



*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the Name of God, the Compassionate, the Merciful

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The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the latter's Communication No. AI/IRN 10/2020 dated 2 June 2020 has the honor to transmit, herewith, the comment of the Judiciary of the Islamic Republic of Iran regarding the measures taken by the Judiciary to mitigate the spread of novel coronavirus (COVID-19) epidemic in prisons, including by temporary release of a huge number of prisoners.

The Permanent Mission of the Islamic Republic of Iran avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 7 August 2020



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In the name of God, the Compassionate, the Merciful

**Comment by the
High Council for Human Rights
Of the Islamic Republic of Iran
Regarding**

**the Judiciary's directives and President's announcement for the temporary release of prisoners in
Iran to mitigate the outbreak of the Covid-19 virus in prisons**

Introduction:

In light of the significance of containing the spread of contagious diseases in prisons, the State Prisons and Security and Corrective Measures Organization (SPSCMO) has adopted well thought-out plans to that effect and had constant cooperation with relevant bodies, mainly the Ministry of Health, Treatment and Medical Training. Therefore, before the COVID-19 outbreak in Iran, and following World Health Organization (WHO) warnings, SPSCMO, in collaboration with the Ministry of Health, Treatment and Medical Training, adopted approaches to prevent the spread of this disease in prisons. SPSCMO adopted precautionary measures (including but not limited to granting furloughs, screening prisoners, disinfection, distribution of masks, gloves and hand sanitizers) and established management mechanisms in prisons across the country (including but not limited to setting up provincial ad hoc groups) to counter and control the spread of coronavirus. It is noted that in application of the policy for reducing prisoners' population and granting legal and statutory facilities to as many prisoners as possible, and pursuant to responsibility assigned thereto in favor of promoting justice and in light of religious teachings calling for the protection of human dignity, the Judiciary has undertaken special measures to protect prisoners' health and allay concerns of their families. A wide range of effective measures, in both legislative and executive domains, have been undertaken, as detailed hereunder:

1. Issuing directive on granting furloughs to qualified prisoners, as agreed upon and notified by the Chief of the Judiciary on 26 February 2020;
2. Drawing up directive on extending furloughs granted to prisoners until 29 April 2020, involving a total of 120,221 prisoners;

3. Drafting directive on granting amnesty to furloughed prisoners to cancel their remand in custody;
4. Following up on directive adopted by the Chief of the Judiciary on extending furloughs and making efforts for as many prisoners as possible to benefit from judicial facilities (parole, end-of-sentence furlough, amnesty, stay of punishment, alternative enforcement of judgments, alternative punishments to imprisonment), under which 16,186 prisoners were released due to end-of-sentence furlough and 12,444 others were granted amnesty;
5. Following up on the circumstances of prisoners subject to commutation or transformation of sentence through decrees or by provincial ad hoc committees in application of the directive notified by the Chief of the Judiciary, under which 7,370 prisoners were released;
6. Suspending all assembly-oriented activities in prisons across the country;
7. Offering necessary self-care/self-protection teachings to prisoners and prison guards;
8. Suspending unnecessary transfer of prisoners to judicial authorities; and,
9. Introducing round-the-clock shifts for depositing bail and granting furlough as well as separating prisoners with underlying diseases.

It is hereby noted that in light of the renewed spread of coronavirus at the national level and in protection of possible hazards, the State Prisons and Security and Corrective Measures Organization, whilst exercising control and strictly implementing tough hygienic and healthcare principles, is considering granting auxiliary facilities to prisons anew by virtue of directives referred to herein.

Details on the issues referred to in the letter

The allegations set forth in the joint correspondence by Rapporteurs on discrimination against some prisoners are devoid of any standing. The Islamic Republic of Iran is the only country that granted furlough to the prisoners on the first day of the COVID-19 outbreak in an initiative triggered by Directive from the Chief of the Judiciary.

Well mindful of the fact that the consequences of such disease would jeopardise many lives in prisons, the Judiciary set a precedent by proceeding with its initiative never seen before, as a result of which, more than 130,000 prisoners – including but not limited to so-called prisoners of conscience,

prisoners with security-related charges, human rights advocates, lawyers, foreign nationals and dual nationals – were released from prison after establishment of conditions provided for in the law as well as in directives instructed by the Chief of the Judiciary.

In the following are spelled out only some instances of efforts made by the Islamic Republic of Iran in countering the spread of the coronavirus in prisons:

A. Judicial Measures

In light of directives instructed by the Chief of the Judiciary on granting furlough to prisoners and extending furloughs, a total 110,591 prisoners have hitherto been granted leave of absence with extension of furlough and 20,124 prisoners have thus far been released due to having served out most of their term. Furthermore, following up on the circumstances of prisoners benefiting from extenuating circumstances, special task forces were set up in each province, leading to the release of 7,370 prisoners. Such penal depopulation has been aimed at preventing the spread of COVID-19.

Meantime, in light of expert advice from the Ministry of Health, Treatment and Medical Education, for the purpose of more effectively countering COVID-19 and given the necessity of respecting health protocols to ensure the health of prisoners and healthcare professionals and workers at the State Prisons, Security and Corrective Organisation, thenceforth 8 July 2020, qualified prisoners are granted one-time furlough. The requirements for such qualification are as follows: a) prisoners sentenced to imprisonment; b) prisoners serving time in prison or on furlough due to inability to pay pecuniary fine, perform restitution, pay blood money compensation and other financial charges including but not limited to:

- All prisoners qualified for furlough but held in prison, or those who are on furlough and have not committed any wrongdoing; they can put up bail for furlough;
- All prisoners with underlying and high-risk diseases;
- All age-old prisoners (men equal to or above 70 and women equal to or above 60); and,
- Pregnant women or women with under-2 child.

Furthermore, all prisoners who are held in jail or on furlough due to financial incapacity (blood money, marriage portion, restitution and other financial charges) shall be qualified after putting up appropriate bail. Exceptions to this rule are: prisoners convicted of armed robbery, prisoners convicted of harassment, convicted robbers sentenced to more than five years in prison and prisoners convicted of more than one count of robbery, espionage, action against national security, whose sentences exceed five years in prison, abduction in case of claimant's refusal to pardon, acid attack and similar violence crimes including but not limited to intentional injury by knife attack, attempt to murder, smuggling or transacting more than two arms, swindling convicts with multiple plaintiffs, as well as prisoners convicted of lex talionis, capital punishment and huddud (fixed punishments). Meantime, the exceptions numerated herein, except for those convicted of the death penalty, lex talionis and huddud, can benefit from furlough in case of suffering from a special and acute disease as well as pregnant or breastfeeding women, and the elderly (men aged equal or more than 70 and women aged equal or more than 60), subject to producing documents to relevant authorities. Therefore, without any discrimination, each and

every person qualified within the scope of the aforementioned conditions shall benefit from the privileges of Judiciary directives.

In response to question on the availability of mechanisms to verify requests and supervise the proper enforcement of directives, it is hereby noted that prosecutors and magistrates stationed in prisons are tasked with verifying requests filed for furlough of extension thereof. In case of any objection, the case shall be reviewed. Meanwhile, prosecutors across the country are tasked with executing Judiciary directives and the Attorney General shall be charged with ensuring the proper enforcement thereof. Furthermore, local judicial committees comprising a prosecutor, an assistant prosecutor and the prison chief of that locality, shall facilitate and expedite treatment of requests.

With regard to criteria and conditions for benefiting from the Supreme Leader's amnesty, it is hereby noted that amnesty or commutation of sentences is subject to Bylaw enacted on 2 December 2008 and amendments thereof on 24 June 2009, on fifteen occasions stipulated in Article 23 of the aforementioned Bylaw, and the issue of COVID-19 does not lie within that category; however, under directives issued by the Chief of the Judiciary, furloughs have been and shall be granted.

b. Preventive Healthcare and Hygiene Measures

In parallel with granting furlough to qualified prisoners, the State Prisons, Security and Corrective Organisation, in collaboration with Ministry of Health, Treatment and Medical Education, and other relevant bodies, has taken effective measures in preventing and treating diseases as well as protecting the health and hygiene of prisoners. Against the current backdrop of COVID-19, the State Prisons, Security and Corrective Organisation is doing its utmost to minimize damage from the pandemic.

Ever since COVID-19 emerged in China, the State Prisons, Security and Corrective Organisation adopted measures in prisons by repurposing spaces, constantly disinfecting cells, training prisoners and staff, respecting social distancing and drawing up protocols for prisoners in collaboration with the Ministry of Health, Treatment and Medical Education with a view to controlling the COVID-19 pandemic. Despite the existence of a high percentage of high-risk prisoners and those with underlying diseases, five months after the emergence of disease in Iran, the number of affected prisoners is low and under control. To that effect, the "screening, diagnosis, care and treatment of COVID-19 in prison" protocol has been communicated to all prisons and universities of medical sciences under the aegis of collaboration between the State Prisons, Security and Corrective Organisation and the Ministry of Health, Treatment and Medical Education.

To that effect, from 23 February 2020 to 12 June 2020, more than 1.3 million medical checkups were carried out by prison doctors to show a limited number of COVID-19 infection in prisons. In order to prevent the spread of COVID-19, preventive and treatment measures have been undertaken, including preparation of emergency conditions, patient detection and isolation, COVID-19 test for all new arrivals, preparing three separate places under the tiles of quarantine, isolation and convalescence, drug, equipment and disinfectant supply, field presence of health professionals in prison, production of mask and necessary protective equipment, spraying and disinfecting sections and all places of residence of prisoners within the framework of health protocols adopted by National Coronavirus Taskforce, training prisoners on care and prevention, and distributing COVID-19 guidance in prisons across the country.

Notwithstanding the present circumstances of the COVID-19 pandemic, the following measures are regularly and constantly underway to prevent and treat diseases and ensure the health and hygiene conditions in prisons and penal institutes:

- Supply and distribution of health packages at various time periods, including during entry, pursuant to shares set forth by the State Prisons, Security and Corrective Organisation in all prisons and penal institutes as well as use of resources and facilities, obtaining health equipment and materials from the offices of vice chancellors of universities of medical science as well as pharmaceutical firms and hygiene materials production centres;
- Creating and equipping a quarantine section to detect diseases of new arrivals, high-risk and infectious diseases like HIV/AIDS, sexually transmittable diseases, hepatitis, drug addiction, active patient detection and screening mental health;
- Setting up health bases with the participation of offices of vice chancellors of universities of medical sciences to offer health services;
- Medical exams during stay, daily checkups, seasonal disease checkups, contagious and non-contagious disease visits, epidemics control (general medicine, specialised medicine, dental medicine, psychiatry, gynecology and infectious diseases medicine);
- Supply and distribution of all drugs for contagious and non-contagious chronic diseases, antibiotics, drugs for heart failure, blood pressure, neurosurgery, psychiatry, diabetes, etc. gratuitously;
- Hospitalisation of patients outside prison if need be;
- Identifying prisoners with untreatable diseases and introducing them to Coroner's Office to receive medical advice for alternatives to imprisonment;
- Holding health course for new arrivals and periodic education for prisoners through distributing pamphlets on individual and public health, high-risk diseases, drug addiction treatment, occupational health, etc.;
- Training voluntary prisoners by the Ministry of Health, Treatment and Medical Education to upgrade the safety of prisons;
- Developing new methods for disposal of prison wastes in order to prevent microbial and viral contamination in prisons and protective water resources and the environment;
- Development and equipment of sections and wards with industrial vacuum cleaners;
- Development and equipment of mechanised washing rooms in prisons to upgrade individual and public health; and,

- Equipment and conversion of traditional kitchens to industrial kitchens.

The small number of deaths in prisons indicates the positive and effective measures, including but not limited to active patient detection at arrival, disease prevention and treatment of patients infected with viral and bacterial contagious diseases, proper management of dispatch of prisoners with emergency and non-emergency acute conditions, expansion of interaction and further coordination with provincial universities of medical sciences, hiring specialised and committed manpower and, finally, timely and high-quality education of prison staff.