cell and dragged me to the courtyard of Evin Prison so that he could carry out the execution. At the same time, I heard another interrogator (who played the role of the good cop) beg the judges on the phone to show mercy on me. Then someone else said, “No, that’s not possible. The execution has to be carried out.” Again the interrogator who played the role of good cop approached the bad cop and asked him to show mercy on me. And again the bad cop said, “No, this guy is a lost cause.” Then the good cop came to me and begged me to think about my parents and confess – otherwise I would be executed by firing squad. The back and forth between the two interrogators lasted half an hour. I was completely broken. This mock execution was the first real [psychological] blow that made me vulnerable.⁶⁸

Former prisoners reported that the focus of interrogations ranged from their personal lives to their political beliefs and activities.⁶⁹ Interrogators would often place a sheet of paper in front of them during the interrogations and ask them to confess their crime, would receive threats of longer sentences and threats to their families if they failed to cooperate, and would be asked to give information about their fellow dissidents in order to find out whether the prisoner or their acquaintances had any contact with media or NGOs based outside the country.⁷⁰

The abuses discussed above clearly demonstrate the extent to which the IRI ignores both domestic law and international norms regarding the treatment of prisoners in its largest and most notorious prison. The conditions faced by inmates in many of the wards of Evin Prison examined below are illustrative of the state of prisoners’ rights in Iran.

2.1.1.1. Quarantine Ward

Prisoners are typically held in the quarantine ward when they first enter Evin Prison, and remain there until they are transferred to their assigned wards.⁷¹ Kourosh Sehati, a student activist involved in the 1999 protests, recounted his experience at Evin Prison’s Quarantine Ward after his arrest in April 2000.⁷² He described the conditions of the ward to IHRDC in detail:

The quarantine ward only has two restrooms, even though it housed more than 1,000 prisoners. Everyone slept in the hallways and small cells which were filled beyond

⁶⁷ *Witness Statement of Ali Afshari*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (May 8, 2009), <http://www.iranhrdc.org/english/publications/witness-testimony/3175-witness-statement-ali-afshari.html>.

⁶⁸ *Witness Statement of Ali Afshari*, *supra* note 67.

⁶⁹ HUMAN RIGHTS WATCH, “LIKE THE DEAD IN THEIR COFFINS” 26-27 (2004), *available at* <http://www.hrw.org/sites/default/files/reports/iran0604.pdf>.

⁷⁰ *Id.* at 26-31.

⁷¹ *Witness Statement of Kourosh Sehati*, Iran Human Rights Documentation Center (May 8, 2009),

<http://www.iranhrdc.org/english/publications/witness-testimony/3171-witness-statement-kourosh-sehati.html>

⁷² *Id.*

capacity with prisoners. We were not allowed to wear shoes; we could only walk around in slippers. I broke my leg during the one hour daily exercise break we were given in the quarantine ward. They did not provide any medical treatment. I told them that I wanted to pay for my own treatment, but they did not allow me to do this. Instead they gave me some painkillers [and said] my legs would eventually heal by themselves. Even to this day, I suffer from [leg pain], especially during the winters. I was not allowed any visitors in the quarantine ward. I contracted scabies and became ill. After that they transferred me to rehabilitation area 3 of Evin's general ward, which at that time was set aside for political and national security prisoners. I was [finally] allowed visitors [while detained there].⁷³

The quarantine ward at Evin suffers from serious overcrowding and, as a result, is known for having especially unhygienic conditions, in violation of the Prisons Regulations and international standards.

2.1.1.2. Ward 350

2.1.1.2.1. General Conditions

Ward 350 is under the control of the Ministry of Intelligence and holds mostly political prisoners. Between 150 and 160 prisoners are typically held in Ward 350. The Ward is comprised of two floors and a yard. Each room holds 20 prisoners, and there are 9 to 10 rooms total.⁷⁴ When the prison is overcrowded, sometimes 23-24 people are held in each room.⁷⁵ Prisoners on death row are detained in Room 3.

Blogger Sattar Beheshti died in 2012 under suspicious circumstances while in detention in Ward 350. Beheshti had been arrested by police on charges of "taking actions against national security on social networks and Facebook."⁷⁶ He wrote an official complaint for mistreatment after he spent one night in Evin Prison, and he was subsequently transferred to an undisclosed location.⁷⁷ Before his transfer, other prisoners reported that Beheshti had injuries on his limbs and face.⁷⁸ He died while in custody, but the circumstances surrounding his death are unknown.⁷⁹

In 2010 opposition sources reported that political prisoners in Ward 350 of Evin Prison were subject to forced labor as prison authorities planned the construction of expanded prison facilities for the overcrowded prison.⁸⁰ It is believed that political prisoners have been forced to assist with the construction of the newly expanded sections, a practice that would be consistent with reports from

⁷³ *Id.*

⁷⁴ *Witness Statement of Mehdi Nozar*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Oct. 15, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000393-witness-statement-of-mehdi-nozar.html>.

⁷⁵ *Id.*

⁷⁶ *Iranian Blogger Sattar Beheshti Dies after Arrest*, BBC NEWS (Nov. 8, 2012, 12:38 AM), <http://www.bbc.com/news/world-middle-east-20259533>.

⁷⁷ *Id.*

⁷⁸ *Iran: Investigate Detained Blogger's Death*, HUMAN RIGHTS WATCH (Nov. 9, 2012), <http://www.hrw.org/news/2012/11/09/iran-investigate-detained-blogger-s-death>.

⁷⁹ *Iranian Blogger Sattar Beheshti Dies after Arrest*, *supra* note 76.

⁸⁰ *Radio Zamaneh: Forced Labour for Iranian Political Prisoners*, IRAN.NEWS.NOW (June 19, 2010), <http://www.irannewsnow.com/2010/06/radio-zamaneh-forced-labour-for-iranian-political-prisoners>.

elsewhere in the country in recent years.⁸¹ The ICHRI also reported that political prisoners in Ward 350 were used for forced labor, as they were forced to clean the hallways and prison bathrooms.⁸²

After the 2009 election, ICHRI reported that Ward 350 suffered from overcrowded conditions, poor hygiene, low quality food, and limited access to medical treatment.⁸³

2.1.1.2.2. “Black Thursday”

On April 17, 2014, agents of the IRGC, Ministry of Intelligence, and hundreds of prison guards raided rooms 1 and 2 of Ward 350, which houses political prisoners at Evin Prison, beating prisoners with batons and other weapons.⁸⁴ More than thirty prisoners were reported as injured and it is believed that four prisoners were transferred to hospitals due to severe injuries.⁸⁵ After the raid, thirty-two political prisoners were transferred to solitary confinement.⁸⁶ Some of these prisoners suffered humiliation by being forced to take off their clothes before being placed in their solitary cells.⁸⁷ Prison guards shaved the heads of some prisoners, like human rights lawyer Abdolfattah Soltani, after they were transferred to solitary confinement in an attempt to humiliate them.⁸⁸



[Imprisoned human rights lawyer Abdolfattah Soltani on April 21, 2014, four days after the attacks]

According to relatives of the prisoners, political prisoners in Ward 350 had objected to the aggressive and intrusive inspection of their cells that had lasted over five hours⁸⁹ and they wanted to stay in their cells to monitor their belongings⁹⁰ due to the fact that many prisoners' permitted possessions were confiscated or damaged during previous inspections.⁹¹ The prisoners sustained serious injuries as a result of the attacks, including cracked skulls and broken ribs.⁹²

⁸¹ *Id.* See also Witness Testimony of Ramezan Naseri (Nov. 10, 2014) (on file with IHRDC) and Witness Testimony of Mohammad Zaheri Sari (Nov. 10, 2014) (on file with IHRDC).

⁸² *Evin's Ward 350: Political Prisoners and Problems with Food, Medicine, and Abuse*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (June 5, 2010), <http://www.iranhumanrights.org/2010/06/evins-ward-350-political-prisoners-and-problems-with-food-medicine-and-abuse>.

⁸³ *Id.*

⁸⁴ AMNESTY INTERNATIONAL, “JUSTICE IS AN ALIEN WORD” 7 (2014), available at <http://www.amnesty.org/en/library/asset/MDE13/023/2014/en/6fe53276-1c66-4711-9740-6fc9b9983912/mde130232014en.pdf>;

šidāyi zindānū shāhidi ḥamlīh bi bandi 350 'ivīn, BBC PERSIAN (Apr. 19, 2014),

http://www.bbc.co.uk/persian/iran/2014/04/140419_193_evin_prisoner_account.shtml.

⁸⁵ *ḥamlīhyi vaḥshānīh bi bandi 350 'ivīn / ḥarbu shatmi bīsābiqiyi dāhhā zindānū sāsī*, KALEME (Apr. 17, 2014), <http://www.kaleme.com/1393/01/28/klm-180841/>.

⁸⁶ AMNESTY INTERNATIONAL, *supra* note 84, at 9.

⁸⁷ *Iran Must Investigate 'Black Thursday' Brutality at Evin Prison*, AMNESTY INTERNATIONAL (May 15, 2014), <http://www.amnesty.org/en/news/iran-must-investigate-black-thursday-brutality-evin-prison-2014-05-14>.

⁸⁸ AMNESTY INTERNATIONAL, *supra* note 84, at 8.

⁸⁹ *ḥamlīhyi vaḥshānīh be bandi 350 'ivīn / ḥarbu shatmi bīsābiqiyi dāhhā zindānū sāsī*, *supra* note 85.

⁹⁰ *Many detainees beaten during police search of Evin Prison*, REPORTERS WITHOUT BORDERS (Apr. 18, 2014), http://en.rsf.org/iran-many-detainees-beaten-during-18-04-2014_46171.html.

⁹¹ AMNESTY INTERNATIONAL, *supra* note 84, at 7.

⁹² *ḥamlīhyi vaḥshānīh be bandi 350 'ivīn / ḥarbu shatmi bīsābiqiyi dāhhā zindānū sāsī*, *supra* note 85.

The head of the country's Prisons Organization at the time, Gholamhossein Esmaili, denied reports of the incident and the reports of violence.⁹³ He claimed the inspections were due to prisoners were using cell phones and tablets smuggled into prison to communicate with foreign Farsi-language news outlets.⁹⁴ The head of the judiciary, Ayatollah Sadegh Larijani-Amoli, claimed that there was no wrongdoing during the inspections.⁹⁵ On April 23, 2014, Ayatollah Larijani removed Esmaili from his post as the head of Iran's Prisons Organization.⁹⁶ Fars News Agency reported that Larijani's statement indicated that Esmaili was being promoted to a new position as director-general of the Tehran Justice Department.⁹⁷

On May 15, 2014, a spokesman for President Rouhani's administration stated that the Ministry of Intelligence and the Ministry of Justice were charged with preparing a public report on the events that occurred at Evin Prison.⁹⁸ Mehdi Khodabakhshi, a deputy prosecutor tasked with overseeing prisons, admitted to the families of the prisoners that the attacks had indeed taken place, but emphasized that the extent of the attacks and the resulting injuries were greatly exaggerated.⁹⁹

The April 17, 2014 raid on Ward 350 of Evin Prison and the subsequent lack of accountability for individuals who ordered and engaged in this act further demonstrate the pattern of abuse against prisoners and subsequent impunity for that abuse, no matter how severe. This is not due to an absence of relevant legal safeguards, however. Articles 24 and 30 of the Prisons Regulations oblige prison authorities to oversee the treatment of prisoners in their custody.¹⁰⁰ In addition, as established in General Comment No. 20 to the ICCPR, the IRI is required to investigate complaints regarding torture.¹⁰¹

2.1.1.3. Ward 2A

Built in the early 2000s, Ward 2A is under the control and supervision of the IRGC.¹⁰² It functions as a separate prison within Evin. Prisoners detained here are not included on official lists of prisoners.¹⁰³

Ward 2A contains a solitary confinement ward and a public ward, which is small and has a capacity of 12.¹⁰⁴ It has its own infirmary, located in the same place where the women's ward was previously

⁹³ *hīch gūnih dargīri va żarbu shatmī dar zindāni 'ivīn nadāshstīm*, IRANIAN LABOUR NEWS AGENCY (Apr. 18, 2014), <http://ilna.ir/news/news.cfm?id=160587>.

⁹⁴ Thomas Erdbrink, *Iranian Prison Chief Is Removed After Reports of Attack on Inmates*, N.Y. TIMES (Apr. 23, 2014), http://www.nytimes.com/2014/04/24/world/middleeast/iranian-prison-official-removed-after-report-of-violent-raid.html?_r=1.

⁹⁵ *Iran Replaces Prisons Chief After Protests*, RADIO FREE EUROPE RADIO LIBERTY (Apr. 23, 2014), <http://www.rferl.org/content/iran-replaces-prisons-chief-after-protests/25359695.html>; *quvviyi qażayīh az 'īn pas hīch gūnih tasāmuḥī dar muqābili fīnihgarān nakhāhad dāshst*, YOUNG JOURNALIST CLUB (Apr. 23, 2014, 2:38 PM), <http://www.yjc.ir/fa/news/4814912>.

⁹⁶ Erdbrink, *supra* note 94.

⁹⁷ *Id.*

⁹⁸ *Report on Evin Prison "Attack" to Be Prepared, Made Public*, RADIO ZAMANEH (May 15, 2014, 3:26 AM), <http://archive.radiozamaneh.com/english/content/report-evin-prison-%E2%80%9Cattack%E2%80%9D-be-prepared-made-public>

⁹⁹ *Justice for Iran Identifies Islamic Republic State Authorities Responsible for Human Rights Violations Committed Against Evin Ward 350 Prisoners*, JUSTICE FOR IRAN (May 2, 2014, 6:45 PM), <http://justice4iran.org/publication/call-for-action/justice-for-iran-identifies-islamic-republic-state-authorities-responsible-for-human-rights-violations-committed-against-evin-ward-350-prisoners>.

¹⁰⁰ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), arts. 24, 30, available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMOp=View&PageId=27>.

¹⁰¹ U.N. Human Rts. Comm., Gen. Comment No. 20, ¶ 14, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994), available at <http://www1.umn.edu/humanrts/gencomm/hrcom20.htm>.

¹⁰² Ward 2A was previously referred to as Ward 325. See *Witness Statement of Mohsen Sazegara*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (May 8, 2009), <http://www.iranhrdc.org/english/publications/witness-testimony/3170-witness-statement-mohsen-sazegara.html>.

¹⁰³ *Witness Statement of Omidreza Pourmohammadi Farashah*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Sept. 30, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000382-witness-testimony-of-omidreza-pourmohammadali-farashah.html#.U59PxpRdV8E>.

¹⁰⁴ *Witness Statement of Mohsen Sazegara*, *supra* note 102.

located.¹⁰⁵ Detainees in this ward are not permitted to have visitors.¹⁰⁶ Prison guards sometimes punish prisoners in Ward 2A by preventing detainees from going to the restrooms, which are located outside the cells.¹⁰⁷

Mohsen Sazegara, a political analyst, writer, and founding member of the IRGC described conditions in this ward. Sazegara, who was arrested several times, was taken to Ward 2A after his fourth arrest in June 2003. He recounts that each solitary cell is 230 cm long, 170 cm wide and 320 cm high. One small window, which is covered by metal bars, is at the top of the walls of the solitary cells. There are two vents in the side opposing the window, one for injecting cold or warm air and the other to allow air out. Below this vent, there is metal door. This door has a trap door at the bottom, which is used to provide food for the inmate. There is another trap door on the top, and it is used for monitoring and communication with the inmate. If the inmate wishes to speak to a guard, he or she should place a narrow color card under the door. The walls of these cells are made of grey stone. Sazegara adds that the floor is covered with a green carpet. A light bulb hanging from the ceiling emits a harsh light.¹⁰⁸

Foad Sojoodi Farimani, a former PhD student who was arrested in September 2010 for his social media activities, described the conditions in his solitary cell at Ward 2A. Farimani stated that the cell was 2.5 to 3 meters long, 1.5 meters wide and 4 meters high. There was a toilet with an aluminum lid in the cell. A wall faced the cell, and one cannot have any contact with the outside world. The door was a metal door without any gaps. Farimani stated that there was only one vent at the bottom of the door. The cement floor was covered by an old rug with a lot of lint. The walls were covered by rocks for two meters, and the rest was plaster.¹⁰⁹ Farimani also experienced psychological torture in the form of mock executions. In his words:

One of my worst experiences in prison was mock execution. I had heard of mock executions in prison. For example Mr. Mohammad Abtahi had said that they had taken him up to the gallows. My experience wasn't like that, however after the interrogations they tried to give me advice. They were very uneducated. Once Haji asked me, "What is the last book you read?" I asked, "What is the last book you read?" He said, "No! I don't need to read any books I follow religious teachings." I talked to him about physics and he said, "So you don't believe in God." I said, "No." Then, he gave me a piece of paper and said, "Write your last will." So I did. Then he handcuffed me, put something around my neck and began pulling it from behind.¹¹⁰

Atena Farghadani, an artist and activist held at Ward 2A in 2014, has stated that cameras were installed inside a restroom in this ward. In a video posted online after her release, Farghadani said that despite assurances by prisons officials that the cameras were not working, the footage of her picking up disposable cups from the restroom trash can was captured by the camera installed in the restroom. Farghadani, who was arrested in part for her political cartoons, was not allowed to draw inside the prison, and the disposable cups that she had used to draw on were taken from her. When she picked up the cups again from the restroom trash can, the authorities, who had seen her footage, forcibly took the cups back from her.¹¹¹

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Witness Statement of Foad Sojoodi Farimani*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Aug. 21, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000357-witness-statement-of-foad-sojoodi-farimani.html#.U59HkZRdV8F>.

¹¹⁰ *Id.*

¹¹¹ 'ātinā farqadānī, YOUTUBE (Dec. 29, 2014), <https://www.youtube.com/watch?v=Ybx0HE7ykt8>.

The use of psychological torture, as described by individuals formerly held in Ward 2A, causes lasting trauma for many prisoners which can endure even after their release from prison. The use of psychological torture not only contravenes the IRI's commitments under Article 5 of the UDHR and Article 7 of the ICCPR, but also violates the Iranian Constitution as well the Prisons Regulations, which mentions the prisoners' health in three different provisions.¹¹²

2.1.1.4. Ward 209

Ward 209 is a secret detention center for political prisoners located within Evin Prison. It is operated by the MOI.¹¹³ Sazegara describes Ward 209 as having 90 solitary confinement cells which are arranged in 9 rows with 10 cells in each row.¹¹⁴ Section 209 has its own medical facility that operates independently of the general medical facility at Evin.¹¹⁵

Human Rights Watch obtained reports from former prisoners detained in Ward 209, and they described:

[W]alk[ing] down stairs into a basement, where there were at least four halls, approximately twelve cells per hall, and a separate row of solitary cells for female prisoners. The cells measured about one meter by two meters, with a ceiling height of about four meters. A light at the top of the cell (most prisoners estimated about 40 watts), is on twenty-four hours a day. The cells in Section 209 have a toilet and a sink inside the cell.¹¹⁶

While Judge Hassan Hadad of the prosecutor's office has said that some prisoners request to be transferred to Ward 209,¹¹⁷ testimonies from prisoners themselves tell a different story. Ali Kantoori, an activist involved with a number of NGOs, was arrested in January 2008. He was blindfolded and beaten for half an hour on the day he arrived in Ward 209.¹¹⁸ His interrogations started the next day. Kantoori was charged with distributing propaganda against the Islamic Republic, conspiracy against the Islamic Republic, and acting against national security.¹¹⁹ Kantoori had a group of four interrogators that would play good cop-bad cop in order to get him to accept his charges and admit them.¹²⁰ His interrogations lasted all day, and he was not given any food.¹²¹ In addition to the lengthy interrogations, he suffered physical abuse, verbal humiliation, intimidation, and psychological abuse.¹²² One example of psychological abuse is when the interrogators beat Kantoori's friends in front of him.¹²³ He was held in solitary confinement for 25 days.¹²⁴ As discussed in Section 4.3. *infra*, prolonged solitary confinement amounts to torture and violates both Iranian and international law.

¹¹² Article 43 states that the prison authorities should, inter alia, monitor the prisoners' health. Article 64 establishes an agency within each prison and detention facility charged with evaluating the prisoners' mental and physical health. Article 152 mandates physical exercise for inmates in the mornings in order to ensure their physical and mental health.

¹¹³ *Witness Statement of Mohsen Sazegara*, *supra* note 102.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ HUMAN RIGHTS WATCH, *supra* note 69, at 22.

¹¹⁷ *Iran: Former Inmates Shed Light on Secret Prison Ward*, RADIO FREE EUROPE RADIO LIBERTY (Sept. 27, 2007) <http://www.rferl.org/content/article/1078808.html>.

¹¹⁸ *Witness Statement of Ali Kantoori*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 28, 2010),

<http://www.iranhrdc.org/english/publications/witness-testimony/3180-witness-statement-ali-kantoori.html>

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

2.1.1.5. Ward 240 (Solitary Confinement Ward)

Ward 240 houses 700 to 800 solitary confinement cells.¹²⁵ Solitary confinement cells lack natural light, and artificial light is on 24 hours a day, exacerbating the psychological pressure of solitary confinement.¹²⁶ Former prisoners that spent time in both wards 209 and 240 noted that conditions in Ward 240 were harsher than in Ward 209. Reports describe more aggressive guards and interrogators and former prisoners add that they were unable to see anything outside their cells or hear anything besides the sounds of their own voices in Ward 240.¹²⁷ Several prisoners described the small solitary cells as resembling coffins.¹²⁸

One former journalist and student activist, Behrouz Javid Tehrani, described his experience when he was taken to Ward 240 in the summer of 2011 after taking video footage of Mohsen Dokmechi, another inmate who was critically ill and died in prison. Javid Tehrani stated:

They took me there and kept me in solitary confinement for the entire summer...they beat me a number of times there. One thing that really bothered me, which is among the worst [forms of] torture that I can think of, was that they cuffed my hands and my feet, and then locked my hands and feet together, and then covered my mouth. I clenched my jaw before they covered my mouth. They wanted to cover my mouth with a piece of cloth. One of the ward 209 guards punched me in the chest, but I did not unclench my jaw. He climbed on my chest and started jumping up and down. Three of my ribs broke at that point. I opened my mouth, and he covered it. They tied my handcuffs to the shackles on my feet, and I had to lie on my broken chest until the morning. Being handcuffed and shackled was among the worst forms of torture I experienced because it wears you down and you cannot move at all.¹²⁹

Labor organizer Gholamreza Gholamhossein was arrested in June 2008 at a Women's Day event and subsequently sent to solitary confinement in Ward 240, where he was detained incommunicado:

I was held in a solitary cell, in ward 240 of Evin Prison, for 85 days. My family had no knowledge [of my whereabouts] and I was not allowed to make a single phone call. This was the second time I had been arrested.¹³⁰

Further, Human Rights Watch reported:

The prisoners, many of them held without charge or on charges that changed once they get to court, were not told why they had been taken to solitary confinement, how long they could expect to be there, or whether there was any way for them to attempt to secure their release or return to the general ward of the prison. In their interrogations, their freedom or their return to public wards was conditioned on signing a confession or

¹²⁵ HUMAN RIGHTS WATCH, YOU CAN DETAIN ANYONE FOR ANYTHING 20 (2008), available at <http://www.hrw.org/reports/2008/iran0108/iran0108web.pdf>.

¹²⁶ HUMAN RIGHTS WATCH, *supra* note 69, at 21.

¹²⁷ *Id.* at 24-25.

¹²⁸ *Id.* at 25.

¹²⁹ *Witness Statement of Behrouz Javid Tehrani*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Feb. 6, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/100000222-witness-testimony-behrouz-javid-tehrani.html#Ui7O4NKkrO8>.

¹³⁰ *Witness Statement of Gholamreza Gholamhosseini*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Dec. 26, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000414-witness-statement-of-gholamreza-gholamhosseini-a-labor-union-activist.html>.

videotaping a recantation or confession. Many prisoners were denied access to medical care while they were in Sections 209 and 240.¹³¹

As discussed in Section 4.3. *infra*, prolonged solitary confinement amounts to torture and violates both international and Iranian law. Under the Prisons Regulation, solitary confinement is permitted only as a disciplinary measure not to exceed twenty days.¹³² As such, holding prisoners in solitary cells without a disciplinary purpose and in excess of twenty days is illegal under domestic law.

2.1.1.6. Women's Ward

Since the number of female prisoners is much smaller than the number of male prisoners, female prisoners are often placed in a general ward for women at Evin Prison. There are no separate wards for female political prisoners. Female political prisoners are placed next to individuals convicted of violent felonies including murder, robbery, and drug trafficking, who are often reported to be violent and abusive.¹³³ Some former detainees report that prison authorities use the threat of relocation to the General Ward to scare political prisoners into cooperation.

Journalist Jila Baniyaghoob, formerly detained in Evin's Ward 209 with other female prisoners, described her experiences in her book, "Women of Evin: Ward 209."¹³⁴ She described crowded conditions in her cell shared with three other female prisoners when she entered Evin, interrogations that would begin at 2:00 a.m., and being blindfolded upon her entrance to Evin and when she was being transferred from her cell to the interrogation room.¹³⁵ After she refused to be interrogated while blindfolded, she was then transferred to solitary confinement in Ward 209.¹³⁶

Serious allegations of rape in Iranian prisons, including Evin Prison, have been discussed in a separate IHRDC report entitled *Surviving Rape in Iran's Prisons*.¹³⁷ For instance, a woman named Mina Vatani has stated that she witnessed the execution of women who had been raped prior to their executions in early 1982. Rape allegations in Iranian prisons and the lack of transparent and thorough investigations regarding reports of sexual assault constitute major breaches of international and domestic law.

¹³¹ HUMAN RIGHTS WATCH, *supra* note 69, at 23.

¹³²Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 175, available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

¹³³ Mehrangiz Kar, *The Women's Ward in Evin Prison*, GOZAAR (June 29, 2010), <http://www.gozaar.org/english/articles-en/Women-s-Ward-in-Evin-Prison.html>.

¹³⁴ JILA BANIYAGHOOB, *WOMEN OF EVIN: WARD 209* (2013).

¹³⁵ *Id.* at 65-70.

¹³⁶ *Id.* at 74-75.

¹³⁷ See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, *SURVIVING RAPE IN IRAN'S PRISONS* (2011), available at <http://www.iranhrdc.org/english/publications/reports/3401-surviving-rape-in-iran-s-prisons.html#.U59ifZRdV8E>.

2.1.2. Rajaeshahr/Gohardasht Prison



[Photo of Gohardasht Prison]

Rajaeshahr Prison, also referred to Gohardasht, is located in Rajaeshahr, in the northern outskirts of Karaj near the foot of the Alborz Mountains. Rajaeshahr Prison has 6,000 prisoners and holds numerous political prisoners, many of whom suffer harsh treatment and are routinely denied medical attention.

The prison contains eight wards in each of its three halls.¹³⁸ Several political prisoners at Rajaeshahr are detained in a ward called the House of the Quran, where prisoners agree to memorize the Quran in order to be paroled or gain other benefits while imprisoned.¹³⁹ In this ward, each hall has forty solitary cells.¹⁴⁰ At the beginning of each hall there is one 10-20-square meter room with a shower and toilet.¹⁴¹ Ward 5 contains prisoners who committed crimes while they were minors. This fact notwithstanding, one former prisoner alleges that between 170 and 180 prisoners in Ward 5 alone are on death row.¹⁴² Mentally ill prisoners are held in Ward 7.¹⁴³ Ward 7 previously held female inmates but now most female prisoners are transferred to Evin or other prisons.¹⁴⁴ Hall 10 of Ward 4 of the prison holds prisoners who are of the Sunni Muslim faith and who are alleged to have links to Sunni extremist terrorist groups including Al Qaeda.¹⁴⁵ In an interview with IHRDC, a Kurdish Sunni prisoner held at Rajaeshahr described the conditions inside the prison. He indicated that several Kurdish Sunni prisoners were suffering from serious medical conditions and were not provided adequate medical care.¹⁴⁶ In addition, this source told IHRDC that due to a lack of access to clean drinking water, the majority of inmates in the ward, including many who were previously healthy, have developed kidney stones.¹⁴⁷ Another Kurdish Sunni prisoner in Rajaeshahr told IHRDC that the prison authorities often threaten death row prisoners with the implementation of their sentences in response to alleged contacts with the media or requests for better conditions.¹⁴⁸

¹³⁸ *Witness Statement of Behrouz Javid Tehrani, supra note 129.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *New Reports of Difficult Conditions for Sunni Prisoners in Rajae Shahr Prison*, IRAN HUMAN RIGHTS DOCUMENTATION

CENTER (Sept. 11, 2014), <http://www.iranhrdc.org/english/news/inside-iran/100000524-new-reports-of-difficult-conditions-for-sunni-prisoners-in-rajae-shahr-prison.html>.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

In Ward 8, which is administered by the MOI¹⁴⁹, prisoners are kept in solitary confinement.¹⁵⁰ One political prisoner, Mohammad Reza Pourshajari, who was arrested in 2010 and imprisoned for the content of his weblog, noted that he was beaten and tortured daily in this section of Rajaeeshahr, and that he was threatened by a mock execution in which he was taken to the gallows and made to stand on a stool, thinking he was going to be hanged.¹⁵¹

The prison also contains a quarantine ward, which is usually reserved for dangerous criminals that cannot be placed near other prisoners out of fear that they will endanger the other prisoners. One Kurdish political prisoner was detained in the quarantine ward for 50 days and denied medical care, despite having health conditions that required urgent attention.¹⁵² Behrouz Javid Tehrani, who was first arrested in 1999 and detained in Rajaeeshahr and other prisons over the period of 11 years, noted the changes that took place in Rajaeeshahr over the years.

With regard to the medical facilities, Tehrani noted the shortages of medications in Rajaeeshahr's medical facility:

On many occasions the medical facility of the prison, which at minimum housed 3500 prisoners, ran out of antibiotics, [sometimes] for two months [at a time]. There were lots of prisoners with infectious diseases. Sometimes, for example, if the physician prescribed 30 pills the pharmacy only dispensed 15 pills and claimed that that is all they had. There were lots of issues like this. During that period bringing in medications from outside the prison became difficult as well.¹⁵³

Tehrani also noted that political prisoners were not permitted in-person or conjugal visits where they could spend time next to their family without a glass window separating them; they were only permitted "cabin" meetings with relatives through a glass window where they spoke to their visitors with a phone.¹⁵⁴ Overcrowded conditions in Rajaeeshahr Prison present several major problems for prisoners. In 2010, it was reported that 90-180 prisoners slept in hallways due to overpopulation in the prison.¹⁵⁵ Due to overcrowding, political prisoners shared cells with violent criminals including those convicted of theft, drug trafficking, and murder. Moreover, prisoners were granted limited access to the medical facilities, which were overburdened due to the prison being over capacity. Prisoners dealt with lice and scabies without adequate treatment¹⁵⁶ and were only permitted access to the medical clinic once every 45 days.¹⁵⁷ On March 6, 2009, Amir Hossein Heshmat Saran, imprisoned for establishing the National Unity Front political party, died in a hospital in Karaj after he was taken there from Rajaeeshahr Prison, but it appeared that he was taken to the hospital too late.¹⁵⁸ A doctor told his wife that he suffered a brain hemorrhage and a lung infection and should have been transferred to the hospital for treatment much

¹⁴⁹ *Witness Statement of Behrouz Javid Tehrani, supra note 129.*

¹⁵⁰ *Id.*

¹⁵¹ *Imprisoned Blogger Sends Message on Political Prisoners in Iran*, PERSIAN2ENGLISH (June 20, 2013)

<http://persian2english.com/?p=24550>.

¹⁵² *Transfer of a Kurdish Political Prisoner in a Dire Health Condition to an Unknown Location*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (May 7, 2012), <http://www.iranhrdc.org/english/news/inside-iran/1000000101-transfer-of-a-kurdish-political-prisoner-in-a-dire-health-condition-to-an-unknown-location.html#.U4almpRdVTF>.

¹⁵³ *Witness Statement of Behrouz Javid Tehrani, supra note 129.*

¹⁵⁴ *Id.*

¹⁵⁵ *Rajaeeshahr prison is 5 times over capacity*, THE COMMITTEE FOR DEFENSE OF POLITICAL PRISONERS (Dec. 20, 2010), http://www.komitedefa.com/en/index.php?option=com_content&view=article&id=69:rajai-shahr-prison-is-5-times-over-capacity&catid=49:special-reports&Itemid=73

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Deaths in custody in Iran highlight prison authorities' disregard for life*, AMNESTY INTERNATIONAL (Mar. 20, 2009), <http://webcache.googleusercontent.com/search?q=cache:64ArXEQt-gJ:www.amnesty.org/en/news-and-updates/deaths-custody-iran-highlight-prison-authorities039-disregard-life-20090320+&cd=1&hl=en&ct=clnk&gl=us>.

earlier.¹⁵⁹ In 2010, videos and pictures from inside Rajaeeshahr Prison were released on the website HRANA, sparking outcry over the rape, torture, and severe mistreatment of prisoners at Rajaeeshahr.¹⁶⁰ Mohsen Beikvand, a young political prisoner who was one of the victims in the videos was subsequently transferred to solitary confinement and eventually killed in prison after describing the brutality to which he was subjected.¹⁶¹

The well-documented and widespread violations of prisoners' rights in Rajaeeshahr Prison, such as the detention of political prisoners in same wards as those convicted of violent crimes violates both international and domestic norms. Rule 8 of Standard Minimum Rules for the Treatment of Prisoners and Article 69 of Iran's Prisons Regulations call for separation of prisoners according to the types of offenses they have committed. Rajaeeshahr Prison is among several prisons in Iran where this principle is ignored.

2.1.3. Qezel Hesar Prison



[Map of Qezel Hesar Prison¹⁶²]

¹⁵⁹ *Id.*

¹⁶⁰ HRANA Publishes More Documents and a New Video of Torture in Rajai Shahr Prison, Persian2English (May 30, 2010), <http://persian2english.com/?p=11248>.

¹⁶¹ Prisoner Mohsen Beikvand Murdered in Rajai Shahr Prison, Persian2English (Sept. 5, 2010), <http://persian2english.com/?p=13924>; HRANA Publishes More Documents and a New Video of Torture in Rajai Shahr Prison, *supra* note 160; Council Implementing Regulation 1002/2011, Implementing Article 12(1) of Regulation (EU) No 359/2011 Concerning Restrictive Measures Directed against Certain Persons, Entities and Bodies in View of the Situation in Iran, Annex, 2011 O.J. (L267) 2, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R1002&qid=1424726920990&from=EN>.

¹⁶² Five Sunni Prisoners of Conscience Moved to New Ward after Nearly Two Weeks in Solitary Confinement, Ghezal Hesar Prison, Karaj, SUPPORTMYBROTHERS.WEBLY.COM (Nov. 16, 2013), <http://supportmybrothers.weebly.com/news/five-sunni-prisoners-of-conscience-moved-to-new-ward-after-nearly-two-weeks-in-solitary-confinement-ghezal-hesar-prison-karaj>

Also located in Karaj, Qezel Hesar is the largest prison in Iran in terms of volume of prisoners, and the number of prisoners held there is reportedly three times its capacity.¹⁶³ Most of the prisoners there are held for drug-related charges.¹⁶⁴

Activist Ali Kantoori spent time at both Evin and Qezel Hesar. In Qezel Hesar, he described being taken to *Andarzagah* (Ward) 3, hall 5, which had 28 rooms, each about six square meters and holding ten prisoners.¹⁶⁵ Kantoori described being interrogated and coerced into accepting the charges leveled against him.¹⁶⁶ Kantoori also described unhygienic conditions in the overcrowded prison. For example, he stated, the prison was infested with lice and there were only four or five showers for more than 200 prisoners.¹⁶⁷ Officials told prisoners they could only shower every other day for three minutes, but in reality they could only take a shower once a week due to the high number of prisoners.¹⁶⁸ According to Kantoori, there was no heating or air conditioning in Qezel Hesar.¹⁶⁹

Each hall was permitted to send up to five people to the prison medical facility at the discretion of the person in charge of the medical facility. Medicine and health services were scarce.¹⁷⁰ Recreational facilities such as the gym and library were only accessible to prisoners who had good relationships with prison staff.¹⁷¹

Mohammad Reza Pourshajari, who had been jailed for his blogging activities, was denied leave to seek medical treatment and suffered two heart attacks while imprisoned at Qezel Hesar.¹⁷² In addition, prison officials reportedly told Pourshajari that they would no longer provide the medication he needed for his high blood sugar.

Shahla Azad, a member of the Mojahedin-e Khalq (MEK) arrested in 1983, recounted that she was subjected to psychological torture at Qezel Hesar when she was forced to listen to her husband being beaten and tortured in the same room while she was blindfolded:

I could actually hear his controlled breathing in the midst of the heavy rhythm of lashings he was receiving. I could not see anything, but I knew they were beating him with other things as well. I was asked again if I recognized his voice. I did not answer. They opened the door and removed my blindfold. It was only then that my husband noticed my presence. He had been wrapped in a blanket and blindfolded. They untied him from the bed, and four or five officers began beating him. He was whipped, beaten with a cable, punched, kicked and thrown to the wall. He was so weak, he was hardly breathing. But he made no sounds. He endured all of this torture in order to keep my morale strong. I could

¹⁶³ 'idāmiyi 'i dāmhāyi 'i lāmnashudih dar zindāni qizilhišāri karaj: 'i dāmi pinhānī va dasti jam'ī 25 zindānī dar rūzi davāzdahumi tīr, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (July 4, 2011),

http://persian.iranhumanrights.org/1390/04/ghezelhesar_executions/.

¹⁶⁴ *Complementary Report regarding Massacre of Prisoners in GhezelHesar Prison and the Latest on Conditions Inside this Prison*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Mar. 17, 2011), <https://hra-news.org/en/complementary-report-regarding-massacre-of-prisoners-in-ghezelhesar-prison-and-the-latest-on-conditions-inside-this-prison>.

¹⁶⁵ *Witness Statement of Ali Kantoori*, *supra* note 118.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Urgent Action: Jailed Blogger Denied Adequate Medical Care*, AMNESTY INTERNATIONAL (Oct. 23, 2013), <http://webcache.googleusercontent.com/search?q=cache:oVluEe2oInsJ:www.amnesty.org/ar/library/asset/MDE13/041/2013/en/e8cee525-5a44-440d-a111-e23982888c27/mde130412013en.pdf+&cd=1&hl=en&ct=clnk&gl=us>.

not stand it anymore. I screamed and asked them why they were doing this! All of a sudden they pushed me toward the bed and tied me to it.¹⁷³

Azad also reported that some of the wards at Qezel Hesar are run by the *tavvabs*,¹⁷⁴ in violation of Article 134 of the Prison Regulations.¹⁷⁵

In 2011, riots broke out in Qezel Hesar, which resulted in the deaths of 14 prisoners and injuries to over 30 prisoners.¹⁷⁶ Amnesty International reported that according to prison authorities, “the riot was sparked by death row prisoners and drug-trafficking and possession offenders committing arson and other destructive acts in an attempt to escape, as well as attacking prison guards.”¹⁷⁷ Meanwhile, Iran’s Human Rights Activists News Agency (“HRANA”) reported that the rioting was prompted by prisoners protesting the execution of dozens of other prisoners.¹⁷⁸

Conditions in the most populated prison in Iran as well as the practices of prison authorities contravene established domestic and international principles regarding the treatment of inmates.

Mostafa Rahmani, who was arrested in September 2010 during a protest in Tehran, was transferred to Qezel Hesar prison after one week of detention in Evin Prison. He stated that a handful of political prisoners were kept among individuals charged with common crimes.¹⁷⁹ He was held at Qezel Hesar prison for one month. Rahmani stated that due to overcrowding there was not enough space for inmates in their respective cells, which forced some inmates to sleep on the floor of the ward corridor. Rahmani stated that a mentally ill patient, who was incontinent, was often seen at the courtyard of the prison lying on the floor in his own urine and feces.¹⁸⁰ This inmate was not taken to the infirmary, and he was often physically beaten by other prisoners. Rahmani also reported that a significant number of prisoners held at Qezel Hesar were physically abused by prison authorities.

¹⁷³ *Witness Statement of Shahla Azad*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Mar. 15, 2009), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000369-witness-statement-of-shahla-azad.html#Ui6-KtKkrO8>.

¹⁷⁴ See *supra* note 52.

¹⁷⁵ *Witness statement of Shahla Azad*, *supra* note 174; See Regulatory Code on the Rules Governing the Prisons Organization and Security and Corrective Measures, art. 134 (2005), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>. This article states: “Using prisoners for guarding and bureaucratic and ethics affairs of the organization or prison are prohibited.”

¹⁷⁶ *Deaths in Iranian Prison Must be Investigated*, AMNESTY INTERNATIONAL (Mar. 17, 2011), <http://webcache.googleusercontent.com/search?q=cache:9iOLUBIzi1QJ:www.amnesty.org/en/news-and-updates/deaths-iranian-prison-must-be-investigated-2011-03-17+&cd=1&hl=en&ct=clnk&gl=us>.

¹⁷⁷ *Id.*

¹⁷⁸ *Complementary Report regarding Massacre of Prisoners in GhezelHesar Prison and the Latest on Conditions Inside this Prison*, *supra* note 165.

¹⁷⁹ *Video Witness Statement of Mostafa Rahmani*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Sept. 10, 2014), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000522-mostafa-rahmani-a-witness-to-non-political-prison-wards-in-iran.html>.

¹⁸⁰ *Id.*

2.1.4. Orumiyeh Prison



[photo of Orumiyeh Central Prison]¹⁸¹

Orumiyeh is a city located in the northwest of Iran. The Central Prison in Orumiyeh has been estimated to house anywhere from 1,400¹⁸² to 4,000 prisoners,¹⁸³ some 68 of which were political prisoners in December 2014.¹⁸⁴ Ward 8 of this prison is controlled by the IRGC.¹⁸⁵

In April 2012, five prisoners sentenced to death for allegedly trying to escape from prison were transferred to solitary confinement.¹⁸⁶ They were beaten with electric batons, and two of the prisoners had broken arms, legs, and ribs as a result.¹⁸⁷ They were denied any medical treatment and kept in solitary confinement after the attack.¹⁸⁸

In February 2014, Ali Naroui, a Balouch political prisoner held at Orumiyeh Central Prison, died under suspicious circumstances. Naroui, 24, was serving his sentence of 18 years of imprisonment.¹⁸⁹ While prison and judiciary officials stated that his death was due to illness, his family maintained that they had seen bruises on his body, indicating that he was physically abused in prison. Naroui's brother told HRANA that his nose and jaw had broken while he was being tortured by MOI agents. He added that the authorities rejected the requests of his father to treat Naroui at his family's expense.

On November 20, 2014, 26 political prisoners held at ward 12 of Orumiyeh Central Prison went on hunger strike to protest prison conditions, including the authorities' failure to separate political prisoners from common criminals.¹⁹⁰ On December 12, 2014 HRANA reported that eight of the prisoners on hunger strike were sent to the prison infirmary due to their condition.

¹⁸¹ Photo of Orumiyeh Central Prison, NAFAS DAR QAFAS, <http://bciran.org/wplocationfa/wp-content/uploads/2013/07/urmu.jpg> (last visited Feb. 24, 2015)

¹⁸² *dādsitāni 'umūmī va 'inqilābi 'urūmīyih: zindāni 'umūmī gunjāyish barāyi nigahdārī zindānān rā nadārad*, FARS NEWS AGENCY (Feb. 11, 2014, 12:11 AM), <http://www.farsnews.com/newstext.php?nn=13921120001720>.

¹⁸³ *daghdaghihāyi dādsitāni 'urūmīyih*, JAVAN PRESS (Dec. 18, 2013), <http://www.javanpress.ir/28258>.

¹⁸⁴ *hrānā: 'intiqa'li khalid hīrdāni bi sillūlhāyi infirādī bandi sipāh*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Jan. 1, 2011), <https://hra-news.org/fa/prisoners/1-5007>.

¹⁸⁵ *See 68 zindānī sīāsī dar zindāni 'urūmīyih*, RADIO ZAMANEH (Dec. 26, 2014), <http://www.radiozamaneh.com/195438>. See also *daghdaghihāyi dādsitāni 'urūmīyih supra note 184*.

¹⁸⁶ *hrānā: 'intiqa'li khalid hīrdāni bi sillūlhāyi infirādī bandi sipāh, supra note 184*.

¹⁸⁷ *Severe Beatings of 5 Prisoners Sentenced to Death in Orumiyeh Prison*, NABZ IRAN, <https://www.nabz-iran.com/en/content/severe-beatings-5-prisoners-sentenced-death-orumiyeh-prison> (last visited Feb. 24, 2015).

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁸⁹ *ibhām dar margi yik zindānī balūch dar zindāni 'urūmīyih*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Mar. 5, 2014), <https://hra-news.org/fa/prisoners/ایهام-در-مرگ-یک-زندانی-بلوچ-در-زندان-ارو>.

¹⁹⁰ *vikhāmāti jismū 'i tišābūni zindāni 'urūmīyih va tadāvumi 'i tišābi ghazā dar īn zindān*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Dec. 12, 2014), <https://hra-news.org/fa/prisoners/orumiyeh>.

Allegations of torture in the Orumiyyeh Central Prison conform to the pattern reported in other prisons in Iran. As discussed in Section 4.3. *infra*, use of torture in Iranian prisons violates the Iranian Constitution, the UDHR, and the ICCPR.

2.1.5. Vakilabad Prison

Located in northeastern Iran, in the city of Mashhad, Vakilabad Prison houses many political prisoners and prisoners detained on account of drug offenses. Vakilabad has a long history of detaining and executing political prisoners en masse, often in secret and without acknowledgement by the government. MEK supporters were executed at Vakilabad in the early 1980s and in the massacres of political prisoners in 1988.¹⁹¹

There have been numerous reports of secret executions at Vakilabad.¹⁹² The Abdorrahman Boroumand Foundation reported that in 2009, scores of drug offenders were executed in secret after a delegation from the Prisons Organization visited the prison and determined that it was overcrowded.¹⁹³ In August 2011, Ahmad Qabel, an Iranian religious scholar and reformist cleric, was sentenced to 20 months in Vakilabad for reporting on the mass executions taking place there.¹⁹⁴ Indeed, the Special Rapporteur on the human rights situation in the IRI, Dr. Ahmad Shaheed, has documented more than 300 secret executions that took place in Vakilabad in 2010.¹⁹⁵

¹⁹¹ IRAN HUMAN RIGHTS DOCUMENTATION CENTER, DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE 46-47 (2009), available at <http://www.iranhrdc.org/english/publications/reports/3158-deadly-fatwa-iran-s-1988-prison-massacre.html>.

¹⁹² See *Secret Executions: Findings Challenge Judiciary's False Narrative*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Jan. 3, 2012), <http://www.iranhumanrights.org/2012/01/vakilabad-101/>; *Secret, Unannounced, Group Executions Continue Inside Iranian Prisons: At Least 14 More Executed Inside Mashad's Vakilabad Prison*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Oct. 23, 2011), <http://www.iranhumanrights.org/2011/10/executions-14/>; *Secret Executions Continue in Iran: 30 More Hanged in Mashad*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (July 21, 2011), <http://www.iranhumanrights.org/2011/07/vakilabad-30-more-hanged/>; *Secret Group Executions Continue at Vakilabad: Dozens More Executed in April and May*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (May 27, 2011), <http://www.iranhumanrights.org/2011/05/executions-vakilabad-april-may/>; *Multiple Reports of Secret Group Executions in Vakilabad Prison*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Oct. 25, 2010), <http://www.iranhumanrights.org/2010/10/executions-vakilabad/>; *New Executions in Vakilabad- About 500 Executions in One Prison Since October 2012- IHR Urges the International Community to Intervene Immediately*, IRAN HUMAN RIGHTS (Feb. 26, 2013), <http://iranhr.net/2013/02/mass-executions-vakilabad-minor-executed/>; *Secret Mass Executions Resume in Mashhad's Vakilabad Prison: Several Hundred Prisoners Possibly Executed in Past Four Months*, IRAN HUMAN RIGHTS (Feb. 3, 2013), <http://iranhr.net/2013/02/secret-mass-executions-resume-in-mashhads-vakilabad-prison-several-hundred-prisoners-possibly-executed-in-past-four-months/>.

¹⁹³ *Iran: In Support of the International Campaign against the Death Penalty*, HUMAN RIGHTS AND DEMOCRACY FOR IRAN, <http://www.iranrights.org/newsletter/issue/18/iran-in-support-of-the-international-campaign-against-the-death-penalty> (last visited Feb. 25, 2015).

¹⁹⁴ *Iranian Dissident Ahmad Ghabel Arrested*, RADIO ZAMANEH (Aug. 2, 2011, 1:46 PM), <http://archive.radiozamaneh.com/english/content/iranian-dissident-ahmad-ghabel-arrested/>; *Ahmad Ghabel Arrested for Revealing Vakilabad Mass Executions, Says Wife*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Sept. 25, 2010), <http://www.iranhumanrights.org/2010/09/ghabel-arrested-vakilabad/>.

¹⁹⁵ Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, ¶ 71, U.N. Gen. Assembly, U.N. Doc. A/66/374 (Sept. 23, 2011), available at <http://shaheedoniran.org/wp-content/uploads/2014/01/N1151218.pdf>.



Photo of Vakilabad Prison in Mashhad. Source: Radio Zamaneh

Hashem Khastar, a labor activist and leader of the Mashhad Teachers Union, imprisoned in Vakilabad since 2009, was subjected to retaliation when he published an open letter to the Head of the Judiciary and the MOI detailing the secret executions at Vakilabad and the inhumane treatment of prisoners.¹⁹⁶ In his letter, he described prison conditions there:

After transferring me to prison, they first took me to the Quarantine Ward and then to Hall 102 of Ward 5, where murderers, drug traffickers, and thieves are kept. We slept in the hallways there . . . they transferred me to Ward 4's second floor where most of the inmates are drug addicts and thieves . . . the former Warden had a strange grudge against political prisoners. Whenever I was transferred outside for whatever reason, like going to the hospital or the Medical Examiner, he would make me strip and get naked for his search, and would order that I be searched again.¹⁹⁷

Khastar also described the inhumane treatment he suffered when he was transferred to a hospital for surgery:

They transferred me to Imam Reza Hospital in hand and foot cuffs and a hospital uniform. They took me to my tests with the same hand and foot cuffs. The day they took me to the operating room, they couldn't find the key to my ankle cuffs, so they postponed the surgery for one day. After my operation, when I regained consciousness, I heard the officers saying that my feet had to be chained to the bed . . . the doctor said after examining me at 8 a.m. that I had to stay in the hospital one more day, but at 11, the guards said that I had been released. They transferred me to the prison in an ambulance . . . they transferred me in such a rush that they didn't take any instructions from the doctor, nor did they bring any of my medical documents from the hospital . . . they sent me to the prison infirmary and the doctor on duty said that because it was a holiday, the pharmacy

¹⁹⁶ *Mashad's Prison Is Hell, Says Political Prisoner's Wife*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (June 8, 2011), <http://www.iranhumanrights.org/2011/06/khastar-vakilabad/>.

¹⁹⁷ *Prisoner of Conscience Hashem Khastar Describes Illegal Treatment of Prisoners*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (May 10, 2011), <http://www.iranhumanrights.org/2011/05/khastar-letter-illegal-treatment/>.

was closed and they couldn't get my prescription filled, so they couldn't give me any medicine. Three months later, I have not been fully healthy.¹⁹⁸

With respect to how the secret executions are carried out, the International Campaign for Human Rights in Iran ("ICHRI") reported:

According to the sources, the group executions at Vakilabad Prison are carried out in the hallway leading to the facility's visitation hall. Usually the convicts are collected from their different wards, and taken to Ward 6/1 for their pre-execution Islamic ablution ritual and for writing their last will. They are then transferred to the execution hallway. Most of the death row inmates are kept inside Halls 101, 102, 103, 104, and 105 of Ward 5 at Vakilabad Prison.¹⁹⁹

Despite ample evidence to the contrary, the head of the judiciary, Sadegh Larijani, denies that any secret executions take place in Vakilabad Prison. In December 2011, he said:

I categorically deny any secret mass executions...All executions are announced to my office...if anyone has information about executions anywhere that have been secret and without knowledge of families, let us know and we will investigate it.²⁰⁰

However, as the cases of Ahmad Qabel and Hashem Khastar illustrate, in reality reports of secret and/or mass executions tend to provoke retaliation from IRI authorities.

Maedeh Ghaderi, a Kurdish attorney from Mashhad, was arrested in March 2011 and taken to the Ministry of Intelligence detention center in Mashhad.²⁰¹ Later in the same month she was transferred to Vakilabad Prison's Quarantine Ward after she went on hunger strike to protest her mistreatment and violation of her due process rights, Ghaderi's husband had been previously arrested in January 2011 because of involvement with the Green Movement. Ghaderi was subsequently charged with national security crimes.

In an interview with IHRDC, Ghaderi stated that the Quarantine Ward, which had a capacity of 25 to 30 inmates, held about 70 to 80 inmates the night she entered the ward. Many of the individuals brought to that ward were suffering from withdrawal and vomiting. Ghaderi, who continued her hunger strike at Vakilabad Prison, was threatened to be put in solitary confinement if she did not end it. She eventually ended her hunger strike when prison authorities promised to look into the abusive conduct of the MOI agents against Ghaderi at the MOI detention facility. She was subsequently transferred to the Vakilabad Prison's Disciplinary Ward. This ward housed drug offenders and violent criminals. Ghaderi stated that prison authorities did not interfere in violent confrontations among inmates held in this ward.²⁰² Instead, as a punishment, the prison officials would withhold the methadone given to drug offenders after a fight broke out in the ward. This resulted in serious withdrawal symptoms for the affected inmates. Ghaderi stated that the individuals who worked in prison earned 5,000 toman per month, while outside the prison a worker earned 8,000 toman per hour for similar work.²⁰³ Thus, according to Ghaderi, an

¹⁹⁸ *Id.*

¹⁹⁹ *Secret Group Executions Continue at Vakilabad: Dozens More Executed in April and May*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (May 27, 2011), <http://www.iranhumanrights.org/2011/05/executions-vakilabad-april-may/>.

²⁰⁰ *Secret Executions: Findings Challenge Judiciary's False Narrative*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Jan. 3, 2012), <http://www.iranhumanrights.org/2012/01/vakilabad-101/>.

²⁰¹ Witness Testimony of Maedeh Ghaderi (Sept. 5, 2013) (on file with IHRDC).

²⁰² *Id.*

²⁰³ In Iranian year 1390 (March 21, 2011-March 19, 2012) the official minimum hourly wage was 1,501 toman or approximately \$1.25 per the exchange rate at the time. See *mīzāni ḥaddi aqalli huqūq va māzāyāyi sāli 1390*, KĀNŪNI 'ĀLI

employed inmate's monthly wages were less than the hourly wages of a similarly situated worker outside the prison. Meanwhile, the prices of items sold at the prison shop were considerably higher than their fair market value. For instance, a kilo of apples cost 2,500 toman inside the prison, while outside the prison it cost 1,000 to 1,200 toman at the time.²⁰⁴ Witnesses from other prisons have related similar accounts of price-gouging by prison shops. Ghaderi also indicated that the food given to the prisoners was of the lowest quality. She stated that prisoners witnessed cockroaches being thrown off the loaves of bread that were about to be given to the inmates. Ghaderi added that inmates were not taken to the prison infirmary unless their medical condition was at a critical stage.²⁰⁵

Secret executions at Vakilabad Prison raise serious due process questions. Under Iranian law, the attorney for the person to be executed has to be notified of the impending execution.²⁰⁶ Therefore, conducting secret executions violate Iranian law. In addition, secret executions likely violate international law as a form of cruel, inhuman or degrading punishment.

2.1.6. Sanandaj Prison

Located in Kurdistan Province, Sanandaj Central Prison holds political prisoners and prisoners detained on account of drug use or common crimes. The prison is small and holds approximately 1300-1400 prisoners in total.²⁰⁷ It has several wards, which are referred to as Pak 1, Pak 2, Pak 3, and Pak 4, respectively. Pak 2 holds political prisoners along with some convicted murderers, Pak 4 holds general prisoners, Pak 1 prohibits visitors, and a separate Nezam Ward holds soldiers and alcoholics.²⁰⁸ The prison has 3 types of one-person cells. Solitary cells are 3x1.5m or 2x1.5 m and have no bathroom, and the prison also contains larger cells with bathrooms. Prison telephones are monitored and those on death row are said to be under constant video surveillance.²⁰⁹

The prison also contains a women's ward for the approximately 50 or 60 female prisoners.²¹⁰ The cells in this ward contain small windows with little air circulation.²¹¹

ANJUMANHĀYI ŞINFĪ KĀRFARMĀYĪ ĪRĀN, <http://www.icea.ir/wp-content/uploads/2011/04/kholase-bakname-mozd90.pdf> (last visited Feb. 25, 2015).

²⁰⁴ Witness Testimony of Maedeh Ghaderi, *supra* note 202.

²⁰⁵ *Id.*

²⁰⁶ Regulatory Code of 19 Sept. 1999 (On Sentences of Qisas, Stoning, Crucifixion, Execution, and Flogging), art. 7, available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000517-english-translation-of-regulatory-code-on-sentences-of-qisas-stoning-crucifixion-execution-and-flogging.html>.

²⁰⁷ *Witness Statement of Amir Ahmadi*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Aug. 8, 2012), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000170-witness-statement-of-amir-ahmadi.html#.Ui6sONKkrO8>.

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Witness Statement of Fatemeh Goftari*, Iran Human Rights Documentation Center (June 6, 2012), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000136-witness-statement-of-fatemeh-goftari.html#.Ui60vNKkrO8>.

²¹¹ *Id.*



Sanandaj Prison. Source: Rojpress

Amir Ahmadi, a member of the Komala party, was arrested in 2006. Ahmadi told IHRDC of his experience being interrogated by prison guards:

I remember that one of them said, “He talks; he is a good boy,” and then suddenly he hit me in the mouth with a baton. I remember another time when one of them brought pliers and said that he would pull my teeth out. He shoved the pliers into my mouth, while asking, “Will you talk or should I break them [my teeth] in your mouth?” And my tooth got chipped. I couldn’t eat after that. It killed me when I drank anything.²¹²

Physical torture in the detention centers of Sanandaj is reportedly quite severe.²¹³ But even when a prisoner is not physically tortured, many face psychological torture. Ahmadi described his experience:

When they are torturing someone they make sure that the [victims’] voices echo in all of the cells. In fact, even if they don’t torture anyone one night, they’ll play a tape of torture sounds. It was a form of psychological torture when they were played this tape²¹⁴

Fatemeh Goftari, a Kurdish women’s rights activist, was detained and interrogated at the Sanandaj Prison in 2008. She also experienced psychological torture at Sanandaj:

Prison is not comfortable. Even if your children are by your side, you cannot be happy. The interrogators were very violent. They brought Habibollah Latifi and asked me if, and how, I knew him. They proceeded to hit Habib. They hit him against the wall, causing his head to bleed. I will never forget that moment. It’s like he is my own son. He was a student and attended university. The interrogators used very bad words and were very arrogant. I am a mother and they treated me this way. Imagine what they do to those poor kids.²¹⁵

Prisoners placed in solitary confinement had their hands and feet tied together.²¹⁶ One prisoner told IHRDC that when he was placed in solitary confinement, he was kept in his cell for three days without access to a toilet.²¹⁷

²¹² *Witness Statement of Amir Ahmadi, supra* note 208.

²¹³ See Witness Testimony of Fardin Mohammadi (Jan. 19, 2012) (on file with IHRDC).

²¹⁴ *Witness Statement of Amir Ahmadi, supra* note 208.

²¹⁵ *Witness Statement of Fatemeh Goftari, supra* note 211.

²¹⁶ *Witness Statement of Amir Ahmadi, supra* note 208.

As explained in Section 4.3. *infra*, solitary confinement and torture violate Iranian law as well as international human rights norms. Witness testimonies obtained by IHRDC from individuals held at Sanandaj Prison indicate that Iranian authorities routinely disregard domestic and international law regarding treatment of inmates.

2.1.7. Marivan Prison

Marivan Prison, located in the Western town of Marivan in Kurdistan Province, is one the prisons holding Kurdish political prisoners. Adnan Rashidi, a Kurdish political prisoner who was held at Marivan Prison, discussed the conditions of his imprisonment in this prison during an interview with IHRDC. Rashidi indicated that he witnessed several fights among inmates the night he entered Marivan Prison's Quarantine Ward in 2006.²¹⁸ Like many other prisons, inmates were not separated based on their crimes despite the existence of regulations obliging the prison authorities to do so. Rashidi, along with another prisoner who was also his friend, went on hunger strike. Rashidi's hunger strike was in protest to his 12-year sentence and the prison's refusal to allow in-person visitation, among other things. On one occasion, when Rashidi recalls that he and his friend refused to leave the ward for the daily roll-call due to their physical weakness, they were beaten by prison guards wielding batons. After this Rashidi and his friend were taken from the ward and placed in a new cell. In this cell, Rashidi recalled, there was no bed and carpeting, and they had to sleep on the concrete floor.²¹⁹

Rashidi indicated that there were only two bathrooms and two showers for about two hundred inmates. He also stated that prison conditions became worse in the last few years. Rashidi added that while the infirmary provided some services such as psychiatrist counseling, serious issues remained. The infirmary did not have enough medications to dispense. According to Rashidi, the worsening of prison conditions corresponded to the imposition of economic sanctions on Iran.²²⁰ Rashidi added that the meals given to inmates were wholly inadequate, and of poor quality, and that inmates go hungry if they do not have the means to purchase food from the prison shop.

Rashidi recalled that he witnessed prison guards beat a disabled prisoner who was unable to walk. In another troubling incident, Rashidi stated that three men, who had allegedly produced a pornographic video involving a prostitute and disseminated it publicly, were brought into Marivan Prison. Prison officials then asked other inmates to beat the three men. With the exception of a few political prisoners, most other inmates obliged and severely beat the three men. According to Rashidi, a police officer who had had sexual relations with a young woman was also beaten in the same manner.

2.1.8. Dizel Abad Prison

Dizel Abad prison, located in Kermanshah, holds many political prisoners. The head of the prison's security division is reportedly an ex-MEK member who has repented and has therefore become a *tavvab*.²²¹

At Dizel Abad, prisoners jailed for rape, murder, or drug offenses are held in Ward 9,²²² which is known as the "Lessons Ward" and also holds prisoners on death row.²²³ Even though the prison has a separate

²¹⁷ *Id.*

²¹⁸ Witness Testimony of Adnan Rashidi (Oct. 20, 2014) (on file with IHRDC).

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Witness Statement of Rebin Rahmani*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Apr. 17, 2013), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000301-witness-statement-of-rebin-rahmani.html#.Ui7yWdKkrO8>.

room for political prisoners, political prisoners such as Kurdish political activist Rebin Rahmani were held in this ward with drug addicts and common criminals.²²⁴

Rahmani, who was arrested in 2006 and charged with acting against national security and disseminating propaganda against the Islamic Republic, told IHRDC he was held in a large room in Ward 9, which had an area of 3 by 5 meters, and had its own bathroom.²²⁵ He recalled what the other 10 other inmates imprisoned in the room, all of whom had been convicted of common crimes, said to him when he entered his room: “You’re political—keep to yourself and leave us alone.”²²⁶

One of the most troubling practices at Dizel Abad prison is the prevalence of rape in the form of “under-bedding.” Rahmani described this practice:

There is a phrase here called “under-bedding.” Prisoners with long records or death sentences or 10-15 year terms for murder, who are sexually frustrated—when a young prisoner arrives, they gang-rape him under the bed, this is called ‘under-bedding.’” My interrogator told me this still goes on, meaning: watch out, if I order it, this will happen to you. I personally witnessed the rape of two prisoners.²²⁷

The threat of sexual abuse and rape in this prison constitutes a form of psychological intimidation used to force prisoners to submit to their interrogators. As discussed in Section 4.3. *infra*, such practices contravene both Iranian and international human rights law.

2.1.9. Adelabad Prison

Adelabad Prison, which began operating in early 1970s, is one of the major prisons in Shiraz, Fars Province.²²⁸ According to the Fars Province Ministry of Justice, individuals convicted of murder and other serious crimes, as well as political prisoners, are held at Adelabad Prison.²²⁹ Also known as Shiraz Central Prison, Adelabad Prison’s official capacity is 1,200.²³⁰ However, the actual number of prisoners held at Adelabad Prison significantly exceeds the official capacity. In September 2011, the head of the Fars Province prison system stated that 4,200 prisoners were being held in this prison.²³¹

²²² *Id.*

²²³ *Id.*

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ According to the website of the Fars Province Ministry of Justice, the first prison to operate in Shiraz was Arg-i Karim Khan. For more information regarding Arg-i Karim Khan, see *Arg-i Karim Khan*, ARCHNET, <http://archnet.org/sites/4764> (last visited Feb. 25, 2015). According to the Fars Province Ministry of Justice, prisoners held there were transferred to Adelabad Prison in the Iranian year 1352 (March 21, 1973- March 20, 1974). See Background Information regarding the Judiciary in Iran and Fars Province, DĀDGUSTARĪ USTĀNI FĀRS, <http://www.dadfars.ir/Default.aspx?tabid=2511> (last visited Feb. 25, 2015). However, Abbas Mahmudi, a political prisoner during the Pahlavi era, states that he was taken to Adelabad Prison in Iranian year 1351 (March 21, 1972- March 20, 1973). Mahmudi indicated that he was among the first group of prisoners held at Adelabad. See *guftugū bā mubārizi ‘inqilābi ki na hich vaqt mas’ul būd va na mas’ul īat girift*, SHIRAZE (Feb. 4, 2014), <http://shiraze.ir/fa/news/51217>.

²²⁹ Background Information regarding the Judiciary in Iran and Fars Province, DĀDGUSTARĪ USTĀNI FĀRS, <http://www.dadfars.ir/Default.aspx?tabid=2511> (last visited Feb. 25, 2015).

²³⁰ *mudṭri kulli zindānhāyi fārs: māhīāni 300 zindānī bi zindānhāyi fārs ‘izāfih mīshavand. mujrim nabāyad bā khurdan va khābīdan dar zindān barāyi jurmī dīgar āmādih shaved*, IRANIAN STUDENTS’ NEWS AGENCY (Sept. 4, 2011, 3:22 PM), <http://isna.ir/fa/print/9006-07723>.

²³¹ *Id.*

Overcrowding at Adelabad Prison is not a recent phenomenon. In her memoir, Olya Roohizadegan, a female Bahá'í prisoner, described the conditions of the cells at Adelabad Prison when she entered the prison on December 13, 1982:

“They were all very small, originally designed for one prisoner, and each had a small steel bed with a thin foam mattress and a single regulation blanket. Because the prisons were now so overcrowded, two or three prisoners were housed in each cell. This made life especially difficult for us at night, because only one person had anywhere to lie down. We all shared as best as we could, but it was hard to get enough sleep.”²³²

Another aspect of overcrowding was inadequate access to showers and restrooms. Roohizadegan wrote that there were only three restrooms and showers for more than 150 inmates at the third floor of Adelabad Prison's women's ward. This meant that female prisoners could not wash for several days at a time.²³³ Furthermore, she indicated that the restrooms and showers did not have doors, and someone had to stand guard whenever they were in use.²³⁴

Davood Irani²³⁵, a Christian convert and an IHRDC witness who spent ten days in Adelabad Prison in January 2010, also discussed overcrowding at Adelabad Prison. Davood stated that two to three hundred people were kept in a small space where he was held. He added that there were only three showers and four restrooms for the same number of inmates.²³⁶

Lack of access to adequate medical care has been a serious issue at Adelabad Prison. Roohizadegan stated that the Revolutionary Court had prohibited male physicians from touching female prisoners. As a result, untrained young girls working in the prison were given the task of giving injections to female inmates. Roohizadegan indicated that these injections caused bruises that were painful for several days.²³⁷ Davood Irani also discussed inadequate medical attention in Adelabad Prison. He indicated that he was not provided adequate treatment or medication when he was suffering from influenza.²³⁸ Ali Tarokh, a reformist activist briefly imprisoned at Adelabad Prison after the disputed 2009 presidential election, recounted that one of the prisoners in his ward was a physician, and he was put in charge of taking care of sick inmates.²³⁹ Kaveh Taheri, a blogger who spent about eight months in Adelabad Prison in 2012-2013, stated that the prison physician did not prescribe the required amount of medicine.²⁴⁰ In addition, often the prison authorities did not dispense the prescribed amount to the inmates.

Several discriminatory practices have been reported to take place at Adelabad Prison. In her memoir, Roohizadegan wrote about some of the discriminatory practices against Bahá'í prisoners. For instance, she wrote, “All the fruit we received from our families had to be handed over and then shared between all the prisoners. Of course, Bahá'ís were left till last, so naturally the best fruit had already been taken by the time our turn came.”²⁴¹ Recalling discrimination faced because Bahá'í prisoners were considered to be ritually impure, she added, “A more annoying problem was how to wash our clothes. The prison authorities considered our garments to be contaminated and so we had to manage our washing as best as

²³² OLYA ROOHIZADEGAN, *OLYA'S STORY* 105 (1993).

²³³ *Id.* at 106.

²³⁴ *Id.*

²³⁵ Pseudonym assigned to the witness to protect his identity.

²³⁶ *Witness Statement of Davood Irani*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Sept. 8, 2014), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000520-witness-statement-of-davood-irani.html>.

²³⁷ ROOHIZADEGAN, *supra* note 233, at 169.

²³⁸ *Witness Statement of Davood Irani*, *supra* note 237.

²³⁹ *Witness Testimony of Ali Tarokh* (Sept. 6, 2013) (on file with IHRDC).

²⁴⁰ *Witness Testimony of Kaveh Taheri* (Dec. 11, 2013) (on file with IHRDC).

²⁴¹ ROOHIZADEGAN, *supra* note 233, at 106.

we could, using soap and a small bucket in our cell[.]”²⁴² According to Taheri, religious discrimination in Adelabad Prison still continues. For instance, Taheri stated that inmates had to wear uniforms on visitation days, and that the uniforms of the Bahá’ís and Christian converts were kept separate from those of Muslim inmates.²⁴³

Another discriminatory practice at Adelabad Prison is the preferential treatment afforded to prisoners who are in a better financial situation, allegedly a common trend throughout the country. Tarokh stated that he paid 700,000 toumans to prison officials in order to avoid being placed at wards that were considered dangerous.²⁴⁴ Taheri reported that a prisoner could, through paying bribes, secure certain privileges such as getting appointed as the prisoners’ representative. Taheri also stated that prisoners who could bribe prison officials received larger food portions at the expense of prisoners who were of limited means.²⁴⁵

Drug use and lack of treatment for drug addicts has also been a serious problem at Adelabad Prison. Roohizadegan wrote, “The drug addicts had a particularly hard time... [T]hey were not prescribed any drugs or given any medical treatment, so they would sometimes shake uncontrollably and scream in agony as they suffered the effects of withdrawal. We could help them as best we could, but they needed proper medical attention, and we could only offer them friendship.”²⁴⁶ Taheri stated that during the time he spent at Adelabad Prison at least four drug addicts died from withdrawal symptoms and lack of medical care.²⁴⁷ According to Taheri, crystal meth addicts experienced hunger when in withdrawal, and they turned to prostitution in order to be able to purchase more food.²⁴⁸ Taheri added that prison authorities are fully aware of the extent of the problem, and that some low-level prison officials are involved in smuggling illicit drugs into prison.²⁴⁹

In his interview with IHRDC, Taheri also discussed violence inside Adelabad Prison. He stated that during the time he spent in prison two to four inmates were killed during fights.²⁵⁰ Taheri also indicated that rape was rampant in Adelabad Prison. However, victims did not complain because they were afraid of retaliation by the perpetrators inside the prison as well as after they were released.²⁵¹

2.1.10. Karun Prison

Karun Prison, also known as Ahvaz Central Prison, is situated in the east of Ahvaz near Karun Square. This prison is considered one of the worst in terms of hygiene and prison conditions. Zia Nabavi, a student activist arrested during the 2009 post-election protests and sentenced to fifteen years in exile in

²⁴² *Id.* In the Islamic tradition certain items are considered to be ritually impure. In Shi’a jurisprudence, infidels are also considered as such. Ayatollah Khomeini stated that all non-Muslims are ritually impure. See 1 *Tahrīr al-Vasīlah* 104 (Sayyid Ali Reza Naghavi trans., Institute for Editing & Publication of Imām Khomeini’s (R.A) Works 2001) (1964). Ayatollah Sistani, however, considers Jews, Christians and Zoroastrians to be pure. See *Taharat & Najasat: Ritual Purity and Impurity >> General Rules*, THE OFFICIAL WEBSITE OF THE OFFICE OF HIS EMINENCE AL-SAYYID ALI AL-HUSSEINI AL-SISTANI, <http://www.sistani.org/english/book/46/2029> (last visited Feb. 25, 2015).

²⁴³ Witness testimony of Kaveh Taheri, *supra* note 241.

²⁴⁴ This amount approximately equals \$700 per the exchange rate in 2009. Witness Testimony of Ali Tarokh, *supra* note 240.

²⁴⁵ Witness Testimony of Kaveh Taheri, *supra* note 241.

²⁴⁶ ROOHIZADEGAN, *supra* note 233, at 107.

²⁴⁷ Witness testimony of Kaveh Taheri, *supra* note 241.

²⁴⁸ *Id.* Increased appetite is one of the symptoms associated with methamphetamine withdrawal. See Todd Zorick et al, *Withdrawal Symptoms in Abstinent Methamphetamine-dependent Subjects*, 105 ADDICTION 1809 (2010), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3071736/>.

²⁴⁹ Witness testimony of Kaveh Taheri, *supra* note 241.

²⁵⁰ *Id.*

²⁵¹ *Id.*

Karun Prison wrote an open letter to Mohammad Javad Larijani, the head of the Judiciary's Human Rights Commission. In it, he wrote:

The most significant challenge facing Karun prison in Ahvaz is the intense overcrowding and population density in for example ward 6, where I am currently incarcerated. Based on the number of beds available, this ward has a maximum capacity of 110 prisoners, but on average more than 300 prisoners are held in this ward at all times; in other words three times the maximum capacity allowed! Obviously, such a large population has a hard time fitting in the rooms even when standing, and as a result of the overcrowding, many sleep on the floors (I myself slept without a bed for six months) and a third of the prisoners sleep outside in the courtyard.²⁵²

Abolfazl Abedini, a journalist and political activist who has been exiled to Karun Prison, was reportedly beaten by a security official in October 2013. According to a HRANA report, Abedini asked about books sent to the prison by his mother, but was told by the security official that the books were not approved by prison authorities. When Abedini indicated that he would report the issue to the Prisons Organization's inspectors, the said agent beat Abedini.²⁵³

A number of prisoners held at Karun Prison have been executed without prior notice. In January 2014, IHRDC received reports indicating that Hadi Rashedi and Hashem Sha'baninejad, two Ahwazi Arab men sentenced to death for national security crimes and held at Karun Prison, were secretly executed without any notification to their families or attorneys.²⁵⁴ According to an IHRDC source, Ministry of Intelligence officials called the homes of Rashedi and Sha'baninejad and informed them that the two men had been executed. When the families of the two men went to the Ministry of Intelligence office to obtain further information, they were told that Rashedi and Sha'baninejad were executed "three of four days ago."²⁵⁵ The regulatory code governing executions in Iran states that the attorney representing the person to be executed must be notified at least 48 hours prior to the execution. In addition, the same code states that the person to be executed is entitled to have visitors in the prison before his or her execution.²⁵⁶

2.1.11. Sepidar Prison

Sepidar Prison is another prison in Ahvaz. Kathem Mojaddam, an Ahwazi Arab political activist who was arrested three times for his political activities, was imprisoned at this prison in 2005. Mojaddam stated that he was held in the same ward as thieves, murderers and drug addicts.²⁵⁷ He stated that his medicine, slippers and food were regularly stolen from him by other inmates in this prison. He added that prison officials would not intervene to protect political prisoners, and, in a trend that bears a striking resemblance to reports from other witnesses from prisons throughout the country, that prison authorities were even involved in smuggling drugs into the prison.²⁵⁸ Mojaddam reported that there were lice and

²⁵² *Jailed Student Zia Nabavi Details Gruesome Prison Conditions in Letter to Iranian Judiciary's Head of Human Rights*, PERSIAN2ENGLISH (May 13, 2011), available at <http://persian2english.com/?p=21915>.

²⁵³ *žarb va shatmi abulfažli ābidīnī dar zindāni kārūn*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Oct. 10, 2013), <https://hra-news.org/fa/prisoners/1-15350>

²⁵⁴ *IRI Executes Two Ahwazi Arab Men*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Jan. 31, 2014), <http://www.iranhrdc.org/english/news/press-statements/100000428-iri-executes-two-ahwazi-arab-men.html#.UOG70sfqXE5>.

²⁵⁵ *Id.*

²⁵⁶ *Regulatory Code of 19 Sept. 1999 (On Sentences of Qisas, Stoning, Crucifixion, Execution, and Flogging)*, available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/100000517-english-translation-of-regulatory-code-on-sentences-of-qisas-stoning-crucifixion-execution-and-flogging.html>.

²⁵⁷ *Witness Testimony of Kathem Mojaddam* (Oct. 7, 2012) (on file with IHRDC).

²⁵⁸ *Id.*. Also see *Witness Testimony of Kaveh Taheri*, *supra* note 241, and *Witness Statement of Amir Babakri*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 5, 2012), <http://www.iranhrdc.org/english/publications/witness-testimony/100000130-witness-statement-of-amir-babakri.html>.

rodents in the prison. The quality of food was poor, and items sold at the prison shop were significantly overpriced.

Huda Hawashimi, who was told by the Iranian authorities that she had been arrested as a replacement for her husband, was held at Sepidar Prison. In her interview with IHRDC she stated:

I was put in quarantine first. There is a private yard behind Sepidar Prison where other prisoners cannot see you. There was a room with a restroom...it had a toilet and little yard. The prisoners in the prison ward could not see or visit you because I was denied visitation or conversation. I could not talk to them, I could not see them, and they could not see me either. They wanted to show other prisoners that I was different from the rest of them, and that I was a terrible person. That is how I felt.²⁵⁹

Iran's Prisons Regulations also allow for female detainees who are nursing children to keep their children until the age of two.²⁶⁰ One Ahwazi Arab woman, Masumeh Ka'abi, spent several months in Sepidar Prison with her young son. Ka'abi, whose imprisonment in Sepidar Prison was roughly contemporaneous with Hawashimi's, stated: "My son and I were in a small cell. I begged them to let me make a phone call to inform my family [so that they could bring things like] clothing for my son and me. They said, 'We are not allowed. We have an order saying that you are forbidden from having visitors or phone calls.'"²⁶¹

Ahmadreza Ahmadpour, a reformist cleric from Qom, was first arrested in 2009 and sentenced to one year of imprisonment. Subsequent to his release, however, he was arrested again after he wrote an open letter to the UN Secretary General.²⁶² He was tried again, and he was sentenced to three years of imprisonment at Ahvaz and ten years of exile to Izeh. Ahmadpour, who suffers from bronchitis, was denied medical care while he was in Sepidar Prison.²⁶³ It was alleged that the notorious air pollution in Ahvaz contributed to his condition.²⁶⁴

2.1.12. Zahedan Central Prison

On October 26, 2013, Zahedan Central Prison, located at the capital of the Sistan and Baluchistan Province, was the scene of the reprisal hanging of 26 prisoners.²⁶⁵ Zahedan's Public and Revolutionary Prosecutor announced that 16 prisoners on death row had been executed in retaliation for an armed attack against a military outpost near the border with Pakistan. At least 14 Iranian border guards were killed during that attack. On October 27, the Sistan and Baluchistan Province Ministry of Justice released the names of the 16 executed individuals.²⁶⁶ According to this press release, eight of the executed individuals

²⁵⁹ Witness Testimony of Huda Hawashimi (Oct. 17, 2012) (on file with IHRDC).

²⁶⁰ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 69, available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMPop=View&PageId=27>.

²⁶¹ Witness Statement of Masumeh Ka'abi, Iran Human Rights Documentation Center (Apr. 21, 2014), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000458-witness-statement-of-masumeh-ka%E2%80%99abi.html>.

²⁶² 100 rŭz ḥabs barāyi aḥmadriẓā aḥmadpūr bi dalīli nāmih bi rahbarī, Kaleme (Dec. 3, 2013), <http://www.kaleme.com/1392/09/12/klm-167048/?theme=fast>.

²⁶³ ḥrānā; tashdīdi bīmāriyi aḥmadriẓā aḥmadpūr va muḥākimiyyi mujaddadi īn zindānī sāsī, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (May 4, 2012), <https://hra-news.org/fa/prisoners/1-10892>.

²⁶⁴ 'i 'tiṣābi ghaẓāyi zindānī sāsī dar zindāni sipidāri ahvāz, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (May 17, 2012), <https://hra-news.org/fa/prisoners/1-11074> In 2011. The World Health Organization reported that Ahvaz was the most air-polluted city in the world. See *The Ten Most Air-polluted Cities in the World*, TIME (Sept. 27, 2011), <http://science.time.com/2011/09/27/the-10-most-air-polluted-cities-in-the-world/>.

²⁶⁵ Iran hangs 16 rebels 'in reprisal for border deaths', BBC NEWS (Oct. 26, 2013), <http://www.bbc.com/news/world-middle-east-24682729>.

²⁶⁶ 'iṭṭilā 'īyihyi dādgustarū ustāni sistān va balūchistān, IRANIAN STUDENTS' NEWS AGENCY (Nov. 27, 2013, 4:49 PM), <http://isna.ir/fa/news/92080502725>.

were sentenced to death for their alleged membership in Jaish al-Adl, the group that had claimed responsibility for the border attack. Eight, however, were sentenced to death for possessing heroin and other illicit drugs. The sudden and avowedly retaliatory hanging of the 16 inmates at Zahedan Central Prison represents a grave violation of the provisions of the regulatory code governing executions. According to this code, the attorney representing the individual to be executed should be notified of the impending execution.²⁶⁷ These executions also raised serious questions regarding the due process rights of the executed individuals.

In an interview with IHRDC, a witness who spoke on the condition of anonymity discussed the conditions at Zahedan Central Prison.²⁶⁸ This witness (hereinafter “Witness A”) stated that the quality of the food was very poor, and that he became ill due to substandard food. He also said that the prison infirmary did not provide adequate medical care to inmates. The physician, this witness reported, would write a prescription after a brief conversation, but the prescribed medications were not related to the prisoner’s illness. Witness A indicated that a 20-year-old inmate, who was a drug addict, died in prison because of his addiction. He added that he saw inmates, who were in severe pain and did not receive medical attention, beat themselves in agony.

On paper, inmates were separated based on their respective crimes, but in reality this principle was often violated. For instance, ward 2 was for individuals convicted on drug charges, and those individuals were first sent to this ward when they entered the prison. However, after ten days, they would be transferred to other wards.²⁶⁹

There were not enough beds for inmates. Witness A stated that while each room in their ward had 24 beds, about 20 inmates slept in the corridor or even in restrooms each night. If anyone complained, he would be sent to the quarantine ward or other wards as punishment.²⁷⁰ The quarantine ward had awful conditions, and was infested with lice. Breakfasts and family visits were also cancelled in response to complaints. Inmates could shower once every 15 to 20 days, and hot water was available sporadically.

Inmates were thoroughly searched, particularly for drugs, whenever they entered the prison. A body scanner has been installed in recent years as well. Witness A told IHRDC that in some instances, when prison officials suspected that an inmate had ingested drugs, they would feed him castor oil, which acts as a laxative. Then they would tie him up in the prison courtyard until he would defecate and excrete the ingested drug.²⁷¹ Strip searches were also conducted when inmates left the ward for family visits.

2.2. Detention Centers

In addition to Iran’s prisons, several of the country’s security agencies including the MOI and the IRGC Intelligence Division maintain their own detention centers. These facilities are used to house political prisoners during pretrial interrogations, which are often reported to include torture and the forcible extraction of false confessions. Most detainees are held incommunicado in solitary confinement for days, weeks, or months after their arrests.

The existence of these detention centers constitutes an *a priori* violation of Article 24 of Iran’s Prisons Regulations, which states, “judicial, executive, intelligence, police, or military organs are prohibited from

²⁶⁷ Regulatory Code of 19 Sept. 1999 (On Sentences of Qisas, Stoning, Crucifixion, Execution, and Flogging), art. 7, available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/100000517-english-translation-of-regulatory-code-on-sentences-of-qisas-stoning-crucifixion-execution-and-flogging.html>.

²⁶⁸ Witness Testimony of Witness A (Nov. 13, 2014) (on file with IHRDC).

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Id.*

having their own prisons and detention houses.” The government does not release any data on such detention centers, but reports from throughout the country confirm the existence of detention centers that are not under the control of the Prisons Organization, but instead are run separately by the MOI, the IRGC Intelligence Division, *Ansar-e Hezbollah*, *Basij*, and other security services.^{272, 273}

These detention centers are typically smaller than prisons, and vary in terms of quality and cleanliness. In Tehran, Ward 209 of Evin Prison serves as the primary MOI detention center. In other cities, however, MOI detention centers are typically separate from prisons. Even in Tehran Province, there are several other illegal detention centers in addition to Ward 209 of Evin Prison being used to detain political activists, such as Towhid²⁷⁴ and Kahrizak, both of which were shut down following reports of severe abuses and deaths in custody—the latter during the post-election unrest in 2009.²⁷⁵ However, countless other detention centers remain operational. Little is known about these detention centers besides what former prisoners and detainees report.²⁷⁶ These reports raise grave concerns regarding due process violations and abuse of prisoners in breach of domestic and international law.

2.2.1. Kahrizak Detention Center

Kahrizak Detention Center became notorious in the aftermath of the disputed 2009 presidential election. This detention center is located in southeastern Tehran, and it was first designed to house “thugs and criminals.”²⁷⁷ While the facility was known to be sub-standard as early as 2007, it was only shut down after at least three detainees arrested the July 9 demonstrations died in Kahrizak Detention Center.²⁷⁸ In 2013, Esmail Ahmadi-Moghaddam, the commander of Iran’s police force, stated that he was opposed to sending arrested protesters to Kahrizak Detention Center because it was a “dangerous” place. Nevertheless, according to Ahmadi-Moghaddam protesters were sent to the facility at the insistence of Saeed Mortazavi, Tehran’s Prosecutor.²⁷⁹

In a detailed 2007 report on the Iranian police’s program against “thugs and criminals,” the Committee of Human Rights Reporters discussed the conditions of Kahrizak Detention Center. According to this report, Kahrizak Detention Center did not have running water, nor did it have phones, a visitation area, ventilation, heat or air conditioning.²⁸⁰ There was no carpeting or beds in the rooms. Severe beating of

²⁷² HUMAN RIGHTS WATCH, *supra* note 69, at 14.

²⁷³ The most notable exceptions to this independence from oversight are the detention centers of Iran’s regular police force, which are under the supervision of the Prisons Organization as of early 2013. See *’iblaghi āyin nāmiyi ’ijrāyī nahviyi ’tjad, ’idārih, va nižarat bar bāzdāshgāhhāyi ’intizāmī*, IRANIAN STUDENTS’ NEWS AGENCY (Feb. 26, 2013), <http://isna.ir/fa/news/91120805434>.

²⁷⁴ See HUMAN RIGHTS WATCH, “LIKE THE DEAD IN THEIR COFFINS” (2004), available at <http://www.hrw.org/sites/default/files/reports/iran0604.pdf>. Also see *’aksi millatī bar dīvār*, ROOZ ONLINE (Jan. 27, 2011), <http://www.roozonline.com/english/news3/newsitem/article/-07f9f312d1.html>.

²⁷⁵ See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, A YEAR LATER: SUPPRESSION CONTINUES IN IRAN (2010), available at <http://www.iranhrdc.org/english/publications/reports/3162-a-year-later-suppression-continues-in-iran.html?p=10>. Also see *Kahrizak Indictment*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER, <http://www.iranhrdc.org/english/human-rights-documents/indictments/3374-kahrizak-indictment.html> (last viewed Feb. 27, 2015).

²⁷⁶ For more on Iran’s secret prisons and its parallel intelligence apparatus, see IRAN HUMAN RIGHTS DOCUMENTATION CENTER, COVERT TERROR: IRAN’S PARALLEL INTELLIGENCE APPARATUS (2009), available at http://www.iranhrdc.org/english/publications/reports/3156-covert-terror%3A-iran%E2%80%99s-parallel-intelligence-apparatus.html#_U5z9lo1dVTE.

²⁷⁷ “Kahrizak” Detention Facility Will Be Renovated, ROOZ ONLINE (Aug. 6, 2009), available at <http://www.roozonline.com/persian/news/newsitem/article/kahrizak-detention-facility-will-be-renovated.html>.

²⁷⁸ *guzārishi mustanad va tikāndahandīh az zavāyāyi pinhāni tarḥi ’irtiqāyi amnīati ’ijtimā’ī*, COMMITTEE OF HUMAN RIGHTS REPORTERS (Oct. 15, 2007), <http://chr.biz/spip.php?article680>.

²⁷⁹ *’ahmadī muqaddam: murtažavī ’iṣrār dāshht bāzdāshthāyi sāli 88 bi kahrīzak biravand/ ’ahmadīnizhād tarḥi hijāb rā qabūl nadāshht*, KHABAR ONLINE (Nov. 28, 2013, 3:02 PM), <http://khabaronline.ir/%28X%281%29S%284ggbivadxb5umo3z2p3lzb%29%29/detail/323168/society/Police>.

²⁸⁰ *guzārishi mustanad va tikāndahandīh az zavāyāyi pinhāni tarḥi ’irtiqāyi amnīati ’ijtimā’ī*, *supra* note 279.

detainees at Kahrizak Detention Center was a routine exercise, and the harsh environment was designed to straighten troubled individuals who were allegedly engaging in crime. These beatings even resulted in a number of deaths.²⁸¹ In addition to severe physical abuse, this report indicated that Kahrizak Detention Center officials would place lizards on the face or in the clothes of detainees who were handcuffed and shackled in order to intimidate them.

The deaths of Amir Javadifar, Mohammad Kamrani and Mohsen Rouholamini in the summer of 2009 were widely publicized and led to the eventual closure of the facility. The circumstances of these deaths have been discussed in more detail in IHRDC's report on the aftermath of the disputed 2009 presidential election, entitled *Violent Aftermath: The 2009 Election and Suppression of Dissent in Iran*.²⁸²

Majid Abedizadeh Moghaddam, another protester detained in Kahrizak Detention Center, provided his account of what transpired in the facility in an interview with IHRDC. Before Moghaddam and a number of other arrested individuals were transferred to Kahrizak Detention Center, Aliakbar Heidarifar, an assistant prosecutor said, "You go to Kahrizak; if you make it alive by the end of summer you are innocent. If you make it, then come here and I will speak with you."²⁸³ As soon as Moghaddam and the other detainees disembarked the bus that took them to Kahrizak Detention Center, they were beaten by the guards. Then, they were all forced to take off their clothes and do squats. Then, about 130 to 140 detainees were placed in a 60 to 70 square-meter container, which already held an additional 30 criminals. According to Moghaddam, the individuals held there for common crimes wanted to sexually assault the political detainees, but they were not successful because the political detainees resisted them.

Overcrowding was so severe that it was difficult to close the container's door. Moghaddam stated that the individuals held in that container were forced to remain in a standing position for long periods of time and take turns to sit down. Not only there was no ventilation, the authorities also directed diesel fuel exhaust into the container. There was no running water for the detainees. Two meals were given to inmates per day, and they consisted of a small piece of bread and a potato that was half-raw. During the five days that Moghaddam was there, the detainees were taken out of the container two to three times, but only to be beaten. On one occasion they were forced to crawl on the facility's courtyard at noon when it was very hot. Moghaddam indicated that many detainees became unconscious because it was very difficult to breathe. Moghaddam also witnessed the death of Amir Javadifar, who died as the detainees were being transferred from Kahrizak Detention Center to Evin Prison.

Moghaddam's account corresponds with the account of Masoud Alizadeh, another protester who was taken to Kahrizak Detention Center after his arrest. In an interview with BBC Persian, Alizadeh described what he witnessed.²⁸⁴ Alizadeh remembered police officers at Kahrizak saying, "Kahrizak is the end of the world." Alizadeh stated that common criminals held at Kahrizak raped other inmates at the container's restroom. Officials at Kahrizak Detention Center beat Alizadeh with pipes, and forced him to utter vulgar statements. After five years, Alizadeh said in his interview, there were still marks on his body from the injuries he sustained when he was hung from his feet.

²⁸¹ *Id.*

²⁸² IRAN HUMAN RIGHTS DOCUMENTATION CENTER, *VIOLENT AFTERMATH: THE 2009 ELECTION AND SUPPRESSION OF DISSENT IN IRAN 49-54* (2010), available at <http://www.iranhrdc.org/english/publications/reports/3161-violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran.html?p=20>.

²⁸³ *Vide Witness Statement of Majid Abedinzadeh Moghaddam: A Prisoner in Kahrizak during the 2009 Post-Election Protests*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Oct. 31, 2014), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000545-video-witness-statement-of-majid-abedinzadeh-moghaddam-a-prisoner-in-kahrizak-during-the-2009-post-election-protests.html>.

²⁸⁴ *rivāyati yik zindānī kahrīzak 'az 'ānchi panj sāl pīsh guzasht*, BBC PERSIAN (July 11, 2014, 1:25 PM), http://www.bbc.co.uk/persian/iran/2014/07/140711_193_18_tir

Iranian authorities prosecuted a number of individuals for the death of protesters detained at Kahrizak. Two sergeants were sentenced to death, nine others received prison terms and fines, while Azizollah Rajabzadeh, commander of Tehran's police department, was acquitted.²⁸⁵ The families of the victims, however, declined to exercise their right to *qisas*, sparing the lives of the two sergeants.²⁸⁶ In addition to law enforcement officials, three judiciary officials, including Tehran Prosecutor Saeed Mortazavi, were charged regarding their involvement in the events at Kahrizak Detention Center. All three judges were permanently barred from holding judicial office, and they were also barred from holding any governmental job for five years. In addition, Saeed Mortazavi was fined 200,000 toumans (approximately \$60 per the exchange rate in 2012) for filing a false report.²⁸⁷ While the Supreme Court reportedly affirmed the sentence, the case has been remanded to Tehran Province Criminal Court for further proceedings.²⁸⁸

2.2.2. Pelak-e Sad Detention Center

Pelak-e Sad Detention Center, which its name means "No. 100," is the main MOI detention facility in Shiraz. A number of IHRDC witnesses have been held at this facility.

Davood Irani, a Christian convert, was taken to Pelak-e Sad after he was arrested on December 7, 2009:

When we approached the No. 100 detention center a person said "glasses." This meant that we were to be blindfolded. They blindfolded us. We went inside the detention center, and they put us in cabins that seemed to be wooden. They handcuffed us to a table. They brought us food. An official whom I later understood to be high-ranking came in. They stood me up and told him that they have arrested the suspect. Then we were interrogated separately. I was interrogated until 11 p.m. that night.²⁸⁹

According to Irani, interrogations typically began at 8 am and lasted until lunchtime. Then guards would return Irani to his cell for lunch. However, the interrogations would resume after lunch and sometimes even lasted until half past ten. Irani stated that he was interrogated by two individuals:

We had two interrogators. One would ask questions. The other one discussed religious matters. He wanted to convince me that my beliefs were wrong. The one who asked questions would say that he was obtaining intelligence regarding where we are connected to, and whether it is the UK or Israel ... They asked us to tell them the names of individuals in Tehran with whom we were connected. The one who discussed religious issues continuously said that we were wrong. Or, for instance, he would ask me about fundamental Christian teachings and tried to convince me that I was wrong and misguided.²⁹⁰

²⁸⁵ 'adami 'ihzāri muttahaṁāni 'aṣlī, 'ahkāmi narm 4 'āmili mīāni va hasht mubāshiri qatl va shikanjih, JARAS (Jan 4, 2011, 12:37 PM), <http://www.rahesabz.net/story/30313/>.

²⁸⁶ The concept of *qisas* is at the core of the Islamic justice system, and it gives the family of a murdered individual, often the father, the opportunity to exact retribution on the perpetrator. In cases of intentional injury, the victim has the right to demand that the perpetrator suffer the same injury. *khānivādihāyi qurbānīāni kahrīzak dar bayānīyih 'i 'lām kardand; guzasht az mujāzātī qīshāi du muttahaṁi bāzdāshgtāhi kahrīzak*, IRANIAN STUDENTS' NEWS AGENCY (Sept. 29, 2010, 3:17 PM), <http://isna.ir/fa/news/8907-04689>.

²⁸⁷ *shigifti 'az ra 'yi dādgāhi badvī parvandihi kahrīzak: murtaṁāvi bi 200 hizār tumān jarīmih va 5 infiṣāl 'az khadāmāti dulāti mahkūm shud*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (July 3, 2013), http://persian.iranhumanrights.org/1392/04/mortazavi_sentence/.

²⁸⁸ *parvandihi kahrīzak barāyi tā 'yīni shu 'bihi ham 'arṣ bi dādgāhi kiyfarī bāzgasht*, ALEF (Nov. 25, 2014, 4:22 PM), <http://www.alef.ir/vdcen78wwjh8nxi.b9bj.html?250352>.

²⁸⁹ *Witness Statement of Davood Irani*, *supra* note 237.

²⁹⁰ *Id.*

Jamshid, another IHRDC witness who was held at Pelak-Sad Detention Center, was involved in the presidential campaign of Mir Hossein Mousavi.²⁹¹ Jamshid was arrested on December 5, 2009. Once inside the detention facility, Jamshid was blindfolded. An agent threatened him and used foul language. The same agent pushed Jamshid, who was blindfolded, from behind, which made him run in the facility's corridor. He was then told to sit on a chair in a room. Jamshid was handcuffed to the table in the room as he waited for his interrogation. As Jamshid recalls, the interrogations started at about 7 pm and continued until 2 or 3 in the morning. Interrogations continued in the following days, often lasting 11 to 12 hours. In the course of his interrogation, Jamshid was asked to provide incriminatory information on acquaintances such as his college professor. He was threatened with execution, and he was told that his sentence would be reduced to life in prison if he cooperated with his interrogators. As with many MOI detainees, Jamshid was not allowed to contact his family for 27 days. Jamshid was eventually released on bail after 44 days²⁹².

2.2.3. Prison 59

Prison 59 (sometimes referred to as Eshratyab), located on Vali Asr Avenue in Tehran, is an unofficial detention center controlled by the IRGC and run by its own intelligence service (*Hefazat-e Eteelaat-e Sepah Pasdaran*).²⁹³ Prison 59 contains solitary cells, interrogation rooms, and holding areas with surveillance cameras.²⁹⁴ In Prison 59, prisoners are often blindfolded before entering their cells, have no contact with family or lawyers, and have no access to medical facilities while they are detained there.²⁹⁵ According to Hassan Zarezadeh Ardeshir, a student activist who was held in Prison 59 in 2001, the facility has a long corridor that connects to another corridor in a T-shape.²⁹⁶ On each side of the corridors there are 8 cells, and the cells on the right side of the corridor were smaller than the left. Zarezadeh adds that Room #1, on the left side, is called the "confession room," and that there are interrogation rooms on one end of the corridor and restrooms and a barber room on the other end.²⁹⁷

Student activist Kourosh Sehati, who was also arrested in 2001 and taken to Prison 59, described prison conditions at Prison 59:

In Prison 59 they took us to the restroom 4 times a day. After a few days, they took us out to a small yard for about 10 minutes every day so we could get a breath of fresh air. Sometimes we snuck in a conversation with some of the other detainees who were out in the yard with us. The guards didn't let us talk to each other. We gathered a lot of information [about our condition] when we went for our walks.

Another former prisoner noted that he was interrogated in two rooms and his interrogators were from the IRGC.²⁹⁸

Afshari, who was detained in 2000 and subsequently transferred to Prison 59, described the torture he endured at this secret detention center:

In this prison, sleep deprivation was practiced severely and extensively. Loud cursing was commonplace. Once they kept me up for four consecutive nights. Sleep deprivation and the lack of proper food had completely disabled me. Sleep deprivation was such that they kept me standing all the time. As soon as I would fall asleep someone would pull my

²⁹¹ Witness Testimony of Jamshid (pseudonym), (Sept. 17, 2013) (on file with IHRDC).

²⁹² *Id.*

²⁹³ HUMAN RIGHTS WATCH, *supra* note 69, at 17.

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ *Witness Statement of Hassan Zarezadeh Ardeshir*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (July 6, 2010),

<http://www.iranhrdc.org/english/publications/witness-testimony/3167-witness-statement-hassan-zarezadeh-ardeshir.html>

²⁹⁷ *Id.*

²⁹⁸ *Id.*

hair and lift me up and make me stand. I was dizzy and confused. I was completely disoriented. During this time, one of the interrogators came and began to describe different forms of torture, including beatings and sexual assault. For example, he would whisper in my ear that in case I didn't surrender and confess, they would rape me. Then he started to describe how they would do it. He said that they would insert a bottle in my anus, or hang me from the ceiling by my head and whip me until I'm close to death. Or he'd tell me that they will pull out my finger nails and toe nails and keep me in prison for 20 years. They created a very horrifying environment for me. They did all this after they deprived me of sleep and increased the interrogation sessions in an attempt to break me. They wanted me to confess to serious charges and accept their version of what happened. I stayed in that prison for a month.²⁹⁹

Afshari eventually was forced to record a false televised confession using a script his interrogators prepared for him.³⁰⁰ Evidence regarding abuse and torture at Prison 59 corresponds to the pattern established across several detention centers across the country. As explained in Section 4.3. *infra*, these practices violate the Iranian Constitution, the UDHR, and the ICCPR.

3. Violations of Iranian Law

The IRI violates its own constitution and domestic laws enacted to protect the rights of prisoners. In this section these violations are examined in detail. Given the long history of abuse in Iran's prison system, and the fact that Iran's own laws are consistently ignored, it can be concluded that the Iranian government has never attempted to fulfill its obligations regarding the conditions of its prisons.

3.1. Violations of the Constitution of the Islamic Republic of Iran

Article 38 of the Iranian Constitution prohibits the use of torture for the purposes of extracting confessions or obtaining information.³⁰¹ Article 39 of the Constitution provides that “[a]ll 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.”³⁰²

Article 32 of the IRI Constitution states, “No person may be arrested except according to and in the manner laid down in the law. If someone is detained, the subject matter of the charge, with reasons (for bringing it), must immediately be communicated and explained in writing to the accused. Within at most 24 hours the file on the case and preliminary documentation must be referred to the competent legal authority. Legal procedures must be initiated as early as possible. Anyone infringing this principle will be punished in accordance with the law.”³⁰³

Despite the prohibition against the use of torture to extract confessions under Iranian law, forced confessions are televised and accepted as evidence in courts.³⁰⁴ These forced confessions also violate the accused person's right to a fair trial, as enshrined in Articles 37 and 39 of the Iranian Constitution.³⁰⁵

²⁹⁹ *Witness Statement of Ali Afshari, supra* note 67.

³⁰⁰ *Id.*

³⁰¹ QANUNI ASSASSI JUMHURI ISLAMI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1979], art. 38. Art. 38 states “[a]ll forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.”

³⁰² QANUNI ASSASSI JUMHURI ISLAMI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1979], art. 39.

³⁰³ QANUNI ASSASSI JUMHURI ISLAMI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1979], art. 32.

³⁰⁴ *Trial by camera – TV confessions' and the death penalty in Iran*, AMNESTY INTERNATIONAL (Apr. 10, 2013), <http://www.amnestyusa.org/news/news-item/trial-by-camera-tv-confessions-and-the-death-penalty-in-iran>.

³⁰⁵ QANUNI ASSASSI JUMHURI ISLAMI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1979], arts. 37, 39.

With respect to the use of solitary confinement in prisons, the UN Special Rapporteur's investigation into prison conditions in Iran by interviewing former detainees in exile revealed that:

A total of 69 per cent of the 133 interviewees reported having been held in solitary confinement for periods ranging from a few days to nine months. Solitary cells typically measure 2 to 2.5 m² and contain little more than a blanket and a sleeping mat. They reported that they had been refused access to fresh air, books or a pen and paper, and had no human contact other than with guards and interrogators. In some cases, interviewees stated that they had been allowed to make brief telephone calls to their families in the presence of prison officials to report they were "fine".³⁰⁶

The Iranian Constitution also prohibits arbitrary arrest. Pursuant to Article 32 of the Constitution, the accused must be promptly informed of his or her charges and the accused person's file must be forwarded to an appropriate judicial authority within 24 hours of arrest to ensure that preliminary procedures commence.³⁰⁷

Article 35 of the Iranian Constitution provides that citizens have the right to counsel in all courts of law.³⁰⁸ The Iranian Code of Criminal Procedure also provides for access to legal counsel, with certain limitations.³⁰⁹ Article 34 of the Constitution provides the absolute right of every citizen to legal recourse through the courts.³¹⁰

3.2. Violations of the Prisons Regulations

The 2005 Prisons Regulations defines the State Prisons and Security and Corrective Measures Organization as an independent agency operating under the supervision of the head of the judiciary.³¹¹

The 2005 Prisons Regulations includes 247 articles, encompassing various aspects of prisons administration. The 2005 Prisons Regulations, like their predecessors, recognizes a distinction between prisons and detention facilities. Convicted individuals are to be kept separate from suspects and individuals awaiting their trials. However, when it is not possible to have different facilities for each group, convicts and those not yet convicted are to be kept in separate quarters within the same facility.³¹² The 2005 Prisons Regulations divides prisons into "closed prisons" and centers for employment and vocational training.³¹³ Closed prisons are defined as facilities that are surrounded by walls and have guard towers and layers of internal and external protection.³¹⁴ Centers for employment and vocational training, on the other hand, may or may not be secured by walls and guards. Prisoners go to these facilities for work during the day and they return to their sleeping quarters at night.³¹⁵ Offenders under the age of 18 are kept at juvenile correctional facilities.³¹⁶

³⁰⁶Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, Human Rts. Council, ¶ 54, U.N. Doc. A/HRC/25/61 (Mar. 14, 2014), available at <http://shaheedoniran.org/wp-content/uploads/2014/03/A-HRC-25-61-updated.pdf>.

³⁰⁷ QANUNI ASSASSI JUMHURI ISLAMI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1979], art. 32.

³⁰⁸ QANUNI ASSASSI JUMHURI ISLAMI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1979], art. 35.

³⁰⁹ Qānūni Āyīni Dādrasī Dādgāhhāyi Umūmī va 'Inqilāb (Dar Umūri Kiyfārī) [Code of Criminal Procedure] 1378 [1999], arts. 128, 185-186. Pursuant to Article 128 of the Criminal Code of Procedure, however, a judge may limit or deny access to a lawyer during the investigation stage if the matter involves national security issues.

³¹⁰ QANUNI ASSASSI JUMHURI ISLAMI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1979], art. 34.

³¹¹ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 1 (2005), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

³¹² See *id.* art. 4, note 1.

³¹³ See *id.* art. 5.

³¹⁴ See *id.* art. 6.

³¹⁵ See *id.* art. 7.

³¹⁶ See *id.* art. 17.

A number of key provisions are discussed below.

3.2.1. Separation Based on Character and Severity of Sentence

According to the 2005 Prisons Regulations, all prisoners are to be evaluated by the Categorization Council and separated based on the nature and length of conviction, history of criminal activity, character, and behavior.³¹⁷ Moreover, in 2006 a separate regulatory code was promulgated by the head of the Iranian judiciary specifically addressing this issue.³¹⁸ This regulatory code mandates separation of prisoners under the age of 18 from those above, and it further states that prisoners between the ages of 18 and 30 should be separated from those above the age of 30.³¹⁹

Separation of prisoners based on their crimes is a serious issue for political prisoners. For instance, as discussed in Section 2.1.4. *supra*, one of the demands of the political prisoners in Orumiyeh who went on hunger strike was to be kept apart from individuals convicted of common crimes. Wards comprised of common criminals are considered to be more dangerous and unhygienic. The experiences of Ali Kantoori in Qezel Hesar Prison, discussed in Section 2.1.3. *supra*, and Kaveh Taheri in Adelabad Prison, discussed in Section 2.1.9 *supra*, depict the situation of wards housing common criminals.

3.2.2. Disciplinary Measures

Article 169 of the Prisons Regulations prohibits verbal and physical abuse of prisoners.³²⁰ It also bans violent and demeaning forms of punishment. Article 175 lists the types of permissible punishment: suspension of visitation rights for a maximum of three times, being barred from going on furlough for a maximum of three months, not being recommended for conditional pardon or release for a maximum of six months, and solitary confinement for a maximum of twenty days.³²¹

Nasrin Sotoudeh, a lawyer who was imprisoned on national security charges and released in 2013, received the first type of punishment mentioned above for refusing to wear a chador in prison.³²² A far harsher punishment was reportedly imposed on Mohammad Saber Malek-Raeesi, a Balouch political prisoner. He was prohibited from having booth visits or phone calls to his family for 16 months for unspecified reasons.³²³

Solitary confinement in excess of twenty days is also imposed on prisoners in violation of the Prisons Regulations. Mehdi Farahi Shandiz, a labor activist sentenced to three years of imprisonment, was put in solitary confinement for more than two months in early 2013.³²⁴ Jahangir Badozadeh, a political prisoner held at Orumiyeh Central Prison, was also reportedly put in solitary confinement for six months for violating prison regulations.³²⁵

³¹⁷ See *id.* art. 8.

³¹⁸ Regulatory Code of 30 Nov. 2006 (On Separation and Categorization of Prisoners), available at <http://bit.ly/1Dzgv8f>.

³¹⁹ See *id.* art. 5.

³²⁰ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 169 (2005), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

³²¹ See *id.* art. 175.

³²² *tužīhi nasrīni sutūdih bih farzandānash darbārihyi ‘adami’ istifadih az chādūr dar zindān*, DEUTSCHE WELLE PERSIAN (Nov. 10, 2011), <http://www.dw.de/توضیح-نسرین-سوتوده-به-فرزندان-در-بار-عدم-استفاده-از-چادر-در-زندان/a-6650689>.

³²³ *hrānā; muhammad šābīr malik ra ‘īsi 16 māhi guzashatih mammū’ ulmulāqāt va tilifun būdih ast*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Sept. 22, 2013), <https://hra-news.org/fa/prisoners/1-15221>.

³²⁴ *mihdī farāhī shāndīz, zindānū sīāsī, haftihā dar infirādū ivīn nigahdārī shudih ast*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Mar. 29, 2013), <https://hra-news.org/fa/prisoners/1-13885>.

³²⁵ *hrānā; jahāngīri bādūzādih bih taḥammuli 6 māh ḥabsi infirādī maḥkūm shud*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (Feb. 8, 2011), <https://hra-news.org/fa/prisoners/1-5648>.

This is despite the fact that a 2004 ruling by the Court of Administrative Justice³²⁶ invalidated punitive solitary confinement because it concluded that the judiciary had exceeded its authority in promulgating the provision that had permitted solitary confinement as a disciplinary measure.³²⁷ In its opinion the Court of Administrative Justice argued that the legislative branch had not prescribed solitary confinement as a form of punishment.³²⁸ Over a decade later, the practice remains common.

3.2.3. Regulations Regarding Nutrition, Sleep Amenities, Health, and the Education and Training of Prisoners

Nutrition

Prisoners are entitled to have breakfast, lunch and dinner every day.³²⁹ Prisoners are also entitled to have access to clean potable water or tea.³³⁰ As in previous regulatory codes, the minimum diet for inmates includes bread, cheese and tea for breakfast, lunch or dinner, fresh or dried vegetables, rice, potatoes, onions, legumes, dairy products, eggs and seasonal fruit. In addition, prisoners are entitled to three meals containing meat every week.³³¹

Prisoners may purchase additional items from the prison shop. Prison shops are required to offer their goods at their fair market value.³³²

Despite provisions detailing the inmates' diets, numerous witnesses have stated that the food provided to inmates is inadequate and of low quality. Meanwhile, the food items available at prison shops are sold at prices much higher than their fair market values.³³³ A lack of access to safe potable water in prisons such as Rajaeshahr has also resulted in health problems, including kidney stones.

³²⁶ Article 173 of the Iranian Constitution provides, "In order to investigate the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes, a court will be established to be known as the Court of Administrative Justice under the supervision of the head of the judiciary branch. The jurisdiction, powers, and mode of operation of this court will be laid down by law."

³²⁷ 1382/10/28 [Jan. 18, 2004], File No. 81/38, Raye Heyati Umoomi Divani Idaalati Idari [Ruling of the General Meeting of the Administrative Justice Tribunal], 'ibtāli bandi 4 mād̄dihyi 169 āyinnāmihiyi 'ijrā'ī sāzmāni zindānhā muṣavvabi 26/4/80 quvvihyi qazāyīh [Revocation of section 4 of article 169 of the Prisons Organization's Regulatory Code ratified on Sept. 15, 2001], available at <http://rc.majlis.ir/fa/law/show/103515>.

³²⁸ This ruling was issued following a challenge to the 2001 Regulatory Code provision on solitary confinement. Nevertheless, the judiciary did not remove the solitary confinement provision from the Prisons Regulation when it issued a new version of the regulation in 2005. While the Court of Administrative Justice's authority to invalidate the regulations and orders of the executive branch is undisputed, there is some degree of uncertainty whether this authority extends to regulations promulgated by the judiciary. A Guardian Council opinion states that Article 170 of the Iranian Constitution does not expand the power of the Court of Administrative Justice beyond the actions of the executive branch. The Code of the Court of Administrative Justice, however, could be interpreted differently. This code, which defines the duties and functions of the Court of Administrative Justice, lists actions of governmental and revolutionary organs among those which could be reviewed by the Court of Administrative Justice.

³²⁸ This Code exempts the "decisions and opinions" of the courts and other judicial bodies from the purview of the Court of Administrative Justice.³²⁸ Whether the regulations that are promulgated by the judiciary and implemented by the Prisons Organization fall into the category of "decisions and opinions" is not clear. In issuing its 2004 decision, the Court of Administrative Justice seems to have assumed this power.

³²⁹ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 93 available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

³³⁰ *Id.*

³³¹ *See id.* art. 95.

³³² *See id.* art. 98.

³³³ *hrānā; važ`īati nābihsāmāni furūshgāhi bandi 350 zindāni`ivīn*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (OCT. 30, 2013), <https://hra-news.org/fa/prisoners/1-15487>. See also Witness Testimony of Kaveh Taheri, *supra* note 241. Taheri indicated that items at Adelabad Prison's shop were sold at higher prices than their fair market value. For instance, Taheri stated that a block of cheese typically sold for 1000 toumans was sold for between 1300 and 1500 toumans at Adelabad Prison.

Sleep Amenities

Every convict is entitled to a bed, mattress, pillow, two blankets, and sheets.³³⁴ This regulation is routinely violated in prisons across Iran. For instance, as discussed in Section 2.1.3. *supra*, Mostafa Rahmani, a prisoner held in Qezel Hesar Prison, stated that many prisoners had to sleep on the ward floor due to overcrowding. Another account of overcrowding leading to inadequate sleeping amenities is that of Hashem Khastar, a labor activist imprisoned at Mashhad's Vakilabad Prison. According to his wife:

Mr. Khastar says Ward 5 is very crowded and that he sleeps on the floor. Sixty inmates are kept in a room with 15 beds; so 15 people sleep on beds, eight people sleep on the floor, and the rest sleep in the hallways. With this many inmates, the ward is always noisy and its environment is filthy and full of smoke. There is always a line for its bathroom and showers. What can I say?! If you have heard a description of hell, you could use it for Mashhad's Vakilabad Prison.³³⁵

Health

The 2005 Prisons Regulations contain various provisions pertaining to prisoners' health. Article 102 requires prison infirmaries to conduct checkups on each prisoner at least once a month.³³⁶ All prisons are to be disinfected at least once a month.³³⁷ Adequate number of showers is also required so that prisoners could shower once a week.³³⁸

Despite provisions requiring the provision of medical care to prisoners, inmates held in Iranian prisons are routinely denied access to adequate health care. This problem, which has been discussed in detail in this report, has existed since at least 1980s. From using untrained staff in Adelabad Prison as discussed in Olya Roohizadegan's memoir, to the refusal to treat several Kurdish Sunni prisoners currently held at Rajaeeshahr, prison authorities have failed to implement the provisions of prison regulations regarding inmates' health.

Education and Training

The 2005 Prisons Regulations require the Categorization Council to evaluate inmates and make recommendations regarding their employment and educational or vocational training.³³⁹ The Prisons Organization is charged with the responsibility of putting prisoners to work so that they can learn trades and earn certifications in their respective fields.³⁴⁰ The prisoners' wages are to be distributed according to a specific formula.³⁴¹

³³⁴ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 71 available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

³³⁵ *Mashad's Prison Is Hell, Says Political Prisoner's Wife*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 8, 2011), <http://www.iranhumanrights.org/2011/06/khastar-vakilabad/>.

³³⁶ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 102 available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

³³⁷ *See id.* art. 105.

³³⁸ *See id.* art. 108.

³³⁹ *See id.* art. 124.

³⁴⁰ *See id.* art. 126.

³⁴¹ This formula, which was also used in previous regulations, states that a prisoner's income should be distributed in this manner: 50% to the bank account of the head of household of the prisoner's family, 25% to the saving account of the prisoner and available to him or her when he or she leaves the prison, 20% paid directly to the prisoner, and 5% deducted to cover possible costs related to workplace accidents. *See id.* art. 130.

Illiterate inmates under the age of 60 are required to attend literacy classes, and they can even lose some of their privileges if they do not.³⁴² The Prisons Organization is also required to provide prisoners with the opportunity to continue their education at primary, secondary and university levels.³⁴³

The available data on vocational training and other rehabilitative programs does not provide a complete picture on the extent of these efforts. According to the International Center for Prison Studies, there were 217,851 persons held in Iran's prisons in 2014.³⁴⁴ Of those, 25% were in pretrial detention. Therefore, there were approximately 163,000 prisoners serving their sentences who could potentially enroll in vocational training. According to Iran's Cooperation Foundation, the agency in charge of providing vocational opportunities for prisoners, about 58,788 prisoners had been employed or attended vocational training since June 2012.³⁴⁵ Yet the same source indicated that 34,126 prisoners were currently employed or in training.³⁴⁶ Moreover, the data provided by the Cooperation Foundation showed a significant disparity in the number of employed prisoners across different provinces. For instance, Markazi Province is reported to have more than 13,000 employed prisoners, while 14 provinces have no employed prisoners.³⁴⁷ This disparity might be due to inaccurate or incomplete data.

According to Gholamhossein Esmaili, the former head of the Prisons Organization, about 700 prisoners were enrolled at distance-learning university courses in 2012.³⁴⁸

3.2.4. Regulations Regarding Visitation and Furlough

Article 181 of the 2005 Prisons Regulations states that a prisoner's spouse, parents, siblings, children and the parents of his or her spouse have the right to visit the prisoner once a week.³⁴⁹ A visit should last a minimum of twenty minutes.³⁵⁰ Regular visits take place at booths, and the visitor and the prisoner speak through a phone while sitting on different sides of a glass partition.³⁵¹ Prisoners who show good behavior may be eligible for in-person visits with the aforementioned family members.³⁵²

Prisoners may also be granted a furlough if a close relative gets married, dies, or suffers from a serious illness that renders him or her unable to move.³⁵³ Several types of prisoners, including those convicted of national security crimes, are not eligible for furlough.³⁵⁴ Only the prosecutor or the chief judge of the judicial district may grant a furlough to these classes of prisoners.³⁵⁵ These restrictions effectively bar many prisoners of conscience from being eligible for furlough because they are often charged with

³⁴² See *id.* art. 137.

³⁴³ See *id.* art. 140.

³⁴⁴ Iran, *supra* note 35.

³⁴⁵ BONYAD TAAVON (Mar. 3, 2015), <http://bonyad-taavon.com/>. The Cooperation Foundation is operated by Iran's national police force.

³⁴⁶ 'āmāri 'ishtihāli madadjūyān dar ḥāli hāzir, BONYAD TAAVON, <http://bonyad-taavon.com/index.php/zendanstat-2> (last visited Mar. 3, 2015).

³⁴⁷ *Id.*

³⁴⁸ Noting that this number was low, he stated that only Payame Noor University and the University of Applied Science and Technology were participating in the Prisons Organization's higher education program. See 'ismā'īlī: bīsh az 700 nafar zindānī mashghūli taḥṣīl dar saḥī dānīshgāh, KHABAR ONLINE (May 29, 2012), <http://www.khabaronline.ir/detail/217152>.

³⁴⁹ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 182, available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMPop=View&PageId=27>.

³⁵⁰ See *id.* art. 188.

³⁵¹ See *id.* art. 181.

³⁵² See *id.* art. 183.

³⁵³ See *id.* art. 213.

³⁵⁴ Individuals convicted of armed robbery, espionage, acting against national security, running brothels, abduction, gang crimes, disrupting the economic system, individuals convicted twice for the same crime, individuals serving a life sentence, individuals awaiting execution or qisas, and those known to be "malfeasant" are not eligible for furlough

³⁵⁵ Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 226 available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMPop=View&PageId=27>.

national security crimes. For instance, Mostafa Nili, a political prisoner arrested for his involvement in post-election protests, was not permitted to attend his father's memorial service in 2013.³⁵⁶ Likewise, Jamaloddin Khanjani, a Bahá'í prisoner, was barred from attending his wife's funeral in 2011.³⁵⁷

In May 2010, the Iranian judiciary announced amendments to the provisions of the Prisons Regulations on furlough.³⁵⁸ Before 2010, furlough was effectively treated as a right for most prisoners. These amendments redefined furlough as a privilege, and introduced of a point system for furloughs. Prisoners who accumulate at least 200 points are eligible for furlough. For instance, good behavior and assisting with maintaining order in the prison have 10 and 20 points per month respectively, while consistent participation in congregational prayer earns 30 points per month.

While the category of convicts ineligible for furlough has not changed substantively, the 2010 amendments state that individuals who have three convictions for a same crime are ineligible, which is a change from the two-conviction threshold set in the 2005 regulations.

3.3. Violations of the Law to Respect Legitimate Freedoms and Civil Rights

In 2004, the Iranian parliament passed a law entitled "The Law to Respect Legitimate Freedoms and Civil Rights."³⁵⁹ This law, which contained one article with 15 subsections, reiterated many protections enshrined in the Iranian Constitution. For instance, subsection 5 of this law prohibits arbitrary detention.³⁶⁰ However, this law contained a number of additional provisions aimed at protecting detained individuals from abuse. In practice, this law has also failed to protect detainees and imprisoned Iranians.

3.3.1. Notification to Family Members

Subsection 5 of the law states that the families of arrested individuals are to be informed of their whereabouts. This provision is often ignored, and prisoners' families have to find out the whereabouts of their loved ones on their own.³⁶¹

3.3.2. Prohibition against Blindfolds and Prohibitions against Imprisonment in Unofficial Locations and Interrogation from Behind

Subsection 6 of the law states that detainees are not to be blindfolded during interrogation and other stages of investigation. Several IHRDC witnesses have stated that they were blindfolded after their arrests.³⁶² Subsection 7 likewise prohibits holding inmates at secret facilities, and it states that interrogators are not to sit behind detainees. Interrogation from behind is also often practiced in IRI prisons in violation of the Law to Respect Legitimate Freedoms and Civil Rights.³⁶³ The widespread evidence of the IRI's failure to enforce the provisions of its constitution and the regulations governing the

³⁵⁶ *hrānā; mumāni 'ati mas'ūlīni zindān az 'i 'zāmi muṣṭafā nīlī bih murkhaṣī pas az futi pidar*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY (May 13, 2013), <https://hra-news.org/fa/prisoners/1-14196>.

³⁵⁷ *Sorrow as Jailed Bahá'í Leader Is Unable to Attend Wife's Funeral*, BAHÁ'Í WORLD NEWS SERVICE (Mar. 11, 2011), <http://news.bahai.org/story/811>.

³⁵⁸ Amendment of 11 May 2011 (Amending the Prisons Regulations regarding the Process of Granting Furlough to Prisoners), available at <http://www.jcl.ir/ay89>.

³⁵⁹ Law to Respect Legitimate Freedoms and Civil Rights of 4 May 2004, available at <http://rc.majlis.ir/fa/law/show/94150>.

³⁶⁰ *See id.* art. 5.

³⁶¹ *masīh 'alīnizhād, muḥammad kāmrānī; vaqfī bih ighmā raft kih hukmi āzādī 'ash ṣādir shudih būd*, RADIO FARDA (May 19, 2013), <http://www.radiofarda.com/content/f7-victimes-of-88-mohammad-kamrani/24990855.html>.

³⁶² *See Witness Statement of Ali Kantoori, supra note 118. Also see Witness Statement of Davood Irani, supra note 237, Witness Statement of Yaser Goli*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (May 30, 2012), available at <http://www.iranhrdc.org/english/publications/witness-testimony/1000000118-witness-statement-of-yaser-goli.html>, and Witness Testimony of Afshin Karamian Nasab (Dec. 12, 2013) (on file with IHRDC).

³⁶³ *See Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, Human Rts. Council, ¶55-56, U.N. Doc. A/HRC/25/61 (Mar. 13, 2014), available at <http://shaheedoniran.org/wp-content/uploads/2014/03/A-HRC-25-61-updated.pdf>.

treatment of detainees and prisoners suggests that it is willfully violating the rights of the individuals held in its prisons.

4. Violations of International Law

The actions that the IRI has taken against prisoners constitute major breaches of international human rights law. The 1988 prison massacre, for instance, qualifies as a crime against humanity, as the Canadian parliament recognized in 2013.³⁶⁴ In addition, the widespread and systematic use of torture for extracting confessions may also amount to a crime against humanity. In this section, certain practices of the IRI are examined from the standpoint of international human rights law.

4.1. Right to Life

In their treatment of detainees, the conduct of the IRI amounts to violations of the right to life through the commission of or failure to prevent killings, summary executions, as well as omissions leading to the deaths of persons in their custody. As demonstrated in various sections of this report, there is ample evidence showing that the IRI has repeatedly failed to respect the right to life.

The IRI has furthermore violated the right to life by failing to conduct independent, comprehensive, and transparent investigations of each individual death. The case of Sattar Beheshti, a blogger who died in custody in 2012, is one clear example of the IRI's failure to properly investigate custodial deaths.

Beheshti was arrested by the IRI's Cyber Police in late October 2012, and was briefly held at Evin Prison before being returned to the custody of the Cyber Police. He died within days of his arrest. While the Iranian authorities removed the head of Tehran's Cyber Police and sentenced one officer to three years of imprisonment, they never fully disclosed the events that led to Beheshti's death. A report by the Iranian parliament quoted the medical examiner's findings, stating that the most likely cause of death was the psychological shock caused by severe blunt force trauma from repeated blows to the torso.³⁶⁵ The parliamentary report faulted the Cyber Police for detaining Beheshti in its own facility and not transferring him to an official detention facility.³⁶⁶ However, the parliamentary report did not provide details about what had transpired during the 48 hours that Beheshti had spent in the Cyber Police facility.³⁶⁷ Beheshti's family were not satisfied with the way the authorities dealt with the case, and they stated that they were repeatedly threatened about pursuing the case.³⁶⁸ Siamak Ghaderi, a journalist serving a term in Evin Prison's Ward 350 at the time of Beheshti's brief transfer there, adds that Beheshti was in a state of extreme terror during his detention, and that he repeatedly expressed a certainty that he was to be killed.³⁶⁹ In addition, the physician who had examined Beheshti in Evin Prison and recorded evidence of torture in his medical file was transferred to the ward housing individuals held for financial crimes, which meant that he could no longer witness and record the abuse of political prisoners.³⁷⁰ This

³⁶⁴ *Canada Recognizes Iran Prison Massacre as Crime against Humanity*, MASSACRE88.COM, <http://www.massacre88.com/main> (last visited Mar. 4, 2015).

³⁶⁵ *matni kāmili guzārishi majlis darbārihi margi sattāri bihishtī/fatā khalāfi dastūri qazā 't 'amal kard*, MEHR NEWS AGENCY (Jan. 6, 2013, 09:17 AM), <http://www.mehrnews.com/news/1784226>.

³⁶⁶ *Id.*

³⁶⁷ *Id.*

³⁶⁸ *mādari sattāri bihishtī: bastih shudani parvandīhi qatli 'amd bih dunyā nishān dād kih shikanjih hast valī mas 'ulān mī tarsand 'unvānash kunand*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Dec 5, 2013), <http://persian.iranhumanrights.org/1392/09/sattar-beheshti-3/>.

³⁶⁹ *See Witness Statement of Siamak Ghaderi*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Mar. 5, 2015), <http://www.iranhrdc.org/english/publications/witness-testimony/100000571-witness-statement-of-siamak-ghaderi-accounts-from-a-journalist-in-evin-prison.html>. Ghaderi indicates that another fellow inmate died in Ward 350 in the Spring of 2011 soon after Ghaderi's transfer to the ward. The prisoner allegedly died as a result of inadequate medical attention for cancer.

³⁷⁰ *pizishki parvandīhi sattāri bihishtī bazdāshst shud*, BBC PERSIAN (Nov. 11, 2013), http://www.bbc.co.uk/persian/iran/2013/11/131111_nm_doctor_arrest_behesti.

physician himself was arrested a year later and detained in Ward 209 of Evin Prison.³⁷¹ He was reportedly released on bail in December 2013.³⁷²

4.2. Rights to Freedom of Expression and Association

Absolute rights to freedom of expression and association are codified in the ICCPR.³⁷³ Article 19 provides that “[e]veryone shall have the right to hold opinions without interference.”³⁷⁴ Article 22 provides that “[e]veryone shall have the right to freedom of association with others.”³⁷⁵

Imprisoning individuals for exercising their freedom of expression and association by participating in demonstrations, belonging to political dissident groups, or being a journalist or blogger violates freedoms of expression and association protected by the ICCPR. Many of the facilities described above are used exclusively to detain IRI citizens imprisoned on charges that ignore these rights.

4.3. Torture, Solitary Confinement, and Forced Confessions

Article 5 of the UDHR and Article 7 of the ICCPR state that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”³⁷⁶ Article 10(1) of the ICCPR states that “[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”³⁷⁷

The Convention against Torture (“CAT”)³⁷⁸ defines torture as:

[A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.³⁷⁹

³⁷¹ *Id.*

³⁷² *Free Reza Heydarpour*, FACEBOOK.COM/FREEREZAHEYDARPOUR (Dec. 20, 2013), <https://fa-ir.facebook.com/FreeRezaHeydarpour>.

³⁷³ International Covenant on Civil and Political Rights, art. 6(2), Mar. 23, 1976, 999 U.N.T.S. 171, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. Iran signed the ICCPR on Apr. 4, 1968 and ratified the agreement on June 24, 1975 without reservations. Article 6 provides: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” *Id.* art. 6(1).

³⁷⁴ *See id.* art. 19(1). Article 19(2) provides that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and Ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” *See id.* art. 19(2).

³⁷⁵ *See id.* art. 22. Article 22 further provides that: “No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.” *See id.* art. 22(2).

³⁷⁶ Universal Declaration of Human Rights, art. 5, G.A. Res. 217(III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948); International Covenant on Civil and Political Rights, art.7, Mar. 23, 1976, 999 U.N.T.S. 171, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

³⁷⁷ International Covenant on Civil and Political Rights, art. 10(1), Mar. 23, 1976, 999 U.N.T.S. 171, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

³⁷⁸ Although Iran is not a party to the Convention against Torture, the prohibition against torture is widely considered a peremptory norm for which no derogations are permitted. *See, e.g.,* Prosecutor v. Furundzija, Case No. IT-95-17/1-T, Judgment, ¶ 144 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 10, 1998), <http://www.icty.org/x/cases/furundzija/tjug/en/fur-tj981210e.pdf>.

³⁷⁹ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, article 1(1), Dec. 10, 1984, 1465 U.N.T.S. 85.

However, as the UN Special Rapporteur on Human Rights in Iran recently reported that former detainees reported being tortured in the form of harsh interrogations while blindfolded, as well as physical and psychological torture during interrogations to coerce prisoners to confess, such as beatings, threats to family members, and mock executions. The UN Human Rights Committee considers corporal punishment in violation of Article 7 of the ICCPR.³⁸⁰ Mock executions also have been found to violate Article 7 of the ICCPR.³⁸¹

In his report published in March 2014, the UN Special Rapporteur for the human rights situation in the IRI stated:

55. Almost all former detainees claimed that authorities had blindfolded them during transfers from cells to interrogation rooms or bathrooms. Nearly all reported having been made to face a wall or a corner during interrogation and being interrogated from behind by one to three interrogators. Interrogations allegedly lasted several hours, during which time interrogators usually attempted to coerce detainees to confess in writing to certain activities, and/or to sign other documents. In nearly all cases, former detainees reported having been subjected to torture or ill-treatment during interrogation and detention.

56. In 90 per cent of cases, former detainees claimed that their interrogators had subjected them to psychological abuse, including prolonged solitary confinement, mock executions, threats to life, sexual harassment, threats to family members, harsh verbal abuse and threats of rape and other torture. Some 76 per cent also alleged that their interrogators physically abused them in the form of severe beatings to the head and body, often with a baton-like object. Some reported having been subjected to suspension and pressure positions, sexual molestation, electric shocks or burning. Some also reported having been transferred to general prison wards and shared cells after the investigation period, after which interrogations largely concluded. Some interviewees stated they were released shortly thereafter on bail.³⁸²

In 2011, the UN Secretary General defined “solitary confinement” as “the physical isolation of individuals who are confined to their cells 22 to 24 hours a day.”³⁸³ Solitary confinement is a form of psychological torture if the prisoner is in solitary confinement for more than 15 days.³⁸⁴ Several UN representatives have denounced the use of solitary confinement as a violation of the CAT and the ICCPR.³⁸⁵

³⁸⁰ Rep. of the Human Rts. Comm. Vol. II, 80th sess., Mar. 15-Apr. 2, 2004, Communication No. 759/1997, George. Osbourne v. Jamaica (Views adopted on 15 March 2000), 13, U.N. Doc. A/59/40 (Vol. II), available at http://www.ccrpcentre.org/wp-content/uploads/2012/11/A_59_40_Vol.II_E.pdf.

³⁸¹ Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Addendum to the Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, ¶ 55, U.N. Doc. A/HRC/13/39/Add.5 (“Mock executions, sleep deprivation, the abuse of specific personal phobias, prolonged solitary confinement, etc. for the purpose of extracting information, are equally destructive as physical torture methods.”), available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.5_en.pdf (by Manfred Nowak).

³⁸² Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, Human Rts. Council, ¶ 55-56, U.N. Doc. A/HRC/25/61 (Mar. 14, 2014).

³⁸³ See Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Interim report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, ¶ 25, U.N. Gen. Assembly, U.N. Doc A/66/268 (Aug. 5, 2011), available at <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>.

³⁸⁴ See *id.* ¶ 26.

³⁸⁵ See e.g., Human Rts. Comm., *General Comment No. 20*, ¶ 6, U.N. Doc. HRI/GEN/1/Rev, 30 (Mar. 10, 1992) (“The Committee notes that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7.”) available at

As a party to the ICCPR, Iran must stop imposing solitary confinement as punishment for its prisoners, as it constitutes a form of psychological torture and cruel and inhuman punishment. Moreover, Iran must stop physically and psychologically torturing prisoners to obtain forced confessions.

4.4. Arbitrary Arrest and Detention and Unofficial Detention Facilities

Arbitrarily depriving an individual of his or her liberty without due process or without the likelihood that authorities will find evidence that that person has committed a criminal offense is prohibited under international law. Article 9 of the UDHR provides that “No one shall be subjected to arbitrary arrest, detention or exile.”³⁸⁶ Article 9(1) of the ICCPR also provided that “No one shall be subjected to arbitrary arrest or detention.”

Iran’s use of unofficial prisons and detention centers violates its international obligations to maintain records of its detention centers and persons detained. ICCPR articles 9, 10, 14, and 15 provide that governments must properly account for all detainees and respect their fundamental rights.³⁸⁷ Article 17(1) of the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED) prohibits secret detention.³⁸⁸

In General Comment No. 20 on article 7 of the ICCPR, the Human Rights Committee has stated:

To guarantee the effective protection of detained persons, provisions should be made for detainees to be held in places officially recognized as places of detention for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends.³⁸⁹

Rule 7(1) of the Standard Minimum Rules for the Treatment of Prisoners has a similar requirement of maintaining accurate information on detainees.³⁹⁰

http://ccprcentre.org/doc/ICCPR/General%20Comments/HRI.GEN.1.Rev.9%28Vol.I%29_%28GC20%29_en.pdf; Report of the Human Rts. Comm., Vol II, 100th sess., Mar. 14-Apr. 1, 2011, U.N. Doc. A/66/40 (Views adopted on Oct. 25, 2010), 574 (“total isolation of a detained or imprisoned person may amount to acts prohibited by article 7”), available at http://www2.ohchr.org/english/bodies/hrc/docs/A.66.40_vol.II_partI.pdf; Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Addendum to the Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, ¶ 55, U.N. Doc. A/HRC/13/39/Add.5 (“Mock executions, sleep deprivation, the abuse of specific personal phobias, prolonged solitary confinement, etc. for the purpose of extracting information, are equally destructive as physical torture methods.”), available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.5_en.pdf (by Manfred Nowak); See Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Interim report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, ¶ 72, U.N. Gen. Assembly, U.N. Doc A/66/268 (Aug. 5, 2011), available at <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf> (“Solitary confinement, when used for the purpose of punishment, cannot be justified for any reason, precisely because it imposes severe mental pain and suffering beyond any reasonable repudiation for criminal behavior and thus constitutes an act defined in article 1 or article 16 of the Convention against Torture and a breach of article 7 of the International Covenant on Civil and Political Rights.”)

³⁸⁶ Universal Declaration of Human Rights, art. 9, G.A. Res. 217(III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

³⁸⁷ International Covenant on Civil and Political Rights, arts. 9, 10, 14, 15, Mar. 23, 1976, 999 U.N.T.S. 171, available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

³⁸⁸ International Convention for the Protection of All Persons from Enforced Disappearance, art. 17(1), Dec. 20, 2006, 2716 U.N.T.S. 3, available at <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>.

³⁸⁹ U.N. Human Rts. Comm., Gen. Comment No. 20, ¶ 11, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994), available at <http://www1.umn.edu/humanrts/gencomm/hrcom20.htm>.

³⁹⁰ Declaration on the Protection of All Persons from Enforced Disappearance, art. 10, G.A. Res 47/133, U.N. Doc. A/RES/47/133 (Dec. 18, 1992)

In addition to the cases highlighted in this report, the UN Special Rapporteur on Human Rights in Iran revealed that the majority of persons interviewed for his investigation were held in secret detention centers:

Approximately 85 per cent reported being held in Ministry of Intelligence detention centres or a local prison. It was reported that those taken to local prisons were often held in special intelligence or Islamic Revolutionary Guards wards, such as wards 209, 2A or 240 of Evin Prison in Tehran. They were reportedly held in these locations for the course of what appears to be an “initial stage of investigation”. A majority of interviewees reported that they were detained mostly incommunicado during the “investigation stage” for periods ranging from two days to four months, during which they were repeatedly interrogated.³⁹¹

Detention incommunicado is the detention of persons while denying them any access to the outside world. The UN Commission on Human Rights held in a 2003 resolution that “prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment or even torture.”³⁹² Moreover, the UN Standard Minimum Rules for the Treatment of Prisoners also provide that prisoners should have access to, and communications with, family members.³⁹³ Article 10 of the Declaration on the Protection of All Persons from Enforced Disappearance provides that family members and counsel of detainees shall be given accurate information on their place of detention.³⁹⁴

4.5. Overcrowding, Unhygienic Conditions and Lack of Access to Adequate Medical Care

The conditions of detention suffered by those held in government custody, such as those held in Adelabad Prison discussed in Section 2.1.9. *supra*, constitute cruel, inhuman or degrading treatment or punishment and may, in themselves, rise to such a level as to constitute torture. Both government data and witness accounts show severe overcrowding in Iranian prisons, and unhygienic conditions and lack of access to adequate medical care has been documented in various sections of this report.

As Dr. Shaheed reported in March 2014 on prison conditions, “[a]ccess to medical services is often limited, and hygiene and nutrition are poor.”³⁹⁵ The lack of access to adequate medical care violates both the UN Standard Minimum Rules for the Treatment of Prisoners and the United Nations Basic Principles for the Treatment of Prisoners

³⁹¹ Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, Human Rts. Council, ¶ 31-32, U.N. Doc. A/HRC/25/61 (Mar. 14, 2014), available at <http://shaheedoniran.org/wp-content/uploads/2014/03/A-HRC-25-61-updated.pdf>.

³⁹² U.N. Commission on Human Rights Res. 2003/32, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 59th Sess., Mar. 17-Apr. 24, 2003, U.N. Doc. E/CN.4/RES/2003/32, ¶ 14 (Apr. 23, 2003), available at <http://www.refworld.org/docid/43f313310.html>.

³⁹³ First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Aug. 22- Sept. 3, 1955, Standard Minimum Rules for the Treatment of Prisoners, arts. 37, 44, 45, 92, UN Doc. A/CONF/611, annex 1, ESC Res. 663C, (XXIV) (1957), UN ESCOR, Supp. No. 1, at 11, UN Doc. E/3048 (1957), amended by ESC Res. 2076, (LXII) (1977), UN ESCOR, Supp. No. 1, at 35, UN Doc. E/5988 (1977), available at <http://www.ohchr.org/Documents/ProfessionalInterest/treatmentprisoners.pdf>.

³⁹⁴ Declaration on the Protection of All Persons from Enforced Disappearance, art. 10, G.A. Res 47/133, U.N. Doc. A/RES/47/133 (Dec. 18, 1992).

³⁹⁵ Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, Human Rts. Council, ¶ 53, U.N. Doc. A/HRC/25/61 (Mar. 14, 2014), available at <http://shaheedoniran.org/wp-content/uploads/2014/03/A-HRC-25-61-updated.pdf>.

Conclusion

At the time this report goes to press, IHRDC estimates that there are nearly one thousand political prisoners and prisoners of conscience imprisoned in Iran.³⁹⁶ Iran's treatment of political dissidents, journalists, bloggers, activists, and members and defenders of religious, ethnic, and sexual minorities in prison is harrowing. Its prison system is in a state of crisis due to chronic overcrowding, lack of adequate medical care, and the torture, abuse and institutionalized neglect of prisoners—political and otherwise. While Iran claims it has no political prisoners and that its prisoners are treated well, testimony from current and former prisoners tells quite another story. Several prisoners recounted their experiences being held in solitary confinement for extended periods of time, being interrogated and beaten during interrogations, being pressured to sign documents admitting their guilt, and being held incommunicado before ever being charged with a crime or having access to a lawyer. The government and its agents' brutality towards political prisoners is highlighted by the events of Black Thursday in April 2014. To date, no official investigation into those events has taken place. Similarly, the countless prisoners across Iran who suffer mistreatment often have no means of redress. The abuse and mistreatment of political prisoners in Iran not only violates numerous national and international laws, it also illustrates the government and its agents' intentional and systematic use of violence as a tool of repression, as well as the government's harsh intimidation campaign undertaken in an effort to crack down on anyone that may threaten its legitimacy.

Looking ahead, the government should, among other things:

- Launch an objective investigation into events of Black Thursday and hold those responsible accountable
- Release all political prisoners and prisoners of conscience, including those under house arrest
- Establish a moratorium on executions
- Ensure prisoners' access to adequate medical care
- Ensure that no prisoner is physically or psychologically tortured, including by being placed in solitary confinement
- Review all cases where confessions may have been extracted by force with the aim of vacating all judgments derived from forced confessions
- Ensure that prisoners have access to family visits and to a lawyer
- Refrain from harassing relatives, family, and friends of prisoners
- Publish an official list of prisons and detention centers, including ones that are not under the administration of the Prisons Organization
- Allow United Nations Special Rapporteurs and international human rights organizations to enter the country to independently monitor prison conditions and the treatment of prisoners

³⁹⁶There are 947 prisoners of rights imprisoned in Iran, UNLOCK IRAN, <http://www.unlockiran.org/#prisoner-data> (last visited Mar. 4, 2015).

Methodology

IHRDC gathered and analyzed information for this report from the following sources:

- *Testimony of victims and witnesses.* These include witness statements taken by IHRDC attorneys from activists, human rights defenders and journalists who were former political prisoners, and the former cellmates of political prisoners who have been executed or are currently on death row. This also includes firsthand testimony in letters from prisoners obtained exclusively by IHRDC.
- *Government documents.* These include recorded public statements by state officials, statements released by Iranian government agencies, and published legal instruments.
- *Documents issued by non-governmental organizations.* These include interviews, reports and press releases written by the United Nations, Amnesty International, Human Rights Watch, International Campaign for Human Rights in Iran, the Abdorrahman Boroumand Foundation, Human Rights Activists News Agency (HRANA), and other NGOs were among sources that have been used in drafting this report.
- *Academic articles and books.* These include the works of historians and political scientists who have written about Iranian prisons, as well as works written by former prisoners.
- *Media reporting.* Various Iranian media sources, as well as non-Iranian media sources, have been used to provide details and context for this report.

Where the report cites or relies on information provided by government actors or other involved parties, it specifies the source of such information and evaluates the information in light of the relative reliability of each source. The IHRDC has meticulously cross-checked all the sources of information used to compile this report to ensure their credibility and accuracy.

All names of places, people, organizations, etc. originally written in Farsi have been transliterated using the system of the International Journal of Middle Eastern Studies (IJMES), available at <http://ijmes.ws.gc.cuny.edu/authorresources/ijmes-translation-and-transliteration-guide/>.



Gharchak Prison in Varamin, a converted chicken battery cage warehouse which mostly holds women convicted of common crimes, is one the most overcrowded and unsanitary prisons in Iran. A number of female political prisoners have been transferred to Gharchak Prison as a form of punishment. Negar Haeri, a political prisoner who was imprisoned at Gharchak Prison for ten months, stated that the section in which she was held had an official capacity of 90 people, but that 263 women were held there. She stated that due to the lack of space many prisoners had to sleep on restroom floors. Access to water is also severely restricted in this prison. Haeri stated that the water available in this prison is salty and untreated, and that a number of inmates develop skin problems due to excessive amounts of chlorine in the water. According to one report from Kaleme 2013, there was no hot water available for twenty consecutive days in the prison, and cold water was only available three hours a day.

The food provided to prisoners is of a very low quality. In addition, according to Haeri, the prison's shop sells expired canned goods, causing food poisoning among many inmates. Medical facilities are also difficult to access and reportedly of low quality. In one instance, the infirmary was reportedly closed for over a month. Physical altercations among inmates are also an ongoing problem at Gharchak Prison.

At the time of publication of this report, twenty children are reportedly being held at Gharchak Prison under these conditions.