

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Iran: Authorities order guillotine machine to amputate prisoners' fingers days after flogging a labour rights activist

The Iranian authorities are gearing up their machinery of torture to yet again deliberately mutilate and traumatize people through unspeakably cruel judicial corporal punishments, Amnesty International warned today after it received information about the prosecution authorities in Urumieh, West Azerbaijan province, preparing to bring a guillotine machine used to amputate fingers to Urumieh prison. Up to six men convicted of robbery and held in the prison are at imminent risk of having their fingers amputated, just days after the prosecution authorities in Tehran flogged a labour rights activist 74 times for staging a peaceful solo protest criticizing the minister of labour.

According to information obtained by Amnesty International, on 25 November 2020, prisoners in Urumieh prison learned that the office of the prosecutor in Urumieh and prison officials are preparing to carry out the amputation sentences of up to six men held in the prison. They are **Hadi Rostami, Mehdi Sharfian, Mehdi Shahivand, Kasra Karami**, and two brothers, **Shahab Teimouri Ayeneh** and **Mehrdad Teimouri Ayeneh**. All six were sentenced, following grossly unfair trials, to “have four fingers on their right hands completely cut off so that only the palm of their hands and their thumbs are left”, as per the punishment stipulated for certain types of robbery under Article 278 of Iran’s Islamic Penal Code. The men were all denied access to their lawyers during the investigation phase and courts relied on torture-tainted “confessions” to secure convictions, even when defendants retracted them during their trials. The sentences of all six have been upheld by the Supreme Court and referred to the Centre for the Implementation of Sentences, which means that they could be carried out at any moment.

On 23 November 2020, prosecution authorities flogged **Davoud Rafiee**, a worker and labour rights activist who had been dismissed from the car manufacturing company where he worked, 74 times on his back in the presence of the head of the office of the prosecutor for District 10 of Tehran. He had been sentenced in June 2018 to 74 lashes for “insulting” the minister of labour, solely in connection with a peaceful solo protest that he had staged in front of the Ministry of Cooperatives, Labour and Social Welfare on 5 March 2018 against rampant unemployment, widespread corruption, poor wages, and unjust working conditions.

Amnesty International renews its calls on the Iranian authorities to immediately quash the amputation sentences of Hadi Rostami, Mehdi Sharfian, Mehdi Shahivand, Kasra Karami, Shahab Teimouri Ayeneh, and Mehrdad Teimouri Ayeneh. The authorities must abolish, in law and practice, all forms of corporal punishment, including flogging, amputation and blinding, which constitute the crime of torture under international law, and grant Davoud Rafiee and all other victims of such torture effective remedies, including restitution, compensation, rehabilitation and guarantees of non-repetition. In the case of Davoud Rafiee, this must include the quashing of his conviction and the clearing of his criminal record, as he was solely targeted for the peaceful exercise of his right to freedom of expression and peaceful assembly.

Amnesty International was able to obtain and review the court verdicts of all the individuals whose cases are documented in this statement; for a number of the victims concerned, it was also able to speak to sources with primary information, but has withheld their identities for security reasons.

According to the [Abdorrahman Boroumand Center](#), a US-based human rights organization working on Iran, over the past two decades (from January 2000 to November 2020), the Iranian authorities have amputated the fingers of at least 129 individuals and flogged at least 2,134 individuals, including at least 17 children. This means that, on average, the authorities have amputated the fingers of at least one person every two months and flogged at least two people every week.

As the number of victims subjected to judicially sanctioned torture continues to grow steadily in the country,¹ Amnesty International urges the international community, including the EU and its members states and UN human rights bodies, to urgently intervene, both publicly and through diplomatic channels, to stop the Iranian authorities from amputating the fingers of the six men and to condemn, in the strongest terms, the ongoing use of corporal punishments by the Iranian authorities.

Given the prevailing climate of impunity in Iran for crimes under international law and other serious human rights violations, it is also time for the international community to stress and support the need for accountability, including through exercising universal jurisdiction and seeking to criminally investigate and prosecute the judicial, prosecution and prison officials responsible for ordering and carrying out such acts of torture.

DAVOUD RAFIEE

According to information received from an informed source, labour rights activist Davoud Rafiee, aged 45, was arrested by the police on 5 March 2018 while he stood alone in peaceful protest in front of the building of the Ministry of Cooperatives, Labour and Social Welfare. Davoud Rafiee was subjected to beatings at the time of his arrest. Amnesty International has learned that he held this protest on the birthday of his young daughter to express his outrage at the economic and political policies of the authorities that he believed have left him, like many others, unemployed and without the means to sustain his family or even purchase a present for his daughter's birthday.

Following his violent arrest, he was taken to a police station where he was held overnight and then transferred to the Greater Tehran Central Penitentiary, where he was held for five days and interrogated without access to a lawyer. He was then released on bail.



Labour rights activist Davoud Rafiee and his young daughter staging a peaceful protest in front of the Ministry of Cooperatives, Labour and Social Welfare in November 2017. The sign he is holding refers to the minister of labour, cooperatives and social welfare as "The Minister of Employers" and calls on him to "return my rights". The sign held by his daughter says, "Dad has got no bread. The incompetent minister of labour is the shame of the nation." © Private

¹ Amnesty International, "Iran: Authorities committing torture by cruelly amputating man's hand" (Press Release, 24 October 2019), <https://www.amnesty.org/en/latest/news/2019/10/iran-authorities-committing-torture-by-cruelly-amputating-mans-hand/>; Amnesty International, "Iran: Prisoner of conscience flogged 100 times for 'drinking alcohol and insulting Islam'" (Press Release, 1 August 2019), <https://www.amnesty.org/en/latest/news/2019/08/iran-prisoner-of-conscience-flogged-100-times-for-drinking-alcohol-and-insulting-islam/>; Amnesty International, "Two 17-year-old boys flogged and secretly executed in abhorrent violation of international law" (Press Release, 29 April 2019), <https://www.amnesty.org/en/latest/news/2019/04/iran-two-17-year-old-boys-flogged-and-secretly-executed-in-abhorrent-violation-of-international-law/>; Amnesty International, "Iran: Authorities amputate a man's hand in shocking act of cruelty" (Press Release, 18 January 2018), <https://www.amnesty.org/en/latest/news/2018/01/iran-authorities-amputate-a-mans-hand-in-shocking-act-of-cruelty/>; Amnesty International, "Iran: Young man flogged 80 times for drinking alcohol as a child" (Press Release, 11 July 2018), <https://www.amnesty.org/en/latest/news/2018/07/iran-young-man-flogged-80-times-for-drinking-alcohol-as-a-child/>; Amnesty International, "Wave of floggings, amputations and other vicious punishments" (Press Release, 18 January 2017), <https://www.amnesty.org/en/latest/news/2017/01/iran-wave-of-floggings-amputations-and-other-vicious-punishments/>; Amnesty International, "Man in Iran blinded in one eye in 'unspeakably cruel' retribution punishment" (Press Release, 5 March 2015), <https://www.amnesty.org.uk/press-releases/man-iran-blinded-one-eye-unspeakably-cruel-retribution-punishment/>; Amnesty International, "Iran amputates fingers of two men in shocking act of cruelty" (Index number: MDE 13/1998/2015).

Davoud Rafiee was later put on trial for “insulting a government official”, referring to Iran’s minister of labour, Ali Rabiee. The charge related to a sign held by Davoud Rafiee during the protest, which made a reference to the infamous slogan and chant of the Islamic Republic authorities since 1979, “Death to the US, Death to Israel”, and sarcastically included in-between the two main clauses a third clause stating “Death to the Minister of Labour”.

Davoud Rafiee stated in his pleadings to the prosecution authorities and written defense submission before the court that the phrases included in the sign were intended to convey deep disapproval and outrage and reject the authorities’ practice of attributing all social ills to foreign “enemies”. The prosecution authorities did not charge Davoud Rafiee with incitement for violence or other serious national security related charges, in recognition that in the context concerned, the phrases included in the sign were not to be taken literally as wishing actual physical harm on the minister, but they nevertheless concluded that they constituted the “offence” of “insulting a government official”.

On 8 July 2018, Branch 1170 of Criminal Court 2 in Tehran convicted and sentenced Davoud Rafiee to 74 lashes. According to information obtained by Amnesty International, the trial was confined to a single session that lasted only a few minutes and involved the judge simply ordering Davoud Rafiee to hand over his written defense submission.

Branch 39 of the Court of Appeal of Tehran province upheld the conviction and sentence on 17 April 2019.

The verdicts of the trial and appeal courts, which have been reviewed by Amnesty International, include no reasoning and simply consist, in each case, of one brief paragraph noting the charge of which Davoud Rafiee was convicted and the sentence that he received.

On 23 November 2020, Davoud Rafiee appeared at the office of the prosecutor for District 10 of Tehran after he learned that the prosecution authorities were threatening to confiscate the property of the individual who had posted bail on his behalf should he fail to present himself for the implementation of the sentence. There, the head of the office of the prosecutor for District 10 of Tehran and the judicial official overseeing the implementation of sentences in that district instructed for the lashings to be administered immediately. He was subsequently forced to lie on a bed and flogged 74 times on his back.

The flogging was carried out in the presence of the head of the office of the prosecutor for District 10 of Tehran and a second official who counted the lashes until they reached 74. Davoud Rafiee sustained visible injuries on his back as a result of the lashings, which prevented him from sleeping for several nights. At the time of writing, he continued to suffer from pain in his upper back and shoulders.

In addition to providing effective remedies to Davoud Rafiee for his torture, the authorities must quash his conviction and clear his criminal record as he was solely targeted for the peaceful exercise of his right to freedom of expression and peaceful assembly. Amnesty International is concerned that Davoud Rafiee’s conviction, which is noted on his criminal record, will continue to have a negative impact on his ability to secure employment.



Labour rights activist Davoud Rafiee with visible marks of torture on his back resulting from flogging. © Private

Under international law, including the International Covenant on Civil and Political Rights, to which Iran is a party, the scope of the right to freedom of expression embraces even expression that may be regarded as “deeply offensive”.² Restrictions on the right are permitted only if they are “provided by law”, relate either to respect of the rights or reputations of others or to the protection of “national security or of public order or of public health or morals”, and conform to the strict tests of necessity and proportionality.³

² UN Human Rights Committee (HRC), *General comment no. 34, Article 19, Freedoms of opinion and expression*, 12 September 2011, CCPR/C/GC/34, para 11.

³ UN Human Rights Committee (HRC), *General comment no. 34, Article 19, Freedoms of opinion and expression*, 12 September 2011, CCPR/C/GC/34, paras 21-22.

The UN Human Rights Committee has observed that “in circumstances of public debate concerning public figures in the political domain and public institutions, the value placed ... upon uninhibited expression is particularly high. Thus, the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.” The Committee adds that “all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition.”⁴

Over the past five years, Davoud Rafiee has been subjected to arbitrary arrest and detention multiple times in connection with his peaceful activism in defense of workers’ rights. These violations were generally accompanied by beatings at the time of arrest and denial of access to a lawyer during the periods of arbitrary detention, which ranged from several days to several weeks.

HADI ROSTAMI, MEHDI SHARFIAN, MEHDI SHAHIVAND

Hadi Rostami, aged 33, Mehdi Sharfian, aged 37, and Mehdi Shahivand, aged 42, were all sentenced on 19 November 2019 to having their fingers amputated, after Criminal Court 1 in West Azerbaijan province found them guilty of breaking into the houses of four individuals and robbing safes containing gold and cash. Their trial was grossly unfair and relied on “confessions” which the men have said were obtained under torture and other ill-treatment while they were detained, without access to their lawyers, in a detention centre run by the Investigation Unit of Iran’s Police (*agahi*).

Based on information obtained by Amnesty International, at least one of the men, Hadi Rostami, has repeatedly denied the charges brought against him and retracted his “confessions” in court, stating that he made them under torture. Both Criminal Court 1 in West Azerbaijan province and Branch 13 of the Supreme Court failed in their obligations to exclude the “confessions” as evidence and order investigations; the verdict of the Supreme Court, reviewed by Amnesty International, briefly mentioned in a few general words that Hadi Rostami had complained about torture, but did not provide any further analysis.

In a letter written to the head of the judiciary on 20 September 2020 and seen by Amnesty International, Hadi Rostami said that during the investigation phase, *agahi* interrogators punched, kicked and beat him with various instruments. He also said one of the interrogators demanded that he sign a blank piece of paper and that he did so only when he reached the point of physical and mental collapse. Prosecution authorities subsequently added, without his knowledge and consent, the details of his charges to the blank paper to make it appear as though he had accepted the charges.

Hadi Rostami ended his letter by saying that he and his family are poor and, since his arrest four years ago, his wife has been left with no means to care for their child, who has a permanent serious disability.

KASRA KARAMI

Kasra Karami, aged 40, was first convicted of multiple counts of robbery and sentenced to having his fingers amputated by Criminal Court 1 in West Azerbaijan province on 12 February 2017. According to information obtained by Amnesty International including court documents, Branch 27 of the Supreme Court initially quashed the sentence on grounds that the complainant had not sought the punishment of amputation and returned the case to the same court of first instance for further examination. Criminal Court 1 in West Azerbaijan province reinstated its sentence on 23 September 2017 and, this time, Branch 27 of the Supreme Court upheld it on 10 December 2017. A subsequent request for judicial review was rejected by the Supreme Court.

Kasra Karami has said that, following his arrest on 12 October 2015, he was denied access to a lawyer and tortured in a detention center in Urumieh run by *agahi* to give a “confession” that was later unlawfully used as evidence against him in court.

SHAHAB TEIMOURI AYENEH AND MEHRDAD TEIMOURI AYENEH

Shahab Teimouri Ayeneh, aged 35, and his brother Mehrdad Teimouri Ayeneh, aged 30, were convicted of one count of robbery and sentenced to having their fingers amputated by Branch 1 of Criminal Court 1 in West Azerbaijan province on 4 August 2019. Branch 24 of the Supreme Court upheld their convictions and sentences on 18 April 2020.

The criminal investigation and court proceedings leading to the men’s conviction and sentencing were unfair. They were arrested on 6 December 2018 and taken to a detention center run by *agahi* and were denied access to a lawyer throughout their whole pre-trial detention. Amnesty International understands that they were subjected to torture and

⁴ UN Human Rights Committee (HRC), *General comment no. 34, Article 19, Freedoms of opinion and expression*, 12 September 2011, CCPR/C/GC/34, para. 38.

other ill-treatment by *agahi* officials to give “confessions” that were later unlawfully cited as evidence against them in court.

CORPORAL PUNISHMENTS UNDER INTERNATIONAL LAW

Cruel and inhuman corporal punishments such as flogging and amputation are a shocking assault on human dignity and constitute torture, which is prohibited under both customary international law and Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

Under international law, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as punishing them for an act that they have committed or are suspected of having committed, or intimidating them or a third person, or for any reason based on discrimination of any kind.

The UN General Assembly has consistently condemned torture and other ill-treatment and has called on states to investigate and prosecute them. In 1975, it adopted a Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, setting out the obligations of all states to investigate allegations of torture and prosecute those responsible, as well as provide redress to victims.⁵

Article 10 of the ICCPR also states that all persons deprived of their liberty must be treated “with humanity and with respect for the inherent dignity of the human person”.

HARROWING TRACK RECORD

According to the [Abdorrahman Boroumand Centre](#), over the past two decades from 1 January 2000 to 1 November 2020, the Iranian authorities sentenced at least 264 men to amputation and amputated the fingers of at least 129 men. Abdorrahman Boroumand Center has recorded that during the same time period, the authorities also sentenced at least 6,656 individuals, including 4635 men, 372 women and 77 children (56 boys and 21 girls) to flogging,⁶ and flogged at least 2,134 individuals, including 1236 men, 53 women, 17 children (10 boys and 7 girls).⁷ The real number of victims subjected to such acts of judicial torture is likely to be higher as many cases are believed to go unreported.

Under Iranian law, more than 100 “offences” are punishable by flogging. These cover a wide array of acts, ranging from theft, assault, vandalism, defamation and fraud to acts that should not be criminalized at all and are protected under international human rights law such as adultery, intimate relationships between unmarried men and women, “breach of public morals” and consensual same-sex sexual relations.

Many of those flogged in Iran are young people under the age of 35 who have been arrested for peaceful activities such as publicly eating during Ramadan, drinking alcohol, having relationships outside of marriage and attending mixed-gender parties.⁸ Such acts are protected under the rights to privacy, freedom of belief, religion, expression, association and peaceful assembly, and must never be criminalized.

⁵ UN General Assembly, *Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 9 December 1975, UN Doc. A/RES/30/3452, Article 1(1), www.ohchr.org/en/professionalinterest/pages/declarationtorture.aspx

⁶ For 1572 of the 6,656 recorded cases, Abdorrahman Boroumand Center was not able to identify the gender of those sentenced to flogging.

⁷ For 828 of the 2134 recorded cases, Abdorrahman Boroumand Center was not able to identify the gender of those flogged.

⁸ Amnesty International, “Wave of floggings, amputations and other vicious punishments” (Press Release, 18 January 2017), <https://www.amnesty.org/en/latest/news/2017/01/iran-wave-of-floggings-amputations-and-other-vicious-punishments/>; Amnesty International, “Iran: Young man flogged 80 times for drinking alcohol as a child” (Press Release, 11 July 2018), <https://www.amnesty.org/en/latest/news/2018/07/iran-young-man-flogged-80-times-for-drinking-alcohol-as-a-child/>; Amnesty International, “Iran: Prisoner of conscience flogged 100 times for ‘drinking alcohol and insulting Islam’” (Press Release, 1 August 2019), <https://www.amnesty.org/en/latest/news/2019/08/iran-prisoner-of-conscience-flogged-100-times-for-drinking-alcohol-and-insulting-islam/>

The victims of judicial amputations are overwhelmingly from poor, vulnerable backgrounds. The Iranian authorities have consistently defended amputation as the best way to deter theft, expressing regret that it cannot be practised in public and on a widespread basis without international condemnation.⁹

In October 2010, during a session at the UN Human Rights Council, Mohammad Javad Larijani, the then head of Iran's High Council for Human Rights, denied that corporal punishments such as amputation, flogging and stoning amount to torture and claimed that they are "culturally justified".¹⁰



A scene from a public amputation in Shiraz, Iran in January 2013 © Mehr News Agency

By deliberately maiming those convicted of theft, the Iranian authorities often leave them with fewer means to find work following release from prison, particularly in a society where people with physical disabilities face widespread discrimination, and deprive them of the opportunity to rehabilitate and rebuild their lives in dignity.

Survivors may also suffer from depression, isolation, stigma and ostracism, particularly when they live in small communities. One victim, Mohsen Sabzichi, who had four fingers on his right hand amputated by the authorities in a prison in Arak, Markazi province, on 17 May 2016, said in a [video testimony](#) obtained and published by Abdorrahman Boroumand Foundation and Amnesty International:

"With this disabled hand, I can't do anything. My life is very hard; it's hell... I can't do anything. My life has been ruined. I have been ruined. I can't even button my shirt, somebody has to help me. I can't do ordinary tasks. I can't pick up anything. I can't do anything. I don't go out. For the past 31 days, I haven't left the house because of what people say. We live in a small community and everybody makes snide remarks... I hide my hand. I put my right hand in my pocket, or I cover it with a bandage."

⁹ Iranian Students News Agency (ISNA), "Shiraz Prosecutor: The Judicial system in Fars is determined to carry out divine punishments", 11 December 2011, <https://bit.ly/2Jt8rol>; Young Journalist Club, "The reaction of the country's chief prosecutor to the creation of a hostile atmosphere by the enemies of the system around the implementation of divine punishments", 18 January 2019, <https://bit.ly/3g2CQ8T>; Gooya News, "The Representative of Iran's Supreme Leader in Hormozgan Province: Amputating the fingers of thieves makes the society safe", 21 May 2015, <https://news.gooya.com/politics/archives/2015/05/197350print.php>; Entekhab, "The protest of the Friday Prayer Leader of Bandar Abbas against not amputating the hands of thieves", 22 May 2015, <https://bit.ly/37qBm4t>

¹⁰ Amnesty International, "Iran amputates fingers of two men in shocking act of cruelty" (Index number: [MDE 13/1998/2015](#)).