

Some observations on the state of prisons in contemporary Iran

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Many of the numerous accounts over the past thirty years of the failure of the Iranian judiciary to observe due process and the principles of a fair trial, the use of torture and poor prison conditions, have focused on political prisoners and on violations in the Revolutionary Court system. The position in the ordinary criminal justice system only became a cause for concern in the outside world after the publication of a 2003 analysis by the UN Working Group on Arbitrary Detention which pointed to factors affecting the administration of justice as a whole and raised questions about the standard of justice in criminal trials in the ordinary as well as the revolutionary courts.¹ Some international reports on human rights conditions in Iran have, since then, noted 'the absence of procedural safeguards in criminal trials'. But the limited detail on this issue that has entered international arenas has come in large measure from sources inside Iran: lawyers, working members of the judiciary, social workers and imprisoned political activists who have observed the plight of ordinary prisoners at close quarters. In criminal as in political cases, Article 128 of the code of criminal procedure is often invoked to deny detainees legal representation until police and judicial investigations are completed and because of the emphasis on confession as a method of proof in the courts, defendants are susceptible to forced confessions extracted while in police custody.² For the most part serious violations are carried out with impunity. Ordinary prisoners also have to endure what must be among the most difficult prison conditions in the world, which is the subject of this paper.

Prison conditions

Since the 1979 Revolution, Iran's prison population has increased markedly. On the eve of Revolution in 1978 there were about 10,000 prisoners representing, by the international measure known as the 'incarceration' or 'prison population' rate, 25 per 100,000 of the population. Based on the Iranian Prisons Organisation's statistics, and according to the calculation of an Iranian sociologist, by the first decade of the 2000s the incarceration rate had increased nearly ten-fold too, on average, 230 per 100,000.³ It is currently 284, significantly above the world median of between 144 and 155.⁴ Iran, in other words, has an exceptionally high prison population and, as explained in what follows, a prison system that is among the most overcrowded in the world.

During the period since 1979 prisoner numbers have waxed and waned. Official statistics showed a notable reduction between 1999 (when there were 190,000 prisoners) and 2004 (when there were 134, 000). But the upward trend resumed from 2005 and by 2008 the prison population had reached 168,000. By March/April 2010 it was 184,000. From there numbers spiralled: to 204,000 in August 2010,⁵ 220, 000 in March 2011, and 'over 250,000' in October 2011.⁶ Although the Prisons Organisation's figures for the prison population includes temporary detainees, it is not clear how accurately they reflect actual levels of incarceration since, especially in the first half of the 2000s, members of the judiciary and the Prisons Organisation would make frequent reference to the large numbers of citizens who experienced prison each year if only, in many cases, briefly. In the early 2000s, official sources variously put the 'transient' prison population (those in temporary detention who are under investigation or await charges, or those sentenced to short terms in prison) at between 400,000 and 600,000 each year without making it clear what impact this group had on the overall figures for prisoners held at any one time.

¹ Civil and Political Rights, Including the Question of Torture and Detention: Report of the Working Group on Arbitrary Detention. Addendum: Visit to The Islamic Republic of Iran, 15-27 February 2003 (E/CN.4/2004/3/Add.2 27 June 2003)], see http://www.univie.ac.at/bimtor/dateien/iran_unwgd_2003_report.pdf

² Op. cit., the above report provides a list of certain major drawbacks in the law of criminal procedure. Article 128 being among the most important: CF, Para 18: 'During committal proceedings, counsel may be present, but may not speak until the end of the proceedings. In 'sensitive' cases, the judge has the discretionary authority to exclude counsel from the hearing for sentencing' (Code of Criminal Procedure, art. 128). A later report, of the United Nations Working Group on Arbitrary Detention (WGAD) illustrates what can happen in a 'sensitive' case, that of Kobra Rahmanpour, a young woman sentenced to death for the murder of her mother-in-law who has spent several years on death row while unsuccessful efforts were made to persuade the heirs to accept financial compensation in lieu of execution. (quote from Amnesty International AI Index: MDE 13/106/2006, 22 September 2006)

³ Said Madani.

⁴ International Centre for Prison Studies, World Prison Population List, 10th edition, 2013. Though not even approaching the figure for the United States which has the highest incarceration rate of any major country (716 per 100,000).

⁵ Khabar Online, Unprecedented increase in the number of prisoners, October 2010 [9 Mehr 1398-in Persian], <http://www.khabaronline.ir/news-96668.aspx>; Radio Zamaneh, 'Iranian judiciary wants number of prisoners reduced', March 2011, <http://archive.radiozamaneh.com/english/content/iranian-judiciary-wants-number-prisoners-reduced>. See also Etemad, Report of the Prisons Organisation's Officials, January 2010 [7/11/1388-In Persian], <http://www.etemaad.ir/Released/88-11-07/205.htm> ; *Sharq*, Zendan, July 2011, <http://sharghnewspaper.ir/Pdf/90-04-23/Vijeh/5.pdf> . For October 2011 see Inside of Iran, Iran: number imprisoned grows exponentially, (quoting various state news agencies), October 2011, <http://insideofiran.org/en/human-rights/2793-iran-number-imprisoned-grows-exponentially.html> ; Mehr News, America is the World's Largest Prison Guard, October 2011 [17/7/1390-in Persian] <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1423300> .

⁶ Mehr News, October 2011, [17/7/1390-in Persian], <http://old.mehrnews.com/fa/NewsDetail.aspx?NewsId=1423300>

By way of example, in 2001 Ayatollah Hashemi Shahrudi, the Head of the Judiciary, told a meeting of his 'executive council' that the 'official figures' for prisoners were in fact only one-fifth of the actual figure:⁷

"Contrary to what the head of the state prisons organisation reports, the number of prisoners in the country is not 140 or 150,000. This figure appears to include only those who have been tried and who have received a final prison sentence. The total number of people in prison, including convicts and temporary detainees and those awaiting trial is around 600,000. But what do we mean by temporary detention when you come across a prisoner in Ahwaz who has been in jail for 21 years as a temporary detainee?"

According to the United Nations Office on Drugs and Crime (UNODC):

'In 2004-05, there were 136,427 prisoners (convicts) under the administration of the prisons authority; an unknown number of detainees under temporary arrest (estimate of 210,000) waiting for their court verdicts as well as unknown numbers of prisoners in the jails of various security organisations not under the auspices of the Iran Prisons Organisation. The known figure represents 490 prisoners per 100,000 of the population, which places the country among the six countries of the world with the highest incarceration rates. Over 95 percent of prisoners are men, which means that prisoners compose about 1 percent of the male population. The very large number of accused detained in prison awaiting trials, which creates problems for the rights of the accused, contributes to the overcrowding of the prisons and is costly for the state.'⁸

In statements issued in June and October 2006 the Head of the Prisons Organisation also put the spotlight on the throughput figures:

'From 21 March 2005 to the end of the year [March 2006] 610, 631 people entered prison ... of whom around 60 percent were held for less than 20 days.'⁹ Each year 600,000 people are sentenced to prison in Iran. Each month 50,000 people are put in prison and as a result the incarceration rate in Iran is among the top ten in the world [...].¹⁰

After 2008 officials have not made much reference to this transient population although in July 2013 a judiciary official stated that the rate of entry to and exit from prisons was equal,¹¹ and the Minister of Justice announced in his annual report that in the course of the Iranian year 2013–2014, '531, 796 entered the prison system, a reduction of 4.25 percent on the previous year.'¹²

The dramatic increase in the prison population over the three years to 2012 (26 percent/35 percent) is sometimes said to be due 'largely to increased prosecution of drug-related crimes.'¹³ But it is misleading to attribute the growth to this factor alone since the percentage of those held in prison for narcotics offences has hardly changed since the mid-2000s – 47 percent in both 2006/7 and 2013/14, for example, with only minor variations in other annual figures I have seen.¹⁴ Most Iranian lawyers asked about the matter respond that another, perhaps equally important factor, is the criminalisation of numerous offences which before the 1979 Revolution, or in most other countries, are not defined as crimes (1,640 separate offences are punishable by imprisonment under the Iranian penal code).¹⁵ There is also, according to one judge, a regrettable tendency among lawmakers to see a prison sentence as a cure all, even in the case of minor infractions. Another point raised is that assistant prosecutors have been too fast to issue arrest warrants instead of coaxing the parties to make peace.

Severely overcrowded prisons

Through the 2000s officials repeatedly put the capacity of the prison system at 55-60,000 inmates. In 2006, according to the Prisons Organisations head, Ali Akbar Yesaqi, these consisted of 224 units – 175 prisons, 25 juvenile detention centres, 23 camps and 11 temporary detention centres. There were, he added, about 100 other detention centres administered by the security forces and the police which were not under the authority of the Prisons Organisation.

⁷ Quoted in *Faslnameh-ye Majalleh-ye Hoquqi-ye Dadgostari*, No. 80, Autumn 2001 (the Judiciary's Quarterly Law Journal).

⁸ UNODC, Crime and Justice Situation: Laws and Legislations, (undated, believed 2005) https://www.unodc.org/pdf/iran/drug_crime_situation/rule_of_law/CrimeandJusticeLaws.pdf

⁹ ISNA, June 2006 [30/3/1385]; available at <http://www.vekalat.org/print.php?cat=1&newsnum=349405> .

¹⁰ ISNA, October 2006 [15 Mehr 1385], <http://www.isna.ir/Main/NewsXML.aspx?ID=959246> ,

¹¹ ISNA, July 2013 [1 Mordad 1392], <http://isna.ir/fa/news/92050100635/> .

¹² Entekhab, Pourmohammadi, 'We have 217,000 prisoners', June 2014 [in Persian] <http://www.entekhab.ir/fa/news/168124> .

¹³ US State Department, Country Report on Human Rights Practices, 2013: Iran.

¹⁴ *Alef*, 47 percent of prisoners are narcotics offenders, May 2007 [18 Ordibehesht 1386-in Persian], <http://www.alef.ir/vdcj.oefuqeaisfzu.html?wml>;

47 percent of prisoners are convicted for drug offences, February 2014 [4 Esfand 1392] <http://www.tadbirkhabar.com/news/society/20300>

¹⁵ Jam-e Jam, 'A prison population awaiting a reduction in the number of crimes', July 2012 [2/5/1391-in Persian], <http://www.magiran.com/npview.asp?ID=2546699> ; Radio Farda, Overcrowding of Prisons in Iran and Judicial Bottlenecks, September 2010 [23/6/1389] in Persian, http://www.radiofarda.com/content/F7_Aghasi_IV_on_Iran_Prisons_Capacity_and_Judiciary_Conditions/2157282.html.

For much of this period the system was holding from just under to just over 2.5 times its capacity which was, it seems, stagnating. Plans announced in 2001 for prison reconstruction, aimed at creating new capacity and removing prisons from the centre of cities had not progressed, causing Yesaqi to lament that, "Some of our prisons are in a state of extreme decay having functioned for more than half a century. Promises have been made in this connection and efforts have been undertaken. But if the trend of reconstruction proceeds at its present pace it will take another half century for the renovation of those prisons which require it to be completed."¹⁶ Another highly placed official to remark on this scenario was the Prosecutor General Ayatollah Dorri Najafabadi who in May 2007 observed that "The situation in some of the country's prisons is so bad that prison officials themselves have difficulty in tolerating it." He added that on each trip to the provinces he would inspect the local jails. "Go and look at conditions in our provincial jails. This is Tehran where conditions in the jails are better. It is not the same elsewhere [in the country] ...The Juvenile Correction Centre of Tehran was built forty years ago and has a capacity of 200-400 but our needs are far greater than this."¹⁷

By 2008 official capacity figures had risen to 65,000 but so too had the prison population, giving an occupancy rate of 243.1 percent which, according to World Prison Brief (WPB) data, ranked the Iranian system as the 9th most overcrowded in the world.¹⁸ In May 2011, the WPB put the prison occupancy rate at 258.8 percent quoting an expanded capacity of 85,000 but again a much higher prison population.¹⁹ By December 2011, when the number of prisoners reached 250,000, and the occupancy rate 294.1 percent – a little less than three times the system's capacity – the WPB ranked the Iranian system the fourth most overcrowded in the world, a hair's breadth behind the Philippines which the International Centre for Prison Studies estimated had an occupancy rate of 'circa 300 percent.'²⁰

The rapid rise in prisoner numbers over this period was not just combined with an acute shortage of space but also deteriorating financial resources, according to the head of the Prisons Organisation (Qolam Hossein Esmaili) and prison governors around the country, who in 2011 issued statement after statement confirming the growing crisis. Esmaili told the press that in the first two months of 1390 (April/May 2011) the Prisons Organisation budget had not been paid, forcing it to take huge sums in credit from the bazaar simply to feed detainees.²¹ Earlier a Ministry of Health official had declared that it had not been provided with the necessary resources to guarantee health standards and control infectious diseases in the prisons.²² And in a parliamentary debate in April Younes Mousavi, a member of the Majles judicial affairs commission said the annual budget of the Prisons Organisation did not even cover the cost of food and clothing, adding: "The prisons are facing so many difficulties that every two prisoners have to share a blanket." Mousavi said the removal of government subsidies on energy means utility bills have surged, so that the annual prison budget is just enough to cover their water, electricity and gas needs. He proposed reducing water and electricity tariffs for prisons, but parliament did not agree.²³

A month later another member of the Judicial Commission, Ezatollah Yousefian, said in a report on the welfare of prisoners published by *Sharq* newspaper that overall the country's prisons held four times their capacity and that a few were holding eight times.²⁴ Other leading officials admitted the crisis, though they quoted rather lower occupancy rates. For example, the Deputy Head of the Judiciary in Charge of Crime Prevention said on 9 October 2011 that overall the system accommodated three times its capacity,²⁵ a

¹⁶ Ibid., June 2006 [30/3/1385]. See also *Iran Daily*, July 2006 (<http://www.iran-daily.com/1385/2605/html/panorama.htm>).

¹⁷ *Etemad*, May 2007[27/2/1386], <http://www.etemaad.com/Released/86-02-27/213.htm>

¹⁸ International Centre for Prison Studies World Prisons Brief, University of Essex, <http://www.prisonstudies.org/world-prison-brief>

¹⁹ There is some uncertainty over the official 'capacity' figure as the Prisons Organisation no longer maintains the page of key statistics previously published on its website. The Head of the Prisons Organisation and various other prison officials have, in the course of 2010 and 2011, alternatively cited a capacity of '55-60,000', 'around 80,000' and '85,000'.

²⁰ http://www.prisonstudies.org/info/worldbrief/wpb_stats_print.php?area=all&category=wb_occupancy Accessed 3 May 2011 and 3 October 2011. (This link does not work please find correct and provide details).

²¹ Khabaronline, The prisons have no space, the Prisons Organisation has no money, October 2011[30 Mehr 1390], [http://khabaronline.ir/\(X\(1\)S\(ykol5lgk3\)\)/detail/179661/society/84](http://khabaronline.ir/(X(1)S(ykol5lgk3))/detail/179661/society/84).

²² Bultan News, "Ministry of Health warning on the consequences of overcrowding in the prisons", April 2011 [29 Farvardin 1390-in Persian], <http://www.bultannews.com/fa/news/45198/>. See also on the impact of Jam-e Jam, A prison population awaiting a reduction in the number of crimes, July 2012 [2/5/1391- in Persian], <http://www.magiran.com/npview.asp?ID=2546699>

²³ Radio Zamaneh, Iranian MP criticizes prison conditions, April 2011, <http://archive.radiozamaneh.com/english/content/iranian-mp-criticizes-prison-conditions>. References to the government's failure to provide an adequate budget for the prisons despite the rise in the prison population are nothing new. According to the Society for Defence of the Rights of Prisoners (ADPRI), 'While in 2007 parliament set a figure of 85,000 rials per capita for expenditure on prisons and the Plan Organisation accepted 60,000 rials, in practice only 25,000 rials is now spent per day. In Khuzestan the overall allocation to prisons in 2007 decreased by 11 per cent ... [and] in some provinces the amount spent on food has halved in 2007. For example in Ilam the budget for food has been reduced from 730 million tomans to 400 million tomans.' The Society for Defence of the Rights of Prisoners", Annual Report, 1386: <http://www.dprs.ir/ShowNews.php?4468>. See also Deutsche Welle, The Number of Prisoners in Iran has increased 25-fold over the Past Three Decades, September 2011 [in Persian] <http://www.dw-world.de/dw/article/0,,15368043,00.html>

²⁴ Saham News, MP: Iran's prisons hold eight times their capacity for prisoners, June 2011[7 Tir 1390-In Persian] <http://sahamnews.net/1390/04/54831/>; See also Roozonline, November 2011, [in Persian], <http://www.roozonline.com/persian/news/newsitem/archive/2011/november/08/article/13-3-1.html>

²⁵ Daneshjoo News, October 2011, <http://balatarin.com/permlink/2011/10/9/2752550>

figure also cited by the then Head of the National Inspectorate, Mostafa Pourmohammadi. Pourmohammadi confirmed that the government had neglected to build new prisons.²⁶

Data on individual prisons is not often made available, but what we have from a combination of official and civil society sources shows that overcrowding is significant in many major prisons with estimates ranging from almost three to as much as six times capacity.²⁷ For example, in November 2011, Vakilabad Prison, Mashhad, with a nominal capacity of 3,000 was holding around 13,000 inmates according to a judiciary official.²⁸ In 2010, Rajai Shahr prison with a maximum capacity of 90 prisoners held 1,100;²⁹ Qezel Hesar prison in Karaj, the largest in Iran, held 20,000 prisoners, more than three times its capacity according to the Head of the Alborz Prisons Administration in May 2011;³⁰ Tabriz Prison, with a capacity to hold around 2,000 had more than 6,000 prisoners in 2010 according to an inmate, a figure later confirmed by the prison governor; Isfahan with a capacity of 1,000 has 4,000 prisoners, and at times more according to judiciary officials in a September 2013 newspaper interview,³¹ Langaroud Prison, Qom with a capacity of 1,200 according to the Head of the Qom Prisons Administration had more than 4000 prisoners in November 2011.³²

Already in its 2005/06 report, filed when numbers were much lower, the now banned domestic NGO, the Association for the Defence of Prisoner's Rights, concluded that 'Despite certain improvements in comparison with previous years, we consider the overall conditions in prisons to be inappropriate and very far from acknowledged legal and human rights standards.'³³

Up until early 2009, the human reality of the situation of ordinary prisoners was occasionally attested in reports from political prisoners housed in the same wards, often by way of punishment. Many more emerged from prisons around the country following the June 2009 presidential election and the widespread arrests of civil society and political activists which followed.³⁴ These reports speak of prisoners having to sleep on the floor, in corridors and in courtyards, appalling sanitary facilities, inadequate food, medical neglect, high levels of violence outside the control of, and sometimes encouraged by guards, sexual abuse and so on. Since they were written and smuggled out of prisons at substantial personal risk by, in all cases, known political prisoners, there is no reason to disbelieve them.

Developments from January 2012-March 2014

The Judiciary has responded to the crisis of 2011 by attempting, on the one hand, to reduce the prison population, and on the other, to increase prison capacity. Additions to its building stock since numbers began to grow reportedly include two camps for drug addicts, now on-stream, in which conditions are to be intentionally 'hard.' Another three are said to be in the process of construction. The new 'greater Tehran prison' near Qom, long in the pipeline, is still only partially in operation and it appears that no more than 6,000 prisoners have so far been transferred to it.³⁵ An expanded woman's prison for Tehran province at Qarchak near Varamin, apparently a 'refurbished' building billed as an expanded and modernised premises acquired notoriety soon after women prisoners of conscience were transferred there in the Spring of 2011.³⁶ They found it contained 'subhuman' conditions: seven wards, each with a capacity of 100 inmates but each holding close to 300 prisoners and served by only two toilets and two showers, water that could not be used to clean teeth, the poorest possible quality of food and so on.³⁷

²⁶ Sharq, October 2011, <http://sharqnewspaper.ir/News/90/08/01/14845.html>

²⁷ Figures for 11 major prisons from a mixture of official and civil society sources, available on request.

²⁸ The Deterioration of Prison Conditions in Iran: 13 Thousand Inmates Packed in a Prison with Three Thousand Capacity,, International Campaign for Human Rights in Iran, November 2011, <http://www.iranhumanrights.org/2011/11/zoghi-prisons>

²⁹ Political Prisoner Sentenced to Life: Rajai Shahr Prison Resembles an Inferno, Persian2English, July 2010, <http://persian2english.com/?p=13193>.

³⁰ Akhbar-e Alborz, May 2011, <http://www.akhbarealborz.com/shownews.aspx?newsid=1892>

³¹ Qanoon, 20 September 2013 [24 Shahrivar 1392] available at <http://isfahanbar.org/vdcgrw9x4ak97.pra.html>.

³² Fars News, August 2010[10/5/1389], <http://www.farsnews.com/newstext.php?nn=8905100750>.

³³ Society for Defence of the Rights of Prisoners (ADPRI) <http://www.adpri.org/english/archives/000348.php> (accessed 4 March 2008, no longer accessible)

³⁴ There have been similar reports for, among others, prisons in Tabriz, Rasht, Qazvin, Boukan, Urumieh and Saveh. See for example, BBC Persian, Conditions in Iranian Prisons, July 2011 [in Persian], http://www.bbc.co.uk/persian/iran/2011/07/110717_i21_prison_health.shtml

³⁵ ISNA, Esmaili: My period of management in the prisons organisation was among the most difficult period of prison stewardship, April 2014 [10/2/1393], <http://isna.ir/fa/news/93021006924>; Mehr, A 10 percent fall in the number of the country's prisoners, April 2014 [10/3/1393- in Persian] <http://www.mehrnews.com/TextVersionDetail/2281782>; Khabaronline, Did the events of Ward 350 lead to a change in Esmaili's post?, Insert Western Date [3/2/1393], <http://www.khabaronline.ir/detail/351082/society/judiciary>.

³⁶ Qarchak Female Political Prisoners at Gharchak: "We Call Upon Those With A Conscience To Speak Out", May 2011, <http://insideofiran.org/en/component/content/article/68-women-rights/1138-female-political-prisoners-at-gharchak-we-call-upon-those-with-a-conscience-to-speak-out-against-a.htm>; Gharchak Prison in Varamin A Humanitarian Disaster Waiting To Unfold, May 2010 <http://ar-ar.facebook.com/topic.php?uid=196853021630&topic=14664>; Roozonline, This Prison Is More Like a Stable, May 2011; *Kalameh*, What it's like to be in Gharchak prison, May 2011; Committee of Human Rights Reporters. September 2012, Nargues recounts existence at Gharchak prison in Varamin, <http://chrr.biz/spip.php?article18819>.

³⁷ IHRDC, Campaign for the protection of women prisoners, no date, <http://www.iranhrdc.org/english/news/press-statements/3375-campaign-for-the-protection-of-women-prisoners.html#.U7qao1dUm8>

The releases – which have been through pardons, generous amnesties for prisoners who are non-violent, and resolution, by various devices, of the situation of prisoners held because they are unable to pay blood money (*diyeh*) incurred as a result of unintentional injury – can be followed through various press reports. According to the Prisons Organisation the population of its jails were reduced in this way by 33,000 in a single year to 217,000 (official Iranian government figure for December 2012 sent to the World Prison Brief). Since then it appears to have remained steady with the latest figure announced in June 2014 being 217, 851, 3.5 percent less than ‘last year’.³⁸

³⁸ Entekhab, Pourmohammadi, “We have 217,000 prisoners”, June 2014 [in Persian], <http://www.entekhab.ir/fa/news/168124> .

