

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment**

REFERENCE: AL
IRN 14/2015:

20 August 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 28/21 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the application of corporal punishments against individuals including Mr. **Hamid**, Mr. **Kamran Jamalzadeh**, Mr. **Hamed**, Mr. **Rahman K.** and **a number of unidentified prisoners**.

According to information received:

On 3 March 2015, an unidentified man was reportedly blinded in his left eye in Rajai-Shahr prison in the city of Karaj, after having been found guilty of throwing acid in the face of an unnamed victim five years earlier in the city of Qom. He was sentenced to Qisas (retribution in kind), by being blinded, diya payment (blood money) and 10 year imprisonment. On the same day, another alleged acid attacker, identified as Mr Hamid, was due to be blinded, but his punishment was delayed by the victim, Mr Davoud Roushanaei. The inmate was reportedly sentenced to be blinded in one eye and to have an ear cut off.

On 18 May 2015, Mr Kamran Jamalzadeh known as Kamran Adamkhowar was flogged in public in one of the main streets of the city of Karaj. The sentence was executed in the presence of the Karaj General and Revolutionary Prosecutor General, the Chief of Police and the public. Mr. Jamalzadeh was reportedly arrested by Albaz Provincial Police and convicted to one year in prison and 74 lashes for disturbing public order and mischief.

On 28 June 2015, two unidentified men reportedly had their fingers amputated without general anesthetic in the Central Prison of Mashhad, in the Northeastern Khorasan Province. One of the men, 26 years old, was sentenced by Branch 136

of the General Criminal Court in Mashhad. Both of them were convicted of burglary and theft and sentenced to amputation of four fingers of the right hand.

On 1 August 2015, a 27-year-old man, identified as Mr Hamed, was sentenced to be blinded under the “Qisas” principles (retribution in kind). He was convicted of having caused an eye injury to another man in a street fight.

On 3 August 2015, an inmate identified as Mr Rahman K., held in Mashhad central prison (Northeastern Iran), reportedly had his right hand and left foot amputated after having been convicted of “Moharebeh” (waging war against God) for armed robbery. His associate in the robbery, identified as Mr Mehdi R. was also sentenced to the same punishment, which was carried out on 11 August 2015. Both individuals were reportedly arrested on 9 February 2014 and tried in the Revolutionary Court in Mashhad.

Grave concern is expressed at the public flogging, amputation and blinding of Mr. Hamid, Mr. Kamran Jamalzadeh, Mr. Hamed, Mr. Rahman K., Mr Mehdi R. and the unidentified other individuals. Corporal punishment clearly amount to cruel, inhuman and or degrading punishment and even torture, as stated in paragraph 7a of the Human Rights Council Resolution 8/8 and in paragraph 28 of the 2005 report of the former Special Rapporteur against torture to the General Assembly (A/60/316), and confirmed by the current Special Rapporteur in his report of 2012 (A/67/279).

Further concerns are expressed that the Islamic Penal Code recognizes corporal punishment including limb amputations and flogging for a wide range of offenses. Limb amputation is employed as a punishment for theft, and flogging for consumption of alcohol, theft, adultery or public moral offenses. Qisas (retribution in kind) might encompass for crimes against the body or crimes against the person. Under Islamic Penal Code, a person who has suffered from intentionally caused injuries resulting in amputation of body organ, infliction of wounds and blinding is entitled to seek retaliation. In Resolution A/62/168, the United Nations General Assembly expressed deep concern with “confirmed instances of torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations” in the Islamic Republic of Iran.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

It is our responsibility the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the cases under consideration:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

2. Please provide information concerning the punishment of Mr. Hamid, Mr. Kamran Jamalzadeh, Mr. Hamed, Mr. Rahman K. and of the unidentified individuals, including the flogging, blinding and amputation, and indicate how these measures comply with the norms and standards developed under international law, in particular with the absolute prohibition of torture and other ill-treatment under ICCPR.

3. Please indicate which measures your Excellency's Government has adopted to respect and protect human rights in Iran, including the prohibition of torture and other ill-treatment, in compliance with international human rights norms and standards.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to article 7 of the International Covenant on Civil and Political Rights (ICCPR), which Iran acceded to on 24 June 1975, which states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. This absolute and non-derogable prohibition has been reiterated in paragraph 1 of Human Rights Council Resolution 16/23.

Moreover, the Human Rights Committee has called for the abolition of judicial corporal punishment. In paragraph 5 of General Comment No. 20 (1992), the Human Rights Committee stated that the prohibition of torture and ill-treatment must extend to corporal punishment, including excessive chastisement ordered as punishment for a crime of as an educative or disciplinary measure.

Furthermore, we would like to draw the attention of your Excellency’s Government to paragraph 7a of Resolution 8/8 of the Human Rights Council reminded Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture. We would also like to draw your Government’s attention to report of the UN Special Rapporteur on Torture to the 60th session of the General Assembly (2005), in which he, with reference to the jurisprudence of UN treaty bodies, concluded that any form of corporal punishment is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The Rapporteur also noted that States cannot invoke provisions of domestic law to justify violations of their human rights obligations under international law, including the prohibition of corporal punishment and called upon States to abolish all forms of judicial and administrative corporal punishment without delay (para.28, A/60/316, 2005). This position has been reaffirmed in the 2012 report to the General Assembly of the current Special Rapporteur against torture (para. 28, A/67/279, 2012).