

# AMNESTY INTERNATIONAL

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### **Iran: Death of trade unionist must trigger action to tackle appalling prison conditions**

The announcement of an investigation into the death in custody this month of trade unionist and prisoner of conscience **Shahrokh Zamani** is welcome, but it must be carried out impartially and independently. It should also trigger action by the Iranian authorities to tackle the deplorable prison conditions in Iran, as well as the practice of denying prisoners access to medical care, a pattern which Amnesty International has documented.

Amnesty International notes statements made on 20 September 2015 by Gholam-Hossein Mohseni-Eje'i, spokesperson for the Judiciary, that an investigation is underway into Shahrokh Zamani's death, but urges the authorities to ensure that it is conducted in a prompt, impartial, independent and effective manner. Shahrokh Zamani was serving an 11-year prison sentence for his peaceful trade union activities in Raja'i Shahr Prison, Karaj, north-west of Tehran, when he died. An investigation into his death must include an assessment of the extent to which poor prison conditions and a lack of adequate access to medical care contributed to his death.

More broadly, Amnesty International calls on the Iranian authorities to urgently address the inhumane detention conditions prevalent in many of Iran's prisons, which contribute to medical conditions developing in prisoners or exacerbate pre-existing ones. The authorities must also ensure that all those in detention have access to adequate medical treatment in line with international human rights standards and ensure that those needing specialized treatment are granted medical leave.

#### **Death in custody of Shahrokh Zamani**

On 13 September 2015, the day on which Shahrokh Zamani's body was discovered by his cellmates, a brief examination by officials in the prison's medical centre concluded that he had died of a stroke. Shahrokh Zamani's family requested an autopsy, which took place prior to a funeral service held on 14 September in the city of Tabriz, north-west Iran. The findings of the Medical Examiner following the autopsy are expected within approximately one month. Amnesty International understands that Shahrokh Zamani was in overall good health prior to his death, though since late September 2014 he had been waiting to receive a magnetic resonance imaging (MRI) scan following episodes of short dizzy spells and headaches.

Shahrokh Zamani, a 51-year-old painter and decorator, was arrested on 8 June 2011 in Tabriz and spent 32 days on hunger strike in protest at his arrest. In August 2011, he was sentenced to imprisonment on charges that included "acting against national security by establishing or being a member of groups opposed to the system" and "spreading propaganda against the system" for his peaceful trade union activities. He was released on bail in October 2011 but began serving his sentence in Tabriz on 14 January 2012. He was transferred to Raja'i Shahr Prison on 13 October 2012. Since he began serving his sentence, Shahrokh Zamani had not been granted prison leave.

In March 2014, Shahrokh Zamani undertook a second hunger strike in solidarity with other prisoners and to protest against the poor conditions at Raja'i Shahr Prison.

The political prisoner ward of Raja'i Shahr Prison is the only section of the prison without telephone privileges. Some of the prisoners there use contraband mobiles to contact their families, particularly those whose families live too far away to visit regularly. Amnesty International has received reports that prison authorities installed signal-jamming devices to prevent the use of mobiles. Many prisoners, including Shahrokh Zamani, reported that they suffered from nausea and headaches when the

jamming devices were activated.

### **Appalling prison conditions and lack of medical care for prisoners**

Shahrokh Zamani's death in prison shines a light on the appalling detention conditions and lack of medical care given to prisoners in a criminal justice system that also imprisons individuals for the peaceful exercise of their rights. Many prisons, including Raja'i Shahr Prison, are severely overcrowded and have inadequate food and poor sanitation, all of which may cumulatively exacerbate prisoners' pre-existing medical problems or contribute to new health problems. Furthermore, Amnesty International's research shows that detainees are sometimes denied access to adequate medical care, including access to specialized care.

For example, Section Three of Tabriz Central Prison houses between 700 to 800 people, including drug users, and convicted rapists and murderers in three poorly ventilated, bug-infested rooms and with only 10 toilets between them; some prisoners sleep on the floor. Amnesty International has also received numerous reports about severe overcrowding, extreme temperatures, unsanitary facilities and inedible food in other provincial prisons, including Kermanshah's Dizel Abad Prison, Shiraz's Adel Abad Prison and Mashhad's Vakilabad Prison.

Amnesty International has documented a number of cases where sick prisoners have been denied adequate medical care, including medication, and have been refused medical leave, to which they are entitled under Iranian prison regulations.

Cartoonist and activist **Atena Farghadani**, sentenced to 12 years and nine months in prison for her artwork and association with families of those killed in the crackdown following the 2009 presidential elections, has a pre-existing lymphatic condition, which the conditions of prison have exacerbated. She requires constant medical check-ups. Atena Farghadani's mother has said that when she is taken to these examinations, prison guards verbally abuse her daughter and that the ordeal of such trips has placed her daughter under a great deal of psychological pressure. In February 2015, Atena Farghadani went on a hunger strike to protest her transfer from Evin Prison in Tehran to Gharchak Prison, Varamin, south of Tehran. Gharchak Prison has no special section for political prisoners, who are housed with violent offenders in the same prison ward. The conditions of Gharchak Prison are also poor: its facilities are unhygienic and there is insufficient heating in the winter months. Atena Farghadani's lawyer has stated that she suffered a heart attack while on hunger strike.

Retired university professor **Hossein Rafiee**, jailed for his writings, said from prison earlier this year that the cells in Section 8 of Evin Prison were infested with beetles and other insects, and that he slept on the floor of his cell, which housed 28 prisoners in an area of around 20 square metres, but contained only 18 beds. Hossein Rafiee has also said that Section 8 has only five toilets and showers for over 200 prisoners.

Cleric **Sayed Hossein Kazemeyni Boroujerdi**, a 57-year-old serving an 11-year prison sentence on charges related to him advocating the separation of religion and state, suffers from a number of illnesses, including diabetes, asthma, Parkinson's disease, kidney and heart problems, as well as severe pain in his legs and waist. He has not been provided with the medical treatment he requires, even though prison doctors said in February 2014 that he needed to be hospitalized outside of prison. In August 2015, he said: "I have experienced all kinds of torment to the point that I have lost all of my health... my legs are becoming paralysed, my eyes are becoming blind, my lungs are in danger of failing, my heart is on a path to a heart attack."

Anti-death penalty activist **Atena Daemi**, sentenced to 14 years in prison for her peaceful human rights activities, has had a number of health problems since her arrest in October 2014. In August 2015, she suffered from fatigue and headaches. After weeks of delays in which she was not provided with medical care, she was taken on 14 September 2015 to a hospital outside of Evin Prison for diagnostic testing, the results of which determined she suffers from stress and anxiety.

Human rights defender **Narges Mohammadi**, serving a six-year prison sentence for "gathering and

colluding to commit crimes against national security” and “spreading propaganda against the system”, was taken from Evin Prison to hospital on 1 August 2015 after she suffered partial paralysis for eight hours that day. Doctors at the hospital advised her that she needed to be examined by a specialist in order to be treated. Despite this medical recommendation, she was returned to prison the next day without receiving specialized care. Narges Mohammadi’s husband, Taghi Rahmani, told Amnesty International that neurologists have recommended she be hospitalized for treatment, but the authorities have refused to provide the authorization required for this.

Blogger **Mohammad Reza Pourshajari**, serving a one-year imprisonment sentence on the charge of “spreading propaganda against the system”, suffers from diabetes, prostate ailments, and sciatic and lumbar pains. In an open letter that was posted online in September 2015, he wrote that the prison conditions and the torture and psychological pressure, which he has endured while in prison have contributed to him developing several medical conditions. In 2012, he suffered a heart attack while serving a previous prison sentence. The authorities refused to comply with a doctor’s recommendation that he be given medical leave for treatment outside of prison and, instead, forced him to complete the term of his sentence in prison.

**Afshin Sohrabzadeh**, a member of Iran’s Kurdish minority, has terminal intestinal cancer and suffers from internal bleeding as a result. On 24 August 2015, he was transferred from Minab Prison, southern Iran, to Evin Prison ostensibly to receive medical treatment for his cancer. However, he was returned back to Minab Prison on 26 August without receiving any medical care. At least one doctor has recommended that he be granted medical leave, as the conditions of prison exacerbate his pain and suffering. He is serving a 25-year prison sentence in Minab Prison after he was convicted of “enmity against God” (*moharebeh*) for his alleged membership in Komaleh, a Kurdish political party affiliated with the Communist Party.

### **Background**

Ahmed Shaheed, the United Nations Special Rapporteur on the human rights situation in Iran, has expressed concern about reports of insufficient or non-existent access to medical services for prisoners. In his March 2015 report, the Special Rapporteur stated that a number of prisoners were reportedly at risk of dying in prison due to inadequate medical attention. According to the Special Rapporteur, many prisoners are deprived of their right to receive proper medical treatment in medical clinics and hospitals outside prison despite urgently needing medical care.<sup>1</sup>

Whether done with intent or by neglect, failing to provide adequate medical care to prisoners is a breach of Iran’s international human rights obligations. The denial of medical treatment may amount to a violation of the absolute prohibition of torture and other ill-treatment, including under Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. Article 12 of the International Covenant on Economic, Social and Cultural Rights, to which Iran is also a state party, specifically recognizes the right of all persons to the highest attainable standard of physical and mental health. The UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) also state that prisons must provide adequate medical care to prisoners without discrimination (Rules 24-35). Rule 27(1) of the Mandela Rules provides that “Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.”

Iran’s own prison regulations are also routinely flouted by prison and judicial officials. The regulations governing the administration of Iranian prisons stipulate that a prisoner suffering from a serious medical condition that cannot be treated inside prison, or whose condition will worsen if they stay in prison, should be granted medical leave in order to receive treatment.

Article 13 of the Mandela Rules also states that “all accommodation provided for use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly cubic content of air, minimum floor space, lighting, heating and

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<sup>1</sup> United Nations Human Rights Council, 28<sup>th</sup> Session, *Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*, UN Doc. A/HRC/28/70, 12 March 2015.

ventilation.” Serious overcrowding, unsanitary environment and absence of sleeping facilities, when combined with the length of the period during which a prisoner is held in such conditions, can amount to cruel, inhuman and degrading treatment, contrary to Article 7 of the ICCPR.

Principle 34 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment requires that “Whenever the death or disappearance of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death or disappearance shall be held by a judicial or other authority, either on its own motion or at the instance of a member of the family of such a person or any person who has knowledge of the case... The findings of such inquiry or a report thereon shall be made available upon request, unless doing so would jeopardize an ongoing criminal investigation”. The Human Rights Committee has similarly stated that under the ICCPR, states have the obligation to investigate suspected cases of torture or other ill-treatment, prosecute and punish perpetrators and provide reparations to victims and survivors.<sup>2</sup>

Public Document

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<sup>2</sup> Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), UN Doc. HRI/GEN/1/Rev.1 at 30, paras 13-15.