



Special Rapporteur on the rights to freedom of peaceful assembly and of association
Mr. Maina Kiai

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Mr. Juan Méndez

Office of the High Commissioner for Human Rights
Palais Wilson
52 rue des Pâquis
1201 Geneva

Geneva, 28 April 2014

Re: Events that took place on April 17 and the following days in Evin Prison

Annex A: List of prisoners injured during these events

Annex B: List of prisoners sent to solitary confinement

Dear Mr. Kiai
Dear Mr. Méndez,

The International Federation for Human Rights (FIDH) and the League for the Defence of Human Rights in Iran (LDDHI) would like to draw your attention to the events that occurred recently in Evin Prison, in Tehran.

On April 17, at 9:30, plain-clothed agents, prison guards and officials entered Ward 350 of the Evin Prison for search and inspection. As they had already experienced misconduct of the agents during previous searches (food and personal belongings going missing), some prisoners in Rooms 1 and 3 demanded to be present during this inspection.

In response, the guards sent a large number of the prisoners from other rooms into the yard while a number of the plain-clothed agents attacked the prisoners that remained in the ward and beat them. The prisoners who had gone outdoors and noticed this attack returned to the ward to verbally object to the beatings. As a result, they were also also beaten. Subsequently, the guards lined up in the hallway of the ward and beat the prisoners passing through. They handcuffed and blindfolded some of the prisoners and took them into minibuses. The floors of these minibuses and the prison yard were reported to be stained with the blood of these prisoners.

As a result of this attack, many prisoners had been injured, some very badly. More than 30 prisoners were sent to solitary confinement cells and were denied access to medical care. In these cells, the

prisoners were tortured and ill-treated. Torture and ill-treatment included being stripped, having their heads shaved, being handcuffed and dragged on the floor, being punched and kicked.

Actions taken by the prisoners

In response to these events, 74 prisoners in Ward 350 wrote an open letter to the Attorney-General that was published on April 19. The letter recounts the events of April 17 and provides an initial diagnosis of the injuries sustained. The signatories say they are prepared to testify. Another letter, signed by 28 prisoners, was sent to President Rouhani on April 20. This letter gives an account of the events of April 17, asks for those injured to receive a medical examination and calls for an investigation by an independent and impartial panel.

Furthermore, 12 of the prisoners who had remained in Ward 350 on April 17 began a hunger strike on April 21. 21 more prisoners began a hunger strike on April 22. They also issued a letter that outlines their demands, and states that they will continue their hunger strike until these demands are met. These demands include that all injured prisoners must be returned from solitary confinement, an investigation into events and those responsible for violating prisoners' rights and breaking the law must be set up, and that an official apology must be made to prisoners and their families.

Mobilization of prisoners' families

On 20 April, families of prisoners gathered in front of the Parliament building. One member of Parliament (MP), Mr. Davatgari, was assigned by the Parliament's National Security and Foreign Policy Committee to meet with the families of the prisoners and report back to the Committee. Some MPs also requested that the families be granted a special visit to Evin Prison to see their imprisoned relatives. However, the prisoners who were in solitary confinement on 21 April were not granted visits with their families. On 22 April, about 300 family members and supporters gathered in front of the President's Office. They presented Mr. Mahdavi, the Special Inspector of the President's Office with a letter outlining their demands:

1. Immediately establish an impartial truth commission consisting of representatives of the three branches of the State to visit the prison and investigate the events of 17 April and the following days;
2. Identify those responsible for the violations that took place and hold them accountable before the national Judiciary;
3. Return the prisoners in solitary confinement back to Ward 350 and provide them with medical care;
4. Have the Judiciary guarantee the protection and rights of prisoners, including allowing leave from prison, allowing for release on probation, and permitting phone calls and face-to-face visits with their families;
5. Dismiss the Justice Minister for ignoring the events of 17 April and denying the occurrence of injuries;
6. Question the Intelligence Minister about the events of 17 April.

Response of Iranian officials

As of April 24, the responses by Iranian officials have mainly aimed at denying the scale of violence that occurred in Evin prison. On April 20, Minister of Justice Hojjatoleslam Mostafa Pourmohammadi declared that only two prisoners who resisted the searches on April 17 were slightly injured. The same day, Head of the Prisons Organisation Gholamhossein Esmaeili denied twice that any clashes or beating had taken place on April 17 in Evin Prison.

On April 22, nine MPs officially requested the Minister of Justice to investigate the events of April 17 in Evin prison's Ward 350. However, on April 23, Head of the Judiciary Ayatollah Amoli Larijani, speaking to a meeting of high-ranking judicial officials, said the report of the Head of the Prisons Organisation showed that no violations had taken place on 17 April.

The same day, the government spokesperson, Mr. Nobakht, stated at a press conference that a team had been set up to examine the events of April 17 and report on them.

1. Torture and other cruel, inhuman or degrading treatment or punishment

Degrading and inhuman treatment (see Annex A)

According to prisoners' testimonies, prisoners were subjected to several acts of violence committed by prison agents. These acts included beatings, torture and acts of ill-treatment in confinement cells.

Furthermore, at least two prisoners, Esmaeil Barzegari and Omid Behroozi, had been ill-treated while receiving needed medical care as they had been injured during the attack. Mr. Barzegari was chained to his bed in Evin prison's clinic for one or two days. Mr. Behroozi was also chained (handcuffed and shackled) to his bed in Evin prison's clinic. In protest against this ill-treatment, Mr. Behroozi went on a hunger strike until he was sent back to Ward 350 on April 19.

On Monday 21 April, families were allowed to visit some prisoners from Ward 350. A number of prisoners who appeared in the Visitation Hall of the prison to meet their family members used walking sticks and orthopaedic belts. Their heads had been shaved and they were helping each other to walk. Bruises were visible. According to these prisoners, they had been subjected to less violence than the others who still remained in solitary confinement.

Such acts represent violations of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, a norm of *jus cogens* that has been clearly recalled regarding the situation of detainees by both the UN Standard Minimum Rules for the Treatment of Prisoners (rule 31), and the UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (article 6). This article further underlines that "*no circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment*" in situation of detention.

Beside this violence, some prisoners told their families that their heads had been shaved by force in contrary to the article 10 of the International Covenant on Civil and Political Rights – to which Iran is a party since 1975 – that stresses the obligation to respect the human dignity of all detainees.

Use of confinement cells (see Annex B)

After having being beaten, more than 30 prisoners were sent to confinement cells without being provided with adequate medical care. Ten of them returned to Ward 350 on April 19, seven more returned between April 21 and 22, and two more were returned to Ward 350 on April 23. As of April 24, at least 11 prisoners remain in solitary confinement. According to prisoners' testimonies, those prisoners who remain in solitary confinement have initiated a hunger strike.

While this represents forms of inhuman treatment, it also violates rule 32.1 of the UN Standard Minimum Rules for the Treatment of Prisoners, which states that punishment by close confinement should never be imposed without medical examination.

Denied access to medical care

As stated in the previous paragraph, prisoners sent to confinement cells had been denied the right to access medical care. Only one prisoner who was sent to solitary confinement, Mr. Mohammad Sadiq Kaboudvand, had been taken outside of the solitary confinement cell, after having spent three days in this cell, to receive medical treatment.

This represents a violation of both the UN Standard Minimum Rules for the Treatment of Prisoners and of the UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, that affirm that prisoners should be provided with medical care whenever it is necessary (rule 22.1 and principle 24, respectively).

2. Violation to the right to peaceful assembly

The breakdown of violence against prisoners that occurred in Evin Prison seems to have been a response to the attempt of some prisoners to mobilize themselves to resist the wrongdoings of agents. No acts of violence committed by these prisoners had been reported. Their resistance was purely oral as they simply insisted to be present in their rooms during the inspection. They did not physically resist. As their personnel effects were thrown into a pile in the middle of the rooms, prisoners who had stayed in the rooms voiced their objections and began singing protests songs and shouting “Down with the dictator”. Then, prisoners report that they were ordered to strip fully, which they apparently refused and verbally objected to.

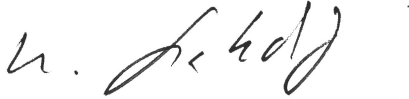
This violent repression thus represents a violation of the right to peaceful assembly recognized by article 22 of the ICCPR. This right has been further recalled regarding the specific situation of detainees by the UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, which stated in its principle 3 that “*there shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognized or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognize such rights or that it recognizes them to a lesser extent*”.

Violence that occurred in Evin Prison clearly represents a violation of the right to peaceful assembly of prisoners of Rooms 1 and 3. Indeed, beatings, acts of torture and ill-treatment as well as the use of solitary confinement occurred as retaliation against the right of those prisoners to protest peacefully.

Furthermore, as you, Mr. Kiai, have stated in your report (A/HRC/20/27), “*in special circumstances when an immediate response, in the form of a demonstration, to a political event might be justified, a decision to disband the ensuing, peaceful assembly solely because of the absence of the requisite prior notice, without any illegal conduct by the participants, amounts to a disproportionate restriction on freedom of peaceful assembly*” and “*wherever possible, law enforcement authorities should not resort to force during peaceful assemblies and ensure that where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force*” (HRC resolution 19/35, para. 6). Thus, even if these prisoners did not issue a formal request before mobilizing themselves, violent repression of their action clearly represented a “*disproportionate restriction*” on their freedom of peaceful assembly.

We hope that you will be able to use this information within the framework of your respective mandates and we remain at your disposal, should you require any additional information.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Lahidji', with a small dot to the right.

Karim Lahidji
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Annex A: List of prisoners injured during Evin's events

The following non-exhaustive information has been compiled from letters written by some of the prisoners and statements of families of prisoners who visited their imprisoned relatives on Monday 21 April, and corroborated by two medical doctors imprisoned in Ward 350 who were able to examine most of the prisoners and confirm their injuries:

1. **Semko Khelghati:** Broken hand; his shirt and clothes were torn off and he was hit on his bare back, neck and shoulder blades.
2. **Soheil Babadi:** Was hit with batons and got bruises on his neck, arms and shoulder blades.
3. **Soroush Sabet:** Was hit with batons and suffered a head injury.
4. **Saeed Matinpour:** Was hit with batons and subsequently lost consciousness for a considerable length of time. He is still in solitary confinement and his condition is not known.
5. **Esmail Barzegari:** Two ribs broken and was urinating blood.
6. **Omid Behroozi:** Suffered a ruptured artery in his wrist from being cut with a sharp object (possibly glass) which required stitches.
7. **Yashar Darulshafa:** Back injury; bruises and swelling.
8. **Kamyar Sabeti-San'at:** Suffered sharp chest pain during the attack indicating a possible problem with his heart. He was given heart medication which reportedly relieved his pain.
9. **Akbar Amini Armaki:** Suffered a cut above his right ear, swelling at the back of his head, dizziness, vomiting and blurred eyesight, and a severe head and neck injury. He now has reduced hearing in his right ear.
10. **Alireza Rajaei:** Contusion on his right wrist; bruise and contusion on his back, on his left and right shoulder blades.
11. **Amin Chalaki:** Contusion and bruising on his left elbow.
12. **Massoud Arab-Choubdar:** Contusion on right shoulder blade and upper right arm; swelling at the joint of right shoulder blade.
13. **Farshid Fat'hi:** Contusion and swelling of toe on left foot. It was established that his toe was broken and he was sent to Taleghani Hospital on 20 April. He may need surgery later to repair the damage.
14. **Seyyed Hossein Ronaghi-Maleki:** Contusion and minor swelling at the back of head; small cuts on fingers, back of left hand and right palm.
15. **Majid Mohammadi-Moein:** Left eye inflammation; contusion and slight bruising around left eye.
16. **Asghar Ghattan:** Contusion and minor swelling at the back of both feet.
17. **Emad Behavar:** Several contusions all over the body; bruises at the back and shoulder blades; minor cuts and contusion of both wrists.
18. **Peyman Kass-Nejad:** Contusion and swelling of the left wrist and minor cut at the front of right leg.
19. **Mohammad Sadiq Kaboudvand:** Suffered three broken ribs, kidney bleeding, two broken toes on left foot, bruised knee and arm, and swelling at the back of the head.
20. **Behzad Arab-Gol:** Head injury and severe nose injury (possibly broken)
21. **Saeed Haeri:** Severe bruises on his body.

The following prisoners were sent to solitary confinement on 17 April, and when they were returned to Ward 350 they were examined by the two medical doctors imprisoned there and found to have the following injuries:

- 22. Assadollah Hadi:** Healing wound on left leg, above the ankle; contusion and inflammation of scalp behind the right ear; healing bruise on right wrist;
- 23. Assadollah Assadi:** Expansive ecchymosis above the navel, contusion at the back around the right shoulder blade; limited movement of shoulder blade joint;
- 24. Amir Dourbin Ghaziani:** Healing bruise on right shoulder blade; healing bruise on right knee and limited movement of right knee joint;
- 25. Davar Hosseini Vojdan:** Bruise on left shoulder blade and limited movement of left shoulder blade;
- 26. Mostafa Abdi:** Healing injury on scalp with slight swelling;
- 27. Mostafa Rismanbaf:** Healing bruises on right wrist;
- 28. Yashar Darulshafa:** Healing bruise on right shoulder blade; healing wound and bruise on left leg;
- 29. Mehdi Khodaei:** Healing wound on right thumb; healing bruise and slight swelling and contusion on right shoulder blade;
- 30. Majid Assadi:** Healing bruise on left arm;
- 31. Houtan Dolati:** Healing bruise and contusion on right wrist
- 32. Mehrdad Ahankhah:** Head injury

Annex B: List of prisoners sent to solitary confinement on 17 April

The following non-exhaustive information has been compiled from letters written by some of the prisoners as well as statements of families of prisoners who visited their imprisoned relatives on Monday 21 April.

(The first 10 prisoners were returned to Ward 350 on 19 April)

1. **Abdolfattah Soltani** (human rights lawyer)
2. **Davar Hosseini Vojdan**
3. **Arash Hampay**
4. **Ali Asgari**
5. **Mostafa Rismanbaf**
6. **Mostafa Abdi**
7. **Amir Dourbin Ghaziani**
8. **Soheil Arabi**
9. **Assadollah Hadi**
10. **Assadollah Assadi**

The next 7 prisoners were returned to Ward 350 on 21 or 22 April:

11. **Houtan Dolati**
12. **Yashar Darulshafa**
13. **Majid Assadi**
14. **Mehdi Khodaei**
15. **Soroush Sabet**
16. **Amir Rezazadeh**
17. **Saeed Haeri**

The following two prisoners were returned to Ward 350 on the evening of 23 April:

18. **Mohammad Davari**
19. **Mehrdad Ahankhah**

The following prisoner reportedly spent 17 to 20 April in solitary confinement. After participating in a family visit at Evin Prison on 21 April, he has not returned to Ward 350:

20. **Mohammad Sadiq Kaboudvand** (president of the Human Rights Organisation of Kurdistan)

As of 24 April, the following 11 prisoners had still not returned to Ward 350:

21. **Mohammad-Amin Hadavi**
22. **Behzad Arab-Gol**
23. **Gholamreza Khosravi**
24. **Abolghassem Fouladvand**
25. **Reza Akbari-Monfared**
26. **Behnam Ebrahimzadeh**
27. **Saeed Matinpour**
28. **Soheil Babadi**
29. **Semko Khelghati**
30. **Reza Hamyari**
31. **Mohammad Shojaei**