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4.2.2. Arbitrary arrests, illegal detention and prison conditions

COMMON ANALYSIS
Last update: January 2025

Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions.

Arbitrary arrests, judgements and detentions along with violations of fair trial and due process, and sentences based on vague laws were reported [Country Focus 2024, 3.1, 3.7, 4.3, 4.4, 4.5, 4.11.2, 4.12]

Despite legal safeguards prohibiting and punishing their use to obtain confessions, torture and ill-treatment, including sexual assault and rape, as well as denial of medical care were reported to be used in detention. Torture and ill-treatment were particularly reported in relation to treatment of persons involved in the ‘Women, Life, Freedom’ protests, including children, and in particular during arrests and interrogations. Detainees faced physical and psychological abuse, including verbal abuse of a sexual nature or based on ethnicity and religion and threats of death, rape and harm to family members. Sexual and gender-based violence was used against women, men, and children, including LGBTIQ persons. Dozens of deaths in prison under ‘suspicious circumstances’ were recorded since 2010. [Country Focus 2024, 3.8]

When assessing the conditions of detention, the following elements may be taken into consideration, cumulatively: number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world. In Iran, prison conditions are characterised by overcrowding, lack of sanitation and ventilation, inadequate provision of food and insect infestation. Detainees suffered from hunger and insufficient medical help. Conditions of persons arrested in connection with the 2022 protests, including women and children, have been qualified by the UN Human Rights Council as ‘inhuman, cruel, or degrading treatment, and in certain instances, constituted torture’. Political prisoners were detained with potentially violent and dangerous criminals. [Country Focus 2024, 3.8]

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In cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human

dignity, a situation of serious harm under Article 15(b) QD/QR can occur.

It should be highlighted that in some cases of individuals facing the risk of arrest or detention in Iran, there would be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. If nexus to a reason for persecution is not substantiated, Article 15(b) QD/QR would apply.

Exclusion considerations may be relevant.

See other contents related to Torture or inhuman or degrading treatment or punishment:

- 4.2.1. Healthcare and socio-economic conditions
- *4.2.2. Arbitrary arrests, illegal detention and prison conditions*
- 4.2.3. Corporal punishments
- 4.2.4. Criminal violence

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