

**Iran Human Rights Review: Violence**  
**Violence against political prisoners**  
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Violence begins at the earliest stages of legal proceedings against those accused or imprisoned on charges of political activism and it continues through all stages of investigation and judgement. Intentional violence against political prisoners is exercised through laws and revolutionary courts as instruments of the judiciary. As a legal representative of political and ideological prisoners, I have witnessed many instances of illegal acts of violence against this group of prisoners, some of which I will include here.

1. Political prisoners are arrested in several ways:

- a. There are those arrested during street demonstrations. The arrest of these individuals is usually associated with insult, physical and verbal abuse by the authorities to the extent that some of those arrested arrive at the detention centre with hurt or broken limbs. In order to pressure the accused, authorities deny them the right to access and do not inform their families of their arrest and location. And yet, according to law, upon arrest, detainees must immediately be given telephone access to inform family members. An obvious example includes three detainees at the Kahrizak detention centre south of Tehran<sup>1</sup> who died as a result of inhumane treatment, torture and lack of access to medical care, hygiene and adequate sustenance. Their families were unaware of their arrest, condition and location until after the news of their deaths became known.<sup>2</sup>
- b. Some who are summoned by the Ministry of Intelligence and after preliminary investigations, if the interrogators are left unsatisfied, are immediately arrested and transferred to intelligence detention centres. This group of detainees spend long periods in solitary confinement. In some cases their families are kept uninformed of their situation and whereabouts for a long time and their names are excluded from lists of prisoners, in particular in Tehran.<sup>3</sup>
- c. There are others who are arrested at home or at work. In such cases intelligence officers enter their premises, often at night, and after search and inspection confiscate some of their personal belongings and those of their family members without reference or presentation of any legal documentation. They often warn family members of the accused that should they decide to publicise the case or contact the media or human rights defenders, the accused will meet with harsher treatment. Any follow-up efforts on the part of family members yield no results except threats of arrest in order to silence both families and the media.<sup>4</sup>

2. The majority of political prisoners and prisoners of conscience spend a number of months (up to a year or more) following their arrest in solitary confinement. During this period instead of following the legal processes of an investigation, intelligence officers condition their release from confinement on acceptance and confession of false accusations against themselves or others.<sup>5</sup>

<sup>1</sup> Tehran Times Political Desk, Verdicts issued in Kahrizak case, Tehran Times, July 2013, <http://www.tehrantimes.com/politics/108935-verdicts-issued-in-kahrizak-case>

<sup>2</sup> Article 56 of the Prisons Regulations states: "In case of lack of legal barrier every accused can immediately inform a trusted contact of his detention, and with regard to personal belongings , etc...." This is repeated above so have deleted from the footnote Article 60 states that "Convicts and defendants are allowed ... the use of private supplies listed below ... books and periodicals, toothpaste ... stationery, prescription eyeglasses, hygienic products..." Please see original Persian available at: State Prisons, Security and Corrective Measures Organisation, Makers of Prisons and Security and Corrective measures implementation regulations, December 2005, <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>

<sup>3</sup> According to the rules of criminal procedure, summons should be presented in writing. In this regard, Article 112 of the procedure states: "The accused shall be summoned by an arrest warrant. There should be two copies of the arrest warrant; one is served to the accused and the other must be signed by the accused and handed back to the serving officer." See: Iran Human Rights Document Centre, Mockery of Justice: The Framing of Siamak Pourzand, [http://www.iranhrdc.org/english/publications/reports/3153-mockery-of-justice-the-framing-of-siamak-pourzand.html?p=21#\\_ftn248](http://www.iranhrdc.org/english/publications/reports/3153-mockery-of-justice-the-framing-of-siamak-pourzand.html?p=21#_ftn248)

<sup>4</sup> According to law summons, arrest or inspection of the home and office of the accused is among the duties of the judicial officers, and that excludes intelligence officers. Article 16 of the rules states: 'Article 16 – Judicial officers are obliged to perform the commands of a judicial authority. In case of violation, they are sentenced to three to twelve months of suspension from Governmental Service and/or to one to six months of imprisonment.' Please see: Iran Human Rights Documentation Centre, English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts, September 1999, <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/100000026-english-translation-of-the-islamic-republic-of-irans-criminal-code-of-procedure-for-public-and-revolutionary-courts.html#Ups3AKUkHGK> And Article 10 of the law amending the code on public and revolutionary courts states: 'every judicial jurisdiction... will have enough communication units...' For the original Persian please see: Public and Revolutionary Courts Procedure Code (Criminal Matters), April 1999, Ghavanin.com Iran Law Database <http://www.ghavanin.ir/detail.asp?id=11610>

<sup>5</sup> None of the rules of criminal procedure include the detention of prisoners in solitary confinement and in only one case reference to solitary confinement is made and that in the context of punishment for prisoners who may commit a violation, for a maximum of 20 days. Article 175 of the State Prisons and Security and Corrective Measures Organisation regulations states: 'disciplinary punishments include detention in solitary confinement for a maximum of 20 days...' Please see original Persian at: State Prisons, Security and Corrective Measures Organisation, Makers of Prisons and Security and Corrective measures implementation regulations, December 2005 <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>

3. Political prisoners and prisoners of conscience are not given the right to visit their families and are kept in complete isolation.<sup>6</sup>
4. Political prisoners are denied the right to legal representation throughout the entire process of investigation, and yet legally any accused is allowed to secure the assistance of a lawyer who can be present at all stages of investigation. At the request of the accused, the court is responsible for providing them with a lawyer. However, in no case has this legal process been observed and investigations in all cases involving political prisoners are carried out under conditions that are entirely illegal, without access to lawyers and awareness of the accused's legal rights.<sup>7</sup>
5. Preliminary investigations are often carried out at intelligence detention centres in an atmosphere of fear and terror brought about by the interrogators and not at court. In violation of the law, investigations are carried out by intelligence officers and once completed, files are sent to the court in order to obtain the final verdict. Throughout the entire process involving political prisoners an inspector or assistant prosecutor is involved with criminal provisions including bail, arrest or its revisions, and ultimately the final defence and culpability is up to their judgement. Furthermore,<sup>8</sup> criminal provisions or arrests are only issued in accordance with the views of the intelligence authorities.
6. Throughout the entire process of investigation and trial the accused are met with all types of insults, offensive behaviour, discrimination and threats at the hands of the intelligence officials, Public Court and Revolutionary Court officers and even judges. Creating an atmosphere of fear and terror through solitary confinement, torture, heavy prison sentences and execution are among the treatments which can await political prisoners.<sup>9</sup>
7. This category of prisoners is denied the right to review their files, even if the accused are themselves human rights lawyers.<sup>10</sup>

<sup>6</sup> The authorities refuse family visitation for political and ideological prisoners and keep them in isolation. Articles 180 to 197 are about prison visitation. Article 180 states: 'All those accused and sentenced are subject to full supervision and in accordance with this regulation are entitled to contact with family and friends through visits and correspondence. Note – In case visitation or correspondence in contrary to the trial proceedings, the judge involved in the case must ban the visit or correspondence in writing. In this case and during the period of the ban, the terms of visitation or correspondence is only possible to obtain in writing from qualified judicial authorities. Violation of this note will result in disciplinary or administrative follow up. However, after the start of the trial the legal counsel of the defendant will have the right to meet with him and none of the disciplinary, administrative or judicial authorities can in any way prevent such a visit. While in most cases judges do not issue the ban on visitation in writing but in all cases inform the lawyer or family members that the accused is not granted visitation rights. Article 187 of the same document states: 'Attorneys can acquire written permission from the responsible judge during office hours and after presenting an official power of attorney to the head of the prison, if possible, can meet with his client in a private room separate from the public visitation hall. In case of a ban on visitation, meeting takes place in the presence of judicial authorities. It is clear that preparations for arranging an official power of attorney will be carried out by the official organization or prison.' On the other hand, according to Article 128, during the period of investigation, the accused can be accompanied by a lawyer: 'The accused can be accompanied by a lawyer. The lawyer of the accused, without interference and at the conclusion of the process of investigation, can present information he deems relevant to the discovery of truth and defence of the accused to the judge. Statement by the lawyer will be recorded in the proceedings. Note: In cases concerning private matters or where the presence of anyone other than the accused can lead to corruption, and also in crimes against national security, the presence of a lawyer during the stage of investigation will only be possible with the permission of the court. However, current cases point to the fact that in most cases no order by the judges indicating the private nature of the matter or lack of presence of the lawyer are issued.'

<sup>7</sup> According to Article 10 of the procedural code for temporary detention centres approved in 2006, the accused can visit their legal representatives, relatives and others who may make a request for visit, between 8am and 8pm, unless in accordance with the views of the council his meeting with those other than his lawyer would result in disruption of enforcements, public processes and the proper court proceedings, however, in most political and ideological cases where the accused are deprived of visitation with their families and legal representative, there is no sign of the views of the aforementioned council.

<sup>8</sup> According to Article 15 of the Criminal Code of Procedure, judicial officers under the supervision of judicial authorities are responsible for carrying out some of the investigations pertaining to each case, based on the training they have been provided. The definition of bailiff does not apply to intelligence officers. Article 15 states: 'Judicial officers are those officers who, under the supervision and training of judicial authorities, take the necessary legal steps to uncover crime, conduct preliminary interrogation, protect evidence and causes of the crime, prevent the accused from running and hiding, presenting documents and implementing judicial decisions according to law and they include: 1) Islamic Republic military, 2) heads and deputy heads of prisons in relation to matters involving prisoners, 3) Officers of the Baseej resistance force of the IRGC who according to specific laws and in only specific cases are considered as judicial officers, 4) Other armed forces in cases where the National Security Council delegates all or some responsibilities of the bailiffs to them, 5) Authorities and officials who according to specific laws are considered bailiffs in relation to specific duties. Note: Reports by bailiffs are valid only when trusted and endorsed by the judge. Article 16: 'Judicial officers are responsible to carry out the duties of judiciary officials. In cases involving violations they will be sentenced to 3 months to one year of detention from service or one to six months of imprisonment.' Article 18 states: 'When the judicial officers are informed that a crime has been committed, they shall, in the case of non-evident crimes, present the case to competent judicial officials in order to receive their orders and, in the case of evident crimes, they shall take all required precautions to maintain the tools, instruments, proof and evidence of the crime, in order to prevent the criminal from escape or collusion, and to perform initial investigations and immediately inform the judicial authorities.'

<sup>9</sup> Article 38 of the Constitution states: 'All forms of torture for the purpose of extracting confessions or acquiring information are forbidden. The 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.' On the other hand, the law concerning the freedoms and protection of civil rights in Section 9 bans all forms of torture and in sections 6 and 7, where laws pertaining to respect for freedoms and protection of civil rights are enumerated.

<sup>10</sup> Article 190 of the Criminal Code of procedure states: 'in those cases where investigation is complete and a date has been set for court, the accused or his attorney have the right, prior to the start of the court proceedings, to refer to the court and seek all necessary information from the file.'

8. According to law, every accused person is entitled to object to the summons for arrest. The objection must be based on the accused's knowledge of their case, the nature of the charges and reasons for the arrest. Knowledge of the case means that either the accused or his or her legal representative is given the right to review the case. This is why political prisoners and their lawyers are denied access to their files during the investigation stage. Therefore, objection to the arrest is often carried out in an uninformed manner and without reference to the file or justification and this in itself causes the rejection of their objection in court and the confirmation of the arrest.<sup>11</sup>
9. In most cases, when setting bail or bond for political prisoners, despite the law, the amount is not announced to the prisoner. This bars them from the opportunity to post bail, thus meaning they have 'failed' to provide bail, leading to their being retained in confinement. It should be noted that according to the law, all cases of bail must be announced to the accused and the means of contacting family or friends to arrange bail should be provided at the earliest opportunity. Unfortunately, this is not the case with political prisoners and prisoners of conscience and usually, despite being set bail, prisoners are falsely accused of being unable to provide bail and kept incarcerated.<sup>12</sup>
10. In violation of the Constitution and criminal procedure rules with regard to conveying the charges, and the reasons pertaining to the charges against the accused, during the first 24 hours following arrest, the majority of political prisoners are kept unaware even until their final defence. They are not even informed of the reasons for the investigator's claims.<sup>13</sup>
11. In violation of the criminal procedure rules, in investigations pertaining to political prisoners, questions that are not related to the relevant charges are included. Interrogators also mislead prisoners to believe they will be released after making false confessions or they are denied the right to remain silent. Intelligence officers threaten them to further solitary confinement, insult, humiliation, physical abuse and torture in order to force them to respond to questions. Any attempt on the part of the prisoners to object to such mistreatment meets with more brutality.<sup>14</sup>
12. Visitations are carried out only through glass and in the presence of prison officials. According to Article 180 of the State Prisons and Security and Corrective Measures Organisation regulations, prisoners can meet with family and friends, however, political prisoners are denied the right to visit friends. Face to face visitations are only possible when the head of the prison issues special permission. Since the heads of Islamic Republic prisons are chosen from among those close to the regime and intelligence organisations, political prisoners are denied the right to regular visits with family members. Some are even denied this right throughout the entire duration of their incarceration.
13. According to criminal procedure rules in Iran, imprisonment in exile is illegal. Unfortunately, another challenge faced by political prisoners is that illegal sentences are issued in some cases. Others, even without such a sentence, are illegally sent to prisons in cities far from their place of residence or those of their families.<sup>15</sup>

<sup>11</sup> Section H Article 3 of the amendments to the laws indicates that whenever a prisoner considers the causes of his arrest as no longer valid, he is able to seek amnesty and this is possible more than once per month. However, this means that the accused must have access to and be able to review his file.

<sup>12</sup> Article 138 of the criminal code of procedure states: 'failure to introduce a sponsor or provide the collateral, in cases where bail or collateral has been set for an accused, will result in arrest' while Article 33, in relation to the objectionability of temporary detention states: 'An order for temporary detention is issued by the court judge and is approved by the director of the District Court or his assistant, and a review of that order can be requested in the Court of Appeal of that province within 10 days...'

<sup>13</sup> Article 32 of the constitution states: '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.' - See more at: Iran Chamber Society, The Constitution of the Islamic republic of Iran, [http://www.iranchamber.com/government/laws/constitution\\_ch03.php#sthash.A6B3b2NH.dpuf](http://www.iranchamber.com/government/laws/constitution_ch03.php#sthash.A6B3b2NH.dpuf). In addition, Article 24 of the criminal code of procedure states: 'The judicial officers shall inform the appropriate judicial authority about the results of the inquiry taken, and if the mentioned authority finds the inquiry taken to be insufficient, they may request supplementary action. In this case, the officers are obliged to follow the orders of the judicial authority to investigate and take legal measures to identify the crime, but they cannot keep the accused in detention. And, in evident crimes, detention of the accused is necessary in order to complete the investigation, the accused should be notified of the subject of the accusation along with the reasons in writing.' Article 129 clarifies: 'The judge should first ask the accused to state his or her identity and other personal information (Name, Father's Name, Nickname, Last Name, Age, Occupation, Spouse, Children and Nationality) as well as their address (City, County, Rural District, Village, Street, Alley and House Number) so as to ease the process of sending the summons and other related papers. He will also notify the accused to be cautious about his statements, and will explain the subject of the accusation and its reasons clearly. Then he will start the investigation.' Iran Human Rights Documentation Centre, English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts, September 1999, <http://www.iranhrc.org/english/human-rights-documents/iranian-codes/1000000026-english-translation-of-the-islamic-republic-of-irans-criminal-code-of-procedure-for-public-and-revolutionary-courts.html#Uupv06UkHGK>

<sup>14</sup> Article 129 also states: 'The questions shall be clear and useful. Empathic, deceptive, reluctant and compulsive questions are prohibited. If the accused refuses to respond, the refusal will be recorded in the minutes.'

<sup>15</sup> The punishment of exile only in case of combatants against God and only to a certain point has been set, and only as an individual and solely as banishment not imprisonment in exile. This form of punishment is not in place for any other type of crime. However, revolutionary courts do issue illegal sentences. For instance, in the case of lawyer and human rights defender Abdolfattah Soltani, he has been sentenced to 13 years of imprisonment in Borazjan prison.

14. Political prisoners are denied the right to a leave of absence or furlough, as outlined in the State Prisons and Security and Corrective Measures Organisations regulations. Many are even denied a few hours leave to visit their loved ones who may be ill, or attend family weddings or funerals.<sup>16</sup>
15. Political prisoners and prisoners of conscience are often denied access to medical care at intelligence detention centres and prisons, to the extent that some have lost their lives. An example is the death of Afshin Osanlou at Rajaeeshahr prison in 2013 as a result of a heart attack.<sup>17</sup>
16. They are often tried at courts, which lack legal provisions for political crimes, in the absence of their family members and behind closed doors. Some are forced to replace the lawyer of their choice with one selected by the court. They face heavy and unjustified sentences and are forced to face many years in prison. None of the sentences are announced to the prisoners or their lawyers.<sup>18</sup> They simply come to know of their sentence but no written proof is presented to them or their legal representatives. While according to Article 165 of the Constitution 'court proceedings are public...' and according to the criminal code of procedure the same applies.
17. Some of the prisoners who are employed by the Ministry of Education are tried by administrative courts and expelled from their positions without having been afforded the opportunity to attend their court session and defend their case. An example is the case of Rassoul Badaghi, an imprisoned teacher, at the Rajaeeshahr prison.<sup>19</sup>
18. Those students who are accused of or charged with political crimes are deprived of the opportunity to continue their education even after serving their full sentence. They are counted among those students whom university disciplinary committee account as 'starred'<sup>20</sup> students who are denied the right to education.
19. Contrary to international human rights standards, issuing sentences for political and religious activists also results in deprivation from certain social activities such as journalism, legal representation, film production or writing, etc. Examples include the cases of Ahmad Zeydabadi who is banned for life from working as a journalist or writer, the ban on lawyer Abdolfattah Soltani, the ban on journalist Kayvan Samimi, and that of film director and screen writer, Jafar Panahi.
20. According to the State Prisons and Security and Corrective Measures Organisation, court lawyers are entitled to visit their clients at any given point. They simply need to refer to the prison and, after receipt of permission from the relevant judge, visit their client in a room allocated for this purpose. Unfortunately, this does not apply to political prisoners and intelligence officers in collaboration with prison authorities often prevent political prisoners from visiting their lawyers. In this manner, political prisoners serve their time in prison without any contact with their lawyers.

The aforementioned points are some of the instances of legal and illegal violence against political prisoners and prisoners of conscience. It should be noted that those prisoners who are investigated and sentenced to imprisonment face the same conditions as political prisoners. In this vein, all the above instances also apply to this second group of Iranian citizens and unfortunately, in some cases prisoners of conscience<sup>21</sup>, are met with heavier sentences than political prisoners. In the Islamic Republic judicial system, no one accused of political or ideological activities or is presumed innocent. They are all assumed to be guilty unless proven otherwise. Treating all political and ideological cases as intelligence cases is the norm. Judges at Revolutionary Courts who oversee cases of political and ideological prisoners are chosen from among those who have no hesitation in declaring their affiliation with the administration and in dealing with such cases, they pay no attention to the accused or their legal representatives, and often issue sentences that have been recommended by intelligence authorities.

<sup>16</sup> Article 266 of the state prisons and security and corrective measures organisation determines that 'Those accused whose crime is acting against national security are among those who are exempt from furlough...' State Prisons, Security and Corrective Measures Organisation, Makers of Prisons and Security and Corrective measures implementation regulations, December 2005, <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMPop=View&Pageld=27>

<sup>17</sup> Please see: Human Rights Activists News Agency, Political prisoner Afshin Osanlou died in hospital, June 2013, <http://hra-news.org/en/political-prisoner-afshin-osanlou-died-in-hospital>

<sup>18</sup> A clear example is that of the 7 Baha'i Yaran who are currently in prison. They and their lawyer have yet to receive a copy of the sentence ordering 20 years of imprisonment.

<sup>19</sup> International Campaign for Human Rights in Iran, Rassoul Badaghi's Five-Year Prison Sentence for Participating in Protests, August 2010, <http://www.iranhumanrights.org/2010/08/rassoul-badaghis-five-year-prison-sentence-for-participating-in-protests/>

<sup>20</sup> Students with honours

<sup>21</sup> Prisoners of conscience include ideological prisoners, such as the 7 Yaran leaders of the Baha'i community. However, they are also referred to as political prisoners at times.