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## **IRAN**

### **FINGER AMPUTATION RISK FOR EIGHT PRISONERS**

At least eight prisoners in Greater Tehran Penitentiary, Tehran province, are at grave risk of having their finger-amputation sentences carried out imminently. At least three of the men were convicted based on torture-tainted “confessions” following grossly unfair trials. One of the three men, Hadi Rostami, was beaten by prison guards on 12 June and has since been forcibly disappeared.

Since 8 June 2022, the authorities have made two attempts to transfer Hadi Rostami, Mehdi Sharfian, Mehdi Shahivand, Amir Shirmard, Morteza Jalili, Ebrahim Rafiei, Yaghoub Fazeli Koushki and an unidentified man to a prison with a guillotine machine to implement their sentences. On 8 June 2022, authorities told the men they would be transferred to Tehran’s Evin prison or Raja’i Shahr prison in Karaj, Alborz province, to have their sentences carried out; the transfer was postponed for unknown reasons. On 11 June 2022, authorities removed at least seven of the men from their wards and put them in a vehicle for transfer to another prison to implement their sentences, but the transfer was postponed at the last minute and the men were returned to their cells.

According to informed sources, on 12 June 2022, prison guards broke Hadi Rostami’s nose during beatings in reprisal for him speaking out against their sentences, removed him from his prison cell and have refused to inform his family of his fate and whereabouts since, thereby subjecting him to enforced disappearance. Human rights activists in Iran have reported that a guillotine machine was recently installed in the medical clinic of Evin prison and used to amputate four fingers of a prisoner on 31 May 2022. Amputation as a form of punishment constitutes torture – a crime under international law.

The eight men have been convicted of robbery. Hadi Rostami, 35, Mehdi Sharfian, 39, and Mehdi Shahivand, 26, were denied access to lawyers during the investigation phase of their cases and courts relied on torture-tainted “confessions” to convict them, despite the defendants retracting them during their trials. The judicial authorities failed to order any investigations into their torture allegations. According to their court verdicts, they are sentenced to “have four fingers on their right hands completely cut off so only the palm of their hands and thumbs are left”. In protest, on 29 May 2022, Hadi Rostami and Mehdi Shahivand went on hunger strike, ending it on 2 June 2022 after authorities promised to grant them pardons. In February 2021, Hadi Rostami was flogged 60 times in prison after being convicted of “disrupting prison order” in reprisal for his earlier hunger strikes against his inhumane prison conditions and repeated threats that his amputation sentence would be implemented imminently. He has attempted suicide twice in prison, including by swallowing pieces of broken glass, resulting in serious health complications for which the authorities denied him adequate medical care.

### **Write to the Head of the Judiciary urging him to:**

- immediately reveal the fate and whereabouts of Hadi Rostami and quash the convictions and amputation sentences of all eight men, granting them fair retrials without resorting to corporal punishments
- ensure that their torture allegations are investigated and that anyone suspected of responsibility for ordering and/or carrying out acts of torture are brought to justice
- to abolish all forms of corporal punishment in law and practice and to treat prisoners and detainees with human dignity

### **Write to:**

Head of the Judiciary

Gholamhossein Mohseni Ejei

c/o Embassy of Iran to the European Union,

Avenue Franklin Roosevelt No. 15

1050 Bruxelles

Belgium

Email: [secretariat@iranembassy.be](mailto:secretariat@iranembassy.be)

Salutation: Dear Mr Gholamhossein Mohseni Ejei:

### **Additional Information**

Hadi Rostami, Mehdi Sharfian and Mehdi Shahivand were 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 forced “confessions” which the men have said were obtained under torture while they were detained and interrogated, without access to their lawyers, in a detention centre run by the Investigation Unit of Iran’s Police (agahi). According to informed sources, the men were tortured through being beaten, kicked, flogged with a cable and hung from their wrists and feet during interrogations. The aforementioned sources added that Hadi Rostami’s hand was broken and interrogators removed Mehdi Shahivand’s trousers and threatened to rape him with a piece of wood if he refused to make “confessions” incriminating himself and his co-defendants. According to informed sources, interrogators forced Mehdi Sharfian and Mehdi Shahivand to “confess” to committing burglaries in which they had no involvement and to implicate Hadi Rostami in the same burglaries. In a letter written to the Head of the Judiciary on 20 September 2020, reviewed by Amnesty International, Hadi Rostami said that during the investigation phase of their case, 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. All three men retracted their “confessions” in court and told judges they were made under torture, but both the Criminal Court and the Supreme Court failed in their obligations to exclude the “confessions” as evidence and order investigations into their torture allegations. 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.

Hadi Rostami has made numerous official complaints to judicial bodies but has been ignored. In March 2021, while he was being held in Urumieh prison, he complained to a representative of the Head of the Judiciary in Iran, Ebrahim Raisi at the time, during his visit the prison; the representative gave him reassurances that his case would be resolved. Hadi Rostami has also raised his case directly with the current Head of the Judiciary Gholamhossein Mohseni Ejei when he visited Ilam prison, Ilam province, while he was being held there, but to no avail.

Previous plans by the Iranian authorities to carry out the amputation sentences against Hadi Rostami, Mehdi Sharfian and Mehdi Shahivand were halted in September 2020 after international pressure. Iran is legally obliged to prohibit and punish torture in all circumstances and without exception. Despite this, Iran's Islamic Penal Code continues to provide for corporal judicial punishments amounting to torture, including amputation, flogging, blinding, crucifixion and stoning. According to Abdorrahman Boroumand Center for Human Rights in Iran, the Iranian courts have issued at least 356 sentences of amputation issued since 1979. The organization has also recorded the implementation of 192 amputation sentences since 1979, but the Abdorrahman Boroumand Center believes that the real number is much higher.

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. 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".