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Detailed findings of the independent international fact-finding mission on the Islamic Republic of Iran

Summary

The present conference room paper contains the comprehensive and detailed findings of the independent international fact-finding mission on the Islamic Republic of Iran, under international human rights law and, as applicable, crimes under international law. In its report (A/HRC/55/67) the Mission outlined its findings in the context of the protests that began on 16 September 2022, in what became known as the "Woman, Life, Freedom" movement, especially with respect to women and children. This conference room paper provides contextual, factual, and legal analysis, on the egregious human rights violations committed against the protesters, including on the use of force, arrests and detentions, treatment in detention, digital space and legal proceedings related to the protests, as well as on the custodial death of Jina Mahsa Amini which triggered the protest movement. It concludes with an assessment of State responsibility for the violations established, and recommendations, including on accountability and reparations.

The Mission found that State authorities in the Islamic Republic of Iran were responsible for serious human rights violations in connection with the protests that broke out on 16 September 2022. These include unlawful deaths, extra-judicial executions, unnecessary and disproportionate use of force, arbitrary arrests, torture and ill-treatment, rape, and sexual violence, enforced disappearances and gender persecution. Many of these serious violations of human rights amount to crimes against humanity, specifically those of murder, imprisonment, torture, and rape, and also persecution on the grounds of gender, intersecting with ethnicity and religion. These acts were committed as part of a widespread and systematic attack directed against a civilian population, namely women, girls and others expressing support for human rights.

Triggered by the death of the 22-year-old Iranian-Kurdish woman Jina Mahsa Amini, in the custody of the "morality police", the protests shook the Islamic Republic of Iran in an unprecedented manner in terms of their scale, reach and longevity, as well as the State's violent response.

Ms. Amini was arrested on the evening of 13 September 2022 in Tehran and taken into the custody of the "morality police" for what authorities perceived to be her wearing of "improper *hijab*". That night, she was admitted to hospital brain-dead, and pronounced dead on 16 September 2022, three days later. The Mission's investigations found that her arrest and detention were based on laws and policies governing the mandatory *hijab* that fundamentally discriminate against women and girls, and are not permissible under international human rights law. Based on the evidence, and patterns of violence by the "morality police" in enforcing this law against women, the Mission is satisfied that Ms. Amini was subjected to physical violence that led to her death. On that basis, the State bears responsibility for her unlawful death.

The custodial death of Jina Mahsa Amini was a stark reminder of decades-long discrimination and violence against women in Iran. This was further evidenced by the images of countless courageous women and girls joining the demonstrations, and removing their *hijabs* in public, despite real risks to their safety, in order to protest the institutionalised discrimination which has for decades affected virtually every aspect of their lives. The protests galvanized strong societal support,

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including from men and young people, and from across diverse professional, ethnic, religious, and socioeconomic backgrounds, articulating long-standing grievances and demands for social and political reform.

The Government sought to repress the protests at any cost. The Mission established a pattern of the security forces shooting protesters with assault weapons, resulting in credible figures of up to 551 deaths among them at least 49 women and 68 children, in 26 out of the 31 provinces in Iran, in largely peaceful protests. Security forces used particularly brutal and militarized violence, causing higher numbers of deaths, in regions with minority populations, in particular in Sistan and Baluchestan province, the Kurdish regions of the country (Kurdistan and Kermanshah) and parts of Western Azerbaijan. On just one day, 30 September, 2022, 'Bloody Friday', 104 people were killed during the protests following Friday prayers in Zahedan city, Sistan and Baluchestan province. The Mission found that the security forces had resorted to unnecessary and disproportionate use of lethal force, killing and injuring protesters who posed no imminent threat of death or serious injury, thereby committing unlawful and extrajudicial executions. The Mission acknowledged the Government's claim that members of the security forces had been killed during the protests but despite detailed inquiries, never received any specific information in response.

Hundreds of people were injured during this wave of protests. The Mission established a pattern of security forces targeting the vital body parts of protesters and bystanders, including in the face, heads, neck, torso, and genital area, with firearms such as assault rifles, and weapons loaded with metal pellets.

A vicious pattern of ocular injuries inflicted by security forces on protesters and bystanders, including women and children, also emerged. Such injuries resulted in the partial or full loss of their eyesight, impacting their physical and mental health and, regarding children, their education. These distinctive injuries effectively "branded" them for life as protesters and prevented many from seeking immediate medical care due to fears of arrest and criminal prosecution. Many were able to do so only after they left Iran, and having already developed serious infections, including recurrent ocular bleeding.

Security forces arrested protesters arbitrarily for a range of protected conduct, such as dancing, chanting, or writing slogans on walls and honking car horns. Beyond protest sites, some women were also arrested at their homes for participating in protests, suggesting that surveillance had been used to identify them. Women human rights defenders and those perceived as playing prominent roles in the protests were arrested or summoned to serve previously suspended sentences to prevent them from attending protests.

Upon arrest, security forces transferred protesters *en masse* in a coordinated manner to unofficial facilities. Detained protesters were held in inhuman conditions, and in solitary confinement for days. Many were deprived of contact with the outside world, and not allowed to contact a lawyer or their families for days and weeks, in conditions amounting to enforced disappearance. To extract confessions, punish and humiliate detained women, girls, men and boys, security officers subjected them to sexual and gender-based violence, including rape, gang rape, rape with an object, and forced nudity, as well as beatings, flogging and burning, the use of electric shocks, suspension, and stress positions, in acts amounting to torture. Security forces also equated women's participation in protests with their "willingness to get naked" and characterised the gender-based violence inflicted on them as justified and being "the freedom they wanted". Detained LGBTQI+ persons were subjected to similar abuse, forcibly undressed to check if they were "a boy or a girl" and questioned on their sexuality.

Children were not spared from these brutal acts of violence. Girls and boys were arbitrarily arrested and detained during protests, often taken to unknown locations, leaving their parents to desperately search for them across police stations. In detention, they were held along with adult detainees, and several were subjected to severe physical, psychological and sexual torture, including rape.

The trials that followed these arrests and detentions were marred with multiple serious violations of fair trial guarantees. Most persons tried in connection with the protests were brought before Revolutionary Courts, where fair trial violations were further exacerbated, given the procedures applicable to national security offenses including additional restrictions regarding access to a lawyer, casefile material and even copies of judgments. Many detainees were tried in haste and

behind closed doors. Judges manifested clear bias against protesters, relied on torture-tainted evidence, systematically dismissed complaints of rape, torture and ill-treatment, limited their access to a lawyer to a State-approved list, raising additional concerns over their independence. Protesters were also sentenced for expressing ideas and solidarity, and other forms of expression and conduct that are protected under international human rights law, including on vague charges of "corruption on earth" and "waging war against God".

At least nine young men were arbitrarily executed by January 2024, following hasty and flawed proceedings that disregarded basic fair trial and due process guarantees, creating terror among other protesters, and amounting to unlawful and arbitrary deprivation of their right to life and violations of the prohibition against torture and ill-treatment. By January 2024, Iranian courts had pronounced at least 26 death sentences against persons in relation to the protests.

The suppression of protesters was not limited to their acts in public spaces. Beyond the use of force against protesters, the Government also sought to suppress their speech and expression online, by monitoring and surveillance as well as intimidation of defenders on social media, and through internet shutdowns. Thus, the Government sought to quell all avenues of dissent, including in the digital space.

Acts of defiance did not decrease, however. Though large protests subsided after December 2022, online and offline acts of defiance by countless women and girls multiplied. In response, State authorities increased repressive measures to force women and girls into compliance, including by introducing repressive new draft laws, such as the Hijab and Chastity Bill, seeking to expand methods of enforcement of the mandatory *hijab* laws. These sought to expand the scope for criminal prosecution of women found to be non-compliant with the mandatory *hijab* and to coerce private individuals and businesses to enhance monitoring and ensure compliance. Women public figures and influencers with the ability to broadly influence, were punished harshly, including through court-mandated flogging and psychiatric intervention aimed at "correcting" women's behaviour and appearance to enforce compliance. The Mission also received chilling reports of the use of artificial intelligence to monitor the movements of women who do not comply with the mandatory *hijab*, and reports of their being denied access to basic services, including in hospitals and courts, and to opportunities such as jobs in government or even in private offices.

A year and a half on since the start of the protests, accountability remains elusive for victims. The Government of Iran continues to take concerted measures to silence victims and families who tirelessly continue to seek truth and a modicum of justice. Security forces systematically threatened, intimidated, assaulted, or arrested family members who spoke out to demand justice, or denied their right to mourn their loved ones. Those supporting them, including lawyers and journalists, were also routinely arrested, and prosecuted.

For these reasons, the Mission underscores the need for accountability for the victims and their families, both at the domestic level in Iran, as well as by Member States who should exercise universal jurisdiction with respect to all crimes under international law without procedural limitations, as well as with respect to human rights violations in Iran described in the present document. Member States should also explore transformative reparations for victims, including through restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

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I. Introduction and contextual framework

1. On 22 November 2022, the Human Rights Council convened a special session and adopted Resolution S-35/1 on the deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children, and established the Independent International Fact-Finding Mission on Iran (hereinafter 'the Mission' or 'the FFM').

2. In its resolution, the Human Rights Council expressed concerns about the violent crackdown on peaceful protests by security forces in the Islamic Republic of Iran (hereinafter "Iran") following the death in custody of Jina Mahsa Amini, a young woman arrested for allegedly violating the country's mandatory *hijab* laws.[1]

3. On 20 December 2022, the President of the Council appointed Sara Hossain (Bangladesh) as Chair, and Shaheen Sardar Ali (Pakistan) and Viviana Krsticevic (Argentina) as Members.

4. The Mission presented an oral update to the Human Rights Council on 5 July 2023 at its fifty-third session, providing an overview of human rights concerns and its preliminary observations regarding areas under investigation.[2]

5. The main findings and recommendations of the Mission are contained in document A/HRC/55/67. The present extended conference room paper A/HRC/67/CRP.1 contains a more detailed description of its findings with respect to the patterns and incidents of human rights violations and potential crimes under international law investigated, as well as a full factual and legal analysis, with supporting information underpinning document A/HRC/55/67. Given the emphasis in resolution S-35/1 on the need to ensure accountability, the Mission sought to identify those responsible for human rights violations and crimes under international law and the linkages between these crimes and those responsible, including patterns in conduct, command structures, control and discipline.

6. The Mission is supported by a secretariat of professional staff recruited by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and consisting of a coordinator, five human rights investigators (including on open source and on sexual and gender-based violence), a child rights expert, a gender adviser, an analyst and reporting officer, a legal adviser, a political adviser, an information-management officer, a security adviser, a communications officer, two translators, and an administrative support staff. The OHCHR provided start-up support pending the recruitment of the Secretariat staff. By April 2023, the majority of the posts were filled, and the Secretariat was operational. Some important positions took considerably longer to recruit, while others were subsequently subject to the temporary regular budget hiring freeze imposed on the UN Secretariat in August 2023. The Mission expresses its gratitude to OHCHR for its support, as well as to UN Women for their secondment of gender expertise to the Secretariat.

7. Throughout the mandate, the Mission undertook a wide range of consultations with victims, civil society representatives, legal and medical experts and academics. In the wake of the one-year anniversary of Jina Mahsa Amini's death in custody, the Mission held two roundtables with victims and civil society representatives on the themes of freedom of expression and assembly in Iran and the impact of the protests on women and girls. In November 2023, the Mission undertook a visit to Germany, Sweden and the Netherlands where it engaged with various Government officials, legal experts, academics, civil society organizations and people who had recently fled Iran, with a view to informing its analysis and recommendations. Requests to visit countries neighbouring Iran regrettably remained unanswered.

8. The establishment of the Fact-Finding Mission on the Islamic Republic of Iran constitutes a critical step towards ensuring truth and accountability for human rights

[1] See PP5 and 6 of Resolution S-35/1 adopted by the Human Rights Council on 22 November 2022

[2] Oral update by Sara Hossain, Chairperson of the Independent International Fact-Finding Mission on the Islamic Republic of Iran. https://www.ohchr.org/en/statements/2023/07/oral-update-sara-hossain-chairperson-independent-international-fact-finding, 5 July 2023.

violations in Iran, linked to the "Woman, Life, Freedom" movement and beyond. This report and its findings should also be considered in light of long-standing concerns expressed, and calls for accountability made, by consecutive United Nations Secretaries-General, High Commissioners for Human Rights, and UN Special Procedures, including the Special Rapporteurs on the situation of human rights in the Islamic Republic of Iran.

A. Mandate

1. Origin of the mandate

9. The situation of human rights in Iran has been under close scrutiny by the United Nations since the early 1980s.[3] From 1979 to 1985, concerns about the situation of human rights in Iran led to the adoption of numerous reports[4] and resolutions by the then-Commission on Human Rights,[5] eventually leading to the establishment of the mandate of the first Special Representative of the United Nations Commission on Human Rights on Iran in 1984.[6] The mandate of Special Representative was discontinued in April 2002 when Iran committed to extend a standing invitation to all thematic Special Procedures mandates.[7] From 2003 to 2005, five thematic mandate-holders visited Iran.[8] While the General Assembly continued to adopt resolutions on Iran, no report on the situation of human rights in Iran was presented by the Secretary-General until 2009. In 2011, following the persistent refusal of Iran to accept visits from thematic rapporteurs, as well as reported human rights violations committed in 2009, in the context of post-electoral protests across the country, the Special Procedure country mandate was reinstated. Since 2011, four reports in total are presented each year between the United Nations Secretary-General and the Special Rapporteur on the situation of human rights in Iran. An annual resolution is also adopted by the United Nations General Assembly and the United Nations Human Rights Council respectively. While the situation of human rights in Iran has been under close scrutiny by the United Nations for nearly five decades, the mandate of the Fact-Finding Mission on Iran is the first time that it has been the subject of an international and independent human rights investigation.

[3] On 7 September 1979 the UN Sub-Commission on prevention of discrimination and protection of minorities expressed concern at the situation of Kurds in Iran and adopted Decision 6 (XXXII) by which it decided to send a telegram to the Iranian government.

[4] On 31 December 1981, the United Nations Secretary-General published his first report on Iran, pursuant to Resolution 8 (XXXIV) specifically focusing on the "Treatment of the Baha'is in Iran" (E/CN.4/1517). Three years later, on 28 February 1984, the United Nations Secretary General in his third report (E/CN.4/1984/28) pointed to "widespread concern regarding the human rights situation in the Islamic Republic of Iran", stressed that "there is no clear evidence that the situation has improved" and pointed "to the need for an appropriate means of fact-finding".

[5] On 11 March 1982, the United Nations Commission on Human Rights adopted for the first time a resolution focusing on Iran: Resolution 1982/27 requested the United Nations Secretary-General to "establish direct contacts with the Government of Iran on the human rights situation prevailing in that country" and to "submit… a report compiled on the basis of all available information… concerning the general human rights situation prevailing in that country" and decided to remain seized of the matter at the next session.

[6] The United Nations Commission for Human Rights adopted Resolution 1984/54 on 14 March 1984 and created the mandate of "Special Representative of the Commission" to monitor and report on the situation of human rights in Iran. As of 1985, the Special Representative on Iran was requested to present an annual report to the Human Rights Commission and to the United Nations General Assembly respectively.

[7] Iran extended a standing invitation to all thematic mandate holders on 24 July 2002.

[8] The Working Group on Arbitrary Detention and the Special Rapporteur on freedom of expression visited Iran in 2003, the Special Rapporteur on the rights of migrants in 2004 and the Special Rapporteurs on violence against women and on adequate housing in 2005.

2. Interpretation of the mandate

10. Pursuant to paragraph 7 of resolution S-35/1, the Mission was established with the mandate to:

(a) Thoroughly and independently investigate alleged human rights violations in the Islamic Republic of Iran related to the protests that began on 16 September 2022, especially with respect to women and children.

(b) Establish the facts and circumstances surrounding the alleged violations.

(c) Collect, consolidate and analyse evidence of such violations and preserve evidence, including in view of cooperation in any legal proceedings.

(d) Engage with all relevant stakeholders, including the Government of the Islamic Republic of Iran, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, relevant United Nations entities, human rights organizations and civil society.

11. Following the best practice of other investigative mechanisms, the Mission published its terms of reference in July 2023, as set out below.[9]

Material scope

12. Resolution S-35/1, paragraph 7 provides for the mandate to investigate "alleged human rights violations" in the Islamic Republic of Iran "related to the protests that began on 16 September 2022, especially with respect to women and children" and "to establish the facts and circumstances surrounding" such alleged violations.

13. The Mission examined civil and political rights alongside economic, social and cultural rights as they pertain to the protests that began on 16 September 2022. In accordance with the resolution, the Mission considered all human rights violations by State agents or entities who are covered by international and national law, including violations that may amount, under certain circumstances, to a crime under international law.

14. In the context of its mandate to establish facts and circumstances surrounding the violations, the Mission endeavoured to identify root causes and consequences of the violations, as well as those responsible, and to make findings on measures for prevention, protection, to ensure accountability and the victims' right to justice, truth and reparations. It made recommendations to the Government of the Islamic Republic of Iran, to Member States, the UN human rights system and the private sector on measures to increase the respect and protection of human rights, to promote equality, truth, and justice and to support the design and implementation of reparations.

15. As part of its mandate to establish the facts and circumstances surrounding violations of human rights related to the protests, the Mission examined, *inter alia*, gender-discriminatory laws, policies and practices that affect all aspects of the lives of women and girls, underpin violations and impact on specific groups in the population. The Fact-Finding Mission examined the allegations of human rights violations perpetrated against, and affecting, women and children, conducted a gender and child sensitive analysis of the human rights violations examined and assessed their impact on women and children and the gendered dimensions of such violations. Adopting an intersectional approach, it paid special attention to discrimination on grounds of age, sex, gender, sexual orientation, gender identity, disability, socio-economic status, religion, ethnicity and nationality.

Temporal scope

16. Resolution S-35/1, paragraph 7 specifies that the Fact-Finding Mission is mandated to investigate alleged human rights violations in the Islamic Republic of Iran "related to the protests that began on 16 September 2022". The resolution further mandates the Fact-Finding Mission to establish "the facts and circumstances surrounding the alleged violations".

[9] Terms of Reference of the Fact-Finding Mission on the Islamic Republic of Iran.

Investigations conducted by the Fact-Finding Mission therefore included of facts and circumstances that gave context or provided valuable analysis related to the root causes of the protest-related violence, provided that they related to the protests that began on 16 September 2022.

Geographic scope

17. Resolution S-35/1 lays out the geographic scope of the Fact-Finding Mission to investigate alleged human rights violations "in the Islamic Republic of Iran" related to the protests that began on 16 September 2022. The Fact-Finding Mission thus investigated any such alleged human rights violations that are directly linked to events or actions that occurred in the territory of the Islamic Republic of Iran and established the facts and circumstances surrounding such allegations.

Mandate of collection, consolidation and preservation of information and evidence in view of possible cooperation with any legal proceedings

18. In fulfilment of this mandate, the Fact-Finding Mission collected, consolidated, analysed and preserved information and evidence of violations.

19. Consistent with relevant standards and methodology, the Fact-Finding Mission sought access to and engaged with a range of stakeholders to collect information and evidence. The Fact-Finding Mission organized, assessed and structured, as applicable, the information and evidence in its possession, including with a view to facilitating cooperation in any legal proceedings consistent with international standards, whether at national, regional or international levels. The Fact-Finding Mission applied all due guarantees in preserving, handling and storing information and the evidence it gathered, including all due guarantees of security and confidentiality and respect for the privileges and immunities of the United Nations, and ensured, to the maximum extent possible, an uninterrupted chain of custody, as necessary for the implementation of its mandate. All information gathered by the Mission was stored on safe platforms with strict and controlled access, applying best practices on digital security.

20. With respect to the collection, consolidation, analysis and preservation of information and evidence in view of possible cooperation with any legal proceedings. the Mission among other factors, considered and respected the scope of consent expressed by sources, the confidentiality of the information and evidence and the rights of victims and witnesses, alongside other factors applicable to sensitive information held by the United Nations. It assessed any protection and other relevant risks and concerns that may arise from the use of such information and evidence, applying gender and child competent, and victim-centred approaches. Furthermore, information and evidence is shared only with authorities and bodies, acting in accordance with international law standards, that credibly ensure and demonstrate that any use of such information and evidence is in accordance with international human rights law and standards, inter alia, the right to a fair trial and the rights of victims and witness protection. Consistent with United Nations policy, the Mission does not share information and evidence for use in criminal proceedings in which capital punishment could be imposed or carried out.

B. Engagement, cooperation and challenges

1. Engagement with the Government of the Islamic Republic of Iran

21. The Human Rights Council requested the Fact-Finding Mission "to engage with all relevant stakeholders, including the Government of the Islamic Republic of Iran, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, relevant United Nations entities, human rights organizations and civil society." It called upon the Government of the Islamic Republic of Iran to "cooperate fully with the Fact-Finding Mission, to grant unhindered

access to the country without any delay and to provide the members of the Fact-Finding Mission with all information necessary to allow for the proper fulfilment of their mandate".[10]

22. On 30 January 2023, the Mission requested the Government of the Islamic Republic of Iran for access to the country to meet with all concerned stakeholders, to receive any pertinent information and hear first-hand their evaluation of the evolving situation. The request for access to the country was repeated subsequently in numerous letters sent to the Permanent Mission of the Islamic Republic of Iran to the United Nations in Geneva, all of which went unanswered, depriving the Mission of first-hand interactions with key Government officials.

23. The Government of the Islamic Republic of Iran, early on, rejected the mandate and indicated its intention not to cooperate.[11] The Mission regrets the lack of meaningful cooperation from the Government of the Islamic Republic of Iran, despite the multiple appeals made by the Human Rights Council, the United Nations Secretary-General[12] and the Mission itself.

24. With a view to providing an opportunity to the Government of the Islamic Republic of Iran to provide information on the areas under investigation, the Mission sent 21 letters to the Permanent Mission of the Islamic Republic of Iran in Geneva (See Annex 1). Each time its members travelled to Geneva, the Mission requested a meeting with the Permanent Mission of the Islamic Republic of Iran to the United Nations and Other International Organizations in Geneva, Switzerland. As noted, the Mission received no official response to its letters, including those requesting information or formal meetings with the Permanent Representative of the Islamic Republic of Iran in Geneva. In order to elicit the views of the Government, the Mission therefore accessed through public channels and archives of UN human rights bodies 39 reports issued by the Government of the Islamic Republic of Iran on the 2022 protests, and its responses to specific cases.

25. Further, on 4 July 2023 and 29 January 2024 the Mission held virtual exchanges of views with the "Special Committee to investigate the 2022 unrests" (hereinafter "Special Committee") established by the President of Iran. In addition, there was an exchange of correspondence between the Mission and the Special Committee regarding their composition, mandate and ongoing work. The Mission shared a draft of its main findings and recommendations with the Government prior to public release, providing the latter with an opportunity review the report ahead of its publication.

2. Cooperation with victims and witnesses

26. In March 2023, the Mission issued a call for written submissions in English, Persian and Kurdish from non-governmental and other organizations, victims and individuals interested in bringing information to its attention. It received 295 submissions through this call. The Mission is grateful to all the victims and witnesses who shared their stories and experiences with the Mission despite risks to themselves or their family members.

3. Cooperation with other stakeholders, including the UN human rights system

27. The Mission also exchanged information and held meetings with United Nations Member States, United Nations agencies, departments, and bodies as well as United Nations human rights mechanisms in relation to its investigations. It held numerous consultations with specialised NGOs and legal and other experts with knowledge of the events under investigation and related facts and circumstances. In this respect, the Mission also engaged with the Special Rapporteur on the human rights situation in the Islamic Republic of Iran and adopted an approach of complementarity, with respect to its focus on investigation within the terms of its mandate activities. The Mission expresses its gratitude to all those who engaged with the Mission and provided valuable contributions, including information and evidence,

[10] Resolution S-35/1, para.9.

[11] The Foreign Ministry Spokesman Responds to the Political Human Rights Resolution against the Islamic Republic of Iran at the 52nd Meeting of the Human Rights Council, 1 April 2023.

[12] Report of the United Nations Secretary General A/HRC/53/23 para. 61 q, 15 June 2023.

in particular to civil society organizations for their documentation of allegations of human rights violations and support to victims.

4. Challenges faced by the Mission

28. Significant constraints affected the Mission's ability to gather information. The Mission regrets that it was not able to enter Iran, despite having sent repeated requests for permission to the Government of Iran. The Mission also faced constraints because of the restrictions imposed by the Government on online communications, affecting landlines and mobile networks, heightened electronic surveillance generally, and against human rights defenders in particular, and confiscations of electronic devices of high-profile individuals linked to the protests, including for purposes of verifying contacts with outside interlocutors. Victims, witnesses and their families inside and outside the country have been subjected to harassment and intimidations and many were afraid to speak with the Mission, even on a confidential basis, because they feared repercussions for themselves, or their family members based on their experiences and those of others within their communities. The pervasive fear of such repercussions deterred many people from engaging with the Mission.

29. Despite the above constraints, the Mission was able to gather sufficient information to enable findings to be made based on the standard of proof applicable and standard methodological requirements. The Mission stresses that the findings in this document, while well founded are non-exhaustive, taking into account the time frame of the investigation and the limitations placed on the development of our mandate. With additional time, further investigations could help document several of the areas within the scope of the mandate, where the Mission found *indicia* of the commission of grave human rights violations, and crimes under international law in the context of the protests that began in Iran on 16 September 2022 and beyond. Moreover, it could also help strengthen and complete its mandate to "collect, consolidate and analyse evidence of such violations and preserve evidence, including in view of cooperation in any legal proceedings" increasing the possibility for victims to secure equality, truth, justice, and reparations.

C. Methodology

1. Investigation methodology

30. The Mission followed the best practices established for commissions of inquiry and fact-finding missions, outlined in the 2015 OHCHR publication entitled *International Commissions of Inquiry and Fact-Finding Missions on International Human Rights Law and International Humanitarian Law – Guidance and Practice*,[13] and ensured that the principles of "do no harm", independence, impartiality, objectivity, transparency, and integrity were strictly adhered to at all stages of its work.

31. The Mission considered the following primary sources of information: in-depth interviews with victims and eyewitnesses, verified digital information including photographs and videos, satellite imagery, recordings made by witnesses to events, medical reports, and judicial documents, including court documents, decrees, laws, regulations and directives issued by the Government; and publicly available, official statements, including statements made through State media outlets.[14] Primary sources also include interviews with victims and witnesses conducted by reputable human rights organizations where the Mission was able to assess the methodology used by the organizations in question, to obtain, with the prerequisite consent, the statements/interviews and to authenticate them through direct contact with the concerned victims and witnesses. The Mission interviewed 134 victims and witnesses, including 48 women, one girl child and 85 men. The Mission also interviewed family

[13] See United Nations Office of the High Commissioner for Human Rights ("OHCHR"), International Commissions of Inquiry and Fact-Finding Missions on International Human Rights Law and International Humanitarian Law - Guidance and Practice, 2015, available at: https://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf

[14] The Mission availed itself of official translations where they were available. In all other instances, translations are unofficial translations.

members, lawyers, private sector actors, medical doctors, and representatives of intergovernmental and non-governmental organizations with direct knowledge of the areas under investigation.[15]

32. The Mission also collected information from secondary sources. Where the Mission relied upon information contained in secondary sources, such as reports, for corroborative purposes it sought to discuss the methodology, findings, and/or analysis with the author whenever possible. The Mission also sought expert analysis on medical and forensics, sexual and gender-based violence, child psychology, security, and technology related issues.

33. The Mission collected, reviewed and analysed information drawn from a variety of open sources, namely social media, news and media outlets, blogs and press releases. This information was used as both a basis for further investigations and to corroborate and verify information provided to the Mission through traditional human rights investigative practices, such as interviews with victims and witnesses. The Mission ensured that the authenticity, veracity and credibility of open sources was established through best practices of current open-source analytical methods.[16] Findings were made using only those materials that the Mission was able to authenticate.

34. The Mission prioritized incidents of alleged violations for examination using criteria such as the gravity of allegations of violations; their significance in demonstrating patterns; access to victims, witnesses and supporting documentation; and the geographic locations of the incidents.

2. Standard of proof

35. Consistent with the practice of United Nations fact-finding bodies, the Mission employed the "reasonable grounds" standard in making factual determinations on individual cases, incidents and patterns of conduct. This standard is met when, based on a body of verified information, an objective and ordinary prudent observer has reasonable grounds to conclude that the facts took place as described and, where legal conclusions are drawn, that these facts meet all the elements of a human rights violation and, as applicable, of crimes under international law. While the "reasonable grounds to believe" standard of proof is lower than the standard normally required in criminal proceedings to achieve a conviction, it is considered sufficient to call for further investigations by a competent authority.

36. The Mission followed the established methodology for this standard of proof of requiring at least one credible direct source of information, independently corroborated by at least one or more additional credible sources of information, to consider individual incidents and patterns established and to reach factual conclusions. In cases where there was only a single credible direct source for an incident, if the incident fitted a pattern of incidents established by the Mission and for which it could identify similarities in various fields, such as the methods or *modus operandi*, the location, and/or the perpetrators, the Mission relied on corroboration by pattern.

37. Accordingly, the Mission has included in the present document and submitted to the Council incidents, patterns and legal findings, which meet the "reasonable grounds to believe" standard.[17] The Mission also refers to "credible" reports or information where it has

[15] Where the conference room paper quotes directly from an account of an interviewee, the FFMI has accepted the statement as assessed and described to be truthful and relevant, unless stated otherwise. Direct references to specific statements in this document should not be taken as an indication that it was the sole basis of judgment in relation to the issues under analysis. These direct references and citations were included to provide an example or illustration.

[16] See Berkeley Protocol on Digital Open Source Investigations available at https://www.ohchr.org/sites/default/files/2022-04/OHCHR_BerkeleyProtocol.pdf ; The Mission has reviewed hundreds of pieces of video footage and verified them to the extent that was possible. Where it has relied on audio-visual material to make findings, it has accepted that the material is credible and authentic, in line with its standard of proof.

[17] To indicate where its standard of proof has been met the Mission included formulations such as "the Mission established that", "[…] concludes that", and "[…] is satisfied that".

assessed the information as valid and the source as reliable and credible but has not been able to establish a fact on reasonable grounds to believe.

3. Victim-centred approach

38. The Mission strictly adhered to the principles and standards of fact-finding aimed at assuring the safety, security and well-being of victims and witnesses. The present document therefore includes information only where the sources of such information granted informed consent and where disclosure would not lead to any identification or result in harm to the source concerned.

39. In all its interactions, the Mission ensured that the perspectives, rights, needs, safety, dignity and emotional well-being of victims and witnesses were duly respected and sought to avoid their re-traumatization. The Mission also sought to capture the experiences and perspectives of victims and to duly reflect them in this document as illustrative examples. In line with existing United Nations policies on information sensitivity, classification and handling, information provided by witnesses and other confidential materials have been classified as strictly confidential[18] and the Personally Identifiable Data (PID) of those concerned have therefore been withheld from the report in order to ensure victim and witness protection.[19] These names are retained on a strictly confidential basis by OHCHR. Due to protection concerns, victims and witnesses declined to avail themselves of United Nations' procedures for the protection of human rights, but provided consent for the public use of their testimony as long as it was anonymized and identifying elements were not disclosed. Names and details of those concerned have been withheld due to fear of reprisals.[20]

40. The Mission paid specific attention to the protection of victims and witnesses. Its initial protection assessment indicated that individuals who speak out about the human rights situation in Iran and who engage with United Nations mechanisms have been subject to reprisals. Significantly, in August 2023, the United Nations Secretary-General indicated that multiple United Nations actors had noted the shrinking of civic space, including undue State restrictions over digital space, and continuing repression and violence targeting civil society, lawyers, and journalists since the start of the protests in September 2022 inside and outside the country. The report notes that this context amplified the risks of engaging with the United Nations, including this Mission, leading to self-censorship on the part of many.

41. The Mission was therefore extremely cautious in all interactions with victims and witnesses, making constant assessments with respect to the need to establish contact with persons who could be placed at risk as a result, while respecting the individual agency of victims and witnesses who expressed their desire to share their accounts or information with the Mission. It established strict security protocols to guide these interactions and to ensure that they were conducted through means to mitigate risks. Contacts were not pursued if the Mission could not ensure the safety of the cooperating person, if the risk of harm was assessed to be too high, or if the Mission did not have sufficient information to make an informed determination on the level of risk involved in connection with such contacts.

4. Women and child rights focus and intersectional perspectives approaches

42. In accordance with the strong focus placed by the Human Rights Council on the situation of women and children, the Mission addressed the human rights violations perpetrated against, and affecting, women and children, during the protests and subsequent events, including discrimination, unnecessary and disproportionate use of force, executions, arbitrary arrest and detention, torture and ill-treatment, sexual and gender-based violence, violations of the right to protest and freedom of expression, denial of fair trials, violations of the right to education, and infringement of the right to privacy, amongst others. The Mission also conducted a gender and child sensitive analysis of the human rights violations examined and assessed their specific impact on women and children and the gendered dimensions of

[18] See Secretary-General's bulletin on Information sensitivity, classification and handling, ST/SGB/2007/6.

[19] See Report of the Secretary-General, "Situation of human rights in the Islamic Republic of Iran", A/HRC/54/61 para. 78, 21 August 2023.

[20] Ibid.

such violations. It established the facts and circumstances surrounding the alleged violations. In doing so, it examined discriminatory laws and practices, in particular those that affect all aspects of women's and children's lives and underpin violations and exacerbate the impact of violations. In addition to the general principles that guided the Mission's work, when engaging with children, the principles of non-discrimination, right to life, development and survival, the best interest of the child and respect for the child`s views, were taken into consideration at all times.

43. The Mission also adopted an intersectional approach and examined the issue of discrimination on grounds of age, sex, gender, sexual orientation, gender identity, disability, socio-economic status, religion and ethnicity. Particular attention was also given to alleged violations of the rights of groups that have faced discrimination, exclusion and marginalization and the nature and extent of the impact and effect of such violations in the context of the protests that started on 16 September 2022.

D. Applicable legal framework

44. Facts were assessed in light of international law as applicable to Iran, including human rights law and international criminal law. The Mission also considered the rights guarantees under the domestic law of Iran, including Iran's Constitution.

1. International Human Rights Law

45. Iran is bound by the United Nations Charter and the pledge to take action for the achievement of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".[21] Regardless of the extent to which Iran has ratified specific human rights treaties, it must respect internationally recognised human rights under customary law.

(a) Treaty Law

46. As of 1st March 2024, Iran has ratified five of the core United Nations human rights treaties: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and the Convention on the Rights of Persons with Disabilities (CRPD).[22] Iran has also ratified the two optional protocols to the CRC on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

47. States parties to the ICCPR are under the general obligation to respect the Covenant rights and to ensure them to all individuals in their territory and subject to their jurisdiction "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property birth or other status".[23] The Human Rights Committee noted that this means that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State party, even if not situated within its territory.[24] The obligations of the Covenant are binding on every State party as a whole as all branches of government - executive, legislative and judicial - and other public or governmental authorities, at whatever level national, regional or local, are in a position to engage the responsibility of the State party.[25]

48. The legal obligation under ICCPR article 2 (1) is both negative and positive in nature. States parties must respect the rights enshrined in the ICCPR, that is, they must refrain from interfering with or curtailing the enjoyment of the rights recognized by the Covenant, and

[21] Articles 55 c and 56 of the United Nations Charter.
[22] Dates of accession or ratification by Iran are: ICCPR (24 June 1975); ICESCR (24 June 1975); CRC (13 July 1994), ICERD (29 August 1968); and CRPD (23 October 2009).
[23] CCPR, General Comment 31, CCPR/C/21/Rev.1/Add. 13, para.3.
[24] Ibid., para. 10.
[25] Ibid., para. 4.

any restrictions on any of those rights must be permissible under the relevant provisions of the Covenant. Where such restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims in order to ensure continuous and effective protection of Covenant rights. Under the duty to protect, States must actively ensure that persons within their jurisdiction do not suffer from human rights abuses committed by others. Limitations and derogations under IHRL cannot involve discrimination based on race, sex, language, religion, social origin, among others. Article 2 also requires that States parties adopt legislative, judicial, administrative, educational and other appropriate measures in order to fulfil their legal obligations.[26]

The ICESCR requires States parties to undertake steps, to the maximum of their available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant. These include the right to the enjoyment of the highest attainable standard of physical and mental health, the right to work, the right of everyone to the enjoyment of just and favourable conditions of work, the right to social security, the right to education, and the right to take part in cultural life. States Parties to Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (2)). They also undertake to ensure the equal rights of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant (article 3).

49. The UN Committee on Economic, Social and Cultural Rights considers that non-discrimination is an immediate and cross-cutting obligation in the Covenant and that article 2, paragraph 2, requires States parties to guarantee non-discrimination on in the exercise of each of the economic, social and cultural rights enshrined in the Covenant and can only be applied in conjunction with these rights. It notes that discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights.[27] It further notes that States parties need to adopt an active approach to eliminating systemic discrimination and segregation in practice and that"[t]ackling such discrimination will usually require a comprehensive approach with a range of laws, policies and programmes, including temporary special measures."[28]

50. The preamble of the CRC recalls that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance. Under the CRC, a State party is under the obligation to respect and ensure the rights of children, meaning all persons under the age of 18 years, to non- discrimination (article 2). As a State party to the CRC, Iran has the obligation to respect and ensure the rights set forth in the Convention to each child within its jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (article 2 (1)). Iran must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (article 2 (2)). Children also have the right to have their best interests taken as a primary consideration (article 3 (1)), to life, survival and development (article 6) as well as their right to be heard. Children also enjoy the rights to express their views freely in "all matters affecting the child", those views being given due weight (article 12), to freedom of expression, to freedom of thought, conscience and religion, and to freedom of association and peaceful assembly (articles 13 to 15). Children have the right to protection from all forms of physical or mental violence, injury and abuse, including sexual abuse (article 19), to the highest attainable standard of health (article 24), to education (article 28), and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, not

[26] Ibid., para. 6.
[27] Ibid., para. 7.
[28] Ibid., para. 39.

to be sentenced to capital punishment and to be protected from unlawful or arbitrary arrest, detention or imprisonment (article 37).

51. Article 4 of the CRC requires States parties to take "all appropriate legislative, administrative and other measures" for implementation of the rights contained therein. The Committee on the Rights of the Child in its General Comment 5 noted the utmost importance of fully aligning any domestic legislation with the provisions and principles of the Convention and making the latter directly and appropriately enforceable in the domestic system. As the primary duty bearer for the implementation of the obligations under the Convention, the responsibility to seek and engage all relevant sectors of the society including children themselves is incumbent upon the State.[29]

52. In addition, the Committee on the Rights of the Child identified a wide range of measures that are needed for effective implementation of Convention rights, including the development of special structures and monitoring, training and other activities in Government, parliament and the judiciary at all levels. The Committee in its General Comment 5 underscored the development of a children's rights perspective in respect of measures required for effective implementation of the Convention and in particular those provisions identified by the Committee as general principles (articles 2, 3, 6 and 12).

53. States parties to the ICERD condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races. In particular, they undertake to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation. They also undertake to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization (article 2). Racial discrimination is defined as distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (article 1).

54. The UN Committee on the Elimination of Racial Discrimination notes that racial discrimination does not always affect women and men equally or in the same way. There are circumstances in which racial discrimination only or primarily affects women, or affects women in a different way, or to a different degree than men. Such racial discrimination will often escape detection if there is no explicit recognition or acknowledgement of the different life experiences of women and men, in areas of both public and private life. The Committee also notes that: "certain forms of racial discrimination may be directed towards women specifically because of their gender, such as sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict; women may also be further hindered by a lack of access to remedies and complaint mechanisms for racial discrimination because of gender-related impediments, such as gender bias in the legal system and discrimination against women in private spheres of life".[30]

55. Under the CRPD, States parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability (article 4). Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (article 1). As a State party to the CRPD, Iran is required to prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds (article 5.2). Discrimination can be based on a single characteristic, such as disability or gender, or

[29] General Comment No.5 on the General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), CRC/GC/2003/5, para. 1.

[30] General Recommendation XXV on gender-related dimensions of racial discrimination, Committee on the Elimination of Racial Discrimination, INT_CERD_GEC_7497_E, 2000.

on multiple and/or intersecting characteristics. “Intersectional discrimination” occurs when a person with a disability or associated to disability suffers discrimination of any form on the basis of disability, combined with, colour, sex, language, religion, ethnic, gender or other status.[31]

56. Upon ratification of the CRC, the Government of Iran stated therein: “reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect”.[32] Equally, upon ratification of the CRPD, Iran made the following declaration: “with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules.”[33] CRPD Article 46 provides that reservations incompatible with the object and purpose of the present Convention shall not be permitted. This article mirrors the Vienna Convention on the Law of Treaties, applicable to both the CRC and CRPD, which provides that a State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless the reservation is incompatible with the object and purpose of the treaty.[34]

57. In relation to the reservation to the CRC and the declaration to the CRPD, it is worth noting that Iran has consented to be bound by the obligations articulated in these treaties and accepted that domestic laws and practice cannot be invoked to justify a failure to comply.[35] Furthermore, under international law, a reservation is incompatible with the object and purpose of the treaty if it affects an essential element of the treaty that is necessary to its general thrust, in such a way that the reservation impairs the raison d’être of the treaty.[36] The general nature of Iran’s reservation to the CRC and its declaration to the CRPD do not allow any determination of their scope in order to assess in particular compatibility with the object and purpose of the treaty.[37] Indeed, the Committee on the Rights of the Child expressed its concern that the imprecise nature of Iran’s reservation to the CRC, which invokes ‘Islamic laws’ in a general way, hampers the implementation of many provisions of the Convention and is not compatible with the object and purpose of the Convention.[38]

58. The Mission notes that reservations restricting the application of a human rights treaty on the basis of religious law may not be used to justify discrimination against women and children, or against religious, ethnic, and other minorities. Treaty bodies have found that similar general reservations on the purported grounds of incompatibility with the Islamic Sharia constitute an obstacle to the implementation of the relevant treaty as a whole.[39] The Human Rights Committee considers that an unacceptable reservation will not be in effect for a reserving party and that the ICCPR will be operative for the reserving party without benefit of the reservation.[40]

59. Iran is not a party to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). While the Iranian parliament passed a bill to ratify the CEDAW

[31] General Comment No. 6 (2018) on equality and non-discrimination (CRPD/C/GC/6 para. 19), Committee on the Rights of Persons with Disabilities, 28 April 2018.

[32] United Nations Treaty Collection, 11. Convention on the Rights of the Child.

[33] United Nations Treaty Collection, 15. Convention on the Rights of Persons with Disabilities.

[34] Article 19 of the Vienna Convention on the Law of Treaties.

[35] Article 27 of the Vienna Convention on the Law of Treaties.

[36] See text of the set of draft guidelines constituting the Guide to Practice on Reservations to Treaties, provisionally adopted by the Commission, 3.1.5, 3.1.6, A/65/10.

[37] See text of the set of draft guidelines constituting the Guide to Practice on Reservations to Treaties, provisionally adopted by the Commission, 3.1.7, A/65/10.

[38] Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran. CRC/C/IRN/CO/3-4, para. 9, Committee on the Rights of the Child, 14 March 2016.

[39] CEDAW/C/BHR/CO/4 (CEDAW 2023), para. 8; CEDAW/C/OMN/CO/2-3 (CEDAW 2017), para. 9.

[40] General Comment No. 24: Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant CCPR/C/21/Rev.1/Add.6 para. 18, Human Rights Committee, 4 November 1994.

in May 2003,[41] the Guardian Council subsequently decided not to ratify CEDAW. All laws must be approved by the Guardian Council.[42]

(b) Customary international human rights law

60. The UDHR is generally considered as an authoritative interpretation of the human rights provisions in the United Nations Charter.[43] The UDHR sets out the fundamental human rights that are to be universally protected and many of its provisions, if not the document in its entirety, are reflective of customary international law.[44] This means that States are bound by the norms captured in these provisions, regardless of whether they are codified in a binding treaty and ratified by the State concerned.

61. Some human rights provisions are also considered peremptory norms of international law, or *jus cogens*. These norms are accepted and recognized by the international community of States as a whole as norms from which no derogation or limitation is permitted.[45] It is commonly accepted that these include, inter alia, the prohibitions of the arbitrary deprivation of life, torture, including rape as a form of torture, enforced disappearance, prolonged arbitrary detention, racial discrimination and apartheid, and crimes against humanity.[46] Systematic gender discrimination has also been advanced as a peremptory norm of international law.[47]

(C). Other instruments

62. In addition to the human rights treaties, a range of other instruments assist in understanding and delineating human rights obligations of States. These include, for example, the Standard Minimum Rules for the Treatment of Prisoners ("the Mandela Rules"),[48] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[49] the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ("the Bangkok Rules"),[50] the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity,[51] and the Basic Principles and Guidelines on the Right to Remedy and

[41] "It's a Men's Club", Human Rights Watch, 25 May 2017.

[42] "You shall procreate - Attacks on women's sexual and reproductive rights in Iran", Amnesty International, 11 May 2005.

[43] Iran voted in favour of the Universal Declaration of Human Rights (UDHR) adopted on 10 December 1948. See Yearbook of the United Nations 1948–1949, p. 535.

[44] See H. Hannum, "The Status of the Universal Declaration of Human Rights in National and International Law", Georgia Journal of International and Comparative Law, vol. 25 (1995/6) 287-397; O. De Schutter, International Human Rights Law, 2nd ed. (Cambridge, Cambridge University Press, 2014), p. 63 (including references listed there).

[45] Vienna Convention on the Law of Treaties, art. 53.

[46] See N. Rodley, "Integrity of the Person", in International Human Rights Law (2nd ed.), D. Moeckli, S. Shah and S. Sivakumaran, eds. (Oxford, Oxford University Press, 2014), p. 185; ICJ, Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal), Judgment of 20 July 2012, ICJ Reports 2012, para. 99; J. Sarkin, "Why the Prohibition of Enforced Disappearance Has Attained Jus Cogens Status in International Law", Nordic Journal of International Law, Vol. 81(4), 2012, pp. 537-584; International Law Commission, "Report of the Study Group on Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law" A/CN.4/L.682 (13 April 2006), para. 374; E. De Wet, "Jus Cogens and Obligations Erga Omnes", in The Oxford Handbook on International Human Rights Law, Dinah Shelton ed. (Oxford, Oxford University Press, 2013), pp. 543-547; M.C. Bassiouni, "International Crimes: Jus cogens and obligation erga omnes", Law and Contemporary Problems, vol. 59(4), 1996, p. 68.

[47] See Section XI.

[48] The United Nations Standard Minimum Rules for the Treatment of Prisoners were initially adopted by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and approved by the United Nations Economic and Social Council in 1957. On 17 December 2015, a revised version was adopted unanimously by the General Assembly (A/RES/70/175).

[49] Adopted by General Assembly resolution 43/173 of 9 December 1988.

[50] Adopted by the General Assembly resolution 65/229 of 16 March 2011.

[51] Recognised in a consensus resolution of the United Nations Commission on Human Rights in 2005 (E/CN.4/2005/102/Add.1).

Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.[52]

63. The 1979 United Nations Code of Conduct for Law Enforcement Officials[53] and the 1990 Basic Principles on the Use of Force and Firearms for Law Enforcement Officials[54] provide guidance to States on the use of force and firearms by any law enforcement official. The Code of Conduct stipulates (article 3) that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. The Basic Principles set out the core parameters to determine the lawfulness of use of force by law enforcement personnel and establish standards for accountability and review. Any use of force by law enforcement officials should be in accordance with the principles of legality, necessity, proportionality, non-discrimination, precaution and accountability. These instruments, and in particular the provisions regarding the use of force in relation to the right to life and physical integrity, are considered authoritative.[55]

(d) Responsibility

64. Under international human rights law, States have the duty to respect, protect and fulfil human rights in their territory and jurisdiction without discrimination, and are responsible for any violations committed by their organs or agents. Inherent in these duties is the obligation to guarantee the right to equality, as well as to prevent, investigate and punish the commission of violations, and to ensure that victims have accessible and effective remedies and reparations. Under certain circumstances, acts by non-State actors are attributable to a State and thus raise the responsibility of the State under international law.[56]

65. Investigations into alleged violations must be carried out by independent and impartial bodies and be prompt, transparent, thorough and effective.[57] A victim of any human rights violation is entitled to equal and effective access to justice, irrespective of who may ultimately be the bearer of responsibility for the violation; and to effective remedies, including truth, justice and adequate, effective and prompt reparation for any harm suffered.[58]

(e) Crimes under International Law

66. Individual criminal responsibility can accrue under customary international law, where human rights violations rise to the level of crimes under international law.[59] Such crimes include crimes against humanity, which are perpetrated when certain prohibited acts are committed as part of a widespread or systematic attack directed against a civilian

[52] Adopted by General Assembly resolution 60/147 of 16 December 2005.

[53] Adopted by the General Assembly in 1979.

[54] Adopted at the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990. On 18 December 1990, the United Nations General Assembly adopted resolution 45/166 welcoming the Principles and inviting States to respect them.

[55] See OHCHR and United Nations Office on Drugs and Crime, "Resource book on the use of force and firearms in law enforcement" (New York, United Nations, 2017), p. 7 and references therein.

[56] International Law Commission, Responsibility of States for Internationally Wrongful Acts, 2001.

[57] See CCPR, General Comment 31, CCPR/C/21/Rev.1/Add. 13, para. 15; General Comment 36, CCPR/C/GC/36; General Comment 37, CCPR/C/GC/37; The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), Office of the United Nations High Commissioner for Human Rights, New York/Geneva (2017); ECOSOC, Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989), para. 9; The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), paras. 57, and 71-72, A/RES/70/175 (2015); The updated Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022); and United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement (2020).

[58] See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147); see also ICCPR, article 2; CCPR, General Comment 31, CCPR/C/21/Rev.1/Add. 13, paras. 4, 15 and 17.

[59] International Tribunal for the Former Yugoslavia, Prosecutor v. Tadić, Trial Judgment, para. 623. See also International Criminal Court, Prosecutor v. Sesay, Kallon and Gbao (RUF Case), Trial Judgment, para. 58; and A/CN.4/680, para. 51.

population, with knowledge of the attack. International courts have interpreted the contextual elements of crimes against humanity as requiring an attack directed against any civilian population, defined as a course of conduct involving the multiple commission of prohibited acts against any civilian population; a State or organizational policy to commit such an attack, through which the State actively promotes or encourages the attack against a civilian population; that the attack be widespread or systematic, where "widespread" refers to the largescale nature of the attack and the number of victims, and "systematic" refers to the organized nature of the acts of violence and the improbability of their random or accidental occurrence; an attack need be either widespread or systematic, not both, for the contextual element to be satisfied; a nexus between the individual act and the attack; and that the perpetrator acted with sufficient *mens rea*.[60]

67. The Mission has in particular considered torture and enforced disappearance as crimes under international human rights law, as well as crimes against humanity. The Mission referred to the definitions of these crimes in the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court and customary international law, as well as the interpretation of these definitions in the jurisprudence of international courts and tribunals.[61] Legal conclusions are drawn where an objective and ordinary prudent observer would have reasonable grounds to conclude that the facts meet all the elements of a crime under international law.

2. Domestic law

68. Where relevant, the Mission also considered domestic law, in particular the 1979 Constitution as amended in 1989, the Islamic Penal Code and other domestic laws, and the extent to which it is in line with international human rights norms and standards.

69. Pursuant to its ratification of the ICCPR (article 2 (2)), CRC (article 3 (2)), ICERD (article 2 (1) (d)), and CRPD (article 4 (1) (a) and (b)), Iran is committed to adopting laws that give effect to the rights and protections guaranteed in these Conventions and bringing domestic laws and regulations in line with such rights and protections. By ratifying ICESCR, Iran also committed to taking steps with a view to achieving progressively the full realization of the rights recognized in the Covenant, including particularly the adoption of legislative measures (article 2 (1)).

(a) 1979 Constitution as amended in 1989

70. The Constitution of Iran, under its Chapter III, guarantees a number of rights and fundamental freedoms. These include the right to equality, the right to life, freedom of expression, the right to privacy, freedom of association, freedom of peaceful assembly, the rights to health care, education, adequate housing, not to be subjected to arbitrary arrest and detention, access to a court, access to a lawyer, the presumption of innocence, and not to be subjected to torture. According to article 20, all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria. According to article 21, the Government must ensure the rights of women in all respects, in conformity with Islamic criteria.

71. The Iranian constitution does not guarantee the rule of law or separation of power. The powers of government in the Islamic Republic are vested in the legislature, the judiciary, and the executive, functioning under the supervision of the absolute religious Leader and the Leadership of the Ummah, in accordance with the forthcoming articles of this Constitution.[62] Some constitutional rights provisions raise concerns including language that restricts the rights protected based on grounds not allowed under the treaties ratified by Iran, as well as for the lack of protection of several fundamental rights protected under IHRL. Article 20 of

[60] The conduct was committed as part of a widespread or systematic attack directed against a civilian population; and the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

[61] See Section X.

[62] Article 57 of the Constitution.

the Constitution limits equal protection of the law and the enjoyment of human, political, economic, social, and cultural rights to "citizens of the country" rather than any individual on the territory or under the jurisdiction of Iran. Furthermore, several provisions are accompanied by a qualification referring to the enjoyment of the right "in conformity with Islamic criteria", "provided [it does] not violate the criteria of Islam, or the basis of the Islamic Republic", or with the exception of when it is "detrimental to the fundamental principles of Islam". This applies for instance to Article 20, as well as Article 21 which refers to the rights of women, Article 26 on freedom of association and Article 27 on freedom of peaceful assembly. Equally Article 24 guarantees freedom of expression to publications and the press "except when it is detrimental to the fundamental principles of Islam or the rights of the public". The Constitution does not define any of the above concepts that unduly restrict the enjoyment of human rights and fundamental freedoms.

72. Other provisions fall short of the protections under human rights law. While stating that torture is forbidden, Article 38 limits its definition to torture "for the purpose of extracting confession or acquiring information". It does not for instance prohibit torture for such purposes as punishment, intimidation, coercion or for any reason based on discrimination of any kind, as recognized under international human rights law.[63] Equally, the provision does not prohibit cruel, inhuman or degrading treatment or punishment pursuant to the ICCPR (article 7).

73. Fair trial rights and due process guarantees, as well as the right to freedom of thought, conscience and religion and the principles of non-discrimination and self-determination as enshrined in international human rights law are also not guaranteed under the Constitution.

(b) Islamic Penal Code

74. The Islamic Penal Code provides for punishments violating the absolute prohibition of torture and other ill-treatment. For example, it provides for limb amputation, such as amputation of the full length of four fingers of the right hand or amputation of the left foot from the end of the knob, as well as stoning to death, crucifixion and flogging.

75. The Islamic Penal Code also provides for punishments such as shaving of the head that raise concerns in relation to the right not to be subjected to torture and ill-treatment, to security of person and to bodily integrity. Punishments such as banishment further raise concerns, in relation to the right to freedom of movement and not to be subjected to torture and ill-treatment, to privacy and to family life.

II. Socio- economic and cultural context and institutional framework

A. Historical overview of protest movements in Iran

76. The "Woman, Life, Freedom" movement emerged against the backdrop of a long history of protest movements that have taken place in Iran since the 1977-1979 Islamic Revolution. The struggle of Iranian women and girls for their rights will be discussed in detail in Section VIII. This part of the report provides a brief overview of some of the key protest movements in recent decades, notably the protests against the Constitution which took place immediately after the Revolution, the 1999 students protests as well as the protest movements which took place in 2009, 2017-2018 and 2019. It further seeks to highlight the pattern of violent responses from State authorities to protests, impacting on civic and political space.

1. 1979-1990 - From opposition to the Constitution, to closure of political and civic space

77. In March 1979, State officials announced that a new political system, the "Islamic Republic" had been established following a referendum ending the fifty-four-year rule of the Pahlavi dynasty.[64] While women played a pivotal role in the Revolution participating in

[63] Article 1 of the Convention against Torture which reflects customary law.
[64] https://irandataportal.syr.edu/referenda.

marches and demonstrations, the consolidation of Ayatollah Khomeini's power and the establishment of a theocracy was swiftly challenged by Iranian women and men from all walks of life and diverse political, ethnic and religious backgrounds. Hopes for a democratic process to prepare the future Constitution were rapidly extinguished, with the election of a smaller, cleric-dominated Assembly of Constitutional Experts in charge of preparing the Constitution. This election was met with large-scale voter boycotts from traditional political parties, and lower turnout compared to the March referendum.[65]

78. The text of the Constitution proposed by the Assembly was considered by many as undermining national sovereignty.[66] The main criticism focused on certain articles of the Constitution including the concept of *velayat-e faqih*, or guardianship of the theologian (see Article 110 of the Constitution) granting unchecked power to unelected religious leaders and ultimate authority to the Supreme Leader on all State affairs. Those opposing the draft Constitution, among them followers of Ayatollah Shariatmadari, a supporter of the rule of law and popular sovereignty, were labelled by Ayatollah Khomeini and his supporters as "enemies of the revolution"[67] and violently repressed. Press closures,[68] attacks on opposition meetings, summary revolutionary trials and executions were observed during this period. [69]

79. The draft Constitution was put to the vote in a referendum on 2 and 3 December 1979. According to State media, the Constitution was adopted with 99.5 per cent of the vote.[70] The referendum did not resolve the tensions. In Tabriz, East Azerbaijan province, anti-Constitution protest movements started on 6 December 1979. They were crushed by January 1980, after a massive crackdown and violence by armed revolutionary committees (which later became the Revolutionary Guards).[71] Ayatollah Shariatmadari, who was openly critical of the referendum, was placed under house arrest, and reportedly refused medical care until he died six years later.[72]

80. Between June 1981 and June 1982, mass executions of thousands of political opponents, including communists, socialists, social democrats, liberals, monarchists, as well as followers of the Bahá'í Faith were reported.[73] A total of 2,616 dissidents were reportedly executed following death sentences handed down in more than eighty-five cities across the country by the Islamic Revolutionary Courts, following convictions for spreading "corruption on earth" *(efsad-e fel arz)*, "espionage", "terrorism", or "enmity against God"

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65 In an interview given to Kayhan daily on 10 December 1979, Ayatollah Lahouti who headed the Revolutionary Guards in the early months of the Revolution, indicates that participation rates were 40 per cent in the election of the Assembly of the Experts- Kayhan Daily, Participation Rates, 10 December 1979.See also "Building the Islamic State: The Draft Constitution of 1979 Reconsidered" Source: Iranian Studies, Vol. 46, No. 4 (July 2013), pp. 641-663, Cambridge University Press.

66 On 21 June 1979, the Iranian Jurists' Association stressed that "no single individual or group can expropriate [national sovereignty] for its own purposes", https://www.iranrights.org/library/document/1551; In an open letter dated 3 June 1979, the National Democratic Front wondered: "if by "government" and "constitution" you mean] the creation of a theocracy in which all action depends on clerics and the Quran, why talk about a constitution at all?" https://www.iranrights.org/fa/library/document/254/the-national-democratic-fronts-open-letter-to-ayatollah-khomeini; https://www.iranrights.org/library/document/1551.

67 Speech of Ayatollah Khomeini in the city of Qom on 24 July 1979.

68 See "The clash of the Ayatollahs: A Religious Challenge to the Monopoly of Power by the Clergy in Iran ", Abodrrahman Boroumand Centre for Human Rights in Iran, 11 February, 2022. P. 9

69 See "Human Rights Violations Against Shi'a Religious Leaders And Followers", Amnesty International, 1 June 1997. See also "The Clash of the Ayatollahs: A Religious Challenge to the Monopoly of Power by the Clergy in Iran", Abdorrahman Boroumand Center for Human Rights in Iran, 11 February 2022.

70 See "December 3, 1979: Recognition of the Constitution of the Islamic Republic of Iran", Mizan online, 3 December 2021.

71 On 12 January, the Revolutionary Guards released a statement to the media announcing the arrest of people who "had past records of various crimes, were mercenaries of foreigners, and carried out anti-revolutionary activities there on the order of traitors to the religion." (Kayhan daily, January 12, 1980.)

72 See "ABC interview with Ayatollah Hassan Shariatmadari", 8 January 2022.

73 Investigating the 1981 Massacre in Iran: On the Law-Constituting Force of Violence, Journal of Genocide Research, Shahin Nasiri & Leila Faghfouri Azar (2022).

(*moharebeh*). Most of those executed were reportedly young activists, aged between eleven and twenty-four years old.[74]

81. In 1988, thousands were again executed across the country, this time most were political prisoners.[75] In January 1989, the United Nation's Special Representative on Iran referred to "information he received in September 1988 alleging that a large number of prisoners, members of various opposition groups, had been executed during the months of July, August and September 1988". He also indicated that he had received more than 1,000 names, while pointing out that "there were in all probability several thousand victims". Most of the alleged victims were said to be members or supporters of the People's Mojahedin Organization of Iran, and members of other opposition groups.[76] Among the latter were reportedly members of leftist parties, as well as prisoners affiliated with Kurdish opposition groups.[77] Since then, Special Procedures mandate holders have repeatedly expressed concerns and sought information on "the 1988 massacres".[78] In 2018, the Special Rapporteur on the situation of human rights in Iran indicated in her report that even if the total number of persons who disappeared and were executed can be disputed, the overwhelming evidence shows that at the least thousands of persons were summarily killed.[79] In 2021, the Working Group on Enforced or Involuntary Disappearances expressed concerns about the ongoing concealment of burial sites of those forcibly disappeared and allegedly executed between July and September 1988 across the country.[80]

2. The 1999 student protests

82. The 1999 student protests were a reaction to the closure of a popular reformist newspaper, Salaam, operated by the Association of Combatant Clerics, a political group supporting President Mohammad Khatami.[81] On 8 July 1999, in response to student gatherings, security forces reportedly attacked a Tehran University dormitory, beat the students, and set several rooms on fire.[82] The death of one student, Ezzat Ebrahim-Nejad, during the raid sparked widespread anger. Students' protests subsequently spread across the country for a week.

83. By the end of the unrest, at least four male students were reportedly killed in the assault on the dormitory and three hundred wounded.[83] An estimated 1,200 to 1,400 were detained, while others were reportedly disappeared.[84] Some students testified to the torture and ill-treatment to which they were subjected while in detention.[85] The United Nation Special Representative on Iran indicated that the attack on the student dormitories was a clear

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74 See 1982_Amnesty_Country Report 1982. See also Investigating the 1981 Massacre in Iran: On the Law-Constituting Force of Violence, Journal of Genocide Research. Shahin Nasiri & Leila Faghfouri Azar (2022)

75 See "The Massacre of Political Prisoners in Iran, 1988", Geoffrey Robertson, Abdorrahman Boroumand Center for Human Rights in Iran", 18 April 2011.

76 Report on the human rights situation in the Islamic Republic of Iran / by the Special Representative of the Commission on Human Rights, E/CN.4/1989/26 para.15 and 16, 26 January 1989.

77 See "Blood-soaked secrets – Why Iran's 1988 prison massacres are ongoing crimes against humanity", Amnesty International 2017.

78 Communication sent by seven Special Procedures mandate holders to the Government of Iran on 3 September 2020.

79 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of IranA/72/322 para.109, 14 August 2017.

80 Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/48/57 para.84, 4 August 2021.

81 Report by the Special Representative on the situation of human rights in the Islamic Republic of Iran, A/54/365 para.17, 21 September 1999.

82 See "July 1999 Tehran Dormitory Attack and Protests in Pictures", Abdorrahman Boroumand Center for Human Rights in Iran, 14 February 2024.

83 See "Human Rights Watch World Report 2000 – Iran", 1 December 1999.

84 See "New Arrests And "Disappearances" of Iranian Students", Human Rights Watch, 29 July 1999.

85 See "Like the Dead in Their Coffins", Human Rights Watch, 6 June 2004. See also: "Iran: Peaceful protesters must be released immediately", Amnesty International, 11 July 2003

violation of the human rights of the students, and also of Iranian domestic law.[86] He also cited the head of the Tehran Revolutionary Court's declaration that four of the students had been condemned to death.[87] At least one detained student leader appeared on television, "confessing" to his role in the disturbances and to having been in contact with "foreign elements". State television also broadcast videotaped confessions of activists, accused of being "counter revolutionaries".

84. On 13 July, only five days after the start of student mobilisations, the Government quelled the protests by imposing a ban on rallies. Efforts by the family of Ebrahim-Nejad to shed light on the death of their son proved unsuccessful. The lawyer of the family, Nobel Peace prize laureate, Shirin Ebadi, was sentenced to a five-year prison term and her license to practice law was suspended for sending a video of a former member of the Ansar-e Hezbollah to President Khatami and the head of the Islamic judiciary, in which that person confessed to his involvement in the attack on the dormitory on the alleged order of high-level authorities.[88] The student's family was also reportedly harassed and barred from Government offices.[89] In October, President Mohammad Khatami declared that the events at the University of Tehran had been a "disgrace".[90]

85. The Special Representative on Iran highlighted the lack of accountability for the events.[91]

3. 2009 – The "Green Movement"

86. In June 2009, protests demanding for a reform of the political system, known as the Green Movement, took place in Iran.[92] The protests erupted after the official announcement on 13 June that Mahmoud Ahmadinejad had won the presidential election. Supporters of the two pro-reform presidential candidates, Mir-Hossein Mousavi and Mehdi Karroubi, took to the streets demanding the election results be annulled.

87. Millions of women and men demonstrated in Tehran under the slogan "where is my vote?".[93] Protests then spread to other cities such as Isfahan, Shiraz, and Tabriz, and were reportedly violently repressed. As during the student protests of 1999, high ranking officials delivered harsh statements against protesters, labelling them 'terrorists'[94] and asking the judiciary to "decisively and mercilessly deal with the leaders of unrest who are in the manger of America and Israel."[95] According to official figures, a total of 36 people were killed.[96] Opposition and other sources communicated the figure of 72 people killed while noting that the actual figures could be much higher.[97] By mid-August 2009, the authorities indicated that around 4,000 people had been arrested, and that about 3,700 people had been released.[98]

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86 Report by the Special Representative on the situation of human rights in the Islamic Republic of Iran, A/54/365 para.20, 21 September 1999.

87 Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran, E/CN.4/2000/35 para. 63, 18 January 2000.

88 See "They Arrest You First, Then They Come up with a Charge": Shirin Ebadi Recounts Persecution for her Legal Work", Abdorrahman Boroumand Center for Human Rights in Iran, 9 July 2019.

89 See "Iran Awakening", Random House New York, Shirin Ebadi with Azadeh Moaveni, 2006, p.151.

90 Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran, A/54/365 para.64, 21 September 1999.

91 Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran, E/CN.4/2000/35 para. 65, 18 January 2000.

92 See "Students' demands from presidential candidates 2009", 2 May 2009 and "Statement of Iranian Women's Movement Coalition to Propose Their Demands for the Coming Presidential Election", 30 April 2009, Abdorrahman Boroumand Center for Human Rights in Iran.

93 See "2009 vs now: How Iran's new protests compare to the past", AP News 3 January 2018.

94 Statement from the Minister of Intelligence dated 24 June quoted in "Iran election contested, repression compounded", Amnesty International, 10 December 2009.

95 See "Friday imam of Tehran: Deal ruthlessly with the riot leaders", Radio Farda, 27 June 2009.

96 See "Iran official says 36 killed in post-vote unrest", AFP, 9 September 2009.

97 In September 2009, the Committee for the Follow up of the Injured and Detained in Recent Events, which had been set up by Mehdi Karroubi and Mir Hossein Mousavi, made public a list of 72 deaths.

98 See "Iran election contested, repression compounded", Amnesty International, 10 December 2009

Among them were scores of journalists, students, human rights defenders, women's rights activists, and lawyers.

88. Neda Agha Soltan, a young woman protester, was shot in the chest during a demonstration in Tehran in 2009. Her killing, which was captured on camera, shook Iranians to the core and she came to embody the 2009 protests. In 2009, several detainees died at Kahrizak detention facility in Tehran after being subjected to torture and ill-treatment. Taraneh Mousavi was reportedly arrested after participating in protests and died in custody. Presidential candidate, Mehdi Karroubi, denounced sexual violence but authorities denied any wrongdoing.[99]

89. The role of social media in mobilizing and organizing dissenting voices in Iran first became central during the 2009 protests which led Iranian authorities to block satellite transmissions and access to the Internet, cut phone lines and close down other telecommunications such as SMS messaging.[100] Iranian authorities also implemented new restrictions that required journalists to obtain explicit permission before leaving the office to cover any story. Journalists were banned from attending any unauthorized demonstrations. The authorities also sought to block the use of social networking and other websites that had been used to broadcast information and visual images of the protests internationally.[101]

90. Through multiple statements issued over this period, United Nations human rights experts voiced grave concern about the use of excessive police force, including alleged use of live ammunition and rubber bullets to disperse protests, arbitrary arrests and killings, as well as ill-treatment of detainees.[102] The United Nations High Commissioner for Human Rights also expressed similar concerns, pointing specifically to reported acts of violence by members of the Basij militia.[103]

91. In August 2009, a State mandated Special Parliamentary Committee in charge of investigating allegations of rape in custody and the detention conditions of those held during the post-election unrest announced that rape allegations had been found to be baseless. Another Committee appointed by the Head of the Judiciary at the end of the month came to similar conclusions two weeks later.[104] In August 2009, over 100 protesters were paraded on state television to confess and apologize. Most, if not all, were deprived of legal representation and many were accused of vaguely worded national security charges.[105] On 13 October 2009, the United Nations High Commissioner for Human Rights expressed serious concerns about the death sentences handed down to three individuals for their involvement in the protests and about the manner in which the trials of opposition activists were conducted."[106] In November of the same year, the Ministry of Justice issued a list of judgments of 89 cases involving post-election incidents. Five people were given death sentences while 81 were sentenced to prison terms ranging from six months to 15 years".[107] A dramatic increase was recorded in the imposition of the death penalty during the reporting period, with a particular surge following the post-election unrest in 2009.[108]

92. In October 2009, Iran's Supreme Leader said it was a crime to cast doubt on the June elections.[109] At the time of writing of this document, three leaders of the Green Movement,

99 Ibid.

100 Ibid. See also "Protests in Iran in Comparative Perspective", Clingendael research, 8 March 2023.

101 Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/64/357 para. 22, 23 September 2009.

102 "Human Rights experts gravely concerned at killings and arrests in Iran", 19 June 2009; "UN experts gravely concerned by mass arrests in Iran", 7 July 2009.

103 See "Iran: UN rights chief concerned over arrests, excessive force following polls", United Nations High Commissioner for Human Rights, 19 June 2009.

104 See "Iran election contested, repression compounded", Amnesty International, 10 December 2009

105 Ibid.

106 "UN human rights chief criticizes latest execution of juvenile offender in Iran", 12 October 2009.

107 Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/65/370 para.35, 15 September 2010.

108 Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/65/370 para. 7, 15 September 2010.

109 See "Iranian leader says questioning election a crime", Reuters, 28 October 2009.

Mir-Hossein Mousavi, Zahra Rahnavard, and Mehdi Karroubi, were still under house arrest, a measure imposed on them since 2011. A year after the crackdown on the 2009 Green Movement, the United Nations Secretary-General indicated that no comprehensive investigation had been conducted or accountability process launched for alleged violations in the post-election period. [110]

93. Between 2013 and 2016, multiple strikes or protest movements, by workers, teachers and associations of civil society activists, continued throughout the country.

4. 2017- 2018 – The "anti-system" protests

94. From December 2017 to January 2018, people demonstrated in 75 cities across the country over a two-week period. The so called Dey protests, unlike the student protests of 1999 and the Green Movement, were triggered by economic factors, namely corruption,[111] unpaid wages, and inflation, especially the high prices of basic goods and commodities.[112] They were largely leaderless and disorganized and rapidly transformed into the first wave of anti- political system demands, with slogans against the Shi'a clergy, targeting both the government of President Hassan Rouhani and the Supreme Leader, Ayatollah Ali Khamenei.

95. Authorities labelled the protests as "seditious".[113] Iran's Interior Minister warned that those who "disrupt the order and break the law must be responsible for their behaviour and pay the price" and that "fear and terror will definitely be confronted."[114] On 5 January 2018, four United Nations Special Procedures mandate-holders declared "unacceptable" the Government's reported instruction to the Revolutionary Guards "to hit hard against the protesters", and the judiciary's threats of harsh punishment. They also expressed concern at reports that the Government had blocked the Internet on mobile networks, and that social media and messaging services like Telegram had been shut down in an attempt to quell the protests.[115] The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, expressed concerns about the increasingly severe response to the protests, amidst patterns of violations of the right to life, the right to liberty and the right to a fair trial. He also pointed out the increasing number of human rights defenders, lawyers, journalists and labour activists being arrested or harassed.[116] After two weeks of protests, 100 protesters had reportedly been killed[117] and more than 3,700 detained.[118]

5. The 2019 Aban protests

96. The second wave of "anti-system" protests also known as the Aban protests started on 15 November 2019 when Iranian authorities announced a threefold increase in petrol prices.[119] Similar to the Dey protests (December 2017 to January 2018), these demonstrations

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110 Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/65/370 para.43, 15 September 2010.

111 In 2019 Iran ranked 143 in a list of 180 countries- See 2019 Transparency International Corruption Index.

112 World Bank Country overview Islamic Republic of Iran, updated on 20 October 2022.

113 See "The Special Rapporteur on human rights should not participate in an anti-Iranian movement/ Europe is buying time in JCPOA talks/ The response of some international organizations to the execution of two economic corruptors/ The 40th anniversary of the Islamic Revolution of Iran is a great and blessed event and a unique experience", Mizanonline, 3 December 2017.

114 See "Iranian Interior Minister: Protesters Will 'Pay the Price", VOA, 31 December 2017.

115 See "Iran: UN experts urge respect for protesters' rights", press release issued by the five special Procedures mandate holders on 5 January 2018. See also: "Amid protests, Iran's Government censors its critics with Chinese-style internet control", The Intercept 13 January 2018 and "Iran Human Rights Guards at the Gate", Centre for Human Rights in Iran, January 2018.

116 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/40/67 para.5, 30 January 2019.

117 See "Iran: More than 100 protesters believed to be killed as top officials give green light to crush protests", Amnesty International, 19 November 2019.

118 See "Iran lawmaker says some 3,700 arrested amid protests", ABC News, 9 January 2018.

119 "The government revised the price of gasoline/ rationing started in the morning of November 15", Mehr News, 15 November 2019.

were triggered by economic grievances and had no clear leadership but their scale considerably differed. Within a week, the protests spread to 29 provinces (out of 31).[120] According to official Iranian media, civil demonstrations sparked in more than 200 cities.[121] Unlike another series of protests suppressed with violence in about 160 cities, from December 2017 into January 2018, mostly working-class individuals, the November 2019 demonstrations included people from all walks of life.[122] As with the first nationwide protests, they constituted a turning point in Iran and were met with a deadly crackdown. In the days following the November demonstrations, footage and reports emerged of security forces using live ammunition against unarmed protestors.[123] On 6 December 2019, the United Nations High Commissioner for Human Rights indicated that at least 208 people had been killed. She stated that "security forces responded to unarmed protesters with water cannons, tear gas, batons and live ammunition" and that "according to some reports, the Basij militia and Islamic Revolutionary Guard Corps used live ammunition against demonstrators." She also stated that "verified video footage indicates severe violence was used against protesters, including armed members of security forces shooting from the roof of a justice department building in one city, and from helicopters in another." According to the statement, OHCHR had also received footage showing security forces shooting unarmed demonstrators from behind "as they ran away and other straight on 'in other words shooting to kill'".[124] On 16 November 2019, the Supreme National Security Council ordered the largest internet and mobile telephone shutdown in the country, with connectivity rates dropping to 5 per cent of their usual levels.[125] Iranian authorities blocked social media platforms and messaging applications, like Instagram and forced users onto state-backed applications that use domestic severs, thereby increasing the ability of the Iranian authorities to both monitor users and control the flow of information.[126] This shutdown was recorded as the most serious disruption recorded in any country in terms of technical complexity and scale.[127] Reporting on the November 2019 events was further restricted by Government censorship and harassment of human rights defenders and journalists."[128] On 19 November, the spokesperson of the United Nations High Commissioner for Human Rights called on the Government to immediately re-establish Iranians' access to the internet, as well as other forms of communication which allow for freedom of expression and access to information.[129]

97. Several thousand protesters were said to have been arrested and detained, with the fate of many unknown. Reports also pointed out harassment of victims' families to remain silent, and/or to accept compensation and forgo demands for accountability.[130]

98. The protest movements that have taken place over the last 45 years, together with the State's responses, have shown some striking similarities. They have all been marked by unmet demands and unwillingness to concede on the part of the authorities. Moreover, there has been a pattern of delegitimization of protesters' demands and their labelling as a threat to national security, counter-revolutionary, "agents of foreign 'enemies', and "armed rioters". State authorities have responded to public demands with high levels of violence, large-scale arrests, torture and ill-treatment, violations of fair trial and due process rights, and waves of

120 See "Protests in Iran in Comparative Perspective", Clingendael research, 8 March 2023.

121 See "20 points regarding the incidents of November 2019", Fars News Agency, 30 November 2019.

122 A year after 'Bloody November,' reformists in Iran still fight for legitimacy, ABC News, 19 November 2020.

123 See A/HRC/43/61 para.8. See also "Iran: Deliberate Coverup of Brutal Crackdown, 12 Days After Protests, Authorities Refuse to Announce Death Toll", Human Rights Watch, 27 November 2019.

124 "UN rights chief 'extremely concerned' over deadly crackdown on protesters in Iran", 6 December 2019.

125 See "Internet disrupted in Iran amid fuel protests in multiple cities", Netblocks, 15 November 2019.

126 See "Turn on, turn off: Understanding Iran's digital blackout", Wired, 13 October, 2022.

127 "Internet disrupted in Iran as thousands gather to mourn singer Shajarian", NetBlocks, 8 October 2020.

128 Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/75/287, paras 27, 5 August 2020.

129 OHCHR Press Briefing on Iran, 19 November 2019.

130 See "Continued pressure on the family of Burhan Mansoornia, one of the victims of the November 2018" Radio Zamaneh, 24 January 2020.

executions, that appear to have been imposed as a deterrent to those seeking to publicly voice opposition to State policies or the Government more generally. Similarly, arrests of those supporting or reporting on the protests and the judicial harassment of victims' families have been another hallmark of the Government response to the exercise of peaceful assembly. As the online tools used to organize protests and respond to repressive measures have evolved, more recent protest initiatives have also been met with severe restrictions on public space, internet disruptions and surveillance as well as censorship, especially since "the Green Movement". Finally, as detailed in Section XI, there has been long-standing impunity with respect to human rights violations committed against protesters. Most notably, no senior official has ever been held to account in Iran for the grave human rights violations committed in the context of the protests that have taken place in Iran over the last 45 years, feeding into the cycle of impunity.[131]

B. Socio- cultural context

1. A diverse society

99. The current population of Iran is 89,2 million.[132] Iran's demographic transition has led to age-structural changes in recent decades. As a result of the sharp fertility decline, the population age structure has shifted toward a young and middle-aged population, with the proportion of the population under 15 decreasing from 46 per cent in 1986 to 23 per cent in 2016. The decrease in population aged 0–14 and the transition to a higher age group have led to an increase in the number of the working-age population (ages 15 to 64). These profound demographic transformations and the significant population growth of the second half of the twentieth century have contributed to the rapid urbanization of Iran. The share of population living in urban areas rose from 31% in 1956 to 54% in 1986, and over 69% in 2006 and 74% in 2016. Iran now is one of the most urbanized countries in western Asia. A total of eight cities have over one million inhabitants, and another 18 cities have populations greater than half a million. With a population around nine million, Tehran, the capital city, is fast approaching the size of a megacity in which not only population but also employment opportunities, investment, scientific/technical resources and diverse services disproportionately are concentrated, thus exacerbating regional inequalities.[133]

100. Iran is a diverse society, religiously, ethnically, culturally and politically. Its population is made up of Persians who account for 61 per cent of the population, followed by Azeris at 16 per cent, Kurds at 10 per cent, Lurs at 6 per cent, Baloch and Arabs at 2 per cent. Other ethnicities account for the remaining 21 per cent, including Arabs at 2 per cent, Turkmens and Turkic tribes at 2 per cent and other minorities such as Armenians and Assyrians, as well as the Afro-Iranian minority.[134] While the majority of Iranians are predominantly Shi'a Muslims, followers of Sunni Islam account for 9 per cent of the population. Other religious groups include Bahá'í, Christians of various denominations, Zoroastrians, Jews, Sabean Mandaeans and Yaresans. According to a survey conducted in 2020 on Iranian's attitude towards religion, a significant percentage of the population, 22 per cent identifies with atheism.[135]

101. Before the Arab conquest of Iran in the 7th and 8th centuries, the official religion of the Sassanid dynasty (226-651 AD) was Zoroastrianism. Until the Safavid dynasty took power in 1501, the majority of the country's Muslim population was Sunni. It was only during the 16th century that Shi'ism was imposed as the official religion and mass conversion

[131] Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/77/525 paras. 9 and 10, 14 October 2022; See also Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/HRC/53/23 para.4, 15 June 2023.

[132] See World Population Dashboard Iran, Islamic Republic of", UNFPA.

[133] Iran's Demographic Transition and Its Potential for Development Mohammad Mirzaei & Rasoul Sadeghi, p 524, Middle East Critique,15 December 2023.

[134] See "Iran", Minority Rights Group.

[135] See "Iranian attitudes toward religion: A 2020 survey report", The Group for Analyzing and Measuring Attitudes in Iran, Tilburg and Utrecht University Utrecht universities, August 2020.

campaigns were carried out by the Shi'a state. The "Shi'iization" of Iran was accompanied by the creation of a Shia clerical body with strong powers.

2. Ethnic and religious minorities

102. Article 13 of the Constitution states that Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities who are free to perform their religious rites and ceremonies, within the limits of the law, and to act according to their own canon in matters of personal affairs and religious education. Article 14 guarantees protection for non-Muslims, provided they "refrain from conspiracy or activity against Islam and the Islamic Republic of Iran".[136] The Constitution therefore leaves without guaranteed protection followers of other faiths, including the Sabean-Mandaeans, Yaresans, as well as members of the Baha'i faith founded in Iran in the mid-1800s and which is believed to be the largest non-Muslim religious minority in Iran, with an estimated 300,000 followers[137] and the most persecuted religious minority in the Islamic Republic of Iran.[138] Religious conversion from Islam can carry the death sentence.[139]

103. The severe human rights violations suffered by the Baha'is has been extensively documented over the years. Baha'is have been and continue to be barred from access to higher education and government employment[140], subjected to arbitrary arrests and detention, destruction of their gravesites, and governmental interference in private employment. Restrictions are placed on their rights to freedom of religion or belief.[141]

104. Members of ethnic and religious minorities face layers of intersectional discrimination on the grounds of their ethnicity, religion, gender and socio-economic status. Major human rights violations against members of ethnic and religious minorities, especially those not expressly recognised in the Constitution have been documented and reported for years including by United Nations human rights mechanisms. Repression of regional demands for self-governance and of periodic episodes of protests, such as protests by ethnic Iranian-Arabs in Khuzestan's capital, Ahwaz in April 2005 and protests against deteriorating living conditions in Khuzestan and several other provinces, including Isfahan, Lorestan, Eastern Azerbaijan, Tehran, and Karaj in July 2021[142] as well as arrest and detention of those defending the rights of minorities have also been documented.

105. Members of ethnic minorities face similar discrimination in terms of representation as senior judges, or in influential government positions and as members of parliament. The formation of political parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the constitutionally recognized

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136 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/63/459 para. 54, 1 October 2008

137 See "Bahai's in Iran", Minority Rights Group.

138 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/71/374, para. 64, 6 September 2016.

139 Iran's Islamic Penal Code, amended in 2013, does not include the "offence" of "apostasy" which remains a capital *hadd* offence under Shari'a. Article 220 of the 2013 Islamic Penal Code states: "[W]ith regards to the *hadd* crimes that are not specified in this Code, Article [167] of the Constitution will be applicable". Article 167 of the Constitution give judges the discretion to "pass their judgments based on authoritative Islamic sources and authentic fatwas" in the absence of codified laws. Therefore, judges shall rely on Shari'a sources when faced with individuals accused of "apostasy" and can convict and sentence them to death on the basis of such sources. See, Amnesty International, Iran: Flawed reforms: Iran's new Code of Criminal Procedure, 11 February 2016.

140 https://www.bic.org/sites/default/files/pdf/iran/1991%20Bahai%20Question%20Memo%20ENG.pdf.

141 See recent reports of the United Nations Secretary General: A/HRC/50/19 paras. 35 and 36, A/76/268 paras 19 and 54, A/HRC/47/22 para.67, A/75/287 para.39, A/HRC/43/20 paras 41 and 42, A/74/273 para.47, A/HRC/40/24 para.56, A/72/562 para.64, A/HRC/34/40 paras 69 to 71. See also recent reports of the Special Rapporteur on the situation of human rights in Iran: A/77/181 par. 43, A/HRC/49/75 para.36, A/76/160 para.10, A/HRC/46/5 paras 25 and 26, A/75/213 paras 50 and 51, A/HRC/43/61 paras 7 and 42 to 44, A/74/188 paras 47 to 56; A/HRC/40/67 para.14, A/73/398 para. 27, A/HRC/37/68 paras 25 and 71, A/72/322 paras 93 to 96, A/HRC/34/65 paras 74 to 77.

142 Iran: Reports of Ethnic Violence Suppressed", Human Rights Watch, 9 May 2005.

religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the "criteria of Islam", or "the basis of the Islamic Republic."[143]

106. Ethnic and religious minorities experience significant discrimination and marginalisation, especially in terms of access to education, healthcare and other basic services. According to a UNDP report published in 2022, Sistan-Baluchestan is one of the poorest provinces in the country.[144] Many other provinces with high concentrations of ethnic minorities, such as Kermanshah, Khuzestan, Kurdistan, Ilam, and West Azerbaijan are impoverished and underdeveloped.[145] During its latest review of Iran, the Committee on Economic, Social and Cultural Rights expressed concern that "certain underdeveloped regions, including Sistan and Baluchestan, Khuzestan and Kordestan, continue to show high levels of poverty", that the province of Sistan and Baluchestan is characterized by the worst indicators for life expectancy, access to water and sanitation, and infant and child mortality and that there has been insufficient investment by the State party in the province's health clinics and other facilities in remote rural areas. The Committee also expressed concern about poor living conditions in regions traditionally inhabited by ethnic minorities, in some cases completely without basic services such as electricity, plumbing, sewage systems, public transport, medical facilities or schools. Ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchi, Kurds and Turkmen and continue to face widespread discrimination, curtailing their access to education, employment, adequate housing and political office. Reported underinvestment in minority-populated regions exacerbated poverty and marginalization.[146]

107. Discrimination and violence against members of ethnic and religious minorities have also been documented in every report of the United Nations Secretary-General and Special Representative and the Special Rapporteur on Iran. Most notably, ethnic and national minorities have been disproportionately subjected to executions.[147] In 2021, the Secretary-General expressed alarm over the apparent surge in executions of members of minorities, in particular the Baloch minority.[148] In 2020, Kurds charged with national security offences represented nearly half of all political prisoners in the Islamic Republic of Iran.[149]In 2020 and 2021, members of minorities continued to be subjected to arbitrary arrest and detention for engaging in peaceful advocacy for their rights and to arbitrary deprivation of life, with a disproportionate number of executions for national security-related offences .[150]

3. The cultural revolution (*Enqelab-e farhangi)*

108. The Cultural Revolution was implemented during the first three years following the revolution. It primarily aimed at "Islamizing" universities through the revision of academic courses and books and purging dissident professors, but also at countering possible secular, leftist, and Marxist opposition on university campuses. In April and May of 1980, following protests in several universities in Tehran, Tabriz, Mashhad, Shiraz, and Ahvaz, a police directive banned gatherings in universities. Through active planning and involvement of the Islamic Associations, the revolutionary "Committee" militias raided campuses in major cities

[143] Article 26 of the Constitution.

[144] UNDP Country Programme Evaluation 2017-2021 Islamic Republic of Iran – Final Report, March 2022.

[145] Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/74/188 paras 84, 86 and 91, 18 July 2019.

[146] Iran: Human rights in Iran: Review of 2022/2023", Amnesty International, 28 March 2023.

[147] Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/77/525 para. 4, 14 October 2022.

[148] Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/HRC/47/22 para.6, 14 May 2021.

[149] Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/HRC/43/20 Para.4, 17 January 2020.

[150] Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/76/268 para. 35, 4 August 2021 and Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/HRC/47/22 para.41, 14 May 2021.

including Tehran, Rasht, Ahvaz and Zahedan. At least 37 students were killed, and hundreds were injured and arrested.[151]

109. In April 1980, the Revolutionary Council announced the closure of universities and the re-organization of the education system of the country based on revolutionary and Islamic standards.[152] In a speech delivered in June, Ayatollah Khomeini indicated that the "Revolution should come about in all the universities throughout Iran, so that the professors who are in contact with the East or the West will be purged, and universities may become healthy places for the study of higher Islamic teachings."[153] Universities were closed from 1980 to 1983, and all independent student unions were reportedly banned and most university campuses were violently occupied.[154]

110. On 3 June, 1980, the Cultural Revolution Panel or *Setad-e Enqelab-e Farhang*i appointed by Ayatollah Khomeini was given the task of "Islamicizing" the faculty, students and curricula of all primary and secondary schools and universities. Textbooks in law, social sciences and the humanities were rewritten purportedly according to Islamic canons. When the universities reopened, the authorities had reportedly banned many books and purged thousands of students and lecturers. Many of these academics were branded 'lackeys of imperialism', 'Shah-lovers', spies, Freemasons, Zionists, Baha'is, leftists and infidels. Upon the reopening of universities, the number of university lecturers and their assistants reportedly dropped from 16,877 in 1980 to 9,042 in 1983 and fell further to 8,000 a few years after the cultural revolution.[155] Places were reserved for students ardently committed to the values of the revolution and the Islamic government. [156]

111. Control was reportedly tightened over students' and professors' behaviour, courses, interactions between genders, and cultural production.[157] In 1983, a law for the mandatory veiling of women was passed (see Section IV). Men were encouraged to grow beards and pressured against wearing ties. These new dress codes became visible markers of state-sponsored masculinity and femininity under the Islamic Republic.

C. Economic context

112. Iran's economy is characterized by its hydrocarbon, agricultural, and service sectors, as well as a noticeable State presence in most sectors of the economy including manufacturing and financial services. In 2021, Iran had the world's third-largest oil and second-largest natural gas reserves.[158] In 2017, the private sector represented 25 per cent of the Iranian economy, while the public sector contributed 35 per cent to the Iranian GDP, and the semi-state sector approximately 40 per cent (this includes "bonyads", which are "charitable trusts" and IRGC companies).[159]

113. The IRGC is one of the dominant stakeholders in Iran's economy through expanding its economic ventures in gas and oil projects, numerous industries, and the service and

151 See "The Revival of the Student Movement in Post-Revolutionary Iran", Mehrdad Mashayekhi, International Journal of Politics, Culture, and Society , Winter, 2001, Vol. 15, No. 2 (Winter, 2001), pp. 283-313.

152 See http://www.imam-khomeini.ir/fa/n22259/.

153 "We Shall Confront the World with Our Ideology," MERIP Reports, No. 88, Iran's Revolution: The First Year (Jun.1980), pp. 22-25.

154 See "Investigating the 1981 Massacre in Iran: On the Law-Constituting Force of Violence, Journal of Genocide Research", Shahin Nasiri & Leila Faghfouri Azar (2022).

155 See for example, Reza Razavi "The Cultural Revolution in Iran, with Close Regard to the Universities, and Its Impact on the Student Movement" Middle Eastern Studies , Jan., 2009, Vol. 45, No. 1 (Jan. 2009), pp. 1-17.

156 See for example "Organization of the Oppressed or Organization for Oppressing: Analysing the Role of the Basij Militia of Iran, Politics, Religion & Ideology", Saeid Golkar, p 457.

157 See "The Revival of the Student Movement in Post-Revolutionary Iran", Mehrdad Mashayekhi, International Journal of Politics, Culture, and Society, Winter, 2001, Vol. 15.

158 "Iran ranks 2nd, 3rd in gas, oil reserves in world", IRNA, 25 January 2023.

159 See "The real footprint of the IRGC in Iran's economy", Al Monitor, 9 August 2017.

financial sectors.[160] The IRGC dominates the country's key economic sectors, such as energy, construction, telecommunication, media, mining, electronics, automobile, banking, nuclear, and more.[161] Overall, they are said to control between 10 and 33 per cent of the Iranian economy.[162]

114. Economic activity and government revenues rely heavily on oil revenues and have, therefore, been volatile. The decline in Iranian GDP, since 2017, following the decline in oil export revenues, has led to a major budget deficit as Iran has historically relied extensively on petroleum export revenues. With the reimposition of United States sanctions, exports dropped to under 500,000 barrels per day in July 2020. In 2018 and 2019 alone, oil exports declined by 57 per cent, according to official Government figures, leading to significant shortfalls in the annual budget owing to the loss of revenue. Between 2019 and 2021, the annual loss from the drop in oil exports is estimated at around $56 billion. To compensate, the Government has greatly expanded the money supply.[163] Excessive budget deficits in consecutive years since 2017 have caused a severe inflationary environment, which in turn, has taken a heavy toll on the purchasing power of the average Iranian family. Moreover, Iran faces intensified climate challenges, including from severe droughts, which are restricting agricultural production at a time when global food prices and food insecurity are on the rise.[164]

115. The economy also continues to face growth constraints notably related to the economic sanctions, restricted access to external markets and to the latest technology, and much needed foreign investment.[165] Until 2016, international sanctions decided by the UN Security Council targeted specific sectors of the Iranian economy (nuclear, missiles drones) or alleged human rights violators. In 2024, economic sanctions against Iran are mainly restrictive measures by Western states to limit trade relations between their respective countries and the Islamic Republic of Iran.

116. Between 2017 and 2019, poverty increased by over 6 percentage points. Recent revisions to the poverty estimates, which take into account spatial and temporal deflators, suggest an even steeper increase in poverty. The depth and severity of poverty have also increased. Iran's increase in poverty reflects an underlying lack of economic growth as well as structural inequities. While the Iranian economy has continued its trajectory of economic growth post-COVID-19, historical patterns suggest this growth has not benefitted Iranian society as a whole, as some regions have fallen deeper into poverty over the last decade. The cost of living continues to increase, and the high level of unemployment among youth and low level of women participation in the labor force suggest that many are not able to take advantage of economic opportunities. Poverty has increased the most in rural areas, where agricultural workers have been affected by a decade long drought.[166] According to the Iranian Parliament Research Center, approximately 11 million Iranians have plunged into poverty over the course of a decade.[167]

117. In the first year of the COVID-19 pandemic (2021/22), approximately one million jobs were lost, and labour force participation contracted by three percentage points. Iranian women were the most affected: two out of three jobs lost between 2019/20 and 2020/21 were previously held by women. The combined effect of school closures and unequal intra-

[160] See "The Military in the Islamic Republic of Iran, an assessment of the Sepah's role (IRGC) as a political and economic actor", p 170, Forozan Heman, Durham University 2013.

[161] IRGC's role in Iran's economy growing with its engineering arm set to execute 40 mega-projects, Middle East Institute,7 May 2028.

[162] See "Expanding business empire of Iran's Revolutionary Guards", BBC 26 July 2010

[163] Secondary sanctions, civil and criminal penalties for circumvention of sanctions regimes and overcompliance with sanctions Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, A/HRC/51/33/Add.1 para. 18, 15 July 2022.

[164] https://www.worldbank.org/en/country/iran/overview - update October 2022.

[165] https://openknowledge.worldbank.org/server/api/core/bitstreams/1c94cb80-5f40-408f-a5c7-c7cfd97dc438/content.

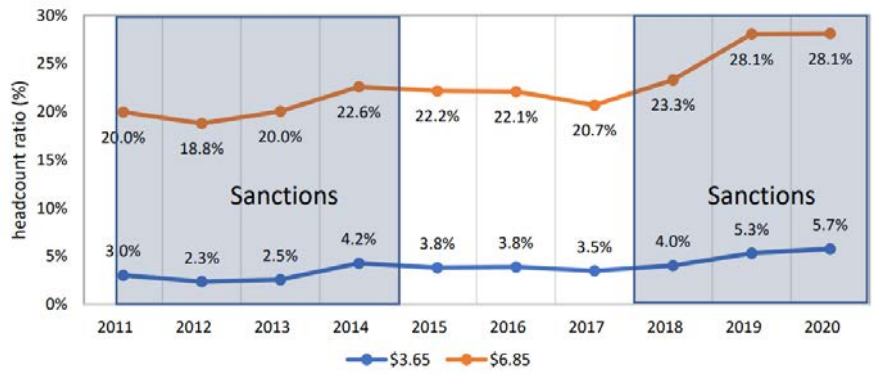
[166] Poverty & Equity Brief Islamic Republic of Iran Middle East & North Africa", World Bank, October 2023.

[167] See "Poverty line rate rises from 19 per cent to more than 30 per cent in a decade below and on the "poverty line" Ebtekar, 28 June 2023.

household allocation of care responsibilities, associated with prevailing gender norms, pushed many Iranian women with children out of the labour force. (See Section IV). [168]

118. The impact of economic sanctions, affecting trade and financial services, on the enjoyment of human rights by the Iranian people has been raised for many years by the United Nations Secretary-General. Most recently, the Secretary-General reiterated his concern that the complex regulatory process, limited access to non-sanctioned banking, shortages of foreign currency and overcompliance by potentially affected third parties have limited even humanitarian transactions. He further remained concerned that significant restrictions on the Iranian banking sector have had an adverse impact on the health sector and the delivery of humanitarian aid.[169]

Figure 8: Poverty incidence, 2011–20



Source: World Bank calculation using Household Income and Expenditure Survey (HIES) data (2011–20).

119. In 2022, Iran ranked 147th out of 180 countries in the Transparency International corruption perception index.[170] The Revolutionary Guards have been widely criticized, as corruption scandals have multiplied,[171] and for the favourable treatment they have been granted by the Government due to the lack of transparency of public procurement contracts.[172]

120. In 2023, the United Nations system in Iran noted considerable progress in several areas in terms of access to education, health, energy and sanitation, alongside progress in providing social support and social protection "floors" and in meeting the basic life requirements.[173]

121. According to a survey conducted in 2021, 86 per cent of the population believe that the inefficiency of the authorities and corruption are the main causes explaining the deterioration of the economic situation of the country. Only about 10 per cent of respondents thought that sanctions and foreign pressure are at the origin of the current state of the economy.[174]

168 World Bank, Iran Economic Monitor, Spring/Summer 2023.

169 See Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, A/78/511, paras. 26 and 27, 6 October 2023; Legally, medicines are not prohibited under sanctions. However, they do become prohibited if they are found to be going to a designated actor or entity. These include Iran's major banks. See "Iran sanctions: What impact are they having on medicines?", BBC, 8 August 2019.

170 See "Global Corruption Report: Iran Seen as Among Most Corrupt Countries", VOA, 31 January 2023.

171 See "The verdicts of the defendants in the Petrochemical Trading Company case were announced", ISNA, 5 September 2021.

172 See for example," The financial power of the Revolutionary Guards," Julian Borger and Robert Tait, The Guardian, 5 February 2010.

173 See United Nations Sustainable Development Cooperation Framework for the Islamic Republic of Iran.

174 See "Iranians' attitudes toward international relations: a 2021 survey report", Ammar Maleki et Pooyan Tamimi Arab, Gamaan, 27 October 2021, p. 3.

D. Security context

122. The Islamic Republic of Iran has been the target of several attacks over the last decades. According to officials, during the last 45 years, security threats resulted in the death of 17,000 people.[175] Since the beginning of the protests in September 2022, several such attacks have taken place and it has been claimed that some terrorist groups have used the distraction of security forces towards the protests to plan and carry out terrorist acts.

1. Attacks on Shah Cheragh mosque in Shiraz (October 2022 and August 2023)

123. On 26 October 2022, the Shah Cheragh mosque, a Shia pilgrimage site in Shiraz was the target of an attack, which Islamic state *(ISIS)* immediately claimed responsibility for on its telegram channel.[176] According to the authorities "an armed terrorist opened fire on pilgrims and worshipers with a Kalashnikov rifle",[177] killing 13 people and injuring 25.[178] On the day of the attack, an Iranian media reported that the police commander of Fars province had arrested the perpetrator who was being interrogated. It further quoted the statement made by the Minister of Interior in a televised interview during which he blamed the terrorist movements for taking advantage of the unrest in the country to carry out the attack.[179]

124. Another media referred to the declaration of President Raisi on the day of the attack, in which he said that: "experience shows that Iran's enemies, after failing to create a split in the nation's united ranks, take revenge through violence and terror," He added that "this crime will definitely not go unanswered, and the security and law enforcement forces will teach a lesson to those who designed and carried out the attack." [180]

125. In a statement issued on 26 October 2022, the day of the attack, the UN Secretary-General strongly condemned the attack noting that "such acts targeting religious sites are especially heinous "and stressed "the need to bring to justice the perpetrators of this crime against civilians exercising their right to practise their religion."[181]

126. On 7 November 2022, the Ministry of Information announced in State media that the perpetrators had been identified and arrested. The Ministry provided the figure of "26 Takfiri terrorists" arrested so far and indicated that all the arrested people were non-Iranians with the nationalities of the Republic of Azerbaijan, Tajikistan and Afghanistan. [182]

127. On 6 July 2023, State media announced that the death sentences of two men involved in the attack would be carried out soon. The article referred to the head of Fars judiciary, Hojjat al-Islam and Muslim Sayyed Kazem as saying that: "The trial was conducted in strict compliance with the legal standards and the presence of the defence lawyers, and that the initial death sentences was issued for the defendants. He further indicated that the judgment had been issued by the Islamic Revolutionary Court of Shiraz and re-examined by the Supreme Court which confirmed the death sentence. On 9 July, State media announced that two of the perpetrators of the terrorist attack were executed in Shiraz, in public in the presence

[175] "12th Report on Shiraz Terrorist Attack: Martyrdom & Injury of Dozens of Innocent Civilians", The High Council for Human Rights of The Islamic Republic of Iran, 29 October 2022, p. 2.

[176] See "Islamic State claims responsibility for shrine attack in Iran", Reuters, 26 October 2022.

[177] "12th Report on Shiraz Terrorist Attack: Martyrdom & Injury of Dozens of Innocent Civilians", The High Council for Human Rights of The Islamic Republic of Iran, 29 October 2022, p. 2.

[178] "12th Report on Shiraz Terrorist Attack: Martyrdom & Injury of Dozens of Innocent Civilians", The High Council for Human Rights of The Islamic Republic of Iran, 29 October 2022, p. 2

[179] See "Terrorist attack in the shrine of Shahcheragh (AS) / ISIS took responsibility for the attack", Tabnak, 26 October 2022.

[180] See "President: The terrorist incident in Shahcheragh shrine will not go unanswered", Nour News, 26 October 2022.

[181] See "Secretary-General Strongly Condemns Terrorist Attack on Holy Shrine in Iran", 26 October 2022.

[182] See "The second announcement of the Ministry of Information: 26 Takfiri terrorists related to the Shahcheragh terrorist disaster have been arrested/the arrested are non-Iranians", Asriran, 7 November 2022.

of the Fars Central Prosecutor, a number of judicial and law enforcement officials, and a group of people and families of the victims.[183]

128. On 13 August 2023, a second attack took place targeting the Shah Cheragh mosque in Shiraz. Quoted in Iranian media, the Commander of Fars Province Fajr Corps indicated that: "Four law enforcement officers were shot at the entrance of the shrine and one person was martyred. A terrorist armed with a long-barrelled gun and carrying 8 war magazines is shooting from outside the shrine."[184] In another media, he indicated that seven people had been injured.[185]

129. On 16 August 2023, the members of the Security Council condemned in the strongest terms the heinous and cowardly terrorist attack on innocent people and pilgrims at the Shah Cheragh shrine in Shiraz, Iran, on 13 August. They stated: "The attack was claimed by ISIL/Da'esh and resulted in the loss of lives of two Iranians and the injury of eight innocent people."[186]

2. Attack in Kerman (January 2024)

130. On 3 January 2024, twin blasts at a rally marking the fourth anniversary of the killing of General Qassem Soleimani claimed at least 95 lives. This attack, which was claimed by ISIS, was reported as being the deadliest one in Iran since the Islamic Revolution.[187] The attack was widely condemned,[188] including by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.[189]

131. According to a statement of the Supreme Leader, Ayatollah Ali Khamenei "cruel criminals ... must know that they will be strongly dealt with from now on and ... undoubtedly there will be a harsh response."[190] A week after the attack, 35 were reportedly arrested across several provinces.[191]

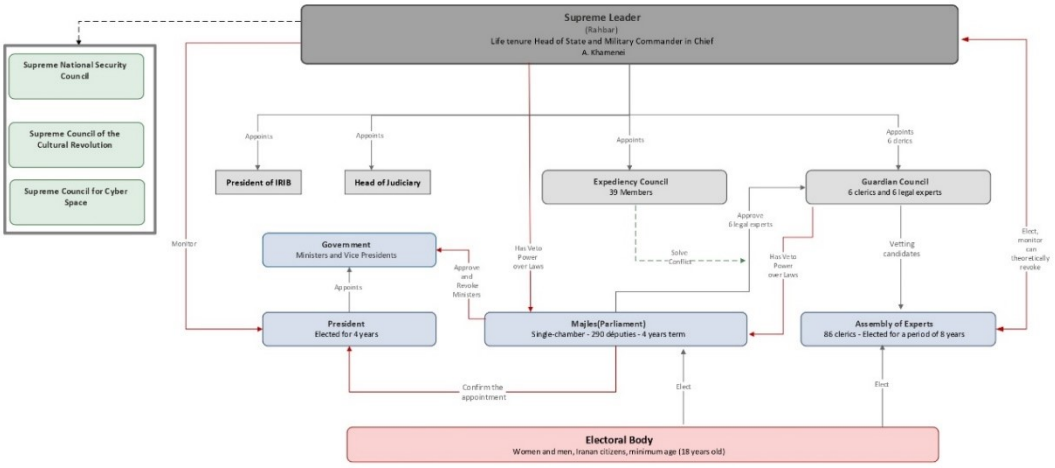
E. Institutional framework

132. The 1979 Constitution establishing the Islamic Republic created a political and security system based on a complex structure of overlapping institutions, all under the political control of religious Shi'a authorities. The Iranian political system is based on the theory of *velayat-e faqih* articulated by Ayatollah Khomeini, defined as the guardianship or vice-regency of an Islamic jurist.[192] Under this system, decisions based on an interpretation of religious principles are taken by male political bodies created through the clergy. These decisions also supersede those of elected bodies, such as the President and the Parliament. It is important to note that all candidates for elected bodies have to be vetted before any election in Iran, by a body known as the Guardian Council (see below) based on criteria that excludes persons on various grounds including their political opinion.

133. Following is a summary description of the complex set of institutions with overlapping powers and functions, characterized by the lack of independence and impartiality

[183] See "Execution of the Perpetrators of the Terrorist Attack on Shahcheragh", ISNA, 8 July 2023.
[184] See "Commander of the Fajr Sepah Corps (IRGC) said the terrorist shot only 11 of his 240 shots Nour news, 13 August 023.
[185] See "Details of the attack on Shahcheragh from the commander of the Fars Army", Tabnak, 15 August 2023.
[186] See Security Council Press Statement on Terrorist Attack in Shiraz, Iran, 16 August 2023.
[187] See Parisa Hafezi, "Blasts kill nearly 100 at slain commander Soleimani's memorial; Iran vows revenge", Reuters, 3 January 2024.
[188] See "Kerman terror attack sparks international condemnation", Tehran Times, 4 January 2024.
[189] See "Iran: UN expert strongly condemns attack on memorial ceremony in Kerman city2, Statement by Special rapporteur on the situation of human rights in the Islamic Republic of Iran, 5 January 2024.
[190] See "Leader of the Revolution: Criminals should know that from now on they will be the target of repression and fair punishment", Nour News, 4 January 2024.
[191] See, "Iran identifies suspected bomb-maker behind twin blasts, arrests 35 people", Al Jazeera, 11 January 2024.
[192] Mohsen Kadivar, *God and His Guardians,* 2004.

of key State institutions, securitization of the state apparatus, over-reach of religious authority, infringement of the rights of women and girls as well as minorities, and limited



participation of women and minorities as a result of institutional design.

1. The Supreme Leader

134. The Supreme Leader is a male cleric chosen by other clerics, also all male, who make up the Assembly of Experts, for a lifetime appointment to the highest religious and political authority in the country. The Supreme Leader, Ayatollah Ali Khamenei, now aged 84 years old, who has been in office since 1989, directly appoints the Head of the Judiciary, the six members of the Guardian Council, the commanders of the Armed Forces, Friday prayer leaders and the Head of state radio and television, the Islamic Republic of Iran Broadcasting (IRIB), and confirms the President in his office following his election.

135. The Supreme Leader has the following powers and duties:[193]

1) Delineation of the general policies of the Islamic Republic of Iran after consultation with the Nation's Exigency Council.

2) Supervision over the proper execution of the general policies of the system.

3) Issuing decrees for national referenda.

4) Assuming supreme command of the Armed Forces.

5) Declaration of war and peace and the mobilization of the Armed Forces.

6) Appointment, dismissal, and resignation of:

a. the religious men on the Guardian Council,

b. the supreme judicial authority of the country,

c. the head of the radio and television network of the Islamic Republic of Iran,

d. the chief of the joint staff,

e. the chief commander of the Islamic Revolution Guards Corps, and

f. the supreme commanders of the Armed Forces.

7) Resolving differences between the three wings of the Armed Forces and regulation of their relations.

8) Resolving the problems which cannot be solved by conventional methods, through the Nation's Exigency Council.

[193] Article 110 of the Constitution.

9) Signing the decree formalizing the election of the President of the Republic by the people. The suitability of candidates for the Presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Guardian Council, and, in the case of the first term of a President, by the Leadership.

10) Dismissal of the President of the Republic, with due regard for the interests of the country, after the Supreme Court holds him guilty of the violation of his constitutional duties, or after a vote of the Islamic Consultative Assembly testifying to his incompetence on the basis of Article 89.

11) Pardoning or reducing the sentences of convicts, within the framework of Islamic criteria, on a recommendation from the Head of judicial power.

(2) The Leader may delegate part of his duties and powers to another person.

136. As the supreme commander of the armed forces and the Police Forces,[194] the Supreme Leader appoints, dismisses, and accepts resignations of the commanders of Army, IRGC, Basij and Police forces, as well as the Chief Commander of the Armed Forces, and supervises their affairs. The Leader's command over the Armed Forces is also stipulated under their respective governing laws.

137. The Supreme leader is supported by an Office (*daftar* or *beyt-e rahbari*) which supports the supervision of all aspects of the Supreme Leader's duties of directing general policies of the country.[195] The Supreme leader and his Office are the most powerful institutions in the country.

2. The Assembly of Experts (*Majles-e Khobragan Rahbari*)

138. The Assembly of Experts in its current form was established in 1982.[196] It consists of 88 "virtuous and learned" *mojtahed* (an authoritative interpreter of Islamic law and jurisprudence) elected by the public for an eight-year term. The Assembly of Experts is the deliberative body empowered to appoint and dismiss the Supreme Leader.[197]. As with presidential and parliamentary elections, the Guardian Council determines who can run for a seat on the Assembly of Experts.[198] It meets twice a year and does not have a role in day-to-day governance of the country. The Assembly of Experts has never been known to challenge any of the Supreme Leader's decisions. No woman has ever become a member of the Council of Experts.[199]

3. The Guardian Council

139. The Guardian Council is a powerful 12-member council with vast legislative and executive powers and forms a cornerstone of the Islamic Republic's constitutional scheme.[200] The Supreme Leader directly appoints half of the 12-member Guardian Council, while the Parliament appoints the other half from a list of male candidates selected by the Head of the Judiciary who is in turn appointed by the Supreme Leader. All legislation passed by the Islamic Consultative Assembly must be sent to the Guardian Council for review within a maximum of ten days from its receipt with a view to ensuring its compatibility with the 'criteria of Islam and the Constitution'.[201] If the Council finds such draft legislation incompatible with its interpretation of Islam or the Constitution, it will return it to the Assembly for review. The Council also examines and vets candidates, including the post of

194 Article 2, The Law of the Law Enforcement Command of the Islamic Republic of Iran, 1990.
195 https://www.leader.ir/en.
196 Chapter 8 of the Constitution.
197 Articles 108 and 111 of the Constitution.
198 The Law on the Election of the Assembly of Experts.
199 "The Guardian Council has excluded women from electing and overseeing the leadership", Radio Farda, 23 December 2016; "The presence of women in the Assembly of Experts", Shargh Daily, 29 November 2023.
200 GUARDIAN COUNCIL – Encyclopaedia Iranica (iranicaonline.org).
201 Article 94 of the Constitution.

the President and parliament, to determine their fitness for office for various State bodies.[202] Women have never been appointed as members of the Guardian Council.

4. The Expediency Council or the Expediency Discernment Council (*Majma' Tashkhis Maşlaḥat-e Nezam*)

140. The Expediency Council is an advisory body for the Supreme Leader with powers to resolve disputes over legislation between Parliament and the Guardian Council. In 1988, when a stalemate between Parliament and the Guardian Council proved intractable, Ayatollah Khomeini created the Expediency Council and charged it with mediating disputes between the two bodies. The Supreme Leader appoints the Council's members, and in October 2005 gave it "supervisory" powers over all branches of government.[203] According to article 112, "[u]pon the order of the Leader, the Expediency Council shall meet when the Guardian Council judges a bill passed by the Islamic Consultative Assembly to be against the principles of Sharī'ah or the Constitution, and the Assembly, considering the system's interest, is unable to meet the expectations of the Guardian Council."[204] No woman has ever been appointed to the Expediency Council.[205]

5. The Executive Power

(a) The President

141. The President is the highest-ranking official in the country after the Supreme Leader and is responsible for enforcing the Constitution. He is the head of the Executive, except for matters which directly relate to the person of the Supreme Leader.[206] The President shall be elected from among distinguished religious and political personalities *("rajol-e siasi*") of Iranian origin and nationality, and shall be efficient and prudent with a good reputation, honest and pious, faithful to the foundations of the Islamic Republic of Iran and the official religion of the country.[207] Only Shi'a Muslims can run for presidency. Iranian women have sought permission to run for president since the late 1990s but have never been able to do so. The President is elected for a term of four years by direct vote of the people; and may be re-elected for a maximum of one more consecutive term.[208] The current President, Mr. Ebrahim Raisi, was elected on 18 June 2021.

(b) The Cabinet

142. Cabinet ministers are nominated by the President and introduced to the Consultative Assembly for a vote of confidence.[209] Eight Vice- Presidents serve under the President, as well as a cabinet of 22 Ministers.[210]While women have been appointed as ministers in the past, there are currently no women ministers or deputies in President Ibrahim Raisi's cabinet.

6. The Legislative Power (*Majles-e Shoura-ye Eslami*)

143. The Parliament or Islamic Consultative Assembly is a unicameral legislative body composed of 290 members elected by direct public vote every four years. Currently, only 16 women are members of the Parliament, or 559 per cent.[211] Parliament drafts legislation, ratifies international treaties, and approves the country's budget. Parliament can adopt laws

[202] Article 99 of the Constitution
[203] https://english.khamenei.ir/news/5072/What-are-statuses-and-duties-of-the-Expediency-Council-in-the
[204] https://www.leader.ir/en/content/14132/Leadership-in-the-Constitution-of-the-Islamic-Republic-of-Iran
[205] Website of the Expediency Council, The history of establishment of the Expediency Council.
[206] Article 113 of the Constitution.
[207] Article 115 of the Constitution.
[208] HRI/CORE/1/Add.106 para. 30.
[209] Article 133 of the Constitution.
[210] https://www.pbs.org/wgbh/pages/frontline/shows/tehran/inside/govt.html
[211] https://data.ipu.org/node/79/data-on-women?chamber_id=13421

on all matters, within the limits of its competence as laid down in the Constitution".[212] All enactments of Parliament must be submitted to the Guardian Council for review within 10 days of receipt to ascertain whether or not they may be reconciled with the tenets of Islam and the Constitution. If the Guardian Council finds any enactment to be contrary to Islamic tenets and the Constitution, it may return them to the Parliament for reconsideration.[213]

144. Candidates to the Islamic Consultative Assembly must meet certain criteria, among them believing in and practicing Islam, committing to the "holy state of Islamic Republic of Iran" and "expressing loyalty to the Constitution and the Guardianship principle (*velayatee faqih*)."[214] Those elected to the five seats reserved for members of religious minorities recognised under the Constitution are required to have faith and practice their own religion.[215] Individuals who played a role in the consolidation of the former monarchy system cannot be candidates.[216] As mentioned above, candidates to the Islamic Consultative Assembly are vetted by the Guardian Council.

145. Religious minorities have by law a very limited number of seats in the Parliament.[217] Zoroastrians and Jews each send one representative, and the Assyrians and Chaldeans together have one representative. Armenians in the north and south of the country each elect one representative.[218]

7. The Judicial Power

146. Article 156 of the Constitution states that the judiciary "is an independent power […] responsible for the implementation of justice". The Constitution also states in article 61 that "[t]he functions of the judiciary are to be performed by courts of justice, which are to be formed in accordance with the criteria of Islam, and are vested with the authority to examine and settle lawsuits, protect the rights of the public, dispense and enact justice, and implement the Divine limits [*al-hudud al-'Ilahiyyah*]."

147. Pursuant to article 156, the Judiciary is entrusted with the duties of "investigating and passing judgment on grievances, violations of rights, and complaints; the resolving of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine; restoring public rights and promoting justice and legitimate freedoms; supervising the proper enforcement of laws; uncovering crimes; prosecuting, punishing, and chastising criminals; and enacting the penalties and provisions of the Islamic Penal Code; and taking suitable measures to prevent the occurrence of crime and to reform criminals."

148. Article 157 of the Constitution provides for a Head of the Judiciary, who shall be appointed by the Supreme Leader and shall be "a just *Mojtahed* [an authoritative interpreter of the religious law of Islam] well versed in judicial affairs and possessing prudence and administrative abilities as the head of the judiciary power for a period of five years who shall be the highest judicial authority". The five-year term is renewable. Since 2021, Gholamhossein Mohseni Ejehi has been the Head of the Judiciary. The Head of the Judiciary is responsible, inter alia, for the employment, dismissal, appointment, and transfer of judges, and their assignment to particular duties and their promotions.[219]

149. The Minister of Justice is appointed by the President from a list of individuals proposed by the Head of the Judiciary. The Minister of Justice reports to the executive and

[212] Article 71 of the Constitution.

[213] Article 94 of the Constitution - Core document forming part of the reports of States parties – Islamic Republic of Iran 15 July 1999 HRI/CORE/1/Add.106 para. 29

[214] Article 31 of the Rules of Islamic Consultative Assembly of Iran-(Majles) of 1999 with amendments up to 2023.

[215] Article 32 of the Rules of Islamic Consultative Assembly of Iran-(Majles) of 1999 with amendments up to 2023.

[216] Article 34 Ibid.

[217] Article 64 of the Constitution and article 2 of the Electoral Law

[218] Core document forming part of the reports of States parties – Islamic Republic of Iran 15 July 1999 HRI/CORE/1/Add.106 para. 26.

[219] Article 158 of the Constitution.

legislative branches on behalf of the Judiciary.[220] The current Minister of Justice is Mr. Amin Hossein Rahimi, who was appointed on 11 August 2021.

150. The constitution provides for a Supreme Court "for the purpose of supervising the correct implementation of the laws by the courts, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law, on the basis of regulations to be established by the head of the judicial branch."[221] The Chief of the Supreme Court and the Prosecutor-General are nominated by the Head of the Judiciary for a period of five years.[222]

(a) The court system

151. The Judiciary comprises courts with various areas of specialization. Jurisdiction of courts that try criminal offences is determined by the severity and nature of crimes within the Iranian legal system. In addition to public or general courts with general jurisdiction, the court system includes specialized courts such as Revolutionary Courts, Military Courts, the Special Clerical Court, the High Tribunal for Judicial Discipline and the Court of Administrative Justice with jurisdiction over particular offenses and disputes.

The General courts (dādgāhe 'omūmī)

152. The general courts include Criminal Court One (*dādgāh-e keifarī I*), Criminal Court Two (*dādgāh-e keifarī II*) and the Juvenile Courts. The capital of each of the 31 provinces in Iran houses a Criminal Court One. In addition, such courts may also be set up in smaller cities or counties at the discretion of the Head of the Judiciary.[223] According to article 302 of the Code of Criminal Procedure, Criminal Court One has jurisdiction over crimes punishable by death; life imprisonment; amputation or intentional crimes against bodily integrity with compensatory payments equal to, or exceeding one-half of the compensatory payment for a wrongful death; category three or higher *ta'zīr* punishments[224]; and political and press crimes. It is worth noting that political and press crimes are frequently qualified as security offences and thus heard before Revolutionary Courts. According to the Law on Political Crimes, "offences" such as "insulting" authorities other the Leader, as well as "insulting heads of other State" who have entered the territory of the country", and certain offences pertaining to political parties and elections are considered "political" when that they are committed "against the management of the country and its political institutions and domestic and foreign policies with the intention to reform the affairs of the country, provided that the offender has not intended to harm the basis of the establishment".[225] In turn, the Press Code lists various conduct, including publication of classified material, encouraging people to commit crimes against national or external security through the media, "insulting Islam" through the media which may amount to "apostasy", and "insulting the Supreme Leader" and country's religious figures.[226] Trials for press crimes as well as political offences should be held in the presence of a jury, and in the case of press crimes in open public sessions.[227]

153. Each sub-provincial judicial district *(shahrestān*) has a Criminal Court which, according to Article 301 of the Criminal Procedure Code, has jurisdiction over all crimes,

[220] Article 160 of the Constitution,

[221] Article 161 of the 1979 Constitution.

[222] Article 162 of the 1979 Constitution.

[223] See "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, p. 39.

[224] Under the Islamic Penal Code, crimes and punishments are divided into four categories: *Hudud, Qisas, Diyat,* and *Ta'zirat*. While crimes punishable by *hudud* (i.e. the limits, or the limits prescribed by God; singular: *hadd*) are those with fixed and severe punishments in Islamic sources, crimes punishable by *ta'zir* are less serious crimes for which punishment is not fixed and left to the discretion of a *Shari'a* judge. In principle, all forbidden or sinful acts that do not constitute *hadd* offences, homicide or bodily harm, are punishable under this category.

[225] Article 1, The Law on Political Crimes and its subsequent amendments, 2016.

[226] Chapter 6, The Press Code.

[227] Article 34 of the Press Code; Article 4 of the Law on Political Crimes and its subsequent amendments, 2016, https://www.mizanonline.ir/00JtZg.

except those for which another authority is designated by law. This includes jurisdiction over all criminal offenses that are not within the jurisdiction of Criminal Court One, the Juvenile Court or the Revolutionary Court, including *ta'zīr* offences of degrees V to VIII.[228] Its jurisdiction, in particular, covers morality offenses such as violations of the mandatory *hijab* and dress code, sexual offences falling short of adultery and rape, and non-penetrative homosexual acts.[229] The appropriate appellate authority for Criminal Court Two is the Appeal Court of the relevant province.[230]

The Islamic Revolutionary Courts (*dādgāh-e enqelāb*)

154. On 24 August 1979, Ayatollah Khomeini ordered the establishment of the Revolutionary Courts through a decree. The decree ordered the Prime Minister to convene, through the Judiciary, a revolutionary court to give the "heads of state agencies, and security and military departments" the "just deserts for their criminal acts [sic]" which are "substantiated with well-documented and compelling evidence and reasons" and "legally and religiously warrant punishment". The decree notes that "[t]heir trial must not last longer than two days. They are [already] convicted but their trial must be held in the presence of domestic and foreign reporters."[231] Although initially intended as a temporary emergency measure to try high-level officials of the Palhavi monarchy, the Revolutionary Courts became institutionalised through the 1979 Administrative Regulations Governing the Revolutionary Courts and the 1992 Law on Public and Revolutionary Courts. Notwithstanding their origins and original purpose, the Revolutionary Courts remain in existence and operating today, four decades after their inception.

155. Islamic Revolutionary Courts and their powers are not reflected in Iran's Constitution. Their jurisdiction and powers were however elaborated in the Criminal Code of Procedure in 2015. They have jurisdiction over national security crimes or "serious security-related crimes, such as offences against the internal and external security of the State, conspiracy, carrying arms, sabotage, use of terrorism, espionage and smuggling. Each province, and, at the discretion of the Head of the Judiciary, some sub-provincial judicial districts (*shahrestān*), have an Islamic Revolutionary Court.[232] In the absence of a branch of the Revolutionary Court in a city, a criminal file is referred to the Revolutionary Court in the nearest city.[233] Islamic Revolutionary Courts have jurisdiction over all offences against the internal and external security of the country, including "waging war against God" (*mohārebeh*) and "corruption on earth" (*efsād fe-l-arz*). The following offenses also fall under their jurisdiction: "insulting the founder of the Islamic Republic and the Supreme Leader"; conspiracy against the Islamic Republic, carrying arms, resorting to terrorism or destruction of buildings to undermine the Islamic Republic's system; engaging in espionage for foreigners or foreign entities; and drug smuggling and trafficking.[234]

Children and Juvenile Courts

156. Article 298 of the Code of Criminal Procedure provides for at least one branch in each sub-provincial judicial district (*shahrestān*) serving as a Children and Juvenile Court. Article

228 See "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, pp. 39-40.

229 Ibid., p. 40.

230 Ibid., p. 40.

231 Decree on the Establishment of the Islamic Revolutionary Tribunal, 24 August 1979 (English translation).

232 2015 Code of Criminal Procedure, Article 297

233 See "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, p. 41.

234 Article 303 of the 2015 Code of Criminal Procedure; see also "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, p. 41.

315 then specifies that in cases where a juvenile under the age of 18 commits a crime within the jurisdiction of Criminal Court One or the Revolutionary Court, a special juvenile division within Criminal Court One will hear the case. According to this provision, the defendant is to be afforded all protections offered at the Children and Juvenile Court. Juvenile Courts have jurisdiction over offenders under the age of 18. Children are criminally liable from the age of 9 lunar years for girls and 15 lunar years for boys.[235] Once children reach this age, they are generally judged to have full criminal responsibility and may be sentenced to the same punishments as adults, including the death penalty.

Courts of Appeal (dādgāh-e tajdīd-e nazar)

157. Depending on the subject matter of the case and the severity of the offence, parties may appeal against judgments by first instance courts either before the Court of Appeal or before the Supreme Court, in each case within 20 days.[236] Pursuant to article 427 of the Code of Criminal Procedure, no appeal will lie against a sentence of degree VIII of any *ta'zīr* punishments, or sentences in which *dīyeh* (blood money) is payable equal to or less than 1/10 of a full *dīyeh*. These offences, which are considered minor and thus not subject to appeal, include those that are punishable by imprisonment of up to three months, monetary fines of up to ten million rial, and flogging of up to 10 lashes.[237]

158. Pursuant to article 434 of the Code of Criminal Procedure, judgments can be appealed based on any the following legal grounds: the judgment contradicts the law, the court did not consider important evidence, documentation or testimonies relied upon in the judgment were incorrect or falsified, the court lacked jurisdiction, or the judge should have been barred on legal grounds from hearing the case. On 21 July 2019, the spokesperson for the Judiciary stated that the Supreme Leader had agreed to a request by the Head of the Judiciary to temporarily eliminate the rights of the defendant, plaintiff, or their legal representatives to be present at appeals hearings as provided for in article 450 of the Code of Criminal Procedure. 238 Appeals Courts are no longer required to hold hearings before issuing judgments. The capital of each province houses a Court of Appeal. Appeals Courts may either confirm or annul the impugned judgment and issue a new ruling. Upon confirmation, the case is remanded to the first instance court for enforcement.

159. Pursuant to articles 474 of the Code of Criminal Procedure, judgments by the Appeals Court may be appealed before the Supreme Court including in case where the Appeals Court judge made an obvious error of law, new evidence has emerged since trial, or if the conduct in question is not a crime or the punishment imposed exceeds the law.

The Supreme Court (divān-e 'ālī-ye keshvar)

160. The highest court in Iran, the Supreme Court, supervises the correct application of laws by all courts and ensures uniformity of precedent and supervision of the correct application of laws by courts, and fulfils any other responsibilities assigned by law.[239] The Head of the Judiciary appoints the Head of the Supreme Court for a five-year term. In August 2023, Mohammad Jafar Montazeri was appointed as the Head of the Supreme Court. The Supreme Court has over 40 branches located in Tehran, Qom, and Mashhad. Conflicting decisions on identical issues by different branches of the Supreme Court may be reviewed by

[235] Article 147 of the Islamic Penal Code.

[236] See" The Iranian Judiciary: A Complex and Dysfunctional System", Iran Human Rights Documentation Center 12 October 2016; see also "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, pp. 45-46.

[237] Article 19, Islamic Penal Code.

[238] Letter to Remove Formalities to Speed Trial, YJC, 21 July 2019;

[239] See "Flawed Reforms, Iran's New Code of Criminal Procedure", Amnesty International, 11 February 2016, pp. 72-73.

the General Board of the Supreme Court, which will issue a binding "judgment of unified precedent" (*ra'y-e vahdat-e ravīyeh*).[240]

161. The Supreme Court has jurisdiction to hear appeals against convictions in cases decided by Criminal Courts, Revolutionary Courts and Military Courts, where the following punishments have been imposed: [241] death, amputation of limbs, life imprisonment, *ta'zīr* punishments of degrees I to IV, and blood money for intentional homicide or bodily harm equalling or exceeding one third of a full dīyeh, as well as judgments for political and press offences. All death sentences must be approved by the Supreme Court.[242]

162. The Supreme Court's authority is generally limited to rejecting or upholding an appeal. In the latter case, it will remand the case to the first instance or another lower court, depending on the grounds on which the appeal was allowed.243 A lower court may replicate its initial ruling in a new ruling, which can then be appealed again before the Supreme Court. If the Supreme Court's branch concerned disagrees with the new ruling, it will send the case to the General Board of the Supreme Court to issue a binding decision.244

(b) Judges

163. Article 163 of the Constitution provides that the conditions and qualifications to be fulfilled by judges in the Islamic Republic will be determined by law, in accordance with the criteria of *fiqh*, or Islamic jurisprudence.

164. According to the Law on the Qualifications for the Appointment of Judges, candidates for judgeship or prosecutorial positions are required to "have faith, be just and possess a practical commitment to Islamic principles and loyalty to the system of the Islamic Republic".[245] Candidates, namely Muslim men between 22 and 36 years of age,[246] are vetted through the *gozinesh* process, which reportedly includes investigations by the Supreme Selection Council and the Ministry of Intelligence into the applicant's personal history, religious beliefs, political opinions and affiliations, and repentance of any former political opinions and affiliations set forth in the Selection Law based on Religious and Ethical Standards of 1995.[247] Under the Law on the Qualifications for the Appointment of Judges of 1982, Shi'a Muslim women may be appointed as advisory judges, but may not preside over a court.[248] Pursuant to Note 5 (amended in 1995) to the Law on the Employment of Judges, women may act as advisors to family courts or as assistant or deputy prosecutors.

165. The single article of 2 May 1982 to the Law of the Qualifications for the Appointment of Judges requires that judges in Revolutionary Courts be recruited from among students in religious seminaries with the equivalent of a high school diploma, whose qualifications are approved by the Supreme Judicial Council.[249] Moreover, in 1986, the Consultative Assembly

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240 See "Flawed Reforms, Iran's New Code of Criminal Procedure", Amnesty International, 11 February 2016.

241 See "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021.

242 See "Death Penalty in Iran: Legislations and procedures", Iran Human Rights, 5 March 2019.

243 See "The Iranian Judiciary: A Complex and Dysfunctional System, Iran Human Rights Documentation Center, 12 October 2016.

244 See "The Iranian Judiciary: A Complex and Dysfunctional System", Iran Human Rights Documentation Center, 12 October 2016;See also " Flawed Reforms, Iran's New Code of Criminal Procedure", Amnesty International, 11 February 2016, p. 13.

245 Law on the Qualifications for the Appointment of Judges, approved on 14 May 1982, Code Collection (1982), Official Gazette.

246 2013 Law on Guidelines for the Recruitment, Selection and Apprenticeship of Applicants for Judgeship and Employment of Judges, Article 13.

247 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/25/61, para. 64, 18 March 2014.

248 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/25/61, para. 61, 18 March 2014.

249 Approved by the Islamic Consultative Assembly on 9/8/1361 (Oct. 1982). Official Gazette N. 10987, 24/8/1361 (Nov.1982).

approved a law authorizing the appointment of persons, who have been working in Revolutionary Prosecutors' offices in judicial positions for more than three years, as judges of the Prosecution Offices and Courts, without regard to the Legal Bill on Qualification of Judges. The conditions are that they possess at least the high school diploma or are approved by the Supreme Judicial Council, and that they are able to pass an examination on the Civil Procedure Code and the Islamic Penal Code.[250] The Speaker of the Consultative Assembly later clarified that even if a man has been appointed to a Revolutionary Prosecutors' office for less than three years he may still be appointed as a judge.[251] The 2013 Law on Guidelines for the Recruitment, Selection and Apprenticeship of Applicants for Judgeship and Employment of Judges promulgated by the Judiciary further formalized the criteria.

166. Based on these laws, judges may either be approved by the Head of the Judiciary or hold a degree in law or theology from the college of Judicial and Administrative Studies or from the college of high judicial studies or Qom. Religious seminary students may also serve as judges.[252] The judicial system therefore includes both legally trained and religiously educated judges.

167. Article 164 of the Constitution provides that a judge cannot be removed, whether temporarily or permanently, from the post they[253] occupy except by trial and proof of their guilt, or in consequence of a violation entailing their dismissal. However, in 1990, the Head of the Judiciary reportedly recommended in his correspondence to the Head of the Guardian Council, that the dismissal of a judge "without his consent" is permissible "in the interest of the society".[254] The "interest of society" is not defined in law. Moreover, the law establishing the High Tribunal for Judicial Discipline provides that the Head of the Judiciary may recommend judges for dismissal on the basis of "religious considerations". According to the law, this recommendation will be examined by an investigatory committee composed of the Judicial Disciplinary Prosecutor, the Parliamentary Deputy to the Minister of Justice and the Judicial Deputy to the Chief Prosecutor. Upon receiving the opinion of the investigatory committee, the High Tribunal comprised of the Head of the Judiciary, the President of the Supreme Court, the Chief Prosecutor, the Judicial Disciplinary Prosecutor and the Head of the First Branch of the Judges' Disciplinary Tribunal shall make a decision by majority vote, with the Head of the Judiciary having a veto right.[255] The law neither provides for any appeal against such decision, nor defines the term "religious considerations".

168. Article 167 of the Constitution provides that a judge is bound to endeavour to judge each case on the basis of the codified law. In case there is no such law, he shall deliver judgment on the basis of authoritative Islamic sources and authentic fatwa. In 2014, the Special Rapporteur on Iran following a review of judgments of Revolutionary Courts and reports from lawyers, noted that judges, particularly those in Revolutionary Courts, made decisions almost exclusively on the basis of reports submitted by the Ministry of Intelligence, and, if available, confessions.[256]

169. The laws and practices applying to the Judiciary in many respects do not respect the basic requirements of judicial independence under the ICCPR, as reflected in the Basic Principles on the Independence of the Judiciary, endorsed by General Assembly resolutions 40/32 and 40/146. Principle 2, for instance, provides that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. Yet, the process of vetting a candidate's religious

[250] *Official Gazette*, No. 12160, 8/9/1365 (Nov. 1986), at 371. Note that the Supreme Judicial Council was replaced by the Head of the Judiciary in the 1989 amendment of the Constitution.

[251] *Official Gazette*, No. 12541, 20/12/1366 (Mar. 1987), at 962.

[252] See "The Iranian Judiciary: A Complex and Dysfunctional System", Iran Human Rights Documentation Center, 12 October 201.

[253] Persian has not gendered pronouns, so this remains ambiguous.

[254] The Justice System of the Islamic Republic of Iran: Rule of Law – Independence of Judges and Lawyers, Lawyers Committee for Human Rights, 1 May 1993.

[255] *Official Gazette* of the Islamic Republic of Iran No 771/9349q, 14/9/1370 (December 1991). Law on the Formation of the High Tribunal for Judicial Discipline, Article 1.

[256] Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/25/61, para. 65, 18 March 2014.

beliefs and political affiliations, and in particular the procedure of dismissal of a judge "in the interest of the society" and on the basis of religious considerations without any possibility of appeal, constitute threats to a judge's ability to decide the matter before them without improper pressure and interference.

170. Principle 4 provides that everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction of ordinary courts or judicial tribunals. Yet, individuals tried before Revolutionary Courts are deprived of that right as the decree establishing the Revolutionary Courts is explicit in describing its extraordinary nature and the lack of a need for such court to follow due process. Moreover, the Constitution does not refer to the Revolutionary Courts and provide for their jurisdiction.

171. Principle 10 states that persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status. In addition to the lack of accountability in and transparency of the selection process for judges in Iran, the qualifying requirements and the vetting process are inherently discriminatory, including on the basis of sex, religion and political opinion, arbitrary and promote appointments on the basis of broad, ambiguous and religious criteria. Moreover, waiving the requirement for appropriate training or qualifications in law not only fails to meet the standard of the Basic Principles on the Independence of the Judiciary, but also raises further concerns of judges being appointed for improper motives. The more so as the Head of the Judiciary, who is responsible for the employment and appointment of judges, is himself appointed by the Supreme Leader.

172. The vetting process for judges raises an additional concern. Principle 8 provides that members of the judiciary are entitled to freedom of expression, belief, association and assembly, provided that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary. Therefore, taking into account the religious beliefs and political affiliations of judges in their appointment, interferes with a candidate's and a judge's right to freedom of expression, belief and association and thus the principle of independence.

173. According to principle 12, judges shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists, and according to principle 18, judges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties. Moreover, principle 19 states that all disciplinary, suspension or removal proceedings shall be determined in accordance with established standards of judicial conduct, and principle 20 provides that decisions in disciplinary, suspension or removal proceedings should be subject to an independent review. Dismissing of a judge "in the interest of the society" or on the basis of religious considerations without any possibility of appeal is arbitrary due to the broad nature of these standards, and lack of legal clarity, predictability, proportionality, reasonableness and due process of law, and does not respect the principles on the independence of judges.

(c) Office of the Public Prosecutor (dādsarāy-e 'omūmī va enqelāb)

174. Since 2004, the Iranian judicial system has a General and Revolutionary Prosecutor's Office, which is responsible for the preliminary investigation of criminal matters. The Prosecutor General (*dādsetān-e koll*), who is nominated by the Head of the Judiciary and must be a 'just' *mujtahid* well versed in judicial matters,[257] presides over the Prosecutor's

[257] 1979 Constitution (as amended in 1989), Article 162.

Office. There is a Prosecutor's Office branch in each court district, which is composed of a prosecutor, investigating judges, assistant prosecutors and administrative staff.[258]

175. With the exception of special cases, which are directly investigated by the court, including crimes against chastity (*jarā'em-e monāfī-ye 'effat*), the Prosecutor's Office generally is the first judicial office to deal with a criminal case that falls under the jurisdiction of the Criminal Courts and Revolutionary Courts.[259] Pursuant to article 89 of the Code of Criminal Procedure, investigations are initiated by the prosecutor's order or approval, where in certain cases, an investigation has been launched by an investigator.

176. Depending on its type and importance, a criminal case will either be handled by an investigating judge or an assistant prosecutor within the Prosecutor's Office branch.[260] Investigating judges lead the investigation. This includes specifying questions to ask at the interrogation, attending the crime scene to collect evidence, calling witnesses, and taking statements. They have power to summon the accused and potential witnesses, to order temporary detention of an accused or to order release on bail. They may delegate the gathering of information and evidence to the law enforcement agencies, except in relation to crimes defined by article 302 of the Code of Criminal Procedure, that is crimes punishable by death, life or long imprisonment or amputation.[261] Pursuant to article 264 of the Code of Criminal Procedure, the investigating judge shall write a decision summarizing the preliminary findings of guilt on the basis of which the prosecutor will decide whether to prosecute a suspect. In practice, significant cases falling under the jurisdiction of the Revolutionary Courts are handled by designated investigative judges, who are closely associated with the Ministry of Intelligence.

177. The conditions for women becoming prosecutors in Iran are such that according to Islamic law, judging and issuing judgments for women is not permissible, and only men can pronounce judgments. Therefore, women can only serve as deputy prosecutors and judicial assistants in the courts.

178. The assistant prosecutor (*dādyār*) acts on behalf of the prosecutor in the investigation of a crime. Pursuant to article 88 of the Code of Criminal Procedure, the prosecutor has to authorize all the decisions of the assistant prosecutor.

179. In practice, judicial law enforcement officers conduct investigations in conjunction with Prosecutor's Offices, including general law enforcement officers (police), and specialized law enforcement officers, such as those from the Ministry of Intelligence, the Revolutionary Guard Corps (IRGC) intelligence officers, and Basij.

180. During the preliminary investigation phase, all inculpatory or exculpatory material related to the case remains confidential.[262] Once the preliminary investigation is completed, the prosecutor will decide, pursuant to article 268 of the Code of Criminal Procedure, whether to issue a bill of indictment and forward it to the competent court.

[258] "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, p. 28.

[259] Country Report, Iran - Criminal procedures and documents, Norwegian Country of Origin Information Centre (Landinfo), p. 28, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021.

[260] Ibid.

[261] The Iranian Judiciary: A Complex and Dysfunctional System, Iran Human Rights Documentation Center, 12 October 2016; Country Report, Iran - Criminal procedures and documents, Norwegian Country of Origin Information Centre (Landinfo), p. 29, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021.

[262] Article 91 of the Code of Criminal Procedure.

(d) The prison system

181. The State Organization for Prisons and Correctional and Educational Measures is an organization that functions under the direct supervision of the Head of the Judiciary and oversees prisons and detention facilities.[263]

182. Under the 2021 Executive Regulations for the Prisons Organization and the Country's Corrective Measures, establishing and management of all "penal facilities" is entrusted to the State Organization for Prisons and Correctional and Educational Measures. The law, article 3, states that establishing prisons and detention centers exclusively by judicial, executive, security, military and police bodies is prohibited. The note to the article, however, states that establishing "police and security" detention centres fall under the special bylaws governing them. A second note to the article obligates the Prisons Organization to dispatch inspection committees to security, police and military detention centres at least every three months for unannounced visits.[264] The Islamic Revolutionary Guard Corps (IRGC) operates its own separate network of detention facilities, both formal and informal, which are effectively outside the jurisdiction of the State Prison Organization. For example, it controls Ward 2A and Section 325 within Evin prison, the Touhid Detention Centre, and Prison 59 (Eshratabad) in Tehran.[265] Many individuals, particularly those accused of national security-related offences, are reportedly detained in secret facilities operated by intelligence entities such as the Ministry of Intelligence.[266]

183. In November 2006, the Head of the Judiciary passed the Executive By-law for Management of Security Detention Centres revoking all previous agreements between the Prisons Organization and security bodies.[267] This allowed for the detention of individuals accused of national security offences in special detention facilities established in the central prisons of each province. It[268] but also provided that, if the establishment of such facilities was not possible to due to lack of space or "appropriate conditions", security bodies, such as the Ministry of Intelligence, and the intelligence departments of the Revolutionary Guards, the police forces and the armed forces,[269] with the approval of the Prisons Organization, could allocate space for such purpose in their own facilities.[270]

184. Article 2 of the 2013 Executive By-law for Formation and Management of Police Detention Facilities and their Supervision, provides for the establishment of police detention centres in provinces upon the request of the province's police chief, on confirmation of the need for such facilities by the local prosecutor, and after the approval of the Head of Provincial Prisons. Police detention centres are under the responsibility of the Prisons Organization,[271] and may only be used to hold individuals who are kept in police custody for investigation by order of the judicial authorities.[272] Pursuant to article 7, the duration of custody in such cases must be specified by the judicial authorities, and according to article 9, the accused may not be interrogated in police detention facilities.

263 https://www.prisons.ir/news/47/

264 The 2021 Executive Regulations for the Prisons Organization and the Country's Corrective Measures.

265 "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), 24 December 2021.

266 See "Flawed Reforms, Iran's New Code of Criminal Procedure", Amnesty International, 11 February 2016, p. 53.

267 Executive By-law for Management of Security Detention Centres, 21 November 2006, Article 8.

268 Ibid. Article 3.

269 Ibid. Article 1(b).

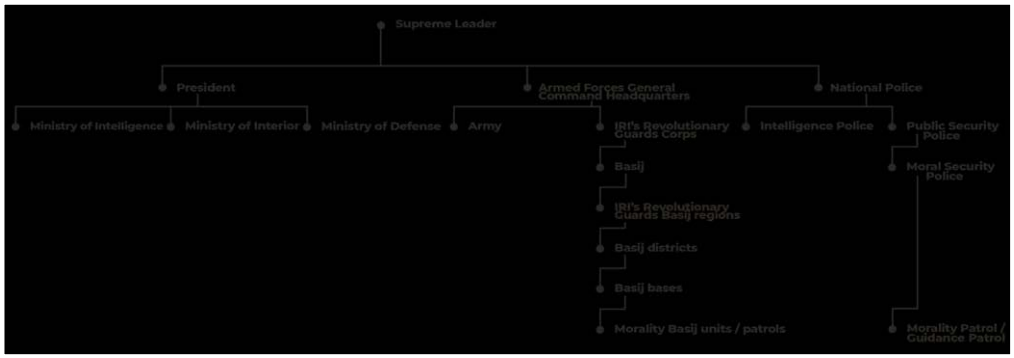
270 Ibid. Article 3.

271 Ibid. Article 4

272 Executive By-law for Formation and Management of Police Detention Facilities and their Supervision, 26 February 2013, Article 6.

8. The security system

185. Iran's dual governance structures are most pronounced in the area of national security and defence. Many institutions oversee the same security matters. These overlapping tasks and power structures are an asset to supervise the intelligence services but are a hurdle for the efficiency of the system.



(a) The Supreme National Security Council (Showrāye Āliye Amniyate Mellī)

186. The Supreme National Security Council is responsible for "safeguarding national interests and preserving the Islamic Revolution, territorial integrity and national sovereignty."[273] "The Council consists of: heads of the three branches of government, chief of the Supreme Command Council of the Armed Forces, the officer in charge of planning and budget affairs, two representatives nominated by the Supreme Leader, ministers of foreign affairs, interior, and information, a minister related with the subject, and the highest ranking officials from the Armed Forces and the IRGC."[274]

(b) The Ministry of Interior (Vezârat-e Keshvar)

187. The Ministry of Interior is in charge of organizing elections and supervising the police forces at an operational level. Although the National Police (NAJA) (see below) is affiliated with the Interior Ministry, the Minister of Interior is responsible only for logistical issues, such as maintaining equipment and facilities. Although Ayatollah Ali Khamenei, the only Supreme Leader since NAJA's founding, usually designates the Minister of Interior as his stand-in on NAJA affairs, the chief of staff of NAJA is directly appointed by the Supreme Leader and in turn appoints the higher echelons of police officers. Iran's interior ministers usually have a strong security background. [275]

(c) The army (Artesh)

188. Constitutionally, the army is responsible for guarding the independence and territorial integrity of the country, and the State of the Islamic Republic.[276] The Army must be an Islamic Army, i.e., committed to Islamic ideology and the people, and must recruit into its service individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of realizing its goals.[277] No foreigner may serve in the security forces.[278]

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[273] Article 176 of the Constitution.

[274] Chapter 13 of the Constitution.

[275] The current Minister, Mr. Ahmad Vahidi is a former commander of the IRGC. Interior ministers' appointments can be revoked by the Parliament (*majles)* as in 2008 when the interior minister, Ali Kordan, was dismissed on charges of dishonesty. See "Minister's Dismissal Is Setback for Iranian Leader" The New York Times, 5 November 2008.

[276] Article 143 of the Constitution.

[277] Article 144 of the Constitution.

[278] Article 145 of the Constitution.

(d) The Islamic Revolutionary Guard Corps (Sepah-e Pasdaran-e Enqelab-e Eslami)

189. Established immediately after the 1979 Revolution, the Islamic Revolutionary Guard Corps (IRGC) is a paramilitary military organization, tasked with safeguarding the Islamic Republic of Iran and the ideals of the Islamic Revolutions. The IRGC is composed of 190,000 Revolutionary Guards,[279] divided in five branches: land forces (150,000), navy(20,000), aerospace force (15,000), *Al Quds* (5,000) and the Basij.[280] Its anti-riot units are reported to be the country's most important units to suppress public protests and riots.[281] As noted above, the IRGC Islamic Revolutionary Guard Corps (IRGC) operates its own separate network of detention facilities, both formal and informal. All commanders are appointed by Iran's Supreme Leader and answerable only to him. Article 12 of the Statute of the Islamic Republic's Revolutionary Guards Corps (IRGC Statute) states: "In accordance with Article 110 of the Constitution of the Islamic Republic of Iran, the supreme leadership of the Revolutionary Guards belongs to the Leader." Articles 28 and 29 of the Statute clearly stipulate the chain of command within the IRGC.

190. The demarcation of operational responsibility between the IRGC and the *Artesh* is vague and IRGC commanders publicly define the IRGC's mandate as flexible. IRGC messaging emphasize that the Guards have a mandate to intervene in any sphere, including those areas which are officially the responsibility of other security forces such as the army, Intelligence Ministry and law enforcement. As Major General Yadollah Javani, adviser to the Supreme Leader's representative at the IRGC, has pointed out, the IRGC "is not merely a military organization like the army," adding that the IRGC is "trans-factional" and "has a place within the power structure."[282]The IRGC is a multifaceted entity which in addition to being a military organization, has entrenched political, cultural, ideological and economic dimensions. As discussed above, the IRGC controls a large segment of the Iranian economy.[283] From 1980 until 2023, "of the 296 individuals who have served as ministers, 83 (28 per cent) had served in the Revolutionary Guards."[284] Hosein Salami has been the IRGC Commander-in-Chief since 21 April 2019.

(e) The Basij

191. The Basij, formally known as the Organization for the Mobilisation of the Oppressed, was created as a paramilitary volunteer militia by Ayatollah Khomeini in 1979 and constitutes a powerful information gathering, social influencing and paramilitary policing tool.[285] Basij volunteers may number in the millions, with one million active members.[286] In 1981, the Basij was incorporated into the organizational structure of the IRGC.[287] After the Iran-Iraq war ended in 1988, the Basij developed its countrywide network of volunteer 'resistance bases' (*Paygah*) in most cities and villages, including in mosques, public institutions such as universities and places of higher learning; the civil service and state-owned economic enterprises such as factories, totalling at least 22 branches. In 2005, the Basij consolidated its units that are open to women under a single umbrella organization, the

279 The International Institute for Strategic Studies (IISS) pp. 325-326, Military Balance 2023.

280 See "Islamic Revolutionary Guard Corps Ground Forces 150,000. Controls Basij paramilitary forces. Primary role: internal security; secondary role, external defense, in conjunction with regular armed forces." See The International Institute for Strategic Studies (IISS), pp. 325-326, Military Balance 2023.

281 See "In the Name of Security: Human rights violations under Iran's national security laws", Minority Rights Group, June 2020.

282 See "The Commander of the Faithful Imams (a.s.) is a member of the Revolutionary Guards (IRGC), but there are 100% other things as well/We are not conservative in the protection of the revolution", *Akharin Khabar*, 18 October 2014.

283 See "The Military and the State in Post-Revolutionary Iran: The Economic Rise of the Revolutionary Guards", Forozan, H., and Shahi, A., *Middle East Journal*, Volume 71, January 2017

284 https://kalam.chathamhouse.org/articles/irans-generational-leadership-change/

285 See "In the Name of Security Human rights violations under Iran's national security laws", Minority Rights Group, June 2020.

286 See "Iran's Revolutionary Guards: from military operations to business empire", *Reuters*, 19 January 2023.

287 Article 9 of the IRGC Statute.

Women's Society Basij Organization (*Sazeman-e Basij-e Jameh-e Zanan*). The formation of the WSBO is responsible for coordinating all activities related to women's issues within the broader Basij structure.

192. The Basij came under the formal authority of the IRGC commander in 2007 and was incorporated into IRGC ground forces in 2008.[288] Although Basij forces are not considered part of Iran's regular armed forces, several laws and regulations have recognised them as a law enforcement force, granting them the same authorities and privileges. Plainclothes Basij forces are often dressed uniformly in black shirts and pants.

193. Basij have a presence in every Iranian university to monitor people's dress and behaviour. They are closely affiliated to the country's hard-line factions.[289] The Student Basji Organization (SBO) is a branch within the Basij that is active on university campuses which was formed in November 1989 under the purview of the IRGC[290] to promote official doctrines across universities and to control student' movements. On 9 November 2009, the Head of the SBO announced the formation of 6,000 Basij units in primary schools (which teach children up to the age of eleven).[291]

(f) The Police (Farmandehi-ye Entezami-ye Jomhouri-ye Eslami-ye Iran, or FARAJA)

194. The law enforcement force of the Islamic Republic (*FARAJA*), or police force, is one of the three main branches of the Armed Forces of the Islamic Republic, which is under the supervision of the Supreme Leader of the Islamic Republic (who also holds the position of Commander-in-Chief of the Armed Forces). It was established through merging different law enforcement forces in 1990.

195. The Supreme Leader appoints the commander-in-chief of the National Police who in turn appoints the higher echelons of police officers. On 7 January 2023, Ayatollah Khameini appointed Ahmadreza Radan, an IRGC officer who was transferred to police forces many years ago, as the country's new Commander-in-chief of Law Enforcement Force replacing Hossein Ashtari. Although the national police is affiliated with the Ministry of Interior, the Minister concerned is responsible only for logistical issues, such as the maintenance of equipment and facilities.[292]

196. Each province has a single command headquarters that controls all police stations within it. "Each city in turn has one disciplinary district (*nahieh-e entezami*) that manages local police stations, usually called *kalantari* in urban areas and *pasgah-e entezami* in rural areas. Despite certain local differences, a typical Iranian police station will have a deputy of prevention, a deputy of intelligence, a deputy of inspection, a deputy of operation, and a judiciary police official, among other personnel."[293]

(g) Intelligence agencies

The Ministry of Intelligence and Security (MOIS)

197. The Ministry of Intelligence and Security (MOIS) is under the direct supervision of the Supreme Leader; its head is a cleric chosen with the approval of the Supreme Leader (not the President). Esmaeil Khatib has been serving as the minister of intelligence since August 2021. According to the MOIS foundation law of 1983, the Ministry is charged with the "gathering, procurement, analysis, and classification of necessary information inside and outside the country."[294] Since 1983, the Intelligence Ministry has been overseeing the activities of the security units "*Herasat* "which are present in every civilian organization and

[288] See "The Basij Resistance Force", *The Iran Primer*, 6 October 2010.
[289] See "Iran's Basij force: specialists in cracking down on dissent", *Reuters* , 22 September 2022
[290] See Saeid Golkar, "A Shadowy Paramilitary Group Leads the Bloody Crackdown on Iran's College Campuses", *New Lines Magazine*, 20 April 2023.
[291] See "Iran election contested, repression compounded", Amnesty International, 10 December 2009.
[292] Ibid.
[293] Iran's Coercive Apparatus: Capacity and Desire, Saied Golkar, 5 January 2018.
[294] An overview of the Iranian government and political system, Frontline.

university in the country. The *Herasat* units, created in 1979 were originally tasked to ensure physical protection, protection of classified documents, personnel protection, and protection of personalities. In 1981, the Government tasked them to deal with the conspiracy of "enemies" and "the influence of their agents and to prevent their destructive actions in various political, economic, social, and cultural sectors of the country.[295]

The Intelligence Organization of the Guardians of the Islamic Revolution

198. After the Green Movement (2009-2010), Ayatollah Khamenei empowered the Intelligence Organization of the Islamic Revolutionary Guard Corps, which has become one of the most powerful intelligence organizations in Iran, alongside the Ministry of Intelligence and Security.[296] The organization "protects against terrorist attacks and foreign political interference. It represses demonstrations and unrest and monitors online activities of Iranians. The IRGC-IO counters influence operations from Iran's Western adversaries. It has also detained dissidents, including Iranians, dual nationals, and foreigners".[297] In June 2022, Brig. Gen. Mohammad Kazemi, the director of the IRGC Counterintelligence Organization, was appointed head of the IRGC-IO. The IRGC-IO chief is chosen by and reports to the Supreme Leader. The previous IRGC-IO chief was Hojatoleslam Hossein Taeb (2009-2022), a mid-ranking cleric.[298]

The Intelligence and Public Security Police (*polis-e ettelaat-e omumi*) or PAVA

199. The Intelligence and Public Security Police (*PAVA*) is a branch of the Police (*NAJA*), the Law Enforcement Force of the Islamic Republic. Both of them are directly or indirectly overseen by the Supreme Leader.[299]

The Moral Security Police (police-e amniyat-e akhlaghi)

200. The Moral Security Police is a sub-branch of the Intelligence and Public Security Police, with a mandate to "fight evil and corruption" and enforcing related morality laws, including the mandatory *hijab*. Although the Police have always maintained units dedicated to morality policing, the Moral Security Police itself was formally created in 2007 by the Police's Commander in chief, following the 2006 Law, to grant greater autonomy and authority to morality policing activities within the Police Force. The Moral Security Police supervises the Guidance Patrol's activities, which consists of officers patrolling the streets of Iran.

201. Not all police stations in Iran house a dedicated unit of the Moral Security Police. The Commander in Chief of the Police is responsible for determining whether a given police station anywhere in the country requires a moral security police unit. In Tehran, there are at least ten moral security police units within the regular police stations.[300]

The guidance patrols "Gasht-e-Ershad," (also known as the "morality police")

202. The "Gasht-e-Ershad" (literally "Guidance Patrols") referred to in public discourse as the "Morality Police", has existed in some shape or form since the Islamic Revolution of 1979.

203. Shortly after the Revolution, Ayatollah Ruhollah Khomeini took steps to consolidate and organize the existing "Komiteh" under his leadership as the official law enforcement agency tasked with upholding the standards of the Revolution, including Islamic regulations on social behaviour. Roughly 1,000 Komiteh units operated in Tehran, arresting anyone they deemed a threat to the Republic's socio-political order. In 1983, when the requirement of mandatory *hijab* was adopted, its enforcement fell under the purview of the Komitehs.

295 https://fasau.ac.ir/fa/page/12/; https://rc.majlis.ir/fa/report/download/732357; https://www.chaponashr.ir/core/media/contents/1627981316.pdf

296 "Profiles: Iran's Intelligence Agencies", The Iran Primer, 5 April 2023.

297 Ibid.

298 See "Iran replaces IRGC's intelligence chief", Al Monitor, 23 June 2022

299 Article 110 of the Constitution.

300 See" Setting Up Nationwide Ethical Security Policing", Donya e Eqtesad, 9 July 2022.

204. In 1991, the Government adopted the Law on the Formation of the Police Force, which formally established a new, overarching police force. Its duties included to "fight evil and corruption" (Article 8) and to engage in the "detection of crimes", including breaches of the mandatory *hijab*. The Police's leadership created the Guidance Patrols as street patrols to fulfil this mandate.

205. The Guidance Patrol does not have a dedicated legal foundation document that explicitly outlines its role and functions, including the procedures and methods for enforcing the mandatory *hijab*. The exact scope of its activities and authority is principally shaped by Government acts and internal regulations adopted by the Police Commander in Chief. In 2006 a resolution was adopted by the Supreme Council of the Cultural Revolution titled "Resolution on the Implementation of Strategies for the Development of the Culture of the Chastity and *Hijab*", which empowered police officers to "declare the limits and legal definition of modesty and standards of improper hijab" and to "take legal steps to confront individuals with improper *hijab*". In May 2007, the Supreme Council of the Cultural Revolution adopted the Moral and Social Security Promotion Plan, approved by the Supreme Leader. The Plan explicitly stipulated that agents of the Guidance Patrol have the authority to determine "the instances of good *hijab* and its limits" and address offenses according to their discretion.

206. In April 2016, the police chief of Tehran announced the establishment of an "undercover morality police" which authorized 7000 Guidance Patrol- Morality Police officers to "invisibly" operate in Tehran and identify women who were either not wearing the *hijab* or were deemed to be wearing it "improperly."[27N]

III. The death in custody of Jina Mahsa Amini

207. Jina Mahsa Amini (hereafter Jina Mahsa) was a 22-year-old ethnically Kurdish woman from Saqqez town, Kurdistan province. Jina Mahsa played the violin and performed in the local theatre. She enjoyed dressing up in traditional Kurdish clothes, singing, and would often go hiking and play tennis during her free time. After obtaining her degree in pharmacy, she had been admitted to study microbiology at the Faculty of Medicine at the Urmiah University, West Azerbaijan province. She was due to start in late September 2022. She had chosen this field because she wanted to help mitigate the pain and suffering of others.[301]

208. In the late summer of 2022, Jina Mahsa travelled from her hometown with her mother, father, and 17-year-old brother to visit family in Tehran. On the evening of 13 September 2022, while on her way to a department store, Jina Mahsa got off at the Shahid Haqqani metro station in Tehran city. There, she was arrested by the "morality police" for allegedly wearing an "improper" *hijab* and, in turn, taken into custody. Three days later, on 16 September 2022, Jina Mahsa died in a hospital in Tehran city. More than one year after her death, Iranian authorities have not only failed to address women's and girls' demands for equality and human rights, but instead exacerbated patterns of violence and implemented additional measures to force them into compliance.

A. Chronology and factual reconstruction of the events that led to the death of Jina Mahsa Amini

1. Arrest

3. On 13 September 2022, at or around 6:30 p.m., after she exited the Shahid Haqqani metro station in Tehran city, Jina Mahsa and her brother were stopped by the "morality police".

[301] FFM-IRAN-D-001421.

Jina Mahsa and her brother argued with the police over her arrest. When her brother pleaded with the police to release her, he was also threatened with arrest.[302]

209. Credible information received by the Mission indicated that the "morality police" officers were equipped with body cameras during the arrest.[303]

210. Testimonies received by the Mission described how "morality police" officers were always present at the Haqqani metro station in Tehran city. One witness recalled that every time she went to this area, she would have "troubles" with them. She was herself violently arrested by the morality police for "improper hijab" prior to the protests in September 2022.[304] Another woman noted that "women from Tehran know that the Haqqani metro situation is full of morality police officers" and that "two white vans are always parked there." Conscious of the consequences that a potential encounter with the morality police may entail for any woman or girl found to be in violation of the mandatory *hijab* laws, the witness noted that, in her view, "no woman in Tehran gets off at that exit [where Jina Mahsa Amini was arrested] because they know that the morality police would be present, every day, between 4 pm and 10pm." [305]

211. Regarding the reason for arrest of Jina Mahsa Amini on the evening of 13 September, the Police Commander of Greater Tehran stated on 19 September, that "her clothes were not appropriate", and that "Ms. Amini asked our colleague what is wrong with her appearance and our colleague responded that there was a problem with her trousers and her manteau ".[306] Witnesses explained that the "morality police" assessed that her *hijab* was "improper" on the basis of "her trousers being visible, and some of the buttons of her manteau undone".[307] Separately, witnesses told the Mission that Jina Mahsa Amini's attire[308] appeared rather "conservative," "not inappropriate," and "proper".[309] In a media interview, her father also confirmed that "there was nothing wrong with her clothing", casting doubts on the justification for her arrest.[310]

2. Detention

(a) Inside the van of the "morality police"

212. Following her arrest, Jina Mahsa was taken in a white van that belonged to the morality police. Her brother was meanwhile told by the officers that she would be taken to the Vozara detention facility, located some six kilometres from the Haqqani metro station, to undergo a "re-education class".[311] The van reportedly remained stationed at the Haqqani metro station for some 15 minutes longer while the "morality police" arrested another three women for wearing "improper *hijab*".[312] The van departed at or around 6:50 p.m., with a total

[302] Information on file with the Mission. "The Trust Does Not Stay Hidden Forever", Iranwire, 25 September 2023;, Different Narratives of Mesha Amini's Story, Etemad Online 15 September 2022; "Iran: Ma cousine Jina Mahsa Amini ne croyait pas au voile", Le Point 8 February 2023;, "Mahsa Amini father: They lie that Mahsa dress was different from the movie dress", 29 Rouydad24, 29 September 2022.

[303] Information on file with the Mission. "They don't give us the report of Kasri Hospital", Ensaf News, 28 January 2023.

[304] FFM-IRAN-D-001018 (FFMI Interview).

[305] FFM-IRAN-D-000895 (FFMI Interview).

[306] "First comment by Tehran Police Chief on Mahsa Amini", Mashregh News, 19 September 2022.

[307] Information on file with the Mission.

[308] FFMI-IRAN-D-001407.

[309] "The Trust Does Not Stay Hidden Forever", Iranwire, 25 September 2023, "Different Narratives of Mesha Amini's Story", Etemad Online 15 September 2022; FFM-IRAN-D-000749 (FFMI Interview); FFM-IRAN-D-001422 (FFMI Interview).

[310] "Mahsa Amini father: They lie that Mahsa dress was different from the movie dress", Rouydad24, 20 September 2022.

[311] "New Police Explanations About Mehsa Amini Case", Fararu News 28 September 2022.

[312] Information on file with the Mission.

of seven women detainees, including Jina Mahsa Amini, as well as at least four officials from the "morality police", at least one of whom was a woman.[313]

213. Credible information indicated that inside the van Jina Mahsa protested her arrest. This led to an argument between her and an official of the "morality police". Although she was conscious after the incident, she reportedly appeared physically lethargic.[314]

(b) Inside the Vozara detention facility

214. The Vozara facility, a detention centre described by women as a "place for *hijab*-related violations", is a detention facility placed under the authority of the Public Security Police. It operates at least 12 cells located underground, where women found in violation of the mandatory *hijab* laws are held.[315] Women detainees are registered upon arrival, have their mugshots taken, and are then released only after a family member goes to collect them with a proof of their identity, and with a "proper attire"[316]. The time till release may therefore vary from several hours to days depending on when a family member is able to collect them from the Vozara.[317] Women, including girls, reported witnessing and/or being subjected to physical violence in the custody of the "morality police" while in the Vozara detention facility.[318]

215. Audio messages published by the media on 16 September 2023, indicated that, after Jina Mahsa's arrest, her brother followed the van to the Vozara detention facility on a motorcycle. Once in front of Vozara, he joined a crowd of people who had gathered at the gate in front of the building, in anticipation of the release of other women who had been transferred to Vozara earlier that day.[319] Her brother asked several guards about his sister's whereabouts, and showed them a picture of her, which he had taken few days prior.[320]

216. Open-source information reviewed and analysed by the Mission indicated that one woman saw Jina Mahsa upon arrival to Vozara. She described her as appearing "pale" and "unwell",[321] before witnessing her collapse on the ground. Seeing her on the floor, some of the other women who were held in Vozara asked for a doctor, a request that the police reportedly denied.[322]As they persisted, the police reportedly pepper-sprayed, beat some of the women and confiscated their phones.[323]

(c) Outside Vozara detention facility

217. As people remained waiting outside Vozara detention facility, they heard screams from inside.[324] One woman came out of the building and reportedly said to them that "they

[313] Information on file with the Mission.

[314] See "Iranians are furious after a young woman dies while in custody of the hijab police", Radio Zemaneh 16 September 2022; "Eyewitness Accounts of Rasht Ershad's Violent Behavior in Coma", Radio Zameneh, 15 September 2022.

[315] FFM-IRAN-D-000592 (FFMI Interview); FFM-IRAN-D-000424 (FFMI Interview); FFM-IRAN-D-000148 (FFMI Interview); FFM-IRAN-D-000895 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001006 (FFMI Interview).

[316] FFM-IRAN-D-000592 (FFMI Interview); FFM-IRAN-D-000895 (FFMI Interview)

[317] See "New Police Explanations About Mahsa Amini Case", Fararu News, 28 September 2022.

[318] FFM-IRAN-D-001006 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001024 (FFMI Interview); FFM-IRAN-D-000592 (FFMI Interview).

[319] Information on file with the Mission. See "The Trust Does Not Stay Hidden Forever", Iranwire, 25 September 2023; See also "Eyewitness Accounts of Rasht Ershad's Violent Behavior in Coma", Radio Zameneh, 15 September 2022.

[320] Information on file with the Mission.

[321] See "Eyewitness Accounts of Rasht Ershad's Violent Behavior in Coma", Radio Zameneh 15 September 2022.

[322] See "Eyewitness Accounts of Rasht Ershad's Violent Behavior in Coma", Radio Zameneh, 15 September 2022.

[323] See "Eyewitness Accounts of Rasht Ershad's Violent Behavior in Coma", Radio Zameneh, 15 September 2022; BBC Persian, Youtube, Interview with Amjad Amini, 22 September 2022.

[324] See "The Trust Does Not Stay Hidden Forever", Iranwire, 25 September 2023.

killed someone in there."[325] Fearing for the women inside, family members then attempted to cross the gate and enter the Vozara building.[326] Credible information obtained by the Mission indicated that, to prevent people from coming closer, the police beat and pepper-sprayed some of them, including the brother of Jina Mahsa.[327] Shortly thereafter, an ambulance arrived and took one person away. In response of queries by the crowd as to why the ambulance came, the police explained that it had come for a guard who had fallen sick.[328] Her brother, meanwhile, continued waiting for Jina Mahsa in front of Vozara.

3. Death in custody

218. Jina Mahsa was transferred to Kasra hospital in secrecy.[329] It was only some 20 minutes after the ambulance departed that the police told her brother that she had been transferred to the emergency unit (ICU) at Kasra Hospital, a private medical facility located near Argentine square in Tehran city, some 500 meters from the Vozara detention facility. [330]

219. On 17 September, Kasra Hospital published a statement on Instagram confirming that Jina Mahsa had been admitted at the hospital at 8:22 p.m. "in a comatose state" and "brain-dead upon arrival".[331] The statement further indicated that "despite efforts to resuscitate her, Jina Mahsa died on 16 September 2022."[332] The post was deleted on the same day, only one hour after it was published.[333]

220. Her parents were not informed by the "morality police" of her arrest, or her subsequent admission to the hospital. Her brother rushed from the Vozara detention facility to the Kasra hospital after having been told by a guard at Vozara that she was indeed the person transferred in the ambulance he had seen earlier.

221. Meanwhile, Jina Mahsa was admitted to Kasra Hospital. Medical staff, observing her critical state and not knowing who she was, called to inform the police about her admission.[334] An officer from the police station then went to Kasra Hospital, and made a police report of her hospitalization, dated 13 September 2022 at 8:36 p.m., in the presence of Kasra medical staff. In the report, the officer noted that an "unidentified woman" had been admitted to the ICU "with three per cent consciousness following injuries sustained in Vozara". The report further stated that "an officer from the morality police" had come with Jina Mahsa to the hospital but "bore no identification card or a badge and did not answer questions from the Police". It was only after Jina Mahsa's brother arrived at the hospital, around 30 minutes

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325 Information on file with the Mission. The Trust Does Not Stay Hidden Forever", Iranwire, 25 September 2023; Radio Zameneh, Eyewitness Accounts of Rasht Ershad's Violent Behavior in Coma, 15 September 2022; Human Rights Watch, Woman Dies in Custody of Iran's Morality Police, 16 September 2022; see also Farnez Fassihi, New York Times, In Iran Woman's Death After Arrest by the Morality Police Triggers Outrage, 16 September 2022.

326 See "The Trust Does Not Stay Hidden Forever", Iranwire,25 September 2023; FFM-IRAN-D-001405 (Submission). See also "Eyewitness Accounts of Rasht Ershad's Violent Behavior in Coma", Radio Zameneh 15 September 2022. See also, Etemad Online, Different Narratives of Mesha Amini's Story, 15 September 2022.

327 Information on file with the Mission. Iranwire, The Trust Does Not Stay Hidden Forever, 25 September 2023.

328 Information on file with the Mission.

329 Iranwire, The Trust Does Not Stay Hidden Forever, 25 September 2023. Information on file with the Mission.

330 Information on file with the Mission. Iranwire, The Trust Does Not Stay Hidden Forever, 25 September 2023. See also, Etemad Online, Different Narratives of Mesha Amini's Story, 15 September 2022.

331 "Statement of Kasra Hospital in the wake of Mahsa Amini's death", Khordad News September 2022; see also https://twitter.com/no_itsmyturn/status/1571773119911677952.

332 Statement of Kasra Hospital in the wake of Mahsa Amini's death, Khordad News, September 2022. See also https://twitter.com/no_itsmyturn/status/1571773119911677952.

333 See The Outcry in Iran Over the Death of Mahsa Amini Is About More Than Just Grief, Tara Kangarlou, Time Magazine 19 September 2022.

334 Information on file with the Mission. See also, "We'll show you, you hijab-removing girl": One Witness Account of the Vozara Detention Center, Abdorrahman Boroumand Center 16 September 2023.

later, that medical staff and the police were informed by Jina's brother of her identity.[335] Jina Mahsa's brother then called their parents, who joined him in Kasra hospital.[336]

222. That night, as the family awaited news, they were informed by the hospital staff that Jina Mahsa had been transferred from Vozara with a delay, had suffered cardiac arrest and was transferred to the hospital too late.[337] Her parents were allowed to see her on at least one occasion and hold her hand. Credible information received by the Mission indicated that Jina Mahsa bore bruises on her body and blood was visible around her ears.[338]

223. Jina Mahsa remained in a comatose state over the following two days. On 15 September, her parents confirmed to the media that she was still alive and under observation at the ICU in Kasra Hospital.[339] Meanwhile, security officers were deployed inside the hospital and to the area around the building, and intimidated the family.[340] In an audio message released on 16 September 2023, Jina Mahsa's brother said: "*anywhere we go, there are two police officers following us*."[341]

224. On the morning of 16 September, reportedly at around 9:00 am, Jina Mahsa died, and her body was subsequently transferred for forensic examination to the Legal Medicine Organization in Kahrizak, Tehran province.[342] Despite requests to medical doctors, the family did not receive any of the medical reports from Kasra Hospital.[343] Credible information received by the Mission indicated that the medical staff was threatened by the security forces to not release medical reports the family. [344] Later that day, as the news of her death in custody emerged on social media, people gathered in front of Kasra Hospital, near Argentine square.[345] A young woman reportedly removed her *hijab* in an act of defiance to protest her death.[346]

225. Credible information received by the Mission also indicated that the family was not allowed to see Jina Mahsa's body until it arrived in her hometown of Saqqez on the early morning on 17 September.[347] As many people travelled to Saqqez to pay their respects, the family was urged by security forces to proceed with the funeral earlier, prior to the ceremony that had been planned for 10 a.m. The family however refused, and around 10 am that morning, Jina Mahsa was buried in Aychi cemetery, Aychi village, some eight kilometres away from Saqqez town. Her death certificate, issued at the Saqqez civil registry office on 21 September 2022, noted that she had died of "unknown causes."[348]

335 Information on file with the Mission.
336 The Trust Does Not Stay Hidden Forever, Iranwire, 25 September 2023.
337 Information on file with the Mission. Iranwire, The Trust Does Not Stay Hidden Forever, 25 September 2023.
338 Information on file with the Mission. "The Trust Does Not Stay Hidden Forever", Iranwire,25 September 2023; "Mahsa Amini father: They lie that Mahsa dress was different from the movie dress", Rouydad24, 20 September 2022; BBC Persian, Youtube, Interview with Amjad Amini, 22 September 2022.
339 Iranwire, Woman Left in Coma by Morality Patrol Still Alive, Family Says, 15 September 2022; Radio Zamaneh, Women Life Freedom: Chronicle Of An Uprising That Shook Iran, 16 September 2023.
340 Information on file with the Mission. Iranwire, The Trust Does Not Stay Hidden Forever, 25 September 2023.
341 "The Trust Does Not Stay Hidden Forever", Iranwire,25 September 2023.
342 "Iranians Are Furious After A Young Woman Dies While In Custody Of The Hijab Police, Radio" Zemaneh, 16 September 2022.
343 Information on file with the Mission.
344 Information on file with the Mission.
345 FFM-IRAN-D-00302 (Video); FFM-IRAN-D-00303 (Video); FFM-IRAN-D-00304 (Video).
346 Radio Zamaneh, Women Life Freedom: Chronicle Of An Uprising That Shook Iran, 16 September 2023.
347 Mehsa Amini father: They lie that Mehsa dress was different from the movie dress, Khordad News 20 September 2022.
348 Information on file with the Mission.

B. State response and investigations

1. Official statements

226. On 15 September 2022, Iran's Police Information centre said that Jina Mahsa had suffered a sudden cardiac arrest while in custody.[349] On the day after, 16 September, State TV published time-stamped CCTV video footage without audio, which showed Jina Mahsa inside the Vozara detention facility. No footage from her time spent inside the police van was released. The footage broadcast showed her exiting a white van of the "morality police", along with six other women, and then entering the Vozara building one by one in a line at 7:28 p.m.[350] Three individuals, who appeared to be "morality police" officers, were also shown on the footage, including one woman who ushered them in. The footage shows Jina Mahsa walking into a large hall where women were already awaiting processing following their arrest. She can then be seen remaining seated for approximately 30 minutes, and then speaking to a female police officer, who pointed towards her clothing. Following this, at 7:56 p.m., Jina Mahsa is shown holding her head before collapsing on the ground. The emergency medical service then arrived at 8:06 p.m., and performed CPR on her at 8:09 p.m. The footage then cuts to 8:10 p.m., where several men are shown carrying a person on a stretcher whose face is not visible. The ambulance is then seen departing the Vozara detention facility at 8:27 p.m., which is later than, and therefore inconsistent with, the 8:22 p.m. time reported of her hospital admission.[351]

227. On 16 September, President Raisi tasked the Ministry of Interior to open an investigation into the death of Jina Mahsa.[352] On 16 September, Parliament member Jalal Rashid Kuchi also called for investigation into the case.[353] On the same day, General Hossein Rahimi, commander of the police forces in Tehran announced that though the "morality police" officers were generally equipped with body cameras, this was not the case during the evening of the arrest of Jina Mahsa.[354] Gholamhossein Ejei, Head of the Judiciary issued an order for another investigation also on the same day.[355] General Hossein Rahimi, commander of the police forces in Tehran stated that investigations conducted by him and "special teams" had shown that "there was not even the slightest misconduct or wrongdoings by the officers". He further described the police forces as faultless and added that the news about the cause of the death of Jina Mahsa circulating on the internet were "lies".[356] On 19 September, local media published that, following orders of the Commander of FARAJA in Tehran, General Rahimi, the head of the "morality police", Colonel Ahmed Mirzaei, has been suspended from his position.[357] On 29 January 2023, official media announced that General Rahimi himself was moved to Chief of Economic Security from overseeing police forces in the capital of Tehran to a newly established branch of the police, namely the economic security police unit.[358] On 4 October, the Supreme Leader gave (his first) public remarks referring to a "bitter incident", noting "the upset" it caused.[359]

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349 Aftab News, Police Explanation about Mahsa Amini Stroke Due to Ershad Police Collison, 24 September 2022; Etemad Online, Different Narratives of Masha Amini's Story, 15 September 2022; ISNA, Police Explanation About Incident, 24 September 2022.

350 FFM-IRAN-D-000853 (Video); FFM-IRAN-D-000855 (Video).

351 Posted on 22 Sept 2022; see Khordad News, Statement of Kasra Hospital in the wake of Mahsa Amini's death, September 2022.

352 Chairman Orders to Investigate, Fararu News, 16 September 2022.

353 See "Members of Parliament Will Follow Up," Arsheh Online 16 September 2022 .

354 See "Members of Parliament Will Follow Up", Arsheh Online 16 September 2022.

355 See Special Instructions for Authorities to Follow Up on Mahsa Amini Death, ISNA,1 October 2022.

356 See "No Dispute Between Masha Amini and Companions with the Police", Mashreg News, 19 September 2022.

357 See "Mirzaei, the Chief of Tehran Morality Police" Hamshahr online 19 September 2022; See "The head of the Moral Security Police of Greater Tehran was dismissed", Eghtesad News,19 September 2022

358 See "Farewell to Rahimi from the Capital's Police", ISNA, 29 January 2023

359 'A Bitter Incident': Ayatollah Khamenei On Death Of Mahsa Amini, NBC News, 4 October 2022.

228. On 21 September, Mahdi Forosh, the Director General of Forensic Medicine in Tehran published a statement in which he stated that "no signs of injuries to her body nor bleeding or rupture to her internal organs had been observed during the autopsy, including to her head." He further noted that more time was needed to "establish the cause(s) of death and to issue the final report." [360] On 2 October 2022, the Parliamentary spokesperson said that the head of the parliamentary commission which was entrusted with the investigation into the death of Ms. Amini, will present his report by the end that week. [361]

229. The following month, on 7 October, the Legal Medicine Organization, a body operating under the authority of the Judiciary, stated that her death was not caused by "blows to the head or any vital organs or parts of the body." [362] Rather, it claimed that it was due to complications arising from an underlying condition, namely a disorder in the hypothalamus-pituitary axis and the gland, including the adrenal and the thyroid gland. The disorder allegedly resulted from a craniopharyngioma surgery to remove a brain tumour when Jina Mahsa was eight years-old, for which she was still under medical treatment with hydrocortisone, levothyroxine, and desmopressin drugs.[363] These complications, the statement continued, had left her without the "ability to cope or get hold of the situation" and, she subsequently developed a cerebral hypoxia due to a sudden heart rhythm disorder and decreased blood pressure. The Legal Medicine Organization pointed out that it had come to this conclusion after reviewing medical records, computed tomography (CT) scan images of her head and chest, results of physical examination, autopsy, and pathology tests, some of which were published by official media. On 8 October, the Legal Medicine Organization announced that the decision was informed by a commission of 19 doctors.[364]

230. The Mission notes that, though clearly in the possession of the State, none of these documents have been shared with Jina Mahsa's family nor with the public.[365] The Mission requested but has not received these documents from the Government of the Islamic Republic of Iran till the time of reporting.

2. HCHR Reports on the Death of Ms. Mahsa Amini & Ensuing Events

231. To date, none of the above-mentioned bodies tasked with investigations into the death of Juna Mahsa Amini, have issued a public report detailing their findings. In addition to the statement issued by the Legal Medicine Organization on 7 October 2022, the High Council for Human Rights of the Islamic Republic of Iran (hereafter, HCRC) issued two reports, one of which is not public, pertaining to the death of Jina Mahsa.[366] The Mission's analysis over these reports is provided below.

(a) Preliminary Report on the Death of Ms. Mahsa Amini & Ensuing Events

232. In its first report, published on 27 October 2022, the HCHR reported that five separate investigations into the custodial death of Jina Mahsa had been launched, namely: (i) an investigation squad formed by the Minister of Interior as per the Order of the President and under the supervision of the Deputy Interior Minister for Security and Enforcement Affairs as well as the Secretary of the State Security Council; (ii) a probe team assembled by Tehran

[360] Dearborn.org, The Director General of Forensic Medicine in Tehran Issues a Preliminary Statement on the Mahsa Amini Case, 21 September 2022; ISNA, Preliminary Opinion Of The Forensic Doctor About Mahsa Amini, 30 September 2022.

[361] The report about the death of Mahsa Amini will be published by the end of the week, Shargh Daily, 2 October 2022

[362] Legal Medicine Reports on Reason for Mahsa Amini's Death, IRNA, 7 October 2022. See also Report No. 2 (FFM-IRAN-D-000857) and No. 4 (FFM-IRAN-D-000720) by the HCHR on progress of investigation into Amini's death.

[363] Legal Medicine Reports on Reason for Mahsa Amini's Death, IRNA, 7 October 2022.

[364] Legal Medicine Reports on Reason for Mahsa Amini's Death, IRNA, 7 October 2022.

[365] FFM-IRAN-D-001405 (Statement); FFM-IRAN-D-001422 (FFMI Interview).

[366] Preliminary Report on the Death of Ms. Mahsa Amini & Ensuing Events (FM-IRAN-D-000857), and Report No. 4, Pertaining Death of Ms. Mahsa Amini & Following Event (FFM-IRAN-D-000720).

Prosecutor General; another inquiry team put together by the Tehran Province Justice Administration within the Office of Civil Rights Protection of the Judiciary; (iii) an investigation team formed by the Legal Medicine Organization comprising of experts; (iv) and a probe team formed by the Parliament. Furthermore, (v) a medical committee consisting of the Deputy Minister for Treatment of the Ministry of Health, Treatment and Medical Education, the Vice Chairman of the Health Commission of the Parliament, the Head of the Legal Medicine Organization, the Head of the Medical Council, the representative of the Heart Association, the representative of the Neurosurgeon Society, and the representative of the Society of Radiology. The report does not offer clarity as to when the investigations began, their anticipated duration, composition, staffing, mandate, and the respective tasks of each investigation or probe team, and how they relate to each other.[367]

233. The report further confirmed that a criminal case was filed in the Tehran Prosecutor's Office based on the order of the Head of the Judiciary to investigate Jina Mahsa's death. The Tehran Prosecutor General then issued an order to open an investigation, which prompted the Tehran Province Chief Justice Administration to task the Citizenship Rights Monitoring Board to immediately launch an investigation and called upon the Legal Medicine Organization and the Ministry of Interior to promptly submit their final report to the Judiciary.[368]

234. Regarding the cause(a) and circumstances of the death, the report cites a media interview given by the Director General of the Tehran Legal Medicine Organization in which he noted that "no signs of injury on the head and face, bruises around the eyes and fracture of the cranial base were found in the physical examination and autopsy conducted on the deceased." [369] In a subsequent statement dated 23 September 2022 and cited in the report, the Minister of Interior referred to a "second phase of investigations", suggesting that, by then, the first phase may have already been completed.[370]

(b) Report No. 4, Pertaining to the Death of Ms. Mahsa Amini & Following Events

235. In its second report, the HCHR provided no update or other information on the results of the investigation by the Ministry of Interior and the Parliament, except for a brief mention of a judicial investigation, though without explaining what it referred to, or what the results were.[371] The report notes the statement made by the Legal Medicine Organization confirming that "her death was not caused by blows to the head or any other vital organs or parts to the body" . The results of the investigation specifically into the reported beatings in custody were not made clear and are not public to date. The conclusion on her suffering a heart attack does not, furthermore, negate the existence of the reported violence she suffered, as noted above.

236. As in Report no.1, no additional information was provided to support the conclusions made by the Legal Medicine Organization, including the medical records and the post-mortem report, or any other information which may have been used to reach conclusions as to the cause of her death. Moreover, authorities did not indicate whether the family had been provided with any of this information.

C. Pursuit of truth and justice

237. Victims of human rights violations and their families have a right to truth, justice and reparations.[372] The right to know the truth extends to society as a whole, given the public interest in the prevention of, and accountability for, international law violations. The right to

[367] Preliminary Report on the Death of Ms. Mahsa Amini & Ensuing Events (FFM-IRAN-D-000857), p. 2-3.
[368] Ibid. p 4.
[369] Ibid. p 5.
[370] Ibid.
[371] Report No. 4, Pertaining Death of Ms. Mahsa Amini & Following Event (FFM-IRAN-D-000720).
[372] As reflected in A/RES/60/147.

know includes information held in a state's records that pertains to serious violations, even if those records are held by security agencies or military or police units.

1. Family's access to information and redress

238. Several days after the death of Jina Mahsa, her family filed a complaint against the police through their lawyer in which they requested a thorough investigation into her death.[373] The complaint was filed before the Criminal Branch of the Office of the Prosecutor, District 27 in Tehran city.

239. Between October and December 2022, the family filed a number of requests to access the investigation case file and/or supporting documentation pertaining to the death.[374] The family requested access to, *inter alia*, the results of the investigation by the judiciary, medical and police reports, full CCTV footage and/or footage from police' body cameras, and a request to cross-examine the six women held alongside Jina Mahsa in the van, and the "morality police" officers reported to have carried out the arrest.[375] The family and their lawyer neither received the records from the State, nor was this information made public. This is despite the said records being available to the State given that they formed the basis, in part or in full, of the conclusions of the death of Jina Mahsa, as noted by the Legal Medicine Organization and referred to by the HCHR.[376] In January 2023 that family's lawyer stated in a media interview that the family had still not received information on the progress of the investigation. [377]

240. Following the statement by the Legal Medicine Organization on 7 October 2022 relating to her death, the family filed an objection before the Investigative Judge of the Office of the Prosecutor, Branch 1, District 27 of Tehran to contest the Organization's findings.[378] The requests noted that prior medical reports of Jina Mahsa were provided to the Organization by her family, which confirmed that she was healthy, and had been adhering to her hormonal treatment regimen, noting that it was unlikely that she suffered from an adrenal crisis.[379] The request by the family and their lawyer to establish a medical commission with known doctors in the Iranian medical community, was also denied.

241. In a public letter on 18 September 2022, 56 lawyers expressed their condolences and noted readiness to provide legal assistance to the family of Jina Mahsa Amini.[380]

2. Arrest and detention of those reporting on or seeking accountability for the death of Jina Mahsa Amini

242. One year after the death of their daughter, the family of Jina Mahsa remains without answers regarding why she died. Instead of receiving support or information, her father was interrogated on several instances by the intelligence services and even asked to refrain from commemorating the first anniversary of her death on 16 September 2023. Reportedly, when he refused, the family was placed under house arrest, and security officials surrounded their home in Saqqez between 16 and 19 September 2023. The uncle of Jina Mahsa, meanwhile, was arrested on 5 September 2023 by the intelligence officers in Saqqez and released after

[373] Information on file with the Mission. See also Mahsa Amini's family filed a complaint against the perpetrators of her arrest, IRNA,28 September 2022. See also Hamshari Online, Mahsa Amini Family Complaint Filed Against Medical Council, 25 December 2022.

[374] Information on file with the Mission.

[375] Information on file with the Mission.

[376] See Iran High Council for Human Rights Preliminary on the Death of Ms. Mahsa Amini & Ensuing Events, FFM-IRAN-D-000857, pp. 3 and 5; Report no. 4 Pertaining Death of Ms. Mahsa Amini & Following Event, FFM-IRAN-D-000720, pp. 1-2.

[377] See "They Don't Give Us the Report of Kasri Hospital", Ensaf News 28 January 2023, Mahsa Amini's Family Lawyers Sue Authorities, Iranwire, 11 October 2022.

[378] Information on file with the Mission. Iranwire, Mahsa Amini's Family Lawyers Sue Authorities, 11 October 2022.

[379] Information on file with the Mission.

[380] Statement by the City of Bukan Lawyers in Full Support of Amini Family, Kolbar News 18 September 2022.

around 40 days.[381] His family was not informed of his fate and whereabouts during the time of his detention. [382] On 10 February 2024, he was sentenced by a criminal court in Saqqez to five years in prison and a travel ban,[383] a ruling he has since reportedly appealed.

243. The family of Jina Mahsa was also prevented from travelling to Strasbourg, France, to receive the prestigious European Parliament 2023 Sakharov Price for Freedom of Thought awarded jointly to Jina Mahsa Amini and the "Woman, Life, Freedom" movement which was catalysed by her arrest and death in custody. On 8 December 2023, her mother, father, and brother were stopped at Tehran Airport by security forces as they prepared to board on a flight to France. Their passports were confiscated, and a travel ban was reportedly placed on all three of them.[384] The family's lawyer, Mr. Saleh Nikbakht, represented the family during the Sakharov award ceremony in Strasbourg on 12 December 2023.

244. Mr. Nikbakht was summoned in March 2023 by the IRGC intelligence service, and subsequently interrogated.[385] On 29 August and 2 October 2023, the Revolutionary Court, Branch 28, in Tehran held hearings against him on charges of "spreading propaganda" after he questioned in media interview(s) the State conclusions on the cause of death, and asserted that she was in fact beaten in custody.[386] On 17 October, 2023, Mr. Nikbakht was convicted and sentenced to one year's imprisonment.[387] He has reportedly appealed.

245. Moreover, two women journalists were arrested after reporting on the death of Jina Mahsa. Niloofar Hamedi, who worked with Shargh Daily, was arrested on 22 September 2022, six days after she took a picture of Jina Mahsa's parents hugging each other in the hallway inside Kasra hospital. Elaheh Mohammadi, who worked for the Ham Mihan, was arrested on 29 September 2022, after she wrote an article on her funeral. The two journalists underwent *in camera* trials in May and in July 2023, respectively, on charges of "collaborating with a hostile government," "gathering and colluding with intent to commit crimes against national security," and "propaganda activity against the system". Both were denied access to their lawyers, and their families were prevented from attending their hearings. On 22 October 2022, the Tehran Revolutionary Court sentenced Elaheh Mohammadi to six years in prison for "collaborating with the hostile government of the United States," five years for "conspiring and colluding to commit a crime against national security" and one year for "propaganda against the Islamic Republic," a total of 12 years. Niloofar Hamedi was convicted on the same charges, although her prison sentences totalled 13 years. On January 14, 2024, both journalists were granted temporary release on bail from Evin prison (Tehran), where they had been held for the last 14 months, pending an appeal.

246. Another journalist, Nazila Maroofian, whose interview of the father of Jina Mahsa was published on Mostaghel online on 19 October 2022 under the title "They are lying" (later removed),[388] was arrested on 30 October 2022, and held in Evin prison before being transferred to Qarchak prison and released on bail on 9 January 2023.[389] On 28 January 2023, she was sentenced in absentia to two years imprisonment suspended sentence, a fine and a five-year travel ban on charges of "propaganda against the system" and "spreading lies in order to disturb the public opinion".[390]

381 Information on file with the Mission.
382 Information on file with the Mission.
383 Information on file with the Mission.
384 European Parliament News, Sakharov Prize: Parliament honours Jina Mahsa Amini and Iranian women protesters, 12 December 2023.
385 See "Jina Amini's lawyer arraigned on 'propaganda against state", Kurdistan Human Rights Network, 13 March 2023.
386 "Mahsa Amini Lawyer in Court – Forensic Theory Not Certain", Iran International, 2 October 2023; Holly Johnston, The National News, Mahsa Amini's lawyer appears in Iranian court over 'propaganda' charges, 2 October 2023.
387 "Details of the verdict issued against Mahsa Amini's family lawyer", Sharghdaily, 22 October 2023
388 FFM-IRAN-D-001440 (Article).
389 "Journalist Nazila Maroufian Sentenced to One Year in Prison", Human Rights Activist News Agency 4 September 2023; FFM-IRAN-D-001441.
390 https://twitter.com/maroofian_n/status/1619331905673105408.

D. Legal findings

1. Arbitrary arrest of Jina Mahsa Amini

247. The Mission emphasizes the arrest and detention of Jina Mahsa Amini, pursuant to fundamentally discriminatory laws and policies governing the mandatory *hijab*, is arbitrary in nature and, as such, not permissible under international human rights law. The deprivation of liberty is rendered arbitrary if it has resulted from a violation of the right to equal protection of the law and freedom from discrimination under article 7 of the Universal Declaration on Human Rights and article 26 of the Covenant on Civil and Political Rights, or it constituted a violation of international law on prohibitive grounds of discrimination.[391] On this basis, the Mission finds Jina Mahsa Amini's arrest and detention, preceding her death in custody, constituted a violation of her right to liberty of person, liberty and equality under the law.

2. Cause of the death of Jina Mahsa Amini

248. When a person is injured or dies in a place of detention, there is a general presumption of State responsibility, owing to the control exercised by the State over those it holds in custody. The presumption of State responsibility for prisoner deaths until such responsibility is refuted has been firmly established under international human rights law.[392]

249. Based on the evidence as detailed above, including experts' medical assessment, alleged complications arising from Ms. Amini's surgery in childhood can be excluded as the immediate cause of her death. The Mission has reasonable grounds to believe that Jina Mahsa Amini's death was brought about by external causes. The Mission established the existence of evidence of trauma to Ms. Amini's body, inflicted while in the custody of the "morality police". Based on the evidence and patterns of violence by the "morality police" in the enforcement of the mandatory *hijab* on women and girls, the Mission is satisfied that Jina Mahsa Amini was subjected to physical violence that led to her death. On this basis, the State bears responsibility for Jina Mahsa Amini's unlawful death.

250. Due to the refusal of the Government of Iran to disclose key documents including police and medical reports, the Mission is not in a position to determine the immediate cause(s) of death, that is the diseases or conditions directly leading to Jina Mahsa's death. Nevertheless, the Mission has reasonable grounds to believe that Jina Mahsa's surgery can be excluded as immediate causes of her death and that her death was brought about by external causes.

3. State investigations into the death of Jina Mahsa Amini

251. The Mission now turns to assessing the investigation(s) conducted by the Islamic Republic of Iran into the death in custody of Ms. Amini. Beyond the factual findings as noted above, the Mission further reviewed and analysed the two reports issued by the HCHR, in which the State provided a modicum of information as it pertains to its internal investigation into her death. It is on this basis that the Mission concluded that the investigation conducted by the State into her death failed to meet international standards for the investigations of potentially unlawful deaths, as set out by the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989) and the supplementary Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions of 1991, also known as the Minnesota Protocol.[393] The Mission therefore finds that the Islamic Republic of Iran failed to comply with its duty to investigate a potentially unlawful death promptly, effectively and thoroughly, with independence, impartiality and transparency as detailed below.

[391] See Report of the Working Group on Arbitrary Detention A/HRC/36/37, para. 47-48, 19 July 2017.

[392] See for example, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/53/29, para. 14-15. 18 April 2023.

[393] OHCHR, The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

(a) Promptness of the investigations:

252. Five separate and simultaneous investigations were announced shortly after the death of Ms Amini. Already in its first report issued on 27 September 2022, the HCHR stated that the Legal Medical Organization confirmed that "no signs of injury on the head and face, bruises around the eyes and fracture of the cranial base were found in the physical examination and autopsy conducted on the deceased." According to the HCHR, on 23 September 2022, seven days after the death, the Minister of Interior, already referred to "second phase of investigations" having referred to a preliminary report of investigations being concluded, which found "no assault, battery or brain haemorrhage". No further information was provided as to the basis of these conclusion, until 7 October 2022, when the Legal Medicine Organization issued a statement in which it noted that her death "was not caused by blows to the head or any vital organs and parts of the body". The separate findings of each of the investigations, including the full report of the Legal Medical Organization, have not been shared with the public or with the family of Ms. Amini. In this regard, the Mission notes that, though investigations were announced early in time, which may in principle comply with the criteria of promptness of investigations,[394] State authorities appeared to have made conclusions in a rather hastily manner and too early, without making a serious and meaningful attempt to uncover what happened. [395] It is for this reason that the Government failed to promptly investigate the death in custody of Ms. Amini.

(b) Independence and impartiality of the investigations:

253. In relation to at least two investigation teams, serious concerns arise as to their institutional independence. One of the investigation team was formed by the Legal Medicine Organization, which is placed under the Judiciary. Another investigation team was formed by the Ministry of Interior, which has authority over the Public Security Police. This investigation was thus carried out the investigation by the department which oversees the morality police officers who had subjected Ms. Amini to physical violence. The Judiciary is not only in the reporting line of one of the investigations, but also due to receive the final report(s) of all of the five separate investigations launched into the death. The Chief of Judiciary, moreover, issued an order to investigate the death in custody of Jina Mahsa, which forms the basis of a criminal case filed in the Tehran Prosecutor's Office.

254. No information was made available on the composition of investigative bodies, including whether they included independent medical experts. No terms of reference were provided, and as such no information was available on the scope, methods of work or standard of proof applied. No other information is given to indicate exclusion of any prejudice or bias by the members of the investigation and no guarantees to exclude any legitimate doubt in this respect are offered. The report does not include the final report to the Judiciary, nor the post-mortem examination, the hospital file, medical records, and experts' opinions relied on, which may have included relevant information. Based on the available information, it cannot be concluded that the investigation is independent and impartial.

(c) Effectiveness and thoroughness of the investigations:

255. The HCHR reports do not provide any material in support of its assertions in relation to Jina Mahsa Amini's health, injuries and death. In fact, the report does not explicitly say that Amini's body showed no injuries at all, rather they opine only that the death was not caused by an injury.[396] No information is given as to the process of excluding injuries as a cause of death. Moreover, the reports do not provide any information on the underlying or contributory cause(s) of death. In the absence of the terms of reference, a concluding report

394 See Minesota protocol, para. 23.

395 In its 2016 judgment in the Pomilyayko case, the European Court of Human Rights stated that "the authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation or as the basis for their decisions". See ECtHR, Pomilyayko v. Ukraine, Judgment, 11 February 2016, para. 53. See also "The Investigation and prosecution of potentially unlawful death: Practitioner's guide", International Commission of Jurists, June 2019, p. 58.

396 FFM-IRAN-D-000856.

summarizing the results of the investigation(s) or any other type of relevant information, it is not possible to determine how the investigation was conducted and whether the investigation determined the cause and manner of Ms. Amini's death. No information is given on the rights of the victim's family, the extent of their participation in the investigation, and on any support or protection for them, including protection from reprisals. Based on the available information, it cannot be concluded that the investigation was conducted in an effective and thorough manner.

(d). Transparency of the investigations:

256. As mentioned, with one exception, no information was made available either on the composition of the investigations established by the Government, or their terms of reference, methods of work and procedures. No information was given on whether Ms. Amini's family was able to participate freely in the investigations and updated on the process or its progress. The final report was not shared with OHCHR (nor the post-mortem examination, the hospital file, medical records, including records prior to the death, and experts' opinions on which it relied). No information has yet been received as to whether the findings will be made public, including their factual and legal basis. Based on the available information, it cannot be concluded that the investigations into the death of Ms. Amini were conducted in a transparent manner.

257. In addition, the Mission has reasonable grounds to believe that the Iranian authorities took active steps to suppress the right the truth about the death of Jina Mahsa Amini to her own family and to the general public. This was carried out through various means including by exerting pressure on Jina Mahsa's family to remain silent and to not seek redress, arresting and prosecuting some of her family members, prosecuting the family's lawyer and journalists who reported on her case, and prohibiting them from travelling to receive the Sakharov price awarded post-mortem to Ms Amini.

258. The Mission also finds that the Islamic Republic of Iran failed to abide by their obligations to take reasonable measures to protect the life and physical integrity of Jina Mahsa Amini, as well as her right to equality, freedom of expression and autonomy-privacy, which could have had a real prospect of preventing the death of Jina Mahsa Amini. Instead, the State pursued a repressive discriminatory policy to punish women and girls for not complying with the mandatory *hijab* laws including through introducing new draft legislation and exacerbating previous patterns of violence against them in those acting in solidarity.

259. By not responding to the Mission's repeated requests for information, the Government has further failed to fulfil its duty to cooperate internationally in an investigation into potentially unlawful death, concerning allegations of an international crime namely extrajudicial execution.

IV. Context- the human rights situation of women and girls in Iran

260. Iranian women have broken many barriers and glass ceilings both domestically and globally. Iranian women have acquired an impressive array of awards and prizes for their excellence in a range of professional fields, including in science, arts and literature, human rights, and sports, among others.

261. Iran is one of only two countries with two women Nobel peace laureates, namely Narges Mohammadi (2023) and Shirin Ebadi (2003). Lawyer Shirin Ebadi received the prize in 2003 for her fight against child abuse, and for women's rights and the fair treatment of political prisoners. Journalist Narges Mohammadi received the award in 2023, while in prison, for her efforts in promoting women and human rights in Iran. Iranian women's struggles and activism were also recognized through the award of the Sakharov Prize for Freedom of Thought, to human rights lawyer Nasrin Sotoudeh in 2012, for defending religious minorities, women, children and many political prisoners. In 2023, the Sakharov Prize was awarded to Jina Mahsa Amini and the "Woman, Life, Freedom Movement" in

recognition of "their struggle and to continue to honour all those who have paid the ultimate price for liberty".[397]

262. In 2014, Maryam Mirzakhani, an Iranian mathematician, became the first woman to win the Fields Medal, a prestigious mathematics award. Yusra Sulaimani, a young girl, has represented Iran in international mathematics competitions and won several prizes.

263. Iranian women artists have also gained international recognition. Samira Makhmalbaf's talent as a film director was acknowledged in film festivals. Despite censorship guidelines regarding women actors and the depiction of women on screen, many women actors have emerged in Iranian cinema and garnered international recognition such as Taraneh Alidoosti who presented *Leila's Brothers* at the 2022 Cannes Film Festival and Zar Amir-Ebrahimi who won the Cannes Film Festival Award for Best Actress in 2022 for the movie *Holy Spider*. Since the Islamic Revolution of 1979, women have been banned from singing in front of male audiences or in public if it is "with the objective of seducing the listener"[398] unless women are part of a choir of mixed voices. [399] This effectively means women cannot pursue singing as a profession within Iran. Many Iranian women continue to sing outside Iran, notably singers such as Googoosh and Parissa.[400]

264. Prominent Iranian women writers Simin Daneshvar, Azar Nafisi, Shahrnoosh Parsipoor and Zoya Pirzad received great critical acclaim inside and outside of Iran and are amongst the most read writers in Iran. Simin Daneshvar was forbidden from writing after the Islamic Revolution and Parsipoor was jailed several times and later left for the USA.

265. Iranian women have also distinguished themselves in sports, in spite of many obstacles faced by women athletes. For example, Kimiah Alizadeh, a Taekwondo Olympic champion, reportedly left Iran in 2020 because of the discrimination she faced as a woman.[401] Iranian women also excel in chess, yet several women players were sanctioned by the Iranian authorities or the national federation for competing without the mandatory *hijab.*[402]

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397 European Parliament, "Jina Mahsa Amini and Iranian women protest movement win the 2023 Sakharov Prize", 19 October 2023.

398 In 2013, Supreme Leader Ali Khamenei reportedly issued a fatwa to clarify the situation: "If a woman's voice, whether singing solo or in combination with other men and women, is not inciting frivolity [*ghena*] and listening to it is not with the intention of pleasure and debauchery, there is no problem. But it is not permissible if it is corrupting or inciting lust."; Amir Hossein Miresmaeili, "They Called Me Seditious Because I'm a Singer", *IranWire*, 18 June 2021; "Is woman's singing haram ?", *Mashregh News*, 21 December 2016.

399 ISNA on 21 January 2015 reported that the Ministry of Culture and Islamic Guidance had reiterated that no authorization had been issued for women to sing alone but that they may participate in choirs. See "We do not have a legal prohibition for men and women singing together", *ISNA*, 21 January 2015.

400 Younger singers such as Donya, Kimia, Anita, Hura Mirshekari, Tara Mehrad and lyrical singers Darya Dadvar and Golnar Shahryar have emerged. Women rappers have also gained fame such as 021G, Salome MC or Tarin. Rapper Justina has often rapped in favour of women's rights and in opposition to mandatory *hijab*.

401 "Meet Kimia Alizadeh, the refugee Olympic medallist who fights for equality", Andrew Binner, Olympics, 8 June 2021.

402 Mitra Asgharzadeh, Iranian chess Woman FIDE Master (WFM) (2019), Iranian Women's Chess Championship winner (2022); Dorsa Derakhshani, Woman Grandmaster and International Master in 2016. She was in conflict with the Iranian Chess Federation for competing without *hijab* in an international tournament in 2017 and as a result she left Iran to continue playing chess; Ghazal Hakimifard who holds the FIDE title of Woman Grandmaster (WGM, 2016). She was a Women's Chess Championship winner (2010); Mitra Hejazipourm who holds the title of Woman Grandmaster was fired from the Iranian chess team in 2020 for refusing to wear the *hijab*; Sarasadat Khademalsharieh, who holds the titles of International Master (IM) and Woman Grandmaster (WGM); Shadi Paridar who holds the title of Woman Grandmaster (WGM) and won Iranian Women Chess Championship four times. She won the Asian Under-16 Girls' Championship in 2002 in Tehran; Atousa Pourkashiyan who holds the title of Woman Grandmaster, which FIDE awarded her in 2009. She competed in 2022 without a *hijab* alongside Sarasadat Khademalsharieh which was perceived as support for protests against Jina Mahsa Amini's death.

266. Domestically, Iranian women and girls have made considerable strides in various areas, in particular in education, with a literacy rate of 85 per cent,[403] nearly 99 per cent finishing primary education and 91.4 per cent secondary education.[404] There has been almost no gender gap in primary or secondary school enrolment for over a decade[405] and women represent the majority of university students.[406]

267. Besides the level of education achieved by women and girls in Iran, other indicators reveal progress by women such as a higher average age of marriage[407] and lower birth[408] and maternal mortality rates.[409]

268. These advances are highlighted by the Iranian authorities including in a report published by the High Council for Human Rights of the Islamic Republic of Iran titled *Women in the Islamic Republic of Iran* in February 2023. The report includes four tables with a list of women's achievements in employment and economic participation, education and political participation and the governmental measures that have purportedly supported such achievements.[410]

269. At the same time however, Iran is among a small minority of countries that is not party to the Convention on the Elimination of Discrimination against Women (CEDAW). During Iran's Universal Periodic Review in November 2019 and the adoption of the outcome of the review in March 2020 by the Human Rights Council, the Government of Iran rejected recommendations of other member states to ratify CEDAW.[411]

270. There had been several attempts by earlier administrations to ratify CEDAW. Under Article 77 of Iran's Constitution, "treaties, conventions, contracts, and international agreements should be ratified by the House of Representatives."[412] President Rafsanjani and

[403] Gender Data Portal, World Bank; "Female adult literacy more than tripled – from 24 percent in 1976 (nearing the end of the monarchy) to 81 percent in 2016", "Protest Context: Statistics on Iran's Women", *The Iran Primer*, United States Institute of Peace, 9 December 2020.

[404] Gender Data Portal, World Bank. The High Council for Human Rights of the Islamic Republic of Iran put the literacy rate of women at 95% in "Women in the Islamic Republic of Iran", The High Council for Human Rights, February 2023, p. 20, FFM-IRAN-D-000885.

[405] Gender Data Portal, World Bank. See also Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, A/HRC/46/50, 11 January 2021, para. 39.

[406] "Statistical report of year 2021-2022", Iranian Ministry of Science, Research and Technology, p.1 (Women make up 49.2% of the total student population). The percentage of females in higher education (tertiary) increased by nearly 20 times – from three per cent in 1978 to 57 per cent in 2020. See Garrett Nada, "Part 5: Statistics on Women in Iran", United States Institute of Peace, *The Iran Primer*, 9 December 2020.

[407] Garrett Nada, "Part 5: Statistics on Women in Iran", Iran Primer,", United States Institute of Peace, 9 December 2020.

[408] Gender Data Portal, World Bank; Gender Data, World Bank.

[409] Gender Data Portal, World Bank.

[410] "Women in the Islamic Republic of Iran", The High Council for Human Rights, February 2023, FFM-IRAN-D-000885. However, the report which contains a section on key laws and regulations fails to mention any of the discriminatory laws against women and girls and glosses over laws in breach of Iran's international human rights obligations such as those related to the age of marriage, the age of criminal responsibility, gaps in criminalization of sexual and gender-based violence, and the continuing criminalization of consensual sexual relations between adults outside marriage and same sex relationships. The report also does not reflect the restrictions imposed by the state on independent civil society organizations and activists working on women's rights.

[411] The Special Rapporteur on the situation of human rights in Iran noted in his report that the "State has not ratified the Convention on the Elimination of All Forms of Discrimination against Women. It is regrettable that the Government did not support 14 recommendations, made during its third universal periodic review, regarding the ratification of that Convention, although it partially supported or noted 4 related recommendations", A/HRC/46/50, 11 January 2021, para. 41; "Matrix of recommendations", OHCHR. See also "Iran Universal Periodic Review Outcome Statement", Human Rights Watch, 12 March 2020: "The State has not ratified the Convention on the Elimination of All Forms of Discrimination against Women. It is regrettable that the Government did not support 14 recommendations, made during its third universal periodic review, regarding the ratification of that Convention, although it partially supported or noted 4 related recommendations."

[412] The Constitution of the Islamic Republic of Iran.

President Khatami's attempts to spearhead a law allowing for the ratification of CEDAW[413] were blocked by the Supreme Council of Cultural Revolution.[414] Later, a law adopted by Parliament in May 2003 was formally rejected by the Guardian Council in August 2003.[415] At that time, the Secretary-General of the Guardian Council, Ahmad Jannati claimed that "the proposal of the government to join this convention is against the essentials of Islam, contrary to the principles of Islam and contrary to several principles of the Constitution.This echoed the views of Ayatollah Ruhollah Khomeini, the founder of the Islamic Republic and the first Supreme leader of the Islamic Republic of Iran, that the "convention contradicts some of the essentials of Islam, such as inheritance, retribution, dowry, divorce, martyrdom, age of puberty, mahram and non-mahram, hijab, polygamy, etc."[416]

271. In December 2022, Iran was removed from the Commission on the Status of Women (CSW), the first ever state to face such an action, due to "serious concerns over the actions of the Government of the Islamic Republic of Iran since September 2022 to continuously undermine and increasingly suppress the human rights of women and girls […] by administering policies flagrantly contrary to the human rights of women and girls and to the mandate of the Commission on the Status of Women".[417]

272. Despite the advances highlighted by the Government and the high literacy rates, women and girls in the Islamic Republic of Iran face a plethora of challenges in claiming their human rights. They are confronted on a daily basis with discrimination in law and in practice in virtually all aspects of their private and public lives. Their participation in the state apparatus, including legislative bodies, the judiciary, local authorities and law enforcement is more tokenism than actual equality, effectively depriving them of major decision-making roles both in the public and private spheres. Women and girls' education, professional careers as well as their access to public services and to public spaces, freedom of movement, right to health are conditioned by their adherence to mandatory *hijab* laws. Women's and girls' access to sexual and reproductive rights is underpinned by the State's ideology with respect to family and its insistence on the primacy of women's reproductive role. This is well

[413] A law for the ratification of CEDAW was prepared under Rafsanjani, ratified by the cabinet of Khatami, then passed by the 6th Parliament in 2003. "Following arduous years of debate and campaigning, the Iranian parliament passed the bill to join CEDAW in May 2003. Conservative figures in the government however rallied to push the Guardian Council to reject the bill. The bill has been with the Assembly of Experts, a body that rules over disputes between the Guardian Council and the Parliament, ever since", "It's a Men's Club: Discrimination Against Women in Iran's Job Market", Human Rights Watch, 25 May 2017.

[414] "About the non-adherence of the Islamic Republic of Iran to CEDAW", Majles, N°4868/12.6.1367, 21 January 1998,

[415] "Details of the Guardian Council's view on the Convention on the Elimination of Discrimination against Women", *IRNA*, 19 August 2003; "Iranian officials have discussed ratifying CEDAW during two distinct periods in Iran. First, between1995–1997, toward the end of the presidency of Ali Akbar Hashemi Rafsanjani. For Rafsanjani however, the economic and social reconstruction of the country after the Iran-Iraq War took priority over women's rights, and ratification never gained much momentum. CEDAW remerged between 1999–2003 during the "reform era," born out of the presidency of Mohammad Khatami. Reformists pledged then to advance civil and political rights within an Islamic framework. As part of a series of progressive legislative measures, the reformist dominated Sixth Parliament actually ratified CEDAW. However, the Guardian Council, which is charged with vetting and approving all legislation to ensure compatibility with Iran's Constitution and Islamic precepts, rejected the bill. The Council cited supposed religious objections, but never actually specified what those objections were", "CEDAW and the quest of Iranian women for gender equality", Leila Alikarami, *Open Democracy,* 18 December 2014. See also Mahnaz Vahdati, "Women's Political Empowerment and CEDAW: The Case of Iran and Turkey", *Wilson Center,* 30 August 2021.

[416] FFM-IRAN-D-000579 (FFMI Submission).

[417] The United States introduced a resolution at the UN Economic and Social Council (ECOSOC) to remove Iran from the Commission. The resolution was adopted with 29 votes in favour and eight against, with 16 countries abstaining. "Iran removed from UN Commission on the Status of Women", *UN News,* 14 December 2022.

reflected in the 2023 World Economic Forum's global gender gap index with Iran ranking 143rd place, making it fourth from last, globally.[418]

273. Iran is a predominantly urban country with a 23 per cent rural population.[419] Like a number of countries in the Middle East and South Asia, Iran displays varying trends in its diverse population - divided by urban-rural; ethnicity; religion; socio-economic background and political affiliation. A highly educated polity (male and female) co-exists with non-literate communities. Extremes of wealth and affluence also exist in stark contrast to impoverished sections of society. Ethnic and religious minorities live in constant threat to their livelihoods, worsened by climate change. Discriminatory laws and socio-legal systems exacerbate the above. Women and girls from ethnic and religious minorities, those from disadvantaged socio-economic backgrounds, and women and girls whose sexual orientation, identity or choices do not conform to social norms, face intersectional discrimination and are subjected to multi-layered human rights violations. For example, the highest unemployment rates are found in provinces where the majority of the population is from ethnic and religious minorities.[420] Near absence of fundamental rights especially of women and girls, ethnic and religious minorities as well as those who do not conform to the dictate of the government are some of the causes leading to periodic resistance from the Iranian people.

274. This section provides an overview of what the Mission considers were among the root causes of the protests that began on 16 September 2022 and the enabling factors that led to the violent response by the Iranian authorities. This section provides an analysis of the discriminatory laws and policies that have led women, men and children to take to the streets in September 2022 and the important events and developments that served as their precursor.

A. Key aspects of structural and institutionalized discrimination and inequality in law and practice

"The enemy has always been falsely accusing the Islamic Revolution and the Islamic Republic of being prejudiced against women. This is slander, which they have been saying since the beginning of the Revolution, even though there were so many prominent women who appeared during the Revolution but were absent prior to it."

Ayatollah Khamenei [421]

1. The role of women in the Islamic Republic of Iran

275. While the Constitution of Iran guarantees the right to equality before the law between men and women,[422] article 20 contains a significant proviso, making this right subject to "compliance with Islamic criteria". Similarly, article 21 sets out the obligation of the state to secure the rights of women in all respects, according to the Islamic criteria". Further, Article 4 of the Constitution empowers the Guardian Council - an all-male body (amongst which six clerics are designated by the Supreme Leader) – to determine and define "Islamic criteria" or standards.[423] Shari'a serves as the central and predominant foundation and justification for legislation, but several laws examined by the Mission appear to reflect the ideology of the

[418] "Global Gender Gap Report 2023", World Economic Report, 20 June 2023. The Global Gender Gap Index annually benchmarks the current state and evolution of gender parity across four key dimensions (Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment). It is the longest-standing index tracking the progress of numerous countries' efforts towards closing these gaps over time since its inception in 2006. It ranked 144th on economic participation and opportunity, 106th in educational attainment, 118th in health and survival and 142nd in political empowerment.

[419] "Rural population (% of total population) - Iran, Islamic Rep", World Bank.

[420] Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, A/HRC/46/50, 11 January 2021, para. 57.

[421] "Publication of the statement of the leader of the revolution during the meeting of the participants of the second national congress of martyrs of Hamadan", Official Website of the Supreme Leader, 23 September 2023,

[422] The Constitution of the Islamic Republic of Iran, article 3 paragraph 14 and article 20.

[423] The Constitution of the Islamic Republic of Iran.

Islamic Republic rather than Shari'a. Two other documents set out the rights of women, the 2016 Charter of Citizenship Rights[424] and the Charter of Women's Rights and Responsibilities in the Islamic Republic of Iran of 2004 but contain similar caveats.[425]

276. Motherhood is an important tenet of Iranian women's role under the Islamic Republic. It is linked to women's role in safeguarding the family, which is the central unit of Iranian society according to the Constitution.[426]

277. The Constitution assigns to women a maternal and child-bearing and rearing role.[427] It also sees women as needing protection rather than as equal to men with the establishment in Article 21 of the Constitution of a special insurance for women without guardians. This Article reflects a patriarchal mentality where women are not considered as independent adults and require a guardian. Women without a guardian are seen as vulnerable.[428] It further bestows the custody of children to *qualified mothers* (emphasis added).[429]

278. The Constitution states that "the family is the primal unit of society and the essential center for the growth and grandeur of men. […] In accordance with this view of the family unit, women are emancipated from the state of being an "object" or a "tool" in the service of disseminating consumerism and exploitation, while reclaiming the crucial and revered responsibility of motherhood and raising ideological vanguards. Women shall walk alongside men in the active arenas of existence. As a result, women will be the recipients of a more critical responsibility and enjoy a more exalted and prized estimation in view of Islam".[430]

279. In addition to the Constitution, Iran's legal framework appears focussed on the preservation of the family and the chastity of women, including personal status laws and criminal law, in effect maintaining the dominance of males, subordination of women and denial of their autonomy. For example, article 1105 of the Civil Code bestows the legal status of "head of the family" exclusively on the husband, [431] and makes him responsible for maintenance of the wife, including "the dwellings, clothing, food, furniture [...] "If the wife refuses to fulfil duties of a wife without legitimate excuse, she will not be entitled to … maintenance."[432] In doing so, the law links maintenance of the wife to her fulfilling her

[424] The Charter on Citizens' Rights, adopted under Rouhani's administration, contains provisions upholding women's rights to healthcare, participation in policymaking, equal pay and protection from violence both in the home and in public although the text lacks effective enforcement mechanisms.

[425] For example, article 11 of the Charter on Citizens' Rights states that women have the right to have active and effective participation in policymaking, legislation, management, implementation and supervision, and shall be provided equal social opportunities in accordance with Islamic norms. Article 89 states that citizens, particularly women, have the right to access sport, educational and safe recreational facilities, and be able to attend national and world sport arenas, while preserving Islamic Iranian culture.

[426] The Constitution of Iran, preambular paragraph: "Women in the Constitution".

[427] FFM-IRAN-D-000579 (FFMI Submission). The preambular paragraphs of the Constitution highlight the crucial and revered responsibility of motherhood and raising ideological vanguards. Article 10 of the Constitution sets out that "family is the foundational unit of the Islamic society. Therefore, all the laws, regulations, and their corresponding politics must be in the direction of facilitating the establishment of the family, the protection of its sanctity, and the maintenance of its relations, based on Islamic law and ethics".

[428] The Constitution of Iran, Chapter 3 : Rights of the Nation, Article 21, paragraph 4.

[429] Article 21 paragraph 5 of the Constitution. Mothers while considered as pillars of the family were forbidden by Sharia law to raise their children in case their spouses died, the child going to the father's family. This was amended in 1985 as a result of the Iran-Iraq war, to enable widowed women to retain custody of their children, showing that the role of women and mothers could be modified when necessary. This law is known as *Layeheh Hagh Hezanat Farzandan Saghir va Mahjur Beh Madaran* (Mothers' Right to Foster Minor and Forlorn Children). See Vakil, Sanam, *Women and politics in the Islamic Republic of Iran: Action and reaction*, London: Bloomsbury Academic, March 2012, p. 59.

[430] Constitution of Iran, preambular paragraphs on "Women in the Constitution",

[431] Article 1105 of the Civil Code: In relations between husband and wife; the position of the head of the family is the exclusive right of the husband.

[432] See article 1108, Civil Code of the Islamic Republic of Iran.

obligations, including sexual intercourse as part of the duty of obedience or *tamkin*.[433] Article 1114 of the Civil Code states that the "wife must stay in the dwelling that the husband allots for her. Moreover, the Civil Code allows for the husband to "prevent his wife from occupations or technical work which are incompatible with the family interests or the dignity of himself or his wife."[434]

280. Since its inception, the Islamic Republic of Iran and its Supreme Leader have stressed the importance of the patriarchal family which is reflected in the post-revolutionary legal framework.[435] The Family Protection Act and Law adopted in 1967 and 1975 respectively granting women the right to divorce and to child custody and abolishing polygamy were repealed immediately after the Islamic Revolution.[436] There is pervasive discrimination against women and girls in personal status family law in relation to the age of marriage, the right to marry and rights during marriage, divorce, guardianship and child custody, and to inheritance. Under the Civil Code, the age of marriage is 13 for girls and 15 for boys. Girls can marry before the age of 13 with permission from a judge at the request of the father or grandfather. A bill banning the marriage of girls below 13 sponsored by the women's faction of the Parliament was rejected by Parliament in 2018. The increase in child marriages in recent years has been attributed to increased poverty and government-backed marriage loans. Permission to marry for women and girls must be granted by her father or paternal grandfather or a judge if the father or paternal grandfather don't have a justifiable reason not to grant permission. Under the Civil Code, Iranian women need the government's permission to marry a non-Iranian. Polygamy is allowed in Iranian law. In addition, men can enter an unlimited number of temporary marriages. Women and girls in temporary marriages are vulnerable as they are not entitled to maintenance or inheritance and may face difficulties registering children born out of such marriages. Spouses do not have equal rights to divorce. There are limited grounds for divorce for women whereas a man has an unqualified and unilateral right to divorce. The Family Protection Law of 2013 established family courts with the mandatory presence of female advisory judges.

281. Children born to Iranian fathers have *ipso facto* Iranian citizenship. A recent amendment in 2019 allows Iranian women married to non-Iranian men to apply for Iranian nationality for their children aged under 18 years if there is no security problem as determined by the Ministry of Intelligence and the Intelligence organization of the IRGC:

282. In 2021, alarmed by the decreasing birth rate and an ageing population, the Iranian authorities adopted a number of pro-natalist policies and laws. The Rejuvenation of the Population and Support of Family Law adopted in November 2021 by the *Majles* marked the

[433] Article 1106 states that "The cost of maintenance of the wife is at the charge of the husband in permanent marriages". Article 1107 specifies cost of maintenance includes dwelling, clothing, food, furniture in proportion to the situation of the wife, on a reasonable basis, and provision of a servant if the wife is accustomed to have servants or if she needs one because of illness or defects of limbs. Article 1108 sets out that "If the wife refuses to fulfil duties of a wife without legitimate excuse, she will not be entitled to the cost of maintenance". In case where living together in same house involves the risk of bodily or financial injury or that to the dignity of the wife, she can choose a separate dwelling. If the risk is proved, the court will not order her to return to the house of the husband and, so long as she is authorized not to return to the house, her cost of maintenance will be on the charge of her husband (article 1115).

[434] See article 1117, Civil Code of the Islamic Republic of Iran.

[435] Statement by Ali Khamenei on 3 September 2016, "The Islamic Republic's movement should be directed towards… preventing social harms and factors that result in the collapse of family particularly the issue of divorce, compensating for the harm that divorce inflicts by continuous identification of factors leading to divorce and to the collapse of family, and creating the right culture for denouncing divorce", "Part 4: Khomeini & Khamenei on Women", *The Iran Primer*, United States Institute of Peace, (usip.org)

[436] After the 1979 Islamic revolution, Iran's Family protection Law, which previously prohibited marriage for girls under 18 and boys under 20, was abolished. The age of marriage was lowered to 13 for girls and 15 for boys, as outlined in Civil Code Article 1041. This article permits the marriage of girls aged 10-13 with parental and court consent. Notably, these permissions are often swiftly granted by conservative Muslim male judges. See "Child Marriage in Iran: An Endless Cycle of Systematic Violence Against Girls", Femena, 23 October 2023.

culmination of a legislative and policy shift started a decade earlier[437] which further entrenched discrimination against women by reinforcing their primary roles as being wives and mothers.[438]

283. The law ended access to free-of-charge birth control in public medical facilities, instructed pharmacies to only sell contraception with a prescription, banned vasectomies and tubectomies, further limited access to abortion only to situations where the pregnancy would endanger a woman's life and the only way to save the mother is abortion provided that the foetus is in the first four months of gestation, and further criminalized abortion providers (including those selling abortion "drugs"), and those disseminating information on abortion. In the extreme case where abortion is lawful, the woman would need to obtain a license issued by a commission of three experts, including a judge, a medical expert and a forensic doctor. Under the fallacious understanding that C-sections impact women's fertility, the law seeks to limit the number of C-sections by forbidding insurance payments for the procedure and encouraging hospitals, through financial incentives, to increase their natural childbirth rates. Limitations on C-sections could endanger the lives of women and children. Against the backdrop of the economic crisis in Iran, the termination of free-of-charge birth control dealt a severe blow to marginalized women and women and couples with low incomes.

2. Discriminatory laws and practices against women and girls

284. The pervasive discrimination against women and girls that prevails in Iran is also enshrined in criminal law and criminal procedure. The Mission highlighted below the areas of discrimination in law and in practice most relevant to its mandate. The Islamic Penal Code contains several provisions that treat women and men differently, in areas ranging from criminal responsibility[439] to financial compensation for harm[440] and the value of testimony.[441]

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437 "The policy of population control and family planning should definitely be revised and the authorities should build the culture in order to abandon the current status of one child, two children [per family] The figure of 150 or 200 million was once stated by Imam Khomeini. That is correct. Those are the types of figures we must achieve." Iran's Supreme Leader, Ayatollah Syed Ali Khamenei, calling for new population expansion policies in a nationally televised speech in July 2012.

438 "Rejuvenating the Iranian Population: Endangering Women's Rights and Health", Femena, Spring 2022; "You Shall Procreate: Attacks on women's sexual and reproductive rights in Iran", Amnesty International,11 March 2015; OHCHR, "Iran: Repeal "crippling" new anti-abortion law – UN experts", OHCHR, 16 November 2021.

439 The Islamic Penal Code determines that the age of criminal responsibility is the age of maturity which coincides with the age of reaching puberty, hereby discriminating against girls who are considered criminally responsible at a much younger age than men. Article 147 of the Penal Code sets this age at nine lunar years for girls (equivalent to eight years, nine months) and fifteen lunar years for boys (equivalent to fourteen years, seven months). Under the section on conditions and obstacles of Criminal Responsibility, Article 147 of the Penal Code sets outs that "The age of maturity for girls and boys are, respectively, a full nine and fifteen lunar years." See "English Translation of Books I & II of the New Islamic Penal Code," Iran Human Rights Documentation Center. The "Protection of Children and Adolescents" law (approved on May 12, 2020) has tried to lower various punishments for people under the age of 18 and refrain from imposing heavy punishments such as prison or severely limiting its prescription, but it has maintained the age of criminal responsibility in the Islamic Penal Code.

440 In relation to *blood money or diya, w*omen are also discriminated in relation to financial compensation for bodily injury or killing paid to the surviving victim or his/her next of kin. In breach of the prohibition of discrimination, the amount paid if the victim is a woman is half the amount paid for a male victim, except for car accident insurance payments. However, according to a note to Article 551 of the Penal Code, the difference between men's and women's blood money should be paid by the governmental Bodily Injuries Compensation Fund. As noted by the UN Special Rapporteur on the situation of Human Rights in Iran, "by making the perpetrator liable for only half of the *diya*, the State effectively devalues the worth of a woman's life to half that of a man, and consequently makes women more vulnerable to crime".

441 In many legal proceedings, both civil and criminal, the testimonies of men have the most evidentiary value and when women's testimonies are accepted, a woman's testimony is worth half of that of a man and a woman's testimony is often required to be supported by a man's testimony in order to be considered, in blatant disregard for the principle of equality before the law. Evidence from male

Other provisions are only applicable to women such as the criminalization of the lack of *hijab* or improper *hijab* while some morality-related offences such as adultery, sexual misconduct, or prostitution penalize women disproportionately. Punishments amounting to torture or other cruel, inhuman or degrading punishment such as flogging and stoning disproportionately affect women.

(a) Criminalization of rights and conduct that affect women adversely

285. Articles 221 to 232 criminalize consensual sexual relations outside marriage.[442] Article 225 specifically criminalizes adultery which is punishable by death by hanging or stoning.[443] Sexual relations between consenting adults of the same sex are also criminalized.[444]

286. In November 2023, the announcement that a woman had been sentenced to death for adultery was a stark reminder that women continue to face punishment for adultery. The case also highlighted the harsher punishment of women as in this case the woman was reportedly sentenced to death while the man involved was sentenced to lashes.[445] Similarly, the death sentences against Zahra (Sareh) Sedighi Hamadani and Elham Chobdar spotlighted the risks faced by LGBTQ+ people in Iran.[446]

287. The Islamic Penal Code contains other morality-related offences that affect women particularly such as article 639 which criminalizes "encouraging people to prostitution and

witnesses is usually required while in most civil cases the required evidence is that of two men, or one man and two women.

442 Article 221 of the Islamic Penal Code criminalizes zena which is defined as sexual intercourse of a man and a woman who are not married to each other, provided that the sexual intercourse is not done by mistake. Note 1 considers that sexual intercourse occurs when the sex organ (penis) of a man, up to the point of circumcision, enters into the vagina or anus of a woman. Article 224 of the Islamic Penal Code foresees the death penalty as a punishment for zena in cases of forbidden relations such as a relationship between a non-Muslim man with a Muslim woman. and the death by stoning if cases of adultery.

443 According to article 225, The *hadd* punishment for zena of a man and a woman who meet the conditions of *ihsan* shall be stoning to death. Where the execution of stoning is not possible, upon proposal of the court of final judgment and approval of the Head of Judiciary, if the offense is proved by testimony of witnesses, the man and a woman who have committed zena and meet the conditions of *ihsan* shall be sentenced to the death penalty [hanging]; otherwise, each one of them shall be given one hundred lashes. According to Article 232, 'Where a man or woman confesses to zena less than four times, s/he shall be sentenced to thirty-one to seventy-four lashes of *ta'zir* punishment of the sixth grade.'

444 While *Livat* and *Tafkhiz* criminalize sexual relations between men, Article 238 defines *Musaheqeh* as where a female person puts her sex organ on the sex organ of another person of the same sex. *Musaheqeh* is punished with one hundred lashes. Unlike for offences related to men, there is no difference between the active or passive parties or between Muslims and non-Muslims, or between a person that meets the conditions for *ihsan* and a person who does not, and also whether or not [the offender] has resorted to coercion. Article 637 criminalizes illicit relationships between a man and a woman such as touching and kissing.

445 "A woman who had relations with other men in the absence of her husband was sentenced to death / CCTV cameras revealed the betrayal", *Khabar Online*, 1 November 2023; "Iranian Woman Sentenced To Death For Having Affair", *Radio Free Europe,* 3 November 2023.

446 According to UN special procedures, "the charges concerned speech and actions in support of the human rights of lesbian, gay, bisexual, and trans and other gender-diverse (LGBT) persons who face discrimination in Iran based on their sexual orientation and gender identity. The experts also received reports that the trafficking charges against the women were related to their efforts to assist persons at risk to leave Iranian territory", "Iran: UN experts demand stay of execution for two women, including LGBT activist", OHCHR, 28 September 2022. The UN Human Rights Committee also noted in its 2023 concluding observations "the prosecution of human rights defenders who advocate on behalf of sexual or gender minorities, and that some defenders, had been sentenced to death. It also expressed its concerns at the criminalization of consensual same-sex sexual relations between adults and of gender non-conformity fosters an environment for hate speech and hate crimes against lesbian, gay, bisexual and transgender individuals". CCPR/C/IRN/CO/4, 23 November 2023, para. 15.

corruption "*tashvīq-e mardom be fahshā va fesād*".[447] This article has been relied on to prosecute some of the women who defied mandatory *hijab* laws (see Section VIII). The Computer Crimes Act (Law No. 71063) of 2010 contains a Chapter 4 dedicated to Crimes against Public Morality and Chastity.

288. The Mission is deeply concerned at provisions in the Islamic Penal Code that provide for mitigating circumstances for so-called "honour killings" for a husband finding his wife committing adultery (in flagrante)[448] or father or grandfather.[449] A spate of so-called "honour killings" has outraged Iranians. In 2020, 14 years old Romina Ashrafi was murdered by her father for eloping with a much older man from a different religious group. Romina was reportedly decapitated with a sickle during her sleep.[450] In 2021, Ali Fazeli Monfared was reportedly decapitated by his half-brother and two cousins for being a gay. They had found out about his sexual orientation through his military exemption card. [451] Mona Heydari was reportedly murdered in a so-called "honour killings" by her husband in the city of Ahvaz in 2022. This event shook Iranian public opinion due to the particularly gruesome circumstances of the killing as the 17-year-old girl was beheaded and her corpse paraded on the streets by her husband.[452] According to the medical journal The Lancet, there were at least 8,000 "honour killings" in Iran between 2010 and 2014, of which only a few were reported.[453] It is estimated that between 375 to 450 "honour killings" occur annually.[454]

289. The killing of Romina Ashrafi prompted Masoumeh Ebtekar, the then Vice President of Iran for Women and Family Affairs to request an investigation and to expedite a bill to strengthen the punishment for the so-called honour killing of children, which the majority of the members of Iran's parliament, the Majlis, voted for.[455] The law titled Law on Protection

[447] Article 639 states that "the following individuals shall be sentenced to one year to ten years' imprisonment and in respect to paragraph (A), in addition to the punishment provided, the relevant place shall be closed temporarily at the discretion of the court: – Anyone who establishes or directs a place of prostitution or corruption; – Anyone facilitates or encourages people to prostitution or corruption. Note- If the abovementioned act is regarded as *qavadi* (procuring), in addition to the punishment provided above, [the offender] shall be sentenced to the *hadd* punishment for *qavadi* (procuring).

[448] Article 630: "When a man sees her wife committing zena with another man, provided that he is certain that his wife is willing [to have sex], he can kill both of them in the same position; however if he knows that his wife acts under coercion, he may only kill the man [i.e. her rapist]. The same rule applies to assault and battery."

[449] Article 301 of the 2013 Islamic Penal Code exempts men who kill their children and grandchildren from "retribution-in kind" (*qesas*), which is the punishment provided for murder under Iranian law.

[450] The case of Romina Ashrafi was mentioned in a case considered by the Committee on the Elimination of All Forms of Discrimination against Women in relation to an Iranian asylum seeker in Switzerland who feared to be killed by her family if forcibly returned to Iran. Romina Ashrafi left home in 2020, at the age of 13, to marry a man who was 28 years of age (35 according to other sources) against her father's wishes. After five days, the couple was arrested by the police. Against her will and despite her fears of a violent reaction from her father, the girl was brought back to her family. Her father beheaded her to restore the family's honour. He was sentenced to nine years' imprisonment and payment of "blood money". In this case, State protection against honour killings failed. The length of the sentence and the strong reactions in society and politics indicate, however, that even the political authorities at the highest levels are determined to take measures to prevent such acts. See Convention on the Elimination of All Forms of Discrimination against Women, Communication No. 173/2021, Tahereh Mohammdi Bandboni et al, CEDAW/C/85/D/173/2021, 6 June 2023. The Special Rapporteur on the situation of human rights in Iran noted in his report that Ms. Ashrafi's father stated in court he had murdered his daughter because the law did not carry a severe punishment. Such incidents confirm the failure of the law to protect victims and to punish perpetrators of honour crimes, A/HRC/46/50, 11 January 2021, para. 51.

[451] "Iran: Murder of 20-year-old gay man highlights urgent need to protect LGBTI right", *Amnesty International*, 17 May 2021.

[452] Maya Ghazi, "Gruesome Femicide in Iran", Human Rights Watch, 11 February 2022.

[453] Bijan Pirnia, Fariborz Pinia, Kambiz Pirnia, "Honour killings and violence against women in Iran during the COVID-19 pandemic", The Lancet, Vol. 7, October 2020, p. 60.

[454] A/HRC/46/50, 11 January 2021, para. 51; "A look at the reasons behind honour killings and statistics", Tribune Zamaneh, 14 July 2020.

[455] "Ebtekar's reaction to the news of the murder of Gilani's teenage girl", *ISNA*, 26 May 2020.

of Children & Adolescents was enacted on 12 May 2020, but falls short of addressing the discriminatory and low age of criminal responsibility for girls, child marriage and the imposition of the death penalty against children.

(b) Violence against women and girls

290. Crimes committed in the name of so called "honour" also put a spotlight on other forms of endemic violence against women and girls in Iran and the ambiguous response of the authorities.

291. In spite of 2019 legislation imposing tougher sentences for acid[456], in October 2020, Aliyeh Motallebzadeh was reportedly sentenced to two years in prison for advocating for women victims of acid attacks and Negar Masoudi.[457]

292. In a 2004 national study, 66 per cent of married women polled had experienced domestic violence at least once in their lives, and of these 30 percent had experienced physical violence and 10 percent had experienced physical violence with lasting harm.[458] According to an official with Iran's Legal Medicine Organization, in 2021, about 75,000 domestic violence cases were investigated, accounting for 37% of all examinations.[459] These statistics only reflect cases reported to authorities and referred to Forensic Medicine to verify the severity of the assault or identify other mental and physical injuries. Despite these high figures and underreporting of cases of violence, the government response is woefully inadequate. The infrastructure to protect women against violence is extremely limited with only approximately 27 women's shelters in the country, with a capacity for five persons at each shelter.[460] The World Bank put the percentage of women who have experienced intimate partner violence[461] at 31 percent, above the world average.[462]

293. Domestic violence in Iran is compounded by laws that do not adequately criminalize violence against women when they are not sanctioning or facilitating such violence.[463] Under the current Penal Code, violence against women falls under the general assault and battery provisions.[464] In addition to a restrictive definition of rape (see Section V section on SGBV),

[456] "Law to Increase Punishment for Acid Attacks and Supporting Victims", *Ekhtebar*, 10 November 2019 ; "Iran's Parliament Approves Severe Punishments for Acid Attacks, Fails to Restrict Sales", *Center for Human Rights in Iran*, 17 June 2019.

[457] "Aliyeh Motallebzadeh", Journalism is Not a Crime.

[458] Submission to the Human Rights Committee by All Human Rights for All in Iran, Siamak Pourzand Foundation and Impact Iran for the 139th session of the Human Rights Committee, 9 October – 3 November 2023; "Domestic violence in Iran", *Iran Open Data*, 2 June 2022.

[459] "75 thousand cases of domestic violence registered in Iran Legal Medicine in 1400", *Radio Farda*, 15 June 2022; The Director General of the Clinical Examination Office of the Forensic Medicine Organization announced the increase of the number of conflicts between men and women in the past year/the number of cases of domestic violence in 1400 reached 75,000", *Didban Iran*, 15 June 2022.

[460] "Iranian Women's Struggle to Resist Repression the Years of Hardship and Violence", Femena, September 2023. See also Hamideh Hajnasiri, Reza Ghanei Gheshlagh, Kourosh Sayehmiri, Farnoosh Moafi, Mohammad Farajzadeh, "Domestic Violence Among Iranian Women: A Systematic Review and Meta-Analysis, June 2016", Iran Red Crescent Medical Journal, 18(6), 2016. The lack of adequate structures is compounded by restrictions on civil society running programmes for victims of violence.

[461] Defined as the percentage of ever-married women (ages 15-49) who have ever experienced physical or sexual violence committed by their husband or partner, whereas those who have ever experienced any form of sexual violence is the percentage of women (ages 15-49) who ever experienced sexual violence irrespective of marital status and perpetrator.

[462] Gender Data Portal, World Bank.

[463] See explanation above about so-called honour killings.

[464] Article 614 states that "Anyone who commits an assault and battery against someone else that results in damaging or breaking or disabling a victim's limb or causes him a permanent illness or defect or loss of a sense or ability or loss of mind, in cases where *qisas* is not possible, if his act disrupts public order and the safety of the society or it is thought that it emboldens the offender or others [to commit assault again], he shall be sentenced to two to five years' imprisonment; and if the victim applies for it, shall be sentenced to *diya* as well. Note- If the injury does not result in the abovementioned

marital rape is not criminalized as women are subjected to *tamkin* and the obligation of a wife to satisfy the sexual needs of her husband. Divorce is discouraged by the authorities and women can ask for divorce in limited circumstances as explained above. There is no comprehensive law on violence against women[465], no criminalization of domestic violence and inadequate protection against sexual harassment and violence.

294. A bill on violence against women has been in the making for more than a decade. A comprehensive bill on violence against women was completed under the stewardship of the Vice Presidency for Women and Family Affairs. The cabinet has been reviewing the draft "Protection, Dignity and Security of Women against Violence" bill since 17 September 2019, after the judiciary announced that it had completed its review and submitted the bill back to the cabinet. However, after much back and forth between various government bodies and the watering down of the bill, the chair of the women's faction in the Parliament announced in February 2023 that they were reviewing a bill titled "Prevention of Harm against Women and Increasing Women's Security in the Face of Mistreatment."[466] This new bill, which fails even to mention the word violence, passed the initial review by Parliament in April 2023 and is scheduled for a full vote by Parliament. It frames the protection of women as a necessary act in defense of the sanctity of the family. The law penalizes sending vulgar messages to a woman which may cause psychological harm and men who evict their spouses from the home are criminally liable. While it offers material support to injured women (i.e. free medical treatment, employment incentives, counselling centres) and states that family members cannot coerce women into marriage to settle disputes, the law does not clearly define domestic violence. Harassment and humiliation, marital rape are not covered by the law and physical harm is presented as the only outward sign of domestic abuse.

(c) Employment and access to livelihood

295. The Iranian Civil Code sets out that the husband has the authority to prevent her from taking up employment that he considers incompatible with family interests or harmful to his or her reputation. According to a human rights organization, during divorce, court proceedings, husbands frequently try to gain an advantage by accusing their wives of working without their consent or in jobs they deem unsuitable.

296. Iran's labour laws provide that "all individuals, men and women, are entitled to equal protection of the law and can choose any profession they desire as long as it is not against Islamic values, public interest, or the rights of others."[467] However, women are excluded from some professions, notably women cannot be judges on equal footing with men.[468] In addition, the authorities have also encouraged women to fill some positions over others such as gynaecology and social work. Some jobs are not deemed suitable for women and a preference for men over women is given in hiring processes both in the private and public sector.[469]

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defects, and the means of committing the assault is a gun or knife or the like, the offender shall be sentenced to three months to one year of imprisonment".

465 As recommended by the UN Division for the Advancement of Women's Handbook for Legislation on Violence against Women, 2012: "Comprehensive legislation is fundamental for an effective and coordinated response to violence against women. States have clear obligations under international law to enact, implement and monitor legislation addressing all forms of violence against women."

466 "Full text of the bill to promote women's safety against misconduct", *ISNA*, 8 February 2023.

467 Labor Law. Iran is a state party to ten of the International Labor Organization's conventions, including those on discrimination and equal remuneration. However, Iran has yet to ratify the ILO's 2019 Violence and Harassment Convention, although it did vote in favor of it.

468 Article 5 of the Supreme Council of the Cultural Revolution's "Employment Policies for Women in the Islamic Republic of Iran" states that certain professions, such as judges or firefighters, as not suitable for women either because of the authorities' interpretation of Sharia on the matter or that the work conditions are unsuitable for women. The law restricts women from working in jobs deemed hazardous or arduous.

469 "In numerous incidents, job advertisements in the fields of science, technology, engineering, and mathematics stated explicit preferences for male candidates. In contrast, many of the postings directed at women were for assistants, secretaries, or other administrative workers. Jobs in business, such as in sales or marketing, were generally advertised for both males and females", It's a Men's Club: Discrimination Against Women in Iran's Job Market", Human Rights Watch, 25 May 2017.

"Women's employment policies in the Islamic Republic of Iran" approved by the Supreme Council of the Cultural Revolution on 11 August 1992, classifies jobs into categories: category A entails jobs deemed desirable for women such as midwifery, medicine and teaching; category B includes jobs that "match the characteristics of women - mentally and physically" such as laboratory research sciences, electronic engineering, pharmaceuticals, assistants, translators; category C covers jobs in which there is no preference for male over female employees and for which selection is based upon competence and experience, not gender such as simple labor and finally, category D that includes jobs deemed unsuitable for women either due to prohibitions in Sharia or harsh working conditions, or owing to religious (cultural and social) values, such as justice and firefighting.

297. In spite of a law guaranteeing equality of wages, women reportedly earned 41 per cent less than men for the same work.

298. With a view to protecting the family, the State has enacted laws in relation to maternity leave, accommodations of working times to support mothers with childcare responsibilities, early retirement and social security benefits.[470]

299. Women, especially from ethnic minorities, in many of Iran's less economically developed provinces struggle to find employment.[471] According to reports, Sistan and Baluchestan has one of the highest rates of unemployment and poverty along with a growing number of women-headed households. The province also has the highest number of households headed by girls under the age of eighteen.

300. Another example is that of Kurdistan and Kermanshah provinces, which have Iran's highest unemployment rates in 2021, at 18.8 percent and 18 percent, respectively—twice the national average. The compounded discrimination based on gender and ethnicity by women from ethnic minorities mean that women in provinces with large ethnic minorities, especially border provinces, face even greater barriers.[472]

(d) Women's role in the judiciary

301. In the early 1980s, women were banned from acting as judges and were discouraged from becoming lawyers. The first article of the law of 4 May 1982 titled "Law regarding the conditions for the selection of judges" states that "Judges are selected amongst the following qualified men".[473] Article 163 of the Constitution says the selection criteria of judges should be legislated based on Sharia principles. The ban was relaxed on 14 February 1985 but women are still barred from being judges on equal footing with men. Women can be appointed as advisory judges, investigating judges, oversee proceedings, sit on three-member appeal panels. Women's participation in family courts have been made mandatory; the Family Protection Law of 2013 made the participation of women advisory judges in family courts compulsory. However, even in this role women judges are prevented from rendering a judgment. [474]

[470] Under labour law, in addition to prohibiting gender-based wage discrimination, the law protects pregnant working women or those with an infant child by obliging employers to grant nine months of maternity leave to provide more support to the mother and child (family consolidation) and to establish child support centers. See "Women in the Islamic Republic of Iran", The High Council for Human Rights, February 2023, FFM-IRAN-D-000885.

[471] Of the ten provinces with the highest unemployment rates in 2021, six are located on Iran's border. Because the populations of many border provinces are composed of ethnic and religious minorities that the central government often accuses of separatism, a securitized approach has resulted in a lack of investment and underdevelopment, Barbara Mittelhammer; Tara Sepehri Far; Sussan Tahmasebi "Rethinking the EU approach to Human Rights in Iran, *Carnegie Europe*, 25 Avril 2023.

[472] Barbara Mittelhammer, Tara Sepehri Far, Sussan Tahmasebi, "Rethinking the EU approach to Human Rights in Iran", *Carnegie Europe*, 25 Avril 2023.

[473] Law on the criteria for the selection of judges, of 4 May 1982, *Ekhtebar*, 23 July 2014.

[474] "In Iran, we have 1121 female judges", Factnameh, 6 June 2023. See also Iran's report to the Human Rights Committee, CCPR/C/IRN/4, table 17, p. 36.

(e) Participation of women in public life and political decision-making

302. One of the areas where the position of women as subalterns is evident is that of participation of women in the public life of Iran and political decision-making. A combination of laws and practices excluding women from some positions, the Guardian Council's screening out of women candidates for political office as well as the fact that some positions are elected or appointed among clerics de facto excluding women translate into insurmountable hurdles for women to overcome.

303. Women in Iran acquired the right to vote and to run for parliament in 1963. While several laws in favour Ayatollah Khomeini did not restrict women's right to vote in light of the pivotal role they could play in elections.

304. Almost no women are represented in senior decision-making positions; the positions of Supreme Leader, President or Head of the Judiciary have never being held by a woman, no woman has ever been appointed to the 12-member Guardians Council, the Assembly of Experts or the Expediency Council. The Iranian authorities in their report to the UN Human Rights Committee noted that women are eligible to run for the Assembly of Experts. [475] Yet, until now, the Guardian Council has rejected women candidates on the ground of their lack of qualifications in *Fiqh* or Islamic jurisprudence.

305. According to Article 115 of the Constitution, one of the criteria for a presidential candidate is being *rajol-e siasi*, an Arabic term which may be interpreted in Persian as a "political man" or a "political personality." Since Persian is a gender-neutral language, it is not clear whether this phrase is intended to restrict presidential candidates to males or to encompass both male and female candidates and the Guardian Council has resisting clarifying the provision. Yet, Iranian women have sought permission to run for president since the late 1990s. In 1997, Azam Taleghani, then a 53-year-old women's rights advocate, made history by becoming the first woman to register as a candidate for president with the intention to press the Guardian Council to clarify the provision of the Constitution.[476]

306. It was only in the mid-1990s that a woman was appointed deputy minister. Then, in 1997, President Mohammad Khatami named Masoumeh Ebtekar as one of his vice presidents in charge of environmental affairs, Aazam Nouri as deputy culture minister for legal and parliamentary affairs and Zahra Shojai as Iran's first director-general for women's affairs. However, in the face of conservative backlash, during his second term, then President Khatami did not appoint any women to ministerial posts.

307. In 2009, President Ahmadinejad nominated three women to his cabinet, but only one, Marzieh Vahid-Dastjerdi, received parliamentary approval. President Rouhani, on the other hand, renegaded on his election promise to appoint women as cabinet ministers and instead named several women as vice presidents, including Shahindokht Molaverdi as vice president

[475] The Iranian authorities in their submission to Human Rights Committee stated that "Women can also join the Assembly of Experts if they win the vote in the elections. in 1398 (2019), Ms. Zohreh Sefati passed the scientific exam and the Guardian Council approved her qualification and she entered the election of Assembly of Experts. There is no ban on the presence of women experts in the Assembly of Constitutional Experts (such as Ms. Monireh Gorjifard)", CCPR/C/IRN/4, para.164. However, this claim of the authorities of the Islamic Republic may be misleading. The person who was allegedly approved as a female candidate for the Assembly of Experts announced in an interview that "she was not disqualified that term, but she received a letter from the Guardian Council stating that women cannot be members of Assembly of experts." She later revealed in an interview with a magazine that "she withdrew due to the opposition of Ayatollah Safi Golpayegani [an influential cleric who was also a member of the Guardian Council for many years], who told her in a phone call that women's candidacy for the Assembly of Experts should not be normalized". "The place prohibited for women. Will women ever enter the Assembly of Experts?", *Khabaronline*, 31 December 2023.

[476] "Azam Taleghani A free-thinking figure and a role model for Iranian women in the struggle", *ISNA*, 4 November 2018. She sought election as president in 1997, 2001, 2005, 2009 and 2017 and was disqualified each time.

for women and family affairs[477], Masoumeh Ebtekar as vice-president for the environment[478] and Laaya Joneidi as vice president for legal affairs.

308. Iran ranks 174th out of 184 for the number of women in Parliament. Iranian women may be elected to the parliament provided their candidacy is approved by the Guardian Council. At the time of writing, elections had taken place in March 2024 but the final results were not yet public. Against the backdrop of increasing acts of defiance of mandatory *hijab* by women and girls, women who did not adhere to mandatory *hijab* laws were reportedly not barred from voting in the March 2024 elections.[479] At the time of writing, of some 15,200 candidates running for seats, only around 12 percent were women, according to interior ministry figures.[480] According to media reports, 11 women garnered enough votes to enter parliament in the first round of the elections. In September 2022 at the start of the protests, there were 16 women members of Parliament making up 5.5 percent of Parliament.[481] For the 2016 elections, women organized to increase their number in Parliament and 17 seats. Prior to that, the Parliament elected in 2012 included nine women and 281 men. In the 1980 legislative elections, the Islamic Republic's first, only four women earned seats. Serving alongside 270 male counterparts, these female members of parliament compromised slightly more than 1 % of representatives.

309. The criteria for the selection of candidates by the Guardian Council are not always made clear. In some cases, candidates were able to run but their ballots were annulled, or they were elected once and forbidden from running again. During the 2014 parliamentary elections, re-elected female candidate Mino Khaleghi saw her ballots annulled by the Guardian Council.[482] Elaheh Koulaei who was elected in 2000 was the first member of parliament to appear wearing a headscarf as opposed to a chador, she was barred from participating in the following elections and to this day the selection criteria of the Guardian Council have not been made public[483].

310. Women's participation in local councils is even more limited with 3.2 per cent of elected seats held by women in deliberative bodies of local government.[484]While the number of women in political office is very low, women make up 48%[485] of voters showing very active participation in political affairs.

[477] She later faced criminal charges for propaganda against the charged with propaganda against the regime, encouraging corruption and prostitution and providing classified information and documents to disrupt national security and was sentenced in relation to her support for women's access to sporting events in stadiums which included support for women being allowed to attend sporting events in stadiums, advocating for more equality for Iran's religious and ethnic minorities, opposition to underage marriage for girls under 15, and reforms to Iran's mandatory hijab law as well as her opposition to underage marriage for girls under 15.

[478] In the second government of President Rouhani, she became vice president for women and family affairs.

[479] Bita Ghaffari, "Iran to vote in elections as Supreme Leader's succession looms", *Financial Times*, 29 February 2024.

[480] "Women, the beacon of light of the Majles", *Pishkan*, 3 November 2023, see also "What percentage of Women were approved", *Ruydadiran*, 20 February 2024. According to Newsweek, some 1,713 women were featured in the list of approved candidates issued by Iran's Guardian Council ahead of Friday's election, more than double the number allowed to run in the last vote that took place in 2020. Tom O'Connor, "Iran Sees Most Women Ever Run in Election—Can They Break the Glass Ceiling?", *Newsweek*, 29 February 2024.

[481] "Monthly ranking of women in national parliament", Inter Parliamentary Union.

[482] "The complete story of Mino Khaleghi's case, from the confirmation of qualifications before the elections to the annulment of votes after the elections", *Khabar Online*, 6 April 2016.

[483] "Elahe Koulaei: The lack of accountability of the Guardian Council is not compatible with the spirit of the constitution", *ISNA*, 22 October 2004.

[484] Iran (Islamic Republic of), Data, UN Women.

[485] "Press conference of the Minister of Interior after announcing the final results of the parliamentary elections", *ISNA*, 4 March 2018.

(f) Access to education

311. While women and girls have made significant strides in education, they still experience discrimination. The Islamic Republic of Iran's education policies have revolved around the Islamisation of education with changes to the curriculum, gender-segregated classes, mandatory *hijab*, and the channeling of women into "feminine" majors that prevent the pursuit of certain careers.

312. In the years following the Islamic Revolution women were barred from 91 fields of studies out of 169[486] until the courses were modified and deemed suitable for women. These included law, engineering and agriculture. [487] It also introduced gender segregation in schools and to some extent in universities.

313. These restrictions were lifted in 1993 only to reappear in 2012. Under President Ahmadinejad, the authorities sought to reduce the number and proportion of female students in higher education by imposing quotas to limit the number of women in some courses or excluding women. On 20 August 2012, the Ministry of Science, Research and Technology announced that 36 universities banned women from 77 fields of study.[488] The announcement came after the publication of the results of university entrance exams with women outnumbering men in higher education. The fields chosen include most sciences and engineering.[489] In addition, courses such as women's studies were amended to remove any focus on women's rights under international law and reflect women's "traditional" roles and responsibilities within the family as wives and mothers and Islamic values.

(g) Access to public spaces

314. The Islamic Revolution of 1979 re-introduced degrees of gender segregation in education and public places.[490] All schools (both primary and high schools) remain segregated by sex for students and teachers. In universities, varying degrees of segregation are enforced. Women and men must sit separately in the classroom and some facilities such as dormitories, libraries and restaurants are fully segregated by sex. Some universities, such as Tabriz Islamic Art University are completely gender segregated.[491] All sports complexes, swimming pools, and water parks are segregated and until recently women were barred from attending sports events in stadiums. Women must ride in a reserved section on public buses and women have dedicated cars in the metro. Mixed gatherings and parties are banned.

315. The mandatory *hijab* is a key tool in the hands of the Iranian government to control and subjugate women and girls in Iran.

3. The centrality of mandatory hijab

[486] Women were given access to 91 fields of study out of the 169 existing, "Report on violations of academic freedom of Iranian students", The Boroumand Foundation, March 2005.

[487] "Beyond the Veil: Discrimination against women in Iran", Ceasefire Centre for Civilian Rights. Centre for Supporters of Human Rights, Minority Rights Group,September 2019.

[488] Zakiyyah Wahab, "Universities in Iran Put Limits on Women's Options", *The New York Times*, 20 August 2012.

[489] Nasser Karimi, "Iran restricts social sciences seen as 'Western'", *NBC News*, 24 October 2010. For the full list, "Forbidden Subjects for Girls", *Mashregh News*, 7 August 2012.

[490] For a comprehensive overview of segregation in Iran, see Nazanin Shahrokni, *Women in Place:* The Politics of Gender Segregation in Iran, University of California Press, 2019.

[491] Cultural vice president of Ferdowsi University of Mashhad, "The announcement of the university about gender segregation in classes was just a reminder of the law", *ISNA*, 4 September 2023; "Deputy Minister of Science, University classes are segregated by gender as much as possible", *Hamshahri*, 17 July 2012; "Vice Chancellor of Allameh University in Tehran reported: Gender segregation in 40% of Allameh University classes", *Mehr News Agency*, 19 September 2016; "The letter of the vice president of Ferdowsi University of Mashhad about the separation of male and female students in classrooms", *Ekhtebar*, 29 August 2023; "Vice Chancellor of Qom University: Gender segregation is one of the reasons why families are interested in Qom University", *Qom News*, 7 August 2013.

3. History of the mandatory hijab in Iran

"The issue of hijab is not intended to isolate women. Those who have such a perception of hijab are mistaken. The purpose of the hijab is to prevent men and women from interacting with each other without observing any boundaries. Such an interaction would be detrimental to society and both men and women -- particularly women. Hijab helps women reach the lofty moral position they deserve and prevents them from moral deviation."[492]

Ayatollah Ali Khamenei

316. The mandatory *hijab* is one of the most central tenets of the Islamic Republic of Iran. In many ways the mandatory *hijab* has become a symbol of the Islamic Republic's rule, and the "morality police" the instrument of its enforcement.[493] Since September 2022, the Supreme Leader,[494] the President[495] and the Head of the Judiciary[496] have emphasized that mandatory veiling laws are "irrevocable"[497] and promised to "create fear" for those who "fight God's law".[498] Earlier, in April 2022, the Minister of Interior had described the *hijab* as an essential element of Islamic law and that as such it would remain one of the key principles of the Islamic Republic of Iran.[499]

317. Iran has a long and fraught history around veiling. The dress code and the *hijab* in particular, and its presence or absence, have been a political marker and symbol of different systems of governance. The cultural and political significance of the dress code and in particular the *hijab* have evolved and transformed significantly through the 20th century in Iran. For more than a hundred years, under different systems of governance, the *hijab* (or the ban on *hijab*) has been at the center of power struggles and a symbol of the ruling system.[500]

318. The decision to impose the mandatory *hijab* for women was taken early following the establishment of the Islamic Republic.[501].

319. While the *hijab* has existed in Iran for centuries and is ostensibly a religious symbol, it had cultural, social and political significance. It has multiple manifestations: the *roosari* (headscarf), the *chador* (a cloak, which is black for formal occasions and in public spaces, and colourful and patterned for more informal occasions or inside the house), and the

492 "The Head of the Revolution: Unveiling is a sin in the eye Sharia and politics", *Herasat News*, 21 March 2023.See also "Iran Primer Part 4: Khomeini & Khamenei on Women", *Iran Primer*, United States Institute of Peace, 8 December 2020.

493 "The head of the moral security police has announced: The name of the guidance patrol has been changed", *Borna News*, 22 December 2010.

494 Speech on 4 April stating that removing the hijab Is both political and religious sin, "Khamenei: non observance of *hijab* is "forbidden politically and according to Sharia", *VOA Persian*, 4 April 2023; "The Head of the Revolution: Unveiling is a sin in the eye of Sharia and politics", *Herasat News*, 21st March 2023.

495 President Ebrahim Raisi underlined the importance of the dress code, in particular the headscarf, in a recent speech in Tehran. The headscarf is a "religious necessity," he said, according to a video the government's public affairs office posted on Twitter. Aina J. Khan, Amin Khodadadi and Rima Abdelkader, "Iran tries to reimpose strict dress codes for women after anti-hijab protests", *NBC news*,18 April 2023; he is also reported as saying "Today, the issue of hijab is a legal matter, and all members of our society should adhere to the hijab, as they have been so far", Official Website of the Iranian President, 9 March 2023.

496 "The head of the Judiciary: The goal of the judiciary is to administer justice, and to satisfy the people", *IRNA*, 22 June 2023.

497 "The statement of the Ministry of Interior about hijab: There will be no push back on religious values", *Fars News Agency*, 30 March 2023.

498 "Ghalibaf: The fight against corruption will be facilitated through the Law on prevention against Corruption" *Nasim Saba*, 22 June 2023.

499 "The explanatory statement of the Ministry of Interior regarding the issue of *hijab* - retreat from religious values will not be made", *IRNA*, March 30 2023.

500 See Section II. See also Farideh Farhi, "Cultural Policies in the Islamic Republic of Iran", *Wilson Center*, November 2004.

501 "Thirty-Five Years of Forced Hijab. The Widespread and Systematic Violations of Women's Rights in Iran", Justice for Iran, March 2014.

maghnaeh.[502] *Hijab* cannot be understood only through the prism of religion. *Hijab* intersects with questions of state sovereignty and bodily autonomy and choice and has been central to the struggle between national sovereignty, 'westernisation' and 'anti-imperialism'.[503]

320. In 1848, under the Qajar Dynasty, Táhirih Qurrat al-ʿAyn, a poet theologian and disciple of the Báb, was the first Iranian woman to publicly unveil herself in front of a male audience during the Badasht conference.[504] She was reportedly sentenced to death in 1852 at the age of 35 for the offence of corruption on earth – *efsad-e fel-arz* . By some accounts, she was the first woman in Iran to have been executed on such a charge.[505]

321. The Iranian Constitutional Revolution of 1906, also under the Qajar Dynasty, established a Persian parliament and led to the promotion of women's and girls' education.[506] Women actively participated in political campaigning by organizing meetings and creating secret societies, yet the issue of the *hijab* did not feature prominently.[507]

322. In 1928, during the rule of Reza Shah Pahlavi (from 1925 to 1941) the *Majles* outlawed ethnic and traditional clothing through the Uniform Dress Law which required all male Persians to dress uniformly in Western style. Earlier in 1927, the "Pahlavi cap" was made mandatory for all men, [508] and later replaced by a European felt hat, further signaling a Western anchorage.[509]

323. In 1935, the Kanun Banovan (Ladies Centre) was founded to positively influence and steer women towards unveiling.[510] That same year, state officials were penalized when their wives appeared at functions wearing a veil.[511] Enforced unveiling in schools from 1935-36 led to violent outbreaks in the conservative city of Mashhad.[512]

324. On 8 January 1936, a decree was passed —*Kashf-e Hijab* (the mandatory unveiling law)— providing for mandatory non-hijab or unveiling of women in Iran. This step was taken in opposition to the influence of the clergy and was largely welcomed by the middle and upper classes. Women were forbidden from walking on the streets with headscarves and chadors and many accounts suggest that the police enforced this law through physical violence.[513] Reforms targeting the *hijab* and ethnic clothing had a disproportionate effect on the lives of people from low-income groups, particularly in the provinces and on those from minority groups as they were also compelled to give up traditional clothing which was part of their culture and could not afford to buy the 'Western' clothes imposed by the authorities.[514] At the same time, women were able to access universities (in 1935, the first

[502] It is a piece of fabric that is similar to a hood and covers the hair, neck and shoulders; the other form of veiling which is more relaxed is the *shawl* a long scarf draped over the head.

[503] Parvin Paidar, *Women and the political process in twentieth-century Iran*, Cambridge, Cambridge University Press, 1995, pp. 14-15. See also "The anniversary of Iran's protests. The emergence and decline of the Iranian-style hijab", *BBC Persian*, 28 August 2023.

[504] Susan Maneck, "Women in the Bahá'í faith" in A. Sharma, Religion and Women. Albany, State University of New York Press, 1994.

[505] Sabir Afaqi, Tahirih in History: Perspectives on Qurratu'l-Ayn from East and West. CHOICE: Current Reviews for Academic Libraries 42 (11–12), 2005, p.2047. See also Shadyar Omrani, "Iranian Influential Women: Tahereh Qurrat al-Ayn (d.1852)", *IranWire*, 11 July 2023.

[506] In 1918, the first public schools for girls were opened in Iran.

[507] Such political gatherings were often organized in religious spaces such as clerical schools '*rowzeh*', and mosques, Parvin Paidar, *Women and the political process in twentieth-century Iran, Cambridge*, Cambridge University Press, 1995, p. 52.

[508] Houchang E. Chehabi, "Staging the emperor's new clothes: dress codes and nation-building under Reza Shah", *Iranian Studies*, 1993, 26:3-4, pp. 209-233.

[509] Ibid. p.214-215.

[510] Parvin Paidar, *Women and the political process in twentieth-century Iran*, Cambridge, Cambridge University Press, 1995, p. 105.

[511] Ervand Abrahamian, *Iran between two revolutions*. Princeton, NJ, Princeton University Press, 1983.

[512] Houchang E. Chehabi, "Staging the emperor's new clothes: dress codes and nation-building under Reza Shah", *Iranian Studies*, 1993, 26:3-4, pp. 216-217.

[513] Fadwa El Guindi, *Veil: modesty, privacy and resistance*. Oxford, Berg, 1999, p. 174.

[514] Houchang E. Chehabi, "Staging the emperor's new clothes: dress codes and nation-building under Reza Shah", *Iranian Studies*, 1993, 26:3-4, p. 226.

group of women was enrolled at Tehran University).[515] In 1963, women obtained the right to vote and in 1968, the first woman Minister of Education, Farrokrooh Parsa, was appointed in Iran.[516]

325. Since the first quarter of the twentieth century, women's dress code has been employed as a political tool and arguably, as a tool of social engineering for bringing women into the public sphere of life. This simplistic approach ignored the nuances inherent in a diverse population who had never known any other dress code but the chador - also considered as a symbol of appropriate apparel and appearance in a public space. During the reign of Reza Shah, the head covering (mostly in the form of the chador), was actively discouraged and then banned through a *Kashf-e-hijab* law in 1936. This was the beginning of the 'hijab' as a symbol of resistance in that while some women welcomed it others were uncomfortable in giving it up.

326. Reza Shah's successor, Muhammad Reza Pahlavi, relaxed the *Kashf-e-hijab* law in 1941, resorting to more subtle and politically less controversial ways of undermining and discouraging the *hijab*/chador.[517] The elite and middle classes, including some professional women by and large embraced the idea of de-veiling by giving up of the chador/*hijab*, whereas those on the lower rungs of the socio-economic ladder and rural women mostly continued to wear it. However, as political opposition to Reza Pahlavi heightened, memories of police stripping women of their chadors on the streets of Tehran and other towns and cities were revived in the public consciousness. Middle class women, both secular and religious, started wearing the *hijab* as a symbol of opposition to the Pahlavi government, culminating in the (black) chador becoming an important symbol of the Iranian Revolution of 1979.[518]

327. From 1941 onwards, unveiling was no longer enforced although the *Kashf-e Hijab* decree was still in force. Wearing the *hijab* in cities and workspaces was poorly regarded and could hinder promotions in workplace for women and men alike, as men also faced discrimination if their female relatives wore the veil.[519] Many women from conservative backgrounds withdrew from public life for years, reportedly as they perceived not wearing a *hijab* as a form of enforced nudity.[520]

328. Throughout the Revolution of 1979 against the rule of Reza Pahlavi, left political parties, and the clergy invoked anti-imperialist rhetoric and promoted the *hijab* as a visible manifestation of an anti-imperialist stand.[521] Different political groupings used different forms of the *hijab*. When women members of the Communist Party, *Tudeh*, started wearing headscarves they tied them differently to their counterparts in the Mudjahideen-e Khalgh party to distinguish themselves.[522] The black chador, which used to be formal wear for women, was widely adopted by followers of the clergy and was worn closed (while earlier it had usually been worn open, similar to an overcoat).[523]

329. Women were amongst the first to be targeted by the restrictive laws after the arrival of the clergy into power in 1979. In 1979, within a week of International Women's Day, Ayatollah Khomeini abrogated the Family Protection Law as well as the right to abortion, lowered the age of marriage for girls to nine, dismissed women judges and made *hijab*

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515 Fariba Parsa, "The role of women in building Iran's future", Middle East Institute, March 24 2020.

516 "Farrokrooh Parsa", Abdorrahman Boroumand Center.

517 *Kashf-e- Hijab* was no longer enforced by the police in public spaces. However, the chador was perceived as a sign of backwardness and discouraged. It became a class marker.

518 El Guindi, Fadwa, *Veil: Modesty, Privacy and Resistance*, Oxford; New York: Berg Publishers; Bloomsbury Academic, 1999, p. 175.

519 Houchang E. Chehabi, "Staging the emperor's new clothes: dress codes and nation-building under Reza Shah", *Iranian Studies*, 1993, 26:3-4, p. 219.

520 Fadwa El. Guindi, *Veil: modesty, privacy and resistance*. Oxford: Berg, 1999, p.130.

521 Ziba Mir-Hosseini, 'The politics and hermeneutics of Hijab in Iran: From confinement to choice', *Muslim World Journal of Human Rights*, 4(1). doi:10.2202/1554-4419.1114, 2007, p.213-214.

522 Merhrangiz Kar, Uprising : the tale of the Iranian revolution told by women, Sweden : Baran Publishers, 2006.

523 El Guindi, Fadwa, *Veil: Modesty, Privacy and Resistance*, Oxford; New York: Berg Publishers; Bloomsbury Academic, 1999, pp. 174-175.

mandatory in the workplace.[524] Mandatory *hijab* was enforced immediately for civil servants.[525] The rally planned in celebration of women's rights on 8 March effectively became a rally in opposition to the mandatory *hijab* with chants such as "Freedom is not western or eastern, it is international".[526] Men were encouraged to grow beards and pressured against wearing ties.[527] These new dress norms became visible markers of state-sponsored masculinity and femininity, to differentiate itself from the West and from the former political system.[528]

330. Three months after the arrival in power of Khomeini, Shahr-e No, the red-light district of Tehran was bulldozed, and sex workers were executed on the street and made a public example.[529]

331. The provisional government as well as left-leaning parties did not engage in open confrontations with Ayatollah Khomeini and further restrictive laws infringing on women's rights and civil liberties were adopted progressively. During the writing of the Constitution, the provisional government led by Banisadr was more openly critical of the infringement of civil liberties as outlined by the text, but to no avail.[530]

332. In 1983, article 102 of the Penal Code criminalized women who did not wear the *hijab* with up to 74 lashes for disrupting "public morality".[531] This law effectively rendered the *hijab* mandatory. At the time and in subsequent decades, a dichotomy emerged between women who wore the chador and women who practiced *bad-hejabi*, incorrect *hijab*.[532]

333. Homa Darabi, a child psychiatrist and member of the Nation Party of Iran, faced increasing discrimination at work for allegedly wearing improper *hijab*. She complained about being continuously harassed at work and was ultimately fired from her university in 1991, and then forbidden from returning to work even though she won a court order in 1993 to be reinstated. In 1994, she self-immolated and died on the Tajrish Square in protest after taking off her chador and reportedly screaming "Death to tyranny, long live freedom, long live Iran".[533]

334. In this climate, debates emerged around the harshness of the imposition of the *hijab* and in 1996, the punishment for not observing proper *hijab* was reduced from flogging to imprisonment of between ten days to two months or a fine of 50,000 to 500,000 rials (Islamic Punishment Law, Note to Article 638).

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524 "Thirty-Five Years of Forced Hijab: The Widespread and Systematic Violations of Women's Rights in Iran", Justice for Iran, March 2014.

525 *Ibid*.

526 P. Paidar, *Women and the political process in twentieth-century Iran*, Cambridge, Cambridge University Press, 1995, pp. 224-225.

527 "The president's opinion about neckties and shaving the beard and fatwa's of the authorities", *Mashregh News*, 13 July 2010.

528 Sanam Vakil, Women and politics in the Islamic Republic of Iran: Action and reaction, London Bloomsbury Academic, 2011, p. 68 and p. 70.

529 "Shahr-e no caught fire, and prostitutes were executed", *Radio Zamaneh*, 29 January 2000.

530 Parvin Paidar, *Women and the political process in twentieth-century Iran*, Cambridge, Cambridge University Press, 1995, p.231 and p. 239.

531 Ehsan Mehrabi, "Iran's Discriminatory Laws Against Women: The Early Days", *IranWire*, 6 December 2018. See also "Thirty-Five Years of Forced Hijab: The Widespread and Systematic Violations of Women's Rights in Iran", Justice for Iran, March 2014.

532 Ziba Mir-Hosseini,"Women and Politics in Post-Khomeini Iran: Divorce, Veiling and Emergent Feminist Voices", in Haleh Afshar (ed.*), Women and Politics in the Third World*, pp. 142–70, London and New York, Routledge, 1996. Ziba Mir-Hosseini, 'The politics and hermeneutics of Hijab in Iran: From confinement to choice', *Muslim World Journal of Human Rights*, 4(1). doi:10.2202/1554-4419.1114, 2007.

533 Parvin Darabi, Romin P. Thomson, Rage Against the Veil: The Courageous Life and Death of an Islamic Dissident, Prometheus Books, February, 1999.

(a) Hijab laws and regulations post-Revolution

335. The failure to wear the *hijab*[534] or "proper *hijab*"[535] is criminalized in the Islamic Penal Code and offenders face fines and imprisonment.

336. The Government of the Islamic Republic of Iran claims that "the phrase or the concept of 'mandatory hijab' does not exist in the laws of the Islamic Republic of Iran, as 'coercion/compulsion' is basically inherent in all laws. What is important is the legitimacy and acceptability of the laws, which have been observed in the *hijab* law due to the fact that it was approved in the parliament and that the majority of Iranian people are Muslims. "Hijab" is a concept proposed in the approved law based upon the Iranian society's cultural and religious characteristics."[536] The Government has likened the wearing of the mandatory hijab to wearing 'seatbelts' or 'face masks'.[537]

337. The Islamic Penal Code criminalizes the lack of *hijab* or improper *hijab*. Article 102 of the Islamic Penal Code of 1983 introduced the criminal offence of not wearing *hijab* as a *Ta'zirat* offence.[538] Article 638 of Iran's Islamic Penal Code of 2013, Book V sets out that:

"Anyone in public places and roads who openly commits a harām (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months' imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public decency, they shall only be sentenced to ten days to two months' imprisonment or up to 74 lashes". It also contains a note introduced in 1996[539] that deals specifically with the *hijab* and sets out that "*Women, who appear in public places and roads without wearing an Islamic hijab (hejab-e-shar'i), shall be sentenced to ten days to two months' imprisonment or a fine of 50,000 to 500,000 Rials."* [540]

338. While the article imposes an obligation on women to wear the *hijab* in public places and roads, it does not refer to girls specifically. The obligation to wear the *hijab* is however considered as applicable to girls aged nine and above as the age of criminal responsibility in Iran is nine for girls.[541] In practice, the mandatory *hijab* appears to apply to girls as young as

[534] Various names and expressions are used interchangeably such as hijab, headscarf, mandatory hijab laws, discriminatory dress code, compulsory hijab policies or rules, compulsory veiling laws and hijab, forced dress code, forced hijab, Islamic hijab, Iran's compulsory dress code (hijab) laws. While a range of expressions are used by the United Nations and civil society organizations to describe the obligation for women to adhere to a dress code in Iran, the Mission relied on the Islamic Penal Code and its article 638 which refers to the term *hejab-e-shar'I*, or Islamic *hijab*. Considering the element of coercion exerted on women and girls and notably the restrictions of their rights to freedom of expression, religion and belief, the Mission will use the expression "mandatory *hijab*" or "mandatory hijab laws" hereafter.

[535] The expression "proper hijab" emerged in the discourse of the Iranian authorities but is not defined. In the initial stages of the Islamic Republic, only chador would be considered as proper hijab. See "Thirty-Five Years of Forced Hijab: The Widespread and Systematic Violations of Women's Rights in Iran", Justice for Iran, March 2014: "Since 1985, following the severe repression of women's opposition to Islamic hijab laws, the expression of 'improper hijab' entered official state vocabulary. As reflected in Jomhouri Eslami Newspaper, the public prosecutor of Tehran ordered disciplinary forces to arrest all "improper hijab" citizens. From that year on, women whose hair was not fully covered by their headscarves, whose Islamic uniform and trousers were tight or short, wore makeup, etc., were considered from an official standpoint as failing to observe hijab laws".

[536] Response of the Permanent Mission of the Islamic Republic of Iran to special procedures, 28 November 2022.

[537] Response of the Permanent Mission of the Islamic Republic of Iran to special procedures, 28 November 2022.

[538] Offences which punishments are left to the judge's discretion.

[539] The 1996 version of the Penal Code substituted flogging to imprisonment from ten days to two months and/or a fine (although violations may still carry up to 74 lashes if deemed *harām* under Article 638 Penal Code).

[540] Islamic Penal Code of the Islamic Republic of Iran – Book Five.

[541] The age of criminal responsibility is tied to the age of maturity, which for girls is defined at 9 lunar years (equivalent to 8.7 years), a per Article 49, note 1 of the Penal Code of the Islamic Republic of Iran, "A child is a person who has not reached the age of puberty as stipulated in Islamic Shari'a".

seven-years-old when they start school.[542] Furthermore, the provision applies to all women in Iran irrespective of their religious beliefs or of their citizenship.

339. The text of the article in the Islamic Penal Code does not mention men, making it intrinsically discriminatory as the mandatory *hijab* is only applicable to women and girls. In practice. men are also subjected to an obligation of modesty. Men are not allowed to wear shorts or sleeveless T-shirts and could be harassed because of their hairstyle or long beards.[543]

340. Under the Islamic Penal Code, no legal definition is provided for what constitutes a "proper" *hijab*, leaving it up to law enforcement officers to act based on their own interpretation of the mandatory *hijab* provisions.[544] Judges can rely on Shari'a law to interpret the provision on mandatory *hijab*. In July 2022, The Headquarters for the Promotion of Virtue and Prevention of Vice sought to provide guidance as to what constitutes proper *hijab.*[545]

341. Other provisions of the Islamic Penal Code, in particular articles 639 and 640, have also been used to prosecute women repeatedly flouting *hijab* laws or advocating against mandatory *hijab*. According to article 639, anyone who "establishes or directs a place of prostitution or corruption" and "anyone who facilitates or encourages people to prostitution or corruption will be sentenced to one year to ten years' imprisonment". Article 640 criminalizes "anyone who […] displays and shows to the public, or produces or keeps any writing or design, gravure, painting, picture, newspapers, advertisements, signs, film, cinema movie, or basically anything, that violates public decency and morality" and sets for a penalty of three months to one year of imprisonment and a fine of one million and five hundred Rials to six million Rials and up to 74 lashes.

342. Women who flout mandatory *hijab* laws or advocate against mandatory *hijab* may also be subject to a laundry list of charges under articles 638, 639 and 640, but also under article 43 related to "facilitating the commission of a crime" (Article 43 Islamic Penal Code)

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[542] One expert consulted by the Mission mentioned that it could be as early as six/six and a half, depending on when a girl starts school.

[543] FFM-IRAN-D-000581 (FFMI Submission).

[544] A 2006 resolution adopted by the Supreme Council of the Cultural Revolution titled "Resolution on the Implementation of Strategies for the Development of the Culture of the Chastity and Hijab" and aiming at operationalizing its 2003 Hijab and Chastity Plan, stipulates that law enforcement possesses the authority to determine what may constitute "improper hijab," thereby conferring wide discretion to authorities. The Resolution empowers police officers to "declare the limits and legal definition of modesty and standards of improper hijab" and to "take legal steps to confront individuals with improper hijab". Other rules such as the "Implementation procedures for promotion of a culture of chastity" issued by the Ministry of Islamic Guidance in 2005 "mandated the disciplinary forces with the task of 'Declaring the limits and legal definition of modesty and standards of improper hijab in society with the aim of recognising its manifestations' as well as "taking legal steps to confront individuals with improper hijab." See FFM-IRAN-D-000581 (FFMI Submission).

[545] The guidance published in the media provides a long list of requirements to be met such as complete hair coverage with a chador, *maghnaeh*, or scarf, the fabric of the chador or *maghnaeh* should not be thin, lacey/net, or have jewels. The document adds that "incentives" to promote the wearing of the "better" hijab, the chador, such as gifting the chador to women should be considered. The document then details criteria to identify "proper" dress for women that should be worn together with "proper" hijab. The coat should be long (at least, knee length), simple, thick, be loose, long-sleeved and not have side slits above the knee or be open at the front. The use of trousers under the chador or gown is mandatory and they should reach the ankles, be loose, not have tears, zips, slits or "inappropriate crotch". The guidance expands to socks, shoes with should not be high healed, and the excludes makeup, nail polish, fake nails, non-standard and ostentatious jewels/ornaments and the perfume and eau-de cologne with a harsh/aggressive/pungent scent. The guidance extends to men who should have correct hair and beard and not use Western "beauty styles", not use ties, belts, or bow ties that that symbolize the West, not use tight or revealing clothing or clothing that have tears and/or have patches, T-shirts, tight, short or low-necked non-standard shirts, short, tight, thin pants that have holes, gold or whatever ornaments on the neck, no band, chain, bracelet, wrist-band, and earrings". The guidance further excludes tattoos on visible body parts, "foreign" symbol, image, or words on clothing and clothes with logos, "non-standard" images, writings, and symbols of "Western culture," signs of "deviant" sects and groups.
"The indicators of chastity and hijab were communicated to the state organs", *ISNA*, 13 June 2022.

as well as national security-related charges under article 500 on "propaganda against the State", article 610 on "gathering and colluding against national security" (Article 610) and article 618 on "disturbing public order".[546]

343. Lastly, under the Computer Crimes Law, women may face penalties for "insulting morality and public decency" and "publishing immodest pictures on social media" with non-compliance with mandatory *hijab* online and punishment such as bans on media and online social activities.[547]

344. Other penalties can be imposed based on article 23 of the Islamic Penal Code allowing a judge to add "complementary" sentences for "*hadd*, *qisas*, or *ta'zir* punishments from sixth to first degree, that are "proportionate to the crime committed and the characteristics of those sentences," such as exclusion from some professions, travel ban, house arrest, dismissal from public employment, ban from having a check book, driving ban, and compulsory education.[548] It also envisages as complementary sentences community service. Crimes such as disturbing/committing an outrage on/offending public order and/or public modesty fall under the *ta'zir* category of punishments, enabling the judge to increase further sentences against women and girls charged for not wearing the mandatory *hijab*. Substitute punishments such as supervised periods, unpaid public services and deprivation of social rights can also be imposed under Chapter nine of the Islamic Penal Code.[549] In addition, article 3 of the Law on Certain Government Revenues and its Use, imprisonments provides that penalties under 91 days imprisonment are converted to financial fines of up to 1,000,000 rials. Law on alternative sentences allows for community service.

345. Beyond provisions of the Islamic Penal Code, other laws and regulations govern mandatory *hijab.* Indeed, the Supreme Council of the Cultural Revolution had over the years directed every public institution to develop bylaws and policies on compliance with mandatory *hijab*.[550] The provisions of the Islamic Penal Code are supplemented by numerous

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546 FFM-IRAN-D-000581 (FFMI Submission).

547 Charges based on the 2010 Computer Crimes Law, among others. See "Islamic Republic of Iran: Computer Crimes Law", Article 19, 2012.

548 Article 23 of the Islamic Penal Code state that "the court can sentence a person who has been sentenced to *hadd*, *qisas*, or *ta'zir* punishments from sixth to first degree, to one or more punishment(s) from the following complementary punishments:
(a) Compulsory residence in a specified place
(b) Ban from residing in (a) specified place(s)
(c) Ban from holding a specified profession, career or job
(d) Dismissal from governmental and public offices
(e) Ban from driving or operating motor vehicles
(f) Ban from having a checkbook or drawing commercial bills
(g) Ban from carrying a gun
(h) Ban from leaving the country for Iranian citizens
(i) Deportation of foreign nationals
(j) Providing public services
(k) Ban from membership of political or social parties and groups
(l) Seizure of the means for commission of the offense or the media or organization involved in commission of the offense
(m) Compulsory learning of a specified profession, career, or job
(n) Compulsory education
(o) Publication of the final judgment.

549 According to article 64 of the Islamic Penal Code, substitute punishments for imprisonment include: supervised period, unpaid public service, fine, daily fine, and deprivation of social rights, which shall be given subject to forgiveness of the complainant and existence of mitigating factors and taking into account the type of the offense and the circumstances in which the crime was committed and its consequences, and the convict's age, skills, conditions, character and records, and also conditions of the victim and other circumstances and conditions. It adds in a note that the court, in its judgment, shall stipulate the compatibility and proportionality of the given sentence with the requirements and conditions provided in this article and that the court cannot give more than two of the substitute punishments.

550 "The text of the approval of the supplementary set of executive measures to spread the culture of chastity and hijab", *Mehr News*, 14 October 2019.

regulations that determine by law the way women and girls must dress in schools,[551] universities,[552] in public services,[553] including hospitals[554] as well as courts, in public buildings,[555] in public transports, in planes[556] and even in their cars which are not considered as private spaces.[557] For example, to access court buildings or to work in a court, women are required to wear the chador and the *maghnaeh* which cover not only the head but also the forehead, the chin and the chest. Some universities, including the University of Tehran, require female students to wear a *maghnaeh*[558] while the University of Qom makes the chador compulsory for female students.[559]

346. Under such regulations, women and girls may be expelled or suspended from educational facilities for improper *hijab* or lack of *hijab* or lose their jobs.[560]

(b) Policies of the Supreme Council of the Cultural Revolution related to mandatory hijab.

347. While the Islamic Penal Code is succinct on mandatory *hijab* for women and girls, the Supreme Council of the Cultural Revolution as well as the Headquarters for the Promotion of Virtue and Prevention of Vice have devised several documents which set out the priorities and policies of the Islamic Republic of Iran regarding mandatory *hijab.*

348. The Supreme Council of the Cultural Revolution established in 1984 by Ayatollah Khomeini was a new iteration of the pre-existing Council of Cultural Revolution. Among

[551] In October 2013, the Minister of Education issued "Hijab and Chastity" Regulations (circular number 167707/500) to all provincial education departments. The regulations require students, education professionals, and parents to commit to adhering to and spreading the culture of hijab and chastity. "Dress code rules and regulations regarding schools", *Rasekhoon*, 9 May 2015.

[552] Students may face disciplinary measures in schools and university for not abiding to hijab rules and face expulsion (temporary or definitive). Under the Uniform laws pertaining to universities, students in breach of the dress regulations may face warnings, written notices or reprimand, denial of loans or dormitories, suspension and expulsion. See the Code of Conduct and Professional Attire for Medical Schools and Universities, "Dress code rules and regulations regarding schools", *Rasekhoon*, 9 May 2015. See also FFM-IRAN-D-001566.

[553] Article 8 of the Law on Dealing with Administrative Violations (1993) compels women working as employees of public institutions to wear the mandatory *hijab* or risk warning, temporary dismissal, or termination of employment in addition to a referral to a judicial court for criminal sanctions. See FFM-IRAN-D-001567.

[554] The Ministry of health was tasked by the Supreme Council of the Cultural Revolution with ensuring employees and patients observe the mandatory hijab. Healthcare facilities may deny or dismiss from employment or deny healthcare services to women for not wearing or wearing the hijab "improperly." See FFM-IRAN-D-001568.

[555] On 26 July 1984, the Revolutionary Prosecutor's Office issued a announcing that unveiled women, or those with "bad hijab", were banned from entering public buildings and government offices, Iran Wire, Newly-Published Document Details the Full, Unhinged Scope of Iran's New Hijab Policy, 18 August 2022, Newly-Published Document Details the Full, Unhinged Scope of Iran's New Hijab Policy.

[556] On 17 May 2023, the Prosecutor's Office issued a communiqué to airline companies, urging pilots to act as "judicial officers" and ensure passengers' compliance with the mandatory *hijab*. The communiqué gives pilots the authority to deny boarding to those not meeting the dress requirements. See "Judiciary Committee members of parliament on the issue of pilots warning passengers to properly wear hijab: Civil servants are public officers", *Entekhab*, 9 May 2023.

[557] According to article 5 of the 2015 Law Supporting the Protection of Those Engaged in the Promotion of Virtue and Prevention of Vice, "areas visible to the public," including cars, are not considered private spaces and are therefore subject to intervention. The National Traffic Police routinely issues warnings and fines women for "improper" hijab based on this provision.

[558] FFM-IRAN-D-001569.

[559] FFM-IRAN-D-001570.

[560] Disciplinary Code of University Students of the Islamic Republic of Iran issued by the Supreme Council of the Islamic Revolution states that students not wearing the compulsory veil may face sanctions ranging from verbal warnings and formal summons to temporary ban from education for a period of up to 2 years and a half, in addition to being referred to judicial authorities for criminal sanction. The Disciplinary Committee of the university hands down sanctions to be imposed in addition to those that may be decided in court. See FFM-IRAN-D-000581 (FFMI Submission).

other tasks,[561] the Supreme Council is mandated to oversee the implementation of the principles of *hijab* and chastity by governmental entities. With a view to spreading the culture of *hijab* and chastity, the Supreme Council promulgated a number of binding policies[562] and decisions that led to the creation of the "Morality Police".[563] This included, the1998 Guiding Principles and Strategies on the issue of promoting hijab and chastity laid out 16 principles for promoting *hijab* and chastity[564] and the July 2005, "Strategies for the expansion of the culture of chastity and *hijab".*[565]

349. This latter document provided some foundation for the creation of the Morality Police in as much as its article 26 set for the establishing groups of missionaries who are familiar with the principles and foundations of the culture of chastity and *hijab* and the proper methods of promoting it and using them optimally in religious and spontaneous public gatherings.[566]

350. In January 2006, the Supreme Council endorsed a Resolution on Policies and Solutions for the Promotion of Culture of Hijab and Chastity ('the Resolution on Hijab and Chastity').[567] Notably, this is the first use by the Supreme Council of the term *bad-Hejabi* or 'improper *hijab*'. The Resolution lays out further measures for enforcement, including in a

[561] Some of these tasks include the Islamisation of higher education and specifically the field of human sciences, the enforcement of gender segregation and the promotion of Islamic values in schools' educational material.

[562] The Supreme Council's resolutions, as directly or indirectly emanating from the Supreme Leader, are as effective as laws without the need for approval by another body, such as the Guardian Council or the *Majles.* They have been described as binding like laws and they are used to bypass the Majles and the Guardian Council. See Impact Iran Submission on the veil

[563] Article 26 foresees for the establishing groups of missionaries who are familiar with the principles and foundations of the culture of chastity and hijab and the proper methods of promoting it, and using them optimally in religious and spontaneous public gatherings.

[564] On 3 February 1998, the Supreme Council adopted at its 413th meeting the Guiding Principles and Strategies on the issue of promoting hijab and chastity, or Decision 1040, which laid out 16 principles for promoting *hijab* and chastity, "Principles and Methods of Promoting the Culture of Chastity", Supreme Council of the Cultural Revolution, 3 February 2018. In the document, the Supreme Council recognised the importance of enforcing the moral values of *hijab* in young people. It stated that the implementation and enforcement of *hijab* is the responsibility of both women and men (article 8) and that the responsibility for upholding correct moral values lies firstly with the family (article 4). The document recommended "friendly" enforcement of the *hijab* and avoiding violent and insulting encounters (article 12). It also recommended avoiding "inappropriate" mixing of men and women (article 14). It further clarified that the chador should be promoted as the most complete and common type of *hijab* (article 15). Most importantly, it recognised the *hijab* as the expression of faith and therefore recommended strengthening the basis of faith as a way to strengthen the *hijab* (article 1) and referred to notions of shame and modesty (*sharm va hiyâh*), shyness (*azarm*) and honour (*gheirat*) as values to be promoted (article 2). "Principles and Methods of Promoting the Culture of Chastity", Supreme Council of the Cultural Revolution, 3 February 2018.

[565] Resolution 1416 adopted at the 566th meeting on 26 July 2005. Spreading the culture of chastity. The Supreme Council of Cultural Revolution, Official Website of the Majles, 26 July 2005; the document, also dubbed the Chastity and Hijab Plan, or Law to Promote Strategies for Hijab and Chastity, outlined the strategies and methods for promoting and enforcing the *mandatory* hijab. It stated that the *hijab* is one of the most valuable cultural and social manifestations in Iranian-Islamic civilization" and needed to be institutionalized in the existence of people, an endeavour that requires the participation of all institutions and organizations. The Plan deplored the lax implementation of the mandatory *hijab* and gaps in existing laws and policies and called for stricter and more comprehensive enforcement. In that regard, it provided for the establishment of a 22-member committee to promote and expand the culture of chastity, chaired by the Minister of Culture and Islamic Guidance: FFMI-IRAN-D-00581 (Submission). The plan recommended employing people, including teachers and university professors, who believed in the observance of *hijab* and required that the work environment in offices, banks, schools, universities and private companies for employees and clients uphold the culture of hijab and chastity.

[566] "An overview of the history of Ershad Patrol...", *ISNA*, 20th April 2016.

[567] Adopted at its 427th meeting. See also "Legislation on "Complementary Measures for the Promotion of the Culture of Chastity and Hijab", Supreme Council of the Cultural Revolution, 3 September 2013.

wide range of public spaces, such as shops, shopping malls, parks, movie theatres, sports venues, living complexes, beaches and airports, among others, and enlists all state institutions in the development of laws and regulations regarding mandatory *hijab* and their enforcement. It suggests enforcing the law against women driving cars without proper *hijab*[568] and recommends hiring experienced women, able to arrest women offenders.[569] The Resolution empowers police officers to "declare the limits and legal definition of modesty and standards of improper hijab" and to "take legal steps to confront women with improper hijab". In 2013, it was reported that the Ministry of Interior had taken control over the "morality police".[570]

351. A supplementary set of executive measures expanded the culture of chastity and *hijab*.[571] It outlines the responsibility of different state organs in the enforcement of the mandatory *hijab* and details which public spaces fall under each organ or entity.[572]

(c) Enforcement of mandatory hijab laws

352. The law does not define "proper *hijab",* allowing for considerable discretion to be exercised by those enforcing the relevant laws and regulations, including security and enforcement authorities and judicial officials. This inevitably allows for arbitrariness in its enforcement. As described above, the Supreme Council of the Cultural Revolution and the Headquarters for the Promotion of Virtue and Prevention of Vice have played key roles in devising policies on the implementation and enforcement of mandatory *hijab.* The Guidance Patrols under the Public Security Police, and the Basiji under the command of the IRGC have been the two entities primarily responsible for enforcing mandatory *hijab* laws.

Enforcement before establishment of the Gasht-e Ershad ("morality police")

353. In the 2005 "Plan for the Development of the Culture of Hijab and Chastity", nine disciplinary forces were charged with the task of announcing the limits of modesty and standards of improper *hijab* in society with the aims of recognising its manifestation and holding unions, guilds and associations responsible to combat improper *hijab* practices and individuals.

354. The responsibilities allocated to these disciplinary forces included: 1) "warning individuals with improper *hijab* and confronting them in public in accordance with the laws,"; 2) "proposing bills to policymakers regarding proper coverage while driving a vehicle" and 3) "supervision as well as legal and fundamental supervision of recreational and public spaces such as parks, cinemas, sports facilities, mountains, beaches, islands, free trade zones, airports and terminals."

355. The "Morality Police" or Guidance Patrol[573] was first deployed in 2005 under President Ahmadinejad. The Guidance Patrol does not have a legal foundation document that explicitly outlines its role and functions, including the procedures and methods for enforcing the mandatory *hijab*. The exact scope of its activities and authority is primarily shaped by the Government's acts and internal regulations adopted by the Police Commander-in-Chief and since 2013 by the Ministry of Interior.

356. The Morality Security Police (*police-e amniyat-e akhlaghi*) is a sub-branch of the Intelligence and Public Security Police, charged with upholding the mandate to "fight evil and corruption" and enforcing related morality laws, including the mandatory *hijab*. Although the Police have always maintained units dedicated to morality policing, the

568 Article 6.

569 Article 13.

570 "Handing over the guidance patrol to the Ministry of Interior; A positive step for women?", *DW News*, 13 November 2013.

571 Resolution 2142 adopted on 3 September 2019 by the Supreme Council of the Cultural Revolution. "Legislation on "Complementary Measures for the Promotion of the Culture of Chastity and Hijab", Supreme Council of the Cultural Revolution, 3 September 2013.

572 "Article n° 2142", Supreme Council of the Cultural Revolution, 12 October 2019.

573 A term broadly used to describe the branches of Iranian law enforcement tasked with ensuring adherence to the cultural and religious norms in public spaces. In addition to the Guidance Patrols of the National Police, the morality policing units of the Basij are also tasked with enforcing mandatory *hijab*.

Morality Security Police itself was formally created in 2007 by the Commander in Chief of the Police, following the Supreme Council's 2006 Resolution, to grant greater autonomy and authority to morality policing activities within the Police Force. The Morality Security Police supervises the Guidance Patrol's activities, which consists of officers patrolling the streets of Iran.

357. Iran's "morality police" both conduct mobile patrols and operate "checkpoints" to enforce dress codes. Women make up less than a quarter of the squadron but frequently accompany their male counterparts, who often arrive in unmarked vans and pour out into the streets in green uniforms. The women, meanwhile, wear black cloaks that cover them from head to toe.

358. While the Guidance Patrol's role is not limited to enforcing *hijab* rules, other law enforcement bodies can also enforce rules on *hijab*.[574]

359. In cases reviewed by the Mission, women stopped by the "morality police" were given a notice or, in some cases, taken to a so-called "Education and Advice center" or a police station, where they are required to attend a mandatory lecture on the *hijab* and Islamic values.[575] They then have to call someone to bring them "appropriate clothes"[576] in order to be released. The Mission also received credible information that women are asked to sign a pledge/undertaking that they will adhere to *hijab* rules before their release.[577]

Enforcement of mandatory hijab by Basij forces

360. The Headquarters for the Promotion of Virtue and Prevention of Vice was founded in 1994 with the stated aim of upholding *Fariza*, or the duty in Shia Islam[578]. In April 2015, a Law Supporting the Protection of those Engaged in the Promotion of Virtue and Prevention of Vice was adopted by the *Majles*.[579] Article 17 permits all members of the Basij Forces to verbally promote virtue and prevent vice, essentially sanctioning abuses against women and girls. The law is vague on what promotion of virtue and prevention of vice entails in practice, while simultaneously calling on citizens to engage in enforcing this conduct by 'heart, verbal, written, and practical action".[580] Under Article 29 of the Criminal Procedure Code (adopted in 2014) trained and qualified officers of the Basij Forces are considered judicial officers with the power to arrest and carry out judicial police tasks. In conjunction with policing, the IRGC's Basij undertake propaganda campaigns and recruit and train citizens to promote and facilitate vigilante enforcement of the mandatory hijab and women Basij have been enlisted into enforcing mandatory *hijab*. [581]

Enforcement of the mandatory hijab by vigilantes and ordinary citizens

361. In October 2014, a spate of acid attacks on women in the city of Isfahan allegedly linked to their improper *hijab* put the spotlight on violence by vigilantes. In his report on the situation of human rights in the Islamic Republic of Iran, the UN Secretary-General stated that "the acid attacks in October 2014 against six women for allegedly wearing improper *hijab* in Isfahan, Kermanshah and Tehran highlights the risks to health and safety run by women. The incidents drew considerable attention both domestically and internationally, with concerns being expressed that the attacks might be linked to the approval of the plan on the protection of promoters of virtue and preventers of vice".[582]

[574] "Which are the 26 organizations in charge of enforcing the Hijab", *Khabar Online*, 22 May 2010,
[575] FFM-IRAN-D-000148 (FFMI Interview); FFM-IRAN-D-000424 (FFMI Investigator Note); FFM-IRAN-D-000592 (FFMI Interview).
[576] Such as a long manteau, looser or more opaque clothes, in addition to the headscarf.
[577] FFM-IRAN-D-000124 (FFMI Interview).
[578] with the stated goal of upholding the 12th Pillar of Shia Islam
[579] "Law for the promotion of good and prevention of vice", Majles Website, 29 April 2015,
[580] "The law protecting promoters of virtue and preventers of vice", *Ekhtebar*,13 November 2013.
[581] Saeid Golkar, "The Feminization of Control: Female Militia and Social Order in Iran", *Journal of Women of the Middle East and the Islamic World*, 11, 2013, pp. 16–40.
[582] A/HRC/28/26, 20 February 2015, para. 31 and 32.

362. Mandatory *hijab* laws have enabled not only state agents but also vigilantes who feel they have the duty and right to enforce the Islamic Republic's values to harass and assault women in public.

The Summer of 2022

363. On 6 July 2022, President Raisi ordered more forceful implementation of the 2005 Development of Hijab and Chastity Plan, earlier approved by the Supreme Council of the Cultural Revolution.[583] As a result, several women who spoke to the Mission mentioned the ensuing crackdown on women and girls for improper *hijab* by the morality police in the summer of 2022.[584]

364. A woman from the Kurdistan province explained to the Mission that in her region and community, while women usually do not wear *hijab*, she was compelled to wear the *hijab* at university. She described how, one month before the death of Jina Mahsa Amini, she was herself arrested by the morality police in Kermanshah, although she was wearing a *hijab*, and her father had to fetch her. The morality police were violent and dragged her on the ground and threw her into a van. The woman noted that "they [the morality police] treated her as if she had gone to the street naked". She explained that she had been arrested because, according to the morality police, her manteau was too short and open. She also said that a couple of months before the death in custody of Jina Mahsa Amini, the authorities doubled down on their enforcement of the mandatory hijab on women in cities such as Kermanshah and Sanandaj. *"Before that, people could hang out without the hijab but one or two months before the death of the young woman, the morality police increased the pressure on women in these cities."*[585]

365. Under President Raisi, who came to office in 2021, the Headquarters for the Promotion of Virtue and Prevention of Vice, a government body responsible for enforcing the mandatory *hijab* laws[586] was reportedly given a budget of 1,180 billion rial (3.8 million euros) for the fiscal year 2022-23.[587] In July 2022, the Headquarters then began issuing regulation for enforcement further restricting women's dress in government workplaces, such as mandating women to also cover their neck and shoulders, [588] and, reportedly, directing the responsible authorities to be "firm in upholding the law" and to apply it as "rigidly as possible".[589] Also in July 2022, President Raisi reportedly issued an order[590] to 26 executive bodies indicating that the Regulation on "Hijab and Chastity," first proposed in 2006, would be fully implemented.[591] The bylaw also empowered the "morality police" to "declare the limits and legal definition of modesty and standards of improper hijab" and to "take legal steps to confront individuals with improper hijab," rendering the "morality police" the adjudicator and enforcer of *hijab* regulations.[592] In August 2022, the Headquarters introduced its Chastity and Hijab Project, declaring its primary objective to be "cleansing society of the pollution caused by non-conformity with Islamic dress codes," to "build a

583 "Raisi issued an order for the full implementation of the decree on chastity and hijab in 1984", *Shargh*, 3 July 2022.

584 FFM-IRAN-D-000424 (FFMI Investigator Note); FFM-IRAN-D-000595 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview), FFM-IRAN-D-000124 (FFMI Interview).

585 FFM-IRAN-D-000124 (FFMI Interview).

586 Definition by the Council of the European Union.

587 "How much budget is allocated to the Headquarters for the Promotion of Virtue and Prevention of Vice ?", *Tejarat News*, 19 May 2022.

588 "Iranian President Orders Enforcement Of Hijab And Chastity Law For Women", *Radio* Farda, 7 July 2022.

589 "Raisi: The government is determined to "enjoin what is good and forbid what is evil", *VOA News*, 20 February 2023.

590 "Raisi issued an order for the full implementation of the decree on chastity and hijab", *Shargh*y, 3 July 2022. See also "Iranian President Orders Enforcement Of Hijab And Chastity Law For Women", *Radio Farda*, 7 July 2022.

591 "Setting up moral security police/targeted and lawful dealing with violators", *Mashregh News*, 9 July 2022.

592 FFM-IRAN-D-000581 (FFMI Submission).

model of an Islamic society regarding chastity," and to "preserve values and the fight against cultural invasion".[593]

366. In the face of mounting defiance of the mandatory *hijab* laws, the authorities have responded with a new Bill on chastity and hijab (see Section VIII). The Bill brings together in a single document several existing measures devised by the Supreme Council of the Cultural Revolution and other bodies. The vision and policies underpinning the bill were outlined in a 119-page policy document prepared by the Headquarters for the Promotion of Virtue and Prevention of Vice in 2023. The document acknowledged the gap existing between the authorities' policies and laws on the *hijab* and ordinary Iranians' rejection of or lack of support for the *hijab*. It recommended a comprehensive plan to uphold mandatory *hijab* and strengthen its enforcement.[594]

A recent pattern of arrest and violence prior to the death in custody of Jina Mahsa Amini

367. Several incidents of violence against women and girls by the morality police, other security forces or vigilantes were reported following the establishment of the morality police, reminiscent of the practices that have led to the death in custody of Jina Mahsa Amini.[595]

368. The Mission reviewed and analysed few videos footages, one dating back to 2018, which depicted security forces, including the "morality police", harassing, kicking, hitting, and otherwise beating women and girls alleged to be in violation of the mandatory *hijab* mandate. In 2018, a video was published online showing a woman being publicly beaten by the "morality police" after she protested the beating of another woman, reportedly for violating the mandatory *hijab* laws. [596] In another video published on 13 October 2021, two men and a woman from the "morality police" in Tehran were shown immobilizing and arresting a woman with a dog-catching pole, pulling her by the hair and shoving her violently into a white van as her head smashed against the vehicle[597]. Also in 2021, a man was shot four times in front of his toddler by a member of the "morality police", after he entered into a verbal altercation with him over the alleged "improper *hijab*" of his wife.[598]

369. Violence has also been perpetrated by private citizens acting as vigilantes. On 16 August 2022, a woman without a *hijab* was violently slapped, kicked, and pushed to the ground by a man on the street in Tehran.[599]

370. One witness described that in Western Azerbaijan province she had been identified by a CCTV camera on a busy street without a *hijab* on, while riding in the car of a friend. They were stopped by the police who took them to a police station.[600] Once there, a police officer showed them a CCTV image capture and said *"Look at you, you are not wearing a hijab*." Both women were subsequently sent to a "re-education class," designed to "re-educate" women to comply with the mandatory *hijab*. The witness described the class as being attended by six women and led by two women officers from the "morality police". At the end of the class, she was forced to sign a pledge committing herself to not going outside without a *hijab* again. The document did not refer to a legal basis upon which the class was

593 FFM-IRAN-D-000581 (FFMI Submission).

594 "A comprehensive proposal of the Hijab and Chastity Bill", Headquarters for the Promotion of Virtue and Prevention of Vice, 4 January 2023.

595 Justice for Iran provided figures of the number of women arrested based on statements published by Iranian officials. Over the past ten years (2003-2013), more than 30,000 women have reportedly faced arrest throughout Iran. See "Thirty-Five Years of Forced Hijab: The Widespread and Systematic Violations of Women's Rights in Iran", Justice for Iran, March 2014.

596 https://twitter.com/AlinejadMasih/status/986749517058977792; "The Crimes of Iran's 'Morality Patrols': A Brief Chronology", Iranwire, 18 September 2022.

597 https://twitter.com/AlinejadMasih/status/1448394692039692288.

598 "Shooting of former boxing champion highlights brutality of Iran's 'morality police", France24, 22 June 2022.

599 FFM-IRAN-D-000975 (Video).

600 FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000424 (FFMI Investigator Note).

imposed. Moreover, her friend's vehicle was confiscated by the police for three months and she was forced to pay for its release. [601]

371. Women and girls defying the mandatory *hijab* have been reported since at least 2007.[602] Notably in 2007, a young woman was reportedly arrested in a park in Hamadan by the Basij forces. Two days after she was detained, officials at the detention centre announced her death, saying she had committed suicide by hanging herself. The family reportedly refuted this statement, recalling that they had seen bruises on her body and blood around her ears and face.[603]

372. A witness also recalled that in 2017, she was arrested after she climbed on a utility box on Enghelab Street in Tehran and waved a white scarf on a stick to protest the mandatory *hijab*. Around 45 minutes later, the police arrived, and one member of the security forces fractured her thumb as he was pulling her down. She was first taken to a police station where police officers asked her to confess and apologize, which she refused to do. As a result, she was brought to the Vozara detention centre where she remained for four days. There, police officers confiscated her phone, questioned her about her activism, and held her in an underground cell with another young woman, also detained for not adhering to the mandatory *hijab* laws.[604]

373. Another witness described her arrest in 2019 after a video was published of her without the mandatory *hijab* in a metro station in Tehran province.[605] Following her arrest, she was transferred to Vozara detention centre, which she described as a "place for *hijab* violations." While there, she was held in unsanitary conditions, forced to sleep on the floor in a small cell, which she described as "filthy and smelly" to the point that it often made her nauseous. During the two weeks of her detention, she was also denied access to her lawyer and contact with her family.

374. Another woman recalled her arrest by the "morality police" in 2019 near the Haqqani metro station in Tehran where Jina Mahsa Amini was arrested in September 2022.[606]. She recalled that, although she was wearing a *"scarf, a large winter cap down to her neck, not a strand of hair was showing, [and how her] neck was completely covered by the scarf, and a large jacket*," she was nevertheless stopped by a patrol and questioned on her attire. When she argued, two members of the "morality police" grabbed her, threw her to the ground, and told her that she had been dressed inappropriately because she had gone to a protest. As she was shoved into a van, she was also told that she would be filmed by a camera placed inside the van. To protest her arrest, she removed her *hijab* and, in response, the "morality police" beat her, before taking her to a room, where she was beaten further by one man and one woman who she noted were members of the "morality police". On the following day, she was transferred to the Vozara detention facility where she was confined for four days. During that time, she was kept handcuffed to a chair for hours, and referred to as "*hijab-removing girl*." She was beaten by a police officer every time she asked what was wrong with her *hijab*, and when questioning the grounds and reasons for her arrest. When she asked one interrogator for water, he told her that "*we don't give water to women who remove their hijab*." [607]

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601 FFM-IRAN-D-000530 (FFMI Interview).

602 "The Crimes of Iran's 'Morality Patrols': A Brief Chronology", Iranwire, 18 September 2022.

603 "Annual Report 2008", Amnesty International: "Zahra Bani Yaghoub, a medical graduate, died in custody in Hamadan in October. She was arrested for walking in a park with her fiancé and died in detention the next day. The authorities said she had hanged herself. Her family said that she was in good spirits when they spoke to her on the phone half an hour before she was found dead. A report in November indicated that the head of the detention centre had been detained, but was then released on bail and remained in office". See also Farangis Najibullah, "Iran: Female Doctor's Prison Death Causes Public Outcry", *Radio Free Europe*, 23 November 2007; "Was justice done for Zahra?", *Shargh*, 8 September 2022.

604 FFM-IRAN-D-001006 (FFMI Interview).

605 FFM-IRAN-D-000592 (FFMI Interview).

606 See Section III.

607 FFM-IRAN-D-001018 (FFMI Interview).

375. In another case, in July 2022, a woman was arrested after an altercation with a woman *hijab* enforcer on a bus for not wearing a "proper *hijab*".[608] Later in July 2022, she was reportedly forced to confess on state TV. She was charged with "assembly and collusion against national security through contacts with individuals abroad," "propaganda against the Islamic Republic" and "encouraging (moral) corruption and prostitution."

4. The women's movements in Iran; the precursors of the" Woman, Life, Freedom" Movement

376. Women in Iran have a long history of activism and demands for gender equality and women's rights in the face of institutionalized discrimination enshrined in discriminatory laws and practices at the heart of the Islamic Republic. Challenges faced by women and girls were compounded by prevailing patriarchy and the social and cultural conservatism of parts of the population.

377. Iran's women's rights movements have been active for several decades. Some of its demands were articulated around *hijab* as highlighted in the sub-section on the history of the *hijab*.

378. The women's movement first emerged around the Iranian Constitutional Revolution between 1905 and 1911. [609] During this period, women staged street demonstrations, demanded the right to public education, aspired for the right to vote and protested against the *hijab.* They obtained that the Fundamental Law guarantees women's right to education. Several associations were set up to promote women's rights. The National Lady's Society (a prominent women's constitutionalist organization) was set up in 1910 to advocate for women's social and political demands as well as to mobilize Iranians around nationalism. The Women's Freedom Society was also founded to encourage women's involvement in socio-political matters and to familiarize members with cross-gender political debate and discussion The 1910's saw the first women-led newspapers such as *Danesh* and *Shokufeh*. In 1918, the first public schools for girls were opened.[610]

379. During the period under the Pahlavi's rule, in a top-down approach, women gained important rights. Under the Family Protection Law adopted in 1967, women obtained the right to divorce and made significant strides in education as part of an overall effort to modernize and westernize Iran. Kanun Banovan (Ladies' Center) launched a campaign against the *hijab* and promoted its abolition. As mentioned earlier, a 1936 decree known as *kashf-e hijab* banned the hijab and chador. In 1955, the Women's League of Supporters of the Declaration of Human Rights was founded and in 1959 the High Council of Women's Organizations was established. The Women's Organization of Iran, established in 1966, brought together Iranian women from diverse regional and social backgrounds.[611] Women were admitted to university. In 1963, women acquired the right to vote and run for parliament. In 1979, 22 women sat in parliament and 333 women served on elected local councils. Two million women were in the workforce, more than 146,000 of them in the civil service.[612]

380. Women played an important role in the Islamic Revolution of 1979, yet they were immediately targeted by a range of decisions imposing mandatory *hijab*, rescinding the right to divorce for women, excluding them from some professions, and enacting discriminatory laws (see sub-section on discriminator laws). In March 1979, women protested in masses against mandatory *hijab* and the women's movement started to articulate its demands around

608 "Sepideh Rashnu", United for Iran. On July 16, Sepideh Rashno was arrested for not complying with compulsory hijab laws. She later appeared on state TV apologizing while looking pale and unwell. HRA reported prior to the televised confession that Rashno was taken to the hospital for internal bleeding, "Annual Report 2023", Human Rights Watch.

609 Leila Alikarami, "Iranian women. The Quest for their Legal Equality since the Constitutional Revolution", 29 May 2015.

610 Ibid.

611 Ibid.

612 Haleh Esfandiari, "The Women's Movement", Iran Primer, United States Institute of Peace, 6 October 2010.

legal changes to discriminatory laws.[613] However, women did not limit their claims to gender equality and the end of discriminatory laws and practices, many participated in virtually all protests challenging the policies of the Islamic Republic as citizens concerned with broader democratic aspirations and human rights for all.

381. Over the last 40 years, the women's movement has been strategic and formed alliances with other movements. Over the last decades, the women's movement has increasingly cooperated and joined forces with other groups targeted for repression or discriminated against by the Iranian authorities such as students, LGBTQI+ people, and trade unions. These alliances have widened and expanded with time.

382. Against the backdrop of discrimination against ethnic, linguistic and religious minorities,[614] the women's movement has also been more attentive to grievances and demands of minorities, especially women, who have faced intersectional discrimination and have suffered multi-layered violations. It has tried to transcend the class and urban/rural divides. For example, women activists have worked with sex workers, drug users, and victims of domestic violence, including by providing legal services.

383. The women's movement has included human rights defenders, trade unionists, lawyers, journalists, artists, political figures, academics and writers among others.

384. Women activists have shown great strategic skills and used a range of tactics to press for gender equality and their fundamental rights from legal strategies focused on changing discriminatory laws, to grassroots initiatives to mobilize people against polygamy and discrimination, to actions to claim public space by challenging gender segregation in stadiums or incidents of street sexual harassment. The Nobel Peace Prize awarded to Shirin Ebadi in 2003 was a testament to the struggle of women in Iran and their activism. In 2023, the Nobel Peace Prize was again awarded to another Iranian woman, Narges Mohammadi who came to epitomize the ongoing struggle of women in Iran and their determination to end discrimination.[615]

385. Under President Khatami, from the mid-1990s, women's organizations, especially service providers, were able to register and operate.[616] From the mid-2000s, the Iranian authorities increasingly denied registration to NGOs, blocked their activities and funding and cracked down on independent civil society organizations, including human rights organizations[617] In response, women activists favoured informal organizing, loose networks and civic initiatives.

386. Following the intensified crackdown on civil society under President Ahmadinejad, especially in 2009 around the protests against the contested results of the presidential elections, many activists were jailed, harassed or forced into exile. Collective activism was virtually impossible.[618] Women lawyers and journalists remained a stronghold of resistance.[619]

387. The women's movement then shifted its focus to gaining access to public space and participating in public life. Women sought to achieve better representation in elected

[613] Leila Alikarami, "Iranian women. The Quest for their Legal Equality since the Constitutional Revolution", 29 May 2015.

[614] See Section VI.

[615] The Nobel Peace Prize for 2023 was awarded to the imprisoned Iranian human rights advocate Narges Mohammadi "for her fight against the oppression of women in Iran and her fight to promote human rights and freedom for all". See "Narges Mohammadi: Facts", Nobel Prize.

[616] Shahram Akbarzadeh, Rebecca Barlow and Sanaz Nasirpour, "Registered NGOs and advocacy for women in Iran", Third World Quarterly, Vol. 42, No. 7, 2021, pp. 1475–1488.

[617] See for example the Center for Defenders of Human Rights, several of whose founders have been forced into exile.

[618] Shahram Akbarzadeh , Rebecca Barlow and Sanaz Nasirpour, "Registered NGOs and advocacy for women in Iran", *Third World Quarterly*, Vol. 42, No. 7, 2021, pp. 1475–1488.

[619] A/74/188, 19 July 2019, para. 15-18, para. 25 and 26; A/HRC/43/61, 28 January 2020, para. 32-3; "Iran: Arrests of lawyers and women's rights activists signal intensifying crackdown on civil society", Amnesty International, 3 September 2018.

positions (and indeed women did gained extra seats in parliament – See sub-section on women's political participation), access to sporting events and denounced sexual harassment in the streets and at work.

388. With the rise of social media,[620] women have also engaged in individual forms of activism rather than collective action.[621] The internet offered new spaces for women and girls to express themselves, shape public discourse, including against forced hijab, demand their rights, tackle taboo issues such as sexual harassment, and organize themselves.[622] Their focus has also shifted to personal freedoms. Individual acts of resistance against mandatory *hijab* spread online and offline.

389. While some improvements in women's participation in society have taken place, these have resulted from the persistent activism by women to create space for themselves in spite of gender-discriminatory laws and practices.

390. Over the last two decades, several women's initiatives have mobilized a significant number of people and attracted State repression. The women's movement sought to be grassroots and avoid perceptions that it was concentrated in Tehran and dominated by upper-class women lawyers, journalists, students, and professors. Several initiatives are outlined below, noting the issues highlighted, innovative approaches used, and their impact.

(a) One Million Signatures Campaign or Change for Equality[623]

391. In 2006, a grassroots campaign was launched by Iranian feminists from various backgrounds: "One million signatures against discriminatory laws".[624] The campaign specifically targeted the end of discrimination against women in marriage, equal rights to divorce for women, end to polygamy and temporary marriage, an increase of the age of criminal responsibility to 18 for both girls and boys, right for women to pass on their nationality to their children, equal *diyah* (compensation for bodily injury or death) between women and men, equal inheritance rights, reform of laws that reduce punishment for offenders in cases of so-called honour killings, equal testimony rights for men and women in court, and other laws which discriminate against women.[625] The abolition of mandatory *hijab* was not an explicit demand but was implicit in their demand for the end of discriminatory laws. In a bottom-up approach, the campaign aimed at collecting one million signatures from Iranians to support the demand for changing discriminatory laws against women through grassroots activism and awareness raising. The campaign engaged a new generation of activists who had never earlier joined the women's movement and allowed ordinary citizens to engage in action to end gender inequality. The movement was grassroots and sought to mobilize the Iranian public.

392. The strategy chosen was one of challenging from within and obtaining changes in law. The Campaign created strong bonds among students and labour activists and trained a generation of activists in legal advocacy.[626]

393. The authorities blocked the website of the campaign, harassed and arrested dozens of members.[627]

620 See Section VII.

621 "Unveiling Resistance: The Struggle for Women's Rights in Iran", Human Rights Watch, 26 June 2023.

622 See Section VIII

623 Noushin Ahmadi Khorasani, "Campaign for Equality: The Inside Story", Women's Learning Partnership, 2009. See page 105 for a list of initial signatories.

624 Feminists from a wide range of backgrounds, including Islamic feminists and secular feminists, cooperated.

625 For a campaign manifesto, see Noushin Ahmadi Khorasani, "Campaign for Equality: The Inside Story", Women's Learning Partnership, 2009, p. 105.

626 "Unveiling Resistance: The Struggle for Women's Rights in Iran", Human Rights Watch, 26 June 2023.

627 Interim report of the Secretary-General on the situation of human rights in Iran, A/HRC/16/75, 14 March 2011, para. 24; "UN Experts warn on the ongoing crackdown of women's rights defenders in

394. At the time, the UN Secretary General of the United Nations expressed his concerns at "an increasing crackdown in the past year on the women's rights movement" and that "women's rights activism is sometimes presented by the Iranian government as being connected to external security threats to the country. For instance, the main organizers of the "one million signatures" campaign reportedly faced arrest and intimidation by the authorities."[628] The Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on violence against women, its causes and consequences noted that "Peaceful demonstrators have been arrested, detained and persecuted with prison sentences having been imposed on many of them".[629] The suppression of the Green Movement and its aftermath as well as the shrinking of civic space marked the end of the One Million Signatures Campaign.

(b) Stop Stoning Forever Campaign (2006)[630]

395. The "Stop Stoning Forever Campaign" was begun in 2006 by women's rights activists in partnership with the Volunteer Lawyers' Network, a group of pro bono lawyers in Iran. It was formed in reaction to the case of Ashraf Kalhori, who was then detained in Evin prison and had received a 15-day notice of her death sentence by stoning, and to the execution by stoning in Mashhad of two men, Abbas Hajizadeh and Mahboubeh Mohammadi. The campaign was aimed at documenting cases where stoninghad been imposed as a sentence,, identifying lawyers willing to represent the accused, and working towards the abolition of stoning, a punishment that disproportionately affected women.[631] It also aimed to discuss the taboo topic of stoning and to raise awareness about the institutional discrimination suffered by women convicted of adultery.[632] Amplified by lawyers, human rights defenders and journalists, the campaign sought transnational support.[633] The campaign was successful in obtaining reprieves for women sentenced to death by stoning. While the punishment continues to be imposed by courts,[634] there is a *de facto* moratorium on executions by stoning.

(c) Open Stadiums

396. A football match between Ireland and Iran in 2001 in Azadi stadium put the spotlight on the ban on Iranian women attending such matches, while foreign women were permitted to do. Women activists started a wave of protests, and ultimately in 2005, after the Iran-Bahrain match,[635] Iranian feminists launched a campaign titled 'White Scarves', to demand

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the Islamic Republic of Iran", OHCHR, 27 November 2008; "Iran: Intensification of repression of women's rights activists", Amnesty International, 31 October 2008. See also "You Can Detain Anyone for Anything: Iran's Broadening Clampdown on Independent Activism", Human Rights Watch, 6 January 2008.

628 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/63/459, 1 October 2008, para. 53.

629 UN Experts warn on the ongoing crackdown of women's rights defenders in the Islamic Republic of Iran", OHCHR, 27 November 2008.

630 Shadi Sadr, Stop Stoning Forever Campaign, "Stones Aimed at Us: an Overview of the Discourse and Strategies of the Stop Stoning Forever Campaign".

631 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, 1 October 2008, A/63/459.

632 Stop Stoning Forever Campaign, The Communication Initiative Network, 9 September 2010.

633 It received Amnesty International's support of the campaign. See Shadi Sadr, Stop Stoning Forever Campaign, "Stones Aimed at Us: an Overview of the Discourse and Strategies of the Stop Stoning Forever Campaign", page. 19.

634 "A woman who had relations with other men in the absence of her husband was sentenced to death / CCTV cameras revealed the betrayal", *Khabar Online*, 1 November 2023

635 In an interview with a member of Open Stadiums, the interviewee explained that there were around nine persons that started this campaign back in 2005. After the 2009 crackdown, some of their members left the country due to threats and they became 'Stadium Campaign' supporters from the outside. The way they supported the campaign was by consulting Open Stadiums about some sport events strategies in helping them spread letters to authorities. The interviewee added that in recent years they have found some other supporters (some human rights / women rights groups) and also some Iranian women (who live abroad) who are interested in sport and want equal rights for men and women in sport.

women's right to attend football games in stadiums.[636] Renowned Iranian director Jafar Panahi made a film, "Offside" about women's effort to gain access to stadiums. Iran's discriminatory ban on women attending men's football matches dates to 1981.

397. Women organized in a variety of networks and initiatives to challenge the ban on women attending football games in stadiums.[637] In 2012, authorities extended the ban to volleyball matches and the campaign gained a new momentum. In response, Iranian women campaigned and lobbied parliament to reverse the ban. Some also dressed as men to avoid these discriminatory restrictions, while others staged protests in front of stadiums or posted online. Ghoncheh Ghavami and several other Iranian women were arrested as they attempted to attend one of the volleyball matches at Azadi.[638] Iranian women and rights organizations also targeted the International Federation of Football Associations and the International Volleyball Federation (FIVB).[639] Several women were arrested for protesting in front of stadiums or seeking to enter stadiums.[640]

398. According to the UN Special Rapporteur on the human rights situation in Iran, in March 2018, as many as 35 women were reportedly arrested for seeking to attend a match and in August 2019 at least four women were arrested and held for several days after attempting to enter a stadium dressed as men.[641] A woman arrested for protesting in front of a stadium recounted to the Mission that women's access to stadiums epitomised gender segregation and was part of a broader effort by women to gain access to public spaces and challenge gender segregation in different spaces including universities.[642] In 2019, Sahar Khodayari (known as Blue Girl because of the colour of her favourite football team) set herself on fire in front of a court as she stood trial for entering a stadium dressed as a man and feared being sentenced to a prison term.

399. Under domestic and international pressure, the authorities announced in 2019 that a 5% quota of women spectators would be allowed into stadiums.[643] In December 2023, some 3000 women (out of 87000 seats) were allowed into Azadi stadium to attend Tehran Football Derby – a match between two Iranian teams, Esteghlal and Persepolis.[644]

(d) Me Too Iran Movement and other initiatives against sexual harassment

400. Sexual harassment and violence against women have been a consistent issue of concern for the women's movement, although shrouded in stigma and denial. Around the 2010s, at least two groups emerged that worked on harassment, Harasswatch modelled after Harassmap in Egypt and Free Harassment Workplace. Harasswatch was established as an interactive site that enabled women in Iran to report harassment in public. Its goal was to "challenge abusive social stereotypes and confront the normalization of harassment and

636 "The history of the "white headscarf" campaign or the campaign for the right of women to enter stadiums", Feminism Everyday, 10 October 2019.

637 "My share, half of freedom", Justice for Iran, February, 26th 2015.

638 FFM-IRAN-D-001007 (FFMI Interview).

639 For text of the campaign, see Support Iranian Women to Watch Sports in Stadiums (#NoBan4Women), Change.org, 17 November 2014; "Iran: Volleyball Federation Should Penalize Ban on Women - Iranian Women Still Excluded from Stadiums", Human Rights Watch, 2 July 2015.

640 A woman sport journalist recounted to the Mission the difficulties she faced to access stadiums to attend games she was covering for her newspaper. She described the humiliation of being forced to wear the chador to attend a game and the tactics used by the authorities to deny her access in spite of having a permission. See FFM-IRAN-D-000593 (FFMI Interview); FFM-IRAN-D-001007 (FFMI Interview). Report of the Secretary-General, Situation of human rights in the Islamic Republic of Iran, 20 February 2015, A/HRC/28/26, para. 29; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/43/61, 28 January 2020, paras 38-40.

641 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 January 2020, A/HRC/43/61, para. 40.

642 FFM-IRAN-D-001007 (FFMI Interview).

643 "Iran: Stadium Seating Cap Endangers Women", Human Rights Watch, 4 October 2019.

644 John Duerden, "Iranian women allowed into football stadiums but journey is far from over", The Guardian, 25 January 2024.

intimidation based on gender, race, religion, etc., in public spaces".[645] Free-Harassment Workplace was an independent initiative established in 2016 that worked to create safe workplaces free from harassment and discrimination and to preserve women's dignity in the workplace. They developed training materials and conducted training sessions within the workplaces at employee, middle management and leadership levels on what sexual harassment is, and how to report and investigate allegations of abuse.

401. Several initiatives against sexual harassment in the streets and at work gained further momentum in August 2020 when a MeToo movement emerged in Iran[646] after a Twitter account "Emanel" shared sexist advice for men about "how to connect and have sexual intercourse with girls". It sparked outrage and women, including some journalists,[647] started to share their experiences of sexual harassment and sexual violence. The Iran MeToo movement spread on social media with thousands of ordinary women sharing online their experiences of sexual harassment and sexual violence, protected by the anonymity that social media offered.[648] They used hashtags such as #Me_Too_Iran, #rape (#Tajavaz), #sexual harassment (#Azar-e Jensi), and #perpetrators (#Motajaves).

402. In 2022, a movement more specific to the world of cinema and theatre was sparked by a letter signed by 800 women, denouncing systemic sexism, sexual violence and underfunding of women in the Iranian cinema industry.[649] Women participating in this campaign as well as activists behind the MeToo Iran Instagram page faced threats and were arbitrarily detained.[650]

403. Iran's MeToo movement and similar initiatives were a transformative form of resistance, with ordinary Iranian women of various backgrounds breaking taboos and sharing their experiences of sexual harassment and assault on social media, becoming engaged as cyber activists.[651] Survivors including LGBTQI people shared accounts, exposed perpetrators, especially public and high-profile figures and connected survivors.[652] The women's movement was supportive and provided space for the publication of accounts and information on how to address sexual violence-related trauma and to provide legal advice to the survivors.[653]

404. The pervasiveness of sexual harassment and the outrage it sparked forced the authorities to take action. In 2020, the authorities arrested and tried Keyvan Emamverdi for drugging and raping at least nine women and he was subsequently convicted of corruption on earth and sentenced to death.[654] Iran's Vice President for Women and Family Affairs, Masoumeh Ebtekar, publicly saluted the courage of women speaking out and called for

645 FFM-IRAN-D-001007 (FFMI Interview); FFM-IRAN-D-001017 (FFMI Interview).

646 "Iran's #MeToo Moment", The Iran Podcast, 7 September 2020.

647 Five journalists shared their experiences facing sexual harassment in a video posted on social media. See https://twitter.com/sara_zare71/status/1292108401191858177?s=20

648 They revealed the names of the persons who had raped or sexually assaulted them. These names included some famous figures.

649 "Iran is Having its #MeToo Moment", Human Rights Watch, 9 September 2020.

650 FFM-IRAN-D-001010 (FFMI Interview). Roghayeh Rezaei, "Missing Actress Held by IRGC Over Support for #MeToo", *Iran Wire*, 28 July 2022.

651 Basmechi, Farinaz, "The Iranian #MeToo Movement", in Iqra Shagufta Cheema (ed.), *The Other #MeToos*, New York, 2023, online edn, Oxford Academic, 22 June 2023.

652 Donya Ahmadi, "Standing on top of society's sexist load: Gate-keeping activism and feminist respectability politics in the case of the Iranian MeToo Movement," *Women's Studies International Forum*, Volume 99, July-August 2023.

653 For a more critical view, see Donya Ahmadi, "Standing on top of society's sexist load: Gate-keeping activism and feminist respectability politics in the case of the Iranian MeToo Movement", *Women's Studies International Forum*, Volume 99, July-August 2023.

654 "The prosecutor of Tehran protested against the decision of branch 29 of the Revolutionary Court in the case of Keyvan Imamvardi", *Khabarban*, 25 October 2023; "Man accused of raping a student was arrested", *IRNA*, 25 August 2020; "Iran sentences to death man who sparked #MeToo movement", *Free Malaysia Today*, 9 July 2022.

prosecution of offenders.[655] Simultaneously, the authorities harassed and arrested activists believed to be behind the movement (see also Section VII) and sought to depict the women as agents of foreign states to discredit their activism and dismiss their demands. An activist described to the Mission her multiple interrogations during which she was accused of espionage for foreign nations and was accused of collaborating with the USA on a security project which was known as the gender violence project, and also known as "Me Too".[656]

1. The daily acts of resistance of women and girls

405. A campaign, "My Stealthy Freedom", was launched by US-based activist and journalist Masih Alinejad in 2017, encouraging women in Iran to share online pictures of themselves taking off their *hijab*. The campaign relied heavily on Facebook, Instagram and other social media to connect activists inside and outside of Iran.[657] The campaign then evolved into "White Wednesdays" which consisted of wearing a white hijab or white clothes on Wednesdays as a sign of protest. As noted by the UN Special Rapporteur on Cultural Rights, the videos and images were distributed on the Internet, allowing women an avenue to express their cultural rights concerns and dissent. As a result, contact with Ms. Alinejad is now understood as a criminal act under article 508 of the Islamic Penal Code[658] and the head of the Tehran Revolutionary Court declared in July 2019 that anyone sending her such a video could face up to a 10-year sentence.[659] Ms Alinejad's brother was arrested.[660] The Special Rapporteur on the situation of human rights in Iran noted that women who have publicly supported the online campaign against compulsory veiling "My Stealthy Freedom" or given support for the White Wednesdays campaign (which uses the social media hashtag #whitewednesdays to protest against the mandatory dress code imposed on women) continued to be harassed by the authorities, including taken in for questioning and made to sign a declaration that they would not go out without a proper *hijab*.[661]

(a) Girls of Enghelab Street

406. The movement called "Girls of Enghelab Street" designates several acts of civil disobedience, which started in 2017 and 2018 in Iran. It was kickstarted by Vida Movahed who unveiled in public and stood on top of an electrical box in *Enghelab* Street in Tehran, having tied her hijab to a wooden stick. Vida Movahed was detained for a month. She later spent a year in prison for continuing to protest in 2018.[662] Other women were arrested for not adhering to the mandatory hijab rules, and distributing flowers in the metro on International Women's Day.[663] A woman who also removed her *hijab* and stood on Enghelab Street recounted to the Mission how the Iranian authorities initiated legal proceedings against her and used her ex-husband to reopen the case of her divorce and the custody of her daughter.[664]

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655 "The Bills Commission examines the report of a video series about rape. 26 meetings were held for the bill to ensure the security of women against violence. The judiciary must engage on the issue of rape", Borna News, 28 August 2020.

656 FFM-IRAN-D-001010 (FFMI Interview).

657 https://www.mystealthyfreedom.org/mission/

658 According to article 508 of the Islamic Penal Code, anyone who cooperates by any means with foreign States against the Islamic Republic of Iran, if not considered as *mohareb*, shall be sentenced to one to ten years' imprisonment.

659 "One to ten years of imprisonment for sending videos and photos to Masih Alinejad", *ISNA*, 29 July 2019.

660 FFM-IRAN-D-001012 (FFMI Interview); Report of the Special Rapporteur in the field of cultural rights, A/HRC/43/50, 20 January 2020, para. 69.

661 A/HRC/37/24, 4 September 2019, para. 31.

662 "Iran: Release Women's Rights Defenders Detained For Peacefully Protesting Against Forced Veiling", Amnesty International, 18 April 2019.

663 FFM-IRAN-D-000592 (FFMI Interview); FFM-IRAN-D-001006 (FFMI Interview).

664 FFM-IRAN-D-001006 (FFMI Interview): The first time she was brought before a judge, he accused her of being a sex worker and of soliciting clients. He then threatened her that as a consequence of act of defiance, she would be fired from her work, banned from university, she would not be allowed to drive and she would lose the custody of her daughter. The judge concluded: "You won't do anything in the future". She was sentenced to three years imprisonment for removing her hijab and for

She explained that what happened to her was the very reason she protested in the first place, the injustice women face, the struggle to obtain a divorce although her husband was a drug addict, the fear of losing her daughter, the daily discrimination against women.

407. Nasrin Sotoudeh, a recipient of the Sakharov Prize for Human Rights of the European Parliament, represented some of the women in court and was later herself sentenced to imprisonment and lashes for appearing without *hijab* and for "encouraging corruption and prostitution", in connection to her work defending women arrested for peacefully protesting mandatory hijab.[665]

408. The Girls of Enghelab Street action marked a shift from legal campaigning and collective action to individual acts of defiance and appropriation of public space to exercise personal freedoms. It also marked a shift from online activism to reclaiming public space by direct offline action. Such actions resonated with the younger generation.

(b) Solidarity of men

409. Activism against mandatory *hijab* has not been undertaken only by women and girls. Men have showed solidarity with women challenging mandatory *hijab* by for example, sharing photos of themselves wearing a *hijab*.[666] Reza Khandan and Dr Farhad Meysami were sentenced to six years in prison on being convicted of assembly and collusion to act against national security and of propaganda against the regime, for creating a pin with the slogan "I oppose mandatory *hijab*". [667]

410. Peaceful forms of activism were criminalized and civic space shrunk again after a small opening under President Rouhani. Over the years, women involved in the women's movement and their supporters have faced multiple human rights violations as well as smear campaigns, harassment and morality-related charges, including accusations of promoting prostitution. They also faced torture and other ill-treatment, including sexual and gender-based violence and unfair trials. The authorities have sought to delegitimize women's demands by claiming that they are carrying out a foreign agenda or accusing them of promiscuity.[668] In the summer of 2022, the authorities intensified their crackdown on women defying mandatory *hijab* eventually leading to the death in custody of Jina Mahsa Amini and the emergence of the Woman, Life, Freedom movement.

B. Key features of the "Woman, Life, Freedom" movement

411. Women were the first to mobilize after the announcement of the death in custody of Jina Mahsa Amini following her death in custody. The first call for protests was on 19 September 2022, and was issued anonymously by a group of women's rights defenders inside Iran.[669] At the outset of Woman, Life, Freedom movement, women activists not only

posting online about it. She noted that she could endure prison but not losing the custody of her daughter.

665 FFM-IRAN-D-001024 (FFMI Interview); Tara Sepehri Far, Human Rights Watch, "Unveiling Resistance: The Struggle for Women's Rights in Iran", 26 June 2023.

666 Bel Trew, "Iranian men wear the hijab to support women's rights", *The Times*, 15 August 2016; "Solidarity and back up of Iranian men along protesting forced Hijab", *Radio Zamaneh*, 30 April 2023; Heather Saul, "Men in hijab: Two men explain why they are covering their heads to support their wives and family in Iran", *The Independent*, 31 July 2016.

667 FFM-IRAN-D-001014 (FFMI Interview).

668 FFM-IRAN-D-000592 (FFMI Interview); FFM-IRAN-D-001017 (FFMI Interview); FFM-IRAN-D-001010 (FFMI Interview). See also "Silent No More: WHRDs in SWANA Speak Out on Sexual Violence by State Security", FEMENA, 18 January 2024; "Imprisoned in Evin for Defending Rights", FEMENA, 19 November 2023; "Iranian Women's Struggle to Resist Repression: The Years of Hardship and Violence", FEMENA, 18 September 2023; "Feminists and WHRDs Detained – Report 8", FEMENA, 21 February 2023; "Feminists and WHRDs Detained – Report 5", FEMENA, 1 November 2022; "Feminists and WHRDs Detained – Report 1", FEMENA, 27 September 2022.

669 "A group of women's activists call for a rally in Tehran to protest against compulsory hijab and the murder of Mahsa Amini", *Akhbar Rooz*, 18 September 2022. The first call for protest on 19 September was issued by women rights defenders inside Iran (anonymously) .

articulated their demands for gender equality, the end of discrimination and forms of gender segregation but also put forward broader demands together with other movements such as students' movement and trade unions.[670] The Woman, Life, Freedom movement has been considered as the first feminist protests.[671] The centrality of protesters' demands for gender equality and the end of mandatory hijab coalesced with other longstanding demands on living conditions, poverty, corruption, democratic space and the end to human rights abuses. It also had some unique characteristics, as follows.

1. Transcending ethnic and class divides

412. The "Woman, Life, Freedom" movement brought together Iranians in virtually all provinces of Iran. Iranians from different ethnicities, religion, gender, socio-economic backgrounds came together as illustrated by the slogan "Woman, Life, Freedom". The slogan Jin, Jiyan, Azadî finds its roots in Kurdish movements. It signifies that women's struggles are essential to the liberation of Kurdish people and pays homage to the particular role of Kurdish women.[672] The slogan was first used in Kurdish on the day of Jina Mahsa Amini's burial in Saqqez on 17 September.[673] Almost immediately, the slogan was echoed in Persian "Zan Zendegi Azadi" and used across Iran.[674] One of the characteristics of the 2022 movement has been its ability to transcend ethnic, language, religious and other divides and the slogan captured the unity of people against the government. The strengthening of networks of solidarity across Iranian regions, and cultural and ethnic groups became one of the markers of the "Woman, Life, Freedom" movement. The slogan has since featured in several songs dedicated to the movement and has become associated worldwide with Iranian women's struggle. The slogan became a rallying cry during the protests which occurred in Iran as a response to the death of Jina Mahsa Amini.

413. A veteran woman human rights defender described to the Mission how she and her fellow activists immediately wanted to visit the family of Jina Mahsa Amini upon the announcement of her transfer to Kasra Hospital. "Our Kurdish sister had been killed and we had to go out and protest".[675] Regardless of their ethnicity or affiliations, several women with whom the Mission spoke highlighted that they or their daughter or their sister could have faced the fate of Jina Mahsa Amini.[676] In the words of another woman, "Jina Mahsa Amini was a woman first and foremost in Iran and then a Kurd. All women in Iran have a similar experience".[677]

2. Transcending gender and age divides

414. Women, men, girls and boys protested together and all chanted the same slogans in support of women's rights. The "Woman, Life, Freedom" movement had a transformative impact on changing patriarchal attitudes and men's perception of women, especially among the youth.[678] A young woman protester, interviewed by the Mission, noted that many middle-aged women and older women participated as well as men and boys. She noted that before the death of Jina Mahsa Amini, "young men were looking down on young women" while

670 "20 Independent Trade Unions and Civil Organizations Issued a Joint Charter of Basic Demands – Full Text", *Radio Zamaneh*, February 15th 2023.

671 Robin Wright, "Iran's Protests Are the First Counter-Revolution Led by Women", *The New Yorker*, 9 October 2022.

672 Scholar Handan Çağlayan noted that the word "life" in this slogan should not be understood as essentializing women by mentioning reproductive capacities but is in celebration of women's right to live. See Handan Çağlayan, *Women in the Kurdish movement: Mothers, comrades, goddesses*, Cham, Switzerland: Palgrave Macmillan. 2020.

673 https://twitter.com/FSeifikaran/status/1571023553956552706.

674 https://www.youtube.com/watch?v=pVZkTYZBkQM&ab_channel=Iran1401.

675 FFM-IRAN-D-001009 (FFMI Interview).

676 FFM-IRAN-D-000374 (FFMI Investigator Note), FFM-IRAN-D-000424 (FFMI Investigator Note), FFM-IRAN-D-000587 (FFMI Interview), FFM-IRAN-D-000528 (FFMI Interview), FFM-IRAN-D-000530 (FFMI Interview).

677 FFM-IRAN-D-000124 (FFMI Interview).

678 Fariba Parsa, "Mahsa Amini's Legacy: A New Movement for Iranian Women", Carnegie Endowment for International Peace, 19 September 2023.

after the protests started, she never experienced any bad looks from the men. She explained that the way men looked at women changed. As a result, she felt very secure. Iranian men were supportive of women protesters and sought to protect them when security forces forcefully dispersed protests.[679]

3. Involvement of Generation Z, schoolgirls and women students

415. While university students have been at the vanguard of protest movements in Iran and have faced arrests, prison, disciplinary measures and university bans, the 2022 protests were marked by the unprecedented participation of Generation Z and schoolgirls.[680] Teenage girls were seen removing their mandatory *hijab* or *maghnaeh*, tearing apart or defacing pictures of Ayatollah Khomeini or of the current Supreme Leader, defying school authorities and teachers seeking to prevent them from participating in protests and taking parts in protests. They indicated how deep challenges to the Islamic Republic run. Such scenes were not limited to privileged neighbourhoods of Tehran but erupted across the country. Girls' disobedience came at a high cost as authorities violently repressed protests.

4. International Solidarity

416. Despite the official narrative of the Iranian authorities that the 2022 protests were fomented by hostile states, the protests that rocked the country in 2022 were homegrown and were fueled by accumulated and ignored grievances regarding abuses by the morality police, as evidenced by the long history of these movements and acts of defiance by women in Iran in relation to demands for greater equality and rights. However, the death in custody of Jina Mahsa Amini and the ensuing protests captured the imagination of Iranians outside the country and led to an outpouring of solidarity with protesters. It also led to an outpouring of international solidarity and calls for accountability.

V. Repression of protests

"Me or my sister could be the next (Jina) Mahsa."

A woman protester[681]

The issue is not just the hijab, it is the oppression and cruelty that the State is subjecting the people to, in all aspects of their lives." [682]

A woman protester[683]

417. The protests that swept Iran after the death in custody of Jina Mahsa Amini brought to the streets women, men, and children of all ages. Her death in the detention of the "morality police" epitomized decades long institutionalized discrimination and violence against women and girls, vividly manifested through the violent enforcement of mandatory *hijab* laws. Many described the outrage they felt at a young woman losing her life over a piece of clothing,[684] highlighting how it was symptomatic of the oppression and violence the people, in particular the youth, were subjected to on a daily basis.[685] Many highlighted the broader context of

679 FFM-IRAN-D-001018 (FFMI Interview).
680 The term Generation Z is used to describe those between the age of 12 and 27.
681 FFM-IRAN-D-000528 (FFMI Interview).
682 FFM-IRAN-D-000507. (FFMI Interview).
683 FFM-IRAN-D-001505. (FFMI Interview)
684 FFM-IRAN-D-000528 (FFMI Interview). The witness explained that she protested because Jina Mahsa Amini was killed because of her *hijab* and this is the simplest right for a woman to decide for herself her clothing.
685 FFM-IRAN-D-000067 (FFMI Interview). As noted by Asef Bayat, Mahsa Amini and her death embody the suffering that they [men] have endured in their own lives in their stolen youth, suppressed joy, and constant insecurity; in their poverty, debt, and drought; in their loss of land and livelihoods. Asef Bayat, Is Iran on the Verge of Another Revolution?, Journal of Democracy, April 2023,

impunity by saying that they or their loved ones could be the next to face the fate of Jina Mahsa Amini.[686]

418. The rallying slogan "Woman, Life, Freedom", succinctly encapsulated the demands for a range of civil and political rights as well as social, economic and cultural rights essential for a life with dignity and free of violence and discrimination. The protests that started in September 2022 were characterised by the leading role played by women and girls of all ages, including schoolgirls, and the prominence and centrality of their demands for equality.[687] From the very start, LGBTQI+ people joined the protest, and the rainbow flag was waved in support in some areas.[688]

419. Even though the protests were sparked by violence and discrimination against women and demands for gender equality and an end to mandatory *hijab* remained at their core, the movement brought together different communities with an array of grievances and demands. Joined under one umbrella, protesters demanded an end to oppression, injustice, impunity and the denial of basic rights and freedoms, including freedom of expression. Protesters consistently expressed their demands for change, including fundamental change of the political structure.

420. A child protester highlighted how the many demands of people coalesced, saying that they had "a thousand reasons" to protest. He highlighted that as young people, they wanted to live freely and went to the streets to seek a better future for themselves and their children. He emphasised how entrenched discrimination including on the basis of ethnicity, was a driving factor, intersecting with gender discrimination.[689] Many women from ethnic minorities felt especially compelled to protest as the death of Jina Mahsa Amini in custody epitomized the multiple layers of discrimination they faced as women and members of an ethnic minority. A witness described a sense of unity between those who had been marginalised, a manifestation of intersectionality and unity between Kurdish and Baloch women *Kurdish women were the most radical activists of all*, she stated.[690] In Sistan and Baluchestan, protests were sparked by reports of the rape of a 15-year-old Baluch girl by the local police chief, once again illustrating the intersection of violence and discrimination on the grounds of gender and ethnicity.[691]

421. Witnesses also expressed deeply rooted frustrations and grievances over corruption, the economic crisis, increasing inflation and the cost of living.[692] A witness described how the cost of basic items including food continued to rise over the years while the authorities and those close to them financially benefitted from corruption.[693]

422. This Section provides the Mission's detailed findings on the treatment of protesters, bystanders and others, from the use of force, to arrests and detention, including their treatment and criminal and other proceedings, including the use of the death penalty, in the context of the protests.

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686 FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview).

687 Grievances and demands of protesters coalesced. A witness declared that she was against the mandatory *hijab* and in general against the Islamic Republic, the corruption and the daily problems caused by corruption and incompetence Iranians faced. See FFM-IRAN-D-000529 (FFMI Interview).

688 In some places, graffiti on university campuses declaring the place a safe space for LGBTIQI+ persons also appeared. See, "War on Bodies and Minds: Gender Persecution of LGBT+ Protestors in the Context of the 2022-23 Iran Uprising, 6rang, September 2023; "Iranian LGBTQ Activists Call For Protests On Amini Anniversary", Iran International, 9 September 2023; "Iran protests: LGBTQ community rises up", BBC News, 19 April 2023.

689 FFM-IRAN-D-000508 (FFMI Interview).

690 FFM-IRAN-D-000124 (FFMI Interview).

691 Iran: 'Bloody Friday' Crackdown This Year's Deadliest, Human Rights Watch, 22 December 2022; "Iran: At least 82 Baluchi protesters and bystanders killed in bloody crackdown", Amnesty International, 6 October 2022; "Police commander of Chabahar, Colonel Ebrahim Kouchakzai, raped a teenage girl from a village», Haalvsh, 16 September 2022.

692 FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview).

693 FFM-IRAN-D-001516 (FFMI Interview).

423. The right to peaceful assembly is severely restricted under Iranian law. The organization of and participation in protests is effectively criminalized in relation to public gatherings considered critical of the Islamic Republic. The authorities persistently referred to the protests as "riots" and labelled protesters in the "Woman, Life, Freedom" movement as "rioters" or "enemy agents", framing conduct protected under international human rights law as threats to public order or national security.[694]

424. While international human rights law[695] allows for restrictions on grounds of national security and public order, such measures must be the least intrusive possible, must not be disproportionate to the legitimate aim the measure achieves and are only very exceptionally permissible in relation to peaceful protests.[696]

425. The Mission is aware of allegations regarding the death and injury of security forces during the policing of protests and found instances of violence by protesters (addressed below). It has requested the Government of Iran for substantive information in this regard. It found, however, a pattern of a large majority of peaceful protests, and of a disregard by security forces for the general principles of use of force, including that of precaution. In the individual cases of use of force investigated and reflected in this document, the Mission systematically reviewed, analysed and reported on information regarding the protesters' behaviour imminently before the use of force incident, per human rights standards. It drew patterns from a multitude of those individual cases. The Mission notes that beyond its relevance for the case-by-case assessment in the context of the right to life and personal security, including adherence to the use of force principles (legality, precaution, necessity, proportionality, and non-discrimination), and in the context of the right to liberty, the behaviour of protesters does not give rise to human rights concerns that fall within the mandate of the Mission. The Mission recalls that its mandate relates to alleged human rights violations, that is acts that are attributable to a State and constitute a breach of an international obligation rather than any act by an individual that may be criminalized under domestic law. Lastly, the Mission notes that international human rights law and standards applied by the Mission in this document were precisely developed to be applied to all situations, including protests.

1. Legal framework – The Right of Peaceful Assembly

426. States have an obligation under international human rights law to respect, protect and fulfil individuals' right to freedom of peaceful assembly (ICCPR, article 21; ICERD, article 5, CRC, article 15; see also UDHR, article 20).

427. ICCPR in article 21 protects the right to freedom of peaceful assembly. Protests are also protected by the right to freedom of association, the right to freedom of expression and the right to participate in public affairs (ICCPR articles 19, 22 and 25). Everyone has the right to freedom of peaceful assembly regardless of their status. The protection continues whether the protest is in support of "contentious ideas or goals" or not (CCPR, General comment 37, CCPR/C/GC/37, para. 7).

428. CRC article 15 provides the right of a child to freedom of association and to freedom of peaceful assembly. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

429. The Human Rights Committee noted their right is subject only to limitations provided by human rights law. First, limitations must pass the test of legality, meaning that they are

694 Reports of the High Council for Human Rights of the Islamic Republic of Iran, 15 October 2022, 20 November 2022, and 7 February 2023.

695 States have an obligation under international human rights law to respect, protect and fulfil individuals' right to freedom of peaceful assembly (see ICCPR, article 21; ICERD, article 5, CRC, article 15; see also UDHR, article 20). The protection continues whether the protest is in support of "contentious ideas or goals" or not (see Human Rights Committee, general comment No. 37 (2020), para. 7).

696 Human Rights Committee, General Comment No. 37 (2020), paras. 36-40.

laid out clearly in the laws, in advance and according to the appropriate procedures, and that they do not confer unfettered or sweeping discretion on those charged with their enforcement. In addition, as set out in ICCPR article 21, they must be for legitimate purposes, including national security or public safety, public order, the protection of public health or morals, and the protection of the rights and freedoms of others. Any restrictions imposed must be the least intrusive among the measures that might serve the relevant protective function, and must not be disproportionate to the legitimate aim the measure achieves (CCPR, General Comment 37, CCPR/C/GC/37, paras. 36-40).

430. The Human Rights Committee has noted that if the conduct of participants in an assembly is peaceful, the fact that certain domestic legal requirements pertaining to an assembly have not been met by its organizers or participants does not, on its own, place the participants outside the scope of the protection of article 21.[697] It further stated that: "there is not always a clear dividing line between assemblies that are peaceful and those that are not, but there is a presumption in favour of considering assemblies to be peaceful". The Committee states: "isolated acts of violence by some participants should not be attributed to others, to the organizers or to the assembly as such. Thus, some participants in an assembly may be covered by article 21, while others in the same assembly are not." [698]

2. Lack of protection under domestic law

431. Under Article 27 of the Constitution, "Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam".[699] However, there is no definition of the "fundamental principles of Islam", rendering the article open to wide and discretionary interpretation.

432. Other domestic laws further restrict the right of peaceful assembly. The 2016 Law on Operation of Political Groups and Parties, requires political parties to seek permission prior to holding an assembly. [700] The Human Rights Committee has found that requiring a permit to hold an assembly is permissible to the extent necessary to assist the authorities in facilitating the smooth conduct of peaceful assemblies and protecting the right of others.[701] Moreover, this means that the only avenue to seek a license to hold an assembly, is through established political parties. The law stipulates a strict eligibility criterion for forming a political party which effectively excludes individuals including on the ground of their political opinion. This includes "worldviews, ideologies and beliefs" falling within Islamic principles.[702]

433. In addition, vaguely worded and broadly defined national security charges further allow for restrictions on the right to peaceful assembly and association. Notably, article 610 of the Islamic Penal Code states that "When two or more individuals collude and conspire to commit crimes against the national or foreign security of the country or prepare the facilities to commit the aforementioned crimes [they] shall be sentenced to two to five years' imprisonment." This effectively prevents any type of gathering aimed at opposing the Government or public advocacy, which as discussed in this section, are considered by nature as national security matters by the authorities, including prosecutorial and judicial officials.

434. Other provisions further allow for prosecution of persons in connection with the exercise of their right to peaceful assembly, for instance, article 618 of the Islamic Penal Code which criminalises "disrupting public order" and carries a sentence of up to one year imprisonment and up to 74 lashes.

697 Human Rights Committee, General Comment No. 37 (2020), para. 16.
698 Human Rights Committee, General Comment No. 37 (2020), para. 17.
699 The Constitution of the Islamic Republic of Iran, article 27.
700 See article 10 the 2016 Law on Operation of Political Groups and Parties.
701 See Human Rights Committee, General Comment No. 37 (2020), para. 70.
702 See note 2 to article 2 and article 4 of the 2016 Law on Operation of Political Groups and Parties

A. Use of force

435. On 22 November 2022, noting the critical situation emerging in connection with the protests that spread countrywide, the United Nations High Commissioner for Human Rights referred to the rising number of deaths of protesters in Iran. In a public statement, he noted that since 16 September "over 300 people have been killed, including more than 40 children" and urged the Government of Iran to address the demands for equality, dignity and rights instead of using unnecessary or disproportionate force to suppress the protests.[703] Special Procedures mandate holders also referred to "continued reports of deliberate and unlawful use by the Iranian security forces of live ammunition, metal pellets and buckshot against peaceful unarmed protesters in breach of the principles of legality, precaution, necessity, non-discrimination and proportionality, applicable to the use of force."[704]

436. Reports on the death and injury of protesters were, moreover, quickly followed by allegations that protesters had been denied emergency medical assistance and treatment at hospitals.[705]. Deeply concerned by the scale of "violent repression of protesters", the World Medical Association adopted a resolution in October 2022 on human rights demonstrations in Iran, calling on the Iranian authorities to, inter alia, "[r]espect the autonomy of physicians and in particular their ethical duty to provide care to anyone on the basis of medical need alone".[706]

[703] Spokesperson for the UN High Commissioner for Human Rights Jeremy Laurence, "Iran: Critical situation", 22 November 2022. In his report to the General Assembly, the High Commissioner further noted that at least 44 children, including 10 girls, were reportedly killed by the security forces using lethal force. See A/HRC/53/23, 15 June 2023, para. 44.

[704] Press release, "Iran: Crackdown on peaceful protests since death of Jina Mahsa Amini needs independent international investigation, say UN experts", Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Working Group on arbitrary detention; Working Group on discrimination against women and girls; Working Group on enforced or involuntary disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions. NGOs, civil society organizations and media widely reported on allegations of unnecessary and disproportionate use of force and killings of protesters and bystanders. See "Iran: Killings of children during youthful anti-establishment protests", Amnesty International 9 December 2022; "Iran: At least 82 Baluchi protesters and bystanders killed in bloody crackdown", Amnesty International, 6 October 2022; "Iran: Leaked documents reveal top-level orders to armed forces to 'mercilessly confront' protesters, Amnesty International, 30 September 2022; "Iran: Security Forces Violently Repress Anniversary Protest, Human Rights Watch, 22 November 2022; Iran: 'Bloody Friday' Crackdown This Year's Deadliest, Human Rights Watch, 22 December 2022; Iran Protests: Massacre in Kurdish Areas Feared as Security Forces Launch Lethal Crackdown, Center for Human Rights in Iran, 21 November 2022.

[705] FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); See e.g. "Iranian medical staff face death threats, arrest and interrogation for treating injured protesters", France 24, 18 January 2023; "Nationwide protests: harassment, imprisonment and even murder of medical professionals", IranWire, 10 January 2023; "Physicians support and opposed", International Iranian Physicians and Healthcare Providers Association (IIPHA); "The doctors risking it all to treat Iran's protesters", CNN, 18 October 2022; "The wounded of the nationwide protests: from free treatment at home to arrest by agents", Independent Persian, 15 December 2022.

[706] World Medical Association, Resolution on Human Rights Demonstrations in Iran, adopted by the 222nd World Medical Association Council Session, Berlin, Germany, October 2022, *revised and* adopted by the 74th World Medical Association General Assembly, Kigali, Rwanda, October 2023,

437. Various United Nations entities, including the Secretary General[707] and human rights treaty bodies,[708] also noted the issue of impunity in relation to the protests that began in September 2022.

438. The Mission analysed information from Government sources and interviewed witnesses on the use of force by security forces in the context of the protests.[709] It also obtained, verified and analysed official documents, medical documents, death and/or burial certificates, military analysis, forensic pathologists' reports, images and video footage of injuries, including open-source material. On medical assistance received in the context of the protests, the Mission interviewed victims and witnesses and analysed medical information regarding a number of them, including photographs of injuries, x-ray images, and medical reports.

439. The Mission investigated a number of protests in which use of force by law enforcement forces resulted in injuries and deaths. The Mission investigated cases in the provinces of Alborz, East Azerbaijan, Gilan, Kermanshah, Khorasan Razavi, Khouzestan, Kurdistan, Mazandaran, Qazvin, Sistan and Baluchestan, Tehran, West Azerbaijan a northern and a southern province.[710] Due to constraints on of time and/or resources, access and availability of information, the Mission focused its investigations on certain geographic areas and individual cases. This should not be understood as a lack of evidence in relation to other provinces and individual cases as they require further investigations.

440. For these cases, the Mission gathered and analysed a wide range of information, including interviews of victims and witnesses, official information published by the various State institutions, including forensic reports from Iran's Legal Medicine Organization. The Mission then assessed these against independent medical expert reviews of medical files containing CT scans, x-ray and injury images and hospital records. The Mission further reviewed available death and burial certificates issued by the State authorities; court judgments and prosecutorial orders; a wide-range of open-source material including photographic and audio-visual material, verified and authenticated by the Mission to the extent possible; including media coverage of the events, as well as reports made on social media platforms by victims, witnesses and their families. The Mission further received and analysed accounts by victims and their relatives originally collected by civil society organizations, whose information the Mission assessed to be credible.

441. Based on the body of evidence, the Mission is satisfied that the first use of force by the security forces was on 16 September 2022 during the protests in front of Kasra hospital, Tehran city, hours after the news of the death in custody of Jina Mahsa Amini spread on the media (see Section III). Moreover, injuries as a result of the use of lethal force by the security forces took place as early as 17 September 2022 while the first deaths of protesters caused by the use of lethal force occurred on 19 September 2022. The Mission then established several time periods during which a marked increase of deaths and injuries was recorded. For example, between 19 to 22 September 2022, the use of force resulting in injuries and killings increased. The Mission also established that periods with an increase of the use of force coincided with calls for nationwide protests including on 40th day commemoration of Jina Mahsa Amini's death, the period of 8 to 15 October, and the anniversary of November 2019 protests. While the protests became sporadic and different in nature after 8 December 2022 following the first protest-related execution (see Section V. E), they nevertheless continued regularly in Sistan and Baluchestan province after Friday prayers and were, in turn, met with force by security forces well into October 2023.[711]

[707] A/HRC/53/23, 15 June 2023, paras 53-56; A/78/511, 6 October 2023, paras 52-54. See, "Report 2022/23: The state of the world's human rights", Amnesty International, 27 March 2023, p. 200; "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center for Human Rights in Iran & Kurdistan Human Rights Network, (CHRI/KHRN) September 2023.

[708] CCPR/C/IRN/CO/, paras 9 and 25.

[709] Applying the "do no harm "principle, due to protection concerns in specific cases, the Mission will not, in relation to some cases, publicly disclose certain information such as dates and/or locations that could lead to the identification of sources.

[710] Names of provinces withheld for protection reasons.

[711] See Section VI on minorities.

442. This Section contains an overview of the patterns on the use of force, established on the basis of the Mission's investigation into incidents across 14 provinces covering the period from 16 September 2022 and 21 November 2022. It includes patterns established in relation to women and child protesters, highlighting emblematic cases. Some emblematic cases related to the use of force are contained in the following Section on the situation of minorities in the context of the protests and a full description of facts relating to individual protests and cases are organized in Annex III, in a chronological manner and representing several successive periods of intense protest.

1. International legal framework

443. The right to life is recognized as a norm of *jus cogens* and is enshrined in regional and international treaties to which Iran is a party.[712] The International Covenant on Civil and Political Rights stipulates that no one "shall be arbitrarily deprived of his life"[713] and provides that this right is non-derogable.[714] States have an obligation to respect the right to life, that is a duty to refrain from engaging in conduct resulting in arbitrary deprivation of life, and must also ensure the right to life and exercise due diligence to protect the lives of individuals.[715] Deprivation of life involves intentional or otherwise foreseeable and preventable life-terminating harm or injury, caused by an act or omission.[716] Under international human rights law, the permissible grounds under which deprivation of life could lawfully take place are strictly limited. Deprivation of life is, as a rule, arbitrary if it is inconsistent with international or domestic law.[717]

444. Under international human rights law, States are obligated to take all necessary measures to protect the right to life including by ensuring that the conduct of law enforcement officials strictly complies with the relevant international standards.[718] International human rights law and standards impose stringent restrictions on the use of force due to the serious risk it poses to the life and physical integrity of individuals. Any use of force by the State including by its law enforcement officials must strictly adhere to the principles of legality, precaution, necessity, proportionality, non-discrimination and accountability.[719] On precaution, law enforcement policies, instructions and operations must give special consideration to those who are particularly vulnerable to the harmful consequences of the use of force in general and to the effects of specific less-lethal weapons; such persons include children.[720] Law enforcement must use force in a manner designed to minimise damage or injury and respect and preserve human life and ensure that assistance and medical aid is provided as soon as possible to those injured.[721] Unnecessary or disproportionate use of force may amount to torture or other ill-treatment.[722]

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712 Universal Declaration, art. 3; ICCPR, arts. 4 and 6, para. 1; CRC, article 6; CRPD, article 10.

713 ICCPR, art. 6, para. 1.

714 ICCPR, art. 4.

715 Human Rights Committee, General Comment No. 36 (2019), para. 7.

716 Ibid., para. 6.

717 Human Rights Committee, General Comment No. 36 (2019), para. 12. The Human Rights Committee noted that "[t]he notion of 'arbitrariness' is not to be fully equated with 'against the law', but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality" (footnote omitted).

718 Human Rights Committee, General Comment No. 36 (2019), para. 13.

719 See United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1989; UNODC and OHCHR, "Resource book on the use of force and firearms in law enforcement". See also Human Rights Committee, General Comment No. 37 (2019), para. 78.

720 OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 2.7.

721 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 5.

722 See A/72/178, 20 July 2017, paras. 46-47, 57, 62. See also Inter-American Commission on Human Rights, report No. 32/04, case 11.556, "Corumbiara v. Brazil, Merits, 11 March 2004", paras. 226 and 228; European Court of Human Rights, Cestaro v. Italy (application No. 6884/11), Judgment of 7 April 2015, paras. 170-190; and Bartesaghi Gallo and Others v. Italy (application Nos. 12131/13 and 43390/13), Judgment of 22 June 2017, paras. 114 and 117.

445. The use of potentially lethal force for the purpose of law enforcement is an extreme measure that must only be resorted to when strictly necessary to protect life or prevent serious injury in the face of an imminent threat.[723] Accordingly, law enforcement officials are only authorized to use firearms under extremely limited conditions and circumstances. Every effort should be made to exclude the use of firearms, especially against children.[724] Moreover, applying an even higher threshold, *intentional* lethal use of firearms, i.e. shooting to kill, may only be made when strictly unavoidable in order to protect life.[725] The "protect-life" principle stipulated under these principles means that the threat imposed to life must be so *imminent* that the use of lethal force is strictly unavoidable to protect life.[726] In any other case, this would amount to an arbitrary use of force and, in certain circumstances, could constitute an extra-judicial execution.

446. Only the minimum force necessary may be used where it is required for a legitimate law enforcement purpose during an assembly.[727] Firearms are not an appropriate tool for the policing of assemblies. They must never be used simply to disperse an assembly. In order to comply with international law, any use of firearms by law enforcement officials in the context of assemblies must be limited to targeted individuals in circumstances in which it is strictly necessary to confront an imminent threat of death or serious injury. It is never lawful to fire indiscriminately or to use firearms in fully automatic mode when policing an assembly.[728]

447. Firearms and ammunition that cause unwarranted injury or present an unwarranted risk should be prohibited.[729] Certain types of weapons and ammunition should not be used as their use does not comply with the principles of necessity and proportionality. This includes metal pellets and multiple kinetic impact projectiles.[730] Rubber-coated metal bullets are particularly dangerous and should not be used.[731] Moreover, it is unlawful to use weapons or ammunition categorized as less-lethal outside of the less lethal parameters as defined by 2020 United Nations Human Rights Guidance on less-lethal weapons in law enforcement.[732]

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723 Human Rights Committee, General Comment No. 36 (2019), para. 12. See United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1989, principle 9; United Nations Code of Conduct for Law Enforcement Officials, A/RES/34/169, commentary to art. 3. A/HRC/RES/38/11, para. 11; Human Rights Committee, General Comment No. 37 (2019), para. 88. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, 'an imminent or immediate threat' should be understood to mean "a matter of seconds, not hours". See A/HRC/26/36, para. 59, citing A/68/382, paras. 33-37 and A/HRC/14/24.

724 United Nations Code of Conduct for Law Enforcement Officials, A/RES/34/169, commentary to art. 3.

725 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1989, Principle 9.

726 A/HRC/26/36, 1 April 2014, para. 70.

727 Human Rights Committee, General Comment No. 37 (2019), para. 79.

728 Human Rights Committee, General Comment No. 37 (2019), para. 88. See also United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principles 9 and 14; Human Rights Committee, general comment No. 36 (2019), para. 12; A/HRC/31/66, paras. 60 and 67 (e); Office of the United Nations High Commissioner for Human Rights and United Nations Office on Drugs and Crime, Resource book on the use of force and firearms in law enforcement (New York, United Nations, 2017), p. 96.

729 See United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 11 (c).

730 See OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 2020, 7.5.6, 7.5.8. For general guidance, see 4.2.3. Other types of weapons and equipment that should not be used includes spiked batons. See OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 2020, 5.1.

731 See OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 2020, 7.5.8.

732 The parameters in the 2020 Guidance are based on the five principles on the use of force by law enforcement officials, namely the principles of legality, precaution, necessity, proportionality, non-discrimination and accountability. See OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 2020. Less-lethal weapons may not be used in a way that violates the absolute prohibition on torture and other ill-treatment. See e.g., in *Cestaro v. Italy* and *Bartesaghi Gallo and Others v. Italy*, the European Court of Human Rights found that the violent treatment of anti-globalization protesters including punching, kicking and beating with rubber truncheons

Weapons that may have a legitimate law enforcement purpose, for instance loaded with less-lethal ammunition containing a single projectile specifically designed for crowd control, including those referred to as rubber or plastic bullet, may be used, subject to strict requirements of necessity and proportionality.[733] These weapons may only be used in situations where other less harmful measures have proven to be or clearly are ineffective to address the threat.[734] Where absolutely necessary, such ammunition could only be used with precision to target the individual posing the imminent threat of injury. They cannot be randomly and indiscriminately shot at crowds.[735] To avoid causing serious injury, permissible projectiles should only be fired from the distance that is prescribed according to the type of ammunition that is being used.[736] Permissible projectiles can only be aimed at lower extremities and should not be targeted at the head, face or neck as they can result in skull fracture and brain injury, eye trauma, including permanent and complete loss of vision, or even death. Similarly, targeting of the torso may cause damage to vital organs and can be lethal.[737]

448. Weapons with wide area effect such as chemical irritants and water cannons tend to have indiscriminate effects and should only be used in situations of more generalised violence only as a measure of last resort and following a verbal warning, and with adequate opportunity given for assembly participants to disperse.[738]

449. In the context of protests, the State and its law enforcement officials should seek to de-escalate situations that might result in violence. Non-violent means must be exhausted first and force of any kind may be resorted to when there exists no other means available that are likely to achieve the legitimate objective. Where it becomes absolutely necessary to use force, prior warning should be given unless doing either would be manifestly ineffective.[739]

450. International law requires States to ensure that their public agents and/or those acting with their express or tacit consent take all reasonable precautions to protect life.[740] International human rights standards establish the criteria and strategies that should guide public authorities in the use of force during public demonstrations, even when these turn violent.[741] The public authority, or whoever holds it with its express or tacit consent, should use non-violent means insofar as possible before resorting to the use of force. The State is

amounted to torture (see, European Court of Human Rights, *Cestaro v. Italy* (application No. 6884/11), Judgment of 7 April 2015, paras. 170-190; and *Bartesaghi Gallo and Others v. Italy* (application Nos. 12131/13 and 43390/13), Judgment of 22 June 2017, paras. 114 and 117. In several other cases, the European Court of Human Rights found violations of article 3 of the European Convention on Human Rights on the prohibition of torture and inhuman or degrading treatment in the context of the use of force and less-lethal weapons in the context of protests (see *Gazioğlu and Others v. Turkey*, 17 May 2011; *Abdullah Yaşa and Others v. Turkey*, 16 July 2013; *Ali Güneş v. Turkey*, 10 April 2012; *İzci v. Turkey*, 23 July 2013). It is important to note that the prohibition of torture and other forms of ill-treatment is applicable even when assemblies are no longer peaceful and that individuals do not lose their protection against torture and other ill-treatment under any circumstances including in the context of protests that have turned violent. See Human Rights Committee, General Comment No. 37 (2019), paras. 10 and 5; A/72/178, para. 15.

733 OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 7.5.1.

734 Human Rights Committee, General Comment No. 36 (2019), para. 14.

735 OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement", 7.5.2.

736 Ibid., 7.5.7.

737 Ibid., 7.5.8, 7.5.3.

738 Human Rights Committee, General Comment No. 37 (2019), para 87.

739 Ibid., para. 78.

740 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 1; Economic and Social Council, United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Res. 1989/65 (24 May 1989), principle 8.

741 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principles 9, 12-14; Code of Conduct for Law Enforcement Officials, commentary to art. 3; Human Rights Council, The Promotion and Protection of Human Rights in the Context of Peaceful Demonstrations, A/HRC/RES/38/11, 16 July 2018, paras. 10, 11 and 13; A/HRC/17/28, para. 75. See also IACHR, Office of the Special Rapporteur for Freedom of Expression, Protest and Human Rights, 2019, paras. 101-117.

also responsible for violations of the right to life committed by non-State actors acting on behalf of the government or with its knowledge or consent. States must protect and guarantee the right to life, *inter alia*, by exercising due diligence to prevent arbitrary deprivations of life by private actors.[742]

451. The obligation to protect the right to life also includes the obligation of States to investigate in line with international law all cases in which there may have been suspected extra-legal, arbitrary or summary executions. This includes investigating independently and impartially with a view to identifying, prosecuting and, where evidence exists, convicting, those responsible for these crimes.[743] Investigations and resulting prosecutions should be carried out in accordance with international standards and should aim to ensure that those responsible are brought to justice, including by considering the possible responsibility of superiors for violations of the right to life committed by their subordinates.[744]

452. Ensuring access to essential and emergency healthcare is part of the duty to respect and ensure the right to life and personal security and respect the right to health. The right to life as enshrined in the ICCPR article 6 concerns the entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.[745] The obligation to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life and there may be a violation of article 6 even if such threats and situations do not result in loss of life.[746] The duty to protect life includes measures ensuring access without delay by individuals to essential healthcare, and bolstering effective emergency health services and emergency response operations, including ambulance services.[747]

453. Moreover, pursuant to article 12 of the ICESCR, which recognizes the right to the highest attainable standard of physical and mental health and establishes obligations of States parties to protect, respect and fulfil this right, States must refrain from interfering directly or indirectly with the enjoyment of the right to health.[748] Violations of this obligation to respect include the denial of access to health facilities, goods and services to particular individuals or groups as a result of *de jure* or *de facto* discrimination.[749] States have the core obligation to ensure the right to access to health facilities and services on a non-discriminatory basis.[750] The principle of non-discrimination in the enjoyment of the rights protected under the ICESCR, including on grounds of sex, language, religion, political or other opinion, national or social origin, birth or other status is indeed enshrined in article 2(2) of the Covenant.

454. The duty of States to protect includes acceptability of health care and requires health facilities, goods and services to be respectful of medical ethics.[751] The Special Rapporteur on

[742] A/HRC/14/24, para. 46(a), (b) and (d).

[743] United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 7; United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, principles 8-10; A/HRC/RES/38/11, para. 13; A/HRC/17/28, para. 119(7); Human Rights Committee, General Comment No. 37 (2019), para. 90; United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol on the Investigation of Potentially Unlawful Deaths), 2016.

[744] United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, principles 9-10, 18-19; Human Rights Committee, General Comment No. 31, (2004), para. 18, and (Minnesota Protocol on the Investigation of Potentially Unlawful Deaths).

[745] Human Rights Committee, General Comment No. 36 (2019), para. 3.

[746] Ibid., para. 7.

[747] Human Rights Committee, general Comment No. 36 (2019), para. 26. See also Human Rights Committee, General Comment No. 37 (2020), para. 88; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 5 (c).

[748] Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000), para. 33.

[749] Ibid., para. 50.

[750] Ibid., para. 43(a).

[751] Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000), para 12(c). Here it is worth noting the World Medical Association Declaration of Geneva's Physician's Pledge that the patient is their first consideration. See World Medical Association, Declaration of Geneva, *adopted by the 2nd General Assembly of the World Medical Association, Geneva, Switzerland,*

the right to health highlighted that refusal to treat persons wounded in situations of conflict, including protests,[752] constitutes a direct violation of the right to health.[753] Healthcare workers are essential for ensuring availability of healthcare services and States have an immediate and continuous obligation to provide healthcare workers and humanitarian organizations with adequate protection. Intimidation, harassment, threats, arrests and other forms of attacks against healthcare workers not only violate the right to health of people affected by situations of conflict, including protests and riots, but may also damage the healthcare system as a whole.[754]

455. The infringement on the confidentiality of personal health data by security forces is a violation of the right to privacy in article 17 of the ICCPR.[755] In addition, the Committee on Economic, Social and Cultural Rights stressed that health services must be designed to respect confidentiality,[756] and that accessibility of health-related information should not impair the right to have personal health data treated with confidentiality.[757] The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health noted that impartiality of medical facilities is often compromised by the constant presence of security forces in hospitals and intimidation of patients and health-care workers in hospitals and clinics.[758] The persecution of injured protestors in health facilities violates the right to health of persons by impeding their access to quality health services.[759]

456. The Committee on Economic, Social and Cultural Rights also noted that the right to health was closely related to and dependent upon the realization of other human rights, including the rights to human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement; these and other rights and freedoms addressing integral components of the right to health.[760]

2. Lack of legal protections under domestic law

457. Under article 4.3 of the Police Forces Law, the police forces in Iran are tasked with "ensuring the security of assemblies, gatherings, demonstrations, and of legal and permitted activities and preventing any kind of unpermitted associations, demonstrations and gatherings…"[761] The law therefore authorizes law enforcement to prevent any peaceful assembly which has not received prior permission and a licence from State authorities.

458. Moreover, the 1994 Law on the Use of Firearms by Armed Forces in Necessary Incidents, which is the domestic law regulating the use of force, allows for the use of firearms in a range of circumstances which do not involve protection of life or prevention of serious injury in the face of an imminent threat. The law does not incorporate the principles of legality, precaution, necessity, proportionality, non-discrimination and accountability under international law. Under the law, firearms may be used in the context of "illegal" assemblies, namely those that have not received a prior licence from the State.[762] Article 4 of the Law stipulates that, armed forces may resort to firearms in order to "return order, control illegal assemblies, and quench riots, turmoil and unrests where their control is deemed impossible

September 1948, as amended in 2017, https://www.wma.net/policies-post/wma-declaration-of-geneva/ (last accessed on 2 December 2023).

752 The Special Rapporteur states that "[c]ontemporary conflicts take a variety of forms, including internal disturbances, protests, riots and civil strife and unrest, in addition to armed conflicts as addressed under international humanitarian law". See A/68/297, para. 2.

753 A/68/297, para. 18.

754 A/68/297, paras. 27-29.

755 A/64/272.

756 Committee on Economic, Social and Cultural Rights, General comment No. 14 (2000), para 12(c).

757 Ibid., para 12(b).

758 A/68/297, para. 30.

759 A/68/297, para. 31.

760 Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000), para. 3.

761 The Law of the Law Enforcement Command of the Islamic Republic of Iran, 1990.

762 See above on the lack of domestic legal protections on the right to peaceful assembly.

without the use of arms." In such circumstances, prior to the use of firearms, law enforcement must ensure that other means were used to no avail and that an ultimatum was given to the "rioters" and "agitators".[763] The law therefore allows the security and armed forces to use firearms to block, disperse or disrupt assemblies that are deemed illegal. In addition, law enforcement may resort to firearms for, *inter alia*, protecting buildings belonging to the police such as headquarters, police stations, weapons and armoury storage and training grounds; for protecting the weapons they hold for carrying out their Mission; and for arresting a "thief", a "bandit", or a person who has committed an assassination or "destruction" or has used explosives and is fleeing. The law entails circumstances where the use of firearms is permitted by law enforcement for the purposes of self-defence and protecting others from both armed and unarmed individuals. However, even in such circumstances the threshold of an imminent threat is not stipulated.[764]

459. Furthermore, neither the 1994 Law on the Use of Firearms by Armed Forces in Necessary Incidents, nor any other publicly available laws in Iran regulate the use of less lethal weapons including kinetic impact projectiles, chemical irritants, hand-held kinetic weapons such as batons, electric shock weapons and water cannons.

460. In relation to the domestic legal regime on the use of force by law enforcement officials, the Mission notes that it has requested in its 27 June 2023 letter that the Government provide the following: the directive by the Commander-in-Chief of the Law Enforcement forces of the Islamic Republic of Iran referred to in a report by Iran's High Council for Human Rights;[765] a copy of the "notification appertaining to the 'non-use and non-carrying of any firearms in dealing with the riots'", reported [766] to have been signed by the Commander-in-Chief of the Islamic Revolutionary Guards Corps on 21 September 2022; a copy of the "notice concerning 'the prohibition of using firearms of any kind to deal with the rioters and control street riots and the need to the use other police tactics and equipment at disposal for managing street gatherings and riots'", reported to have been signed by the Commander-in-Chief of the Law Enforcement Command of the Islamic Republic of Iran; and a copy of the 23 September 2022 notification from the Country's Security Council. The latter, according to the report emphasised "when dealing with riots, only special anti-riot forces, who are equipped with non-lethal and authorized equipment and have received the necessary training related to compliance with relevant laws and regulations and observance of citizen's rights, should be used". In its March 2024 report in reaction to the report of the Mission, entitled "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission", the High Council for Human Rights in Iran yet again referred to the above mentioned documents without providing further details.

461. The Mission further requested detailed information and material on the domestic legal regime on the use of force by law enforcement officials and on preparedness and planning of law enforcement tasked to police protests, generic contingency plans and training protocols, as well as details on instructions and equipment and the deployment of all relevant officials and units. It requested, in particular, detailed information with regards to all weapons referred to in a report by the High Council as "'anti-riot' and non-lethal used by various security and law enforcement bodies". As of 15 March 2024, no response or information was received by the Mission.

[763] Article 4(a) and 4(b).

[764] The 1994 Law on the Use of Firearms by Armed Forces in Necessary Incidents.

[765] Report by High Council for Human Rights of the Islamic Republic of Iran, "Reviewing the methods that are used by Iranian Law enforcement forces to deal with riots", 22 October 2022.

[766] "Most important measures taken in connection with rule of law, Non-use of lethal force and policy of accountability during riots", Report by High Council for Human Rights of the Islamic Republic of Iran, 22 November 2022.

3. Security forces involved in policing the protests

462. The Mission established that various branches of the State's security forces were deployed to protest sites across the country as covered by this document and used force:[767]

- The Law Enforcement Command of the Islamic Republic of Iran (FARAJA) and the various forces under the Command including its regular forces, as well as various units of its Special Forces (*Yegan-e Vijeh*);
- The Islamic Revolutionary Guards Corps and the various forces and units falling under its auspices;
- The Basij paramilitary force; and
- Plainclothes security forces.

463. With regard to security forces in plainclothes, witnesses stated that they were generally able to recognize that they were State agents even when not uniformed, given the manner of dress and/or the tactics used to conceal their identity. Witnesses noted that agents remained identifiable to each other and to other security forces broadly, for example by covering the plates of their motorbikes with medical masks or by wearing certain colours on some days, or a bag across their chest.[768]

464. Witnesses reported that in protests across the country, including, but not limited to protests in Tehran in September and October 2022, and in Piranshahr, West Azerbaijan province in October 2022, Mahabad in October 2022, and Gilan in October 2022, plainclothes agents who used force were deployed alongside uniformed State forces and regularly acted in unison and together with them including those belonging to the FARAJA and its Special Forces.[769] The Mission also analysed video footage of protests including in Zahedan, Sistan and Baluchestan in September 2022, and Baneh, Kurdistan, in October depicting plainclothes and uniformed forces operating in concord and in close proximity to each other.[770]

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[767] FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000524 (FFMI Interview); FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000527 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-000514 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000461; FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000424; FFM-IRAN-D-000596 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000520 (FFMI Interview); FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000534 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000696 (FFMI Interview); FFM-IRAN-D-000689 (FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview)-; FFM-IRAN-D-001659 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-001515 (FFMI Interview). Video footage on file with the Mission.

[768] FFM-IRAN-D-000524 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000596 (FFMI Interview); FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-001008 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-000590 (FFMI Interview).

[769] FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000825 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview).

[770] Videos on file with the Mission. This is consistent with reports by human rights organizations which have documented the State' use of plainclothes forces in the context of the "Woman, Life, Freedom" movements as well as in the context of the previous rounds of protests. See for example, "Iran: New wave of brutal attacks against Baluchi protesters and worshippers", Amnesty International, 26 October 2023; "Video Analysis Of a New Wave of Brutal Attacks Against Baluchi Protesters In Iran", Amnesty International, 27 October 2023; "Massacre in Kurdish City by Islamic Republic Forces Exposed in New Report", Kurdistan Human Rights Network (KHRN) and the Center for Human Rights in Iran,5 September 2023; "Iran: 'Bloody Friday' Crackdown This Year's Deadliest",

4. Weapons and methods used in policing protests

465. State authorities used a combination of weapons and ammunition in the context of the protests. This includes firearms, ammunition containing multiple projectiles including birdshot, and weapons and ammunition categorized as less lethal used outside less lethal parameters, increasing the risk of causing severe and irreversible injuries and even death. As detailed below, security forces deployed such weapons without any consideration given to the significant presence of child protesters.

466. Iran's High Council for Human Rights asserted in a November 2022 report that Iran had adopted "a policy of not using weapons and lethal force for dealing with the riots and illegal gathering in order to protect the lives of citizens and minimize casualties." The report referred to a statement by the General Staff of the Armed Forces of Iran, dated 22 September 2022, noting that the use of "combat firearms" by its officers policing the protests was forbidden. In "very rare and necessary cases" the use of "non-lethal weapons such as paintballs and gas launchers" was authorized.[771] Officials have generally and publicly denied the use of firearms[772] by State forces. In November 2022, for example, the Government's spokesperson stated that "it would have been as easy as drinking water for the Government to allow the police to use combat bullets [live ammunition], shoot at anyone who took to the streets and frighten the people… but it would never do so".[773]

467. However, in several instances the use of firearms and pellets have been confirmed by officials. Notably, on 28 October 2022, referring to the killing of several protesters in Mahabad, Kurdistan province, in a media interview, Mahabad's Member of Parliament stated "I have an objection to the security forces, why do they use [combat bullets] live ammunition in peaceful protests?"[774] Similarly, in November 2022, Chabahar's Member of Parliament stated that "combat bullets" had been used in Sistan and Baluchestan including in Zahedan on 30 September 2022.[775] The use of pellets have similarly been confirmed by several officials. In October 2022, a Member of Parliament referred to reports by the commander of FARAJA denying the use of "combat weapons had not been used" stating that only "pellet and paintball guns" had been used during the protests.[776] In the same month, Hossein Ashtari, FARAJA's commander stated that the police was armed with "non-lethal and pellet guns" during protests.[777] In November 2022, a Member of Parliament's board of speakers stated that the police had used "paintballs and pellets which do not result in serious injuries."[778]

Human Rights Watch, 22 December 2022, "Shoot to Kill; Preliminary Findings of Justice for Iran's Investigation into the November 2019 Protests", Justice for Iran, 28 February 2020; "Iran: At least 82 Baluchi protesters and bystanders killed in bloody crackdown", Amnesty International, 6 October 2022.

771 High Council for Human Rights of the Islamic Republic of Iran, "Enlightening Comments of the Islamic Republic of Iran on Germany's Draft Resolution be presented in the Special Session of the Human Rights Council", 22 November 2022, p. 11. See also on the statement of the General Staff of the Armed Forces of Iran, High Council for Human Rights of the Islamic Republic of Iran, "Most Important Measures Taken in Connection with Rule of Law, Non-Use of Lethal Force & Policy of Accountability During Recent Riots", p. 1.

772 See for example, "Use of combat weapons by Rioters/Armed Forces showed Restraint", Mehr News, 21 November 2022; "Our security forces did not possess firearms/all those killed were killed by anti-revolutionaries", Shargh Daily, 2 October 2022; "The Interview of Dr. Amir Abdollahian, the Minister of Foreign Affairs with American Radion, NPR", The website of the Ministry of Foreign Affairs, 10 February 2023.

773 "We Could Have as easily as Drinking Water given order to Shoot Live Ammunition, However, We did not/Rohani's Government Piped Down People's Voices/Today's Protests Are the Result of Rohani's Government Policies", Hamshahrionline, 9 November 2022.

774 "Five people killed in Mahabad/one of the youth was 15", Shargh Daily, 28 October 2022.

775 "Why is the manner of treating protesters in Zahedan different?", Shargh Daily, 6 November 2022.

776 "None of Security or Law Enforcement Agents Used Live Ammunition to Control Riots/Paintball Guns; To Mark Rioters/End of Compromise", Hamshahrionline, 10 October 2022.

777 "Those killed in recent riots were killed with stones or combat weapons", Mehr News, 6 October 2022.

778 "Police used paintballs and pellets in street unrests neither of which results in severe injuries", Entekhab, 12 November 2022.

468. Moreover, three official documents analysed by the Mission explicitly confirmed that state security forces including FARAJA and the IRGC were armed with and /or used assault rifles, pistols, and ammunition containing multiple projectiles, in the context of the protests.[779] Orders and judgments by Military Offices of Prosecutors and Courts respectively analysed by the Mission further confirmed that security forces, including the Special Forces of FARAJA possessed and also used weapons loaded with metal pellets against protesters.[780] In one document, based on an official communiqué, officials from the judiciary confirmed that over the course of one evening on 21 September, the Law Enforcement Command of the Islamic Republic of Iran (FARAJA), the Islamic Revolutionary Guard Corps and Basij forces had fired over 300 live ammunition cartridges and over one dozen blank cartridges, using weapons such as AK-47s, MP5s (submachine guns) and pistols, nearly 300 cartridges loaded with multiple rubber pellets and 40 rubber bullets. According to the document, security forces further used chemical irritants and acoustics (also referred to as stun grenades or sound bombs that are used reportedly for purposes of disorienting protesters)[781] and smoke grenades.[782] The official records stated that lethal force was used to "control the riots" and that the "dispersal of the rioters would not have been possible without the use of arms".[783]

469. On the basis of official documents, witness accounts, medical documents, forensic pathologist reports, as well as death and burial certificates, analysis of audio-visual evidence including injury photos as well as verified video footage and expert analysis by a military and weapons expert, the Mission is satisfied that the following weapons and ammunition were used by the security forces in the context of the protests:

- Handguns, including pistols (commonly using 9 mm calibre ammunition);[784]
- Heckler & Koch G3 (Gewehr 3) (a military grade weapon which uses the standard NATO 7.62x51 mm ammunition and is capable of single, semi-auto or full-auto firing);[785]
- AK-47 (a calibre assault rifle that uses the 7.62×39mm calibre cartridges and can fire single rounds or on automatic) and other calibre assault rifles;[786]
- Dragunov Sniper Rifle;[787]
- UZI (a submachine gun);[788]

[779] FFM-IRAN-D-001671 (Court Documents); FFM-IRAN-D-001672 (Court Documents); FFM-IRAN-D-001680 (Court Documents); FFM-IRAN-D-001673 (Court Documents).

[780] FFM-IRAN-D-001672 (Court Documents); FFM-IRAN-D-001680 (Court Documents).

[781] Physicians for human Rights, Health Impacts of Crowd-Control Weapons: Disorientation Devices, 28 October 2022.

[782] FFM-IRAN-D-001673 (Court Documents).

[783] FFM-IRAN-D-001673 (Court Documents).

[784] FFM-IRAN-D-001673 (Court Documents); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview).

[785] FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-001674 (Ballistic Analysis); FFM-IRAN-D-001677 (Ballistic Analysis).

[786] FFM-IRAN-D-001673 (Court Documents); FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview) FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000825 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-000689 (FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview) FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001664 (FFMI Interview); FFM-IRAN-D-000596 (FFMI Interview); Videos on file with the Mission. In January 2022, the Commander of FARAJA's Special Forces, Hassan Karami, confirmed that AK-47 was the organizational weapon of the forces under his command, "Commander of Special Forces with regards to unrests in Isfahan: our heaviest weaponry was pellet guns", Entekhab, 9 January 2022.

[787] FFM-IRAN-D-001664 (FFMI Interview); FFM-IRAN-D-001679 (Ballistic Analysis); FFM-IRAN-D-001677 (Ballistic Analysis; FFM-IRAN-D-001678 (Ballistic Analysis).

[788] FFM-IRAN-D-001678 (Ballistic Analysis).

- Heckler & Koch MP5 (a submachine gun firing 9x19mm Parabellum cartridges with cyclic rate of 800 rounds per minute);[789]
- Shotguns and other weapons loaded with pellets;[790]
- Ammunition containing multiple projectiles of difference sizes and material, including metal pellets such as birdshot (smaller pellets) and buckshot (larger pellets) ammunition and rubber pellets (multiple projectiles);[791]
- Kinetic impact projectiles, such as rubber bullets (single projectile);[792]
- Paintball guns and other launchers loaded with paintballs and kinetic impact projectiles, referred to as rubber bullets;[793]
- Chemical irritants, in particular tear gas;[794]
- Grenades or projectiles containing smoke and acoustic grenades;[795]
- Striking weapons, in particular batons;[796]

[789] FFM-IRAN-D-001673 (Court Documents).

[790] FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000534 (FFMI Interview); FFM-IRAN-D-000825 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); See also, Those killed in recent riots were killed with stones or combat weapons", Mehr News, 6 October 2022.

[791] FFM-IRAN-D-001673 (Court Documents); FFM-IRAN-D-001672 (Court Documents); FFM-IRAN-D-001680 (Court Documents); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000596 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000451; FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000825 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview); See also, "None of Security or Law Enforcement Agents Used Live Ammunition to Control Riots/Paintball Guns; To Mark Rioters/End of Compromise", Hamshahri, 10 October 2022; "Police used paintballs and pellets in street unrests neither of which results in severe injuries", Entekhab, 12 November 2022.

[792] FFM-IRAN-D-001673 (Court Documents); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview).

[793] FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000587 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview). The Mission notes that in at least two cases (FFM-IRAN-D-000718 (FFMI Interview) and FFM-IRAN-D-001018 (FFMI Interview), witnesses referred to the bullets being excessively heavy, with one stating that it was filled with lead. This suggests that the ammunition fired may have been rubber coated metal bullets. Rubber-coated metal bullets are particularly dangerous and should not be used. See, OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 7.5.8. Also see, "Police used paintballs and pellets in street unrests neither of which results in severe injuries", Entekhab, 12 November 2022; "None of Security or Law Enforcement Agents Used Live Ammunition to Control Riots/Paintball Guns; To Mark Rioters/End of Compromise", Hamshahri, 10 October 2022.

[794] FFM-IRAN-D-001673 (Court Documents); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview);FFM-IRAN-D-000451; FFM-IRAN-D-000591 (FFMI Interview); FFM-IRAN-D-000534 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-000518 (FFMI Interview); FFM-IRAN-D-000689 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview).

[795] FFM-IRAN-D-001673 (Court Documents); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview).

[796] FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000534 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-000591 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000518 (FFMI Interview); FFM-IRAN-D-000689 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview).

- Electric shock weapons including stun guns;[797]
- Water cannons.[798]

470. Ballistic expertise confirmed that a large number of the weapons used to supress the protests, such as AK-47, G3, or MP5, are military grade weapons designed for use rather in times of war.[799] In addition, the Mission reviewed evidence showing that heavy weaponry, including the Degtyarov-Shpagin Krupnokaliberny (DshK),[800] was deployed in Kurdish-populated cities, including in Salas-e Babajani, Javanroud, and Piranshahr.[801] The DshK is a heavy machine gun which is primarily used as an anti-aircraft (AA) gun, with 12.7mm x 108mm calibre ammunition and a maximum range of 1005 meters. It is therefore used against infantry and light armoured forces and thus in combat operation, and, as such, cannot be used in the context of law enforcement operations. Witnesses also described seeing armed forces, whom they described as snipers, stationed on the rooftop of buildings.[802]

4. Injuries and killings resulting from the use of force at protests

(a) Context

471. In its November 2022 report, Iran's High Council for Human Rights reported that the peaceful gatherings that took place across the country after the death of Jina Mahsa Amini morphed "into riots and vandalism" and referred to the duty of the police "to maintain order and security in society" in cases of violence.[803] The Mission established however that force was used by State security during the very first peaceful protests that took place in front of Kasra Hospital in Tehran city, where Jina Mahsa Amini died on 16 September 2022.[804] As the protests swiftly spread within the Kurdish provinces first, and then across the entire

[797] FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview).

[798] FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000527 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview).

[799] FFM-IRAN-D-001522 (Ballistic Analysis).

[800] DShK 12.7x108mm machine gun is a gas-operated heavy machine gun with a rate of fire of 600 rounds per minute and a 2000m effective range. The cartridge is 147.5mm in length.

[801] FFM-IRAN-D-000522 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-001664 (FFMI Interview); FFM-IRAN-D-001681 (Statement).

[802] FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-001664 (FFMI Interview).

[803] See e.g., High Council for Human Rights of the Islamic Republic of Iran, "Enlightening Comments of the Islamic Republic of Iran on Germany's Draft Resolution be presented in the Special Session of the Human Rights Council", 22 November 2022, pp 5-6. On describing the protests as riots, on 22 September 2022, the Head of the Judiciary referred to "main disruptive and riotous elements", see, "We should not allow enemy to make doubts and create trouble among parts of the society misusing the prevailing situation/encountering main riot agents and elements and those associated with espionage services emphasised", Mashregh news, 22 September 2022; See also "Serious warning by the Head of the Judiciary to the actors of the riots and those adding fuel to its fire", Mashregh News, 26 September 2022. On 24 September, the Ministry of Interior issued a notice referring to "riots", see "Riots and street unrest have no consequence but spreading terror/ countering the riots will be pursued taking into account all legal principles", Mashregh News, 24 September 2022. On 26 September, the Chief of Justice of Tehran province referred to "actors and arsonists of the riots", see "The Judiciary will not show any tolerance towards the rioters/ special branches established for proceeding in cases of crimes against public security", Mashregh news, 26 September 2022. On 28 September, President Raisi referred in an interview to "riots", see "Ayatollah Raisi: the enemy has targeted national integrity by creating conflicts", IRNA. On 3 October, the Supreme Leader referred to "riots" in his first public comments, see "The reaction of the revolution's Leader to the death of Mahsa Amini and the ensuing protests", Donya-ye Eghtesad, 3 October 2022.

[804] FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000744 (FFMI Interview); FFM-IRAN-D-001009 (FFMI Interview); See also, "Photo/Assembly in Front of Kasra Hospital After Death of Mahsa Amini", Aftab News. 16 September 2022.

country, various branches of State security forces were mobilised and deployed to protest sites across the country.

472. State authorities have alleged that protesters committed "widespread violence" resulting in the killings and injuries of security forces and ordinary citizens.[805] In its statement delivered during the 53rd session of the Human Rights Council on 5 July 2023, the Government of Iran stated that "[d]uring the three months of unrest, more than 75 law enforcement forces and people were martyred by the rioters, and over 7000 law enforcement forces were also injured." In its March 2024 report in reaction to the report of the Mission, entitled "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission", the High Council for Human Rights in Iran provided two different figures for the number of security forces killed. One figure stated that 79 members of the security forces were killed while later in the same report, it is stated that "[a]s a result of the widespread violence of rioters and terrorists, 25 people and 54 law enforcement officers were martyred.[806] Iran's High Council for Human Rights reported on "major damages caused by riots", which include allegations of 180 instances of banks being set on fire or destroyed, 21 instances of fire or destruction to religious places, 385 instances of fire or destruction to cars, 461 fire or destruction to motorcycles and 152 instances of fire and destruction to other places.[807]

473. In its 27 June 2023 letter to the Government, the Mission invited the Government to share information on the protests that the Islamic Republic of Iran has qualified as characterized by widespread and serious violence, as reported by Iran's High Council for Human Rights,[808] and a detailed explanation of the legal and factual basis used for such assessment. The Mission requested information on reports of death or injury of security forces and on instances in which law enforcement officers used force in self-defence or the defence of others to save lives. The Mission also requested supporting material in relation to the alleged acts of arson, assault and fatal assault as reported by the High Council.[809] Moreover, in response to the seizure of weapons as reported by the High Council,[810] the Mission requested the Government to provide information on where they were seized, from whom, under what circumstances and on their provenance.

474. In addition, the Mission asked the Government to "provide information on any practices of recording and reflecting promptly in a transparent report the use of force by law enforcement officials during the protests that began on 16 September 2022, including where injury or damage occurred, the recording of the details of the incident, including the reasons for the use of force, its effectiveness and the consequences".

475. As of 15 March 2024, no response or information was received by the Mission from the Government of Iran. The Mission notes that besides any material available in open source, only the Government is in possession of any details of allegations of violence by protesters and the killings and injuries caused to members of the security forces, including information on the location, time, context of the specific protests, the forces deployed, weapons and ammunition used by security forces, as well as any video footage, witness statements, and ballistic and forensic reports.

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805 See e.g. High Council for Human Rights of the Islamic Republic of Iran, "Some examples of Widespread Violence by Rioters Against Ordinary Citizens & Law Enforcement Officers", 21 November 2022.

806 High Council for Human Rights of the Islamic Republic of Iran, "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission", March 2024. pp. 16 & 22.

807 High Council for Human Rights of the Islamic Republic of Iran, "Major Damages Inflicted Upon Public & Private Properties Following Violent Riots", 15 October 2022, p. 2.

808 High Council for Human Rights of the Islamic Republic of Iran, "Reviewing the Methods that are used by Iranian Law Enforcement Forces to Deal with Riots", 22 October 2022.

809 Report by High Council for Human Rights of the Islamic Republic of Iran, "Some examples of widespread violence by rioters against ordinary citizens and law enforcement officers", 21 November 2022.

810 Report by High Council for Human Rights of the Islamic Republic of Iran, "The statement issued by the National Security Council concerning issues related to recent riots, seizure of over 8 314 arms", 18 December 2022.

476. In one instance, the Mission investigated the case of several protesters accused of the fatal shooting of two members of Basij and a member of the police forces in Isfahan. The proceedings in the case, which came to be known as the "House of Isfahan case" resulted in the execution, in May 2023, of Majid Kazemi, Saleh Mir Hashemi, and Saeed Yaghoubi. The authorities accused the protesters that, "on 16 November 2022, and following calls by the enemies and the hypocrite grouplet for nationwide riots and rebellions on 15, 16, and 17 November, and the mobilization of armed thug and hooligan groups, in order to cause unrest and insecurity in urban areas, they had participated in [protests] and that following the shooting of firearms by some of them, three members of security forces were martyred." Following examination of the judgment, the Mission found that it did not include any detailed information on the alleged incident. For instance, while it states that security forces had been deployed to the protests to restore order, no details on the composition of the forces, their weapons and whether and/or what forces was used by them are found in the Jugement. Nor does the judgment clarify the precise allegations made against each defendant and the exact role the authorities alleged they played in the killing of the security forces. The lack of detail provided by the judicial authorities indicates that the defendants' guilt may not have been proven beyond reasonable doubt. The court further relied on evidence obtained in violation of international law, including confessions extracted under torture to convict the men of the vaguely worded charge of "*moharebeh*" ("waging war on God").[811]

477. The Mission took note of an NGO report listing, based on statements by the authorities and the State media, 61 deceased persons identified by the State as security forces. Human rights organizations have stated that some individuals identified by the State as members of its forces may have been protesters and that in some circumstances, plainclothes forces among protesters may have been shot dead by security forces.[812]

478. The Mission emphasises that the above mentioned reports from Government sources on alleged violence by protesters do not connect specific instances of use of lethal force by law enforcement to an incident where such force was absolutely necessary for prevention of imminent threats of death or serious injury to law enforcement or any other individual.

(b) Scope

479. As early as 23 September 2022, the Minister of Interior, Ahmad Vahidi, acknowledged that people had been killed during the protests, including by security forces.[813] However, State authorities have not provided detailed figures and disaggregated data on individuals killed in the context of the protests, and their general figures on deaths vary. On 24 November 2022, in a media interview, the Political Deputy of the Minister of Foreign Affairs denied the reported killings in the context of the protests and stated, the figures given

811 For further details see the Section V. D. FFM-IRAN-D-001538 (Court Documents); FFM-IRAN-D-001539 (Court Documents); FFM-IRAN-D-000520 (FFMI Interview); FFM-IRAN-D-001682 (Recording); FFM-IRAN-D-001560 (Recording); FFM-IRAN-D-001559 (Recording); "Publication of an audio file belonging to Majid Kazemi: 'they beat me and told me to say these'", BBC Persian, 13 January 2023; "The accused under death sentences in 'House of Isfahan Case': we were tortured, justice department: they say "falsehood", Voice of America 15 January 2023; https://www.instagram.com/reel/Cnb77oJg0F3/?utm_source=ig_web_copy_link&at_link_origin=bbcpersian&at_link_id=E0472380-94D3-11ED-9CEC-76072152A482&at_campaign_type=owned&at_medium=social&at_bbc_team=editorial&at_campaign=Social_Flow&at_ptr_name=twitter&at_link_type=web_link&at_format=video; https://twitter.com/IranIntl/status/1666486036111806465.

812 "A Comprehensive Report of the First 82 days of Nationwide Protests in Iran", Human Rights Activists in Iran, 9 December 2022. In relation to the death of four individuals alleged to be members of the security forces, see, "Iran: Leaked official documents ordering deadly crackdown highlight need for international action, Amnesty International", 30 September 2022, p. 4.

813 "Interior Minister's Remarks on Victims of Recent Protests", Ensaf News. The Minister of Interior described the following four categories of persons killed: a. "people from the west and northwest of Iran where anti-Revolutionary groups are active"; b. "innocent people who were beaten by rioters and sometimes killed by them"; c. "those who may have been killed while trying to enter sensitive places such as police stations and governor buildings"; and d. "people who were killed in other places and whose bodies were transferred to protest sites".

by human rights organizations were "certainly not true". He stated that a committee had been established under the auspices of the Ministry of Interior to arrive at an accurate figure.[814] On 28 November, Amir Ali Hadjizadeh, the Commander of the Revolutionary Guards' Air Forces stated that over 300 people had been "killed and martyred" over the previous two months.[815] On 3 December 2022, the Country Security Council released a statement saying that over 200 individuals had been killed during the course of the "riots" saying that the figure consisted of the following: "martyrs of security,[816] people martyred in terrorist attacks, innocent people [who were] victims of the killing projects of grouplets, innocent people who have lost their lives in a situation of unrest and lack of security, rioters, and armed elements belonging to separatist grouplets." The statement did not provide any details as to how individuals were killed and attributed the responsibility of the killings to "unknown elements", "terrorists", and "rioters."[817]

480. In the absence of official data, international human rights organizations and civil society organizations documenting killings and injuries in the context of the protests have provided figures. As of September 2023, human rights organizations and the media reported figures ranging between 373[818] to 551.[819] Figures of women killed ranged between 34[820] to 49[821] and children killed ranged between 57[822] to 68.[823] Women and men were reported to have been injured in similar numbers[824] which is consistent with the cases of injuries investigated by the Mission. Deaths were recorded in at least 26 of the 31 provinces, with the highest number of victims in regions with minority populations, in particular in Sistan and Baluchestan province, the Kurdish regions of the country including Kurdistan, Kermanshah and parts of West Azerbaijan. The highest number of deaths reported in one day was 104 on 30 September 2022, during the protests following Friday prayers in Zahedan city, Sistan and Baluchestan province.[825]

481. The Mission is satisfied that the variations between the figures provided by different NGOs are due to the difference in methodology and criteria for including a case based on the information available to the respective organization. The Mission assessed the methodology applied and, in some cases, obtained access to some of the underlying sources of information upon which the figures are based. Finding the methodology applied sound, the underlying information valid and underlying sources credible, the Mission is satisfied that the reported figures, as noted above, are credible.

482. The reported killings coincided with periods of protests organized to mark the third and 40th days after the death in custody of Jina Mahsa Amini, namely 19 to 22 September 2022 and 26 to at least 27 October 2022, as well as protests that were held following general calls for nationwide protests, from 8 to 15 October 2022, and protests to mark the anniversary of the November 2019 protests, from 14 to at least16 November 2022. In Sistan and

814 "Bagheri Kani: West Promotes Wrong Narrations of Incidents in Iran/Statistics and Figures Published in Relation with Iran Incidents are Absolutely Wrong", Entekhab, 24 November 2022.

815 "Sardar Hajizadeh: Over 300 Killed and Martyred within these 2 Months", Eghtesad News, 28 November 2022.

816 Meaning security forces.

817 "Iran Security Council First Official Statistics of the Killed in 2022 Protests: 200 Lost Their Lives", Aftabnews, 3 December 2022.

818 "Nationwide protests: 373 persons killed in 25 provinces identified", Radio Farda, 2023.

819 "One Year Protest Report: At Least 551 Killed and 22 Suspicious Deaths", Iran Human Rights, 15 September 2023.

820 Nationwide protests: 373 persons killed in 25 provinces identified", Radio Farda, 2023.

821 One Year Protest Report: At Least 551 Killed and 22 Suspicious Deaths", Iran Human Rights, 15 September 2023.

822 Nationwide protests: 373 persons killed in 25 provinces identified", Radio Farda, 2023.

823 One Year Protest Report: At Least 551 Killed and 22 Suspicious Deaths", Iran Human Rights, 15 September 2023. See also figures by Human Rights Organisation, Human Rights Activists News Agency (Hrana), "A Comprehensive Report of the First 82 days of Nationwide Protests in Iran", Human Rights Activists in Iran, 9 December 2022.

824 "Iran Protests 2022: Women Protester Eyes Intentionally and Systematically Targeted", Iran Human Rights, 22 September 2023.

825 "Haalvsh's annual report pertaining to the Baloch citizens who have been killed or lost their lives in 1401 [Macrh 2022 to March 2023]", Haalvsh, 24 March 2023.

Baluchestan province, protests and the State's use of force generally took place following Friday prayers.

483. Beyond the reported total numbers of those killed in the protests as a result of the use of force, the Mission analysed information on the names of killed victims contained in detailed public or confidential lists. With regards to 99 protesters or bystanders included in these lists that cover the period until 8 December 2022, the Mission has been able to obtain underlying material on the killing as a result of the use of force. This included statements, death and burial certificates, photographs, audio recordings and audio-visual material, which the Mission found credible. The work on collection and analysis of relevant material and on the corroboration of the names on the lists available should continue.

484. Based on witness interviews, medical documents, death or burial certificates, images of the victims, statements collected and shared with the Mission by NGOs and [other material], the Mission is further satisfied that in relation to the specific incidents it investigated, persons were killed and injured as a result of the unlawful use of force by security forces, and that targeted killings of protesters constituting extrajudicial executions took place. The Mission stresses that it has not completed its work of collecting, verifying and corroborating information and evidence on the persons killed and injured. It further highlights that many incidents investigated where the use of force resulted in injuries, involved the use of ammunition, such as birdshot, which disperses upon discharge. This indicates that the number of victims is likely to be higher.

485. No figures exist on the number of injuries caused as a result of the use of force. In November 2022, a media report, citing ophthalmologists from three hospitals in the city of Tehran, stated that more than 500 people had sustained severe eye injuries since the start of the protests. Doctors in Kurdistan were reported to have estimated 80 cases of eye injuries.[826] In September 2023, an NGO reported that it had received information on and verified 138 cases of eye injuries.[827] The Mission highlights that these reported figures pertained to eye injuries only and did not include other injuries caused by ammunition such as metal pellets, as well as those caused as a result of other weapons including tear gas, batons, electric shock weapons and live ammunition. It further stresses severe underreporting of cases of injuries in particular because, as discussed below, many injured protesters did not seek medical care due to fear of arrest.

5. Patterns

486. Based on an extensive body of evidence on the use of force by security forces in relation to the protests it investigated, including primary sources such as witnesses, medical files, death and burial certificates, and forensic reports, as well as secondary sources, the Mission established a number of patterns related to the use of force which are described in this section.

(a) Use of firearms and other weapons to disperse protests

487. The Mission has established a pattern of using firearms, including assault rifles and shotguns loaded with ammunition containing pellets, for the purpose of dispersing protests.[828]

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826 "Hundreds of Protesters in Iran Blinded by Metal Pellets and Rubber Bullets", The New York Times, 19 November 2022.

827 "Iran Protests 2022: Women Protester Eyes Intentionally and Systematically Targeted", Iran, Human Rights, 22 September 2023.

828 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000587 (FFMI Interview); FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-000527 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001515 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-001683 (FFMI Submission); videos on file with the Mission. CHRI/KHRN, "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish

This includes situations of security forces using lethal weapons and ammunition during protests that took place around and outside the Governor's Office buildings, police stations and IRGC and Basij bases.[829] The Mission also concluded that in an effort to disperse the protests, weapons and ammunition categorized as less-lethal, including kinetic impact projectiles such as paintball and rubber bullets, were targeted at heads and faces.[830] The Mission maintains that in the same way firearms must never be used simply to disperse an assembly, any weapon and ammunition used outside of less lethal parameters also should not be used to disperse assemblies.

488. The Mission is also satisfied that security forces verbally threatened peaceful protesters warning them they would kill them unless they dispersed and stopped engaging in protests.[831] For instance, a witness stated that during the protests in Tehran in September 2022, an armed member of the security forces in all-black uniforms told her and her friends to "go home or I will kill you". The young woman recalled that plainclothes security forces, operating alongside uniformed State forces, "were comfortable to point their guns at us and make threats in the light of the day."[832] Another protester recounted that during protests on 19 September 2022 in Mahabad, West Azerbaijan province, he heard the following message from a loudspeaker installed on an armed vehicle: "I am the commander of the Special Guard Forces of West Azerbaijan and I have received orders to shoot with live ammunition. Unless you go back to your homes, I have no responsibility for your lives."[833]

489. In addition to causing severe physical pain and mental suffering and devastation, the Mission notes the deterrent and chilling effect that injuries, in particular blindings, have on protesters. The Mission is satisfied that such effect was intended. A woman protester, who lost her sight in one eye, described the use of force by the security forces as a deliberate act of intimidation of protesters. She noted that injuries sustained by protesters not only impacted them but also affected their families and the people around them. "An injured protester means one less person on the streets", she said.[834] Another woman protester described how the use of force was aimed at intimidating, saying "it is to create fear in society. You get shot and you scream, and people get the message."[835]

490. Victims with injuries caused by pellets and other ammunition stated that security forces shot at them and other protesters to intimidate them, to instil fear, and to stop them from going back to the streets.[836] An expert report on the impact of the use of force Commissioned by the Mission referred to the "chilling effect" phenomenon pertaining to how people may avoid expressing themselves or exercising their rights to freedom of expression and assembly in a context where the use of force does not comply with standards. The impacts are described to be far reaching affecting many more beyond those who are injured or killed.[837]

491. The Mission further established that State authorities aimed to punish protesters and targeted them on discriminatory grounds. In some cases, members of security forces

Regions", September 2023; Iran Human Rights Documentation Center, Unleashed Violence: Repression of Protests in Kurdish Areas of Iran, 30 June 2023; FFM-IRAN-D-001684 (NGO Report). FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000527 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview).

829 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview); FFMI-Iran-D-050220 (FFMI Interview).

830 FFM-IRAN-D-001515 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview).

831 FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview).

832 FFM-IRAN-D-001505 (FFMI Interview).

833 FFMI-IRAN-D-050239 (FFMI Interview).

834 FFM-IRAN-D-000529 (FFMI Interview).

835 FFM-IRAN-D-000528 (FFMI Interview).

836 FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-001685 (Statement).

837 FFM-IRAN-D-001388 (Forensic Report).

explicitly and verbally uttered phrases that were illustrative of their intent to punish, humiliate and discriminate before resorting to force against protesters or as they beat them or shot at them. Witnesses described security forces using gendered insults against them and against Jina Mahsa Amini.[838] In one case a witness said that when he was arrested on the street, security forces subjected him to beatings with batons while shouting insults including "you have come to the street for the sake of whores?".[839] Another witness said that during a protest in West Azerbaijan, a plainclothes agent told her "whore, I am going to kill you."[840] Security forces shouted at a group of protesters in a city in a northern province that "there is not such a thing as Woman, Life, Freedom… you will see now" before they shot at protesters.[841]

(b) Unlawful use of weapons and ammunition

492. The Mission found a practice of unlawful use by security forces of weapons or ammunition categorized as less lethal outside their less lethal parameters. As detailed above, official documents reviewed by the Mission have confirmed that various State forces were armed with and used such ammunition.

493. The Mission also identified a pattern of security forces, including agents belonging to FARAJA's Special Forces, the IRGC and Basij, and agents in plainclothes, firing shotguns and other weapons loaded with ammunition containing multiple projectiles, both made of metal and rubber, used in protests across the country leading to killings and injuries. Official documents reviewed by the Mission confirmed that State security forces were armed and used ammunition containing multiple projectiles. An official document confirmed that FARAJA, the IRGC and Basij forces had fired nearly 300 cartridges loaded with multiple rubber pellets in the course of protests on 21 September 2022 in one city.[842]

494. Ammunition containing multiple projectiles, in particular metal pellets such as birdshot, which in themselves are inherently indiscriminate, were fired randomly, wantonly and indiscriminately at persons participating in or appearing to support the protests.[843] In the case of birdshot, hundreds of small pellets can disperse upon discharge covering a wide area.[844] Children were also shot with ammunition containing pellets during the protests.[845] In some cases, as detailed below, persons present in the vicinity of the protests including some reportedly inside their homes were injured as a result of the use of pellets.[846] A witness also described that security forces armed with shotguns patrolled on motorbikes in pairs with the agent sitting in the back firing at people as they passed by them.[847]

495. The Mission analysed death and burial certificates and other official documents including forensic reports pertaining to the deaths of 64 persons reported to have been killed during the protests across the country. The documents revealed that the majority of those

838 FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000689 (FFMI Interview); FFM-IRAN-D-000683 (FFMI Submission); FFM-IRAN-D-000684 (FFMI Submission); FFM-IRAN-D-000685 (FFMI Submission); FFM-IRAN-D-000587 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview).

839 FFM-IRAN-D-000689 (FFMI Interview); FFM-IRAN-D-000683 (FFMI Submission); FFM-IRAN-D-000684 (FFMI Submission); FFM-IRAN-D-000685 (FFMI Submission).

840 FFM-IRAN-D-000588 (FFMI Interview).

841 FFM-IRAN-D-000374 (FFMI Interview).

842 FFM-IRAN-D-001673 (Court Documents).

843 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000527 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001685 (FFMI Submission).

844 FFM-IRAN-D-001522 (Ballistic Analysis); "Visual Guide to Law Enforcement and Security Equipment", Omega Research Foundation, 2021; "Lethal in Disguise 2: How Crowd-control Weapons Impact Health and Human Rights", The International Network of Civil Liberties Organizations; Physicians for Human Rights in collaboration with the Omega Research Foundation, 2023.

845 FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview).

846 FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001685 (Statement).

847 FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001687 (Statement).

killed were hit with firearm ammunition followed by ammunition containing multiple projectiles, in particular birdshot.

496. The Mission recalls that even a shotgun with ammunition containing multiple pellets discharged against a person, who poses an imminent threat of death, surrounded by others who pose no threat, such as in a protest, amounts to an indiscriminate use.

497. Many instances of the use of force resulting in deaths and injuries investigated by the Mission took place after dark and in the late hours of the evening,[848] increasing the risk of indiscriminate use of lethal force. The Mission has also received information that in at least three cases, street electricity was cut limiting the protesters' ability to react as well as their ability to document the events.[849]

498. Moreover, security forces, including agents belonging to FARAJA's Special Forces, the IRGC and Basij, and agents in plainclothes, used weapons and ammunition categorised as less lethal outside the permitted parameters. For instance, they fired rubber bullets or paintballs directly at the head and the eyes of protesters.[850] In one case, a tear gas canister was directly shot at the face of a victim, resulting in the loss of one eye and severe damage to the face.[851] Water cannons were also used against peaceful protests including on the day of Jina Mahsa's funeral in Saqqez (see Annex III).[852]The Mission recalls that less lethal weapons and ammunition should never be used outside less lethal parameters.

(c) Targeting of vital parts of the body

499. The Mission further found a pattern of targeting of protesters and bystanders' vital body parts, including the face, the head, neck, torso, and the genital area with firearms such as assault rifles, weapons loaded with metal pellets and paintball guns discharged by security forces, causing deaths and extensive and life-changing injuries.[853] Witnesses recalled seeing security forces deliberately aiming for certain body parts, including heads and faces,[854] and genitalia,[855] or their limbs at extremely close range.[856] In one case a witness described the IRGC agent directing a paintball gun loaded with rubber bullets to his head from one meter distance with "a smile of satisfaction".[857]

500. The Mission also analysed medical and forensic records and death and burial certificates of victims which showed that many were hit in vital parts of the body, including in the head, chest and abdomen.[858] The analysed documents recorded severe damage and destruction of the skull, brain tissue, internal organs including the heart, lungs, spleen, kidneys, liver, large intestines and vital arteries.[859]

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848 FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview). See FFM-IRAN-D-000524 (FFMI Interview); FFM-IRAN-D-001687 (Statement).

849 FFM-IRAN-D-000524 (FFMI Interview); FFM-IRAN-D-001515 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview).

850 FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview).

851 FFM-IRAN-D-001512 (FFMI Interview).

852 FFM-IRAN-D-000450 (FFMI Interview); Videos on file with the Mission.

853 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview).

854 FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview).

855 FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-001689 (FFMI Submission); FFM-IRAN-D-001690 (FFMI Submission); FFM-IRAN-D-001691 (FFMI Submission).

856 FFM-IRAN-D-000425 (FFMI Interview).

857 FFM-IRAN-D-000507 (FFMI Interview).

858 Documents on file with the Mission.

859 Documents on file with the Mission.

(d) Targeting of individual protesters

501. The Mission concluded that there was a pattern of security forces targeting individual protesters which resulted in killings and injuries. This included those who were chanting slogans,[860] writing slogans on the walls,[861] honking in support of the protests,[862] and taking part in roadblocks.[863] For example, in the case of a young man killed in October 2022 during a protest in a city in Kermanshah province, a witness to his fatal shooting stated that the victim and other youth were setting up a roadblock when a member of the security forces in plainclothes[864] got out of his car and shot in their direction. The witness said that "the agent who fired did not care who was there, he shot a barrage of bullets".[865] The witness stated that the security forces were armed with a range of weapons including weapons loaded with pellets as well as G3 and AK-47s. He further stated that he had seen at least two members of the security forces on the roof of the city's municipality building and the Governor's Office armed with assault rifles.[866] In some cases, child protesters were targeted specifically for engaging in acts such as chanting.[867]

502. Security forces also targeted individual protesters who were perceived to be leading the protests and encouraging other protesters and/or objecting to security forces,[868] or trying to help protesters who were injured[869] or risking arrest.[870]

(e) Bystanders and the use of force in the vicinity or in the aftermath of protests

503. Lastly, the Mission identified a pattern of persons not participating directly in the protests, who were killed or injured by security forces policing nearby protests.[871] In some instances, bystanders were shot, including fatally, by the security forces while in their cars during the protests.[872]

504. A medical professional who treated persons injured during the protests over the course of several months stated that in at least three cases person injured had not been participating in the protests when they were shot at. In one case, he reported that a young man was standing outside his house, next to the door, when forces in FARAJA Special Forces uniforms on motorbikes shot him with metal pellets injuring him in the back of his head, his back and the side of his abdomen. Protests were reportedly taking place in the nearby streets. In another case, he reported a man returning home was he was shot at with pellets by agents in plainclothes. Protests were taking place in the general area, but not in the street where he was shot.[873] In another example, in November 2022, a witness in a city in north Iran, saw a Basij

860 FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview). FFM-IRAN-D-000508 (FFMI Interview). FFM-IRAN-D-001687 (Statement).

861 FFM-IRAN-D-001510 (FFMI Interview).

862 FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001015 (FFMI Interview). See the case of Yahya Rahimi in Annex III.

863 FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview).

864 FFM-IRAN-D-001511 (FFMI Interview).

865 FFM-IRAN-D-001511 (FFMI Interview). Various branches of Security forces including FARAJA forces, including the Special Forces, in uniforms, Basij and the IRGC were present during the incident.

866 FFM-IRAN-D-001511 (FFMI Interview).

867 FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview).

868 FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview). Videos on file with the Mission.

869 FFM-IRAN-D-000374 (FFMI Interview). See also the incident in Balou, West Azerbaijan (ANNEX II) and victims in Javanroud, Kermanshah in Section VI on minorities.

870 FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview).

871 FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-001683 (FFMI Submission).

872 FFM-IRAN-D-001691 (Video).

873 FFMI-IRAN-D-050071.

agent, with a weapon loaded with ammunition containing pellets, shooting a woman standing on her balcony.[874]

505. Equally, according to credible information, on 21 September 2022, a young woman, Hannaneh Kia, who was standing on a sidewalk in the proximity of a protest on a central square of Nowshahr, Mazandaran province, was fatally shot with live ammunition. Official documents, received through an NGO and analysed showed, that she sustained severe damage to her organs resulting in significant blood loss and hypovolemic shock.[875] In another case, Shirin Alizadeh, another young woman was shot in the car in Salman Shahr, Mazandaran province on 22 September 2022. She and her family were travelling from another city and were on vacation. According to credible information, forces belonging to Basij were wantonly shooting from inside a Basij base at people who were protesting outside.[876] A video captured by the victim herself depicts the moments before the shooting as well as the moment she was fatally shot. The video taken from inside the car shows unarmed protesters fleeing in distress as sounds of gunshot are heard. The passengers are heard saying, "they are shooting" in shock, adding "they are shooting into the air not directly". Almost immediately after this an anxious passenger is heard saying, "oh, they shot a girl […] they killed them." Seconds later Shirin Alizadeh turns around towards the back seat as she continues filming when the footage abruptly moves as the phone drops and what appears to be blood is seen.[877]

506. In some cases, security forces shot at persons who were in the vicinity of areas where protests had taken place earlier in the day or at persons in areas where protests commonly took place even though there were no protests at the time. In some cases, security forces fired at individuals who, upon seeing heavily armed forces, appeared frightened and/or started running. An illustrative case is that of a man shot in his car by members of the IRGC on 27 October 2022 in Baneh, Kurdistan province.[878]

507. In another case, in late October 2022 in a city in Kurdistan province, a young man was shot by a weapon loaded with metal pellets. The victim was standing with several other persons near a shop on a street where protests commonly took place when a car pulled over close to them and several agents, including in FARAJA uniforms, got out of the vehicle. When one of the forces aimed his shotgun at the victim, he turned around and started running. At this point the security forces fired the weapon loaded with metal pellets several times. No protests were reported to be taking place at the time of shooting.[879]

5. Women and girl protesters and gender dimension of the use of force

508. Though there is no official sex- and gender-disaggregated data, young men and boys (between 15 and 18 years) were the majority of protesters killed by security forces at protests.

509. As of September 2023, up to 49 of those killed were women. Figures provided by different organizations suggest that around 10% of protesters killed were women and girls. However, the killings of women might have been under-reported as the authorities particularly pressed families to attribute the death of women and girls to health issues,

874 FFM-IRAN-D-001654.

875 FFM-IRAN-D-001714 (Statement); FFM-IRAN-D-001715 (Death Certificate); FFM-IRAN-D-001716 (Burial Certificate); FFM-IRAN-D-001717 (Letter); FFM-IRAN-D-001718 (Document); FFM-IRAN-D-001719 (Forensic Report).

876 FFM-IRAN-D-001720 (Statement).

877 Video on file with the Mission.

878 See Annex III.

879 FFM-IRAN-D-000825 (FFMI Interview).

accidents, or suicides.[880] At the same time, information received by the Mission indicates that women were affected more on par with men with regard to injuries.[881]

510. While women and girls participated in the protests in large numbers[882] (see Section IV), their participation was not of similar levels across provinces. Women's participation in large cities was very visible whereas women were under-represented in other cities. For example, this was the case in Zahedan in Sistan and Baluchestan province. A witness who participated in protests in the Sistan and Baluchestan province described to the Mission that while the majority of protesters were men, women and children were also present. He noted that Baluchi women who attended protests were from a more educated segment of society but that "ordinary women", like his mother or sister, and women from poor communities also protested.[883]

511. The Mission identified elements that contributed to this difference. First, information reviewed shows that most killings of men took place in the later hours of the evening when it appeared that more men were protesting as compared to women and even less so girls. Second, some witnesses highlighted that when security forces were violent, men would go to the front to shield women protesters. A witness told the Mission that men protesters were protective of the girls and did not want the young women to stay behind as they feared for their safety. Another witness described how in her experience before the death in custody of Jina Mahsa Amini, "boys were looking down on girls". She noted that in the protests, she did not experience any "bad looks" from men, and that "young men changed the way they looked at women". As a result, she felt very secure. She noted that young men were taking care of and supporting the women. When they set fire to dumpsters in the street or went on top of dumpsters, the men were very protective. If there was shooting or when live ammunition was used, the men protesting made sure she was shielded.[884] Third, on "Bloody Friday", which accounted for possibly up to 1/5 of the reported killings,[885] mainly men and boys were protesting after the Friday prayers.

512. The Mission also notes that authorities[886] and State media[887] consistently denied that women and girls had been killed during the protests or attributed responsibility to protesters. While the overall response by the State to the killings of protesters has been denial, State

880 FFM-IRAN-D-001008 (FFMI Interview); FFM-IRAN-D-001721 (Statement). This conclusion was corroborated by NGOs. For example, Femena noted that "The Islamic Republic of Iran's (IRI) security and judiciary officials have put forth numerous misleading and false accounts about the death of protesters, including stories claiming protesters had died as a result of suicide, accidents, falling from buildings, poisonings, heart attacks, strokes, and shots fired by anti-government groups", Iran Protest: Women Killed During Protests, Femena, 20 April 2023,

881 Between 28 and 40 per cent of those injured in the protests were reported to be women. See FFM-IRAN-D-001722 (FFMI Meeting). NGO, Iran Human Rights put the figure on women injured at 28 per cent. The organization's analysis of protester deaths and eye injuries during the "Woman, Life, Freedom" nationwide protests assessed that security forces intentionally and systematically targeted women's eyes and faces. According to the data of the organization, women made up nine per cent of slain protesters and 28 per cent of those who sustained eye injuries. In a sample from Mahabad (West Azerbaijan province), 15 percent of protesters killed were women, while they made up 56% of protester eye injuries, Iran Protests 2022: Women Protester Eyes Intentionally and Systematically Targeted, Iran, Human Rights, 22 September 2023,

882 FFMI-IRAN-D-050025 (FFMI Interview).

883 FFMI-IRAN-D-050777 (FFMI Interview).

884 FFMI-IRAN-D-050012 (FFMI Interview); FFM-IRAN-D-000823 (FFMI Interview).

885 See Section VI on minorities.

886 "Death of a Young Woman Due to Falling in a Construction Hole in Tabriz Under Special Investigation", IRNA, 17 November 2022; "The rereading of the truth of the death of Sarina Esmailzadeh in 2022", IRNA, 20 September 2023; "The story of death of Sarina Saedi, 16-year-old girl from Sanandaj", Mashregh News, 31 October 2022; "Homicide case opened in relation to the death of Fereshteh Ahmadi in Mahabad/crime scene investigated by police detectives/shooting was done from inside the house", Mizan Online, 1 November 2022; "The Prosecutor of Shahriar in relation to the death of 'Nasrin Ghaderi'", Mehrnews, 6 November 2022.

887 "Young girls target of an old tactic/the machinery of fabricated killings does no intent to stop", Mizan Online, 7 November 2022; "From Asra and Nika to Parisa and Arnika/the government has killed these 17 women!", Fars News, 9 November 2022.

authorities and media went to great lengths to deny any role in the killings of women and girls. For example, in an article published by Mizan news agency linked to Iran's Judiciary, the death of protesters is reported as due to various causes: an "enemy" either substituting a person for another person and declaring them dead or introducing a person who died in other circumstances (usually suicide) as a person killed in "riots"; an "enemy" assigns people to infiltrate the "rioters" and kill a person to blame their death on the government and fake news. In comparison, the deaths of women and girl protesters, were instead commonly attributed to alcohol consumption, suicide, ordinary crimes, illness (seizure, influenza, cardiac arrest), traffic accidents, fake news, family dispute, and falls from a window or a building. The authorities put families under pressure to deny that the death of their female relative was linked to the protests. Such narratives attempted to erase the overall role of women and girls in the protests, and to stifle their demands for equality and non-discrimination, which were at the core of the September 2022 protests.

513. Indeed, authorities minimized their deaths and injuries in an attempt to avoid at any cost that woman killed gain a symbolic status akin to that of Neda Agha Soltan, whose killing in the anti-government protests of 2009 was captured on video,[888] and to that of Jina Mahsa Amini. There is credible information that in one case, the family of a woman protestor shot in the head was threatened to remain quiet and stop posting online as her case was receiving significant attention. Authorities said they had another "Mahsa situation" on hand.[889]

514. In another example, examined by the Mission, the authorities attributed the killing of Minoo Majidi to an opposition group which they called the "Hypocrites" in relation to the PMOI.[890] In another case the authorities forced the family to say that the victim had died of a heart attack even though pictures of her bloodied and disfigured face and bullets wounds were circulating online and the family being in possession a death certificate stating that the cause of death was being hit by a bullet and the use of "war equipment".[891]

515. In another case reviewed by the Mission, a woman protester, Aylar Haghi, was found dead after attending a protest in the evening on 16 November 2022 in Tabriz, East Azerbaijan. Credible information received by the Mission indicated that the woman, a medical student, had joined the protest at around 6:30 p.m. Reportedly, between 9 and 9:30 p.m., the victim called and sent several messages to friends and family in which she asked for help, stating anxiously that she was being followed and adding that "they are killing everyone". Around 1 a.m., having been unable to reach her over the phone, her family went to a police station to look for her. There, the police showed them the victim's shoes and mobile phone and asked if the items belonged to her. When they confirmed this, the family was told by the police to go to the city morgue. Reportedly, the body bore marks of beatings and a wound with stitches was visible on the back of her head. Her death certificate reportedly said that she had been "killed by [a] hard object".[892] State officials announced that Aylar Haghi died after falling into a hole at a construction site.[893] According to media reports and media interviews by relatives, authorities placed her family under pressure to announce that her death was caused as a result of a fall.[894] Security forces were reported to have been present at her funeral and used force to disperse mourners who were chanting slogans.[895]

888 "Iran: Neda's killer must be brought to justice", Amnesty International, 20 June 2010.

889 FFM-IRAN-D-001723 (Statement).

890 FFM-IRAN-D-000524.

891 FFMI-IRAN-050119.

892 FFM-IRAN-D-001721 (Statement); "Family Says Iranian Student Killed By Police Bullet, Rejecting Official Claim That She Died In A Fall", Radio Farda, 18 November 2022; "Victims of killings during the nationwide protests in Iran: Aylar Haghi 'saw the Woman, Life, Freedom, Movement as a citizens' revolution'", BBC Persian, 7 September 2023.

893 "Death of a Young Woman Due to Falling in a Construction Hole in Tabriz Under Special Investigation", IRNA, 17 November 2022.

894 "Aylar Haghi Killed by "Direct Shot in the Back of Her Head by State Forces", Radio Farda, 18 November 2022.

895 "Security Forces Attack on Aylar Haghi's Burial Ceremony in Tabriz; Police Announced her Cause of Death as 'Falling from Hight'", BBC Persian, 18 November 2022.

516. Similarly, according to reports by human rights organizations, State authorities subjected the family of Sarina Esmailzadeh, a 16-year-old girl reportedly killed on 23 September during the protests in Karaj, Alborz province to harassment and intimidation to coerce them into repeating the official narrative. According to public reports, member of the security forces fatally struck Sarina Esmailzadeh in the head with a baton. Following a public outcry in relation to her death, the head of the justice department (*dadgostari*) in Alborz province, claimed that Sarina Esmailzadeh had committed suicide by jumping from a rooftop.[896] Subsequently, State affiliate media aired a short "interview" with a relative of her repeating the State's narrative on her death, namely that she had not been involved in the protests and had died as a result of suicide. Media outlets, citing a relative, stated that security and intelligence bodies subjected the girl's family to intimidation and harassment including by making threats of harming other family members to coerce them into absolving the State of responsibility. They further highlighted various contradictions on the State's narrative.[897]

517. Women protesters were also subjected to gendered and sexualized threats, including threats of violence. They were threatened that they would be shot at if they did not put their *hijab* back on.[898] One victim stated that before the shooting, security forces called women protesters "whores", and said "There is no such a thing like 'Woman, Life, Freedom'; this is nothing!" and "You will see now!"[899]

518. The Mission investigated several cases that are emblematic of injuries and deaths of women protesters.

(a) Women protesters in a northern province on 20 September 2022

519. In September 2022, a protest took place in a city in a northern province.[900] A witness recalled that by the time she arrived at the protest at 6:30 p.m., around 200 people had gathered on the main square. The majority of the protesters were women of different ages. The rest were young men and boys. About 10 minutes later, around 20 police officers dressed in light and dark green uniforms and armed with shotguns and pistols, accompanied by another 30 plainclothes agents, arrived at the protest site. Another 15 minutes later, security forces started shooting at the protesters who were chanting "Woman, Life, Freedom" and "Death to the dictator". The witness tried to help two boys, aged around 14, who had been shot by a plainclothes agent with a shotgun when she was shot. She described that immediately after seeing her kneeling down near the boys, the plainclothes agent shot her from a distance of around five meters and hit her in the eye.[901] Forensic analysis of medical reports, video footage and picture material confirmed that the victim suffered a traumatic eye injury with a globe rupture due to blunt force trauma, which led to her losing her sight.[902] The Mission concluded that the victim was intentionally shot at close range by a security agent.

(b) Woman protester, Tehran, mid-October 2022

520. In a protest in Tehran on 12 October 2022, a woman recalled walking towards a protest in Tehran province when she saw that armoured vehicles, armed enforcement agents and special forces agents in black uniforms had been deployed to a sidewalk leading to the protest site. She explained that they had blocked the adjacent streets leading to the intersection, forcing protesters to pass by an informal checkpoint should they want to join the protest at the site. As she passed by the agents, a member of the Special Forces Basiji pushed and

896 "The rereading of the truth of the death of Sarina Esmailzadeh in 2022", IRNA, 20 September 2023.

897 "Iran: At least 23 children killed with impunity during brutal crackdown on youthful protests", Amnesty International, 13 October 2022; "Iran Human Rights Confirms State Killing of 16-year-old Protester Sarina Esmailzadeh", Iran Human Rights, 7 October 2022; "Who was Sarina Esmailzadeh", Radio Farda, 13 October 2022; "Words of Sarina's mother before the IRGC's camera: 'they were taken under coercion'", Radio Farda, 8 October 2022.

898 FFM-IRAN-D-001505 (FFMI Interview).

899 Name of city and province withheld for protection reasons. FFMI-IRAN-D-050988 (FFMI Interview).

900 FFMI-IRAN-D-050772 (FFMI Interview).

901 Ibid.

902 FFM-IRAN-D-001724 (Forensic Report).

punched her, saying “Where is your shawl, put on your shawl, this is not Europe” and “I am going to waste a bullet on you”. An altercation ensued over her defiance to wear the *hijab*, while two other agents in plainclothes approached the scene and told the witness “We will kill you the same way as we killed Mahsa Amini”. As she continued arguing, one of the agents also made sexualized threats against her saying “Instead of shooting you, we will put a gun inside you”. As the argument escalated, the witness saw that a third agent in plainclothes approached and, from a meter away, shot at her with a paintball which she described as “similar to a rock with metal inside” causing her severe pain. She recalled the “hatred” he exhibited when he shot at least seven paintballs into her body. He also hit her in the stomach, legs and chest. The victim then recalled how she tried to run away, but she fell. At that moment, two women passing by came to her rescue. Minutes later, she saw how the two women were being dragged by two Special Forces agents. As she assumed that the women were being arrested, she asked the agents to let them go. In response, the same plainclothes agent who threatened shooting her earlier, “smiled” and shot her in her eye. The witness described how she could “hear her eye exploding” and how her hands were covered in blood after she touched her eye. The victim noted that that night she witnessed security forces shooting with paintballs at people passing by and beating others with batons.[903]

6. Children

521. As some of the incidents and emblematic cases described above show, security forces used force against children in the context of the protests investigated by the Mission. The Mission has also investigated specific cases of children killed and injured in protests in Tehran city and West Azerbaijan, Khuzestan, a northern province and Kurdistan provinces. The Mission highlights the severe impact that the use of force could have, both physically and psychologically, on children. A report on the impact of weapons and ammunition used on the victims, commissioned by the Mission, pointed to the special vulnerability of children in protest contexts due to their age, developmental stage, and higher risk of short and long term injuries. Children have more delicate skin, bones, and organs, making them particularly vulnerable to physical trauma from projectiles and batons which could result in exacerbated fractures, penetration, and trauma. In some cases, especially when metal pellets were embedded in the tissues of children and young people, lead poisoning has also been reported. Moreover, children could suffer long term consequence as fractures of developmental plates can impede growth, and damage to organs in youth can result in dysfunction or uneven growth over time. Brain trauma can further lead to a range of symptoms including developmental delay and seizures. Psychological trauma can have lasting consequences on the development and ability to learn of children.[904]

Kian Pirfalak

522. On 16 November, in Izeh, Khuzestan province, 9-year-old Kian Pirfalak was in the car with his parents and younger brother on the way home when he was fatally shot, and his father was severely injured. Seven people, including two other children, Artin Rahmani, and Sepehr Maghsoudi were killed during the incident on 16 November.[905] A witness described that a large number of people had gathered in the city in Hafez Jonoubi and surrounding streets and were chanting "Woman, Life, Freedom”. Security forces in uniforms, including those belonging to FARAJA and its special forces as well as plainclothes agents were reportedly present. Forces were also reported to have been stationed on rooftops from where they opened fire at protesters.[906]

[903] FFM-IRAN-D-001018 (FFMI Interview).
[904] FFM-IRAN-D-001388 (Forensic Report).
[905] “Iran: At least 23 children killed with impunity during brutal crackdown on youthful protests”, Amnesty International, 13 October 2022; “Obscurities on the Case of Child from Izeh”, Etemad Newspaper, 19 November 2022, FFM-IRAN-D-001540.
[906] FFM-IRAN-D-001540.

523. State authorities immediately denied that security forces had any role in the killings claiming that security forces were not armed with firearms.[907] A few hours after the incident, IRGC in Khuzestan issued a statement announcing that Kian Pirfalak and the other persons killed on that day had been the victims of a terrorist attack.[908] State officials, including the Deputy Governor for Law Enforcement and Security Affairs of Khuzestan province, Valiollah Hayati, also claimed that "terrorist agents" were responsible for the incident.[909] On 19 November, the Governor of Khuzestan province, Sadegh Khalilian, stated that 11 "terrorist agents" were arrested in connection with the events in Izeh.[910] On 27 November, the head of the Justice Department (*dadgostari*) in Khouzestan announced that 61 people had been arrested in relation to the incident.[911]

524. As detailed in Section V. E, in April 2023, the Judiciary announced that the Revolutionary Court in Ahvaz had sentenced a man, Mojahed (Abbas) Kourkouri to death on the charge of "corruption on earth over accusations that he was involved in the Izeh incident and the killing of seven persons, including Kian Pirfalak. Mr. Kourkouri was charged with "waging war on God", "corruption on earth" and "*baghi*" (armed rebellion)." State media aired "confession" made by Mr. Kourkouri shortly after his arrest which were reported to have been obtained under torture. He was filmed in what appeared to be a hospital bed with his arm bandaged with traces of blood visible. (For the details of State accusations against Mr. Kourkouri and the documented violations and irregularities in his case see Section V. E)

525. Kian Pirfalak's family have repeatedly and persistently refuted the State narrative. A video analysed showed that during his funeral on 18 November, Kian Pirfalak's mother said: "Hear it from me about how the shooting happened so they [the authorities] cannot say it was by terrorists; because they're lying." She described that the family was driving home when plainclothes officials stationed near the office of the Red Crescent ordered them to stop and turn around before opening fire at the car. As a result, Kian Pirfalak sustained fatal gunshot wounds and his father was severely injured. [912] On 19 November, in a news interview, Kian Pirfalak's uncle confirmed the mother's account.[913] On 27 December, Kian Pirfalak's family once again refuted the official narrative around his killing and said in a statement: "the identity of the shooters is absolutely clear, definite and unchangeable for awakened consciences. Under no circumstances we accept fake and untrue narratives about the murder of Kian."[914] In April 2023, Kian Pirfalak's father stated in a video: "I do not recognise Mojahed Kourkouri or any other regular citizen as the murderer of my son because I saw with my eyes that security forces opened fire at our vehicle."[915]

526. Credible information showed that since June 2023, Kian Pirfalak's family has been subjected to various forms of harassment including arrest, detention, vilification by state media, and expulsion from work. On 11 June, when the Pirfalak family gathered at his grave in Izeh, amid a heavy state security presence, to remember the child on what would have been his 10th birthday. The cousin of Kian Pirfalak's mother, Pouya, was shot dead by Iranian

907 "Khuzestan Deputy Governor: Military and Law Enforcement Forces Played No Roles regarding Incident of Izeh", IRNA, 18 November 2022.

908 "Statement of IRGC's Vali e Asr (praised upon) Unit in Khuzestan Following the Terrorist Incident of Martyrdom of a Group of Compatriots in Izeh", IRNA, https://www.irna.ir/news/84945412/اطلاعیه-سپاه-ولی-عصر-عج-خوزستان-در-پی-حادثه-تروریستی-شهادت-جمعی 16 November 2022.

909 "A Delegation Set up by the Governor Consisting of Members of Security Council Heading to Izeh", 16 November 2022.

910 "Reaction of a Number of MPs to the Terrorist Incident in Izeh", ISNA, 19 November 2022;

911 "Number of Detainees of Terrorist Incident in Izeh Reached 61", IRNA, 24 November 2022.

912 "Obscurities on the Case of Child from Izeh", Etemad Newspaper, 19 November 2022.

913 Article on file with the Mission.

914 "Family of Kian Pirfalak: We Do Not Accept the Fake Narration of the State regarding the Murderer of Kia", IranWire, 27 December 2022.

915 Iran Human Rights, Protester Mojahed Kourkour Sentenced to Death as Cover-up for Kian Pirfalak's State Killing, 7 April 2023; Amnesty International, Iran: Man at risk of protest-related execution: Mojahed (Abbas) Kourkouri, 5 July 2023.

officials who claimed Pouya tried to drive his car into police forces who had surrounded the outdoor memorial service at Kian's grave.[916]

527. Credible information indicates that Kian Pirfalak was killed by security forces.

Artin Rahmani

528. Another child, Artin Rahmani, a 17-year-old boy also attended the protests that took place on 16 November in Izeh, Khuzestan province and was chanting with the crowd. According to a witness, security forces armed with AK-47s and Winchester guns were firing at protesters in Hafez Jonouvbi street as well as in Helal Ahmar and Rasulullah streets. The witness noted that there were "bullets hitting everywhere" and that he stopped a motorcyclist telling him: "please take me to another place so I can survive". According to the witness, Artin Rahmani was shot to the head and chest that night during the protest.[917]

529. Credible information indicates that Artin Rahmani was killed by security forces.

Two boys in a northern province

530. A witness also described that during a protest that was held in September 2022, a member of the security forces shot directly at two boys aged 13 and 14, after they tore up photos of the Supreme Leader. The witness stated that she learned later that one of the boys had severe injuries on the spinal cord. The other boy suffered injuries on his liver and stomach, and part of his intestines had to be removed. The witness noted that while she had seen the same agent shooting at protesters, she "never thought" he would also shoot at the children.[918]

Child protester in a city in West Azerbaijan province

531. A protester, who participated in the protests that took place in a city in West Azerbaijan province when he was 17 years old, described that during a protest that took place in October around 1,000 people had gathered. As soon as he arrived, at around 8 and 9 p.m., he saw that armed FARAJA special forces had surrounded the protesters. Plainclothes agents in unmarked vehicles and armed with shotguns, paintball guns and AK-47s had joined them from the side streets adjacent to the square. Security forces started firing at protesters with shotguns shortly thereafter. [919] As he was in the front of the protesters chanting "Zhen, Zhian, Azadi"[920] and slogans against the Supreme Leder, along with other protesters, a plainclothes agent, who was standing at a distance of 20 meters away, shot him with a shotgun loaded with ammunition containing pellets and hit his face, eyes, and shoulders. The agent first attempted to drag him out of the site to a vehicle nearby, but as the boy began vomiting blood, he left him on the ground. As of August 2023, the victim reported that at least nine pellets remain in his body, including in his both his eyes.[921] The Mission concluded that the victim was shot by a member of the security forces with a weapon loaded with ammunition containing pellets.

Child in a city in Kurdistan province

532. The Mission investigated the case of another child injured during the protests that took place on in November 2022,[922] in a city in Kurdistan province. According to a witness, around 200 protesters had gathered in several locations. Upon arriving at a protest site, the witness saw protesters setting tires on fire to block the street so as to prevent the security forces from

[916] "Young Man Shot Dead as Iranian Authorities Try to Silence Justice-Seeking Families", Center for Human Rights in Iran, 12 June 2023.
[917] FFM-IRAN-D-001540.
[918] FFMI-IRAN-D-050988 (FFMI Interview).
[919] FFMI-IRAN-D-050800 (FFMI Interview); FFMI-IRAN-D-050801 (FFMI Interview); FFM-IRAN-D-001747 (Statement); FFM-IRAN-D-001686 (Statement)
[920] "Woman, Life, Freedom" in Kurdish.
[921] FFM-IRAN-D-000508 (FFMI Interview).
[922] Exact date withheld.

accessing the protesters. The witness saw IRGC forces, uniformed police from FARAJA's Emdad unit, and plainclothes agents wearing hats and masks, whom he believed belonged to the intelligence service at the site. The security forces were armed with AK-47 and shotguns.[923] Sometime after 9 pm, the witness noticed a 13-year-old child who was chanting along with other protesters who threw stones. He saw a police officer he identified as belonging to the Edmad Unit dragging the child to an adjacent alley. Protesters, who saw this, threw stones at the police officer, and minutes later, the witness heard gunshots. He located the child at around 9:40 p.m. and realized that he had been shot and hit on the foot. Forensic analysis of injury images and an ex-ray showed a penetrating injury to the foot at the heel of the victim. The fresh wound on the heel had multiple lacerations at the edge, consistent with a near-contact gunshot entry wound. A radiological image showed a minimum of 180 radio-dense at the plantar surface consistent with shotgun pellets, particularly birdshot. Images also showed healing phases of the tissue with signs of multiple surgical interventions.[924] The Mission concluded that the boy was shot by a security officer with a weapon loaded with metal pellets, likely birdshot, during the protest.

7. Lack of medical assistance

533. The Mission received information indicating that security forces hindered medical personnel from providing assistance, exacerbating the situation further for the injured protesters.[925]

534. Iran's High Council for Human Rights asserted in a November 2022 report that the law enforcement officers deployed to police the protests were "coordinating with medical centers to provide quick aid to the wounded".[926]

(a) Emergency medical care

535. Witnesses describe a lack of available emergency response operations, including ambulance services, and of a lack of access without delay by individuals to essential healthcare at protests starting in September 2022. As an example, one victim who was shot in the eye in a protest in September 2022 in a northern province, noted that no ambulance was present at the protest. At the same time, according to the witness, there were around 20 uniformed police officers, around 30 plainclothes agents and Basij forces, as well as some police vehicles at the site. After she got shot, her three family members approached people's vehicles to take them to the hospital. They also approached taxi drivers asking them to take her to a hospital, but they refused and some even locked their doors to prevent them from getting into the car. A plainclothes security officer said that an ambulance would come, but she believed it was a trick to arrest her. Either way, no ambulance came.[927]

536. Another victim, who was shot in the arm at a protest in Bukan in October 2022, also could not find any ambulance or other medical help on the site of the protest.[928] A victim who was beaten almost to unconsciousness by four or five police officers, shot with rubber pellets and hit by a flashbang at a protest in Tehran in October 2022, was taken home by taxi as there were no ambulances at the protest site. The taxi driver was told that the victim had an accident.[929]

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923 FFM-IRAN-D-000513 (FFMI Interview))
924 FFM-IRAN-D-001725 (Forensic Report).
925 FFM-IRAN-D-000522 (FFMI Interview); "Bloody Friday in Zahedan", Iran Human Rights Documentation Center, 19 October 2022.
926 High Council for Human Rights of the Islamic Republic of Iran, "Most Important Measures Taken in Connection with Rule of Law, Non-Use of Lethal Force & Policy of Accountability During Recent Riots", p. 2.
927 FFM-IRAN-D-000374 (FFMI Interview).
928 FFM-IRAN-D-000425 (FFMI Interview).
929 FFM-IRAN-D-000534 (FFMI Interview).

537. At the same time, witnesses stated that ambulances were being used by security forces during the protests including to arrest protesters, in particular in Tehran.[930] A witness said that he had seen security forces shooting from inside of an ambulance during protests on 20 September in Valiasr Square in Tehran. They were firing metal pellets and compressed rubber balls.[931] One protester interviewed stated that he had seen ambulances in Tehran without plate numbers which was unusual. He believed that they most probably were used to transport security personnel.[932] A witness in a western province said that he had seen ambulances and Red Cross vehicles, as well as vehicles belonging to the municipality, being used by the Qods security forces of IRGC in order to transfer forces and detainees.[933]

(b) Security forces inside and outside of healthcare facilities

538. The Mission established that from at least October 2022 onwards, across Iran, including in Alborz, Tehran, Kurdistan, and West Azerbaijan provinces, security forces were present inside and outside hospitals, blocking or controlling access, as well as requesting and collecting information on injured patients, interfering with their medical care, arresting and questioning them in hospital. For instance, a medical professional witnessed, on two occasions in October and November 2022, security forces blocking the entrance to a hospital in a city in a western province, between 9.30 to 11.30 pm. A van belonging to the FARAJA, the regular police force, was placed in front of the entrance door. On one occasion, security forces outside were also firing towards the inside of the hospital. He saw state agents in plainclothes in all sections of the hospital.[934] A witness who had sustained serious facial injuries in a protest in Tehran in October 2022 also noted the presence of security forces across the hospital he was treated in. A police officer was sitting at a table in front of the hospital entrance and checking and controlling every person, and another police officer was deployed next to the entrance of the emergency unit. In addition, a *Basiji* in plainclothes was by the desk of the cashier of the hospital, who was checking all patients being discharged from the hospital.[935]

539. In addition, security forces operating in the hospitals took measures to identify protesters among the patients. In their interview with the Mission, a medical professional stated that when the protests started, an instruction came through the *kortabl* system, an internal portal for hospitals, where communications of the Ministry of Health are received and kept. In this communication, medical personnel at medical establishments were instructed to report anyone who came seeking medical help for injuries sustained from bullets, metal pellets, and beatings with batons. The instruction, addressed to the chief of the clinic, was in the form of an official letter, seen by the witness, bore the letterhead of the ministry and a logo, and contained the name of a person who worked at the ministry and a contact number to report patients. According to the witness, the instruction went to all hospitals and clinics, private or public.[936] They also noted that the personnel in large hospitals had no choice but to report cases, in light of the police presence and the government affiliation of some staff.[937] The situation was different in private clinics as the State could not afford to station police or security forces in all of them. They sent occasional security forces instead, and the clinics were required to inform the police station in their neighbourhood on injured protesters. The police would then come to make a report and could arrest the patient.[938]

930 FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview).
931 FFM-IRAN-D-000507 (FFMI Interview).
932 FFM-IRAN-D-000534 (FFMI Interview).
933 FFM-IRAN-D-001517 (FFMI Interview).
934 FFM-IRAN-D-001517 (FFMI Interview). Also, a medical staff in a hospital in a western province similarly noticed security and military personnel when injured protesters were brought in, as well as IRGC or government intelligence bringing seriously injured protesters, see FFM-IRAN-D-000097 (FFMI Interview).
935 FFM-IRAN-D-000718 (FFMI Interview).
936 FFM-IRAN-D-000595 (FFMI Interview).
937 Ibid.
938 FFM-IRAN-D-000595 (FFMI Interview).

540. A medical professional who worked in a hospital in West Azerbaijan province also referred to an instruction sent to their hospital requesting it to include information on gunshot wounds relating to people injured during the protests in the database called Hospital Information System (HIS) which is used in every hospital. The database contains the patients' identity and address, which makes it easy for security to trace them.[939] The security (*herasat*) unit at the hospitals, including in this city in West Azerbaijan, and another city in a western province, were identifying protesters and reporting them to the authorities, particularly the IRGC.[940] The *herasat* would also check the CCTV footage and cameras every morning to ensure that no injured protester had left during the previous night.[941]

541. Moreover, in one hospital, the supervisor was required to establish lists of protesters and provide them to the hospital matron every day.[942] The practice of identifying protesters was also confirmed by a victim, who had been treated in hospital after sustaining injuries to his face in a protest in Tehran in October 2022. He said that one of the nurses gave his name to the security bodies, along with the names of two other protesters with eye injuries with whom he shared the room. The witness hid in an examination room and was able to leave the hospital in time. He feared, however, that one of the other patients was arrested and is still detained since he would have otherwise heard from him.[943]

542. Security forces also questioned some patients suspected of being protesters in the hospital[944] and were seen guarding and tying a patient to their bed[945] and arresting others.[946] In particular, a victim, who was beaten almost unconscious by four or five police officers, shot with rubber pellets and hit by a flashbang at a protest in Tehran in October 2022, was questioned for five hours by the *herasat* unit in the hospital he sought treatment. According to him these units are closely linked to Ministry of Intelligence.[947] A medical professional noted the arrest in a hospital in a city in a western province, of a 24 or 25-year-old man with pellet injuries. He also explained that those who were in critical condition, for example had been shot in the eye and needed surgery, were not arrested in the hospital, but those who were shot with pellets and did not need to be hospitalized could get arrested.[948] While she was not arrested at the hospital, one witness feared at the time that she may be arrested later as the hospital would have a record of her injuries and her personal information, including social security number.[949] Another expressed that for five months she was hiding because she was scared that she would be arrested because of her visible injuries.[950]

543. Fear of arrest in hospitals, including based on information shared by friends or healthcare professionals, prevented some injured protesters from seeking medical treatment in general in hospitals or in specific hospitals.[951] Other patients sought treatment, but concealed the reasons behind their injuries.[952] In particular, a witness who had pellet injuries to his eye after attending a protest in Saqqez, Kurdistan province in October 2022, already refused treatment at two hospitals, said at the third hospital that he had injured his eye falling

939 FFM-IRAN-D-000097 (FFMI Interview). An injured protester also expressed her fear that she would be arrested based on information collected by the hospital; see FFM-IRAN-D-000374 (FFMI Interview).

940 FFM-IRAN-D-000097 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview).

941 FFM-IRAN-D-001517 (FFMI Interview). On cameras installed at ICU units in Tehran hospitals, see FFM-IRAN-D-000595 (FFMI Interview).

942 FFMI-IRAN-D-050071(FFMI Interview).

943 FFM-IRAN-D-000718 (FFMI Interview).

944 See e.g. FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000595 (FFMI Interview).

945 See e.g. FFM-IRAN-D-000097 (FFMI Interview).

946 See e.g. FFM-IRAN-D-000595 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-001534 (FFMI Interview). Note that witnesses have not provided information on particular accusations the injured protesters faced.

947 FFM-IRAN-D-000534 (FFMI Interview).

948 FFMI-IRAN-D-050071(FFMI Interview).

949 FFM-IRAN-D-000374 (FFMI Interview).

950 FFM-IRAN-D-000425 (FFMI Interview). Also FFM-IRAN-D-000409 (FFMI Interview).

951 See FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview).

952 See e.g. FFM-IRAN-D-000534 (FFMI Interview); FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview).

down lying for fear that the hospital may not treat him.[953] In some cases, doctors helped conceal the injuries or the cause of the injuries. A witness who sustained injuries to his eyes during a protest in Tehran in November 2022, said treating physicians indicated in one of his medical records that the injury had been caused by a "sharp and cutting object", because indicating that they were caused by pellets or paintballs could have got him into trouble with the security forces.[954] In another case, a doctor indicated in hospital records that the injury that one woman protester had suffered during a protest in West Azerbaijan province had been caused in a "car accident" instead by pellets.[955]

544. The Mission also obtained credible information that security forces interfered with the treatment of injured protesters and created a threatening atmosphere for medical staff. For instance, a medical professional who worked in a hospital in West Azerbaijan observed a security agent asking a nurse what medication she was administering an injured protester. The witness saw that security agents were telling her colleague which medication the boy should receive as medicine. He later died and the security agents took his body.[956] A witness who had sustained injuries to his face in a protest in Tehran in October 2022 said that the medical staff of the hospital were very frightened by the atmosphere created at the hospital by the security forces. According to him, providing medical services to injured protesters could be very dangerous for them and put them into serious trouble. Despite the risk they faced, they treated him very well.[957]

545. Information also suggests that persons injured during the protests were left vulnerable to abuse. A witness who sustained injuries to his eyes during a protest in Tehran in November 2022, stated that he paid a hospital a significant amount for an implant, which the witness later found out had never been implanted.[958]

(c) Access to healthcare facilities and insurance coverage

546. The Mission established that persons injured in protests covered by this document were regularly initially denied admission at hospitals, at times being told that security would be notified if they did not leave.[959] In particular, a victim who sustained injuries to his eye during a protest in Tehran in November 2022, said that at the first hospital he went to, he was told at the reception that there had been a communication to hospitals that they should not admit injured protesters or if they did, they should communicate the details to the authorities. He was explicitly told that they would not admit those who had been shot. The second hospital also denied him admission at the reception. At a third hospital, he was told that they did not have the right expertise and equipment to treat him. Only in the fourth hospital was he finally admitted.[960]

547. Equally, a witness injured by a pellet shot at a protest in Saqqez, Kurdistan province, in October 2022, was refused admission at the first hospital and was not admitted at the second hospital because as the medical staff put it, the hospital was crowded. At the third hospital he was admitted.[961]Another witness who tried to get medical treatment for an unconscious minor with pellet wounds at a hospital in Marivan, Kurdistan, was told by nurses and doctors in the hospital that the patient was not allowed to get treatment, and that

[953] FFM-IRAN-D-000409 (FFMI Interview). See also FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000596 (FFMI Interview).
[954] FFM-IRAN-D-000507 (FFMI Interview). See also FFM-IRAN-D-000425 (FFMI Interview).
[955] Witness FFM-IRAN-D-000425 (FFMI Interview).
[956] FFM-IRAN-D-000097 (FFMI Interview).
[957] FFM-IRAN-D-000718 (FFMI Interview). See also FFM-IRAN-D-001517 (FFMI Interview).
[958] FFM-IRAN-D-000507 (FFMI Interview).
[959] See e.g. FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview). In one case, a witness injured during a protest in September 2022, in West Azerbaijan province, was told on the phone that the hospital was crowded, which he understood to mean that security forces were present, see FFM-IRAN-D-000521 (FFMI Interview). See also FFM-IRAN-D-000522 (FFMI Interview).
[960] FFM-IRAN-D-000507 (FFMI Interview).
[961] FFM-IRAN-D-000409 (FFMI Interview).

permission from the medical director was needed. At one point, a nurse came to say that someone had alerted the intelligence.[962]

548. According to information collected by the Mission, while in some cases patients were admitted by the hospital, doctors refused to treat them. For instance, when seeking treatment, a witness overheard a doctor at the hospital in a northern province telling nurses: "I am not dealing with the people who are shot at, and have injuries, it's not my responsibility to do that". When her blood pressure dropped, she felt and heard the nurses checking her heart and blood pressure and doing CPR. While none of the doctors treated her, the hospital also refused to transfer her to another hospital. In the end she was transferred by a private ambulance to a hospital in a larger city. The witness thinks the hospital refused to transfer her because she was a "rioter", a "criminal" in their eyes, so they didn't care if she died.[963]

549. There is also credible information that injured protesters had to pay for their treatment and could not claim their insurance directly. A medical professional who worked in a hospital in West Azerbaijan stated that those who were not able to make a cash payment among the injured protesters would not get medical care. Their insurance coverage was not accepted. The person responsible for reviewing insurance coverage told the witness that the patients could get reimbursed. Another colleague also told the witness that there had been an instruction from the Ministry of Health to not accept the insurance coverage.[964]

550. One witness stated that protesters who were seriously injured and apprehended by the intelligence or security forces were taken to the military hospital in a city in West Azerbaijan noting that this is how the security forces would keep information contained and that nobody would know what treatment those injured protesters would receive in the military hospital.[965] Another stated that during a period in the first weeks in September 2022, private hospitals in Urmia were forced to close.[966]

551. The Mission also notes the treatment and support some medical staff have given to injured protesters despite the circumstances.[967]

(c) Specialized equipment and expertise and overcrowding

552. Several witnesses stated that hospitals did not have the specialized expertise or equipment needed to treat their serious injuries.[968] For instance, a victim with a 1.75 x 2 cm pellet in her eye socket and a fractured bone under the eyelid said that when she sought medical treatment one of the hospitals she went to neither had an eye department, nor an MRI facility.[969] A witness who sustained injuries to his face by paintball guns filled with lead bullets used by security forces in a protest in Tehran in October 2022, also could not obtain the specialized eye treatment in two hospitals on the night his injury occurred and was only treated more than 12 hours after the injury.[970] He also noted that one of the hospitals was overcrowded; having seen 3000 patients being treated. The number of patients who were injured in the eyes, shot by shotguns and metal pellets in the protests was also high.[971]

(d) Medical assistance by volunteers

553. The Mission established that from September 2022 onwards, healthcare professionals, including physicians, nurses, midwives and medical students volunteered to assist injured protesters, including in private clinics, improvised medical posts, and private homes. First, as they became aware of injuries sustained by protesters, doctors began individually offering medical help on social media platforms and immediately received messages asking for help

962 FFM-IRAN-D-000513 (FFMI Interview).
963 FFM-IRAN-D-000374 (FFMI Interview).
964 FFM-IRAN-D-000097 (FFMI Interview).
965 FFM-IRAN-D-000097 (FFMI Interview)
966 FFMI-IRAN-D-050071(FFMI Interview)
967 See e.g. FFM-IRAN-D-001018 (FFMI Interview).
968 See e.g. FFM-IRAN-D-000507 (FFMI Interview).
969 FFM-IRAN-D-000374 (FFMI Interview)
970 FFM-IRAN-D-000718 (FFMI Interview).
971 Ibid.

or advice.[972] Doctors and nurses also created networks dedicated to providing medical assistance to injured protesters.[973] Doctors also travelled to different cities across provinces to provide medical care, while others, such as activists, helped with transporting medical staff and medicine in their vehicles.[974] One witness, an activist who transported medicine across different cities in one province, said that she would collect and dispose of injured protesters' used bandages in areas outside of large cities to prevent victims from being arrested.[975]

554. One doctor stated that he treated about twelve women in private homes, including for pellet wounds and severe beatings. He noted in his interview that some patients had been beaten so badly he is not sure that they survived.[976] A medical professional interviewed by the Mission helped treat 16 or 17 persons injured during the protests in a private clinic in Tehran, including a 16-year-old girl. The injuries included fractured bones, a dislocated shoulder from being dragged to a police van, and injuries from beatings.[977] Another witness stated that he provided medical care at home for over 100 individuals injured during the protests over a period of four months.[978] Witnesses who were injured in protests also stated that they first consulted a doctor outside a hospital for fear of going to the hospital.[979]

555. In addition to treatment by healthcare professionals, one witness referred to bringing persons injured in Zahedan on 30 September to, a person without a formal medical licenses practicing a form of traditional medicine.[980]

556. The Mission is satisfied that healthcare professionals who volunteered to help persons injured in the protests were subjected to harassment, arrest and detention by the security forces. For instance, a doctor, who helped injured people in his private clinic and in private homes noted that at one point he received a text message apparently to be from the local Security Office of the Prosecutor. The message included the doctor's name, medical license number and home address and asked him to come to said office to answer questions regarding "his actions". He thought it was a message sent to all doctors to see who would show up, as a friend who did not provide help to protesters also had received it. However, after a visit to his clinic in his absence by two men he suspected to be from the security forces, the doctor did not go back to his practice for fear of arrest. Later, plainclothes agents came to the house of a family member of the doctor and confiscated the doctor's personal items.[981]

557. One of the medical professionals who had offered medical help on social media was subsequently called by a person who identified themselves as being from the IRGC and accused the witness of helping "rioters" and told him to remove the story to avoid any "problems". In addition to his post, he had been assisting protesters. He was arrested by the IRGC after receiving a call from the Ministry of Intelligence requesting him to report to their local office. He was interrogated, including about his social media posts on how to treat injuries caused by pellets and tortured during his interrogation. He was released on bail. One of his close family members was also interrogated and threatened by the Ministry of Intelligence about his activities.[982] A medical student who had provided treatment to injured protesters in West Azerbaijan was detained for 21 days at an unofficial site, interrogated about his activities and tortured. He was asked to sign a paper that contained the charges against him. The paper bore the logo of the Ministry of Intelligence, and referred to the "office of the intelligence security" of the province at the bottom. The witness also stated that

[972] FFM-IRAN-D-000596 (FFMI Interview). See also FFM-IRAN-D-001517 (FFMI Interview).
[973] FFMI-IRAN-D-050071(FFMI Interview).
[974] FFM-IRAN-D-000533 (FFMI Interview), FFM-IRAN-D-000532 (FFMI Interview) and FFM-IRAN-D-001622 (FFMI Interview)
[975] FFM-IRAN-D-001622 (FFMI Interview)
[976] FFM-IRAN-D-000596 (FFMI Interview).
[977] FFM-IRAN-D-000595 (FFMI Interview).
[978] FFMI-IRAN-D-050071(FFMI Interview).
[979] FFM-IRAN-D-000425 (FFMI Interview).
[980] FFM-IRAN-D-001534 (FFMI Interview). See also FFM-IRAN-D-000522 (FFMI Interview).
[981] FFM-IRAN-D-000596 (FFMI Interview).
[982] FFMI-IRAN-D-050071(FFMI Interview).

three friends who had also assisted protesters had been arrested.[983] Likewise, two doctors who had travelled from Tehran province to a city in West Azerbaijan province in December 2022 were arrested by intelligence officers who raided their accommodation and confiscated medical supplies. During interrogations, one of the doctors was told by an intelligence officer that he: "should have left the protesters die; they don't deserve the medication provided to them."[984]

558. Many of those who were detained, as well as others whose activities had come to the attention of authorities have left Iran out of fear of arrest and detention.[985] One of them stated that he was sentenced *in absentia*, while another noted that he has been charged in his absence.[986]

8. Impact

(a) Permanent, life-changing injuries

559. The Mission established that protesters and bystanders, including children who were shot at, including with pellets and rubber bullets, sustained debilitating, severe and painful injuries during protests, which led to disabilities such as blindness.[987] An expert opinion on the physical impact of ammunition such as birdshot and less-lethal weapons commissioned by the Mission highlighted irreversible injures and disabilities that could result from their use. In relation to kinetic impact projectiles specifically, the report highlighted bruising and lacerations of the skin, contusions and fractures of bone and muscle, internal bleeding, liver, heart, and kidney penetration, which could lead to organ failure or death, and neurovascular injuries. Injuries to the head could lead to haemorrhagic strokes and permanent disability while ocular injuries can result to permanent vision loss, given the large size of the projectile against the fragile bony structure and supple eye tissues. The report further stated that metal pellets, which are typically hunting rounds, are "indisputably lethal at close range" and have the ballistic capacity to penetrate some organs, including the eyes causing blindness.[988]

560. Protesters who endured injuries from metal pellets and rubber bullets suffered excruciating pain at the moment they were shot at and in the aftermath.[989] A protester who was shot in the eye with a rubber bullet sustaining severe eye trauma stated that after he was shot, he was able to walk a few meters before he collapsed due to pain and weakness and was helped by others who carried him away. He said the pain he suffered was indescribable.[990] A young woman who was shot in the eye with a rubber bullet said that she could "hear her eye exploding and then the whole world went dark and blurry".[991] Another young protester who was shot at with metal pellets from close range remember falling on the ground after she was shot at and feeling a burning pain. When she looked at her injured arm, it looked as if it had been cut into half; with the second half hanging from a piece of skin only. She recounted bleeding profusely like a "water tap".[992]

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983 FFM-IRAN-D-000067 (FFMI Interview).
984 FFM-IRAN-D-000533 (FFMI Interview).
985 FFMI-IRAN-D-050071(FFMI Interview); FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-000097 (FFMI Interview); FFM-IRAN-D-000596 (FFMI Interview).
986 FFM-IRAN-D-000067 (FFMI Interview); FFMI-IRAN-D-050071(FFMI Interview).
987 FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001015 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview).
988 FFM-IRAN-D-001388 (Forensic Report).
989 FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview).
990 FFM-IRAN-D-000507 (FFMI Interview).
991 FFM-IRAN-D-001018 (FFMI Interview).
992 FFM-IRAN-D-000425 (FFMI Interview).

561. Witnesses also said that even months or a year after they sustained injuries, they continued to feel debilitating pain.[993] An injured protester who was shot at with nearly 40 metal pellets in his back, buttock, legs and around the spinal cord said, that to cope with severe pain, even a year after the incident, he was prescribed with strong painkillers which he feared was affecting his ability to go about his daily activities.[994] One victim explained how life has changed after she was shot in the eye. She recalled how, at least two to three times a day, she runs into a wall while at home, or into people when on the street, because of her impaired vision. She also noted how painful it is for her if water gets into her injured eye, making it excruciating to even wash her face or shower.[995]

(b) Blindings

"The agent was standing some 20 meters away from me. From that distance, he could have shot at my lower body, but he didn't: he shot at my face and eyes directly."

Boy, shot at with pellets by a plainclothes agent during a protest in October 2022, West Azerbaijan province

"He screamed at me, 'go away or I will shoot you in the eye, at your nasty face and dirty smile'. I looked him in the eye, and knew that he meant it…[then] I saw members of the Special Forces dragging two women… I yelled at them to let them go... at this moment the plainclothes agent smiled at me and shot me in the eye… I could hear my eye exploding and the whole world went dark and blurry…"

Woman protester, Tehran

562. On 25 November 2022, the alarming number of eye injuries suffered by individuals in the context of the protests, including injuries leading to permanent blindness, led to a public letter by Iranian ophthalmologists warning about the long-term health consequences of pellet and paintball injuries on victims.[996]

563. Evidence collected by the Mission showed a clear and discernible pattern of systematic eye injuries caused by security forces to women, men and children during protests countrywide. Injuries led to victims losing their eyesight, either partially or fully, in one or both eyes.[997] Victims routinely described to the Mission that they had been shot at close range, with weapons loaded with ammunition containing pellets, or paintball guns loaded with rubber bullets, including bullets that were described by witnesses as excessively heavy,[998] as well as with tear gas cannisters.[999] For example, one witness, who was shot with a paintball gun, stated that the impact caused his eye to "explode from its middle".[1000] Another witness, who was shot with a tear gas canister, explained that the sclera[1001] of his eye and small pieces of bone fell out. He realized this as he was holding his eyeball in the palm of his hand after he was shot at.[1002] Victims, moreover, often reported seeing security officers "smiling" or "looking at them with hatred" seconds before they fired in their eyes.

993 FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview).
994 FFM-IRAN-D-001510 (FFMI Interview).
995 FFM-IRAN-D-001018 (FFMI Interview).
996 "Warnings by 140 Ophthalmologists Over Use of Metal Pellets Against Iranian Protesters", Radio Farda, 26 November 2022.
997 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview). See also FFM-IRAN-D-001517 (FFMI Interview).
998 FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview).
999 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview). See also FFM-IRAN-D-001517 (FFMI Interview).
1000 FFM-IRAN-D-000718 (FFMI Interview).
1001 The white of the eye which is the strong tissue that maintains the shape of the eyeball and protects it.
1002 FFM-IRAN-D-000592 (FFMI Interview).

564. Consistent with witness statements, forensic pathology analysis of victims' medical records obtained by the Mission, confirmed extensive severe traumatic eye injuries including rupture of the eye globe;[1003] severe lacerations;[1004] eyeball atrophy;[1005] corneal scar and displacement;[1006] loss or displacement of the natural lens of the eye;[1007] perforation of the globe of the eye; vitreous prolapse;[1008] and haemorrhage at the retina and damage to it including detachment.[1009]

565. In some cases, metallic foreign objects, namely pellets, were visible in victims X-rays months after the injury, indicating that pellets had remained lodged in the eye sockets of protesters, leaving them to subsist with multiple pellets in their body post-injury.[1010] As many feared seeking medical care, retaining the pellet in the body rendered victims extremely vulnerable to infections and long-lasting health complications. Victims who were able to access medical post-injury underwent multiple eye surgeries including enucleation (removal of the entire eyeball);[1011] surgical intervention aimed at preventing the eyeball from collapsing or extruding its contents through the rupture (anti-evisceration);[1012] open-sky vitrectomy;[1013] uvea reposition;[1014] blepharoplasty repairs;[1015] and vitrectomy and silicone oil injection.[1016] In some cases, many months after the injury, the vision continued to deteriorate, including in the eye that had not sustained an injury.[1017]

566. Credible information received by the Mission confirmed the systematic scale of eye injuries to protesters caused by pellets. Both human rights organizations as well as victims' submissions reported on such injuries during protests occurring in the provinces of Alborz,[1018] East Azerbaijan; Hamedan,[1019] Kurdistan;[1020] Kermanshah; West Azerbaijan,[1021] and Tehran. The Mission further analysed open-source material recording injuries, in particular traumatic eye injuries, sustained by protesters and bystanders in the context of the protests.[1022]

(c) Injuries to genitalia and other injuries

567. Protesters were also shot in the genitalia with pellets, impacting victims' reproductive capacities. An expert opinion commissioned by the Mission highlighted significant short-term and long-term consequences caused by the targeting the genitalia. In the short term, targeting of genitalia carries a high potential for bleeding, severe pain, and dysfunction. Immediate medical attention is crucial to address potential issues such as haemorrhage and intraperitoneal injuries. In the long term, individuals who sustain injuries to genitalia may

1003 FFM-IRAN-D-001724 (Forensic Report); FFM-IRAN-D-000374 (FFMI Interview). FFM-IRAN-D-001727 (Forensic Report); FFM-IRAN-D-000529 (FFMI Interview).
1004 FFM-IRAN-D-001728 (Forensic Report); [FFM-IRAN-D-001512 (FFMI Interview).
1005 FFM-IRAN-D-001729 (Forensic Report).
1006 FFM-IRAN-D-001729 (Forensic Report); FFM-IRAN-D-001730 (Forensic Report).
1007 FFM-IRAN-D-001729 (Forensic Report; FFM-IRAN-D-001727 (Forensic Report); FFM-IRAN-D-000529 (FFMI Interview).
1008 FFM-IRAN-D-001727 (Forensic Report); FFM-IRAN-D-000529 (FFMI Interview).
1009 FFM-IRAN-D-001730 (Forensic Report); FFM-IRAN-D-001729 (Forensic Report).
1010 FFM-IRAN-D-001730 (Forensic Report).
1011 FFM-IRAN-D-000507 (FFMI Interview).
1012 FFM-IRAN-D-001724 (Forensic Report); FFM-IRAN-D-000374 (FFMI Interview).
1013 FFM-IRAN-D-001727 (Forensic Report; FFM-IRAN-D-000529 (FFMI Interview).
1014 Ibid.
1015 FFM-IRAN-D-001724 (Forensic Report); FFM-IRAN-D-000374 (FFMI Interview).
1016 FFM-IRAN-D-001729 (Forensic Report); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview).
1017 FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview).
1018 FFM-IRAN-D-001685 (FFMI Submission), FFM-IRAN-D-001730 (Forensic Report).
1019 FFM-IRAN-D-001753 (FFMI Submission); FFM-IRAN-D-000374 (FFMI Interview).
1020 FFM-IRAN-D-001754 (FFMI Submissions); FFM-IRAN-D-001754 (FFMI Submissions).
1021 FFM-IRAN-D-001756 (FFMI Submission).
1022 Iran Human Rights, 22 September 2023, Iran Protests 2022: Women Protester Eyes Intentionally and Systematically Targeted; Iran must stop the use of pellets to target and blind protesters", The Lancet, 21 October 2023.

experience sexual dysfunction, lack of sensation, and chronic pain, significantly impacting their quality of life. In men, trauma to the testes, the penis, or its nerves or vessels could lead to infertility. Women could suffer chronic pain, inability to orgasm, or scarring of the vaginal entry, making sexual function painful or difficult as a result of trauma to the vulva or external genitalia. Moreover, internal trauma from penetrating bullets or blunt trauma can result in infertility, irregular disrupted menstrual cycles, or complications during pregnancy.[1023]

568. One witness, a medical professional, described that he treated a young protester in November 2022, who had injuries on his genitalia, caused, as the witness understood, by a plainclothes officer who had shot at him at close range after forcing him to lie on the ground.[1024] Another protester, who was hospitalised due to severe injuries to his eye and face, stated that while in a hospital in Sanandaj, he saw a young man who had sustained injuries on his genitalia. He stated that the victim had not sustained injuries elsewhere on his body, suggesting that his genitalia was specifically targeted.[1025] Another witness said that during protests in Rasht, Gilan province in November 2022, he saw a member of FARAJA forces in uniform beating a young man who appeared fully unconscious and unresponsive on the ground with a baton on his genitalia and testicles.[1026] A witness stated that she knew of the case of several men who had been shot in the genitalia with pellets.[1027]

569. According to credible information, a protester sustained an external penile injury and injury to his inner thigh at a protest in November 2022, in Kurdistan province, when IRGC officers beat him severely and shot him at close range and hit the genital area. The injury led to the removal of the left testis and urethral issues and testicular failure in his right testicle, which has become atrophic.[1028] In another case, according to credible information, on 20 September 2022, during the protests in Tehran, an IRGC agent kicked a woman protester on her genitalia after she and small group of protesters chanted "down with Khamenei" and "Woman, Life, Freedom". The agent reportedly pulled woman by the hair".[1029]

570. In addition, one witness noted that protesters who had suffered pellet injuries to the genitalia were often "ashamed" of seeking help from a doctor. Reparative surgeries were also reported to be unaffordable, especially for victims of financially disadvantaged backgrounds.

571. Witnesses also sustained other permanent injuries, such as limb neuropathy.[1030] A young protester, who was shot with metal pellets in his back, including in his buttocks, described how even after a year, he had difficulty sitting as his buttocks would go numb. "They have even taken away the ability of sitting from me", the witness said.[1031] Another protester, a child who was shot in the head and blinded, said that he experienced weakness in one of his hands and difficulty picking up objects.[1032] In the case of a child protester who was shot at close range in the foot information reviewed showed that even though the child had undergone over ten surgeries and needed almost daily physiotherapy sessions per month he was still unable to feel his leg, from the knee down.[1033] Another victim said that he was experiencing stomach bleeding from the approximately 100 pellets that had remained in his body, more than a year after he sustained the injury.[1034] Forensic analysis of medical documents of a child injured with live ammunition, commission by the Mission, recorded severe nerve damage, making it hard for the child to move and feel sensation in the lower affected limb adding that the injuries are likely to have significant morbidity effects on the

1023 FFM-IRAN-D-001388 (Forensic Report).
1024 FFMI-IRAN-D-050071 (FFMI Interview).
1025 FFM-IRAN-D-001512 (FFMI Interview).
1026 FFM-IRAN-D-001510 (FFMI Interview).
1027 FFM-IRAN-D-001622 (FFMI Interview).
1028 FFM-IRAN-D-001689 (FFMI Submission); FFM-IRAN-D-001688 (Forensic Report).
1029 FFM-IRAN-D-001690 (FFMI Submission).
1030 FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001757 (Forensic Report).
1031 FFM-IRAN-D-001510 (FFMI Interview).
1032 FFM-IRAN-D-000508 (FFMI Interview).
1033 FFM-IRAN-D-000513 (FFMI Interview).
1034 FFM-IRAN-D-000450 (FFMI Interview).

victim.[1035] The Mission received further credible information with regards to damage to severe vascular and musculoskeletal damage caused by firearms to protesters.[1036]

(d) Psychological Impact

572. In describing what it meant for them to be shot at and injured while chanting for freedom and equality, witnesses often referred to the absolute shock, bewilderment and disbelief they felt upon realizing what had happened to them. One woman, who was injured during a protest in Western Azerbaijan, recalled staring at the man who shot at her point blank with disbelief. As she bled profusely, she asked him: "why did you shoot me?" but the man did not respond, leaving her pondering about his motivations almost a year after the injury.[1037]

573. Others recalled the overwhelming sense of fear and terror spreading over their bodies as they realized that they would be shot at. One injured protester, who was shot in the eye, after attempting to help a woman protester from being arrested in Tehran province, described how all he could think of was death when a member of the security forces lifted his weapon and aimed it directly at his face.[1038] The victim also recalled seeing the agent smiling before shooting him at point blank range. Another protester, who was shot with metal pellets from the back described that after he was shot, he stared at the ground, and saw the blood streaming down his leg; he recalled seeing how his shoe was filling up with blood.[1039] A young woman, who was shot directly in the eye and lost the sight in that eye, stated that she could not believe what had just happened.[1040] Yet another witness, a young man who was shot with tens of metal pellets as he was writing slogans on a wall recalled the moment he was shot at as indescribable:

Only those who have been shot at can truly understand what it is like to be shot. When I was shot, the sound of it reverberated in my entire body […]. It sounded like a ripe watermelon being stabbed with a knife. I will never forget that sound.[1041]

574. Injured protesters were also forced to drive from hospital to hospital, after they were denied medical care. In some cases, they had to make hours-long journeys to other cities in private cars in seek of medical care as they continued to lose significant amounts of blood which left them agonising over the possibility of losing their lives.[1042] Both those who saw no other choice but to go to hospitals, and those who hid at home for weeks or months while dealing with painful and life-changing injuries, faced the constant anxiety of identification and arrest by the authorities.[1043]

575. Many injured protesters were thus forced to leave the country in seek of adequate medical care and protection in the face of constant risk of arrest, detention and criminal prosecutions.[1044] Another victim recalled how, after a picture of herself and other victims with eye injuries were published on social media, three unidentified men raided her home in January 2023. Fearing for her safety, she fled the country but continued to receive threats such as "we will hunt you down and come for your other eye" even abroad.[1045] Due to visa restrictions however, most injured protesters remained in neighbouring countries for months

1035 FFM-IRAN-D-001757 (Forensic Report); FFM-IRAN-D-001759 (FFMI Submission).
1036 FFM-IRAN-D-000894 (FFMI Submission); FFM-IRAN-D-001523 (FFMI Submission).
1037 FFM-IRAN-D-000425 (FFMI Interview).
1038 FFM-IRAN-D-000507 (FFMI Interview).
1039 FFM-IRAN-D-000532 (FFMI Interview).
1040 FFM-IRAN-D-001018 (FFMI Interview).
1041 FFM-IRAN-D-001510 (FFMI Interview).
1042 FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview).
1043 Ibid.
1044 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview)FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000825 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-001675 (Witness Interview).
1045 FFM-IRAN-D-000529 (FFMI Interview)

or even a year, where they also lacked specialised medical care due to their immigration status, and fears of being forcibly returned to Iran.

576. Meanwhile, victims also retained the numerous pellets in their bodies, exposing them to a risk of further infections for as long as medical care remained inaccessible. As a result, victims' physical health continued to deteriorate while they waited for settlement in a safe country, exacerbating the anxiety and mental anguish caused by their injuries. In one case, a blinded protester explained that he had begun losing sight in his healthy eye, as he was not able to get the surgery and care he needed for his injury.[1046] Another protester with a severe eye injury fought an infection which was spreading towards his other eye and brain, without being able to receive medical treatment due to his immigration status in one country. The victim also reported how his eyes were often bleeding due to the infection.[1047]A young woman, who was shot point blank, was told that she might need a limb amputation after her health deteriorated significantly because she was unable to undergo the surgery she required.[1048]

577. Injured protesters and relatives of those killed, described how the violence they were subjected to had upended their lives. Injured witnesses described feeling unwell and reported symptoms of psychological trauma including feelings of anxiety, fear, anger, and increased startle[1049] response.[1050] A woman protester who was shot at and sustained a severe eye injury reported experiencing panic attacks in the aftermath of her injury.[1051] A young protester, who in addition to having been injured had also witnessed the injuries of others, stated that he had difficulty sleeping.[1052] A child protester reported that even in a safe country, he got startled and feared he was about to be struck when he walked on the street and heard a motorcycle passing.[1053] In the case of a young man whose family member was killed by the security forces and who himself was seriously injured, a psychological assessment analysed by the Mission listed trauma-stress related symptoms such as, severe insomnia, frequent nightmares, flashbacks, hypervigilance, sadness, high levels of fear, fear of losing loved ones, exaggerated startle response and worry thought patterns. The young man reported not being able to sleep for periods of 50 to 60 hours as if he had to be up and alert all night to be safe. [1054]

578. An expert opinion on the psychological impact of the weapons used in the context of the protests commissioned by the Mission, also confirmed that exposure to the weapons used in the context of the protests in Iran may result in significant psychological symptoms and long-term disability. Victims who sustain permanent disabilities, such as blinding, may experience, among others, stress, anxiety, depression, and posttraumatic stress disorder. Those sustaining permanent disabilities were reported to undergo a grieving period, feeling in addition to sorrow intense emotions such as fear, rage, anxiety, mental and physical discomfort as well as feelings of alienation, isolation and loneliness. The report further referred to "chilling effect" phenomenon pertaining to how people may avoid expressing themselves or exercising their rights to freedom of expression and assembly rights in a context where the use of force does not comply with the strict standards. The impacts are described to be far reaching affecting many more beyond those who are injured or killed.[1055] A woman protester described how the use of force was aimed at intimidating, saying, "it is to create fear in society. You get shot and you scream, and people get the message."[1056]

1046 FFM-IRAN-D-000507 (FFMI Interview).
1047 FFM-IRAN-D-000532 (FFMI Interview).
1048 FFM-IRAN-D-000425 (FFMI Interview).
1049 Rapid unconscious defensive response to a sudden, surprise stimulus such as loud sound.
1050 FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-001510; FFM-IRAN-D-000894 (FFMI Submission); FFM-IRAN-D-001655 (Medical Reports).
1051 FFM-IRAN-D-000529 (FFMI Interview).
1052 FFM-IRAN-D-001510 (FFMI Interview).
1053 FFM-IRAN-D-000508 (FFMI Interview).
1054 FFM-IRAN-D-001760 (Medical Report).
1055 FFM-IRAN-D-001388 (Forensic Report).
1056 FFM-IRAN-D-000528 (FFMI Interview).

579. Despite the traumatic impact of the injuries and loss of loved ones on witnesses, the difficulties of recounting traumatic events and the risks associated with speaking up, many survivors expressed their deep resolve to the Mission to continue to shed light on their experiences and that of others and to seek justice.[1057]

(e) Socio-economic impact

580. Women, children and men impacted by the State's use of force, including by losing their loved ones and/or sustaining injuries, were also socio-economically affected. As detailed in Section X, family members of victims of killings, who despite State harassment continued to seek truth and justice, faced reprisals including in the form of expulsion from workplace. In some cases, those killed were the breadwinners of their family or provided financial support to their parents and relatives, who were in an economically deprivileged situation.[1058] Those injured incurred costs of treatments and suffered financial loss as they had to take time off work and undergo treatment.[1059]

581. Blinded protesters reported that their eye injuries made them visible and recognisable as protesters in a context where protesting was criminalised.[1060] A young woman blinded in one eye reported that she was expelled from her workplace after her colleagues connected the eye injury to a protest injury, despite her attempts to conceal the truth by saying that it was merely a cosmetic procedure. She also lost the prospect of continuing her higher education.[1061] Another young women protester had to drop out of university after she received threats from intelligence bodies following her eye injury which had also resulted in her blinding.[1062] Blinded protesters were effectively "branded" by the authorities. A woman protester who was blinded described this as following, "they take away part of your beauty and you need to wear a bandage and everyone asks you about it. It is also to brand you that you participated in the protests."[1063]

582. For many injured victims, leaving Iran was the only viable option. The victims' effective relocation and their need to leave the country in an urgent and abrupt manner also placed an additional economic and emotional burden on them. In some cases, protesters were from economically disadvantaged backgrounds and/or those who had to flee were the breadwinners of the family. In others, injured protesters reported that they had financially stable lives in Iran but had lost everything after they were injured and had no other choice but to leave the country.[1064]

583. Child victims, in particular those who sustained eye or other severe injuries, lost educational opportunities as their studies were interrupted. In some cases, they spent long periods of time in hospital recovering from several difficult surgeries.[1065] In one case, a blinded child protester reported that he was denied an educational certificate after the school learned about him being injured. He also reported that he had lost the opportunity to continue with martial arts, which he engaged in prior to his injury, due to the high risk of complications if his head was struck in sports.[1066]

9. Findings

584. The Mission assessed the lawfulness of the use of force incidents described in this document. Its analysis covers the use of lethal force by the security forces; of weapons and

1057 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001505 (FFMI Interview).
1058 FFM-IRAN-D-001515 (FFMI Interview).
1059 FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001685 (FFMI Submission); FFM-IRAN-D-001730 (Forensic Report).
1060 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001756 (FFMI Submission); FFM-IRAN-D-001685 (FFMI Submission).
1061 FFM-IRAN-D-000374 (FFMI Interview).
1062 FFM-IRAN-D-000528 (FFMI Interview).
1063 Ibid.
1064 FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview).
1065 FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview).
1066 FFM-IRAN-D-000508 (FFMI Interview).

ammunition categorized as less-lethal, and weapons and ammunition the use of which does not comply with the principles guiding the use of force by law enforcement personnel.

585. The Mission recalls that lethal force must not be used against an individual who does not pose (i) an imminent threat of death or serious injury, or if the force used was not pursuant to a (ii) legitimate law enforcement objective, or was not (iii) necessary or not (iv) proportionate. Furthermore, weapons or ammunition categorized as less-lethal must be used within the required parameters, including complying with the principles of necessity and proportionality.[1067] Thus, using weapons or ammunition categorized as less-lethal outside of those parameters is unlawful. Equally, certain types of weapons and ammunition used, including metal pellets and multiple kinetic impact projectiles, should not be used as their use does not comply with the principles of necessity and proportionality.

586. Based on the analysis of each criterion as detailed hereinafter, the Mission concluded that, in the context of the protests that began on 16 September 2022, the security forces resorted to unnecessary and disproportionate use of lethal force, killing and injuring protestors who posed no imminent threat of death or serious injury, thereby committing unlawful and, in some cases, extrajudicial killings. Moreover, among the cases investigated, the Mission established a pattern of use of lethal force, as well as the use of force categorized as less-lethal outside of less lethal parameters, by the security forces against protesters in mostly peaceful situations. In this context, its legal analysis is as follows.

(a) Imminent threat

587. During the course of its investigation, the Mission obtained information on violence used by protesters.

588. At the outset, the Mission notes, however, that for most part, protesters were peaceful and unarmed. Activities such as protesting in front of a government building or a base of the security forces, driving a car near a protest, including when honking, chanting slogans or helping others in themselves constitute the exercise of protected rights. They do not warrant any use of force. With respect to the incidents investigated, the use of lethal force was therefore unlawful and the targeted killings of protesters constituted extrajudicial executions.

589. The Mission found that protesters engaged in various acts such as burning of tyres, including to prevent law enforcement access, and engaged in various acts of vandalism.[1068] The Mission finds that such acts generally did not pose an imminent threat of death or serious injury to the security forces or others. The use of lethal force in those situations thus was unlawful. Burning of tyres over a prolonged period or severe acts of vandalism may, in specific circumstances, justify the use of force categorized as less-lethal, within the required parameters and to the minimum extent necessary.

590. The Mission found that protesters, including at protests where children were present, frequently resorted to throwing stones at security forces. This often followed initial use of force by law enforcement. Based on the review of video footage, witness interviews and other material, there appears to be no persuasive evidence that throwing stones would pose an imminent threat of death or serious injury justifying lethal force. This is particularly so when security forces were wearing protective gear, as seen in much of the video footage reviewed. Thrown from a short distance, stones may cause some injury, possibly justifying the use of force categorized as less-lethal, within the required parameters and to the minimum extent necessary. Yet, evidence showed that security forces used firearms, as well as ammunition

[1067] The parameters in the 2020 Guidance are based on the five principles on the use of force by law enforcement officials, namely the principles of legality, precaution, necessity, proportionality, non-discrimination and accountability. See OHCHR, United Nations Human Rights Guidance on less-lethal weapons in law enforcement, 2020.

[1068] In response to allegations by the Iranian authorities, the Mission asked, in its 27 June 2022 letter, the Government of Iran to provide information on persons arrested, detained, prosecuted, convicted or sentenced for alleged damage to property, including detailed charges and the types of sentences pronounced, as well as further information and evidence on the reported "coordinated" fashion of attacks, on what methods were employed for organizing and the reported widespread nature including the factual and legal basis, taking into account international law and standards, of such categorisation.

such as metal pellets against protesters throwing stones, thus unlawfully killing or injuring them.

591. The Mission is aware of claims that protesters used firearms. In response to allegations by the Iranian authorities, the Mission asked, in its 27 June 2022 letter, the Government of Iran to provide information on any firearms and *armes blanches* seized, on where and from whom they were seized, on the circumstances and their provenance. The Mission also asked whether there were any persons arrested, detained, prosecuted, convicted or sentenced for the use of such weapons, what the detailed charges and sentences pronounced were, and what the legal and factual basis for such measures was. No response has been received. Moreover, in its year-long investigation it has only come across one video footage, which appears to include protesters carrying firearms during the "Bloody Friday" events on 30 September 2022.[1069] Based on the available information and evidence, the Mission has not been able to verify these facts, in accordance with its standard of proof.

592. The Mission also reviewed information in the public domain, that includes cases of beatings of security forces by protesters, which it deems credible.[1070] In one such case reviewed by the Mission, an angry crowd of protesters descended on a security officer and beat him in the middle of the street. The incident occurred after the same security officer apprehended one of the protesters and used what appeared to be a stun gun or baton against him.[1071]

593. The Mission also reviewed information about the use of Molotov cocktails by protesters. Molotov cocktails are a specific type of "improvised incendiary device" (IID). The Mission found that Molotov cocktails were used by protesters,[1072] but that such incidents did not occur routinely. When Molotov cocktails are thrown at security forces at short range, this could pose an imminent threat of serious injury. This being said, in two cases investigated. the protesters made and threw Molotov cocktails after the security forces had used lethal force. When the security forces again used lethal force resulting in killings and injuries at a later moment the threat was no longer imminent. That use of force was thus unlawful.

594. Moreover, the Mission is satisfied that with respect to the victims for whom it has reasonable grounds to believe were injured and killed by security forces, they posed no imminent threat of death or injury to security forces or others.

595. Having established that in the cases investigated by the Mission the use of lethal force was unlawful, the Mission now turns to weapons and ammunitions used outside of less lethal parameters.

(b) Legitimate law enforcement objective

596. The Mission recalls that blocking, dispersing or disrupting peaceful assemblies, including assemblies without prior authorizations is not a legitimate law enforcement objective. Therefore, the use of any force including deploying water cannons or tear gas to disperse peaceful protests[1073] is unlawful.

597. The Mission notes that while dispersal, if the assembly as such is no longer peaceful may be resorted to and thus constitutes a legitimate law enforcement objective, force should be avoided.[1074]

598. As mentioned, the Mission analysed information on protesters throwing Molotov cocktails and stones in the direction of security forces, as well as the burning of tyres to create

1069 FFM-IRAN-D-001375 (20220930_Fars News_New footage of the attack on Zahedan police station 1_video.mp4)

1070 FFM-IRAN-D-001377 (10152022_police officer was stabbed in Ilam_video.mp4) and FFM-IRAN-D-001381 09212022_Beating of a police officer by rioters in Rasht_video.mp4.

1071 FFM-IRAN-D-001381 09212022_Beating of a police officer by rioters in Rasht_video.mp4.

1072 See ANNEX II.

1073 FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview).

1074 Human Rights Committee, General Comment No. 37 (2019), para. 85.

smoke and forms of vandalism. It finds responding to, protecting from or preventing such acts is a legitimate objective.

(c) Necessity

599. Only the minimum force necessary may be used where it is required for a legitimate law enforcement purpose during a protest. Having already established the absence of an imminent threat of death or injury in the cases investigated, the Mission notes that deploying less-lethal force within the applicable parameters and to the minimum extent necessary to respond to, protect from or prevent the acts listed above is permissible in international human rights law. That said, force categorized as less lethal also is subject to the necessity test. Water cannons, for instance should only be used in situations of serious public disorder where there is a significant likelihood of loss of life, serious injury or the widespread destruction of property. In the cases investigated, however, water cannons and tear gas, often alongside lethal force, were used against peaceful protesters, including to simply disperse the protest, and thus making the use unnecessary and unlawful. Moreover, in at least two instances peaceful protesters were shot with a tear gas canister at close range, including into the face, causing serious injury. The Mission also notes that in the cases investigated that involved throwing of stones and the burning of tyres, the security forces actually used lethal and thus unlawful force.

(d) Proportionality

600. Even when force is the minimum necessary, its use may not cause harm that would be disproportionate to the aim sought to be achieved. Assuming that the use of force categorized as less-lethal, such as tear gas or water cannons, had become necessary because of an individual at one point, the Mission considers use disproportionate because of their indiscriminate impact on protesters, especially those protesting peacefully and children. The force used would not stand in reasonable relation to any threat being averted. Equally, with regard to violent conduct by individual protesters, possibly justifying the use of force categorized as less-lethal, such weapons and ammunition can only be individually aimed at the individuals engaged in the conduct and within the required parameters.[1075] In the incidents investigated by the Mission, however, less-lethal force was used alongside lethal force, resulting in killings and injuries, in contexts where there was no imminent threat of death or serious injury. An assessment of the proportionality of the use of less lethal force is therefore rendered moot.

(e) Impunity and obstacles to access to truth and justice

601. The extensive body of evidence collected, received and analysed by the Mission shows that not only has the State failed to take measures to ensure accountability, but its various entities and forces have taken concerted action to conceal and suppress the truth about the deaths and injuries they have caused in the context of the protests, to evade responsibility and to silence justice-seeking families and victims.

602. State authorities' immediate and public response to the killings and injuries caused by their use of force has been denial. Officials and the State media have repeatedly stated that "hostile groups", "rioters", and "anti-revolutionary grouplets" carried out the killings with the aim of attributing them to State security forces in a plan they described as "the killing project",[1076] or attributed the killings to natural causes, accidents, and suicide. In several

[1075] See United Nations Human Rights, "Guidance on less-lethal weapons in law enforcement", 6.3.4.

[1076] High Council for Human Rights of the Islamic Republic of Iran, the Statement Issued by the National Security Council Concerning Issues Related to Recent Riots. Siezure of over 8,314 Arms, 18 December 2022; "Iran Security Council First Official Statistics of the Killed in 2022 Protests: 200 Lost Their Lives", Aftabnews, 3 December 2022; "Riots and 40 Faked Narrations of the Killed Protesters!/ 40 Fabricated Killing Projects that Anti-revolutionaries Implemented during the Recent Riots", Fars News, 13 November 2022; "Details of How Three People Were Killed in Kurdistan Explained by the Governor/ "The Enemy is Aiming to Fabricate Killings", Tasnim News, 20 September 2022.

cases, including in Kurdistan in September and October 2022 examined by the Mission, State officials immediately and publicly denied responsibility for fatal shootings, blaming it on "rioters", "terrorists", and opposition groups, only for evidence, such as CCTV footage and official documents to emerge later establishing that State agents were responsible for the shooting. In the case of Fereydoun Mahmoudi, several days after his fatal shooting, senior police officials in Kurdistan province confirmed that the victim had been fatally shot but stated that "anti-Revolutionary groups" had shot at the victim.[1077] After a complaint was lodged by the victim's family, the Military Office of the Prosecutor in the province, issued an order, publicly available and examined by the Mission, confirming the deployment of FARAJA, including its Special Forces (*yegan-e vijeh*), to the protest site where the victim was killed. Despite these denials, this very order cites an official communique by the police forces stating that the Special Forces had fired over 40 cartridges filled with metal pellets of size 9-12. The order states that it had been established that an agent of the Special Forces of the police was responsible for firing at the victim, however, the investigations were terminated as it was not possible to identify the individual agent responsible.[1078]

603. The Mission established the existence of a practice of State officials subjecting relatives of those killed to intimidation and harassment with the aim of coercing them into silence and concealing the truth. This included pressuring and coercing families of those killed, including in protests in Kurdistan in September 2022, to give video-taped "interviews" or sign statements that their loved ones had been killed by "rioters" or "opposition groups" thus absolving the State of responsibility;[1079] including by threatening grieving family members with withholding the body of their loved one or harming other family members.[1080] In some cases, State officials attempted to entice families by telling them that they would announce their loved ones a State "martyrs" and would reward them with sums of money and financial benefits in exchange for them changing their version of events and repeating the official narrative.[1081]

604. Similarly, State officials, including senior police officials, and the State media have denied reports of injuries, in particular blinding caused by weapons and ammunition used by the security forces.[1082] State media, including the news agency of the Government, Iran Newspaper, have accused protesters injured and blinded of deception and lying about their injuries. According to domestic media, Iran in May 2023 Iran Newspaper published a report entitled "another rioter is healed!" In the case of a woman protester, using her images published by her in the immediate aftermath of the injuries and medical operations depicting her with bandages and an eye shield and her videos after ocular prosthesis was implanted, State media claimed that she had never lost her vision but had "lied" in an effort to become a "celebrity."[1083]

605. The Mission is satisfied that other practices by the State authorities hindered and obstructed the processes and efforts to establish the circumstances surrounding the deaths and to obtain justice in cases of individuals killed and injured. The systematic use of plainclothes forces also severely hindered the identification of individual perpetrators for victims.[1084] In the context of State denials, it also allows the authorities to claim that the

1077 "Special/Details of Suspicious Killings of Four People in Kurdistan 'They Are Shot from Behind with Assault weapons'", Tasnim News, 21 September 2022.

1078 FFM-IRAN-D-001672 (Court Documents); FFM-IRAN-D-001680 (Court Documents).

1079 FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-001761 (Statement). See also Section X on the targeting of the families.

1080 FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000524 (FFMI Interview). See Section X on the targeting of the families of victims.

1081 See Section X.

1082 "Deliberate Shooting by Special Unit in Sensitive Parts of Protesters?/Anybody Who Can Prove the Wrongdoing/Error of Special Unit Will be Awarded/We Have No Undercover Operation to Hide in an Ambulance", Hamshahri Online, 31 January 2023.

1083 Article on file with the Mission.

1084 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000825 (FFMI Interview); FFM-IRAN-D-000718 (FFMI Interview); FFM-IRAN-D-001659 (FFMI Interview); FFM-IRAN-D-001512 (FFMI Interview); FFM-IRAN-D-

killings and injuring of protesters and bystanders were committed by "unknown armed individuals" and "rioters." A witness to a fatal shooting by security forces in October 2022 in Kermanshah province stated: "the authorities have a policy of deploying security forces in plainclothes so if they are filmed, they can claim that it was not their forces […] they use private car so people would not have evidence. Otherwise, who among the ordinary people is armed?"[1085] The Mission established that State authorities removed CCTV footage from business premises and streets in the vicinity of which fatal shootings and killings took place. Relatives of protesters killed by security forces whose testimonies the Mission received and reviewed, have stated that they were told by officials that no CCTV footage of the incident existed as cameras were broken or the footage had already been erased. [1086]

606. State authorities have failed to conduct investigations in line with international human rights law and standards, including requirements of promptness, independence, impartiality, transparency, and thoroughness, into the killings and injuries caused as a result of their use of force. As detailed below, in the several cases where an investigation was initiated following a complaint, cases were referred to the military offices of prosecutors and military courts. Military courts should not have jurisdiction over human rights violations and crimes under international law.[1087] Moreover, families were pressured to bury their killed loved ones swiftly[1088] hindering the possibility of adequate autopsies being carried out. Ultimately in the cases where the Mission saw evidence of an investigations being initiated, as detailed below, offices of prosecutors generally terminated the investigations on the grounds that the individual member of the security forces could not be identified or that victims were effectively guilty as they had taken part in the "riots".

607. The Mission is aware of one case in which a police official has reportedly been prosecuted and sentenced in connection with the killing of a young man, Mehran Sammak, in Anzali, Gilan provinces. The 27-year-old man was fatally shot with metal pellets on 29 November 2022 in Anzali after he honked in his car during the protests in which protesters celebrated the defeat of the country's football team during the World Cup. On 6 June 2023, Shargh Newspaper published an interview with the lawyer of Mehran Sammak's family who reported that the former commander of the police forces in the city of Anzali had been

000521 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview).

1085 FFM-IRAN-D-001511 (FFMI Interview).

1086 FFM-IRAN-D-000524 (FFMI Interview); FFM-IRAN-D-001505 (FFMI Interview); FFM-IRAN-D-001515 (FFMI Interview); FFM-IRAN-D-001762 (FFMI Submission); FFM-IRAN-D-001747 (Statement); FFM-IRAN-D-001686 (Statement); FFM-IRAN-D-001763 (Statement); FFM-IRAN-D-001765 (Court Documents).

1087 See e.g. Inter-American Convention on Forced Disappearance of Persons, article IX ("The acts constituting forced disappearance shall not be deemed to have been committed in the course of military duties."; Declaration on the Protection of all Persons from Enforced Disappearance, article 16 (2) (alleged authors of a crime of enforced disappearance "shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts."; Principles and guidelines on the right to a fair trial and legal assistance in Africa, principle L (a) ("The only purpose of Military Courts shall be to determine offences of a purely military nature committed by military personnel."; United Nations Updated Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1), 2005, Principle 29; Issue of the administration of justice through military tribunals : report / submitted by the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Emmanuel Decaux, 2006, E/CN.4/2006/58, Principle 9; Special Rapporteur on torture, UN Doc. A/56/156, 2001, para 39(j); Special Rapporteur on extrajudicial executions, UN Doc. A/51/45, 1996, Para 125. See also the "Yale Draft" revision of the 2006 Draft UN Principles Governing the Administration of Justice Through Military Tribunals (also known as the Decaux Principles, after Prof. Emmanuel Decaux), E/CN.4/2006/58, Principle No. 9, Trial of persons accused of serious human rights violations ("With the exception of circumstances permitted by international humanitarian law, the jurisdiction of military courts should be set aside in favour of the jurisdiction of the ordinary courts to conduct inquiries into serious human rights violations such as extrajudicial executions, enforced disappearances and torture, and to prosecute and try persons accused of such crimes.")

1088 See Section X on the targeting of the families of victims.

convicted by a Military Court in Gilan of the charge of "failure to adhere to the Law on the Use of Arms resulting in murder". He reported that the case was with the Supreme Court upon an appeal by the accused person's lawyer.[1089] The Mission has not been able to obtain any further details with regards to the prosecution and the proceedings. In January 2024, state media reported that the Supreme Court had overturned the sentence against the police commander and had sent the case back to a lower court for retrial.[1090]

608. The Mission has analysed information including court document issued in the cases of several persons killed in the protests whose relatives lodged criminal complaints with the authorities. In one case, the Military Office of the Prosecutor issued an order terminating the investigations on the basis that the identification of the individual who had shot at the victim was not possible despite confirming that the victim had been shot by metal pellets and killed by a member of the Special Forces of the police.[1091]

609. In the another case, Abdollah Mohammadpour and Danesh Rahnama killed with AK-47 assault rifles during the protests in September 2022 in a village in West Azerbaijan province, According to official documents obtained through open sources and NGOs, the Military Office of the Prosecutor terminated the investigations stating that the victims had been among the individuals involved in "rioting" and they were shot at the location where "rioters" intended to attack the Basij base. The order was subsequently overturned by a criminal court which instructed the Office of the Prosecutor with investigative steps including to determine whether the Basij agents were armed with AK47 and whether there were any armed individuals among the protesters. According to credible information received by the Mission, as of December 2023, the family of the victims had not been informed of any updates on the mandated investigations.[1092]

610. Finally, review of publicly available court documents pertaining to the case of, a 16-year-old child killed in Mashhad, Razavi province with metal pellets, also showed that no investigations in line with international law were carried out. Subsequent to a criminal complaint by the child's family, a prosecutorial order issued by Branch One of the Military Office of the Prosecutor in Razavi Khorasan terminated the investigations officials terminated the investigation on the basis that there was no robust evidence that armed forces used "pellet guns". The order cited the commander of FARAJA in Razavi Khorsan who had stated that some of its forces were armed with pellet guns on the day of the incident but did not use it and the Intelligence Organization of the IRGC stating that the IRGVC forces present at the scene did not have pellet guns.[1093]

611. With regards to injuries, the Mission has documented one case in which a protester lodged a criminal complaint with State authorities. The protester, a man in his 40s who was blinded after FARAJA special forces fired metal pellets at him during protests in October 2022 a city in Alborz province, reported to the Mission that he had lodged a complaint to the authorities but despite persistent follow-ups, his complaint was dismissed. A corresponding prosecution order issued in the case, examined by the Mission, revealed that the Military Office of the Prosecutor in the province closed the case stating that the victim had been injured during the "riots" by his own admission, which constituted "an apparent offence".[1094]

612. Victims and their families have consistently referred to prevailing impunity, the absence of avenues for accountability, the serious risks associated with drawing the attention of the authorities to their participation in the protests and the "futility" of complaining as

[1089] "Judgment against the former police commander in Anzali port by Military Court/ Case Referred to the Supreme Court upon the appeal lodged by the Lawyers of the accused", Shargh Newspaper, , 6 June 2023.

[1090] "Judgment in the case of Mehran Samak's Murder overturned by the Supreme Court/The Case Referred to a Court of Equal Standing", IRNA, 15 January 2024.

[1091] FFM-IRAN-D-001672 (Court Documents); FFM-IRAN-D-001680 (Court Documents).

[1092] FFM-IRAN-D-001684 (NGO Report).

[1093] FFM-IRAN-D-001671 (Court Documents).

[1094] FFM-IRAN-D-001685 (Submission); FFM-IRAN-D-001777 (Records).

reasons they have not lodged complaints.[1095] Protesters stated that lodging complains was "out of question"[1096] as the authorities "were responsible for attacks themselves".[1097] One protester whose account the Mission received through an NGO stated "how could I report the actions of my rapist and killer to my rapist and killer?"[1098] They questioned if there has ever been any outcome to such complaints and stated that it would be the protesters themselves who would ultimately be "condemned".[1099] One protester said that the question of whether a complaint had been lodged with State authorities resembled a joke as "the entire state officials in Iran were members of a coordinated oppression system and reporting [violations] to them would logically be futile".[1100] A child protester who was severely injured with metal pellets and blinded in one eye as a result stated that the State was not "accountable to anyone" and that despite many protesters being killed no one was ever held into account. He said that the killings were easily attributed to "rioters" and "terrorists" and that no one was arrested in connection with the killing of a child protester whose death he had witnessed. He noted "when a person is killed, and the perpetrator is not prosecuted, that's not justice."[1101]

613. Injured protesters, in particular those who have lost their vision due to their serious eye injuries, explained that they feared their injuries visibly marked them as dissidents and could be used as proof of their participation in the protests.[1102] A protester who was blinded in one eye stated that his lodging an official compliant would be tantamount to signing an order for his own conviction.[1103] In many cases, injured protesters who spoke up about their injuries or demanded justice, including through social media posting, were harassed by the authorities, including by being summoned, and arrested..[1104] In some cases, victims who spoke up about their injuries were prosecuted on charges such as "propaganda against the system" and convicted.[1105] A protester who was blinded and published their story on social media were arrested and requested to re-repost stating that, in reality, they were injured by members of terrorist organizations.[1106]

614. A young protester severely injured by metal pellets, stated that her family members had been threatened and intimidated after she gave a media interview. She reported that IRGC agents told her family that they would "hunt her down" and "bring her dead body back".[1107]

B. Arrests and detention in the context of the protests

615. Mass arrests and detention of protesters and those associated with the protests took place across the country between at least 16 September 2022 and March 2023. While the

1095 FFM-IRAN-D-000524 (FFMI Interview); FFM-IRAN-D-001756 (FFM Submission); FFM-IRAN-D-001766 (FFMI Submission; FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001766 (FFMI Submission).

1096 FFM-IRAN-D-000450 (FFMI Interview).

1097 FFM-IRAN-D-001523 (FFMI Submission).

1098 FFM-IRAN-D-001690 (FFMI Submission).

1099 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-001767 (FFMI Submission); FFM-IRAN-D-000507 (FFMI Interview).

1100 FFM-IRAN-D-000683 (FFMI Submission); FFM-IRAN-D-000684 (FFMI Submission); FFM-IRAN-D-000685 (FFMI Submission); FFM-IRAN-D-000689 (FFMI Interview).

1101 FFM-IRAN-D-000508 (FFMI Interview).

1102 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000425 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview). See also FFM-IRAN-D-001756 (FFMI Submission); FFM-IRAN-D-001766 (FFMI Submission); FFM-IRAN-D-001654 (FFMI Interview).

1103 FFM-IRAN-D-000718 (FFMI Interview).

1104 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview). See also, "Judiciary closed the Instagram page of Niloufar Aghai who had sustained an eye injury", Radio Farda, 14 November 2023; "The clinic of Niloufar Aghai, one of those who sustained eye injuries during the past years' protests, closed", Voice of America, 18 November 2024. See also See Section X on the targeting of the families of victims.

1105 FFM-IRAN-D-001018 (FFMI Interview).

1106 FFMI-Iran-D-050007 (FFMI Interview).

1107 FFM-IRAN-D-000425 (FFMI Interview).

Government has not made public any detailed or disaggregated information on the overall number of individuals arrested and detained in connection with the protests. According to official statements, in March 2023, 22,628 individuals had been pardoned in connection with the protests.[1108] Non-governmental organizations have continued to report arrests and detentions for months after the protests, and up to 12 March 2024.[1109] This was confirmed by witnesses as described below.

1. International legal framework

616. Iran has ratified a series of treaties providing for the fundamental rights to liberty and security.[1110] These include the ICCPR, the ICESCR and the CRC, all of which prohibit arbitrary deprivation of liberty and enforced disappearance. According to article 9 of the ICCPR, no one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law. Article 9 provides for the right to be informed, at the time of arrest, of the reasons for arrest; to be promptly informed of any charges; in case of a criminal charge, to be brought promptly before a judge or other officer authorized by law to exercise judicial power; and to be tried within a reasonable time or released. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.[1111]

617. According to the Human Rights Committee, arrest or detention may be authorized by domestic law but nonetheless be arbitrary. The notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.[1112]

618. Arrest or detention is arbitrary if imposed as a punishment for the legitimate exercise of the rights as guaranteed by the Covenant, including freedom of opinion and expression, freedom of assembly, freedom of association, freedom of religion and the right to privacy. Restrictions on the right not to be subjected to arbitrary detention are admissible if provided by law and necessary to respect *inter alia* the rights of others, national security, public order,

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[1108] See "22000 of pardoned are related to the recent riots/pardon of 82000 prisoners" IRNA, 13 March 2023.

[1109] See for instance "Samad Porsche was arrested and transferred to Yasouj prison", HRANA, 12 March 2024, See also "Ali Noorani was arrested and transferred to Evin prison", HRANA, 9 March 2024.

[1110] These include the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and the Convention on the Rights of Persons with Disabilities (CRPD).

[1111] Pursuant to the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, deprivation of liberty is regarded as "arbitrary" in the following cases:
(a) When it is clearly impossible to invoke any legal basis to justify the deprivation of liberty (such as when a person is kept in detention after the completion of his or her sentence, or despite an amnesty law applicable to the detainee, or when a person detained as a prisoner of war is kept in detention after the cessation of effective hostilities).
(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights.
(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the State concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.
See Report of the Working Group on Arbitrary Detention, United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, A/HRC/30/37, 6 July 2015, para. 10.

[1112] Human Rights Committee, general comment No. 35 (2014), para.12.

public health or morals. Arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary.[1113]

619. During arrest and when in the custody of State authorities, irrespective of the legitimate or arbitrary nature of the arrest, the right to security of person protects individuals against intentional infliction of bodily or mental injury. Officials of States parties violate the right to personal security when they unjustifiably inflict injury.[1114]

620. Children enjoy the rights provided for under article 9 of the ICCPR in the same way as adults. In addition, under article 37 of the CRC, the arrest, detention or imprisonment of a child shall be treated as a measure of last resort and for the shortest period of time.[1115] States should further ensure that children are not held with adults, except where that is in their best interests. When children are arrested, notice of the arrest and the reasons for it should also be provided directly to their parents, guardians, or legal representatives. The privacy of information must be ensured, and notice must be provided without delay, to avoid the risk of harm including sexual violence.[1116]

621. Pursuant to international human rights law, detainees should be held only in facilities officially acknowledged as places of detention. A centralized official register should be kept of the names and places of detention, and times of arrival and departure, as well as of the names of persons responsible for their detention, and made readily available and accessible to those concerned, including relatives. Prompt and regular access should be given to independent medical personnel and lawyers and, under appropriate supervision when the legitimate purpose of the detention so requires, to family members.[1117]

622. The prohibition of enforced disappearances is a norm of peremptory law (*jus cogens*).[1118] Enforced disappearance, i.e. the deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect placing that person outside of the protection of the law and places their life at serious and constant risk, for which the State is accountable.[1119] An act of enforced disappearance constitutes a violation of the rules of international law guaranteeing, *inter alia*, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life and physical integrity. It is also a grave risk of sexual violence for women. Enforced disappearances violate numerous substantive and procedural provisions of the ICCPR and constitute a particularly aggravated form of arbitrary detention.[1120] According to the Human Rights Committee, the situation of relatives who remain without knowledge about the fate or whereabouts of a disappeared person for extended periods of time constitutes torture or cruel, inhuman or degrading treatment.[1121]

2. Lack of legal protection under domestic law

623. Iran's domestic laws do not guarantee the right of detainees to be brought promptly before an independent and impartial judicial authority. The 2015 Code of Criminal Procedure

[1113] Ibid., para.17.
[1114] See Human Rights Committee, General Comment No. 35 (2014), para. 9.
[1115] Committee on the Rights of the Child, general comment No.24 (2019), para.90.
[1116] Human Rights Committee, general comment No. 35 (2014), para.28.
[1117] Human Rights Committee, general comment No. 35 (2014), para.58.
[1118] International Law Commission, Third report on peremptory norms of general international law (*jus cogens*) by Dire Tladi, Special Rapporteur, A/CN.4/714, 12 February 2018, para. 131.
[1119] See General Assembly, Declaration on the Protection of all Persons from Enforced Disappearance, resolution 47/133.
[1120] Human Rights Committee, general comment No. 35 (2014), para. 17. See ICCPR arts. 7, 9, 10, 14 and 15.
[1121] Communications Nos. 107/1981, *Almeida de Quinteros v Uruguay*, Views adopted by the Human Rights Committee on 21 July 1983, para. 14; 950/2000, Sarma v. Sri Lanka, Views adopted on 31 July 2003, para. 9.5; 1327/2004, *Grioua v Algeria*, Views adopted by the Human Rights Committee on 10 July 2007, para. 7.7; and 1776/2008, *Bashasha v Libya*, Views adopted by the Human Rights Committee on 20 October 2010, paras. 3.4, 7.5.

provides that detainees should be brought before an investigator within 24 hours of being detained.[1122] The office of the investigator is located within the Office of the Prosecutor, the authority which issues and approves the detention order responds to a detainee's request to have it revoked, and determines whether it should be extended.

624. By-laws continue, however, to allow intelligence and security bodies to maintain special detention facilities for people accused of national security offences.[1123] Unofficial secret detention sites, referred to as "black sites" and "safe houses" (*khanehay-e amn*), are often houses or apartment buildings used by the Ministry of Intelligence or the Intelligence Unit of the Revolutionary Guards to hold individuals in their custody. As discussed in Section II, these facilities are not under the supervision of the Prison Organization.

3. Arrests

"We, the people, need to protest and object to the violations to our rights, and raise our voice when our demands are not met. When, "violations" become "law" "we" need to protest, this is why I joined the protests.[1124]

Testimony of a student interviewed by the Mission.

625. The Mission found a pattern of arbitrary arrest and detention of women, children and men in 16 of the country's provinces, namely Alborz, Eastern Azerbaijan, Gilan, Hormozgan, Isfahan, Kerman, Kermanshah, Khuzestan, Kurdistan, Lorestan, Mazandaran, Qom, Razavi Khorasan, Sistan and Baluchestan, Tehran, and West Azerbaijan. The persons arrested included not only those peacefully participating or allegedly participating in protests and/or attending events organized to commemorate protesters who had been killed, but also bystanders and those who provided medical care to protesters who had been injured.[1125] Individuals who publicly expressed support and solidarity with protesters, posted evidence of State violence, or simply discussed the protests on social media, were also arrested. These included family members of those killed, injured, or arrested during the protests, lawyers, doctors and other medical personnel, public and private employees, teachers, and journalists, who were arrested at their homes or workplaces and, in some cases, children and students.

(a) Scale and scope of the arrests

626. In the absence of official detailed and disaggregated data on arrests, State bodies and State affiliated media reported thousands of arrests in various provinces from the very first days of the protests. On 6 October, the Commander of Hameden Corps indicated that 700 people had been arrested in the province, with 80% of them aged under 25 years old.[1126] On 11 October 2022, the Spokesperson of the Judiciary pointed out that about 400 people had been released immediately after the investigations while 1,700 people were released during the investigation phase. He concluded that "the number of detainees was minimal" referring to those that remained in detention.[1127] Later, in March 2023, Gholam-Hossein Mohseni-Eje'i, the Head of the Judiciary, announced that 22,628 individuals, out of the 82,000 individuals who had received state pardons, had been connected with the protests, adding that the figure

[1122] Code of Criminal Procedure, art. 123, note.
[1123] See Section V.
[1124] FFM-IRAN-D-000067 (FFMI interview).
[1125] FFMI-Iran-D-050105 (FFMI Interview); FFMI-Iran-D-050061 (FFMI Interview).
[1126] See "Commander of Hamadan Corps_ 700 people were arrested in the recent protests of the province 80 percent under 25", Jamaran News, 6 October 2022. On 24 September 2022, State affiliated media reported that 739 persons belonging to a "group of saboteurs" had been arrested in Gilan province, IRNA, 24 September 2022. On the same day, the arrest of 88 people in Hormozgan province was also reported, Etemadonline, 24 September 2022. On 27 September 2022, IRNA published the announcement of the Governor of Ilam of the arrest of 180 people, IRNA, 27 September 2022. On 28 September 2022, IRNA indicated 120 arrests were reported in the province of Lorestan.
[1127] See "Following the report of Legal Medicine about death of Mahsa Amini there is no obscurity/Instructive encounter against main provokers linked to foreign services during the recent riots", Maghreg News, 11 Oct 2022.

included "those who had been convicted" as well as "those who were pardoned prior to convictions".[1128]

627. State officials acknowledged that individuals under the age of 18 were among those arrested during the protests. In an interview published on 5 October 2022 by Iranian media, the Deputy Commander of the Islamic Revolutionary Guard Corps (IRGC), Ali Fadavi, recognised that: "the average age for many of those arrested in the recent riots is fifteen years old."[1129] In another example, from a provincial level, the Chief Justice of Isfahan province speaking about the amnesty of protesters indicated that "during the riot" 4,247 people were arrested, and that 60 per cent of the accused and convicted were released "with the generous amnesty of the Leader of the Revolution". He also stated that protesters below the age of eighteen years-old were among those accused, and that more than 1,000 of them were warned by judicial officers and were handed over to their families after executing a bond.[1130]

628. In a report published only two months after the start of the protests, the Campaign to Free Political Prisoners in Iran alleged that Iranian security forces had kidnapped and detained at least 60,000 people.[1131] In March 2023, another non-governmental organization indicated that it had registered the arrest of 29,688 people from March 2022 to March 2023, with a major part of these arrests having occurred during the 2022 nationwide "Woman, Life, Freedom" protests.[1132]As noted above, arrests in connection with the protests were still ongoing at the time of writing this document.

629. Witnesses also provided evidence on the scale of the arrests.[1133] A witness stated that following his participation in a demonstration, he was arrested and brought to a stadium based in a military compound located at Takhti three-way junction, 30 minutes away by car from Tehran, where thousands of arrested protesters, including children, were being held.[1134] Another witness reported that he saw parents, relatives or acquaintances of those arrested, around 600 individuals, waiting for their loved ones in front of this stadium.[1135]

630. Incidents of mass arrest continued in 2023. A young woman arrested on 16 September 2023, the anniversary of Jina Mahsa's death in custody, shared her account with the Mission. She said that many women with chador and in military uniform, with black masks on their faces, as well as men in plain clothes wearing black shirts and pants started beating and arresting anyone on the street. She stated that "that night, about 600 to 700 of us were transferred to this military compound", that "the location was full of men in plain clothes, as well as those in military uniforms, but without any name tags or signs" and that "detained women were of all ages; children, adolescents, adults and the elderly." She further stated that: "In fact, they arrested everyone in such a way that no one was left on the street, and in this way, they created the impression that no one had come to the street at all to protest on the occasion of the anniversary."[1136]

631. Several witnesses saw large numbers of protesters rounded up during protests and taken to detention facilities. A lawyer explained to the Mission that most of his clients had been arrested while protesting when a large group was rounded up and arrested.[1137] The statement of a woman protester obtained by the Mission described the conditions of her transfer in a bus with no windows to Qarchak Prison, together with around 70 protesters. The

1128 See "Head of the Judiciary: 22000 of the pardoned are linked to the recent riots, 82000 prisoners pardoned", IRNA, 13 March 2022.
1129 See "Sardar Fadavi: The average age of many of the arrestees is 15", Faranu, 5 October 2022.
1130 See "General Chief of Isfahan Province Justice Office: Over 1600 cases in relation to riots in Isfahan are proceeding", Mehr News, 21 June 2023.
1131 See "Report No. 1: An update report on the recent detainees in Iran", The Campaign to Free Political Prisoners in Iran (CFPPI), 16 November 2022.
1132 See "Statistical Report on Human Rights in Iran for the Year 1401 Hijri", HRANA, 18 March 2023.
1133 FFM-IRAN-D-000516 (FFMI interview); FFM-IRAN-D-00512 (FFMI interview); FFMI-Iran-D-060003 (Statement).
1134 FFM-IRAN-D-000099 (FFMI interview).
1135 FFM-IRAN-D-000516 (FFMI interview).
1136 FFM-IRAN-D-000131 (Statement).
1137 FFM-IRAN-D-001448 (FFMI Interview).

bus was so crowded with detainees that she could hardly breathe.[1138] A man arrested on the 40th Day commemoration (*chehelom*) of Jina Mahsa Amini in Tehran also described that security forces ordered 55 people to get inside a minibus and took them to the detention centre in Fashafouyeh (Greater Tehran Central Penitentiary). The detainees were very young, prompting one of the officers on duty to say that the place had been turned into a "kindergarten".[1139]

632. In response to the strong support of school children, for the "Woman, Life Freedom" movement, security forces proceeded with massive arbitrary arrests and detention of youth and children, some as young as 10 years-old.[1140] A witness indicated that in October 2022 in the Greater Tehran prison, he saw around 300 inmates, among them nearly 200 young protesters between 16 and 18 years of age, brought from the streets.[1141] Children were arrested while participating in protests, in their schools, at their homes, on their way to or from school or on the street. Teachers from several schools also reported on these arrests.[1142] For example, in a statement obtained by the Mission, a child explained that on 29 November 2022, he was with his friends and others celebrating Iran's loss to the USA in the Qatar World football Cup when several security cars surrounded them, picked them up, blindfolded them and took them to the Ministry of Intelligence office.[1143] Massive arrests also took place at universities. In an emblematic example, Basij forces raided university dormitories and arrested students, including in the emblematic protest organized in Sharif University of Technology on 2 October 2022.

(b) Nature and arbitrariness of arrests

633. The Mission investigated instances of arrest and assessed the facts against the elements of appropriateness, predictability, due process of law, reasonableness, necessity and proportionality to determine whether arrests were arbitrary and to identify patterns.

634. In one of its first reports, Iran's High Council for Human Rights (HCHR) explained that "the peaceful gatherings that took place in different parts of the country following the death of Ms. Amini have morphed into a round of riots and vandalism which was separated from peaceful assemblies". The High Council added that "those who did not commit acts of sabotage and security-disturbing measures are basically separate from those who entered the riots under the command of certain infiltrating elements", and that "the police in Iran never resorts to force in the first and exercise tolerance and restraint". It also affirmed that "on 5 October 2022, nearly half of the detainees of the recent unrest and riots have been released."[1144] Other reports from the HCHR also stated that protesters caused widespread damage to private property, public and religious places;[1145] law enforcement officers were killed, and other persons were "martyred" by protesters/terrorists.[1146]

1138 FFMI-Iran-D-060004 (Statement).

1139 FFM-IRAN-D-000346 (Statement).

1140 FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000526 (FFMI interview); FFM-IRAN-D-000516 (FFMI interview); FFMI-Iran-D-050103 (FFMI Interview).

1141 FFMI-IRAN-0500109 (FFMI Interview).

1142 FFM-IRAN-D-001651 (Statement); FFM-IRAN-D-001693 (Statement).

1143 FFM-IRAN-D-000125 (Statement).

1144 Report No. 4 Pertaining Death of Mahsa Amini & Following Events, pages 12 and 13, High Council for Human Rights.

1145 "Major damage inflicted on public and private properties following violent riots", pages 1 and 2, report of the High Council for Human Rights of the Islamic Republic of Iran, 15 October 2022; "Supplementary report on major damage inflicted upon public and private properties following violent riots, pages 1 to 3, High Council for Human Rights of the Islamic Republic of Iran, 20 November 2022; "Third updated report on damage inflicted upon government, public and private properties and places during riots (financial value of damages)", pages 2 to 4, High Council for Human Rights of the Islamic Republic of Iran, 7 February 2023.

1146 "Reviewing the methods that are used by Iranian Law enforcement forces to deal with riots, pages 39 to 41, report of the High Council for Human Rights of the Islamic Republic of Iran, 22 October 2022; "Terrorist and violent attacks in several cities during recent riots", pages 1 to 5, report of the High Council for Human Rights of the Islamic Republic of Iran, 21 November 2022; "Some examples of

635. The Mission invited the Government to share information regarding the protests allegedly characterized by widespread and serious violence,[1147] and reasons and evidence for each such protests. It also requested supporting material in relation to the acts of arson, assault and fatal assault as alleged by the HCHR.[1148] The Mission regrets that the Government did not respond to any of these questions.

636. The Mission reviewed information, including audio-visual material, showing instances in which some protesters committed isolated acts of violence.[1149] It also reviewed audio-visual material showing instances where persons in the protests beat police officers, shook and flipped over vans, threw Molotov cocktails and in a few cases, used weapons such as shotguns and handguns.[1150] Some such acts were corroborated by witnesses interviewed by the Mission.[1151] If carried out in accordance with international human rights law standards, arrests of persons committing such acts would not, *prima facie*, be considered arbitrary. The Mission took any such acts and the conformity of the arrest with international standards into account when assessing the arbitrariness of individual arrests and establishing patterns. The Mission further notes that isolated acts of violence by some participants should not be attributed to others, the organizers or to the assembly as such and that participants who do not carry out violence continue to be protected against arbitrary arrest even where other protesters in the same assembly are exercising violence.[1152]

637. All individuals arrested in the context of the protests with whom the Mission spoke, consistently asserted that the demonstrations in which they participated were predominantly peaceful. They maintained that they did not engage in any acts of violence that could have justified their arrest and witnessed the arrest of protesters who were participating peacefully in demonstrations. The Mission corroborated this information with open-source material, when available, showing the circumstances at the time and location of the arrests. Evidence gathered by the Mission shows that protesters were arrested for a range of protected conduct, such as chanting slogans,[1153] writing slogans on the walls,[1154] honking car horns in support of the protests,[1155] and taking part in roadblocks.[1156] Arrestees were interrogated about their posts on social media platforms, including in support of the "Woman, Life, Freedom" movement.[1157] The authorities also arrested family members of the protestors seeking redress,

widespread violence by rioters against ordinary citizens and law enforcement officers," pages 1 to 5, report of the High Council for Human Rights of the Islamic Republic of Iran, 21 November 2022.

1147 See "Reviewing the Methods that are used by Iranian Law Enforcement Forces to Deal with Riots", Report of the High Council for Human Rights of the Islamic Republic of Iran, 22 October 2022.

1148 "Some examples of widespread violence by rioters against ordinary citizens and law enforcement officers", Report by High Council for Human Rights of the Islamic Republic of Iran, 21 November 2022.

1149 FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000591 (FFMI Interview); FFM-IRAN-D-000590 (FFMI interview).

1150 FFM-IRAN-D-001375; FFM-IRAN-D-001377.

1151 FFM-IRAN-D-000591 (FFMI interview); FFMI-IRAN-0500119 (FFMI Interview).

1152 Human Rights Committee, General Comment No. 37 (2020), para. 17, quoting Inter-American Court of Human Rights, Women Victims of Sexual Torture in Atenco v. Mexico, judgment of 28 November 2018, series C, No. 371, para. 175; and European Court of Human Rights, *Frumkin v. Russia*, para. 99.

1153 FFM-IRAN-D-000100 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000509 (FFMI Interview); FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-001687 (Statement).

1154 FFM-IRAN-D-001510 (FFMI Interview).

1155 FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001015 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-001015 (FFMI Interview); FFM-IRAN-D-001015 (FFMI Interview).

1156 FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview).

1157 FFM-IRAN-D-000373 (FFMI interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000507 (FFMI interview); FFMI-IRAN-0500117 (FFMI Interview); FFM-IRAN-D-000589 (FFMI

their supporters (lawyers, medical personnel), those expressing solidarity (teachers, artists, athletes, and social media influencers) and those seeking to uncover the truth about violations (journalists and human rights defenders).[1158] The Mission concluded that these arrests were arbitrary.

(c) Patterns of arrests

638. In addition to their large scale and arbitrariness, the arrests followed similar patterns. People arrested in connection with the protests at protest sites as well as witnesses of these arrests provided similar accounts of the circumstances of the arrests.

639. Arrest operations targeting thousands of individuals were conducted with significant coordination and use of substantial law enforcement resources. Security forces responded to nationwide protests through coordinated operations, relying upon a high level of logistical support and multiple forces, including intelligence agents,[1159] Basij,[1160] IRGC,[1161] and the police (FARAJA),[1162] at times acting jointly.

640. Evidence shows that the arrests were carried out in a manner that disguised the identity of the arresting officers, and the places to which those arrested were brought. The majority of the arrests were conducted by or with the assistance of plainclothes agents, often wearing masks concealing their identity.[1163] For instance, police officers, who took young arrestees to Evin prison, were dressed in civilian clothing, some wearing T-shits and sneakers, and a similar hair style as those arrested.[1164] Forces deployed to control lawyer protesters would wear suits.[1165] Despite wearing plainclothes, security forces were often recognisable for other reasons: because of the manner in which they dressed, the tattoos displayed, the fact that they were carrying sprays or other devices on their belts or, in small cities, because they were known by the protestors. In some instances, they used particular measures to conceal their identity from the protesters while remaining identifiable to each other and other security forces, for example by covering the plates of their motorbikes with medical masks.[1166] A witness stated that "some of those in plainclothes were well dressed and were even chanting slogans, but would then suddenly point to someone to be arrested saying that the person was a leader, or would trap one person and hold them until the security forces arrested that person".[1167]

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interview); FFMI-IRAN-D-050025 (FFMI Interview); FFM-IRAN-D-000718 (FFMI interview); FFM-IRAN-D-000128 (Statement); FFM-IRAN-D-000127 (Statement).

1158 See Section X.

1159 FFM-IRAN-D-000589 (FFMI Interview), FFM-IRAN-D-000520 (FFMI Interview); FFM-IRAN-D-000696 (FFMI Interview); FFM-IRAN-D-000518 (FFMI Interview); FFM-IRAN-D-000744 (FFMI Interview); FFM-IRAN-D-000697 (FFMI Interview); FFM-IRAN-D-001468 (FFMI Interview); FFM-IRAN-D-000127 (Statement); FFM-IRAN-D-000123 (Statement).

1160 FFMI-Iran-D-050103 (FFMI Interview); FFM-IRAN-D-000129 (Statement).

1161 FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000587 (FFMI Interview); FFMI-IRAN-D-050056 (FFMI Interview); FFMI-IRAN-0500107(FFMI Interview); FFMI- IRAN-D-060015 (Statement); FFMI- IRAN -D-060028 (Statement); FFM-IRAN-D-000132 (Statement); FFMI-Iran-D-060006 (Statement); FFM-IRAN-D-000133 (Statement).

1162 FFM-IRAN-D-000520 (FFMI Interview); FFMI-Iran-D-050104 (FFMI Interview); FFM-IRAN-D-000130 FFM-IRAN-D-000682 (FFMI Interview).

1163 FFM-IRAN-D-000099 (FFMI Interview); FFM-IRAN-D-000590 (FFMI Interview); FFM-IRAN-D-000124 (Statement); FFM-IRAN-D-001621 (Statement); FFMI-IRAN-0500107(FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-001468 (FFMI Interview); FFMI-IRAN-D-060011 (Statement); FFM-IRAN-D-001623 (FFMI Submission); FFM-IRAN-D-000935(Statement); FFM-IRAN-D-001624 (Statement); FFM-IRAN-D-000127 (Statement).

1164 FFM-IRAN-D-001391 (FFMI Interview).

1165 FFM-IRAN-D-000739 (FFMI interview).

1166 FFM-IRAN-D-000524 (FFMI Interview); FFMI-IRAN-D-050037 (FFMI Interview); FFM-IRAN-D-000596 (FFMI Interview); FFMI- IRAN-D-050033 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-001510 (FFMI Interview).

1167 FFMI- IRAN-D-050102 (FFMI Interview), FFM-IRAN-D-000739 (FFMI interview).

641. As detailed in sub-section A, security and intelligence forces, including paramilitary Basij forces, exerted significant presence in and around hospitals and medical centres throughout the country in order, inter alia, to arrest or interrogate injured protesters, to obtain lists of patients admitted with injuries sustained during protests, to review security cameras footage.[1168]

642. Witnesses who were arrested stated that they were handcuffed and blindfolded before being violently shoved into vehicles,[1169] taxis, unmarked cars, vans,[1170] or motorcycles.[1171] Others were forced on the vehicle into a position from which the route and location could not be seen. Witnesses also stated that ambulances were used to transport security forces and hold arrested protesters, a practice that undermined public trust in emergency services and involved misuse of their resources.[1172] For instance, a young protester was dragged into an ambulance that was being used to hold arrested people. His mother, who was participating in the same protest, tried to prevent the arrest of her son. Protesters surrounded the ambulance for around 20 minutes and pushed it over. The driver opened the door and ran away. The arrested protester, helped by his mother, managed to escape from custody.[1173]

643. Authorities used intelligence and surveillance technology to conduct arrests. Plainclothes security forces were deployed to protests to identify or take pictures of protesters.[1174] Witnesses described that drones and surveillance cameras, including those deployed for vehicular traffic control, were used for this purpose[1175]. Others referred to the existence of a specific section of the police dedicated to internet surveillance, deployed to identify or threaten supporters and their families.[1176]

644. Intelligence and security forces conducted raids at homes, including during night-time, for the purpose of arrests.[1177] According to witnesses, security forces broke into private houses violently, for instance by using sledgehammers and axes.[1178] During house raids, security forces deployed "black boxes", used for tapping, cloning or blocking devices.[1179] Individuals were also apprehended at their workplaces, on the streets, at burial ceremonies, and in certain instances, children were taken into custody directly from their schools. Arrest

[1168] FFMI- IRAN-D-050101 (FFMI Interview); FFM-IRAN-D-000097 (FFMI interview).

[1169] FFM-IRAN-D-001517 (FFMI Interview); FFMI-IRAN-0500115 (FFMI Interview); FFM-IRAN-D-000587 (FFMI interview); FFMI-IRAN-D-0500134 (FFMI Interview); FFMI-IRAN-D-050027 (FFMI Interview); FFMI- IRAN-D-050056 (FFMI Interview); FFMI-IRAN-0500121 (FFMI Interview); FFM-IRAN-D-000696 (FFMI interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000512 (FFMI interview); FFM-IRAN-D-000682 (FFMI interview); FFM-IRAN-D-000697 (FFMI interview); FFM-IRAN-D-000341 (Statement); FFM-IRAN-D-000132 (Statement); FFM-IRAN-D-000150 (Statement); FFM-IRAN-D-000129 (Statement); FFM-IRAN-D-000124 (Statement); FFM-IRAN-D-000133 (Statement). Other individuals were forced on the vehicle into a position wherefrom the route and location could not be seen, FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000768 (FFMI interview); FFM-IRAN-D-000507(FFMI interview); FFMI-IRAN-0500122 (FFMI Interview) FFM-IRAN-D-000512 (FFMI Interview).

[1170] FFMI- IRAN-D-050037 (FFMI Interview) FFM-IRAN-D-000587 (FFMI interview); FFM-IRAN-D-001449 (FFMI Interview); FFM-IRAN-D-000589 (FFMI interview), FFM-IRAN-D-000739 (FFMI interview), FFMI- IRAN-D-050007 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview).

[1171] FFM-IRAN-D-000718 (FFMI interview), FFM-IRAN-D-000739 (FFMI interview).

[1172] FFM-IRAN-D-000509 (FFMI Interview); FFM-IRAN-D-000591 (FFMI interview); FFMI-IRAN-0500119 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview).

[1173] FFM-IRAN-D-000591 (FFMI interview); FFMI-IRAN-0500119 (FFMI Interview).

[1174] FFMI-IRAN-050088 (FFMI Interview); FFM-IRAN-D-001625 (Statement).

[1175] FFMI- IRAN-D-060009 (Statement).

[1176] FFMI-IRAN-D-0500154 (FFMI Interview); FFM-IRAN-D-000512 (FFMI interview); FFM-IRAN-D-001629 (Statement).

[1177] FFMI-IRAN-0500117 (FFMI Interview); FFM-IRAN-D-000696 (FFMI interview); FFMI-IRAN-0500121 (FFMI Interview); FFM-IRAN-D-000697 (FFMI interview).

[1178] FFM-IRAN-D-000696 (FFMI interview); FFM-IRAN-D-000511 (FFMI interview).

[1179] FFM-IRAN-D-000768 (FFMI interview).

operations outside protests involved multiple agents, in some instances up to ten or 20 persons.[1180]

645. Arrests, both at and outside protest sites, were characterized by violence and threats of violence. Security officials routinely resorted to severe beatings of protesters, to various parts of their bodies, alongside threats, verbal abuse and humiliation.[1181] Moreover, credible information shows that visibly seriously injured arrestees, including after being shot and blinded, continued to be beaten with batons, kicked and punched, including in the head during transportation.[1182] A witness stated that during his transfer to a IRGC intelligence detention center, an arresting officer used a stun gun on his testicles.[1183] Security forces, in certain instances, openly displayed firearms during these arrests, including pointing at persons' heads.[1184] Interviews with victims, their families, direct witnesses, lawyers, confirmed a pattern of violent arrests resulting in injuries of all types[1185] in addition to psychological harm.[1186] Family members of arrested protesters found them at detention centers with visible injuries, such as bruises and swollen heads or foreheads.[1187]

646. A student arrested during a protest in Tehran stated that he was grabbed by Basij forces, beaten, kicked in the head, pepper sprayed, insulted and called names. Agents pulled his t-shirt over his head and brought him to a police station. There, he saw two men who had just been arrested, and beaten and were bleeding. At some point when he was able to speak to them, one of them indicated to him that he had been attacked by an agent on a motorcycle who ran him over, causing his ribs to break.[1188] In another statement obtained by the Mission, a man indicated that IRGC agents chased and fired at him and that one of the bullets hit a utility pole and the shattered pieces struck and broke his head. While his head was bleeding, they hit him on the head with a stone from behind, beat him severely and put him in a car. They shoved his head down onto the car floor and one of the officers sat on his back and pressed his four right fingers until they were dislocated.[1189]

647. Intelligence and security forces seized private property from protesters, including electronic devices such as laptops, and requested those arrested to provide passwords, which allowed investigation into their online activity and contacts.[1190] One witness for example told the Mission that when he was arrested and beaten during transportation, he could not breathe as he had asthma, and asked for his inhaler in his bag. The Basij agent replied that if he wanted the inhaler, he should disclose his telephone password, which he did.[1191] They were also asked questions about messages they sent via applications.[1192]

1180 FFMI-IRAN-0500118 (FFMI Interview); FFMI-Iran-D-060018 (Statement); FFMI-Iran-D-060028 (Statement).

1181 FFM-IRAN-D-000514 (FFMI interview); FFMI-Iran-D-050103 (FFMI Interview); FFMI-IRAN-D-0500135 (FFMI Interview); FFMI-Iran-D-050033 (FFMI Interview); FFMI-IRAN-0500120 (FFMI Interview); FFM-IRAN-D-000744 (FFMI interview); FFM-IRAN-D-000697 (FFMI interview); FFM-IRAN-D-001726 (FFMI Interview); FFMI-Iran-D-060015 (Statement); FFMI-Iran-D-060010 (Statement); FFM-IRAN-D-000131 (Statement); FFM-IRAN-D-000682 (FFMI Interview); FFM-IRAN-D-000127 (Statement); FFM-IRAN-D-000132 (Statement); FFM-IRAN-D-001527 (Statement).

1182 FFM-IRAN-D-000507 (FFMI interview); FFM-IRAN-D-000134 (Statement).

1183 FFM-IRAN-D-000744 (FFMI interview).

1184 FFMI-IRAN-D-0500155 (FFMI Interview); FFM-IRAN-D-000744 (FFMI interview).

1185 FFM-IRAN-D-000507 (FFMI interview); FFM-IRAN-D-000533 (FFMI interview); FFM-IRAN-D-000514 (FFMI Interview); FFM-IRAN-D-000526 (FFMI Interview); FFMI-Iran-D-060028 (Statement); FFMI-Iran-D-060006 (Statement).

1186 FFMI-IRAN-D-0500114 (FFMI Interview).

1187 FFMI-IRAN-D-0500114 (FFMI Interview).

1188 FFMI-IRAN-D-050104 (FFMI Interview).

1189 FFMI-Iran-D-060006 (Statement).

1190 FFMI-IRAN-D-0500154 (FFMI Interview), FFM-IRAN-D-000512 (FFMI interview); FFM-IRAN-D-000697 (FFMI interview); FFM-IRAN-D-000129 (Statement); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001629 (Statement).

1191 FFM-IRAN-D-000129 (Statement); FFM-IRAN-D-000123 (Statement).

1192 FFM-IRAN-D-000525 ((FFMI Interview); FFM-IRAN-D-000588 FFMI (Interview); FFM-IRAN-D-000099 (FFMI interview); FFMI-Iran-D-060027 (Statement); FFMI-Iran-D-060020 (Statement).

648. The vast majority of witnesses were not informed of the reasons for their arrest or the location of the detention facility to which they were brought.[1193] Individuals arrested outside protests were not shown an arrest warrant.[1194] According to a witness, in some instances the authorities issued "generic" arrest warrants, setting out in the abstract that those who had engaged in activities related to protests could be arrested. This applied to categories of persons, including lawyers, whereby the generic arrest warrant was accompanied by a list of professionals wanted for arrest.[1195] One witness stated that when he asked for a warrant of arrest, he was shown a document from such a distance that he could not read it.[1196]

649. These patterns provide a strong indication that arbitrary arrests and detentions were not randomly conducted, but rather part of an organized and coordinated response by law enforcement authorities to the protests.

Arrest of women protesters

650. Witnesses stated that authorities targeted for arrest and interrogation women who had the potential to lead protests, had been active online and accumulated a large number of followers on social media and arrest them from their home or workplace.[1197] Women who attended several protests were also targeted, suggesting widespread surveillance by state agents.[1198] According to one witness, while men protesters were often rounded up in the streets, the women arrested on protest sites were generally arrested for openly showing defiance towards the security forces and talking back to them.[1199] Some women victims mentioned that they believed they were singled out in the protests because of their physical appearance.[1200]

651. While the authorities appeared to consistently ensure that at least one woman agent participated in the arrests of women, a woman agent was not always present during interrogation,[1201] and usually in lower-ranking roles. This appeared to be a tick in the box

[1193] FFMI-Iran-D-050027 (FFMI Interview); FFM-IRAN-D-000095 (FFMI interview); FFM-IRAN-D-000514 (FFMI interview); FFMI-Iran-D-050103 (FFMI Interview); FFMI-IRAN-D-0500134 (FFMI Interview); FFM-IRAN-D-000520 (FFMI interview); FFM-IRAN-D-001516 (FFMI Interview); FFMI-IRAN-0500122 (FFMI Interview); FFMI-IRAN-0500108 (FFMI Interview); FFM-IRAN-D-000682 (FFMI interview). See also FFM-IRAN-D-000341 (Statement); FFM-IRAN-D-000340 (Statement); FFMI-Iran-D-060021 (Statement); FFM-IRAN-D-000340 (Statement).

[1194] FFM-IRAN-D-000587 (FFMI interview); FFM-IRAN-D-001516 (FFMI Interview); FFMI-IRAN-0500110 (FFMI Interview); FFM-IRAN-D-000696 (FFMI interview); FFM-IRAN-D-000511 (FFMI Interview) (FFMI interview); FFM-IRAN-D-000512 (FFMI interview); FFM-IRAN-D-000682 (FFMI Interview); FFM-IRAN-D-000133; FFMI-IRAN-050088 (FFMI Interview); FFM-IRAN-D-000697 (FFMI Interview); FFM-IRAN-D-000744 (FFMI Interview).

[1195] FFM-IRAN-D-000525 (FFMI interview).

[1196] FFMI-IRAN-0500113 (FFMI Interview).

[1197] FFM-IRAN-D-000529 (FFMI Interview), FFM-IRAN-D-000528 (FFMI interview).

[1198] FFMI-IRAN-0500117 (FFMI Interview), FFM-IRAN-D-000529 (FFMI Interview), FFM-IRAN-D-000530 (FFMI Interview), FFM-IRAN-D-001018 (FFMI Interview).

[1199] FFM-IRAN-D-001018 (FFMI Interview).

[1200] FFM-IRAN-D-000124 (FFMI Interview), FFM-IRAN-D-000529 (FFMI Interview), FFM-IRAN-D-001018 (FFMI Interview) FFM-IRAN-D-000124 (FFMI Interview); FFMI-IRAN-D-0500154 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview).

[1201] Article 42 of the Code of Criminal Procedure states that "Interrogations and investigations regarding women and underage individuals should be conducted when possible by trained female judicial associates in accordance with the principles of Sharia law." See also "Interrogations in Iran's Judicial Systems: Law vs. Reality, Centre", Center for Human Rights in Iran", 25 March 2021.

exercise[1202] or for cultural and religious propriety, rather than as a form of judicial guarantee for the treatment of women during arrest and interrogation.[1203]

652. Women interviewed by the Mission who had been arrested were subjected to invasive body searches and cavity searches. Such searches, while always conducted by women guards, took place in rooms equipped with CCTV cameras making women extremely nervous that men guards working for the prison may have been watching them.[1204]

4. Detention

(a) Detention facilities

653. As mentioned above, the vast majority of arrestees were not informed of the locations in which they were to be detained, and often only discovered upon release where they had been held. Most of these locations were not registered at all or only after completion of the investigation phase, upon transfer to prisons. A range of detention facilities were used to detain persons arrested in connection with the protests, including police stations, prisons, Basij or Revolutionary Guard units. Arrestees interviewed by the Mission explained how detention facilities were often filled beyond capacity and how they witnessed overcrowding following mass arrests of protesters.

654. Authorities also routinely used unofficial detention facilities, belonging to the Ministry of Interior intelligence or IRGC intelligence to hold protesters, sometimes for weeks, before handing them over to prisons or releasing them. Protesters interviewed by the Mission described these places as including military barracks, sports venues, houses and apartments, ruined buildings and underground rooms.[1205]

655. A witness said he was brought to a facility managed by police, military and Basij forces which was "different from a prison", saying that "inside it was like an army barrack or a school".[1206] Another witness explained to the Mission that he was held in a place belonging to the IRGC, which they referred to as the "hotel".[1207] In Tehran, a young woman stated that after being abducted on the street by IRGC agents, she was brought to a "safe house". She described the place as the parking lot of a building in a residential area from where she could hear children on the upper floors and the sounds of cars outside. She said the place was freezing and that she thought she was going to die.[1208] Another young woman arrested in Karaj explained that she was brought by intelligence agents to a ruined building under construction, which was "their torture place".[1209]

656. As regards the detention of children, on 11 October 2022 Iran's Education Minister Yousef Nouri stated that: "students had indeed been protesting, and the government had been responding by detaining and sending them to mental health (psychiatric) facilities meant to

[1202] A woman described her arrest to the Mission. Seven men in plainclothes raided her home. Because they were only men, they had to wait for a female agent to arrive, as without one, they were not able to take her into custody. While they were waiting for the female agent to arrive, the witness, who had just taken a shower, was not allowed to change into appropriate clothing and had to remain in her scanty loungewear. She was holding her daughter on her lap, trying to cover herself. Because she wasn't able to cover herself, she felt threatened, violated and degraded.

[1203] A witness who was arrested by six men and a woman explained that the female agent was in case they needed to search her closet or go through her private items. She was also sitting next to the witness in the car taking her to Evin Prison, FFMI-IRAN-0500113 (FFMI Interview).

[1204] See e.g. FFM-IRAN-D-000592 (FFMI Interview), FFM-IRAN-D-000148 (FFMI Interview).

[1205] FFM-IRAN-D-000067 (FFMI interview); FFMI-Iran-D-050033 (FFMI Interview); FFMI-IRAN-D-0500135 (FFMI Interview); FFM-IRAN-D-000099 (FFMI interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000768 (FFMI interview); FFMI-IRAN-D-050085 (FFMI Interview); FFMI-Iran-D-060023 (Statement).

[1206] FFMI-IRAN-D-0500135 (FFMI Interview); FFM-IRAN-D-000125 (Statement).

[1207] FFMI-IRAN-D-050102 (FFMI Interview).

[1208] FFMI-IRAN-D-0500134 (FFMI Interview).

[1209] FFM-IRAN-D-000768 (FFMI interview).

"reform" the protesting students and rid them of their "anti-social" behaviours."[1210] Scores of children were held in the State's prisons together with adults.[1211] On 20 October 2022, the Head of the Islamic Propaganda Department of Mashhad, Mohammed Fallah reported on his visit to the quarantine ward of Mashhad prison where children were being held.[1212]

(b) Respect for procedural rights in detention

657. As already noted above, people apprehended while peacefully participating in protests or arrested at their homes and workplaces were arrested by agents who did not reveal their identity and almost never showed them an arrest warrant. Victims described other similarities with respect to their detention, notably blatant disrespect of their procedural rights.

"Access to defence lawyers was totally cut"[1213]

Interview of a lawyer from a minority populated region

658. None of the persons arrested and detained who the Mission interviewed or whose statement it obtained was given access to a lawyer at any point of their detention,[1214] not even to lawyers in the judiciary's approved list. The right to defence was also greatly undermined by the numerous arrests and detentions of lawyers who were trying to ensure legal aid for protesters. The treatment of children was not different from adult detainees. They were not sufficiently informed of their rights, and they were interrogated in the absence of a parent or guardian and without the presence of a legal counsel.[1215]

659. A lawyer explained to the Mission that defendants could only have access to a lawyer after their release on bail, and rarely when the case was in court, and that they could access only those lawyers appointed by the court if they were accused of crimes against national security.[1216] A woman detainee in Ward 209 in Evin explained: "What is strange is that during the detention, they make you confess, and then they have the written confession from you and once you confess and sign, they say you can now go and hire a lawyer."[1217]

660. Nearly all witnesses reported that they were never brought before a prosecutorial authority. Others explained they were brought to the prosecutor's office only days after their arrest and without knowing exactly who they were meeting or why or only saw a prosecutor when paying the bail amount prior to their release. A witness for instance stated that he was taken before the Investigator at Branch 2 of Evin Office of the Prosecutor on the fifth day after his arrest. He said that he was not asked any questions, was not sure whether the person he met was the investigator, or a secretary. After being asked his name and ID number, he was returned to prison. One day later, the witness said, his lawyer was able to ensure payment of one billion tooman (16 835 US$) bail for his release.[1218] Another witness explained that he was taken to the General and Revolutionary Office of the Prosecutor for the IRGC to be granted an order to hold him. He stated that the Prosecutor was effectively an agent of the Revolutionary Guards and "does what they (the IRGC) want". He further stated: "Imagine how lawless it is, they are so sure that they would get the order from the judge that they first

[1210] See "Students return to school after correction", Sharghdaily.com, 11 October 2022. See "Students return to school after correction", Shargh Daily, 11 October 2022. See also, Prison instead of school, hammihanonline, 15 October 2022; Only students and students associated with opposition networks abroad are in detention / Many of those arrested have expressed regret, Rokna 13 October 202; (Center for Human Rights in Iran, " Iran Protests: Arrests of School Children Prompt Grave Fears of More Child Killings", 13 October 2022.

[1211] FFM-IRAN-D-000099 (FFMI Interview).

[1212] The story of meeting with the arrested youth in the riots/ Thanks God one person came and heard us", Fars News, 20 September 2022.

[1213] FFM-IRAN-D-000523 (FFMI interview).

[1214] FFMI-Iran-D-050103 (FFMI Interview); FFM-IRAN-D-000587 (FFMI interview); FFM-IRAN-D-000533 (FFMI interview); FFM-IRAN-D-000696 (FFMI interview).

[1215] FFM-IRAN-D-000146; FFM-IRAN-D-000514.

[1216] FFM-IRAN-D-000523 (FFMI interview).

[1217] FFM-IRAN-D-000593 (FFMI interview).

[1218] FFM-IRAN-D-000697 (FFMI interview).

arrest and then seek the order". The IRGC obtained a ten-day detention order but told the witness "they would keep him for a long time".[1219]

(c) Enforced disappearances

661. The Mission established that most detainees were held incommunicado for hours, days and sometimes weeks, in official and unofficial secret detention places run by intelligence and security bodies. In some cases, the authorities' refused to acknowledge the deprivation of liberty to or concealed the fate or the whereabouts of the detainees from their families, in what amounts to enforced disappearances [1220]

662. Family members of former detained protesters interviewed described to the Mission how they had to search, sometimes for months for their loved ones and how the authorities refused to disclose information to them.[1221] A man arrested and brought to an unofficial detention place explained to the Mission that after one week and a half, he called his family and told them that he was being detained. He also stated that his family later told him that they had been looking for him everywhere and had approached the IRGC and the police, but that no one told them where he was.[1222] His family was told to look for him in another city. A young man detained in a police station and who was transferred to several places of detention indicated: "I wasn't asked if I wanted to contact my family. I asked six or seven times to speak to my parents, but they refused to let me talk to them".[1223] In a subsequent interview, his father confirmed that he was informed of his son's whereabouts only two days after his son was arrested.[1224] A young woman explained how she was "stressed" that her family had no news about her.[1225] Another woman said she had to beg to be authorized to call her parents,[1226]Another witness explained that for the 54 days of his detention, he was not allowed to inform his family about his whereabouts and that "agents" did not inform his family.[1227]

663. Children were also held incommunicado without being able to inform their families of their location, with their parents kept in the dark as to their fates. In some instances, parents of child detainees were not informed of the whereabouts of their children, given conflicting information or even verbally insulted, by security or law enforcement agents.[1228] According to some reports, families were under intense pressure not to publicize the names and situations of their children and were threatened that if they did, they would never see them again.[1229]

(d) Release from detention

664. In most of the cases investigated by the Mission, detainees were eventually released after the family paid exorbitant bails ranging from 100 million (1683US$) to 2 billion Tooman (33670 US$).[1230] A teacher stated he was released on bail after he paid 2 billion

[1219] FFMI-Iran-D-050025 (FFMI Interview).

[1220] FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000099 (FFMI interview); FFM-IRAN-D-000520 (FFMI interview); FFM-IRAN-D-000768 (FFMI interview); FFM-IRAN-D-000533 (FFMI interview); FFMI-IRAN-0500107 (FFMI Interview); FFMI-IRAN-0500115 (FFMI Interview); FFMI-IRAN-0500114 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000744 (FFMI Interview).

[1221] FFM-IRAN-D-000516 (FFMI interview); FFM-IRAN-D-000146 (FFMI interview); FFMI-IRAN-0500113 (FFMI Interview).

[1222] FFMI-Iran-D-050106 (FFMI Interview).

[1223] FFMI-IRAN-D-050104 (FFMI Interview).

[1224] FFM-IRAN-D-000516 (FFMI interview).

[1225] FFM-IRAN-D-000768 (FFMI interview).

[1226] FFMI-IRAN-0500113 (FFMI Interview).

[1227] 0FFM-IRAN-D-000696 (FFMI interview).

[1228] FFMI-IRAN-0500114 (FFMI Interview).

[1229] See "The lives of detainees in Iran are in grave danger! Report 1: An update report on the recent detainees in Iran", Campaign to Free Political Prisoners in Iran (CFPPI)", 16 November 2022.

[1230] FFM-IRAN-D-001536 (FFMI Interview); FFM-IRAN-D-000527 (FFMI interview); FFM-IRAN-D-000514 (FFMI interview); FFM-IRAN-D-001505 (FFMI Interview); FFMI-IRAN-0500122 (FFMI

Toomans, which is double his salary over the last 30 years as a teacher.[1231] A lawyer interviewed by the Mission indicated that in many cases, in particular in some cities in West Azerbaijan, relatives of those detained were asked for money to have their family members released. He further explained that the chaotic situation had provided a unique opportunity for the abuse of authority."[1232]

665. Witness interviews and statements of government officials confirmed the release of most of the children who were arrested and detained in the context of the protests, as a result of the official pardon and based on their having "expressed regret for their activities and give(n) a written commitment for not repeating those activities". Others were released after furnishing a bond or bail, or signing a confession and repentance, or on conditions of acting as a police informant on the streets.

5. Findings

666. The Mission established that since September 2022, the authorities have engaged in large scale arbitrary arrests and detention of women, children and men in connection with the "Woman, Life, Freedom" protests.

667. The Mission established that women, children and men were arbitrarily arrested and detained for protected speech and acts, including protesting peacefully, dancing, chanting, writing slogans on walls and honking car horns in an exercise of rights guaranteed by the ICCPR including freedom of opinion and expression, freedom of assembly, freedom of association, freedom of religion and the right to privacy. Arbitrary arrests also extended to those seeking to uncover the truth about protest related violations, as well as supporters of protesters and those expressing solidarity.

668. Iranian authorities also violated their obligations under the ICCPR and the CRC by arresting children and detaining them together with adults.

669. The Mission established that the arrests and detentions were not random, but the result of organized and coordinated action from State authorities, as evidenced by the number and multiplicity of forces acting jointly, the use of intelligence and surveillance technology, seizure and inspection devices, by the tracking of individuals outside protests, including at hospitals and private homes, and targeting *inter alia* lawyers, journalists, human rights defenders, medical personnel, students, artists, trade unionists, and family members.

670. The Mission established that the Iranian authorities used unnecessary force during arrests in connection with the protests, as well as during transfers. The Mission has documented multiple instances where brutal violence was used during arrests, amounting to torture and ill-treatment.

671. There are reasonable grounds to believe that the Iranian authorities routinely held persons arrested in connection with the protests incommunicado. In some cases, in what amounts to enforced disappearances, authorities refused to acknowledge the deprivation of liberty to or concealed the fate or the whereabouts of the detainees from their families, in effect placing them outside of the protection of the law and placing their lives and their physical and mental integrity at serious and constant risk.

672. The Mission was unable to find any information on domestic investigations, in line with international human rights standards, launched into allegations of arbitrary arrest and detention, nor any case where judicial authorities intervened to put an end to instances of arbitrary detention in connection with the protests or victims of arbitrary arrests were compensated. The Mission therefore concludes that instead of protecting detained persons from arbitrary arrests and detention or from enforced disappearances, the Iranian justice system played a significant role in these violations.

Interview); FFMI-IRAN-0500110 (FFMI Interview); FFM-IRAN-D-000511 (FFMI Interview); FFM-IRAN-D-000725 (FFMI interview); FFM-IRAN-D-000512 (FFMI interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000697 (FFMI interview); FFM-IRAN-D-001468 (FFMI Interview); FFM-IRAN-D-000129 (Statement); FFM-IRAN-D-000126 (Statement).

1231 FFMI-IRAN-0500109 (FFMI Interview).

1232 FFM-IRAN-D-000523 (FFMI interview).

C. Treatment and conditions in detention

673. The Mission interviewed victims and witnesses of torture and ill-treatment in various places of detention in 16 provinces, namely Alborz, Eastern Azerbaijan, Gilan, Hormozgan, Isfahan, Kerman, Kermanshah, Khuzestan, Kurdistan, Lorestan, Mazandaran, Qom, Razavi Khorasan, Sistan and Baluchestan, Tehran, and West Azerbaijan since the start of the protests. The majority of them were women and men aged between 26 and 40 years at the time of arrest and detention. Among them were local activists, students, lawyers, medical workers, journalists and schoolteachers, as well as parents who shared with the Mission details of the treatment their children were subjected to while in detention. The Mission also collected and analysed audio-visual material, judgments and other court documents, detailed statements, obtained from non-governmental organizations. The vast majority of the witnesses interviewed by the Mission, and persons from whom it obtained statements, described the torture and ill-treatment to which they were subjected since the moment of arrest and reported appalling detention conditions.

674. The Mission wrote seven letters to the Government of Iran asking specific questions regarding allegations of torture and ill-treatment. No response or information was received from the Government of Iran before completion of this document on 15 March 2024.

1. International legal framework

675. Iran as a State party to the ICCPR has the obligation to respect and ensure the rights of detained persons, including their right not to be subjected to torture and ill-treatment.[1233] The prohibition against torture is absolute and non-derogable.[1234] No exceptional circumstances whatsoever may be invoked by a State Party to justify acts of torture in any territory under its jurisdiction. No justification or extenuating circumstances may be invoked to excuse a violation of article 7 of the ICCPR for any reasons, including those based on an order from a superior officer or public authority.[1235] Prolonged solitary confinement of a detained or imprisoned person may amount to acts prohibited by article 7 of the ICCPR.[1236]

[1233] Torture and cruel, inhuman and degrading treatment are prohibited under international human rights law (ICCPR, articles 7 and 10; CRC article 37(a) and c; *see* also UDHR, article 5). The prohibition of torture is absolute: as a peremptory norm of international law, *jus cogens*, it can never be subject to derogation or exception, that is, it cannot be limited or repealed (ICCPR, article 4(2)). Under international human rights law, torture is defined as acts that cause severe pain or suffering, whether physical or mental; are inflicted intentionally; are committed for a specific purpose; and involve a public official, either directly or indirectly (see A/HRC/13/39/Add.5, paras. 30-39). To constitute torture the acts must be committed directly by public officials or other persons acting in an official capacity, or be ordered or tolerated by them (see Human Rights Committee, general comment No. 20 (1992), para. 2) for a specific purpose, such as extracting a confession, obtaining information, punishment, intimidation, humiliation, coercion or any reason based on discrimination (*see* A/HRC/13/39/Add.5, paras. 35 and 58-71). Acts which fall short of this definition may still constitute cruel, inhuman or degrading treatment or punishment (ill-treatment), which is also prohibited under international law (ICCPR, article 7; *see* also E/CN.4/2006/6, para. 35). Acts considered to amount to "severe pain or suffering" for the purpose of the definition include beatings, punches, kicks and flogging; rape, attempted rape and other forms of sexual violence; electric shocks; suspension from the ceiling, deprivation of sleep, food or water; and administration of substances against the will of a person deprived of liberty (*see* further examples, A/HRC/13/39/Add.5, para. 51). Examples of treatment causing mental suffering includes mock executions, abuse of specific personal phobias, prolonged solitary confinement and threats of death or violence (see Human Rights Committee, general comment No. 20 (1992), para. 6; CCPR/C/18/D/74/1980, paras 1.6, 10; *see* also A/56/156, para. 8).

[1234] Article 4 (2) of ICCPR.

[1235] General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment) Adopted at the Forty-fourth Session of the Human Rights Committee, on 10 March 1992.

[1236] Human Rights Committee, General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment) para. 6.

676. The obligation to ensure includes to adopt laws and take measures that give effect to those rights. Iran is also required to take effective measures to prevent, investigate, prosecute and punish all acts of torture and ill-treatment. This include measures to ensure that, in accordance with international law, law enforcement officials, in carrying out their duty as far as possible apply non-violent means, ensuring that all places of detention are officially recognized, respecting the right to access an independent doctor at the start of detention, and keeping an official and central registration of detainees, amongst other measures.[1237] Under international standards, all persons deprived of their liberty must be given or offered a medical examination as promptly as possible after admission to a place of detention.[1238] Statements elicited as a result of torture or ill-treatment, or other forms of coercion, must be excluded as evidence in criminal proceedings except if a statement or confession obtained in violation of article 7 is used as evidence that torture or other treatment prohibited by this provision occurred. The requirement to exclude such evidence is inherent to the prohibition against torture and ill-treatment, as well as the rights of every accused person not to be compelled to testify against themselves or confess guilt and to remain silent.[1239]

677. Under the Convention on the Rights of the Child, Iran must ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment.[1240] Disciplinary measures in violation of article 37 of CRC are strictly forbidden, including corporal punishment, placement in a dark cell, closed or solitary confinement, or any other punishment that may compromise the physical or mental health or well-being of the child concerned.[1241] Every child deprived of liberty must be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.[1242] The Havana Rules (1990) state that deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society" (Rule 12). Iran also has the obligation to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment.[1243]

1237 See United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175, adopted by the United Nations General Assembly, on rules directed at preventing torture and ill-treatment of prisoners, protecting them, promptly, impartially, effectively and independently investigating allegations of and sanctioning torture.

1238 Rule 24 of the Standard Minimum Rules for the Treatment of Prisoners and Principle 24 of the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment. In its General Comment 36, the UN Human Rights Committee remarked that "[t]he duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health" CCPR/C/GC/35, para. 25. See also the General Recommendations of the Special Rapporteur on torture in which the Special Rapporteur on torture states that: "At the time of arrest, a person should undergo a medical inspection, and medical inspections should be repeated regularly and should be compulsory upon transfer to another place of detention. The Rapporteur has further emphasized the importance of the independence of the medical personnel who carry out such examinations as well as their qualifications in order to identify signs of both physical and psychological torture.

1239 Human Rights Committee, general comment No. 20 (1992), para. 12; Human Rights Committee, general comment No. 32 (2007), paras. 6, 41, 60; Human Rights Committee, general comment No. 35 (2014), para. 58.

1240 Convention on the Rights of the Child, article 37 (a).

1241 Committee on the Rights of the Child, General Comment General Comment No. 24 on Children's rights in child justice systems, para. 113.

1242 Article 37 (c) of the Convention on the Rights of the Child.

1243 Article 39 of the Convention on the Rights of the Child

678. Under the United Nations Declaration on the Elimination of Violence against Women, violence against women shall be understood to encompass, but not be limited to, a range of acts including physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."[1244] Rape constitutes a violation of a range of human rights, including the right to bodily integrity, the rights to autonomy and to sexual autonomy, the right to privacy, the right to the highest attainable standard of physical and mental health, women's right to equality before the law and the rights to be free from violence, discrimination, torture and other cruel or inhuman treatment. In 2017, the Committee on the Elimination of Discrimination against Women indicated that rape is characterized as a crime against the right to personal security and physical, sexual and psychological integrity, and that the definition of rape, was based on the lack of consent and took into account coercive circumstances. It also established that any time limitations, where they existed, should give consideration to circumstances hindering the capacity of the victims to report the crime, and that rape could amount to torture.[1245] The Special Rapporteur on violence against women and girls has noted that the international human rights framework and jurisprudence recognizes rape as a human rights violation and a manifestation of gender-based violence against women and girls that could amount to torture.[1246] The Special Rapporteur on Torture indicated that it is well established that rape and other forms of sexual violence can amount to torture and ill-treatment and that rape constitutes torture when it is carried out by, at the instigation of, or with the consent or acquiescence of public officials. He highlighted that women and girls are at particular risk of sexual violence in detention, including rape, insults, humiliation and unnecessary invasive body searches. He stated that the risk of sexual and other forms of violence can arise during transfers to police stations, courts or prisons, and particularly where male and female prisoners are not separated or when male staff transport female prisoners. Ensuring that female detainees are supervised by female guards and prison officials are key safeguards against abuse.[1] He also identified pretrial detention as creating an increased risk of torture and ill-treatment because sexual abuse and violence may be used as a means of coercion and to extract confessions. [1247] Under international criminal law, rape can constitute a crime against humanity.[1248]

679. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted by the General Assembly, provide guidance on meeting specific needs of women in case of imprisonment, including rules relevant to the prevention of and protection from torture and ill-treatment and the protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment.[1249]

680. Under international human rights law, the Government of Iran has an obligation to conduct investigations into any allegation of these violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those found responsible in accordance with domestic and international law. It also has the obligation to

[1244] Article 2.

[1245] General recommendation No. 35 (2017) on gender-based violence against women (CEDAW/C/GC/35 para. 29 e).

[1246] A/HRC/47/26 para. 9, 20 22 and 27.

[1247] A/HRC/31/57, 5 paras. 16 to 20 and 51 to 53.

[1248] Article 7 of the Rome Statute. See also International Criminal Court, Elements of Crimes (ICC-ASP/1/3), Article 7 (1) (g)-1: Crime Against Humanity of Rape 1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. 2. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent. 3. The conduct was committed as part of a widespread or systematic attack directed against a civilian population. 4. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population, http://www.icc-cpi .int/about/Official_Journal.html

[1249] A/RES/65/229.

provide victims with equal and effective access to justice, as well as to effective remedies, including reparation.

2. Torture and ill-treatment

(a) Lack of legal protection under domestic law

681. Iran's Constitution prohibits infringement of the dignity and reputation of individuals who are arrested, detained, jailed, or banished.[1250] However, it does not contain an absolute prohibition on torture or ill-treatment as reflected in the ICCPR, as it narrows the definition of torture to acts done "for the purpose of extracting confession or acquiring information".[1251] Moreover, while domestic legislation bans certain types of abusive conduct during interrogations, it does not expressly include or define a crime of torture, thus preventing adequate investigation and prosecution of the crime and the provision of remedy, including reparation, to victims. Furthermore, Iranian legislation is silent on the infliction of mental pain and suffering and does not cover cases where torture is inflicted on an individual in order to coerce, punish, or intimidate a third person. Iran's domestic legislation neither prohibits the prolonged use of solitary confinement as a form of torture or other ill-treatment nor regulates it. In addition, Iranian law continues to provide for various punishments that are prohibited by international law, including flogging, amputation, blinding, crucifixion and stoning, all of which constitute forms of torture and other cruel, inhuman or degrading treatment or punishment.[1252]

682. Under the 2004 Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights, officers are forbidden from harming an accused person, and shall not interrogate accused persons by handcuffing, blindfolding, humiliating or disrespecting them[1253] Interrogators and investigation agents should refrain from covering their faces or sitting behind the accused or taking them to unknown places and doing illegal actions in general.[1254] The Law also requires that interrogations are carried out in accordance with "scientific and legal principles, previous training and under required supervision.[1255]

683. Investigations and interrogations of women and children should be done by trained female law enforcement officers (*zābetān-e dādgostarī*) as far as possible.[1256] Investigating judges are prohibited to coerce or impose duress on a defendant, to use insults or suggestive and misleading questions, or to ask any questions that are unrelated to the accusations. Answers obtained in such a way and are not admissible as evidence.[1257] According to article 171 of the Islamic Penal Code, if an accused person confesses to the commission of an offence, their confession shall be admissible and there is no need for further evidence. Moreover, article 360 of the Code of Criminal Procedure provides that if the accused explicitly confesses to the commission of a crime in such manner as to remove all doubt and uncertainty in respect of the confession, the court shall pronounce its judgment by virtue of the confession. The Mission notes that taken together article 171 of the Islamic Penal Code and article 360 of the Code of Criminal Procedure carry the risk of an institutional reliance on obtaining and using confessions to secure convictions.[1258]

684. Iranian law provides that "upon the request of the person in custody or the request of one of their close relatives, a doctor appointed by the Prosecutor shall examine the detainee."[1259] It therefore does not fully ensure the right of people deprived of their liberty to

[1250] Article 39 of the Constitution of Iran.
[1251] Article 38 of the Constitution of Iran.
[1252] CCPR/C/79/Add.25, paras. 5, 11 and 19. See also CCPR/C/IRN/CO/4, 23 November 2023, paras. 15, 19, 29, 30.
[1253] Article 1(6) of 2004 Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights.
[1254] Ibid. Article 1(7).
[1255] Ibid. Article 1(10).
[1256] Article 41 of the Code of Criminal Procedure.
[1257] Article 60 of the Code of Criminal Procedure.
[1258] See also, the assessment of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/43/61, para.48.
[1259] Code of Criminal Procedure, article 51.

be examined by a doctor as promptly as possible and does not recognize the right of people deprived of their liberty the right to an independent doctor of their own choosing. Iran Regulation of the State Prisons and Security and Corrective Measures Organization provides that prisons and detention centres should provide for medical care needs as far as possible inside the institution in case of necessity. However, they have to release the convict from prison for treatment outside.[1260]

685. The Mission also notes that in February 2020, Iran did not support any of the ten recommendations made in the context of the third cycle of its Universal Periodic Review with respect to torture and ill-treatment. Iran did not support the recommendations to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1261] to remove all national legal provisions that allow for punishments that amount to torture or cruel and degrading treatment,[1262] and to define torture as a crime in national legislation in line with international standards.[1263]

(b) Patterns

"For those who protested and say 'why were we arrested, why were we beaten with batons?', I told them: Don't take the story personally. This is a trend and the police, and the system are dealing with the trend and not with you." [1264]

Head of the Islamic Propaganda Office of Mashhad
responding to questions of Fars News Agency 20 October 2022

"They did not consider us humans."[1265]

Witness detained in Tehran by IRGC

686. Women, children and men provided similar and consistent accounts of the torture and ill-treatment. As noted above, torture and ill-treatment often started immediately upon arrest, continued during transfer to detention centres as well as in police stations, Ministry of Intelligence or IRGC detention centres and in prisons. Most violations occurred during the initial period of detention, and in particular during interrogation sessions. Detainees who were subjected to the most egregious violence, including rape and other forms of sexual and gender-based violence, were persons detained in unofficial detention centres belonging to the IRGC and the Ministry of Intelligence.

687. Methods of torture reported included a wide range of physical and psychological torture, as well as cruel, inhuman and degrading treatment. The Mission also established that detained men, women and children arrested and detained in the context of the 2022 protests were subjected to rape and other forms of sexual and gender-based violence. Techniques also included mock executions. The use of torture and ill-treatment was mainly aimed at extracting confessions**.**

688. Victims reported long and repeated interrogations during which they were subjected to both physical and psychological torture. A victim detained in Evin prison in Tehran in February 2023, indicated that he was interrogated for four or five days, each time for around five to six hours and was subjected to beatings every time he was interrogated. *"We called it being hosted by the intelligence"*, he said.[1266] A woman detained in Evin ward 209 in September 2022 explained that her interrogations started in the morning and continued until

[1260] Ibid., article 136 to 138.
[1261] Report of the Working Group on the Universal Periodic Review on Iran, A/HRC/43/12, 27 December 2019, Iran did not support recommendations 26.8, 26.9, 26.10, 26.16, 26.17, 26.18, 26.19, 26.21, 26.24.
[1262] Ibid., 26.138.
[1263] Ibid., 26.144.
[1264] "The story of meeting with the arrested youth in the riots/ Thanks God one person came and heard us", Fars News, 20 October 2022.
[1265] FFMI-IRAN-D-050056 (FFMI Interview).
[1266] FFMI-IRAN-D-050037 (FFMI Interview).

it became dark.[1267] Another witness detained in Evin ward 209 a month later provided a similar account.[1268]

"They had no names, no family names, their identities were secret, and they called each other with titles like, "Haji, or Seyyed."[1269]

Interview of a young woman
detained in November 2022

689. Interrogators almost never identified themselves to the person in their custody. Nearly all detainees were blindfolded or hooded while tortured during interrogations, and were also required to sit on a chair facing the wall and therefore could not see their interrogators.[1270] A young woman explained to the Mission that: *"very few prisoners were not required to be blindfolded".*[1271] Some victims of torture whose statements were obtained by the Mission were able to identify the security service to which the perpetrator(s) belonged, including the Basij, *Etela'at* (intelligence agents), the Revolutionary Guards or the police (FARAJA) and in a few cases identified the perpetrators themselves.[1272]

"They sat me on a chair and placed chairs around me. I could tell from sounds that a number of people - five or at most seven individuals - came into the room and sat around me in the back, front, left and right." Then they started beating me. [1273]

Interview of a man detained in Tehran in November 2022

"Several men were beating me, I don't know for how long. They continuously hit me for about an hour and a half. Someone was hitting me with cables and batons for as long as he had the strength. When he got tired, another one would take over." [1274]

Statement obtained by the Mission of a man detained in October 2022

690. Several agents, sometimes up to ten, participated in the torture during the interrogations.[1275] One victim also spoke about the different roles played by interrogators often with one of them acting as the "kind" one asking the detainee to cooperate, while others were aggressive and used violence.[1276]

1267 FFM-IRAN-D-000530 (FFMI Interview).
1268 FFMI-IRAN-0500112 (FFMI Interview).
1269 FFMI-IRAN-D-0500154 (FFMI Interview).
1270 FFM-IRAN-D-000507 (FFMI interview); FFM-IRAN-D-001516 (FFMI Interview); FFMI-IRAN-D-0500155 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFMI-IRAN-0500116 (FFMI Interview); FFM-IRAN-D-001699 (Statement); FFM-IRAN-D-000935 (Statement), FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000525 (FFMI interview); FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-001536 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-000133 (Statement); FFM-IRAN-D-000124 (Statement); FFM-IRAN-D-000518 (FFMI Interview); FFMI-IRAN-0500107(FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000512 (FFMI Interview); FFMI-Iran-D-060011 (Statement).FFM-IRAN-D-000507 (FFMI interview); FFM-IRAN-D-001516 (FFMI Interview); FFMI-IRAN-D-0500155 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFMI-IRAN-0500116 (FFMI Interview); FFM-IRAN-D-001699 (Statement); FFM-IRAN-D-000935 (Statement), FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000067 (FFMI interview) FFM-IRAN-D-000525 (FFMI interview); FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-001536 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-000133 (Statement); FFM-IRAN-D-000124 (Statement); FFM-IRAN-D-000518 (FFMI Interview); FFMI-IRAN-0500107(FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000512 (FFMI Interview); FFMI-Iran-D-060011 (Statement).
1271 FFM-IRAN-D-000098 (FFMI Interview).
1272 FFMI-IRAN-D-060010 (Statement).
1273 FFM-IRAN-D-000682 (FFMI Interview).
1274 FFMI-Iran-D-060010 (Statement).
1275 FFM-IRAN-D-000067; FFM-IRAN-D-000067 (FFMI interview); FFMI-Iran-D-050033 (FFMI Interview). FFMI-IRAN-0500116 (FFMI Interview); FFMI-IRAN-D-060022 (Statement); FFM-IRAN-D-000150 (Statement)
1276 FFMI-IRAN-D-050037 (FFMI Interview).

691. Witnesses explained that prison authorities would not accept anyone presenting clear signs of torture and that detention authorities would only release torture victims once their wounds were no longer visible.[1277] A young man, for instance explained: "This is "normal", they keep you in detention until you heal, and your wounds are no longer visible, and then they release you. That way, we cannot prove that we were beaten in prison. I know that because no one who was injured was released with fresh wounds."[1278] Another victim who was subjected to severe torture stated: "I remember once when I was being transferred to prison, the officials refused to take me due to my serious condition. They said, "We're not going to accept this corpse."[1279]

(i) Patterns of physical torture and ill-treatment

"I was beaten and insulted so much that I almost lost consciousness due to the pain, and my whole body was numb, and I didn't feel any pain anymore."[1280]

Interview of a man detained in Tehran in November 2022

692. The vast majority of detainees interviewed by the Mission or whose statements were obtained by it were subjected to physical assaults during their detention in the form of punching, kicking, beatings on a range of body parts including the head, face, ribs, hands and legs with fists, belts, sticks, batons, and electric batons, metal handcuffs, cables, rifle butts, and handgun barrels. [1281] Many detainees were subjected to prolonged blindfolding or hooding, flogging, burnings, electric shocks, suspension and stress positions, waterboarding, forced administration of psychotropics and of unknown substances, deprivation of sufficient food and potable water, of medical care, or of access to the toilet for long periods of time. Most witnesses described the severe physical and mental pain resulting from the prolonged and repeated nature of the physical torture they endured.

693. A man stated that he was subjected to numerous incidents of physical abuse including of a sexual nature while detained for twenty-one days in an unofficial detention facility managed by the IRGC. Beaten with a belt, baton, and electric baton, on his legs and his back until he threw up blood, his interrogators tied a plastic rope around his arms and hung him from a bar that was fixed to the walls, under the ceiling, and left him in this position for at least one day.[1282] Another man, who was detained in Sanandaj intelligence detention centre in September 2022, also described being hung from the ceiling with his hands tied to his back and beaten, with interrogators throwing water on him to revitalize him when he fell unconscious. He explained that he was hung up for 13 days, causing his shoulder to become dislocated.[1283]

1277 FFMI-IRAN-0500115 (FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFMI-Iran-D-050104 (FFMI Interview); FFMI-IRAN-0500115 (FFMI Interview); FFMI-Iran-D-060004 (Statement).

1278 FFM-IRAN-D-000099 (FFMI interview).

1279 FFM-IRAN-D-000826 (FFMI Interview).

1280 FFM-IRAN-D-000682 (FFMI Interview).

1281 FFM-IRAN-D-000523 (FFMI interview); FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-000067 (FFMI interview); FFMI-IRAN-D-050027 (FFMI Interview); FFMI-IRAN-D-0500155 (FFMI Interview); FFM-IRAN-D-000518 (FFMI Interview); FFMI-IRAN-0500116 (FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFMI-IRAN-D-060026 (Statement); FFM-IRAN-D-000133 (Statement); FFMI-IRAN-D-060010 (FFMI Statement) FFMI-IRAN-D-060024 (Statement); FFM-IRAN-D-000346 (Statement); FFM-IRAN-D-000953, FFM-IRAN-D-000953 (Statement); FFM-IRAN-D-000953(Statement); FFM-IRAN-D-000953; FFM-IRAN-D-000150 (Statement); FFM-IRAN-D-001644 (Statement); FFM-IRAN-D-001695; FFM-IRAN-D-001699 (Statement); FFMI-Iran-D-060023 (Statement); FFM-; FFM-IRAN-D-000952 (Statement); FFM-IRAN-D-000346 (Statement); FFM-IRAN-D-001647 (Statement); FFM-IRAN-D-001554 (Statement); FFM-IRAN-D-001706 (Statement); FFMI-IRAN-D-060028 (Statement); FFM-IRAN-D-001527 (Statement); FFM-IRAN-D-001641 (Statement) FFM-IRAN-D-001621 (Statement); FFM-IRAN-D-000744 (FFMI); FFM-IRAN-D-000125 (Statement).

1282 FFM-IRAN-D-000067 (FFMI interview).

1283 FFMI-IRAN-0500107 (FFMI Interview).

694. A woman detained in a prison in Karaj, also described multiple incidents of physical torture inflicted on her, including the application of electric shocks, assault and battery, slaps and kicking, being forced to stand for long hours, and not being allowed to go to the toilet.[1284]

695. A man arrested and detained in November 2022 in Kurdistan province by agents of the IRGC Intelligence Organization explained to the Mission the various forms of torture to which he was subjected, including the "grilled chicken" method.[1285]

"They started torturing me with the "grilled chicken" method: As my hands and feet were bound in the interrogation room, they put a metal bar between my arms and legs and put me on the interrogation table like roasting a chicken. The torture started: They poured water on my head and tortured me with shocks and electric cables. With disrespectful insults and torture, they demanded the names of my friends who participated in the protests and I kept saying I don't know anyone."[1286]

Interview of a man detained in an IRGC detention facility

696. Prolonged blindfolding and hooding of protesters was widely used.[1287] In some instances, blindfolded and hooded detainees were also handcuffed and or had their feet tied up. A victim said that he was blindfolded for the first three days following his arrest.[1288] In a statement obtained by the Mission, a man explained that for 10 or 12 hours from 6pm till the next morning he was blindfolded and handcuffed with his feet tied together.[1289] A witness indicated that during the entire time of his detention in the custody of the IRGC Intelligence Organization in a city in Kurdistan, he had a bag over his head and his hands and feet were bound, even when he went to the bathroom.[1290] A similar statement was received from a man who was detained in a detention centre of the Ministry of Intelligence in Marivan, Kurdistan province and reported having been blindfolded during the six days of his interrogation.[1291]

"In the mornings, I used to wake up with the sounds of the screams of other people being tortured at 4am or 5am. This used to cause me a lot of anguish and was worse for me than even my own torture."[1292]

Statement received by the Mission of man detained by IRGC in Razavi Khorasan.

697. Some detainees explained to the Mission how they witnessed or heard women, children and men being subjected to torture and ill-treatment or saw protesters bearing clear signs of torture and ill-treatment or sustaining injuries because of physical abuse.[1293] A young man detained in a stadium with hundreds of protesters rounded up on the streets indicated to

1284 FFMI-IRAN-D-0500155 (FFMI Interview).

1285 This method of torture has been reported by non-governmental organizations during previous rounds of protests in Iran. See for instance Amnesty International, Mass arrests, disappearances and torture since Iran's November 2019 protests, 2020, pages 36 and 37.

1286 FFM-IRAN-D-000826 (FFMI Interview).

1287 FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000528 (FFMI Interview); FFMI-IRAN-0500113 (FFMI Interview); FFMI-IRAN-0500113 (FFMI Interview); FFMI-IRAN-0500113 (FFMI Interview); FFMI-IRAN-D-050033 (FFMI Interview); FFMI-IRAN-0500121 (FFMI Interview); FFMI-IRAN-0500121 (FFMI Interview); FFMI-Iran-D-050105 (FFMI Interview); FFMI-Iran-D-050007 (FFMI Interview); FM-IRAN-D-000341, FFM-IRAN-D-000132. See also The U.N. Committee Against Torture has determined that "hooding under special conditions" constitutes both torture and cruel, inhuman or degrading treatment or punishment. It noted that this finding would be "particularly evident" when hooding is used in combination with other coercive interrogation methods. A/52/44 para 257. The United Nations Special Rapporteur on Torture has also determined that "blindfolding and hooding should be forbidden" (CN.4/2002/76 recommendation (f)).

1288 FFM-IRAN-D-000067 (FFMI interview).

1289 FFM-IRAN-D-000339 (Statement).

1290 FFM-IRAN-D-000826 (FFMI Interview).

1291 FFMI-IRAN-D-060027 (Statement).

1292 FFM-IRAN-D-000953 (Statement).

1293 FFM-IRAN-D-000768 (FFMI Interview); FFM-IRAN-D-000523 (FFMI interview); FFM-IRAN-D-000518 (FFMI Interview); FFM-IRAN-D-000132 (Statement); FFMI-Iran-D-060011 (Statement); FFM-IRAN-D-000099 (FFMI interview); FFM-IRAN-D-000935 (Statement) FFMI-Iran-D-050085 (FFMI Interview); FFMI-Iran-D-060024 (Statement).

the Mission: "I saw three brothers severely injured. One of them had his head broken, one had an arm broken, they were all bloody. I didn't see them receiving any medical assistance. One man was even shot with a gun. I could see his injury, on his forearm. The bleeding had stopped, but the wound was open."[1294] In October 2022 in the Greater Tehran prison, another witness reported that he saw around 300 inmates, among them nearly 200 young protesters between 16 and 18 years of age, brought from the streets. Many of them were severely beaten and marks of bruises, pellets and stabbing were visible on their bodies, which also had bandages.[1295] A man detained in a police station in a city in south of Iran together with around 40 protesters in November 2022 explained that all had damaged faces and ruined and broken limbs".[1296]

"I do not know what was in that water because the water tasted very different. After drinking the water, I fainted and collapsed and I do not know how many minutes it took! After that my body started to get rashes and wounds, my skin started to get inflammation, weird wounds on my skin and severely itchy, something I never had before! The wounds started spreading around the area of my liver, to my back, belly and everywhere on my body. I started to feel bad and got worse in prison, I was getting injections in prison several times and we had to do it and we did not know what they were doing. We were not even allowed to know the name of these medications. Most of the inmates were given medications for example with the excuse of Tetanus vaccine, they never showed us the brand or name of those. These injections made me feel worse. [1297]

Interview of a woman detained
in Ministry of intelligence unofficial detention facility November 2022 in Karaj

698. Eleven detainees reported to the Mission that they were subjected to the forced administration and injection of unidentified substances.[1298] A man whose statement was obtained by the Mission reported that while he was in the custody of the IRGC Intelligence Organization in Saqquez, agents gave him an injection through his pants in the buttocks. He said he did not know what was injected but that after that injection, until the next morning, he was "delirious and talking nonsense".[1299] A witness who had been detained by IRGC intelligence in Lorestan province stated: "they gave us things that made all of us disorientated and made us all lose our memory. They forced me to take some pills that made me dizzy, sleepy and disorientated. I was sleeping all the time." He also said that after being given water, detainees felt as if they had been given morphine.[1300] Another man also explained in his statement obtained by the Mission that detainees were given three to four different pills which made him feel like he was "in another realm", and caused delusions to the point that you thought the walls were talking". He further stated that detainees were also given a 'truth' pill, which induced nightmares." and that detainees were forced to open their mouths for inspection to ensure that they ingested the pills."[1301]

(ii) Patterns of psychological torture and ill treatment

"They put so much pressure on you it drives you mad. You expect to be beaten up any second""[1302]

Interview of a man detained in October 2022 by IRGC in Tehran

1294 FFM-IRAN-D-000110 (FFMI interview)
1295 FFM-IRAN-D-000511(FFMI Interview).
1296 FFMI-Iran-D-060015 (Statement).
1297 FFM-IRAN-D-000768 (FFMI Interview).
1298 FFMI-IRAN-D-0500154 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000109 (FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview); FFMI-IRAN-D-060024 (Statement); FFMI-IRAN-D-060011 (Statement); FFM-IRAN-D-000935 (Statement); FFM-IRAN-D-001630 (FFMI Submission).
1299 FFM-IRAN-D-000826 (FFMI Interview).
1300 FFMI-IRAN-D-060022 (Statement).
1301 FFMI-IRAN-D-060011 (Statement).
1302 FFMI-IRAN-D-050056 (FFMI Interview).

"Most of my clients reported being subjected to psychological torture, they complained about that a lot"[1303]

Interview of a lawyer from Tehran

699. Many victims reported fear and mental distress on witnessing and or hearing the sounds of beatings and detainees crying and screaming from pain.[1304] Several victims said that the fact of awaiting being subjected to repeated torture sessions was itself a kind of suffering.

700. The Mission also found that persons arrested in connection with the protests were routinely placed in solitary confinement for periods ranging from one night to several weeks.[1305] The psychological suffering resulting from being placed in isolation was often exacerbated by the inhuman and degrading detention conditions in the solitary confinement cells. A man who was held for eight days in a solitary confinement cell of 2m x 1m in a city in West Azerbaijan, described it like a box in which he couldn't stand up or sit in a comfortable position. During those eight days, he had no sense of the time as the cell had no window and no light. He said he felt as he was going to lose his mind and often contemplated suicide. [1306]

"*It was all kinds of swear words, directed at my sister, mother, wife, child. (…) They have no boundaries in using profanities. Contrary to their claims that they are believers, they would even swear at the mother and sister of God…they have no belief in anything."*[1307]

Interview of a man detained by the IRGC

701. In the vast majority of the cases, persons arrested in connection with the protests were subjected to verbal abuse, obscenities and profanities Persons belonging to ethnic and religious minorities reported insults based on ethnicity and religion.[1308]

702. A witness said that when he asked about the reasons for his arrest, his interrogator responded: "s*hut up, and "you know the shit you have eaten."* He also reported *that he was* told that his mother was a "whore" who had given birth to a "bastard". [1309] Others indicted that interrogators used words such as *Padar Sag* (son of a dog),[1310] *Haramzadeh (*bastard)[1311] *Madar Jende* (mother whore), and *Bi Sharaf* (someone with no honour).[1312] Insults also came from prison officials and judges.

"Haji, pull over, if we kill him here, who would know? If we drop him in the forest between the trees, who would know?"[1313]

Interview of a man detained in Tehran

1303 FFM-IRAN-D-001448 (FFMI Interview).

1304 FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-001527 (Statement); FFMI-IRAN-D-001631 (Statement); FFM-IRAN-D-000127 (Statement).

1305 FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-000067 (FFMI interview); FFMI-IRAN-D-050027 (FFMI Interview); FFMI-IRAN-D-0500155 (FFMI Interview); FFM-IRAN-D-000110 (FFMI interview); FFM-IRAN-D-000518 (FFMI Interview); FFMI-IRAN-0500110 (FFMI Interview); FFMI-IRAN-0500107 (FFMI Interview); FFM-IRAN-D-000511(FFMI Interview); FFMI-IRAN-D-050085 (FFMI Interview); FFMI-Iran-D-060018 (Statement); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000697 (FFMI Interview); FFM-IRAN-D-000953 (Statement); FFM-IRAN-D-000123 (Statement); FFMI-Iran-D-050027 (FFMI Interview); FFM-IRAN-D-001696 (Statement); FFM-IRAN-D-000935 (Statement); FFM-IRAN-D-000129; Statement) FFM-IRAN-D-001632 (Statement); FFMI-IRAN-D-001631 (Statement); FFMI-Iran-D-060011 (Statement); FFM-IRAN-D-000744 (FFMI Interview); FFM-IRAN-D-000127(Statement).

1306 FFM-IRAN-D-000533 (Interview).

1307 FFMI-IRAN-D-050025 (FFMI Interview).

1308 See Section VI.

1309 FFM-IRAN-D-000067 (FFMI interview).

1310 FFM-IRAN-D-000518 (Interview).

1311 FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000823 (FFMI Interview).

1312 FFMI-IRAN-0500121 (FFMI Interview).

1313 FFMI-IRAN-D-050102 (FFMI Interview).

703. Detainees were routinely subjected to threats, including death threats against them and their family, threats of torture, execution, rape, to "disappear" the person or to place them in solitary confinement, to build a case against them, to destroy their reputation, to kill, harm, rape, beat, detain family members including children as well as friends, and threats to make the person or her or his family members lose their job or education.[1314]

He threatened me "we tear down your stomach and eventually we throw your flesh in front of dogs and finally nobody would find out about the place we throw your body in (...) I overheard the sound of him opening up his belt, he threatened that they would hit my mother and brother with a car and nobody would find out who their killer had been."[1315]

Interview of a woman detained in November 2022

"We will kill your brother and father, rape your mother, we will kill you, too. This is the punishment for anyone who fights against the Islamic Republic". [1316]

Interview of a man detained in an unofficial IRGC detention facility

"We will arrest your wife", "you will never see your child again", "*you did not even get a chance to say goodbye before you die", cooperate with us so we let you call your child and hear his voice*". [1317]

Interview of a man detained by IRGC agents in Mazandaran Province

"*If you are released from prison and repeat your crime (protest), we will execute you in the middle of the university"* [1318]

Interview of a man detained in October 2022 in intelligence detention facility in Razavi Khorasan

704. According to his statement obtained by the Mission, a judge, mocked threatened the victim in the office of the prosecutor: "You think, just a few people together you can topple the system? We will massacre you all"[1319] Another man explained in his statement obtained by the Mission that IRGC agents in Marivan, Kurdistan province, threatened to execute him with an unmarked car because "a dog isn't worth a rope or bullets and should be run over by a car instead."[1320]

705. A man stated that after his having been tortured, interrogators opened his eyes for a short time and placed a banner next to him that read: "Khamenei, the murderer, run away", which they had found in his car and then took pictures with him "like hunters next to their prey" with a mocking and smiling face before resuming the beatings.[1321] In another statement obtained by the Mission, a man explained that while beating him, agents of the Islamic Revolutionary Guard Corps (IRGC) Intelligence Organization in Saqqez insulted him and asked him to make goat sounds.[1322]

Mock execution

1314 FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-001536 (FFMI Interview); FFM-IRAN-D-000067 (FFMI interview); FFMI-IRAN-D-050061 (FFMI Interview); FFMI-IRAN-D-050033 (FFMI Interview); FFM-IRAN-D-000099 (FFMI interview); FFM-IRAN-D-000133 (Statement); FFM-IRAN-D-000340 (Statement); FFM-IRAN-D-000953 (Statement); FFM-IRAN-D-001468 (FFMI Interview); FFM-IRAN-D-001695 (Statement); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001467 (FFMI Submission); FFM-IRAN-D-000511 (FFMI Interview); FFM-IRAN-D-000128 (Statement); FFM-IRAN-D-000588 (FFMI interview); FFM-IRAN-D-000528 (FFMI interview); FFMI-IRAN-D-060022 (Statement); FFM-IRAN-D-000123 (Statement); FFM-IRAN-D-000696 (FFMI Interview); FFM-IRAN-D-000341(Statement); FFM-IRAN-D-000126 (Statement).

1315 FFM-IRAN-D-000768 (FFMI Interview).

1316 FFM-IRAN-D-000067 (FFMI interview).

1317 FFM-IRAN-D-001516 (FFMI Interview).

1318 FFM-IRAN-D-001468 (FFMI Interview).

1319 FFM-IRAN-D-000340 (Statement).

1320 FFM-IRAN-D-000133 (Statement).

1321 FFMI-IRAN-0500115 (FFMI Interview).

1322 FFMI-IRAN-0500116 (FFMI Interview).

"You didn't know that you are about to be executed? No one told you?[1323]

Officers to a woman detained
in unofficial detention facility in Western Azerbaijan in September 2022

706. A young woman held in an unofficial detention facility in the city of Urmia, described in detail the mock execution to which she was subjected. One morning, at dawn while she was asleep, two armed plainclothes agents stormed into her cell and yelled at her to get out. They blindfolded her and asked: "You didn't know that you are about to be executed? No one told you?". Brought into a car with another young woman she asked to be allowed to call her mother, so she could hear her voice for the last time and tell her mother where she would be buried, but the agents refused. Ten minutes later the two women were transferred to a van where seven other women detainees were sitting. Asked by one of them where they were being taken, one of the two armed men in the van responded that since they had refused to cooperate, they would be treated *"in a different way".* The women were eventually driven to the central prison of the city, registered outside and driven back blindfolded to the place where they had been initially detained.[1324]

(iii)Psychological torture of women protesters

707. Women protesters were particularly targeted for psychological torture, including through the use of insults, and threats with gendered overtones. Witnesses stated that during their arrests, their families were used against them. Another witness described how her interrogators taunted her about her husband and whether she could trust him, suggesting that he was unfaithful. Her interrogators would torment her with comments such as: "Right now, you are here, do you know what he is doing right now? Do you trust him?" She explained that it instilled doubt in her mind and then eventually led to the breakdown of the marriage.[1325] Two witnesses explained that the authorities relied on patriarchal mindsets and values around virginity, chastity and honour to turn the families of women protesters against them or to exert pressure on them so as to prevent them from attending protests.

708. Another witness commented that the authorities tried to incite the parents of young women and girls against them to turn against them, especially in conservative families. A witness who had collected and published stories of women protesters who had been arrested, explained that security forces and interrogators violate women's privacy by reading their diaries, going through their phones and photos and using them against them, trying to turn their families against them by disclosing to family members private information, including about their sexual lives. During interrogation, interrogators asked women about their sexual lives and to detail their sexual encounters. They tried to blame women for not being good wives or mothers. A feminist activist was told that her husband had divorced her and that it "signalled the kind of woman she was". Another woman was asked what kind of mother she was to leave her children for "nudity". The witness who had herself been arrested in the past (prior to the death of Jina Mahsa Amini and the 2022 protests) said that this experience changed her. After her release, she became very conservative. When she has intimate moments, she feels Iranian security people are watching.[1326] They can easily turn families against women by disclosing personal details, she concluded.

(iv) Deaths as a result of torture in custody

709. Civil society organizations reported that at least 37 protesters died as a result of torture, and 23 protesters died shortly after their release.[1327]

1323 FFMI-IRAN-D-050085 (FFMI Interview).

1324 FFMI-IRAN-D-050085 (FFMI Interview).

1325 FFM-IRAN-D-000530 (FFMI Interview).

1326 FFM-IRAN-D-001007 (FFMI Interview)

1327 "Annual Report Mar 2022 – Mar 2023", KHRN, 27 April 2023; See also " Two Additional Members of pleading families of the victims of the recent uprising sentenced to imprisonment and flagging", Hengaw 12 July 2023;" Iranian activist murdered by Iranian authorities and staged as a suicide

710. According to credible information, Javad Rouhi, a 35-year-old man who was detained in the context of the protests, was subjected to severe torture in the detention of the IRGC's intelligence organization in Mazandaran province following his arrest on 21 September 2022. Information analysed showed that he was beaten, flogged, and sexually assaulted by having ice put on his testicles. Notes written by Javad Rouhi from prison were made public in September 2023. In these notes, Javad Rouhi reflected that "With such severe torture, even the bravest and healthiest people in the society would surrender to making forced confessions […]."[1328] He died in custody on 31 August 2023.[1329]

711. Ramin Fatehi, a 47-year-old Kurdish man from Sanandaj, was arrested on the road by the security forces on 12 October 2022 while he was transporting merchandise to Saqqez in his van. On the following day, around 30 armed security forces masked and dressed in black clothing, broke into Ramin's house and arrested Ramin's brother, threatening his elderly parents and sister. The agents were accompanied by men wearing traditional clothing who were filming the arrests. Two days later, on 14 October 2022, they arrested his sister. During the weeks preceding the arrests, the Ministry of Intelligence had summoned family members and threatened them not to participate in protests. Ramin's family members had gone several times to the grave of Jina Mahsa Amini. All were detained in Sanandaj Intelligence Department's detention facility. For nine days, the family did not have any news about them. The family went to the intelligence office but were not given any information until 21 October 2022 when they received a call to inform them that Ramin had committed suicide. The family was requested to come and identify the body. When they arrived at the Intelligence Office, they were only allowed to see Ramin's face and not to examine his body. Ramin's body was subsequently brought to the Behesht Mohamadi cemetery in Sanandaj for burial without any family members present. Ramin's sister and brother were released after his death.[1330]

712. Amir Javad Asadzadeh, a 36-year-old protester was arrested in the evening of 19 November 2022 by plainclothes agents on motorcycles in Pirouzi Street, Mashhad, Razavi Khorasan when he was writing slogans on a wall. According to credible information, Mr. Asadzadeh was subjected to beatings including with a baton at the time of arrest by over a dozen plainclothes Basiji agents. He was subsequently transferred on the back of a motorcycle to a mosque in the same neighbourhood where he was taken to the basement and subjected to further beatings resulting in him sustaining severe injuries. After this, he was put in a car and taken to a police station. There, he was coerced to put his fingerprints on papers even though he was unconscious and extremely and visibly unwell. In the early hours of the morning, Amir Javad Asadzadeh was taken to a hospital. Credible information received by the Mission shows that when he was taken to hospital, he did not have any vital signs. At hospitals, plainclothes Basij agents intimidated the medical staff and attempted to coerce them to record that the victim was brought to the hospital alive and with vital signs and that he had died in hospital after cardiopulmonary resuscitation was conducted. They subsequently removed all CCTV footage from the hospital.[1331]

https://www.gicj.org/positions-opinons/gicj-positions-and-opinions/3143-iranian-activists-murdered-by-iranian-authorities-and-staged-as-a-suicide » Geneva International Centre for Justice, 1 December 2022) Centre ; " Political Activists died in IRGC Intelligence prison" Iran International, 10 July 2023; "Documents confirm the government murder of Kurdish citizen Mohsen Mansouri in karaj Central Prison" Hengaw, 24 December 2022; Ministry of Intelligence tortures two Kurdish civilians to death in Orumiyeh", KHRN, 19 July 2023, " The death of an activist from Gachsaran under the torture of government forces", Hengaw, 12 March 2023; " One year protest report, at least 551 killed and 22 suspicious death", Iran Human Rights, 15 September 2023.

1328 Social media post on file with the Mission.

1329 See "Iran: Suspicious Death of Imprisoned Protester", Human Rights Watch 1 September 2023; See also "Javad Rouhi's Body Conditionally Released and Buried with Security Presence", Iran Human Rights, 1 September 2023.

1330 FFM-IRAN-D-000531 (Interview).

1331 Information on file with the Mission.

3. Sexual and gender-based violence in detention

"This is a lesson for all the whores and prostitutes who take to the streets!"[1332]

IRGC officer to a woman held in an unofficial detention facility.

"You wanted freedom to get naked: here, this is your freedom!"[1333]

Plainclothes agent to a woman during her arrest.

713. The Mission established the existence of a pattern of sexual and gender-based violence targeting protesters on the basis of their gender, sexual orientation and gender identity. The Mission obtained 21 statements on rape and other forms of sexual and gender-based violence, including rape, gang rape, rape with an object, threats of rape, electrocution to the genitalia, intrusive body searches and gendered insults and harassment carried out primarily in unofficial detention facilities in Alborz, Gilan, Isfahan, Kermanshah, Khuzestan, Kurdistan, Lorestan, Sistan and Baluchistan, Tehran and West Azerbaijan provinces against individuals who had been arrested for their participation in or support to the September 2022 protests.[1334] The Mission further obtained and analysed statements originally collected by civil society organizations, which it assessed to be credible. These statements related to sexual and gender-based violence occurring in Alborz, Fars, Gilan, Isfahan, Khuzestan Kurdistan, Lorestan, Mazandaran, Razavi Khorasan, Sistan and Baluchistan, Tehran provinces. Furthermore, supportive documentary material of physical injuries and medical reports, including victims' psychological assessments, were examined, and reviewed by a forensic pathologist. The Mission also obtained additional reports of sexual and gender-based violence, including rape, including with objects, threats of rape, virginity testing, groping, touching, harassment, and gendered insults, in several provinces in Iran, among others, Alborz, East Azerbaijan, Isfahan, Khuzestan, Lorestan, Tehran and West Azerbaijan.[1335] The Mission further reviewed open-source material in which allegations of rape and other forms of sexual and gender-based violence against protesters in detention were made.

714. On the basis of primary accounts and credible information obtained, the Mission documented rape and other forms of sexual and gender-based violence in 14 provinces in Iran. Prevalence of sexual violence is difficult to estimate, as several factors may contribute to under reporting, both domestically and to human rights organizations, in the context of Iran.[1336] First, as regards rape, the various shortcomings contained within the Iranian legal framework on rape, including the absence of rape as a distinct crime, lack of definition of consent or lack thereof, and rules of evidence applicable to zina crimes, means that victims who suffered other forms of sexual violence, as described in this section below, have, at the time of writing, virtually no legal avenue to seek justice for the sexual harm they have

[1332] FFM-IRAN-D-000109 (FFMI Interview).

[1333] FFM-IRAN-D-000588 (FFMI Interview).

[1334] FFM-IRAN-D-000067 (FFMI Interview), FFM-IRAN-D-000109 (FFMI Interview), FFM-IRAN-D-000763(FFMI Interview); FFM-IRAN-D-000124 (FFMI Interview), FFM-IRAN-D-000823 (FFMI Interview), FFM-IRAN-D-000532 (FFMI Interview), FFMI-IRAN-0500110 (FFMI Interview); FFM-IRAN-D-000591(FFMI Interview); FFMI-IRAN-0500119 (FFMI Interview); FFM-IRAN-D-000531 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000592 (FFMI Interview); FFM-IRAN-D-000520 (FFMI Interview); FFM-IRAN-D-000826 (FFMI Interview); FFM-IRAN-D-000697 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001565 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview).

[1335] FFM-IRAN-D-000587 (FFMI interview); FFM-IRAN-D-000533 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000514 (FFMI interview), FFM-IRAN-D-000594 (FFMI Interview); FFM-IRAN-D-000520 (FFMI Interview); FFM-IRAN-D-001007 (FFMI Interview). FFM-IRAN-D-001641 (Statement); FFM-IRAN-D-001640 (Statement); FFM-IRAN-D-001639 (Statement); FFM-IRAN-D-001638 (Statement); FFM-IRAN-D-001637 (Statement); FFM-IRAN-D-001630 (FFMI Submission); FFM-IRAN-D-001635 (FFMI Meeting); FFM-IRAN-D-001634 (NGO Report); FFM-IRAN-D-001465 (NGO Report); FFM-IRAN-D-001633 (FFMI Submission).

[1336] See also "They violently raped me", Amnesty International, 6 December 2023.

endured.[1337] Second, shame, fear, and a deeply entrenched stigma associated with violations of a sexual nature, may also create an additional disincentive barrier for victims to come forward. One man survivor expressed concerns to report sexual violence, due to stigma and gender stereotypes relating to masculinity.[1338] Third, delayed reporting to human rights organizations is also not unusual as it takes time to locate survivors, or for them to speak about their experiences, if indeed, they feel safe enough to ever do so. Lastly, in the context of the protests, individuals also feared reporting violations they endured, as they feared that this would serve as a proof for their participation in protests.

715. In none of the cases investigated, did survivors inform the Mission of considering or having lodged a complaint already to the judiciary, citing fears of reprisals and the overall mistrust in the Iranian judicial system. In this regard, one survivor told the Mission that she has not filed a complaint because it was the "security forces who had raped her and there is no difference amongst the various agencies, they do that to women".[1339] In a leaked official document, published by international media (The Guardian) in February 2023, the Deputy Prosecutor of Tehran advised to classify the case of rape of two young women by two IRGC officials as "completely secret" and asked that it be gradually "closed over time by removing the suspects [from their positions] without mentioning the names of the law enforcement agencies involved."[1340] Credible human rights organizations also reported on threats and intimidation against survivors, which let to them withdrawing complaints already lodged before the judiciary. [1341]

716. In this context, in March 2023, Nobel Peace Prize Laureate Narges Mohammad, issued an open-letter from Evin prison where she remains incarcerated, in which she described "having seen the physical effects of sexual violence" inflicted on women protesters who were also imprisoned there.[1342] Her letter was in response to an interview by the Iranian Minister of Foreign Affairs broadcasted on CNN on 1 March 2023 during which he denied that women arrested in connection with the September 2022 protests had been beaten or subjected to sexual violence in detention.[1343]

[1337] Art 224, Iranian Penal code does not define rape as a distinct crime and instead considers it as a sub-category of the crime of zena, namely *zena ye be onf* (lavat -be onf, for the rape of men) or "fornication by force" which covers only coercive vaginal and anal penetrative sex by a sexual organ and outside of marriage. The crime of *zena* can be proved by confession or testimony or the judge's knowledge. (Art 199 and Art 160) The punishment for *zena ye be onf* is not uniform and is subject to the judge's discretion (Art 68) The perpetrator may be sentenced to death (Art 224) but if he repents, he can receive a prison sentence or lashes or both. (Art.114) The victim may be punished if they fail to substantiate their claim, which deters victims from lodging complaints. Such rules of evidence make it particularly hard for the individuals arrested in the context of the September 2022 protests, who were subjected to rape in custody, to lodge a complaint. Given that sexual violence is a violation usually perpetrated in isolation, rape victims may not be able to locate the required number of witnesses post release, who also need to testify within a short period of time once a trial begins.(Witnesses should give their accounts subsequently one after another) Iranian legal framework on rape, furthermore, does not include provisions regarding rape committed by a state agent, which, under international law, may amount to torture. This means that victims need to report rape in custody as an ordinary *zena* crime. Iranian criminal law does not criminalize forced oral sex, rape with an object, as well as other forms of sexual violence, such as threats of rape, groping sexual organs, forced nudity, touching or kissing. See also, "Flawed reforms: Iran's new code of criminal procedure", Amnesty International, 11 February, 2016.

[1338] FFM-IRAN-D-000823 (FFMI Interview).

[1339] FFM-IRAN-D-000124 (FFMI Interview).

[1340] FFM-IRAN-D-001577 (Document). See also, "Iranian prosecutors concealed rape by Revolutionary Guards, document shows", The Guardian, 8 February 2023.

[1341] Iran: "They violently raped me": Sexual violence weaponized to crush Iran's 'Woman life freedom' uprising", Amnesty International, 6 December 2023, at p. 15.

[1342] https://www.instagram.com/p/CpSLXaAqSmF/?igsh=M3U1Y3NreXJ0OGVj.

[1343] "Iranian Foreign Minister sits for rare interview with Christiane Amanpour", CNN, 1 March 2023.

(a) Rape and other forms of sexual and gender-based violence during transfer

717. Women protesters were subjected to sexual and gender-based violence upon arrest, including in ambulances, vehicles, and vans during detainees' transfers by security forces to detention facilities.[1344] A witness described her arrest by nine intelligence officers and a female agent in chador who stormed her home in late 2022 in one province. Before taking her away, one of the agents forced her to change her clothing and insisted on watching her undress after shoving her into a room in the house. The agent then told her she had a "good body" and when she asked him to leave, he responded by saying that this is what "freedom" meant, equating her participation in the protests against her willingness to "get naked". He then dragged her out of the room by the hair and put her in a vehicle without telling her either the reason or grounds for her arrest, or where she was being taken to. While still in the vehicle, he blindfolded her and touched her upper thighs, telling her to be a "good girl" and to stop crying. [1345]

718. Evidence shows that detainees were subjected to sexual violence or threats of sexual violence during their transfers, including women being touched on their breasts, groped and their blouses ripped off in front of male detainees.[1346] In one statement obtained by the Mission, a security officer put his finger inside the trousers of a woman and raped her with his finger.[1347] Another man, who was arrested by the Ministry of Intelligence was threatened with being hung by his testicles while he was taken to an unofficial detention facility in one province.[1348]

(b) Rape and other forms of sexual violence upon arrival to and while inside detention facilities

719. Upon registration in official prisons women were asked to undress and change into prison clothes.[1349] One witness, arrested in October 2022, was made to squat naked several times in front of female guards, before being sent to her cell.[1350] Two human rights defenders, both arrested prior to the protests, confirmed that naked squats and visual cavity searches have been a common practice in Evin prison since at least 2018. Both women recalled being filmed by CCTV cameras during cavity searches and referred to these practices as "degrading and humiliating". They also feared that men guards would have access to the footage or the CCTV cameras during the searches.[1351]

720. In another case, a woman, arrested by the police described her humiliation when a woman officer from the morality security police violently searched her private parts upon arrival to a police station. The witness stated that the officer kept her hand in her underwear for "at least three minutes" and that "she cried out when they did this". Once the intrusive search completed, the woman officer proceeded to do the same with the other women detainees.[1352]

(c) Rape and other forms of sexual and gender-based violence during interrogations in unofficial detention facilities

"Rape is the "ideal" punishment: it is an instrument to suppress women. They want to destroy you to your core and crush your spirit. Because then, you will talk to others. And as a result, everyone would be scared. It will also push families to exert more control over the women in the family, and thus, stop them from attending protests altogether."[1353]

1344 FFM-IRAN-D-000590 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); (FFMI InterviewFFM-IRAN-D-000763 (FFMI Interview).
1345 FFMI-Iran-D-050085(FFMI Interview).
1346 See e.g. FFM-IRAN-D-001642 (Statement).
1347 FFM-IRAN-D-001642 (Statement).
1348 FFM-IRAN-D-000697 (FFMI Interview).
1349 See e.g. FFM-IRAN-D-000098 (FFMI Interview).
1350 FFM-IRAN-D-000098 (FFMI Interview).
1351 FFM-IRAN-D-000592 ((FFMI Interview); FFM-IRAN-D-000098 (FFMI Interview).
1352 FFM-IRAN-D-001018 (FFMI Interview).
1353 FFM-IRAN-D-000124 (FFMI Interview).

Woman, rape survivor, held in a "safe house".

721. Women arrested for their participation in the protests were usually rushed into investigation rooms soon after arrival at unofficial detention facility. The Mission established that rape and other forms of sexual and gender-based violence was used during interrogations between November and December 2022 against women and men in unofficial detention facilities.[1354] Victims described the perpetrators as members of the security forces in plainclothes, who subjected them to harsh interrogations and held them in a manner amounting to enforced disappearance whereby they were unable to have contact with relatives, loved ones, or legal representatives.

722. One witness recalled his arrest by plainclothes agents in one province. The witness described how he was held in an unofficial facility run by the Intelligence Services who beat him and electrocuted his genitals to extract a confession whereby he would admit to disturbing the public order, acting against national security, and engaging in destructive acts. Unless he confessed, the interrogators threatened to kill him or his family members, including by subjecting him to sexualized threats. Just over two weeks after he was detained, having failed to extract a confession, one of his interrogators raped him with an object. [1355] In West Azerbaijan province, two cases of rape of women, reportedly in the custody of the Ministry of Interior and the IRGC, and one attempted rape in an unofficial facility run by the Ministry of Intelligence, also took place.[1356] Similarly, another man was raped with an object while held in the custody of the Ministry of Intelligence in one province in Iran.[1357]

723. Evidence shows that the rape of women also carried discriminatory ethnic undertones. One woman recalled her arrest in one province in by several IRGC agents who snatched her off the street and held her in an unofficial detention facility for several days. In order to extract a confession, the IRGC agents forced her to undress and ridiculed did (REDACTED) as a "lesson to all whores and prostitutes who take [to] the streets". She was raped several times, before being thrown out on a street in the middle of the night. She described feeling paralyzed from fear and unable to move to find her way back home. [1358]

724. Likewise, a Kurdish woman protester described that she had been taken to an unofficial detention facility and interrogated by security officers for hours on her alleged role in the protests. During interrogations, she was hit for wearing a traditional Kurdish piece of jewellery and asked about her alleged relationship to Kurdish political parties. She was then taken out to another room for a "body search", and as she was undressing, she was gang raped. The victim described how, after she was raped, she was given a tissue to "clean" herself by a female agent. She was released the following day, after security forces left her out on the street. [1359]

725. Credible information also confirmed patterns of rape and sexual violence of women belonging to minority groups during interrogations.[1360] In one such case, a woman belonging to a minority group was arrested by intelligence officers of the Revolutionary Guard along with several others during a protest in one province in Iran. After she refused to confess to her participation in the protests, she was violently raped.[1361] One man arrested in late 2022 in one province, witnessed how a security officer ordered a plainclothes security officer to insert a spray can into the anus of a detained man. The spray can had been reportedly used by the victim to write slogans, and then found by the security forces during the arrest.[1362] In another

1354 FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-000109 (FFMI Interview) FFM-IRAN-D-000763 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000533 (FFMI Interview).

1355 FFM-IRAN-D-000067 (FFMI Interview).

1356 FFM-IRAN-D-000533 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFMI-IRAN-050088 (FFMI Interview).

1357 FFMI-IRAN-D-050122 (FFMI Interview).

1358 FFMI-IRAN-D-050134 (FFMI Interview).

1359 FFM-IRAN-D-050123 (FFMI Interview).

1360 FFM-IRAN-D-001621 (Statement); FFM-IRAN-D-001633 (FFMI Submission).

1361 FFM-IRAN-D-001643 (Statement).

1362 FFM-IRAN-D-001633 (FFMI Submission).

case, a Kurdish woman was forced to masturbate and then shower in front of three agents in an unofficial facility in one province.[1363]

Threats of rape and other forms of sexual violence during interrogation sessions

726. Detainees regularly faced threats of rape during both interrogations and while held in official and unofficial detention facilities. With interrogations conducted solely by men agents and in the absence of a lawyer, women felt these threats to be sufficiently credible, fostering a deep sense of fear and anxiety.[1364]

727. In one case, a woman arrested in one province by the IRGC, who had been held in an unofficial detention facility, described feeling terrified when the agent opened his belt in front of her during an interrogation. He then threatened to "rape her, rip her stomach open and feed (her) to the dogs".[1365] She described how this left her agonising over the likelihood of being raped, and how she felt she had no other choice but to sign confessions admitting to "propaganda against the state" for having participated in the protests.[1366]

728. Men were also threatened with rape and with the rape of their female family members during interrogations in unofficial detention facilities.[1367] Credible information indicates that threats of rape by security forces, including with batons or bottles, were accompanied by stripping men detainees naked as a manner of practice. In one case, a man who had been arrested by plainclothes agents in one province was brought to an unofficial detention facility, stripped naked and threatened to be raped with a baton unless he confessed.[1368]

729. Although less explicitly, women were also on occasions threatened with rape in official prisons. One woman recalled how she was arrested by intelligence officers and taken for interrogations in one official prison. She described how an intelligence officer asked her whether she was familiar with the punishment for the crime of *zena*, given that she was married, to which she responded "death".[1369] In another official prison, one woman were interrogated in a room referred to by guards as the "sharia" room furnished with only a bed covered with a red blanket.[1370] One witness told the Mission that the "sharia" rooms were commonly known to be used for conjugal visits.[1371]

Electrocution to the genitalia and forced nudity

"Did you search in their underwear and bras too? You searched them good, eh? They didn't hide anything in the folds [of their bodies]?"

Interview of a woman, arrested during the protests[1372]

730. Security forces used forced nudity to intimidate women detainees in unofficial detention facilities, including in cells and during interrogations. For instance, a woman described how she was arrested in October 2022 by plainclothes agents who took her to an unknown location. During interrogations, she was forced to undress and then squat, while security officers mocked her body.[1373] Women were reported to have been held in cells naked

1363 FFM-IRAN-D-001633 (FFMI Submission).
1364 FFM-IRAN-D-000126 (Submission); FFM-IRAN-D-000128 (Submission); FFM-IRAN-D-000133 (Submission); FFM-IRAN-D-001633 (FFMI Submission); FFM-IRAN-D-001644 (Statement); FFM-IRAN-D-001645 (Statement); FFM-IRAN-D-001633 (FFMI Submission).
1365 FFM-IRAN-D-000768 (FFMI Interview).
1366 FFMI-IRAN-D-0500154 (FFMI Interview)
1367 FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000514 (FFMI interview); FFM-IRAN-D-000520 (FFMI interview); FFM-IRAN-D-000823 (FFMI Interview); FFM-IRAN-D-000689 (FFMI interview); FFM-IRAN-D-000935(Statement); FFM-IRAN-D-000935 (Statement); FFM-IRAN-D-001623 (FFMI Submissions).
1368 FFM-IRAN-D-001645 (Statement).
1369 FFM-IRAN-D-000530 (FFMI Interview).
1370 FFM-IRAN-D-000128 (FFMI Interview).
1371 FFM-IRAN-D-000743 (FFMI Interview)
1372 FFM-IRAN-D-001018 (FFMI Interview)
1373 FFM-IRAN-D-000743 (FFMI Interview)

in an unofficial detention facility in one province, reportedly under the custody of the Ministry of Intelligence.[1374]

731. Credibly information shows that humiliating cavity searches of women detainees, including in official detention facilities. In one statement obtained by the Mission, one intelligence officer forced a woman to undress, shake her breasts as well as bend over and cough in order to determine whether she was hiding anything in her body. The woman had been arrested in 2023 and held in a facility run by the intelligence services. [1375]

732. Evidence also indicated that security forces stripped men naked during interrogations as a manner of practice, beat and electrocuted their genitalia, and in one case, inserted needles into the genitalia of a detained man.[1376] Such incidents of violence were reported in unofficial facilities in three minority provinces. When men detainees belonging to ethnic groups were forced to undress, interrogators also mocked their skin colour.[1377]

LGBTQI+

"They were acting like a psychologist, trying to break you, anything to force you to confess. In the middle of this, there was the humiliation and insults based on (my) sexual orientation." [1378]

Released detainee in a statement with a NGO

733. Throughout its investigations, the Mission found a discernible pattern of cruelty directed at protesters on the basis of their actual or perceived sexual orientation or gender identity.[1379] In one case, a trans woman protester was arrested and beaten by plainclothes agents in September 2022. Upon realizing that she was a trans woman, security forces beat her more harshly, groped her and burnt her hair with a lighter. During subsequent interrogations, she was beaten, and threatened to be "burr[ied] alive and turned into a hashtag" by security officers, unless she confessed to her role in the protests.[1380]

734. In another case, a gay man who was arrested after writing slogans on a wall was blindfolded, transferred to an unknown detention facility where he was questioned as to whether he was a "girl or a boy". Upon replying, security officers insulted him and shocked him with tasers. He was then forcibly undressed by one security officer "to see whether he was indeed a boy", threatened with rape, and continuously asked questions surrounding his sexual orientation. He was forced to sign a document to confirm that he "was a transgender and suffered a mental illness" and released on the following day.

735. Another man described how he was arrested and taken to an IRGC unofficial detention facility where he was beaten and threatened with rape because he was perceived by the security officers holding him to be "trans because of his demeanour".[1381]

Insults of sexual and discriminatory nature

736. Sexual and gender-based violence was, moreover, often accompanied by sexist and misogynist gender-based insults directed against women protesters owing to their participation in the protests. Such expressions reflect patriarchal views reinforcing a domesticated role of women in society, such as of a homemaker or a child bearer, and the broader, deeply rooted discrimination against women and girls in the Islamic Republic of

1374 FFM-IRAN-D-000532 (FFMI interview).
1375 FFM-IRAN-D-001646 (Statement).
1376 FFM-IRAN-D-000826 (FFMI interview); FFM-IRAN-D-001624 (Statement); FFM-IRAN-D-001645 (Interview); FFMI-Iran-D-060013 (Statement); FFM-IRAN-D-001647 (Statement).
1377 FFM-IRAN-D-000589 (FFMI interview); FFM-IRAN-D-001644 (Statement); FFM-IRAN-D-001648 (Interview).
1378 FFM-IRAN-D-001649 (Statement).
1379 FFMI-Iran-D-060022 (Statement). FFM-IRAN-D-000149 (FFMI Submission); FFM-IRAN-D-000150 (FFMI Submission); FFM-IRAN-D-000151 (FFMI Submission); FFM-IRAN-D-001650 (FFMI Submission); FFMI-IRAN-D-060022 (Statement).
1380 FFM-IRAN-D-000150 (Statement).
1381 FFMI-IRAN-D-060022 (Statement).

Iran. Throughout their detention, women were asked if they wanted "freedom", were labelled "whores", "sluts" and "prostitutes" with "no honour", who were "willing to get naked" and spread "immortality".[1382] One woman detainee was told by a security officer that "garbage that has filled (her) head" had to be "removed." She was also labelled a "souvenir", and a "dog that needed a collar" who had to be "taught a lesson" as she was handed over to security officers in an unofficial detention facility in one province.[1383]

737. Security officers also made concerted threats against mothers, including with the removal of their children,[1384] and labelled others "bad mothers" for not preventing their daughters from participating in protests. According to a witness, during interrogations, security officers also referred to detained women's mothers, undermining mothers' parental abilities for failing to raise "a good woman" who aspired to "marriage and children" instead of participating in protests.[1385] Another interviewee recalled how an intelligence officer told her during interrogations that her participation in the protests was "not surprising" given that her mother was divorced, and she was raised without a father. [1386]

Torture for purposes of extracting a confession or as a form of punishment:

"They said my brother was in the next cell, and that my mother had had a heart attack and is dead. Sometimes it got to a point that I would have signed my execution order if they asked me to do so. They used any trick to force us to sign even an order for our own death!"[1387]

Interview of a woman detained in November 2022

"Confessions were primarily the basis of convictions. The atmosphere was such that they wanted to get confessions in any possible manner. Generally speaking, the justice system wants to get an accused person to a point where they would confess". [1388]

Interview of a lawyer

738. The Mission found that in nearly all cases it investigated, detainees were tortured with the view to extracting self-incriminating statements from them, to obtaining written or pre-written confessions as well as confession in front of cameras.[1389] Interrogators mainly sought admissions of involvement and or leadership in the organization of the protests or alleged contacts with opposition groups, human rights defenders, journalists and media outlets outside Iran, as well as with foreign governments. Torture and ill-treatment were also inflicted with a view to preventing any further participation in or action in solidarity with to the "Woman, Life, Freedom" and to punishing, intimidating, and humiliating.

739. A man detained in Evin Ward 209 in October 2022 explained that he was sleeping when officers took him blindfolded to a very cold room in the basement of Evin prison, where he was chained and beaten, with his interrogators demanding that he admit in a television video that he was one of the organizers of the protests. He was taken to this room several times and each time when they failed to make him confess, they increased the severity of the torture. [1390] Another man detained in Evin Ward 209 in October 2022 explained that he was given a blank paper and was told to sign it, the interrogators indicating that they would fill it

1382 IRAN-D-000531 (FFMI interview), FFM-IRAN-D-000588 (FFMI Interview), FFM-IRAN-D-000514 (FFMI interview), FFM-IRAN-D-001448 (FFMI Interview). FFM-IRAN-D-001624 (Statement); FFM-IRAN-D-001640 (Statement); FFM-IRAN-D-001645 (Statement).

1383 FFM-IRAN-D-001645 (Statement).

1384 FFM-IRAN-D-000587 (FFMI interview); FFM-IRAN-D-000592 (FFMI interview).

1385 FFM-IRAN-D-000109 (FFMI Interview).

1386 FFM-IRAN-D-000588 (FFMI Interview).

1387 FFMI-IRAN-D-0500155 (FFMI Interview).

1388 FFM-IRAN-D-001448 (FFMI Interview).

1389 FFM-IRAN-D-000952 (Statement); FFM-IRAN-D-000682 (FFMI Interview); FFM-IRAN-D-000525 (FFMI interview); FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-000124 (FFMI Interview); FFMI-IRAN-0500111 (FFMI Interview); FFM-IRAN-D-000696 (FFMI interview); FFMI-IRAN-D-060022 (Statement); FFMI-IRAN-D-060016 (Statement); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-001527 (Statement); FFM-IRAN-D-000124 (Statement).

1390 FFMI-IRAN-0500109 (FFMI Interview); FFMI-IRAN-D-060026 (Statement).

later.[1391] Another victim similarly reported that his interrogators threatened him that if he didn't confess, they would break his other shoulder.[1392] Another witness stated that one of the interrogators took a lighter and used it to burn his body hair. While he was doing this, another interrogator was holding the paper in front of his face telling him he needs to sign it, and told him *"Listen, boy, [X] has "no head", he is crazy, he will kill you, sign the paper".*[1393] A victim detained in Tehran described how his interrogator threatened him with "hanging or a lengthy imprisonment" if he didn't confess. [1394] A young woman detained in an intelligence unofficial detention centre in Urmiah explained how her interrogator took her hand, put it in sink and thumbprint it on a document indicating she accepted the charges of *moharabeh* (waging war against God), crime against national security, disturbing public order, taking her hijab off, and insulting the Supreme Leader.[1395]

"When I said that I am only a dissident and a protester and I am not a member of any party and I am not belong to one, and I had protested because of the society situation and issues, and I demand documents and evidence of these charges that you accuse me with, the interrogator slapped me on my mouth and said, "you only need to answer, here, to accept and to sign, and you do not have the right to ask us to show you evidence or any document, you are an offender from our point of view. You still don't know where you are and in whose hands you are."[1396]

Interview of a woman detained in an unofficial detention facility

740. In a statement obtained by the Mission, a man reported that his torturers were asking him if he had communicated with media organizations outside of Iran and whether he sent clips to media such as Iran International or to Masih Alinejad, and asked about the MEK and accused him of being a monarchist. They told him to write that he regretted trying to overthrow the Government. In another instance, he was pressured to sign a document saying that he had not been harmed while in detention.[1397] A mother whose statement was obtained by the Mission explained that interrogators told her daughter that if she wanted to be released or pardoned, she had to write that she worked for the MEK and that she had received money to write slogans, and that she repented. When she did not comply with them, they slapped and beat her and when she fell to the floor, they would drag her up from her hair.[1398] In another statement obtained, a man indicated that " *they constantly made threats that if I didn't accept the charge of being a member of a leftist anti-state organization, they would tie me to other cases such as armed actions, and then, according to them, I would have no way out. But they didn't have any reason or evidence to prove their false accusations, and therefore they tried to force me to confess against myself with a lot of psychological pressure, in order to use my forced confessions as proof of the crime.*"[1399]

741. In a statement obtained by the Mission, a man reported that cameras had been placed in the interrogation room where he was held. He explained that he was asked about the kind of activities he had engaged in and when he was answered, was told to answer the questions with what they told him. For example, interrogators asked him to tell that he was paid to participate in protests, that he did certain things in order to seek asylum, that he wanted to bomb some places. As he resisted, interrogators initially tried to be funny and said, "Don't take it so seriously; just say these words... We just want to take a video and publish it in order to scare the others". Eventually, they shouted obscenities and threatened to charge him with waging war and to execute him. [1400]

1391 FFM-IRAN-D-000507 (FFMI interview).
1392 FFM-IRAN-D-000682 (FFMI Interview).
1393 FFM-IRAN-D-000067 (FFMI interview).
1394 FFMI-IRAN-0500110 (FFMI Interview).
1395 FFMI-IRAN-D-050085 (FFMI Interview).
1396 FFMI-IRAN-D-0500155 (FFMI Interview).
1397 FFMI-IRAN-D-060011 (Statement).
1398 FFM-IRAN-D-001642 (Statement).
1399 FFM-IRAN-D-000123 (Statement).
1400 FFM-IRAN-D-000682 (FFMI Interview).

"We have seen tougher people than you and we hanged them by their feet for 48 hours and they confessed everything"[1401]

Interrogator speaking to a woman detained in an official detention facility

742. In the Greater Tehran Prison, a witness described that he saw mostly young protesters, who had been arrested in the streets in the most brutal way possible and who had been severely tortured, he stated that "unfortunately, the atmosphere of repression was such that they confessed whatever interrogators wanted. "[1402] The fear instilled in young people was also clearly explained by a student interviewed by the Mission. He explained that his interrogator accused him of being a protest leader and that he had to sign a criminal form indicating that he was a leader "to feel safe". He indicated: "I felt that the environment was threatening. I didn't know what was coming for me, what was next. On the news we saw people being executed, arrested, this is why I was afraid". When he asked what would happen to him, he was responded: "what will happen to you is what happens to a criminal".[1403]

743. In a statement obtained by the Mission, a woman held in a military location in Tehran with hundreds of other women indicated: "*I could hear all the threats. Many of the detainees who had no experience of being in prison or detention at all, were deceived and influenced by the officers with false promises, that by signing the form they would be released sooner. I saw that many of them cried after filling the form. In fact, many who were deceived and filled the form, were kept in detention and some of them got sentenced and some were released on bail awaiting prosecution. I can say that all the [detainees] were forced to confess, I mean by filling out the form. Some people who didn't want to fill out the form were forced to fill it after a lot of threats*." [1404]

744. A witness detained in Ward 209 in Evin reported that interrogators accused her of writing slogans on a wall and that she was pressured to confess that she had been participating in the "riots". She explained that for each question asked, she had to sign her answers but because she did not answer the way they wanted, they tore up the paper and they repeated the questions some 20 times. She also indicated that she was pressed to ask her husband to come to Iran in exchange of a reduced sentence. Her interrogator also threatened to harm her brother and sister. Indeed, during her detention, her mother, her sister and her brother were interrogated, and her family members received threatening phone calls. She also reported that one inmate was sentenced to 5 years in prison based on handwriting documents she had not written herself and which her lawyer contested before the Supreme Court. [1405] Another woman detained in Evin explained that despite her effort to resist the pressure for long from her interrogator that she was able to identify, she finally signed a written confession that she had played a role in calling the protestors, organizing the protests and chanting the slogans.[1406]

745. Victims also described instances when persons were indicted based on documents they had not signed or did not know what they had signed under pressure. A witness for instance explained that "one inmate was sentenced to 5 years in prison based on handwritten documents she had not written herself and which her lawyer contested before the Supreme Court.[1407] Another detainee whose statement was obtained by the Mission explained that he was asked to sign papers without him being able to read them. He said that the officer covered the page with his hand and only told him to sign and put his fingerprints on it. The officer himself took his hand and put his finger on a stamp and put his fingerprint on the page. When asked what this was, the interrogator responded "it is none of your business, we ourselves know what this is".[1408]

1401 FFM-IRAN-D-001010 (FFMI Interview).
1402 FFMI-IRAN-0500109 (FFMI Interview).
1403 FFMI-IRAN-D-050104 (FFMI Interview).
1404 FFMI-IRAN-D-060004 (Statement).
1405 FFM-IRAN-D-000098 (FFMI interview).
1406 FFM-IRAN-D-000095 (FFMI interview).
1407 FFMI-IRAN-0500113 (FFMI Interview).
1408 FFMI-IRAN-D-060015 (Statement).

746. In some instances, interrogators sought to obtain statements incriminating others who had participated in the protests. A witness for instance said that in Ward 209 of Evin, he was pressured and promised a reduced sentence if he would say that his eye injuries had not been caused by the Islamic Republic of Iran but by "the hypocrites" a word they used to refer to Mojahedin Organization".[1409]

747. Physical and psychological torture and ill-treatment were also exerted to punish persons arrested in connection with the protests, to intimidate them and prevent them for any further participation. A man arrested after posting WhatsApp story explained that while in solitary confinement cell in a Ministry of Intelligence detention center, two agents came to his cell to beat him as he wanted to "overthrow" the Government.[1410] Another witness indicated that in Greater Tehran Prison, security forces, badly beat him and that the purpose of what was done to him was to intimidate the rest of the prisoners.[1411]

748. In a statement obtained by the Mission, a journalist explained that he was warned that if he writes any news or reports about the torture, or publishes photos, he would not only be arrested and imprisoned again, but that they would not hesitate to harass his family. He was also asked to refrain from political activities until further notice. As a result, he deleted the photos of the injury marks, fearing that if they were published or leaked by mistake, his family and he would have faced serious danger.[1412] In another statement obtained, a man reported having been told by one of his interrogators: "If we see you anywhere again, we'll kill you with our own hands in front of everyone."[1413]

4. Conditions of detention:

749. The Mission examined the detention conditions of persons detained in the context of the protests in light of relevant United Nations standards[1414] and Iran's commitment to ensure compliance of its prison conditions with the Nelson Mandela Rules[1415] and that detainees and prisoners receive satisfactory medical treatment.[1416]

750. The Mission carefully reviewed information contained in reports published by the Government of Iran since the start of the protests. In its 4th report, Iran informed that Mr. Kazem Gharibabadi, the Secretary-General of High Council for Human Rights (HCHR) together with other authorities of the HCHR and the Head of the State Prisons Organization, visited a detention centers where people in connection with the "recent riots" in Tehran. The report notes that during the visit, Mr. Kazem Gharibabadi emphasized the need to respect the human rights of the detainees and called upon the prison authorities to further facilitate their contact with their family members. The report also notes that HCHR sent a letter to the chiefs of justice in all provinces asking them to fully protect the rights of detainees. The report further mentions that detainees in the Greater Tehran Penitentiary had phone cards to call their families and were granted the opportunity to meet with them.[1417]

751. In its 22nd report, the High Council for Human Rights in Iran affirmed that: " in a notification sent to the Commander-in-Chief of the Law Enforcement Command of the

1409 FFMI-IRAN-D-050037 (FFMI Interview).
1410 FFMI-IRAN-D-060020 (Statement).
1411 FFM-IRAN-D-000511(FFMI Interview).
1412 FFM-IRAN-D-000133 (Statement)
1413 FFMI-IRAN-D-060010 (Statement).
1414 The United Nations Standard Minimum Rules for the Treatment of Prisoners or "Nelson Mandela Rules" constitute the universally recognized minimum standards for the management of prisons and the treatment of persons deprived of their liberty; the United Nations Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders (the Bangkok Rules); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).
1415 Report of the Working Group on the Universal Periodic Review on Iran, A/HRC/43/12, 27 December 2019, Recommendation 26.145.
1416 Report of the Working Group on the Universal Periodic Review on Iran, A/HRC/43/12, 27 December 2019, Recommendation 26.147.
1417 High Council for Human Rights of the Islamic Republic of Iran, Report No. 4 Pertaining Death of Mahsa Amini & Following Events, p. 11.

Islamic Republic of Iran dated 25 September 2022, the Minister of the Interior emphasized that "in dealing with women present in illegal gatherings, it is necessary that, in addition to strictly respecting the limits and regulations, any actions should be taken based on Islamic leniency and avoiding unnecessary coercive measures and with the maximum involvement and presence of female officers." The report also indicates that "emphasis has been placed on treating female detainees with respect and resorting to detention and referral to judicial authority as a last resort."[1418]

752. The Mission established the existence of appalling detention conditions of people arrested and detained in connection with the protests in both official and non-official detention centres.

753. Detainees were held in unbearable conditions in overcrowded cells or kept in cramped conditions in small and unsanitary cells[1419] with no bedding.[1420] According to most detainees, only filthy military blankets were given to them. A witness indicated that in Garchak, she was held with two and sometimes three other detainees in a cell of around 2x 3m.[1421] Another witness held in Ward 209 in Evin explained that her cell was 2X4 and that because 9 women were held there, they could not move, sleep or breath. She further explained that there was no bedding and no pillows for sleeping and she only had a military blanket. [1422] A detainee described that he was often detained with four other detainees in Tirin kola Block 3 in a small cell 2x3m , in which there was a toilet and a bathroom but no window.[1423] In the prison of Tabriz, another detainee stated that during the first night in detention he was held in a room of around 20 square meters with around 24 other detainees. Transferred to the Ghaem Shahr Prison, he described the cell of 25 square metres hosting 48 detainees and indicated that since there were only ten beds, they had to ask for permission for two people to sleep in one bed and that some were sleeping on the floor of where the bathrooms were located.[1424] Similar overcrowded detention conditions were described by a witness in the quarantine women section of Kachuiee prison, where 1700 women prisoners were held.[1425] A witness detained in Dezful prison stated that he heard that that the prison had three times more detainees than its capacity.[1426] In several detention places, people said there was no respect for privacy due to cameras that were installed in the cells.[1427]

754. Some witnesses stated that the light was on 24/7[1428] or on the contrary that there was no light at all in their cell.[1429] Others noted that the temperature in the cell was very cold and that they had only a filthy blanket.[1430] A witness detained in Tabriz explained that he complained to the prison authorities who had removed a glass from the window to make his cell even colder.[1431] Many described appalling hygiene in the prison with dirty cells smelling

[1418] High Council for Human Rights of the Islamic Republic of Iran, "Most important measures taken in connection with the rule of law, non-used of lethal force and police of accountability during recent riots", p. 2, 22 November 2023.

[1419] FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000095 (FFMI interview); FFM-IRAN-D-000067 (FFMI interview); FFMI-Iran-D-050027 (FFMI Interview); FFMI-IRAN-0500113 (FFMI Interview).

[1420] FFMI-IRAN-D-050007 (FFMI Interview).

[1421] FFMI-IRAN-D-050109 (FFMI Interview).

[1422] FFM-IRAN-D-000098 (FFMI interview).

[1423] FFMI-IRAN-D-050033 (FFMI Interview).

[1424] FFM-IRAN-D-000525 (FFMI interview).

[1425] FFMI-IRAN-D-0500154 (FFMI Interview).

[1426] FFMI-IRAN-D-060020 (Statement).

[1427] FFM-IRAN-D-000525 (FFMI interview); FFMI-Iran-D-050033 (FFMI Interview); FFMI-IRAN-D-0500155 (FFMI Interview).

[1428] FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000593 (FFMI interview); FFMI-Iran-D-050037 (FFMI Interview); FFMI-Iran-D-050085 (FFMI Interview); FFM-IRAN-D-000126 (Statement)

[1429] FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000696 (FFMI interview).

[1430] FFMI-IRAN-D-050109 (FFMI Interview); FFMI-Iran-D-050027 (FFMI Interview); FFMI-IRAN-0500110 (FFMI Interview).

[1431] FFM-IRAN-D-000525 (FFMI interview).

bad.[1432] A witness noted that he had no access to an open space for 13 days which caused him to have a nervous attack and had to receive oxygen.[1433]

755. Poor sanitary conditions were described by many former detainees the Mission interviewed. A woman held in Ward 209 in Evin explained that once a week (sometimes twice) women detained could take a 10-minute shower. A woman detained in Kachuiee prison in Karaj indicated to the Mission that 70 or 80 of prisoners were put in a small cell with a small bathroom and could only have 5 minutes to shower with cold water. She said that there was only one toilet, a situation which triggered "a psychological war among inmates."[1434] A woman held in Quarchak explained in a statement obtained by the Mission that the quarantine unit had only two bathrooms with only two functioning showers without hot water for more than 70 women.[1435]

"if you placed the food in front of an animal, they would not eat it"[1436]

Interview of a man detained in Evin Ward 209 in February 2023

756. Detainees were provided with insufficient and bad quality food and water.[1437] A woman detained in Garchak said that because the quality of food was unbearable, she was able to eat only three times a week. The rest of the time she explained she bought yogurt and snacks from the prison store just to survive.[1438] A witness detained in Ward 209 of Evin explained that since they had no clean water, they had to store and wait for it to clear after a while.[1439] Another witness detained in Ward 209 of Evin prison explained that prison guards would open the door of the cell and throw the food in "as if the prisoners were dogs".[1440] A man detained in a stadium in a military compound indicated that not everyone was given food.[1441] A woman explained that in Kachuiee prison in Karaj: "there was no fruit or vegetables. The water was from the well, and mixed with chlorine, 100 per cent and acid citric and then later we found out why the water was like that and why it caused us to have rashes. She further stated: "Twice a week we were instructed to wash the carpet there with whitex/chlorine (bleaching product) which affected our lungs and in fact gradually they were killing us, through lack of food, medication, air and acid citric, as a result many got sick."[1442]

"They said: We don't bring physicians for rioters".[1443]

Woman detained in October 2022

757. The majority of the persons detained in connection with the protests reported to the Mission said that they were not seen by a doctor upon arrest nor at any time during their detention.[1444] Some witnesses noted that they had a rapid medical check, in some cases

1432 FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-001536 (FFMI Interview); FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000525 (FFMI interview); FFMI-IRAN-D-0500154 (FFMI Interview); FFMI- IRAN -D-050033 (FFMI Interview); FFMI- IRAN -D-050108 (FFMI Interview); FFM-IRAN-D-000123 (Statement); FFM-IRAN-D-000744 (FFMI Interview); FFM-IRAN-D-000126 (Statement).

1433 FFMI- IRAN -D-050025 (FFMI Interview).

1434 FFM-IRAN-D-000768 (FFMI Interview).

1435 FFM-IRAN-D-000128 (Statement).

1436 FFMI- IRAN -D-050037 (FFMI Interview).

1437 FFM-IRAN-D-000525 (FFMI Interview); FFMI-Iran-D-050061 (FFMI Interview); FFM-IRAN-D-000095 (FFMI interview); FFM-IRAN-D-000507 (FFMI interview); FFMI- IRAN -D-050103 (FFMI Interview); FFM-IRAN-D-000768 (FFMI Interview); FFMI-IRAN-0500107 (FFMI Interview); FFMI- IRAN -D-060021 (Statement); FFM-IRAN-D-000340 (Statement); FFM-IRAN-D-000128 (Statement); FFMI- IRAN -D-060025 (Statement); FFM-IRAN-D-000128 (Statement).

1438 FFMI-Iran-D-050108 (FFMI Interview).

1439 FFMI-IRAN-0500112 (FFMI Interview).

1440 FFM-IRAN-D-000507 (FFMI interview).

1441 FFM-IRAN-D-000099 (FFMI interview).

1442 FFMI-IRAN-D-0500155 (FFMI Interview); FFMI-Iran-D-050103 (FFMI Interview)

1443 FFM-IRAN-D-001018 (FFMI Interview).

blindfolded and only had to respond to basic questions about their medical conditions.[1445] A witness detained in Garchak prison stated that the female doctor in charge of the medical screening started to ask her strange and humiliating questions, for instance, "how is your sexual affair with your husband" which the woman said she was not comfortable responding to.[1446] Another witness detained in Tehran indicated he was only asked to fill a form about his medical conditions.[1447]

"It's not important to us if you die, your grave is open"[1448]

Excerpt from a statement obtained by the Mission - an IRGC official
responding to a man detained in Khorammabad
and requesting access to medical treatment

758. Evidence shows that detainees were not provided or denied medical care despite the fact that they were in bad medical conditions due to torture and ill-treatment or dire detention conditions.[1449]One witness explained that despite his injuries, he was not provided medical care in the police station where he was held. He also indicated that two badly injured protesters including one with broken ribs similarly received no medical care. Later detained in a stadium outside of Tehran, he reported that injured detainees asked for medical care but received no response. A man reported that in an statement obtained by the Mission that in Great Tehran Penitentiary, he hardly saw anyone who was not injured but that nobody was given any medical care.[1450] In a statement obtained by the Mission, a man explained that when the Prosecutor whom he named saw his situation, including his injuries, he called the IRGC's intelligence to take him to the hospital but they refused.[1451]

759. In a statement obtained by the Mission, a man explained that because of the torture inflicted on him, his condition was so bad that he had to be transferred to a police force hospital where he was treated while his hands and feet were tied to the bed with handcuffs and straps the whole time. The victim indicated that he was well treated by the medical staff and that one doctor, knowing he was a protester told him just before he had a surgery to reconnect bones in his hands told him: "Don't worry, you're not alone. We're all with you." The man also indicated that there was no opportunity for him to receive medical treatment for his broken nose, ribs and leg.[1452] In another statement obtained by the Mission, a man shot during protests in Sanandaj arrested and severely beaten was brought to a hospital. He explained that the doctor asked the agents who arrested him why they had beaten him "like an animal", the agents responded with a threat to arrest the doctor.[1453]

760. Detainees were deprived of medical treatment. A witness detained in Sanandaj for instance explained that detainees were not given proper medication when sick and that sick prisoners were not separated from the rest of the detainees.[1454] A young woman who was severally tortured explained that in detention she did not have her medication for inflammation of her intestines and that she was suffering from internal bleeding in her stomach because of torture. Brought blindfolded in front of a person who said he was a doctor, she was told "take whatever medication you have with you since you cannot find any in prison" despite the fact that the doctor knew she did not have any with her and only gave her vitamin C and energizers. She also explained that none of the other inmates had access to their medication. As her health condition deteriorated, she was brought to a medical unit, and told her about her symptoms notably the fact that she was suffering from severe diarrhea and had sometimes severe bleeding. However, in the medical form she filled, the female

1445 FFMI- IRAN -D-050108 (FFMI Interview); FFM-IRAN-D-000518 (FFMI Interview); FFM- FFMI-IRAN -D-060020 (Statement).
1446 FFMI- IRAN -D-050108 (FFMI Interview)
1447 FFMI- IRAN -D-050102 (FFMI Interview).
1448 FFM-IRAN-D-000952 (Statement).
1449 See e.g. FFMI-Iran-D-060027 (Statement); FFMI- IRAN -D-050027 (FFMI Interview)
1450 FFMI- IRAN -D-060025 (Statement).
1451 FFM-IRAN-D-000339 (Statement).
1452 FFMI-IRAN-0500115 (FFMI Interview).
1453 FFM-IRAN-D-001525 (Statement).
1454 FFMI-IRAN-0500111 (FFMI Interview).

doctor indicated she had none of these symptoms. She said: "I felt short in breathing and collapsed and felt and said the Islamic Republic want to kill all of us."[1455]

761. In a statement obtained by the Mission, a man explained that while detained in a centre belonging to the Intelligence Unit of the IRGC in Khorramabad, he asked for his medicines and was told that "It's not important to us if you die, your grave is open".[1456] Another man indicated: "One time the cell ceiling fell on my head. I was lucky to survive. My whole head and face became bloody and my face was swollen. Yet they did not bring a doctor to see me, nor did they transfer me to a medical center, or even a clinic, for treatment. They left me to heal by myself!"[1457]

5. Treatment of children in detention

762. The Mission established that children were subjected to the same treatment inflicted on women and men as described above and suffered violations, including torture, sexual violence and appalling detention conditions. In some instances reported by non governmental organizations, torture reportedly led to the death of children.[1458]

763. Child victims and witnesses shared encounters of their arrest or forceful kidnapping,[1459] how they were thrown blindfolded into unmarked cars,[1460] severely beaten,[1461] and brought to detention facilities administered, among others, by the Revolutionary Guards, the Ministry of Intelligence, the Public Security Police, the Basij forces[1462] or the police.[1463] Children and their family members described that they were kept for days or even weeks in both official and unofficial detention facilities, without knowing the reasons for their arrest and detention and not given any opportunities to call their family members or to request legal representation. Evidence shows that children were subjected to severe physical, psychological, and sexual torture, including rape. Children described severe interrogation techniques, while kept in handcuffs, blindfolded, aimed at obtaining forced confessions, or scaring them from exercising some of their fundamental freedoms such as expression and peaceful assembly.

(a) Torture and ill-treatment of children

"The children were in shock. Some had injuries, bruises, they looked beaten before coming to this place. They were interrogated too, and no special care was provided to them. They were treated the same way as we were". [1464]

Interview of man detained in a stadium Tehran in October 2022

"The younger the people were, the more severely they were beaten"[1465]

Statement obtained by the Mission of a man detained in an unofficial detention centre of the IRGC in Tehran in October 2022

764. Children were often subjected to both physical and psychological torture in detention. Children were beaten with batons, hosepipes, planks of wood, hung from the ceiling with

[1455] FFM-IRAN-D-000768 (FFMI Interview).
[1456] FFM-IRAN-D-000952 Statement).
[1457] FFMI- IRAN -D-060026 (Statement).
[1458] The Islamic Regime in Iran Tortures and Kills Children, Campaign to free political prisoners in Iran (CFPPI), May 2023.
[1459] FFM-IRAN-D-000146 (FFMI Interview).
[1460] FFMI-IRAN-0500114 (FFMI Interview); FFM-IRAN-D-001651 (Statement).
[1461] FFM-IRAN-D-000514 (FFMI interview); FFM-IRAN-D-000125; FFM-IRAN-D-001641 (Statement).
[1462] FFM-IRAN-D-001651 (Statement)
[1463] FFMI-IRAN-0500113 (FFMI Interview).
[1464] FFMI- IRAN -D-050103 (FFMI Interview).
[1465] FFMI- IRAN -D-060023 (Statement).

chains,[1466], choked, strangled,[1467] subjected to flogging and forced to do hundreds of sit-ups[1468] Some children were kept with very tight handcuffs for days. [1469]

765. A 12-year-old child who was arrested on his way back from school, a in Tehran province shared a chilling account of his treatment in a Basij base. He said he was arrested together with his schoolmates, due to writing "Woman, Life, Freedom" slogans on walls. They were kept in a Basij base in a deserted location, held in an industrial shed for seven hours, beaten with planks of wood, batons, hoses (with cables inside), he was later dropped in a bad shape in an isolated location. During detention he was threatened with harm to his family if he disclosed anything. He was sexually assaulted as Basij forces touched his genitalia, and threatened to rape him.[1470]

766. In another statement obtained by the Mission, a 16-year-old child explained his gruesome experience in detention: "*They would hang us to the point that I felt like my arms were going to be ripped off. They would beat us on the soles of our feet. I didn't know what they used on my feet. Every time they struck my feet, it felt like I was being struck by lightning*." He further said they wrapped a scarf around his neck and choked him. Then, with the same scarf, they hung him until he is choked so much that he felt completely suffocated and was unable to breath. "It was at that point, when they lowered me down, I told them I would say whatever they wanted me to say I had done. They were taking my hand and forcibly making me fingerprint the papers."[1471]

767. A mother reported in her statement obtained by the Mission the arrest of her daughter for writing slogans on a wall in Tehran. She indicated that in the unofficial place of detention where she was brought, detainees around 30, most of whom were children were forced into a freezing swimming pool and forced them to go under water until they were drowning. Then they would take them out, beat them with wooden sticks, and force them back into the pool." [1472]

768. Credible information shows that children detained also were deprived of essential medical care, while others were forced to take unknown medicines.[1473] In a statement obtained by the Mission, a child explained that he was made to swallow an unidentified pill, the agents did not explain the purpose but simply told him: "Take the pill it will lessen the pain of your torture." He said, "I took it one day and I felt confused and dazed".[1474]

769. The Mission obtained credible information on children who died due to torture inflicted by government intelligence and security agents. Some of these children were taken from the streets while protesting, while others were picked during school raids. Nika Shakarami and Asra Panahi were among those for whom the Mission found corroborating evidence that they died as a result of severe beatings and torture.

Emblematic case; Nika Shakarami

770. Based on public accounts of her family and friends, on the 20 September 2022, Nika Shakarami attended a protest held at Keshovarz boulevard in Tehran city.[1475] Since she did not return home that evening and the next day, her family searched for her in prisons,

[1466] FFM-IRAN-D-001525 (Statement).
[1467] FFM-IRAN-D-001525 (Statement).
[1468] FFM-IRAN-D-000125 (Statement).
[1469] FFMI- IRAN -D-060014 (Statement).
[1470] FFM-IRAN-D-001651 (Statement).
[1471] FFM-IRAN-D-001525 (Statement).
[1472] FFM-IRAN-D-001642 (Statement).
[1473] FFM-IRAN-D-001525 (Statement).
[1474] FFM-IRAN-D-001525 (Statement).
[1475] "Mother Of Dead Teen Protester Accuses Iranian Authorities Of 'Lying' About Her Death In Attempt To 'Exempt Themselves", Radio Free Europe, 7 October 2022; "What really happened to Nika Shahkarami? Witnesses to her final hours cast doubt on Iran's story," CNN, 27 October 2022; "Nika was victimized in line with ethnicity assassination and incitement", Tasnim News Agency, 3 October 2022.

detention centres, police offices and hospitals the next nine days.[1476] Her mother said in a recorded video that in her last call, Nika Shakarami said she was running away from police.[1477] Other protesters reportedly told the family that Nika Shakarami had been arrested and interrogated by IRGC officers and detained in Evin prison. [1478]

771. According to the public account of her mother, on 29 September 2022, she, together with her brother, went again to a police station to enquire about the fate of Nika Shakarami. They were shown pictures of a dead body, told that those pictures were taken on 20 September and that the body is at Kahrizak detention centre morgue. At the morgue, according to her aunt, the family's request to see the whole body was denied and the family could only see Nika Shakarami's face for a few seconds. The family noticed that her nose was smashed, and her skull and forehead were broken and smashed like she had been hit by hard objects several times.[1479]

772. According to the report of Iran's High Council for Human Rights, investigations by Tehran`s Prosecutor found that Nika Shakarami's body was found on 21 September. Specialized crime-scene investigators found that she fell from the adjacent building to the yard of the house. The report asserted that a video released by the police and judiciary authorities[1480] showed Nika Shakarami going into that building seven hours before her body was found. The High Council reported that the forensic pathologist performed an autopsy and took toxicology and pathology samples on the order of the judicial authority. The autopsy tests and examinations of the body reportedly showed "traces of multiple fractures in the pelvis, head, upper and lower limbs, arms and legs as well as in the pelvic cavity, indicating that the foregoing person fell from a height". The High Council furthermore stated that according to the judicial authority the death of Nika Shakarami was "NOT related to the recent `riots`, as there are no bullet marks found on the deceased's body, and the existing evidence proves that the death was caused by a fall." Lastly, building workers are said to have been investigated, interrogated and even some arrested, and investigation by the criminal investigator and police of intelligence is underway. [1481]

773. No mention is made in the report of any investigations into allegations that Nika Shakarami sustained injuries on her face and that she had been arrested, detained and interrogated before her death. In its letter to the Government 27 June 2023, the Mission requested further clarification on the evidence. As of 29 February 2024, no response or information was received by the Mission from the Government of Iran.

774. Announcing the death of her daughter in a video, Nika Shakarami's mother, referred to it as a "crime'' and stated that she was under pressure to make forced statements and a confession on TV, including by characterizing her daughter's death as a suicide. [1482] Her maternal uncle also contested claims of a suicide and a fall in an interview with Tasnim News Agency.[1483] Her family repeatedly asserted that Nika Shakarami was participating in the protest that took place in Tehran on the 20 September as she went missing. [1484]

775. A witness detailed a death in custody of an injured child protester who was intentionally deprived of essential medical care. Although the injured child was brought to

1476 "Mother of Slain Protester Denounces State TV Whitewash", Iranwire, 6 October 2022.

1477 FFM-IRAN-D-001652 (Video); "Mother of Slain Protester Denounces State TV Whitewash", Iranwire, 6 October 2022.

1478 FFM-IRAN-D-001652 (Video); "Mother of Slain Protester Denounces State TV Whitewash", Iranwire, 6 October 2022.

1479 FFM-IRAN-D-001788 (Recording); "Nika Shakarami: Iran protester's family forced to lie about death", BBC, 6 October 2022; "Mother of Slain Protester Denounces State TV Whitewash", Iranwire, 6 October 2022.

1480 See FFM-IRAN-D-001653 (Video).

1481 "The Preliminary Investigation Conducted by the High Council for Human Rights Regarding the Allegations on the Death of Under 18 People During the Recent Riots", 20 October 2022, pp 4-5.

1482 FFM-IRAN-D-001652 (Video).

1483 "Nika was victimized in line with ethnicity assassination and incitement", Tasnim News Agency, 3 October 2022.

1484 FFM-IRAN-D-001652 (Video).

Khomeni hospital in Urmia, both his hands and legs were tied to a hospital bed, security agents (Nuruhai Amniyati) intervening and restricting doctors and nurses from administering treatment and medicines. Within a few days the child was reported to have died of his injuries following denial of proper medical care.[1485]

"You don't know what they did to me. They kept telling me to say I killed someone. I was forced to say what they wanted because they raped me with a hosepipe." [1486]

Statement obtained by the Mission of a 17-year-boy

776. The Mission found credible information that children as young as twelve-years-old were subjected to rape and other forms of sexual and gender-based violence. According to one statement obtained, agents sexually assaulted children, touching private parts, and threatened them with rape to break their morale and to bring them to sign a confession.[1487] Another statement refers to a rape of a child with a hosepipe, received electric shocks on their genitals. [1488] Children reportedly being told: "Take off your pants!" [...] "Bring the Vaseline!" "You must undress and walk naked in front of us until morning."[1489]

777. Psychological torture was also inflicted on children.[1490] According to credible information this included solitary confinement.[1491] One witness indicated that children were forced to witness executions which put them in an overwhelming condition of distress, unable to recover.[1492]

"During my detention, I spent 10 days in a solitary cell of 1x2 metres, in complete darkness. The solitary confinements and prevailing conditions had very negative psychological effects on me; effects that are still with me even after being released.[1493]

Statement obtained by the Mission of a 16-year-boy
detained in September 2022

778. A witness explained to the Mission that her brother was made to witness live executions. She stated that "after forcing him to witness an execution, they put a gun to his head and said to him "now is your turn". Security agents also threatened him that they would sleep with his sisters and mother. One of the agents touched his private parts and ridiculed him and made him feel ashamed. The witness suspects that they might have raped him."[1494] An adolescent detained in November 2022 stated that his interrogators sat him in front of a person. He said the interrogator had something in his hand which he placed on the person's head and asked: "Are you sorry or not?" As the person replied, "No, I'm not sorry, and I'll do it again". He then heard a shot. He explained that he was crying so much and only heard two more shots. He then felt someone come to him and put something on his head. It was something like the barrel of a gun and he said, "It's your turn."[1495]

779. A child explained to the Mission how he was told to inform the authorities of anyone intending to demonstrate, as a condition for his release. The authorities threatened saying "If you don't give us information by tomorrow night, we will come to your house and snatch you out of your parents' arms".

(b.) Children's conditions of detention

780. Many children explained that they were kept together with adult detainees, in some cases for a few days and then moved to a segregated facility, in others for longer periods.

[1485] FFM-IRAN-D-000097 (FFMI Interview).
[1486] FFM-IRAN-D-001525 (Statement).
[1487] FFM-IRAN-D-001651 (Statement).
[1488] FFM-IRAN-D-001525 (Statement).
[1489] FFM-IRAN-D-000125 (Statement).
[1490] FFM-IRAN-D-000514; FFM-IRAN-D-000146.
[1491] FFM-IRAN-D-000129 (Statement).
[1492] FFM-IRAN-D-000514 (FFMI Interview).
[1493] FFMI-IRAN-D-060014 (Statement).
[1494] FFM-IRAN-D-000514 (FFMI Interview).
[1495] FFM-IRAN-D-001621 (Statement).

Many explained the physical space in which they were detained as being overcrowded. In one case, 40 to 50 detainees including children were held in a small cell. [1496]

781. One witness, a former prisoner in Ghaem Shahr Prison, Mazandaran Province explained that the cell was 25-square-meters, and there were 48 people cramped together, including boys aged 16-years.[1497]

782. In another instance, children were held in inhuman conditions of detention, being deprived of sufficient food and/or potable water.[1498] A child placed in solitary confinement for 20 days told the Mission that during his time in detention he was given only a small piece of bread once, and at nighttime, pushed in from under the door, and nothing else to eat.[1499]

6. Impact of torture, ill-treatment and conditions of detention

783. Persons detained in connection with the protests who were subjected to physical and psychological torture and ill-treatment, including inhuman, cruel and degrading conditions of detention, endured mental suffering as a result of physical and psychological torture as well as both short- and long-term impact on their physical and mental health.[1500]

784. A witness detained in October 2022 explained to the Mission his ribs, his jaw and teeth were broken and how they started again on the following day while his body was completely bruised to the point that he was no longer able to walk.[1501] Statements obtained by the Mission describe heavy bleeding, loss of consciousness, loss of teeth and fractures. One man indicated that one of his ribs was broken as a result of torture but that luckily, he did not do an internal damage.[1502] A man hit in the testicles and burst, indicated he had blood in his urine.[1503] Another young man explained that due to the beatings he endured during arrest, his two vertebrae in his spinal cord were broken.[1504]

785. In a statement obtained by the Mission, a man explained that after having two officers throw him on the ground and jump on his body with both their feet, he couldn't walk on his right leg, so the police officers had to drag him on the ground "like someone who had passed out". His shirt that was completely red, stained with blood, that his patella buckled, his cruciate ligament was torn and that his ribs and the humerus of his shoulder were broken.[1505] In another statement obtained, a man indicated that he was tortured "in a way that he could not eat anything for a month," and that his nose and legs were broken as a result of being kicked with military boots. [1506]

786. Nine images of a man who reported in detail the various forms of torture he was subjected to as well as 11 images of medical documents were analysed by a Forensic pathologist who assessed that the witness's back presented tram track contusions covering at least 80 per cent of the back and patterned tram track abrasion of the lower limbs. According to the forensic expertise[1507], these marks are seen in cases of physical abuse when the victim has been subjected to repeated blows or impacts which led him to conclude that these injuries were consistent with the witness's statement of experiencing beatings while in detention.

1496 FFM-IRAN-D-001516 (FFMI Interview); FFM-IRAN-D-000129; FFM-IRAN-D-001525 (Statement).
1497 FFMI-IRAN-D-050033 (FFMI Interview).
1498 FFM-IRAN-D-001694 (Video).
1499 FFM-IRAN-D-001525 (Statement).
1500 FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000133 (Statement); FFM-IRAN-D-001554 (Statement); FFMI-IRAN-D-060014 (Statement). On impact of torture and ill-treatment in general, see e.g. A/59/324 paras. 43 to 60.
1501 FFM-IRAN-D-000511 (FFMI Interview).
1502 FFMI-IRAN-D-060018 (Statement).
1503 FFM-IRAN-D-000826 (FFMI Interview).
1504 FFM-IRAN-D-000697 (FFMI Interview).
1505 FFM-IRAN-D-000682 (FFMI Interview).
1506 FFMI-IRAN -D-060030 (Statement).
1507 FFM-IRAN-D-001698.

"I have the same kind of fear and anxiety throughout the day. It is mainly because of my experience during detention. Now I'm afraid of my own shadow."

787. Many victims spoke about the devastating psychological impact of the torture and ill-treatment inflicted on them. Speaking about the psychological torture he suffered, a witness stated: "being beaten up is better that these forms of torture, with physical torture, you pain will get better, you will go to physiotherapy, but the impact of these types of torture remains."[1508] In an statement obtained, a woman spoke about the impact of female officers' behaviour in Qarchak Prison who beat and "engaged in vile obscenity". She indicated: "It was unbelievable and unbecoming of any human being to be so repulsive. Under such conditions, it was impossible to think that these obscenities wouldn't affect the young detainees How could they forget? They were very shocked. There were many detainees under the age of 18, despite the claim by authorities to have freed the children."[1509]

788. A witness detained in Evin explained to the Mission how the two months of detention changed her life in a way that affected her mental health and her physical health. She said her hair became grey in prison, she lost her job, had to leave her country and now has a life which is "upside down"[1510] Another witness explained that she is "damaged" and needs to take medication every day.[1511] A victim explained how he was suffering from post-traumatic stress disorder symptoms, felt depressed, isolated and did not want to socialize or engage with people.[1512] In a statement obtained, a man who reported two suicide attempts following his release.[1513]

789. A witness also explained the anxiety prisoners feel about their family members and how their detention impacted them. "All the concern of prisoners is their families; how they are doing do they have enough to eat? What is one's child doing?" He said that among the detainees held in Qaem Shahr prison, there were two brothers who were the breadwinners and mother was left alone without any support. "We all preferred to be beaten up as compared to this".[1514] According to a statement obtained, a man severely tortured by IRGC intelligence indicated in his statement obtained by the Mission that after he was released, he was admitted to a psychiatric hospital for a month.[1515] Another man similarly tortured said in another statement obtained by the Mission that when he was first released, he was mentally crushed and that even now despite being at peace? he still has nightmares and is afraid to be arrested again.[1516]

790. The Mission also obtained a statement from a clinical psychologist who reported on the mental health status of two young men and a child who were arrested and suffered torture in detention. He reported notably that the 15-year-old boy was diagnosed with suicidal thoughts, and depression, that another young man he saw was suffering of depression and that his third patient was "in avoidance", with no social relations anymore for fear of being re-arrested.[1517]

(a) Impact of SGBV on survivors

"I reached the brink of suicide. Even now, as I talk to you, my entire body feels like it's on fire. There hasn't been a night where I haven't had nightmares. I was so depressed that I wanted to end my pain. But then I thought, why should I destroy myself? I should make them answer for their crimes."[1518]

Statement obtained by the Mission of a rape survivor

[1508] FFMI-IRAN-D-050025 (FFMI Interview).
[1509] FFM-IRAN-D-000133 (Statement).
[1510] FFMI-IRAN-0500112 (FFMI Interview).
[1511] FFM-IRAN-D-000768 (FFMI Interview).
[1512] FFM-IRAN-D-000533 (FFMI Interview).
[1513] FFM-IRAN-D-001557 (Statement).
[1514] FFMI-IRAN -D-050102 (FFMI Interview).
[1515] FFMI-IRAN -D-060022 (Statement).
[1516] FFMI-IRAN -D-060013 (Statement).
[1517] FFM-IRAN-D-001638 (Statement).
[1518] FFM-IRAN-D-001643 (Statement).

791. Sexual and gender-based violence poses deep and enduring consequences on the physical and mental health of survivors. In the Islamic Republic of Iran, survivors sustained physical injuries which often went untreated, either because care was denied to them, or because they feared arrests by the security forces for disclosing the violence they endured. Others were deeply ashamed and feared rejection by their own families. Rape survivors also reported fearing reprisal, including arrest by security forces, which coupled with the feelings of shame, left them with no other choice but to leave Iran. Survivors were commonly able to receive medical care and psychological support only after they were able to relocate abroad.

792. When survivors described the sexual violence they experienced in detention, fear, pain, and harm, emerged as the most common narratives amongst them. Victims reported experiencing vaginal bleeding and irregular menstruation months after the assault they endured, along with chronic pain, flashbacks, anxiety, and insomnia.[1519] Other detainees who had spoken to survivors described them as being "broken", appearing quiet like "a mouse" and "never the same" after the rapes. Violence directed at LGBTQI+ people in detention confined survivors to their homes, leaving them feeling "no longer the same" and overcome by negative views with themselves.[1520]

(a) Credible information obtained by the Mission consisting of the psychological evaluations of survivors of rape and other forms of sexual and gender-based violence endured in detention indicated similar experiences, including shame, anxiety, severe PTSD as well as feelings of deep anger and revenge.

(b) Impact of torture and ill-treatment on children

793. Evidence shows the devastating physical and psychological impact that torture and ill-treatment had on children including symptoms of post-traumatic stress disorder (PTSD), flashbacks, nightmares, suicidal thoughts or attempts, anxiety, self-isolation, lack of concentration, low mood, and panic. Other symptoms reported include frequent crying, withdrawing from school and activities, and not communicating with their friends and family members.[1521]

794. A mother said "I went to the juvenile detention facility (*kanoun*) to find out if my son was being held there. When they called him, I saw all the torture marks on my child – he had blisters on the soles of his feet, scars on his hands and feet from being chained, and his forehead was swollen and scarred. He said they pulled his hair and hit his head against a wall to force him to [make forced 'confessions']".[1522]

795. A witness ¨spoke in detail on the impact of torture on her younger brother who suffered from PTSD. She said that: "despite the short duration of detention of her brother, he was in very bad shape when he was released from prison. The brother who was made to witness executions has often a difficulty to sleep in the night. As his head was hit and swollen then they took him to a doctor and got some treatments. She mentioned that mentally he was in such a bad condition, with nightmares, he was crying, even if he was sleep only for 2 hours in 24 hours then he will wake up.[1523]

796. According to a statement obtained by the Mission, a mother whose child survived torture and sexual violence I didn't want to ask him anymore because I thought he would be reminded of it. He tried to commit suicide twice in detention – once by having tablets, another time by ingesting washing up liquid."[1524]

[1519] FFM-IRAN-D-000067 (FFMI interview); FFM-IRAN-D-000589 (FFMI interview). FFM-IRAN-D-001643 (Statement); FFM-IRAN-D-000763 (FFMI interview).
[1520] FFM-IRAN-D-000149 (FFMI Submission); FFM-IRAN-D-000150 (FFMI Submission); FFM-IRAN-D-000149 (FFMI Submission).
[1521] FFM-IRAN-D-000514; FFM-IRAN-D-000146.
[1522] FFM-IRAN-D-001525 (Statement).
[1523] FFMI-IRAN-0500113 (FFMI Interview).
[1524] FFM-IRAN-D-001525 (Statement).

7. Impunity

(b) "If I had filed a lawsuit against the perpetrators, and their bosses, for committing these totally illegal acts of torture, I wouldn't have any hope that the relevant authorities would investigate. In addition, there was the possibility that [the security authorities] would intensify their pressures. For this reason, I never tried to file a lawsuit or complaint in the judicial system."[1525]

797. Statement of a man received by the Mission of a man detained by agents of the IRGC Intelligence

798. Iran, as a state party to the ICCPR is required to conduct prompt, impartial, independent and thorough investigations into all allegations of torture and ill-treatment, bring those responsible to justice, and ensure that victims have access to an effective remedy and receive reparation, notwithstanding the official status of the offender. The Head of the Judiciary is required to establish a committee to ensure that procedural regulations governing the administration of detention centres and prohibiting the use of torture and other forms of ill-treatment against prisoners are followed, and that all those responsible for violations are held accountable.[1526]

799. However, Iranian law contains serious shortcomings that undermine accountability for acts of torture and ill-treatment.[1527] Iranian laws fail to define and criminalize torture in line with international standards. Article 578 of the Islamic Penal Code does not use the word torture, fails to adequately guarantee the right to a remedy and reparation. It also limits the punishable violation to physical assault of the accused, hence excluding the infliction of mental pain and suffering and excludes torture and ill-treatment inflicted on an individual for other purposes than "to force him or her to confess", namely torture and ill-treatment aimed at punishing and intimidating.

800. A victim stated that he was taken four times to a court, where he showed marks of beatings on his body, but the investigator told him that *"it was good that they beat him".* Every time he said he was beaten, he was beaten more upon return to his cell.[1528]. A woman explained that it was impossible for any of the detainees in the prison to get out of the quarantine section and talk to any authority. She stated that each time a prison authority was coming to her section, she tried to talk about her condition and mentioned that her brother also tried to take her medical record to a judge, but she said they denied everything and did not take any action.[1529]

801. The Mission obtained several statements indicating that despite seeing injuries resulting from torture, judicial authorities took no action. A man tortured in detention in Saqqez stated for instance that at the court hearing, he had a plaster cast on his leg and told the judge he had been tortured. He said the judge responded, "You were tortured? So what? Go complain to the military court."[1530] Another man explained in a statement obtained by the Mission that when brought before Judge Makhmali Branch 2 of Islamic Revolutionary Court with bruises on his body and face, he could not report mistreatment because he was not even allowed to speak.[1531] A witness who had been tortured said that the official who was in charge of accepting new prisoners at Evin was "very professional" and realized that his injuries were serious and said he could not accept him in Evin because he had broken bones in a thousand

1525 FFM-IRAN-D-000133 (Statement).

1526 Article 15 of the Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights.

1527 Under article 570 Iran Islamic Penal Code, officials and authorities affiliated with state institutions and bodies who unlawfully deny individuals their personal freedoms, or deprive them of the rights enshrined in the Constitution of the Islamic Republic of Iran, shall be sentenced to between two months' and three years' imprisonment in addition to dismissal from service and prohibition of state employment for one to five years. According to article 578, any civil servant or judicial or non-judicial agent who corporally mistreats and abuses an accused person in order to force him to confess shall also be sentenced.

1528 FFM-IRAN-D-000067 (FFMI interview).

1529 FFMI-IRAN-D-0500155 (FFMI Interview).

1530 FFM-IRAN-D-000826 (FFMI Interview).

1531 FFM-IRAN-D-000131 (Statement).

places in his body." In that condition, he explained that he was returned to the FARAJA security station. He also explained that days after his release, he was brought before Branch 15 of the Revolutionary Court, presided by Judge Abolqasem Salvati. The whole trial lasted 10 minutes. He kept making obscene comments during the trial. He said, "If they broke your arm and leg, they did a good job." [1532]

802. In none of the cases reported to the Mission where victims denounced the tortured and ill-treatment to prison and /or judicial authorities,[1533] could the Mission find evidence that adequate measures were taken to prevent further torture and to hold perpetrators accountable. On the contrary, evidence gathered by the Mission showed that in many instances, judicial authorities not only failed to act but in some instances condoned acts of torture, ill-treatment.

8. Findings

Torture

803. The Mission is satisfied that acts, including beatings, punching, kicking, flogging, burning, rape, attempted rape and other forms of sexual violence, suspension from the ceiling, deprivation of sleep, food or water, and administration of substances against the will of a person deprived of liberty described above caused severe pain or suffering, physical or mental, were inflicted intentionally. These acts were committed for purposes such as extracting a confession, obtaining information, punishment, intimidation, humiliation, coercion and reasons based on discrimination, and involve public official of Iran. As such, these acts amount to torture. Other acts described, such as death threats, insults and verbal abuse, constitute cruel, inhuman or degrading treatment or punishment.

804. In particular, the Mission has reasonable grounds to believe that the police, intelligence and security agents and some prison officials used widespread torture and ill-treatment against children, women and men detained for their participation or alleged participation in the "Women, Life, Freedom" movement.

805. The Mission established that Iranian public officials had intentionally inflicted acts of torture for purposes such as extracting a confession, obtaining information, punishment, intimidation, humiliation, coercion or for reasons based on discrimination, and preventing participation in protests.

Rape and other forms of sexual and gender-based violence

806. The Mission established that rape and other forms of sexual and gender-based violence were committed in a widespread manner against real or perceived supporters to the "Woman, Life, Freedom" movement. The Mission has reasonable grounds to believe that State agents belonging to the Basij, police, IRGC, the Ministry of Interieur and the Ministry of Intelligence committed sexual and gender-based violence at a large scale against detained women, men and LGBTQI+ persons, including rape, threats of rape,[1534] sexual touching, electrocution to the genitals and forced nudity,[1535] which amount to torture.[1536] By perpetrating rape and other forms of sexual violence, the State also violated individuals' right to right to

[1532] FFMI-IRAN-0500116 (FFMI Interview).

[1533] FFM-IRAN-D-000067 (FFMI interview); FFMI-Iran-D-060011 (Statement): FFM-IRAN-D-000826 (FFMI interview); FFMI-IRAN-D-060004 (Statement); FFM-IRAN-D-000133 (Statement); FFM-IRAN-D-000682 (FFMI Interview); FFM-IRAN-D-001699 (Statement).

[1534] *Kvočka* Trial Judgment, paras. 548, 559, 560–561.

[1535] "Sexual torture begins with forced nudity, which in many countries is a constant factor in torture situations. An individual is never as vulnerable as when naked and helpless. Nudity enhances the psychological terror of every aspect of torture, as there is always the threat of potential sexual torture or ill-treatment, including rape". UN, Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, para. 455, available at: https://www.ohchr.org/documents/publications/training8rev1sp.pdf.

[1536] *Prosecutor v. Anto Furundžija*, ICTY, Case No. IT-95-17/1-T, Judgment, December 10, 1998, para. 171. Prosecutor v. Jean-Paul Akayesu, ICTR, Case No. ICTR-96-4-T, Judgment, September 2, 1998 (*Akayesu* Trial Chamber Judgment), para. 687UN Commission on Human Rights; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, E/CN.4/1995/34, January 12, 1995, para. 19.

bodily integrity, the rights to autonomy and to sexual autonomy, the right to privacy, the right to the highest attainable standard of physical and mental health, women's right to equality before the law and the rights to be free from violence, discrimination, torture and other cruel or inhuman treatment. By failing to criminalize rape as a distinct crime and providing a clear definition of informed consent, or the lack thereof, the Islamic Republic of Iran, furthermore, violated its obligation to protect individuals from sexual violence, including women and girls, under the ICCPR. By restricting the definition of rape to a limited scope of non-consensual penetrative rape committed by men only outside of wedlock, the State also failed to protect women and girls from other forms of rape and sexual violence, including rape with an object, as well as groping, harassment and touching. Information obtained through sexual and gender-based violence was also used as grounds for their arrests, in violation of international human rights law.

807. In a glaring illustration of systematic discrimination and violence against women and girls, the Mission also found that security forces capitalised on cultural and sexual taboos and impunity for sexual and gender-based violence violations, to spread fear, humiliate, punish, and terrorise women, men and LGBTQI+ persons or their families for their participation in the protests. In resorting to sexual violence against women protesters however, security forces deliberately used gendered insults and equated women's participation and aspiration for equal human rights against "willingness to get naked" or an attempt to "spread immorality". Such expressions manifest deeply rooted fundamental discrimination in law and in practice against women and girls in the Islamic Republic of Iran.

808. The Mission concludes that Iranian authorities subjected children, women and men detained in connection with the protests to inhumane and degrading conditions of detention.

809. The Mission has reasonable grounds to believe that judicial officials failed to comply with their legal obligation to prevent acts of torture committed in detention facilities, failed to investigate allegations of torture and ill-treatment during arrests and detention, and relied on confessions obtained under torture and in the absence of lawyers to convict defendants. The Mission found that judicial authorities were aware of credible allegations of such crimes and took no action to prevent further violations, to protect, consciously disregarded such information.

D. Trials of individuals in connection with the protests

810. Soon after the start of the "Woman, Life, Freedom" protests, a torrent of statements by State authorities started to emerge announcing arrests and warning protesters with imminent criminal prosecutions. By late October 2022, trials of protesters had already started and by late November, slightly over two months from the start of the protests, thousands of them had already received a judgment. State authorities did not make public any detailed or disaggregated information with regards to the overall number of individuals with respect to whom they conducted criminal investigations, or indicted, prosecuted, tried, convicted and sentenced in connection with the protests.[1537] However, official statements reveal that over 22 thousand individuals faced criminal investigations and prosecutions within the first six months of the protests that started on 16 September 2022.

811. The Mission investigated cases of individuals being prosecuted in connection with the protests, gathering and analysing a wide range of evidence, including direct accounts of witnesses; summons issued by prosecutors' offices and courts; judgments; defence submissions; photographic and audio-visual evidence; official statements and information published by the Judiciary, Prosecutor's offices and other State institutions; domestic laws, regulations and decrees, documentation provided by civil society organizations outside Iran and their public reports; and open source information, including interviews given by lawyers

[1537] As noted in earlier parts of this document, on 3 March 2023, Gholamhossein Eje'i, the Head of Judiciary, announced that 22,628 individuals of the 82,656 who had received state pardons had been connected with the protests, adding that the figure included "those who had been convicted" as well as "those who were pardoned prior to convictions". "22 of those pardoned are connected to the recent riots/82 thousand pardoned", IRNA, 13 March 2023.

and family members of detainees to domestic and international media, journalistic coverage of cases of criminal prosecutions, and information available through social media platforms. It is important to note that data regarding arrests and detentions, indictments or other documents regarding judicial proceedings, including judgment are not generally made publicly available by Iran's judiciary.

812. The Mission repeatedly sought information from the Government with regards to the judicial proceedings against protesters, including on the status of proceedings against those pardoned as well as their gender, age and ethnicity.[1538] No response was received from the State to date.

1. International legal framework

813. International human rights law provides for the right to a fair trial and for due process guarantees (ICCPR, article 14; CRC, article 40; see also UDHR, article 10). ICCPR article 14 (1) entitles individuals to a fair and public hearing by a competent, independent and impartial tribunal established by law, if they face any criminal charges or if their rights and obligations are determined in a suit at law. Paragraphs 2 to 5 of the article contain procedural guarantees available to persons charged with a criminal offence. The Human Rights Committee (HRC) noted that Article 14 contains guarantees that States parties must respect, regardless of their legal traditions and their domestic law (CCPR/C/GC/32, para. 4).[1539]

814. The HRC noted that "tribunal" in ICCPR article 14 (1) designates a body, regardless of its denomination, that is established by law, is independent of the executive and legislative branches of government or enjoys in specific cases judicial independence in deciding legal matters in proceedings that are judicial in nature. Article 14 (1) guarantees access to such tribunals to all who have criminal charges brought against them (CCPR/C/GC/32, para. 18).

815. The HRC also highlighted that the requirement of competence, independence and impartiality of a tribunal is an absolute right that is not subject to any exception. The requirement of impartiality has two aspects according to the HRC. First, judges must not allow their judgment to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other. Second, the tribunal must also appear to a reasonable observer to be impartial (CCPR/C/GC/32, para. 21).

816. The provisions of article 14 apply to all courts and tribunals within the scope of that article whether ordinary or specialized, civilian or military (CCPR/C/GC/32, para. 22).[1540] The HRC also notes that the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned. Therefore, it is important to take all necessary measures to ensure that such trials take place under conditions which genuinely afford the full guarantees stipulated in article 14 (CCPR/C/GC/32, para. 22).

817. Moreover, the HRC stated that it must be ensured that courts based on customary law or religious courts cannot hand down binding judgments recognized by the State, unless the following requirements are met: proceedings before such courts are limited to minor civil and criminal matters, meet the basic requirements of fair trial and other relevant guarantees

[1538] See ANNEX I.

[1539] Importantly, the Human Rights Committee noted that while article 14 is not included in the list of non-derogable rights of ICCPR (Article 4 (2)): States derogating from normal procedures required under article 14 in circumstances of a public emergency should ensure that such derogations do not exceed those strictly required by the exigencies of the actual situation. Moreover, the guarantees of fair trial may never be made subject to measures of derogation that would circumvent the protection of non-derogable rights, such as ICCPR articles 6 and 7. The Human Rights Committee in this regard highlighted that as article 7 is also non-derogable in its entirety, no statements or confessions or, in principle, other evidence obtained in violation of this provision may be invoked as evidence in any proceedings covered by article 14, including during a state of emergency, except if a statement or confession obtained in violation of article 7 is used as evidence that torture or other treatment prohibited by this provision occurred. Deviating from fundamental principles of fair trial, including the presumption of innocence, is prohibited at all times (CCPR/C/GC/32, para. 6).

[1540] See Section II on the structure of Iran's domestic courts.

of the Covenant, and their judgments are validated by State courts in light of the guarantees set out in the Covenant and can be challenged by the parties concerned in a procedure meeting the requirements of article 14 of the Covenant (CCPR/C/GC/32, para. 24).

818. The notion of fair trial includes the guarantee of a fair and public hearing. the Human Rights Committee highlighted that fairness of proceedings entails the absence of any direct or indirect influence, pressure or intimidation or intrusion from whatever side and for whatever motive (CCPR/C/GC/32, para. 25). Apart from such exceptional circumstances, a hearing must be open to the general public, including members of the media, and must not, for instance, be limited to a particular category of persons (CCPR/C/GC/32, para. 29).

819. According to ICCPR article 14 (2), a person charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law. The HRC noted that it is a duty for all public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused. Defendants should normally not be presented to the court in a manner indicating that they may be dangerous criminals. The media should avoid news coverage undermining the presumption of innocence (CCPR/C/GC/32, para. 30).

820. ICCPR article 14 (3) protects the rights of persons charged with a criminal offence, including the right to be to be informed promptly and in detail in a language which they understand of the nature and cause of criminal charges brought against them, to have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing. It also includes the guarantee to be present during the trial; the right to defend oneself in person or through legal counsel of one's choosing and to be informed of this right; and the right to have legal assistance assigned to accused persons whenever the interests of justice so require, and without payment by them in any such case if they do not have sufficient means to pay for it. The provision also guarantees the right of accused persons to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them; and the right not to be compelled to testify against oneself or to confess guilt.

2. Criminal prosecutions in connection with the protests

821. Despite the lack of official statistics, statements by State authorities show that criminal prosecutions and sanctions were used against protesters on a mass scale and within a short span of time. In its March 2024 report in reaction to the report of the Mission, entitled "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission", the High Council for Human Rights in Iran referred to the report of the "Special Committee to Investigate the 2022 Unrest" which it said confirmed that "during the Riot of 1401 [2022], cases were filed for about 34 thousand people". It stated that "filing a case" against a person is not the same as detentions and that many of such persons had received orders of non-suit and their cases were dismissed.[1541]

822. During this period, the heads of Justice Departments (*dadgostari*) of several provinces also provided some indication of the number of indictments. On 28 December 2022, the head of the Justice Department in Qazvin province announced that 93 individuals whom he referred to as "the agents and elements of the recent riots in the province" had been convicted.[1542] Others included the following: Zanjan, (119),[1543] West Azerbaijan (95),[1544]

[1541] "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission", High Council for Human Rights of the Islamic Republic of Iran, March 2024. P. 27.

[1542] "First-instance sentences issued for 93 agents and elements of the recent riots in Qazvin province", Mizan News Agency, 28 December 2022.

[1543] "Indictments issued for 119 rioters in Zanjan province", Mizan News Agency, 26 October 2022.

[1544] "Indictments issued for the detainees of recent unrest in Semnan and West Azerbaijan", ISNA, 26 October 2022.

Markazi (276),[1545] Khouzestan (213),[1546] Alborz (201),[1547] Hormozgan (164),[1548] Kurdistan (110),[1549] Qzvin (237),[1550] and Sistan and Baluchistan (45),[1551] Semnan (89),[1552] Isfahan (316),[1553] and Kerman (25).[1554]

823. The Mission highlights that not all individuals charged with criminal offences were pardoned, as they did not meet the announced conditions. This suggests that the real number of those facing criminal investigations and prosecutions was even higher than 22,628. Furthermore, trials of persons in connection with the protests, including those of women defying mandatory *hijab*,[1555] lawyers,[1556] journalists,[1557] and family members of victims,[1558] continued well beyond March 2023 and were ongoing at the time of writing this document.

3. Criminalisation of peaceful assembly and expression

824. State authorities charged and tried protesters and others who manifested their solidarity with the protests in cases that effectively constituted criminalisation of peaceful assembly and expressions of dissent. Based on the information reviewed by the Mission, offices of prosecutors and courts, including both criminal and revolutionary, considered activities such as participation in protests;[1559] chanting slogans or writing slogans on the walls;[1560] dancing and clapping;[1561] removing the mandatory *hijab*;[1562] advocating for human rights;[1563] taking videos and photos in connection with the protests;[1564] publishing social media content deemed critical by the authorities and/or sending such content to journalists,

[1545] "Indictments issued for 276 detainees of the recent riots in Markazi ", Mehr News, 14 November 2022.
[1546] "Indictments issued for 105 cases related to the recent unrest in Khuzestan ", ISNA, 25 October 2022.
[1547] "Indictments issued for 201 [individuals] accused [of involvement] in riots in Alborz", Tabnak, 24 October 2022.
[1548] "Indictments issued for 164 individuals accused of recent crimes against security in Hormozgan", ISNA, 6 December 2022.
[1549] "Indictments issued for 110 individuals accused/facing charges [in connection with] recent riots ", ISNA, 25 October 2022.
[1550] "First-instance sentences issued for 93 agents and elements of the recent riots in Qazvin province", IRNA, 28 December 2022.
[1551] "45 indictments issued for those accused [in connection with] riots in Zahedan", IRNA, 2 November 2022.
[1552] "Indictments issued for the detainees of recent unrest in Semnan and West Azerbaijan", ISNA, 26 October 2022.
[1553] "Indictments issued for 316 cases [related to] recent riots in Isfahan", ISNA, 12 November 2022.
[1554] "Indictments issued for 25 cases [related to] riots in Kerman province", IRNA, 26 October 2022.
[1555] See Section VIII.
[1556] See Section X on lawyers.
[1557] See Section X on journalists.
[1558] See Section X on families.
[1559] FFM-IRAN-D-001571 (Court Documents); FFMI-IRAN-050031 (FFMI Interview); FFMI-IRAN-D-050407 (FFMI Interview); FFM-IRAN-D-000743 (FFMI Interview); FFM-IRAN-D-000744 (FFMI Interview); FFMI-IRAN-D-05055 (FFMI Interview); FFMI-IRAN-0500233 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFMI-Iran-D-050008 (FFMI Interview) (FFMI Interview); FFM-IRAN-D-001584 (Court Records); FFM-IRAN-D-001583 (Court Records); FFM-IRAN-D-001585 (Court Records); FFM-IRAN-D-001586 (Court Records).
[1560] FFMI-IRAN-050401 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFM-IRAN-D-000685 (FFMI Submissions); FFM-IRAN-D-000684; FFM-IRAN-D-000683; FFM-IRAN-D-001587 (Court Records); also see, "The arrest of three slogan writers in Shaft", Mehr News, 26 November 2022; "Three people who wrote slogans arrested in Qarchak" Mehr news, 16 September 2023; "Fars: two young woman who wrote slogans against norms in Lavasan were arrested within an hour", Entekhab, 9 October 2022.
[1561] FFM-IRAN-D-001587 (Court Records); FFMI-IRAN-050031 (FFMI Interview); "Iranian Couple Handed Long-Term Prison Sentences For Posting Dance Video", IranWire, 30 January 2023.
[1562] See Section VIII.
[1563] FFMI-IRAN-0500109 (FFMI Interview); FFMI-IRAN-0500105 (FFMI Interview); FFMI-IRAN-050187 (FFMI Interview); FFM-IRAN-D-001588 (Court Documents).
[1564] FFM-IRAN-D-001589 (Court Documents).

media outlets and human rights defenders outside the country;[1565] publicly speaking up or reporting about human rights violations and/or criticising the authorities;[1566] calling for or encouraging protests or strikes;[1567] publishing material in solidarity with the protesters;[1568] publicly speaking up including through giving media interviews by victims including those injured and blinded[1569] and the families of those killed;[1570] and participation in commemorative ceremonies for the victims and visiting their gravesites;[1571] as activities amounting to criminal offences. A lawyer who represented tens of protest related detainees said that the majority of their clients were arrested as they engaged in acts such as writing slogans on the walls, participation in the protests and honking their car horns in solidarity with the protesters, and were charged accordingly.[1572] Another lawyer reported that their clients systematically faced charges of "gathering and colluding against national security" simply for using whispered hashtags[1573] during the protests. When legally challenged, a Revolutionary Court judge in Tehran with a large case load connected to the protesters told the lawyer that protesters had "colluded" with "enemy media" through the use of hashtags.[1574]

825. An illustrative case is that of several protesters in Arak, Markazi province. In August 2023, Branch 105 of Criminal Court 2 in Arak, tried and convicted eight men and a woman on charges of "disrupting public order" and "insulting the sanctities of Islam" in connection with an assembly in which they were alleged to have participated in and sentenced them to punishments that included public flogging. According to information reviewed by the Mission, including State and domestic media reports[1575] and the judgment in the case,[1576] the defendants were among a group of people who, on 27 July 2023, had allegedly gathered at the gravesite of Mehrshad Shahidinejad, a young protester who had reportedly been killed

1565 FFM-IRAN-D-001590 (Court Documents); FFM-IRAN-D-001591 (Court Documents); FFM-IRAN-D-001590 (Court Documents); FFM-IRAN-D-001593 (Court Documents); FFM-IRAN-D-001589 (Court Documents); "Person who sent images of school students poisoning to hostile media arrested in Qazvin", ISNA, 20 April 2023; "Court in Shiraz sentenced Elham Afkari to five years in prions", Radio Farda, 20 December 2022.

1566 FFMI-IRAN-D-050094 (FFMI Interview); FFMI-IRAN-0500106 (FFMI Interview); FFMI-IRAN-D-050102 (FFMI Interview); FFM-IRAN-D-001594 (Court Documents); FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050408 (FFMI Interview) FFM-IRAN-D-001595 (Court Documents); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFM-IRAN-D-001017 (FFMI Interview); FFMI-IRAN-05029 (FFMI Interview); FFMI-IRAN-050222 (FFMI Interview); FFM-IRAN-D-001590 (Court Documents) FFM-IRAN-D-001596 (Court Documents; FFM-IRAN-D-001514 (FFMI Interview).

1567 FFMI-IRAN-D-050109 (FFMI Interview); FFM-IRAN-D-000743 (FFMI Interview); FFM-IRAN-D-001597 (Court Documents); FFM-IRAN-D-001589 (Court Documents).

1568 FFM-IRAN-D-001513 (FFMI Interview).

1569 FFMI-IRAN-D-050083 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001598 (Court Documents); FFM-IRAN-D-001599 (Court Documents); FFM-IRAN-D-001560 (Court Documents); FFM-IRAN-D-001561 (Court Documents); FFMI-IRAN-D-050029 (FFMI Interview).

1570 See Section X on families.

1571 FFMI-IRAN-D-050151 (FFMI Interview).

1572 FFMI- IRAN -D-050057 (FFMI Interview).

1573 Most commonly used hashtags during the protests included, in English and Persian, "Mahsa Amini", "Jina Amini", "Woman, life, Freedom", "nationwide strikes", "nationwide protests", "Iran's Revolution", and "Nika Shakarami". See, "Hashtag protesting Mahsa Amini's death broke the record", Radio Farda, 18 September 2022; "Continued support for the protests in Iran: Nika Shakarami hashtag goes viral", DW, 5 October 2022; "What happened in Persian Twitter during the first 75 first days of the protests", 14 December 2022.

1574 FFMI-IRAN-D-050008 (FFMI Interview).

1575 "Judgment for nine norm-breakers of Tasua mourning ceremony issued in Arak", Mashregh News, 12 August 2023; "Robust response and no compromise with norm-breakers of Tasua mourning day in Arak", IRNA, 31 July 2023; "Issuance of judgment against arrestees of Arak cemetery case; flogging to be implemented after Friday prayers in Arak's Mosalla) and imprisonment", Emtedad, 2 September 2023; "Eight accused persons, imprisonment, flogging and exile", Shargh Daily, 25 November 2023.

1576 FFM-IRAN-D-001587 (Court Documents).

after security force struck him in the head with a baton a year earlier.[1577] They were reportedly arrested several days later.[1578] According to the judgment, obtained through an NGO, the nine defendants were accused of "assembling on the gravesite while some individuals in white clothes with unveiled women clapped to a particular music and chanted slogans". The publication of the videos of the alleged activities online were considered by the court to have "injured the heart of the country's Muslim and devout people".[1579]

826. Merely a month after these arrests and following a single hearing, the court acquitted the woman defendant in the case and sentenced the male defendants to prison terms, flogging, mandatory residency in different cities (known as internal exile) and a two-year prohibition on online activities. The judge ruled that "due to the social impact of the committed crime and fears that the accused persons and others would repeat these", the flogging was to be carried out in public in Arak's Mosalla and after prior announcements.[1580] The court called in evidence the defendants' previous record of participation in protests. According to interviews given by the defendants' lawyer to domestic media, they were detained for over a month without access to a lawyer and denied access to their independently appointed lawyers even at trial.[1581] The eight defendants were also convicted of "spreading propaganda against the system" for the same alleged activities by Branch One of the Revolutionary Court in Arak.[1582]

827. According to evidence reviewed and analysed by the Mission, most of the activities described in the court documents and other primary sources of information in the cases investigated, fall under the scope of protected human rights, namely the exercise of the rights to freedom of thought, conscience, and religion, to freedom of opinion and expression, of peaceful assembly, and/or to freedom of association.

828. Prosecution of persons in connection with the exercise of their protected rights is made possible through Iran's domestic legal framework. The country's Constitution contains several provisions with regards to the right to freedom of expression, the right of peaceful assembly and the right to freedom of association. However, the provisions subject these rights to vague and undefined exception clauses. For example, freedom of association is protected under article 26 of the Constitution as long as it does not violate the "criteria of Islam". Article 27 protects freedom of assembly so long as it is not "detrimental to the fundamental principles of Islam". Similarly, Article 24 guarantees freedom of expression for the publications and the press "except when it is detrimental to the fundamental principles of Islam or the rights of the public".[1583]

829. Restrictions on protesters' rights under international law are further exacerbated by other legislation, most notably the 2013 Islamic Penal Code, which contains provisions that not only impose undue restrictions but criminalise them, in some instances making them punishable by death.[1584] These include provisions criminalising insulting the Islamic religion and religious figures,[1585] insulting the authorities, including Ayatollah Khomeini,[1586]

1577 "Security forces attack the anniversary ceremony of Mehrshad Shahidinejad, several arrested", Radio Farda, 29 October 2023.

1578 "Identification and arrest of recognized desecrators in Arak cemetery", Mehr News, 4 August 2023; "How was Mehrshad Shahidinejad killed", Radio Farda, 2 November 2022. See also https://www.instagram.com/p/CrVPmoNtREt/?img_index=1; https://www.instagram.com/p/Cl1y5g0N7_4/.

1579 FFM-IRAN-D-001587 (Court Documents).

1580 FFM-IRAN-D-001587 (Court Documents).

1581 "Eight accused persons, imprisonment, flogging and exile", Shargh Daily, 25 November 2023.

1582 "Eight accused persons, imprisonment, flogging and exile", Shargh Daily, 25 November 2023.

1583 The Constitution of the Islamic Republic of Iran, 24 October 1979.

1584 See Section V. E.

1585 This includes articles 262 of the Islamic Penal Code which subjects insulting the Prophet of Islam or other Prophets to the death penalty and article 513, which criminalises insulting Islamic sanctities.

1586 Article 514 of the Islamic Penal Code.

Ayatollah Khamenei[1587] and the President[1588] as well as those imposing sanctions for "spreading propaganda against the system"[1589]

830. Other vague and overtly broad offences also allow for the criminalisation of conduct that may encompass lawful and legitimate exercise of protected human rights. This includes, "gathering and colluding to commit crimes against the security",[1590] "forming of and/or membership in a group or association with the intent to undermine the country's security",[1591] "spreading lies with intent to disturb the public opinion",[1592] "disrupting the public order", the capital offences of "waging war against God" (*moharebeh*)[1593] and "spreading corruption on earth"[1594] and "collaborating with enemy groups and hostile governments".[1595] The Mission recorded the details of over a 100 persons reportedly charged with capital offences in the context of the protests, with many charged with the overly broad and vaguely worded criminal offences of "waging war against God" (*moharebeh*) and "corruption on earth" (*efsad-e fel arz*).[1596] The Mission highlights that the number of persons charged with such capital offences is believed to be higher, but many cases are not reported publicly or to human rights organizations due to fear of reprisals.[1597]

831. According to official statements,[1598] as well as information reviewed by the Mission, including direct witness statements,[1599] court documents including summons and orders

[1587] Article 514 of the Islamic Penal Code.

[1588] Article 609 of the Islamic Penal Code. Under international standards, public officials to be exposed to a greater degree of scrutiny and public criticism. The Human Rights Committee has stated that the mere fact that forms of expression are deemed to be insulting to a public figure is not sufficient to justify the imposition of penalties. HRC, General Comment 34, Article 19 (Right to Freedom of Expression), CCPR/C/GC/34, para. 38.

[1589] Article 500 of the Islamic Penal Code.

[1590] Article 610 of the Islamic Penal Code.

[1591] Articles 498 and 499 of the Islamic Penal Code.

[1592] Article 698 of the Islamic Penal Code.

[1593] Article 279 of the Islamic Penal Code.

[1594] Article 286 of the Islamic Penal Code.

[1595] Article 508 of the Islamic Penal Code.

[1596] "The Death Penalty; Main Tool of Political Repression in the Year of "Woman, Life, Freedom" Movement", 13 September 23; Iran Human Rights, "Iran: List of individuals at risk of execution in connection to nationwide protests", Amnesty International, 16 September 2022; "Iran: 14 people sentenced to death in relation to protests", Amnesty International, 7 February 2023. For list by Follow-up Committee, see https://twitter.com/followupiran/status/1587161393442299905. FFM-IRAN-D-001545 (Court Documents); FFM-IRAN-D-001564 (Court Documents); FFM-IRAN-D-001602 (Court Documents).

[1597] See Section V. E.

[1598] For example, the Head of the Justice Department in Semnan listed the following as some of the charges brought before persons indicted "gathering and colluding to commit crimes against national security", "causing disturbance to public order and peace," "forming groups with the aim of disrupting the country's security", "inciting and provoking people to war and killing of each other with the intent to disrupt the country's order", "spreading propaganda against the system through participation in riots and production of [video] clips". See "Indictments issued for the detainees of recent unrest in Semnan and West Azerbaijan", ISNA, 26 October 2022. Similarly, on 28 December, the head of the Justice Department in Qazvin stated that the charges against 93 convicted individuals in connection with the protests were "gathering and colluding to commit crimes against national security", "spreading propaganda against the system online", "illegal assembly", "inciting and provoking people to war and killing of each other with the intent to disrupt the country's security", "acting against national security", "propaganda in favour of groups and organizations opposing the system", "spreading cyber lies" and "disrupting the public peace and order", see "First-instance sentences issued for 93 agents and elements of the recent riots in Qazvin province", Mizan News Agency, 28 December 2022.

[1599] FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050004 (FFMI Interview); FFMI-IIRAN-D-050093(FFMI Interview); FFMI-IRAN-05029 (FFMI Interview); FFMI-IRAN-D-050083 (FFMI Interview); FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050102 (FFMI Interview); FFMI-Iran-D-050086 (FFMI Interview); FFM-IRAN-D-000110 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFMI-IRAN-0500233 (FFMI Interview); FFMI-IRAN-D-050403 (FFMI Interview); FFMI-IRAN-D-050407 (FFMI Interview); FFMI-IRAN-050222 (FFMI Interview); FFM-

issued by the offices of the prosecutor and courts, indictments, and judgments issued by courts of first instance, appeal courts and the Supreme Court,[1600] and open sources such as interviews given by lawyers, vaguely worded and broadly defined charged of "spreading propaganda against the system", "gathering and colluding to commit crimes against the security", "disrupting the public order", "forming of and membership in a group or association with the intent to undermine the country's security", "spreading lies with intent to disturb the public opinion", "insulting the leader", "insulting the sanctities of Islam", "waging war against God" (*moharebeh*), "spreading corruption on earth" *(efsad-e fel arz),* were commonly used in the cases of individuals prosecuted in connection with the protests. Two lawyers who had represented tens of protest detainees reported that nearly all their clients faced the charges of "spreading propaganda against the system" and "gathering and colluding to commit crimes against national security".[1601] Official statements and state media reports made on individual cases, including that of artists, journalists, human rights defenders and lawyers, as well audio-visual material including videotaped and publicly aired "confessions" of persons arrested by security and intelligence bodies in connection with the protests corresponds with the information collected by the Mission regarding charges commonly brought against individuals in the context of protests.[1602]

832. These broadly defined offences contravene the principles of legality under international human rights law, grant broad discretion and interpretive powers to prosecutorial and judicial authorities and are commonly used[1603] to repress real or perceived dissent and opposition including in the context of protests.[1604] A lawyer representing what are considered "security" cases stated that the law effectively rendered it impossible for lawyers to mount an effective substantive defence in such cases:

"The law is worded so broadly that when you challenge that an act does not constitute propaganda [against the state], the judge would argue in return that it does indeed constitute propaganda. It is all subject to wide interpretation."[1605]

833. Based on the available evidence, prosecutions and convictions solely for exercising protected rights in connection with the protests were not a random occurrence. The repeated use of such prosecutions and convictions on a regular basis over the course of the period between September 2022 and the time this document was written constituted a clear pattern.

834. The evidence reviewed further shows that most persons tried in connection with the protests were brought before Revolutionary Courts. The Mission highlights that UN experts

IRAN-D-001017 (FFMI Interview); FFMI-IRAN-050173 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFMI-Iran-D-050077; FFMI-IRAN-D-050043 (FFMI Interview) (FFMI Interview) (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview); FFM-IRAN-D-001024 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFM-IRAN-D-001468 (FFMI Interview); FFM-IRAN-D-000823 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).

1600 FFM-IRAN-D-000703 (Court Documents); FFMI-IRAN-050173 (FFMI Interview); FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-001603 (Court Documents); FFM-IRAN-D-001605 (Court Documents); FFM-IRAN-D-001564 (Court Documents; FFM-IRAN-D-001563 (Court Documents); FFFM-IRAN-D-001590 (Court Documents); FFM-IRAN-D-001606 (Court Records); FFM-IRAN-D-001607 (Court Documents); FFM-IRAN-D-001586 (Court Documents); FFM-IRAN-D-001586 (Court Documents); FFM-IRAN-D-001018 (FFMI Interview; FFM-IRAN-D-001598 (Court Documents); FFM-IRAN-D-001599 (Court Documents); FFM-IRAN-D-001560 (Court Documents); FFM-IRAN-D-001561 (Court Documents); FFMI-IRAN-D-050102 (FFMI Interview); FFM-IRAN-D-001594 (Court Documents); FFM-IRAN-D-001587 (Court Documents); FFM-IRAN-D-001610 (Court Documents); FFM-IRAN-D-001611 (Court Documents).

1601 FFMI-IRAN-D-050057 (FFMI Interview); FFMI-IRAN-D-050008 (FFMI Interview).

1602 See for instance, "Hengameh Ghaziani arrested with an investigatory order", Mizan News Agency, 20 November 2022; "Trial session for Katayoun Riahi's charges was held/presence of Riahi's son and lawyers at the court session", Mizan News Agency, 11 January 2023; "What was the charge against Shervin Hajipour?", ISNA, 10 October 2022.

1603 See Section VIII and Section V. E.

1604 See also Human rights Committee Concluding Observations, CCPR/C/IRN/CO/4, para. 24(a), 23 November 2023.

1605 FFM-IRAN-D-001448 (FFMI Interview).

and bodies have repeatedly raised concerns about the role of Revolutionary Courts, which as detailed in Section II, were established without a Constitutional basis. Based on reports, Revolutionary Courts are responsible for the majority of death sentences issued and routinely try and convict journalists, human rights defenders, lawyers and others for the exercise of their protected human rights.[1606] The Mission highlights that fair trial violations are further exacerbated in Revolutionary Courts, in particular given that they have jurisdiction over national security offences where, as detailed below, additional restrictions are imposed under the law including in relation to access to lawyers, casefile material, and written judgments.

4. The right to a fair trial

Right to presumption of innocence

835. Judicial proceedings against persons tried in connection with the protests took place against the backdrop of State's labelling of the protests as "riots" and vilification of protesters as "rioters". State authorities, including the head of the Judiciary, , the Prosecutor General, the Heads of Justice Departments (*dadgostari*) in various provinces, and Friday prayer Imams as representatives of the Supreme Leader, repeatedly referred to the protests as "riots" and described them as a ploy by "enemy" and "hostile" States' and their intelligence services, the "anti-revolutionaries" and "the enemy media" in order to overthrow the Islamic Republic's system.[1607] Officials and state media repeatedly accused real or perceived opponents of having committed serious crimes, using denigrating terms and language such as "riot elements" and "the agents of the enemy".[1608]

836. On 28 October 2022, in a joint statement entitled "the Enlightening Joint Statement by the Ministry of Intelligence and the Intelligence Organization of the IRGC surrounding the Interventions of the American Regime in the Recent Riots in the Country", Iran's core intelligence bodies alleged that "foreign intelligence services" had been behind the "ground preparations" and the "implementation of the executive operation" of the "recent unrest" and

[1606] Human Rights Committee, Concluding observations on the fourth periodic report of the Islamic Republic of Iran, CCPR/C/IRN/CO/4, 23 November 2023, Para 41; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/49/75, 13 January 2022, paras 55 & 56.

[1607] See also the statement of the Country Security Council issued in December 2022, "Statement by National Security Council regarding the recent events", Mizan News Agency, 3 December 2022; "Recent assemblies in the country turned into riots with the entrance of leaders and agents of the enemy", Rasa News, 30 September 2022; "The Head of the Judiciary threatens the most severe punishment for enemy agents promoting social abnormalities", Tasnim, , 31 May 2023; "Warning of the Head of the Judiciary to instigators of riots/ You must pay the material and non-material damages incurred", Fars News, 26 September 2022, "Qazvin's prayer leader: The enemy was after creating sedition through women in recent riots", Tasnim, 13 October 2022; "Tehran's Temporary prayer leader: The issue of Ms. Amini is not of concern to rioters/ these riots were against the people", Mizan News Agency, 23 September 2022; "The most important goal of the enemy in the recent riots is to destroy the bond between the people and the Supreme Leader", IRNA, 30 November 2022; "Member of Parliament: Enemy agents in riots slapped harshly by the people", IRNA, 19 November 2022; "The head of the department of justice appreciates the presence of Lorestani [individuals] in the rally condemning the recent riots", ISNA, 24 September 2022; "The main goal of the recent riots was to overthrow the regime", Mehr News, 5 February 2023; "The enemy was after overthrowing [the regime] in recent riots/ Discovery of an anti-Revolutionary team in Isfahan", IRNA, 25 February 2023; "The goal of Westerners in the recent riots is to disintegrate Iran after overthrowing the regime/The level of relations with these countries must be reduced", Javanonline, 18 November 2022, "No leniency or concessions shall be made with the criminals of recent riots", Mehr News, 1 December 2022.

[1608] "Joint statement by Ministry of Intelligence and the Intelligence Organization of Sepah (IRGC)", ISNA, 28 October 2022; "Statement by National Security Council regarding the recent events", Mizan News Agency, 3 December 2022; "Recent assemblies in the country turned into riots with the entrance of leaders and agents of the enemy", Rasa News, 30 September 2022; "The Head of the Judiciary threatens the most severe punishment for enemy agents promoting social abnormalities", Tasnim, 31 May 2023; "Member of Parliament: Enemy agents in riots slapped harshly by the people", IRNA, 19 November 2022.

that their ploy had been executed through "groups and networks in the country that were connected to them." [1609]

837. In late October and November 2022 and simultaneous with official announcements that the trials of the "key elements of the riots"[1610] had started, Mizan, the news agency of the Judiciary, and other State affiliated media repeatedly published news articles on the trials of individuals arrested and charged in connection with the protests, publishing images of defendants in prison uniforms and referring to them as "rioters" while the trials were still ongoing.[1611] On 29 October 2022, an announcement was made by Mizan News Agency that the trial of several individuals accused in connection with the "recent riots" had started earlier in the day before a Revolutionary Court in Tehran, presided by judge Abolghasem Salavati.[1612] Subsequently, Iran's state media published video footage and photographs of the court session showing an official banner behind the judge, which in violation of the accused persons' right to presumption of innocence, referred to the court conducting the group trial as the "court for dealing with the charges against recent rioters".

838. The Mission established a clear pattern of airing of video-taped "confession" by persons accused in connection with the protests by State media immediately after detainees were arrested and/or prior or during their trials. The State's broadcasting service, the Islamic Republic of Iran's Broadcasting (IRIB) and its news agency, as well as the Judiciary's news agency, Mizan News Agency and other state media, including, Fars News, Mehr News, and the Islamic Republic's News Agency, the Intelligence Organization of the IRGC and the website of IRGC's Centre to Investigate Organized Crime, Gerbab, systematically released videotaped statements of persons arrested in connection with the protests, in violation of their rights to presumption of innocence and not to self-incriminate.

839. The Mission reviewed 30 such videos[1613] depicting men and women arrested in connection with the protests. In some of these videos, persons have been recorded while "confessing" to the commission of acts falling under protected rights such as removing their *hijab*, participating in or calling for protests, and chanting slogans. In others, individuals make statements incriminating themselves and/or others in acts such as alleged arson, the use of Molotov cocktails, stabbing, fatal assault and shooting at the security forces. While the timing of the recording of some of these videos remains unclear, the Mission established that in some cases, the "confessions" were taped at the time of the arrest, shortly after the arrest and before the start of the trial. In several cases, investigation by the Mission established that the "confessions" taped and aired were extracted under torture or other ill-treatment and/or in the absence of lawyers. The IRIB and other state media aired video-taped "confessions" prior to convictions, of at least six of the nine men executed in connection with the protests.[1614]

840. The Mission also found the terms of the State pardons, announced by the Judiciary in February 2023, which included a requirement for admission of guilt and expression of remorse even for those who had not been convicted, to have been in violation of individuals' rights, including their right to presumption of innocence.[1615] In a prosecutorial order examined by Mission, the authorities terminated criminal investigations against six

[1609] "Joint statement by Ministry of Intelligence and the Intelligence Organization of Sepah (IRGC)", ISNA, 28 October 2022.

[1610] "Rioters on trial, from Islamic leniency to response teaching a lesson", IRNA, 1 November 2022.

[1611] See "The court hearing against three recent rioters", Mizan News Agency, 7 November 2022; "Court proceedings against recent rioters", Mizan News Agency, 3 November 2022; "The proceedings against recent rioters continues/a rioter who assaulted a citizen and set his motorbike on fire", Mizan News Agency, 3 November 2022; "Proceedings against recent rioters in Tehran, court hearing", Mizan News Agency, 29 October 2022.

[1612] "Court session to try the cases of those recent rioters in Tehran/ the accused person who ran over police officers and caused the martyrdom of one officer/father of the martyr asked the court for maximum punishment", Mizan News Agency, 29 October 2022.

[1613] Videos on file with the Mission.

[1614] See Section V. E.

[1615] For example, see FFMI-IRAN-D-050057 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).

individuals accused of vaguely worded and broadly defined offences such as "spreading propaganda against the system", in light of a decree by the head of the judiciary pertaining to the State pardons and the "written undertakings" by the accused persons stating that they would not "repeat similar intentional offences."[1616] Similarly, another prosecutorial order involving tens of accused persons ordered the termination of investigation against over thirty people given that they had "expressed remorse" and provided written undertakings that they would not "repeat similar intentional offences."[1617] In its 12 March reaction to the report of the Mission, the High Council for Human Rights of Iran equated arrest with the establishment of one's guilt saying, "Of course, the mission's claim that innocent people have also received amnesty with the precondition of expressing remorse is completely baseless because no innocent person has been arrested to be pardoned".[1618]

Access to independent and impartial tribunals

841. Evidence reviewed by the Mission show that the Office of the Prosecutor lacked independence and impartiality and operated closely with security and intelligence bodies.[1619] Victims stated that they witnessed prosecutorial officials consulting with security and intelligence agents about their cases, in person or on the phone, in a manner from which it appeared they were receiving instructions including on issuing detention or bail orders.[1620] A victim who was arrested by the IRGC's Intelligence Organization and was detained for over three months said:

Basij and the Revolutionary Guards do what they want to do and request and receive the orders legalising their actions later. They conduct arrests knowing that warrants will be issued subsequently. They even speak with the prosecutors in a commanding manner.[1621]

842. In several cases investigated by the Mission, prosecutorial officials did not accept the bail amount furnished by the relatives of detainees thus prolonging their stay in the custody of security and intelligence agencies.[1622] In some cases, victims and lawyers reported that such delays were aimed at allowing for physical marks of torture on detainees to disappear before they were released.[1623] Prosecutorial officials failed to take any steps to conduct investigations into allegations of torture, ill-treatment and irregularities.[1624] In the case of several detainees investigated by the Mission, the intelligence body conducting the questioning was located in the same building as the Office of the Prosecutor.[1625]

843. The Mission similarly established that judges, who were expected to be guarantors of a fair process, lacked independence and impartiality, manifestly exhibited apparent bias against protestors and real and perceived dissidents and systematically ignored complaints of torture and ill-treatment, coerced confessions, and disregarded flagrant irregularities.[1626]

1616 FFM-IRAN-D-001588 (Court Documents); FFM-IRAN-D-001448 (FFMI Interview).
1617 FFM-IRAN-D-001612 (Court Documents).
1618 "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission", High Council for Human Rights of the Islamic Republic of Iran, March 2024, p. 37.
1619 FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050086 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-050031 (FFMI Interview); FFM-IRAN-D-001613 (Court Documents); FFM-IRAN-D-001583 (Court Documents).
1620 FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050086 (FFMI Interview).
1621 FFMI-IRAN-D-050102 (FFMI Interview).
1622 FFMI-IRAN-D-050408 (FFMI Interview); FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-001676 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFM-IRAN-D-001614 (Submission); "Eight accused persons, imprisonment, flogging and exile", Shargh Daily, 25 November 2023.
1623 FFMI-IRAN-D-050014 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFM-IRAN-D-000685 (FFMI Submissions); FFM-IRAN-D-000684; FFM-IRAN-D-000683.
1624 See Section V. C.
1625 FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050408 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview).
1626 FFMI-IRAN-D-050094 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-050031 (FFMI Interview); FFM-IRAN-D-000110 (FFMI Interview); FFM-IRAN-D-001448 (FFMI

Witnesses reported that courts lacked independence and judges presiding over their trials were hostile towards them, subjected them to shouting and insults, and repeated the same line of questioning as their interrogators.[1627] A witness described that her hearing before a Revolutionary Court "felt just like another interrogation session,"[1628] while another emphasised that it was the security and intelligence bodies that effectively governed the justice system.[1629] A lawyer who himself was arrested and tried in connection with the protests described the Revolutionary Court judge presiding over his case as a "signature machine" for the intelligence and security bodies, whose judgments were issued at their orders.[1630] He stated:

"Up to the point of the court hearing, I had put all my efforts to present a defence and get an acquittal, so I could continue my work as a lawyer. During the hearing, however, I realised that whether I mount a defence or not, the court had decided to convict me. A clear sign of this was that when I was reading my defence, the judge paid no attention to me and was on his computer with his earphones on, watching a video footage he had received from intelligence bodies pertaining to another case… I did not appeal the judgment; I knew it would be upheld as it was."[1631]

844. A lawyer who represented tens of protest related detainees in court said that judges at Revolutionary Courts routinely held meetings with intelligence officials just prior to hearings or spoke with them on the phone.[1632] The lawyer reported that their clients received the exact prison term that interrogators from intelligence bodies had told them would be imposed.[1633]

845. In cases of women defendants, prosecutorial and judicial officials, similar to interrogators from security and intelligence bodies,[1634] subjected accused persons and defendants to sexual slurs and gendered insults.[1635] A lawyer said that the judge presiding over the case of a woman whose photos depicting her in a shirt that showed her midriff were found on her phone, subjected her to profanities and told her, "you are all whores" during her few-minute long hearing.[1636] In another case, a witness said that a prosecutorial official hit the table with his fist and subjected her to insults and profanities by telling her to shut up, that she was "the daughter of a whore" and a "rioter".[1637] The Mission has also reviewed open source material similarly showing that in one case a Revolutionary Court judge subjected a woman to gendered insults including by telling her that she was involved in "prostitution".[1638]

846. Judgments analysed by the Mission, as detailed below, also reveal that courts regularly handed down convictions by rebutting the defence's evidence and objections without providing any explanations. Instead, they heavily relied on reports by security and intelligence bodies as well as self-incriminating statements made by accused persons in the absence of lawyers and under torture and other ill-treatment, to convict accused persons.

Right to lawyer of the one's choice and effective assistance of legal counsel

847. The vast majority of individuals detained in connection with the protests did not have access to a lawyer, including to those approved by the Judiciary (See paragraph xx below),

Interview); FFMI-IRAN-D-050407 (FFMI Interview); FFM-IRAN-D-001023 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).

1627 FFMI-IRAN-D-050094 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-050031 (FFMI Interview); FFM-IRAN-D-000110 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFMI-IRAN-D-050407 (FFMI Interview).

1628 FFMI-IRAN-050031 (FFMI Interview).

1629 FFMI-IRAN-D-050043 (FFMI Interview).

1630 FFM-IRAN-D-001513 (FFMI Interview).

1631 FFM-IRAN-D-001513 (FFMI Interview).

1632 FFMI-IRAN-D-050008 (FFMI Interview).

1633 FFMI-IRAN-D-050008 (FFMI Interview).

1634 See Section V. C.

1635 FFM-IRAN-D-001448 (FFMI Interview).

1636 FFM-IRAN-D-001448 (FFMI Interview).

1637 FFM-IRAN-D-001018 (FFMI Interview).

1638 "Judge Salavati's insults to Astiaj Haghighi, the woman arrested for dancing", IranWire, 5 February 2023.

following arrest and during the course of investigations.[1639] No former detainee interviewed by the Mission had access to a lawyer while undergoing interrogations.[1640] Detainees did not have access to independently appointed lawyers during the entire investigations.[1641] Two lawyers who had represented tens of protest related detainees reported that lawyers were "absolutely never" granted access to their clients during interrogations and the investigation phase of the proceedings when their clients were detained.[1642] Defence lawyers in Iran also repeatedly and publicly stated that lawyers were generally barred at the investigation phase.[1643] A lawyer reported:

"In about 50 protest related cases that I represented, I never had access to either my clients or the casefile during the investigations. It was only when the case was sent to the court that we, as lawyers, could enter the case. Before that, lawyers are only able to proceed on the basis of general principles and their speculations and give advice to the families."[1644]

848. Security and intelligence bodies in charge of detention and officials at Offices of the Prosecutor simply rejected detainees' requests to access a lawyer.[1645] A former detainee, himself a lawyer, said:

"Agents from the Judiciary's Intelligence took me before the assistant prosecutor. He started to take my statements. I told him that I wanted a lawyer. He said, 'you are yourself a lawyer, better than 100 lawyers.' I told him that this was not relevant and that I had been brought before him as an accused individual and not in my position as a lawyer. I said that mentally and psychologically, I was not in a state to defend myself. He said, 'so you will not answer?' I said that I had answered, and that my answer was that I wanted a lawyer. He left and I could see that he was speaking with someone on the phone, either the prosecutor or the intelligence agents. He came back saying 'no, you do not need a lawyer.'"[1646]

849. Another former detainee said that a day after his arrest, he asked his interrogators, who, according to him, belonged to the Ministry of intelligence, whether he could have access to a lawyer. The interrogators denied his request, in turn subjected him to insults and profanities and told him that "they were the decision makers there."[1647] Another detainee was told that "here, in this place, you cannot even call God" after she requested prosecutorial officials to have access to a lawyer. When she insisted that, given the gravity of the charges against her, she was legally entitled to have a lawyer, prosecutorial officials told her, "Oh, so you are one of those who think they are clever".[1648]

850. Under Iranian law, there is no express right to a lawyer of the accused's choice following arrest or during interrogation and at other stages of trial. According to article 48 of the 2015 Code of Criminal Procedure and subsequent amendments (the 2015 CCP), detained

1639 FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050094 (FFMI Interview); FFMI-IRAN-050173 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-D-050124 (FFMI Interview); FFMI-IRAN-D-050405 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview); FFM-IRAN-D-001618 (Statement); FFM-IRAN-D-001616 (Statement); FFM-IRAN-D-001617 (Statement); FFM-IRAN-D-001615 (Statement); FFM-IRAN-D-001590 (Court Documents); FFM-IRAN-D-001596 (Court Documents).

1640 See Section V. C.

1641 FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050004 (FFMI Interview); FFMI-IRAN-D-050093 (FFMI Interview); FFMI-IRAN-D-050231 (FFMI Interview); FFM-IRAN-D-000095 (FFMI Interview); FFM-IRAN-D-000593 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFMI-IRAN-050031 (FFMI Interview).

1642 FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).

1643 FFM-IRAN-D-001448 (FFMI Interview); "The situation of protest [related] courts; from the inaction of [state] selected lawyers to the backlog of cases", Etemad Online, 6 December 2022; "Report on a very important limbo", Shargh Newspaper, 3 January 2023; "Letter from a number of lawyers about [state] appointed lawyers in prosecutor's offices and courts", ISNA, 11 January 2023.

1644 FFM-IRAN-D-001448 (FFMI Interview).

1645 FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050148 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview).

1646 FFMI-IRAN-D-050408 (FFMI Interview).

1647 FFMI-IRAN-D-050083 (FFMI Interview).

1648 FFMI-IRAN-D-050407 (FFMI Interview).

individuals can request a lawyer from the start of the detention. Lawyers can meet with the detained individual while "observing the secret nature of the investigation"., . The law places limits on the amount of time detained individuals can meet with their lawyers.[1649] Furthermore, severe restrictions on the right to access a lawyer of one own's choosing are imposed under the note to the article. Under the note, individuals accused of "crimes against internal or external security" and "organized crimes" which are punishable by death, life imprisonment, amputation, payment of one-half or more of a full person's *diya* (blood money), and ten years' imprisonment or more are only permitted to select their legal counsel from a list of lawyers approved by the Head of the Judiciary for the entire duration of the investigation phase.[1650]

851. In their reply to the UN Special Procedures, the Iranian authorities have stated that the "philosophy" of the note to article 48 "is the existence of classified information and documents in security files to which only authorized and competent authorities shall have access."[1651] In a media interview on 1 September 2020, a former Revolutionary Court's Judge and member of the Parliament's Legal and Judicial Commission stated that the note to article 48 was needed because "unfortunately, some lawyers had not kept the state's secrets".[1652] In October 2022, in an event for the establishment of the bar association in Khouzestan and amid the nationwide protests, the Judicial Deputy of the Judiciary stated that "[…] the accused has the right to choose a lawyer. However, sometimes the interest of the country is so important for which article 48 of the Code of Criminal Procedure has been ratified."[1653]

852. In their statement, including in their reply to the UN Special Procedures, the authorities of the Islamic Republic have said that the restrictions imposed under the note to article 48 of the CCP are only applied to the investigation phase.[1654] Contrary to Iran's own laws and these statements, the Mission confirmed that in some cases, the authorities, and in particular the Revolutionary Courts, applied these restrictions to the trial stage, thereby denying defendants access to their independently appointed lawyers even after the end of the preliminary investigations. In some cases, defendants were told by judicial and prosecutorial authorities that they could only be represented by Judiciary-approved lawyers.[1655]

853. Several witnesses stated that they were not permitted by courts to have access to lawyers of their own choosing during the trial phase and that they were only represented by lawyers of their own choice after the issuance of the judgment and at the appeal stage.[1656] This was further confirmed by lawyers interviewed by the Mission.[1657] In at least one

[1649] The CCP is effectively silent with regards to the cases of individuals who face criminal charges but are not detained.

[1650] The crimes falling under the note to article 48 are specified under article 302 of the Code of Criminal Procedure and are the following: "crimes punishable by the death penalty", "crimes punishable by life imprisonment", "crimes punishable by amputation and intentional crimes against one's physical integrity punishable by payment of half of a full *diyeh*", and "*ta'zir* (discretionary) crimes of degree three and above". The note to article 48, in addition to restricting the accused persons' access to lawyers of their own choosing in violation of international law, is formulated in a vague manner. As such, it remains unclear whether "political and media crimes", which are mentioned under article 302 also fall within the inclusion of the note to article 48.

[1651] "The Comments of the Islamic Republic of Iran on the 23 November 2022 Joint Urgent Appeal from the Special Procedures Mandate Holders Regarding Pouran Nazemi", Ref. 2050/1508897, 22 February 2023,

[1652] "The problem would be resolved if the number of article 48' note lawyers increases", Vokalapress, 1 September 2020.

[1653] "The legal deputy of the judiciary: Sometimes, the country's interests are so important that Article 48 has been adopted for them", ILNA, 30 October 2022.

[1654] "The Comments on the Allegations Raised in the 18 January 2023 Correspondence of the Special Procedures Mandate-Holders Regarding Lawyers", Ref. 2050/1643094, 22 January 2023.

[1655] FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview); "Eight accused persons, imprisonment, flogging and exile", Shargh Daily, 25 November 2023.

[1656] FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview).

[1657] FFMI-IRAN-D-050073 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview).

instance, Mizan News Agency, the news agency of Iran's Judiciary, confirmed that in the case of Mohammad Ghobdalou, a young protester who was executed in January 2024, in accordance with the note to article 48 of the CCP, his independently appointed lawyers did not have the clearance to represent him before the Revolutionary Court. The young man was undergoing two separate trials on capital charges at the time.[1658] In some cases, defendants did not have a lawyer even during the trial.[1659] In one case, a lawyer undergoing trial in connection with the protests was told by a Revolutionary judge at trial that he was a lawyer and could defend himself, therefore his lawyers were not permitted to attend the hearing.[1660] Some lawyers reported that certain judges at Revolutionary Courts did not accept specific lawyers with a track record of taking what are considered "security" cases.[1661]

854. In the months following the start of the protests, in interviews with domestic media and letters addressed to the head of the Judiciary, lawyers in Iran repeatedly stated that courts, in particular Revolutionary Courts, were not permitting lawyers of defendants' own choosing to represent their clients even during the trial stage.[1662] On at least two occasions, on 19 November 2022 and 16 January 2023, in letters addressed respectively to the head of the Judiciary and the head of the Supreme Court, the President of the National Union of the Bar Associations, citing reports by "numerous lawyers", stated that Revolutionary Courts were applying the note to article 48 of the CCP to the trial stage, denying the defendants' independently appointed lawyers at trial.[1663]

855. Witnesses, including lawyers interviewed by the Mission, raised concerns about the independence of "article 48 lawyers" and their ties with the authorities[1664] meaning independent lawyers were generally excluded from the list.[1665] In one case, a lawyer said that a colleague of his who "was not an insider to the system" yet had accidently been included in the list of approved lawyers by the Judiciary had attempted to take on his case. Officials at the Office of the Prosecutor however removed them from the list of approved lawyers as soon as they reminded them that under the law, they could take on the case and told them that they were no longer on the list.[1666]

1658 "Description of proceeding in the case of Mohammad Ghobadlou's/his offences are tried before two separate courts…", Mizan News Agency, 2 November 2022.

1659 FFMI-IRAN-050031 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-050222 (FFMI Interview).

1660 FFM-IRAN-D-001513 (FFMI Interview).

1661 FFMI-IRAN-D-050057 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).

1662 "The situation of protest [related] courts; from the inaction of [state] selected lawyers to the backlog of cases", Etemad Online, 6 December 2022; "Letter from 45 lawyers and university law professors to the Head of the Judiciary regarding the Note to Article 48 and disruptions in accepting lawyers of one's own choosing", Vokalapress, 16 January 2023; "Three points about the statements of the first deputy of the judiciary about reforming the Note to Article 47 of the Code of Criminal Procedure", Vokalapress, 25 December 2022; "The detention of lawyer of Mohammad Ali Kamfirouzi is an attempt to nudge people towards lawyers [approved by the head of the judiciary as per] the Note to Article 48", Vokalapress, 19 December 2022; "Publication of some reports about disruptions in accepting bar lawyers in Tehran and Hamedan courts", Vokalapress, 2 November 2022; "Dr Mohsen Borhani: in the case of Mohsen Shekari, the family of the deceased can seek a retrial", Vokalapress, 22 December 2022.

1663 "Jafar Kousha addressing Mortazavi Moghadam: courts like Branch 1 and 15 of Tehran and Karaj Revolutionary Courts refuse to accept lawyer the accused persons lawyer of choosing", Vokalapress, 18 January 2023; and "The letter of the chair of Scoda to the head of Supreme Court: some branches of Revolutionary Courts refuse to accept the accused persons' lawyers of choice" Ekhtebar, 18 January 2023.

1664 FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview). See also "Judiciary Vice President: position of a lawyer is as high as of a judge's/ the independence of lawyers in their position defending has equal value as that of the judge's in their judgeship position", Mizan News Agency, 2 December 2022.

1665 A 2018 article by state media which announced the addition of 43 lawyers to the Judiciary's stated that some of newly added were retired judges and that one, as a former judge presiding a criminal court had issued 3000 death sentences under *qesas* during his tenure as a judge. See "43 new lawyers added to the trusted lawyers by the head of the judiciary", IRNA, 15 October 2018.

1666 FFMI-IRAN-D-050408 (FFMI Interview).

856. According to information analysed by the Mission, many judiciary-approved lawyers did not provide protest-detainees and defendants with effective assistance. Witnesses who themselves or their loved ones were appointed with 'article 48 lawyers' reported that such lawyers effectively undermined them in court and treated them in a manner similar to that of their interrogators including by telling them to "cooperate" with the authorities.[1667] A person detained in connection with the protests along with tens of other protest detainees said:

The detainees were told that they could only have state-appointed lawyers. Many of my fellow detainees had been forced to accept these lawyers who would call their families and tell them that if they wanted the situation of their loved ones resolved, they should pay exorbitant fees. They had turn this into a business, given that their numbers were limited. They would tell their clients to cooperate. Why would detainees need a lawyer if they are told the same things by them that they are told by their interrogators? These lawyers acted as interrogators.[1668]

857. In a media interview, an Iranian lawyer stated that judiciary appointed lawyers "want to preserve their place in the Judiciary's list and as such, not only do they not take any steps for the accused individuals, but act as the catalyst for convictions in courts".[1669]

858. The small number of judiciary-approved lawyers as compared to the number of individuals arrested and charged in connection with the protests further affected the right of detainees to access a lawyer. A lawyer stated that following the start of the protests, several families of detainees were going to his office on a daily basis asking him to represent their loved ones.[1670] He further stated that only 40 lawyers were on the judiciary's list in a large province and only three of those were in fact active in the province's capital. Similar figures have been provided by other lawyers speaking with domestic media indicating overwhelming demand for legal representation in the months that followed the start of the protests.[1671] In November 2022, the head of the Bar association in Kerman highlighted the problems caused by the note to article 48 stating that only four or five lawyers from the Bar in Kerman had been approved by the judiciary, three of whom had passed away or had already retired.[1672]

859. Witnesses, including former detainees and lawyers, also stated that in some cases, the judiciary-approved lawyers, commonly referred to as "article 48 lawyers" demanded exorbitant fees from the families of detainees.[1673] Increased fee rates by the judiciary-approved lawyers in a context of extreme demands stemming from the large number of protest detainees was also raised by Iranian lawyers[1674] and officials[1675] in media interviews. The Mission notes with concern that this would further restrict the already diminished right to legal counsel for individuals in economically disadvantaged conditions.

860. Credible information indicates that in light of the risks associated with taking on cases that are deemed "security-related" by the authorities, and due to fear of reprisals, discussed in the Section X of this document, lawyers, in particular in smaller cities, may have been reluctant to represent individuals who have been charged with criminal offences in

1667 FFMI-IRAN-D-050014 (FFMI Interview); FFMI-IRAN-D-050048 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview).

1668 FFMI-IRAN-D-050102 (FFMI Interview).

1669 "The situation of protest [related] courts; from the inaction of [state] selected lawyers to the backlog of cases", Etemad Online, 6 December 2022.

1670 FFM-IRAN-D-000525 (FFMI Interview).

1671 "Some individuals contact families of detainees and promise the release of their children in exchange for billions…", ILNA, 18 November 2022.

1672 "Article 48 lawyers in Kerman Bar Association are four or five people and three of them are either deceased or retired", Vokalapress, 20 November 2022.

1673 FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050014 (FFMI Interview).

1674 "Some note to article 48 lawyers charge unusual fees…", Vokalapress, 19 November 2022; "Mostafa Turk Hamedani: the note to article 48 cause corruption in the justice system, and lawyers", Vokalapress, 27 November 2022. See also the 18 October 2022 letter by president of the National Union of the Aar Associations to the President, the head of the judiciary and the speaker of parliament, "The letter by the head of Scoda to the heads of State branches: through revoking the note to article 48, lift restrictions on access to a lawyers", 18 October 2022.

1675 "Note to Article 48 lawyers have increased their fees/ The judiciary should be less strict to allow more lawyers to enter [cases]…", ILNA, 16 November 2022.

connection with the protests.[1676] In a context where lawyers continue to take on the cases of real or perceived opposition and dissidents in extremely complex conditions and in the face of constant risk, the arrest of lawyers could also have serious consequences for their clients.[1677]

Right to equality of arms

861. Judicial and prosecutorial officials refused to disclose casefile material to the accused and their legal counsel, violating the right of the accused persons to equality of arms and severely limiting their ability to prepare a defence.

862. Witnesses, including individuals prosecuted in connection with the protests and lawyers who represented protest detainees, consistently reported that they were denied access to casefile material during investigations by the Office of the Prosecutor.[1678] A lawyer who himself was tried in connection with the protests said that neither his two appointed lawyers nor him were allowed to read the casefile and it was only after he was convicted and at the appeal stage that he was able to access the casefile.[1679] Where access was granted, it was after the case was referred to the court[1680] and even then, lawyers were generally given limited time to read the casefile material without the ability to make copies.[1681] In one case, lawyers in a group trial were given 30 minutes to read hundreds of pages of documents in the casefile.[1682]

863. Iran's laws fail to place an obligation on the prosecutorial officials to disclose inculpatory and exculpatory material to the accused and their legal counsel in line with international law. Moreover, under the note to article 351 of the CCP, "providing copies of classified documents and documents containing content pertaining to investigation of crimes against decency and crimes against internal and external security is prohibited." Article 191 of the CCP, provides the prosecutorial official, namely the investigator, with wide discretion to issue non-disclosure orders when they determine that disclosure of material would "contradict with uncovering of the truth, or in cases of crimes against national or external security of the country".[1683] While non-disclosure orders can be appealed at court, a lawyer stated that they had never seen such orders being overturned, describing the possibility of appealing "a formality."[1684]

864. The lack of access to casefile material including inculpatory and exculpatory evidence, investigative measures and orders, and written copies of judgments, as detailed below, severely hindered the ability of lawyers to draft properly supported and reasoned defence submissions and appeals. Moreover, court judgments did not include any references to the presence of exculpatory witnesses at court or other evidence put forward by the defence. In a case investigated by the Mission where defendants were charged with capital offences, the defence's repeated requests for subpoenaing an exculpatory witness were dismissed by judicial officials.[1685]

1676 FFM-IRAN-D-001619 (Statement). See also "Eight accused persons, imprisonment, flogging and exile", Shargh Daily, 25 November 2023, 25 November 2023.

1677 "Report on a very important limbo", Shargh Newspaper, 3 January 2023.

1678 FFM-IRAN-D-001513 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFMI-IRAN-D-050057 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).

1679 FFM-IRAN-D-001513 (FFMI Interview).

1680 FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview).

1681 FFMI-IRAN-D-050507 (FFMI Interview); FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview).

1682 FFMI-IRAN-D-050043 (FFMI Interview).

1683 In contravention of international law, rather than granting an independent and impartial court with the decision-making powers regarding the necessity of non-disclosure, the CCP grants such powers to the investigator. While the defence can appeal non-disclosure orders to a court, the burden of challenging the non-disclosure order rests on the defence and the criteria based on which the court must determine the appeal remains undefined.

1684 FFM-IRAN-D-001448 (FFMI Interview).

1685 FFMI-IRAN-D-050043(FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview).

Closed and summary proceedings

865. In the weeks following the start of the protests and amid large scale arrests and detentions,[1686] judicial and prosecutorial officials made several announcements that the court hearings of the "key elements of the riots" would be held publicly.[1687] Subsequently, a stream of reports, including selected video footage of court proceedings in the cases of persons accused of capital offences, described as public hearings, were published by the state media.[1688]

866. On 17 October 2022, prior to the commencement of these proceedings, the Head of the Judiciary, Mohseni Eje'i, stated, "the key elements of the recent riots must be tried as soon as possible and upon the decision of judges and with observance of legal requirement, their trials will be held publicly so that the atrocities [committed] by these riot elements are brought to the attention of the people". He further added that the media centre of the Judiciary would collaborate and coordinate with the justice departments and the IRIB with regards to publicising the trials.[1689] In a similar statement, in an interview with Al-Alam on 1 November 2022, Masuod Setayeshi, the Judiciary's Spokesperson referred to article 165 of the Constitution as a "shining" provision stating that it allowed people:

"*To attend court hearings and to hear the content. Of course, the aim of these trials is to determine what atrocities these [defendants] have done and how they would defend themselves in the face of [the charges pertaining to] these atrocities and whether trial processes are done correctly … [t]hese [trials] should be done in the public eye so that the people see and judge how [the defendants] have wronged our dear people and what punishments they will be subjected to.*""[1690]

867. The Constitution and the Code of Criminal Procedure provide for public hearings respectively in articles 165[1691] and 352.[1692] However, these provisions grant judges wide discretion to restrict the right to an open hearing and to hold trials behind closed doors on the basis of vague and broadly defined clauses such as in the cases of "crimes contrary to chastity or good morals" and where public hearings would "disturb public security or religious or ethnic sentiments".[1693]

868. Witness statements and statements made publicly by family members and lawyers of protest detainees reveal that court hearings of individuals charged with criminal offences in

[1686] See Section V. B.

[1687] "A thousand indictments issued against recent rioters/hearings will be held in public", IRNA, 31 October 2022,

[1688] See for example, "One of the accused persons for the martyrdom of Seyed Rouhollah Ajamian: I had never encountered such violence!", Mizan News Agency, 5 December 2022, "How a crime and a murder is represented in a reversed manner?", Mizan News Agency, 1 November 2022, "Court proceedings against recent rioters in Tehran", Mizan News Agency, 29 October 2022; "A rioter's lies before Judge Salavati", Raja News, 30 October 2022.

[1689] "What took place in Evin [prison] at the hands of the enemy was a crime", ISNA, 17 October 2022.

[1690] "Statements of the Judiciary's Spokesperson about classification of rioters' charges and the manner of the proceedings", Mizan News Agency, 1 November 2022.

[1691] Article 165 of the Constitution states, "Trials are to be held openly and members of the public may attend without any restriction; unless the court determines that an open trial would be detrimental to public morality or discipline, or if in case of private disputes, both the parties request not to hold open hearing."

[1692] Article 352 states that court hearings are public with the exception of cases of "forgivable crimes", with the request of the parties. Forgivable crimes are those which do not have a public interest side where investigation and prosecution is initiated upon private complaint and is similarly ceased if the plaintiff withdraws the complaint. In addition, courts may issue hold closed hearing, in family disputes and in cases of "crimes against decency or good morality" and where "an open hearing would disturb public safety or religious or ethnic sentiments", after the Prosecutor's opinion has been presented to the court.

[1693] Article 352 of the CCP.

connection with the protests were held behind closed doors and that even family members and independently appointed lawyers were routinely denied access to the hearings.[1694]

869. The Mission has also reviewed the video footage of several such trials which were widely circulated by the State media. The video footage of the court sessions selected by the Judiciary and State media for publication generally consisted of several minutes and consistently only included statements by prosecutorial authorities, statements made by prosecution witnesses, the questioning of the accused by presiding judges, which closely aligned with the statements by the prosecutors, and statements by the defendants in which they admitted guilt and/or expressed remorse for their actions.

870. Persons charged in connection with the protests were tried in hasty proceedings held in a summary fashion. In the vast majority of cases investigated by the Mission, only a single court session was held, with the session, in some cases lasting only minutes.[1695] A lawyer who represented tens of protest-related cases said that in all their client's cases, only a single brief court hearing was held, generally resulting in prison terms. The witness stated that "in cases involving the charges of *moharebeh* [waging war on god] and *efsad-e fel arz* [corruption on earth], as a lawyer must be present in court, the proceedings might be held in several sessions. In all other cases, there is only one hearing." [1696] Another lawyer who similarly had represented tens of protest detainees reported "all Revolutionary Court hearings are one session… before branch 26, sessions were longer and lasted around 15 minutes. In other Revolutionary Court branches they lasted five minutes."[1697]

871. Witnesses stated that they and their lawyers, if present, barely had a chance to speak in their defence.[1698] A person who was sentenced to long imprisonment in connection with exercising his rights to freedom of expression and peaceful assembly by a Revolutionary Court said:

"I was taken to court in handcuffs and shackles. I had one court hearing only and it lasted around two hours. I spoke very little as the judge kept interrupting me and my lawyers. He would pose a question, asking me why I had insulted the sanctities and the Prophet and then would start telling stories. I told my lawyers that he was intentionally doing that so we would not get a chance to speak. I had a lot to say in my defence, I wanted to talk about the torture and the ill-treatment and the disrespect at the Office of the Prosecutor."[1699]

872. In a media interview with a domestic newspaper, a lawyer representing individuals accused in connection with the protests raised concerns about speedy proceedings with which courts were processing cases and the resulting lack of precision saying, "courts are busy and have limited time for proceedings in each case". He added that courts were processing 10 to 12 cases per day.[1700]

873. The Mission also found that courts held trials of several defendants at the same time even when there was no link between the defendants and the alleged offences of which they

1694 FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050014 (FFMI Interview); FFMI-IRAN-D-050077 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview); FFM-IRAN-D-001618 (Statement); FFM-IRAN-D-001616 (Statement); FFM-IRAN-D-001617 (Statement); FFM-IRAN-D-001615 (Statement); FFM-IRAN-D-001614 (FFMI Submission).

1695 FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-050031 (FFMI Interview); FFM-IRAN-D-001513 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview); FFM-IRAN-D-001618 (Statement); FFM-IRAN-D-001616 (Statement); FFM-IRAN-D-001617 (Statement); FFM-IRAN-D-001615 (Statement); FFM-IRAN-D-001656 (Court Documents); FFM-IRAN-D-001597 (Court Documents).

1696 FFM-IRAN-D-001448 (FFMI Interview).

1697 FFMI-IRAN-D-050008 (FFMI Interview).

1698 FFMI-IRAN-D-050408 (FFMI Interview); FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000110 (FFMI Interview); FFMI-IRAN-D-050148 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).

1699 FFMI-IRAN-D-050408 (FFMI Interview).

1700 "The situation of protest [related] courts; from the inaction of [state] selected lawyers to the backlog of cases", Etemad Online, 6 December 2022.

were accused of.[1701] A lawyer reported the following during a court hearing before a Revolutionary Court:

"The hearings before this branch generally lasted about five minutes. Once, our court hearing was scheduled at 9am; the judge arrived at 10. He ordered four defendants and their lawyers to be brought in [for simultaneous trials]. I objected and he said, 'you talk too much, write it up and get it done". I was writing when he started questioning another defendant."[1702]

Another lawyer who had represented protest-detainees similarly reported:

"Courts were extremely busy and defendants without lawyers were treated terribly. Once I was in court for the hearing of a client. I took several minutes to write something down as part of my defence. The judge used this time and told the security to go and bring a 'defendant without a lawyer.' A young man was brought in and was made to stand in the corner of the room. He was there for five or six minutes and the hearing in his case was done within those short minutes. I saw several examples of accused persons without lawyers tried in just five or six minutes with the judge insulting and threatening them. Judges tried the cases of several other defendants within the court hearing of another defendant."[1703]

874. The Mission further established that, as detailed in the section on the use of the death penalty, in the cases of several persons who were tried before a court presided by Judge Salavati, entitled by the authorities the "court for dealing with the charges against recent rioters" during the 29 October court session, there was no connection between many of the defendants and that they were are accused of involvement in separate incidents.[1704]

875. Hasty proceedings against persons accused in connection with the protests came against a backdrop of statements by judicial and prosecutorial authorities consistently calling for speedy proceedings in the cases of persons arrested in connection with the protests,[1705] often drawing a link between the speed with which the proceedings were conducted and their ability to deter. For example, in an interview with Al-Alam, the Judiciary's Spokesperson, Masoud Setayeshi stated: "We believe that time lapse between the commission of a crime and the implementation of the sentence should be the shortest for it to be a deterrent and a lesson, so that the accused know that this is not a joke..."[1706]

876. Judicial officials repeatedly praised the speed with which proceedings, in particular those leading to the issuance and implementation of death sentences, were held. In some cases, persons accused of capital offences were tried, convicted and executed within merely weeks of the alleged crime.[1707]

877. The Mission also concluded that in some cases judgments were issued in absentia[1708] including where the authorities did not notify a defendant of their trial date; did not transfer them from prison to court for the proceedings; or defendants[1709] had fled the country by the time their trials were held.[1710]

1701 FFM-IRAN-D-001448 (FFMI Interview); FFMI-IRAN-050031 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview); FFM-IRAN-D-001618 (Statement); FFM-IRAN-D-001616 (Statement); FFM-IRAN-D-001617 (Statement); FFM-IRAN-D-001615 (Statement).

1702 FFMI-IRAN-D-050008 (FFMI Interview).

1703 FFM-IRAN-D-001448 (FFMI Interview).

1704 See Section V. E.

1705 See for example, "Proceeding against rioters and murderers of security martyrs in a robust manner within minimum time and in accordance with lawful standards", Mizan News Agency, 4 December 2022.

1706 "Statements of the Judiciary's Spokesperson about classification of rioters' charges and the manner of the proceedings", Mizan News Agency, 1 November 2022.

1707 See Section V. E.

1708 FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050151 (FFMI Interview); FFMI-IRAN-050173 (FFMI Interview); FFM-IRAN-D-000698.

1709 FFMI-IRAN-D-050408 (FFMI Interview).

1710 FFMI-IRAN-D-050231 (FFMI Interview).

Reliance on forced confessions and other evidence obtained in violation of international law

878. Courts, both criminal and Revolutionary, relied on self-incriminating statements extracted by security and intelligence bodies, including the Ministry of Intelligence and the IRGC's Intelligence Organization under torture and other ill-treatment and in the absence of lawyers. As detailed earlier, court judgments and witness statements revealed that self-incriminating statements made by the accused persons during their interrogations and before prosecutorial officials were systematically cited as evidence of guilt and were relied upon to convicted individuals and to sentence them including to the irreversible punishment of death.[1711] A lawyer representing tens of protest detainees reported that "the atmosphere was as such that confessions were extracted in any possible way" and that such "confessions" were predominantly the basis of judgments.[1712]

879. As discussed in a previous section of this document, detainees were coerced into making statements incriminating themselves and others and/or to signing documents that they could not see as they were either blindfolded or denied the right to read the content.[1713] In one case, a woman was threatened that she would be brought the corpse of her child if she refused to incriminate another co-defendant. The statements were subsequently used as evidence in court.[1714] In another case, a young man was coerced into making "confessions", which constituted the main piece of evidence against him at court, after he was subjected to torture including threats of rape.[1715]

880. Under the code of criminal procedure, officials at the Offices of the Prosecutor, are trusted with the authority to assess the legality of detention and issue and renew detention orders and/or to release detainees on bail.[1716] Officials at the Offices of the Prosecutor either ignored injuries or made statements condoning the treatment of the detainees when they were brought before prosecutorial officials by security and intelligence agents while exhibiting visible marks of torture, including lacerations on their faces and heads, bruises and swellings.[1717]

881. Iran's laws lack provisions on the admissibility of unlawfully obtained confessions, including confessions obtained under torture and other ill-treatment and other tainted evidence. While the Constitution and the Islamic Penal Code contain general principles on the exclusion of confessions extracted under torture,[1718] there are no detailed procedural legislation offering objective criteria on what constitutes an involuntary confession or statement. The law is also silent on the procedures that must be followed when the lawful nature of confessions is in question, when an accused individual retracts their statements and raise allegations of torture and other ill-treatment, and who bears the burden of proving that a statement has been voluntary.[1719] Under the law, the judge presiding over the trial is given

1711 FFMI-IRAN-D-050014 (FFMI Interview); FFMI-Iran-D-050048 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFM-IRAN-D-000685 (FFMI Submissions); FFM-IRAN-D-000684 (FFMI Submissions); FFM-IRAN-D-000683 (FFMI Submissions). See Section V. E.

1712 FFMI-IRAN-D-050057 (FFMI Interview).

1713 See Section V. C. For example, FFMI-IRAN-D-050407 (FFMI Interview); FFMI-IRAN-05029 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFM-IRAN-D-001656 (Court Documents); FFM-IRAN-D-001597 (Court Documents).

1714 FFMI-IRAN-D-050043 (FFMI Interview); FFMI-IRAN-D-050043 (FFMI Interview).

1715 FFMI-IRAN-D-050014 (FFMI Interview).

1716 Articles 185, 239, 240 and 241 of the Code of Criminal Procedure.

1717 See Section V. C. FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-D-050102 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview).

1718 Article 38 of Iran's Constitution states that confessions extracted under duress as void and inadmissible. Article 168 of the Islamic Penal Code, states that confessions are "admissible only if at the time of confession, the confessor is sane, pubescent, intended [to make the confession] and free. Article 1(9) of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights, prohibits reliance on confessions extracted through torture.

1719 "Iran: Flawed reforms: Iran's new Code of Criminal Procedure", Amnesty International, 11 February 2016.

the authority to make determinations about the admissibility of confessions in broad and undefined terms. Under the CCP (art. 385.e), in cases where "there are doubts" about the accuracy of the confession" court shall start investigating the accused.

Prohibition of double jeopardy

882. The Mission found that in some cases persons charged with offences in connection with the protests were tried in two parallel trials, one before a criminal court and one before a Revolutionary court in relation to the same underlying act. The practice contravened the principle of protections against double jeopardy, as individuals risked being convicted for acts of which they have already been convicted or acquitted.

883. For example, in a case investigated by the Mission, a defendant faced two cases stemming from two social media posts. Each case resulted in the charged of "spreading propaganda" and "spreading lies" which were tried, respectively, by both a Revolutionary Court and a criminal court. The defendant ultimately received four convictions and sentences in connection with the content of the two social media post.[1720] In an almost identical case, both a Revolutionary Court and a criminal court convicted and sentenced a defendant on the charges of "spreading propaganda" and "spreading lies" in relation to a single social media post.[1721] In the case of nine defendants sentenced to punishments including public flogging in Arazk, Markazi province (para. xx.), both a criminal as well as a Revolutionary Court reportedly convicted the accused persons and sentenced them to punishments for the same underlaying acts.[1722]

884. In a case involving capital offences, Mohammad Ghobadlou, a young protestor executed in January 2024, received two death sentences, handed down by both a criminal court and Revolutionary Court, following two separate proceedings on the charges of murder and "corruption on earth". The charges stemmed from the same underlying alleged act, namely the alleged killing of a member of the security forces.[1723]

Right to a public reasoned judgment

885. Judgments issued in the cases of individuals convicted in connection with the protests[1724] were extremely brief and, in the vast majority of instances examined, consisted of only several paragraphs with the ruling itself not exceeding several lines. Convictions were based on vague and generic evidence. Most commonly, courts listed self-incriminating statements by the accused during the course of preliminary investigations and reports by various security and intelligence bodies including the Ministry of Intelligence, the IRGC's Intelligence Organization, the Security and Intelligence Police as evidence of guilt. In most cases, no details or explanations as what such material entailed were provided in the judgments.

886. Moreover, courts rejected the defence put forward by the accused and their legal counsel by simply stating that they that the defence was "not acceptable" or unable to rebut the prosecution's case without providing any further details. Under such brief judgments which failed to provide any substantive or detailed reasons, courts sentenced individuals to a range of punishments including the death penalty; imprisonment including for prolonged

1720 FFM-IRAN-D-000525 (FFMI Interview).
1721 FFMI-IRAN-D-050408 (FFMI Interview).
1722 "Eight accused persons, imprisonment, flogging and exile", Shargh Daily, 25 November 2023.
1723 See the case of Mohammad Ghobadlou, Section V. E.
1724 Court judgments on file with the Mission including: FFM-IRAN-D-001597 (Court Documents); FFM-IRAN-D-001601 (Court Documents); FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-001657 (Court Documents); FFM-IRAN-D-001605 (Court Documents); FFM-IRAN-D-001658 (Court Documents); FFM-IRAN-D-001660 (Court Documents); FFM-IRAN-D-001661 (Court Documents); FFM-IRAN-D-001662 (Court Documents); FFM-IRAN-D-001545 (Court Documents); FFM-IRAN-D-001663 (Court Documents); FFM-IRAN-D-001602 (Court Documents); FFM-IRAN-D-000915 (Court Documents); FFM-IRAN-D-001665 (Court Documents); FFM-IRAN-D-001666 (Court Documents); FFM-IRAN-D-001667 (Court Documents); FFM-IRAN-D-001668 (Court Documents).

periods of time; flogging including in public; forced residency in certain cities (also known as internal exile); monetary fines; prohibition from leaving the country, prohibition from engagements in certain arenas including on social media platforms, and confiscation of digital devices.

887. Revolutionary Courts did not provide those convicted and sentenced in connection with the protests with a written copy of the judgment.[1725] Persons convicted by Revolutionary Courts stated that they had either been informed of their convictions and sentences by the court verbally or through the Judiciary's online platform, SANA. In some cases, those convicted and/or their lawyers were permitted to review the judgments at the courthouse and make handwritten copies.[1726]

888. Denial of providing defendants and their lawyers with written judgments is made possible under Note 2 to Article 380 of the Code of Criminal Procedure which states that in cases involving offences against "decency" where the judgment "contains content which would be *haram* [religiously forbidden] for the complainant to know about" and in cases of crimes against national and external security, the judgment must be communicated to the parties in in-person session and the parties can be informed of the content of the judgment and take notes. The Mission highlights that Iran's laws lack legal provisions with regard to making court judgments publicly available, contrary to human rights standards on the transparency of the justice system.[1727]

Suspended prosecutions, sentences and conditional pardons

889. The Mission found a pattern whereby the Offices of Prosecutors and courts issued, respectively, suspended prosecution orders and suspended sentences in cases of individuals charged or convicted in connection with the protests.[1728] Under suspended prosecution orders, the prosecutorial authorities do not pursue the charges laid against the accused individuals for a certain period of time without dropping the charges. Such orders allow for the prosecution to be reinstated if the accused person is charged with a criminal offence and indictments within the specified or is in breach of other conditions imposed.[1729] Similarly, implementation of sentences may be suspended for certain periods of time with similar conditions.[1730]

890. Suspended termination orders and suspended sentences imposed conditions on persons, many of whom had in the first place been charged and/or convicted in connection with the peaceful exercise of their human rights, that required them to forego their human

[1725] FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050148 (FFMI Interview); FFMI-IEAN-D-050408 (FFMI Interview); FFMI-IRAN-050173 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFMI-IRAN-D-050231 (FFMI Interview); FFMI-IRAN-D-050407 (FFMI Interview); FFMI-IRAN-050222 (FFMI Interview); FFMI-IRAN-050222 (FFMI Interview); FFM-IRAN-D-001023 (FFMI Interview); FFMI-IRAN-0500109 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview); FFM-IRAN-D-001618 (Statement); FFM-IRAN-D-001616 (Statement); FFM-IRAN-D-001617 (Statement); FFM-IRAN-D-001615 (Statement).

[1726] FFMI-IRAN-D-050507 (FFMI Interview); FFM-IRAN-D-000525 (FFMI Interview); FFMI-IRAN-D-050148 (FFMI Interview); FFMI-IRAN-D-050408 (FFMI Interview); FFMI-IRAN-050173 (FFMI Interview); FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFMI-IRAN-D-050231 (FFMI Interview); FFM-IRAN-D-001618 (Statement); FFM-IRAN-D-001616 (Statement); FFM-IRAN-D-001617 (Statement); FFM-IRAN-D-001615 (Statement).

[1727] See e.g., "Trampling Humanity: Mass arrests, disappearances and torture since Iran's 2019 November protests", Amnesty International, 2 September 2020, p. 59. See also Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (criminal limb), European Court for Human Rights, updated on 31 August 2022.

[1728] FFM-IRAN-D-001607 (Court Documents); FFMI-IRAN-D-05055 (FFMI Interview); FFM-IRAN-D-001466 (Court Documents); FFMI-IRAN-0500109 (FFMI Interview); FFM-IRAN-D-000685 (FFMI Submissions); FFM-IRAN-D-000684; FFM-IRAN-D-000683; FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001601 (Court Documents); FFM-IRAN-D-001661 (Court Documents); FFM-IRAN-D-001660; FFM-IRAN-D-001466 (Court Documents).

[1729] Article 81 of the 2015 Code of Criminal Procedure.

[1730] Article 46 of the 2013 Islamic Penal Code.

rights, including to peaceful assembly. The terms imposed generally forbade individuals of committing similar "offences"[1731] as well as from other activities such as the use of smart phones and social media;[1732] In some cases, the conditions imposed included highly politicised and ideological tasks. For instance, in one case, the Office of the Prosecutor suspended the prosecution for a period of six months on the condition that the accused person procured, read and summarised several books written by the Supreme Leader and as well as on the lives of war "martyrs". The order stated that the accused's refusal to abide by the conditions imposed would result in the revocation of the suspension order and re-initiation of the prosecution.[1733] In another case, prosecution was suspended for a period of two years on the condition that a protester would refrain from passing through "potential locations for illegal assemblies" which are used by "enemy groups" and attend counselling sessions and educational classes before a religious body.[1734]

891. By suspending prosecutions and implementation of sentences, State authorities maintained a constant threat of prosecution and imprisonment against individuals in an apparent effort to deter them from participating in the protests and/or other forms of expression of dissent. In a statement received by the Mission, a man whose sentence, issued solely in connection with his peaceful expression was suspended, told a human rights organization that such suspension decisions effectively put individuals "in shackles".[1735]

Punishment violating international law

892. Courts imposed punishments that violated international law. In addition to violating the rights to liberty, punishments imposed were in breach of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Most notably, courts imposed the punishment of flogging, which constitutes torture, for offences that included "disturbing the public order."[1736] Women defying mandatory *hijab* were also sentenced to flogging.[1737]

893. Courts also imposed punishments that humiliated and degraded persons and/or coerced them into activities which were in apparent conflict with their beliefs and the very reasons they had taken part in the protests. Courts sentenced women defying the mandatory *hijab* to punishments that included cleaning governmental offices;[1738] washing corpses;[1739] and psychiatric treatments.[1740]

894. Protesters were also made to praise and promote the State, its authorities or the very discriminatory policies that they had questioned or challenged. In one judgment, a Revolutionary Court sentenced a protester to writing an essay in support of the positive impacts of the "Islamic Revolution" as a supplementary punishment.[1741] In another judgment, the court ordered a woman to research and then publish on her own social media account at least 20 examples of the "impact of hijab in individual and social life" and cite "credible Islamic books", further requiring her to disseminate the content through her social networks to hundreds of individuals within three months.[1742] Two lawyers reported that a branch of Revolutionary Court in Tehran routinely issued supplementary punishments that included reading "revolutionary and religious books" and making handwritten copies of them and/or

1731 FFM-IRAN-D-001661 (Court Documents); FFM-IRAN-D-001660.
1732 FFM-IRAN-D-001018 (FFMI Interview); FM-IRAN-D-001601 (Court Documents).
1733 FFM-IRAN-D-001607 (Court Document); FFM-IRAN-D-001466 (Court Documents).
1734 FFM-IRAN-D-001607 (Court Documents). [FFM-IRAN-D-001018 (FFMI Interview); FFM-IRAN-D-001601 (Court Documents)
1735 FFM-IRAN-D-001618 (Statement); FFM-IRAN-D-001616 (Statement); FFM-IRAN-D-001617 (Statement); FFM-IRAN-D-001615 (Statement); FFM-IRAN-D-000341 (NGO Statement).
1736 FFM-IRAN-D-001587 (Court Documents).
1737 See Section VIII.
1738 FFM-IRAN-D-000842 (Court Documents).
1739 FFM-IRAN-D-000841 (Court Documents).
1740 FFM-IRAN-D-000844; FFM-IRAN-D-000849; FFM-IRAN-D-000850.
1741 FFM-IRAN-D-001594 (Court Documents).
1742 FFM-IRAN-D-001667 (Court Documents).

attending seminary lessons.[1743] One lawyer described the mental toll such punishments, which aimed at "tormenting" protesters further took on those convicted who wondered how they could engage in activities that went against their beliefs.[1744]

Judicial proceedings against children

895. Under International law, children accused of criminal offences, are not only entitled to all fair trial guarantees that apply to adults[1745] but must be afforded additional and special protections.[1746] Article 40 of the UNCRC, in conjunction with article 14 of ICCPR, provide that children should be accorded with procedures that take account of their age. Children alleged to have committed a criminal offence shall be treated in a manner consistent with the child's sense of dignity and worth.

896. Under article 40 of the UNCRC, States must ensure children's rights to presumption of innocence and to not be compelled to give testimony or admit guilt; to be promptly informed of the charges against them; and to have the matter determined without delay by to competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance. Moreover, children's privacy should be respected in all stages of the proceedings.[1747] The UN Committee on the Rights of the Child has called on states parties to establish juvenile courts either as separate units or as part of existing regional or district courts. Where that is not immediately feasible for practical reasons, the Committee calls on states parties to ensure the appointment of specialized judges or magistrates for dealing with juveniles.[1748]

897. Information reviewed by the Mission shows that children who came face to face with the country' justice system in the context of the protests were not treated any differently than adults. The Mission documented similar or identical patterns of fair trial violations, as detailed above, in the cases of children. Children were arrested for their participation in and support of the protests and for activities such as writing slogans on walls.[1749] State authorities charged children with broadly worded and vaguely defined national security offences, including the capital offences of "waging war on God" and "corruption on earth", and tried them before Revolutionary Courts for adults.[1750] In a case concerning the fatal assault of a Basij agent and widely covered by Iran's State media, Mizan News Agency announced that three 17-year-old boys were tried before Branch One of the Revolutionary Court in Karaj alongside adults. The children were charged with the capital offence of "corruption on earth"[1751] as well as "gathering and colluding to commit crimes against national

1743 FFMI-IRAN-D-050057 (FFMI Interview); FFM-IRAN-D-001514 (FFMI Interview).
1744 FFM-IRAN-D-001514 (FFMI Interview).
1745 UN Convention on the Rights of the Child, Article 40; Articles 9 and 14 of the ICCPR.
1746 Article 24(1) of the ICCPR; Preamble and Article 3(2) of the Convention on the Rights of the Child.
1747 UN Convention on the Rights of the Child, Article 40; General comment No. 24 (2019) on children's rights in the child justice system, CRC/C/GC/24.
1748 CRC, General Comment 10, CRC/C/GC/10, para. 93
1749 See Section IX. See for example FFM-IRAN-D-001621 (NGO Statement); FFMI-IRAN-050401 (FFMI Interview); FFM-IRAN-D-000129.
1750 Social media post on file with the Mission. FFM-IRAN-D-000129 (NGO Statement); "Legal Status of Children in the "Woman, Life, Freedom" Movement: A Second Report by the Hengaw Legal Team", HENGAW, 14 October 2023; FFMI-IRAN-050609. See also "Proceeding in the case of Ajamian's martyrium in Karaj within less than a month/ corruption on earth charge for 15 accused persons in the case…", Mizan News Agency, 30 November 2022; "Iran: Security Forces Kill, Torture, Abuse Children", Human Rights Watch, 25 April 2023; Social media post on file with the Mission.
1751 See Section V. E.

security"."[1752] All three were initially sentenced to a prison term of up to 25 years[1753], reduced upon appeal.[1754]

898. The Mission highlights that trial of children by Revolutionary Courts not only violates Iran's obligations under international human rights law but contravenes the country's own domestic laws. Under Iran's Code of Criminal Procedure Code, children charged with criminal offences should be brought before special units the office of the prosecutor and tried special juvenile branches in Provincial Criminal Courts.[1755]

899. Consistent with the broader patterns of denial of the right to presumption of innocence, the Mission analysed information showing that State media aired "confessions" made by a child under torture and in the absence of access to lawyers and the legal guardian. According to credible information, in one case, a boy[1756] was tortured in detention, including by being beaten, and was coerced to make "confessions". The following day he learnt that State media had publicly aired his forced "confessions".[1757]

900. Information shows that prosecutorial and judicial officials also exhibited bias towards child protesters, and instead of conducting investigations into allegations of torture and irregularities, ill-treated and questioned them in a manner that resembled that of the security and intelligence bodies. According to credible information reviewed by the Mission, in one case, a prosecutorial official subjected a 17-year-old boy, who had been tortured and ill-treated in police detention, to questioning resembling an interrogation, asking him "why did you write slogans?", "who do you work for?", "how much were you paid?". The officials questioned the child without the presence of a lawyer or the child's legal guardian and issued a detention order. The child protester was questioned on a second question by another prosecutorial official who similarly questioned him without allowing him or his family to respond and reportedly threatened him with the death penalty. According to the information reviewed, the prosecutorial official told the child, "you wrote death to the dictator. You insulted the leadership; how can I not order for your execution?" The boy recounted that he thought his fate was sealed and that he was going to receive a death sentence. The case was subsequently referred to a Revolutionary Court.[1758]

901. In another case, according to credible information reviewed by the Mission, prosecutorial officials accepted the "confessions" a child from a minority populated region of the country[1759] had made under torture and ill-treatment and without access to a lawyer. The child's fingerprints were reported to have simply been placed on self-incriminating statements in which he "confessed" to possession of a firearm.[1760] The Mission also reviewed information showing that in some cases, children were brought before prosecutorial and/or judicial officials with strains where no imminent threat of injury to the child or others was

1752 "Proceeding in the case of Ajamian's martyrdom in Karaj within less than a month/ corruption on earth charge for 15 accused persons in the case…", Mizan News Agency, 30 November 2022.

1753 "Amir Mohammad Jafari", United for Iran; https://t.me/kashowra/14463. See also "Iran: Security Forces Kill, Torture, Abuse Children", Human Rights Watch, 25 April 2023; "Judgment by the Supreme Court in the case of Ajamian martyrdom case/judgment against 'Hamid Ghareh Hassanlou' overturned", IRNA, 3 January 2023.

1754 "Iran: Security Forces Kill, Torture, Abuse Children", Human Rights Watch, 25 April 2023; "Judgment by the Supreme Court in the case of Ajamian martyrdom case/verdict of 'Hamid Ghareh Hassanlou' overturned", IRNA, 3 January 2023.

1755 Chapter Nine of the Code of Criminal Procedure (Articles 285 to 287); Articles 304 and 314 of the Code of Criminal Procedure. See also, "Iran: Growing up on death row: The death penalty and juvenile offenders in Iran", Amnesty International, 26 January 2016; "Iran Protests: Juveniles Could Face Death Penalty in Kangaroo "Revolutionary" Court", Center for Human Rights in Iran, 30 November 2022.

1756 The name of city and province withheld for protection reasons.

1757 FFM-IRAN-D-001525 (Statement).

1758 FFM-IRAN-D-001621 (Statement); FFMI-IRAN-050401 (FFMI Interview).

1759 The name of city and province are withheld for protection reasons.

1760 FFM-IRAN-D-001525 (Statement).

present.[1761] Such treatment may violate the absolute prohibition of degrading, cruel and inhuman punishment.

902. Consistent with the broader patterns of denial of the right to access a lawyer, child detainees were not permitted to have access to a lawyer including as they underwent criminal investigations and judicial proceedings.[1762] In some cases, they were also denied the right to contact their families or to have legal guardians present during the various stages of judicial proceedings.[1763] Denial of access to lawyers and access to their family further exacerbated children's vulnerability including in relation to making self-incriminating statements.[1764]

903. As detailed in Section V. C children were subjected to torture and ill-treatment in detention and were coerced into making "confessions". According to credible information, in some cases, they were presented with and forced to sign blank papers or statements without being permitted to read and understand the content. In one case, according to credible information, a boy from Tehran was brought blindfolded before an Office of the Prosecutor, where he was placed in an office and given papers to sign. When he requested to read it first, he was told that "it was not possible" and that "they did not have time.[1765] In another case, the Mission reviewed credible information on the case of 16-year-old boy who was accused of being a leader in the protest in a western province. He was reportedly subjected to torture by the intelligence agents and was coerced to make "confessions". The authorities further videotaped his "confessions" and submitted it to a Revolutionary Court. The child was subsequently convicted.[1766]

Findings

904. The Mission has reasonable grounds to believe that State authorities used the country's criminal law and its justice system, to repress protestors and real and perceived opposition. By resorting to criminal charges based on laws that violated international human rights standards, and through summary proceedings that were marred by serious irregularities and violations of due process guarantees, the Mission established that the right to due process and fair trial of persons prosecuted in connection with the protests was violated. State authorities systematically charged, tried, convicted and sentenced individuals for conduct that fell under the scope of protected human rights, including the rights to peaceful assembly, freedom of expression and freedom of association. Criminalised conduct included legitimate expression of opposition to the Islamic Republic of Iran's policies, including with respect to gender equality.

905. In this regard, the Mission finds that officials at Offices of the Prosecutors and judges lacked independence and impartiality and systematically and on a large scale violated the rights of accused persons to fair trial standards and due process guarantees. Judicial proceedings generally gave the pretext of legality to what constituted unlawful and arbitrary deprivation of liberty. Instead of upholding the rights of the accused individuals, including through conducting investigations into allegations of torture and other ill-treatment, the Mission finds that prosecutorial officials and judges dismissed reports of torture while courts used confessions obtained under torture to convict persons in connection with the protests. Fair trial violations were severely exacerbated by the absence of legal representation for protesters, in particular during the interrogation phase following apprehension and arrest.

906. Based on evidence reviewed, courts were predisposed to finding protesters guilty of wrong-doings, rather than reviewing evidence in an impartial manner. The lack of impartiality manifested itself in a number of areas, including apparent exhibitions of hostility and bias by judge towards protesters; hasty and summary closed-door proceedings; denial of

[1761] FFM-IRAN-D-000514 (FFMI Interview); FFM-IRAN-D-001621 (Statement); FFM-IRAN-D-000129 (Statement).
[1762] FFM-IRAN-D-001525 (Statement).
[1763] FFMI-IRAN-050401 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview); FFM-IRAN-D-001621 (Statement); FFM-IRAN-D-001525 (Statement) FFM-IRAN-D-001669.
[1764] FFMI-IRAN-050603 (FFMI Interview).
[1765] FFM-IRAN-D-000129 (Statement).
[1766] FFMI-IRAN-050604 (FFMI Interview). See also "Iran: Security Forces Kill, Torture, Abuse Children, Human Rights Watch", 25 April 2023.

access to lawyers; and the accused's lack of access to casefile material as well as the lack of reasoned judgment. The Mission highlights that the large number of legal proceedings against over 22,628 protesters or persons involved in the protests, in the short span of six months, is illustrative of the hasty nature of the proceedings and the lack of respect for due process guarantees and fair trial standards.

907. The Mission further finds that the country's very legal framework made violations of fundamental fair trial rights and due process guarantees possible. This included laws which do not guarantee the right of the accused individuals to an independent lawyer of their own choosing in line with international law; allow for the imposition of severe restrictions on or full denial of access to casefile material; and open the hands of judicial authorities to hold trials behind closed doors on broad and vague grounds. Moreover, laws criminalising protected rights provided the legal ground for arbitrary deprivation of liberty.

908. The Mission also finds that the state media coverage of the legal proceedings described by the authorities as "open and public" aimed to strengthen the State's narrative of the events. Furthermore, on the basis of evidence analysed by the Mission, such coverage may have constituted an effort to intimidate protestors through the justice system.

909. Concerning punishments, the Mission finds that sentences of flogging imposed by courts constituted a form of torture and a violation of the right to security of a person. Further, other punishments such as those requiring persons to create and disseminate content contrary to their beliefs, violated their rights including to freedom of thought and conscience and religion and belief. Such punishments may also amount to torture or to other cruel, inhuman or degrading treatment or punishment.

910. Finally, the Mission is concerned that the terms imposed as part of the State pardons, and the use of suspended prosecutions and suspended sentences, creates a deterrent environment to protest or expression of dissent in the future, further exacerbating the already arbitrary and unlawful restrictions to the fundamental freedom of women, men and children in Iran.

E. The use of the death penalty in the context of the protests

911. On 8 December 2022, less than three months since the start of the "Woman, Life, Freedom" protests, the news agency of Iran's Judiciary, Mizan, announced the execution of a young man, Mohsen Shekari, earlier in the day for the charge of "waging war on God" (*moharebeh*) over allegations that he had assaulted a member of the security forces during the protests.[1767]

912. The news was met with a domestic and international outcry.[1768] That day, eight United Nations Special Procedures issued a joint statement condemning the execution and raising alarms about other individuals in Iran facing the death penalty in the context of the protests.[1769]

[1767] "The rioter who blocked Sattar Khan Street in Tehran executed/The person had injured a member of the security forces", Mizan News Agency, 8 December 2022.

[1768] See for example, "Night protests and global reactions to the execution of Mohsen Shekari", DW, 9 December 2022; "Molawi Abdolhamid: the execution of Mohsen Shekari was contrary to Sharia", Iranwire, 9 December 2022; "Which *moharebeh*? Which *mohareb*?", Etemad, 10 December 2022; "Iran: Statement by the Spokesperson on the execution of Mohsen Shekari", Statement by the European Union External Action, 8 December 2022.

[1769] "Iran: UN experts condemn execution of protester, raise alarm about detained artists", Joint statement by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working

913. Nonetheless, four days later, on 12 December, the authorities announced that another young man, Majidreza Rahnavard, had been executed in public in Mashhad, Razavi Khorasan province, again on the charge of "waging war on God" for allegedly fatally stabbing two members of the security forces and injuring four others.[1770] Between then and the time this document was published, seven other young men, Mohammad Mehdi Karami, Seyyed Mohammad Hosseini,[1771] Majid Kazemi, Saeed Yaghoubi, Saleh Mirhashemi,[1772] Milad Zohrevand,[1773] and Mohammad Ghobadlou[1774] were executed.

914. Executions of the nine young men in connection with the protests came against the backdrop of official statements and reports regarding the trials of "the key elements of the riots" which started to emerge in late October 2022. Between 29 October and 12 November 2022, Mizan news agency, and other State and State affiliated media published a series of reports announcing that the trial of at least 20 individuals for the capital offences of "waging war on God" (*moharebeh*) and "corruption on earth" (*efsad- fel arz*) had started before several branches of Revolutionary Courts in Tehran and Alborz provinces.[1775] On 6 November 2022, in a statement, 227 members of Parliament asked the country's Judiciary to take a robust stance against the "rioters" and execute those who had committed *moharebeh*.[1776] On 13 November 2022, the Judiciary's news agency announced that a Revolutionary Court in Tehran has sentenced an unnamed individual to death on the charge of "waging war on God" (*moharebeh*) and "corruption on earth" (*efsad-e fel arz*) in connection with acts of arson committed in the context of the protests in Tehran.[1777] This was followed by two other statements by the Judiciary on 15 and 16 November 2022, stating that four other unnamed individuals had been sentenced to death in connection with the protests.[1778]

915. According to credible reports, as of March 2024, courts in Iran had pronounced at least 30 death sentences in relation to the protests. Of the individuals sentenced to death, nine young men were executed in December 2022, January, May and November 2023, and January 2024 respectively, while at least six remained under death sentences with some at imminent risk of execution at the time of writing. The remaining men had their death sentences overturned and, as of March 2024, were either undergoing or awaiting retrials or were sentenced to other punishments including long prison terms.[1779] The Mission recorded the details of over 100 individuals reported to have been charged with offences carrying the death penalty in the context of the protests. Among them were at least five women, while officials confirmed that at least three children were tried on capital offences in connection

Group on arbitrary detention; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 8 December 2022.

1770 "The person responsible for the martyrdom of martyrs Zaynalzadeh and Rezazadeh executed in public", Mizan News Agency, 12 December 2022.

1771 "Death sentence against two the perpetrators of the innocent martyrdom of Ajamian carried out", Mizan News Agency, 7 January 2022.

1772 "Actors responsible for the terrorist attack in the 'House of Isfahan' case leading to martyrdom of three security forces executed…", Mizan News Agency, 19 May 2023.

1773 "Milad Zohrevand executed", Ensaf News, 24 November 2023.

1774 "The *qesas* sentence against Mohammad Ghobadlou, the murderer of martyr 'Farid Karampour Hassanvand' implemented", Mizan News Agency, 23 January 2024.

1775 "Court session to try the cases of recent rioters in Tehran/ the accused person who ran over police officers and caused the martyrdom of one officer/father of the martyr asked the court for maximum punishment", Mizan News Agency, 29 October 2022.

1776 "227 members of parliament request the Judiciary to take a robust stance against those inciting the recent riots", IRNA, 6 November 2022.

1777 "First instance judgments issued in the cases of some rioters"/one person sentenced to death/prison terms for five/judgments can be appealed", Mizan News Agency, 13 November 2022.

1778 "One of the accused persons in relation to the recent riots sentenced to death based on the first instance judgment of the court", Mizan News Agency, 15 November 2022; "Three rioters in Tehran sentenced to death", IRNA, 16 November 2022,

1779 Javad Rouhi, whose death sentences were overturned and was awaiting a retiral died in custody following credible allegations of torture on 31 August 2024. See, "The death of a prisoner in a hospital in Noshahr/the body of the deceased referred to the Forensic Organisation for determining the cause of death and toxicology tests", Mizan News Agency, 31 August 2023.

with the protests.[1780] The Mission highlights that due to the lack of transparency by Iran's Government, closed proceedings and the fear of reprisals associated with publicly reporting and speaking up, the exact number of individuals sentenced to death or facing charges that carry the death penalty in the context of the protests remains unknown.

916. The Mission further highlights with concerns credible reports that show a staggering increase in the overall use of the death penalty in Iran since the start of the protests.[1781] According to reports by a human rights organization, at least 834 individuals were executed in 2023. This, reportedly, constitutes a 43 per cent increase as compared to 2022 and the second time in two decades where the number of executions has exceeded 800 per year. A significant increase in the number of public executions were also reported. The execution of Majidreza Rahnavard was the second public execution after a reported two-year hiatus in public executions. In 2023, seven people were executed in public, a three-time increase as compared to 2022. Moreover, at least 22 women were reported to have been executed in 2023, the highest number over the past decade.[1782] UN experts and human rights organizations have repeatedly warned about the use of the death penalty as tool of political repression and to instil fear in the population.[1783]

917. As per its mandate, the Mission carefully investigated cases[1784] of the use of the death penalty in the context of the protests. The Mission looked specifically at the context and the scale of the use of the death penalty, compliance of judicial proceedings with international human rights law and standards on the use of the death penalty and due process and fair trial rights, harassment and intimidation of family members of those executed and their denial of their rights to truth, justice, and to mourn the loss of their loved ones according to their religious and cultural practices. In doing so, the Mission assessed the reports issued by Iran High Council for Human Rights in December 2022, January 2023, and January 2024[1785] pertaining to the cases of Mohsen Shekari, Majidreza Rahnavard, Mohammad Mehdi Karami, Seyyed Mohammad Hosseini, and Mohammad Ghobadlou as well as a variety of information, including Government responses to UN Special Procedures mandate holders, witness statements, statements obtained through civil society organizations and shared with the Mission, domestic laws and legislation, court documents, official statements and reports, audio-visual material, in particular video footage of segments of court proceedings and video-taped "confessions" of accused individuals. As detailed below, the Mission established the same pattern of gross violations of the most fundamental due process and fair trial rights, which were detailed in Section V. D in the cases of individuals charged with capital offences

1780 "Proceeding in the case of Ajamaian's martyrdom in Karaj in less than a month/charge of corruption on earth for 15 accused persons/description of details of martyrdom of Ajamian by the accused", Mizan News Agency, 30 November 2023.

1781 "UN experts urge Iran to respect international law and stop horrific executions of protesters", OHCHR, 23 January 2024; "Annual Report on the Death Penalty in Iran- 2023", Iran Human Rights and ECPM (Together against the death penalty), 5 March 2024; "After a Bloody May, the World Must Challenge Iran's Escalating War on Dissent", Abdorrahman Boroumand Center for Human Rights in Iran 22 June 2023.

1782 "Annual Report on the Death Penalty in Iran- 2023", Iran Human Rights and ECPM (Together against the death penalty), 5 March 2024.

1783 "Iran: UN experts condemn recent executions, urge moratorium on death penalty", OHCHR, 9 May 2023; "Iran: Death penalty used as political tool – UN expert", OHCHR, 25 October 2021; "Urgent International Action Needed Against Escalating Political Executions in Iran, Center for Human Rights in Iran, 1 December 2023; "Iran: Death penalty sought in sham trials", Amnesty International, 16 November 2022; "Death Penalty in Iran: an Appalling Number of Executions in 2023", Iran Human Rights and ECPM (Together against the death penalty), March 2024.

1784 Applying the "do no harm "principle, due to protection concerns in specific cases, the Mission will not, in relation to these cases, publicly disclose references that could lead to the identification of sources.

1785 "Mohsen Shekari: A Report on Death Penalty & Execution of Sentence", The High Council for Human Rights of the Islamic Republic of Iran, 13 December 2022; "Majidreza Rahnavard: A report on Death Penalty & Execution of Verdict"; High Council for Human Rights of the Islamic Republic of Iran, "Mohammad Mehdi Karami & Seyyed Mohammad Hosseini: A Report on Death Penalties & Execution of Verdicts", 14 January 2023; "An Enlightening Report on the Case of Mohammad Qobadlou", The High Council for Human Rights of the Islamic Republic of Iran, January 2024.

In such cases, under international human rights law, even stricter compliance with fair trial standards is required.

918. The Mission sent seven letters to the Government of Iran in May, June, August and November 2023 and in January 2024, the Mission called on State authorities to halt plans for the execution of all individuals on death row in connection with the protests; to establish a moratorium with a view to abolishing the death penalty; and to ensure all judicial proceedings adhered to fair trial and due process guarantees under international law. It further shared lists of questions to the Government of Iran requesting detailed information pertaining to the cases of persons executed and sentenced to death as well as the cases of 89 individuals who at the time were reported to be facing charges carrying the death penalty. The Mission regrets that no response has been received to any of the seven letters at the time of writing.

919. In March 2024, following the publication of the Mission's mandated report on 8 March, the High Council for Human Rights of the Islamic Republic of Iran published a report entitled "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission". This report did not include a reference to the letters sent by the Mission to Iran's authorities in relation to persons at risk of the death penalty, including the list of persons reported to be under death sentences and charged with capital offences. However, it stated that following a probe into the "alleged lists", it was determined that 30 persons had received prison term while 29 had received "orders of non-suit". Six persons were reported to have been pardoned, three acquitted, and another three released on bail. One death sentence was reported to have been overturned by the Supreme Court and referred to a court of first instance for retrial. No records were said to have been found in the cases of eight people. For 21 persons, indictments were reported to have been issued and the execution of nine persons were confirmed.[1786]

920. The report did not include any further details, including on the identity, gender and age of the persons mentioned in the report. As such, the Mission was not able to corroborate the information provided therein.

1. International legal framework

921. Under international law and standards, states that have not yet abolished the death penalty may apply it only for "the most serious crimes" and then only in the most exceptional cases and under the strictest limits. The Human Rights Committee has stated that "the expression 'most serious crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure," and only to crimes involving "intentional killing.[1787]

922. Under no circumstances can the death penalty ever be applied as a punishment for conduct the very criminalisation of which violates the ICCPR. Application of the death penalty for exercising protected rights under international law, including the rights to freedom of expression and assembly, amounts to an arbitrary deprivation of life.[1788] The use of the death penalty against individuals under the age of 18 at the time of the alleged crime is absolutely prohibited under international law.[1789]

923. The principle of legality bars the imposition of the death penalty for vaguely defined criminal provisions whose application depends on subjective or discretionary considerations.[1790] Alternatively, a lack of discretion is also a bar to the death penalty. Mandatory death sentences that leave domestic courts with no discretion as to whether to designate the offence as a crime warranting the death penalty, and whether to issue the death sentence in the particular circumstances of the offender, are arbitrary in nature.[1791] Carrying out executions in public is contrary to article 7 of the ICCPR, which prohibits torture and

[1786] "Examining the inauthentic, non-legal and political report of the so-called Fact-finding Mission", High Council for Human Rights of the Islamic Republic of Iran, March 2024. pp. 35 & 36.
[1787] Human Rights Committee, general comment No. 36 (2019), para 35.
[1788] Ibid., para 48.
[1789] Ibid., para 36.
[1790] Ibid., para 38.
[1791] Ibid., para 37.

cruel, inhuman or degrading treatment or punishment in absolute terms, and amount to a violation of the right to life.[1792]

924. Violation of fair trial guarantees provided for in article 14 of the ICCPR in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in violation of article 6 of the Covenant.[1793] The imposition of the death penalty in breach of any of the above-mentioned standards and fair trial and due process safeguards violates the right to life and the prohibition of inhuman or degrading treatment or punishment. Under international human rights law, arbitrary deprivation of life and violations of inhuman, degrading and cruel treatment or punishment are absolutely prohibited, at all times and in all circumstances.

2. Lack of legal protection under domestic law

925. In contravention of international law, Iran's domestic laws allow for the use of the death penalty for offences not amounting to "the most serious crimes". These include, but are not limited to, drug-related offences, including possession of certain quantities of drugs,[1794] certain types of theft upon fourth conviction,[1795] and rape.[1796] Moreover, vaguely worded and broadly defined offences of "waging war on God" (*moharebeh*) and "corruption on earth" (*efsad-e fel arz*), which breach the principle of legality, also allow for the imposition of the death penalty for acts that do not involve intentional killing. Furthermore, Iran's laws make punishable by death a range of conduct the very criminalisation of which violates international law. They include "insulting the Prophet of Islam (*sabbo al-nabi*),[1797] "apostasy",[1798] and consensual same-sex sexual relations (certain types upon first conviction and others upon the fourth conviction).[1799] Iran's laws also provide for the imposition and the implementation of the death penalty against individuals for crimes committed under the age of 18. Under the 2013 Islamic Penal Code, the use of the death penalty for offenders under the age of 18 is allowed for murder, which falls under the *qesas* (retribution-in-kind) and *hodoud* (offences for which there are fixed penalties categories of punishments under Shari'a law), including "waging war on God" (*moharebeh*) and "corruption on earth" (*efsad-e fel arz*).[1800]

926. Iran's laws provide for the mandatory death penalty. Hanging is the common method of carrying out executions and laws further allow for executions by crucifixion[1801] and

[1792] Ibid., para 40.

[1793] Ibid., para. 41.

[1794] The 1997 Anti-Narcotics Law with subsequent amendments up until 2017.

[1795] Article 278 of the Islamic Penal Code.

[1796] The Islamic Penal Code does not include a provision defining the crime of "rape" but considers "forced adultery" or "forced fornication" (article 221 and 223 of the Islamic Penal Code) and "forced *lavat*" (articles 223 and 234 of the Islamic Penal Code) as rape, which is punishable by death.

[1797] Article 262 of the 2013 Islamic Penal Code.

[1798] "Apostasy", which is an offence punishable by death in Shari'a, is not defined as an offence in the 2013 Islamic Penal Code. However, under article 220 of the Islamic Penal Code and article 167 of the Constitution, judges are granted the discretion to rely on non-codified Shari'a law and "pass their judgements based on authoritative Islamic sources and authentic fatwas" in the absence of codified laws.

[1799] Articles contained in Chapter 2, Book 2 of the Islamic Penal Code under the title of *Lavat, Tafkhiz,* and *Musaheqeh*.

[1800] Under article 91, judges are granted discretionary power to replace the death penalty with an alternative punishment in cases where a child does not "comprehend the nature of the offence committed" or where there are doubts about "their maturity or development of their reasoning." See "Iran: Growing up on death row: The death penalty and juvenile offenders in Iran", Amnesty International, 26 January 2016.

[1801] Under article 282 of the Islamic Penal Code, crucifixion may be imposed as punishment for "waging war on God" (*moharebeh*). Under article 24 of the 1999 Regulatory Code on Implementation of Executions, Stoning, Crucifixion, and Amputations, "In enforcing crucifixion, the convict will be tied with his or her back against a crucifix facing the *Qebleh* with feet slightly above the ground in a vertical position. The convict will be left in such a state for three days, supervised by the police. After the passage of three days, the convict is brought down from the gallows. If the convict is dead,

stoning.[1802] While executions in public are also provided for under Iran's law, including the country's Anti-Narcotics Law, which provides for executions in public when the offence of drug trafficking has been committed by armed offenders.[1803] Judges are granted the discretion to decide the location of the implementation of the sentence meaning they can rule for executions to be carried out in public.[1804]

3. Factual Findings

(a) The use of the death penalty for offences not amounting to 'the most serious crimes'

927. Iran's courts tried and sentenced individuals to death for broadly worded and vaguely defined capital offences, most notably the offence of "waging war on God" (*moharebeh*) and "corruption on earth" (*efsad-e fel arz*) which breach the principles of legality and legal certainty. The vast majority of individuals executed in connection with the protests and those sentenced to death or on trial for capital offences were charged with the above-mentioned offences.

"Waging War on God" (Moharebeh)

928. Article 279 of the 2013 Islamic Penal Code defines *moharebeh* as "as drawing a weapon on the life, property or chastity of people or to cause terror as it creates the atmosphere of insecurity. When a person draws a weapon on one or several specific persons because of personal enmities and his act is not against the public, and also a person who draws a weapon on people, but, due to inability does not cause insecurity, shall not be considered as a *mohareb* [i.e. a person who commits *moharebeh*]."[1805] Per article 282 of the Code, the judge presiding over the trial may choose between the death penalty, crucifixion, amputation of the right arm and the left leg, or banishment as punishment for those found guilty of "waging war on God" (*moharebeh*).

929. Iran's High Council for Human Rights explicitly confirms that the death penalty may be imposed for the charge of "waging war on God" where there are no allegations of intentional killing. A report by the Council pertaining to the execution of Mohsen Shekari, states that "[a]ccording to the law, brandishing a weapon is well enough to be considered *moharebeh*. It is not that a person has to be killed so that *moharebeh* is perpetrated. Anyone who strikes fear into the hearts of people and creates terror in society is considered a *moharebeh*. As far as *moharebeh* is concerned, there is no need to harm someone with a weapon; as soon as the weapon is brandished, the material element of the aforesaid criminal act has been fulfilled." The report mirrors statements made by the Judiciary's Spokesperson, Massoud Setayeshi on 10 December 2022.[1806]

"Corruption on Earth" (Efsad-e fel arz)

930. Under article 286 of the 2013 Islamic Penal Code "[a]ny person, who extensively commits felony against the bodily entity of people, offenses against internal or international security of the state, spreads lies, disruption of the economic system of the state, arson and

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he or she will be buried pursuant to religious rites and in accordance with the laws of burial. Otherwise, he or she is freed. If needed, it is permissible to provide medical attention." See "English Translation of Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution, and Flogging", Iran Human Rights Documentation Centre.

1802 According to article 225 of the Islamic Penal Code, "The punishment for adultery for a woman and a man who meet the condition of *ehsan* is stoning […]. Otherwise, both shall receive 100 lashes." The article adds: "If implementation of the stoning sentence is not possible and if the crime has been proved through witness testimony, with the proposal of the court of final judgment and approval of the Head of the Judiciary, a woman or man who has committed adultery while meeting the condition of *ehsan* shall be executed [by hanging]."

1803 The 1997 Anti-Narcotics Law with subsequent amendments up until 2017, article 11.

1804 Article 499 of the Code of Criminal Procedure.

1805 "English Translation of Books I & II of the New Islamic Penal Code," Iran Human Rights Documentation Center.

1806 "Explanations of the Judiciary's Spokesperson about Mohsen Shekari's execution", Mizan News Agency, 10 December 2022.

destruction of properties, distribution of poisonous and bacterial and dangerous materials, and establishment of, or aiding and abetting in, places of corruption and prostitution, [on a scale] that causes severe disruption in the public order of the state and insecurity, or causes harsh damage to the bodily entity of people or public or private properties, or causes distribution of corruption and prostitution on a large scale, shall be considered as *mofsed-e-fel-arz* [a person committing corruption on earth] and shall be sentenced to death."[1807]

931. Similar to the offence of "waging war on God" (*moharebeh*), "corruption on Earth" (*efsad-e fel arz*) allows for the imposition of the death penalty for conduct that does not amount to "the most serious crimes" under international human rights law.

932. The Mission established that in many cases individuals were tried and/or convicted and sentenced to death for the charges of "waging war on God" and "corruption on earth" for alleged offences that did not meet the threshold of "the most serious crimes". Rather, the charges concerned allegations of arson, vandalism, and non-fatal stabbings, not intentional killing. At least one protester, Mohsen Shekari, was executed over accusations that did not include any allegations of intentional killing.

933. State authorities executed a 23-year-old protester, Mohsen Shekari, for an alleged offence that did not involve allegations of intentional killing. Mohsen Shekari was executed on 8 December 2022, only three weeks after he was sentenced to death.[1808] According to official statements, he was arrested on 25 September 2022 for blocking a street in Tehran, "while wielding a machete and threatening people to join and accompany him."[1809] No allegations of intentional killing were made against Mohsen Shekari.[1810] According to the Judiciary's News Agency, Mizan, his court hearing was held on 1 November 2022. Iran's High Council for Human Right stated that Mohsen Shekari was convicted of "*moharebeh* for brandishing a weapon with intent to kill, create terror and deprive people of freedom and security, as well as intentionally wounding an on-duty security officer with an arme blanche [cold weapon], blocking Tehran's Sattar Khan Street, and disturbing the order and security of the society" by a Revolutionary Court on 20 November 2022".[1811] Mohsen Shekari reportedly was not allowed to have access to his independently appointed lawyer and his family members were not allowed to attend his court hearing.[1812]

934. The case of a 26-year-old protester, Sahand Nourmohammad Zadeh, is again illustrative of the use of the death penalty for acts not amounting to "the most serious crimes". Sahand Nourmohammad Zadeh was sentenced to death on the charge of "waging war on God" (*moharebeh*) over accusations that during the protests in Tehran on 23 September 2022, he had torn down the highway railings and set fire to rubbish cans and tyres. According to Mizan, the charges against Nourmohammad Zadeh included "vandalism and arson of public property with the aim of causing disruption to the country's peace and order and confronting the Islamic government."[1813] On 3 December 2022, Mr. Nourmohammad Zadeh's lawyer reported that the death sentence of his client had been communicated to him.[1814] Mr.

[1807] "English Translation of Books I & II of the New Islamic Penal Code," Iran Human Rights Documentation Center.

[1808] "The rioter who blocked Sattar Khan Street in Tehran executed/ the person had injured a member of the security forces", Mizan News Agency, 8 December 2022.

[1809] "Mohsen Shekari: A Report on Death Penalty & Execution of Sentence", The High Council for Human Rights of the Islamic Republic of Iran, 13 December 2022, p.1, FFM-IRAN-D-000877.

[1810] "Mohsen Shekari: A Report on Death Penalty & Execution of Sentence", The High Council for Human Rights of the Islamic Republic of Iran, 13 December 2022, p.1, FFM-IRAN-D-000877.

[1811] "Mohsen Shekari: A Report on Death Penalty & Execution of Sentence", The High Council for Human Rights of the Islamic Republic of Iran, 13 December 2022, p.3, FFM-IRAN-D-000877.

[1812] "Uncle of first executed protester of 'woman, life, freedom' movement: we had to sign a pledge to stay quiet", Radio Zamaneh, 14 December 2022; "One Person's Story: Mohsen Shekari", Abdorrahman Boroumand Center for Human Rights in Iran.

[1813] "The hearing against persons who blocked the Ashrafi Isfahani highway in Tehran…", Mizan News Agency, 7 November 2022.

[1814] On 16 November, State media announced that three unnamed individuals had been sentenced to death in Tehran. On the basis of the case details disclosed, media and human rights organizations reported

Nourmohammad Zadeh's conviction was subsequently overturned by the Supreme Court. Following a retrial, in March 2023, Branch 26 of the Revolutionary Court in Tehran, presided by Judge Iman Afshari, convicted him again of the charge of *moharebeh* but instead of the death penalty, sentenced him to 10 years in exile[1815] in Kahnouj, Kerman Province as well as six years in prison for the charge of "gathering and colluding to commit crimes against national security". The sentence was upheld by the Supreme Court.[1816]

935. Another case in which a protester was sentenced to death for alleged acts that did not amount to the "most serious crimes" was that of Mahan Sadrat Marani,[1817] a 22-year-old protester. Branch 26 of the Revolutionary Court in Tehran sentenced him to death after convicting him of the charge of "waging war on God" (*moharebeh*) through "wielding a cold weapon (a knife) in a manner that caused insecurity and fear in the surrounding area". He was also charged with "gathering and colluding with intent to commit crimes against national security", setting fire to the motorcycle and destroying a mobile phone, and causing intentional bodily harm by a knife on 12 October 2022 in Tehran.[1818] Mr. Sadrat Marani denied the charges. In January 2024, after a retrial was ordered by the Supreme Court, a Revolutionary Court convicted him of the charge of "waging war on God" once more and instead of the death penalty, sentenced him to 10 years in prison to be served in internal exile. He received a further six years in prison for the other charges against him.[1819]

(b) Death Penalty Conviction for Otherwise Protected Speech and Acts

936. Protesters were charged with, and convicted on, similar charges for non-criminal protected activities, falling within the scope of the rights to freedom of religion and belief, to freedom of expression, and of peaceful assembly.[1820]

937. In one case, a Revolutionary Court in Sari, Mazandaran Province convicted and sentenced Javad Rouhi, a 31-year-old protester to three death sentences including for alleged acts that stemmed from his exercise of protected rights. In addition to convicting him of the

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that Sahand Nourmohammad Zadeh was one of the three unnamed individuals. See "Three rioters in Tehran sentenced to death", IRNA, 16 November 2022.

1815 Under article 285 of the Islamic Penal Code, "exile from the land" (*nafy-e balad*) a person convicted of *moharebeh*, shall be held under supervision and prevented from having interactions with others. Under article 1 of the 1999 Regulatory Code on the Implementation of Executions, Stoning, Crucifixion, and Amputations, under the terms of "exile from the land", the convicted person shall be banished from their place and residence and forced to reside in specific location, in a manner that they are constantly under supervision and prohibited from leaving the location and any interactions with others.

1816 "Appeal request of Sahand Nourmohammad Zadeh accepted by the Supreme Court", Mizan News Agency, 31 December 2022; "Conversation of Shargh Network with Sahand Nourmohammad Zadeh's appointed lawyer: the death sentence against Sahand was overturned but the *moharebeh* charge remained…" Shargh Daily, 29 March 2023; "Sahand Nourmohammadm Zadeh's request for a judicial review registered….", Shargh Daily, 8 August 2023.

1817 Various spellings of his name have been reported in the media and by human rights organizations, including Mahan Sedarat Madani.

1818 "The death sentence against Mahan Sadrat sent to the office for implementation…", Shargh Daily, 10 December 202.

1819 "The sentence against Mahan Sadrat overturned", Mizan News Agency, 23 January 2024; "Mahan Sadrat Marani's request for judicial review accepted", Mizan News Agency, 21 December 2022. The Report stated that the Supreme Court had accepted the judicial review request on the basis of article 474 of the Code of Criminal Procedure which allows for granting of judicial review requests after a judgment has been upheld where new evidence comes to light or on the basis of new developments.

1820 According to reports by human rights organizations and the media, at least one person was also charged with the capital offence of "insulting the prophet of Islam". Activities such as giving media interviews and artistic expression was also reportedly used as evidence of capital offences. See Iran Human Rights, "At Least 55 People Executed in 26 Days, List of Protesters at Risk of Death Penalty"; 27 January 2023; "Annual Report of the Death Penalty in Iran 2022", Iran Human Rights, 13 April 2023; "Iran: List of individuals at risk of execution in connection to nationwide protests", Amnesty International, 16 December 2022; "Mehdi Bahman", United for Iran; "Imprisoned Dissident Rapper Toomaj Salehi, Voice of Iran's Protests, Faces Possible Execution", Center for Human Rights in Iran, 6 April 2023.

charges of "waging war on God" and "corruption on earth" over allegations of "committing crimes against domestic security, arson and vandalism in a manner that caused severe disruption in the country's general security, [caused] lack of security and significant damage to public property…. with the intent to confront the Islamic Government", the court also convicted him of the charge of "apostasy (through violating the holy Quran by setting the holy Quran on fire", and "insulting the sanctities."[1821] The court judgment reviewed by the Mission cites reports by the IRGC's intelligence organization stating that Javad Rouhi was "part of the initial circle of the assemblies leading to riots."[1822] According to the court documents reviewed by the Mission and interviews given by Javad Rouhi's lawyer to Iran's domestic media,[1823] Mr. Rouhi consistently maintained that his participation in the protests was peaceful, that he had not engaged in any act of vandalism and arson and had only danced, burnt scarves and removed some items from a police booth which others had set on fire. Court documents reveal that the case file lacked evidence of Mr. Rouhi's involvement in acts such as arson and vandalism.[1824] In convicting Javad Rouhi of the charge of "apostasy" and sentencing him to death, the court cited *fatwas* (religious rulings) by Muslim jurists and the opinion of Ayatollah Nouri Hamedani stating that the blood of those insulting the holy Quran may be legitimately spilled.[1825] Javad Rouhi died in custody on 31 August 2023 following credible reports of torture and ill-treatment in the aftermath of his arrest.[1826]

(c) Imposition of the death penalty following grossly unfair trials

Right of Presumption of Innocence

938. Judicial proceedings against persons tried for capital offences in connection with the protests took place against the backdrop of State's vilification of protesters as "rioters".[1827] Evidence reviewed by the Mission show that those accused of capital offences were especially vilified by State affiliated media. Media articles depicted persons accused of capital offences who were perceived to have differences or different lifestyles, in particular by having tattoos, as "thugs" and persons without moral and ethical principles.[1828]

939. Authorities, including prosecutors, police and government officials as well as the Judiciary's news agency and other State media made statements indicating an opinion about the guilt of defendants before the conclusion of the criminal proceedings against them or even before they had started.[1829] The Judiciary's news agency and other state media systematically released videotaped "confession" of persons tried on and convicted of charges carrying the death penalty in connection with the protests, in violation of their rights to presumption of innocence and not to be compelled to self-incriminate. In at least six cases, video

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1821 FFM-IRAN-D-001537 (Court Document).

1822 FFM-IRAN-D-001537 (Court Document).

1823 "The lack of evidence in the case of Javad Rouhi", Shargh daily, 20 February 2023.

1824 FFM-IRAN-D-001537 (Court Document).

1825 Not only did the conviction violate international law by imposing a sanction on a protected right. It also violated the principle of legality. "Apostasy", which is an offence punishable by death under Shari'a, is not defined as an offence in the 2013 Islamic Penal Code. However, under article 220 of the Islamic Penal Code [1825] and article 167 of the Constitution judges are granted the discretion to rely on non-codified Shari'a law and "pass their judgements based on authoritative Islamic sources and authentic fatwas" in the absence of codified laws.

1826 "Iran: Suspicious Death of Imprisoned Protester", Human Rights Watch, 1 September 2023; "Javad Rouhi's Body Conditionally Released and Buried with Security Presence", Iran Human Rights, 1 September 2023.

1827 See Section V. D.

1828 See for example, "Watch – the moment of the arrest of the actors responsible for the terrorist attack in Isfahan, see their tattoos/they are from the famous thugs in Isfahan", Hamshahri Online, 20 November 2022.

1829 See for example, "The actor responsible for the martyrdom of two young Basijis arrested + images", Tasnim news, 19 November 2022; "The first video of the confessions of the murderer of two Basijis in Mashhad", Rokna News, 20 November 2022; FFM-IRAN-D-001572 (Video); FFM-IRAN-D-001574 (Video).

"confessions" of those executed in connection with the protests were broadcast before their trials had even started.

940. For instance, on 20 November 2022, Fars news and other state media published a report entitled "the first statements by the murderer of the Basij Martyrs in Mashhad", which included an IRIB report depicting Majidreza Rahnavard, a young man who was executed on 8 December 2022, immediately after his arrest. In the video, Mr. Rahvanard could be seen sitting blindfolded in the back seat of a car while making self-incriminating statements including by stating that he had stabbed several Basij members. In the video the Head of the Justice department (*dadgostari*) identifies Majidreza Rahavard by name while a police official describes him as the "stabber" of the security forces. In one segment of the video, Mr. Rahnavard is seen shackled and in handcuffs while his arm is heavily bandaged and in a cast, raising concerns that he may have been subjected to torture. [1830]

941. Several reports and videos in the case of the three men, 30-year-old Majid Kazemi,[1831] 35-year-old Saleh Mir Hashemi,[1832] and 37-year-old Saeed Yaghoubi,[1833] who were executed on 19 May 2023 in Isfahan[1834] and the three other defendants in the case showed them making statements incriminating themselves and each other prior to the start of their trial. State media published reports aimed at vilifying the men including by claiming that the detainees had criminal records including records of rape. Court records however reveal that these claims were false and an apparent effort to portray the men as violent criminals. Bar one of the defendants, for whom a record is mentioned, the judgments explicitly stated the defendants did not have any criminal records.[1835]

942. Prosecutorial and judicial officials also violated the right of those convicted of capital offences to presumption of innocence as evidence reviewed gives rise to serious concerns as to whether guilt was established beyond reasonable doubt, in particular in cases where they made allegations of involvement in killings. The Mission documented a pattern of vague and general accusations made against several defendants in one case; and a lack of precision on the exact allegations made against each defendant, in particular in group trials. Judicial documents, including court judgments showed that courts heavily or solely relied on self-incriminating statements by the accused persons as well as reports by security and intelligences bodies to convict persons of capital offences. In the case of the three men executed in Isfahan on 19 May 2023, Majid Kazemi, Saleh Mir Hashemi, and Saeed Yaghoubi,[1836] for example, the court relied on "the report paper of the examination of the corpses of the security martyrs" which found that the cause of death was "being hit with a fast-flying object" as well as the outcome of the report by the ballistics' expert which "indicated that the martyrs were martyred by AK-47." The forensic and ballistic reports cited do not appear to draw any links between the weapons allegedly seized from two of the defendants and the ammunition which caused the death of the security forces. According to the judgment, the court heard at least five prosecution witnesses, all of whom appear to have been from the security forces while no witnesses for the defendants appear to have been recorded. The ruling lacked reasoning, failed to address facts and issues essential to the determination of aspects of the case, and did not make any references to the defence put forward by the accused persons' legal counsel.[1837]

1830 "The first video of the confessions of the murderer of two Basijis in Mashhad", Rokna News, 20 November 2022. See FFM-IRAN-D-001575 (Video).

1831 Full legal name: Majid Kazemi Sheikh Shabani.

1832 Full legal name Saleh Mirhashemi Boltaghi.

1833 Full legal name: Saeed Yaghoubi Kurdsofla.

1834 "Actors responsible for the 'House of Isfahan' terrorist attack executed…", Fars News, 19 May 2023; "Actors responsible for terrorist attack in 'House of Isfahan' case leading to martyrdom of three security forces executed…", Mizan News Agency, 19 May 2023.

1835 FFM-IRAN-D-001572 (Video); FFM-IRAN-D-001576 (Video); FFM-IRAN-D-001538 (Court Records).

1836 "Actors responsible for the 'House of Isfahan' terrorist attack executed…", Fars News, 19 May 2023; "Actors responsible for terrorist attack in 'House of Isfahan' case leading to martyrdom of three security forces executed…", Mizan News Agency, 19 May 2023.

1837 FFM-IRAN-D-001538 (Court Records); FFM-IRAN-D-001539 (Court Records).

943. The case of Mojahed (Abbas) Kourkouri is another illustrative example. The authorities accused Mojahed Kourkouri of involvement in the killing of seven persons, including Kian Pirfalak, a 9-year-old boy during the protests in Izeh, Khouzestan province on 16 November 2022 and charged him with "waging war om God", "corruption on earth" and "*baghi*" (armed rebellion).[1838] On 7 April 2023, the Judiciary announced that the Revolutionary Court in Ahvaz had sentenced Mr. Kourkouri to death on the charge of "corruption on earth".[1839] State media aired "confession" made by Mr. Kourkouri shortly after his arrest. He was filmed in what appeared to be a hospital bed with his arm bandaged with traces of blood visible.[1840] Relatives of Kian Pirfalak repeatedly stated that they saw state forces firing at their car and that they have no complaints against Mr. Kourkouri[1841] and a witness stated that on that day Mr. Kourkouri was on the side of the protesters and was not at the location where the fatal shooting at the car with Kian Pirfalak and his family took place.[1842] In December 2023, reports emerged that his death sentence was upheld by the Supreme Court placing him at imminent risk of execution at the time this document was written.[1843] The Government's response to a UN Special Procedures' communication includes large segments of self-incriminating statements made by Mr. Kourkouri, which based on credible information, was obtained under torture. It further draws on a ballistic report which it alleges connects him to the incident and the analysis of a CCTV footage which only states "there exists a resemblance" between a person the State alleges to have been involved in the incident and Mr. Kourkouri.[1844]

944. Human rights organization and the media have repeatedly highlighted discrepancies in the official narratives and the evidence put forward by officials in the cases of several others sentenced to death or executed in connection with the protests. For example, in the case of Milad Zohrevand, a young man executed in November 2023 over accusations of involvement in the killing of a member of the IRGC's Intelligence in Hamedan during the protests, media outlets highlighted contradictory reports by state media and officials in relation to the events that took place during the incident in which Mr. Zohrevand was accused of being involved in.[1845]

Violation of the right to access to lawyer of one's choosing and effective legal assistance

945. Consistent with the broader pattern of denial of the right to a lawyer of protest detainees,[1846] prosecutorial and judicial authorities systematically denied detainees facing capital charges the right to access a lawyer during the detention and investigations.[1847] Evidence analysed by the Mission also shows that the authorities denied detainees and defendants the right to an independently appointed lawyer including at the trial stage.[1848]

1838 See Section V. A. See also, "The main accused person for the martyrdom of Kian Pirfalak sentenced to death", Mizan Online, 7 April 2023.

1839 "The main accused person for the martyrdom of Kian Pirfalak sentenced to death", Mizan News Agency, 7 April 2023.

1840 FFM-IRAN-D-001692 (Video).

1841 See Section V. A. See also, "Meysam Pirfalak, the father of Kian, I will not lodge a complaint against Mojahed Kourkour and the detainees of Izeh, I will not forget, I will not forgive", Kayhan London Online, Youtube, 11 April 2023.

1842 FFMI-IRAN-D-050308 (Submission).

1843 "Iran: Further information: Man facing imminent protest-related execution: Mojahed Kourkouri", Amnesty International, 5 January 2024.

1844 The Comments of the Islamic Republic of Iran on the Special Procedures Mandate-Holders' Correspondence dated 20 July 2023 Regarding Abbas (Mujahid) Korkuri, Ref. 2050/1737696, 5 September 223. Comments were in response to Ref.: UA IRN 13/2023.

1845 "The case of Milad Zohrevand became a security case with the order of Khamanei", IranWire, 16 November 2023; "The case of Milad Zohrevand, a death sentence for the charge of 'murder' of an IRGC officer with three contradictory narratives by the authorities", BBC Persian, 25 June 2023.

1846 See Section V. D.

1847 FFMI-IRAN-D-050302 (Submission); FFMI-IRAN-050403 (Submission); FFMI-Iran-D-050222 (Submission); FFMI-Iran-D-050483 (Submission). See also https://twitter.com/hra_news/status/1759868965218599263.

1848 FFMI-IRAN-D-050302 (Submission); FFMI-IRAN-050403 (Submission); FFMI-Iran-D-050222 (Submission); FFMI-Iran-D-050483 (Submission); See for example, "From the personal decision of

Court judgments reviewed in some cases listed State appointed lawyers even where defendants requested to have access to independently appointed lawyers.[1849]

946. In one case the Judiciary's news agency explicitly admitted that a 22-year-old protester Mohammad Ghobadlou, who at the time was simultaneously undergoing two parallel trials on charges of "corruption on earth" (*efsad-e fel arz*) and murder, respectively, before a Revolutionary Court and a criminal court, was denied access to his independent lawyers during one of the trials. In November 2022, Mr. Ghobadlou's lawyer stated that his client's court hearing before the Revolutionary Court had been held in his absence and the absence of his family.[1850] Subsequently, Mizan online, published a report citing the note to article 48 of the Code of Criminal Procedure, confirmed that in Mohammad Ghobadlou's case, his independently appointed lawyers did not have the clearance to represent him before the Revolutionary Court and were only able to represent him at his trial before a criminal court.[1851] A report by the High Council for Human Rights of the Islamic Republic pertaining to the case of Mohammad Ghobadlou also implies that he had a state appointed lawyer in one of the proceedings despite him having retained two independently appointed lawyers.[1852] According to Mohammad Ghobadlou's lawyers, he did not have access to a lawyer following arrest and during the course of investigations.[1853]

947. In December 2022, a lawyer whose client had been sentenced to death in connection with the protests by a Revolutionary Court told a domestic media outlet that he was not permitted to represent his client at trial. He further stated that he was told by prosecutorial/judicial officials that it was the decision of the head of the Revolutionary Court to not allow independently appointed lawyers even during the trial stage in "security-related cases".[1854]

948. Denial of access to a lawyer left defendants facing capital charges, many of whom were very young, defenceless and most vulnerable. In a publicly available audio message from prison, a young protester, who was sentenced to death on the charge of "waging war on God", stated that he had been made to sign papers which he was not allowed to read in the Office of the Prosecutor. He stated: "I did not know what the word *moharebeh* meant. I asked the investigating judge in Branch 3 of the Office of the Prosecutor […] 'what does *moharebeh* mean'. He said, 'it means what you have done'. He did not even explain to me what the word *moharebeh* meant."[1855]

949. Evidence reviewed by the Mission shows that in some cases State appointed lawyers failed to provide persons facing capital charges with effective assistance and in some cases reportedly told their clients to "cooperate" with the interrogators.[1856] In December 2022, the father of a young protester sentenced to death told a domestic media outlet: "They told us that you can appeal the judgment. I have been calling the lawyer appointed by the Judiciary,

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the head of the Revolutionary Court, to not allowing judges in court", Etemad Online, 14 December 2022; "Uncle of first executed protester of 'woman, life, freedom' movement: we had to sign a pledge to stay quiet", Radio Zamaneh, 14 December 2022.

1849 See for example, FFM-IRAN-D-001545 (Court documents); FFM-IRAN-D-001538 (Court Documents).

1850 Social media post on file with the Mission.

1851 "Description of proceeding in the case of Mohammad Ghobadlou/his offences are tried before two separate courts…", Mizan News Agency, 2 November 2022. As detailed in Section V. D, under the note to article 48 of the CCP, access to independently appointed lawyers may only be limited during the investigation phase and not during trial.

1852 "An Enlightening Report on the Case of Mohammad Qobadlou", High Council for Human Rights of the Islamic Republic of Iran, January 2024. See FFM-IRAN-D-000761.

1853 "The execution was against the law/ the doctor in the case requested the execution to be halted", Youtube, 3 February 2024.

1854 "From the personal decision of the head of the Revolutionary Court, to not allowing judges in court", Etemad Online, 14 December 2022; Article on file with the Mission.

1855 Article on file with the Mission.

1856 FFMI-IRAN-050403 (Submission); FFMI-IRAN-D-050222 (Submission); FFMI-IRAN-D-050483 (Submission); See also "One Person's Story: Mohsen Shekari", Abdorrahman Boroumand Center for Human Rights in Iran." See Section V. D.

but he does not even respond to me. The lawyer would not even bring himself to give me the address of his office. I asked him to go to him to have him record what my son has told me in the casefile […] but I have not been able to have this added to the casefile."[1857]

Hasty proceedings and show trials

950. Persons tried on and convicted of charges carrying the death penalty were tried in hasty proceedings that failed to resemble meaningful judicial processes, amid repeated calls by State authorities, including the Head of the Judiciary[1858] as well as Members of Parliament and other officials for the expedition of trials of protesters, harsh punishments and the implementation of death sentences.[1859] Officials and state media praised the speedy nature of the proceedings leading to the death penalty.[1860]

951. In some cases, the authorities executed persons convicted of capital offences merely weeks after their arrest and/or conviction dates. Majidreza Rahnavard was executed on 12 December 2022, a little over three weeks after his arrest on 19 November 2022. Mohsen Shekari, another young protester, was executed on 8 December 2022, less than three months after his arrest on 25 September and less than three weeks after the pronouncement of a death sentence against him by the lower court on 20 November.[1861] Mohammad Mehdi Karami and Seyyed Mohammad Hosseini, tried as part of a group trial of 16 persons, were executed three months after their arrest.[1862] The trial, which according to evidence examined by the Mission, consisted of only four sessions with each defendant having one hearing only.[1863]

952. The authorities broadcast trials, including of groups of defendants, as part of the State's narrative on the protests. Most notably, on 29 October 2022, Mizan news agency reported that several individuals accused in connection with the "recent riots" had appeared earlier in the day before a Revolutionary Court in Tehran.[1864] The court was presided over by Abolghasem Salavati, who is the head of Branch 15 of the Revolutionary Court in Tehran. An official banner behind Judge Salavati introduced the court as "court for dealing with the

1857 Article on file with the Mission. See also Section V. D.

1858 "Mohseni Ejeie: Trial and punishment of the recent riots' agents and actors must be conducted as early as possible", ISNA, 7 November 2022; "Proceeding of rioters' cases and murderers of security martyrs in a robust manner within minimum time and in accordance with lawful standards", "The instruction of the Head of the Judiciary to relevant judicial and law enforcement and security authorities for identification, prosecution and expedited and robust punishment of actors threatening people's lives/ Robust and lawful proceedings in rioters' cases continues", Mizan News Agency, 4 December 2022; Mizan News Agency, 5 December 2022;

1859 "Friday Imam of Karaj expresses gratitude for robust action by the Judiciary in cases of recent riots", Mizan News Agency, 17 December 2022; "227 members of parliament request the Judiciary to take a robust stance against those inciting the recent riots", IRNA, 6 November 2022; "The President: The nation has open arms for those deceived/ No mercy for enemies", Mizan News Agency, 27 December 2022.

1860 "Martyr Ajamaian's case proceeded carefully and in a timely and expedited manner in a transparent lawful process according to the special order of the Head of the Judiciary", Mizan News Agency, 5 November 2023", "Details on the riot cases from the Head of the Judiciary", Mizan News Agency, 28 November 2022; "The case of martyrdom of martyr Ajamian processed in one month…", Mizan News Agency, 30 November 2022; "Proceeding of rioters' cases and murderers of security martyrs in a robust manner within minimum time and in accordance with lawful standards", Mizan News Agency, 4 December 2022; "Release of 1200 of recent unrest detainees/The latest details of agents of martyrdom of Soleimani's martyrs case/lates details on the cases of actors behind the martyrdom of martyr Soleimani, Fakhrizadeh, and Ajamian…", Mizan News Agency, 6 December 2022;

1861 "Mohsen Shekari: A Report on Death Penalty & Execution of Sentence", The High Council for Human Rights of the Islamic Republic of Iran, 13 December 2022, FFM-IRAN-D-000877.

1862 "Martyr Ajamaian's case proceeded carefully and in a timely and expedited manner in a transparent lawful process according to the special order of the Head of the Judiciary", Mizan News Agency, 5 November 2023.

1863 FFMI-IRAN-D-050483 (Submission).

1864 "Court session to try the cases of those recent rioters in Tehran/ the accused person who ran over police officers and caused the martyrdom of one officer/father of the martyr asked the court for maximum punishment", Mizan News Agency, 29 October 2022.

charges against recent rioters".[1865] The Mission was not able to establish the exact number of defendants tried before the above court. The Judiciary's news agency disclosed the identities of six men who were charged with capital offences. Video footage and photographs of the court session, which were widely published by state media, show at least a dozen defendants present in court. Evidence reviewed by the Mission shows that the named defendants were accused of involvement in separate incidents that allegedly took place on different dates and locations. According to credible information received by the Mission, in at least one case, the judgment was not issued by the special court or Branch 15 of the Revolutionary Court, but another branch of the Revolutionary Court in Tehran.[1866] Following the court session, which was the only session publicised by State authorities and the media, interrupted, edited snippets of video footage session was widely circulated by the state media. Segments of the session aired generally depicted defendants making incriminating statements against themselves and/or their co-defendants.[1867]

Reliance on confessions extracted under torture and ill-treatment

953. Persons charged with capital offences were subjected to torture and ill-treatment. This included various methods of physical and psychological torture including prolonged solitary confinement. Courts relied on "confessions" extracted under torture and ill-treatment and in the absence of lawyers to convict individuals charged with capital offences and to sentence them to death. No investigations were conducted by the authorities in cases in which defendants recanted their self-incriminating statements in court and where allegations of torture and coerced confessions were raised, including publicly, by the defendants, their lawyers and their family members.[1868] As detailed below, in cases investigated by the Mission in which allegations of torture and forced confessions were raised, the authorities carried out the executions without conducting any investigations.

954. In the case of Mohammad Mehdi Karami and Seyyed Mohammad Hosseini, a witness described how both had been subjected to severe torture including by being hung and beaten with stun guns after they were dosed with water and being tied in what is known as the "chicken position". The witness said that they made "confessions" just to stop the torture. Mohammad Mehdi Karami was reported to have been beaten up so severely on one occasion that when he was returned to the ward, he was unconscious while Seyyed Mohammad Hosseini sustained bruises all over his body.[1869] Credible information received by the Mission also show that Mohammad Mehdi Karami was subjected to severe beatings including to the head upon arrest and in detention. Intelligence officials also were reported to have used electroshock weapons on his body including on his chest and torso, arms, and hands.[1870]

955. Hamid Ghare Hassanlou, a doctor who was tried along with Mohammad Mehdi Karami and Seyyed Mohammad Hosseini and whose death sentence was commuted to 15 years in prison in internal exile, was also subjected to torture at the time of arrest and in detention. Arresting agents subjected Hamid Ghare Hassanlou to severe beatings at the time of arrest and in detention resulting in him sustaining broken ribs and suffering internal bleeding in his lungs which required several surgeries.[1871] In an audio message published by the media, he stated that one of the arresting agents forced him into a lied down position in front of his 13- year-old daughter and wife "like a sheep", placed a knife on his throat and

1865 "Court hearing in the case of recent rioters in Tehran", IRNA, 29 October 2022.
1866 FFM-IRAN-D-001546; FFM-IRAN-D-001547; FFM-IRAN-D-001548; FFM-IRAN-D-001549; FFM-IRAN-D-001550; FFM-IRAN-D-001551; FFM-IRAN-D-001552; FFM-IRAN-D-001553
1867 See for example FFM-IRAN-D-001580 (Video); FFM-IRAN-D-001582 (Video); FFM-IRAN-D-001581 (Video).
1868 FFMI-IRAN-D-050302 (Submission); FFMI-IRAN-D-050222 (Submission); FFMI-IRAN-D-050483 (Submission); FFMI-IRAN-D-050308 (Submission); FFM-IRAN-D-001554; FFM-IRAN-D-001555; FFM-IRAN-D-001556; FFM-IRAN-D-001557; FFM-IRAN-D-001526; FFM-IRAN-D-001558.
1869 FFMI-IRAN-D-050211 (Submission)
1870 FFM-IRAN-D-001558.
1871 FFMI-IRAN-050403 (Submission); FFMI-IRAN-D-050222 (Submission).

said, "I will behead you now".[1872] Farzaneh Ghare Hassanlou, Hamid Ghare Hassanlou's wife who was arrested along with him, tried on capital offences, and at the time of writing was serving a five-year prison term in internal exile, was also tortured in detention. Interrogators subjected her to beatings including to the head and threatened her children in order to coerce her into making statement incriminating her husband.[1873]

956. In the case of the three protesters executed in Isfahan on 19 May 2023, in a publicly available audio messaged from prison, Majid Kazemi, stated that he was subjected to immense physical and psychological torture, including by being subjected to beatings with a stun gun, death threats against his family, and threats of rape and execution and that he had made self-incriminating statements under torture. He further added that during trial, he recanted all statements he had made prior to his appearance in court.[1874] Credible information[1875] also reveals that Majid Kazemi was tortured while in the detention of the IRGC's Intelligence Organization in Isfahan including by being subjected to prolonged solitary confinement, beatings including on the sole of the feet and with a stun gun, and being threatened with rape, execution and execution of his family members. Agents from the IRGC's Intelligence Organization also detained Majid' Kazemi's brother, who according to credible information was not present at the protests of 16 November 2022 and was not subsequently charged with any offences for weeks. According to the credible information, interrogators from the IRGC's Intelligence Organization showed Majid Kazemi video footage of his brother being tortured to coerce him into making self-incriminating statements.

957. According to reports and credible information reviewed by the Mission Mojahed Kourkouri was also subjected to torture including beatings, forced administration of medication, and psychological forms of torture. He was reportedly injured at the time of arrest but did not receive adequate medical care in detention.[1876] The Government response to the UN Special Procedures' communication on the case of Mr. Kourkouri states that "torture during the investigations are categorically unfounded." It does not include any reference to investigations being carried out into the allegations and merely refers to domestic legal provisions that prohibit torture in general terms.[1877]

958. Mohammad Ghobadlou was also reported to have been tortured and ill-treated including by being beaten in detention, being denied medication for his bipolar disorder, and being held in solitary confinement.[1878] A publicly available forensic report, dated 20 October 2022,[1879] reviewed by the Mission recorded bruising and injuries on Mohammad Ghobadlou's right arm, right elbow and left shoulder blade. The report assessed that the injuries were sustained at a time when he would have been in State custody. Both a report by the High Council for Human Rights of the Islamic Republic as well as Supreme Court judgment by Branch 39 annulling a retrial order draw on the opinion of a Legal Medicine Organization doctor during the trial attesting that Mohammad Ghobadlou's mental health had no impact on his culpability.[1880] This is despite the fact that according to his lawyers the

1872 "Special feature: description of Dr. Ghareh Hassanlou's tortures; threatened to be 'decapitated' before the eyes of his 13-year-old child", VOA, 8 September 2023.

1873 FFMI-IRAN-D-050222 (Submission); FFMI-IRAN-D-050483 (Submission).

1874 FFM-IRAN-D-001559. FFM-IRAN-D-001560; FFM-IRAN-D-001561.

1875 FFMI-IRAN-D-050302 (Submission).

1876 FFMI-IRAN-D-050308 (Submission). "Iran: Man at risk of protest-related execution: Mojahed (Abbas) Kourkouri", Amnesty International, 5 July 2023; "Hanging rope around the neck of another innocent person; hear the voice of Mojahed Kourkour", IranWire, 28 December 2023; "To extract confession from Mojahed, they made him take pills", BBC Persian, 16 June 2023.

1877 "The Comments of the Islamic Republic of Iran on the Special Procedures Mandate-Holders' Correspondence dated 20 July 2023 Regarding Abbas (Mujahid) Korkuri", Ref. 2050/1737696, 5 September 2023. Response provided to IRN 13/2023. Mandate-Holders' Correspondence dated 20 July 2023 Regarding Abbas (Mujahid) Korkuri, 5 September 223.

1878 "Iran: Further information: Grave execution risk for youth with disability: Mohammad Ghobadlou", Amnesty International, 16 June 2023.

1879 Social media post on file with the Mission.

1880 "The *qesas* sentence against Mohammad Ghobadlou, the murderer of martyr 'Farid Karampour Hassanvand' implemented/487 days of proceedings in the case…", Mizan News Agency, 23 January

same doctor, subsequently, including in a letter to the Supreme Court, withdrew his previous opinion expressed at court and requested an adequate assessment in light of the victim's long mental health records.[1881] The High Human Rights Council report further claims that the "torture allegations are absolutely false". It does not include any reference to investigations being carried out into the allegations and merely refers to domestic legal provisions that prohibit torture in general terms and repeats the "confessions" attributed to Mr. Ghobaldou claiming they were given "free from any pressure".[1882]

959. Courts and prosecution officials systematically dismissed allegations of torture and failed to conduct investigations including where defendants recanted their statements. For example, in the case known as the "House of Isfahan case", the judgment explicitly stated that Saleh Mirhashemi recanted nearly all the statements he had made before the IRGC's Intelligence Organization and the Office of the Prosecutor, stating that he "denied nearly all his previous statements and made new statements" during the hearing.[1883] All three men in the case also publicly raised allegations of torture and coerced confessions.[1884] The court records, including the Supreme Court's judgment which was issued following the allegation of torture, reveal that no steps were taken to investigate the torture allegations. Instead, the statements were treated as evidence of guilt.

960. Equally in the case of Gholamreza (Reza) Rasaei, a young man from Kurdish and Yaresan ethnic and religious minority communities, the court heavily relied on "confessions" which the defendants recanted at court and reported to have been extracted under torture. On 7 October 2023, Branch Two of Criminal Court One in Kermanshah province convicted Reza Rasaei of "murder" and sentenced him to death as well as a prison term and flogging. According to the judgment reviewed by the Mission, Reza Rasai was convicted of involvement in the killing of a member of the security forces on 18 November 2022 during a protest in Sahneh, Kermanshah province. The judgment shows that the defendants in the case recanted their "confessions" at court reporting that they had been obtained under torture. Despite these allegations, the court heavily relied on statements made by the defendants incriminating themselves and each other to convict them. Instead of ordering investigations into torture reports, the judgment states that the defendants' allegations of torture were "without credibility and void of any truth". The presiding judge explained that he deemed the torture allegations "without credibility" as firstly, denial of statements after they were given would not negate the punishment; and secondly, "confessions" were made repeatedly before prosecutorial officials, were detailed and corresponded to other evidence in the case thus "leaving no doubts" that they were taken "without any torture".[1885] The judgment further admits that despite the court's instructions to address "deficiencies" in investigation, the Office of the Prosecutor had not done so adequately.[1886] On 16 December 2023, the Supreme Court upheld the conviction and sentence against Mr. Rasaei and on 16 January 2024, his lawyer's request for a judicial review was rejected. The court reportedly dismissed

2024; "An Enlightening Report on the Case of Mohammad Qobadlou", High Council for Human Rights of the Islamic Republic of Iran, January 2024, FFM-IRAN-D-000761.

1881 "The execution was against the law/ the doctor in the case requested the execution to be halted", Youtube, 3 February 2024; FFM-IRAN-D-001562 (Court Records); "Request letter to the Head of the Judiciary by a group of psychiatrists regarding Mohammad Ghobadlou's case, sentenced to execution/conditions of bipolar disorder and borderline personality disorder require more precise review + names", Didban Iran, 29 December 2022.

1882 "An Enlightening Report on the Case of Mohammad Qobadlou", High Council for Human Rights of the Islamic Republic of Iran, January 2024, FFM-IRAN-D-000761.

1883 FFM-IRAN-D-001538 (Court Records).

1884 "Publication of an audio file belonging to Majid Kazemi: 'they beat me and told me to say these'", BBC Persian, 13 January 2023; "The accused persons under death sentences in 'House of Isfahan Case': we were tortured, justice department: what they say is "falsehood", Voice of America 15 January 2023; https://www.instagram.com/reel/Cnb77oJg0F3; https://twitter.com/IranIntl/status/1666486036111806465.

1885 FFM-IRAN-D-001564 (Court Documents).

1886 FFM-IRAN-D-001564 (Court Documents).

exculpatory evidence including key witness testimonies and his lawyer's submissions on the flawed investigations.[1887]

961. In the case of Javad Rouhi, his lawyer stated in a media interview with a domestic newspaper that his client had raised allegations of "coercion and pressures" during interrogations, but these allegations were dismissed.[1888] Evidence reviewed by the Mission shows that Hamid Ghare Hassanlou removed his clothes during the court hearing showing the judge his injuries sustain under torture. No steps were taken to investigate the reports of torture.[1889] In the case of Seyyed Mohammad Hosseini, after his lawyer publicly raised allegations of torture and coerced confessions,[1890] Fazeli Harikandi, the Head of the Justice Department (*dadgostari*) in Alborz Province stated a case had been opened before a branch of the Office of the Prosecutor in Karaj and invited him and his lawyer to submit their "evidence and documentations." He further added that Mohammad Hosseini had not made any claims and that he "was subjected to necessary medical examinations at the time of his transfer to prison and no traces of beatings were observed. Moreover, there has been no harm done to him in prison and he has not been subjected to beatings."[1891] On 3 January 2023, less than three weeks after the allegations were made, the Supreme Court upheld the death sentences against Seyyed Mohammad Hosseini and Mohammad Mehdi Karami.[1892] The Mission has not seen evidence of any investigations being carried out into the reports of torture.

Secret proceedings and denial of the right to meaningful appeal and to seek pardons

962. Those convicted of capital offences in connection with the protests were also denied the right to meaningful appeal. Proceedings before the Supreme Court were held in a summary fashion with, in some cases, the Supreme Court judgments being issued only days after an appeal was lodged. Executions were carried out swiftly after Supreme Court rulings. For example, Milad Zohrevand was executed 10 days after his death sentence was upheld.[1893] Moreover, Supreme Court judgments in the cases of persons convicted of death sentences and executed examined by the Mission were not sufficiently reasoned and failed to provide reasons for rejecting appeal requests.[1894] In the case of Majid Kazemi, Saeed Yaghoubi and Saleh Mirhashemi, the Supreme Court judgment consists of 45 pages. However, the review of the judgment by the Mission revealed that it included the entire text of the indictment and the judgment of the lower court and that the judgment itself consisted of only several paragraphs. The ruling rejected the defendants' appeal by merely stating that their "lawyers did not mount a reasoned and credible appeal that would be able to challenge and overturn the appealed judgment" and that "with regards to respect to due process, no particular problems were noticed."[1895]

963. Furthermore, the Mission's investigation of the case of young protester, Mohammad Ghobadlou, who was executed in January 2024 show an array of human rights violations and serious irregularities including proceedings shrouded in secrecy and interventions by high judicial officials. Mohammad Ghobadlou who suffered from long-term mental disability, was arrested in September 2022. He was subsequently charged and underwent two separate trials

1887 FFM-IRAN-D-001563 (Court Documents); "Iran: Further Information: Tortured Man Facing Protest-Related Execution: Reza Rasaei", Amnesty International, 8 February 2024.

1888 "Lack of evidence to prove in the case of Javad Rouhi", Shargh daily, 20 February 2023.

1889 FFMI-IRAN-050403 (Submission); FFMI-IRAN-D-050222 (Submission); FFMI-IRAN-D-050483 (Submission).

1890 Social media post on file with the Mission.

1891 "The lawyer of one of those accused in Rouhollah Ajamian's martyrdom case invited to provide explanations regarding the allegations…" Mizan News Agency, 19 December 2022.

1892 FFM-IRAN-D-001545 (Court Documents).

1893 "The *qesas* sentence of the murderer of martyr of Ali Nazari upheld by the Supreme Court", IRNA, 13 November 2023; "Secret execution of Milad Zohrevand, the detained protester", Hengaw, 23 November 2023.

1894 "The execution was against the law/ the doctor in the case requested the execution to be halted", Youtube, 3 February 2024. FFM-IRAN-D-001545 (Court Documents); FFM-IRAN-D-001539 (Court Documents); FFM-IRAN-D-001563 (Court Documents).

1895 FFM-IRAN-D-001539 (Court Documents).

for "corruption on earth", and "murder", respectively before Branch 15 of the Revolutionary Court and Branch one of Criminal Court One in Tehran in relation to allegations that on 22 September 2022, during a protest in the city of Parand, Tehran province, he ran over security forces resulting in the death of one of their members. In contravention of the principle of protection against double jeopardy, he received two death sentences, one by a Revolutionary Court, on 16 November 2022, and one by a criminal court, on 24 December 2022 for offences stemming from the same alleged acts. On 25 July 2023 Branch One of the Supreme Court accepted Mohammad Ghobadlou's request for a judicial review of his death sentence issued on the charge of murder (*qesas* sentence) and referred the case to a lower criminal court for retrial involving an adequate mental health assessment.[1896] The decision was in light of new evidence, namely a letter by 50 medical professionals, mostly psychiatrists, which concerned his bipolar disorder and requested an adequate assessment to be carried out into Mr. Ghobadlou's mental health by the medical committee.[1897] The signatories reportedly included a doctor from the State Legal Medicine Organization who, according to reports by the lawyers, had previously during the trial confirmed Mohammad Ghobadlou's mental health without having read his medical records.[1898]

964. On 23 January at around 8.30 pm local time, a lawyer of Mohammad Ghobadlou announced that they had received a notification just a few hours earlier informing them that their client was scheduled for execution under *qesas* the next morning.[1899] Court documents and interviews by the lawyers given to the media show that after the Supreme Court ordered a retrial and while the victim and his lawyer were awaiting a retrial before Branch 5 of the criminal court, the Head of the Judiciary, Gholamhossein Eje'ie directly intervened[1900] in the case.[1901] According to court documents released by the Judiciary's news agency, the Head the Judiciary's intervention came following a request from the Head of the Justice Department (*dadgostari*) of Tehran province.[1902] As per instructions by the Head of the Judiciary, instead of a retrial, the case was sent to another branch of the Supreme Court.[1903] Contrary to Iran's own laws,[1904] Branch 39 of the Supreme Court, presided by the same

1896 FFM-IRAN-D-001562 (Court Documents).

1897 FFM-IRAN-D-001562 (Court Documents); "Request letter to the Head of the Judiciary by a group of psychiatrists regarding Mohammad Ghobadlou's case, sentenced to execution/conditions of bipolar disorder and borderline personality disorder require more precise review + names", Didban Iran, 29 December 2022.

1898 "The execution was against the law/ the doctor in the case requested the execution to be halted", Youtube, 3 February 2024.

1899 Social medial post on file with the Mission.

1900 Under article 477 of the Code of Criminal Procedure, the head of the judiciary is authorized to directly intervene in cases where the judgment has been upheld and finalised and to instruct the Supreme Court to overturn them and issue a new judgment. The Head of the Judiciary is authorized to exercise this power if he determines that the judgment in question is "evidently in contravention with Shari'a". In such cases, the head of the judiciary refers the case to branches of the Supreme Court which are specially entrusted to process such cases. According to the provision, special branches "shall overturn the sentence, try the case both on merit and procedural grounds, and issue a judgment". While the law does not provide for unilateral revocation of sentences, it effectively obligates the special branches to which the case is referred to comply with his orders and overturn the judgments. As such, the Head of the Judiciary is effectively authorized to indirectly overturn judgements that are deemed to be evidently in conflict with Shari'a. The provision also applies in cases where the Head of the Judiciary finds judgments by the Supreme Court accepting judicial review requests and ordering retrials. See, "Iran: Flawed reforms: Iran's new Code of Criminal Procedure", Amnesty International, 11 February 2016.

1901 "The *qesas* sentence against Mohammad Ghobadlou, the murderer of martyr 'Farid Karampour Hassanvand' implemented/487 days of proceedings in the case…", Mizan News Agency, 23 January 2024. Mizan Online, 23 January 2024; "The execution was against the law/ the doctor in the case requested the execution to be halted", Youtube, 3 February 2024.

1902 Ibid.

1903 Ibid.

1904 "The execution was against the law/ the doctor in the case requested the execution to be halted", Youtube, 3 February 2024.

judges who had previously upheld his conviction was entrusted to rule on the case.[1905] Branch 39 of the Supreme Court, in a brief judgment that did not provide any reasoning annulled the July 2023 judgment ordering a retrial.[1906] Mohammad Ghobadlou's lawyers publicly explained that the authorities kept the proceedings before Branch 39 a secret. Despite repeated inquires made by lawyers to Branch 39, they were reportedly denied any information and were told that the case was considered "high security". According to the lawyers, no judgment was ever communicated to them, and they were only notified less than 24 hours before the scheduled execution.[1907]

Secret executions and executions in public

965. The Mission received credible information that the authorities carried out the execution of several protestors in secret without informing their family members and lawyers of the date of the execution.[1908] In the case of Mohammad Ghobadlou, according to an interview by his lawyer, his family was not given the opportunity to see him before the execution. Prison officials reportedly concealed the truth from his family and lawyers who were anxiously waiting for clarifications outside the prison in the early hours of 23 January 2024 and denied that he was scheduled for execution. At around 5.30 am., a conscripted soldier finally confirmed to the lawyers that officials including the prosecutor as well as the family of the deceased had arrived. Fifteen minutes later, officials announced to the family and lawyers that Mohammad Ghobadlou had been executed and told them to go to the cemetery.[1909]

966. In one case, that of Majidreza Rahnavard, the authorities carried out the execution in public.[1910] His December 2022 execution marked the second public execution after a reported two-year hiatus in public executions.[1911]

Trial of Children on Capital Offences

967. Prosecutorial and judicial officials charged and tried individuals under the age of 18 with capital offences. According to a statement by the Head of the Justice Department (*dadgostari*) in Alborz province, in the case consisting of 16 defendants accused of the charge of "corruption on earth" (*efsad-e fel arz*) in connection with the fatal assault of a member of a member of the Basij forces, three defendants were 17 years old. They were tried in the same proceedings as the adult defendants and in a Revolutionary Court. In its report on the first court hearing in the case on 30 November 2022, the Judiciary's news agency stated, "in accordance with article 315 of the Code of Criminal Procedure, the cases of mature children under the age of 18 whose charges fall under the jurisdiction of Revolutionary Courts… shall be tried by branch 1 of criminal court 1, specialised to try offences [committed] by the adolescents." It further stated that it was determined that the judge presiding over the case of 16 defendants in Karaj "had special authorization to sit on both Revolutionary Courts and specialised criminal court [panels] for the adolescent." The report added that all due process guarantees for the accused persons under the age of 18 had been respected in the case and the children were afforced the "privileges considered for them under the law including having

1905 "The *qesas* sentence against Mohammad Ghobadlou, the murderer of martyr 'Farid Karampour Hassanvand' implemented/487 days of proceedings in the case…", Mizan News Agency, 23 January 2024.

1906 Ibid.

1907 "The execution was against the law/ the doctor in the case request the execution to be halted", Youtube, 3 February 2024.

1908 FFMI-IRAN-D-050302 (Submission); FFMI-IRAN-D-050483 (Submission). See also, "Uncle of first executed protester of 'woman, life, freedom' movement: we had to sign a pledge to stay quiet", Radio Zamaneh, 14 December 2022; "Secret execution of Milad Zohrevand, the detained protester", Hengaw, 23 November 2023.

1909 "The execution was against the law/ the doctor in the case request the execution to be halted", Youtube, 3 February 2024.

1910 "The persons responsible for the martyrdom of martyrs Zaynalzadeh and Rezazadeh executed in public", Mizan News Agency, 12 December 2022.

1911 "Annual Report of the Death Penalty in Iran 2022", Iran Human Rights, 13 April 2023.

access to a lawyer and the presence of a social worker".[1912] The Mission was not able to confirm the precise punishments pronounced against the three children tried before Branch of the Revolutionary Court in Alborz province. According to official statements, bar five protesters who were sentenced to death by the court, the other 11 defendants in the case were sentenced to long prison terms of up to 25 years.[1913]

968. The Mission is aware of other cases in which children were reportedly charged and/or tried on capital offences.[1914] It highlights that due to the lack of transparency by the Government of Iran regarding the use of the death penalty and given that many family members and lawyers of persons charged with capital offences do not publicly report on the cases due to well-founded fear of State reprisals, determining the true scale of the use of the death penalty against children, including in the context of the protests, is not possible.

4. Legal findings

969. The Mission finds that by executing individuals for crimes not amounting to "the most serious crimes" and/or following summary proceedings that severely violated international human rights law, authorities of the Islamic Republic of Iran unlawfully and arbitrarily deprived at least Mohsen Shekari, Majirdreza Rahnavard, Mohammad Mehdi Karami, Seyyed Mohammad Hosseini, Majid Kazemi, Saeed Yaghoubi, Saleh Mir Hashemi, Milad Zohrevand and Mohammad Ghobadlou of their right to life and violated the prohibition of inhuman or degrading treatment or punishment.

970. The Mission established that proceedings leading to the pronouncement and implementation of death sentences were held in an extremely summary and hasty fashion and that judicial and prosecutorial authorities systematically violated the most elementary due process and fair trial guarantees including the right to presumption of innocence and to not be compelled to self-incriminate, the right to access a lawyer of their own choosing, the right to have adequate time and facilities to prepare a defence, and the right to seek pardon, commutation of sentence or clemency. The Mission established that fair trial rights were so grossly violated and the proceedings leading to the issuance and implementation of death sentences were held in such summary and expedited fashion that they did not amount to meaningful judicial processes.

971. The Mission further established that Iran's domestic laws, in violation of the non-derogable right to life under international human rights law, allow for arbitrary use of the death penalty including by imposing the death penalty for offences not amounting to "the most serious crimes" and for acts protected under international human rights law. They further contravene international law by allowing the use of the death penalty against children and providing for executions in public.

972. The Mission also has reasonable grounds to believe that the authorities of the Islamic Republic of Iran committed the crimes of torture in cases leading to the issuance and/or implementation of death sentences in a systematic manner.

973. Based on evidence, including statements by officials, the Mission finds that State authorities used the death penalty and a public execution and proceedings leading to the pronouncement of death sentences as a tool to punish protesters, to intimidate them and to instil fear in the population for purposes of deterring others from taking to the streets.

[1912] "Proceeding in the case of Ajamaian's martyrdom in Karaj in less than a month/charge of corruption on earth for 15 accused persons/description of details of martyrdom of Ajamian by the accused", Mizan News Agency, 30 November 2023.

[1913] "A glance at the details of the case of Rouhollah Ajamian…", Mizan News Agency, 2 November 2023.

[1914] "Trial of ten children under the age of 18 on the charge of 'waging war on God', IranWire, 28 November 2022.

VI. Impact of the protests on ethnic and religious minorities

974. The death in custody of Jina Mahsa Amini reverberated deeply among the ethnic and religious minority communities in the country. Her Kurdish identity and the Kurdish slogan "Jin, Jiyan, Azadi" or "Woman, Life, Freedom", became a rallying cry for ethnic minorities across the country, bringing to the fore their long-standing grievances, stemming from structural discrimination and marginalization in law and in practice.[1915]

975. Protests were sparked immediately after the news of Jina Mahsa Amini's death emerged,[1916] with many describing her death as the "spark that set fire to the ashes".[1917] Protesters took to the street in her hometown of Saqqez following her funeral. In the days that followed protests spread across the country, in particular in minority-populated regions, including East Azerbaijan, West Azerbaijan, Kermanshah, Khuzestan, Kurdistan, Lorestan, Ilam and Sistan and Baluchestan. Zahedan city in Sistan and Baluchestan, Sanandaj, Saqquez and Mariwan cities in Kurdistan, and Mahabad city in West Azerbaijan became epicentres of the protest movement. Slogans such as "Kurdistan, Kurdistan …. Zahedan, Zahedan, the eye and light of Iran"[1918] and "From Kurdistan to Tehran, my life for Iran",[1919] chanted by protesters across the country, expressed solidarity with minorities and recognition of their suffering. Reports indicated that minority populated areas recorded one of the highest number of protests compared to their population size.[1920] Over a year since the protests began, people continued to gather and protest with regularity in Zahedan, especially following Friday prayers.[1921]

976. The protests that started in Kurdish areas were immediately met with the State's lethal force, and protesters in cities such as Saqqez and Divandarreh in Kurdistan were among the first victims of killings and injuries.[1922] As the numbers of those killed and injured increased across the country over the months, reports by non-governmental organizations indicated that minority-populated provinces of Kurdistan, Kermanshah, West Azerbaijan and Sistan and Baluchestan, witnessed the largest number of killings.[1923] Video footage analysed by the Mission showed bloody scenes of the use of heavy military grade weapons and uninterrupted shooting by State security forces against protesters in cities such as Javanroud and Zahedan, resulting in a large number of killings, including of children, as well as severe injuries.[1924]

1915 "Submission to the International Independent Fact-Finding Mission on the Islamic Republic of Iran", Minority Rights Group and Centre for Supporters of Human Rights October 2023, p.2, FFM-IRAN-D-001465.

1916 See Section V. A on the use of force.

1917 FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-001468 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview);

1918 The slogan "Kurdistan of Zahedan eyes and the light of Iran" in Zahedan protests – 25 November", Voice of America, 25 November 2022; "Supporters of protesters in Mashhad chanted "Mahabad, Kurdistan, Iranian eyes and lights" Voice of America, 22 November 2022; https://twitter.com/KayhanLondon/status/1571823857371152385.

1919 See, "Iran's protests fuel ethnic tensions", Financial Times 6 November 2022.

1920 See "As Anti-regime protests swell across Iran, ethnic minorities demand freedom and equality", the Washington Institute, 14 October 2022. See also, "Anti-Government demonstration in Iran, a long-term challenge for the Islamic Republic", the Armed Conflict Location and Event Data Project (ACLED),12 April 2023.

1921 See, "Weekly protests persist in Iran's southeast amid internet disruption", Al Arabiya, 24 March 2023; see also, "Iran's Baloch population leads anti-regime protests six months after Mahsa Amini's death", France 24, 16 March 2023 and "Iran: Security forces violently repress anniversary protest", Human Rights Watch 22 November 2023.

1922 See Section V. A on the use of force.

1923 According to a report by a non-governmental organization, approximately 90 per cent of the deaths recorded one month into the protests were from the ethnic minority populations. See "As Anti-regime protests swell across Iran, ethnic minorities demand freedom and equality", the Washington Institute, 14 October 2022. See also the Armed Conflict Location and Event Data Project (ACLED), "Anti-Government demonstration in Iran, a long-term challenge for the Islamic Republic", 12 April 2023.

1924 See Section V. A on the use of force and the "Bloody Friday" below.

977. In his latest report to the UN General Assembly, the Secretary-General has noted that ethnic and religious minority communities in Iran were significantly affected in the context of the protests and that the number of reported deaths amongst minorities appeared to be higher relative to the total population.[1925]

978. In this section, the Mission reviews allegations of the disproportionate impact on minority communities of the State's violent response to the protests, with a particular focus on Kurdish and Balochi communities, in line with the Mission's intersectional approach to its investigations of allegations of violations under IHRL and international law in the context of its mandate.[1926] The focus on specific areas and communities is a reflection of the time constraints under which the investigation was conducted and the availability of information.

979. The Mission notes the overlapping and intersectional nature of the discrimination experienced by ethnic and religious minorities in Iran. Ethnic minorities in Iran are also predominantly religious minorities. The Mission accordingly considered the discrimination faced by these minorities on ethnic and religious "ethno-religious" grounds.[1927]

A. Legal framework

980. The ICCPR, ICESCR, CERD and the CRC, to which Iran is a State party, all enshrine the principle of non-discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

981. The ICERD notes that the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

982. States parties are required not to engage in any act or practice of racial discrimination against minorities; to undertake certain measures, including legislative measures, to end racial discrimination; to guarantee equal treatment before the law, the right to security of person, political rights, civil rights, the right to freedom of movement, of religion, of opinion and expression, of peaceful assembly.; and assure effective protection and remedies.

983. The Human Rights Committee's General Comment number 36(23), further states that the duty to protect the right to life requires States parties to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. Such persons include religious and ethnic minorities.

984. The Mission highlights that States have an obligation to protect the existence of the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity.[1928] It further notes that the concept of minority is not numerically defined and that key factors are the existence of shared and common characteristics of culture, language, religion or a

[1925] See Report of the Secretary-General, "Situation of human rights in the Islamic Republic of Iran", A/HRC/53/23 para.49, 15 June 2023; See also, "As Anti-regime protests swell across Iran, ethnic minorities demand freedom and equality", the Washington Institute 14 October 2022.

[1926] See FFMI terms of reference.

[1927] International criminal law has considered intersecting discriminatory grounds, especially in the context of the crime against humanity of persecution. See e.g. ICC-01/14-01/21-2-Red2, *The Prosecutor* v. *Mahamat Said Abdel Kani*, Public Redacted Version of 'Warrant of Arrest for Mahamat Said Abdel Kani', 17 February 2021, para. 12; ICC, ICC-01/12-01/18-461-Corr-Red, Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Rectificatif à la Décision relative à la confirmation des charges portées contre Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, 30 September 2019, paras. 688ff.

[1928] The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 18 December 1992, General Assembly Resolution 47/135.

combination of them; their non-dominant position within a given territory; and how the groups and individuals self-identify.[1929]

985. Severe levels of discrimination against a group on the basis of their ethnicity or religion may amount to the crime against humanity of persecution, if directed against an identifiable group or collectively on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law in connection with an underlying act within the jurisdiction of the Court. In the Rome Statute "persecution" is defined as the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectively.

B. Structural factors underpinning marginalisation and discrimination in minority regions

986. In examining the impact of the protests and the State's response to them on Iran's minority communities, the Mission sought to review some of the structural, socio-economic, legal and other underlying contributing factors. In particular, the Mission noted consistent concerns expressed by the UN Secretary-General regarding the situation of ethnic and religious minorities in the Islamic Republic of Iran. For example, in 2015, the Secretary-General had noted that members of ethnic and religious minority groups continue to face persecution, including arrest and imprisonment, the denial of economic opportunities, expulsion from educational institutions, deprivation of the right to work, closure of businesses and the destruction of religious sites, such as cemeteries and prayer centres. Individuals seeking greater recognition of their cultural and linguistic rights risk facing harsh penalties, including capital punishment.[1930] Similarly, the Committee on the Elimination of Racial Discrimination, during its last review of the Islamic Republic of Iran in 2010, expressed concern at the limited enjoyment of political, economic, social, and cultural rights by, *inter alia*, Arab, Azeri, Balochi and Kurdish communities. In its review, the Committee highlighted, in particular, discrimination faced by minorities with respect to housing, education, health, employment, and the exercise of the rights to freedom of expression and religion, despite economic growth in Iran, noting that the provinces where many minorities live are the poorest in the country.[1931] These concerns were also echoed more recently by the Human Rights Committee, which in addition, expressed concerns about restrictions on political and social participation, and the reduced number of members of minority groups in senior and decision-making positions in governmental bodies and public administration.[1932]

987. While certain human rights issues are specific to particular ethnic or religious minorities, minority communities in the Islamic Republic of Iran, as elsewhere, have overlapping ethnic, linguistic and religious identities that can result in significant intersectional discrimination. Iranian authorities do not collect or publish disaggregated data that would enable an analysis of the full extent of such intersectional discrimination.[1933]

1. Discrimination embedded in national laws and policies

988. The Constitution of the Islamic Republic of Iran guarantees the rights of all the people of Iran regardless of their ethnic group or tribe and states that "colour, race, language and

[1929] The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 18 December 1992, General Assembly Resolution 47/135; OHCHR, Minority Rights: International Standards and Guidance for Implementation, 2010.

[1930] See Report of the Secretary-General, "The situation of human rights in the Islamic Republic of Iran"; A/HRC/28/26, para. 45, 20 February 2015.

[1931] See Concluding observations of the Committee on the Elimination of Racial Discrimination on the eighth and ninth periodic reports of the Islamic Republic of Iran, CERD C/IRN/CO/18-19 para. 15, 20 September 2010.

[1932] See Concluding observations of the Human Rights Committee, CCPR/C/IRN/CO/4, 23 November 2023, para.57.

[1933] See report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/74/188 para. 30, 18 July 2019.

other such considerations shall not be grounds for special privileges".[1934] However, there are significant areas where discrimination against religious and ethnic minorities remains embedded in domestic laws, as discussed below.

989. The Government of the Islamic Republic of Iran has stated that it does not consider Kurds, Baloch, Turks, Arabs, Lurs or Persians to be minorities, but rather "ethnic groups", by virtue of "the diversity and multiplicity of the ethnicities" of the Iranian population. It has further referred to the "Ahwazi Arab ethnic minority" as a "fabricated phrase".[1935]

(a) Discrimination based on religion

990. Iran's Constitution does not provide adequate legal protection against discrimination on the basis of religion or belief. Under the Constitution, religious freedoms are only extended to the practitioners of Islam and three other "recognised religions", namely, Christianity, Judaism and Zoroastrianism.[1936] Practitioners of other religions and faiths, including the Baha'i, Sabean-Mandeans and Yarsanis, as well as atheists, are afforded neither recognition nor protection under the Constitution. Moreover, article 14 of the Constitution qualifies the equal treatment of non-Muslims by stipulating that such equal treatment applies only to "all those who refrain from engaging in conspiracy against Islam and the Islamic Republic". Such a vaguely and broadly defined clause allows for wide and arbitrary interpretation, placing protected fundamental rights and freedoms of all non-Muslims including to religion, belief, and expression at risk.

991. Moreover, Iranian law further provides for prosecution and punishment of persons solely on the basis of their exercising their right to religion and belief. Notably, Iranian laws allow for the imposition of the death penalty for "apostasy". The Islamic Penal Code, amended in 2013, does not include the offence" of "apostasy", which remains a capital *hadd* offence under Shari'a. However, article 220 of the Code states: "[W]ith regards to the *hadd* crimes that are not specified in this Code, Article [167] of the Constitution will be applicable". Article 167 of the Constitution gives judges the discretion to, "pass judgments based on authoritative Islamic sources and authentic *fatwas*" in the absence of codified laws. Therefore, judges are authorized to rely on Shari'a sources in adjudicating cases where a individuals are accused of "apostasy" and can convict and sentence them to death on the basis of such sources.[1937] Article 513 of the Islamic Penal Code further establishes the offence of "insulting Islamic sanctities" and "insulting the prophets and religious figures.[1938] Article 262 further provides that the punishment for "insulting the Prophet of Islam" (*sabo- al-nabi*) is death.[1939] UN Experts have persistently raised concerns with regard to the persecution of religious minorities accused of blasphemy or views deemed to be critical or derogatory to Islam.[1940]

992. Other vaguely worded and broadly defined provisions in the criminal law are open to wide interpretation and allow for criminalisation of the exercise of the rights to freedom of religion, belief and expression.[1941] Despite the prevalence of a series of offences in existing laws on national security and pertaining to the insult of religions and religious figures, in 2021, Iran's Parliament added new provisions to the Penal Code, imposing harsh punishments on "anyone who insults Iranian ethnicities or divine religions or Islamic schools

1934 "The Constitution of the Islamic Republic of Iran; In addition, "the Government of the Islamic Republic of Iran and Muslims are required to treat non-Muslim individuals with good conduct, in fairness and Islamic justice, and must respect their human rights." Article 19. See article 14, the Constitution of the Islamic Republic of Iran.

1935 See for example, reply by the Government of the Islamic Republic of Iran to the Special Procedures communication No. UA IRN 9/2023, 13 June 2023.

1936 See article 13 of the Constitution of the Islamic Republic of Iran, as amended in 1989.

1937 See "Iran: Flawed reforms: Iran's new Code of Criminal Procedure" Amnesty International, 11 February 2016.

1938 Article 513 of the Islamic Penal Code.

1939 Article 262 of the Islamic Penal Code.

1940 See for example, "Iran: UN experts alarmed by escalating religious persecution", UN experts of the Human rights Council, 22 August 2022.

1941 See Section V. D.

of thought recognised under the Constitution with the intent to cause violence or tensions in the society or with the knowledge that such [consequences] will follow".[1942] The prescribed punishment in cases where the outlawed conduct "leads to violence or tensions" is a sentence of imprisonment of between two and five years and/or a fine. If no "violence and tension" is caused, a sentence of imprisonment of between six months and two years and/or a fine may be imposed.[1943]

993. Additionally, article 500 *bis* of the Islamic Penal Code states that a person may be prosecuted if they are perceived to engage in "any deviant educational or proselytising activity that contradicts or interferes with the sacred law of Islam". The provision effectively criminalises adherence to, practice, and promotion of religions and belief systems that fall outside the legally recognised religions under the Constitution and is disproportionately used against religious minorities such as Baha'is and Gonabadi Darvishes.[1944]

994. Iran's laws also severely limit the rights of religious minorities to political participation. While under the Constitution members of recognised religions may be elected to five parliamentary seats reserved for them, they are not allowed to run for other seats in parliament.[1945] Many other high ranking leadership positions, including that of the President, are reserved for Muslims only[1946] and/or require candidates to make a mandatory declaration of their belief and adherence to the principle of the "absolute rule of the Islamic jurist" thereby effectively excluding persons on the grounds of religion, belief and political opinion.[1947]

995. Iranian laws fail to guarantee the right to equality including before courts for religious minorities. Article 176 stipulates that, "if the witness does not meet the requirements provided for an admissible testimony under Shari'a rules, his/her statements shall be heard. [However] such statements shall be regarded as judicial signs (hearsay evidence) and the validity and weight given to them in the knowledge of the judge shall be decided by the court".[1948]

996. Moreover, the Islamic Penal Code prescribes different penalties for Muslims and non-Muslims. For example, significantly harsher penalties, including the death penalty, are imposed for acts and crimes committed by members of religious minorities or those belonging to unrecognised religious which, for certain groups also overlap with ethnic minorities. In some cases, the "offences" in question fall under the exercise of protected human rights. For example, the Islamic Penal Code prescribes the punishment of 100 lashes for the offence of fornication between an unmarried man and an unmarried woman, but if the man in question is a non-Muslim, the punishment is enhanced to death.[1949] Similarly, a non-Muslim man may be sentenced to death for being the "active party" in both penetrative and non-penetrative sexual relations with an unmarried Muslim man, whereas an unmarried Muslim man taking the "active role" would be punishable by flogging.[1950] Another example relates to cases involving homicide, for which the Penal Code sanctions the punishment of *qesas* (retribution in kind), allowing the family of the murder victim to seek the execution of the convicted person or blood money. Under the law, if a Muslim is murdered, the murderer

1942 Article 499 *bis* of the Islamic Penal Code.
1943 Ibid.
1944 Article 500 *bis* of the Islamic Penal Code. See "Iran: New Penal Code provisions as tools for further attacks on the rights to freedom of expression, religion, and belief", ARTICLE 19, 6 July 2022.
1945 "Rights Denied: Violations against ethnic and religious minorities in Iran", Minority Rights Group 2018.
1946 Article 115 of the Constitution. See, "Rights Denied: Violations against ethnic and religious minorities in Iran", Minority Rights Group 2018; See also, "Rights Denied: Violations against ethnic and religious minorities in Iran", Minority Rights Group 2018.
1947 "Iran's Exclusionary Elections: III. Human Rights Violations", Human Rights Watch June 2015; "Do religious minorities in Iran benefit from the highest human rights standards?", Iran Wire, 14 August 2023.
1948 See Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, A/74/188, para. 36, 18 July 2019.
1949 Islamic Penal Code, articles 224-P and 230.
1950 Ibid., articles 233-236.

is sentenced to *qesas*. If a non-Muslim person murders another non-Muslim, the convicted person will similarly be sentenced to *qesas*. However, if a Muslim person murders a non-Muslim, *qesas* is not stipulated. In such cases, the convicted person may be prosecuted under article 612 of Book Five of the Islamic Penal Code, which prescribes a sentence of three to 10 years imprisonment, if the "action (murder) disturbs public order, protection or security of society, or incites him or others".[1951]

997. Other domestic laws, including the Civil Code, also contain discriminatory provisions based on religious or ethnic grounds. For example, under the Civil Code, a non-Muslim may not inherit from a Muslim.[1952]

998. While Shi'a Islam is the official state religion, the Constitution recognises other Islamic schools, including the four Sunni schools of jurisprudence, namely the Hanafi, Shafi'i, Maliki and Hanbali, and states that they "are free to perform their own religious practices, religious education, and personal matters."[1953] They may practice their religious education, and ensure their personal status (regarding marriage, divorce, inheritance, and bequest), in accordance with their own jurisprudence. The dispute over these matters is recognized in the courts. According to the Constitution, in any area where followers of these schools of thought are in the majority, local regulations, within the domain of the council's jurisdictions, are set according to that school of thought so long as the rights of the followers of other schools of religion are maintained.[1954]

999. Despite legal protections contained in the Constitution, Sunnis continue to face discrimination including in relation to political representation. The Constitution itself excludes non-Shias from applying for the position of President of the Islamic Republic of Iran.[1955] Moreover, as stated above, candidates for many political positions as well as judgeship are required to fulfil criteria of belief and adherence to the principle of the "absolute rule of the Islamic jurist". This effectively excludes persons, including Sunni Muslims, on the grounds of religion, belief and political opinion.[1956] Institutionalized discrimination against Sunnis is also reflected by the absence of Sunnis appointed to senior, influential government positions. While Sunnis can enter parliament as Muslims, they still face restrictions.[1957] While not legally excluded, in practice Sunnis are not appointed as government ministers or provincial governors, even in provinces with significant Sunni populations.[1958]

1000. Moreover, there continue to be reports that Sunnis enjoy less freedom to worship than their Shi'a counterparts. For instance, while there are reportedly one million Sunni adherents in Tehran city, there continue to be reports that the Government blocks the building of Sunni

[1951] Ibid., articles 310, 382 and 612.

[1952] For example, under article 881 bis of Civil Code of the Islamic Republic of Iran, an unbeliever (*Kafer*) cannot inherit from a Muslim. In cases where there are unbelievers among the heirs of a deceased unbeliever, the unbelieving heirs do not take inheritance even if they are prior to the Muslim as concerns class and degree.

[1953] See article 12 of the Constitution of the Islamic Republic of Iran.

[1954] See article 12 of the Constitution of the Islamic Republic of Iran. According to the Islamic Republic of Iran's submission to the CERD "The Islamic Republic of Iran does not consider Sunni Iranians as a religious minority, and the multiplicity of common principles and faith-based ethics has promoted the interaction of Muslim Iranians in various branches of Islam, including the ease of marriage and family formation and the establishment of joint religious ceremonies are a sign of proximity between them whereas, in the previous regime, the Sunni Iranians were in a terrible situation.", see State report, Combined twentieth to twenty-seventh reports submitted by the Islamic Republic of Iran under article 9 of the Convention, due in 2014; Committee on the Elimination of Racial Discrimination, 10 February 2022, para.46.

[1955] Article 115 of the Constitution of the Islamic Republic of Iran.

[1956] See "Iran's Exclusionary Elections: III. Human Rights Violations", Human Rights Watch, June 2015; "Do religious minorities in Iran benefit from the highest human rights standards?", IranWire, 14 August 2023; "Do Sunnis enjoy freedom in the Islamic Republic?", Iran Wire, 14 February 2022.

[1957] See Report of the Secretary-General, "Situation of human rights in the Islamic Republic of Iran", A/HRC/53/23 para.62, 15 June 2023.

[1958] See, "State of Coercion, the Situation of Sunni Muslims", Iran Human Rights Documentation Center, 28 January 2022.

mosques.[1959] Sunni citizens often have to gather in private prayer centers, some of which have been shut down by security forces. In addition, several Sunni mosques and religious schools have reportedly been demolished and confiscated in the past several years.[1960]

1001. The Mission highlights that there is a strong overlap between the Sunni minority and the country's ethnic minorities. Iran's largest ethnic groups, the Baluchi, the Kurds and the Turkmen are predominantly Sunni Muslims, as are many Ahwazi Arabs-[1961] Existing estimates show that the Sunni population of Iran constitutes about 8 to 10 percent of the total population of the country, which is concentrated or scattered in the provinces of Sistan and Baluchestan, Kurdistan, Kermanshah, West Azerbaijan, North and South Khorasan, Golestan, Gilan, Ardabil, Hormozgan, Bushehr, Fars and South of Kerman, as well as Tehran and Karaj.[1962]

1002. State policies further exacerbate domestic laws that allow for discrimination on the grounds of religion and belief. Religious minorities, including Sunnis, face particular barriers in the area of access to employment, which is often limited by *gozinesh*, the screening process for recruitment to government jobs. Under *gozinesh*, candidates for positions with the government or State corporations are required to pledge their loyalty to the Islamic Republic, the state religion and the principle of *Velâyat-e Faqih* (Governance of a Muslim jurist). Accordingly, members of religious minorities and/or persons not adhering to State-sanctioned ideologies are particularly disadvantaged and discriminated against in the context of access to employment.

1003. Iran's national security laws also have implications for the rights of minorities. As detailed in Section V, Iran's laws, the Islamic Penal Code in particular, contain a large number of provisions, especially those pertaining to national security offences, that in vague and broad terms allow for criminalisation of dissent including speech and acts that fall within protected rights under international human rights law. The Mission highlights that while the provisions apply to all individuals, minority communities are at a disproportionate risk of being charged with and prosecuted for certain national security offences. This is in light of the authorities' discourse on minorities pertaining to "separatism" and "terrorism" as detailed below.[1963]

2. Socio-economic situation

1004. Iran's minority regions suffer the highest poverty rates. According to the latest World Bank report, disparities have increased across the country, with poverty increasingly concentrated in the Southeast and Northwest regions.[1964] In 2020, 32 per cent of poor households in the country lived in these two regions, home to only 20 per cent of the total population. Conversely, only 24 per cent of the poor live in the Tehran metro area and the central region, where 40 percent of the population lives. These spatial disparities have only

[1959] See for example, "Religious Apartheid in Iran", H.E. Chehabi, Middle East Institute, 29 January 2009. See also "Sunni Muslims banned from holding own Eid prayers in Tehran", The Guardian, 31 August 2011. The Government has denied these claims. See for example, website of the Supreme Leader, "Does the Iranian constitution prohibit building Sunni mosques", 10 December 2017.

[1960] See report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/74/188 para. 63, 18 July 2019. See also "State of Coercion, the Situation of Sunni Muslims", Iran Human Rights Documentation Center, 28 January 2022.

[1961] See for example, "Iran's Ahwazi Arab minority: dissent against discrimination", Middle East Eye, 28 February 2015.

[1962] There are no official statistics, but most estimates are around 10 per cent, see for example, "Facts and figures on Sunni-Shiite Balance", The Iran Primer, 9 January 2014; or See *Ehsan Houshmand, Āhli Sunat Irān*, "Sunnis of Iran", Shia News Association, 3 September 2017. See also, "Security forces fear the growing number of Sunnis in Iran", Behnam Gholipour, Iran Wire, 21 October 2020 and, "Sunnis in Iran; An alternate view", Peyman Asadzade, the Atlantic Council, 24 April 2018.

[1963] See for example, "State of Coercion, the Situation of Sunni Muslims" p. 11, Iran Human Rights Documentation Center, 28 January 2022. See also, "In the name of security- human rights violations under Iran's national security laws", Minority Rights Group, 26 June 2020; "Executions and ethnic minorities", Iran Human Rights, April 2023.

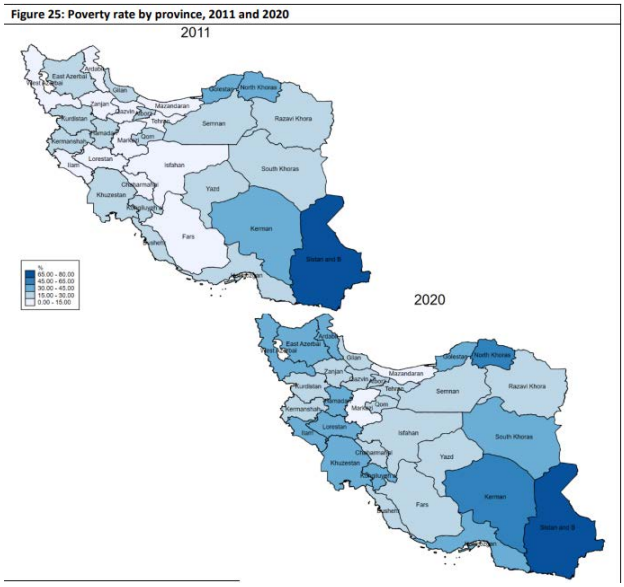
[1964] See "Iran Poverty Diagnostic", p.30, World Bank Group, November 2023.

widened between 2011 and 2020. The poverty headcount has increased from 43 per cent to 52 per cent in the Southeast region, and from 16 per cent to 36 per cent in the Northwest region. The difference in poverty headcount between the Southeast region and the Tehran metro area has increased from 29 percentage points to 36 percentage points over the past decade. Sistan and Baluchestan province has remained Iran's poorest region over the last decade.[1965] Poverty rates in West Azerbaijan have also more than tripled from 13.6 per cent in 2011 to 44 per cent in 2020. There also appears to be a strong correlation between an increase in poverty and the share of the labour force working in agriculture, with those provinces relying heavily on agriculture experiencing the greatest increases in poverty.[1966]

1005. According to the World Bank, agricultural labourers were disproportionately affected by increasing prices and persistent drought in especially the Northeast and West and Southeast regions.[1967] In 2022, the unemployment rate was reportedly at 11.4 per cent in Sistan and Baluchestan and 10.2 per cent in Kurdistan, higher than the national average of 8.9 per cent.[1968] Khuzestan, home to the majority of Iran's ethnic Arabs, reportedly has the third-highest rate of unemployment, even though it has 80 per cent of Iran's oil and 60 per cent of its gas reserves.[1969] In some parts of Sistan and Baluchestan, unemployment is up to 60 per cent.[1970] The province is also has the highest illiteracy and infant mortality rates in the country.[1971]

1006. Environmental challenges, and resulting grievances, are particularly significant in the ethnic majority areas of the country. For example, 22 incidents of reported gatherings and protests took place in the first ten months of 2018 regarding the right to usable water across the country, at least 12 of which took place in Khuzestan Province, home to Ahwazi Arabs, where a number of protesters were reportedly detained.[1972] Similarly, in Sistan and Baluchestan, climate change has reportedly worsened living conditions by drying up seasonal lakes and causing a surge in respiratory illness[1973]

[1965] See "Iran Poverty Diagnostic", p.30, World Bank Group, November 2023.
[1966] Ibid. p.30.
[1967] Ibid.
[1968] "Iran's protests fuel ethnic tensions", Najmeh Bozorgmehr, Financial Times, 6 November 2022.
[1969] See "Poverty, Separatism, and bloody memories of war: why Iran's Khuzestan matters", Golnaz Esfandiari, Radio Free Europe, 28 September 2018.
[1970] See, "Iran's Baloch population leads anti-regime protests six months after Mahsa Amini's death", France 24, 16 March 2023.
[1971] See "Zahedan representative in Parliament: 74% of the people of Sistan and Baluchistan are below the food security poverty line / The government did not succeed in supporting the affected groups / The number of patients in Sistan and Baluchistan increased", Entekhab 24 April 2020. See also "Protests, discrimination and the future of minorities in Iran", Minority Rights Group, 24 November 2022.
[1972] See "Ahwazis: Environmental Issues are Cornerstone of Growing Anger in Iran, Unrepresented Nations and Peoples Organization", 2018 and), "One Protest Continues as Two More Begin", Human Rights Activists Agency (HRANA), 3 September 2018.
[1973] See, "Iran's Baloch population leads anti-regime protests six months after Mahsa Amini's death", France 24, 16 March 2023.



World Bank Group, "Iran Poverty Diagnostic", November 2023, p.30

1007. Very high unemployment rates have meant there are limited livelihood opportunities for people living in minority provinces. In this context, ethnic and religious minorities in these regions have resorted to hazardous and high-risk economic activities, such as cross-border couriering (often called *kulbar),* which entails importing and transporting merchandise along unofficial routes on the north-western borders of Iran. *Kulbars* carry packages on their backs or on horses through hard-to-reach mountain passes over borders and into the region's towns and villages in return for a small fee. Accounts of a continuous use of force against and extrajudicial killings of border couriers has been long documented in reports of human rights organizations, the UN Special Procedures as well as in reports of the Secretary-General.[1974]

1008. Many Baloch people do not have birth certificates (*shenasname*) leaving them without any identification papers and effectively rendering them stateless. This is due to several factors including those that intersect with discrimination on the grounds of gender. Most notably, under Iranian law, nationality is *de facto* acquired through paternal descent, and until recently this was also the case *de jure*[1975] as Iranian women only acquired the right to transmit citizenship to their children in limited circumstances.[1976] Around 36,000 individuals of Baloch ethnic background lack birth certificates and official identification in Sistan and Baluchestan.[1977] Lack of documentation further exacerbates the institutional discrimination that affects Baloch people's enjoyment of their human rights, by excluding them from access to State services such as healthcare and social welfare, as well as to education and employment. Even though some children have been able to attend school with the issuance of special cards, many others remain deprived of education due to the lack of birth certificates.[1978]

1974 See report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/77/525, para 8, 14 October 2022. See also report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, A/74/188, para. 91, 18 July 2019; "Protests, discrimination and the future of minorities in Iran", Minority Rights Group International, Center for Supporters of Human Rights in Iran, 2022.

1975 "Extreme Inequality: The Human Rights Situation of Iran's Baluch Minority", Iran Human Rights Documentation Center, 10 July 2019.

1976 See Section IV.

1977 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/74/188, para. 85, 18 July 2019; Iran Human Rights Documentation Center, "Extreme Inequality: The Human Rights Situation of Iran's Baluch Minority", 10 July 2019; "Thousands of Iranian Baloch are also deprived of having a birth certificate", Deutsche Welle, 13 February 2017

1978 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, (A/74/188) para. 85, 18 July 2019.

"We are several siblings, none of us have a birth certificate [shenasname]… none of us could go to school and study because we had no documentation and without documentation, one cannot do anything, there is no possibility to study, or to travel, you are stuck in a prison… if you are ill and you see a doctor, the fee would be twice; those who have documentation have insurance… but for us the fees are high and so is the price of medication… we could not even move freely in a city or travel to other cities for work… life is difficult for us beyond description and someone who does not live a life without documentation here and experience the misery of it, can never truly understand this."[1979]

Statement received through an NGO of a Baloch victim describes the suffering caused by being deprived of identity documents and the impact it has on all aspects of one's life.

1009. Girls' access to education is particularly affected as a result of lack of documentation, as well as by child or early marriage, and economic factors leading to only 40-50 per cent of the girls in minority-populated border regions reportedly completing high school.[1980]

1010. Lack of identity documents, as detailed below, also obstructs access to justice of Baloch people. Without documentation to prove identity, courts in Iran often require a DNA test to verify an identity to proceed with their case. Such tests reportedly cost several million toman. In a context of severe poverty, as described above, and lack of access to employment for those without documents, such costs would be unaffordable, thus further impeding people's access to redress through the legal system.[1981]

1011. Ethnic and linguistic minorities also face restrictions on exercising their language rights. The Islamic Republic of Iran only recognizes Farsi (Persian) as its official language.[1982] There is no access to mother tongue learning in primary and secondary educational institutions. Moreover, advocates for education and cultural activities in languages other than Persian face harassment including prosecution and punishment under national security offences.[1983] Depriving children of education in their mother tongue has reportedly resulted in lower levels of learning among students in minority regions.[1984]

1012. Reports by human rights organizations and UN experts show that persons, such as Baha'is, who do not adhere to a "recognised religion" under the Constitution, are routinely denied access to higher education as they are either banned, or expelled, from enrolment at university.[1985] The admissions regulations for universities established by the Supreme Council of the Cultural Revolution state that students must be from one of the four "recognized religions" as part of the eligibility criteria for prospective students.[1986]

1979 FFM-IRAN-D-001743 (Statement).

1980 See "Half the girls living in border areas drop out of school", Radio Farda, 9 September 2017.

1981 FFM-IRAN-D-001469 (FFMI Submission).

1982 Article 15, the Constitution of the Islamic Republic of Iran.

1983 See "Iran; the importance of receiving education in one's mother tongue", ARTICLE 19, 29 August 2014; See also "Iran: Minorities Campaign for Right to Education in their Mother Tongue", Unrepresented Nations and Peoples Organization (UNPO), September 2018.

1984 See "Iran: Caught in a web of repression: Iran's human rights defenders under attack", Amnesty International, 2 August 2017. See also "Rights Denied: Violations against ethnic and religious minorities in Iran, Ceasefire Centre for Civilian Rights", Centre for Supporters of Human Rights and Minority Rights Group International, March 2018.

1985 See "Iran: Silenced, expelled, imprisoned: Repression of students and academics in Iran", Amnesty International, 2 June 2014. See also; "Four Baha'is Sentenced to Five Years in Prison for Trying to Access Higher Education", Center for Human Rights in Iran, 14 October 2021.

1986 'Code of Ethical Selection for University Entrants,' Ghavanin.ir, 16 February 2018; see also, Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, A/HRC/43/61, para. 44, 28 January 2020.

3. The Government narrative: Ethnic separatist movements

1013. Early on in the protests, the Government of Iran sought to characterise the nationwide movement as a breakaway uprising by Jina Mahsa Amini's fellow Kurds, threatening the nation's unity rather than its clerical rule.[1987] Commentators have said that by blaming separatist groups, the authorities essentially aimed to create a "rally around the flag effect" to encourage Iranians to support the leadership rather than the protesters.[1988]

1014. The Government blamed opposition groups, such as the Kurdish group Komala, a left-wing party seeking independence for ethnic Kurds, which the Government considers a "terrorist" group,[1989] as protests were most intense in the northwestern Kurdish-majority cities, including Mahabad, Bukan, Piranshahr in West Azerbaijan and Javanrud in Kermanshah.[1990] On 14 November 2022, the IRGC reportedly fired rockets which killed 13 people, after hitting the Komala headquarters in Sulaimaniyah, and the Democratic Party of Iranian Kurdistan's base in Koye near Erbil, both in northern Iraq.[1991] The IRGC said it was targeting "terrorist groups" with missiles and drones, after repeated warnings about cross-border separatist groups bringing weapons into Iran and fuelling tensions.[1992]

1015. Similarly, the Government of Iran blamed "separatist movements" in Sistan and Baluchestan, for the attack on a police station in the city of Zahedan on 30 September during the "Bloody Friday" events, where it claimed 19 citizens were killed and 32 IRGC members, including volunteer Basij forces were also wounded in clashes (see below).[1993] Indeed, on 19 November 2022, State-affiliated media outlet Alalam quoted a Brigadier-General, stating that "Takfiri and terrorist groups" had spread out in the provinces of Kurdistan and Sistan and Baluchestan, in western and eastern Iran, but that the security forces had defeated them.[1994]

1016. The authorities continuously represented the exercise of minority rights as a threat to national security or acts of insurgency or separatism. Such a narrative allowed the authorities to justify the prosecution of individuals for capital offenses, under the pretext of fighting terrorism and separatist groups (see below).[1995]

4. Cyclical State violence and climate of impunity

1017. Persistent violations of a range of civil, political, and social, economic, and cultural rights of ethnic minorities in Iran have been exacerbated by a long-standing entrenched discrimination and historic impunity for violations. There is a long history of the use of force

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1987 See for example "Iran's pro-government counter-protesters try to change narrative", Maziar Motamedi Al Jazeera, 25 September 2022. See also, "Putting Kurds in spotlight, Iran's leaders try to deflect national protest", Parisa Hafezi and Daren Butler, Reuters, 17 October 2022.

1988 See "Putting Kurds in spotlight, Iran's leaders try to deflect national protest", Reuters quoting Ali Vaez, International Crisis Group, 17 October 2022; see also, "Iran's Separatists Gathering on International Air/Platform given to 20 Separatist Figures in 20 Days", Tasnim, 11 October 2022.

1989 See for example, Al Jazeera, "Iran's pro-government counter-protesters try to change narrative", Maziar Motamedi, Al Jazeera, ,25 September 2022. See also and See for example, Khabar online "A senior security official: Mehsa Amini, not poisoned/her death was a destiny of the Islamic republic, they started with Me too, then they entered the issues of the Ershad patrol (unofficial translation), Khabar online, 12 October 2022. See for example, "Iran's pro-government counter-protesters try to change narrative", Maziar Motamedi, Al Jazeera, ,25 September 2022. See also "A senior security official: Mahsa Amini, not poisoned/her death was a destiny of the Islamic republic, they started with Me too, then they entered the issues of the Ershad patrol (unofficial translation), Khabar online, 12 October 2022.

1990 "Iran attacks position in northern Iraq targeting Kurdish groups", Maziar Motamedi, Al Jazeera, 21 November 2022.

1991 See "13 dead in Iranian attacks on Kurdish rebels in northern Iraq Al Jazeera,", 28 September 2022.

1992 See "Iran rockets hit Kurdish party HQ near Iraq's Erbil, kill one Al Jazeera", 14 November 2022 See also "Iran blames Kurds for spreading national protests over Mahsa Amini's death", Deccan Herald, 17 October 2022.

1993 See "19 killed, including four elite IRGC members, in Iran attack", Al Jazeera, 1 October 2022.

1994 "Iranian military commander: Let Saudi regime know that there are limits to self-restraint", Alalam news, 19 November 2022.

1995 "Annual Report on Death Penalty", Iran Human Rights, 28 April 2023.

in the context of political resistance dating back to the pre-1979 Revolution. The conflation of actual or perceived dissent with separatism or terrorism has paved the way for the authorities to arrest, prosecute and routinely sentence to death ethnic minorities.

1018. Reports by human rights organizations and UN experts show that persons belonging to ethnic minorities are disproportionately sentenced to death and executed, in particular on national security and drug related offences.[1996] In 2021, the Special Rapporteur on Iran reported that between 2010 and 2020, of the 129 people who were reportedly executed for alleged involvement and affiliation with political groups, 53 per cent were Kurdish, 26 per cent Baloch and 13 per cent Arab. In 2022, a human rights organization reported that executions in Sistan and Baluchestan accounted for 30 per cent of the total executions in the country during the year. The majority of these were for drug related offences.[1997] For example, in 2019, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran stated that Kurdish political prisoners charged with national security offences represent almost half of the total number of political prisoners in the Islamic Republic of Iran and constitute a disproportionately high number of those who received the death penalty and are executed.[1998]

1019. There has been a pattern in these regions of protests being met with lethal force, violence and repression, with ensuing impunity. For example, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran stressed the authorities excessive use of force during the protests in November 2019 against provinces populated by ethnic minorities, resulting in those provinces recording the highest numbers of deaths, with 84 and 52 people being killed in Khuzestan and Kermanshah Provinces respectively.[1999] According to documentation by human rights organizations and reports by the media, Khuzestan province, home to Ahwazi Arabs, witnessed a particularly lethal and violent response during the state repression of the November 2019 nationwide protests. Reports show that State authorities deployed heavy military grade weaponry, tanks, and armoured vehicles with DshK heavy machine guns mounted on them to the southern province. More specifically, in an incident that came to be referred to as the "Mahshahr Massacre", security forces used lethal heavy weapons against protesters who had blocked the roads in the city of Mahshahr, located in proximity to Iran's major petrochemical facility and its Petrochemical Special Economic Zone. According to reports, in one incident, on 18 November, the IRGC forces opened fire against protesters who had fled and were taking shelter in the marshlands, in a continuous and uninterrupted manner, killing and injuring a large number.[2000]

1020. Moreover, dozens of human rights defenders from ethnic minorities, including Kurds and Azerbaijani-Turks, were reportedly summoned, or arrested following the November 2019 protests.[2001]

1021. Most recently, in 2021, protests in Khuzestan triggered by a worsening water crisis and access to water were met with violence by security forces, who according to reports,

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1996 "UN experts urge Iran to stop "horrific wave" of executions", OHCHR 19 May 2023, "Iran: Human rights experts condemn execution of Baloch minority prisoner", UN, 4 February 2021, "Iran: Horrific wave of executions must be stopped", Amnesty International, 27 July 2022; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/76/160 para 68, 16 July 2021; "Execution of Ethnic Minorities in Iran in 2022", Iran Human Rights 28 April 2023.

1997 "Execution of Ethnic Minorities in Iran in 2022", Iran Human Rights, 28 April 2023.

1998 See Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, A/74/188, para. 87, 18 July 2019.

1999 Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, A/HRC/43/61, para. 7, 28 January 2020.

2000 See, "November 2019 Protests in Iran: Unveiling the Mahshahr Massacre", Radio Zamaneh, 19 November 2023. See also International People's Tribunal on Iran Atrocities (Aban tribunal), Judgment, November 2022; "Iran: Details of 321 deaths in crackdown on November 2019 protests [July 2022 update]"; Amnesty International, 29 July 2022; Iran: No Justice for Bloody Crackdown, Human Rights Watch 25 February 2020; The Hierarchy of Atrocity; An Analysis of the Perpetrators of the Crackdown on Iran's November 2019 Protests, September 2021.

2001 Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, A/HRC/43/61, para. 7, 28 January 2020.

fired live ammunition and metal pellets at protesters killing several people and injuring others.[2002] The Mission highlights the atmosphere of fear that is commonly found, due to the risk of reprisals as well as internet disruptions and shutdown imposed during periods of protests which further hindered the ability of victims and human rights defenders to report on the violations including the number of those killed.[2003]

1022. Examples of the use of lethal force resulting in unlawful killings in minority-populated areas are not restricted to the context of protests. Reports by human rights organizations and the UN experts show that security forces systematically fired live ammunition at *Kulbars* and *Soukhtbars* (border couriers) in Kurdistan and Sistan and Baluchestan, killing and severely injuring them. In 2019, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed particular concerns over the continuing use of excessive force against and extrajudicial killings of border couriers who often reside in the impoverished provinces of Kurdistan, Kermanshah, Sistan and Baluchestan and Western Azerbaijan.[2004] In the same vein, in a press release on 5 March 2021, the United Nations High Commissioner for Human Rights condemned the use of lethal force by the Islamic Revolutionary Guard Corps (IRGC) and state security forces against unarmed fuel couriers and protesters belonging to the Baluch minority, which reportedly led to the killing of at least 12 individuals, including at least two minors. The statement further noted that during 2020, a total of 59 Kurdish couriers were reported to have been killed by border officials in provinces in the north-west of Iran and called for an immediate measure to end the impunity that perpetuate the practice.[2005]

C. Treatment of ethnic and religious minorities in the context of the "Woman, Life, Freedom" protests

1. Use of force resulting in deaths and injuries

1023. While protest-related killings transcended ethnic, religious and administrative boundaries, with killings recorded in 29 provinces,[2006] the Mission investigated allegations that a disproportionate number of the victims were from the Baluchi minority in Sistan and Baluchestan and Kurdish-populated provinces.[2007] In light of the absence of disaggregated official government data, on the reported number of protest related killings, the Mission could not determine the exact number of Kurdish and Baluchi protesters killed in connection with the protests,[2008] but instead relied on credible figures advanced by civil society organizations.

1024. This included the credible figure of 121 deaths recorded in Sistan and Baluchestan, followed by 45 deaths in Kurdistan and 60 deaths in West Azerbaijan, between 16 September and 10 December 2022, indicating that almost half of all killings of protesters occurred in minority-populated regions.

2002 See for example "Iran deadly response of water protests", Human Rights Watch, 22 July 2021; See also "Iran's angry water protests turn deadly amid severe drought", Radio Free Europe, 20 July 2021; Iran: Bullets, detention and shutdowns: the authorities' response to protests in Khuzestan, ARTICLE 19, 28 July 2021.

2003 See Section VII; "Iran: Bullets, detention and shutdowns: the authorities' response to protests in Khuzestan", ARTICLE 19, 28 July 2021. See also "Iran: Internet shutdowns curb protests and conceal human rights violations in Sistan and Baluchistan", ARTICLE 19, 26 February 2021.

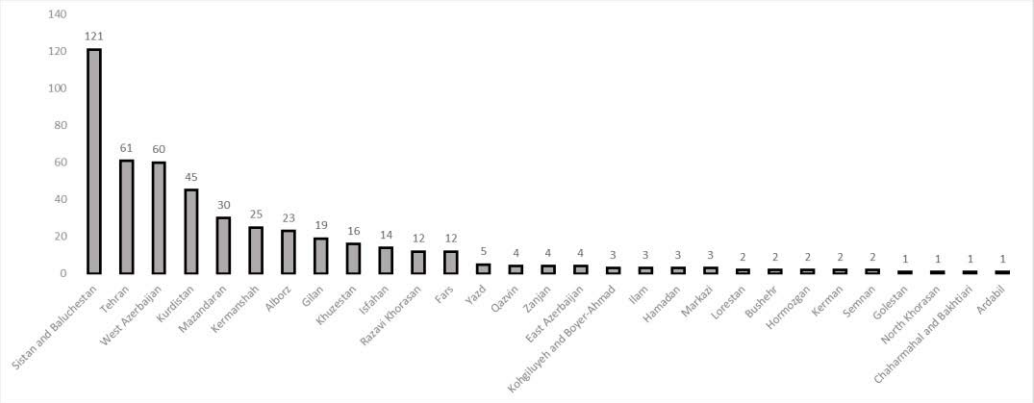
2004 See Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, A/74/188, para. 91, 18 July 2019. See also, "Protests, discrimination and the future of minorities in Iran", Minority Rights Group International, Center for Supporters of Human Rights in Iran 2022; Situation of human rights in the Islamic Republic of Iran Report of the Secretary-Genera, A/77/525, para 8, 14 October 2022.

2005 Press briefing notes on Iran, 05 March 2021.

2006 See Section V section A.

2007 See "What happened in Mahabad? Three reports from the newspapers", Ensaf News, 21 November 2022; See also "Protests, discrimination and the future of minorities in Iran", Minority Group International, 2022.

2008 See SectionV section A.



Distinct modus operandi in minority-populated regions

1025. The Mission assessed the existence of distinctly egregious conduct of security agents including the deployment of specific units of security forces, and patterns in the use of weaponry and lethal force, which led to the higher proportion of causalities among protesters in minority populated cities and provinces.

1026. The Mission found a direct relationship between protests and the disproportionate number of killings in minority-populated regions. The situation most emblematic of the use of disproportionate lethal force took place on 30 September 2022 in Zahedan, Sistan and Baluchestan province, known as the "Bloody Friday".

(a) 30 September 2022 "Bloody Friday"

1027. Events in Chabahar, Sistan and Baluchestan province formed the backdrop to the protests in Zahedan. In September 2022, media reports begun circulating about the rape of a 15-year-old girl allegedly by a high-ranking police officer in Chabahar.[2009] On 25 September 2022, the provincial Imam issued a statement confirming news of the rape[2010] and, according to a witness, called on the people to protest.[2011] On 27 September 2022 protests took place in Chabahar. A witness stated that, about 4,000 to 5,000 people gathered in front of the police station and the Governor´s building, calling for justice for the girl, and for women more broadly. In response, the protesters were shot at from the roof of the police station and the Governor´s house. There is credible information that several persons were injured as a result.[2012] According to media reports, the accused police chief, was released on bail and transferred to Tehran and the family of the girl was put under house arrest.[2013]

1028. One week later, on Friday 30 September 2022, Friday prayers took place as usual at the Great Mosalla (prayer hall) in Zahedan, the capital city of the Sistan and Baluchestan

2009 "Police commander of Chabahar, Colonel Ebrahim Kouchakzai, raped a teenage girl from a village", Haalvsh, 16 September 2022.

2010 Statement from Iman (Maulana) Abdul Ghaffar Naqshbandi, Posted online on 26 September 2022, on file with the Mission.

2011 FFM-IRAN-D-001534 (FFMI Interview).

2012 FFM-IRAN-D-001534 (FFMI Interview). See "The Rape of Chabahari's Girl"; Angry Protesters Set Fire to "a Government Building," See also BBC Persian, 27 September 2022; Video showing the Chabahar Government building on fire, on file with the Mission.

2012 Video footage on file with the Mission. The People of Chabahar Gathered in Protest Against the Rape of a Teenage Girl by the Police Commander" and the Murder of Mahsa Amini, Persian Radio France Internationale, 28 September 2022; "The Rape of Chabahari's Girl"; Angry Protesters Set Fire to "a Government Building," BBC Persian 27 September 2022; Friday Prayer Imam of the City of Rasak Confirmed the "Horrific" Rape of a 15-Year-Old Girl by the Chabahar Police Chief, Radio Farda 27 September 2022.

2013 "The People of Chabahar Gathered in Protest Against the Rape of a Teenage Girl by the Police Commander" and the Murder of Mahsa Amini, Persian Radio France Internationale 28 September 2022; "The Rape of Chabahari's Girl"; Angry Protesters Set Fire to "a Government Building," BBC Persian, 27 September 2022; Friday Prayer Imam of the City of Rasak Confirmed the "Horrific" Rape of a 15-Year-Old Girl by the Chabahar Police Chief, Radio Farda, 27 September 2022.

province.[2014] At approximately 12:30 p.m., and as worshippers remained in the mosque still praying, a group of individuals gathered in front of the police station (*Kalantari*) number 16, situated across the street from the Great Mosalla. Individuals protested the rape of the Baluchi girl in Chabahar and the death in custody of Jina Mahsa Amini.[2015]

1029. The Mission established that from around 12.30 pm onwards, security forces opened fire, including from the police station rooftop, towards the protesters and bystanders.[2016] Evidence reviewed by the Mission shows that protesters, mostly men, chanted slogans and threw stones at the police station. In return, security forces stationed on the rooftop of the police station fired directly at the crowd, including protesters and bystanders. A two-minute video footage reviewed by the Mission depicts the initial moments when the protests started. The video shows a very small group of protesters outside the station with some sporadically throwing stones towards it as gunshots are heard. Others, including young children are seen calmly standing on the sides or passing by. As the sound of shooting becomes more intense and increasingly continuous, the number of protesters grows and a larger number start engaging in throwing stones towards the police station. Two armed plainclothes agents, one in what appears to be traditional Balochi attire, are seen on the rooftop of the police station.[2017]

1030. Witnesses told the Mission that AK-47s were shot towards and inside the Great Mosalla as some worshippers were still performing prayers.[2018] One witness saw a "worshipper in the mosque being shot in the head as he was praying".[2019] A video, taken inside the Great Mosalla, consistent with witnesses' accounts, shows dozens of worshipers standing and starting to leave the mosque while others are still praying when gunshots are heard.[2020] Credible information further confirmed direct firing inside of the Great Mosalla, resulting in killings and injuries of worshippers.[2021]

1031. Witness accounts, consistent with other credible information the Mission examined, described heavy fire and non-stop shooting by AK-47s and other assault rifles directed at protesters and bystanders from the police station and security forces stationed in proximity to Mosalla.[2022] Witness statements and video footage further confirmed that shooting at protesters continued over a sustained period of time.[2023] In one video, which according to position of the sun and shadows was taken at around 13.30, injured and frightened protesters are seen hiding behind vehicles and sitting next to a wall about a hundred meters from the police station while protesters carry more injured and unresponsive persons from the direction of the police station. The sound of weapon discharge can be heard throughout the video which lasts for one minute and 40 seconds.[2024] Another video reviewed by the Mission, shows at least five members of the security forces with at least two in FARAJA uniforms on the rooftop of the police station with a cloud of smoke rising from inside the station's courtyard. The video depicts a security force in plainclothes, apparently traditional Balochi attire, aim his firearms and discharge a single shot towards where, based on other videos,

2014 The city is located near the Iran-Pakistan border. Its 600,000 residents are predominantly Baluchi.
2015 FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview); FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000745 (FFMI Interview).
2016 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview); Video footage on file with the Mission.
2017 FFM-IRAN-D-001473 (Video).
2018 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview).
2019 FFM-IRAN-D-001534 (FFMI Interview).
2020 FFM-IRAN-D-001474 (Video). See also FFM-IRAN-D-001475 (Statement).
2021 FFM-IRAN-D-001476 (Statement); FFM-IRAN-D-001475 (Statement); FFM-IRAN-D-001477 (Statement).
2022 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview); FFM-IRAN-D-001477 (Statement); FFM-IRAN-D-001475 (Statement); FFM-IRAN-D-001476 (Statement); FFM-IRAN-D-001745 (Statement); FFM-IRAN-D-001744 (Statement).
2023 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview).
2024 FFM-IRAN-D-001478 (Video).

protesters and bystanders gathered.[2025] Ballistic analysis confirmed that the weapon discharged is AK-47 while the sound of other assault rifles could be heard.[2026]

1032. According to credible information, plainclothes forces stationed on the rooftop of several buildings and hills in proximity to the mosque also took part in shooting at protesters and bystanders.[2027] A witness told the Mission that he saw armed plainclothes forces stationed on the rooftops of several buildings near the Grand Mosalla.[2028] Another witness stated that he saw around 20 to 25 security officers in plainclothes shooting AK-47s and sniper rifles from the roof of the police station.[2029] Witness statements and credible information reviewed by the Mission further showed that helicopters flew over the area and that protesters and bystanders were shot by forces inside the helicopters.[2030]

1033. Witnesses and victims whose accounts the Mission received through civil society organizations saw numerous victims killed and injured and described scenes of extreme violence by the State with some referring to what they witnessed as "carnage" and "massacre".[2031] A witness described heavy uninterrupted fire against the protesters, saying he tried to take refuge to "survive". He reported seeing many injured and killed but asked "how one could count and give an estimate on the numbers" amid such scenes of violence.[2032] Another described that one could see dead bodies everywhere.[2033] A witness to the killings whose statement the Mission received through an NGO, said that the extent of the killings were so large that any extended family had one or two or three killed or injured. He himself had carried the bodies of five killed children.[2034]

1034. The witnesses also described that injured and possibly dead bodies were brought inside the Great Mosalla covered in blood. One witness said there were approximately 300 to 400 persons injured taken to the Mosalla.[2035] Several video footage and photographic evidence reviewed by the Mission also show chaotic scenes of distressed civilians carrying injured and unresponsive persons, including inside the Mosalla.[2036] In a video reviewed by the Mission a man walks around inside the Great Mosalla, where at least 20 victims are seen lying on the ground with severe injuries, including to their heads and torso, with their clothes covered in blood. Most appear unresponsive and motionless. The videographer is heard saying "a hundred killed and martyred", repeating, as he films each victim, "it is a massacre in Zahedan, it is a massacre".[2037] Another video shows several injured and unresponsive persons in the trunk of a private car as distressed people, amid a chaotic scene, apparently attempt to transfer those injured to hospitals. Several victims lie on the ground with severe injuries, some look visibly lifeless.[2038]

2025 FFM-IRAN-D-001479 (Video).

2026 FFM-IRAN-D-001480 (Ballistic Analysis).

2027 FFM-IRAN-D-001477 (Statement); FFM-IRAN-D-001476 (Statement); "Bloody Friday in Zahedan, The Brutal Government Crackdown of September 30", Iran Human Rights Documentation Centre, 29 October 2022, "Iran: At least 82 Baluchi protesters and bystanders killed in bloody crackdown", Amnesty International, 6 October 2022.

2028 FFM-IRAN-D-000746 (FFMI Interview).

2029 FFM-IRAN-D-000522 (FFMI Interview), FFM-IRAN-D-000746 (FFMI Interview).

2030 FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-001744 (Statement); FFM-IRAN-D-001476 (Statement); FFM-IRAN-D-001475 (Statement).

2031 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-001744 (Statement); FFM-IRAN-D-001484 (Statement); FFM-IRAN-D-001485 (Statement).

2032 FFM-IRAN-D-000517 (FFMI Interview).

2033 FFM-IRAN-D-000522 (FFMI Interview).

2034 FFM-IRAN-D-001483 (Statement).

2035 FFM-IRAN-D-000522 (FFMI Interview)

2036 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview); FFM-IRAN-D-000500 (Video); FFM-IRAN-D-001486 (Video); FFM-IRAN-D-001487 (Video); FFM-IRAN-D-001488 (Video).

2037 FFM-IRAN-D-001489 (Video).

2038 FFM-IRAN-D-001490 (Video).

1035. Evidence, including photos and videos of victims,[2039] witness accounts, burial certificates and accounts by relatives of victims, shows that most victims were shot in the vital organs including in the head, chest and abdomen.[2040] Two burial certificates[2041] examined by the Mission lists the cause of death as respectively, "deep penetrative wounds to the head (fracturing of the bones and severe damage to internal [brain] tissue) caused by "being struck in the head with a bullet" in one case,[2042] and "deep penetrative wounds to the torso (severe damage to internal organs) as a result of "being struck with a bullet in the chest" in the other.[2043]

1036. According to credible information received by the Mission, as well as reports from human rights organizations, following the shooting outside of the Great Mosalla, protests first expanded to the neighbouring area, in particular around the Makki Mosque, before spreading further into several areas of the city. Security forces continued to use force injuring and killing more protesters and bystanders well into the evening. Credible information reviewed by the Mission shows that the sound of helicopters and shooting by security forces continued to be heard throughout the afternoon and evening.[2044]

1037. Credible information received by the Mission indicates severe overcrowding at hospitals in Zahedan on 30 September 2022 with a large number of injured persons and corpses at hospitals in the immediate aftermath of the shootings.[2045]

1038. State officials and media provided contradictory and conflicting narratives of the events. On 30 September 2022, in an interview with the State TV, the chief of police forces in Sistan and Baluchestan claimed that once the Friday prayers on 30 September ended and worshippers were leaving the mosque, several "unknown armed persons carried out a terrorist attack and fired at worshipers and towards police station number 16." He claimed that the number of those armed "was very large".[2046] Similarly, in a report, Iran's High Council for Human Rights claimed that "several extremist and armed elements attacked a police station adjacent to a place dedicated to Friday prayer and attempted to seize it." Furthermore, the report stated that "19 citizens lost their lives as a result of the terrorist incident, and 32 security and law enforcement officers sustained injuries."[2047] Another report by State TV, the IRIB, aired several days after the incident, in addition to claiming that there were armed individuals among the protesters, stated that the police forces used teargas to prevent the protesters from entering the police station. According to the report, after a number of protesters broke the door of the station and entered the yard, "the situation leaned towards the endangering of the armoury and security red lines". The report states that it is at this point

[2039] FFM-IRAN-D-001489 (Video); FFM-IRAN-D-001491 (Video); FFM-IRAN-D-001492 (Video); FFM-IRAN-D-001493 (Video); FFM-IRAN-D-001494 (Video); FFM-IRAN-D-001495 (Video). See also FFM-IRAN-D-001478 (Video); FFM-IRAN-D-001496 (Video).

[2040] FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview); FFM-IRAN-D-001485 (NGO Statement) FFM-IRAN-D-001497 (NGO Statement); FFM-IRAN-D-001498 (NGO Statement); FFM-IRAN-D-001499 (Statement); FFM-IRAN-D-001745 (Statement).

[2041] The Mission highlights that in addition to some families being denied death and burial certificates, due to long-standing discriminatory policies, sectors of the Balochi people do not have identification papers which further hinders the receipt of burial and death certificates.

[2042] FFM-IRAN-D-001518 (Burial Certificate).

[2043] FFM-IRAN-D-001519 (Burial Certificate).

[2044] FFM-IRAN-D-001477 (NGO Statement); FFM-IRAN-D-001485 (NGO Statement); FFM-IRAN-D-001475 (NGO Statement); FFM-IRAN-D-001484 (NGO Statement); FFM-IRAN-D-001483 (NGO Statement); FFM-IRAN-D-001476 (NGO Statement); FFM-IRAN-D-001745 (Statement). See also Iran: 'Bloody Friday' Crackdown This Year's Deadliest, Human Rights Watch, 22 December 2022; Bloody Friday in Zahedan, The Brutal Government Crackdown of September 30, 2022, Iran Human Rights Documentation Centre, 29 October 2022.

[2045] FFM-IRAN-D-001485 (NGO Statement); FFM-IRAN-D-001497 (NGO Statement); FFM-IRAN-D-001520 (Video).

[2046] See "Commander's Important Explanations about Zahedan Today's Events | Three police officers were attacked", Hamshahri online, 30 September 2022.

[2047] "Armed Attack of Extremist & Terrorist Agent in Zahedan", High Council for Human Rights of the Islamic Republic of Iran, p. 1,

when the police, to "protect its borders and prevent being disarmed was forced to shoot… what is clear is that the police was forced to shoot only to injure the rioters."[2048]

1039. In November 2022, Iran's High Council for Human Rights provided a different version of what transpired in Zahedan on 30 September - it appeared to accept that protesters and bystanders were killed by security forces:

"[O]n Friday, the 30th of September 2022, at the end of the Sunni Friday prayer in Zahedan, a group of people attacked Police Station No. 16, which is adjacent to the Great Mosalla prayer complex, and planned to occupy the said headquarters. Unfortunately, some fellow citizens and worshipers lost their lives or sustained injuries during the attack and following clashes between the attackers and the defense forces of the police station. After the incident, several armed individuals abused the highly charged atmosphere and — in addition to attacking citizens and various places set fire to and looted public and private properties and clashed with the security forces, during which some rioters were killed and some innocent people and several members of law enforcement forces martyred."[2049]

1040. In their reporting on the incident, state media claimed that some protesters were armed and have included video footage depicting an individual firing a gun in front of the police station entrance.[2050] The Mission commissioned a digital forensic analysis of the video which did not find signs of manipulation with the footage.[2051] The Mission notes that based on the evidence, any such alleged cases would have been isolated incidents. According to witnesses interviewed by the Mission as well as other credible information reviewed, protesters were generally not armed, but engaged in throwing stones and/or breaking the door of the police station.[2052] According to one witness, it was only several hours later in the day, when protesters had been killed that some family members of those killed returned with arms.[2053] Another statement received by the Mission said that protesters were not armed as security forces "massacred" them, including children, but later at night, several people took out hunting guns to prevent the security forces from killing people.[2054] Moreover, contrary to claims by the state regarding attacks by "armed terrorist groups", witness statements, credible information and audio-visual material showed that the shooting started as soon as the protests took place and several protesters threw stones towards the police station. Even worshippers inside of the mosque were shot at and killed, according to credible information. [2055] Evidence reviewed shows that security forces indiscriminately fired assault rifles at protesters and bystanders for a sustained period of time. A witness described non-stop heavy shooting and 16 or 17 injured and bloodied people, including children, within only minutes after leaving the mosque.[2056] Moreover, witness accounts and credible information point to the heightened security presence prior to prayers and deployment of forces including on roof tops, which they referred to as "pre-meditated plan" by the State to crackdown on protesters.[2057]

1041. According to credible information and video footage reviewed, after the Friday prayers, some protesters also kicked the police station's door and broke it and a protester, under direct fire, drove his vehicle into the police station twice destroying one of the walls.[2058] A witness stated also that security personnel were the ones who burned the shops and made

[2048] FFM-IRAN-D-000465 (Video).
[2049] "A Collection of Explanatory Reports Regarding the Death of Mahsa Amini and the Recent Riots in Iran", High Council for Human Rights of the Islamic Republic of in Iran, p. 99.
[2050] FFM-IRAN-D-000500 (Video).
[2051] FFM-IRAN-D-001764 (NGO Report).
[2052] FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-001475 (NGO Statement); FFM-IRAN-D-001477 (Statement); FFM-IRAN-D-001485 (Statement).
[2053] FFM-IRAN-D-000522 (FFMI Interview).
[2054] FFM-IRAN-D-001744 (Statement).
[2055] FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-001473 (Video); FFM-IRAN-D-001475 (Statement); FFM-IRAN-D-001476 (Statement); FFM-IRAN-D-001475 (Statement); FFM-IRAN-D-001477 (Statement).
[2056] FFM-IRAN-D-001534 (FFMI Interview).
[2057] FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-001476 (NGO Statement).
[2058] FFM-IRAN-D-000522 (FFMI Interview); FFM-IRAN-D-000500 (Video); FFM-IRAN-D-001476 (NGO Statement).

the chaos in order to portray an image for Baluch people that they are violent and separatist and to find an excuse for their killings.[2059] This was echoed by other credible information reviewed by the Mission.[2060]

1042. The November 2022 report by Iran's High Council for Human Rights claims that "expert teams" were subsequently dispatched to Zahedan to "investigate the causes, contexts, manners and dimensions of the incident". According to the report, after measures such as interviewing "police commanders and security officials" as well as eyewitnesses and injured persons":

"The Security Council of Sistan & Baluchestan province announced the results of the investigations, accepted the negligence of some officers, dismissed both the chief of Police Station No. 16 and the Commander of Police Forces of Zahedan, ordered compensation of innocent victims and their families, and sent to the judicial authority the case of the incidents, including the instigators, rioters and attackers who assaulted the police station, and on the other hand, the relevant police officials, so that violations and crimes can be dealt with accurately and according to legal regulations."[2061]

1043. Despite State claims regarding an investigation, the Mission has not seen evidence that any investigations were carried out, including in cases where families lodged complaints.[2062] No reporting of the results of the claimed investigations was made public by the authorities. According to credible information and public reports, some families were simply told or were pressured to accept the blood money (*diyeh*) without any criminal investigations carried out[2063] or were given the body of their loved one on the condition that they refrain from lodging a complaint.[2064] Credible information reviewed by the Mission further shows that some family members were not given death or burial certificates,[2065] or were given a certificate with the condition that they say their loved one was not killed during the "Bloody Friday".[2066]

1044. Credible information and evidence gathered,[2067] indicates that the death toll was substantial, and included children who were injured and killed by State security forces.[2068] According to credible information from human rights organizations and media reported to the Mission, those killed in Zahedan during and in the aftermath of the "Bloody Friday" may range from 82[2069] to 103,[2070] including at least 13 children, one as young as 2-years-old.[2071] Moreover, approximately 350 protesters and bystanders were reportedly injured.[2072]

1045. On 1 October 2022, Mowlana Abdolhamid the Sunni Imam of Sistan and Baluchestan in a video posted on social media recited how "the Bloody Friday" incident unfolded and stated that protestors were shot by snipers in the heart and head on 30 September, "the police

2059 FFM-IRAN-D-000517 (FFMI Interview).
2060 FFM-IRAN-D-001485 (Statement); FFM-IRAN-D-001484 (Statement).
2061 "The Third Report on September 30 Incidents in City of Zahedan", High Council for Human Rights of the Islamic Republic of in Iran, p. 1.
2062 FFM-IRAN-D-001497 (NGO Statement).
2063 Haalvsh Telegram, "As the Anniversary of Bloody Friday Approaches", 19 September 2023; Voice of America, "Molavi Abdul Hamid: Families of 'Bloody Friday' victims under pressure to accept blood money", 17 November 2023; FFM-IRAN-D-001497 (NGO Statement); FFM-IRAN-D-001477 (NGO Statement).
2064 FFM-IRAN-D-001745 (Statement).
2065 FFM-IRAN-D-001499 (NGO Statement).
2066 FFM-IRAN-D-001498 (NGO Statement).
2067 FFM-IRAN-D-000500 (Video).
2068 FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-000517 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview).
2069 "IRAN: Killings of children during youthful anti-establishment protests", p. 18, Amnesty International, 9 December 2022
2070 "Haalvsh's annual report on Baloch citizens who were killed or lost their lives in 1401 [March 2022 – March 2023], Haalvsh, 24 Macrh 2023.
2071 "Haalvsh's annual report on Baloch citizens who were killed or lost their lives in 1401 [March 2022 – March 2023], Haalvsh, 24 Macrh 2023.
2072 "Bloody Friday in Zahedan", Iran Human Rights Documentation Center, 19 October 2022.

force could have used tear gas and plastic bullets to avoid killing so many people, unarmed who just left the Mossala after prayers." "… But it has been over 43 years since security forces singled out this Sunni people, the justice should be served, and these people should be listened to, compensated."[2073]

1046. Based on the analysis of the above-mentioned information, the Mission finds that the use of lethal force by the security forces was disproportionate to the alleged threat posed by some of the protesters to public order, and thus resulted in unlawful and extra-judicial killings. The Mission finds that the tactics and weapons used in responding to what generally amounted to peaceful assembly, were unlawful and possibly the result of discriminatory policies.

(b) Zahedan, one-year on

1047. Reports by human rights human rights organizations, including on the basis of video footage, shows that State security forces continued to use excessive and lethal use of force in the city of Zahedan where protests regularly took place following Friday prayers including in 2023. According to reports, peaceful protesters gathered to commemorate the one-year anniversary of the "Bloody Friday" killings on 29 September 2023. In response, security forces armed with shotguns and machine guns, used tear gas, beat protesters with batons and shot at them with birdshot and paintball pellets. Large number of protesters, including children were reportedly arrested.[2074] Similarly, according to credible information reviewed by the Mission and reports by human rights organizations, on 20 October 2023, protesters peacefully marched after leaving the Great Mosallah in Zahedan following the Friday prayer. They were met with security forces who fired tear gas and shot at them with metal pellets. Water cannons, and yellow-coloured liquid were used reportedly to both disperse the protesters and to mark them for subsequent identification and arrest. Security forces were further reported to have chased protesters and beating and attesting them. According to reports, children as young as 10 were among those injured, arrested, and forcibly disappeared.[2075] The Mission notes that this incident requires further investigation.

(c) Javanroud, Kermanshah, 20 and 21 November 2022

1048. On 20 November 2022, a large demonstration in support of the people of Mahabad, a Kurdish city in West Azerbaijan province, was held in Javanroud city, in Kermanshah province. Following protests on 8 October,[2076] IRGC forces maintained a heavy presence in Javanroud. Many shops and schools continued to be closed and persons detained.[2077]

[2073] Details of Zahedan Bloody Friday by the Khaikh ul Islam Mawlana Abdul Hamid", Youtube, 2 October 2022.

[2074] "Iran: Security Forces Violently Repress Anniversary Protest, UN Should Investigate Patterns of Abuses in Sistan and Baluchistan", Human Rights Watch, 22 November 2023; See also "Iran: New wave of brutal attacks against Baluchi protesters and worshippers - Amnesty International", 26 October 2023; "Shooting at protesters in Zahedan on the anniversary of the "Bloody Friday", BBC Persian, 29 September 2023.

[2075] FFM-IRAN-D-001477 (NGO Statement); "Iran: New wave of brutal attacks against Baluchi protesters and worshippers", Amnesty International, 26 October 2023; "Iran: Security Forces Violently Repress Anniversary Protest," Human Rights Watch 22 November 2023; "Families of detainees of 20 October in Zahedan insulted and threatened by courts and lack of accountability of authorities", Haalvsh, 15 November 2023, "The transfer of prisoners marked with yellow paint on 20 October to Kerman, for torture and interrogation"; Haalvsh, 19 November 2023; "Attack by security forces and mass scale violent arrests on protest Friday, 20 October", Voice of America 29 September 2023.

[2076] There were several protests in Javanroud in the immediate aftermath of Jina Mahsa Amini's death in custody. The first substantial protests occurred on 8 October 2022, when shopkeepers reportedly initiated a strike and crowds, in particular schoolgirls, gathered in the main squares like Basij square chanting slogans and making bonfires. See "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023.

[2077] "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023.

According to public reports,[2078] at around 3 p.m. on 20 November, protesters first gathered and marched in Taleghani Street and Omid square, commonly known as the Tooti square. Protesters chanted slogans in solidarity with the people of Mahabad.[2079] A car with a loudspeaker reportedly warned people to stay indoors, stating that "anti-revolutionaries" affiliated with outlawed Kurdish political parties would be crushed".[2080] According to reports, to disperse the protesters, IRGC forces opened fire against them, shooting AK-47s and tear gas.[2081] The Mission analysed a video, captured in the evening of 20 November in Javandroud, depicting protesters, men and women, peacefully chanting "Mahabad is not alone, Javanroud has its back", and "Zhen, Zhian, Azadi". Towards the end of the video, what appears to be the sound of gunshot could be heard in a distance.[2082]

1049. By around 7 p.m., more protesters were reported to have joined the protests. IRGC forces continued to use force against the protesters including by firing into the air and used tear gas to disperse the crowd. As the protests began to wane, news circulated that Erfan Kakaee, a 52-year-old sports instructor, had been shot in the back as he sought to protect his students by approaching armed security forces.[2083] According to credible information and a public report, Erfan Kakaee was not directly partaking in the protests when he was shot but was only engaged in a verbal exchange with the security forces, pleading with them to stop the shooting while also urging the protesters to flee the site.[2084]

1050. According to credible information, fearing that the security forces would seize the body of Erfan Kakaee, a group of people went to the hospital to collect his body while protesters gathered outside the hospital. As several cars were in procession, at around 8 pm, IRGC forces fired at one of the cars. A 16-year-old boy, Bahaoddin Veisi, was killed as a result and two other car passengers, including Bahaoddin's brother, sustained severe injuries.[2085] The Mission analysed an image[2086] which according to reports,[2087] was taken in the immediate aftermath of the shooting. depicting a dozen security armed forces, mostly in IRGC uniforms surrounding a black Peugeot, in which Bahaoddin Veisi was travelling. Ballistic analysis of the image shows that the holes in the window shield were caused by ammunition from a high velocity weapon fired at the car several times. The holes are consistent with the use of assault rifles. The security forces seen in the image are armed with assault rifles including AK-47 and SVD, which are particularly used by snipers.[2088]

1051. The killings of Erfan Kakaee and Bahaoddin Veisi sparked further protests in Javanroud on 21 November 2022, the day of their burials. Credible information shows that Bahaoddin Veisi was quietly buried in the early hours of the morning, only in the presence of his immediate family as the security forces had issued threats against his relatives to attend

[2078] FFM-IRAN-D-001684. See also "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023.

[2079] "Iran intensifies crackdown in Kurdish area; rights group says four killed", Reuters, 20 November 2022; FFM-IRAN-D-001684 (NGO Reports); Iran Human Rights Documentation Center, Unleashed Violence: Repression of Protests in Kurdish Areas of Iran, 30 June 2023.

[2080] "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023; Unleashed Violence: Repression of Protests in Kurdish Areas of Iran, Iran Human Rights Documentation Center, 30 June 2023.

[2081] FFM-IRAN-D-001684 (NGO Reports).

[2082] Video on file with the Mission.

[2083] "Nationwide Protests in Iran; Barrage of Bullets in Javanrud and Piranshahr", IranWire, 21 November 2022; FFM-IRAN-D-001684 (NGO Report); FFM-IRAN-D-001684 (NGO Reports)

[2084] FFM-IRAN-D-001684 (NGO Reports); FFM-IRAN-D-001702 (Statement).

[2085] FFM-IRAN-D-001700 (Statement); FFM-IRAN-D-001684 (NGO Report); "Unleashed Violence: Repression of Protests in Kurdish Areas of Iran", Iran Human Rights Documentation Center, 30 June 2023.

[2086] FFM-IRAN-D-001701 (Image).

[2087] "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023.

[2088] FFM-IRAN-D-001701 (Image); Ballistic analysis FFM-IRAN-D-001677 (Ballistic Analysis).

the burial.[2089] Following his funeral, a massive crowd of over 15,000 mourners, consisting of women, men and children, with the participation of prominent Sunni clerics, marched from the cemetery towards the houses of the two victims' families.[2090]

1052. According to credible information,[2091] including a witness statement,[2092] two statements obtained and shared with the Mission by NGOs,[2093] and several videos,[2094] upon their return to the city, peaceful protesters encountered heavily armed security forces, primarily consisting of the IRGC forces.[2095] armed with assault rifles and machine guns including AK-47s, Uzi, Dshk machine guns mounted on vehicles, and *qannaseh*, the local term for Dragunov SVD rifles. According to public reports, security forces blocked protesters from going to the victims' house. In response, protesters chanted slogans and according to one witness, threw stones.[2096] From around 10.30 am, security forces reportedly fired tear gas and warning shots before immediately firing live ammunition at unarmed protesters, including women and children.[2097] According to two other public reports, protesters fleeing direct fire separated into several groups with some running to Behdari street (official name Taleghani) where most killings and injuries took place.[2098] The Mission has not found any evidence of violence by protesters. After live ammunition was directed against them, some protesters threw stones towards the security forces.[2099]

1053. The Mission analysed several video footages depicting State security forces directing heavy fire against protesters in Javanroud. In one footage, taken by a protester hiding behind a wall in a small alley in Behdari street, unarmed protesters, are seen fleeing towards the videographer while a barrel of bullets is directed at them. They pass a motionless man lying on the sidewalk. The distressed protesters are heard screaming saying: "they killed him". Another protester is seen being shot at and falling as he flees to take shelter. Other protesters, under continuous fire, help the injured man to move and take refuge behind the wall. A bullet hits the wall only centimetres away from the camera, barely missing the protesters sheltering. The sound of nonstop gunfire is heard throughout the entire duration of the video, of minute and a half.[2100] According to ballistic analysis, the sound of gunfire appears to be that from an assault rifle, mostly likely Ak-47, fired both single rounds and semi-automatic rounds.[2101]

1054. A second video footage of the same scene was captured in the aftermath of the shooting. The video depicts the same man on the sidewalk of the street, lying motionless with blood streaming from his head. Around 10 members of the security forces, mostly in IRGC uniforms and armed with heavy firearms, as well as a number of plainclothes forces in seemingly Kurdish attire holding handheld transceivers, continue to walk around. The body on the ground, according to credible information belong to Esmail Golanbar, who was shot

2089 FFM-IRAN-D-001700 (Statement); "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network; FFM-IRAN-D-001684 (NGO Report).

2090 FFM-IRAN-D-001702 (Statement); CHRI/KHRN, "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", September 2023; FFM-IRAN-D-001684 (NGO Report).

2091 FFM-IRAN-D-001703 (Statement).

2092 FFM-IRAN-D-001664 (FFMI Interview).

2093 FFM-IRAN-D-001703 (Statement).

2094 Videos on file with the Mission.

2095 CHRI/KHRN, "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", September 2023.

2096 FFM-IRAN-D-001664 (FFMI Interview).

2097 "Field report from Javanroud: 'Palestine Square was a killing ground', Radiozameneh, 30 November 2022. "Government forces killed 5 Kurdish citizens in Javanroud with combat weapons", Hengaw, 21 November 2022.

2098 "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023; FFM-IRAN-D-001684 (NGO Report).

2099 Video on file with the Mission; CHRI/KHRN, "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", September 2023.

2100 FFM-IRAN-D-001704 (Video).

2101 FFM-IRAN-D-001678 (Ballistic Analysis).

dead in Behdari Street.[2102] According to ballistic analysis, four uniformed forces are seen carrying AK 47s variants and other weapons including a shotgun, UZI (a short machine gun – SMG), Dshk or SVD are identifiable in the video.[2103]

1055. In a third video, a man, Jowhar Fattahi, according to credible information is seen walking down an alley while profusely bleeding from his upper thigh and with his trousers (pantol in Kurdish) covered in blood. Half into the 15-second video, he is seen sitting next to a wall, apparently weak. Protesters are seen fleeing as continuous gunshots are heard. Two protesters stop to help him walk away. According to credible information, Jowhar Fattahi attempted to retrieve the bodies of two victims shot by the security forces when he was shot and died as a result of bleeding shortly after.[2104] Another protester, Jamal Azami was similarly shot as he attempted to help Tahsin Miri, another protester who was shot.[2105] Masoud Teimouri was also shot and killed as he sought to help other injured protesters.[2106]

1056. The Mission further analysed information regarding severe injuries caused as result of the use of live ammunition by the IRGC and other security forces including by being shot in the abdomen and vital organs.[2107] In one case, a 16-year-old boy was shot with two bullets, striking him in the arm and leg causing severe injuries.[2108]

1057. According to public reports, IRGC forces took control of the city, including all of Javanroud's entrances and exits by setting up checkpoints until March 2023.[2109]

1058. The Mission finds that there is credible information according to which, during the protests on 20 and 21 November 2022 in Javanroud, at least six men, including Erfan Kakaee, Jamal Azami, Masoud Teimouri, Jowhar Fattahi, Tahsin Miri, and Esmail Golanbar, and a child, Bahaoddin Veisi, were killed; at least 80, including children, were injured, many of them severely; and security forces arrested 89 protesters, of which 26 were children.[2110]

(d) Killing of minority children

1059. According to credible information, the majority, and up to two-thirds of children killed in the protests were from minority-populated regions.[2111] In this context, it investigated incidents where Security forces shot at protesters with lethal weapons randomly, wantonly and indiscriminately, in an apparent disregard for the presence of children among protestors and in the vicinity of the protests and where State forces specifically targeted child protesters.[2112] Illustrative of these patterns are the cases of 12-year-old Javad Pousheh and the 16-year-old Kurdish protester, Zakaria Khial.

(e) Javad Pousheh, 30 September 2022, Zahedan, Sistan and Baluchestan

2102 FFM-IRAN-D-001705 (Statement).
2103 FFM-IRAN-D-001678 (Ballistic Analysis).
2104 FFM-IRAN-D-001705 (Statement).
2105 FFM-IRAN-D-001707 (Statement).
2106 FFM-IRAN-D-001703 (Statement).
2107 FFM-IRAN-D-001702 (Statement); FFM-IRAN-D-001708 (FFMI Submission); FFM-IRAN-D-001703 (Statement).
2108 FFM-IRAN-D-001708 (FFMI Submission).
2109 "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023.
2110 "Unleashed Violence: Repression of Protests in Kurdish Areas of Iran", Iran Human Rights Documentation Center, 30 June 2023; "Massacre in Javanrud, State Atrocities Against Protesters in Iran´s Kurdish Regions", Center Human Rights in Iran/Kurdistan Human Rights Network, September 2023.
2111 "Iran; killings of children during youthful anti-establishment protests", Amnesty International, 9 December 2022; FFM-IRAN-D-000691 (FFMI Submission); See also, report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/52/67, para. 28, 7 February 2023. Haalvash, "Document of the crime committed on Friday, September 30, 1401, in Shirabad, Zahedan, by the forces of the Islamic Republic of Iran against children and defenseless people, 1 October 2022; "Bloody Friday in Zahedan: The Brutal Government Crackdown of September 30, 2022", Iran Human Rights Documentation Center, 19 October 2022.
2112 FFMI-IRAN-D-050356 (FFMI Interview); FFM-IRAN-D-000510 (FFMI Interview), "Details of the incident of the Bloody Friday from Mowlawi Abdolhamid", Youtube.

1060. Javad Poushed, a 12-year-old boy was shot and killed on 30 September 2022 during the "Bloody Friday" events, in Zahedan, Sistan and Baluchestan. According to credible information, Javad Pousheh was shot in the back of his head with live ammunition and the bullet exited through his cheek,[2113] by security forces outside the police station during the "Bloody Friday" protests. The Mission reviewed three videos pertaining to his case. Two pieces of video footage captured in the immediate aftermath of the shooting show several men carrying the lifeless body of the child with his face and body bloodied and his clothes fully drenched in blood. The third video is taken later on the same day. It shows the child in his blood-stained clothes, with the blood from his face partially cleaned. A gaping wound is visible on the right cheek of Javad Pousheh's face in all three videos.[2114]

1061. Despite the existence of video footage and reporting by human rights organizations and the media, State authorities in a report by the High Council for Human Rights of the Islamic Republic of Iran claimed that "there is no death record" for Javad Pousheh before the Legal Forensic Organization of Iran, which they stated "is the official authority for confirming the type or cause of death." The report added that "investigations are underway to clarify and bring to light the issue."[2115] Not only did the report not provide any details on the causes and circumstances of the child's killing, but it also appeared to question whether the death even took place.

(e) Zakaria Khial, 20 September 2022, Piranshahr, West Azerbaijan

1062. The Mission investigated a protest which took place on 20 September 2022 in Piranshahr, West Azerbaijan province during which a child protester was fatally shot and killed by the security forces.[2116] A direct witness said that the protest had started in the city late in the evening at around 10pm in the neighbourhood of Falaka Mohammad Oraz.[2117] He and two other protesters whose statements the Mission has received, explained that as the protest started, State security forces including the Islamic Revolutionary Guard Corps (IRGC), the police (FARAJA) and its Special Forces, as well as plainclothes agents were deployed to disperse peaceful protesters. They reported that forces were armed with a range of weapons including AK-47s, shotguns loaded with metal pellets, and paintballs.[2118]

1063. According to credible information, including statements collected by NGOs and obtained by the Mission, agents from the IRGC fired live ammunition at Zakaria Khial, a boy aged 16 years, at around 10 p.m. as he and other protestors were several meters away from a school called Mohammad Rasoulloh (also known as *madreseh shabaneh roozi*). They reported that the IRGC agents were stationed at a close distance from the protesters and were shooting at the protesters who had gathered peacefully, were unarmed and did not pose any threats to the security forces.[2119] An eyewitness who was injured himself reported that the

[2113] "Iran: Killings of children during youthful anti-establishment protests", Amnesty International, 9 December 2022; FFM-IRAN-D-001709 (Statement).

[2114] FFM-IRAN-D-001521 (Video); FFM-IRAN-D-001495 (Video); FFM-IRAN-D-001489 (Video); FFM-IRAN-D-001746 (Statement); FFM-IRAN-D-001745 (Statement). See also "Iran: Killings of children during youthful anti-establishment protests", Amnesty International, 9 December 2022.

[2115] "The Additional Results of Investigations Conducted by the High Council for Human Rights About Deaths of Under-18 Individuals During recent Riots", High Council for Human Rights of the Islamic Republic, October 2022.

[2116] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337(FFMI Interview); FFM-IRAN-D-001747 (FFMI Interview); FFM-IRAN-D-001686 (FFMI Interview); Campaign to Free Political Prisons, Submission to FFMI, May 2022; "Iran: Killing of Children During Youthful Anti-establishment Protests", Amnesty International, 9 December 2022.

[2117] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview).

[2118] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview); FFM-IRAN-D-001747 (FFMI Interview); FFM-IRAN-D-001686 (FFMI Interview).

[2119] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview); FFM-IRAN-D-001747 (FFMI Interview); FFM-IRAN-D-001686 (FFMI Interview).

child victim was struck in the chest and his abdomen.[2120] He was reportedly taken to a hospital by other protesters but died due to his injuries before arriving at the hospital.[2121]

1064. The Mission examined a Government report pertaining to the reported killing of children in the context of the protests.[2122] In its report, the Government stated that the child victim was shot and killed during the "riots" in the city of Piranshahr. However, it stated that "no reason or evidence" was found that law enforcement officers committed the murder. It stated the "Security Council of the city immediately investigated the issue and found that law enforcement agents present at the scene had not used combat weapons. Therefore, it is possible that terrorist groups and infiltrated elements committed the killing in order to fuel the riots and discompose public opinion in line with their killing project."[2123] It further stated that an arrest warrant had been issued for persons who had taken the child to the hospital.

1065. The Mission finds that there is credible information that Zakaria Khial was killed as a result of a deliberate killing by security forces.

(f) War time tactics and methods

1066. As detailed in Section V, the Mission found that security forces used weapons and ammunition designed for military purposes, such as assault rifles, across the country resulting in the killings of and severe injuries to protesters and bystanders. While military grade weapons were used across the country, the Mission found that security forces displayed a particularly militarized response to protests that took place in minority regions, as compared to the means and methods used by security forces to repress the protests elsewhere. Concretely, the Mission found that security forces used military-grade weaponry, such as AK-47s[2124] and automatic and semi-automatic and heavy machine-guns,[2125] as well as armoured vehicles,[2126] and helicopters[2127] more regularly in these regions. Moreover, evidence reviewed by the Mission showed that in the Kurdish regions of the country, security forces were armed with and also used Degtyarov-Shpagin Krupnokaliberny (also known as DShKs), a heavy machine gun with 12.7mm x 108mm calibre ammunition primarily used as an anti-aircraft (AA) gun for low-flying aircraft. In the context of the protests in these regions, DShks have most often been used when mounted on armoured vehicles or tripods of security forces deployed to protest sites.[2128]

1067. To illustrate, on 18 November 2022, Shahriar Mohammadi, a 28-year-old Kurdish man, was shot and killed while travelling in a car on his way back from a funeral ceremony of Milad Maroufi in Boukan city, West Azerbaijan province.[2129] Credible information received by the Mission indicated that security forces shot at the car where Shahriar Mohammadi was, causing him to sustain a fatal injury to the heart. Two other men who travelled in the same vehicle with him were also injured. Credible information received by

[2120] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview).
[2121] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview); FFM-IRAN-D-001747 (FFMI Interview).
[2122] The Preliminary Investigation Conducted by the High Council for Human Rights Regarding the Allegations on the Death of Under 18 People During the Recent Riots, p. 3 The Islamic Republic High Council for Human Rights", 20 October 2022.
[2123] The Preliminary Investigation Conducted by the High Council for Human Rights Regarding the Allegations on the Death of Under 18 People During the Recent Riots", p.3 The Islamic Republic High Council for Human Rights, 20 October 2022.
[2124] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview); FFM-IRAN-D-000513 (FFMI Interview); FFM-IRAN-D-000409 (FFMI Interview); FFM-IRAN-D-000100 (FFMI Interview).
[2125] FFM-IRAN-D-000513 (FFMI Interview).
[2126] https://www.instagram.com/reel/ClL42mDID9s/?utm_source=ig_embed&ig_rid=be288ccd-ccad-4d2a-a6dc-2ef086a45183.
[2127] FFM-IRAN-D-000517 (FFMI Interview); https://youtu.be/IuijWakwZyg; https://youtu.be/n4nFkBXR4rw; FFM-IRAN-D-001710 (FFMI Submissions).
[2128] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview); FFMI-IRAN-D-050002 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview).
[2129] FFM-IRAN-D-001523 (FFMI Submissions).

the Mission also suggested that a group of plainclothes agents as well as uniformed IRGC officials were present at the scene, along with several vehicles, including a pick-up truck, with what appeared to have DShK heavy machine guns mounted on top, and that they surrounded the car of the victims. Statements and credible information received by the Mission indicated that the authorities may have targeted the victim because of his role in organizing the protests in the city.[2130]

1068. Moreover, investigations of use of force incidents in minority populated cities, such as the "Bloody Friday" in Zahedan, Sistan and Baluchestan and Javanroud showed that assault rifles were routinely fired on semi-automatic or automatic rounds meanings the weapons fired several bullets or ammunition rapidly at a time. Security forces also deployed such weaponry at a higher rate than they did in other regions or deployed them immediately or almost immediately after the start of the protests. This is also evidenced by the larger number of recorded killings, in particular with ammunition such as those fired from assault rifles, in minority populated regions of the country.[2131]

1069. Furthermore, in addition to a pattern whereby security forces indiscriminately fired into the crowds, the Mission found that in some instances security forces deliberately chased and/or targeted persons who were not protesting or when no protests were ongoing at that exact time. The case of Motalleb Saeed Pirou, detailed in Annex III, is an illustrative case of such targeted shooting. Such incidents of targeted killing appear to have aimed at creating a general atmosphere of fear in minority populated cities that became epicentres of protests. Human rights organizations also reported the recurrence of the deployment of heavily armed units supported by military helicopters, in protest hotspots in Kurdish towns such as Sanandaj and Mahabad, with the latest incident reported on 15 June 2023.[2132] In Javanroud, Kermanshah province, the IRGC reportedly erected check points at all city entrances, imposing what human rights organizations described as a "siege", from 21 November 2022 to March 2023.[2133]

1070. Witnesses from minority-populated regions described how a history of arbitrary deprivation of life as well as militarised response to protests in minority populated regions of the country and "dehumanisation" of minority communities formed the backdrop of the lethal crackdown during the "Woman, Life, Freedom" protests. One witness, who was shot in the face at point black and blinded as a result, said,

> *"Over the past 44 years and since Khomeini's orders on attacking Kurdistan, the province has always been in a securitised atmosphere and general state of martial law… the relationship between the people and the government is that of a prisoner with their prison guards... and there is a racial aspect to this, they have dehumanised Kurdistan."*[2134]

1071. Another witness referred to a history of "arbitrary killings" and State violence in Sistan and Baluchestan stating that security forces and even Basij agents were ordinarily armed and carried weapons in the province. The witness referred to an incident whereby security forces pointed their weapons at a vehicle with children inside, saying that such incidents were "normal and commonplace" in Sistan and Baluchestan.[2135]

1072. The particularly lethal response to the protests in minority populated areas also triggered reactions of community religious leaders as well as member of parliament in some instances. On 23 November 2022, alarmed by the unlawful killing of peaceful protesters in Kurdish towns Sunni cleric, Mowlana Abdolhamid, posted on X (formerly Twitter): "… *dear Kurds of Iran have suffered from many hardships such as severe ethnic discrimination,*

[2130] FFM-IRAN-D-001684 (NGO Report).
[2131] See Section 5.A
[2132] "Latest developments on the ongoing militarization of Kurdish Cities, Helicopters surveillance and an armed confrontation in Urmia". Hengaw 15 June 2023.
[2133] "Massacre in Javanrud State Atrocities Against Protesters in Iran's Kurdish Regions", Center for Human Rights in Iran and Kurdistan Human Rights Network, 2023.
[2134] FFM-IRAN-D-001512 (FFMI Interview).
[2135] FFMI-IRAN-D-050370 (FFMI Interview); FFMI-IRAN-D-050361(FFMI Interview).

intense religious pressures, poverty, and economic difficulties. Is it fair to respond to their protests with bullets?" [2136]

1073. On 16 November 2022, Iranian State-affiliated media published a statement of Moein al-Din Saeedi, a member of parliament from Baluchestan, who reacted to the unprecedented violence deployed by the security forces to crack down on Baluch protestors. He questioned the authorities' response asking "*Why confrontation tactics to contain the protests in this province are different? Why in other parts of the country pellet and rubber bullets were used against the protestors, but live ammunition in Baluchestan*…"[2137] Reportedly, his microphone was turned off before he could even conclude his speech.

1074. On 28 October 2022, referring to the killing of several protesters in Mahabad, Kurdistan province, in a media interview, Mahabad's member of parliament, Jalal Mahmudzadeh stated: "I have an objection to the security forces, why do they use [combat bullets] live ammunition in peaceful protests? A person wants to speak up to express their problems, it is regrettable and causes dismay that they are killed … [people] came to the street protesting the unjust killing of a young man, but instead of [security forces] deescalating and speaking with the protesters, four other people are killed…"[2138]

(g) Lack of accountability

1075. The lack of accountability for human rights violations in minority-populated areas has been the norm rather than the exception.[2139] The Mission found that this was no different in the context of the "Woman, Life, Freedom" protests. A witness who lost her family member due to police brutality in Kurdistan spoke about the sense of injustice and anguish the family experienced. Her family member was killed by a border police in Kurdistan province because he asked them, why they were shooting at innocent people. According to the witness, it was a Friday and there were so many people outside, and children and women were among them, and the police was firing randomly. Because he challenged them, they shot at his chest and he died immediately."[2140] Another witness similarly highlighted the historical impunity for violations against the Baloch people stating that security forces commit "arbitrary killings" in Sistan and Baluchestan and "get away with it ... often claiming that unknown armed individuals carried out the killings."[2141]

1076. Indeed, the Mission found that State authorities systematically denied killings committed by their security forces and, in particular in minority-populated regions of the country, attributed the killings to "opposition groups", "terrorists" and "unknown elements".[2142] In several cases, relatives of those killed were pressured and coerced to repeat the official narrative absolving the State of responsibility. In some cases, State authorities threatened to withhold the body of victims or harm the families' other relatives to coerce them into making statement or giving interviews. In some cases, families were pressured to accept the blood money instead of pursing justice.[2143] A witness, speaking on the lack of justice and accountability said that after her family member was shot dead, the deputy chief of the border police came to see the family and offered to pay blood money, which the family refused.[2144]

1077. The Mission also found that State discriminatory practices further exacerbated the lack of access to of minority communities to truth, justice and reparation. Notably, in a broader context of impunity and lack of accountability for State violence, the lack of ID documents in Sistan and Baluchestan meant that even the death of some victims without documentation, including children, remained unacknowledged.

[2136] https://twitter.com/AbdolhamidNet/status/1595484659030188032.
[2137] Film| Removal of the microphone of the Chabahar MP", Aftabnews, 7 November 2022.
[2138] "Five killed in Mahabad incidents, one of them is 15 years old", Shargh Daily, 28 October 2022.
[2139] FFM-IRAN-D-000510 (FFMI Interview).
[2140] FFM-IRAN-D-000097 (FFMI Interview).
[2141] FFMI-IRAN-D-050370 (FFMI Interview); FFMI-IRAN-D-050361(FFMI Interview).
[2142] See Section V. A.
[2143] See Section X.
[2144] FFM-IRAN-D-000097 (FFMI Interview).

1078. Therefore, victims and their families in Sistan and Baluchestan who intend to pursue justice and redress and lack valid legal identity documentation such as a birth certificates would face significant challenges in verifying their identity and their victim's identity, their affiliation. In the case of child victims, this would obstruct establishing the age.

2. Arbitrary arrest, detentions, enforced disappearance, torture and prosecutions

1079. Due to the lack of comprehensive and disaggregated official data on detainees and prisoners, the Mission is unable to determine the exact number and proportion of detained protesters belonging to the two ethnic groups. However, reports and data maintained and reported by human rights organizations were compared and reviewed. For example, Iran Prison Atlas (IPA), a database run by the human rights organization, United for Iran,[2145] collects information on political prisoners including those related to the protests, disaggregated by ethnicity and provinces. As of 30 November 2023, IPA's database showed that at least 936 verified cases of detained protesters in Iran, and among those 43 per cent (404) were Kurdish and 16 per cent (147) were Baluchi. Examined against their estimated 10 and 2 per cent representation respectively of the overall national population[2146] this is illustrative of the disproportionate representation of the two ethnic minority groups in the number of protest-related detentions.

1080. Members of ethnic minorities were charged with and convicted of national security offences such as "propaganda against the system,[2147] "insulting the Supreme Leader" and leading an "illegal gathering",[2148] and affiliation with opposition groups and parties.[2149] In some cases, criminal charges stemmed from activities such as advocating for gender equality,[2150] betterment of their standard of living, to eliminate systematic discriminations;[2151] or simply participating in religious or cultural activities.[2152] Members of ethnic minorities were also charged with the capital offences of "waging war on God" (*moharebeh)* and "corruption on earth" (*efsad-e fel-arz),*[2153] and in some cases were sentenced to death.[2154]

1081. The Mission established that Kurdish and Baluchi ethnic minorities underwent arbitrary arrest, detention and prosecution at a high rate. Similar patterns of targeting of the majority populations even without their having had an apparent role in the protests, as detailed above in relation to the use of force, were reported in minority populated areas. For instance, in one example, a witness stated that in the days after two protesters were killed in a Kurdish populated area of West Azerbaijan, security forces patrolled the street arresting and detaining any youth they saw passing. People were scared to leave home fearing arrest. The detainees were reported to have been held for nearly a month and subjected to torture before they were released.[2155] In another case, a witness from a city in Kurdistan said that a member of his family was arrested, detained and tortured for 60 days because he went to a hospital to visit an injured relative.[2156]

(a) Torture and ill-treatment

1082. As detailed in Section V, State authorities perpetrated torture against women, children and men in connection with the protests and subjected them to degrading and inhumane condition of detention. The Mission investigated cases of torture and other forms of ill-

[2145] List on file with the Mission. See FFM-IRAN-D-001748 (NGO Report).
[2146] See Iran, Communities, Minority Rights Group.
[2147] FFMI-IRAN-D-050013(FFMI Interview)
[2148] FFM-IRAN-D-001749 (Court Documents).
[2149] FFM-IRAN-D-001750 (Court Documents); FFM-IRAN-D-001751 (Court Documents).
[2150] FFMI-IRAN-D-050459 (Interview FFMI).
[2151] FFM-IRAN-D-000725 (FFMI Interview).
[2152] FFMI-IRAN-0500411 (FFMI Interview).
[2153] FFM-IRAN-D-001750 (Court Documents); FFM-IRAN-D-001751 (Court Documents).
[2154] See below the case of Mamusta Mohammad Khezrnejad and the case of Reza (Gholamreza) Rasaei in Section V. E.
[2155] FFM-IRAN-D-001515 (FFMI Interview).
[2156] FFM-IRAN-D-001524 (Statement).

treatment of detained Baluchi and Kurdish protesters of all ages with or without reported roles in the protests. As detailed below, detainees were subjected to severe and violent forms of physical and psychological torture, including rape.[2157]

1083. Detainees were held in a range of unofficial detention facilities.[2158] Credible information reviewed by the Mission established that persons belonging to minority communities were subjected to enforced disappearances. In Kurdish cities and provinces, several hundred young people were reported to have been forcibly disappeared since the start of the protests. Some were reportedly abducted from their homes, their schools, on the streets, and during the protests. In some cases, children were kept in solitary confinement or incommunicado for several days.[2159]

1084. Witness statements and other credible information showed that detainees from minority communities were subjected to various forms of physical torture including beatings,[2160] deprivation of food,[2161] and being placed in stress positions.[2162] A former detainee from a city in Kurdistan province, reported that in the context of his interrogation his interrogators put him outside in cold weather and while it was snowing. They did this every consecutive night, leaving him outside for 2-3 hours, without proper clothing. After 21 days, he became seriously ill.[2163] Another witness from Kurdistan said he was moved to a cell and there was a person who had been subjected to torture and broken down mentally, his face and arms were covered with stiches. The person never spoke a word, he often stared at a given point on the wall for four to five hours, without a single movement. In another cell he saw a prisoner whose spinal cord was broken as a result of severe beatings.[2164] In another case, according to credible information reviewed, several members of security forces subjected a protester in Kermanshah province to severe beatings resulting in him sustaining a broken limb, ribs and nose.[2165]

1085. The Mission further documented cases of rape and sexual violence of Kurdish and Baluchi detainees, with child detainees were among the victims of rape.[2166] According to credible information reviewed by the Mission, at least two children were arrested in one city in one minority populated region and kept in detention in late 2022. They were kept in a small dark cell for days, with one at least reportedly raped. A child was also reported to have been subjected to severe beatings, forced to take unknown pills, and was coerced into making "confessions".[2167] On 5 December 2022, the provincial Imam in Zahedan, Mowlawi

2157 See Report 1: An update report on the recent detainees in Iran, Campaign to Free Political Prisoners in Iran (CFPPI), 16 November 2022; See also "Iranian Sunni Cleric Says He Has Received Reports Of Sexual Assaults On Female Prisoners", Radio Farda 6 December 2022; "Iran: Child detainees subjected to flogging, electroshocks and sexual violence in brutal protest crackdown", Amnesty International, 16 March 2023; Iran: Security Forces Kill, Torture, Abuse Children, Human Rights Watch, 25 April 2023; FFM-IRAN-D-001525 (NGO Statement).

2158 FFMI-IRAN-D-050231(FFMI Interview); FFM-IRAN-D-001526 (NGO Statement).

2159 See "The Hengaw legal team's exclusive report on the government forces' abduction of 186 Kurdish minors", Hengaw, 10 February 2023; FFMI-IRAN-050603 (FFMI Interview); FFM-IRAN-D-001526 (Statement); "New wave of brutal attacks against Baluchi protesters and worshippers", Amnesty International, 26 October 2023; "At least 1o Kurdish children killed by Iranian government armed forces" , Hengaw, 7 December 2022; Campaign to Free Political Prisons, Submission to FFMI, May 2022. FFM-IRAN-D-000144 (Submission).

2160 FFM-IRAN-D-001525 (Submission); FFM-IRAN-D-000597 (FFMI Interview); "Three arrested teenagers from Paveh have been under severe torture", Hengaw, 11 January 2023; "Death of Baloch Student Under IRGC Intelligence Torture", Hengaw, 13 December 2023

2161 FFM-IRAN-D-001525 (Submission; FFMI-IRAN-0500411(FFMI Interview).

2162 FFMI-IRAN-D-050231 (FFMI Statement); FFM-IRAN-D-001526 (Statement); FFM-IRAN-D-001525 (Submission); FFM-IRAN-D-000339 (Statement).

2163 FFM-IRAN-D-000510 (FFMI Interview).

2164 FFM-IRAN-D-000510 (FFMI Interview).

2165 FFM-IRAN-D-000339 (Statement).

2166 FFMI-IRAN-D-050013(Interview FFMI); FFMI-IRAN-D-050094 (FFMI Interview); FFMI-IRAN-D-050389 (FFMI Interview); FFM-IRAN-D-001525 (Submission); FFM-IRAN-D-000146 (FFMI Interview). Information on file with the Mission.

2167 FFM-IRAN-D-001526 (NGO Statement). Information on file with the Mission.

Abdolhamid posted on the social media that the assault on women prisoners was being committed with the intention of humiliating, suppressing, and obtaining forced confessions from them.[2168] A civil society organization documenting and monitoring prisoners and conditions of detention in Iran also reported that in one prison in Kurdistan province, families reported that several of the female detainees have asked their families to bring birth control pills for them because they have been reportedly raped while in custody.[2169]

1086. A witness stated, "they (security agents) were saying lots of abusive words throughout the interrogation process. They said they will bring my wife and rape her in front of me, and that they will kill my son and take me to the burial site." The witness reported that authorities made him believe that his wife was raped, and that his son killed. He said he felt that he had become delusional as a result of medication administered to him, and that he was certain that the medication had affected his sanity.[2170]

1087. Former detainees of prisons in Kurdish and Baluch regions shared direct accounts on the poor detention conditions, describing the physical space as extremely narrow, dark and cold,[2171] overcrowded, with over 50 detainees crammed into a small room,[2172] with no ventilation or window in the prison cell,[2173] and provision of food scarce and of poor quality.[2174] A witness described LED lamps with very bright and powerful lights, being switched on 24/7, night and day, which the witness understood to have been done for the purposes of depriving detainees' sleep and crush resistance during interrogations. [2175] Detainees were also kept in prolonged solitary confinement,[2176] or incommunicado detention.[2177]

1088. A human rights organization reported between the start of the protests and the end of 2022, eight men, detained in connection with the protests in Kurdish regions of the country died in State custody as a result of torture and ill-treatment.[2178] In July 2023, another human rights organization reported that at least three individuals who were arrested in connection with the nationwide protests in the cities of Bukan, Zahedan, and Gachsaran had died as a result of torture by Iranian security forces during the first six months of 2023.[2179]

1089. The patterns of torture and ill-treatment detailed above are consistent with those established in Section V against detainees in various parts of the country. However, evidence shows that torture and ill-treatment, including sexual and gender-based violence documented in minority regions was particularly vicious and accompanied by ethnic undertones. One witness stated that the particularly harsh treatment handed to Kurdish detainees was a reprisal for their significant role in the protest movement. He said, "people from Kurdish towns like Oshnavieh, Mahabad and Javanroud were treated harshly by security forces as they put up serious resistance during the protest. For that reason, those who were picked up by security agents from those locations were subjected to a very harsh treatment."[2180]

2168 "Iranian Sunni Cleric Says He Has Received Reports Of Sexual Assaults On Female Prisoners", Radio Free Europe Radio Liberty, 6 December 2022

2169 "Report 1: An update report on the recent detainees in Iran", Campaign to Free Political Prisoners in Iran (CFPPI), 16 November 2022; "Activist Reports Mass Sexual Abuse In Iran's Detention Centers", Iran Wire, 30 November 2022

2170 FFM-IRAN-D-000510 (FFMI Interview)

2171 FFM-IRAN-D-001525 (Submission).

2172 FFM-IRAN-D-000131 (FFMI Statement).

2173 FFM-IRAN-D-000510 (FFMI Interview).

2174 FFM-IRAN-D-001526 (Submission).

2175 FFM-IRAN-D-000510 (FFMI Interview).

2176 FFMI-IRAN-D-050013 (FFMI Interview).

2177 FFM-IRAN-D-001526 (Submission).

2178 "Annual Report Mar 2022 – Mar 2023", Kurdistan Human Rights Network 27 April 2023.

2179 See Section V. C. See also "Report regarding the death of prisoners inside the Iranian prisons during the first six months of 2023", Hengaw 4 July 2023.

2180 FFM-IRAN-D-000097 (FFMI Interview)

1090. The Mission also established a pattern of humiliation based on ethnic and religious grounds, in particular with respect to Kurdish detainees.[2181] Witnesses recounted how prison officials swore at them insulting Kurdish spiritual or cultural values.[2182] They said, "you terrorist Kurds, what do you want",[2183] "you Kurds are all rebels and violent, we will engage you with each other to kill yourselves."[2184] Another witness also said that she believed her ethnic identity was the reason why the authorities had raped and punished her in a more severe manner.[2185] Likewise, in another case, a witness described that while in detention she was radicalized on the basis of her ethnicity identity, saying that she was "living in a REDACTED and everything you have is from us."[2186]

1091. Moreover, while torture and ill-treatment were perpetrated in order to, among others, coerce "confessions" across the country, evidence shows that persons belonging to ethnic minority communities were accused and were pressured to make "confessions" of possession of arms,[2187] leading the protests in their towns or cities;[2188] and involvement or membership of opposition, including armed groups.[2189] Those who had assisted protesters, including those injured were accused of "helping the terrorists".[2190] A witness belonging to the Kurdish minority described how her interrogators "branded her as a terrorist" and accused her of trying to "tear the country apart" given the history of political activism by one of her relatives.[2191] Such treatment corresponds with the authorities' discourse on the ethnic minorities whom they labelled as "separatists" and "terrorists". The Mission notes that accusations of involvement with political and opposition groups could lead to charges carrying severe punishments including long prison terms and even the death penalty.

3. Crackdown on civic space

1092. Human rights defenders and trade union leaders played an important role in the "Woman, Life, Freedom" protests, especially in minority-populated regions. However, the Mission found that the reactions of the authorities were particularly harsh in these regions. In justifying restrictions on civil society, the authorities consistently labelled those who advocated for the rights of minority groups as "secessionist" or "separatist", "terrorist" or as "puppets of foreign enemies".[2192] For example, in a reportedly fabricated video produced and broadcasted on government media, representatives of Kurdistan teachers trade union were accused of conspiracy to topple the Government with the aid of two French nationals.[2193] Those individuals who were implicated with the reported "conspiracy" have dismissed the accusations as total fabrication "aimed at diverting the genuine demand of the population at large".[2194]

1093. In another instance, when the Kurdistan Teachers' Union published statements and called for protests demanding fundamental economic, social and political changes in the

[2181] FFMI-Iran-D-050071 (FFMI Interview); FFMI-IRAN-D-050356 (Interview FFMI); FFM-IRAN-D-000527 (Interview FFMI).
[2182] FFMI-Iran-D-050061 (FFMI Interview).
[2183] FFMI-Iran-D-050061 (FFMI Interview).
[2184] FFM-IRAN-D-000527 (FFMI Interview)
[2185] FFMI-IRAN-D-005339 (FFMI Interview).
[2186] FFMI-IRAN-D-0500166 (FFMI Interview)
[2187] FFM-IRAN-D-001526 (Submission).
[2188] FFM-IRAN-D-000146 (FFMI Interview); FFM-IRAN-D-000339 (Statement).
[2189] FFMI-Iran-D-050452 (FFMI Interview); FFM-IRAN-D-000124 (FFMI Interview).
[2190] FFMI-IRAN-D-050231 (FFMI Interview)
[2191] FFMI-IRAN-D-050389 (FFMI Interview).
[2192] "Judicial Sciences University Basij Officer: Students Explain the Goals of the Rioters to the People", Fars News Agency, 4 October 2022.
[2193] "The Story of a Mission: The Confessions of Two French Spies", Mehr News Agency, 8 October 2022; "The Story of a Mission: The Confessions of Two French Spies", *Mehr News Agency*, 8 October 2022.
[2194] FFM-IRAN-D-000510 (Interview FFMI); FFMI-IRAN-0500109 (Interview FFMI); FFMI-IRAN-0500411(FFMI Interview)

country and criticizing the authorities' brutal clampdown on dissent,[2195] their statements were met with various forms of repression. Witnesses referred to the Education Department having formed an "Emergency Committee" to identify and punish influential trade union leaders that were active in the Kurdish cities of Sanandaj, Marivan and Saqqez.[2196]

1094. Similarly, ethnic minority women engaged in advocacy for equal treatment, an end to rights violations and discriminatory practices were subjected to threats, harassment, arrests and imprisonment,[2197] with some being labelled "separatists" or accused of endangering public security.[2198] A Baluchi women's rights defender recalled how her activism on issues of gender equality led to her arbitrary arrest and detention and being subjected to degrading treatment by her interrogators including acts of sexual and gender-based violence. She was charged and convicted for the offense of "spreading propaganda against the system".[2199]

1095. In one case of a human rights defender was put under the constant radar of the intelligence agency and was subjected to unwarranted arrests by security forces, the Revolutionary Guards, and the Security Police related to union activities and other activities. He was threatened, subjected to intimidation, arrest and detention, all seemingly aimed at preventing his involvement in trade union activism.[2200] Another human rights defender who was arbitrarily detained for his civic activism recalled, "the agents pressured me to admit in a video footage produced for television broadcast that I was the organizer of the protest, and that I and my compatriots received instructions from foreign countries." As he resisted them, they took him out of his room, blindfolded him, and put him in a very cold room, beating him brutally.[2201]

4. Intimidation and persecution of Sunni leaders

1096. Sunni religious leaders highlighted deep-rooted and systemic discrimination against religious and ethnic minority groups in the context of the nationwide protests when structural and deep rooted discrimination and violations against minorities manifestly surfaced.[2202] Many Sunni clerics spoke out strongly against the State's violence against peaceful protesters.[2203] Amongst other issues highlighted, Sunni leaders were particularly vocal about the State's disproportionate use of the death penalty against ethnic minorities,[2204] and patterns of torture and forced confessions.[2205] They condemned sexual and gender-based violence reportedly committed against women detainees,[2206] and urged the authorities to release detained protesters.[2207] In November 2022, a number of Sunni clerics called for a referendum, with international observers, to be held, reportedly to "change policies based on the demands of the people".[2208]

2195 Information on file with the Mission. "Exclusive: Protesting Teachers in Iran's Kurdistan Face Severe Retribution", Iran Wire, 21 April 2023.

2196 "Exclusive: Protesting Teachers in Iran's Kurdistan Face Severe Retribution", Iran Wire, 2 April 2023; FFM-IRAN-D-000510 (Interview FFMI); FFMI-IRAN-0500109 (FFMI Interview); FFMI-IRAN-0500411 (FFMI Interview

2197 FFMI-IRAN-D-050459 (FFMI Interview); FFMI-IRAN-0500411.

2198 FFM-IRAN-D-000527 (FFMI Interview); FFMI-IRAN-D-050459 (Interview FFMI); FFM-IRAN-D-000510 (Interview FFMI); FFM-IRAN-D-001752 (Court Records).

2199 FFMI-IRAN-D-050459 (Interview FFMI).

2200 FFMI-IRAN-0500411 (FFMI Interview).

2201 FFMI-IRAN-0500109 (FFMI Interview).

2202 FFM-IRAN-D-001527 (Statement); "Crackdown increases on Sunni clerics, ethnic leaders in Iran", The New Arab, 30 January 2023.

2203 FFM-IRAN-D-000745 (FFMI Interview).

2204 "All Iranians, Members of One Big Family", Website of Shaikh Abdolhamid, 29 January 2023.

2205 "Sovereignty of the System not Based on Weapons & Military Power", Website of Shaikh, 7 January 2023.

2206 Iranian Sunni Cleric Says He Has Received Reports Of Sexual Assaults On Female Prisoners", Radio Farda, 6 December 2022.

2207 https://t.me/rasadbalochistan/26740; https://t.me/JabheSunnat/9704.

2208 "A group of Sunni clerics in Kurdistan call for a referendum", IranWire, 21 November 2022; "; https://www.instagram.com/khooneyaran/reel/ClOEW2RAN0_/; "Mowlawi Abdolhami calls for a

1097. Based on witness accounts and reports by human rights organizations and the media, the Mission found that State authorities targeted outspoken Sunni religious leaders through summons, arrest, detention, restrictions imposed on their freedom of movement, prosecution, imprisonment and the death penalty.[2209] As detailed below, Sunni clerics have also been vilified by State affiliated media.

1098. One of the most vocal Sunni leaders, Mowlana Abdolhamid, the Friday prayer leader of Zahedan was particularly critical of the "Bloody Friday" events and voiced consistent support for the nationwide protests.[2210] On 2 October 2022, Mowlana Abdolhamid stated that protesters "have the right to protest and raise their voices." He said "people have the right to speak, criticize and raise their due rights… religious and ethnic groups should have freedom and equal rights and opportunities. This boosts our unity, maintains our security, and strengthens national solidarity. Unity is not achieved only by words, but by seeing people and hearing their voices."[2211] In November 2022, he was one of the first religious figures to call for a national referendum addressing protesters' demands,[2212] stressing that officials should listen to the cry of the people.[2213] His demand for a referendum was subsequently echoed by Sunni leaders across Iran.[2214] Imams in Kurdistan province issued a video statement in late November calling for a referendum and an end to violence against protesters.[2215]

1099. On 11 April, 2023, Mowlana Abdolhamid held a reception for the families of dozens of protesters killed in the "Bloody Friday" events, where he stated: "We're proud of the injured, and the families of the martyrs of these incidents. Everyone has been patient after these incidents, and we wanted to seek justice through legal means."[2216] Several days later on 21 April 2023, he stated: "Not only the perpetrators should be punished but also those who issued the orders [referring to the killing in Zahedan on 30 September 2022] … we will not retreat an inch in seeking justice."[2217] He further criticized the wave of executions in Sistan and Baluchestan province, in a sermon on 4 May 2023.[2218]

1100. In response to the vocal criticism, State affiliated media have published inflammatory reports against Mowlana Abdolhamid. On 25 February 2023, Fars News published a report accusing Mowlana Abdolhamid of acting against the country's unity and national security, and against the "holy system of the Islamic Republic of Iran". It further urged the authorities to take action against him and stressed that "unless he is dealt with as soon as possible, he will continue creating similar problems and crises in the future by inviting people to "riots",

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referendum with international observers", IranWire, 6 November 2022; "Spiritual leader of Iran's Sunni Muslims calls for referendum on protesters' demands", Radio Free Europe, 4 November 2022.

2209 FFM-IRAN-D-000745 / FFM-IRAN-D-000746 (Interview) ; FFM-IRAN-D-001528 (FFMI Interview); FFM-IRAN-D-001530 (Statement); Minorities Bear Brunt of Iran's Violent Crackdown, 16 November 2022; ""Sunnis in Iran; An alternate view", The Atlantic Council , 24 April 2018Four Decades of Assassination and Imprisonment of Sunni Imams in Iran, Iran Wire, 3 October 2020 Special Report: Sunni Clerics in the Crosshairs of Islamic Republic Repression, Center for Human Rights in Iran, 15 August 2023; Deutsche Welle, "Human Rights Center report: New wave of harassment and repression of Sunni leaders", 16 August 2023.

2210 https://t.me/haalvsh/11976; https://www.youtube.com/watch?v=vxYrfSBOk7Q; https://t.me/rasadbalochistan/29447.

2211 Peaceful Rallies, Due Right of People", Website of Shaikh Abdol-Hamid, 2 October 2022.

2212 "Spiritual Leader Of Iran's Sunni Muslims Calls For Referendum On Protesters' Demands" Radio Farda, 4 November 2022; "Kurdish Religious Leaders Call For Plebiscite In Iran", Iran International, 21 November 2022.

2213 "Iran's top Sunni cleric calls for a referendum amid anti-regime protests", Alarabia, 04 November 2022.

2214 https://www.instagram.com/reel/ClOEW2RAN0.

2215 "Kurdish Religious Leaders Call For Plebiscite In Iran", Iran International, 21 November 2022.

2216 https://t.me/JabheSunnat/10124. Special Report: Sunni Clerics in the Crosshairs of Islamic Republic Repression, Center for Human Rights in Iran, 15 August 2023.

2217 https://t.me/haalvsh/11976.

2218 https://t.me/rasadbalochistan/29447; "Special Report: Sunni Clerics in the Crosshairs of Islamic Republic Repression", Center for Human Rights in Iran, 15 August 2023.

supporting "rioters", and "insulting" the leaders of the Islamic Republic of Iran." [2219] On July 8, 2023, Kayhan newspaper accused Mowlana Abdolhamid of supporting Baluchi separatists.[2220] The next day the, the newspaper published another report about the cleric saying that he was "supporting the recognition of the Zionist regime (Israel) and negotiating with it, as well as supporting the Zionist Baha'is." [2221]

1101. State authorities also claimed that Sunni religious leaders incited violence. For example, in an interview held with Iranian media IRNA Deputy Interior Minister Majid Mirahmadi accused Sunni religious leaders as inciters of violence, and stated, "If there were no provocative remarks in the sermons, we would have seen peace in Zahedan."[2222]

1102. In September 2022, Mowlawi Abdolghaffar Naghshbandi, the senior Sunni cleric from Baluchestan who disclosed the alleged rape of a 15-year-old girl by a local police commander, was summoned by intelligence bodies.[2223] He was summoned again on 12 December 2022.[2224] Members of his family have also faced summons and arrests. On 20 August, his father, Mowlana Fathi Mohammad Naghshbandi also a senior Sunni cleric was arrested.[2225] On the same day, the Justice Department (*dadgostari*) in Sistan and Baluchestan reportedly issued a statement stating that the cleric "had unfortunately over the past months taken harsh positions along with those opposing the Islamic Republic and that during Friday prayer sermons and session, through false and far from the truth speeches, invited people to unrest and street riots." The statement further stated that the cleric had been warned "in a friendly atmosphere" but he insisted on his "wrong positions and states that he intends to behave in the same manner, along with/favourable to opposing and enemy currents and he does not wish to reform his conduct."[2226] According to the report, his charges included "disturbing public opinion through false speeches and defaming and slandering the sacred system of the Islamic Republic of Iran" and "acting against national security".[2227]

1103. A number of associates and family members of Mowlana Abdolhamid were accused of "disturbing public order" and arrested.[2228] On 30 January 2023, Haalvsh, a Baluchi news organization, reported the arrest of Mowlawi Abdolmajid Moradzahi**,** Baluchi Sunni cleric. Reportedly, he was kept in detention in a solitary cell, and subjected to torture in Vakilabad Prison in Mashhad, Razavi Khorasan province.[2229] Based on reports of human rights organizations Abdul Nasir Shahbakhsh the grandson of Mowlawi Abdolhamid was arrested and detained on 27 July 2023. On 23 February 2024, Abdul Nasir was reportedly sentenced

[2219] "The attack on Mowlawi Abdul Hamid by the Islamic Republic newspaper/ the terrorist attack on the Zahedan police station is the product of his extremism during the Friday prayer", Khabar online, 9 July 2023; "The Farda Briefing: The Iranian Cleric Defying The Clerical Regime", Radio Farda 4 January 2023

[2220] Keyhan and its readers", Keyhan Newspaper, 17 July 2023.

[2221] It's not in his hand; he's forced to play on Mossad's plot, Keyhan Newspaper, 9 July 2023.

[2222] "Aide to Sunni cleric arrested in Iran's Zahedan for 'manipulating' public opinion, Al Arabiya English, 31 January 2023.

[2223] FFM-IRAN-D-001528 (FFMI Interview); FFM-IRAN-D-001530 (Statement).

[2224] "Crackdown increases on Sunni clerics, ethnic leaders in Iran", The New Arab, 30 January 2023; "Sunni Cleric Who Reported Alleged Rape Of Girl By Police Commander Summoned To Iranian Court", Radio Farda, 12 December 2022.

[2225] FFM-IRAN-D-001528 (FFMI Interview); FFM-IRAN-D-001530 (Statement); Iran Wire, "Six Months Without a Word: Iranian Sunni Cleric Held Hostage to Pressure Son", 16 February 2024

[2226] "Six Months Without a Word: Iranian Sunni Cleric Held Hostage to Pressure Son", Iran Wire, 16 February 2024

[2227] "The explanations of the Justice Department in Sistan and Balouchestan with regards to the arrest of Molawi Fathi Mohammad Naghshbandi", IRNA, 20 August 2023.

[2228] "Iranian Authorities Arrest Associates of Iran's Top Sunni Leader Accused Of 'Disturbing Public Minds", Radio Farda, 28 June 2023; https://t.me/haalvsh/1317; https://t.me/balochcampaign/15212.

[2229] https://t.me/haalvsh/13634.

by the Revolutionary Court in Zahedan to one year prison term.[2230] The arrest and detention of another five Sunni religious leaders were reported in Baluchestan.[2231]

1104. The authorities have similarly targeted Kurdish *Mamustas* (clerics/religious scholars) and religious Sunni activists for their alleged role in the protest movement.[2232] Information received from human rights organizations indicates that at least 13 *Mamustas* and their associates in Kurdistan were sentenced to an average of three years and six months prison terms by in Kermanshah, Hamadan, and Urmia.

1105. According to reports of human rights organizations, on 21 November 2022, Mamusta Seifollah Hosseini, the lead-prayer at Khatam al-Anbiya mosque in Javanroud, and a member of the Quran School Leadership Council in Kurdistan province, was arrested by security forces after he gave a speech at the funerals for two protesters who were shot and killed in Javanroud. It was further reported that on 25 January 2023, he was sentenced to 17 years imprisonment, 74 lashes, being defrocked and two years of exile to Ardabil by the Hamedan Special Clergy Court.[2233]

1106. The Mission reviewed information, including court documents obtained through an NGO, on the case of Mamusta Mohammad Khezrnejad, a 45-year-old Sunni cleric from West Azerbaijan province who was sentenced to death in connection with the protests. According to credible information reviewed by the Mission, the cleric and his son were arrested on 19 November 2022 after Mamusta Khezrnejad delivered a speech during the funeral of a protester, during which he reportedly condemned the killing of protesters and criticised Government leaders".[2234] Documents reviewed show that Branch Three of the Islamic Revolutionary Court in Orumiyeh, West Azerbaijan Province, convicted Mamusta Khezrnejad of "corruption on earth" and sentenced him to death. The court further imposed on him a prison term of 16 years for the charges of "acting to harm the integrity or independence of the country" and "propaganda against the system". State authorities accused Mamusta Kezrnejad of giving a speech on 17 November 2022 "against the Islamic Republic" and which they said incited people to violence and claimed resulted in an "unrest" during which two members of the security forces and several "rioters" were killed. They further accused him of "training individuals in the Salafi ideology and dispatching them to various *baghi* groups (armed groups opposing the Islamic Republic)" and "leadership in the formation of criminal groups through the establishment of illegal schools, recruiting and training individuals with extremist and jihadist ideologies."[2235]

2230 "Issuing a one-year prison sentence for "Abdolnasir Shahbakhsh" and "Osame Shahbakhsh (Naroui)", two videographers of Makki Mosque", Haalvsh, 23 February 2023; https://twitter.com/dw_persian/status/1761356573148917929?s=12.

2231 Baluchi cleric Mowlawi Ebrahim Hassan-Zahi was arrested and detained on 25 February 2023, and was reportedly subjected to torture. See https://t.me/haalvsh/13593; https://twitter.com/ICHRI/status/1660366605207912449; "Aide to Sunni cleric arrested in Iran's Zahedan for 'manipulating' public opinion", Al Arabiya, 31 January 2023. Mowlawi Amanollah Saadi religious teacher at the Dar al-Oloum seminary school in Zahedan was reportedly arrested in early April 2023, https://t.me/JabheSunnat/10095. Mowlawi Abdolaziz Omarzahi, a religious teacher at the Makki seminary school in Zahedan was reportedly arrested on 30 April, 2023, https://t.me/balochcampaign/14246. On June 23, 2023, Hafez Kamran Salemizahi and Mowlawi Nazir Bakhshzahi, two religious teachers at the Mafatih al-Oloum Seminary in Rasak, Sistan and Baluchistan province were reportedly arrested: https://t.me/JabheSunnat/10366.

2232 "Ebrahim Salimi, Sunni cleric sentence to imprisonment", HRA, 21 December 2023; "Ebrahim Salimi, Sunni cleric sentenced to prison"; "Mamusta Arman Sadeghi sentenced to 7.5 months in prison, 74 lashes and dismantling clerical uniform", Kurdistan Human Rights Network, 3 May 2023.

2233 "Special Report: Sunni Clerics in the Crosshairs of Islamic Republic Repression - Center for Human Rights in Iran, 15 August 2023; "A Kurdish cleric was sentenced to 17 years of imprisonment, 74 lashes and two years of exile", Hana Human rights Organisation, 26 January 2023; "Iran court sentences Kurdish Sunni cleric to 17 years in jail", Kurdistan Human Rights Network, 26 January 2023.

2234 "Sunni cleric Mohammad Khezr-Nejad receives death sentence", 13 February 2024; Iran Human rights Society, "Mamosta Mohammad KhezrNejad's death sentence was issued", HRANA, 11 February 2024.

2235 FFM-IRAN-D-001531 (Court documents).

1107. Court documents reviewed show that the accusations, including of involvement with extremist groups made against Mamusta Khezrnejad were vague and broad with many dating back years or even decades ago. Authorities accused Mamusta Khezrnejad of acts including engaging in "separatist activities" along with Sunni clerics in Sistan and Baluchestan. The judgment further listed conduct falling under protected rights as evidence against Mamusta Khezrnejad. For example, it states that he "explicitly confessed to having been behind the idea of a referendum against the Islamic Republic". It further claims that he was a member of group consisting of Mamustas with the aim of "deciding as to how enter the riots and express the demands of Sunnis". It attributes a statement to Mamusta Khezrnejad, constituting protected speech, in which discrimination, and the violent State response against the protests and killing of protesters are condemned.[2236]

1108. In convicting Mamusta Khezrnejad, the court relied heavily on "confessions" made by Mamusta Khezrinejad as well as reports by intelligence bodies. The judgment refers to copies of his speeches which it says are indicative of his "beliefs against the Islamic Republic".[2237] According to credible information, Mamusta Khezrnejad was held in solitary confinement for over 100 days, was subjected to torture and ill-treatment and coerced to make self-incriminating statements. His trial reportedly consisted of a four-minute-long online hearings during which he was barely allowed to speak. According to credible information, Mamusta Khezrnejad recanted his "confession" which were relied on to convict him before the judge and reported that he had been subjected to torture.[2238]

1109. In February 2024, after the news of the death sentence against Mamusta Khezrnejad emerged, 242 Sunni Kurdish clerics addressed a letter to the head of the Judiciary regarding his case. The signatories strongly refuted the allegations of Momusta Khezrnejad's membership in extremist groups stating that he had spent his life towards promoting moderation and preventing extremism.[2239]

1110. Public reports show that in addition to arrests, detention and prosecutions, Sunni clerics have also been subjected to travel bans, restricting their freedom of movement. The passports of a number of prominent Sunni scholars were reportedly confiscated and they were restricted from traveling abroad.[2240] According to reports, on June 14, 2023, the Ministry of Intelligence cancelled Mowlana Abdolhamid's planned pilgrimage to Mecca.[2241] Justifying the cancelling action, Tasnim news agency claimed that Mowlana Abdolhamid "used a fake notarized document in his planned travel to the Hajj pilgrimage, which the office of the Imam claimed was "baseless and completely false."[2242] According to reports, the planned Hajj pilgrimage of other Sunni scholars were also similarly cancelled.[2243] In another example of restriction of movement of Sunni clerics, Mawlana Motahhari and his delegation from Sunni seminary of Khaaf, Khorasan province, who were traveling to Zahedan to express their condolences with the people of Baluchestan, were reportedly forced by the authorities to cancel their travel.[2244]

1111. The Mission concludes that Sunni clerics remained under heightened pressure throughout the protests and continue to be subjected to a range of restrictions on their

2236 FFM-IRAN-D-001531 (Court documents).
2237 FFM-IRAN-D-001531 (Court documents).
2238 FFM-IRAN-D-001533 (Court Documents); FFM-IRAN-D-001532 (Submission).
2239 "Mamustas and Kurdish religious figures call for his death sentence to be crushed and for his released, Kurdistan Human Rights Network, 17 February 2024.
2240 "Mawlana Abdolhamid Prevented from Traveling to Hajj, sunnionline, 14 June 2023; "Outspoken Sunni Leader Under Travel Ban For Holy Pilgrimage", Iran International, 14 June 2023.
2241 https://t.me/haalvsh/12836; "Mowlawi Abdolhamid calls preventing his visit to Mecca an 'emotional behavior' of the Islamic Republic", Radio Farda, 29 June 2023; "Iran's top Sunni cleric says barred from Hajj by Iranian authorities", Al Arabiya, 14 June 2023.
2242 Mowlawi Abdolhamid calls preventing his visit to Mecca an 'emotional behavior' of the Islamic Republic", Radio Farda, 29 June 2023.
2243 "Mawlana Abdolhamid Prevented from Traveling to Hajj", Sunnionline. 14 June 2023; https://t.me/balochcampaign/14624.
2244 "Sovereignty of the System not Based on Weapons & Military Power", Website of Shaikh Abdol-Hamid, 7 January 2023.

fundamental freedoms, with documented patterns ranging from continued harassment, arbitrary arrest and detention, restrictions of freedom of movement, and the exercise of their religious practices including leading prayers.

5. Other minority groups

1112. The Mission also reviewed allegations related to other minorities, in particular the Baha'i, disproportionately impacted by the State's response to the protests.

(a) Baha'is

1113. The Baha'i community is the largest non-Muslim and unrecognised religious minority numbering an estimated 300,000 followers in the country. The Baha'i have suffered decades-long human rights violations, which have been well-documented by the UN human rights mechanisms and human rights organizations.[2245] For example, in a joint communication by the UN Special Procedures, in August 2022, a group of mandate-holders raised concerns over what they termed as a "systematic targeting of Iranians belonging to the Baha'i religious minority throughout the country" further noting the "continuous pattern of targeted discrimination and persecution of this community based on their religious affiliation.[2246] In addition to violations of freedom of religion, Baha'i have been subjected to *inter alia* to arbitrary arrest and detention, but also a range of violations of economic, social and cultural rights, linked to discrimination, including through the denial of access to schools and universities, expropriation of land as well as a denial of employment opportunities.[2247]

1114. In the context of the protests, there have been reports that the Baha'i community has come under increased pressure, suggesting that the authorities have used the protests to intensify the persecution of the Baha'i. Early on in the protests, the authorities reportedly blamed the Baha'i for playing a role in the protests.[2248] This has included reports of an increase in arrests and detentions,[2249] increased home raids,[2250] and hate speech leading to acts of violence by private individuals.[2251] These trends are reportedly not novel, with repression of the Baha'i historically increasing during times of unrests and protests.

1115. It has been reported that the authorities accused the Baha'i of initiating the "Woman, Life, Freedom" movement, and that since the protests there has been a surge in arrests and detentions, especially of Baha'i women.[2252] According to the Baha'i International Community, Baha'i women were particularly targeted for arrest and detention in the context of the protests. For example, on 23 October 2023, 10 Baha'i women were arrested in Isfahan and another 26 Baha'i, including 15 women received sentences totalling 126 years in

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2245 See report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, 18 July 2019, A/74/188 paras. 47-56; Joint Allegation Letter by a group of Special Procedures addressed to the Government of the Islamic Republic of Iran, 15 August 2022, ALIRN15/2022; Joint statement by Special Procedures "Iran: Un experts alarmed by escalating religious persecution", 22 August 2022; Concluding Observations by the Human Rights Committee, on the fourth periodic report of the Islamic Republic of Iran, CCPR/C/IRN/CO/4, 23 November 2023, paras. 47 and 48(c); "Iran: Stop ruthless attacks on persecuted Baha'i religious minority", Amnesty International, 24 August 2022.

2246 Joint Allegation Letter by a group of Special Procedures addressed to the Government of the Islamic Republic of Iran, 15 August 2022, ALIRN15/2022.

2247 Concluding Observations by the Human Rights Committee, on the fourth periodic report of the Islamic Republic of Iran, CCPR/C/IRN/CO/4, 23 November 2023, paras. 47 and 48(c)

2248 See "The Ring of connection and similarities and differences", BBC Persian, 14 October 2022; FFM-IRAN-D-001712 (FFMI Submissions).

2249 Radio Free Europe "10 Baha'i followers in Iran detained with no reason given, sources say", 24 October 2023; Radio Free Europe, "Iran continues its crackdown on Baha'i faith with arrests, we school closures", 11 September 2023; "Baha'is arrested for instigating "Sedition" and protests", Iranwire, 18 October 2022; Iran International "Escalating persecution targets Baha'i community in Iran", 28 October 2023; "Iran using protests to further persecute Baha'is", Iranwire, 20 November 2022.

2250 FFM-IRAN-D-001712 (FFMI Submissions).

2251 FFM-IRAN-D-001712 (FFMI Submissions).

2252 FFM-IRAN-D-001712 (FFMI Submissions).

prison.[2253] Two prominent Baha'i women, Mahvash Sabet and Fariba Kamalabadi, who had previously served a decade in prison from 2008 to 2018, were re-arrested in July 2022 and in December 2022, were convicted to another 10 years of imprisonment, on "spying charges."[2254]

1116. According to information received, allegations have surfaced that hate speech against the Baha'i community has also significantly increased since the protests began.[2255] According to credible information received a social media campaign launched in July 2023, under the hashtag #Amir_Kabir_Thankyou praised the mistreatment and executions of the early Baha'i during the Qajar dynasty and directly incited violence and encouraged the present day killing of Baha'is.[2256] The Government has not condemned incitement to violence against the Baha'i, leading to the conclusions that such incitement to violence may be tolerated or even condoned.

1117. The Mission notes that further investigations are required to gain a fuller assessment of the impact of the State's response to the protests on the Baha'i community and their targeting on grounds of religion and belief.

6. Conclusions

1118. Consistent and credible information was amassed and reviewed including accounts of witnesses based on which the Mission concluded that the authorities consistently resorted to unnecessary and unlawful use of lethal force against peaceful protesters in Sistan and Baluchestan and the Kurdish provinces, in some cases amounting to extra-judicial executions of peaceful protesters, and leading to a disproportionate number of unlawful killings, with the highest fatalities registered among the protesters belonging to the two minority groups, Baluch and Kurdish. In none of these cases was there any indication that the protesters were directly engaged in a conduct that created an imminent threat of death or serious injury on others including on the security forces.[2257]

1119. As detailed in Section XI, structural and historic impunity affect the entire population of the country with no evidence of a single case of internationally compliant investigations being carried out into unlawful deaths or other violations. Yet, ethnic and religious minorities are caught in a perpetual cycle of State violence whereby structural and deep-rooted discrimination facilitates severe forms of violations of their rights in the first place while also further obstructing any forms of redress and justice or them.[2258]

VII. Digital space and the protests

A. Introduction

1120. The Mission investigated restrictions on communications affecting landline and mobile telephone usage, including Internet shutdowns and the blocking of social media platforms.[2259] In November 2023, the UN Human Rights Committee in its review of Iran's compliance with the ICCPR, expressed concern about the "Internet disruptions during protests, including the five-day nationwide Internet shutdown during the November 2019 protest, the blockage of social media platforms during the September 2022 protests, and the

[2253] FFM-IRAN-D-001712 (FFMI Submissions).

[2254] "Escalating persecution targets Baha'i community in Iran, Iran International, 28 October 2023; "Arresting members of the central core of the Baha'i spy party", August 2022, IRIB News; "Statement on the sentencing of Mahvash Sabet and Fariba Kamalabadi", Raoul Wallenberg, 17 January 2023.

[2255] FFM-IRAN-D-001712 (FFMI Submissions).

[2256] FFM-IRAN-D-001712 (FFMI Submissions); FFM-IRAN-D-001027 (NGO Report).

[2257] FFMI-IRAN-D-050356 (FFMI Interview); FFMI-IRAN-D-050337 (FFMI Interview); FFM-IRAN-D-000522 (FFMI Interview), FFM-IRAN-D-000513 (FFMI Interview), FFM-IRAN-D-000510 (FFMI Interview)

[2258] Further findings contained in Section XI.

[2259] A/HRC/RES/S-35/1.

long-standing blockage of social media platforms such as Facebook and X, formerly known as Twitter."[2260] The present section evaluates whether there has been a pattern of targeted restrictions on communications, amounting to violations of freedom of expression, in locations where protests took place, as established in earlier parts of this document.[2261] Additionally, the section deals with the use of surveillance technologies and the criminalization of online expression, including through arrests, detentions, and prosecution based on social media content. Finally, a gender analysis of digital rights is set out. Overall, the section analyses whether, taken together, the restrictions are compatible with the rights provided for in article 19 of the ICCPR and whether these measures contributed to, or facilitated the commission of human rights violations as documented in the previous sections.

1121. For these purposes, the Mission collected and analysed a wide range of information, including reports produced and submitted by the Government of the Islamic Republic of Iran, data on Internet connectivity during the protests, interviews with witnesses *inter alia* on the availability of the Internet, and access to social media platforms and messaging services at protest sites, the use of communications and social media posts as evidence in interrogations, judicial documents, official statements reports by United Nations entities and NGOs. In relation to the Internet connectivity data, the Mission has received data from an independent Internet measurement organization and supporting data, upon which its analysis is based.

B. International legal framework

1122. Pursuant to article 19 of the ICCPR, everyone shall have the right to hold opinions without interference, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media or her choice. Article 19 (2) protects all forms of expression and the means of their dissemination, including spoken, written and non-verbal expression such as images. Means of expression include all forms of audio-visual, as well as electronic and Internet-based modes of expression.[2262] This right may be subject to restrictions, if provided by law, to the extent necessary to ensure respect of the rights or reputations of others, the protection of national security or of public order (*ordre public*), public health or morals, and proportionate and non-discriminatory. In particular, in relation to one of the legitimate grounds for restrictions, the Human Rights Committee observed that the concept of "morals" derives from many social, philosophical and religious traditions; consequently, limitations for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition. Any such limitations must be understood in the light of the universality of human rights and the principle of non-discrimination.[2263]

1123. A norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate their conduct accordingly, and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution.[2264] Regarding the proportionality test, restrictions must be appropriate to achieve their protective function, they must be the least intrusive instrument amongst those which might achieve their protective function, and must be proportionate to the interest to be protected.[2265] When a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself.[2266]

[2260] Human Rights Committee, concluding observations on the fourth periodic report of the Islamic Republic of Iran, 23 November 2023, CCPR/C/IRN/CO/4, para. 49.
[2261] The following provinces were referred to: Alborz, Gilan, Hamedan, Kermanshah, Khorasan Razavi, Kurdistan, Mazandaran, North Khorasan, Qazvin, Sistan and Baluchestan, Tehran and West Azerbaijan.
[2262] Human Rights Committee, General Comment No. 34 (2011), para. 12.
[2263] Human Rights Committee, General Comment No. 34 (2011), para. 21 and No. 22 (1993), para. 8.
[2264] Human Rights Committee, General Comment No. 34 (2011), para. 25.
[2265] Human Rights Committee, General Comment No. 34 (2011), para. 34.
[2266] Human Rights Committee, General Comment No. 34 (2011), para. 21.

1124. The criminalization of legitimate expression, including online, constitutes an undue restriction of article 19 of the ICCPR. The fact that forms of expression are considered insulting to a public figure is not sufficient to justify the imposition of penalties.[2267] The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has noted in particular that the arbitrary use of criminal law to sanction legitimate expression constitutes one of the gravest forms of restriction to the right, creating a "chilling effect", and leading to other human rights violations, such as arbitrary detention and torture and other forms of cruel, inhuman or degrading treatment or punishment.[2268]

1125. Access to the Internet is essential for freedom of expression and also central to the realization, *inter alia*, of the rights to education, to freedom of association and assembly, to participate in social, cultural and political life, to health, to an adequate standard of living, to work and to social and economic development.[2269] Internet shutdowns are measures taken by a government, or on behalf of a government, to intentionally disrupt access to, and the use of, information and communications systems online.[2270] They include actions that limit the ability of a large number of people to use online communications tools, either by restricting Internet connectivity at large or by obstructing the accessibility and usability of services that are necessary for interactive communications, such as social media and messaging services.[2271] As OHCHR noted in its report to the Council, as technology develops, and the modalities for disrupting access to, and the use of, online space evolves, the definition of shutdowns must change as well.[2272]

1126. Blanket internet shutdowns have severe consequences and should never be imposed.[2273] Other forms of network and communications disruptions are also likely to have indiscriminate adverse effects, rendering them disproportionate. Targeted shutdowns may be deemed proportionate and justifiable only in the most exceptional circumstances, as a last resort when necessary to achieve a legitimate aim, as defined by article 19 (3) of the ICCPR, and when no other means are effective to prevent or mitigate those harms.[2274]

1127. Should States implement shutdowns, they should in all cases strictly adhere to the following six essential requirements. Any Internet shutdowns must be: (a) clearly grounded in unambiguous, publicly available law; (b) necessary to achieve a legitimate aim, as defined in human rights law; (c) proportionate to the legitimate aim and the least intrusive means to achieving that end; accordingly, they should be as narrow as possible, in terms of duration, geographical scope and the networks and services affected; (d) subject to prior authorization by a court or another independent adjudicatory body, to avoid any political, commercial or other unwarranted influence; (e) communicated in advance to the public and telecommunications or Internet service providers, with a clear explanation of the legal basis for the shutdown and details regarding its scope and duration; (f) subject to meaningful redress mechanisms accessible to those whose rights have been affected by the shutdowns, including through judicial proceedings in independent and impartial courts; court proceedings should be carried out in a timely fashion and provide the possibility to obtain a declaration of unlawfulness of shutdowns carried out in violation of applicable law, even after the end of the shutdown in question.[2275]

2267 Human Rights Committee, General Comment No. 34 (2011), para. 38.

2268 See report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/17/27, para. 28; A/65/284, 11 August 2010, section V.

2269 Report of the Office of the United Nations High Commissioner for Human Rights, "Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights", A/HRC/50/55, para. 7, 13 May 2022.

2270 A/HRC/50/55, para. 4.

2271 A/HRC/50/55, para. 4.

2272 A/HRC/50/55, para. 6.

2273 A/HRC/50/55, para. 66.

2274 A/HRC/50/55, para. 13; see also Human Rights Committee, general comment No. 34 (2011), para. 43.

2275 A/HRC/50/55, para. 67.

C. Lack of legal protection under domestic law

1128. Iran has developed numerous laws, regulations and policies and a complex structure to regulate the use of the Internet, focussing mainly on restricting access to cyberspace, and censorship of online content. This legal and regulatory framework comes against the backdrop of ongoing efforts to build a "National Information Network" (also known as National Internet) announced by the Supreme Leader in 2001. Essentially, the National Information Network, once fully operational, will prevent outsiders from having access to Iranian Cyberspace, imposing on the Iranian public national infrastructure and platforms, effectively moving towards stronger control by the authorities of cyberspace for Iranian Internet-users.[2276]

1129. According to credible information, various state bodies interact to regulate Internet connectivity, communication services and access to social media platforms. Under the supervision of the Supreme Leader, the Supreme National Security Council (SNSC) has the authority to order Internet shutdowns.[2277] The main institution in charge of implementing Internet disruptions and digital surveillance is the Communication Regulatory Authority (CRA), operating under the umbrella of the Ministry of Information and Communications Technology (MICT).[2278] The Cyber Police, known as FATA,[2279] is responsible for cyberspace monitoring and control. Along with the intelligence forces and the Basij, FATA constitutes the executive force of the Supreme Council of Cyberspace and the Prosecutor -General's Office to control cyberspace.[2280]

1130. The Government has stated that in case of any threat to national security, the authorities may impose legal restrictions on freedom of expression including the right to access the Internet.[2281] The Seventh Plan for Economic, Social, and Cultural Development, presented by the Supreme Leader in September 2022, announced shortly before the nationwide protests, gave responsibility to the Supreme Council of Cyberspace to "control and disconnect" cyberspace and to "confront threats", further enhancing its supervisory role over service providers and users and its control over access by anyone inside Iran to digital and social media platforms.[2282]

1131. The Supreme Council of Cyberspace was established in March 2012, by order of the Supreme Leader.[2283] It consolidates responsibility for regulating access to the Internet,

[2276] See for example, "Information controls in Iranian cyberspace: a soft war strategy", Melinda Cohoon, Doha Institute, 8 May 2022; See also "Tightening the Net: Iran's national Internet project", ARTICLE 19, 29 March 2017; "Iran unveils plan for tighter internet rules to promote local platforms", Maziar Motamedi, *Al-Jazeera*, 24 February 2024. "Iranian cyber-activities in the context of regional rivalries and international tensions", Risk and Resilience Team Center for Security Studies (CSS), ETH Zürich May 2019.

[2277] Established in 2012, it represents the top Iranian cyber body composed of twenty-seven members, including the Iranian President, the commanders-in-chief of the IRGC and the police, the Minister of Intelligence, and other high-level officials. The Council is mainly entitled to set national cyberspace policies and strategies; see "RSF unveils 20/2020 list of press freedom's digital predators", *RSF*, 10 March 2020.

[2278] "Iran: Tightening the Net 2020. After Blood and Shutdowns", Article 19,September 2020, Section VII.

[2279] Established in 2011, to combat cybercrimes, serves as a small security authority alongside the Intelligence Organization of the IRGC.

[2280] "Information Controls in Iranian Cyberspace: A Soft War Strategy", Doha Institute, Melinda Cohoon, 8 May 2022.
"Iran cyber police target 'un-Islamic' stores on Instagram", Alijani Ershad, France 24, 6 March 2024.

[2281] See "Replies of the Islamic Republic of Iran to the list of issues in relation to its fourth periodic report", 5 July 2023, CCPR/C/IRN/RQ/4, para. 85.

[2282] See, "Leader Communicates General Policies of Iran's 7th Development Plan", *Tasnim News Agency*, 12 September 2022; also, New initiatives for filtering in the seventh development program", *Etemad*, 7 August 2023.

[2283] "The United States has imposed sanctions on this Council in relation to alleged human rights violations", *Etemad*, 25 April 2023.

including censorship and connectivity.[2284] The Supreme Council of Cyberspace is chaired by the President,[2285] and includes the Head of the Judiciary and members of the military and intelligence.[2286] The Council´s decisions are reported to the Leader.[2287] The decisions of the Council are considered final and cannot be appealed. In 2021, of the 18 voting members, 12 were reported to have been appointed by the Supreme Leader,[2288] while five were representatives of national security agencies and armed forces.[2289] The Special Procedures of the Human Rights Council have already expressed concerns over its lack of sufficient independence from political control and its overbroad and overreaching powers to control expression.[2290]

1132. On 21 July 2012, the Supreme Council for Cyberspace established the National Cyberspace Centre, with the mandate "to regulate cyberspace". On 7 June 2022, the Centre issued a strategic document regarding Iran's cyberspace, goals, and major actions tasking executive organs, government ministries and the Supreme Council of Cyberspace with the structural transformation of the country's governance of cyberspace and the establishment of an online media system.[2291] Based on this document, some Internet content has been rendered unavailable in Iran, with the stated aim to protect children, national interests, and the system (*nezam*). The document involves military and security institutions, such as the Ministry of Intelligence, IRGC Intelligence, Passive Defence Organization, and the Basij, in the development of Internet structures.[2292]

1133. The Computer Crimes Law (2009) regulates the use of the Internet in Iran. The Law replicates many content-based restrictions found elsewhere in Iran's laws, but targets specifically the use of technology.[2293] The law provides a list of "criminal content", which includes: "content against chastity and public morality" such as "encouraging corruption and prostitution or sexual deviations"; "content against Islamic sanctities" such as "content that is atheistic and against Islamic principles", "insulting the religion of Islam" and "insulting the Supreme Leader"; "content against public security and order" such as "propaganda against the system"; and "content against officials and governmental and public institutions". Read in conjunction with provisions in the Islamic Penal Code and the Press Law, provisions of the Computer Crimes Law either fall within the scope of protected conduct or lend itself

2284 See "Replies of the Islamic Republic of Iran to the list of issues in relation to its fourth periodic report", 5 July 2023, CCPR/C/IRN/RQ/4, para. 85.

2285 The Council was formed in accordance with a decree issued by the Supreme Leader in March 2012. See Filter Watch, "The strategic document of the Islamic Republic of Iran in the virtual space - goals and major measures", 2 August 2022.

2286 See website of the Supreme Leader, "The Supreme Council on Cyber space was formed and its members were appointed (unofficial translation), 17 March 2012 (www.leader.ir/fa); see also Article 19, "Computer Crimes in Iran: Online Repression in Practice", 2013, p.17,; Centre for Strategic International Studies, "Iran and cyber power", 25 June 2019.

2287 https://Internetabad.factnameh.com/fa/profiles/supreme-council-cyberspace.

2288 The Supreme Leader is known for a hardline position on access to the Internet. See for example, Center for Human rights in Iran, "Khamenei consolidates power over Internet Policy in hardline council he controls", 14 September 2015; BBC, "Iran's Supreme Leader sets up body to oversee Internet", 14 March 2012. See Ali Khamenei, "Statements in the meeting of the participants of the congress of martyrs of the country's nomadic community", Official Website of the Supreme Leader, 12 June 2022.

2289 See Joint Other Letter by the Special Rapporteurs on freedom of opinion and expression; human rights defenders; freedom of peaceful assembly and association; independence of judges and lawyers, and the human rights situation in the Islamic Republic of Iran, OL IRN 29/2021, 21 October 2021

2290 See Joint Other Letter by the Special Rapporteurs on freedom of opinion and expression; human rights defenders; freedom of peaceful assembly and association; independence of judges and lawyers, and the human rights situation in the Islamic Republic of Iran, OL IRN 29/2021, 21 October 2021

2291 "The strategic document of the Islamic Republic of Iran in the virtual space - goals and major measures", Filter Watch,2 August 2022.

2292 "The strategic document of the Islamic Republic of Iran in the virtual space - goals and major measures", Filter Watch, 2 August 2022.

2293 See, "Islamic Republic of Iran: Computer Crimes Law", p.17 Article 19, 2012.

to broad interpretation to potentially include conduct that would fall within the scope of protected freedom of expression under international human rights law.[2294]

1134. The Computer Crimes Law also mandates the establishment of a Web Crime Committee, under the supervision of the General Prosecutor of Iran, to make decisions with regard to filtering regulations. Decisions with respect to the cases identified by the Committee are final and cannot be appealed, which further exacerbates the impact of the 2009 Law on human rights. The Committee *inter alia*, decides on restrictions on access to social networks[2295] and it imposes liability on Internet Service Providers (ISPs) that, with intent or negligence, fail to filter Internet content that "generates crime".[2296] Any ISP that is found to have intentionally failed to filter criminal content as required by the Web Crime Committee may be cancelled, and this threat of action for non-compliance leads ISPs to monitor content, encouraging a censorship culture, further impacting on the right to freedom of expression.[2297]

1135. In August 2020, a Bill entitled: "Regulatory System for Cyberspace Services Bill" to regulate cyberspace in Iran, particularly the messaging platforms was tabled in Parliament. In January 2023, the Government of Iran stated that this Bill, which is known more widely as the "User Protection Bill", was "sent in the form of a draft to research centers for further examinations".[2298] However, there have been reports that the provisions of the Bill are already being implemented,[2299] while some members of the commission charged with reviewing the Bill have reportedly called for the Parliament to vote on its "experimental" implementation ahead of its adoption by the Guardian Council. The 2021 draft Bill, if enacted, risks leading to increased or even complete communication blackouts in Iran,[2300] and carries a multitude of risks to the exercise of freedom of expression, by increasing bandwidth limits, the control over access to online information as well as to digital technologies and online platforms.[2301] The Bill reportedly envisages the prohibition of the sale of VPNs,[2302] and instead provides for the introduction of "legal VPNs".[2303] It also further envisages the blocking of foreign Internet services and websites refusing to comply with Iran's domestic censorship regulations making such websites inaccessible; unless hosted locally or approved by the government on the National Information Network.[2304]

2294 Such "offences" could include those in relation to "insulting religion" (article 513), "spreading false rumours or writing about acts that are not true", (article 698). See section on journalists for overview of provisions of the Press Law.

2295 According to the Government, these are also decided by the order of competent institutions such as the Working Group (Committee) for determining examples of criminal content, the National Security Council and the Supreme National Security Council, and for its implementation it has to be sent to the Communications Company which is under the Ministry. See "Replies of the Islamic Republic of Iran to the list of issues in relation to its fourth periodic report", 5 July 2023, CCPR/C/IRN/RQ/4, para. 85.

2296 See article 21 of the Computer Crimes Law.

2297 See Article 19, "Islamic Republic of Iran: Computer Crimes Law", 2012. p.41.

2298 See response by the "High Council for Human rights of the Islamic Republic of Iran to Other Letter of the Special Rapporteur on freedom of expression and opinion", OL IRN 29/2021, 11 January 2023.

2299 See "Member of Parliament of Iran: The Supreme Council of Cyber Space bypassed the Parliament in approving the security plan", BBC Persian, 14 September 2022; See for example, "New Protection Bill on Internet Freedom", Mahsa Alimardani, *The Iran Primer*, 23 February 2022.

2300 See joint statement by 50+ Rights Groups, "Iran: Human Rights groups sound alarm against draconian Internet Bill", 17 March 2022. See also "Joint Other Letter by the Special Rapporteurs on freedom of opinion and expression; human rights defenders; freedom of peaceful assembly and association; independence of judges and lawyers, and the human rights situation in the Islamic Republic of Iran", OL IRN 29/2021, 21 October 2021.

2301 See "Joint Other Letter by the Special Rapporteurs on freedom of opinion and expression; human rights defenders; freedom of peaceful assembly and association; independence of judges and lawyers, and the human rights situation in the Islamic Republic of Iran", OL IRN 29/2021, 21 October 2021; "Iran: Tightening the Net 2020. After Blood and Shutdowns", p. 14, Article 19,September 2020.

2302 Article 33 of the "Regulatory System for Cyberspace Services Bill".

2303 Article 4 of the "Regulatory System for Cyberspace Services Bill".

2304 "Tightening the Net: Concerning Moves to Enforce User Protection Bill", Article 19, 4 November 2021.

D. Internet shutdowns and restrictions to social media platforms and communication services

1. Digitalization and shutdowns since 2009

1136. There has been a gradual tightening of access to the Internet, in particular to the world wide web and websites hosted outside the country, over the last 15 years in Iran, accompanied by increased restrictions due to the legislative and policy initiatives discussed above.

1137. Nonetheless, according to annual statistics, the number of social media users in Iran grew in recent years and reportedly stood at around 47.70 million in January 2022 and 48.00 million in January 2023. As of 2021, 79 per cent of Iran's population had access to the Internet, with this figure likely to have increased following the COVID pandemic, following global trends. This facilitated expanded internet access nationwide, a critical development considering the sizable youth demographic, thereby amplifying the importance of reliance on social media.

1138. The role of social media in mobilizing and organizing dissenting voices in Iran first became central during the 2009 protests, known as the "Green Movement"[2305] and has since been a consistent feature in subsequent protests, including the "Woman, Life, Freedom" movement. Since the "Green Movement", the technical capacity of the authorities, to effect online restrictions has also markedly increased.[2306]

1139. For example, in 2013, Iranian authorities reportedly reduced Internet speed especially during Presidential elections and disrupted VPNs.[2307] Similarly, during nationwide protests between December 2017 to January 2018, major Internet disruptions and slowdowns, and the blocking of circumvention tools as VPNs were recorded. Media platforms and messaging apps, such as Instagram and Telegram, were reportedly blocked.[2308] Users were thus often limited to state-backed services, which rely on domestic servers, allowing for Government monitoring and control.[2309]

1140. This pattern of disruptions further deteriorated during the November 2019 protests.[2310] The Supreme National Security Council ordered a shutdown, with connectivity rates reportedly dropping to five per cent from their usual levels.[2311] Reportedly, the Internet was

[2305] The Government reportedly blocked networks and conducted communications surveillance of users on social media platforms, see, "After the Green Movement: Internet controls in Iran, 2009-2012", *OpenNet*, February 2013.; Amnesty International, "Iran: Election contested, repression compounded", 10 December 2009.

[2306] Belfer Center for Science and International Affairs, Harvard Kennedy School, National Cyber Power Index 2022, September 2022, p. 13; Melody Kazemi, "Internet Shutdown Trends in Iran: November 2019 to July 2021", Filterwatch, 3 September 2021.

[2307] Article 19, "Iran: Tightening the Net 2020. After Blood and Shutdowns", September 2020. p. 14; see also "Iran accused of using online censorship and hacking to sway presidential poll", *The Guardian*, 31 May 2013. Journalists and activists were reportedly victims of hacking attacks, phishing emails containing viruses and surveillance software.

[2308] Open Observatory of Network Interference, "Iran Protests: OONI data confirms censorship events (Part 1)", 5 January 2018; Center for Human Rights in Iran, "Guards at the Gate. The Expanding State Control Over the Internet in Iran", 2018; "Iran blocks Instagram, Telegram after protests", *Al-Jazeera*, 31 December 2017; Jon Gambrel, "Protests in Iran fanned by exiled journalist, messaging app", *Associated Press*, 31 December 2017; see also, Open Observatory of Network Interference, "Iran Protests: OONI data confirms censorship events (Part 2)", 14 February 2018.

[2309] A/HRC/43/20, para. 29; A/75/287, para. 26; [Submission Citizen Lab]; Citizen Lab, see "You Move, They Follow Uncovering Iran's Mobile Legal Intercept System", *Citizen Lab*, 16 January 2023; Chris Wright, "Turn on, turn off: Understanding Iran's digital blackout", *Wired Middle East*, 13 October 2022.

[2310] On the November 2019 protests, see e.g. A/75/287, paras 14-21; A/HRC/43/61, paras 5-9; A/HRC/46/50, paras 14-18; A/HRC/47/22, paras 7, 27-29.

[2311] A/75/287, para. 27. Fixed-line Internet and mobile data connections were gradually restored as of 21 November and 27 November respectively.

virtually unavailable throughout the country between at least 16 and 20 November 2019.[2312] On 30 December 2019, referring to the protests, the authorities reportedly stated that "the origins of riots must be found in cyberspace".[2313] Between January 2020 and July 2021, seven instances of localised Internet shutdowns and blocking of social media and communications platforms were reported.[2314] Iran meanwhile climbed in the Belfer Center for Science and International Affairs' national cyber power index from 22nd to 10th place due *inter alia* to increases in "its destructive and surveillance scores" [..].[2315] Similarly in May 2021, Internet shutdowns were reportedly implemented to hinder information on serious abuses during the recannpression of protests in various parts of Sistan and Baluchestan province.[2316]

2. Shutdowns in connection with the protests that began on 16 September 2022

1141. Social media platforms and messaging services were widely used throughout the country in connection with the protests that started on 16 September 2022 and the "Woman, Life, Freedom" movement. The hashtag "#MahsaAmini" in Persian went rapidly viral on social media platforms both inside and outside Iran, in September 2022.[2317] The hashtag was tweeted and retweeted more than 250 million times in Persian and more than 50 million times in English in the first month after her death.[2318] The start of street protests on 16 September outside the Kasra Hospital in Tehran and their expansion countrywide, witnessed the increasing use of social media platforms by protesters to mobilise,[2319] express solidarity and support, and to report on the protests and the State's response to them including by publishing videos and photos of the security forces' violent repression of protesters.[2320] Social media platforms were also used to commemorate those killed including during mourning rituals held on 40th day since, or anniversary of their death. From November and December 2022, when, respectively, the first death sentences and executions of individuals in connection with the protests were announced by the authorities, online campaigns were launched to raise the alarm with the aim of halting the execution of protesters. With the growing number of women and girls appearing in public spaces without the mandatory *hijab*, images of their acts of defiance multiplied online.[2321]

2312 FFM-IRAN-D-000537 (Report). Article 19, "Iran: Tightening the Net 2020. After Blood and Shutdowns", September 2020 (between 16 and 21 November 2019), p. 17; Open Observatory of Network Interference, "Iran's nation-wide Internet blackout: Measurement data and technical observations", 23 November 2019, (starting on 15 November, with the Internet gradually being restored on 21 November 2019).

2313 Official Statement of the deputy prosecutor for Cyberspace Affairs, Javad Javenia, *Jamaran News*, 30 December 2019.

2314 "Internet shutdowns in 2021: the return of digital authoritarianism", Access Now, 28 April 2022.

2315 National Cyber Power Index 2022, Belfer Center for Science and International Affairs, Harvard Kennedy School, September 2022, p. 13. The Belfer Cyber Power Index is a measure of 30 countries' cyber capabilities in the context of seven national objectives. It uses 32 intent indicators and 27 capability indicators with evidence collected from publicly available data. The index reconceptualizes the notion of "cyber power" at the country-level to reflect the different objectives that each country is pursuing and their ability to achieve these objectives.

2316 OHCHR, Press briefing notes on Iran, 5 March 2021.

2317 On the Twitter platform (now X), the hashtag in Persian was first used on 14 September 2022, following the emergence of news and images of Jina Mahsa Amini.

2318 See, "Hashtags, a viral song and memes empower Iran's protesters", BBC, 2 November 2022.

2319 FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000587 (FFMI Interview) FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000450 (FFMI Interview); FFM-IRAN-D-000590 (FFMI Interview).

2320 FFM-IRAN-D-000508 (FFMI Interview); FFM-IRAN-D-000509 (FFMI Interview); FFM-IRAN-D-000507 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview); FFM-IRAN-D-000716 (NGO Statement); FFM-IRAN-D-000717 (NGO Statement); FFM-IRAN-D-000524 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000765 (FFMI Interview); FFM-IRAN-D-000590 (FFMI Interview); FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000526 (FFMI Interview).

2321 Maziar Motamedi, "Iranian women post images without hijabs despite crackdown", *Al-Jazeera*, 11 April 2023. See also below, "Online violence against women, smear campaigns, disinformation and misinformation".

1142. Messaging services were used to organize protests. One witness, who was "a leader" in a messaging application group with 20 others, stated that the messaging group was used to coordinate the time and location to gather for protests. He noted that users discussed the need to coordinate with other Iranians across the country "for their mothers and for their sisters […] the protest was a joint responsibility of all".[2322]

1143. The Mission notes that the Government has not denied the application of restrictions on the Internet. The Minister of Communications indicated that restrictions were imposed, at certain hours when security agencies decided.[2323] Furthermore, in January 2023, the Deputy Speaker of the Parliament of Iran, Ali Nikzad, referred to the Internet being used "incorrectly" by users to participate in protests as the reason for imposing restrictions.[2324]

1144. According to reliable information on data connectivity reviewed by the Mission there has been no blanket Internet shutdown in the entire country in connection with the protests that began on 16 September 2022, either on the day or since.[2325] Instead, however, and as acknowledged by the Government, the authorities have implemented targeted shutdowns, as mobile communication networks and home broadband connections experienced deliberate disruptions.[2326] Fifteen witnesses interviewed by the Mission, who were present at protest sites, noted the lack of availability or slowness of the Internet during peaceful protests.[2327] One witness noted that the Internet disruptions were so frustrating that they merited their own slogan during the protests, with protesters shouting: "*Internet Shoda 3G – Lanat Ba Basij*" which means Internet is 3G and a curse to Basij.[2328] The Mission established the following patterns of disruptions:

1145. While one region was without Internet connectivity, in general another region at the same time had full connectivity.[2329] This being said, the shutdowns affected vast parts of the territory of the country and at key times connectivity was reduced "simultaneously" in several provinces where protests were ongoing.

1146. Regular and localized shutdowns were implemented in some areas and times,[2330] hindering connectivity before the start of protests (usually linked to the time when afternoon prayers ended, possibly because protestors would traditionally take to the streets after the prayers ended).[2331]

2322 FFM-IRAN-D-000695 (FFMI Interview); FFM-IRAN-D-000696 (FFMI Interview).

2323 Official statement of the Minister of Communications, Issa Zarepour, *Shargh*, 8 November 2022. See also Official Statement of Iran's Secretary of High Council for Human Rights, Kazem Gharib Abadi, *Shargh*, 5 February 2023.

2324 See "Iran Crisis Update", Institute for the Study of War, 8 January 2023; "Deputy Speaker of the Parliament: We did not restrict the Internet, but the rioters restricted it", *Entekhab*, 8 January 2023.

2325 FFM-IRAN-D-000537 (Report).

2326 The Mission notes that the disruptions covered by this document are distinct from the general speed of the Internet. According to public reports, the Internet speed in Iran is generally slow, raking 145th (out of 180 countries) for fixed Internet and 62nd (out of 138 countries) for mobile Internet speed, in April 2023. See "Iran Fixed Internet Speed Improves Slightly in April", The Financial Tribune, 13 June 2023.

2327 FFM-IRAN-D-000067 (FFMI Interview); FFM-IRAN-D-000374 (FFMI Investigator Note); FFM-IRAN-D-000515 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview); FFM-IRAN-D-000521 (FFMI Interview); FFM-IRAN-D-000527 (FFMI Interview); FFM-IRAN-D-000529 (FFMI Interview); FFM-IRAN-D-000532 (FFMI Interview); FFM-IRAN-D-000587 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000590 (FFMI Interview); FFM-IRAN-D-000594 (FFMI Interview); FFM-IRAN-D-000695 (FFMI Interview); FFM-IRAN-D-000696 (FFMI Interview); FFM-IRAN-D-001534 (FFMI Interview); FFM-IRAN-D-001622 (FFMI Interview); FFM-IRAN-D-001654 (FFMI Interview).

2328 FFM-IRAN-D-000521 (FFMI Interview).

2329 FFM-IRAN-D-000537 (Report).

2330 FFM-IRAN-D-000574 (Report).

2331 FFM-IRAN-D-000515 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview); FFM-IRAN-D-000587 (FFMI Interview), FFM-IRAN-D-000529 (FFMI Interview), FFM-IRAN-D-000590 (FFMI Interview).

1147. Some shutdowns were implemented for a relatively short time period of several hours each day, or each week.[2332] However, disruptions could and did last from four hours to several days, including eight days.[2333]

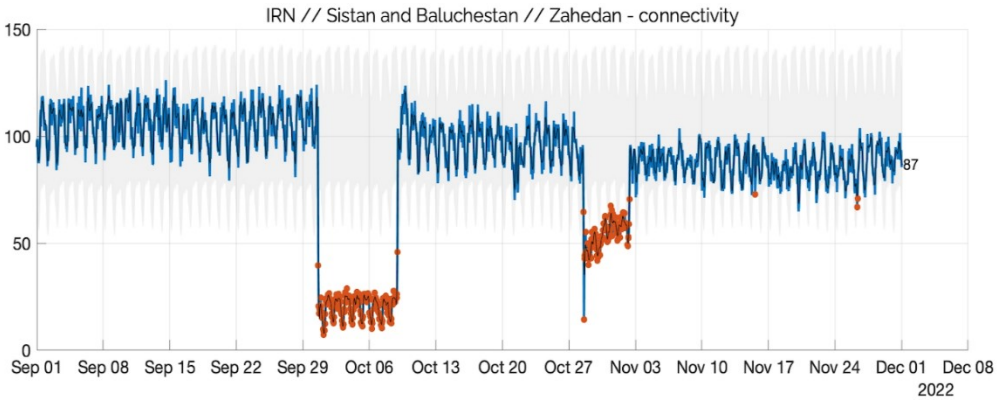
1148. Disruptions lasted longer than individual protests in specific locations.[2334] Internet connectivity was not reinstated until the protests had receded.

1149. Some minority regions, Sistan and Baluchistan and Kurdistan, reveal a disparate impact, as explained in further detail below.

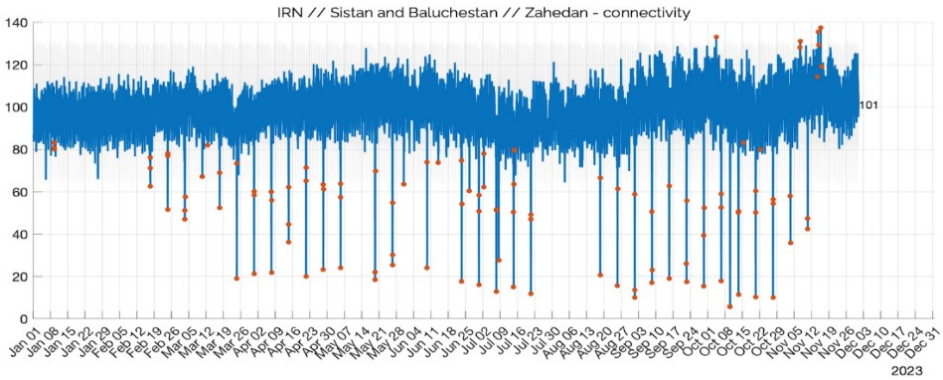
3. Shutdowns in individual provinces

Sistan and Baluchistan province

1150. Internet connectivity was severely restricted, and almost shut down in Zahedan on 30 September 2022 during the Friday prayer, and in the lead-up to the "Bloody Friday" events.[2335] As the graph below shows,[2336] Internet connectivity was disrupted for a total of eight and a half days between 1 pm on 30 September and 1 am on 9 October 2022. The Mission notes another severe Internet disruption coinciding with the commemoration of the 40th day following the death of Jina Mahsa Amini, around the 27 October 2022, when protests increased and lasted for about one week.



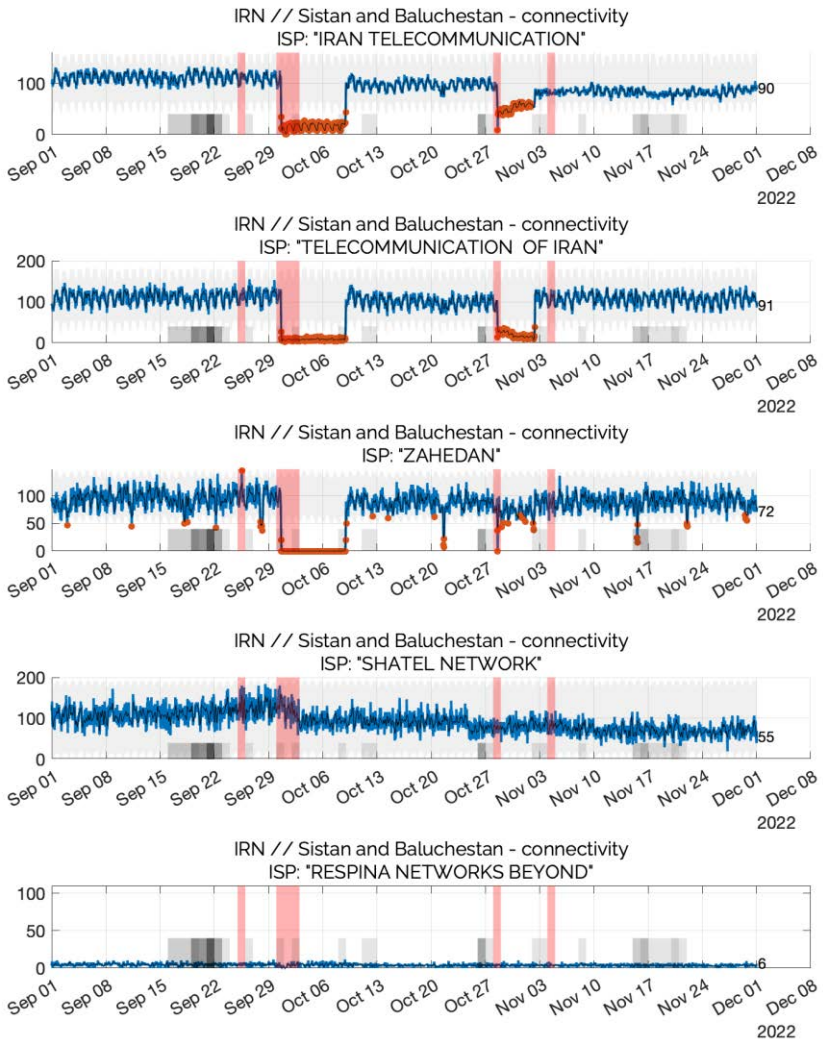
1151. Moreover, connectivity data shows a clear pattern of Internet disruptions in Zahedan in 2023, almost every Friday, coinciding with the Friday prayers, the most important weekly ritual for many Muslims. According to credible information, the disruptions lasted around three to four hours, usually taking place from 10:am to 1:00 or 2:00 pm, starting before and



2332 FFM-IRAN-D-000537 (Report).
2333 FFM-IRAN-D-000537 (Report).
2334 FFM-IRAN-D-000537 (Report).
2335 FFM-IRAN-D-000537 (Report). On the so called "Bloody Friday" events, see Section VI.
2336 FFM-IRAN-D-000537 (Report).

extending shortly past the prayers´ timeframe.[2337] These weekly disruptions began in February 2023, and have been ongoing until at least November 2023.[2338]

1152. Making the Internet unavailable requires coordinated drops from different service providers. The below data obtained by the Mission indicates that there was a near total coordinated drop across three ISPs (Iran Telecom, Telecom Iran, Zahedan), with no apparent change in the fourth ISP, Shatel Network.[2339]



Kurdistan province

1153. Internet disruptions also took place in Kurdish-populated regions. A witness noted that some mobile phone network operators shut down the Internet access during Jina Mahsa´s burial ceremony at the Saqqez cemetery, in Kurdistan province, while others did not comply. The witness explained that this was the way audio-visual material on the events was shared

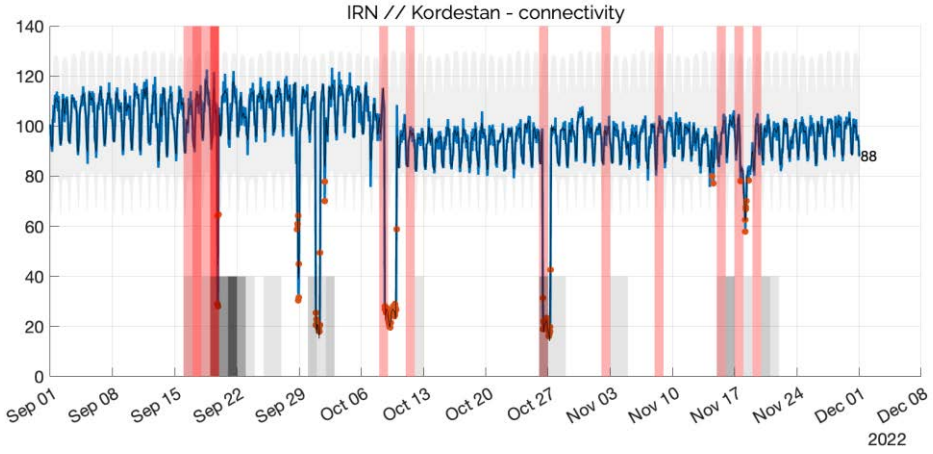
2337 FFM-IRAN-D-000537 (Report).

2338 With the exception of a three-week period between July and August 2023, where disruptions were not recorded.

2339 FFM-IRAN-D-000574 (Report).

in real time.[2340] Another witness explained how the connection "worked one minute and then for one hour, [it] did not work".[2341]

1154. Connectivity data in the below graph corroborate the pattern highlighted by witnesses. It shows that Internet connectivity in Kurdistan province was severely restricted during the days that followed the burial of Jina Mahsa Amini, coinciding with the protests that were taking place in Saqqez.[2342] Similarly, another Internet disruption occurred on the 40th day after the death of Jina Mahsa, around the 27 October 2022, when protests had again increased in Saqqez.[2343]



Tehran province

1155. Witnesses noted that whenever there were protests in Tehran, the Internet was unavailable or significantly slow.[2344] Connectivity data does not however suggest major disruptions in Internet connectivity in Tehran, and the lack of connectivity experienced by witnesses may have been the result of the generally low service speed in the region.[2345]

4. Impact of Internet shutdowns

1156. Internet disruptions impacted protesters in a wide variety of ways. Some were prevented from communicating with each other, including to inform each other of imminent threats by security forces.[2346] The disruptions not only hindered the coordination of protestors but also obstructed simultaneous reporting on the events, including instances of human rights violations being committed. Major internet providers were shut down, often leaving operational only those with alleged links the security forces.[2347] More broadly, it seriously affected business transactions.[2348] As noted by one witness:

"*Because there was so much violence, the Government did not want that journalists outside of Iran find out about the protests (…) They did not want for the protests to be in the media, and this is why they cut off access to Instagram, WhatsApp and other social media platforms. People who had internet businesses, who sold items on the social media (through for example market groups like Facebook market), lost income when they lost access to the internet. People then had to buy VPN accounts to access media platforms, so they also had to pay. Another solution was to use the Government applications, which were free, but they*

2340 FFM-IRAN-D-000527 (FFMI Interview).
2341 FFM-IRAN-D-000696 (FFMI Interview).
2342 FFM-IRAN-D-000547 (Report). See also FFM-IRAN-D-000527 (FFMI Interview).
2343 FFM-IRAN-D-000527 (FFMI Interview).
2344 FFM-IRAN-D-000515 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview); FFM-IRAN-D-000587 (FFMI Interview), FFM-IRAN-D-000529 (FFMI Interview), FFM-IRAN-D-000590 (FFMI Interview).
2345 FFM-IRAN-D-000555 (Report); FFM-IRAN-D-000537 (Report).
2346 FFM-IRAN-D-000696 (FFMI Interview).
2347 FFM-IRAN-D-000067 (FFMI Interview).
2348 FFM-IRAN-D-000515 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview).

belong to SEPAH/IRGC. This is what the Government wanted people to use, because then they can monitor their internet activity.".[2349]

1157. Beyond restrictions of individual freedom of expression, including restricting access to information, Internet shutdowns also impacted on the livelihoods of people, including those who were not involved in the protests. The Computer Trade Union Organization of Tehran reported that due to continued Internet disruptions, approximately 53 per cent of businesses suffered daily losses of 50 million tomans. Around 21 per cent lost between 50 to 100 million tomans daily, and nearly 8 per cent endured daily damages exceeding 500 million tomans.[2350] The price was paid primarily by small businesses[2351] Iranian website Jobvision reported that one in five Iranian online workers became unemployed within the four months following the protests due to ongoing Internet restrictions**.**[2352] A separate study estimated that Iranian Internet outages in 2022 resulted in a cumulative loss of $773 million.[2353]

1158. Internet shutdowns and disruptions are not gender-neutral and have a particularly negative impact on women. Against the backdrop of a worsening economic situation.,[2354] and the COVID-19 pandemic forcing women to work from home,[2355] many women turned to the informal economy and self-entrepreneurship and launched businesses online.[2356]

5. Restrictions with respect to social media and other sites

1159. On 21 September 2022, the Iranian authorities blocked popular social media apps, WhatsApp and Instagram, having already blocked Facebook, Skype and Twitter in 2009.[2357] Telegram, which is also widely used in Iran, was also restricted.[2358] Iran's High Council for Human Rights in an October 2022 report acknowledged that access to Instagram and WhatsApp was blocked, observing that this was in response to their use by certain groups to

[2349] FFM-IRAN-D-000374 (FFMI Interview).

[2350] "Internet restrictions in Iran: impact on Economy and Society", Mostafa Aslani, *Iran News Update*, 15 September 2023.

[2351] Iran's Internet blackouts are sabotaging its own economy", Lily Hay Newman, *Wired*, 21 December 2022.

[2352] "Unemployment of "20%" of the workers in cyberspace due to widespread filtering in Iran", *Radio Farda*, 7 January 2023.

[2353] "Iran's loss of 773 million dollars from internet restrictions in 2022", *Donya-e eqtesad*, 8 January 2023.

[2354] Section II.

[2355] FEMENA in a report published in September 2023 noted: "According to the data from the Iranian Statistical Center, in the spring of 2020, nearly 2 million people left the labor market, but by the end of the year, the number of employed people in the country had decreased by 1,010,470 compared to the same time the previous year. Of these, 347,618 were men, and 662,852 were women. In other words, out of 19.6 million men with jobs, 347,000 lost theirs, whereas out of 3.6 million women with jobs, 662,000 lost theirs. That is a 15% reduction in the number of women in the labor force over a one-year period. This data shows that while men found new opportunities to return to the labor market, the employment rate of women continued to decline. In the Spring of 2022, of the 31,783 million women over the age of 15 who were of working age, only 4.4 million were actively employed. Proof of the continued rate of decline in women's employment, even post-COVID-19 pandemic, can be found in the official report of Iran's Statistical Center. This report indicates that the unemployment rate for women between the ages of 18-35 increased from 26.5% in the winter of 2022 to 27.7% by the winter of 2023, which translates into the loss of employment for more than 52,000 women in one year, FEMENA, Iranian Women's Struggle to Resist Repression: The Years of Hardship and Violence, 18 September 2023. See also World Bank. 2023. Iran Economic Monitor, Spring/Summer 2023: Moderate Growth amid Economic Uncertainty - With a Special Focus: The Gendered Impact of the COVID-19 Crisis on the Labor Market in Iran"

[2356] See "Shutdown impact stories: how Internet shutdowns affect women in Iran", Access Now, 23 June 2022; See also "Shutting down the Internet is another brutal blow against women by the Iranian regime", The Guardian, 26 September 2022.

[2357] See for example, "Iranian authorities block access to social media tools", The New York Times, 2 January 2018.

[2358] FFM-IRAN-D-000515 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview).

incite violence.[2359] At the same time, Iranians found ways to circumvent these restrictions through the use of VPNs and proxies to access websites and bypass any filters to allow free access to the Internet. There was a reported surge in demand for and downloads of VPN services in the country, bordering on a three thousand percent increase in the weeks following the start of the protests on 16 September 2022.[2360]

1160. The Mission has taken note of the Government of Iran's concerns raised regarding published content on social media platforms, including allegations that it had requested Meta to remove 3 million posts related to the sale of firearms.[2361] Assessing the examples highlighted by the authorities related to content from protesters, the Mission notes that the examples do not constitute prohibited speech under international human rights law,[2362] but rather aimed at coordinating strategies to protect protesters from security forces. The Mission recognizes that restricting such online expression on the basis of maintenance of public order (*ordre public*) may be permissible in certain circumstances. However, the banning of Instagram for the totality of Iran's population cannot be considered a necessary and proportionate response.[2363] The Mission further notes that META has global policies to address harmful content on Instagram, which are articulated in their Community Guidelines. These policies cover a range of areas, including inciting violence and content facilitating the sale of weapons. While Meta does not engage with the Iranian authorities, it has stated that content deemed to contravene its community standards is removed whenever Meta becomes aware of it. In this respect, Meta has put in place a process for a legal and human rights review with respect to alleged harmful content.[2364]

1161. Apart from the effects the blocking of social media platforms had on Iranians' right to freedom of expression and access to information, including on those not taking part in the protests, it also impacted on the right to livelihoods and employment. This is particularly the

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2359 High Council for Human Rights of the Islamic republic of Iran, Report: "Ensuring & Implementing the Right to Freedom and Expression & Access to the Internet in the Islamic Republic of Iran" , 29 October 2022; Other popular platforms and applications such as Telegram, ClubHouse, Skype, App Store, Google Play, Clash of Clans, LinkedIn, and Viber were also temporarily blocked. Skype is blocked since 2009 and others since 2018. See Iran blocks social media, app stores and encrypted DNS amid Mahsa Amini protests, *Open Observatory of Network Interference*, 25 September, 2022; Iran Protests: OONI data confirms censorship events (Part 1), *Open Observatory of Network Interference*, 5 January 2018.

2360 "Report: VPN demand in Iran sees unprecedented 3,000% rise", *Iran Front Page*, 18 October 2022. See also Atlantic Council, "Twenty questions (and expert answers) about Iran one year after Mahsa Amini's death," 13 September 2023.

2361 See Statement by the delegation of the Islamic Republic of Iran to the Special Session of the UN Human Rights Council, 22 November 2022; see also two examples highlighted by the High Council for Human Rights of the Islamic Republic of Iran, Report: "Ensuring & Implementing the Right to Freedom and Expression & Access to the Internet in the Islamic Republic of Iran" , 29 October 2022; namely: "There is a need to implement more sabotage patterns for tomorrow. Burnt-on oil and diesel fuel can block the way of the [police] motorcycle units and make them fall to the ground. And the short 5cm hoses with several screws connected to them will ground their vehicles." And "Consider collecting worn tires. Setting fire to tires will attract people's attention and support. Pour burnt-on oil or diesel fuel in the way of police cars. Fill plastic bags with oil and throw them a little further in the path of the [police] motorcycles. Tires get oily. The motorcycles will become out of order.

2362 On the prohibition to incitement to discrimination, hostility and violence prohibited under international law, see ICCPR, art. 20; ICERD; and the Genocide Convention, as well as the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; the United Nations Strategy and Plan of Action on Hate Speech; and A/HRC/17/27, para. 25.

2363 See Human Rights Committee, General Comment 34. Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated (para. 22). When a State invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat (para. 35). See also A/HRC/50/55, paras. 4-5, 7-15; A/66/290, para. 38.

2364 FFM-IRAN-D-001786.

case with respect to women. A total of 64 per cent of Iranian businesses on Instragram are reportedly women-owned.[2365]

E. Surveillance and criminalisation of online expression

1162. In response to online mobilisation, State authorities summoned, arrested, detained, prosecuted, convicted and sentenced persons in connection with content posted on social media platforms. State officials repeatedly blamed social media platforms for supporting what they referred to as "riots" and warned protesters not to be "deceived and trapped" by them.[2366]

1163. According to United Nations bodies and mandate holders, human rights organizations, as well as witnesses interviewed by the Mission, State authorities have a long history of arresting and prosecuting persons in connection with their online activities, including on social media platforms.[2367] While not all protest-related, according to the non-governmental organization, Human Rights Defenders in Iran, from January 2011 to the end of August 2023, at least 1,315 individuals were reportedly arrested in relation to content posted on social media.[2368] In some cases, this resulted in severe punishments including the death penalty.[2369]

1. The use of social media platforms to incriminate protesters

(a) Monitoring and surveillance of social media activities

1164. The Mission established that State authorities, including agents from the IRGC and the Ministry of intelligence, confiscated electronic devices, including laptops and mobile phones, belonging to persons detained in connection with the protests. In some cases, they asked detainees to provide them with their passwords facilitating access to their social media accounts and communication applications.[2370] Furthermore, the practice of summons and arrests connected with social media content shows that the authorities monitored individuals' social media activity and conducted arrests, in particular when content was posted by persons with large followings and/or persons with social standing and/or fame[2371] or by persons of

[2365] "Hundreds of thousands of Iranian businesses lose their lives in the wake of the pandemic", *Asr Iran*, 3 November 2022; cited in: Lily Hay Newman, "Iran's Internet blackouts are sabotaging its own economy", Wired , 21 December 2022; Atlantic Council, "Iranians on #SocialMedia", January 2022.

[2366] "A joint statement of the Ministry of Information and the IRGC Intelligence Organization was published about the recent riots", *Tasnim News Agency*, 28 October 2022; "Tabriz prosecutor's warning against deceiving young people on social networks", *IRNA*, 7 November 2022.

[2367] See for example, FFM-IRAN-D-000587 (FFMI Interview); the report of the Special Rapporteur on the situation of human rights in Iran to the Human Rights Council, para. 54, Article 19, "Iran: Arrest of Instagram celebrities part of efforts towards filtering the platform", 11 July 2018.

[2368] Human Rights Activists in Iran (HRA) for the periodic review of the Islamic Republic of Iran. Human Rights Committee, 139th session (Geneva), 9 October – 3 November 2023.

[2369] On 8 May 2023, for instance, the Judiciary's News Agency announced that two men, Yousef Mehrdad and Sadrollah Fazeli Zare, had been executed earlier in the day on the charges of "insulting the Prophet of Islam" (*sabbo-alnabi*), "insulting and defaming the mother of the Prophet of Islam, "degrading the Quran by setting it on fire" and "insulting sanctities". The men were reportedly accused of running "a famous cyber group" and several channels which promoted content that insulted Islamic sanctities and encouraged atheism. See "The death sentence was executed for 2 Koran-burners who insulted religion and Islamic sanctities/ The convicts used to publish their insults to religious sanctities in the virtual space/ The structural and purposeful connection of the accused with a network of people who are anti-religious and insulting religious value", *Mizan Online*, 8 May 2023.

[2370] FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000526 (FFMI Interview); FFM-IRAN-D-001506 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-001506 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-001008 (FFMI Interview); FFM-IRAN-D-001448 (FFMI Interview); FFM-IRAN-D-001503 (FFMI Interview); FFM-IRAN-D-000514 (FFMI Interview); FFM-IRAN-D-000895 (FFMI Interview); FFM-IRAN-D-000110 (FFMI Interview); FFM-IRAN-D-0500113 (FFMI Interview).

[2371] See Section VII.

interest to the authorities, such as journalists, lawyers and human rights defenders; injured protesters; and where content went "viral" and received significant media attention.

1165. In a case investigated by the Mission, State authorities summoned and threatened a person who had posted content on a social media platform, indicating their availability to provide medical treatment to those injured during the protests. The post received significant attention and was repeatedly republished. The following day, agents from the IRGC contacted the person and some colleagues by phone and told them that by offering assistance to protesters they were "helping the rioters" and that if they did not want to "face any problems" they should remove the post.[2372] In another case, a journalist was arrested the day after posting a photo perceived to show her solidarity with detained person.[2373] A protester blinded in one eye by the security forces during the protests, who has been using her social media accounts to speak out about her injuries, said that her family members have been harassed and threatened because of her online activism.[2374]

1166. Witnesses detained in connection with the protests stated that their interrogators from security and intelligence bodies had printed pages from their social media accounts and questioned them on the content during the interrogation.[2375] A journalist who was arrested in connection with his social media posts and his participation in the protests, stated that his interrogators confronted him with printouts and screen shots from his social media accounts. He was asked to provide explanations for every.[2376]

1167. Several women narrated similar experiences of surveillance, attempts to hack their accounts, coordinated inauthentic behaviours such as attempts to flood accounts by fake followers to discredit or shut down the account, "shadow bans" and accounts disabled following mass reporting, impersonation, as well as smear campaigns online attacking their morality and questioning their loyalty to Iran or their links with foreign states, most notably the USA and Israel. Such experiences lead in many instances to women self-censoring, turning their accounts private if not shutting them down.[2377]

1168. Women witnesses arrested since September 2022 recounted their arrest and how security officers would confiscate all mobile phones, tablets and computers in the household. One woman described how, during a raid by security forces at a relative's house, a woman agent rushed into the room where the witness was dressing and seized her mobile phone.[2378] Women described being pressured to give their passwords for such agents to access all their information. They also described how during interrogation, their interrogators questioned them about their posts on social media and then used these evidence against them.[2379]

1169. Another witness described how she was pressured by her interrogators from the Intelligence Ministry into disclosing the passwords of her social media handles and asked by an official of the Intelligence Ministry to disable the comment function on her social media to prevent expressions of support from members of the public. All her posts about her slain relative on social media were deleted. She also had to disclose her email password; her phone was confiscated by Ministry of Intelligence officers for a week and she was told that spyware had been installed and that her communications would be monitored. She believed that

[2372] FFM-IRAN-D-050101 (FFMI Interview).
[2373] FFM-IRAN-D-0500113 (FFMI Interview).
[2374] FFM-IRAN-D-000374 (FFMI Interview).
[2375] FFM-IRAN-D-000110 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-000518 (FFMI Interview); WFFM-IRAN-D-001008 (FFMI Interview).
[2376] FFM-IRAN-D-001516 (FFMI Interview).
[2377] FFM-IRAN-D-001500 (FFMI Interview); FFM-IRAN-D-001511 (FFMI Interview); FFM-IRAN-D-001013 (FFMI Interview), FFM-IRAN-D-001012 (FFMI Interview); FFM-IRAN-D-000589 (FFMI Interview); FFM-IRAN-D-000148 (FFMI Interview).
[2378] FFM-IRAN-D-000528 (FFMI Interview).
[2379] FFM-IRAN-D-000587 (FFMI Interview); FFM-IRAN-D-001008 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview).

spyware was installed on her phone to track her phone conversations. During her trial, she was threatened with immediate imprisonment if she did not unlock her phone.[2380]

1170. The authorities have not only used content available publicly on social media accounts to incriminate protesters, but have also resorted to surveillance on private messaging apps. In a case investigated by the Mission, a witness whose eye was injured during the protests, used her social media accounts to document her injuries and their impact on her. Within a short period of time, she gained a large following and her case was publicised by the media and by human rights defenders outside of the country. The witness stated that less than two months after her arrest, agents belonging to the Ministry of Intelligence came to her home. They confiscated her phone and asked her to provide them the PIN number for her phone, which she refused. She was then told to report to the Office of the Prosecutor shortly after. There, she was asked why she was following well-known human rights defenders outside the country and was shown printouts of her posts on social media accounts and her private messages. Prosecutorial officials ordered her to stop her activism and to close her Instagram account. She was further forced to sign an undertaking that she would stop her activities on Instagram.[2381]

1171. In the case of a woman-lawyer, interrogators from the Ministry of Intelligence showed her printouts and screenshots of her posts on social media platforms, which focused on women's rights and questioned her about them. She stated that her account had been "private" prior to her arrest and that it was deleted immediately after the arrest. The witness believed that this showed that the authorities had been monitoring her activities on social media platforms.[2382] Another witness expressed her surprise that her interrogator appeared to have knowledge of her private conversation online, including on the WhatsApp service.[2383]

1172. In one case, a journalist outside the country, whose family members were subjected to harassment and intimidation due to their work, stated that during interrogations, the phone and password of a family member was taken by the authorities. The authorities were reported to regularly check not just the content of the phone but also the social media accounts of the relative to see if the person had "liked" any of the content including the Instagram stories posted by the journalist.[2384]

(b) Arrests, detentions and prosecution on the basis of social media content

1173. On 22 September 2022, the IRGC called on the judiciary to prosecute "those who spread false news and rumours".[2385] The Mission established that State authorities threatened, intimidated, summoned arrested, convicted and sentenced persons in connection with content they posted on social media platform in connection with the protests and that they used social media content posted by protesters and others such as human rights defenders and lawyers as evidence of criminal charges against them.[2386] Such content included those that expressed solidarity with protesters, reported on violations committed by the State, and offered legal and medical assistance to protesters and their families, all of which fall within the scope of protected conduct under the right to freedom of expression.

1174. Injured protesters who spoke about their injuries, including on social media platforms, have been among those arrested in connection with their online expression. A witness, an injured protester, who was blinded by security forces during the protests, stated that he was

2380 FFM-IRAN-D-001008 (FFMI Interview).
2381 FFM-IRAN-D-000528 (FFMI Interview). See also FFM-IRAN-D-001008 (FFMI Interview).
2382 FFM-IRAN-D-000530 (FFMI Interview).
2383 FFM-IRAN-D-000528 (FFMI Interview)
2384 FFM-IRAN-D-001503 (FFMI Interview).
2385 "Iran's Revolutionary Guards call on judiciary to prosecute those who spread "false news" over woman's death- statement", Reuters, 22 September 2022.
2386 FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000526 (FFMI Interview); FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-001536 (FFMI Interview); FFM-IRAN-D-001517 (FFMI Interview); FFM-IRAN-D-000593 (FFMI Interview); FFM-IRAN-D-001503 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-001503 (FFMI Interview).

arrested by agents belonging to the Ministry of Intelligence after he posted a story on Instagram on how he had been injured during the protests. His arrest warrant listed the reasons for his arrest as "spreading propaganda against the system" and "disturbing public order". He reported that his interrogators subjected him to torture with the aim of coercing him into stating that it was protestors and opposition groups, not State agents who had shot and blinded him.[2387]

1175. A man who was arrested after he posted a WhatsApp story critical of the Supreme Leader was charged with "insulting the Supreme Leader" and "spreading propaganda against the system". The Mission has analysed the indictment issued in the case which states that the security forces "while conducting surveillance" had "encountered [name withheld] on the cyber space who had published content against the Islamic Republic's system and insulting material against the Supreme Leader." The detainee reported that he was accused by prosecutorial officials of having called the Supreme Leader "ignorant and brainless" by saying that he "listened to grievances but did not understand". He further reported that he was ordered to not post any stories on WhatsApp.

1176. Content posted on social media platforms was used by courts as "evidence" of charges such as "propaganda against the system", "spreading lies" and "insulting the Supreme Leader". A lawyer was arrested following the publication of a post on Twitter (now X) in which he commented on the arrests in the context of the protests and announced that a group of lawyers were ready to take on protest related cases and provide legal aid to the families of detainees. He was subsequently charged and tried on charges of "spreading propaganda" and "spreading lies" in two parallel legal proceedings before a Revolutionary Court and a Criminal Court. The judgment of the Criminal Court states that the lawyer through his social media post "had acted to provide sustenance for the enemy media and in particular foreign anti-revolutionary media and in order to exert pressure, publish lies and portray a dark image of the sacred system of the Islamic Republic in the sensitive period following the death of Ms. Mahsa Amini and the surrounding incidents."[2388] Several months later, the same lawyer was once again charged with "spreading propaganda against the system" and "spreading lies" in connection with a Twitter post in which he had criticised a judge presiding over a case in which several protesters were sentenced to death.[2389]

1177. On 1 February 2023, the Judiciary's news agency, Mizan, reported that a couple, a young woman and a young man, had been sentenced to five years in prison on the charge of "gathering and colluding against national security" for running an Instagram page with a large following which the authorities said had been used to publish "illegal calls" for protests and invited people to "rioting" and "overthrowing the system". According to the report, the couple was arrested on 1 November 2022 after they used their Instagram account to publish a call for protests despite "warnings by intelligence officials".[2390] According to human rights organizations, the couple was arrested after publishing a video of themselves dancing together in one of the capital's main squares and then sentenced to ten years in prison, prohibited from online activities and subjected to a travel ban.[2391] The judge presiding over the trial, in flagrant violation of international human rights law, also reportedly equated the young woman's activities on social media platforms with "prostitution".[2392]

1178. On 19 November 2023, Fars News reported that a well-known actor, Hanieh Tavassoli had been sentenced by Branch 26 of the Revolutionary Court to a six month prison sentence, suspended for a period of three months and a fine after the court convicted her of "publishing

2387 FFM-IRAN-D-000507 (FFMI Interview).

2388 FFM-IRAN-D-000525 ; FFM-IRAN-D-000526 and additional information collected by the Mission.

2389 FFM-IRAN-D-000525 (FFMI Interview); FFM-IRAN-D-000526 ; Summons on file with the Mission.

2390 "Special account of Moandan Roy Astyage Haghighi and Amir Mohammad Ahmadi/ Moandan doubled the sentence of 5 years imprisonment/ The reason for the conviction is the repeated and numerous propaganda of anti-Iranian call", *Mizan Online*, 1 February 2023.

2391 "Astyaz Haghighi and Amir Mohammad Ahmadi were sentenced to imprisonment and supplementary punishments", *HRANA*, 31 March 2023.

2392 "Judge Salavati's insult to Astiazh Haghighi, the girl arrested for dancing", IranWire, 5 February 2023.

false content with intent to disturb the public opinion". Fars News reported that she was among six artists who had been indicted for "spreading lies though a computer" and "publishing content without documentation".[2393] Hanieh Tavaasoli was arrested on 16 September 2023, on the anniversary of Jina Mahsa's death in custody, a few hours after she published a post on her Instagram account referring to Jina Mahsa as an "eternal legend".[2394] Also emblematic in this regard, is the case of Iranian actor Mohammad Sadeghi, who in December 2023, was sentenced to five years in prison for posting a video on his Instagram critical of his treatment in detention after being arrested and detained in July 2023, *inter alia*, for criticising the mandatory *hijab*.[2395]

1179. In another case, Hamshahri Online reported on 9 March 2023, that amid the "confrontation with celebrities and cyber horns [influencers] who spread rumours" in the context of school poisonings, an influencer had been arrested by the intelligence bodies.[2396] Media outlets outside the country reported that the detained influencer was a young blogger in Oroumieh, West Azerbaijan province.[2397] The report included two screenshots of posts apparently belonging to the detained person's social media account. One depicted an image of children with chemical masks with a caption saying, "our children have not seen war, but they have tasted chemicals." Another said: "mum, I cannot breathe".

F. Use of surveillance technologies against the "Woman, Life, Freedom" movement

1180. As noted above, surveillance technology was used to identify and arrest persons participating in the "Woman, Life, Freedom" movement.[2398] The Government also used surveillance drones to identify protesters. Surveillance drones were reportedly used for the first time by the IRGC's intelligence agency, the Ministry of Intelligence, as well as law enforcement units during 2022 protests in at least fifteen cities.[2399] The use of drones for the identification of protesters was reported in the cities of Kermanshah,[2400] Kerman,[2401] Kashan,[2402] Mashhad,[2403] Fardis,[2404] and Sanandaj.[2405] On 30 October 2022, *Mehr News*

2393 "Haniyeh Tavasoli sentenced to prison", Fars News Agency, 19 November 2023.

2394 "Haniyeh Tavassoli arrested", *Mashregh News*, 17 September 2023.

2395 See Radio Farda, "Widespread reflection of police raid on Mohammad Sadeghi's home after his criticism of compulsory hijab", 25 July 2023 (unofficial translation); Hengaw detention of Mohammad Sadeghi, an actor, by Iranian authorities in Tehran", 17 July 2023; The incident unfolded on 16 July 2023, when Sadeghi, a native of Amol, was apprehended by the Ministry of Intelligence at his residence in Tehran. After spending over a month in custody, he was released on bail on 20 August. Following his arrest, Sadeghi utilized social media to share details about the raid conducted by security forces at his residence. The Information Center of the Greater Tehran Police Command issued a statement connecting his detention to allegations of inciting violence and defaming the "guardians of order and security in society" based on a video clip published by Sadeghi. See HRANA, "The Tehran Revolutionary Court has handed down a five-year prison sentence to Mohammad Sadeghi, a theatre and television actor. This verdict has been affirmed upon appeal", 11 December 2023.

2396 "The arrest of a blogger in the incident of poisoning students What was the reason for the arrest of the influencer who had 700 thousand followers", Hamshahri Online, 9 March 2023.

2397 "The arrest of a blogger after criticizing the issue of suspected poisoning of female students", *Radio Farda*, 10 March 2023.

2398 See Section VII

2399 "Drone: the newest means of repression of security forces against protesters in Iran", *BBC Persian*, 13 September 2023.

2400 "Surveillance of rioters in Kermanshah", *Mehr News Agency*, 8 December 2022.

2401 "Surveillance of rioters in Kerman", *Mashregh News*, 18 November 2022.

2402 "Footage of drone surveillance and arrest of rioters in Kashan", *Fars News Agency*, 18 November 2022.

2403 "Rioters arrested in Mashhad by drone surveillance", *Mashregh News*, 18 November 2022.

2404 "Rioters and agents of hypocrisy were arrested in the city of Ferdis by aerial surveillance", *Mehr News Agency*, 14 December 2022.

2405 "Rioters in Sanandaj under the microscope of IRGC drone cameras / Rioters are not safe anywhere in the city", *Tasnim News Agency*, 21 November 2022. FFM-IRAN-D-001517 (FFMI Interview).

published a video showcasing the use of drones for surveillance purposes.[2406] The video also showed a man confessing that he had made a mistake and would not go to the streets again. A programme on the use of drones was broadcast on the channel Gerdab,[2407] on 26 September 2022.[2408] In this programme, the Ministry of Intelligence publicly acknowledged using drones to identify protesters. In December 2022, the *Keyhan* newspaper reported that the Intelligence Organization of the Qom Provincial Guard announced the arrest of several "rioters" in Qom and indicated that not only "instigators of illegal gatherings" in Qom but also some of the "main rioters" had been identified through drone surveillance.[2409]

1181. Since 2021, ARTICLE 19 has tracked the advances in technology being developed to disable VPNs, including Deep Packet Inspection.[2410] The Open Observatory of Network Interference (OONI) has also detected blocking of certain protocols that aid in disabling circumvention tools in Iran. While the Apple App store was censored and eventually reopened, the Google Play store remains blocked to this day. Google's Android operating system takes up a share of 90 per cent of mobile users in Iran. The censorship of this app store has added an additional hurdle for acquiring safe and secure VPNs for the majority of Iranian users. Most recently, there have been unconfirmed reports that state-produced VPNs have been distributed for potentially malicious purposes.[2411]

1182. First noticed in 2020, "Bouldspy" is surveillance-ware attributed to FARAJA by researchers.[2412] Physically installed on devices by inserting code into legitimate applications, law enforcement forces can then activate a number of capabilities. In addition to recording voice calls over a number of applications, this technology has the capacity to monitor device information, all files on the device, log inputs, store locations, extract SMS, record audio, and take photos and screenshots. Based on exfiltrated data from servers for the spyware, at a minimum, there is credible information that this constituted more than 66,000 call logs, 100,000 contacts, 9,000 key logs, 400,000 text messages, and 2,500 photos. Typically, device users would not be aware of this surveillance.[2413] Researchers noticed a spike in use in September 2022, which has steadily increased until at least February 2024. Victims include device users inside and outside Iran.[2414] Researchers found the highest level of use in the autumn of 2022 were in Tehran, West Azerbaijan, and Kurdistan provinces. Credible information shows that 536 women and men were affected and victims included minorities such as Iranian Kurds, Baluchis, Azeris, and possibly Armenian Christian groups.[2415]

1183. FARAJA has reportedly developed an application called *Nazer* which enables security officers and vetted volunteers to report offenders of mandatory *hijab* laws.[2416] The authorities had previously set up a phone line and messaging service for members of the public to report

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2406 "The use of "drone" by the special police unit", *Mehr News Agency*, 30 October 2022.

2407 A website affiliated with the IRGC's Center to Investigate Organized Crime.

2408 "A film from the elite of the security forces to the rioters", Gerdab, 26 September 2022.

2409 "IRGC Information Tour for Rioters in Qom with UAV and Momentary Observation", Keyhan, 4 December 2022.

2410 Deep Packet Inspection involved technology used to examine the contents of data packets as they pass through the network.

2411 ARTICLE 19 Submission, Case 2023-032-IG-UA (Iranian Woman Confronted on Street).

2412 See Lookout, Lookout Discovers Android Spyware Tied to Iranian Police Targeting Minorities: BouldSpy, 27 April 2023.

2413 FFM-IRAN-D-001365; Lookout, Lookout Discovers Android Spyware Tied to Iranian Police Targeting Minorities: BouldSpy 27 April 2023. .

2414 FFM-IRAN-D-000586.

2415 FFM-IRAN-D-001365; Lookout, Lookout Discovers Android Spyware Tied to Iranian Police Targeting Minorities: BouldSpy.

2415 "Nazir 1 app, a tool in the hands of licensed hijab-watchers", *BBC Persian*, 12 December 2023; see also "What do the three observers do in the city?", *Shargh*, 2 September 2023; Nazer App: How Iran is Using Technology to Suppress Women's Rights, *FilterWatch*, 5 January 2024, FFM-IRAN-D-001365; Lookout, Lookout Discovers Android Spyware Tied to Iranian Police Targeting Minorities: BouldSpy, 27 April 2023.

2416 "Nazir 1 app, a tool in the hands of licensed hijab-watchers", *BBC Persian*, 12 December 2023; see also "What do the three observers do in the city?", *Shargh*, 2 September 2023.Nazer App: How Iran is Using Technology to Suppress Women's Rights, *FilterWatch*, 5 January 2024.

offenders.[2417] The Mission was able to access the application and review its functionalities which may be expanded to members of the public to report hijab-related offenders in light of Article 36 of the *Bill* to *Support* the *Family by* Promoting the *Culture of Chastity and Hijab.*[2418]

1184. The Mission reviewed publicly available information regarding allegations that numerous foreign countries and companies had been involved in exporting equipment that is used for digital surveillance in Iran.[2419] Additional inquiries into the supply chains and compliance with human rights due diligence are necessary to have a complete assessment.

G. Digital rights and gender

1185. As highlighted by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, "Digital technology is a double-edged sword, amplifying opportunities for expression, participation and the sharing of information in ways unimaginable in the past but also multiplying online risks and threats. Gendered disinformation is not a new phenomenon, but, fuelled by new technologies and social media, it has gained traction, threatening, intimidating, harming and silencing women and gender nonconforming persons. The negative consequences go far beyond the targeted individuals and undermine human rights, gender equality, inclusive democracy and sustainable development."[2420]

1186. This is particularly true in Iran, where women have been affected by the repression of freedom of expression, association and assembly for decades, but have also faced additional restrictions due to their gender and the mandatory *hijab* laws in particular, in accessing public space and participating in public life. The Internet offered new spaces for women and girls to express themselves, shape public discourse, including against the mandatory *hijab*, demand their rights, seek and receive information, including on sexual and reproductive rights, and organize themselves.[2421]

2417 "A number to report people against people", *IRNA*, 8 June 2019.

2418 Citizens, once trained by the Law Enforcement Force of the Islamic Republic of Iran and have received the necessary certification, along with all officers, can report cases of non-compliance with the religious hijab, immodesty, or inappropriate dressing by sending photos of individuals to a dedicated system set up by "Faraja". Broadcasting or sharing these images or videos online or sending them to others will result in a sixth-degree monetary penalty.

2419 "Which Companies, Individuals Supply Iran With Equipment Used For Répression", IranWire, 15 November 2022. "Russia, Iran sign agreement on cyber security cooperation", TASS, 26 January 2021; Dov Lieber, Benoit Faucon, Michael Amon, "Russia Supplies Iran With Cyber Weapons as Military Cooperation Grows", *The Wall Street Journal*, 27 March 2023. "Russia, Iran sign agreement on cyber security cooperation", TASS, 26 January 2021; Dov Lieber, Benoit Faucon, Michael Amon, "Russia Supplies Iran With Cyber Weapons as Military Cooperation Grows", *The Wall Street Journal*, 27 March 2023; Justice for Iran, "Justice for Iran Joins a panel of experts to raise concerns about Iran's surveillance and information control technologies", 22 October 2019; "The Chinese Companies Building Iran's Surveillance State", Tehran Bureau, 30 September 2022; "Submission by Article 19 to the Foreign, Commonwealth and Development Office on the situation of freedom of expression and access to information online in the Islamic Republic of Iran", 27 September 2023; Police & Safety Equipment Exhibition in Tehran, *IRNA*, 18 October 2022; "Caught on camera: How CCTV tech contributes to human rights abuse in Iran", *SOMO*, 30 January 2023; "German-made cameras used to catch Iranian women defying hijab ban. Bosch devices are part of a tight surveillance network to crack down on protesters in Tehran, claim activists", *The Telegraph*, 7 August 2023; "Iran: Germany's engineering giant Bosch allegedly supplied surveillance tech used in protest crackdown", Business and Human Rights Resource Centre, 7 August 2023.

2420 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/78/288, 7 August 2023.

2421 "Through social media, mobile apps, weblogs and websites, Iranian women are actively participating in public discourse and exercising their civil rights, mostly anonymously. Luckily for the growing women's rights movement, the patriarchal and misogynistic government has not yet figured out how to completely censor and control the Internet." Firuzeh Mahmoudi, The Power of Women in Iran, Standing Up to the Morality Police, *Msmagazine*, 28 March 2022.

1187. Women activists have seized the digital space to launch breakthrough campaigns for gender equality and against violence against women in Iran. Social media has also become an essential tool to amplify the voices of Iranian women who publicly protest mandatory *hijab* with campaigns such as My Stealthy Freedom and its related campaign #White Wednesdays #سفید_های_چهارشنبه and #انقالب_خیابان_دختران, (#GirlsOfRevolutionStreet) in relation to women removing their headscarves while standing on an electricity box on Tehran's Enghelab (Revolution) Street.[2422]

1188. Online expression also offered the possibility to break social taboos. In August 2020, scores of women shared on social media their stories of sexual harassment and assault, protected by the anonymity provided by the Internet and campaigns and initiatives such as Harasswatch[2423] and #me_too_Iran provided platforms for women to share their experience of sexual harassment or rape.[2424] Women have used technology to mitigate the restrictions imposed by the authorities on women and avoid the morality police through a phone application called *Gershad* through which they can signal the presence of "morality police" forces in areas and users avoid them.[2425]

1189. Digital space has also offered a platform for lesbian, gay, bisexual, transgender and queer people in a country where consensual same-sex relations are criminalized and those deemed in breach of the Islamic Penal Code provisions may incur a death sentences.[2426] The digital space allows LGBTQI people to seek and receive information on their rights and offers some visibility and a relatively anonymous space to discuss LGBTQI+ rights. It has also facilitated connecting between and among LGBTQI people, receiving and sharing information, organizing and advocating.[2427]

1190. Despite these promises, as discussed above, these very same online spaces and digital technology expose women to new dangers and threats, such as online surveillance, defamation, smear campaigns questioning their morality or personal and sexual lives in

[2422] Women and girls defied mandatory *hijab* rules by posting online pictures of themselves without the *hijab*. https://www.mystealthyfreedom.org/.

[2423] harasswatch.com was initially conceived as an interactive site that enabled women in Iran to report harassment in public. It was modelled after Harassmap initiative in Egypt (https://harassmap.org/en/). Its goal is to "challenge abusive social stereotypes and confront the normalization harassment and intimidation based on gender, race, religion, etc., in public spaces." https://seeyouiniran.org/fighting-discrimination-harasswatch-project/.

[2424] Center for International Governance Innovation, In Iran, Women Deploy Social Media in the Fight for Rights, 16 November 2022, ; "Activists have seized the possibilities that digital technologies offer in recent years, with campaigns not only for changing laws and policies but also to bring to light more taboo issues such as the policing of the female body, domestic violence, violence in the workplace, sexual harassment and the Iranian #MeToo movement. This is why the regime has moved quickly to shut down Internet access, blocking social media platforms such as Instagram and WhatsApp", Azadeh Akbari, "Shutting down the internet is another brutal blow against women by the Iranian regime", *The Guardian*, 26 September 2022.

[2425] 'We're done': A new generation of Iranians are using this app to track the country's morality police, *The World*; The Power of Women in Iran, Standing Up to the Morality Police, *Msmagazine*, 28 March 2022.

[2426] Articles 110-11 criminalize sodomy (*lavat*) and the punishment for such acts is "death so long as both the active and passive partners are mature, of sound mind, and have acted of free will", Articles 121-22 criminalize non-penetrative "foreplay" (*tafkhiz*) between men, and punish it with lashes and death upon the fourth conviction, Articles 123-24 criminalize "lustful kissing" between men and lying "naked under the same cover without any necessity" and the punishment envisaged is lashes, Articles 129-31 criminalize mosaheqeh, or consensual sexual relations between women and the punishment is lashes and death upon the fourth conviction.

[2427] "The Internet has provided the Iranian LGBTQI+ community with a safer space to seek human connections vital for support and survival. The community has also utilized social media to educate itself and wider society about queer issues. Most importantly, online spaces have become vital for processing and healing trauma rooted in misogyny and queerphobia", "The Internet 'Protection Bill' will hurt all Iranians, but the queer community will have the most to lose", *The Atlantic Council*, 12 April 2022.

breach of their right to privacy, in the form of "doxing",[2428] "trolling" and online harassment as explained below, which have inter alia led to self-censorship.

1191. This phenomena is not novel in the context of the "Woman, Life, freedom" movement, In May 2022, shortly before the 2022 protests, feminists and activists linked to the #metoo movement in Iran had come under coordinated attacks from bots and trolls on Instagram mainly. According to a report published by the organization Qurium,[2429] the activists were suddenly inundated by a large number of fake followers flooding their accounts on social media.[2430] Qurium estimated that 3,000 new followers had been added on a daily basis for several weeks to the @me_too_movement_iran account. Research by digital forensics and security organization Qurium traced the fake followers to companies paid to generate these followers based in Pakistan. Qurium estimated that thousands of US dollars had been invested in this coordinated unauthentic behaviour campaign. In an open letter published by prominent members of the MeToo movement in Iran, but based abroad and addressed to META, the women explained that fake followers bombarded some 20 accounts and pages of known feminists, women's rights activists as well as feminist and women's rights advocacy pages such as "me_too_movement_iran" "Awakening", "Eight Hundred Women", "Everyday Feminism," "Cheragh Academy" and "Harassment watch". Not only were they flooded with negative and harassing comments but the attack also damaged the credibility of the accounts they targeted, resulting in a significant loss in engagement, likes and viewership.[2431]

1192. The Iranian authorities, far from combatting online violence against women, are suspected to be orchestrating[2432] some of these online attacks against prominent journalists,[2433] activists, women human rights defenders, and government critics.[2434]

1193. Women journalists, including those reporting from outside Iran, faced serious threats with attacks ranging from death threats to invasive comments targeting their personal live[2435]

1194. While the practice of online violence against women and threats of violence, including against their family members, and smear campaigns started several years ago, such attacks appear to have increased since the 2022 protests. One witness received threats of rape, death threats and sexually graphic messages insulting her slain sister and calling her a "whore" on social media.[2436] BBC Persian journalist were subject to threats including death threats and their families were sent offensive material concerning the journalists.[2437]

1195. LGBTQI+ were also targeted online and subjected to hate speech. In this regard, the Human Rights Committee in its November 2023 concluding observations on Iran noted that while the Charter of Citizenship Rights bans spread of hatred […] it is particularly concerned by multiple reports of hate speech by public officials, instigating prejudice against LGBT persons (articles 2, 20, 26 and 27).[2438]

[2428] A practice in which private information about a person is shared online by others.

[2429] Weaponizing Instagram against the Iranian #MeToo movement, *Qurium Media Foundation*, 16 June 2022.

[2430] Facing a deluge of bot attacks and takedowns, Iranian feminists and political protesters say Instagram is silencing them, 14 June 2022, Facing a deluge of bot attacks and takedowns, Iranian feminists and political protesters say Instagram is silencing them - Coda Story.

[2431] "Letter from Iranian Feminist to Meta", *Medium*, 3 June 2022; Article 19, "Iran: Meta must protect the Iranian #MeToo movement", 29 June 2022.

[2432] The Mission notes that further investigation is required to verify the involvement of the State through direct action or omission.

[2433] FFM-IRAN-D-001012 (FFMI Interview).

[2434] FFM-IRAN-D-001535 (FFMI Interview); FFM-IRAN-D-001536 (FFMI Interview).

[2435] FFM-IRAN-D-001500 (FFMI Interview); FFM-IRAN-D-001013 (FFMI Interview).

[2436] WFFM-IRAN-D-001008 (FFMI Interview).

[2437] FFM-IRAN-D-001500 (FFMI Interview).

[2438] Human Rights Committee, concluding observations on the fourth periodic report of the Islamic Republic of Iran, 23 November 2023, CCPR/C/IRN/CO/4, para. 13.

1196. A prominent defender of LGBTQI+ rights referred to homophobia emanating from the State as illustrated by several statements by Iranian officials.[2439] They also described the deluge of attacks online from both State-affiliated media and opposition outlets and social media accounts after they suggested that some of the key actors of the "Woman, Life, Freedom" movement identified as queer or gay.[2440] The activist expressed frustration with social media platforms for insufficiently ensuring that their platforms are safe and free from harassment, intimidation, and threats including death and rape threats.[2441]

H. Findings

1197. The Mission finds that the Iranian authorities have made use of a variety of digital means to prevent protests and punish protesters and those in support of the "Woman, Life, Freedom" movement, including through Internet shutdowns and disruptions and various forms of online surveillance. The gradual closing of the digital space over the last two decades, has increasingly become part of the Government's armoury of tools and tactics for silencing and punishing those protesting or acting in solidarity as well as shielding themselves from accountability. The consequences include the unwarranted restriction of freedom of expression, peaceful assembly and association, the right to privacy, but also encroach on the rights to physical and mental integrity, life, and a range of economic, social and cultural rights, that are the collateral damage of these aggressive measures by the State.

1198. Iran's domestic legal framework allows a wide range of Government security institutions the exercise of unchecked control over Iranians' access to cyber space as well as regulating content. The restrictions of online expression imposed by the Computer Crimes Law and its criminalization of content protected by international human rights law, violate article 19 of the ICCPR. Grounds such as "chastity" and "public morality", "propaganda against the system" or content against officials and governmental and public institutions do not constitute legitimate grounds for restrictions under article 19 (3). This is further exacerbated by the lack of opportunities for appeal or independent oversight of decisions related to such restrictions.

1199. The Mission has established a pattern of Internet shutdowns to restrict connectivity at protest times and locations, especially in the minority-populated region of Sistan and Baluchestan where Internet disruptions were particularly consistent. The blocking of social media platforms and messaging services, were such that they could not be accessed but via VPNs. The reasons given by the Government for the restrictions, namely that they were imposed to prevent incitement to violence does not alone constitute legitimate grounds as provided for by Article 19 of the ICCPR. Given the largely peaceful nature of the protests, as discussed in previous sections, the maintenance of public order, should have been accomplished through measures targeting those engaged in violence, rather than imposed through blanket restrictions on all protesters as well as the population at large, through Internet shutdowns, disruptions and the blocking of social media platforms and other sites.

1200. Even if there were legitimate grounds to impose some shutdowns, namely to prevent incitement to violence, these restrictions do not meet the tests of lawfulness, necessity and proportionality and non-discrimination. As established above, Internet shutdowns affected vast parts of the territory, took place over prolonged periods of time or a specific area on a

[2439] "Silencing protests: Official hate speech against LGBT people as a tool of suppression", *6rang*, March 2023; in December 2022, Supreme Leader Ali Khamenei gave a public speech in which he said that "Banning *hamjensbazi* [faggotry] is not only a concern of Islam, but it is forbidden in all religions." Leader of the Revolution: Prohibition of issues such as homosexuality is not only related to Islam, it is a definite taboo in all religions", *Ghatreh*, 6 January 2023. In a speech in February 2023, President Raisi spoke about the 'promotion of homosexuality' in the following terms: "On the matter of family, we are the accusers and you [the West] are the accused. You are promoting the lowliest form of obscenity – homosexuality." He also described homosexuality as the "…ugliest morality that is accepted by the modern world." "Raisi's criticism of the West for "promoting" homosexuality", Khabar Online, 11 February 2023.

[2440] FFM-IRAN-D-000742 (FFMI Interview).

[2441] FFM-IRAN-D-000742 (FFMI Interview).

regular basis. Due to their effect, these restrictions were tantamount to complete shutdowns, which is not necessary to achieve a legitimate aim. Given their indiscriminate and widespread impact, including on the livelihoods of protesters and the wider population, especially women, the shutdowns were also not proportionate and do not constitute the least intrusive instrument to achieve any legitimate purpose.

1201. In addition, the shutdowns and other restrictions described above were also discriminatory. Based on the accounts of witnesses and connectivity data, the Mission is satisfied that Internet disruptions occurred predominantly in minority areas, such as Kurdistan and Sistan and Baluchestan provinces. The available information confirms that cities where Internet has been most disrupted have also been subjected to brutality, including the Kurdish and Baluch ethnic minorities populated areas, where use of force resulting in injuries and the largest protesters´ fatalities were reported.[2442] The Internet restrictions also had the effect of impairing the capacity to report on open media on the use of force by law enforcement during the protests, for example by posting audio-visual material about the ongoing events. When accompanied by additional repressive measures,[2443] these restrictions also interfere with the right to peaceful assembly.[2444] The timing and geographic scope of the Internet disruptions and the unavailability of messaging and social media applications appear to have been aimed at preventing people from organizing and attending protests, in violation of the right to peaceful assembly.

1202. Based on the above, the shutdowns and the restrictions on social media and other sites, constitute an undue restriction of Article 19 of the ICCPR and thus a violation of the right to freedom of expression and opinion. Moreover, shutdowns and restrictions on social media and other sites, seem to be intended or have the effect of limiting accountability for human rights violations.

1203. The use of online expression, especially on social media platforms as evidence for purposes of incriminating protesters, served to intimidate and prevent protesters from expressing dissent or organizing support to the "Woman, Life, Freedom" movement, and are in violation of the right to freedom of expression and the right to privacy. Women protesters, human rights defenders, and journalists were particularly affected. At the same time, the authorities appear to have condoned, if not actively participated in doxing, smear campaigns and other demeaning forms of online harassment of women, minorities and LGBTQI community, for their support or involvement in the protests.

VIII. Repression of women and girls defying the mandatory *hijab* laws

"The intensified oppression of women through the mandatory hijab – a disgraceful State policy – will not force us to conform because we believe that the mandatory hijab imposed by the government is neither a religious obligation nor a cultural tradition. Rather, it is a means to maintain authority and submission throughout society. The abolition of the mandatory hijab is equivalent to the abolition of all roots of religious tyranny and the breaking of the chains of authoritarian oppression."

Excerpt of the speech of Kiana Rahmani, daughter of Narges Mohammadi,
accepting the Nobel Peace Prize on her behalf
during the awarding of the Nobel Peace Prize for 2023
Oslo, Norway, December 2023.

"Whether I have had any issues with the 'morality police'? It is impossible to find one woman in Iran who hasn't had an issue with the 'morality police' throughout her life."

Woman, Tehran province, 2023[2445]

[2442] See Section VI.
[2443] See Section VI.
[2444] A/HRC/50/55, para. 25.
[2445] FFM-IRAN-D-000590 (FFMI Interview).

1204. The protests that began in Iran in September 2022 were largely marked by images of women and girls removing and/or burning their *hijab* as they chanted "Woman, Life, Freedom". For many of them, the custodial death of Jina Mahsa Amini was a stark reminder of the deep-rooted discrimination, in law and in practice, and violence against women and girls in Iran. It was also a reminder of women and girls' denial of choice, which the mandatory *hijab* embodies. Shortly after her death, the news of the rape of a 15-year-old Baluchi girl by a police official in Sistan and Baluchistan province began spreading, triggering large protests across minority regions. These events reverberated deeply across all Iranians, of all ages, sex, and gender, bringing a unique gender and ethnic intersectional angle to the protests. Women and girls across the country played a prominent role in the protests, placing demands for women's rights, equality, and non-discrimination at the centre of the broader struggle for accountability and for human rights in Iran. The protests received widespread social support, from men and boys across the country, LGBTQI+ persons, calling for respect of equality, human rights, and dignity for all. Professional groups such as lawyers, medical professionals, teachers, students, as well as members of the Iranian creative community actors, singers, and writers, also expressed support and denounced broader impunity and oppression within the context of the movement.

1205. As acts of defiance of the mandatory *hijab* rules by women and girls multiplied during and after the September 2022 protests, so did pre-existing patterns of violence, including physical violence and beatings, by security forces against them. In parallel, State authorities sought to cement the already existing discriminatory legal framework against women and girls, through enhancing the role of the judiciary in enforcing the mandatory *hijab*. The State also enlisted private entities and individuals to supplement, on occasions coercively, compliance with the mandatory *hijab*. This led to further restrictions on women's rights, including enforced institutionalized discrimination and elements of segregation against women and girls. Despite years of tireless activism for their rights by Iranian women and girls, Government authorities have failed to address their relentless demands for equality, to end of discrimination, and have prevented women and girls from exercise self-determination, choice, and autonomy in their lives. Instead, as evidenced below, the authorities have escalated the repression against women and girls across the country and those acting in solidarity with them.

A. Lack of protection under domestic law

1206. Since late December and early January 2023, when public or street protests had largely subsided, State officials began calling for a joint coordinated response by responsible institutions, including ministries, the police, and the judiciary, to "fulfill their legal obligations" and enforce implementation of the mandatory hijab laws.[2446] On 6 March 2023, the Chief of the Judiciary announced that "all officials are endeavoring with support from the judiciary and the executive, to use all resources to confront individuals who, in order to assist the enemy, commit this sin (of not wearing the hijab) which violates public decency and order".[2447] Later that month, on 30 March 2023, the Ministry of Interior warned that "No form of retreating or tolerance with regards to [breaches] of traditional principles, rules, and values has taken place and shall take place", and promised that the judiciary, law enforcement, and other relevant bodies would take joint action "against those breaking the norms".[2448]

1207. Reports suggesting that the "morality police" had been disbanded after Jina Mahsa Amini's death in their custody, were promptly refuted by official media.[2449] Amid conflicting narratives, State officials began referring to the use of "*up to-date smart methods and*

[2446] See "Supreme Council of Cultural Revolution: Institutions Responsible for Hijab Should Enforce the Law and Not Be Included in the Western-Created Political and Social Dual", Borna News, 8 January 2023.

[2447] "Discovering hijab is an enemy to the system, they will be punished", Etemadonline, 6 March 2023.

[2448] "The statement of the Ministry of Interior about hijab :There will be no push back on religious values again", Fars News, 30 March 2023,.

[2449] 'Is the story still there' - Sed and Sima denied, Khabaronline, 4 December 2022.

technology" and "*intelligent confrontation*"[2450] to force women and girls into compliance with the mandatory *hijab* laws. In addition, on 15 March 2023, a member of the Cultural Commission of Parliament confirmed the introduction of "*new intelligence measures"* instead of "physical *confrontation"* to enforce the hijab laws,[2451] suggesting an apparent shift towards increased use of technology which later became the crux of the "*Hijab and Chastity"* draft law. This notwithstanding, on 16 July 2023, the FARAJA spokesperson announced the deployment of foot and car patrols adding that the "morality police" will not return to the streets.[2452] As noted below, however, "morality police" patrols returned to the streets shortly after the statement was issued.

1208. State officials also consistently called for the increased role of the judiciary in enforcing compliance with the mandatory *hijab* laws. Already on 5 March 2023, and therefore prior to the introduction of the "Hijab and Chastity" draft law into Parliament on 30 May 2023, the prosecutor of Bojnourd in Northern Khorasan province re-emphasized the role of the judiciary in prosecuting women who did not comply with mandatory hijab laws.[2453] In the statement of 16 July 2023, the FARAJA spokesperson warned that "legal action" would be taken against women and girls who transgressed these laws.[2454] On 17 July 2023, official media reported the forthcoming deployment of "*standby judges*" along with the "foot patrols" to adjudicate directly on the spot as to whether women who did so would be detained or released with a warning.[2455] In January 2024, Qom's police commander announced that the referral to the judiciary of cases of women found to be violating the mandatory *hijab* laws "has increased more than six times compared to last year".[2456]

1209. State officials also announced that women would be deprived of their fundamental rights if found to be in violation of the mandatory *hijab* laws Official statements called for bans on such women's access to public services, including bank services, and threatened to rescind their national identity cards.[2457] For example, on 25 December 2022, an official from the Southern Khorasan governorate announced that, across the province, public and private institutions would no longer provide services to women without a *hijab*, and that managers would also be held accountable if they provided services to women violating the mandatory *hijab* laws.[2458]

1210. Official statements also encouraged responses by State institutions and the larger public which appeared to incite violence or other sanctions against women and girls and those acting in solidarity. On 7 December 2022, a spokesperson before the *Majles* said those who

[2450] See "The Headquarters for Good and Forbidding Evil: "Guidance Patrol" should be used in "newer ways" and "technology", BBC Persian, 5 December 2022. See also "The details of parliament's controversial "plan" / social exclusion; punishment of "discovering hijab" and "nudity", Khabaronline, 15 March 2023.

[2451] "The details of parliament's controversial "plan" / social exclusion; punishment of "discovering hijab" and "nudity", Khabaronline 15 March 2023.

[2452] See "Establishing car and foot police patrols to deal with those who break the norms", ISNA, 16 July 2023. See also "The details of parliament's controversial "plan" / social exclusion; punishment of "discovering hijab" and "nudity", Khabaronline, 15 March 2023, "Police Patrols to Deal with Social Norms", Fars News, 16 July 2023.

[2453] See "Trade unions that do not observe the Islamic hijab will be sealed, Mehr News 5 March 2023.

[2454] See "Establishing car and foot police patrols to deal with those who break the norms", ISNA,16 July 2023. See also "Police Patrols to Deal with Social Norms", Fars News, 16 July 2023.

[2455] See "The details of the implementation of the police plan to deal with the unusual cover - vans not return to the street", Tasnim News, 17 July 2023.

[2456] This is meant to compare number of referrals to the judiciary according to the Iranian calendar year. It therefore corresponds to the period between late March 2023 and January 2024 in Georgian calendar. See "Police commander of Qom province: 74 thousand text messages about veiling in cars", IRIB News 20 January 2024.

[2457] See "What fate do the unveiled become, from blocking national ID cards to deprivation of social services?" Etemad Online, 3 February 2023. See also "Removal of a bank manager for providing services to a bad woman", Fararu, 26 November 2022.

[2458] See "Failure to provide services of executive bodies to people without hijab in the province, Mehr News, 25 December 2022.

violated the law "*must be held accountable*" or "*face social exclusion*".[2459] On 10 January 2023, the judiciary announced a decree ordering the country's police forces to "*firmly confront the removal of the veil by women and girls"*.[2460] On 31 December 2023, State official media called on those who "oppose the *hijab*" to "just leave Iran", and referred to the Hijab and Chastity law as the "solution of the hijab problem".[2461]

1. New legislative processes regulating the mandatory hijab

1211. Two bills, namely (i) the draft bill on Discretionary Punishments and (ii) the bill on Protection of Culture of Hijab and Chastity (renamed in the *Majles*, the Bill to Support the Family by Promoting the Culture of Chastity and Hijab), were tabled for consideration before the Parliament, in November 2022 and May 2023, respectively.

(a) The Draft Bill on Discretionary Punishments

1212. A draft bill on Discretionary Punishments[2462] (which, if enacted, will replace the existing Book Five of the Islamic Penal Code – for analysis of relevant provisions of Book Five, see Chapter IV) was reportedly prepared in November 2022 by the Judiciary's Legal and Parliamentary Affairs Deputy Office and was sent to the Government for review in December 2022. The bill on Discretionary Punishments seeks to expand the scope of offences and penalties for women not wearing the mandatory hijab, including for example, by suspending them of holding a driver's license or holding certain positions. It also proposes criminalising women who advocate against the mandatory *hijab* by subjecting them to paying a fine or being imprisoned for up to five years or being flogged.

1213. Article 178 of the draft bill would grant the power to judicial bodies to take into custody women and girls who are first "offenders" in not adhering to mandatory *hijab*, to compel them to sign a written undertaking to not repeat the 'offence'. Women who refuse to sign this or to wear the mandatory *hijab* after signing would be considered "repeat offenders" and could face a "social punishment", which includes fines and mandatory community service for up to 270 hours as well as mandatory residence in certain locations, exclusion from governmental or public positions, bans on travel, or holding a driving licence, and mandatory educational, religious or moral courses among other measures.

1214. Article 179 of the draft bill would target "any individual who, online or offline, incites *bi-hijabi* [nonadherence to mandatory *hijab*] in any manner" and subject them to punishments such as imprisonment between 91 days to six months, flogging of between 11 to 30 lashes, a fine, dismissal from governmental or public positions; a ban on practising law, holding certain positions in the media or travel .[2463] Repeat "offenders" may face more severe punishments such as imprisonment for up to two years and 31 to 74 lashes.

2459 See "From social exclusion to the blocking of the bank accounts of those who don't wear hijab properly /scarves will return on women heads in next 2 weeks", Setare Sobh, 7 December 2022

2460 See "The General Prosecutor's Office ordered the police to confront the removal of the hijab", ISNA, 10 January 2023.

2461 See " Anyone who is against the hijab should gather and leave Iran, Fars News 31 December 2022.

2462 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/HRC/53/23, para. 42, 15 June 2023; FFM-IRAN-D-000581 (FFMI Submission). See also "Iran: Siege on women and girls intensifies as authorities deceive the world", Article 19, 12 April 2023.

2463 Article 9 of the draft bill on Discretionary Punishments mentions the following punishments: Being placed under 'supervision' for between six months and five years; Mandatory pro-bono public service of between 270 and 2160 hours; Monetary fines; Mandatory residence in certain location/s for a duration of between one and six years; Between up to one-year and six years expulsion from governmental or public positions; Between up to one-year and six years of mandatory training in a job, vocation, or profession; between up to one year and six -years' prohibition from: driving vehicles, owning a cheque book; possessing a weapon, holding certain positions in media institutions, such as the position of editor in chief; leaving the country; establishing, managing or membership of the directing board of governmental, cooperative, or private companies; taking part on juries, mediation or similar councils; practising law as an attorney; employment in or working for various bodies; employment in or working for various bodies; working for national TV and participation in artistic and theatrical festivals.

1215. At the time of writing, the draft Bill on Discretionary Punishments was still under governmental review and had not been formally introduced before Parliament. Some of the measures outlined in the draft Bill on Discretionary Punishments appear to have also been included in the Bill to Support the Family by Promoting the Culture of Chastity and Hijab.

(b) The Bill to Support the Family by Promoting the Culture of Chastity and Hijab

1216. At the time of writing, a Bill to Support the Family by Promoting the Culture of Chastity and Hijab ("the Bill") was sent to the Guardian Council for the third time for its assessment of the conformity of the Bill with the Constitution and Sharia. The Mission has strong concerns about the Bill which is draconian and broad in its scope. Several of its provisions reviewed and analyzed by the Mission are contrary to Iran's international human rights obligations.[2464]

The Bill's far-reaching scope

1217. The Bill is framed as a measure to protect the family against nudity, immodesty, lack of hijab and improper dressing, all of which, the Bill alleges, lead to "encouraging late marriages, expanding divorce rates, causing societal harm, and diminishing the value of the family", among other consequences. [2465] It places the emphasis on protection of the family and marriage.[2466]

1218. The Bill is far-reaching in that it seeks to mobilize the entire state apparatus in support of enforcing the mandatory *hijab* and chastity and directs all executive agencies to promote and enforce a culture of chastity and *hijab*, including by developing plans, policies, laws and regulations as well as guidelines for that purpose.[2467]

[2464] Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child and International Convention on the Elimination of All Forms of Racial Discrimination. It is not a party to the Convention on the Elimination on All forms of Discrimination against Women. However, Iran is bound by customary international law related to the prohibition of gender discrimination and he prohibition of gender-based violence against women has evolved into a principle of customary international law. The CEDAW Committee in its Recommendation No. 35 on gender-based violence against women (VAW), adopted on 14 July 2017, which updates and complements General Recommendation No. 19 stated that the *opinio juris* and State practice suggest that the prohibition of gender-based violence against women has evolved into a principle of customary international law.

[2465] Article 1 states: The family, as the primary nucleus for the growth, elevation, and tranquillity of a human being, holds a foundational status. Any behaviour promoting nudity, immodesty, lack of hijab (veiling), inappropriate dressing, and actions against public chastity that lead to disturbing the peace between men and women in families, encouraging late marriages, expanding divorce rates, causing societal harm, and diminishing the value of the family, is in violation of clauses 1 and 7 of the third and tenth principles of the Constitution. Such behaviour is prohibited in accordance with the stipulations of this law and other laws.

[2466] Several provisions are intended to support marriage. For example, article 11 states that the Ministry of Science, Research, and Technology must enhance facilities for student marriages and prioritize the construction of married student dormitories. Similarly, article 12 which deals with the Ministry of Health, Treatment, and Medical Education requires that the Ministry "increase the provision of facilities for student marriages and prioritize the construction of married student dormitories". Under article 21, the Ministry of Roads and Urban Development is required to "aid in facilitating marriage and family formation by providing prepared land for young people of marriageable age". Funds obtained from the execution of the law will be allocated to support youth marriages and housing for married couple among other initiatives.

[2467] The Bill imposes obligations and duties on all the following ministries and state entities: the Ministry of Culture and Islamic Guidance, the Islamic Republic of Iran Broadcasting (IRIB) organization, the Islamic Propaganda Organization, the Ministry of Education, the Ministry of Science, Research, and Technology, the Ministry of Health, Treatment, and Medical Education, the Vice Presidency for Science, Technology, and Entrepreneurial Economics under the Presidential Office, the Ministry of Interior, villages and municipalities, the Welfare Organization, the Ministry of Sports and Youth, the Ministry of Economic Affairs and Finance, the Ministry of Industry, Mine, and Trade, the Ministry of Roads and Urban Development, the Ministry of Communications and Information Technology, the

1219. For example, the Islamic Republic of Iran Broadcasting (IRIB) organization is requested to "produce and broadcast television programs that introduce and promote symbols and models of an Islamic family-centred lifestyle and the culture of modesty and hijab". It is also required in the Bill to "create awareness and shed light on movements that operate against the family foundation or promote individualism, nudity, slander, homosexuality, or other corruptions that compromise the family foundation". The IRIB is prohibited from "inviting or contracting with individuals who promote nudity, immodesty, being unveiled, dressing inappropriately, or opposing hijab and chastity, or whose lifestyle is contrary to the culture of hijab and modesty". It must also produce and broadcast movies and series in the field of Islamic family-centric lifestyle and the culture of modesty and hijab (article 8).

1220. The Mission is particularly concerned about the obligations the Bill seeks to impose on the Ministry of Education and its possible impact on teachers' employment and students' right to education. If the Bill is adopted, the Ministry would have to devise regulations for 'chaste attire based on the Iranian-Islamic culture' which would be mandatory not only for students but also for teachers, and other employees of educational institutions. The Bill will subject employment by the Ministry of Education for all teachers, trainee teachers, and employees, to their adherence to the culture of modesty and *hijab*. The Ministry would be required to devise disciplinary regulations for teachers, administrators, and teacher students for breaches of the law (article 10).[2468]

1221. The Ministry of Science, Research, and Technology would be subjected to similar obligations.[2469] The Mission is concerned that this Ministry would be required to prepare guidelines for "social attire" in university environments and establish a system of imposing negative points on offenders under the purview of the university's disciplinary committee (article 11). As a result, students who acquire a certain number of points may face disciplinary measures and even suspension or exclusion from university for not adhering to mandatory *hijab* and chastity measures. [2470]

Discrimination and elements of gender segregation

1222. While most provisions of the Bill may appear to be gender-neutral, targeting "anyone" who does not adhere to the prescribed conduct, the focus on the *hijab* means that the Bill primarily affects women, in breach of Iran's international human rights obligations, notably the prohibition of discrimination on the grounds of sex and gender, gender equality and equality before the law. Article 47 of the Bill is however the only provision that is explicit

Ministry of Cultural Heritage, Tourism, and Handicrafts, the Ministry of Intelligence, the Intelligence Organization of the Islamic Revolutionary Guard Corps, the Intelligence Unit of the Law Enforcement Force of the Islamic Republic of Iran (FATA), the Planning and Budget Organization, the Administrative and Employment Organization, the Vice Presidency for Women and Family Affairs, the Law Enforcement Force of the Islamic Republic of Iran, the Judiciary, the Mobilization of the Oppressed [lol] (Basij-e Mostaz'afin), and the Headquarters for Promoting Virtue and Prohibiting Vice.

2468 The Ministry will be obliged to promote the Islamic family-centric lifestyle and the culture of chastity and hijab in all educational levels based on age and gender, including in programmes and textbooks.

2469 The Ministry must review, amend, and implement the necessary guidelines and recommendations for promoting the culture of modesty and *hijab* at universities and higher education institutions, and formulate new guidelines based on this law. It must also prepare guidelines for social attire in university environments and establish a system of negative points for offenders under the purview of the university's disciplinary committee (Article 11).

2470 Similarly, the Ministry of Health, Treatment, and Medical Education is tasked with reviewing, amending, and enforcing behavioural guidelines and dress code regulations for faculty, students, and uniformed and non-uniformed staff (including doctors, healthcare providers, and service providers in health and treatment centers, university centers, and affiliated centers like hospitals, clinics, pharmacies, laboratories, etc.). It likewise envisages a system of negative points against offenders under the purview of the university's disciplinary committee (Article 12).

about its application to both men and women with differentiated definitions of what constitutes indecent attire,[2471] while article 49 is only applicable to women.[2472]

1223. The Bill aims at furthering gender segregation in institutions such as universities, public offices, parks, and specific sections of hospitals.[2473]

1224. In its General Comment on Article 3 on the equality of rights between men and women, the Human Rights Committee stated that: "States parties should provide information on any specific regulation of clothing to be worn by women in public. The Committee stress[ed] that such regulations may involve a violation of several rights guaranteed by the Covenant, such as: article 26, on non-discrimination; article 7, if corporal punishment is imposed in order to enforce such a regulation; article 9, when failure to comply with the regulation is punished by arrest; article 12, if liberty of movement is subject to such a constraint; article 17, which guarantees all persons the right to privacy without arbitrary or unlawful interference; articles 18 and 19, when women are subjected to clothing requirements that are not in keeping with their religion or their right of self-expression; and, lastly, article 27, when the clothing requirements conflict with the culture to which the woman can lay a claim".[2474] It further stated in its General Comment No. 34 on freedom of opinion and expression that "dress falls under freedom of expression".[2475]

1225. In November 2023, the Human Rights Committee expressed its serious concerns about the bill on supporting the family by promoting the culture of chastity and *hijab*, which imposes severe punishments on women and girls for breaches of the dress code, including sentences of flogging and up to 10 years in jail; and about the redeployment of the morality police to monitor the dress code in public (arts. 2, 3, 6, 7 and 26) and called the Iranian authorities to amend or repeal laws and policies that criminalize non-compliance with compulsory veiling, in particular, Bill to Support the Family by Promoting the Culture of Chastity and Hijab and disband the morality police. The Committee also expressed its concerns about the use of surveillance technology envisaged for the enforcement of the Bill (art. 17) and called on Iran to amend the Bill, to ensure that any surveillance activity complies

[2471] Defines indecent attire for women as wearing clothing that is against public modesty such as revealing clothes or tight-fitting garments, or clothes that expose any part of the body below the neck or above the ankle or above the wrist. Note 2 defines indecent attire for men as wearing clothing that is against public modesty such as revealing clothes or garments that expose any part of the body below the chest or above the calf or the shoulders.

[2472] According to Article 49, any woman who unveils in public views, public places, or streets in such a way that she does not wear a chador, veil, headscarf, or shawl will, for the first offence, face a penalty equivalent to a sixth-degree monetary fine, and for subsequent offences, they will be subjected to a fifth-degree monetary fine. If repeated more than four times, the offender will be sentenced to the repeat offense penalty under Article 47 of this law.

[2473] The Bill mandates the Ministry of Science, Research, and Technology to "establish and expand women-specific universities and university campuses" and to "offer subsidized services to these campuses" (article 11). It also mandates the Ministry of Health, Treatment and Medical Education to "design the layout of administrative settings in the headquarters of hospitals, universities, and other relevant centers of the Ministry of Health" and to preserve the religious boundaries between male and female employees (Article 12, para 3). In addition, it requires municipalities and village councils to "establish or allocate recreational and sports centers specifically for women, designed appropriately for the free activity of women (making the environment private and segregated) in urban and rural areas and to "allocate a minimum of twenty percent (20%) of gardens and parks for the use of women". It further requires them to expand the construction of segregated swimming areas for women and men". Last, municipalities and villages must "increase urban public transportation specifically for women" (Article 16, para. 1, 2, 3 and 7). Similarly, the Ministry of Roads and Urban Development is mandated to plan, design and take action "to create environments and infrastructure for the construction and expansion of spaces tailored for women" (Article 21).

[2474] CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women, para. 13.

[2475] Paragraph 12: Paragraph 2 protects all forms of expression and the means of their dissemination. Such forms include spoken, written and sign language and such non-verbal expression as images and objects of art. Means of expression include books, newspapers, pamphlets, posters, banners, dress and legal submissions. They include all forms of audio-visual as well as electronic and internet-based modes of expression.

with the principles of legality, proportionality and necessity, in full conformity with the Covenant, in particular with articles 17 and 19 thereof.[2476]

1226. The Mission is deeply concerned that the Bill to Support the Family by Promoting the Culture of Chastity and *Hijab* is in breach of the rights to non-discrimination, gender equality and equality before the law as guaranteed in international law. The Bill negates the right of women to exercise their bodily autonomy, including their choice of dress, and rights to freedom of expression and religion and belief.

Harsher punishments

1227. The Bill not only seeks to consolidate many measures already in place to enforce mandatory *hijab* but also imposes additional severe penalties for violations of the mandatory hijab, such as exorbitant financial fines, longer imprisonment sentences and restrictions on job and educational opportunities as well as bans on travel and on public activities on the Internet. The Bill also seeks to provide for the closure of businesses for not enforcing mandatory *hijab.*

1228. Under article 36, anyone who promotes the culture of nudity, immodesty, lack of *hijab* or improper *hijab* in collaboration with foreign entities, including media and other groups, or does so systematically can be sentenced to 5 to 10 years of imprisonment. Under article 37, anyone who insults or mock the principle of *hijab* or promotes the culture of nudity, immodesty and improper *hijab* or inappropriate dressing, online or offline, will be sentenced to heavy financial fines, and bans on travel or on social media activities for up to two years. Repeat offenders may face up to two to five years of imprisonment. Business owners who promote the culture of nudity, immodesty, and *bi-hijab*, online or offline, also face substantial fines and bans on travel and on social media activities. Again, repeat offenders may face two to five years imprisonment (article 39). They are also liable for the behaviour of their employees (article 40). Article 41 targets famous people and influencers and their conduct online and offline. They may face not only a fine but a ban on their professional activities of up to five years, on travel for two-years, and also on public online activities. In addition, the national broadcasting company is prohibited from inviting or including such people on any broadcasts. The Bill would also enable the traffic police to fine "Anyone driving a motor vehicle, including taxis and ride-hailing services, who commits indecency, reveals their hijab, is without a hijab, or is improperly dressed, or has a passenger who commits the aforementioned offences" (article 52).

1229. The Bill punishes any person who harasses veiled women in public places or streets with arrest and the maximum punishment stipulated in Article 619 of the Islamic Penal Code.[2477] In addition, if adopted, Article 59 of the Bill will punish with at least a sixth-degree penalty of imprisonment, which entails "six months to two years imprisonment, and 31 to 74 lashes, and up to 90 lashes for crimes against chastity". According to the same Article, any interference, rebellion, disturbance, or disruption during the implementation of the provisions of the Bill is also prohibited, providing protection to those enforcing the provisions rather then women from violations by enforcers. The Bill states that "promoting virtue and preventing vice verbally, especially in the areas of attire and hijab, is a societal obligation for everyone and no one can be held accountable for performing religious duties". It only foresees a sixth-degree monetary fine if someone enforces these religious duties with violence or quarrel whereas it foresees a (more severe) fifth degree fine for "anyone who, in the face of promoting virtue and preventing vice related to modesty and hijab, acts unconventionally or commits insults or violence". Even though women and girls have been subjected to harassment and violence by those enforcing mandatory *hijab* laws, in particular the morality police, the Bill fails to mention the conduct of law enforcement agents.

1230. International human rights law guarantees the rights to freedom of opinion and expression and freedom to manifest one's religion or belief, the two rights that are the most

[2476] Concluding observations on the fourth periodic report of the Islamic Republic of Iran, CCPR/C/IRN/CO/4, para 46. Human Rights Committee, 23 November 2023.

[2477] Article 619 of the Islamic Penal Code states that "Anyone who assaults or disturbs children or women in public places or roads, or insults them with outrageous language and behaviours, shall be sentenced to two to six months' imprisonment and up to 74 lashes."

impacted by mandatory dress codes. International human rights law also guarantees an array of other relevant rights such as the right to be free from discrimination, women's right to autonomy, the right to be free from torture and other ill-treatment, and the right liberty and to security, freedom of movement, access to justice, and freedom of assembly. The enjoyment of human rights is affected by compulsory dress codes if adhering to a strict dress code is a condition to access rights such as access to public services, right to education, right to work and the right to health.

1231. Rights such as freedom of expression and the right to manifest one's religion are not absolute and can be subjected to derogations, limitations, and restrictions as long as they are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. However, limitations and restrictions to rights are strictly regulated as highlighted by the Human Rights Committee in several General Comments.[2478]

1232. Special Procedures mandate holders have also expressed concerns about the imposition by law of restrictive garments or "modest" dress codes based on religious beliefs and the impact of such measures on women's and girls' ability to enjoy their human rights. They reiterated "In connection with the right to decide on *hijab* observance and the compulsory veiling laws", that: "article 18 of the ICCPR guarantees everyone's right to freedom of religion or belief that includes the freedom not be exposed to any pressure of performing religious or belief activities against one's own will (A/HRC/16/53, para. 39). They also noted that this becomes particularly relevant "in a context where women and girls are coerced to wear religious symbols that they consider not essential or even contrary to their convictions." Furthermore, a woman's choice in manifesting or expressing her identity, including her convictions, is also protected under freedom of expression provided by article 19 of the ICCPR".[2479]

1233. The Bill proposes introducing a number of criminal offences that are vaguely worded and do not meet the criteria of foreseeability and precision of criminal law. The Bill would allow for arbitrariness, including because of its lack of predictability. The invocation of road and ill-defined offences such as the promotion of indecency, immodesty, bad *hijab*¸ inappropriate dressing, semi-nakedness, promoting nudity, inappropriate dressing, interference, rebellion, disturbance, or disruption may amount to the criminalization of the peaceful exercise of the rights to freedom of expression and freedom of religion and belief. Individuals held solely for such offences would be considered arbitrarily detained.

1234. The Mission is particularly concerned that the Bill seeks to impose the punishment of flogging although that is in clear breach of the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment, provided for in the ICCPR to which Iran is a party. In November 2023, the Human Rights Committee expressed its concerns at the continued practice of flogging among others and called on the Iranian authorities to take all steps necessary to put an end to all forms of corporal punishment, including flogging, in all settings.

[2478] General Comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37 para. 36 to 69, 17 September 2020; General Comment No 34 (2011) on freedoms of opinion and expression (article 19), CCPR/C/GC/34 paras. 21 to 36; 12 September 201; General Comment No 27 (1999) on freedom of movement (article 12), CCPR/C/21/Rev.1/Add.9 para. 2 and paras 11 to 18, 2 November 1999; General Comment No. 22 (1993), The right to freedom of thought, conscience and religion (Art. 18), CCPR/C/21/Rev.1/Add.4, para. 8, 30 July 1993; and General Comment No. 29 (2001), States of Emergency (article 4), CCPR/C/21/Rev.1/Add.11, 31 August 2001.

[2479] Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on freedom of religion or belief and the Working Group on discrimination against women and girls, Communication AL IRN 15/2023, 30 Aug 2023.

Enforcement of the Bill

1235. The Bill would expand the powers of intelligence and law enforcement agencies to enforce mandatory *hijab* rules. Article 24 tasks the Ministry of Intelligence, the Intelligence Organization of the Islamic Revolutionary Guard Corps, and the Intelligence Unit of the Law Enforcement Force of the Islamic Republic of Iran (FATA) with monitoring and gathering intelligence on organized crimes and preventing the spread of nudity culture, immodesty, non-*hijab*, and inappropriate dressing. They would be required to identify individuals who, in collaboration with foreign governments, networks, media groups, or hostile organizations, or in an organized manner, promote nudity culture, immodesty, non-*hijab*, or inappropriate dressing, through activities in virtual or real spaces, sending videos, pictures, or images.

1236. The Law Enforcement Force of the Islamic Republic of Iran (FARAJA) is tasked with developing and enhancing intelligent identification systems such as fixed and mobile cameras to identify those in breach of *hijab* laws, and training and deploying officers and other trusted individuals in public places, including in transportation and online (article 28). Furthermore, all ministries and public entities as well as private companies, businesses and individuals providing services to the public, such as banks, passenger transport companies, shops, business owners, and managers of city complexes, are obligated to provide their security camera footage to the FARAJA to identify offenders.

1237. The Bill also provides that ordinary citizens would receive training from the FARAJA, in order to report cases of non-compliance with the mandatory *hijab* by sending photos of the offending individuals to a dedicated system, set up by FARAJA. The Bill also envisages citizens reporting on violations to FARAJA by business owners, professionals, and institutions (articles 31 and 34).

1238. In addition, the Bill would require the Judiciary to allocate specialized branches for hearings and expedite proceedings related to *hijab* and chastity-related offences (article 29).

1239. The Special Rapporteur on freedom of religion and belief, in her 2010 report to the General Assembly, stressed the importance of safeguarding both the positive freedom to voluntarily display religious symbols and the negative freedom of not being forced to display religious symbols. She added that: " the use of coercive methods and sanctions applied to individuals who do not wish to wear religious dress or a specific symbol seen as sanctioned by religion" indicates "legislative and administrative actions which typically are incompatible with international human rights laws." The Rapporteur also explained that "[t]he first component of freedom of religion or belief is freedom to positively express and manifest one's own religion or belief, while its (negative) flip side is freedom not to be exposed to any pressure, especially from the State or in State institutions, to perform religious or belief activities against one's own will". [2480]

1240. The Bill, which provides for enforcement of the *hijab* not only by the police, but also private actors, would further jeopardize the rights of women and girls to their bodily integrity, to be free from torture and to security, free of violence and harassment. It would do so against the backdrop of "a long series of extreme violence against women and girls committed by the Iranian authorities, *the obligatory wearing of the hijab and its enforcement by State authorities being emblematic of this violence and of the denial of fundamental women's human rights and dignity for decades*".[2481]

1241. The Mission is alarmed at the envisaged use of surveillance technology for enforcement of the bill and concerned that it would result in breaches of women's and girls' rights to privacy.

[2480] Report of the Special Rapporteur on freedom of religion and belief (2010), A/65/207, para. 34, 29 July 2010.

[2481] Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/52/67 para. 14. 7 February 2023.

Impact on rights

1242. The rights of women and girls would be further eroded if the Bill is passed by the Parliament. In addition to provisions expanding gender segregation, the Bill also criminalizes the exercise by women and girls of their rights to freedom of expression and freedom of religion and belief. The Bill makes adherence to the *hijab* a prerequisite to exercising a range of rights such as the rights to education, work, freedom of movement, public participation and equal access to public services.[2482] For example, lawyers not wearing the *hijab* would be prevented from entering courthouses and prosecutor office (article 29). Adherence to the *hijab* offline and online is also a condition for recruitment, employment, appointment, and promotion in the public sector and in educational and research centres (article 32). Individuals who promote nudity, immodesty, being unveiled, dressing inappropriately, or opposing *hijab* and chastity, or whose lifestyle is contrary to the culture of *hijab* and modesty are barred from being invited or contracted by the Islamic Republic of Iran Broadcasting (IRIB) organization, a provision that can severely impact the livelihood of actors and journalists.

1243. The Committee on the Rights of the Child has expressed concern that the mandatory *hijab* requirement for girls as young as seven years of age, irrespective of their religious affiliation, constitutes a serious breach of article 14 of the Convention and has recommended that Iran review its *hijab* laws and regulations and ensure that the right of girls whether to wear, or not to wear, the *hijab* is fully respected. It has added that it is concerned that girls are severely limited in their right to take part in cultural, artistic and sports activities both within and outside schools, partly due to the enforcement of the *hijab* on girls from the age of 7 years. It has also expressed concern that women and girls are forbidden to enter sports stadiums as this is considered to lead to "immoral consequences", which is in violation of article 31 of the Convention.[2483]

1244. In September 2023, a group of UN experts expressed their grave concern at the Bill noting that existing *de facto* restrictions are inherently discriminatory and may amount to gender persecution. They added that "the draft law could be described as a form of gender apartheid, as authorities appear to be governing through systemic discrimination with the intention of suppressing women and girls into total submission".[2484]

1245. The High Commissioner for Human Rights criticized the Bill as both repressive and demeaning and warned that women and girls must not be treated as second-class citizens.[2485]

B. Intensified crackdown on women and girls defying the mandatory *hijab* laws

"What we wanted was to be able to wear what we like and feel comfortable, and not to be forced by the law and others to change our appearance and our looks. "[2486]

[2482] In April 2023, in a public statement, several special procedures have concluded that "repressive and draconian measures [in relation to repressive enforcement of Iranian hijab laws announced by the State authorities] are a manifestation of gender-based persecution and would lead to unacceptable levels of violations of the rights of women and girls in the Islamic Republic of Iran". They added: "[t]hese additional repressive measures would further exacerbate the negative impact of the compulsory hijab laws. Criminalising refusal to wear the hijab is a violation of the right to freedom of expression of women and girls and opens the door to a range of other possible violations of political, civil, cultural and economic rights". They further noted that "[t]hese restrictive measures and repressive policies that do not rely on laws or legal process, but on enforcement by a range of State authorities and private actors are at the heart of the State's control over the public and private lives of its citizens, particularly women and girls. These draconian measures impose de facto social and economic paralysis on women who refuse to comply with these laws". OHCHR, Repressive enforcement of Iranian hijab laws symbolises gender-based persecution: UN experts, 14 April 2023.

[2483] Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, CRC/C/IRN/CO/3-4 para. 79. 14 March 2016.

[2484] "Iran's proposed hijab law could amount to "gender apartheid": UN experts, 1 September 2023. See also the communication addressed to the Iranian authorities on 30 August 2023, AL IRN 15/2023.

[2485] "Iran – Concerns over Chastity and Hijab Bill", OHCHR, 22 September 2023.

[2486] FFM-IRAN-D-000530 (FFMI Interview).

Woman, 2022.

1246. Though the protests largely subsided by December 2022, online and offline acts of defiance markedly increased. In response, State authorities took concerted measures to suppress, humiliate, and punish women and girls, and those acting in solidarity, including through cementing, and expanding restrictions on women's access to fundamental rights, exacerbating previously established patterns of violence, and increasing monitoring of *hijab* compliance, in both the public and private space, including through CCTV cameras and artificial intelligence. This, in turn, led to increased arrests, detention, and criminal prosecution of women and girls who were found to have violated the mandatory *hijab* laws. Women public figures and those using social media to defy these laws were targeted with harsher punishments, including State-sanctioned flogging.

1. Freedom of expression

(a) Identification through CCTV cameras on streets and in cars

1247. In April 2023, according to official statements, over one million text messages were sent to women, who had been identified through CCTV cameras, warning them that their vehicles would be confiscated for having allegedly violated the mandatory *hijab* laws. The FARAJA spokesperson announced on 14 June 2023, that, as of 15 April, 108,211 reports had been received, nearly one million text messages sent, and 301 women arrested for violating the *hijab* mandate.[2487] He added that 133,147 women received messages for transgressing the *hijab* laws for a second time, while 4,000 women had been brought to court.[2488] In June 2023, official media referred to President Raisi's approval to increase the number of CCTV cameras across the country in order to identify women who did not comply with the *hijab* mandate.[2489] Subsequently, between March and August 2023, 145 cases of women were reported to have been prosecuted in Southern Khorasan province.[2490] In January 2024, the police commander of Qom announced that 74,000 text messages were sent to women over the last 10 months for non-compliance. He added that 53,000 warnings to women had been sent, and 7,000 vehicles impounded of women not adhering with the mandatory *hijab* laws.[2491]

1248. The Mission obtained text messages that had been sent by the police to women between September and November 2023. In one case, the police sent a warning message to the victim in which it explained that she had been identified as being without a *hijab* while in her vehicle. She was then asked to present herself before the Morality Security Police (see Section IV) within 10 days, with her ID and the title and registration of her vehicle.[2492] In another such message, a woman was informed that, having received four warnings for not wearing the *hijab* in her car, her car had been impounded, and she was also asked to present herself at the Morality Security Police.[2493]

1249. Moreover, one witness explained that the identification of women without the *hijab* was done through "platforms", which allowed officials from the FARAJA, Basij, IRGC, and the intelligence service to enter car plate numbers into the system manually when seeing a woman driving without a *hijab*. Once the car plate number had been entered, the system then reportedly generated a text message, in real time and when the violation was alleged to have occurred, to the person registered as the owner of the vehicle. Security officers would take pictures of women not adhering to the mandatory *hijab* laws which showed the frame of the

[2487] See "Police arrest more than 300 people in connection with not wearing hijab", Radio Farda, 14 June 2023; See also "Spokesperson of the police force: 301 people were arrested in the implementation of the plan of chastity and hijab", Asriran, 14 June 2023.

[2488] See "Khangoi of the police force: sending 99,000 text messages to detect hijab Arrest of 301 people in implementation of the plan of chastity and hijab", Armanmeli, 14 June 2023.

[2489] See "The president's agreement to increase surveillance cameras to ensure security", Mehr News Agency, 15 June 2023.

[2490] See "145 Lawsuits Filed for Breaking the Hijab in South Khorasan, Fars News, 14 August 2023.

[2491] Police commander of Qom province: 74 thousand text messages about veiling in cars, IRIB News, 20 January 2024.

[2492] FFM-IRAN-D-000891 (Interview).

[2493] FFM-IRAN-D-000892 (Interview).

women's face, and thus did not depict their faces fully. The witness described seeing judicial files in which, through the use of artificial intelligence, pictures of women had been matched with their photos on their passports or driver's licenses or on other documents on file with the State registration services. If the woman in question had a SANA account,[2494] then a warning or a summons would be delivered to her mobile phone through the SANA system. Otherwise, once the address was identified, a written summon order would be sent to the concerned woman's home.[2495]

1250. The use of technology to monitor compliance in vehicles, including reported artificial intelligence, as well as compliance monitoring in public transport, seriously impact the ability of women who have chosen not to wear the mandatory *hijab*, restricting their movement and access to services, as well as employment.

(b) Physical violence

1251. Though women appearing in public without a *hijab* were already perceived to be engaging in individual acts of protest, not carrying a *hijab* on them at all was seen as a much bolder act of defiance. In one such example, a woman described how she was beaten, pepper-sprayed, and tasered by one uniformed IRGC agent in late 2022 in Tehran municipality.[2496] The victim detailed how, while walking on a side street towards a protest site, she was suddenly surrounded by 12 uniformed IRGC officers, one of whom screamed at her to "put on a hijab". As she froze out of fear, he grabbed her, pushed her, pinned her to a wall, and then pepper-sprayed her eyes. Realizing that she was not carrying a *hijab*, he told her: "you don't even carry a scarf to cover yourself" while the rest of the IRGC officers were shouting "beat her, beat her, if she doesn't have the *hijab*." The agent who had pinned her to the wall then said: "just shoot her". The rest of the IRGC offices then proceeded with shooting at her with plastic bullets, injuring her arms and legs. While she was pinned to the wall, the same IRGC officer rubbed his genitals on her body and said: "Wasn't that that what you wanted when you went out without a *hijab*, here it is, take it". Forensic analysis of pictures of the victim's injuries confirmed the use of plastic bullets.[2497]

1252. Likewise, a witness described seeing how one plainclothes agent screamed at a woman to "put her *hijab* on" while she was sitting on a bench in late October in 2022. When she refused, he put a gun to her head and repeated "put your *hijab* on now".[2498] In another case in November 2022, a witness described how two plainclothes agents attacked a man who was walking on the street with a woman who was not wearing a *hijab*. The witness recalled how the agents shouted at the man to "tell her to put her *hijab* on", to which the man responded that wearing a *hijab* was her choice. In response, the agents beat the man.[2499]

1253. Open-source material reviewed, verified, and analysed by the Mission showed instances in which women were harassed, intimidated, dragged, and beaten by security forces and/or the "morality police" for not wearing the mandatory *hijab*. In one video published in September 2023, a woman officer of the morality police was shown pulling the hair of a young woman who appears not wearing the *hijab*. Several uniformed police officers were shown surrounding the two women, preventing men bystanders from helping the victim. [2500]

(c) Emblematic case: Armita Garavand

1254. On 1 October 2023, a young woman student, Armita Garavand, fell into a coma after reportedly being pushed, following an altercation with female hijab enforcers in a metro

[2494] The SANA system, also known as AdlIran, is an online portal launched in 2017 with the aim of communicating legal documents, sending various declarations, and registering lawsuits. To access services, users need to register and undergo identity verification processes.
[2495] FFM-IRAN-D-001448 (FFMI Interview).
[2496] FFM-IRAN-D-000895 (FFMI Interview).
[2497] FFM-IRAN-D-000894 (Forensic Report).
[2498] FFM-IRAN-D-000895 (FFMI Interview).
[2499] FFM-IRAN-D-000895 (FFMI Interview).
[2500] https://twitter.com/KayhanLondon/status/1697603671117185397

carriage in Tehran. She died in Air Force Farj military hospital on 28 October 2023, where she had been admitted after the incident.

1255. On 2 October 2023, official media broadcasted a CCTV footage from inside the metro station which showed Armita Garavand and two other girls entering a metro carriage at the Shohada metro station in Tehran city. Seconds later, the two schoolgirls were shown pulling Ms. Garavand's limp body out of the carriage. The CEO of Tehran Metro Operations commented on the footage noting that they had reviewed it and found that "no conflict was recorded."[2501]

1256. On 3 October 2023, State media aired an interview with Armita Garavand's parents. Her mother told the media that she thought her *"daughter was under pressure when they went there [metro]. I think they said now that her blood pressure had dropped. Then her head hit the edge of the subway*." She further notes that "it was all a coincidence" and asked "people to pray for her daughter". Another woman, interviewed with the family and introduced as a "relative" to Ms. Garavand, stated that family has been allowed to review all the CCTV footage and said that "it was all ok". Armita Garavand's mother is then heard interrupting the woman noting that the family had not viewed all the footage. [2502] On 4 October 2023, another woman introduced by official media as Armita Garavand's school friend, said that she had been with the victim that morning, and that she lost consciousness shortly after she got onto the metro wagon and, as a result, fell and hit her head on the edge of the metro.[2503] On 28 October 2023, 28 days after she fell into a coma, State media announced the death of Armita Garavand, due to a drop in blood pressure which led to her collapsing and, in turn, hitting her head on the ground.[2504]

1257. In mid-March 2024, the HCHR, in its official response, informed the Mission that, following orders of the Tehran Prosecutor, the Tehran Prosecutor Office (District 27) conducted an investigation into the death of Armita Garavand. The HCHR informed the Mission that this investigation found "no conflict", and that, on the basis of an autopsy performed on 29 October, her death was "not caused by a blow or an injury", and "had nothing to do with the hijab".[2505]

1258. The Mission was informed that, reportedly, Armita Garavand was pushed by a woman following an altercation over the mandatory *hijab*, which caused her to fall to the ground and hit her head.[2506] One media report cited two sources who reportedly witnessed how Armita Garavand was verbally assaulted by a woman *hijab* enforcer for not wearing the mandatory *hijab*. According to this document, an altercation reportedly ensued between Armita Garavand and the woman, which led to the former falling to the ground and hitting her head.[2507] A media outlet was allowed to inspect the metro wagon though without being able to confirm whether it was the same wagon where the incident occurred.[2508]

1259. In actions reminiscent of Jina Mahsa Amini's case, the State authorities took similar measures to conceal the circumstances leading to Ms. Garavand's death. Preliminary information collected by the Mission indicated that security officers were deployed shortly after Ms. Garavand's admission to the ICU at the Farj military hospital.[2509] The security

[2501] FFM-IRAN-D-001543 (Video). https://twitter.com/IRNA_1313/status/1708722828588028351?s=20.

[2502] FFM-IRAN-D-001541 (Video). See "Armita's parents: instead of marginalizing, pray for our daughter", 3 October 2023.

[2503] FFM-IRAN-D-001542 (Video). See "The narration of Armita Ground's friends from the moment she fainted in Shahada Square metro", 4 October 2023. Eyewitness Describes Artita Unconscious - IRNA.

[2504] See "Armita Gravend has passed away" , Fars News, Iranian student Armita Geravand dies after month-long coma, IRNA 28 October 2023.

[2505] Examining the inauthentic, non legal and political report of the so called Fact/finding Mission, The High Council for Human Rights of Iran, March 2024, p 39.

[2506] FFM-IRAN-D-060001.

[2507] See "Iran urged to release full CCTV of what led to teenage girl's coma", Patrick Wintour and Deepa Parent, The Guardian, 5 October 2023.

[2508] See "What were the first narratives that emerged from the story of Armita Gravand fainting in the Tehran subway", Shargh Daily, 7 October 2023.

[2509] FFM-IRAN-D-001450

officers reportedly controlled of medical staff to the entire ICU, while her father was reported to have visited her once. Security officers also reportedly visited the school where Ms. Garavand went to, and threatened pupils to not speak about her case.[2510] One journalist was briefly arrested on 2 October 2023 after reportedly speaking to Ms. Garavand's mother, while another was sentenced in December 2023 for posting on social media in relation to her death.[2511] To date, State authorities have not released the footage from inside the metro carriage or made public medical reports, or other information including in regards to the above-mentioned investigation, to clarify the cause(s) of her death.

1260. During Armita Garavand's funeral in Tehran on 29 October 2023, security forces present at the gravesite, intimidated, and harassed mourners, and arrested 23 men and 23 women, including prominent human rights lawyer Nasrin Sotoudeh.[2512] The Mission's investigations into the case of Armita Garavand are on-going.

2. Right to education

1261. The Ministry of Education is responsible for ensuring that women and girls adhere to the mandatory *hijab* when attending classes at schools and universities.[2513] The Ministry may also provide "courses" to parents and students to ensure that regulations are followed. [2514] In November 2022, the Supreme Cultural Revolution Council issued a directive on disciplinary actions against students, including regarding wearing the mandatory *hijab* in educational establishments. According to the directive, students found to be in violation may face disciplinary measures, including reduced class grades (in the class in which the incident occurred), a ban on accessing services, including dormitories for at least one month, as well as suspension for a period up to 28 months.[2515]

1262. On 2 April 2023, the Ministry of Science and Technology announced that students who do not comply with the mandatory *hijab* will be banned from receiving education and other services such as accommodation.[2516] This was re-emphasized by the Ministry of Education on 3 April 2023.[2517] On 30 June 2023, the Minister of Science and Technology once again emphasized the importance of the mandatory *hijab* as well as the legal implications for non-compliance.[2518] In December 2023, the Director-General of Cultural and Artistic Affairs of the Ministry of Education raised concerns relating to the "chastity, *hijab*, fashion, and clothing" amongst students, calling for additional programs for students to become more familiar with the "Islamic-Iranian clothing."[2519]

1263. Consistent with official statements as noted above, women students interviewed by the Mission expressed that they feared suspension if found to be in violation of mandatory *hijab* laws because of the long-term implications this could have on their future.[2520] One interviewee from a university in Tehran province explained having been threatened by the *Herazzat* security forces with disciplinary measures and arrest for not wearing the mandatory *hijab* during classes.[2521] Another interviewee recalled how women teachers in Mazandaran

[2510] See "Latest Updates on Armita Garavand's Health Status by Hengaw", Hengaw, 7 October 2023.
[2511] See " Maryam Lotfi, journalist of Sharq, was arrested", Shargh Daily, 2 October 2023; See also "6 months imprisonment and 2 years ban from journalism for Sara Masoumi for a tweet about Armita Ground", Aftabnews, 20 December 2023.
[2512] FFMI-Iran-D-050115.
[2513] See "Regulations of the Ministry of Health for Hijab", Donya-e-Eqtesad 18 May 2010. See also "Details of the Code of Conduct and Professional Dress of Medical Students", Mehr News, 16 October 2022.
[2514] FFM-IRAN-D-000581.
[2515] FFM-IRAN-D-001451.
[2516] See "Ministry of Science's Important Announcement on Hijab | Universities will no longer serve unveiled students, Hamshari Online, 2 April 2023.
[2517] See "Statement of the Ministry of Education on Hijab and Chastity", Irib News, 3 April 2023.
[2518] See "Senator: We are serious about the legal process, Fars News", 30 June 2023.
[2519] See "The meeting of the Fashion and Costume Working Group was discussed; Efforts to socialize chastity and veil among students", Mehr News, 10 December 2022.
[2520] FFM-IRAN-D-000590 (FFMI Interview).
[2521] FFM-IRAN-D-000590 (FFMI Interview).

province have been forced to wear a *chador* to be able to take up a new position despite successfully completing the recruitment process, or denied a permanent work contract for failing to adhere with the mandatory *hijab* laws.[2522]

1264. Open-source material verified and analysed by the Mission further indicated that women students in Tehran were barred from sitting their final exams after protesting against the mandatory *hijab* in universities.[2523] In May 2023, 35 students were reported to have been suspended in one university in Tehran for not complying with the mandatory *hijab*.[2524] Reports also indicated that, in July 2023, women students in Tehran were threatened with "zero grades", suspended or expelled from classes, or expelled from dormitories for not adhering to the mandatory *hijab*.[2525] In November 2023, one student in Tehran was suspended after she defended her master's thesis without a *hijab*.[2526]

1265. Discriminatory practices restricting access to education for women and girl students placed many at risk of falling behind by one year or more. Such measures negatively impact the prospects of women and girls to continue their education, and in turn, adversely affect their ability to access employment, and to meaningfully participate in society.

3. Right to health

1266. The Ministry of Health is tasked by the Supreme Council of the Cultural Revolution to supervise medical establishments, both public and private, to ensure that medical staff as well as patients adhere to the mandatory *hijab*.[2527] In February 2023, the Minister of Health underlined the need to observe the mandatory *hijab* laws in public and private medical establishments, noting that the license of private medical facilities would be withdrawn if found to be non-compliant.[2528]

1267. Consistent with the above, one witness described how the "morality police" officers visit public hospitals and private clinics to monitor compliance with the mandatory *hijab* of women medical staff. They explained that if found in violation of the mandatory *hijab*, women medical staff could be *"harmed in 100 different ways*", including through disciplinary measures and, in extreme cases, terminating employment. On occasion, doctors would ask women medical staff to "a*djust the hijab, so you don't get in trouble*" and warn that "*if they arrest you, there is nothing we can do to help you*." [2529]

1268. In an emblematic example, Nobel Peace Prize laureate Narges Mohammadi, who remains detained in Evin prison (Tehran) for her activism was denied access to medical care on at least two occasions because she refused to wear the mandatory *hijab*.[2530] In a post on Instagram published on 30 October 2023 she announced that, despite being called in for medical test, she was not allowed to leave the prison premises, on the basis of a prosecutorial order "that she should be sent to the hospital under any circumstances without a hijab".[2531] In another post on Instagram published on 6 November, Narges Mohammadi announced that

2522 FFM-IRAN-D-001482 (FFMI Interview).

2523 See "Twenty-one students were barred from attending the final exams", Human Rights Activists News Agency, 18 June 2023; See also Deepa Parent, Guardian, Students Barred from Iranian Universities for Refusing to Wear a Hijab, 10 July 2023.

2524 Harasswatch, https://www.instagram.com/p/CsYcs82sOjU/?igshid=NjZiM2M3MzIxNA%3D%3D&img_index=1. 18 May 2023.

2525 ICTJ, Students Barred from Iranian Universities for Refusing to Wear a Hijab, 13 July 2023.

2526 The Response of the Ministry of Science to the Defense Meeting of the Dissertation of an Unveiled Student of Tehran University, Aftab News, 22 November 2023.

2527 The Declaration of Acts of Execution of the Culture of Chastity and Hijab, Mehr News, 14 October 2019.

2528 Iran's new health ministry restrictions for women, Anadola Ajansi 8 February 2023.

2529 FFM-IRAN-D-000595 (FFMI Interview).

2530 See Section X. FFM-IRAN-D-000147 (FFMI Interview).

2531 Narges_Mohamadi_51, https://www.instagram.com/p/CzB7E44KXT_/?igsh=bTlua3dhcTJxencz&img_index=1.

she had gone on hunger strike to protest the denial of medical care by prison authorities.[2532] On 8 November 2023, official media reported that she had been transferred to the hospital where she underwent medical examination.[2533] She announced however that she did not wear the *hijab*.[2534]

1269. Open-source material reviewed and analysed by the Mission indicated that pharmacies in Tehran and Amol were closed in late January 2023 after women employees were reported to be working without the mandatory *hijab*.[2535] Another pharmacy offering 24 hour services in Tehran was also reportedly closed on 23 December 2023 for providing medicine to clients without the mandatory *hijab*.[2536] Separately, in October 2023, in Mazandaran province, the medical licence of a woman doctor was reportedly revoked after she appeared in a public award ceremony without the mandatory *hijab*.[2537]

4. Individuals and private entities

Private companies

1270. As public support towards the "Woman, Life, Freedom" movement increased, the Government imposed fines and closed numerous private businesses, including cafes, restaurants, pharmacies, doctors' offices, travel agencies, and companies for not adhering to the mandatory *hijab* laws.[2538] On 5 March 2023, the Prosecutor of Bojnourd in Northern Khorasan Province, warned business owners that their businesses would be closed and their business licences revoked if they were found to be in violation of the mandatory *hijab* laws.[2539] On 31 July 2023, an insurance company was reportedly closed and its license suspended after a photograph was published showing women staff without *hijab*.[2540] Also in July, a large e-commerce company was reportedly sealed off by the Ministry of Culture.[2541] More recently, in December 2023, a prominent bookstore in Tehran was also reportedly closed for allowing women without *hijab* to participate in a cultural event.[2542]

1271. Moreover, in a letter to commercial aviation companies dated 17 May 2023, the Prosecutor's Office requested airlines and pilots, to act as "judicial officers" and reprimand women who do not observe the mandatory *hijab* on planes and deny boarding to those who refuse to do so.[2543]

"Hijab enforcers"

1272. In November 2023, pictures and video footage emerged on social media depicting women in black chadors and green sashes lined up in corridors and at the entrance of metro

[2532] Narges_Mohamadi_51, https://www.instagram.com/p/CzTTb3_KoPh/?igsh=OGxjMjQxcDRmNHNl&img_index=1.
[2533] "Narges Mohammadi returned to prison due to normal physical condition", IRNA,8 November 2023.
[2534] Narges_Mohamadi_51, https://www.instagram.com/p/Cza5v5wKE59/?igsh=MTB5eHVsbjgxemFuMA%3D%3D&img_index=1.
[2535] See "Rouhani Warns of Harsh Attacks by Hideous Pharmacy Manager | Insulting the Famous and Expelling from the Pharmacy Without Providing Services | Look at the woman's ugly behaviour" Hamshahrionline, 29 January 2023.
[2536] See Dadban2021, https://www.instagram.com/p/C1MqQ32MUr9/?igsh=azI0NDFmd3M2Ymhs.
[2537] See, "Iranian Doctor Loses Medical License After Headscarf Accusation", Iranwire, 27 October 2023.
[2538] See "Women's Resistance to Compulsory Hijab, Closing 25 Trade Units in Jahrom and a Counseling Center in Rasht", Radio Farda, 23 May 2023; See also "100 Businesses for Lack of Coverage!", Afatab News 14 April 202; Campaign to force hijab, more than 500 trade unions have been sealed in a week, BBC Persian 27 April 2023.
[2539] See "Prosecutor of Bojnord: Unbelievers who do not follow the Islamic law will be devastated", Mehr News, 5 March 2023.
[2540] See "Who was suspended", ISNA, 31 July 2023.
[2541] See "Digikala office sealed due to unveiling", Hamshahri online, 23 July 2023.
[2542] Maryam Sinaiee, Iran International, Prominent Iranian Bookstore Shut Down Over Customers' Hijab,; https://twitter.com/fazelmaybodi/status/1738246595445981373?s=20, 24 December 2023
[2543] FFM-IRAN-D-001453.

stations in Tehran city, in a manner that some users dubbed "horror tunnels for women".[2544] On 22 November 2023, official media reported the presence of "popular groups" or "guidance ambassadors" who had been deployed to metro stations in Tehran city to give "kind and polite" warnings to women and girls not complying with the mandatory *hijab* laws.[2545] On the same day, the Minister of Interior announced that these were "spontaneous citizens' groups who carried out their Islamic duties" and noting that they were not organized, and bore no relationship with the State security forces. [2546] On 22 December 2023, the Secretary of the Supreme Cultural Council confirmed that the *hijab* enforcers were part of the Council's "hijab and chastity taskforce" which operates in coordination with the Ministry of Interior.[2547]

1273. Information obtained by the Mission also indicated that financial incentives were created to attract women from economically disadvantaged backgrounds to join the *hijab* enforcers.[2548] One interviewee described how many impoverished women had no other choice but to work with the "morality police" and denounce women who did not comply with the mandatory *hijab* laws.[2549]

5. Arrests and criminal prosecution

"Unveiling causes social ills and the fall of the human character of women. It causes increase in mental and psychological tension in society (..) and leads to trampling faith and moral virtues of the society, spread of social corruption, increase in sexual violence against women and the destruction of the Iranian Islamic culture."

Extract from a court ruling, 2023[2550]

(a) Arrests

1274. In April 2023, the FARAJA spokesperson announced that 301 arrests of women had taken place for non-compliance with the mandatory *hijab* laws, after they were identified through CCTV cameras.[2551] One survey published by Iran Open Data found that between 29 September and 16 October 2022, 1,563 out of 9,681 women reported they had been arrested by the "morality police", while nearly 6,000 people reported that one member of their family had been arrested by the "morality police" during the same period.[2552] In January 2024, the police in Qom announced that 13,000 arrests took place over the past year in Qom.[2553]

1275. Open-source material verified and analysed by the Mission confirmed the arrest of women who were non-compliant with the mandatory *hijab* laws. For example, in October 2022, one woman was reportedly arrested after a picture of her having breakfast in a café in Tehran was published on social media.[2554]

1276. Open-source material also showed a notable spike in arrests of women and those acted in solidarity, in particular following announcements of the return of the "morality police" to

2544 https://twitter.com/banafshehk/status/1725528439103373676 17 November 2023.
2545 See "A field report on cordial and polite reminders in the Metro City Theater and Valiasr Junction", Hamshahri Online, 22 November 2023.
2546 "The interior minister announced that the mention of hijab in Tehran subway is under the famous and forbidding of denial and apparently by popular groups", Aftab News, 22 November 2023.
2547 "Director of Hijab ban", Entekhab, 22 December 2023.
2548 FFM-IRAN-D-001012 (FFMI Submission); Tehran Hijab Enforcer: "I Need This Job to Feed My Children", Solmaz Eikdar, Iranwire, 27 November 2023.
2549 FFM-IRAN-D-001012 (FFMI Submission).
2550 FFM-IRAN-D-000915 (Court Document).
2551 Khangoi of the police force: sending 99,000 text messages to detect hijab Arrest of 301 people in implementation of the plan of chastity and hijab, Armanmeli, 14 June 2023,
2552 Statistics obtained from Morality Police Poll, Iran Open Data.
2553 See "Police: 74,000 SMS messages of the discovery of the hijab in Qom resulted in 13,000 systematic seizures and more than 7,000 physical seizures", Noandish, 20 January 2024.
2554 Article 19 public submission to Meta, Case 2023-032-IG-UA (Iranian Woman Confronted on Street); "Iranian woman arrested after photo of her eating breakfast goes viral, Kamilia Palu, Yahoo News 2 October 2022.

the streets in Tehran in July 2023. In addition, as acts of defiance by women and girls increased online, arrests of women who published picture of video footage of themselves without the mandatory *hijab* also peaked. In one example, a woman was reportedly arrested after a video of her was posted on 23 July 2023 on X (formerly Twitter) in which she argued with another person over her not wearing a *hijab* in Karaj. She was filmed saying "*You don't scare me. I stand by my beliefs. The time when we were afraid of you is over."*[2555] In another case, the arrest of a man actor on 16 July 2023 was streamed live on X after he openly criticized the return of the "morality police" to the streets earlier in July 2023.[2556] His post was in response to another video published on 15 July 2023 showing a woman officer of the "morality police" in Tehran city harassing and pulling a woman without a *hijab* from the street towards a white van parked nearby.[2557] In another case, a woman and her spouse, both activists against the mandatory *hijab*, were allegedly arrested on 18 July 2023 after the woman posted a picture of herself without the hijab on social media in 2022.[2558] Another video posted on 15 January 2024 showed a woman being assaulted and subsequently shoved into a morality police van allegedly for not adhering to the mandatory *hijab* laws. [2559] More recently, on 14 February 2024, a video published on X (formerly Twitter) showed a woman who was violently dragged and forced into a white van of the "morality police" in Tehran city.[2560]

(b) Criminal prosecution

1277. Women were also subjected to criminal prosecution for not complying with the mandatory *hijab* laws. As arrests notably peaked criminal prosecution of women found in violation also correspondingly increased. Indeed, one reported a surge in hijab-related cases before criminal courts after the protests decreased, particularly in or around May 2023, when the *hijab and chastity bill* was first introduced before Parliament. The witness told the Mission that, as a legal service provider, they would receive "30 to 60 requests for legal assistance a month" for hijab-related court cases from women countrywide, with estimated "thousands" of cases dealt with between September 2022 and January 2024, a number they deemed much higher compared to previous years. [2561] This increase was confirmed by another witness who explained that, in the past, only a handful of hijab-related cases would result in prosecution. The witness noted that, in one court, the caseload had gone up to "over two to three thousand hijab-related cases per month" since the protests began in September 2022.[2562] Separately, one victim confirmed having seen "numerous" women, including students and pregnant women, in a criminal court in Tehran province who had all been summoned to court for *hijab*-related violations.[2563] Credible information obtained by the Mission indicated that, reminiscent to the surge in violence in the summer of 2022 (see Section IV), around 60 women had been summoned in or around February 2024 to one criminal court in one province in Iran for violating the mandatory *hijab* laws.[2564]

1278. The Mission analysed court documents and judgments rendered in the aftermath of the protests. These documents were provided by primary sources, as well as through submissions and open-source material deemed credible. On the basis of information contained therein, the Mission established that court judgments against women found to be in violation of the mandatory *hijab* laws have been rendered by criminal courts, including those part of the Ershad Judicial Complex such as Branch 2 District 38 "morality court" in Tehran city. Court documents showed that, in most cases, women had been convicted and sentenced following identification by CCTV cameras while on the street or in a car. Others were convicted after appearing in public events without the mandatory *hijab*. Though charges

2555 https://twitter.com/mahboubeh_mdi/status/1682206391786668032.
2556 https://twitter.com/IranIntl_En/status/1680626146319253507.
2557 https://twitter.com/BabakTaghvaee1/status/1680201807878840320.
2558 https://twitter.com/ICHRI/status/1681074305000431617.
2559 https://twitter.com/IranIntl/status/1746109835022577854.
2560 https://twitter.com/LettresTeheran/status/1758209096933679174.
2561 FFM-IRAN-D-001565 (FFMI Interview)
2562 FFM-IRAN-D-001448.
2563 FFM-IRAN-D-000911.
2564 FFM-IRAN-D-001454.

varied, women were systematically sentenced to pay a fine or banned to travel outside of the country. Women actors, human rights defenders, influencers, and others who used social media to advocate against the mandatory *hijab* received harsher punishments, such as flogging or court-mandated psychiatric treatment, compared to women who defied the *hijab* in a less public manner.

1279. In an emblematic example, in late 2023, prominent human rights lawyer Nasrin Sodouteh was sentenced to a fine, travel ban, had her passport revoked, and banned from using social media for two years for having appeared in a picture published on the internet without the *hijab* during the funeral of an Iranian film maker in October 2023.[2565] On 12 November 2023, Nobel Peace Prize Laureat Narges Mohammadi announced that she had been summoned to the Evin court for a hearing on new charges. She was banned from attending, however, following her refusal to wear the mandatory *hijab*.[2566]

1280. Hours after their release on bail on 14 January 2024, the judiciary opened a new case against journalists Niloufar Hamedi and Elaheh Mohammadi (See Section III on Jina Mahsa Amini). The new charges were introduced following the publication of pictures and video footage on the social media which showed them without *hijab* hugging each other and their loved ones after 17 months in detention.[2567]

1281. Open-source information reviewed and analysed by the Mission indicated that on 5 January 2024, a woman activist was reportedly sentenced to two years imprisonment for publishing a photograph of herself without wearing the mandatory *hijab*.[2568] A man actor who live-streamed a video[2569] of himself criticizing the "morality police" return to the streets in the summer of 2023, was also sentenced to five years of imprisonment in December 2023 for "encouraging people to war and killing against national security" by an Islamic Revolutionary Court in Tehran.[2570]

(c) Flogging

1282. In one example in early January, a woman activist was sentenced by a criminal court in Tehran province to 12 years and six months imprisonment on charges of "encouraging/promoting corruption and promiscuity/prostitution", 74 lashes on the charge of "disturbing public chastity", and one year and three months imprisonment and 74 lashes and a monetary fine on the charges of "production and release of material that disturb the public chastity". [2571] The latter stemmed from her having published a picture of herself on social media without the mandatory *hijab*. On appeal, the Appeal Court quashed the prison sentence, upheld the monetary fine of 1,250,000 tomans imposed for the charges of "presence in public without *hijab"* as well as the 74 lashes for the charge of "disturbing public chastity". She was also tried in a parallel proceeding before Branch 26 of Revolutionary Court on the charges of "propaganda against the system", which appeared to stem from the same alleged conduct, and was sentenced to one year imprisonment, suspended for a period of two years.[2572] In a story shared by the victim on 6 January 2024, she described how she refused to wear the *hijab* during the flogging which was carried out on 3 January 2024. However, she was handcuffed by a woman court officer who forcibly placed a *hijab* over her head preventing

[2565] FFM-IRAN-D-001024

[2566] https://www.instagram.com/p/CzlX7ZFKMwq/?igsh=ZnJ2dHJhczU3aG95

[2567] See "Criminal Charges Filed for Two Female Security Suspects in Tehran Prosecutor's Office", Mizan Online, 15 January 2024.

[2568] See "Arrest of Iranian Journalist Arrested in Prison; and Tavaana" Human Rights Activist News Agency, https://www.instagram.com/p/C1txK5htUCH/?igsh=cjhoazhwOWthY3pj.

[2569] See "Arrest of Mohammad Sadeghi (former TV actor) who threatened police yesterday", Ifilo. Without date.

[2570] See "Mohammad Sadeghi Actor Sentenced to 5 Years in Prison", Ensafnews, 13 December 2023.

[2571] FFM-IRAN-D-001463 (NGO Submission)

[2572] See "Roya Heshmati's initial sentence was a total of 13 years and 9 months in prison, which was violated in the appeal and was penalized to cash and flogging/He endured two days more than his sentence", Shargh Daily, 6 January 2024. See also "Execution of a convict related to organized flogging currents / Execution of flogging was in accordance with the law/ Convict used archival photo to spread his lies 16 years ago", Mizan Online, 6 January 2024.

her from moving it. She then chanted: "In the name of woman, in the name of life, the clothes of slavery are torn, our black night will dawn, and all the whips will be axed..."" as she was lashed 74 times.[2573]

1283. In another case, a woman was tried by one court for "disturbing public decency," after she had appeared at a public event without the mandatory *hijab*. Her actions were deemed "deliberate" given that she "played with her hair" in front of an audience; in turn, she was sentenced to flogging on the basis of Article 638 of the Islamic Penal Code. The judgment was suspended for five years after she pledged not to violate the *hijab* laws again. [2574]

1284. Open-source material verified and analysed by the Mission indicated that, Mehdi Yarrahi, a well-known singer in Iran was arrested in August 2023, and sentenced in ealry 2024 by a criminal court in Tehran to 74 lashes and two years and eight months imprisonment on the charges of " disturbing the public mind" and "making and publishing films against public modesty". His sentence was in connection with a song he wrote criticising the mandatory *hijab* and advocating for women's rights including their right to choose what to wear.[2575]Another woman was reportedly sentenced to flogging and imprisonment after a video of her was published showing her walking towards a bank without *hijab*.[2576]

(d) Psychiatric treatment to "heal anti-social" behaviour of women

1285. Judges also associated women's refusal to wear the hijab with "anti-social" behaviour which they deemed required psychiatric intervention. In one case, a court sentenced a woman actor to two months imprisonment, a six month ban from social media platforms, and imposed mandatory visits to a mental health institution so she could "heal [her] anti-social personality". The actor was also banned from appearing in media broadcasts in Iran or abroad for two years.[2577]

1286. In another case, a woman was ordered to undergo therapy for six months in order to "heal her anti-social behavior" on the basis of Article 638 of the Iranian Penal Code. Additionally, the judge ordered her to work as a cleaner for 70 hours, seized her car for a year, and revoked her driver's license for two years.[2578] Likewise, another judge compared the removal of the *hijab* to an "anti-social act" and a form of "psychological disease" regarding a woman who had been filmed without a hijab on the street by CCTV camera. She was sentenced to six months of mandatory counselling to heal her "anti-social personality" on the basis of Article 638 of the Islamic Penal Code.[2579]

1287. Similarly, in another case, a woman's refusal to wear the mandatory *hijab* was equated to a *"social ill"* deemed to have contributed to "trampling faith and moral virtues of the society and the spread of social corruption." She was ordered to research and then publish on her own social media account examples of the "impact of *hijab* in individual and social life". Moreover, she was ordered to disseminate this message through her social networks to hundreds individuals within several months. The judgment stated that failure to do so, would result in an increase in "supplementary punishments" in the first instance and ultimately a prison term or fine. As in the case above, the woman had been filmed by a CCTV camera without a *hijab* while in public.[2580]

[2573] FFM-IRAN-D-000845
[2574] FFM-IRAN-D-000913
[2575] See "Medhi Yarahi Sentenced to Prison", Fars News, 8 February 2024.
[2576] See "Nurse Woman Sentenced to Imprisonment and Flogging for Defying Compulsory Hijab in a Bank in Qom", BBC Persian, 31 March 2023.
[2577] FFM-IRAN-D-000844.
[2578] FFM-IRAN-D-000849.
[2579] FFM-IRAN-D-000850.
[2580] FFM-IRAN-D-000915.

1288. In response to these judgments, the heads of several psychiatric associations issued a letter on 23 July 2023 addressed to the Head of the Judiciary, stating that such diagnoses were strictly within the purview of psychiatrists and cannot be imposed by judges.[2581]

(e) Other court sentences that humiliated, degraded, and punished women for not wearing the mandatory hijab

1289. In one case, a woman was ordered by a criminal court to serve as a janitor and clean the offices of the Ministry of Interior for 70 hours. The judgment confirmed the use of CCTV to identify the woman and refers to the *hijab* as a tenet of the Islamic Republic. [2582] Similarly, a woman was sentenced to serve as a janitor for 70 hours in another public building and a fine.[2583]

1290. Another woman was sentenced by a criminal court to payment of a fine and washing corpses for a period of one month, after she was identified by a CCTV camera while driving in her car without a *hijab*. The sentence was rendered without any possibility of appeal given that this was considered 8th degree crime.[2584]

(f) Gendered insults during trial proceedings

1291. As in the case of women in detention,[2585] judges used gendered insults and threatened women with measures to deprive them from access education or employment for refusing to wear the hijab. A woman witness, who was arrested for removing her *hijab* in 2017, described how after she was brought to the Public Prosecutor's Office in Tehran, the judge said to her *"Do you drive? I am not going to let you drive anymore, I will revoke your license. Do you work? You will be fired. Do you have custody over your children? You will not be able to raise your child. A crazy, psychotic, corrupt person like you is not qualified to raise and nurture a daughter*."[2586]

1292. Likewise, a criminal court judge in Tehran told a woman arrested for her anti-mandatory *hijab* activism in 2019, that she could "*work as a prostitute, sell drugs, and ruin the Iranian youth, this is all fine. But the hijab is our red line and if found in violation, you will get the most serious punishment*."[2587]

6. Gendered harms

"The mandatory hijab alienates women from their own bodies: it is as if we occupy a body that does not belong to us. Everybody would give opinions and reprimand your body, starting from family to the Government." [2588]

1293. Beyond the Mission's findings above, measures taken by the State to enforce the mandatory *hijab* also caused physical and emotional suffering for women and girls on the basis of their gender. The harms caused have often gone unrecognized despite the long-lasting effects they have had on the mental and physical health of countless women and girls who had tirelessly advocated for equality and women's rights, whether through individual acts of defiance, or collectively within the context of the September 2022 protests.

1294. Studies have shown that women who had experienced gender discrimination were more likely to experience depression and, depending on the situation, higher anxiety and

[2581] Letter from Heads of Psychiatry to Judiciary re Sentencing and Mental Health, 23 July 2023, FFM-IRAN-D-001455; Letter from the Iranian North American Psychiatric association to the UN High Commissioner, 21 July 2023, FFM-IRAN-D-001457; See also "Civil disobedience labelled as antisocial personality disorder", Artin Mahdanian, Robert van Voren, Rob Keukens, Dainius Puras, The Lancet, Volume 402, Issue 10411, pp. 1415-1416, 21 October 22023.
[2582] FFM-IRAN-D-000842.
[2583] FFM-IRAN-D-000847.
[2584] FFM-IRAN-D-000841.
[2585] See Section V.
[2586] FFM-IRAN-D-001006 (FFMI Interview).
[2587] FFM-IRAN-D-000592 (FFMI Interview).
[2588] FFM-IRAN-D-000530 (FFMI Interview).

psychological trauma.[2589] In the context of Iran, women described feelings of anger and a sense of injustice which they associated with the State's imposition of the *hijab*.[2590] Many noted how a woman's clothing must be of her own choosing and that it was a woman's right to decide on how she wished to present and express herself publicly. Some women noted that after the death in custody of Jina Mahsa Amini, they "could no longer bring themselves to wear the *hijab*".[2591] Others also described witnessing how their mothers or other women relatives were harassed and threatened with violence by the "morality police" for not conforming to the mandatory *hijab* laws, which prompted the witnesses not to wear the *hijab* as adults.

(a) Fear and anxiety

1295. Others stated that previous violent encounters as young adults with the "morality police" rendered them so fearful that for years after one witness would change her itinerary to avoid any potential interactions with the "morality police" street patrols.[2592] One woman, who was arrested for her participation in protests in Western Azerbaijan province, described the panic she felt every time she saw a police car in her new country of residence to which she had relocated in early in 2023. She recalled how, subconsciously, she searched for *hijab* in her purse until she would realize that she was "now safe and they don't want to harm" her.[2593] Another woman described having continuous panic attacks and recurrent nightmares one year after she fled Iran. She recalled feeling terrified upon seeing bearded men on the street and how her "heart beats faster" when she sees police cars or hears police sirens. She also described how, every morning before she leaves her home, she agonizes over not knowing if her chosen attire is "appropriate enough".[2594] Another witness described similar fears and the anxiety she felt every time she had to leave her home, fearing her clothing may be too "revealing". She explained that this was due to constantly having to wonder "how to cover up to avoid an argument with your father, brother or the police" while still in Iran.[2595]

1296. Indeed, women interviewed by the Mission described experiencing constant anxiety not knowing which aspect of their clothing could result in a violent response by the "morality police".[2596] In one case, a woman described an overwhelming feeling of panic every time she prepared to go outside because "*you never know what the problem could be – your manteau, your shawl, the type of your trousers, even your socks; everything could be a problem, but you just don't know what it could be until the "morality police" tell you*."[2597] Likewise, another witness noted that "*even if we wear the hijab, and a string of hair becomes visible, this alone puts you at risk*."[2598]

(b) "Second-class citizens"

1297. Closely related to the climate of fear described above, is the impact that the mandatory *hijab* had on women's dignity and identity. In describing what the mandatory *hijab* laws meant for them, women spoke about feeling "degraded" and being "second-class citizens."[2599] Many witnesses noted the sentiment that "*Jina Mahsa could have been [any] of*

2589 See " The impact of gender discrimination on a Woman's Mental Health, Simone N. Vigod and Paula A. Rochon, The Lancet, Volume 20, 18 March 2020.

2590 FFM-IRAN-D-000374 (FFMI Interview); FFM-IRAN-D-000424 (FFMI Interview); FFM-IRAN-D-000589 (FFMI Interview); FFM-IRAN-D-000148 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview); FFM-IRAN-D-000592 (FFMI Interview); FFM-IRAN-D-001458 (FFMI Roundtable); FFM-IRAN-D-000530 (FFMI Interview).

2591 FFM-IRAN-D-000124 (FFMI Interview) and FFM-IRAN-D-000895 (FFMI Interview).

2592 FFM-IRAN-D-000595 (FFMI Interview).

2593 FFM-IRAN-D-000588 (FFMI Interview).

2594 FFM-IRAN-D-000895 (FFMI Interview).

2595 FFM-IRAN-D-000530 (FFMI Interview).

2596 FFM-IRAN-D-000595 (FFMI Interview); FFM-IRAN-D-000148 (FFMI Interview); FFM-IRAN-D-000590 (FFMI Interview).

2597 FFM-IRAN-D-000590 (FFMI Interview).

2598 FFM-IRAN-D-000148 (FFMI Interview).

2599 FFM-IRAN-D-000148 (FFMI Interview); FFM-IRAN-D-000530 (FFMI Interview); FFM-IRAN-D-000592 (FFMI Interview). FFM-IRAN-D-000530 (FFMI Interview).

us," while others saw a real risk for the safety of their young daughters.[2600] Such statements reflected a perception of deeply rooted discrimination, a lack of accountability for violations committed against women and girls who, as noted above, transgressed gender constructs and criteria that formed gender roles, as established by the tenets of the Islamic Republic of Iran, and a broader sense of impunity

C. Findings

1298. Based on the above, the Mission finds that mandatory *hijab* laws, policies, and practices systematically discriminate against women and girls who, in defying the mandatory *hijab*, transgressed social norms and constructs as established and continuously maintained by the Iranian state apparatus. The Mission also notes that, as mentioned above, the Special Rapporteur on freedom of religion and belief, in her 2010 report to the General Assembly, stressed the importance of safeguarding both the positive freedom to voluntarily display religious symbols and the negative freedom of not being forced to display religious symbols. She added that: " the use of coercive methods and sanctions applied to individuals who do not wish to wear religious dress or a specific symbol seen as sanctioned by religion" indicates "legislative and administrative actions which typically are incompatible with international human rights laws."

1299. Under international human rights law, women and girls are protected in their right to choose and express themselves freely, including by wearing or not wearing the hijab. Such laws and regulations of a fundamentally discriminatory nature were implemented amid a broader campaign of harassment, intimidation, surveillance, and violence carried out by State actors and others with their encouragement and acquiescence, against women and girls and those who acted in solidarity. The Mission also found that punishments pursuant to judgments by criminal courts against women who were found to be non-compliant with the mandatory *hijab* were rendered in a clear manifestation of the institutionalized discrimination and violence against women and girls.

1300. In relation to sentences that ordered flogging, the Mission finds that laws that allow for judicial corporal punishment such as flogging constitute a form of torture,[2601] and a violation of the right to security of a person.[2602]

1301. Regarding judicial psychiatric intervention on the grounds of "healing anti-social" or "anti-family" behaviour of women who were found in violation of the mandatory *hijab*, the Mission finds that such punishments are clearly aimed at correcting and coercing women's behaviour to force them into compliance. Given the absence of medical justification and lack of victims' consent, and that such penalties are deeply rooted in discrimination against women and girls, punishment which aimed to correct what judges deemed to be a "social ill" and required a mental health recovery certificate on the basis of having "anti-social"

2600 FFM-IRAN-D-000424 (FFMI Interview); FFM-IRAN-D-000148 (FFMI Interview); FFM-IRAN-D-000528 (FFMI Interview); FFM-IRAN-D-000588 (FFMI Interview). FFM-IRAN-D-000592 (FFMI Interview); FFM-IRAN-D-001458 (FFMI Roundtable).

2601 Caesar v Trinidad and Tobago, IACHR (Series C) No. 123, judgment of 11 March 2005, §73. In this regard, the Special Rapporteur has also noted that: *"[…] the 'lawful sanctions' exclusion must necessarily refer to those sanctions that constitute practices widely accepted as legitimate by the international community, such as deprivation of liberty through imprisonment, which is common to almost all penal systems. […] By contrast, the Special Rapporteur cannot accept the notion that the administration of such punishment as stoning to death, flogging and amputation […] can be deemed lawful simply because the punishment has been authorized in a procedurally legitimate manner, i.e. through the sanction of legislation, administrative rules or judicial order. To accept this view would be to accept that any physical punishment, no matter how torturous and cruel, can be considered lawful, as long as the punishment had been duly promulgated under the domestic law of a State. Punishment is, after all, one of the prohibited purposes of torture."* Report of the Special Rapporteur, January 1997, E/CN.4/1997/7, at para.8.

2602 General Comment no. 35 (2014) on the right to life (Article 9) CCPR/C/GC/35 para. 9, 16 December 2014.

personality disorder, also amounts to torture or to other cruel, inhuman or degrading treatment or punishment.[2603]

1302. Sentences such as washing dead bodies or posting content that is fundamentally against one's freedom of thought and conscience were clearly rendered for the purposes of punishing, humiliating and degrading women for their decision to not wear the mandatory *hijab*. As such, they may amount to torture or to other cruel, inhuman, or degrading treatment or punishment.

1303. Concerning the forced imposition of the mandatory *hijab*, State encouragement to elicit societal support from private individuals and coerce business to monitor adherence with mandatory *hijab*, together with the existence of discriminatory laws and patterns of State failure to punish perpetrators and protect women and girls, created conditions under which women and girls were subjected to systematic physical and mental suffering. State acquiescence is apparent by the various means employed by an entire State apparatus to force women and girls into compliance through repression, denial of rights and violence against women and girls, as well as the overall failure to investigate, prosecute, and punish perpetrators, as also evidenced in the case of the death in custody of the morality police of Jina Mahsa Amini, and Armita Garavand. As such, the State have also created, and continues to maintain, a climate of palpable fear, conducive to violence against women and girls.

1304. In regard to the death of Armita Garavand, the Mission finds that the State failed in its obligation to investigate her death or prosecute those responsible, whether State officials or private individuals and entities.

1305. The Mission thus concludes that punishments imposed on the basis of the mandatory *hijab* laws and policies against women and girls, such as arrests, detention, fines, seizure of immovable property, travel bans, prohibition to use social media and the undue restriction and denial of fundamental rights, including suspension from university, termination of employment, ban on entry into public spaces, including government offices as well as parks, cinemas, public transport, are arbitrary in nature and as such not permissible under international human rights law. Through the enforcement of these laws and policies, the State violates women's rights to equality, non-discrimination, to liberty and security of person and to be free from torture or to cruel, inhuman or degrading treatment, freedom of expression, freedom of movement, freedom of religion well as the right to public life, to bodily integrity and autonomy, right to privacy, and to access to education, health care and work, cumulatively amounting a severe deprivation of women and girls' fundamental rights, amounting to persecution.

IX. Repression of students and schoolgirls

As students of this land, as teenagers, we can't tell which prohibition, which discriminatory law, which banned belief, which Internet ban, which heartless police has crushed our lives; Lives, which should be filled, as that of any teenager, with hope, calm and excitements.
We don't even have a clear picture of what freedom is because, since we were born, we have seen nothing but the sweet and fading image of freedom as depicted by the older generations.
Do you all across the world hear our call for freedom? [2604]

Statement of a boy student received by the Mission.

[2603] Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on the conceptual, definitional and interpretative questions arising in relation to the notion of "psychological torture" under human rights law, A/HRC/43/49, para. 37, 20 March 2020 . See also "Civil disobedience labelled as antisocial personality disorder", Artin Mahdanian, Robert van Voren, Rob Keukens, Dainius Puras, The Lancet, Volume 402, Issue 10411, pp. 1415-1416, 21 October 2023.

[2604] FFM-IRAN-D-001737 (Submission).

A. Repression of students

1310. The Mission investigated the human rights violations to which students were subjected, for their leading role in the "Woman, Life, Freedom" movement. The Mission relied on first-hand accounts of students and teachers as well as additional accounts of students received via human rights organizations. The Mission also reviewed officials statements and reports, reports from civil society organizations, international and Iranian media reports, and submission and reports of student`s union and teachers associations. This investigation revealed patterns of systematic repression of students across the different tiers of the academic sector that resulted in student deaths and injuries, arbitrary arrest and detention, disappearance, torture and ill-treatment, unfair trial and harsh sentencing. While many of these violations against children and youth have been covered in previous chapters of this document, this section focusses on the violations that were committed in the context of schools and Universities. Systematic harassment and intimidation, including suspension or dismissal of students from their academic programs, occurred as a consequence of their involvement in the protests.

1. Context

" I could not believe that a girl had lost her life because they think she had not veiled appropriately. I was psychologically a mess for a few days. Then I started to post calls and participate in the online campaign such as cutting hair as a sign of protest or posting unveiled photos of myself. The first days I was out [to protest], in our small town, I was the only girl who had taken her veil off. It was very scary for me that no one else is taking their veil off. Then as time passed, other girls took their veil off. And what was interesting was that people were proud of the girls who had taken their veils off. They would smile at them and say 'woman, life, freedom' when passing by."[2605]

Statement from a student girl received by the Mission.

1311. Catalysed by the death in custody of Jina Mahsa Amini, students rapidly mobilized and played a leading role in the "Woman, Life, Freedom" movement. They mobilised within secondary schools and universities, especially girls 'schools.[2606] The first student protest gathering was organized on 18 September at Tehran University's College of Fine Arts, with students lighting candles in Jina Mahsa Amini's memory. Other university campuses quickly joined the protests[2607] On 18 and 19 September 2022, the University of Amirkabir, the University of Tehran (Faculty of Art), Shahid Beheshti University, Tarbiat Modares University and Allameh Tabataba'i Universities joined the movement. As of 1 October 2022, students in 111 universities across the country were participating in the boycotting of classes.[2608]

1312. Using the Internet as a tool for communication, information, and mobilization, students started sharing their stories, opinions, and demands with the world, by posting videos and accounts of events and incidents. Videos or witness accounts showed girls burning headscarves and tearing down the pictures of the founder and the current leader of the Islamic Republic from textbooks or school walls,[2609] berating male officials and shouting "Woman, Life, Freedom",[2610] or engaging in peaceful protests and sit-ins in school and university campuses across the country.[2611] Students also held marches between school and home, chanting slogans and engaging in various cultural or artistic forms of expression to demand an

[2605] FFM-IRAN-D-001737 (Submission).
[2606] FFM-IRAN-D-001774; "Academic Year in Iran Begins with Imprisonment of Teachers, Arbitrary Arrests", Center for Human Rights in Iran, 28 September 2023.
[2607] See "Students Violently Attacked, Arrested by Security Forces as Protests in Iran Spread", Center for Human Rights in Iran, 3 October 2022.
[2608] See Union Council of students of Iran, https://t.me/senfi_uni_iran; See also "Iran Protests: Student Demonstrations in over 100 Iran Universities" – Zamaneh Media, 1 October 2022. https://t.me/senfi_uni_iran/3137 Students Violently Attacked, Arrested by Security Forces as Protests in Iran Spread - Center for Human Rights in Iran, 3 October 2022.
[2609] See "Tearing down photos of Khomeini and Khamenei in Iranian schools", Al Ain, 5 October 2022. See also "As schools reopen students joined the protest" As schools reopen, students join nationwide protests VOA, 13 October 2022; "Iran's Protests, Fear of Arresting Students and Killing Children" BBC Persia, 12 October 2022; "Strike in schools, parades in the streets; students' response to Khamenei: The mullahs must be lost!", Akhbar rooz, 11 October 2022.
[2610] FFM-IRAN-D-000828 (FFMI Interview).
[2611] FFM-IRAN-D-001468 (FFMI Interview).

inclusive educational landscape.[2612] For instance, in October 2022, students of the university in Babol in northern Iran destroyed the walls which separate girls and boys in their cafeteria, leading some national media to portray them as " the norm-breaking movement trying to settle a mixed presence in university".[2613] Numerous Iranian teachers showed solidarity and supported students while some school authorities also tried to stop them.

"I told my family, if there is a call for protest, I will go. I cannot remain silent on this issue anymore. I didn't sleep that night until the morning. But at least I felt content. I said, thank God this time I didn't remain silent. Even if I don't succeed in changing anything, at least I have shown a reaction."[2614]

Statement of student girl received by the Mission.

1313. In an interview, a student explained to the Mission how in October 2022 school administrators attempted to intimidate, threaten and discourage students from protesting. While around 20 students protested in the school yard, chanting slogans, the school principal and vice-principal threatened the students with alerting the police.[2615]

2. Patterns

1314. Students' legitimate expressions of anger and aspirations were almost immediately labelled by State authorities as a 'conspiracy encouraged by outside forces.[2616]

1315. On 30 September 2022, IRGC-affiliated media Javan Daily reported that: "The monitoring of the security agencies as well as the field investigations of the police forces, show that a high percentage of those present in the recent gatherings in the country were in their teens and early teens. Based on the reports obtained by a security agency, 93% of those present in the recent gatherings were under the age of 25, which indicates the emergence of a new generation of rioters in the country."[2617]

1316. On 9 October 2022, the Deputy Director of Secondary Education said that: "Despite all the plans to make the school environment a centre of disturbance through manipulation and mobilization of students of young age to participate in the `riots`, all these fortunately were put under control."[2618] On 1 November 2022, Sardar Nazari commander of the police force in Kerman province mentioned, "We are witnessing that some school students are the leaders of prevailing riots in the country now."[2619] On 22 November 2022, lawmakers introduced a bill in Parliament aimed at punishing student protests, stating that students accused of joining protests would receive 10 year travel bans, be required to pay the entire cost of their education and face other disciplinary measures.[2620]

1317. Such narratives continued for months after the start of the protests. On 26 September 2023, for instance, Iranian media published a statement of the Commander-in-Chief of the IRGC, Major-General Salami who stated: "Sometimes the university floor has been the altar of war with the enemies of independence, freedom, pride, and global dignity and dignity of our nation; therefore, today, enemies to distort minds, conquer hearts, dominate the space of thought and thinking and beliefs of our youth have made the university the focus of all their efforts"[2621]

[2612] FFM-IRAN-D-001774.
[2613] See "University students bring protests into the street" Hamshahrionline, 26 October 2022.
[2614] FFM-IRAN-D-001737 (NGO Submission).
[2615] FFM-IRAN-D-000096 (FFMI Interview).
[2616] See "The average age of many of those arrested is 15 years old"; Fararu, 5 October 2022; See also "Declaration in the students' meeting"; Official Website of the Supreme Leader, 2 November 2022.
[2617] See "The reason for celebrities' activism is their extreme weakness", Javan Daily, 26 September 2022.
[2618] See "Afrogh: Students not trained for civil protest", IRNA, 15 October 2022.
[2619] See "Commander of Kerman Corps: "Some students are the leaders of disturbances in the country!" Ensafnews, 1 November 2022.
[2620] See "Iranian Lawmakers Propose Punishments For Protesting Students", Radio Farda, 22 November 2022; See also "Iran Protests: Detained University Students Subjected to Sexual Assault, Disappearances", Center for Human Rights in Iran, 6 December 2022.
[2621] See "Commander Salami: Enemies Chose University to Dominate Youth Thoughts" Fars News Agency, 26 September 2022.

(a) Killing and injuries in academic institutions

"We are fighting for the undeserved pain inflicted on Iran's children
We are killed in our adolescence
before we have a chance to experience the hurdles of adulthood.
Our skin is made of hope; the hope of feeling the colour of freedom.
We are filled with a fear that is buried in the fire of bravery and solidarity
We kiss the wounds they inflicted on our land by shedding the blood of our youth and we promise that
we will bring Iran the sweet news of freedom
On this path, we need to be heard."[2622]

Statement of a student boy received by the Mission.

1318. State authorities responded to student protests by using lethal force, followed by large-scale arbitrary arrests.[2623] On 27 November 2022, the United Nations Children's Fund condemned "all violence against children", called for "an end to all forms of violence and abuse" against children and expressed deep concern about continued raids and searches conducted in some schools.[2624]

1319. Students were attacked by Basij militia forces, plainclothes intelligence agents and IRGC forces. Schools, university compasses and student dormitories were raided by the security forces, students attacked with batons and tasers, teargas and indiscriminate firing of live ammunition.[2625] Students were reportedly abducted during or after student protests and were found dead a few days later.[2626]

1320. On 12 October 2022 at Shahed girls' school in Ardebil city, plain-clothes security forces attacked protesting students. The students were initially asked to sing an anthem that praises the Supreme leader. Because the students refused to do so, security forces began beating many of them. Ten were taken to an unknown place by security forces, while seven others were injured. Parents present during the incident in Shahed school shared with the Iranian media Ham Mihan newspaper having witnessed security forces beating the children and boarding them on a bus. As a result, some of the children were injured and ambulances had to take them to the hospital.[2627]

1321. Asra Hossein-Panahi, 15 years old, who was reportedly severely injured, later died in Ardebil's Fatemi Hospital on 14 October 2022.[2628] While local sources reported that Asra Panahi was killed at school in connection with nationwide protests,[2629] the Iranian government reacted denying such claims and stated that Asra was not present at the school at the time of the incident and died due to "underlying illness" or "suicide".[2630] Despite these conflicting narratives, no credible evidence has ever been presented by State authorities that she died due to suicide or any underlying illnesses.

[2622] FFM-IRAN-D-001737 (Submission).
[2623] See "Commander of Kerman Corps: "Some students are the leaders of disturbances in the country!", Ensaf News, 1 November 2022; See also "Students Arrested and Banished, Professors Fired in Latest State Crackdown in Iran", Center for Human Rights in Iran, 1 June 2023; "Afrogh; Students: Students Not Trained for Civil Protest", IRNA, 15 October 2022.
[2624] See "UNICEF calls for the protection of children against all forms of violence in Iran amid public unrest," 27 November 2022.
[2625] FFM-IRAN-D-000590 (FFMI Interview); "Students Violently Attacked, Arrested by Security Forces as Protests in Iran Spread", Center for Human Rights in Iran, 3 October 2022.
[2626] See "A Comprehensive Report of the First 82 days of Nationwide Protests in Iran (Sep-Dec 2022)- Human Rights Activists News Agency, 8 December 2022. See also "Student Day In Iran: Security Agents Attack, Kidnap Student Protesters", Iran Wire, 7 December 2022.
[2627] See "A Comprehensive Report of the First 82 days of Nationwide Protests in Iran (Sep-Dec 2022)- Human Rights Activists News Agency 8 December 2022.
[2628] See "Is the Death of the Girl Student at Shahed School in Ardebil True?", IRNA, 17 October 2022; See also "Iranian schoolgirl 'beaten to death for refusing to sing' pro-regime anthem", The Guardian, 18 October 2022.
[2629] See "New details of Ardebili teenager Asra Panahi killed in security forces attack", Radio Farda, 27 October 2022.
[2630] See "Ardebili's daughter (Asra Panahi) killed herself with rice pills/her father was executed", Sedayiran,14 October 2022.

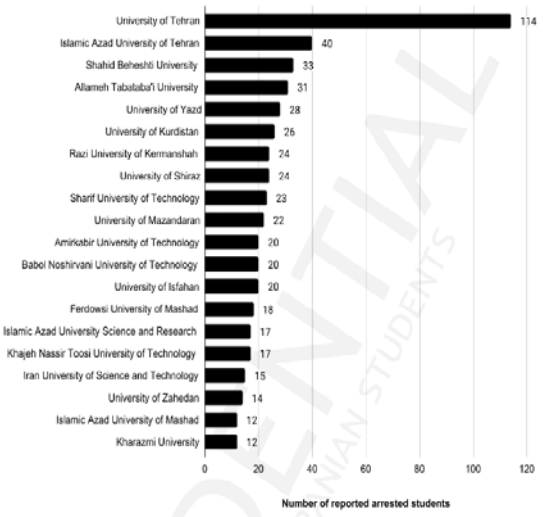
(b) Arrest, detention, and torture

> *"I have been writing slogans since almost the beginning of the protests in Iran. In fact, the only thing I could do was to write slogans... Because I was not satisfied with the state of my country, I wanted to contribute to attain this freedom that we all wanted. That is why I insisted on writing slogans. "*
>
> Statement of a student received by the Mission[2631]

1322. As noted earlier, a high proportion of those arrested and detained in the context of the protests were children and young people, as reported by various officials[2632] is indicative of the level of repression against them. On 13 October 2022, the speaker of the Education Commission of the Islamic Consultative Assembly, Reza Hajipour confirmed the arrest of students and informed the media that the students had links to the opposition media" and that "most of those who had been arrested were influenced by foreign media, and that many of them had expressed their regrets."[2633]

1323. The Mission reviewed three separate datasets that documented the arrest and detention of university students for their alleged role in the protest movement (see below). These datasets cover 20 to 28 universities where more than five students were arrested and detained, therefore demonstrating a nationwide pattern. The analysis of this data also shows a pronounced concentration of arrests in Tehran province, home to numerous universities, as well as in the north-west of the country, predominantly inhabited by minorities.[2634]

Graphs of students detained



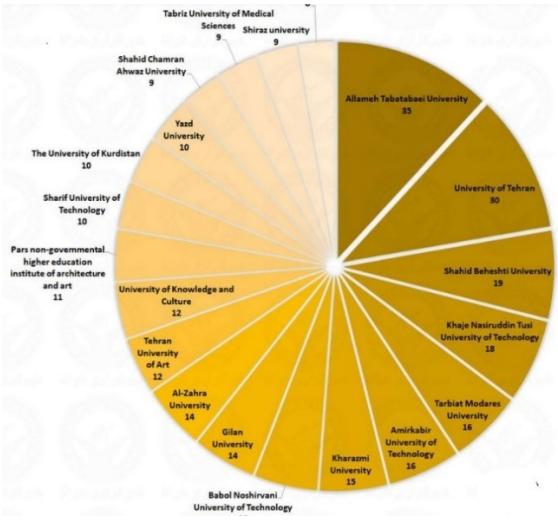
Source: We Are Iranian Students (WAIS) database

[2631] FFM-IRAN-D-001737 (Submission).

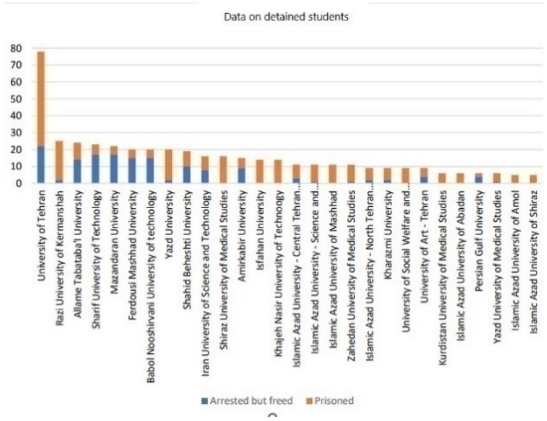
[2632] On 11 October 2022, Iran's Education Minister Yousef said: "students had indeed been protesting, and the Government has been responding by detaining and sending them to mental health (psychiatric) facilities. He further stated that the facilities were meant to "reform" them and rid them of their "anti-social" behaviours. On 19 October 2022 Ahmad Alireza Beigi, a member of the Islamic Consultative Assembly, said that 3,000 people had been arrested in the recent events in Tehran, with 200 of them being students at public universities.

[2633] See "Prison instead of school", hammihanonline.ir, 13 October 2022. See also "Only students and students linked to opposition networks abroad are in detention / Many of those arrested have expressed regret", Rokna.net, 21 July 2023.

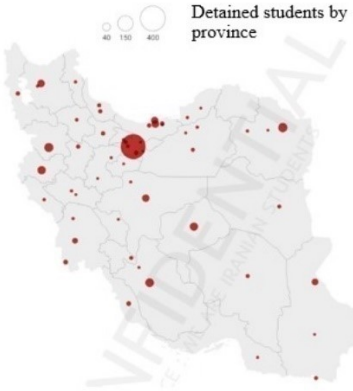
[2634] FFM-IRAN-D-001776. Data set on detained students FFM-IRAN-D-001732 (FFMI Submission). Comparable data received from HRANA reported the arrest and detention of over 700 university students during the nationwide protests. See also "Three Students Sentenced to a Total of 14 Years and 7 Months", HRANA, 29 November 2022.



Source: Human Rights Activists Network (HRANA)



Source: Report of the International Community of Iranian Academics (ICOIA), January 2023



Source: We Are Iranian Students (WAIS) database

1324. According to the WAIS database, students spent an average period of 45 days in detention. Out of the aforementioned arrests, 473 led to releases, often granted on bail, 82 resulted in convictions, with a dozen individuals facing imprisonment. Nearly 300 cases were still pending trial by the end of December

2022, while 313 arrests were linked to the ongoing detention of students awaiting trial.[2635]Among the documented arrest cases, the data reveals that 25.4 per cent of the arrested students were women and 74.6 per cent were men. The gender disparity underscores potential gender-specific patterns in the occurrence and handling of student arrests, warranting a more in-depth analysis of these dynamics.

1325. According to credible information, in Kurdistan province alone, authorities arrested, detained and prosecuted more than 100 Kurdish students for their alleged role in the protest movement. Several of them were deprived of their education, and at least eight students received longer-term prison sentences.[2636]

1326. Another emblematic example of the brutal response of State authorities to students 'mobilisation was the crackdown on the protests organized in Sharif University of Technology on the evening of 2 October 2022. As students started protesting inside the university campus with silent sit-ins in all the departmental buildings, holding slogans and signs protesting against the arrest and imprisonment of students and boycotting classes, Government security forces, including Basij paramilitary forces and plainclothes agents violently stormed the university campus and surrounding areas, opened fire through the gate with shotguns, tear gas, rubber bullets and paintballs, hitting the students, some on their heads and necks, some on their legs and arms. They then proceeded to arrest the students and faculty members *en masse*.[2637] The raid on Sharif sparked a wave of solidarity protests in many university campuses, with videos circulating of students raising their fists in the air and chanting their support to the students at Sharif.[2638]

1327. In early November 2022, over 600 university professors called for the unconditional release of all students arrested during recent student protests. They condemned the "unspeakable violence against students as an assault on the sanctity of education, academia, and fundamental human rights," and called for an end to student oppression, and violation of university campuses. [2639]

(c) Disciplinary sanctions

1328. Several universities initiated proceedings against students who took part in the protests and sanctioned them through dismissal and suspension for one or more academic years. Some of these suspensions took place after students were released from detention following the official pardon granted by the Supreme Leader.[2640]

1329. The Mission interviewed students who faced suspension or[2641] dismissal[2642] because of their participation in protests or dropped out of school for fear of retaliation by security agents.[2643] In the same vein, the Mission received accounts from students who were subjected to disciplinary actions.[2644]

[2635] See Data set on detained students FFM-IRAN-D-001732 (FFMI Submission); Comparable data received from HRANA reported the arrest and detention of over 700 university students during the nationwide protests. See also " Students at Tehran's Beheshti University Strike Over Tightened Measures Limiting Freedoms", Radio Farda,22 November 2023; FFM-IRAN-D-001776.

[2636] See The "Woman, Life, Freedom" Movement: A Report on the Human Rights Violations and Harsh Sanctions of Kurdish Protesters by the Islamic Republic of Iran. (Report No. 1), Hengaw, September 2023.

[2637] See "All students have left Sharif University", IRNA, 3 October 2022; See also "The Minister of Science entered Sharif University to interview protesting students", Tasmin News, 2 October 2022; See also "Geniuses` Verus the Guns: A Campus Crackdown Shocks Iran", New York Time, 6 October 2022; https://www.instagram.com/p/CjN8o-NIqPg/; Narration of the night of repression and terror in Sharif University of Technology, BBC, 3 October 2022.

[2638] See: https://www.instagram.com/p/CjPqH0-opPX/ ; https://www.en-hrana.org/a-comprehensive-report-of-the-first-82-days-of-nationwide-protests-in-iran/16/#id16.
https://www.instagram.com/p/CjPqH0- https://www.instagram.com/p/CjPqH0-opPX/.

[2639] FFM-IRAN-D-001776.

[2640] FFM-IRAN-D-001773; See "Iranian Students Face Disciplinary Action After Protests Over Faculty Comments", Radio Farda, 12 December 2023.

[2641] FFM-IRAN-D-001773.

[2642] FFM-IRAN-D-000067 (FFMI Interview).

[2643] FFM-IRAN-D-000097 (FFMI Interview); FFM-IRAN-D-000510 (FFMI Interview).

[2644] FFM-IRAN-D-000744 (FFMI Interview) ;
https://twitter.com/bbcpersian/status/1708313267255329264; "Iran Protests: 130 Allameh Tabataba'i University Students Barred from Entering the Campus, HRANA, 9 November 2022. FFM-IRAN-D-

1330. According to the Coordinating Council of the Iranian Teachers Trade Union, from the start of the protest movement until 13 April 2023, over 435 students were suspended or expelled.[2645] The International Community of Iranian Academics (ICOIA) reported that in 15 universities alone, about 5000students faced disciplinary hearings for their alleged role in the protests, which included more than 1,000 students banned from entering universities, and around 600 students suspended from their studies.[2646] On 16 August 2023, a news channel of Iranian university students published a list of 2,843 students who had been summoned before disciplinary committees for their alleged role in the protest movement,[2647] while the National Council of Student Unions in Iran reported on 11 April 2023 that more than 435 students at universities across Iran had been suspended or expelled for taking part in the nationwide protests.[2648] Iranian media further confirmed the suspensions, and their expulsion from university campuses and dormitories, while facing prosecution for their role in the protests.[2649]

1331. A court document accessed and reviewed by the Mission shows a university student from a minority province accused of conspiracy against the state, blasphemy and "gathering and collusion". In a separate official letter issued by the education department, the student was suspended from his academic programme for two and a half years while continuing to stand trial on criminal charges.[2650]

(d) Harassment and intimidation

"The authorities have transformed schools into centres of powerlessness and fear"[2651]

Professor interviewed by the Mission.

1332. The Mission established that security agents routinely used surveillance and close circuit television (CCTV) recordings to identify protesting students and punish them. A witness shared with the Mission accounts of a 16-year-old schoolgirl from Kurdistan whose family was put under extreme pressure by the security forces to surrender the young girl for her alleged role in the protest movement. The agents summoned family members and showed CCTV recordings from the girls' school as evidence of her participation in the protests. Due to fear of potential harsh measures, the family kept the young girl in hiding, which resulted in the discontinuation of her schooling.[2652]

1333. A schoolgirl aged 17-years explained to the Mission the threats and intimidation she received from the school administration because in October 2022, some students had torn up a picture of the Supreme leader from a textbook and thrown it into the ground in the school yard. The school principal and vice principal threatened the students that if they did not stop, they would call the police.[2653]

1334. Witnesses including university professors and school principals spoke about the adverse consequences on the immediate and long-term psycho-social wellbeing and learning outcomes of students resulting from their ordeal.[2654] Schools have lost their traditional space as a safe-haven and a source of

000067 (Interview); FFM-IRAN-D-000744 (FFMI Interview). See also https://t.me/senfi_uni_iran/9516.

[2645] See "Iranian Group Says More Than 400 Students Sanctioned In Wake Of Protests", Radio Farda, 13 April 2023; See "Over 400 Iranian University Students Suspended Or Expelled", Iran International, 4 December 2023.

[2646] FFM-IRAN-D-001776.

[2647] See https://t.me/EEAUT/7845.

[2648] See "More than 400 university students suspended or expelled over Iran protests", Middle East Today, 13 April 2023; See also "Iranian Group Says More Than 400 Students Sanctioned in Wake Of Protests", Radio Farda, 13 April 2023.

[2649] See "The shadow of "paternal" rule and punishment on Allameh University!", Shargh, 13 May 2023.

[2650] FFM-IRAN-D-001773.

[2651] FFM-IRAN-D-001738 (FFMI Interview). See also "Iran Intelligence Ministry: Poisonings at schools not caused by toxic agents, escalated after riots abated", Iran Front Page, 28 April 2023.

[2652] FFM-IRAN-D-000097 (FFMI Interview).

[2653] FFM-IRAN-D-000828 (FFMI Interview).

[2654] FFM-IRAN-D-001738 (FFMI Interview); FFMI-IRAN-0500125 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview).

protection and security for students.[2655] Heightened surveillance measures has also hindered students from freely expressing their opinions [2656]

B. Repression of schoolgirls: The "school poisonings"

1. Context

1335. On 30 November 2022, two months after the nationwide protests began, the first incidents of poisonings in schools were reported in the holy city of Qom, where 18 girls from the Nour Technical School were reportedly taken to hospital after experiencing respiratory problems, dizziness and nausea.[2657] In the following months, school poisonings continued to be reported in Qom and then other provinces such as Tehran, Borujerd, Mazandaran, Ardebil, Khuzestan and Khorasan[2658], intensifying by March 2023,[2659] and then subsiding by the Fall of 2023, with the latest incident recorded on 4 November 2023.[2660]

1336. During this period, thousands of school children, in particular girls, were reportedly affected nation-wide.[2661] On 6 March 2022, 20 prominent human rights lawyers from Iran, including Nasrin Soutoudeh, published a letter "urgently calling for an independent, joint committee comprised of experts from the world's top public health, children's rights, and education-focused UN agencies to immediately investigate the poison gas attacks against schoolgirls that have occurred across Iran over the last several months."[2662] A few days earlier, on 01 March 2023, Iran's President Raisi ordered investigation of the poisoning incidents and assigned the Interior and Intelligence Ministers to investigate and provide report to the public.[2663] On 11 March 2023, the Interior Ministry stated that more than 100 people had been detained in connection with reports of poisoning, explaining that some of the detainees were students who intended to misbehave and disrupt classes, and others sought to sow fear among people with what it called "hostile motives".[2664] On 28 February 2023 the Ministry of Health announced the formation of a committee of toxicology professors to investigate the case of school poisoning incidents.[2665]

1337. The unprecedented nature of these events in Iran, and given their temporal proximity to the nation-wide protests, in which schoolgirls were actively involved, led conclusions to be drawn by many in the

[2655] FFM-IRAN-D-000691.
[2656] FFM-IRAN-D-001738 (FFMI Interview); FFMI-IRAN-0500126 (FFMI Interview); FFM-IRAN-D-000516 (FFMI Interview).
[2657] In the report it published on 23 May 2023, the High Council for Human Rights (HCHR) indicated that: "the first report of the alleged poisoning was registered in Nur, Mazandaran Province, on 6 November 2022. "On 30 November 2022, a similar report was received from one of the girls' conservatories in Qom province. The HCHR issued in December 2022, February and March 2023. In the second report, the HCHR indicates that: "From the beginning of March, the issue spread to other provinces"; See also statement of the Ministry of Intelligence published dated 28 April 2023 containing a reference on the start date of the incident in Noor in Mazandaran province "The origins and possibilities of Poisoning", IRNA, 1 March 2023; See also FFM-IRAN-D-001775; "Iran investigates poisoning of hundreds of schoolgirls with toxic gas", BBC, 28 February 2022.
[2658] See High Council for Human Rights, "Measures Implemented by the Islamic Republic of Iran in Response to Poisoning of Students", 03 March 2023, page 1.
[2659] See High Council for Human Rights, "Second Enlightening Report on the Alleged Poisoning of Students in the Islamic Republic Iran", of 23 May 2023, page 1.
[2660] See "What are the reasons behind the breathing problems of Ahvazi students?" Mehr News Agency, 5 November 2023; "What was the misery of Ahvazi schoolgirls following the unpleasant smell/what was the reality", khabaronline.ir/, 14 November 2023.
[2661] See "What explains mysterious poisonings of schoolgirls in Iran", Al Jazeera, 1 March 2023; Students' Serial Poisoning: From Facts to Follow-up - IRNA, 22 February 2023; FFM-IRAN-D-001734 (Submission).
[2662] See "The letter of Iranian lawyers to international authorities regarding research on poisoning", DW, 6 March 2023.
[2663] See "Iran's President Orders Probe of Poisoning at Girls' Schools" Voice of America, 21 March 2023. See also High Council for Human Rights, "Measures Implemented by the Islamic Republic of Iran in Response to Poisoning of Students", 03 March 2023.
[2664] See FFM-IRAN-D-001775.
[2665] See "The release of N.2 gas was the cause of poisoning of students", Fars News Agency, 28 February 2023.

media, non-governmental organizations and others, that school poisonings were driven by an effort to suppress resistance and to instil fear among students particularly girls and their families, and by punishing girls for their involvement in the protest movement.[2666]

1338. Four UN experts echoed this sentiment on 16 March 2023 when they expressed concern that the alleged poisonings could have been "orchestrated to punish girls for "their involvement in the "Woman, Life, Freedom" movement for expressing their opposition to mandatory *hijab* and voicing their demands for equality"..[2667] In June 2023, the United Nations Secretary-General stated that "more than 1,000 students, the majority of whom are girls, had reportedly been impacted by suspected poisoning."[2668] Similarly and more recently, the Human Rights Committee in its concluding observations on the most recent periodic report of the Islamic Republic of Iran, stated that it was "concerned" by reports about the poisoning of around 1,200 schoolgirls between November 2022 and April 2023, allegedly as a reprisal for schoolgirls engaging in peaceful assemblies following Jina Mahsa Amini's death." [2669]

1339. From March 2023, inter-governmental bodies, civil society organizations, human rights defenders and professional associations inside and outside Iran made calls to the international community to task the Fact-Finding Mission and relevant international organizations to undertake an investigation into the alleged school poisonings.[2670]

1340. Given the presumed link between the nationwide protests and the alleged school poisonings, the Mission sought to investigate the allegations with respect to the nature, scale and severity of the school poisoning incidents, including allegations regarding the potential substances used and the consequences on children's health and schooling, as well as the Government of Iran's responsibility in relation to the incidents. In doing so, the Mission carefully assessed, *inter alia*, the three reports issued by Iran's High Council for Human Rights (HCHR) in March, May and August 2023, respectively.[2671] The Mission also analysed a variety of material collected primarily through open sources, first-hand accounts and expert reviews. In June and September 2023, the Mission sent two detailed lists of questions to the Government

[2666] See "Iran: Millions of schoolgirls at risk of poisoning", Amnesty International, 19 April 2023; See also "Iranian officials to investigate 'revenge' poisoning of schoolgirls", the Guardian, 27 February 2023;" Chemical attacks on female students in Iran", Education International and Coordinating Council on Iranian Teachers Association, 1 September 2023.

[2667] See "Iran: Deliberate poisoning of schoolgirls further evidence of continuous violence against women and girls" Joint statement by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;, the Working Group on discrimination against women and girls; the Special Rapporteur on the Right to education, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Committee on the Rights of the Child, 23 March 2023. The experts noted that: "chemical attacks against girls' schools have been reported in 91 schools located in 20 provinces across Iran".

[2668] See United Nations Secretary General report on the situation of human rights in Iran A/HRC/53/23 para. 48, 15 June 2023. The Secretary General noted that: "the Iranian authorities have provided conflicting accounts concerning these incidents and downplayed the severity of the events, attributing 90 per cent of the cases to "stress", despite their investigations finding that an "irritant substance" had been used."

[2669] Concluding observations on the fourth periodic report of the Islamic Republic of Iran, 3 November 2023, para. 9.

[2670] https://iranhumanrights.org/2023/03/20-prominent-iranian-lawyers-call-on-un-agencies-to-urgently-investigate-school-girl-poisonings/ See "Teachers' Association Statement on Intentional Poisoning in Girls Schools" Telegraph, 1 March 2023; see also "Iran Charges Several Media Outlets as More Than 5,000 Students Fall Ill", Radio Farda, 7 March 2023. On 16 March 2023, the European Parliament urged the United Nations Human Rights Council to task the Mission with an independent investigation into the alleged poisonings of schoolgirls and further urged the Government of Iran to grant full access for the investigation. Similar calls were made by non-governmental human rights organizations.

[2671] A Report: Measures Implemented by the Islamic Republic of Iran in Response to Poisoning of Students, the High Council for Human Rights, 3 March 2023. Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran, the High Council for Human Rights, May 2023, the Third Additional Report on School Poisoning- Judicial Status of Defendants Arrested Concerning Alleged Poisoning of Students, August 2023.

of Iran requesting information relevant to its investigation on the issue[2672] and regrets the lack of response to date.

2. Legal framework:

1341. The alleged poisoning of schoolgirls was reviewed under the Government's obligation to respect, protect and fulfil the various rights including the right to life, survival and development of the child, right to security of person, normal development, to the highest standard of health, to education and the other civil rights and freedoms and economic, social and cultural rights guaranteed by the international human rights framework. Under these provisions, it is the responsibility of the Government to prevent such events, to investigate promptly, transparently, effectively and thoroughly allegations of school poisonings, and to hold those responsible accountable and to provide remedies and reparations to the victims. This obligation remains applicable irrespective of whether or not any conclusions are reached as to the identities of those behind the poisonings.

3. Factual findings

(a) Scale of the school poisonings

1342. Data published on the number and location of school poisoning incidents, indicates their large-scale nature. In February 2023, the Government of Iran stated that poisoning incidents had "spread from Qom to other provinces including Tehran, Borujerd, Mazandaran, Ardebil, Khuzestan and Khorasan Razavi."[2673] By 1 March 2023, the spokesperson for the Iranian Parliament's Health Commission stated that 800 students in Qom and 400 in Borujerd had been poisoned.[2674]

1343. The Government has not presented consistent and accurate findings on the geographic scale of the school poisonings, disaggregated by date, schools, cities, and provinces. It has also not released precise data disaggregated by sex, age and province on the children allegedly affected, the symptoms they presented, the gravity of their conditions, the number who received medical care, the duration of their stays in hospital, etc.

1344. Figures provided by government authorities to date present major gaps, discrepancies and contradictions, which have significantly impacted the Mission's ability to accurately determine the precise scale of these events. While some government authorities announced that thousands of children were affected, others denied the very existence of school poisonings. In a statement dated 1 March, Shahryar Heydari, a member of the National Security Commission of the Iranian Parliament, referred to only 900 students having fallen ill.[2675] On 6 March, Hassan Asefri, a member of the parliament's National Security Committee, said: " a large number of our schools have been affected by the poisoning, and the statistics provided on 5 March 2023 reported coverage in 25 provinces of the country includes approximately 230 schools". He further mentioned that: "more than 5,000 male and female students had been poisoned, with the highest number of poisonings related to girls and the least related to boys.[2676] On 13 March 2023, the Deputy Director of Ministry of Health, Saeed Karimi indicated that: "approximately 13,000 schoolgirls had been treated for symptoms linked to the poisonings as of 12 March 2023".[2677]

1345. Figures from non-governmental sources indicate however that the scale may have been significantly higher. According to a confidential submission received by the Mission for instance, 741 schools across the country were targeted through 844 incidents, with some schools targeted more than once. School poisoning incidents were reported in 30 out of the 31 provinces.[2678] Teachers, school staff

[2672] See Annex 1.
[2673] A Report: Measures Implemented by the Islamic Republic of Iran in Response to Poisoning of Students, the High Council for Human Rights, 3 March 2023 page 1.
[2674] See "About 1200 School Students Poisoned in Qom and Borujerd", 1 March 2023.
[2675] "UNICEF Offers Help as Mysterious Wave of Illness Sweeps Through Iranian Schools" (rferl.org) 2 March 2023.
[2676] See "New details of the causes of poisoning students", ISNA 6 March 2023.
[2677] See FFM-IRAN-D-001775; "Iran: Education International demands an end to all violations of human and trade union rights!", 19 October 2023.
[2678] FFM-IRAN-D-001734 (Submission). Other human rights organizations reported over 358 school poisoning incidents, which took place in 99 cities across 28 provinces. "Report on the Situation of

and some parents were reportedly also amongst those affected, according to State-affiliated media.[2679] Throughout the period from 30 November, 2022 to 4 November, 2023, a significant gender disparity was observed in the educational facilities affected by poisoning incidents. Specifically, 76 per cent to 86 per cent of such establishments were attended by girl students, while only 7 per cent accommodated boy students, and the remaining involved schools with unknown gender profiles.[2680] The days with the highest number of recorded incidents were reported between 4 and 6 March 2023, with 5 March 2023 registered as the date when the highest number of incidents took place; a total of 250.[2681]

1346. The top five most affected provinces were Tehran, Khuzestan, Isfahan, West Azerbaijan, and Kermanshah, collectively accounting for 43 per cent of all incidents.[2682] By 8 March 2023, the number of children impacted, mostly girls, had reportedly reached 7,168.[2683] According a credible report from a non -governmental organization , among the targeted educational institutions, middle schools and high schools were the most frequently impacted, accounting for 31 per cent and 30 per cent of all incidents respectively. A total of 21 per cent of all incidents were reported in elementary school, and a few incidents in vocational schools, as well as in universities and student dormitories, these types of educational establishments experienced comparatively fewer incidents, highlighting a disproportionate impact of poisonings upon educational institutions.[2684]

(b) Nature and effect of the poisoning agents

1347. In a report published in July 2023, the Coordinating Council for Iranian Teachers Trade Union stated the poisoning agent(s) had a "distinct smell resembling tangerine, pepper spray, tear gas, rotten eggs, and a combination of Vitex (chaste tree) and detergent" and that "these smells collectively define the distinctive olfactory profile of the poisoning agent."[2685] The Mission notes that this description is consistent with statements by victims and family members of the affected students,[2686] and indeed, with the Government's own reports.[2687] One direct witness from Kurdistan province who spoke to the Mission

Women in Iran for International Women's Day; Chemical Attacks on female students in Iran", HRANA, 7 March 2023; "Education Factsheet", Education International and Coordinating Council on Iranian Teachers Trade Union, July 2023.

[2679] See "Poisoning of 15 High School Girls in Qom", IRNA, 28 January 2023.

[2680] FFM-IRAN-D-001734 (Submission); Statistical Report on Recent Poison Attacks on Schools Posted on March 8, 2023, HRANA; FFM-IRAN-D-000691.

[2681] FFM-IRAN-D-001734 (Submission). Other data sources reported 81 recorded incidents on 3 March 2023 as the highest. "Report on the Situation of Women in Iran for International Women's Day, Human Rights Activists News Agency", HRANA 7 March 2023. Education International reported the date of 5 March 2023 as the highest with 50 recorded incidents "Iran: Repeated chemical attacks on schools highlight gender-based violence and barriers to girls' education", Education International, 10 October 2023.

[2682] FFM-IRAN-D-001734 (Submission). Incidents recorded in the five provinces: Tehran (132), Khuzestan (68), Isfahan (56), West Azerbaijan (54), and Kermanshah (52). HRANA reported the highest recorded number of incidents were: Tehran with 33 cases, Qom with 28 cases, Ardabil with 26 cases, Kohgiluyeh and Boyer-Ahmad province with 21 cases, and Khuzestan province with 20 cases. See "Report on the Situation of Women in Iran for International Women's Day", HRANA, March 7, 2023.

[2683] Reported school cycles of education establishments affected by the incidents: 22% Elementary school, 31% Middle school, 30% Highschool, 6% vocational school, 6% school dormitories, 1% university, and 10% unknown. Source: FFM-IRAN-D-001734 (Submission).

[2684] FFM-IRAN-D-001734 (Submission). The same report revealed that from the remaining education establishments 6% were vocational school, 6% school dormitories, 1% university, and 10% unknown.

[2685] See "Chemical Attacks on female students in Iran, Education Factsheet", Education International and Coordinating Council on Iranian Teachers Trade Union, 7 July 2023. See also "The Origins and Probabilities of Poisons", IRNA, 1 March 2023; "No signs of toxic substances discovered in schools: Intelligence Ministry", Tehran Time, 29 April 2023.

[2686] FFM-IRAN-D-000096 (FFMI Interview). See also "The origins and probabilities of poisons", IRNA, 1 March 2023. See also FFM-IRAN-D-001731; FFM-IRAN-D-001735.

[2687] A Report: Measures Implemented by the Islamic Republic of Iran in Response to Poisoning of Students, the High Council for Human Rights, p. 4.

about the poisoning in her school in November 2022, described the smell as being similar to "burning material or burning garbage and rotten eggs", that caused "a feeling of suffocation".[2688]

1348. Government official statements and investigation reports failed to clarify the causes of the children's symptoms and the nature of material agents used. In the report of the High Council for Human Rights issued in March 2023, it referred to "the work of prominent and advanced laboratories and institutions, which started technical research and conducted several types of special tests from blood to saliva and lungs and took samples from the equipment in the classroom, workshop and environment.[2689] However, no scientific findings were revealed clarifying the nature of the material agents used in schools.

1349. The Government's initial explanations suggested that some chemical substances may have been identified in these incidents, without further clarity. For example, on 28 February 2023, Monadi Sefidan, chairman of the Education and Research Commission of the Majles, in a joint meeting with the Ministers of Education and Health and the representatives of the Ministry of Information, said: Based on the results of the tests, it was determined that the N2 gas (ammonia) was present in the poison released in schools that will be immediately absorbed in the body and dissipate and therefore difficult to diagnose.[2690] Similarly, the Health Minister, Bahram Eynollahi mentioned that: "a team of 30 toxicologists identified the toxins that poisoned the girls as nitrogen gas, which is invisible, tasteless and odourless."[2691] On the same day, Alireza Manadi Sefidan, Head of the Education, Research and Technology Commission of the Parliament, said that: "it was determined that N2 gas was present in the poison released in the schools."[2692] On 13 March 2023, the Deputy Minister of Health affirmed that: "the stimulant inhaled by children had a gaseous state, but the main substance was not necessarily gaseous and may even be solid or liquid and placed on a heater or any other stimulant and even exposed to the ambient heat of this solid substance. or the substance evaporates and then causes symptoms of irritation.[2693] He also referred to "several types of substances" which he presented as "hand-made materials" and as "not being war gases, nerves, blistering and dangerous".[2694]

1350. Contradicting these official statements, other officials started contesting the existence of any chemical and attributing incidents to other factors. On 28 February, the IRGC-affiliated Fars news agency claimed that the reason for the students getting ill was "80% due to feigning and 20% due to delirium."[2695] On 14 March, the Deputy Interior Minister Majid Mirahmadi indicated that "over 99% of this is caused by stress, rumour and psychological war started particularly by hostile TV channels to create a troubled and stressful situation for students and their parents."[2696] On 14 April 2023, the Health Minister retracted from his initial assessment and stated that "since there was no solid evidence of student poisonings, the main cause of the students' illness was mainly due to their poor health." The Minister referred to findings of a scientific committee that "[…] in over 90 percent of cases, no poisoning or toxicity was observed,

[2688] FFM-IRAN-D-000096 (FFMI Interview).
[2689] "A Report: Measures Implemented by the Islamic Republic of Iran in Response to Poisoning of Students", the High Council for Human Rights, page 1.
[2690] See "The Origins and Probabilities of Poisons", IRNA 1 March 2023.
[2691] See "The release of N.2 gas was the cause of poisoning of students", Fars News Agency 28 February 2023. See also FFM-IRAN-D-001775; On 26 February 2023, the Deputy Minister of Health indicated that the poisoning of Qom school students was caused by available chemical compounds, therefore it is not contagious and cannot be transmitted to others. Iran investigating suspected poisonings of hundreds of schoolgirls, PBS News Hour, See https://t.me/iribnews/200226, 28 February 2023.
[2692] See "The release of N.2 gas was the cause of poisoning of students", Fars News Agency 28 February 2023.
[2693] See "The release of N.2 gas was the cause of poisoning of students", Fars News Agency 28 February 2023; "The drug was not dangerous to the students", IRNA 6 March 2023.
[2694] "Deputy Minister of Health. The substance at the origin of the school poisoning was not dangerous", IRNA, 6 March 2023.
[2695] "Finding of the cause of poisoning of female students in Qom", Alef, 1 March 2023; Chairman of the Education Commission of the Parliament: Based on the results of the tests, N2 gas was present in the poison released in the schools / Health Minister: The dose of the released poison was low / Education Minister: The agents behind the scenes should be identified, 27 February 2023.
[2696] See "Designers of poisonings are the same designers of riots/ A significant part of students suffered complications due to stress", *Mashregh News*, 5 March 2023.

and there is no problem. The illness was mostly caused by anxiety and stress."[2697] Similarly on 11 May 2023, Seyed Hamid Reza Kazemi, Head of the Working Group/ Committee on poisoning students in the Islamic Consultative Assembly said that: "By gathering information, it became clear that some people did this with intent and mischievous and using the smelly bombs that exist in the market. Some of them have taken such measures to close schools."[2698] Earlier, on 6 March 2023 the head the Committee "ruled out" the use of a toxic substance and said the cause of poisoning was a "stimulant" not a poisonous substance.[2699]

1351. Against the backdrop of these various contradictory statements, the High Council for Human Rights in its second report indicated that: "some items used in schools (primarily stink bombs and balloons) were identified."[2700] The report also listed "five categories of factors which were discovered to create or induce queasy feelings among students in different schools", and listed the five categories as: "Stink Bomb", "Tear Gas & Pepper Spray", "odorous agent in the school environment or its surroundings", "Anti-Security & Anti-People Agents" and so-called "mass hysteria".[2701] It concluded by noting that "the comprehensive and detailed observations of the intelligence and security forces regarding the alleged poisoning incidents indicate that toxic substances have not been spread in any of the schools; however, non-toxic agents that have caused panic have been used inadvertently or intentionally in some reported environments."[2702]

1352. The Mission also reviewed reports and information that the sudden illness of school students could be explained by so-called "mass hysteria".[2703] According to an expert source consulted by the Mission, "mass sociogenic illness" according to medical terminology, "is a phenomenon which is well described, and which is reported in a wide variety of settings." According to the medical expert: "all of the attributes described in the three Iranian reports are to be found in other mass sociogenic illness outbreaks. They invariably feature an initial collapse by an authority figure, usually involve young women, most of whom have extreme anxiety, may collapse, even faint, but recover quickly with no long-term physical consequences.[2704] Nevertheless, the expert source noted that "a finding of mass sociogenic illness can only be arrived at by exclusion after all other possibilities have been considered and ruled out."[2705]

1353. The Mission regrets that no scientific findings were made available by the Government, providing the results of the laboratory tests stated to have been performed on affected schoolgirls. Relevant information from this investigation, including of numbers of students affected, numbers hospitalized, and the tests performed including their locations, and anonymized results, would need to be made available for medical conclusions to be drawn with respect to the existence of noxious/poisonous substances.

(C) Health consequences

1354. On 13 March 2023, Saeed Karimi, the Deputy Minister of Health and Medical Education categorised the affected school students into three groups. The first included those exposed to stimulants that are mainly inhaled and referred to or transferred to emergency rooms and medical centres. The second group covered those next to the poison and were affected by stress, anxiety and worry. The third group

[2697] See "Iran: School Girls Continue to Face Chemical Attacks, Officials Refuse to Provide Security", Iran Human Rights, 24 April 2023.
[2698] See: "The report of the Truth Commission on poisoning students for reading in the courtyard", ISNA, 11 June 2023.
[2699] See FFM-IRAN-D-001775.
[2700] "Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran", p. 2.
[2701] "Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran", p. 3.
[2702] "Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran", p. 10.
[2703] FFM-IRAN-D-000691. See also "New details of the causes of poisoning students", ISNA, 6 March 2023; FFM-IRAN-D-001775.
[2704] FFM-IRAN-D-000136.
[2705] FFM-IRAN-D-000136.

comprised those not present in schools exposed to stimulants, but affected by news and anxiety. In the same statement, the Deputy Minister stated that "children who were exposed to stimulants, which are mainly inhalants, experienced symptoms of respiratory irritation, sore throat, cough, shortness of breath, tears, heartache, weakness, lethargy, and in some children, numbness of organs caused by these stimulants. He also indicated that "most of the children were discharged within 6 hours after hospitalization."[2706]

1355. In May 2023, the High Council for Human Rights indicated that "in the vast majority of cases, the treatment methods applied to the patients who declared to be feeling unwell and went to different clinics were only treatments to the extent of receiving oxygen, serum, and sedatives" and that "the average attendance of clients in the clinics was about two hours, and very few of them were hospitalized for a short period."[2707] The Mission also reviewed statements of students and teachers who reported more severe conditions on affected students who required treatment for a minimum of a week,[2708] and instances of victim students who sustained damage to internal organs.[2709] In other reported cases, students suffered from paralysis and blinding that lasted for several days or weeks. [2710]

1356. The Mission collected and reviewed several videos showing impact on students after poisoning incident in their school. Some students are observed coughing,[2711] struggling to breathing,[2712] while others are seen having fainted and being carried to a medical centre,[2713] and lying on hospital beds and receiving intravenous therapy and oxygen support.[2714] The most severe reported consequence of the poisoning incidents was the reported death on 23 February 2023 in Qom of an 11-year-old girl, allegedly after being poisoned with gas at her school.[2715] In response to these allegations, the Government broadcast footage, showing the deceased girl's father claiming that her death was a result of natural causes.[2716]

1357. Based on the limited information available on this case, the Mission is not in a position to draw conclusions on the health consequences of the events. Nonetheless, it concurs with the reports that the overwhelming majority of those affected, appeared to recover relatively quickly.[2717] Nevertheless, long-term, or lasting secondary effects cannot be precluded in the absence of results of medical or laboratory tests that could provide clarity regarding the potential substances that may have been used in the incidents.[2718]

d) Consequences on education

1358. Another major negative impact of the school poisonings was the disruption of school attendance and continuity of the teaching and learning process. On 26 February 2023, the Head of Parliament's Education Commission on Poisoning of Female Students said there is an evil will and idea that wants to

[2706] See "The drug was not dangerous to the students", IRNA, 6 March 2023.
[2707] "Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran, p. 5. The Government official statements such as from the Minister of Health contained similar affirmation on mild nature of the students medical condition, and that most of them were treated as outpatients. See "Students' Serial Poisoning: From Facts to Follow-up", IRNA, 22 February 2023; "Statement by the Ministry of Interior on the issue of poisoning students / Discovery of suspicious samples", ISNA, 4 March 2023.
[2708] FFM-IRAN-D-001735, FFM-IRAN-D-001731.
[2709] FFM-IRAN-D-001731.
[2710] FFM-IRAN-D-00173.
[2711] FFM-IRAN-D-001742 (Video).
[2712] FFM-IRAN-D-001741 (Video).
[2713] FFM-IRAN-D-001740 (Video).
[2714] FFM-IRAN-D-001739 (Video).
[2715] See "Poisoning in girls' schools took its first victim, HRANA, 2 March 2023; "Texts adopted", Europarl, 16 March 2023.
[2716] See "My daughter's death has nothing to do with the poisoning of students + Film", IRNA, 27 February 2023.
[2717] See "The origins and probabilities of Poisons", IRNA 1 March 2023; See also "Home Secretary's Statement on Poisoning of Students/Suspicious Specimens Found by Accredited Laboratories of the Country is Under Review", Fars News Agency, 4 March 2023.
[2718] FFM-IRAN-D-000136; FFM-IRAN-D-000691; FFM-IRAN-D-001731.

stop girls from getting their education.[2719] Some schools, such as those in Qom province, had to close pending investigations, and families were unwilling to send their children to school due to fears they could be poisoned.[2720.] School closure due to poisonings were confirmed including by State officials; for example the Minister of Education who stated on 15 February 2023 the health of the students was very important, and that extreme action had to be taken by closing the schools."[2721] School principals also gave instructions for remote learning until further notice, for similar reasons.'[2722] Witnesses interviewed by the Mission also explained that children were not able or willing to continue to attend schools as a consequence of the school poisonings.[2723] One witness explained to the Mission that after school poisonings occurred in a school in Kurdistan province in November 2022, she stopped going to school for the whole academic year.[2724] Another witness explained that her niece who was attending a girls' school in Western Azerbaijan province stopped going to school for the academic year, following a poisoning incident for fear of similar attacks in the future.[2725] In s statements shared with the Mission, one student explained that the day after poisoning was reported in her school, only three students attended classes,[2726] while in another students did not go to school, even in places where no school poisonings had taken place.[2727]

1359. Several reports of significant drops in school attendance corroborate these accounts. On 21 February 2023, Iranian media reported on students' absence stating that "the principal and teachers are inside the school, but there are no children".[2728] Similarly, on 24 February 2023, a teacher in Qom province was quoted as saying that "of the 250 students in our school, only 50 attended classes."[2729] The same media further stated that after the second consecutive poisoning occurred in this school on 12 December 2022, they no longer went to school."[2730] In a statement shared with the Mission, witnesses reported that due to fear of a potential poison attack, there were very low attendance of class even in some schools which were not directly targeted by poisoning incident.

4. Responsibility

(a) Responsibility to respect and protect

1360. Various explanations have been advanced with respect to the responsibility for the poisoning of schoolgirls. Several government officials, linking the incidents of school poisonings and the protests, claimed that the organizers of the "Woman, Life, Freedom" movement may themselves have been responsible for the incidents. On 4 March 2023, President Raisi stated that "the enemy wants to create fear, insecurity and an atmosphere of fear and despair for our children in schools and create chaos. One day street chaos, one day financial, currency, and economic disturbances, and one day creating security issues in education and schools; these are tricks that the enemies design and implement to disappoint the

[2719] FFM-IRAN-D-001775.
[2720] FFM-IRAN-D-001735; See "Mysterious Wave Of Sickness Hits Iranian Schoolgirls, Amid Speculation Over Poisoning, Radio Farda, 24 February 2023; "Iranian officials to investigate 'revenge' poisoning of schoolgirls", the Guardian, 27 February 2023; "US medical sociologist: Poisoning in Iran is dure to collective hysteria", IRNA, 5 March 2023.
[2721] See "Nouri: Rumors abound in the case of "student poisoning"/ students of Qom should go to school", Tasnim News Agency, 15 February 2023.
[2722] See also "The Protests Inside Iran's Girls' Schools", The New Yorker, 7 August 2023; FFM-IRAN-D-001735.
[2723] FFM-IRAN-D-000096 (FFMI Interview) and FFM-IRAN-D-000097 (FFMI Interview). See also, Mystery of Serial Poisoning *Sharghdaily*, 21 February 2023. FFM-IRAN-D-001735.
[2724] FFM-IRAN-D-000096 (FFM Interview).
[2725] FFM-IRAN-D-000097 (FFM Interview).
[2726] FFM-IRAN-D-001731.
[2727] FFM-IRAN-D-001731.
[2728] See "Mystery of Serial Poisoning" *Sharghdaily* Media, 21 February 2023.
[2729] See "Mysterious wave of sickness hits Iranian schoolgirls, amid speculation over poisoning", Radio Free Europe radio Liberty (RFERL), 24 February 2023.
[2730] See "Mystery of Serial Poisoning", *Sharghdaily*, 21 February 2023.

people."[2731] On the same day, Seyyed Majid Mirahmadi, Deputy Minister of Interior, stated that: "the planner of the poisoning of the girls and the planner of the slogan of "Woman, Life, Freedom", and combined war are two sides of the same coin."[2732]

1361. In a similar vein, on 21 February, Dr. Younes Panahi, the Deputy of Research and Technology of the Ministry of Health, Treatment and Medical Education indicated: "After several poisonings of students in Qom schools, it was found that some people wanted all schools, especially girls' schools, to be closed."[2733] On 7 March 2023, Menadi Sefidan, head of the education committee of the parliament, said that: "There is an evil will and thought that wants to prevent the country's girls from studying".[2734] On 4 March, Gholamreza Jalali, the head of the National Passive Defense Organization, indicated: "What is happening in some schools today is due to the direct intervention of hypocrisy and the enemies of the country, who are trying to intensify the pressure against the government and the nation by opening a new front of combined war under the label of human rights violations. The poisoning of schoolgirls can only be done by the same group whose hands have been stained with the blood of seventeen thousand people of Iran. Of course, this group does not move step by step without the permission of their American masters."[2735]

1362. In a report released in May 2023, the HCHR addressing the sequencing of the school poisonings, indicated that: "The alleged poisoning of students was brought up simultaneously as the street riots were subsiding." The HCHR further stated that: "Many networks in cyberspace controlled from inside or outside of Iran, which produce and spread rumours, incite school fear, attempt to close schools, push parents of students to stage protests, and deliberately accuse the Islamic Republic of Iran".[2736]

1363. The Mission notes that while the existence of noxious/poisonous substances as the cause for the large-scale illness reported by schoolgirls, remains to be established due to the lack of information provided by the Government, this in and of itself, does not absolve the Government of its obligations under the Convention on the Rights of the Child to protect, prevent and punish violations of children's rights.

(b) Potential intent behind the alleged school poisonings

1364. The school poisoning events took place in a context of large scale mobilisation of schoolgirls, as detailed in the previous section. Allegations have thus surfaced from among the public in Iran attributing direct responsibility for the school poisonings to authorities within the government structures[2737] as a form of retaliation for the leading role of women and young people and in particular girls during the protests, and as a way to silence girls through breaking their morale and spreading terror.[2738]

1365. On 1 March 2023, the National Teachers Association[2739] explicitly articulated the suspicion that: "[...] the purpose of the attacks was to quash the "Woman, Life, Freedom" movement by instilling fear

[2731] See "Recent issue in schools a security project aiming to create fear in families, disappointing people," 4 March 2023.
[2732] See "Poisoning designers are the same as the designers of disturbances / A significant part of students suffered from stress complications", Mashreg News, 14 March 2023.
[2733] See "Chemical compounds, the cause of poisoning of Qom students", IRNA 26 February 2023; "The Origins and Probabilities of Poisons", IRNA, 1 March 2023.
[2734] FFM-IRAN-D-001775.
[2735] See "The head of the passive defense organization: the country's schools are involved in a phenomenon called social panic", Entekhab, 5 March 2023.
[2736] Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran, the High Council for Human Rights, May 2023, p, 10 [sic].
[2737] https://twitter.com/hediekimiaee/status/1630116525649608705. See also https://twitter.com/AbdolhamidNet/status/1633133068172025856, 7 March 2023.
[2738] See "Iranian officials to investigate 'revenge' poisoning of schoolgirls", the Guardian, 27 February 2023; See also "What do we know about suspected poisonings of schoolgirls in Iran?" the Guardian, 6 March 2023.
[2739] The Coordinating Council of the Iranian Teachers' Trade Associations (CCITTA) established in 2001, is the coordination body consists of around 20 provincial chapters of ITTA in Iran.

among girls and their families,". The National Teachers Association called upon the Supreme Leader and other top religious figures to condemn the attacks expressly and decisively.[2740]

1366. In a joint report issued on the same day, the Coordinating Council on Iranian Teachers Trade Union and Education International stated that the poisoning of girls in schools aimed to suppress resistance and instil fear in their families, leading parents to keep their daughters at home and disrupting their education for a certain period.[2741] Other sources have alleged a link with the protests and attributed responsibility for the poisonings to the authorities. On 7 March 2023, Mowlawi Abdolhamid, a prominent Sunni cleric, commented on the alleged poisonings in Zahedan stating that "agents [of the poisonings] are likely in the system" and called on government officials to close schools until the cause of the poisonings is uncovered.[2742]

1367. In a joint report issued on the same day, the Coordinating Council on Iranian Teachers Trade Union and Education International stated that the poisoning of girls in schools aimed to suppress resistance and instil fear in their families, leading parents to keep their daughters at home and disrupting their education for a certain period.[2743] Other sources have alleged a link with the protests and attributed responsibility for the poisonings to the authorities.

1368. With respect to allegations that the Government or groups acting at the behest or with the acquiescence of the authorities may have been responsible for the poisoning of schoolgirls, the Mission sought to examine two possible explanations, most clearly linked to its mandate, namely that (i) the alleged poisonings were carried out presumably to punish and intimidate schoolgirls for their activism in relation to the "Woman, Life, Freedom" movement and to send a broader message to the protesters and (ii) the alleged poisonings were carried out to send a message to schoolgirls to force stricter compliance with the mandatory *hijab* laws and policies.

1369. A witness who spoke to the Mission also stated that her school was targeted because of the protests in girls' schools. Prior to the poisoning incident in her school, she and other girls participated in activities related to the "Woman, Life, Freedom" movement inside their school.[2744]

1370. The school poisonings took place in a context of increasing discontent on the part of the authorities over girls' acts of defiance to the mandatory *hijab*,[2745] and heightened measures aimed at ensuring its enforcement within schools. (See Section IV).

1371. On 27 February 2023, the Iranian Teachers Trade Union indicated that: "The poisoning of students at girls' schools, which have been confirmed as deliberate acts, were neither arbitrary nor accidental." As to the motives, the same statement made a reference to "[…] erasing the gains on freedom of clothing, [the authorities] need to increase public fear."[2746]

1372. Finally, school poisonings were also attributed, although to a much lesser extent, to underground Shiite groups who were reportedly infuriated by young female students' anti-regime protests and refusal to wear the *hijab*.[2747] Reinforcing the claim that the poisonings were intended to hold back girls' education, sources cited the case of a group of extremists in Qom who distributed threatening leaflets on 18 February 2023, declaring that girls' education is forbidden and vowing to spread the poisoning of high school girls to schools across Iran.[2748] They further alleged that these underground groups had the full support of the Government- In this respect they recited a speech by the Supreme Leader referring to the need to perform

[2740] Statement of the Union of Teachers dated 1 March 2023.
[2741] Statement from the Coordination Council of Iranian Teachers' Trade Associations dated 1 March 2023.
[2742] See https://twitter.com/AbdolhamidNet/status/1633133068172025856.
[2743] Statement from the Coordination Council of Iranian Teachers' Trade Associations dated 1 March 2023.
[2744] FFM-IRAN-D-000096 (FFMI Interview).
[2745] See Section VIII.
[2746] See https://twitter.com/mhkh58/status/1629986254266724352. See "Photos of protest of families of poisoned students in Qom", Hamshahri", 14 February 2023.
[2747] See "Widespread 'Gas' Poisonings of Schoolgirls Anger Iranians", Iran International, 28 February 2023.
[2748] See "The Origins and Probabilities of Poisons", IRNA, 1 March 2023.

"small punishment of youngsters," who were involved in the protests.[2749] The Mission was not able to verify these claims.

(c) Duty to prevent

1373. States are under the obligation to prevent violations of the right to life and the right to personal security.[2750] States parties are obliged to take adequate preventive measures in order to protect individuals against reasonably foreseen threats of being murdered or killed by private actors. States are required to take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats, including children. States must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, or the issuance of protection and restraining orders against potential aggressors.[2751] The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity.[2752] The Mission asserts that these general conditions include gender-based violence.

1374. States are also under an obligation to take steps to prevent the occurrence of similar violations of the right to life in the future.[2753] Guarantees of non-repetition as a form of reparation also contribute to prevention.[2754]

1375. In its March 2023 report, Iran's High Council for Human Rights noted that: "The high-ranking officials of the Islamic Republic of Iran have adopted decisive positions since the very beginning of such inhumane serial incidents". It referred in particular to a March statement of the Supreme Leader, declaring poisoning of students as "a grave crime", to the President's assignment of the Interior and Intelligence Ministers to investigate the incidents and the head of the Judiciary's order that "a special branch be set up in the Justice Administration of each province to deal with the issue". The High Council also indicated that the speaker of the Islamic Consultative Assembly had tasked the heads of four commissions (national security, internal affairs, education, research and health commissions) to investigate this issue by forming a special working group.[2755] In its May report, the High Council provided identical information and added that "various intelligence, security, technical, law enforcement, and laboratory methods and tools were used to identify the causes and agents of these incidents." The report provided the result of the State investigation into school poisonings.[2756]

1376. The authorities' lack of attention to and recognition of these events, mainly during the first three months from November 2022 to end of February 2023, and their reported unwillingness to deploy the available security and law enforcement apparatus raises concerns over the Government's willingness to prevent school poisonings and over possible attempts to conceal the school poisonings from the public knowledge.[2757] In a statement shared with an NGO, a teacher from one of the affected schools in Karaj

[2749] See "Full text of Ayatollah Khamenei's speech on recent unrest in Iran", IRNA, 5 October 2022; "Iran's Khamenei blames Israel, US in first comments on protests", Aljazeera, 3 October 2022.
[2750] Human Rights Committee, general comment No. 35 (2014), para. 9; Human Rights Committee, general comment No. 36 (2019), para. 21. In its general comment No, 36, the Human Rights Committee notes that the duty to take positive measures to protect the right to life derives from the general duty to ensure the rights recognized in the Covenant, which is articulated in article 2 (1) [of the ICCPR] when read in conjunction with article 6, as well as from the specific duty to protect the right to life by law, which is articulated in the second sentence of article 6.
[2751] Human Rights Committee, general comment No. 36 (2019), paras. 21, 23.
[2752] Human Rights Committee, general comment No. 36 (2019), para. 26.
[2753] Human Rights Committee, general comment No. 36 (2019), para. 28.
[2754] See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147), para. 23.

[2756] "A report: Measures implemented by the Islamic Republic of Iran in response to poisoning of students" dated 3 March 2023 pp. 1-2.
[2757] Coordination Council of Iranian Teachers Trade Union.

explained that what he observed from the school administration and authorities following the incident was a move to conceal the matter, and to portray the situation as if nothing had happened, that no such thing had occurred, and it had been all due to children's stress and naughtiness.[2758]

1377. Paradoxically, while State authorities used their powerful digital surveillance capacity to track protestors or women and girls for non-compliance with mandatory *hijab* laws,[2759] there appears not to have been digital capacity deployed to identify perpetrators of school poisoning incidents. This is despite the presence of CCTV security cameras in a number of schools.[2760] One witness explained that CCTV cameras were installed on both sides of the school, were previously used to identify students who took part in the protests but that schools officials were unwilling to reveal the camera recordings despite the request from the mother of girls affected by school poisonings.[2761] Public reports also noted that school administrations and government authorities were unwilling or unable to reveal specific findings from the records of the cameras on the day of school poisonings.[2762]

1378. The Mission is not satisfied that the authorities in Iran, at the first occurrence of school poisonings, took special measures of protection towards the students, especially girl students. The Mission is not aware of special measures taken as an urgent and effective response in order to protect students under this specific threat of school poisonings.

(d) Duty to investigate and punish

1379. In the context of the Government's obligation to investigate the poisoning incidents, the Mission reviewed multiple official statements which indicated that measures were taken in this regard.

1380. In its March 2023 report, the HCHR informed of the President's assignment of the Interior and Intelligence Ministers to investigate the incidents and the head of the Judiciary's order that "a special branch be set up in the Justice Administration of each province to deal with the issue". The HCHR further indicated that the Speaker of the Islamic Consultative Assembly had tasked the heads of four commissions (national security, internal affairs, education, research and health commissions) to investigate this issue by forming a special working group.[2763] In its May report, the HCHR provided identical information and added that: "various intelligence, security, technical, law enforcement, and laboratory methods and tools were used to identify the causes and agents of these incidents." The report provided the result of the State investigation into school poisonings.

1381. Although investigations announced were still being carried out, numerous official statements pointed to the intentional nature of the incidents[2764] while attributing the responsibility for the school poisonings, namely to "certain individuals who wanted all schools, particularly girls' schools, to close"[2765], "the enemy of a combined war seeking to create despair among the people"."[2766] or "some media members who run along with the enemies and turn the proud milestones of the nation into weak points."[2767]

[2758] FFM-IRAN-D-001731.
[2759] See Section IV and Section VII.
[2760]FFM-IRAN-D-001731; FFM-IRAN-D-000097 (FFMI Interview).
[2761] FFM-IRAN-D-000096(FFMI Interview).
[2762] "The possibility of identifying the perpetrators of the poisoning of Borujerd Girls' School through the available CCTV cameras", Etemad, 1 March 2023; "Iran investigates poisoning of hundreds of schoolgirls with toxic gas", BBC, 28 February 2023.
[2763] "A report: Measures implemented by the Islamic Republic of Iran in response to poisoning of students", 3 March 2023, pp. 1-2. FFM-IRAN-D-001775.
[2764] See "Poisoning Agents of Qom Students" IRIB News Agency, 21 February 2023.
[2765] See "Iran: Hundreds of schoolgirls poisoned to force school closures - CE Noticias Financieras English February 26, 2023 Sunday Lexis Nexis.
[2766] See "Raisi's Reaction to the Recent Poisonings", Etemad Online", 3 March 2023.
[2767] "Some inside don't mind saying that poisonings are the work of the system", ILNA, 6 March 2023.

1382. The Government stated that arrests had been made. For example, on 7 March 2023, the Ministry of Interior stated that individuals who supplied and released "inflammatory agents "among students were identified and arrested." It further referred to "a team of four individuals", with "three of them previously detained during the recent foreign-backed riots for their prominent roles in the autumn riots in the country." According to the Ministry of Interior, one of the detained individuals had given the material to release it among schoolgirls and then filmed the affected students in both schools and later in the hospital, followed by sending the videos to the foreign-based anti-Iran TV channels to publish the films with the aim of spreading panic in the society."[2768]

1383. In its May 2023 report, the High Council for Human Rights announced that: "Several perpetrators related to these incidents were arrested.".[2769] This followed numerous other Government statements indicating that arrests had been made. For example, on 15 March 2023, Police spokesperson, Said Montazerolmahdi, announced the arrest of 110 persons while stressing that there were some cases of real poisoning and other cases that were due to fear and psychological phenomena.[2770] On 14 March 2023, Massoud Setayesi, spokesperson for the judiciary said the terms "student distress" should be used instead of "poisoning students."

1384. In its August 2023 report, the HCHR stated that some 48 court cases had been filed in eight provinces against individuals arrested for involvement in either spreading rumours, encouraging protests or school closures, or causing fear. At the time of publication of this document, judgments had been reached in three cases, and a fine or imprisonment was ordered; 20 cases were under judicial review, and a writ for 'non-suit' had been filed in 25 cases.[2771]

1385. The Mission has reviewed the available information about the investigations against the international human rights standards of promptness, transparency, effectiveness and transparency. Its assessment and findings according to each of those standards is summarized below.

Promptness and transparency of the investigation

1386. The opening of an investigation into the school poisonings was announced on 28 February 2023 by the Prosecutor-General Mohammad Jafar Montazeri, who also indicated the possibility of deliberate criminal acts that are significant and require a close follow up. The investigations were announced three months after the first incidents were reported, which cannot be considered prompt, in light of the gravity of the allegations.

1387. While the President appointed the Ministers of Interior and Intelligence to investigate, the head of the judiciary ordered a special branch to be set up and the Islamic Consultative Assembly had tasked the heads of four commissions to investigate by forming a special working group. The Mission notes that no information was ever made available as to the composition of these investigations, their respective terms of reference, methods of work, procedures, timelines or findings.[2772]

Effectiveness and thoroughness of the investigation

1388. In relation to the *effectiveness* of the investigations initiated by different branches of the government, it is worth noting that in absence of the terms of reference or any other relevant information, it cannot be determined whether, and which one of these investigations are mandated to collect and preserve evidence, to seize evidence and summon individuals, and to determine the factual circumstances

[2768] See "Interior ministry issues statement on schoolgirls poisonings", Mehr News Agency, 7 March 2023

[2769] Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran page 2, May 2023

[2770] See "Iran makes arrests over new poisoning attempt at schools", IRNA, 12 April 2023. Also on 12 April, the public relations office of the governorship of the city of Borujerd in Iran's Lorestan Province indicated that a number of people who had intended to poison students in the city had been arrested and that an investigation into the case had led to arrest warrants for dozens of people.

[2771] "Third Additional Report on School Poisoning- Judicial Status of Defendants Arrested Concerning Alleged Poisoning of Students", August 2023, p. 3.

[2772] With respect to status of investigation and trial of those arrested, the Third report of the High Council of Human Rights stated that out of 48 individual cases three cases have resulted in the issuance of a judgment, twenty are pending trial, and 25 cases were closed or charges were dropped.

around the poisonings and who is responsible. No information was given to the victims on their rights and the rights of their families including to participation in the investigations, or support or protection, including protection from reprisals. The overlapping mandates of the investigations are a further concern, as it remains unclear how the investigations, their powers and their findings have interacted or will interact with each other.

1389. The Government failed to make full and public disclosure of the truth, providing the identity of the alleged perpetrators and their manifested or perceived motives. It did not provide evidence as to the use of the security and law enforcement apparatus to effectively and promptly respond to the issue and to identify perpetrators. It further failed to provide details about the persons arrested, their profile, their motive or the status of any legal proceedings initiated against them. The large-scale nature of the school poisonings both in terms of geographic coverage and impact on students, casts a significant doubt on the government's argument that the incidents were results of arbitrary actions of students themselves, "isolated individual groups" or "external actors".

Independence and impartiality of investigation

1390. Similar to other investigations launched into allegations of human rights violations, as documented throughout this paper, concerns a rise in relation to the independence and impartiality of the investigations reportedly initiated by different branches of the government. Contradictory statements made by government officials from the five agencies represented in the special investigation committee while the investigation was not completed or even initiated, is illustrative of the lack of impartiality.

Justice, truth and reparation

1391. No evidence has been made available on any measure taken to provide redress including reparations to the victims of school poisonings individually or collectively. In particular, there has been no public apology or acknowledgement of the facts and acceptance of responsibility, nor have any effective measures been taken for cessation of continuing poisonings. There has been no public disclosure of the truth. The Mission has not obtained any information on compensation provided to the victims. Victims of gross violations of international human rights are entitled to restitution as a form of reparation. Restoring children's ability to go back to school safely constitutes a critical measure of restitution. Moreover, additional measures of rehabilitation might be due to those affected, and reparations to prevention the recurrence of similar incidents.

5. Intimidation of those reporting on school poisonings and seeking the truth and accountability

1392. Through street protests and postings on social media platforms, Iranians from all walks of life expressed their anguish and rage over the poisoning of schoolgirls, the lack of preventive and protective measures taken by State authorities and the lack of transparency and efficiency of the State investigations.[2773] On 7 March 2023, 27 protest gatherings were reportedly held nationwide, and nine people were arrested. Two individuals were released a few hours after their arrests.[2774] Acts of intimidation of members of the public, including journalists and family members of the victims who voiced their concerns over the alleged incidents and demanded prompt action from the government were also reported.[2775]A schoolgirl interviewed by the Mission explained that: "The school took no responsibility and blamed the students themselves for their role in demanding their rights and for protesting within and outside the school compound."[2776]

[2773] Iran Charges Several Media Outlets As More Than 5,000 Students Fall Ill, Radio Farda, 7 March 2023; "Schoolgirl poisonings are persisting in Iran. So should the international reaction to them", Atlantic Council, 2 May 2023.
[2774] "Statistical Report on Recent Poison Attacks on Schools", Human Rights Activists in Iran, 8 March 2023.
[2775] See "Iran makes arrests over new poisoning attempt at schools", IRNA, 12 April 2023.
[2776] FFM-IRAN-D-000096 (FFMI Interview)

(a) Intimidation and arrest of students and parents

1393. State authorities' intent to stifle any measures of disseminating information about poisoning incidents was evidenced in various official statements. For example, on 6 March 2023 Tehran Prosecutor said: "Those who spread lies and rumours and threaten the psychological safety of citizens and dear families, are being monitored by security, law enforcement and judicial agencies and will expect a decisive and legal action."[2777]

1394. Affected students reported that: "Security forces arrived at the school and ordered the personnel and the teachers to refrain from talking to anyone about what had happened. If anyone asked, they should say the smell of gas and the poisoning of students had been caused by broken central heating pipes."[2778] Similar claims were expressed by students, teachers and medical personnel.[2779] According to other reports, some of the affected students preferred not to approach medical facilities out of fear of intimidation or reprisals.[2780]

1395. On 1 March 2023, a video showing a mother of a girl who was reportedly poisoned in Aban school in Tehran subjected to violence by plainclothes security forces went viral on social media.[2781] Two days later, a State-affiliated media outlet claimed that the "anti-Iranian media" had stated that she was the mother of one of the students, but that Fars News agency had photographs showing that "the woman was one of the street and field leaders to incite people to chaos."[2782]

1396. On 14 April 2023, the Coordination Council of Iranian Teachers Association reported that "three girls including two students aged 17 and 19 years old had been arrested in connection with the serial poisonings of students in Shiraz" and that "the young girls were being held in the quarantine yard of Adel Abad prison."[2783] Reports also emerged on the arrest of the girl's parents and the confiscation of the girls' mobile phones in order to prevent them from recording videos during the poisoning of their school on 3 March 2023.[2784]

(b) Intimidation, arrest and detention of those protesting against or reporting on school poisonings:

1397. On 1 March 2023, Sadegh Zibakalam, a political science professor at the University of Tehran issued a tweet in which he stated: "In 1979, we firmly believed that the system that replaced the imperial system was superior not only to the humanism of the West but also to the socialism of the east. It was envisioned as a new model for humanity. "If someone had told us […] that 44 years later, girls would fall victim to poisoning, what would our response have been?"[2785] In another tweet published on 4 March 2023, Mr. Zibakalam indicated that he had participated in a protest with other parents together with his daughter. A week later he was summoned by the public prosecutor who reportedly told him he had insulted the political establishment. The prosecutors charged him with "publishing lies with the intention of disturbing the public mind". On 27 June 2023, he was sentenced to one year's imprisonment by Branch 1052 of the criminal court of Tehran presided by judge Masoud Mohamadzadeh, a decision that he

[2777] See "Legal procedure against 3 media and 3 personalities in connection with the recent poisonings", ISNA, 7 March 2023.
[2778] FFM-IRAN-D-00173.
[2779] FFM-IRAN-D-00173.
[2780] FFM-IRAN-D-001735; FFM-IRAN-D-00173.
[2781] In a press release they jointly issued on 16 March 2023, four United Nations special procedures mandate holders together with the Committee on the Rights of the Child said that the video "of a mother violently beaten in front of her children's school, simply for demanding information was shocking".
[2782] "Strange pictures of the attack of the female reporter on the police in front of a school in Tehran Moment by moment, provocative movements of a woman whose encounter became controversial", *Hamshahrionline*, 3 March 2023.
[2783] See https://x.com/CoordinatingA/status/1646850814541963264?s=20twitter), 14 April 2023; "Three Schoolgirls Arrested for Poison Attacks on Schools in Shiraz, *HRANA*, 14 April 2023.
[2784] See "Iranian Teens Among Suspects in "Fabricated" School Poisoning Case" Iran Wire, 21 April 2023; "Woman arrested in Iran for sending photos of poisoned students to 'hostile media'", 20 April 2023.
[2785] See also "Iranian academic will appeal against prison sentence for criticising government", *the Guardian*, 16 July 2023.

appealed.[2786] On 8 October 2023, he was dismissed from his position at the Faculty of Law and Political Sciences of Tehran University. In an interview on 10 October 2023, he explained that he went to the security department and asked why they had decided he could not teach, but was not given any explanation.[2787]

1398. On 5 March 2023, Ali Pourtabatabaei, a prominent journalist in Qom, was arrested by the IRGC for investigating the poisoning attacks.[2788] In the press release, issued on 16 March 2023, UN human rights special procedures expressed grave concern about his arrest and the fact that, his fate remained unknown.[2789] Mr. Pourtabatabaei was released on 16 April 2023.[2790] He was tried on 10 August 2023 on charges of "spreading lies" about the poisoning of students in Iran.[2791] Mr. Portabatabai wrote on his Twitter account: "The first session of my court was held on the charge of 'publishing lies.' The honourable judge asked me to defend the charge of publishing falsehoods with the intention of disturbing the public opinion, and I presented my evidence and defended myself. In addition, a restraining order has been issued regarding the accusation of communication with foreigners, which was called espionage."2792 At the time of drafting this document, no information was available as to a possible second session of the court, or any sentence/conviction.

1399. On 6 March 2023, Fars News Agency published an article titled "Hooligans who poison the mind!" What is the plan of the judiciary to deal with the spreaders of rumours?" The article called for the arrest of various figures who had commented on the serial poisonings who were labelled as "thugs" and rebels".[2793] A week before, the same news agency, in an article titled "Poisoning of students, a tool of reformists to attack religion", had expressed concern that chain poisonings would "provide a new factor to create hatred towards the Islamic Republic and religion".

1400. On 7 March 2023, Masoud Satayshi, the spokesman of the judiciary, announced that Reza Kianyan, a film and television actor, was accused of publishing falsehoods with the intention of encouraging public opinion. He further stated that: "Mr. Kianyan has unfortunately committed the publication of lies with the intention of encouraging public opinion. His case is in the investigation branch of the Public Prosecutor's Office of Tehran and is in the preliminary investigation stage, and it will be announced as soon as the results are obtained."[2794] Earlier in March, Reza Kianyan, a film and television actor had republished an Instagram post related to school poisonings among his stories.[2795] The Tehran Prosecutor announced on that he had indicted and filed a lawsuit for reporting on poisonings against Sadegh Zibakalam, Reza Kianiyan, Azar Mansouri, Shargh and Hamihan newspapers, and the Event News Website.[2796]

1401. On 20 April 2023, the prosecutor general of Qazvin confirmed the arrest of a woman in central Iran's Qazvin city for allegedly taking photos and videos of poisoned schoolgirls and sending them to foreign "hostile media."[2797]

[2786] See "Sadegh Zibakalam was sentenced to one year in prison", *Khabaronline*, 14 July 2023.

[2787] See "I Wish Someone Would Dare Tell the Leader He Cannot Run the Country so Stubbornly" Interview of Sadegh Zibakalam", *IranWire*, 10 October 2023.

[2788] See "Iranian authorities arrest reporter who covered schoolgirl poisonings", RSF, 8 March 2023; See also "The arrest of Ali Portbatabaei, following the serial poisoning in the schools of Qom" , *Radio Farda*, 15 March 2023.

[2789] "Iran: Deliberate poisoning of schoolgirls further evidence of continuous violence against women and girls, Press release, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Working Group on discrimination against women and girls", Special Rapporteur on the Right to education, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Committee on the Rights of the Child, 16 March 2023.

[2790] https://x.com/kheyzaran/status/1661377671727554571?s=46&t=Bb76gqH8TZAaMO4f7kuoQQ.

[2791] See "What happened in the trial of Ali Portbatabaei?", Nameh News, 31 July 2023.

[2792] Ibid.

[2793] See "Mobs who poison the mind! / What is the plan of the judiciary to deal with the spreaders of rumors?", *Fars News Agency*, 6 March 2023.

[2794] FFM-IRAN-D-001775.

[2795] See "Charges against 3 media and 3 personalities in connection with recent poisoning", *ISNA* 7 March 2023.

[2796] https://www.etemadonline.com/بخش-اجتماعی-23/601454-تایم-لاین-مسمومیت-دانش-آموزان-آموزش-پرورش-اظهارنظرها FFM-IRAN-D-001775; "Legal procedure against 3 media and 3 personalities in connection with the recent poisonings", ISNA, 7 March 2023.

[2797] Anadolu English on X: "A woman has been arrested in central Iran's Qazvin city for allegedly taking photos and videos of poisoned schoolgirls and sending them to foreign "hostile media"

1402. On 10 July 2023, student activists, Hasti Amiri and Zia Nabavi, from Tehran's Allameh Tabatabai University, appeared before Branch 26 of Tehran's Revolution Court and were charged with "propaganda against the state" for participating in a protest against school poisonings.[2798] National media reported that "after the protest gathering of Allameh University students on 16 March in protest against the serial poisoning of students and attacks on schools, a case was opened in Evin Investigation Branch 2 for a number of students". On 10 July, they were tried by branch 26 of the Revolutionary Court, presided over by Judge Iman Afshari and sentenced to a year in prison.[2799] In October, the 36th branch of the Court of Appeal upheld their sentence.[2800]

6. Legal findings

1403. The Mission has made several legal findings and conclusions based on the information it has assessed, including on the basis of the authorities' response to the poisonings, although it is unable to draw conclusions as to the nature of the substances that caused the symptoms experienced by the schoolchildren.

1404. Due to contradictory official explanations, there was a lack of transparency regarding the allegations of poisoning. However, credible information suggests that the victims and their families have been denied access to information on the causes of poisoning. The Government's own investigation reports and statements refer variously to nitrogen, "stink bombs", tear gas and pepper spray, or the presence of an "odorous agent", in and around schools, although they note that the substances were "not toxic". Concomitantly, officials dismissed the events as "rumours",[2801] or as the result of "mass hysteria", suggesting that the authorities did not take the incidents seriously.

1405. The Mission finds it plausible that school poisonings may have taken place with a view to intimidating and/or punishing schoolgirls for their involvement in the "Woman, Life, Freedom" movement or to dissuade them from defying the mandatory *hijab* laws. That conclusion is based on the timing of the events and their unprecedented and large-scale nature, affecting primarily girls, at a time when the issue of women's and girls' right to equality was at the heart of the public discourse. It is unlikely that school poisonings on such a scale could have taken place without some form of State involvement. In that regard, the Mission finds that the rights to education, to health and to an effective remedy were violated.

1406. The Mission finds that Islamic Republic of Iran failed to duly prevent, investigate and punish as part of its positive obligation to protect the right to life of the schoolgirls. Instead, the authorities subjected them, their parents, or those protesting against or reporting about the school poisoning to arbitrary arrest and detention. The intimidation and harassment of victims amounts to a violation of the right to security of person.

X. Repression linked to the protests and support for the "Woman, Life, Freedom" movement

1407. Various groups, including but not limited to families, women human rights defenders (WHRDs), journalists, lawyers, trade unionists, university and school teachers and professors, university and secondary school students, artists, public figures including influencers and actors and foreign and/or dual nationals, have been targeted for their protected conduct and activities in the context of the protests. These groups have also been subjected to many of the human rights violations documented in earlier parts of

https://t.co/rR5Ilh95zo https://t.co/E6zHQmI6EO", 21 April 2023; "Woman arrested in Iran for sending photos of poisoned students to 'hostile media'", 20 April 2023.

[2798] A/78/511, para. 51.

[2799] FFM-IRAN-D-001775.

[2800] See "Confirmation of a one-year prison sentence for Hasti Amiri and Zia Nabavi for protesting serial poisoning", *Shargh daily*, 25 October 2023,

[2801] See "No signs of toxic substances discovered in schools: Intelligence Ministry", Tehran Times, 29 April 2023.

this conference room paper. This chapter therefore covers the particularities of the treatment of certain groups impacted and highlights the specific way in which Government authorities have repressed them for their support to the "Woman, Life, Freedom" movement.

1408. This Chapter is based primarily on open sources of information, as well as submissions made to the Mission by human rights organizations, or victims and their families. The Mission also relied on legal documents and other official documents and statements, including reports of Iran's High Council for Human Rights (HCHR), and information received through interviews with victims and witnesses.

1409. Investigations into the impact of the protests, and the state's response, on these groups, especially in relation to emblematic cases, were severely limited due to the lack of access to Iran, the fact that many of the affected individuals are imprisoned, facing legal proceedings or at risk of being summoned to serve their sentences. Investigations were further curtailed by the Mission's need to ensured strict respect to the principles of "do no harm", independence, in light of well-founded fears of further harassment and intimidation, and of reprisals expressed by victims and witnesses.[2802] Nonetheless, the Mission was able to gather sufficient evidence, including through first-hand accounts from134 victims and witnesses inside and outside Iran, corroborated with open source material, to draw conclusions and make findings on patterns of human rights violations.

A. Legal framework

1410. International human rights law provides for the right to freedom of opinion and expression. In particular, article 19 of the ICCPR guarantees the right to hold opinions without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media..[2803] Freedom of expression is critical for the enjoyment of many rights of individuals and groups including the right to development of the child, education, religion and belief, conscience, privacy, public and political participation, of minorities and freedom of assembly and association. Moreover, a free uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other human rights. It constitutes one of the cornerstones of a democratic society.[2804] This right applies to all those engaged in journalism which is "a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere".[2805]

1411. Pursuant to ICCPR article 19 (3) States may restrict the exercise of freedom of expression on three conditions, which are to be implemented narrowly. Restrictions must be provided by law, necessary for respect of the rights or reputations of others, or for the protection of national security, public order (*ordre public*), f public health or morals, and not overbroad. They must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected. The principle of proportionality must be respected not only

[2802] The Mission also strictly adhered to its security protocol, as outlined in the methodology section of this document.

[2803] The General Assembly and the Human Rights Council have referred to freedom of expression as one of the essential foundations of a democratic society and one of the basic conditions for its progress and development and emphasized that a free media helps to build inclusive knowledge societies and democracies and foster intercultural dialogue, peace and good governance; see for instance A/RES/68/163.

[2804] Human Rights Committee, General Comment No. 34 (2011), para. 13. The General Assembly and the Human Rights Council have referred to freedom of expression as one of the essential foundations of a democratic society and one of the basic conditions for its progress and development and emphasized that a free media helps to build inclusive knowledge societies and democracies and foster intercultural dialogue, peace and good governance. See A/HRC/RES/21/12; A/RES/68/163.

[2805] Human Rights Committee, general comment No. 34 (2011), para. 44. See also A/HRC/20/17, paras. 3–5; A/HRC/20/22, para. 26; A/HRC/24/23, para. 9; A/HRC/27/35, para. 9; A/69/268, para. 4; and A/HRC/16/44, para. 47. See also resolution 39 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its thirty-ninth session (November 2017). On strengthening the safety and protection of journalists online, see A/76/285.

in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law. Limitations must be understood in light of the principle of non-discrimination.[2806]

1412. The Human Rights Committee has also stated that extreme care must be taken by States parties to the ICCPR to ensure that treason laws and similar provisions relating to national security, whether described as official secrets or sedition laws or otherwise, are crafted and applied in a manner that conforms to the strict requirements of article 19 (3). It noted that it is not compatible with paragraph 3, for instance, to invoke such laws to prosecute, *inter alia*, journalists, for having disseminated such information.[2807]

1413. Threats and attacks against journalists violate a wide range of human rights norms established in both treaty law and customary international law.[2808] These include the right to life,[2809] to liberty and security of person,[2810] not to be subjected to torture and ill-treatment,[2811] and enforced disappearance,[2812] to a fair trial,[2813] to freedom of movement,[2814] to recognition before the law,[2815] privacy, family and home,[2816] to freedom of opinion and expression,[2817] and their right to equality before the law.[2818] All threats and attacks against journalists should be vigorously investigated in a timely fashion, the perpetrators prosecuted, and the victims, or, in the case of killings, their families or representatives, be in receipt of appropriate forms of redress.[2819]

1414. Closely linked to freedom of expression, ICCPR guarantees in article 22 the right to freedom of association with others, including the right to form and join trade unions for the protection of one's interests. The Human Rights Committee stated that in accordance with article 22 (2), in order for the interference with the right to freedom of association to be justified, any restriction on this right must cumulatively meet the following conditions: (a) it must be provided by law; (b) may only be imposed for one of the purposes set out in paragraph 2; and (c) must be "necessary in a democratic society" for achieving one of these purposes. The reference to the notion of "democratic society" in the context of article 22 indicates, in the Committee's opinion, that the existence and operation of associations, including those which peacefully promote ideas not necessarily favourably received by the government or the majority of the population, is a cornerstone of a democratic society.[2820]

1415. On the protection of human rights defenders, the General Assembly adopted the 1999 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which recognizes the key role of human rights defenders in the realization of the human rights enshrined in the UDHR and human rights treaties and in the international human rights system. The General Assembly identifies human rights defenders (HRDs) as individuals or groups who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means.[2821] Examples of HRDs

[2806] Human Rights Committee, General comment No. 34 (2011), paras. 21-36.
[2807] Human Rights Committee, General comment No. 34 (2011), para. 30.
[2808] Rights set out in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) are recognized as having the status of customary international law. See e.g. Human Rights Committee, General Comments Nos. 24 (1994) and 29 (2001).
[2809] ICCPR, art. 6. See also UDHR, art. 3; A/HRC/17/28.
[2810] ICCPR, art. 9. See also UDHR, arts. 3 and 9.
[2811] ICCPR, art. 7. See also UDHR, art. 5.
[2812] See Chapter 1 on the prohibition of enforced disappearance as a peremptory norm of international law, or *jus cogens*.
[2813] ICCPR, art. 14. See also UDHR, arts. 10, 11.
[2814] Human Rights Committee, General Comment No. 34 (2011), para. 45.
[2815] ICCPR, art. 16. See also UDHR, art. 6.
[2816] ICCPR, art. 17. See also UDHR, art. 12.
[2817] ICCPR, art. 19. See also UDHR, art. 19.
[2818] ICCPR, art. 26. See also UDHR, art. 7.
[2819] Human Rights Committee, general comment No. 34 (2011), para. 23.
[2820] CCPR/C/88/D/1274/2004, para. 7.3.
[2821] A/RES/53/144. It contains principles and rights that are based on human rights standards enshrined in legally binding international documents. See also United Nations Special Rapporteur on the situation of human rights defenders, "Declaration on human rights defenders".

include journalists, bloggers, members of human rights NGOs, academics, lawyers, student organizers, activists, trade unionists and representatives of indigenous communities.

1416. The report of the UN Special Rapporteur on the situation of human rights defenders dedicated to WHRDs noted that women defenders are often perceived as challenging traditional notions of family and gender roles in society, a perception that can generate hostility from State actors and from the public, the media and other non-State actors.[2822] It further noted that "States have an obligation to protect WHRDs and ensure a safe and enabling environment for actions related to human rights."[2823]

1417. On 18 December 2013, the General Assembly adopted by consensus a landmark resolution on WHRDs, resolution 68/181, in which it called on States to, *inter alia*, protect WHRDs, respect and support their activities, condemn and prevent human rights violations and abuses as well as violence and discrimination against them, create a safe and enabling environment for the defence of human rights with a gender perspective, ensure that they can engage in peaceful protests, ensure that the promotion and protection of human rights are not criminalized and refrain from any act of intimidation or reprisal against them or their family members and associates for their cooperation with international institutions. In its resolution 72/247, adopted in December 2017 in advance of the twentieth anniversary of the Declaration on Human Rights Defenders in 2018, the General Assembly continued to express particular concern about systemic and structural discrimination and violence faced by WHRDs of all ages, and reiterated its strong call upon States to take appropriate, robust and practical steps to protect WHRDs and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights, as called for by the Assembly in its resolution 68/181".[2824]

B. Groups targeted for protected expression and association

1. Women Human Rights Defenders[2825]

"I am one of the millions of proud and resilient Iranian women who have risen up against oppression, repression, discrimination, and tyranny. I remember the unnamed and courageous women who have lived a life of resistance in various areas of relentless oppression." [2826]

Narges Mohammadi, 10 December 2023

"This is not stubbornness, it is resistance." [2827]

Woman human rights defender, 2023

1418. Human rights defenders and WHRDs in particular have been a stronghold of resistance against institutionalized discrimination and state violence in Iran.[2828] For decades, Iranian women's rights

[2822] A/HRC/40/60, para. 28; A/HRC/38/46, paras. 31, 42.
[2823] A/HRC/40/60, para. 19.
[2824] Report of the Special Rapporteur on the situation of human rights Defenders A/HRC/40/60, paras. 11, 19, 20, 10, January 2019.
[2825] The Mission notes that many lawyers, journalists, trade union leaders and members, students, artists, and families of victims of human rights violations whose situation is presented in other sub-sections of this section or other sections are also human rights defenders. This section focuses solely on women human rights defenders. Women human rights defenders are all women and girls working on any human rights issue ("women defenders" and "girl defenders"), and people of all genders who work to promote women's rights and rights related to gender equality.
[2826] "Narges Mohammadi: 'Our cause is more about survival than the improvement of our quality of life', Le Monde, 10 December 2023, See also Narges Mohammadi, Nobel Lecture for the Nobel Peace Prize, 2023.
[2827] FFM-IRAN-D-001024 (FFMI Interview).
[2828] A human rights defender is any person who, individually or with others, acts to promote and protect human rights. Examples of human rights defenders (HRD) include journalists including bloggers, members of human rights NGOs, academics, lawyers, trade unionists and representatives of indigenous communities, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental

defenders have been steadfast in their efforts to demand human rights and denounce state abuses.[2829] None of the rights and protections that must be accorded to human rights defenders in line with the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms are effectively upheld in Iran.[2830] In 2023, WHRDs in Iran international recognition, with imprisoned lawyer Narges Mohammadi being awarded the Nobel Peace Prize, and to the joint award of the Sakharov Prize to Jina Mahsa Amini (posthumously) and the "Woman, Life, Freedom" movement. However, the Iranian authorities have consistently sought to silence the voices of WHRDs domestically. WHRDs have experienced threats, attacks, intimidation and harassment, arbitrary arrests and detention, torture and other ill-treatment, including sexual and gender-based violence, unfair trials on national security or public order charges merely for speaking out or taking part in demonstrations, and thus exercising their rights to freedom of expression and association and right of peaceful assembly. Even when released after serving long prison sentences, WHRDs have faced bans on their travel, on participating in gatherings, or engaging in online communications, and on exercising their profession. Others have been compelled to leave Iran for their own safety and have found new ways to continue their activism from outside Iran.

1419. At the start of the "Woman, Life, Freedom" movement, several WHRDs were either imprisoned or on medical furlough from prison, and independent civil society decimated with very few registered organizations remaining operational.[2831] As the protests broke out, with women's rights at the core of the protesters' demands, State authorities doubled down on their repression of WHRDs, aiming to quell the movement at the outset. The Special Rapporteur on the Human Rights Situation in Iran noted in March 2023 that 170 WHRDs had been arrested.[2832] Against the backdrop of shrinking civic space as well as increasing securitization and surveillance, state authorities saw and treated WHRDs as a threat to national security. Moreover, authorities targeted not only WHRDs in their individual capacity but also any collective activism in defence of women's rights to equality and dignity. Hence, they moved swiftly to repress the Woman, Life, Freedom movement, aiming to disband it and silence its supporters.

Freedoms, A/RES/53/144, 8 March 1999. See also General Assembly landmark resolution 68/181 on women human rights defender of 18 December 2013, and General Assembly resolution 72/247, adopted in December 2017 in advance of the twentieth anniversary of the Declaration on Human Rights Defenders in 2018. See also the report of the Special Rapporteur on the situation of human rights defenders of 10 January 2019 dedicated to the situation of women human rights defenders, A/HRC/40/60 paras. 11, 19 and 20.

[2829] See Section IV.

[2830] Such rights include the right to conduct human rights work individually and in association with others; to form associations and non-governmental organizations; to meet or assemble peacefully; to seek, obtain, receive and hold information relating to human rights; to develop and discuss new human rights ideas and principles and to advocate their acceptance; to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights; to make complaints about official policies and acts relating to human rights and to have such complaints reviewed; to offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights; to attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations; to unhindered access to and communication with non-governmental and intergovernmental organizations; to benefit from an effective remedy; to the lawful exercise of the occupation or profession of human rights defender; to effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights and to solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

[2831] See "Bachelet alarmed by threats against prominent Iranian NGO", OHCHR, 30 July 2020, Sora Women Lawyers Association, another organization legally registered in Iran, and providing legal assistance to survivors of domestic violence, was forcibly shut down by the authorities. FFM-IRAN-D-000110 (FFMI Interview).

[2832] The Special Rapporteur on the situation of human rights in Iran noted in his report (A/HRC/52/67 para. 46) in February 2023 that "at least 576 civil rights activists, including teachers, union activists, workers' rights activists and minority rights activists, digital rights activists and environmentalists have been arrested since the protests began". He added that more than 170 women human rights defenders were arrested.

(a) Arrest (including pre-emptive arrests) and detention:

1420. WHRDs were targeted for arrest and other human rights violations from the outset of the "Woman, Life, Freedom" movement.[2833] According to credible reports by a regional feminist non-governmental organization, 386 WHRDs were arrested between September 2022 and April 2023, and 45 WHRDs remained in prison in February 2024, serving sentences linked to their activism.[2834] Prompted by concerns over the alarming number of WHRDs prosecuted and detained due to their activism, on 30 January 2023, ten UN Special Procedures sent an Urgent Appeal to the Government of Iran, with respect to the cases of 13WHRDs.[2835]

1421. Women human defenders of all ages, communities, ethnicities and holding a range of views were arrested in connection with the protests in the provinces of Tehran, Kurdistan, Ilam, Khuzestan, Kohgiluyeh and Boyer-Ahmad, Gilan, West Azerbaijan, Mazandaran, Fars, Bushehr, Mazandaran and Sistan and Baluchestan.

1422. While some WHRDs were arrested at protest sites as the authorities forcibly dispersed protests, the majority, and whose cases the Mission investigated or examined, were arrested from their homes or workplaces in raids conducted by security forces. During raids, security forces seized mobile phones, computers and all other electronic devices and demanded information on passwords and PINs, including those of family members. Seized devices were often not returned to their owners by the Authorities, and when they were, WHRDs expressed concerns regarding possible tampering.

1423. The targeting of WHRDs began as early as the first protests in front of Kasra Hospital on the day of the death in custody of Jina Mahsa Amini and continued throughout the protests.[2836] WHRDs were typically arrested, charged and released, sometimes only to be re-arrested later on.[2837] The day following the death of Jina Mahsa Amini, several individual WHRDs and women's groups announced that they would gather outside the parliament in Tehran. The security forces forcibly dispersed their peaceful demonstration, and reportedly several WHRDs.[2838]

1424. Faezeh Hashemi, a former member of parliament and a woman human rights defender[2839] was arrested on September 27, 2022, in Tehran. Fars News Agency reported that she was arrested for 'inciting rioters' to protest on the streets. In January 2023, she was sentenced to five years imprisonment.it[2840] In another such instance, a woman human rights defender, Masoumeh Hejbari was reportedly arrested in West Azerbaijan province in October 2022 for standing alone in a square in the city, holding a placard in support of women's demands and protesting the death of Jina Mahsa Amini.[2841]

1425. While WHRDs were targeted across the country, Kurdish activists were arrested in large numbers. Baluch activists were also arrested or harassed. According to a reliable source that documented human

2834 FFM-IRAN-D-001390 (FFMI Submission).

[2835] See Urgent Appeal of the Special Procedures, UA IRN 1/2023, 30 January 2023.

[2836] See for example, "Civil rights activist, Leila Mirghafari arrested", HRANA, 6 October 2022. See also FFM-IRAN-D-001009 (FFMI Interview); See also "Iran Protests: Feminists and Women Human Rights Defenders", Femena, October 2022.

[2837] See for example, "Civil rights activist, Leila Mirghafari arrested", HRANA, 6 October 2022; See also "Iran Protests: Feminists and Women Human Rights Defenders", Femena, October 2022; "Journalism is not a crime: at least 60 Iranian journalists jailed in protest crackdown", IranWire, 9 December 2022.

[2838] FFM-IRAN-D-001009 (FFMI Interview). The witness noted that immediately after the death in custody of Jina Mahsa Amini, students in the women's movement posted online calls for protests. In their posts, they talked about their Kurdish sister who had been killed and invited people to protest on 19 September. See also "Call of a group of women activists to demonstrate against the mandatory hijab and the murder of Mahsa Amini", Akhbar Rooz, 18 September 2022.

[2839] She is also the daughter of former president, Akbar Hashemi Rafsanjani.

[2840] "Iran sentences former president's daughter to a five-year prison term", Reuters, 10 January 2023 "Trial of Faezeh Hashemi", ISNA, 3 December 2022. See also "Exclusive: Faezeh Hashemi on her Incarceration, Protests and the Opposition", IranWire, 7 April 2023.

[2841] "The fate of Masoumeh Hejbari, a female Kurdish activist from Piranshahr who was kidnapped by Iranian security forces stays unknown", Hengaw, 23 October 2022.

rights violations in Kurdish provinces, between 25 November 2022 and 25 November 2023, at least 39 Kurdish women were arrested by security forces in cities across Kurdistan on various charges. Sixteen Kurdish women were arrested and sentenced with three Kurdish women being sent to prison, and at least four Kurdish women being expelled from their jobs due to activism. According to public reports, five women human rights defenders, all members of Jivano Women's Organization were arrested on 19 September 2022 after being summoned by security forces in the city of Sanandaj in Kurdistan province.[2842]

1426. Presently, at least three Kurdish women activists who were detained during the protests and tried and convicted of various offences such as propaganda against the state and assembly and collusion against national security, are serving sentences in central prisons across Iran: Hajar Abbasi, a prominent Kurdish women's rights activist, Mojgan Kavousi, a Kurdish activist for mother-tongue language rights) serving a 39-month sentence) and Sakineh Parvaneh, a former political prisoner who was detained twice during the protests. In addition, Modares Gorji, a Kurdish women's rights activist, and Gulaleh Vatandoust, both arrested for their involvement in the protests and released on bail, are awaiting their sentences.

1427. On 18 September 2022, Kurdish WHRD Jina Modares Gorji was allegedly threatened by State security forces who appeared at her workplace and warned her against activism and participation in the protests, using her posts on Instagram in support of the "Woman, Life, Freedom" movement. According to the Government of Iran, Jina Modares Gorji faced "prosecution for offenses stipulated in the Islamic Penal Code, including engaging in propagandistic endeavours against the Government and furthering the interests of adversarial states, establishing unlawful associations and factions and assuming a leadership role in inciting riots".[2843]According to reports, on 21 September 2022, she was arrested by plainclothes security forces and then held in a youth detention center in Sanandaj. She was released on bail on 30 October 2022 pending trial. In February 2023, she reportedly refused the offer of a pardon, as it required an admission of guilt.[2844] She was re-arrested in April 2023 and faced additional charges of "collaborating with a hostile government". On 3 July 2023, she was temporarily released from the Juvenile Detention Centre of Sanandaj, Kurdistan province, after posting a bail of 50 billion Iranian rials.[2845] While in detention, Ms. Modares Gorji was reportedly denied permission by the prison authorities to participate in the final exams for her bachelor's degree in sociology at the Islamic Azad University, Sanandaj Branch.[2846]

1428. According to public reports, in October 2022, a young Baluch activist was arrested in Zahedan by plainclothes security forces. When she appeared in front of a Revolutionary Court in November 2022, she was accused of "leadership of riots" for joining with other Baluch young women and girls to protest the rape of a fellow Baluch girl.[2847]

1429. A key feature of the authorities' response has also been pre-emptive arrests of WHRDs with the view to silencing women who could play a leadership role and quelling the protests.[2848]Even activists who did not participate in demonstrations or play a role in organizing or mobilizing protests were not spared arrest. The campaign of arrests was not limited to well-known defenders and included grassroots activists. Women human rights defenders who had suspended sentences or were on furlough were summoned or arrested to serve their sentences.

[2842] FFM-IRAN-D-001779 (Submission); Feminists and WHRDs Detained – Report 1, Femena, 27 September 2022; Femena, Feminists and WHRDs Detained – Report 4, 12 October 2022; Feminists and WHRDs Detained – Femena, Report 6, 21 November 2022; See also, "Human Rights Defenders in Iran 2023", Iran Human Rights 15 December 2023.

[2843] Response by the Government of the Islamic Republic of Iran, 18 October 2023 to Joint Allegation Letter by the Special procedures, AL IRN 14/2023, 9 August 2023.

[2844] Joint Allegation Letter by the Special procedures, AL IRN 14/2023, 9 August 2023.

[2845] See "Activist Zhina Modares Gorji released on hefty bail in Sanandaj", KHRN, 3 July 2023.

[2846] Joint Allegation Letter by the Special Procedures, AL IRN 14/2023, 9 August 2023 and response by the Government of the Islamic Republic of Iran, 18 October 2023.

[2847] See "Iran Protests: Feminists and Women Human Rights Defenders detained, Femena, November 2022.

[2848] See Section V; FEMENA 1: as a pre-emptive effort to control the spread and continuation of national protests. Because the demands of the protesters are feminist and woman-centered in nature, feminist activists and women human rights defenders (WHRDs) have been especially targeted and arrested during the last few days. See also, "Iran Protests: Scores of Civil Society Members Detained "Preventatively", Center for Human Rights in Iran", 6 October 2022.

1430. For instance, Sepideh Qoliyan[2849] was reportedly re-arrested while on her way to her hometown of Dezful on 16 March 2023 a few hours after her release from Evin after serving a sentence for her workers' rights activism. She was sentenced to two years imprisonment and a two-year ban from joining any groups or organizations, using a smartphone and residing in Tehran or its surrounding provinces after being convicted on charges of "insulting the leader" by Branch 26 of the Tehran Revolutionary Court on 5 May 2023, which was upheld on appeal in July 2023.

1431. Bahareh Hedayat, a prominent woman human rights defender, who had earlier been involved in the "one million signatures" campaign on women's rights (see Chapter IV) was arrested on 3 October 2022. In November 2022, she was charged with 'gathering and colluding against national security' and 'promotion of immorality and prostitution'.[2850] Her lawyer announced that the security forces had arrested her in a violent raid and broken the door to her apartment without presenting a search or arrest warrant.[2851] Bahareh Hedayat had been earlier arrested and sentenced to prison following the presidential elections in 2009 and was released only after being incarcerated for seven years. In 2021, she was arrested again after attending a peaceful demonstration to protest the downing of the Ukrainian Airlines flight 752 (which had led to the death of 176 passengers and crew members) and was later sentenced to four years in prison. Vida Rabbani, woman human rights defender and journalist, was reportedly arrested on 24 September 2022 in Tehran.[2852] In June 2022, she had already been sentenced to five years imprisonment on the charge of "insulting the sacred," four years imprisonment on the charge of "gathering and colluding to act against national security," and one year imprisonment on the charge of "propaganda activities against the state", followed by a two-year ban from posting on social media, engaging in political activities, and participating in gatherings.[2853] In December 2022, she was reportedly sentenced to seven years and three months in prison by Branch 26 of Tehran Revolutionary Court on the charges of "gathering and colluding against national security" and 5 months in prison for the charge of "propaganda against the State".[2854]

1432. Such pre-emptive arrests also took place in the lead-up to the first anniversary of the death of Jina Mahsa Amini around September 2023. In August 2023, an independent women's rights initiative reported that Iranian security forces had conducted several raids on people's homes and arrested 12 people, including 11 women's rights defenders and a political activist.[2855] The General Directorate of Intelligence in Gilan acknowledged the arrests.[2856] The WHRDs were accused in the media of "fomenting disruption and receiving funds from abroad, in the name of supporting the families of those who died during the "Woman, Life, Freedom" uprisings.[2857]

1433. Fear of arrest in some instances prompted women human rights defenders to go into hiding and eventually leave the country. A woman human rights defender, interviewed by the Mission, had spent several years in prison for her human rights activism and released a few months before the death of Jina Mahsa Amini. As the protests spread across the country, she went into hiding after security forces contacted or visited family members to enquire about her whereabouts. After other activists in her network were arrested, she eventually fled the country for her own safety after several months in hiding.[2858]

[2849] Joint Allegation Letter by the Special procedures, AL IRN 14/2023, 9 August 2023 and response by the Government of the Islamic Republic of Iran, 18 October 2023.
[2850] See Urgent Appeal of the Special Procedures, UA IRN 1/2023, 30 January 2023, See also "Bahareh Hedayat started serving 56 months prison sentence while new case opened against her", Frontline Defenders, 3 October 2022.
[2851] See Urgent Appeal of the Special Procedures, UA IRN 1/2023, 30 January 2023.
[2852] Committee to Protect Journalists, https://cpj.org/data/people/vida-rabbani/
[2853] See "Vida Rabbani was arrested in Tehran", HRA News, 3 April 2023.
[2854] "New court ruling for journalist Vida Rabbani", Khabar Online, 31 December 2022; see also, "Vida Rabbani sentenced to seven years and three months in prison", Frontline Defender, 31 December 2022.
[2855] See "Arrests of Women Activists Escalate Across Iran Ahead of "Woman Life Freedom" Anniversary, Center for Human Rights in Iran, 21 August 2023. See also "Iranian Authorities Must End the Systematic Targeting and Arrest of WHRDs in the Lead up to the Anniversary of Protests", Femena, Rights Peace Inclusion", 25 August 2023.
[2856] See "Arrest of members of a group of rioters in Gilan province", Tasnim News Agency, 17 August 2023.
[2857] See "Iranian Authorities Must End the Systematic Targeting and Arrest of WHRDs in the Lead up to the Anniversary of Protests", FEMENA,25 August 2023.
[2858] FFM-IRAN-D-000743 (FFMI Interview).

(b) Torture and ill treatment, including sexual and gender-based violence

1434. WHRDs were subjected to torture and ill-treatment, including sexual and gender-based violence, during protests and while in detention.

1435. A renowned and elderly woman defender recounted to the Mission that she attended several protests in Tehran and was beaten by security forces at one of these for refusing to put on a headscarf, and also shot at with paintballs and pellets during others, and was severely bruised as a result.[2859]

1436. Another witness who advocates for women's rights and the rights of her minority-populated region, was taken from the street in Tehran and brought to an unofficial place of detention where she was subjected to sexual and gender-based violence. The men who arrested her said their goal was to arrest and gather the "prostitutes" from the streets. During her interrogation, her interrogators spoke of her acts of feminist activism as amounting to 'spreading promiscuity' and 'showing her body'. She added that she was targeted because the authorities feared she could influence other girls and women in her Province.[2860]

1437. In several instances, arrested WHRDs were held in solitary confinement[2861] and subjected to several days of long interrogation during which their interrogators intimidated and threatened them. They questioned them about their posts online, their links with organizations based abroad, their contacts with the media' and foreign media in particular, their activism on women's rights as well as foreign funding, and tried to portray them as foreign agents, and as part of a broader project to undermine the country.[2862]

(c) Vilification campaigns

1438. State authorities resorted to vilification of women human rights defenders. A joint statement issued in October 2022 by the Ministry of Intelligence and the intelligence services of the IRGC for instance, branded human rights, women's and minority rights as issues used to undermine the Islamic Republic of Iran and create "riots".[2863] Participation in conferences and training by civil society activists, including those characterised as "sexual deviant groups" and journalists were presented as part of hybrid warfare and soft subversion.[2864] A "documentary" made public by Mizan, the Judiciary's news agency, on 22 October 2023, accused Harass Watch (*didban-e azar*), an anti-sexual harassment initiative, of spreading allegations that the Islamic Republic of Iran systematically oppresses women, and described its founder as a foreign agent aiming to spread Western values and to cast Iranian society in a negative light, ultimately to promote "sexual deviation". It also described Harass Watch as wanting to prove that public space in Iran was unsafe for women because of the "morality police", and encouraging people to lose or change the veiling laws.[2865]

(d) Trials and sentencing of women human rights defenders

1439. Based on statements by the authorities, judgments reviewed by the Mission as well as witness accounts and information shared with the Mission by reliable sources, the Mission established that WHRDs were arrested since the start of the "Woman, Life, Freedom" movement, on vaguely worded criminal charges, ranging from those relating to national security, public order, morality or hijab law violations, -All of these effectively criminalized the peaceful exercise of the rights to freedom of religion or belief, expression, association and assembly.[2866] In some instances, WHRDs faced separate and multiple trials.

[2859] FFM-IRAN-D-001009 (FFMI Interview).
[2860] FFM-IRAN-D-000589 (FFMI Interview)
[2861] See for example, Nobel Laureate Narges Mohammadi's book "White Torture" documenting the experience of women detainees and prisoners held in solitary confinement.
[2862] FFM-IRAN-D-000530 (FFMI Interview) and FFM-IRAN-D-001010 (FFMI Interview)
[2863] "Joint explanatory statement of the Ministry of Intelligence and the IRGC Intelligence Organization", Fars News Agency, 28 October 2022.
[2864] "Joint explanatory statement of the Ministry of Intelligence and the IRGC Intelligence Organization", Fars News Agency, 28 October 2022.
[2865] "Reporters being Informants", Mizan, 22 October 2023.
[2866] Article 639 of the IPC penalizes acts encouraging people to depravity and immorality (*tashvīq-e mardom be fahshā va fesād*) to imprisonment from one to 10 years.

1440. The Mission notes that the following charges have been levelled against WHRDs and activists: propaganda against the state,[2867] formation of groups with the intention of subversion,[2868] membership in a group with the purpose of disrupting national security,[2869] cooperating with opposition and counter-revolutionary media,[2870] gathering and colluding against national security,[2871] insulting sanctities [2872] or insulting the Supreme Leader,[2873] "collaborating with the hostile governments",[2874] "espionage"[2875] and "communication with foreign countries."[2876] Other charges included "disrupting public order",[2877] "inciting violence",[2878] and "spreading false information"[2879]. Women human rights activists also faced charges of "encouraging people to depravity and immorality" (*tashvīq-e mardom be fahshā va fesād*).[2880] Most of the criminal charges above entail proceedings before Revolutionary Courts.

1441. The UN Working Group on Arbitrary Detention concluded in relation to the detention of two WHRDs that "the imprisonment of women's rights defenders under vague and overbroad laws is a systematic occurrence in the Islamic Republic of Iran."[2881]

1442. Several Iranian WHRDs have been tried by Revolutionary Courts in relation to the protests and sentenced to lengthy prison sentences on non-existent or flimsy evidence.[2882] Others have been released on bail or received suspended sentences. WHRDs not only faced arbitrary detention and unfair trials, but also disproportionate sentences including lengthy imprisonment, exacerbated by penalties such as serving

[2867] Under Article 500 IPC, spreading propaganda against the system is punishable by three months to one year in prison.
[2868] See "Iran: Jina Modaress Gorji denied access to a lawyer after one month of arbitrary detention", Front Line Defenders, 16 May 2023. See also Joint Allegation Letter by the Special Procedures, AL IRN 14/2023, 9 August 2023.
[2869] Membership in a group with the purpose of disrupting national security is criminalized under Article 499 of the IPC and is punishable with three months to five years imprisonment. Article 498 IPC criminalizes establishing or directing a group with the purpose of disrupting national security and it is punishable with two to 10 years imprisonment if it is not considered as *moharabeh*.
[2870] Connor Bradbury, "Harsh Sentences for Iranian Protesters", The Iran Primer, 26 July 2023.
[2871] Article 610 defines the offence of "gathering and colluding to commit crimes against national security" for which the penalty is two to five years imprisonment.
[2872] Article 513 of the Islamic Penal Code defines the offence of "insulting Islamic sanctities".
[2873] Article 514 of the Islamic Penal Code defines the following "Anyone who, by any means, insults Imam Khomeini, the founder of the Islamic Republic, and/or the Supreme Leader shall be sentenced to six months to two years' imprisonment".
[2874] Article 508 of the IPC punishes acts of collaboration with a hostile government with a penalty of imprisonment from one year to 10 years.
[2875] Article 502 of the IPC states as follows: "Anyone who commits one of the espionage crimes inside Iran in favour of a foreign State and against another foreign State, if it damages the national security [of Iran] shall be sentenced to one to five years' imprisonment."
[2876] Article 508 IPC states that: "Anyone who cooperates by any means with foreign States against the Islamic Republic of Iran, if not considered as *mohareb*, shall be sentenced to one to ten years' imprisonment. "Iran Protests- Feminists and WHRDs Detained", Femena, September 2022.
[2877] See "Codifying Repression, An Assessment of Iran's New Penal Code", Human Rights Watch, 28 August 2012.
[2878] Article 512 ICP states as follows: Anyone who, with the intent to disrupt national security, induces or encourages people to war with one another and slaughter each other, regardless of whether or not [such actions] cause murder and ravage, shall be sentenced to one to five years' imprisonment.
[4]Article 698 ICP states - Anyone who, with the intent to cause damage to someone or to disrupt the opinion of the authorities or the public by [sending] a letter or complaint or correspondence or petitions or reports or distribution of printed or written papers, whether signed or without a signature, lies or falsely attributes some acts to an individual or a legal person or officials, whether explicitly or implicitly or whether directly or indirectly, and whether or not it causes material or spiritual damages, in addition to restitution of the prestige [of the victim] if possible, shall be sentenced to two months to two years' imprisonment or up to 74 lashes.
[2880] Article 639 of the IPC makes this offence punishable with one to 10 years imprisonment.
[2881] Opinion No. 21/2023 concerning Saba Kord Afshari and Raheleh Ahmadi (Islamic Republic of Iran) Working Group on Arbitrary Detention, 30 May 2023, para. 77
[2882] See for example, "Mojgan Kavousi was transferred to Tonekabon prison to serve her prison sentence" KURDPA, 21 December 2023; "Kurdish writer Mozhgan Kavousi begins 39-month prison term", KHRN, 20 December 2023; "Kurdish Writer and Researcher Mozhgan Kavousi Commences 39-Month Prison", Hengaw, 19 December 2023.

prison sentences in exile, bans on travel, activities online and exercising their profession as journalists[2883] and lawyers may lose their license to practice. Such punishment was aimed at silencing, punishing, isolating and strangling them economically WHRDs.

1443. As more WHRDs were arrested, prominent WHRDs who were already imprisoned, including Nasrin Sotoudeh and Narges Mohammadi, acted in support of the "Woman, Life, Freedom" movement and were subject to reprisals for doing so.[2884] Amongst other acts, they staged protests, sit-ins and hunger strikes inside prisons, sneaked letters and statements out of jail and continued to express their views. Their acts of defiance included refusal to wear the *hijab,* leading to retribution such as the denial of access to medical care.[2885]

Nasrin Sotoudeh

1444. Nasrin Sotoudeh is a prominent human rights lawyer and woman human rights defender. Imprisoned on numerous occasions, she was in March 2019 sentenced in absentia to 33 years of imprisonment and 148 lashes on several charges, including "encouraging corruption and prostitution", in connection to her work defending women arrested for peacefully protesting the mandatory *hijab* laws.[2886]

1445. On 30 October 2023, Nasrin Sotoudeh was arrested in Tehran during the funeral of Armita Garavand.[2887] Another 21 women and 23 men were also arrested. Witnesses described that plainclothes security forces at the grave site violently arrested both women, causing them both to fall to the ground and, in turn, sustain injuries to the head. Both women were then shoved into a van and, along with the remaining 21 women arrested at the site, at around 1 p.m. - transferred to the Vozara detention facility. There, women detainees, including Ms. Sotoudeh, were harassed, beaten, and not allowed to sleep until 8 a.m. the next day. The security police also confiscated the women detainees' phones. Ms Sotoudeh was subsequently transferred to Qarchak prison, where she remained until 15 November 2023 when she was released on bail. Ms Sotoudeh was denied access to a hospital, despite her heart condition, based on her refusal to wear the *hijab*. Her husband was not allowed to visit her following her arrest.[2888] Shortly after her release, she received a court summons.

1446. Official media confirmed the arrest of Ms Sotoudeh for "violating hijab rules" and "acting against the psychological security of society".[2889] Ms Sotoudeh was sentenced by Branch 1094 of the Tehran Criminal Court (Ershad Judicial Complex) to serve 10 days of imprisonment or to pay a fine, a two-year travel ban and a two-year ban on engaging in activities on social media. The judgment indicated that this sentence related to a picture of her without a *hijab* published earlier, during the funeral of Iranian filmmaker Darioush Mehrjui on 18 October 2023 in Tehran.[2890]

Narges Mohammadi

[2883] Lawyers could become liable to lose their licences if convicted by a criminal or revolutionary court. See Chapter X.
[2884] Femena noted in one of its reports "the speculations that the amnesty was a pre-emptive move intended to prevent the formation of networks of dissent among prisoners and their families. The large number of protesters arrested, many unversed and inexperienced in political activism, being held alongside more experienced activists, allows for the formation of connections between like-minded individuals who are discontent with the status quo. For a state and security system long opposed to the formation of civic and political networks, prisons were serving as a breeding ground allowing dissatisfied citizens to find one another and organize, Femena, "Iran Protests Feminists & WHRDs Detained No.8", 21 February 2023, p.1.
[2885] FFM-IRAN-D-000147 (FFMI Interview). See also letters of five imprisoned women defenders published by the newspaper, "We are guilty of a desire to live", Le Monde, 12 September 2023,
[2886] Social media post on file with the Mission.
[2887] FFM-IRAN-D-001768 (FFMI Interview).
[2888] FFM-IRAN-D-001014 (FFMI Interview), FFM-IRAN-D-001024 (FFMI Interview). Social media post on file with the Mission; see also, "Sotoudeh's Injuries at the Hands of Iranian Police More Severe Than Initially Believed", PEN America
[2889] See "Nasrin Sotoudeh Arrested", Fars News Agency, 29 October 2023.
[2890] FFM-IRAN-D-001770 (Court Documents).

"The imprisoned women will resist in order to keep the names of those executed alive and spare the lives of the hundreds of individuals awaiting execution in the prisons of the Islamic Republic. On January 25, they will express their protest through a hunger strike."[2891]

Narges Mohammadi

1447. When the protests broke out in September 2022, Narges Mohammadi was already serving a 12-year sentence in Evin prison in Tehran, for her human rights activism. On 16 November 2021, she had been arrested (for the 12th time) while at a commemoration ceremony for Ebrahim Ketabdar, a protester killed in the 2019 protests, and held in solitary confinement (for the fourth time).[2892] On 25 January 2022, she was sentenced in absentia to eight years and two months in prison and 74 lashes for 'collusion against national security'.

1448. Since then, Ms. Mohammadi has been subjected to judicial harassment, with the authorities opening several new cases against her. On 9 October 2022, she was convicted on charges of 'propaganda against the state' and sentenced to 15 months in prison. During 2023, Ms Mohammadi was summoned by the judicial authorities on 11 separate occasions. In August 2023, she was sentenced to an additional one-year in prison for 'propaganda activities' conducted while in prison.

1449. On 16 September 2023, marking the anniversary of the death in custody of Jina Mahsa Amini, Narges Mohammadi and other defenders burned their *hijabs* in the yard of Evin Prison. Sixty-one women activists, including WHRDs, started a hunger strike to protest the execution of Mohammad Ghobadlou. Narges Mohammadi announced the strike on Instagram and the hunger strike sparked a wave of solidarity, including from Iranian women previously imprisoned and celebrities.[2893] Hunger strikers were reportedly punished by removal of their visitation rights. Narges Mohammadi had earlier also gone on hunger strike in November 2023 to protest the Prison Authorities' delays in and denial of medical care for sick inmates of Evin Prison and withholding of her own medical care following her refusal to wear the mandatory *hijab* for a hospital visit.

1450. In October 2023, she was also denied medical care despite her serious heart condition under the pretext that she refuses to wear the *hijab.* On 6 November she started a hunger strike in protest, which she eventually stopped when she was transferred to hospital. On 15 January 2024, Narges Mohammadi was sentenced by Branch 26 of the Tehran Revolutionary Court to an additional fifteen months in prison on the charge of "propaganda activities against state". In February 2024, she was prevented from attending her father's funeral. Her imprisonment at Evin Prison did not stop Ms. Mohammadi from being one of the most vocal critical voices against the repression of the protests by the authorities.

(e) *Harassment and intimidation of women human rights defenders outside Iran*

1451. Iranian WHRDs based outside the country[2894] have been under surveillance, harassed, including online and threatened[2895] and their families have been targeted for arrest to silence them.[2896] The relatives of a woman human rights defender who had been outspoken in the media and participated in public events denouncing human rights violations, including at the European Parliament, were arrested and held for several weeks in order to force her to abandon her activism. A family member of a woman human rights defender reportedly lost their job in Iran because of her activism and her other relatives ended their contact with her for fear of reprisals. She explained that she felt she was bringing shame on the family when she was only defending human rights.[2897]

[2891] https://www.instagram.com/p/C2hQ85tqpPd/?img_index=1. See also "Iranian Women Inmates to Launch Hunger Strike Against Death Penalty", IranWire, 23 January 2024,
[2892] FFM-IRAN-D-001771 (Letter).
[2893] https://www.instagram.com/p/C2hQ85tqpPd/?img_index=1;
https://www.instagram.com/p/C2hm9R0Ksug/ , 25 January 2024.
[2894] See for example, Manisha Ganguly, "Iranian activists across Europe are targets of threats and harassment", The Guardian, 22 September 2023.
[2895] FFM-IRAN-D-000742 (FFMI Interview).
[2896] FFM-IRAN-D-001535 (FFMI Interview).
[2897] FFMI-Iran-D-050004 (FFMI Interview).

2. Repression of journalists

1452. From the outset of the protests, journalists found themselves targeted reporting on the death of Jina Mahsa Amini and the protests and exercising their right to freedom of expression.[2898] On 11 November 2022, in their press release, eight Human Rights Council Special Procedures mandate holders noted that at least 51 journalists had been arrested since 16 September, with 37 remaining detained.[2899] At the time of drafting this document, many of them were still in detention, including some in incommunicado detention.

1453. The non-governmental organization Reporters without Borders (RSF) ranked Iran 178 and 177 out of 180 in its press freedom index in 2022 and 2023, respectively.[2900]

1454. On 23 November 2023, in its concluding observations on Iran, the Human Rights Committee stated that it was "concerned by credible reports about harassment, arbitrary arrest and prosecution of journalists for their reporting, in particular that, following the protests of September 2022, approximately 100 journalists, including Niloofar Hamedi and Elahe Mohammadi, were imprisoned".[2901] The Mission has independently corroborated a pattern of harassment against journalists as described below.

(a) Lack of legal protections under domestic law

1455. Iran's domestic laws related to the media, publications, and social media platforms, or messaging services, do not guarantee the rights of journalists and media workers as protected under international human rights law and put undue restrictions on their work and rights.

1456. Both the Constitution of Iran and Iran's Press Law[2902] imposes numerous restrictions on media freedom, rather than ensuring the freedom to seek, receive and impart information and ideas of all kinds through the media as provided for in the ICCPR. Article 24 of the Constitution of Iran provides for the freedom of expression of journalists and media workers except where there is infringement of the 'basic tenets of Islam' or 'public rights'. Moreover, pursuant to article 175 of the Constitution, the state television broadcaster, Islamic Republic of Iran Broadcasting, operates under the supervision of the Supreme Leader and television and radio programmes are required to adhere to Islamic laws and serve the best interests of the country. The Press Law provides that "[t]he Press is free, except for items which undermine Islam's bases and commandments, and public and private rights, as set forth in [the] chapter".[2903] These include publishing "heretical articles which violate Islamic values and spreading material which harms the bases of the Islamic Republic", "[s]preading fornication and forbidden practices and publishing photographs, pictures, and material which violate public chastity", and insulting Islam and its sanctities, or the Supreme Leader and recognized "sources of emulation".[2904]

1457. The Press Supervisory Board (*heyat-e nezarat bar matbou'at*), which has the power to issue and revoke licenses, suspend publications and impose restrictions is neither independent nor impartial. It

[2898] See Section III
[2899] See "Iran: Stop sentencing peaceful protesters to death, say UN experts, Statement issued by eight Special Procedure mandates holders on 11 November 2022.
[2900] Reporters without Borders, Iran.
[2901] Human Rights Committee, concluding observations on the fourth periodic report of the Islamic Republic of Iran, 23 November 2023, CCPR/C/IRN/CO/4, para. 49. The Committee also expressed its concern by reports indicating that torture and ill-treatment is practiced, inter alia, on journalists, by reports of lengthy detention periods without trial, incommunicado detention in unacknowledged detention centres, and the lack of access to lawyers and communication with families, in cases, inter alia, of detained journalists. It was further concerned about the lack of fair trial guarantees at revolutionary courts, where a large number of death sentences, reports of targeted surveillance and monitoring of journalists and others, and by numerous reports of the imposition of arbitrary travel bans on journalists and others and are imposed on journalists and other civil society actors. See also paras. 27, 31, 37, 41, 45.
[2902] Approved on 13 March 1986 and last amended on 29 November 2009, see "Press Law", ratified on September 8, 2002. See also Flawed Reforms: Iran's New Code of Criminal Procedure, Amnesty International, February 2016.
[2903] Chapter IV of Iran's Press Law's on the "Limits on the Press"
[2904] Press Law of Iran, art. 6 (i), (ii) and (vii).

consists of seven members, among whom six are appointed by the government,[2905] and a manager of a media outlet by chosen by peers.[2906] All must be Muslim, and have necessary academic, ethical/ moral qualifications and belief in the Islamic revolution. While the Press Law provides that the decisions of the supervisory body are final, it notes that this does not prevent complaints or lawsuits.[2907] However, in practice, there is no evidence that the courts have paid attention to complaints and responded in accordance with the international human rights standards.[2908]

1458. The Press Law further prescribes a number of offenses and penalties, including in relation to forms of expression that are protected under international human rights law. Namely, it provides for punishment when "the Press is used to insult the true religion of Islam and its sanctities". This offense amounts to apostasy, which can carry the death penalty.[2909] It provides for revoking a publication license, if a publication is considered to be insulting the Supreme Leader or "sources of emulation", and for the prosecution and punishment of the responsible manager of the media outlet and the author of the relevant article.[2910]

1459. In addition, the Press Law contains vague formulations in relation to the scope of criminal responsibility for press offenses[2911] referring to "anyone who reveals and publishes", "incites and encourages" and "insults", leaving room for interpretation and lacking legal certainty as to who may be liable. The Mission also notes that one purported offense would lead to multiple and arguably inflationary punishments as the Press Law provides for the punishment of the author of an individual article, the chief editor, the shutting down of the newspaper, publication, or social media network.[2912]

1460. Restrictions to freedom of the press are also contained in the Islamic Penal Code. Article 698 of the Islamic Penal Code for instance is used to punish journalists and media workers for expression protected under international human rights law. It provides that "[a]nyone who, with the intention of harming others or disturbing public minds or official authorities, expresses false accusations through letters, complaints, correspondences, petitions, reports, or the distribution of any printed or written documents, signed or unsigned, will be sentenced to imprisonment from one month to one year or receive up to 74 lashes."

1461. Furthermore, the fifth chapter of the Computer Crimes Act, states that "[a]nyone who, with the intent to harm others or disturb public minds or official authorities, publishes or makes available false information through a computer or telecommunication system [...]" shall be sentenced to a prison term of up to two years and/or a monetary fine.[2913] In addition to criminalizing protected speech, the lack of a definition of what "disturbing public minds" means, allows any expression to be punished as such and runs contrary to the principle of legal certainty.

1462. Journalists and the media are also subject to censorship of protected speech. Human Rights Activists News Agency reported that, inconsistent with the constitutional law, at least nine official institutions are involved in censorship.[2914]

[2905] Those members are the following: a judge, appointed by the head of the judiciary; the Minister of Culture and Islamic Guidance or his fully empowered representative; a member of the Islamic Consultative Assembly chosen by the Assembly; a professor selected by the Minister of Culture and Higher Education; a teacher of the Qom seminaries, appointed by the Supreme Council of the Seminaries in Qom; and a member of the Supreme Council of the Cultural Revolution selected by that council.
[2906] Article 10 of the Press Law of Iran (as amended on 18 April 2000).
[2907] Ibid Note 2 to Art. 10.
[2908] See e.g. "The Press Supervisory Board from the perspective of the law," Mirna, 14 November 2022.
[2909] Article 26 of Press Law of Iran.
[2910] Ibid Art.27.
[2911] Ibid. arts. 24, 25 and 26.
[2912] See for instance "Iran: Events of 2022", Human Rights Watch.
[2913] Article 746 of Computer Crimes Act of Iran (June 2009). On this law, see also Flawed Reforms: Iran's New Code of Criminal Procedure, Amnesty International, February 2016.
[2914] World Press Freedom Ranking 2016: Rank 169 for Iran, Human Rights Activist News Agency, 20 April 2016.

(b) Arrests, detention and criminal convictions of journalists

1463. The Mission investigated individual cases of arrest, detention, and criminal convictions of journalists solely for their professional work in connection with the protests, including their reporting on the death in custody of Jina Mahsa Amini.

1464. No official figures on arrests, detention, and criminal convictions of journalists since 16 September 2022 have been made public by the Iranian authorities. However, only a few days after the start of the protests, on 22 September, the Committee to Protect Journalists (CPJ) announced that "at least 28 journalists had been arrested".[2915] Nearly a year after the start of the protests, on 14 September 2023, the CPJ reported that roughly 100 journalists, many of them women, were known to have been arrested in relation to their protest coverage." While most had been released on a high amount of bail, some had been rearrested. Authorities had charged nearly all with "spreading propaganda against the ruling system" and "colluding and acting against national security."[2916] According to Reporters Without Borders (RSF) 20 journalists remain in in detention.[2917]

1465. Among the 34 women journalists reported by RSF to be detained between 2022 and 2023 in Iran, a record number of 32 were either arrested after the protests began on 16 September 2022 or detained in relation to the protests.[2918] On several cases, non-governmental organizations provided information deemed credible by the Mission.

1466. According to this information, Yalda Moayeri, an award-winning photojournalist and a member of the Iranian Photojournalists Association, was arrested on 20 September 2022 while photographing security forces beating protesters during the "Woman, Life, Freedom" nationwide protests and transferred to Qarchak Prison. Maryam Vahidian, a journalist at Shargh newspaper and ILNA news agency, was arrested by IRGC forces at her home on 27 November 2022 during the "Woman, Life, Freedom" nationwide protests and transferred to Ward 2A of Evin Prison where she underwent interrogations. She was reportedly released on bail on 28 December 2022. Branch 26 of the Tehran Revolutionary Court sentenced her to four years imprisonment on charges of "gathering and colluding to commit crimes against national security" on 18 April 2023. The sentence has been suspended for five years.[2919]

1467. On 2 November 2023, four Special Procedures mandate holders sent a communication to the Government about the situation of Nasim. Soltanbeygi, a journalist writing mainly on women's rights in Iran, who was arrested on 11 January 2023 at the airport by intelligence agents as part of the "Woman, Life, Freedom" protests and imprisoned for one month in Ward 2A of Evin prison before being released on substantial bail. In this communication, they indicated that: "Despite her temporary release, the intelligence service continued to summon and investigate her, including three times in May 2023. The prosecutor subsequently issued an indictment seeking "the most severe punishment" for her from the court due to her lack of collaboration during the interrogations. On 3 July 2023, Nasim Soltanbeygi received a sentence from Branch 26 of the Revolutionary Court, consisting of three years and seven months in prison on the charge of 'gathering and colluding against national security' and an additional eight months in prison for 'propaganda against the state.' The Revolutionary Court also imposed a two-year ban on travel, and a two-on participation in political and social groups. On 18 September 2023, Branch 36 of the Appellate Court upheld the trial court's conviction with minor modifications, resulting in a sentence to

[2915] See "Iranian security forces step up arrests of journalists amid anti-state protests", Committee to Protect Journalists, 22 September 2022. By 1 November 2022, the CPJ reported that at least 51 journalists had been arrested and noted the release on bail of 14 of them. See, "CPJ renews call for Iran to release all jailed journalists amid anti-government protests", Committee to Protect Journalists, 1 November 2022.

[2916] "Iran's journalists in dire straits one year after protest crackdown", Committee to Protect Journalists, 14 September 2023.

[2917] Iran. N.B. Among the 17 journalists reported by CPJ to be imprisoned as of 1 December 2023, only five were arrested before 16 September 2022. Reporters without Borders. See also "7 Journalists Imprisoned in Iran", Committee to Protect Journalists, 1 Decembre 2023.

[2918] Reporters without Borders, Barometer 2023.

[2919] "Journalists, Vahidian and Naghai, convicted", Shargh Daily, 7 May 2023; See also "Maryam Vahidian, the journalist arrested in the recent protests, was sentenced to four years in prison", Radio Farda, 16 May 2023.

seven months and sixteen days in prison on the charge of 'propaganda against the regime', and three years and six months in prison on the charge of 'gathering and colluding against national security'.[2920]

1468. On 23 November 2023, the Iranian authorities responded to this communication, stating that: "Ms. Soltanbeygi stands accused of engaging in communication with the criminal and terrorist organization known as *Munafiqeen* (MKO) collaborating with hostile and anti-Iran media entities aligned with said terrorist organization, utilizing cyberspace to incite public opinion against the State. They further indicated that: "subsequently, she was adjudicated and sentenced to a term of imprisonment lasting three years and six months." The letter also confirmed her exclusion from any amnesty.[2921]

Niloufar Hamedi and Elahe Mohammadi

1469. Journalists covered the death of Jina Mahsa Amini and subsequent related events were among the first to be targeted (see Section III). A statement issued on 28 October 2022 entitled "the Enlightening Joint Statement by the Ministry of Intelligence and the Intelligence Organization of the IRGC" referred to the two women journalists Niloufar Hamedi and Elahe Mohammadi stating that they had been "trained by the mafia regime of the US" and that they had "performed their mission" "under journalistic cover" by inciting the relatives of Jina Mahsa Amini and publishing "biased reports".[2922] The statement was issued when Niloufar Hamedi and Elahe Mohammad were detained and six months prior to their being indicted for offences including "cooperation with the hostile government of the US."[2923] One witness was told by the interrogator during her interrogation that Niloufar Hamedi and Elahe Mohammad attended classes abroad to overthrow the Islamic Republic and that they had interactions with the CIA.[2924] The journalists were not tried in open court, contrary to both Article 168 of the Iranian Constitution and Article 34 of the Press Law.[2925]

1470. On 29 October 2022, responding to this statement, the Journalist Association of Tehran commented: "the statement by the two main intelligence bodies of the country regarding an analysis of the recent events, had no other meaning than journalism should be considered a crime and thus prohibited. The ordinary activities of two of our colleagues in conducting their professional activities has been considered grounds for an accusation which only means an end to journalism […] the two reporting activities referred to by the intelligence bodies are among the most basic and fundamental duties of journalists".[2926]

1471. The Mission also reviewed credible information about Negin Bagheri**,** a woman journalist and feminist activist working for the newspaper Haft-e Sobh, who was summoned to the Office of Prosecutor located in Evin[2927] in February 2023. Though released on bail, she was tried in September 2023 together with Elnaz Mohammadi from Ham Mihan newspaper and the sister of Elahe Mohammadi. They were both convicted of and sentenced to three years in prison on charges of conspiracy and collusion. Their lawyer told domestic media that the sentence would be suspended for five years and that during this period, both journalists would be required to undergo "professional ethics" training and prohibited from leaving the country. [2928]

[2920] Allegation Letter of the Special Procedures, AL IRN (18.2023) (ohchr.org)
[2921] See "The Comment of the Islamic Republic of Iran on the 2 November 2023 Joint Communication of the Special Procedures Mandate Holders Regarding Nassim Soltan Beigi", Ref. 2050/1837918, 23 November 2023.
[2922] See "Joint statement of the Ministry of Intelligence and the Intelligence Organization of the Revolutionary Guards", ISNA, 28 October 2022; "Includes sufficient information on the identities of the journalists", ISNA, 28 October 2022.
[2923] See Section III.
[2924] FFM-IRAN-D-000593 (FFMI Interview).
[2925] See Iranian journalists Niloofar Hamedi and Elahe Mohammadi sentenced, Committee to Protect Journalists, 22 October 2023.
[2926] See "Ban Journalism / The statement of the two intelligence agencies means that all of us journalists are accused and even guilty", Shargh, 29 October 2022.
[2927] See "Two more journalists convicted amid crackdown on journalists", Radio Farda, 2 September 2023.
[2928] See "Iran: 3-year Sentence for Negin Bagheri and Elnaz Mohammadi", Coalition For Women in Journalism, 2 Sept. 2023.

1472. Several journalists were arrested for writing or broadcasting protected speech. For instance, one journalist was arrested in October 2022 and detained for two months after she posted a photo of herself with a detained journalist.[2929] Another journalist was arrested in 2022 by plainclothes members of the IRGC, beaten up during transfers to two IRGC detention centres and punched, kicked and beaten on his head, chest, back, and the side of his body during interrogation by the IRGC, resulting in damage to a vertebra in his neck.[2930] He was convicted and sentence to imprisonment including on charges including "spreading propaganda", before he was included in the State pardons.[2931]

1473. Journalists who published reports on the death of Armita Garavand have also reportedly been summoned,[2932] with one journalist, Sara Masoumi, being sentenced to six months in prison and a two-year ban on journalistic work in December 2023.[2933] In an interview with national media, her lawyers explained that the only ground for this conviction was her single tweet about the death of Armita Garavand.[2934]

(c) Threats against journalists reporting on Iran outside the country

1474. Journalists received serious threats, including to their lives and personal safety, leading to the involvement of the police in some countries.[2935] Journalists, in particular women journalists, faced heightened online vilification, harassment and attacks.

1475. On 19 October 2022, the Ministry of Foreign Affairs of the Islamic Republic of Iran, sanctioned BBC Persian Service and Iran International television, and imposed asset freezes on their staff.[2936] On 18 February 2023, Iran International announced that following a meeting with London's Metropolitan Police regarding increasing threats to the lives and safety of its journalists, it had made a decision to close its operations in London and relocate to the United States.[2937]. In December 2023, an Austrian national was sentenced to three and a half years in prison by the Central Criminal Court of England after being convicted of attempting to collect information likely to be useful for terrorism at a building where Iran International was based at that time.[2938]

1476. In March 2023, at a side event at the Human Rights Council session, the head of Deutsche Welle Persian Service noted that she was extremely concerned about the safety of their staff in Germany and their families in Iran. Since the protests began in September 2022, Iran reportedly had been increasing the pressure on journalists living abroad. According to their reporting, agents working for Iran contacted two people in Iran who were following a Deutsche Welle employee on Instagram. They were both told on the phone and during interrogations to unfollow the account if they wanted to avoid reprisals against

[2929] FFMI-IRAN-05029.
[2930] FFMI-IRAN-D-050102.
[2931] FFMI-IRAN-D-050033 (FFMI Interview).
[2932] See "Summoning and arresting several other journalists in Iran", Radio Farda, 9 November 2023.
[2933] See "A journalist was sentence to prison for publishing tweet about Armita Garavand," Radio Farda, 20 December 2023.
[2934] See "Sara Masoumi was sentenced to six months imprisonment and 2 years ban from journalism for publishing a tweet about Armita Garavand", Shargh, 20 December 2023.
[2935] FFM-IRAN-D-000731 (Submission); FFM-IRAN-D-001500 (FFMI Interview).
[2936] "Statement of the Ministry of Foreign Affairs regarding the imposition of sanctions on British individuals and entities", Ministry of Foreign Affairs, 9 October 2022; FFM-IRAN-D-001372. See also FFM-IRAN-D-001772 (Submission).
[2937] See: "Terror Threats Force Persian TV Channel To Close London Studios", Iran International, 18 February 2023. See also "Met police and MI5 foil 15 plots by Iran against British or UK-based 'enemies'", The Guardian,18 February 2023. In November 2022, Iran International said that two of its journalists had been formally notified by the police in the UK that they were facing threats that posed "an imminent, credible and significant risk to their lives and those of their families". Other staff members had been notified of separate threats. See "'The Wedding': Iranian spy plot to kill two news presenters in London uncovered by double agent" ITV News, 21 September 2023.
[2938] See "Counter-terrorism investigation into hostile reconnaissance leads to conviction", Metropolitan Police, 20 December 2023 . See also "Suspect in Terror Plot Against Iran International Gets Jail Term", Iran International, 22 December 2023; "Court case and ITV investigation reveal tactics used by Iran to silence UK-based journalists", RSF calls on Iran to stop targeting journalists at home and abroad, Reporters without Borders, 21 December 2023.

themselves and their relatives.[2939] Deutsche Welle had reported an increase in reach of 326 per cent across all of its Persian service platforms in the months following the start of the protests (from September 2022 until February 2023).[2940]

1477. Journalists interviewed by the Mission also described the threats that they faced reporting on Iran from outside the country since the protests began on 16 September 2022. A former BBC journalist for instance reported the efforts since the start of the protest to hack her accounts and to shadow ban her.[2941] Her account was restored after she reported the incident to the social media company concerned. She also reported having been accused by State authorities in Iran of working with foreign Governments and "terrorists".[2942]

1478. In some cases, journalists who have had to leave the country after reporting on human rights violations described how security forces had told their families that they knew where they lived. They noted that they do not socialize with people in their current country of residence because of the threats received on social media which they suspected to be linked to the Iranian government –They kept to themselves, because they do not feel safe and secure enough.[2943] Another witness living outside Iran also described not feeling safe.[2944] Another journalist abroad reported on receiving daily death threats.[2945] The Mission notes that threats not only presage a future harm but devastating impacts on the life and ability to work of journalists, leading to many leaving the profession altogether. They are aimed at silencing the stories and voices of victims amplified by journalists' work. Hence, they generally have a serious and detrimental social impact.

(d) Harassment of family members of journalists

1479. Journalists, including from BBC Persian, Iran Wire and Voice of America, who have reported on the death in custody of Jina Mahsa Amini and on the protests that began on 16 September 2022, faced their family members being contacted and threatened by security forces,[2946] arrested and charged, in an apparent attempt to exert pressure on them and prevent them from further reporting.[2947] A journalist who lives outside Iran and formerly worked for an international media corporation described the harassment of her family, including their receiving several summons, being interviewed by members of the Ministry of Intelligence and IRGC, her parents' house being raided, and confiscation of her family members' passports.[2948]

1480. Surveillance and threats extend beyond Iran. Likewise, a journalist based outside Iran and working for an international media organization described how pressure was put on the extended family in Iran as a result of reporting on the protests inside and outside Iran. Family members were subject to surveillance, including possible mobile device monitoring, had their passports taken, and bank accounts frozen. In the course of interrogations before the Ministry of Intelligence and IRGC, threats were made against children of the family, including alluding to sexual violence against a girl.[2949] A journalist reporting on Iran outside

[2939] DW and BBC appeal for protection of journalists reporting on Iran at UN Rights Council in Geneva", Deutsche Welle, 23 March 2023; Court case and ITV investigation reveal tactics used by Iran to silence UK-based journalists: RSF calls on Iran to stop targeting journalists at home and abroad, Reporters without Borders 21 December 2023.
[2940] DW and BBC appeal for protection of journalists reporting on Iran at UN Rights Council in Geneva, Deutsche Welle, 23 March 2023.
[2941] FFM-IRAN-D-001013 (FFMI Interview). An Instagram shadow ban refers to the act of hiding or restricting an account's content without informing the user (based on reports by other accounts). When shadow banned, the content of the account does not appear on other feeds, and on explore or hashtag pages except on accounts that follow the shadow banned account.
[2942] FFM-IRAN-D-001013 (FFMI Interview).
[2943] FFMI-IRAN-D-050853.
[2944] FFM-IRAN-D-000110 (FFMI Interview).
[2945] FFM-IRAN-D-001012 (FFMI Interview). See also American Sentenced for Role in Plot to Kidnap VOA Persian Host, 11 April 2023; "Iranian dissident put under 24-hour police protection in UK after threats to life", The Guardian, 11 May 2023.
[2946] FFMI-IRAN-D-050853. See also FFM-IRAN-D-000728 (Submission).
[2947] FFM-IRAN-D-000110. See also Iran Wire, "My Brother Was Arrested Because I'm a Journalist", Iran Wire, 24 May 2023.
[2948] FFM-IRAN-D-001013 (FFMI Interview).
[2949] FFM-IRAN-D-001013 (FFMI Interview).

of the country was warned not to travel to countries near Iran to visit family members after being warned of possible abduction from there to Iran.[2950]

3. Artists, writers, athletes, and other public figures

1481. Since the start of the protests, artists, including musicians, writers, poets, singers, painters, actresses, and film directors, athletes and other public personalities perceived to have the ability to influence the larger public, have expressed their solidarity with the family of Jina Mahsa Amini and the "Woman, Life, Freedom" movement that followed. Their solidarity manifested in taking part in the protests alongside others, posting support messages on social media, denouncing State violence, the broader impunity for human rights violations along with demands for freedom, equality and dignity for all.[2951] As a result of their support, many were subjected to violations of their rights, including, among others, their rights to life, freedom of opinion and expression, liberty and security of the person and freedom from torture and ill treatment, with State authorities routinely applying national security laws to justify violations to their rights.[2952] In some instances, repressive measures were also taken against women and men public figures solely because of their status, or real and/or perceived opposition to the mandatory *hijab*.[2953] Individuals were particularly targeted if they were seen as having influential dissident voices.

1482. As described in previous sections of this document, State repressive measures formed part of a broader strategy to curb freedom of expression and control the exchange of information and creative ideas across Iran, including through publications or online content.[2954] In addition, the crackdown since September 2022 against artists and public figures should be viewed against the backdrop of pre-existing laws and policies restrictive of both freedom of expression and artistic freedom for decades. In Iran, NGOs have noted that even prior to September 2022, writers and creators were already subjected to repression beyond almost every other country.[2955] Such patterns of repression were further exacerbated with the "Woman, Life, Freedom" movement, with poets, writers, singers, actors, and filmmakers subjected to arbitrary arrests, imprisonment, suspended sentences, travel and work bans as well censorship, including self-censorship, for criticism of the death penalty, politically-charged poems, and other matters.[2956]

(a) Arrests, detention, and criminal prosecution

1483. While there is no official figure on arrests, detention and criminal convictions of artists, writers, and others since 16 September 2022, information gathered by the Mission including officials statements points to large- scale repressive measures taken by State authorities[2957] In July 2023, for instance, the Deputy Minister for Culture and Islamic Guidance, Mohammad Hashemi, reported that approximately 1,000 artists had "broken the law" and 300 artists had "refused to conform with the system" even though they had been "warned" of their alleged "illegal conduct". He noted that, as a result, 300 artists had faced restrictions to their work, including a prohibition to exercise professional activities.[2958] More than 100 cinema, music, and theatre artists who had been critical of the Government, had been arrested and imprisoned, had their passports confiscated, and were prohibited from working. The significant scale of arrests of cinema and theatre artists as well as singers, led several cinema directors to establish a legal and judicial committee to support detained artists with legal aid. Reportedly, many have been arrested on charges for security-related offences, as a result of participating in protests both online and offline.[2959] On

[2950] FFM-IRAN-D-001013 (FFMI Interview).
[2951] Communication UA IRN 26/2022 from Special Procedure mandate holders to the Government of Iran, dated 22 December 2023.
[2952] Report of the Secretary General on the Situation of human rights in the Islamic Republic of Iran, A/78/511, 6 October 2023, para. X (not found this in UNSG report).
[2953] See Section VIII.
[2954] See "Deep concern over multiple arrests of writers, artists, musicians in Iran, related to repression of mass protests since September", PEN America, 26 October 2022.
[2955] See "Deep concern over multiple arrests of writers, artists, musicians in Iran, related to repression of mass protests since September", PEN America, 26 October 2022.
[2956] See "150+ Iran Human Rights Defenders", Iran Human Rights, December 2023.
[2957] See Section V.
[2958] See "Hashemi: We support artists, but we do not tolerate lawlessness", IRNA, 18 July 2023.
[2959] "Arrests and bans on artists", Shargh, 14 November 2022.

3 November 2022, the Iranian Writer Association published a list of other artists, poets and writers arrested and detained after the start of the protests.[2960]

1484. Credible information received by the Mission indicated that arrest of writers in Iran have more than doubled in after the September 2022 protests. Several rappers were explicitly targeted for their criticism over the Government (see below), as well as poets, theatre and cinema directors. On 9 October 2022, Hammid Farrokhnejad, an Iranian actor and director, posted on Instagram that he had been summoned, interrogated, and subjected to travel ban for saying that the "even a peaceful protest is not possible" in Iran.[2961]

1485. The unique gender dimension to the protests have led to an increase in imprisonment of women writers in Iran, who expressed critical views regarding the laws and practices that restrict women's human rights. Mona Borzouei, a poet and songwriter, was for example detained on 28 September 2022 for reading a poem dedicated to Jina Mahsa Amini and released shortly thereafter. [2962] In another example, woman actor Hanieh Tavassoli was arrested in September 2023 in her home in Tehran after she posted a tribute to Jina Mahsa Amini and called for the Iranian cinema to align itself with "the intelligent, courageous and rebellious youth and society of today." She was released on bail after one day.[2963] On 19 November 2023, official state media announced that she had been sentenced to six months imprisonment, suspended for three years, and a fine for "publishing false content with the intention of disturbing the public."[2964]

1485. Charges against artists have included violations of national security, *mohraheb*, and "propaganda against the State". In addition, acts of defiance against the mandatory *hijab* have been a common throughline across the arrest and detention of artists. Iranian Minister of Culture and Guidance, Muhammad Mahdi Ismaili, for instance noted that: "The actresses who removed the veil chose not to follow the laws, and we, in the cultural and artistic arena, receive only those who follow the law."[2965]

Saman Yasin

1486. On 30 September 2022, rapper Saman Yasin was arrested in his home in Tehran after he wrote messages in support of protesters on his social media channels and posted protest songs. Reports indicated that Saman Yasin was part of a group trial before a Revolutionary Court in Tehran, during which he was sentenced to death on charges of "corruption on earth" for shooting in the air three times during protests.[2966]

1487. On 13 December 2022, his state-appointed lawyer stated that the judicial authorities had barred him from accessing Yasin's casefile due to "confidentiality". He also said that, in sentencing Saman Yasin to death, the court had relied upon video footage showing an individual, purporting to be Saman, firing into the air, though the image was too blurry to allow for confirmation of the identity of the person, and no weapons or ammunition had been retrieved by the authorities from the scene. [2967] On 24 December 2022, official media confirmed that his death sentence was overturned, and that his case was sent for appeal due to "flaws in the investigation".[2968]

[2960] https://t.me/kanoon_nevisandegane_iran/941.
[2961] See "Government news agency about Farrokhnejad: He was banned from leaving / the judicial system issued his permission to leave after obtaining a commitment / his latest series is under the supervision and support of "security institutions", Entekhab, 16 December 2022, See also: https://www.instagram.com/p/CmLcjyZrLgF/?utm_source=ig_embed&ig_rid=c00a960f-4370-4e76-ac4c-d116d5aee9f9.
[2962] FFM-IRAN-D-001604 (Submission).
[2963] See "Iranian Actress Hanieh Tavassoli Granted Bail After Arrest", Iran International, 17 September 2023.
[2964] See "Hanieh Tavassoli Sentenced for prison", Fars News Agency, 19 November 2023.
[2965] See "From red carpet to prison: This is how Iran dealt with artists who participated in protests", Tellerreport, 1 May 2023.
[2966] See "Iran: Chilling use of the death penalty to further brutally quell popular uprising."; Amnesty International, 16 November 2022. "Iran: List of Individuals at risk of execution in connection to nation-wide protests." Amnesty International, 16 December 2022, Case no. 6.
[2967] See "Lawyer of Saman Seidi, we had no access to my client's case", Khabar Online, 13 December 2022.
[2968] See "Supreme Court of Iran: Mohammad Qabadlou's death sentence was upheld", ISNA, 24 December 2022.

1488. In the days preceding the imposition of a death sentence upon him, according to credible information received, Saman Yasin was prohibited from speaking to his family and subjected to a mock execution in Rajaee Shahr Prison, during which he was forced to sit on a chair with a noose around his neck.[2969] Reportedly, security forces said that "the noose should be placed sideways so that his neck breaks right away when he drops, so he doesn't suffer too much".[2970]

1489. Credible information also indicated that, on 22 July 2023, Saman Yasin was forcibly transferred to Amin Abad Psychiatric Hospital in southern Tehran, where he was kept handcuffed to a bed and forcibly given medication which left him unconscious for 24 hours.[2971] Open-source information reviewed by the Mission indicated that Saman Yasin's forced hospitalization was in response to the release of audio-messages from prison which he had recorded earlier in July 2023. In a media interview, his family reported that neither they nor his lawyer had been informed of his hospitalization.[2972] Since his arrest, Saman Yasin has been routinely denied medical care for the injuries he suffered from the beatings he endured.[2973] He was reported to have attempted suicide in December 2022 due to the harsh detention conditions he was subjected to while in Rajae Shahr Prison. His court hearings have been continuously postponed since 8 May 2023, when he was lastly reported to have been due to appear before court. [2974]

1490. On 26 February 2024, Saman Yasin released a public letter in which he called described his mental anguish due to his continued detention without appearing before a judge.[2975] Credible information received by the Mission indicated that the continuous postponement of his trial has compounded his already fragile psychological and physical mental state. Following this, on 5 March 2024, Saman Yasin was transferred for a second time to the Amin Abad Psychiatric Hospital in southern Tehran. His father was reportedly informed prior to his admission to the hospital.[2976]

Toomaj Salehi

1491. On 30 October 2022, Toomaj Salehi, a prominent Iranian rapper known for his songs about poverty, social issues and general criticism of the Government, was arrested by the security forces in his home in Chaharmahal, Bakhtiari Province, for posting videos of himself on social media in support of the protests. On 2 November 2022, official media broadcast video footage which showed him kneeling on the ground in an isolated area in the middle of the night, blindfolded and with bruises to his face. He was recorded saying that he was "regretful" of his earlier statements about the Government, in a manner that suggested that he had been coerced to express remorse in front of the camera.[2977]

1492. On 12 July 2023, the Prosecutor of Isfahan announced that "Toomaj Salehi "has played a key role in disturbing and encouraging riots in Shahin Shahr city and Isfahan province", rendering him liable for the charges of "propaganda against the State" and "cooperation with hostile governments", and "formation of an illegal group with the intention to disrupt national security". He was sentenced to six years imprisonment, a two-year travel ban, a two-year ban on producing music, and mandated to attend a "life skills" course."[2978]

1493. On 12 July 2023, the Prosecutor of Isfahan announced that "Toomaj Salehi "has played a key role in disturbing and encouraging riots in Shahin Shahr city and Isfahan province", rendering him liable for

[2969] FFM-IRAN-D-001609 (Submission).
[2970] See "Mock execution of Saman Yasin "Leave the rope crooked, his neck will break on the spot when he falls", Radio Zamaneh, 20 November 2023. "Filing for Ahmad Reza Haeri, who spread rumors about Saman Saidi; this convict to prison has no proof for his claim!", Tasnim News Agency, 22 November 2023.
[2971] FFM-IRAN-D-001609 (Submission).
[2972] See "No one told us and the lawyer if Saman Yasin was transferred to a psychiatric hospital or not: last contact with Saman was two days ago", Shargh, 24 July 2023.
[2973] FFM-IRAN-D-001609 (Submission).
[2974] See "Imprisoned Kurdish rapper Saman Yasin exposes torture in audio message", Kurdistan Human Rights Network, 24 August 2023.
[2975] FFM-IRAN-D-001626 (Document).
[2976] FFM-IRAN-D-001608 (Submission).
[2977] See "First images of violent arrest of Toomaj Salehi", Tasnim News Agency, 2 November 2022.
[2978] See "Toomaj Salehi verdict was announced/ issuance of the sentence of six years and 3 months of imprisonment and additional supplementary punishment", IMNA, 12 July 2023.

the charges of "propaganda against the State" and "cooperation with hostile governments", and "formation of an illegal group with the intention to disrupt national security". He was sentenced to six years imprisonment, a two-year travel ban, a two-year ban on producing music, and mandated to attend a "life skills" course."[2979]

1494. In late 2023, Toomaj Salehi appealed his sentence and was released on bail in November 2023, after the Supreme Court overturned the judgment".[2980] Less than two weeks after his release, on 27 November 2023, Toomaj Salehi released a video on his YouTube channel, in which he announced that, while in detention, he had been subjected to severe beatings which led to a fracture to his legs and arms, and kept in solitary confinement for 252 days, or around eight months.[2981] When he attempted to protect himself from the beatings by covering his face with his hands, he said, they broke his fingers. He was also injected with an unidentified substance which he said was "likely adrenaline" to ensure that he remained conscious during the beatings that followed. He denied feeling "remorseful" for his encouragement to the protests, casting doubt on the veracity of the "confessions" broadcast on State media in the aftermath of his arrest.

1495. Three days later, after the recording was published, on 30 November 2023, Toomaj Salehi was re-arrested in Babol city, severely beaten by plainclothes agents and then taken to an undisclosed location where he remained until 3 December 2023, when he was transferred to a prison in Isfahan.[2982] Reportedly, he has been routinely denied medical care since his arrest for injuries, including to his eye and ankle, which he suffered as a result of beatings. [2983] On 21 January 2024, his lawyer posted on X (formerly Twitter) that Toomaj Salehi had also been charged with "armed and group rebellion against the regime" and "conspiracy to commit security-related offenses", for which the death penalty could be imposed. [2984]

1496. In its consecutive responses to United Nations Special Procedure mandate holders, dated 28 January and 31 July 2023, the High Council for Human Rights (HCHR) refuted reports suggesting that Tomaj Salehi has been held in solitary confinement, subjected to "torture and beatings" for the purposes of extracting confession, as stated in "hostile foreign-based media", and stated that he has been in contact with his family and lawyer and allowed access to a doctor. The HCHR also denied that Toomaj Salehi had been subjected to enforced disappearance and noted that his trial proceedings were on-going, and that his arrest was lawful given that he "played a key and influential role in the riots by spreading falsehoods via social media and telecommunication platforms with the purpose of disturbing public order, inciting people to commit acts of violence and inviting them to spark riots therein."[2985]

1497. In a more recent communication dated 30 January 2024 in response to Toomaj Saleh's second arrest in November 2023, the HCHR noted that his arrest was lawful given that he had published falsehoods and incitement to violence against the State and denied reports that he had been forcibly disappeared for several days after the arrest. The HCHR confirmed that he had been given access to a lawyer and allowed to meet his father on 26 December 2023. In response to the concerns raised by the Special Procedures mandate holders regarding the potential imposition of the death sentence, the HCHR noted a judgment, dated 23 December 2023, sentencing Tomaj Saleh to one year in prison, and a two-year travel ban. The HCHR however noted that there are "other criminal cases pending against him for other charges with relevant judicial authorities, including Branch 2 of the Criminal Court of Isfahan and the Islamic Revolutionary Court of the same city".[2986] The Chief Justice of Isfahan had earlier confirmed in July 2023 that Tomaj Salehi was subjected to proceedings at both the Criminal Court and the Islamic

[2979] Ibid.
[2980] https://www.instagram.com/centerforhumanrights/p/CzzotsFrsoM/.
[2981] https://www.youtube.com/watch?v=pWlF3i_1Kl8.
[2982] "The details of the arrest of Toomaj Salehi in Babal", IRNA, 30 November 2023.
[2983] See Communication UA IRN 22/023 from Special Procedure mandate holders to the Government of Iran, dated 22 December 2023.
[2984] Social media post on file with the Mission.
[2985] See Responses of the Government of Iran to Communication UA IRN 22/2023 from Special Procedures mandates holders, dated 28 January and 31 July 2023.
[2986] See Response of the Government of Iran to Communication UA IRN (26/2022) dated 30 January 2024 sent by the Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Revolutionary Court in Isfahan.[2987] On 1 January 2024, in an open letter addressed to the Head of Judiciary, his lawyer raised concerns surrounding the "legality of the proceedings" relating to his case, referring to the legal process as "strange and extraordinary".[2988]

Other artists and members of the creative community

1498. The Mission received credible accounts of repression against other musician/artists. Musicians have expressed, through song and performance, critiques of the Iranian government including about the general poverty, corruption, and lack of accountability faced by ordinary Iranians.[2989] Other musicians have championed the role of women in the post-September 2022 protests,[2990] leading to charges of "propaganda against the system" and "inciting people to violent acts."[2991]

1499. Others have been arrested for songs criticizing the mandatory *hijab*. Women actors who appeared without a *hijab* in public were arrested and charged with, *inter alia*, "links to hostile and counter-revolutionary media see also Section VIII).[2992] In an emblematic example, singer Shervin Hajipour, was arrested in late September 2022 for his song "Baraye" which became a hallmark to the September protests as it featured demands by protesters published on X (formerly Twitter). He was held in detention for three weeks and then released on bail. On 1 March 2024, he posted on Instagram that he had been sentenced to 8 months in prison for spreading propaganda and three years for "inciting and provoking people to riots with intent to disrupt national security". In addition, he was imposed a travel ban for two years and ordered to "collate achievements of the Islamic revolution in the realms of culture, science and art and publishing this on social media under his name", as well as to "read and summarize" two books women's rights in Islam and publish them online. He was also ordered to write songs about "crimes against humanity by the United States" and "collate examples of human rights violations by the United States over the past century and publish it online. Lastly, he was ordered to attend and "educational course on behaviour and knowledge in art".[2993]

1500. In another example, award-winning actor Fatemeh Motamed-Arya, published a video of herself, without the mandatory *hijab*, in which she said: "I am a mother. I am Mahsa's mother. Sarina's mother. I am the mother of all those children who've been killed in this country, not a woman amongst murderers!" [2994] In May 2023, Tehran police said that a legal case has been opened against her for publishing the video without the mandatory *hijab.*

1501. Similar to other protesters, artists have faced a deprivation of basic rights following their arrest, including fundamental fair trial rights. Artists have been denied access to lawyers,[2995] and faced prolonged detention without trial and in poor conditions.[2996] In an audio message from Qarchak prison released on the social media, Zahra Shafiei Dehaghani described being subjected to beatings during her arrest.[2997]

1502. The viral post of five teenage girls dancing to a popular song without the mandatory veil demonstrates the intersectionality of repression against artists. After they posted the video on TikTok on

[2987] See "Toomaj Salehi verdict was announced/ issuance of the sentence of six years and 3 months of imprisonment and additional supplementary punishment", IMNA, 12 July 2023.
[2988] https://twitter.com/amirreiis/status/1741778979797729400?s=46
[2989] See "150 +, Iran Human Rights Defenders, December 2023, Iran Human Rights"; See UA IRN 26/2022 dated 30 November 2022.
[2990] See "Iran releases singer arrested for protest song", DW, 10 April 2022.
[2991] See "Iranian Singer Accused Of Spreading Anti-Government Propaganda", RFE/RL, 11 October 2022.
[2992] See "Hengameh Ghaziani and Ketayoun Riahi were arrested", Tabnak, 20 November 2022.
[2993] https://www.instagram.com/p/C39sFJKtBS0/?utm_source=ig_web_copy_link&igsh=MzRlODBiNWFlZA%3D%3D.
[2994] https://twitter.com/iranwire/status/1580499557175087104?.
[2995] https://www.instagram.com/p/Cv4Vp0hNRW9/?img_index=1
[2996] See "150 +, Iran Human Rights Defenders, Iran Human Rights, December 2023".
[2997] See "Jailed Iranian filmmaker Dehaghani Describes Beatings and Threats", IranWire, 4 October 2023.

8 March 2023, International Women's Day,[2998] the girls were arrested on 10 March 2023, and reportedly forced to apologize after a judicial warning. They were released two days later.[2999]

1503. Repression has been met with acts of solidarity with protesters, along with those same artists subject to arrest. It yet again indicates the intersectionality of artist repression. More than 260 artists signed a statement in support of imprisoned poet Habib Mousavi Bibalani, who was arrested for "propaganda against the system" and "disturbing public opinion."[3000] An Iranian professional cinema organization signalled its own solidarity with arrested members and protesters more generally, linking the arrest of its members with other artists and political prisoners.[3001]

4. Teachers and university professors

"As the new academic year begins, we find ourselves in a situation where numerous wise, responsible, and compassionate teachers endure unjust imprisonment, expulsion, forced retirement, exile, and other grossly unfair penalties. These reprisals stem from their rightful pursuit of demands, advocacy, or responsible critique encompassing cultural, political, social, and even educational matters."

Statement of the Coordination Council of Iranian Teachers Trade Union
condemning a resurgence in repression of teachers, 23 September 2023

1504. The Mission established a pattern of repression of teachers, university professors and school principals who attempted to protect students against attacks in high schools and universities. Instead, they themselves were attacked, arrested and detained, or were subjected to harassment or intimidation in their workplace, or dismissed from their jobs. On the other hand, in a few reported cases, some school principals and teachers threatened to report students to security forces if the students expressed opposing opinions. Members of teachers unions have been subjected to harassment, arbitrary arrest and detention, detention in solitary confinement for several days, torture to obtain confessions, unfair trials, and disproportionately lengthy prison sentences. Many of them were dismissed from their teaching positions, as the courts issued preliminary or final dismissal orders.

(a) Arrest and detention

1505. The Mission received accounts of teachers and trade union leaders who were charged, including by Islamic Revolutionary Courts with serious offenses for their alleged role in the protest movement such as: "membership to groups with the aim of disrupting the country's security", "assembly and collusion with the intention of disrupting internal security," and "propaganda against the state."[3002]

1506. A provincial representative of a teachers' trade union explained to the Mission that he had been arrested and imprisoned on numerous occasions, due to his role in the union. Speaking about two recent arrest incidents, he stated that as he was preparing to join a protests called by teachers on the occasion of the international Labour Day, he was suddenly arrested by more than ten IRGC agents, and tortured. On 29 January 2023, eight people, whom he later identified as agents of the intelligence office, forcefully broke into his home, confiscated his phone, books, some articles and photos and took him to the detention facility of an unspecified "intelligence center".[3003] Another teachers trade union leader reported? similar circumstances and treatment.[3004]

[2998] See "Iranian Authorities Reportedly Searching For Girls Who Danced On Women's Day", Radio Farda, 10 March 2023.
[2999] https://twitter.com/shahrak_ekbatan/status/1635281066037768196.
[3000] See "Iran's Activists Unite In Call For Release of Imprisoned Poet", Iran International, 8 September 2023.
[3001] See "Iranian Film Associations Decry Crackdown on Artists", IranWire,19 September 2023.
[3002] FFM-IRAN-D-000512 (FFMI Interview), FFM-IRAN-D-000095(FFMI Interview). See also "Protesting teachers summoned to Revolutionary Court in Yazd", Radio Farda, 19 May 2023.
[3003] FFM-IRAN-D-000510 (FFMI Interview).
[3004] FFM-IRAN-D-000511 (FFMI Interview).

1507. In June 2023, the Coordination Council of Cultural Organizations reported that more than 250 teachers and trade unionists had been arrested, imprisoned, expelled or exiled" and that over 39 of them were convicted and imprisoned.[3005]

1508. Members of the global education community also made calls for the release of all imprisoned teacher trade unionists. For example, on 12 September 2023, the Council of Global Unions (CGU) released a statement condemning the intensification of repressive measures targeting teachers, journalists, trade union activists, student activists, and women's rights defenders, and denounced the repression and called for its cessation. On 19 October 2023, Education International, a global union federation, also called for the release of trade union leaders and for an end to intimidation of those exercising the rights to peaceful assembly and freedom of expression.

1509. The Mission obtained and reviewed official court documents regarding a teacher who was arrested, detained, charged with and then convicted of crimes of collusion against the state, crimes of national security, participation and leading illegal gatherings and insulting the Supreme Leader, following his participation in a peaceful protest. The teacher received a six-year prison sentence in addition to being sentenced to exile from his province and being dismissed from his teaching job. He was also subjected to disciplinary actions from the Ministry of Education.[3006]

1510. In some cases reviewed by the Mission, trade union leaders following their arrest and detention were required to pay exorbitant amounts of bail, as high as USD 50,000, for temporary release.

(b) Workplace retaliation, unfair and discriminatory treatment

1511. The Mission found a pattern of unfair treatment and workplace discrimination aimed at silencing dissident teachers and trade union voices. Those who were accused of association with the protest movement faced a range of punishments and disciplinary measures such as dismissals, forced retirement, exile to remote areas with very limited career prospects and wage cuts. According to reliable information, teachers involved in the protest find themselves increasingly excluded from the benefits of the Teachers Ranking Law, designed to enhance wages and benefits.

1512. In October 2022, University professors issued a statement in response to the widespread arrests of students in the context of the protests.[3007] Educators who openly criticized the government, and principals who refused to collaborate with security forces in reporting dissenting teachers or students, were dismissed, suspended, or forced into retirement for allegedly supporting the protest movement. Some were placed by individuals with well-established ties to the state. Many reported that they were suspended and then dismissed for association with students in protests or for not revealing the identities of students who missed classes during days of protest.[3008] In the same vein, multiple sources, including former Iranian university professors, stressed that the large-scale purge of university professors is grounded in the

[3005] See “Prison sentences for three other teachers in Shiraz”, Radio Farda, 21 November 2023. See also “Academic Year in Iran Begins with Imprisonment of Teachers, Arbitrary Arrests”, Center for Human Rights in Iran, 28 September 2023. See also “Iranian teachers continue to face repression, despite recent release of union officials”, Education International, 10 October 2023.

[3006] FFM-IRAN-D-001779 (Submission).

[3007] See “Statement by a group of university professors on condemning the detention of students and the need for their release as soon as possible”, Iranian Students Council, 29 September 2022; See also “Students Violently Attacked, Arrested by Security Forces as Protests in Iran Spread”, Center for Human Rights in Iran, 3 October 2022; Statement in condemnation of the attack on Iranian students - Google Docs.

[3008] FFM-IRAN-D-000516 (FFMI Interview); FFM-IRAN-D-000095 (FFM Interview); FFMI-IRAN-D-050027 (FFMI Interview). See also “Suspended Professor of Allameh Tabataba'i University: Joining Students in Sit-ins and Protests Was Cause of My Firing”, Rouydad24 News, 27 August 2023. FFM-IRAN-D-001738 (FFMI Interview); “The Great Plan of the Sustainable Flow of Resident Government: All Schools Become Honest! Shh! Cleanup is rapidly underway”, Entekhab, 27 August 2023, “unofficial translation”; “At least 22 expulsions and teaching bans: new round of pressure on university professors”, Human Rights Activists News Agency, 27 June 2023; Maziar Motamedi, “‘Academic decline: Why are university professors being expelled in Iran?”, Al-Jazeera, 30 August 2023.

authorities' desire to retain and attract only those professors and other academic staff who conform to a specific ideology and opted to distance themselves from acts of dissent.[3009]

1513. A former University professor for instance explained to the Mission the circumstances surrounding his dismissal in December 2022. He said that the university management in his university were pressuring him and other fellow professors to disclose lists of the students and lecturers who had missed or cancelled classes during the protests. The management and the representatives of the intelligence network demanded professors summon parents of students who missed classes and to warn them about the possible consequences on their children. The witness said that he refused to comply with measures he saw as contrary to the university`s values. This ultimately led to the termination of his employment with the university. Multiple sources reviewed by the Mission show that most of the expelled professors were among the 1,100-professors who were the signatories of the statement condemning the arrest of students.[3010] The list of these professors was reportedly used to identify those to be expelled.[3011]

The mass dismissal of teachers has been confirmed by numerous official sources, including the Minister of Education, Reza Morad Sahraei, who stated on 21 September 2023 that: "This year nearly 20,000 school principals were changed to make a difference in schools."[3012] In October 2023, Iranian media reported that universities were undergoing a `purification` process and as a result a number of teachers and school administrators had been laid off and some teachers expelled and that "this trend will continue." What the authorities labelled as the "purification process," extended its reach from universities to the education sector, resulting in the side lining of teachers, school administrators, and the expulsion of professors. In this context, on 29 October 2023, a member of the Iranian parliament, spoke about the large-scale purge of school principals stating that according to reports, around 15,000 to 20,000 school principals had been removed from their positions due to political and ideological reasons. [3013]

1514. Representatives of teacher trade unions have claimed that the government has, in essence, kept teachers' union rights hostage through a now discriminatory ranking system. This system seems to favour individuals who refrain from union activism or expressing objections to the existing conditions.[3014] For example, Iranian media reported that 48 teachers in Kurdistan province, 20 teachers in Kermanshah province, and more than 80 in Tehran province have been removed from the ranking list of teachers due to the pursuit of union demands and participation in civil organizations.[3015]

1515. Many academics, inside and outside Iran, have expressed their grave concerns regarding violations of academic freedom in light of the recent politically motivated dismissals of distinguished university professors. In two letters dated 6 October 2022 and 15 February 2023 the Committee on Academic Freedom of the Middle East Studies Association of North America (MESA) expressed its grave concern over the dismissal of many professors and lecturers from multiple universities across Iran. It further stated that the dismissals were largely due to the support of faculty members to the peaceful protests of their students, and demanded the immediate reinstatement of university faculty who had been dismissed in the aftermath of the nationwide protests.[3016]

[3010] See "How is the list of expelled professors from the university produced?", Rouydad24 News, 26 August 2023

[3011] See "How is the list of expelled professors from the university produced?", Rouydad24 News, 26 August 2023. "At least 22 expulsions and teaching bans: new round of pressure on university professors", Human Rights Activists Nes Agency, 27 June 2023.

[3012] "20,000 "School Principals" Changed", ISNA, 21 September 2023.

[3013] See "15,000 to 20,000 school administrators have been dismissed for political and religious reasons", Didbaniran Media, 29 October 2023.

[3014] FFM-IRAN-D-000725 (FFMI Interview). See also "Our voice will not be silenced", Special Report on the Impact of State Violence on the Iranian Teacher Movement, Centering on the Period May 2022 to September 2023.

[3015] See "What was the removal of 250 teachers from the government-ordered rankings?" Eghtesad News, 10 March 2023.

[3016] See "Letter protesting dismissals of university professors", Middle East Studies Association, 15 February 2024.

C. Groups targeted for seeking truth, justice and accountability

1. Family members of victims

"Even after a year, what has happened to us is still not believable. We are not even allowed to mourn, which compounds our anguish… not a single person has been arrested in connection with the killing of our loved one over the past year. Yet, within the same period, several members of my family have been arrested and prosecuted." [3017]

Interview of a relative of a protester killed by the security forces.

1516. State harassment of bereaved families of victims started in the immediate aftermath of the killings, often when families rushed to hospitals following calls that informed them that their loved ones had been severely injured or killed. State authorities, including officials at the Offices of Governors and security and intelligence bodies took concerted action to conceal the truth about the killings, silence the families of those killed and hinder their efforts to seek truth and justice. This included withholding the bodies of victims, threatening grieving families that their loved ones would be buried in unidentified locations without their knowledge, imposing severe restrictions on funerals and commemorative ceremonies, harassing and threatening them that they would harm their surviving children and relatives unless they remained silent and/or accepted to repeat the official narrative of the events forced on them by security forces including by giving video-taped statements under duress.

1517. At the same time, family members of protestors and bystanders killed during the protests were themselves summoned for interrogations. When they did not submit to pressures, they were arrested, detained, charged with vaguely worded national security offences and sentenced to punishments including prison terms and flogging. Some were, moreover, disappeared for weeks adding to the anguish of other family members. Those who publicly spoke about the killing of their loved ones, sought truth and justice including by lodging criminal complaints. They held memorials, gave media interviews, or wrote social media posts. As a result, they were subjected to harassment and intimidation. Other forms of harassments included dismissal from work,[3018] severance of retirement salaries,[3019] and expulsion from university,[3020] further placing them under heightened, including economic pressures.

1518. While the harassment of family members continued unabated at the time of writing, the Mission recorded heightened levels of harassment immediately after the killings and prior to funerals, in advance of periods where commemorative ceremonies are traditionally held, in particular the third (*sevom*), the seventh (*haftom*) and the 40th day after the death (*chehelom*). Increased pressure was also documented during the period leading to the first anniversary of the "Woman, Life, Freedom" Movement, and the one-year anniversary of the victims' deaths.[3021] Families were also subjected to increased harassments in advance of and on the birthdays of their loved ones when they attempted to gather and honour their memory at gravesites.[3022]

1519. The harassment of families of victims killed in the context of "Woman, Life, Freedom" Movement took place against the backdrop of the ongoing harassment of generations of families of victims. They included the victims of 1988 mass execution of political prisoners and dissidents,[3023] families of victims

[3017] Name of province withheld for protection reasons.
[3018] FFMI-IRAN-D-050215 (Submission); "Continued harassment of Majid Kazemi's family; Father's pension cut and sister's dismissal from work", VOA News, 28 May 2023; "Zeinab Moulairad, Kian Pirfalak's mother, was 'banned and suspended' from attending her workplace", Radio Farda, 21 January 2023.
[3019] See "Continued harassment of Majid Kazemi's family; Father's pension cut and sister's dismissal from work", VOA News, 28 May 2023.
[3020] See "Pressure on the families of the dead protesters: the dismissal of Majidreza Rahnavard's sister and Javad Heydari's sister from university and work", Radio Farda, 8 March 2023.
[3021] FFMI-IRAN-D-050302 (Submission); FFMI-Iran-D-050215 (Submission); FFMI-IRAN-050119 (FFMI Interview); FFMI-IRAN-D-050144 (FFMI Interview); (Statement); (Statement); Statement); (Statement).
[3022] FFMI-IRAN-D-050144 (FFMI Interview); (Statement).
[3023] "Joint Communication by several UN Special Procedures to the Islamic Republic of Iran", Ref: AL IRN 20/2020, 3 September 2020; "Joint Communication by several UN Special Procedures to the

killed during previous rounds of protests and especially the 2019 protests,[3024] and the families of those killed in the Iranian Revolutionary Guard's downing of Ukraine International Airlines Flight 752 Ukrainian flight.[3025]

(a) Patterns

"Let me tell you clearly, if you don't want to lose another member of your family, you have to be silent."[3026]

Threats from intelligence officials
reported by the sibling of a young woman killed during the protests.

Withholding or threatening to withhold victims' bodies.

1520. In order to prevent them from attributing responsibility of the killings to the State, State authorities threatened families that they would not receive the body of their loved ones unless they remained quiet.[13]

1521. Credible information reviewed by the Mission[3027] showed that in one case, a mother whose young daughter had been fatally shot by the security forces was threatened by officials from the Governor's Office that unless she and her relatives stopped publicly condemning the State for the fatal shooting, they would take the body of her daughter away and bury her secretly and that she would not find out where she had been buried until the day she lived.[3028] A relative of a young man killed during the protests whose family was summoned and pressured immediately after the killing told the Mission: "It was there and then that I realised how many more the authorities had killed and had coerced their families into silence with threats and intimidation."[3029]

(a) In several cases the Mission investigated, officials pressured and/or coerced families of those killed to give video-taped "interviews" or sign statements that their loved ones had been killed by "rioters" or "opposition groups" or of natural causes and accidents thus absolving the State of responsibility for their deaths.[3030] Some families, fearing that they would never receive the body of their loves ones or that they would lose other relatives, had no other choice but to sign papers or make public statements attributing the cause of death to other factors including to "hostile groups".[3031] In some cases, families subsequently recanted their previous statements saying they had been given under pressures and coercion.[3032]

Islamic Republic of Iran", Ref: AL IRN 22/2022; 14 October 2022; "Iran: Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity", Amnesty International, 4 December 2018.

[3024] See "Relatives of Victims of State Violence are Being Persecuted in Iran", Center for Human Rights in Iran, 31 March 2022; "Iran: Authorities violating absolute prohibition of torture through harassment of witnesses involved in Iran Atrocities Tribunal", Joint NGO Statement, 7 April 2022; "Iran: No Justice for Bloody 2019 Crackdown, No Accountability, Threats against Families", Human Rights Watch, 17 November 2020.

[3025] See "Iran: Ukraine Airline Victims' Families Harassed, Abused", Human Rights Watch, 27 March 2021; "Letter of the Special Rapporteur on extrajudicial, summary or arbitrary executions", Reference: AL IRN 28/2020, 24 December 2020.

[3026] FFMI-IRAN-050119 (FFMI Interview).

[3027] Applying the "do no harm" principle, due to protection concerns in specific cases, the Mission will not, in relation to these cases, publicly disclose references, dates or locations, that could lead to the identification of sources.

[3028] (Statement).

[3029] FFMI-IRAN-D-050215 (Submission).

[3030] FFMI-IRAN-D-050215 (Submission); (Statement); (Statement);(Statement); (Statement); (Statement); (Statement).

[3031] FFMI-IRAN-D-050101 (FFMI Interview); FFMI-IRAN-050119 (FFMI Interview); (Statement); (Statement); (Statement).

[3032] FFMI-IRAN-D-050101 (FFMI Interview); FFMI-IRAN-050119 (FFMI Interview); (video on file with the Mission);(Statement).

Restrictions imposed on funerals and commemorative ceremonies.

"They summoned my father and told him you cannot hold any ceremonies, you have to bury him swiftly without people knowing or we will bury him wherever we wish."[3033]

Testimony of a relative of a young man killed during the protests.

1522. The Mission established that State authorities have routinely warned families against holding commemorative ceremonies traditionally, prevented families from burying their loved ones in accordance with their religious and cultural practices and to mourn their loss including through holding funerals and imposed severe restrictions on families.[3034] State officials pressured bereaved families, including through threatening them that they would withhold the body of their loved ones or bury them secretly, to swiftly bury them, without funeral ceremonies, with the presence of the immediate family only, and without slogans being chanted.[3035]

1523. In many cases, fearing that the body of their loved ones would be taken away by the authorities and buried secretly or that more people would be harmed and killed by the security forces during funerals, families agreed to bury their loved ones swiftly and in a rushed manner, in the late hours of night or early hours of morning without any ceremonies and with the presence of the immediate family only.[3036] Burial ceremonies, in many instances, were extremely brief and were held in the presence of security and intelligence bodies while families were given limited time at gravesites to mourn their loss.[3037]

1524. In some cases, security and intelligence forces did not allow families to bury their loved ones in the cemeteries they had chosen and either pressured them to bury the victims in a place of the authorities' choosing or themselves buried them where they had chosen and informed the family.[3038] According to credible information, in the case of a young man who was executed in connection with the protests security and intelligence officials told the family to bury him in a location specified by the authorities, otherwise they would "dig a hole, throw him in it" and would tell the family "now, go and find his body".[3039]

1525. According to credible information, in the case of Majid Kazemi, a young protester summarily executed in May 2023, agents from the IRGC's Intelligence Organization summoned one of his brothers immediately after his execution. He was summoned to a morgue where he was informed that his brother had been executed, asked to identify his body and then taken to the cemetery to observe his brother's burial without the presence of their parents and other siblings. The authorities dumped Majid Kazemi's body into a grave that was not large enough to properly fit him and forcibly pushed his body inside the grave. State authorities did not allow the family of Majid Kazemi to hold a funeral ceremony. The family was only permitted limited time at his gravesite to mourn his death in the presence of the security forces.[3040]

"They told us: "do not even think about holding the third and the seventh day ceremonies.' They allowed my family to hold the 40th ceremony in a mosque but they blocked all the surrounding

[3033] FFMI-IRAN-D-050215 (Submission)
[3034] FFMI-IRAN-D-050014; FFMI-IRAN-D-050215 (Submission); FFMI-IRAN-D-050144 (FFMI Interview); (Statement); (Statement); (Statement).
[3035] FFMI-IRAN-D-050215 (Submission); FFMI-IRAN-D-050366 (FFMI Interview); FFMI-IRAN-D-050144; (Statement), Statement; (Statement); (Statement); (Statement); (Statement); (Statement). Statement); Statement; Statement); "13 year in prison and no responses on case review", Shargh, 21 November 2023.
[3036] FFMI-IRAN-D-050144 (FFMI Interview); FFMI-IRAN-D-050014.
[3037] FFMI-IRAN-D-050302 (FFMI Interview); FFMI-IRAN-D-050144 (FFMI Interview); FFMI-IRAN-D-050215 (Submission); (Statement); Statement); (Statement); (Statement); (Statement).
[3038] FFMI-IRAN-D-050144 (FFMI Interview); FFMI-IRAN-D-050014; (Statement); (Statement); (Statement).
[3039] (Submission).
[3040] FFMI-IRAN-D-050014.

streets and demanded that my family announces that no ceremonies were held at the gravesite. Only my immediate family could visit the gravesite on that day."[3041]

Relative of protester subjected to fatal beatings by security forces

Interrogations, arrests, detention, and criminal prosecution of families of victims

After the funeral, I got a summons for "propaganda against the system". I went to the Office of the Prosecutor. An agent from the IRGC's intelligence was present. I was told 'why did you speak against the System [during the funeral]? You have harmed the Government's reputation. You must do an interview and say that you made a mistake'… I was summoned a second time. This time the Prosecutor spoke with the agent from the IRGC's intelligence on the phone, right in front of us….. They threatened to detain me."[3042]

Victim's relative describing an interrogation session
before the Office of the Prosecutor

1526. Families of victims were subjected to repeated interrogations starting from the immediate aftermath of the killings.[3043] In August 2023, a human rights organization reported that at least 70 individuals, all family members of those killed during the protests, had been arrested between 21 March and 31 August 2023.[3044] Most arrests took place in advance of commemorative ceremonies, the aim being to prevent people from gathering, including on the third and the 40th days after the deaths, prior to and on anniversary dates of the killings and in advance of the one-year anniversary of the Woman, Life, Freedom Movement. Children were reportedly among family members arrested.[3045]

1527. Credible information reviewed by the Mission shows that the family of Javad Heidari, a protester killed in Qazvin by the security forces on 22 September 2022, were subjected to sustained harassment, intimidation, and reprisals for speaking up and their public advocacy and demands for truth and justice for their loved one and others killed during the protests. This included threats, arrests and detentions, criminal prosecutions and dismissal from work. Several members of Javad Heidar's family were arrested on multiple occasions while by November 2022, arrest warrants were reported to have been issued for 15 members of the family.[3046] According to credible information, in April 2023, his mother, brother and two-year old nephew were detained after they went to the Office of the Prosecutor to follow up on the situation of Mr. Heidari's father and other brother who had been arrested earlier in the day. At least four members of the family were reported to have been expelled from their place of work.[3047]

1528. In some instances, security forces reportedly arrested family members as they attempted to visit gravesites including on occasions such as the birth anniversary of their loved one, sometimes arresting families of several victims' together and/or several members or the entire immediate family of one victim at the same time. In March 2023, security forces reportedly arrested Zahra and Omid Saeedianjoo, the siblings of Milad Saeedianjoo, a young man who according to credible information was killed by State

[3041] FFMI-IRAN-D-050144 (FFMI Interview).
[3042] FFMI-IRAN-D-050215 (Submission)
[3043] FFMI-IRAN-D-050215 (Submission); (FFMI-IRAN-D-050144 (FFMI Interview).
[3044] See "Detention of 70 family members of Families For Justice and issuance of imprisonment and flogging sentences for 4 of them", Hengaw, 31 August 2023.
[3045] "Iran: Harassment of Families of Victims Unlawfully Killed During Protests Must End", Amnesty International, 21 August 22023; See also "Arrest of families protesting the destruction of Majsa Amini's grave", Independent Persian, 10 June 2023; "Nowshahr; "The apprehension of the family of Hanane Kia, one of the victims of the nationwide protests" Hengaw, 28 August 2023.
[3046] See https://twitter.com/iranhrs99/status/1595686911032672257; See also "increased pressures on the family of Javad Heydari; Mohammad Heydari is on hunger strike", IranWire, 26 November 2022.
[3047] FFMI-IRAN-D-050215 (Submission); "Fourth member of Javad Heydari's family dismissed from work", Radio Farda, 13 January 2024; "Implications of detention of the 70-year-old father of Javad Heydari alarmin", Radio Farda, 8 April 2023.
https://twitter.com/ManotoNews/status/1643676004085538816; "Iran: Harassment of Families of Victims Unlawfully Killed During Protests Must End", Amnesty International, 21 August 2202.

security forces on 15 November 2022 in Izeh, Khuzestan province[3048] after they violently attacked a gathering organized by the family on his gravesite to mark his birthday.[3049] In another incident, on 9 June 2023, security forces arrested and detained dozens of family members of protesters and bystanders killed during protests in cities across Kurdistan and West Azerbaijan provinces. Families of victims had travelled to Saqqez, and Bukan, to hold gatherings with other bereaved relatives and to visit grave sites including Jina Mahsa Amini's gravesite in Aychi Cemetery in Saqqez.[3050]

1529. According to public reports, on 16 June 2023, security forces arrested several family members of Abolfazl Adinehzadeh, a 16-year-old who was killed during the protests after he was shot at with metal pellets. Security forces first arrested his sister and two paternal uncles. Later in the day, they also arrested his father, his mother, two maternal aunts, two maternal uncles, and one of his friends. In the week prior to the arrests, his family had announced a gathering at his grave to mark the boy's birthday on 17 June.[3051] The Mission reviewed two summons made public which indicate that Abolfazl's father and sister were summoned to the Office of the prosecutor in Mashad in March 2023.[3052] They were reportedly charged with "propaganda against the system" in June 2023.[3053] In another case, State authorities violently arrested several family members of Majid Kazemi, a young man executed in May 2023, prior to a commemoration ceremony that his family was trying to hold to mark the third day of his death.[3054] On 9 September 2023, the lawyer of Majid Kazemi's sister told a domestic media outlet that her trial on the charge of "disrupting public order" was to be held in two days.[3055] At the same time, on 28 August 2023, in advance of the anniversary of the protests, the entire immediate family of Hananeh Kia, a young woman killed during the protests, consisting of the parents, her sister, a child, and her fiancé were reportedly arrested.[3056]

1530. State authorities charged family members of victims with vaguely worded and broadly defined offences such as "spreading propaganda", "gathering and colluding against national security", and "disturbing the public order" and sentenced them to punishments which included prison terms and flogging. Mahsa Yazdani, the mother of Mohammad Javad Zahedi, a 16-year-old child killed during the protests in Sari after he was shot at with metal pellets on 31 September 2022, was arrested on 22 August 2023, a month before the anniversary of her son's killing.[3057] According to interviews given by her lawyer and reports by human rights organizations, a Revolutionary Court in Sari sentenced Mahsa Yazdani to 13 years in prison for the charges of "insulting sanctities", "inciting people to disrupt public order", "insulting the Supreme Leader" and "propaganda against the system" in connection with her activism, including on social media, seeking truth and justice for her son.[3058] On 14 December 2023, Mahsa Yazdani reported that she had been summoned to serve her prison term.[3059]

1531. In July 2023, human rights organizations and victims' families reported that several family members of victims in the Kurdish regions of the country, who had been arrested a month earlier, had

[3048] FFMI-IRAN-D-050376.
[3049] See "Iran: Harassment of Families of Victims Unlawfully Killed During Protests Must End", Amnesty International, 21 August 2202; https://www.instagram.com/p/CqxauYtMOis/?img_index=1.
[3050] See "Iran: Harassment of Families of Victims Unlawfully Killed During Protests Must End", Amnesty International, 21 August 2202; AI interview; "Mass arrest of justice seeing families in Kurdistan and dropping some of them off on the road", BBC Persian, 10 June 2023.
[3051] See "Iran: Harassment of Families of Victims Unlawfully Killed During Protests Must End", Amnesty International, 21 August 2202; "Entire family of Abolfazl Adinehzadeh and his relatives arrested" Radio Farda, 17 June 2023.
[3052] Social Media post on file with the Mission.
[3053] See "Family's lawyer: father and sister of Abolfazl Adinehzadeh charged with propaganda against the system", Radio Farda, 28 June 2023.
[3054] FFMI-IRAN-D-050302 (Submission).
[3055] See "Court proceedings against the sister of Majid Kazemi to be held on Monday", Shargh, 9 September 2023.
[3056] See "Nowshahr; The apprehension of the family of Hanane Kia, one of the victims of the nationwide protests", Hengaw, 28 August 2023.
[3057] See "13 year in prison and no responses on case review", Shargh, 21 November 2023.
[3058] See "13 year in prison and no responses on case review", Shargh, 21 November 2023.
[3059] See "Mahsa Yazdani, the mother of slain teenager in 2022 protests summoned to serve her sentence", Radio Farda, 15 December 2023.

been sentenced to prison terms and flogging after being convicted of the charge of "disrupting the public order".[3060]

1532. Credible information showed that since June 2023, Kian Pirfalak's family has been subjected to various forms of harassment. After Kian's mother publicly disputed the government's narrative about the killing of her son at his funeral that month, she was reportedly dismissed from her job as a teacher.[3061] In an interview published later in June 2023, Kian Pirfalak's mother stated: "We've been under intense pressure over the past few days … they've been constantly taking my brothers, brothers-in-law, and my father to the intelligence office."[3062] On 15 June, she was reportedly placed under house arrest. On 17 June, Kian Pirfalak's uncle was taken to the detention centre of the intelligence department in Izeh.[3063]

1533. Mashaallah Karami, the father of Mohammad Mehdi Karami, a young protester executed on 7 January 2023, was reportedly arrested on 22 August 2022. Media reported that he was subjected to enforced disappearance. He was reportedly held in prolonged solitary confinement in the detention of the IRGC[3064] and in December 2023, charged with "forming and membership in illegal groups against national security", "spreading propaganda against the system", "insulting the Supreme Leader" and "insulting sanctities".[3065]

Use of force against grieving families and violent repression of memorial gatherings

1534. In some cases, State forces subjected grieving family members to further violence including by firing metal pellets at them. According to credible information reviewed by the Mission, on 27 October 2022, security forces on a dozen of motorcycles chased a pickup truck in which the family of Kobra Sheikh Saqqa, a 52-year-old woman protester killed that day in Mahabad, Western Azerbaijan province, were carrying her body, while repeatedly firing weapons loaded with metal pellets towards them. The attack came after a grieving relative sitting at the back of the truck cried and chanted, which attracted the attention of the security forces. Several members of Kobra Sheikh Saqqa's family sustained injuries. The family also noticed marks of dozens of metal pellets on the body of Kobra Shekh Saqqa who had been killed with a single bullet shot at her throat.[3066] According to other information the Mission deemed credible, family members of a young protester killed in West Azerbaijan province were subjected to beatings by the security forces at the hospital where their child's body was held. Security forces also fired a weapon loaded with metal pellets at a member of the victim's family at close range causing severe injuries.[3067]

1535. In another case, a relative of a young protester killed in September 2022 reported that a member of their family was "abducted" by plainclothes agents and was subjected to beatings and threatened that he should not post anything on social media about his sibling or they would "deliver his body to the family the next time."[3068]

1536. In some cases, security forces raided family homes or cemeteries where bereaved families and others were gathering to commemorate those killed. They resorted to force, violently assaulted, injured and arrested relative of victims and others who took part in the gatherings.[3069] On 21 September 2023, on the anniversary of the killing of Javad Heydari, state forces were deployed to a village in Qazvin where

[3060] See "Hashem Saedi, from justice seeking families sentenced to imprisonment and flogging", Kurdistan Human Rights Network, 4 July 2023; "Hassan Amini, from justice seeking families sentenced to imprisonment and flogging", Kurdistan Rights Network, 6 July 2023; "Abdolrahman Nasri and Arman Habibi members of justice seeking families of victims from Sanandaj sentenced to imprisonment and flogging", Kurdpa, 12 July 2023.
[3061] See "Young Man Shot Dead as Iranian Authorities Try to Silence Justice-Seeking Families, Center for Human Rights in Iran, 12 June 2023.
[3062] See "Slain Kian Pirfalak's Mother Says "I Can't Believe He's Dead", IranWire, 21 June 2023.
[3063] See "Sajad Pirfalak, the uncle of Kian Pirfalak arrested, and his mother Mahmonir Molaierad summoned by the Ministry of Intelligence in Izeh", Hengaw, 18 June 2023
[3064] See "Continued detention of Mashallah Karami in solitary confinement at IRGC's intelligence detention center", Hengaw, 14 October 2023.
[3065] https://twitter.com/dadban4/status/1737463306082763066.
[3066] (NGO Report); (Submission); (Statement); "New details of killing of Kobra Shaikheh; the always smiley Mahabadi mother", Radio Farda, 24 August 2023.
[3067] (Submission).
[3068] FFMI-IRAN-050119 (FFMI Interview).
[3069] FFMI-IRAN-D-050215 (Submission); FFMI-IRAN-D-050302 (Submission); (Statement).

the memorial gathering for the anniversary was to be held. The Mission has reviewed video footage published by media outlet depicting the heavy deployment of the security forces to the village and their use of force. In two of these videos, a large number of police (FARAJA) vehicles are seen descending into the village and around the family home of Javad Heydari.[3070] In another video, security forces, including forces in FARAJA uniforms are seen outside the gates of what is reported to be Mr. Heydari's house firing teargas inside of the house, while members of the family including women and children are heard screaming.[3071] The Mission also reviewed publicly available photos and footage showing injuries sustained by the family members of Mr. Heydari. These include footage showing two young children clearly impacted by tear gas, coughing with red tearing eyes,[3072] and images of members of the family with injuries sustained to their faces.[3073] The father and two brothers of Javad Heydari were reportedly arrested on the same day.

1537. The Mission also reviewed credible information showing that the State authorities subjected the family of Houman Abdollahi, a young man who according to credible information, was shot at with metal pellets and killed by security forces during protests in Sanandaj, Kurdistan province, on 7 December 202, to harassment and intimidation. In May 2023, security forces raided the family's home during gatherings to commemorate his death and subjected family members to beatings and/or arrest.[3074]

Preventing families from pursuing justice

1538. In several cases investigated by the Mission, State officials attempted to entice families by telling them that they would announce their loved ones as State "martyrs" and would reward them with sums of money and financial benefits in exchange of their refraining from attributing responsibility to the State and speaking out and instead repeating the official narrative including blaming the deaths on "hostile" and opposition groups. In other cases, State authorities pressured family members to accept *diyeh* (blood money) in lieu of criminal complaints and investigations or to withdraw their complaints in exchange for receiving *diyeh*.[3075] In one case, according to information deemed credible by the Mission, the family of a young victim killed in Kurdistan Province were told by officials at the Office of the Governor to "come to an agreement with them" and accept the blood money, in an attempt believed by the family to be aimed at preventing them from lodging a complaint. The family refused, stating that the death had not resulted from an accident and that receiving *diyeh* would be meaningless without identifying those responsible for the killing.[3076] The Mission highlights that obstruction of access to justice by the State is further compounded by their targeting of lawyers as detailed below.

Destruction and desecration of gravesites

1539. The Mission reviewed direct statements, photos of victims' graves as well as other open-source material showing the destruction of gravesites of at least 19 victims killed during the protests including gravesites belonging to children killed and those executed in connection with the protests.[3077] In some cases, phrases on gravestones describing victims as "martyr" and the "child of Iran", stating that they died for the cause of freedom or the phrase 'Woman, Life, Freedom', were erased.[3078] In other cases, the image engraved on a number of victims' gravestones which depicts a dove, culturally symbolising freedom, with

[3070] See "Invading and violent attack by IRGC and Special Forces at the family home of Javad Heydai during the anniversary ceremony", Youtube, "attack of State forces to the village of Javad Heydari's family and shooting at his family members", Youtube, 21 September 2023.
[3071] See "Attack of State forces to the village of Javad Heydari's family and shooting at his family members", Youtube, 21 September 2023.
[3072] See "Attack of State forces to the village of Javad Heydari's family and shooting at his family members", Youtube, 21 September 2023.
[3073] Videos and images on file.
[3074] "Iran: Harassment of families of victims unlawfully killed during protests must end", Amnesty International, 21 August 2023; (Statement).
[3075] FFMI-IRAN-D-050101 (FFMI Interview); (Statement); (Statement); (Statement); (Statement); (Statement); (Statement); Social media post on file with the Mission; (Statement).
[3076] (Submission).
[3077] FFMI-IRAN-D-050215 (Submission); FFMI-IRAN-D-050302 (Submission); FFMI-IRAN-050119 (FFMI Interview); FFMI-IRAN-D-050144; Images on file with the Mission.
[3078] FFMI-IRAN-D-050144.

hundreds of smaller birds flying away from the slain bird was shot at with a firearm.[3079] Graves were damaged with paint and arson. Headstones or their protective glasses were also broken, and, in some cases, images of the victims engraved on headstones were defaced.

1540. Publicly available information show that the gravesite of Yalda Aghafazli, a 19-year-old protester who died under suspicious circumstances three days after she was released from detention during which she reported that she was tortured, was vandalised on several occasions. Publicly available images of her gravesite show that the photo of Yalda Aghafazli, printed on a heart-shaped stone was defaced. Her relatives have publicly reported that the authorities have not identified those vandalising the gravesite despite a camera having been installed on the grave.[3080] Families of other victims have also highlighted that cameras have been installed at the gravesite of their loved ones to record those who pay them visits.[3081]

1541. On 8 June 2023, relatives of Abolfazl Adinehzadeh' released a video depicting the child's gravesite destroyed.[3082] On 18 June 2023 a video of the grave of Kian Pirfalak was shared on social media which showed that the glass encasing his headstone had been smashed.[3083] The Mission reviewed information, including photographic images, showing that the graves of protesters Mohsen Shekari and Majid Kazemi, who were arbitrarily executed respectively on 8 December 2022 and 19 May 2023, were also vandalised.[3084]

(b) Impact on families

1542. State authorities' ongoing harassment of families of victims, manifesting itself in a myriad of ways, including by denying them the right to offer their loved ones dignified burials in accordance with their customs, to mourn and honour their memory, and to demand truth and justice, caused them significant emotional, psychological, and spiritual harm.

1543. The authorities coerced families who had just learned that their loved ones were violently taken from them into making impossible choices; to either have quiet funerals and repeat the authorities' version of the events or risk not even receiving a body to bury; to either pursue justice and accountability or risk further harm to themselves and their surviving relatives and children. The State's actions further compounded the suffering and anguish which had, in the first place, resulted from its own violence. In the case of a young man whose sibling was killed by the security forces, a psychological assessment reviewed by the Mission stated "He said that he didn't have a chance to mourn his sibling's death and go through a normal process of grief, since he is in a constant state of fight or flight and is constantly stressed about the safety of his family…".[3085] Compounding the pain that families suffered from losing a loved a one and the pressure endured to remain silent, victims' families also suffered physical harm. A relative of a protester killed during the protests reported that the physical health of her relatives had deteriorated with one having a heart attack as a result of the pressures they endured.[3086]

1544. Families of victims described feelings of indescribable pain, anger and a deep sense of injustice arising from the lack of accountability and the knowledge that those responsible for the killing of their loved ones continued evading justice and prosecutions and went about their lives while they faced

[3079] FFMI-IRAN-D-050215 (Submission); (Statement); "Destruction of three gravesites of killed protesters of nationwide protests", Radio Farda, 9 June 2023.
[3080] Social Media post on file with the Mission.
[3081] FFMI-IRAN-D-050144.
[3082] Video and media article on file.
[3083] See "Iran: Harassment of families of victims unlawfully killed during protests must end", Amnesty International report, 21 August 2023, "Gravesite of Kian Pirfalak partial destroyed/film", Bahar News, 18 June 2023.
[3084] Image on file with the Mission.
[3085] Records on file with the Mission. The Special Rapporteur has noted that the persistent use of threats to life, physical integrity and liberty by State authorities have a damaging emotional impact in those directly affected, their families, and communities. See A-HRC-46-35-EN. See also Paragraph 56. See also, Protocol on the effective response and investigation of threats against human rights defenders, also known as Esperanza Protocol, IV.A. Human rights affected by threats against human rights defenders.
[3086] FFMI-IRAN-D-050215 (Submission).

"relentless" torment, including criminal charges and judicially sanctioned punishments, solely for seeking truth, justice and speaking up.

1545. Nonetheless and despite the significant risks stemming from pursuing justice in the context of Iran, families remained at the forefront of accountability efforts, with many repeatedly expressing their strong resolve to continue seeking truth and justice regardless. Some family members highlighted that they had nothing else to lose after their loved ones were killed and their lives were upended. In some cases, parents of young protesters killed expressed that they were inspired by the young protestors who had lost many years ahead of them to demand freedom and rights and wished to stay true to their cause by "telling the truth", and "not remaining silent in the face of oppression".[3087]

2. Lawyers

"The authorities' problem with lawyers is that their words are considered reliable by the media and the international community; their problem is that lawyers are effective, and they wanted to make them ineffective." 3088

Lawyer of protest detainees

"They wanted to get rid of lawyers until the time they succeeded in repressing the protests." 3089

Lawyer detained in connection with the protests

1546. With the onset of the protests in September 2022, defence lawyers increasingly found themselves in a climate of heightened threats, intimidation and risk of reprisals in connection with their professional work. Lawyers who represented protest detainees and victims' families; publicly expressed solidarity with the protestors; and/or reported on human rights violations including those suffered by their clients, were subjected to various forms of harassment. They were summoned and questioned by intelligence and security bodies, were suspended from practicing the law, arrested and detained, tortured and ill-treated, and tried and convicted on criminal charges. Several lawyers who defended individuals detained and charged in relation to the protests were forced to leave the country after being subjected to arrest, detention, prosecution and criminal convictions. At least three women lawyers reportedly died under suspicious circumstances including in two cases where their suspicious deaths took place after release from detention.

1547. Lawyers who took on protest related cases and/or spoke out including by giving media interviews and expressing their opinions online also faced vilification by State affiliated media which repeatedly published articles accusing them of "connection and collaborating with hostile governments" and "anti-revolutionaries", acting as the "soldiers" of foreign governments, and being "the lawyer of riots".[3090]

1548. The arrest and detention of lawyers in connection with their professional activities is neither an isolated incident nor only connected to the context of the protests. Lawyers in Iran have been under sustained attack over the past decades, including through judicial harassment, prosecution, imposition of punishments such as long prison terms, revocation of their licences and prohibitions on practicing law, solely for conducting their professional activities including defending their clients, in particular those charged for exercising their human rights.[3091]

[3087] Articles on file with the Mission.
[3088] FFMI-IRAN-D-050073 (FFMI Interview).
[3089] FFM-IRAN-D-001513.
[3090] See"An authority at the Bar Association: Zionists provide some lawyers with espionage training!", Javan Online, 23 October 2023, "Behind the curtains of lessons by the lawyer of riots on social media networks/who theorizes disturbance at university?", Mashregh News, 11 March 2023.
[3091] See "The Cost of Defending the Rule of Law: 40 Years of the Persecution of Lawyers in Iran", Abdorrahman Boroumand Center for Human Rights in Iran, "Practicing Law in Iran: Risks and Challenges, Iran Human Rights Documentation Centre", 2018; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/77/181 para 52 & 53, 18 July 2022; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran,

1549. The Iranian authorities have denied that they have arrested and prosecuted lawyers in connection with their professional work, instead accusing detained lawyers of being involved in vaguely worded national security offences. For example, in June 2023, in a response to a January 2023 communication by UN Special Procedures on the cases of several detained lawyers, State authorities stated that "The prosecution of a handful of lawyers, not for the purpose of practicing law but for committing criminal acts that have nothing to do with their job and legal profession, cannot be defined under the title of harassment of lawyers."[3092]

(a) International legal framework

1550. Article 14 (3) of the ICCPR refers to the right to legal representation and establishes minimum guarantees for individuals charged with a crime. Harassment of persons practising law may result in violations of the rights of clients including the right to due process (article 14 of the Covenant), to liberty and legal security (article 9 of the Covenant) and to freedom from torture or other ill-treatment (article 7 of the Covenant).[3093]

1551. The Human Rights Committee emphasizes that lawyers should be able to counsel and to represent their clients in accordance with their professional standards and judgment without restriction, influence, pressure, or undue interference.[3094]

1552. The Human Rights Council has also established that all States must guarantee the independence of lawyers and their ability to perform their functions accordingly, by taking effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind.[3095]

1553. In accordance with the Basic Principles on the Role of Lawyers,[3096] States must ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and that they do not suffer and are not threatened with prosecution or other administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics (principle 16). Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities (principle 17). In accordance with principle 18, lawyers must not be identified with their clients or their clients' causes as a result of discharging their functions. No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with the basic principles. (principle 19). Lawyers enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority (principle 20). Lawyers are entitled to freedom of expression, belief, association and assembly (principle 23), and to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity (principle 24).

1554. According to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the General Assembly in 1998 and which aimed at protecting all human rights defenders, including lawyers3097, States must take all necessary measures to ensure the protection of human rights defenders by the competent authorities against all forms of violence, threats, retaliation, de facto or de jure discrimination, pressure or any other arbitrary action related to the legitimate exercise of the rights established in the Declaration (article 12).

A/HRC/49/75 para 22-26, 13 January 2022; Situation of human rights in the Islamic Republic of Iran, Report of the Secretary-Genera, A/78/511 para 40 & 41, 6 October 2023.

[3092] "The comments on the Allegations Raised in the 18 February 2023 Correspondence of the Special Procedures Mandate Holders Regarding Lawyers", Ref.2050/1643094, 22 June 2023, p.1.

[3093] See A/HRC/50/36, para. 11.

[3094] Human Rights Committee, General Comment No. 13 (1984), para. 9.

[3095] A/HRC/RES/35/12, para 1.

[3096] UN Basic Principles on the Role of Lawyers.

[3097] General Assembly resolution 53/144.

(b) Legislative eroding of the independence of lawyers and Bar Associations

1555. Iran's laws stipulate conditions for practicing law which, in violation of international law and standards, exclude individuals on discriminatory grounds such as on the basis of religion, belief and political opinion. The law further allows for the interference of intelligence and security bodies in the process of granting licences. Under Article 2 of the Law on Obtaining a Licence for Practicing Lawyers, those seeking a licence to practice must meet a series of conditions including "having faith and practical commitment to Islam and justice (unless the applicant is from a recognised religious minority"); "belief in and commitment to the system of the Islamic Republic of Iran, the principle of *velayat-e faqih* ("rule of a Muslim jurist") and the Constitution; "absence of a history of membership or activity in heretic groups, deviant sects and groups opposed to Islam, or groups whose statutes is based on denial of divine religions; Absence of membership in and sympathy with illegal groups which have enmity with the Islamic Republic".3098 Moreover, under the Executive Bylaw of the Law on Obtaining a Licence for Practicing Lawyers, inquiries should be made to the Ministry of Intelligence and other intelligence bodies with regards to applicants for licences to practice the law. This is to determine whether they meet the conditions detailed above.3099 Similarly, the candidacy of the Bar Association's Board of Directors must be confirmed by the Supreme Disciplinary Court for Judges following inquiries from various bodies including the Ministry of Intelligence and the Intelligence Organization of the Judiciary.[3100]

1556. State authorities have increasingly adopted laws and policies to diminish the already restricted independence of lawyers and the Bar Association and to bring the institution under the control of the Judiciary and the administrative branch.[3101] Under the 1953 Law Establishing the Independent Bar Association, the Bar Association, among others, has the authority to elect its own independent board of directors; grant licenses and disbar lawyers; to hold the bar exams; and monitor the professional performance of its members.[3102] In 2001, pursuant to Article 187 of the 2000 Law of Third Economic, Social and Cultural Development Plan and in an apparent effort to undermine the independence of the Bar Association,[3103] the State established a new body of lawyers termed "Legal Advisors of the Judiciary".[3104] Article 187, legal advisors and their association, called the Center of Legal Advisors of the Judiciary, fall within the supervision of the Judiciary and run parallel to the Bar Association. Article 187 legal advisers' permits are renewed annually, with the approval of the Judiciary, raising concerns about the adviser's independence and competence.[3105] At the time of writing this document, 42,931 individuals were listed as holding a lawyer licence from the Judiciary's centre.[3106]

1557. In August 2023, Iran's Parliament passed and sent for the Guardian Council approval a bill requiring the Bar Associations to comply with the decisions of a committee under the auspices of the Ministry of Economy.[3107] The bill, aims to compel the bar to comply with Article 7(3) of the Amended

[3098] The Law on Obtaining a License for Practicing Lawyers and its Subsequent Amendments, 1997.
[3099] Executive Bylaw on the Independence of the Bar Association, 2021, article 47.
[3100] Article 4 of The 1953 Law on the Independence of the Bar Association; article 14 and its note. Of Executive Bylaw on the Independence of the Bar Association, 2021.
[3101] See "Practicing Law in Iran: Risks and Challenges", Iran Human Rights Documentation Centre, 2018; Ronda Cress, Catherine Kent and Mohammad Nayyeri, University of Essex, "Rule of Law in Iran: Independence of the Judiciary, Bar Association, Lawyers and Iran's Compliance with International Human Rights Obligations", Human Rights In Iran Unit, March 2014.
[3102] The 1953 Law on the Independence of the Bar Association.
[3103] See "From making parallel institution of attorney ship to claims of authenticity" Etemad, 14 September 2019.
[3104] The Text of article 187 of the Law of Third Economic, Social and Cultural Development Plan and its Bylaw".
[3105] See "Practicing Law in Iran: Risks and Challenges", Iran Human Rights Documentation Centre, 2018; Ronda Cress, Catherine Kent and Mohammad Nayyeri, University of Essex, "Rule of Law in Iran: Independence of the Judiciary, Bar Association, Lawyers and Iran's Compliance with International Human Rights Obligations", Human Rights In Iran Unit, March 2014,
[3106] See, "The portal of the Judiciary's Lawyers, Experts and Family Advisors", https://hub.23055.ir/search-lawyer.
[3107] See "Parliament's new bills: the bar association has to comply with the decisions of the Deregulation Committee of the Ministry of Economy/ the Administrative Court will not have jurisdiction to revoke the decisions of this Committee", Vokalapress, 20 August 2023.

Law on the Implementation of the General Policies of Article 44 of the Constitution. Under the article, practicing law is deemed to fall under "businesses" meaning all permits for legal internships and licenses to practice the law must be processed through a national portal under the supervision of the Ministry of Economy.[3108]

1558. In another example, under Article 113 of the 7th Economic, Social, and Cultural Development Plan of the Country for the years 2023 to 2027, approved by Parliament in 2023, the Ministry of Justice and the Judiciary are granted the power to exercise a level of oversight on the performance of lawyers. The bodies are entrusted with establishing a platform for "transparency of lawyers and official experts' performance" which not only allows for the submission of complaints and reviews by clients but also provides for reporting on the number of cases taken by lawyers, their subjects, the level of lawyer's presence in courts and lawyers' disciplinary and tax records.[3109]

1559. In August 2023, 27 heads of Bar Associations and Bar Association unions across the country addressed the Head of the Expediency Council and the Supreme Committee Overseeing the General Policies of the System, warning about several legal initiatives adopted by the parliament.3110 Between 20 August and 21 October 2023, 26,743 lawyers signed a petition addressed to several officials including the Head of the Judiciary and the Speaker and members of parliament requesting amendments to bills undermining the Constitution and the Law on the Independence of the Judiciary.3111 Lawyers interviewed by the Mission also said that the State has, over the years, taken increased measures to restrict the Bar Association's activities, including those undertaken under the Bars' Human Rights Commissions,[3112] and independence to bring it under its control.[3113]

(c) Patterns

Arrest, detention and prosecution of lawyers

1560. The Mission established that State authorities arrested, detained, charged and prosecuted lawyers in connection with their professional work carrying out their duties to their clients and exercising their human rights including their rights to freedom of expression, association and assembly. Lawyers accepting what are considered "security cases" by the State were found at particular risk of judicial harassment, a situation which negatively impacted victims and families' right to legal representation, to seek justice and to accountability.

1561. State authorities have not published any figures on the number of lawyers arrested, detained and prosecuted in connection with the protests. Bar Associations have not made publicly available the list of lawyers arrested and detained since the protests started. A lawyer arrested and charged in connection with his work defending protest detainees referred to the 'systematic' arrest and prosecution of lawyers. He stated that lawyers who took on human rights related cases were targeted in various cities by intelligence bodies in a similar manner.[3114] On 17 October 2022, a domestic media reporting on lawyers and legal affairs reported that at least 14 lawyers had been arrested since the start of the protests the previous

[3108] Amended Law on the Implementation of General Policies of Article 44 of the Constitution and its subsequent amendments. In March 2022, a decision by the Ministry of Economy requiring the bar associations to comply with the law thereby bringing the issuance of legal permits under the Ministry of Economy Portal was overturned by the Administrative Court of Justice. See "Ruling of the General Board of the Administrative Court regarding the revocation of the decision of the Deregulation Committee requiring the Bar association to upload information to the National Portal for Licences", Vokalapress, 18 March 2022. See also, "The Bar Association objects to the bill by parliament", Hamshahri Online, 26 September 2023.
[3109] The 7th Economic, Social, and Cultural Development Plan of the Country for the years 2023 to 2027, 22 November 2022.
[3110] See "Letter by the heads of the bar associations to the head of the Expediency Council regarding legal heresy in parliament", Vokalapress, 21 August 2023.
[3111] See "Objections to plans and bills against the independence of the Bar and judicial", Karzar platform.
[3112] FFMI-IRAN-D-050507.
[3113] FFMI-IRAN-D-050507; FFMI-Iran-D-050114.
[3114] FFMI-IRAN-D-050114; and FFMI-Iran-D-050413

month.[3115] On 3 November 2022, the secretary of the Human Rights Commission of the Bar Association reported that 10 lawyers had been arrested during the first 50 days of the protests.[3116] According to reports by human rights organizations and civil society groups, 129 lawyers have faced various forms harassment since the protests started.3117 Between 47 and 55 lawyers were reported to have been arrested.[3118] The Mission received credible information that at least 159 lawyers were subjected to various forms of harassment 57 whom were arrested and detained across the country during the protests.3119 In at least one instance, a lawyer was arrested shortly after the start of the protests in what appeared to be a pre-emptive arrest.[3120]

1562. Lawyers were arrested for offering, individually or collectively, legal aid and assistance to protesters and their families and representing protest-related cases which the authorities deem "security" cases. A lawyer who had been arrested and sentenced in connection with his professional work said: "The number of lawyers who take on these kinds of cases is very low" and that this makes it easier for the State to scrutinize and repress them. He added that he knew several lawyers in the entire province he worked in who accepted high-risk cases, saying they "are all under pressure." Where the numbers were even smaller, he said, they are even "more easily identifiable, and they all have case files [against them] in the Intelligence Unit of the Judiciary."[3121] The systematic harassment of lawyers is aimed at further disenfranchising all those persecuted for exercising their rights.

1563. Between 15 and 17 October 2022, State authorities arrested three lawyers, Sina Yousefi, Amir Mehedipour, and Ghasem Bodi, in the city of Tabriz, East Azerbaijan province. The arrests came after the Human Rights Commission of the Bar Association in East Azerbaijan province formed a "defence committee" to provide legal assistance to protest detainees and their families. The establishment of the committee and the lawyers' readiness to represent protest cases was announced by Sina Yousefi, one of the three detained lawyers.[3122] All three lawyers were subsequently convicted following grossly unfair trials and were sentenced to punishments including prison terms and fines solely in connection with their professional work and the exercise of their human rights. In the case of Sina Yousefi, both a Revolutionary Court and a criminal court convicted and sentenced him on the charges of "spreading propaganda" and "spreading lies" respectively in connection with the content of a tweet in which he reported the number of persons arrested in Tabriz during the protests.[3123] Similarly, Ghasem Bodi was convicted in two parallel proceedings by a Revolutionary Court and criminal court, respectively on the charges of "propaganda against the system" and "inciting and encouraging other to violent acts (rioting) online". He was sentenced to 91 days in prison suspended for a period of five years, a monetary fine by Branch 112 of Criminal Court Two of Tabriz and a further five months in prison, a two-year prohibition from leaving the country and confiscation of his mobile phone by a Revolutionary Court.[3124] Amir Mehdipour, was also charged with "propaganda against the system" was sentenced by Branch One of the Revolutionary Court in Tabriz to four months in prison, a two-year prohibition from leaving the country, confiscation of his mobile phone and a temporary suspension from practicing.[3125]

1564. In July 2023, 54 lawyers in the city of Bukan, Western Azerbaijan province, who had signed a public letter expressing solidarity with the family of Jina Mahsa Amini and offering them legal assistance

[3115] See "A glance at the situation of detained lawyers in relation to the recent incidents in the country/ minimum of 14 lawyers arrested in the past month", Vokalapress, 17 October 2022.
[3116] See "A glance at the situation of detained lawyers", Shargh, 3 November 2022.
[3117] "In the past ten months, a report on judicial and security measures against 129 lawyers", HRANA, 24 May 2023.
[3118] The Committee for Monitoring the Situation of Detainees released a list with the name of 47 lawyers who were detained in the context of the protests along with their charges. On 24 May 2023, HRANA published a report stating that 129 lawyers had faced various forms of harassment, intimidation and criminal cases since the start of the protest. It included 43 names of lawyers who had been summoned and 55 names of lawyers who were arrested. "In the past ten months, a report on judicial and security measures against 129 lawyers", HRANA, 24 May 2023.
[3119] List of names on file with the Mission.
[3120] FFM-IRAN-D-000530.
[3121] FFMI-IRAN-D-050114; FFMI-Iran-D-050413.
[3122] FFMI-IRAN-D-001789
[3123] FFMI-IRAN-D-050114; and FFMI-Iran-D-050413; FFM-IRAN-D-001506; (court records on file with the Mission).
[3124] FFM-IRAN-D-001506. (Court records on file with the Mission).
[3125] FFMI-IRAN-D-050345.

were summoned by the Office of the Prosecutor on allegations of "publishing photos, images and content contrary to public decency."[3126]

1565. Two lawyers, Mostafa Nili and Hassan Younesi, were arrested on 7 November 2022, in Tehran's Mehrabad Airport as they were reportedly about to travel to Sistan and Baluchestan to provide legal assistance to the families of those killed and detained during the "Bloody Friday" on 30 September 2022.[3127]

1566. Saleh Nikbakht, the lawyer of Jina Mahsa Amini's family, was convicted in October 2023 of the charge of "propaganda against the system" by a Revolutionary Court in Tehran. The conviction stemmed from an interview given by Saleh Nikbakht, including to media outlets outside of Iran and in particular to a domestic media outlet in relation to the case of Jina Mahsa Amini.[3128]

1567. On 2 October 2023, Khosrow Ali-Kordi, the lawyer of several families of victims, including of a child (Abolfazl Adinehzadeh), a 16-year-old child, who according to credible information was killed by security forces on 8 October 2022 in Mashhad, Khorasan Razavi province,[3129] was arrested, charged and convicted of "propaganda against the system" for giving an interview to a media outlet outside the country. On 28 November 2023, he was sentenced by Branch One of Revolutionary Court in Mashhad to one year in prison, two years in internal exile, and given a two-year prohibition on leaving the country. Mr. Ali-Kordi was also sentenced to two years of prohibition from activities online and on social media; and two years of disqualifications from practicing law.3130 In a media interview, he stated he had faced criminal charges after he started representing the family of Abolfazl Adinezadeh and that during his questionings by the Office of the Prosecutor as well as in his judgment, the "evidence" against him was primarily his representation of the family of the child victim, other families of those killed and protest-detainees.[3131] On 16 January, an appeal court upheld the sentence against Mr. Ali-Kordi[3132] and he was reported to have started serving his sentence on 18 February 2024.[3133]

1568. On 29 August 2023 Amir Hossein Kouhkan**,** a lawyer representing the family of Mohammad Mehdi Karami, a young protester executed on 7 January 2023 following a grossly unfair trial, was arrested after he was reportedly summoned to the Ministry of Intelligence in Karaj. On 27 August, he had released a video in which he stated that he was about to report to the Ministry of Intelligence after having been summoned, adding that the summons was not lawful and that if he was arrested, the arrest and detention would not be lawful.[3134] He was arrested the next day and remained detained until his release on bail on 15 December 2023.[3135]

1569. Lawyers have also been summoned, charged, prosecuted and sentenced in connection with giving media interviews and their social media posts, both in connection with the broader context of the protests as well as reporting on irregularities and human rights violations committed in the cases of their clients.

[3126] See "54 lawyers who signed a letter in support of Jina Amini's family summoned in Boukan", Hengaw, 13 July 2023. https://twitter.com/ICHRI/status/1679573166883045376.
[3127] FFMI-Iran-D-050114; FFMI-Iran-D-050413; "The son of the former Minister of Intelligence arrested at the airport", Tabnak, 10 November 2022; "Mostafa Nili released", Vokalapress, 11 April 2022.
[3128] See "Saleh Nikbakht sentenced to one year in prison/previously the treatment by the Ministry of Intelligence was respectful", Shargh, 18 October 2023,
[3129] See above on the targeting of family members of victims.
[3130] Social media posts on file with the Mission. "Khosro Ali-Kordi, lawyer, informed of charges in the General and Revolutionary Office of the Prosecutor", Youtube, 1 July 2023; "Khosro Ali-Kordi sentenced to imprisonment, prohibition from practicing and exile to Nahbandan", "Khosro Ali-Kordi arrested", Vokalapress, 1 August 2023; Vokalapress, 29 November 2023.
[3131] "One of the charges against Khosro Ali-Kordi is giving an interview to Radio Farda", Radio Farda, 13 November 2023; "Revolutionary Court in Mashhad sentenced Khosro Ali-Kordi to imprisonment, exile, and supplementary punishments", Youtube, 28 November 2023.
[3132] (Court records).
[3133] "Khosro Ali-Kordi, human rights lawyer, getting imprisoned", Radio Farda, 16 February 2024; "Mashhad; Khosro Ali-Kordi, attorney, transferred to prison to serve his sentence", Hengaw, 17 February 2024.
[3134] See "Continued detention in solitary confinement; "fabrication" of cases against Mashallah Karami and Amir Hossein Khouhkan", 12 October 2023.
[3135] See "Lawyer, Amir Hossein Koukan, released on bail", Vokala Press, 15 December 2023.

A lawyer highlighted the importance of information sharing by lawyers in a public manner with regards to the cases of their clients and broader irregularities, explaining that the authorities aim to stop lawyers from speaking publicly, given that that such information is regarded as reliable and credible for the media and human rights organizations.[3136]

1570. On 14 January 2023, Ali Sharifzadeh, the lawyer of Seyyed Mohammad Hosseini, a young protestor who was arbitrarily executed on 7 January 202, reported that he had been summoned by Branch 7 of the Office of the Prosecutor in Karaj[3137] after he had reported, on 18 December, that his client had been severely tortured and coerced into making confessions.[3138] He reported that he was told by prosecutorial officials that "we have investigated, and your client was not tortured". He was subsequently charged with "spreading propaganda against the system" in connection with his tweet reporting torture. The Office of the Prosecutor issued a bail order along with the conditions prohibiting him from activity on X (former Twitter) and Instagram for a year.[3139] Another lawyer, Mahdokht Damghanpour, was reportedly summoned after she gave an extensive interview to a domestic media, highlighting various irregularities and violations in the case of her client, Mohammad Ghobadlou, a young protester who was arbitrarily executed in January 2024.[3140]

1571. According to public reports, lawyers have also been arrested in the context of peaceful protests outside Bar Associations' buildings, which were met with security forces' violence. Three lawyers were reportedly arrested on 12 October 2022 during a protest by lawyers outside the Bar Association in Tehran which was reported to have been violently supressed by the security forces.[3141] A week earlier, on 3 October 2023, according to a statement by the Bar Association in Fars province, plainclothes and FARAJA forces had used tear gas, metal pellets and batons against lawyers protesting outside the building of the Bar Association in Shiraz.[3142]

Mass Summoning of Lawyers

1572. In May 2023, a large number of lawyers from across the country were summoned to the Security Office of the Prosecutor located in Evin Prison in Tehran.[3143] State authorities have not released any figures on the number of lawyers summoned during this wave of questioning. On 25 May 2023, a member of the Board of Directors of the Bar Association in Boushehr estimated that the number of summoned lawyers exceeded 100.[3144] A lawyer who had accompanied some lawyers to the Office of the Prosecutor said that up to 170 lawyers were summoned during this period, stating that around 50 of them were lawyers well known for taking on protest related cases, deemed "security" cases by the State, while others were not well known and had posted critical content on their social media accounts.[3145] Summoned lawyers publicly reported that the summons they had received did not include any details on the reasons for being summoned.[3146]

[3136] FFMI-Iran-D-050114; FFMI-Iran-D-050413.
[3137] See "Issuance of judicial surveillance order to bar lawyer, Ali Sharifzadeh from activity on Twitter and Instagram due to his tweet about the torture of Mohammad Hosseini", Volaka Press, 14 January 2023,
[3138] Social media post on file with the Mission.
[3139] See "Issuance of judicial surveillance order to bar lawyer, Ali Sharifzadeh from activity on twitter and Instagram due to his tweet about the torture of Mohammad Hosseini", Volaka Press, 14 January 2023.
[3140] See "Lawyer of Mohammad Ghobadlou, who called the execution of her client unjust, summoned", Radio Farda, 13 February 2024.
[3141] See "At least three lawyers arrested in today's assembly in front of the bar association", Shargh, 12 October 2022; "Nationwide protests in Iran: lawyers assembling in front of the Justice Department (dadgostari) in Tehran, attached and three arrested", Center for Human Rights in Iran, 13 October 2022.
[3142] See "Statement of the Bar Association in Fars following crackdown on peaceful assembly of lawyers", Vokala Press, 11 October 2022.
[3143] See "Iranian Lawyers Say Courts Issuing Them Dozens Of Summonses With No Charges", RFE/RL, 26 May 2023.
[3144] Article on file with the Mission.
[3145] FFMI-IRAN-D-050509.
[3146] "Group summoning of lawyers to branch 7 of the Office of the Prosecutor in Evin; cases had opened in 2022", Shargh, 11 May 2023.

1573. The Mission established that in Tehran, lawyers summoned to the Security Office of the Prosecutor in Evin Prison were questioned about their activities, primarily their media interviews and social media posts in connection with the protests and were asked to sign undertakings.[3147] Several of the lawyers summoned were reported to have previously been charged and/or convicted but their cases had been closed after they signed undertakings that persons granted State pardons were required to sign.[3148] One of the lawyers summoned publicly reported that they and several other lawyers in the same city had faced criminal charges but that the cases against them were closed after the Supreme Leader's pardons. The lawyer was told that the summons related to posts on X (former Twitter" s after signing an undertaking in the context of the pardons. Another lawyer who had been arrested on 2 November 2022 similarly reported that he was charged with "propaganda against the system" and "gathering and colluding against national security" in connection with his media articles and content posted on X (former Twitter). He stated that he had been pardoned after signing an undertaking, but was summoned again during a new wave of summoning of lawyers.[3149]

1574. Summoned lawyers were subsequently told to sign undertakings reportedly prepared by the Intelligence Unit of the Judiciary,[3150] in which they were required to pledge that they would "no longer" act against the law and that they would not publish critical content on their social media accounts. A lawyer told the Mission that those summoned were able to strike through terms such as "no longer" and "again" which, if signed, would amount to admission of guilt, before they signed the undertakings.[3151] Another lawyer publicly reported that he and other lawyers signed the undertakings after striking through terms that included "expressing remorse for participating in recent riots" and "pledging to not have contact with media outlets outside of the country and anti-revolutionary elements" and "expressing remorse for committing crimes…"[3152] No charges were reportedly brought against them however, they were told that "a termination of investigation order" would be issued upon signing the undertakings.[3153]

1575. A lawyer stated that the authorities intended to "frighten and threaten" lawyers, in particular to silence them and to stop them from publishing critical content.3154 Another lawyer told the Mission that the social media accounts of many lawyers had gone significantly quieter after the wave of summons and signed undertakings.[3155]

(a) Disbarment of lawyers in connection with the protests

1576. Several lawyers have been temporarily disbarred since the start of the protests in connection with their professional activities and exercising their human rights including to freedom of expression.[3156]

1577. Under the Law on the Independence of the Bar Association, only the Disciplinary Court for Lawyers is authorized to rule on allegations involving lawyers.[3157] Nonetheless, criminal prosecutions and convictions by Revolutionary and criminal courts can create the grounds for disqualification of lawyers through Disciplinary Courts.[3158]

[3147] FFMI-IRAN-D-050114; FFMI-IRAN-D-050413; FFM-IRAN-D-001448 (FFMI Interview).
[3148] "A report on lawyers' questioning before the Security Office of the Prosecutor: we had to sign an undertaking/none of us were charged", Vokala Press, 24 May 2023; "New wave of summoning of lawyers", Etemad Newspaper, 14 May 2023; article on file with the Mission.
[3149] "New wave of summoning of lawyers", Etemad, 14 May 2023.
[3150] "A report on lawyers' questioning before the Security Office of the Prosecutor: we had to sign an undertaking/none of us were charged", Vokala Press, 24 May 2023; "New wave of summoning of lawyers", Etemad, 14 May 2023.
[3151] FFMI-IRAN-D-050509.
[3152] "A report on lawyers' questioning before the Security Office of the Prosecutor: we had to sign an undertaking/none of us were charged", Vokala Press, 24 May 2023; "New wave of summoning of lawyers", Etemad, 14 May 2023.
[3153] Article on file with the Mission.
[3154] FFM-IRAN-D-001448.
[3155] FFM-IRAN-D-001790
[3156] FFM-IRAN-D-001506; FFMI-IRAN-D-050345; List of names on file with the Mission.
[3157] Article 17 of the Law on the Independence of the Bar Association & Article 140 of the Executive Regulation of the Bar Association Independence Law; also see "Branch 35 of the Supreme Court: "Branch 35 of the Supreme Court: disqualification and suspension of a lawyer is only possible through the Bar Association's Disciplinary Court", Vokala Press, 2 August 2023.
[3158] "Why courts cannot suspend lawyers from practicing?", Alef, 9 May 2022.

1578. In the case of Ghasem Bodi, a lawyer arrested in Tabriz, a Disciplinary Court for Lawyers suspended his practice license on the basis of a conviction and sentence by a Revolutionary Court on the charge of "spreading propaganda against the system" and "inciting people to assemble and riot against the system".[3159] The indictment issued by Disciplinary Prosecutor of the Bar referred to the Revolutionary Court conviction, reports by intelligence bodies as well as the lack of remorse and continued activism on social media as grounds for pursing the lawyer's disqualification.[3160]

1579. Prosecutorial and intelligence officials have also reportedly placed Bar Associations under pressure to take disciplinary action against lawyers who are perceived to have supported the protests, including by representing protest detainees.[3161] On 31 December 2022, the newly appointed Disciplinary Prosecutor of the Bar in Eastern Azerbaijan stated that following the arrest of four lawyers in the province, the Bar's Board of Directors had asked the Judiciary to refer lawyers' cases to the Bar for investigation. Subsequently, a list of 30 lawyers was communicated by the Judiciary to East Azerbaijan's Bar Association. He further confirmed that lawyers had received text messages informing them that a case had been opened against? them with the Disciplinary Unit. He stated there was no need even to summon the lawyers in 50 percent of the cases as there "was no evidence.[3162]

1580. In the case of Maryam Arvin, a young lawyer who died under suspicious circumstance after her detention and conviction in connection with her professional work, prosecutorial officials reportedly communicated with the Bar Association demanding her disbarment.[3163]

(b) Suspicious deaths of lawyers

1581. At least three lawyers, all women, who had defended protest-related cases and/or were reportedly detained in connection with their participation in or support for the protests died under suspicious circumstances. In two cases, suspicious deaths took place following release from detention. The Mission has not seen any evidence of an investigation being carried out into the allegations of suspicious death of these women.

1582. Maryam Arvin, a 29-year-old lawyer and a member of the Bar Association in Kerman Province in the south-eastern city of Sirjan, Iran, died under suspicious circumstances on 7 February 2023 several weeks after she was released from detention.3164 Maryam Arvin was arrested on 26 November 2022 in connection with her professional work as a lawyer and her support of the protests. According to credible information received by the Mission, in late October 2022, Maryam Arvin attempted to take on the cases of a 16-year-old child and her former teachers, both arrested in connection with the protests. She was however told by prosecutorial officials in Sirjan that she was not allowed to take on the cases as she herself was suspected of involvement in the protests. On 24 November 2022, Maryam Arvin was summoned by intelligence officials and subjected to questioning including on whether she had participated in the protests. She was told to report to the Office of the Prosecutor two days later. On 26 November 2022, Maryam Arvin and her mother were arrested by intelligence agents and she was handcuffed, dragged on the ground and subjected to beatings. After her mother objected to prosecutorial officials, she was arrested in a similar fashion. They were both taken to the Intelligence Organization of FARAJA first, where Maryam Arvin's mother was held for around 24 hours. Maryam Arvin was transferred in a van along with several intelligence agents to Sirjan prison. Upon arrival in the prison ward, she was reportedly extremely unwell, looking pale and half-conscious. Maryam Arvin and her mother were detained for nearly three weeks, during which Ms. Arvin reportedly became unwell, lost significant amount of weight and experienced shortness of breath, which led her to be taken to the prison's clinic where she was given sedatives.

[3159] (Records on file with the Mission).
[3160] (Records on file with the Mission).
[3161] FFMI-Iran-D-050114; FFMI-IRAN-D-050413; FFM-IRAN-D-001506.
[3162] "The Disciplinary Prosecutor of east Azerbaijan Bar Association promises: more than 50 percent of the reports received from the intelligence [of the judiciary] does not require the person to be summoned", Vokalapress, 31 December 2022.
[3163] (Submission).
[3164] "IRAN: Tribute to Maryam Arvin, lawyer, who died in February 2023 after release from prison", International Observatory of Lawyers, 22 August 2023; Media articles on file with the Mission.

1583. Credible information shows that upon release from prison on bail on 13 December 2022, Maryam Arvin's health kept deteriorating. On 6 February 2023, she was taken to a hospital where she died the next day as a result of lung and kidney failure. Her death certificate is reported to list her cause of death as "unknown". Consistent with their pattern of denial and in response to the public outcry about her suspicious post-custody death, the prosecutor of Sirjan stated that Maryam Arvin had committed suicide,[3165] a statement that her family has strongly refuted, stating that she was full of life and had just got engaged to the person she loved.[3166]

1584. Two other women lawyers have reportedly died under suspicious circumstances. Narges Khorramifard, a lawyer was reported to have died in Mashhad, Khorasan Razavi under suspicious circumstances on 2 December 2022.[3167] after participating in the protests and expressing her availability to defend those detained.[3168] Mohabbat Mozzafari another lawyer also died under suspicious circumstances on 1 February 2023, after she was reportedly detained in Tehran in connection with the protests. She was reported to have been subjected to torture and other ill-treatment and administrated with unknown substances while in detention.[3169]

D. Other groups targeted

1. Foreign and dual nationals in the context of the protests

1585. The Mission investigated allegations that foreign and dual nationals were targeted by the authorities in the context of the "Woman, Life, Freedom" protests, including through arbitrary arrest and detention. Allegations relate to the notable increase in scale and severity of detentions of foreign and dual nationals since the start of the protests.[3170] The Mission relied on open sources, witness interviews and submissions in this respect.

1586. Shortly after the start of the protests, on 5 October 2022, the Supreme Leader, claimed that a "foreign enemy" was orchestrating "the riots".[3171] In comments reported by the State media outlet Mehr News, Iran's spokesperson for the judiciary, Masoud Setayeshi, told the press that "So far, 40 foreign nationals have been arrested for their involvement in the protests."[3172] The nationalities of all of the foreigners arrested were not revealed, but were reported to include nationals of Denmark, France, Germany, the Netherlands, Italy, Poland, Spain and Sweden..[3173] He further explained that the investigation is confidential and that the foreign nationals "will be tried according to the internal laws of our country and the Islamic Penal Code."[3174]

1587. On 8 October 2022, the Ministry of Information of the Islamic Republic of Iran issued a statement claiming that "seditious" and "destructive agents", including nine foreign nationals were "on the scene or behind the scenes" of the protests.[3175] The statement also accused a number of other countries of "direct interference", including certain countries' intelligence officials of supporting the protests.[3176] At the time

[3165] See "Claim of the Office of the Prosecutor, the cause of death of Maryam Arvin, attorney in law, is suicide", Radio Farda, 9 February 2023.
[3166] (Submission).
[3167] See "Lawyer, Narges Khorami Fard, passed away in Mashhad", Vokala Press, 1 January 2023.
[3168] See https://twitter.com/dadban4/status/1640441455826051095.
[3169] See https://twitter.com/1500tasvir/status/1673277317903269889?lang=en; "Mohabbat Nazari", United for Iran, Iran Prison Atlas; IranWire, 31 August 2023, "Iran protests anniversary; trial of lawyers and attack on the independence of the bar association", BBC Persian, 4 September 2023.
[3170] FFM-IRAN-D-001383 (submission).
[3171] "Reactions to leadership positions on recent unrest", ISNA, 5 October 2022.
[3172] "Spokesperson of the Judiciary: 40 foreign nationals involved in the riots were arrested", IRNA, 22 November 2022.
[3173] According to information received by the FFM-Iran, one German foreign national and two Iranian-German dual-nationals were detained in Iran during the autumn of 2022.
[3174] See "Spokesperson of the Judiciary: 40 foreign nationals involved in the riots were arrested", IRNA, 22 November 2022.
[3175] See "The intelligence services of 20 countries played a role in the riots of 1401/ Sardar Kazemi, the head of IRGC Intelligence Organization", Tasnim News Agency, 12 June 2023.
[3176] See "The intelligence services of 20 countries played a role in the riots of 1401/ Sardar Kazemi, the head of IRGC Intelligence Organization", Tasnim News Agency, 12 June 2023.

of writing, a number of those detained during the height of the protests, as well as others detained before, have been released.[3177] Some were reportedly released as part of a prisoner swap.[3178] The Mission notes that several foreign or dual nationals, not necessarily linked by the authorities to the protests, have either been executed or are facing the death penalty in Iran, which appears to be a recent development.[3179]

1588. Since 2010, at least 66 foreign nationals or Iranian dual nationals have reportedly been detained by the Iranian authorities.[3180] Most of them are considered victims of the so-called "hostage diplomacy", that has been ongoing since 1979.[3181] The UN human rights mechanisms, and especially the UN Working Group on Arbitrary Detention, have long expressed concerns over the detention of foreign and dual nationals[3182] in Iran on the grounds of State security.[3183] In an opinion rendered in August 2017, the Working Group on Arbitrary Detention noted a pattern in the way that those affiliated with different "pro-democracy institutions of the West" and especially those with dual nationality are treated in the Islamic Republic of Iran.[3184]

1589. The Mission found a pattern of arbitrary arrests and detention of foreign nationals who were present in Iran during the protests.[3185] The Mission found credible evidence that the authorities linked their mere presence in the country with support for the "Woman. Life, Freedom" movement. The Mission found that a number of foreign nationals were arrested, interrogated and detained during this period, including in Tehran, Saqqez, and Mashhad. The following non-exhaustive list of cases, which appear directly linked to the protests, are emblematic of this pattern.

1590. Louis Arnaud, a 35-year-old French national, is a financial consultant who was visiting Iran as a tourist during the time of the protests.[3186] On 28 September 2022, he was arrested in the company of three other travellers, from Poland, Iran and Italy and has been detained in Evin prison in Tehran since.[3187] On

[3177] "Iran: Two Frenchmen, Benjamin Brière and Bernard Phelan, released from jail", Le Monde, 12 May 2023; "Italian travel blogger detained in Iran freed, Reuters, 10 November 2022"; "Three Europeans returned home after release by Iran in prisoner swap", Reuters, 3 June 2023.
[3178] For example in exchange for the Iranian diplomat, Assadollah Assadi, who had been convicted in Belgium and was serving a sentence for plotting a bomb attack against a rally organized by Iranian diaspora in France "On the occasion of the anniversary of the return of prisoners of war to the country; Dr Raisi meets with Asadollah Asadi, the newly released Iranian diplomat", Official Website of the Presidency of the Islamic Republic of Iran, 19 August 2023. "European hostages in Iran used as political 'bargaining chips'", Euronews, 9 June 2023; "Belgian court puts Iran prisoner-swap treaty on hold", Politico, 8 December 2022.
[3179] FFM-IRAN-D-001383 (submission); See BBC "Alireza Akbari: Iran executes British-Iranian dual national", 14 January 2023; Center for Human Rights in Iran, "Another foreign citizen nabbed by Iran faces possible execution", 8 February 2022.
[3180] Carla Ferstman, Marina Sharpe, "Iran's arbitrary detention of foreign and dual nationals as hostage-taking and crimes against humanity"; Journal of International Criminal Justice, Volume 20, issue 2, May 2022; FFM-IRAN-D-001393 (FFMI Interview), FFM-IRAN-D-001392 (FFMI Interview), FFM-IRAN-D-001023 (FFMI Interview), FFM-IRAN-D-001022 (FFMI Interview), FFM-IRAN-D-001391 (FFMI Interview), FFM-IRAN-D-001021 (FFMI Interview)
[3181] See "Call for a European strategy to counter hostage diplomacy", Parliamentary question - O-000007/2023; "Hostage diplomacy: Iran puts pressure on Sweden", Le Monde, 20 February, 2024.
[3182] Iran does not recognize dual nationality for Iranians. This means that if dual nationals are detained, they are not granted consular access to foreign officials to visit them in detention or attend their trials. However, foreign governments have raised such detentions with the Iranian authorities. They have also sought to develop an international coalition against states that arbitrarily detain dual and foreign nationals. See "Dual nationals imprisoned in Iran", Research briefings, 22 September 2023.
[3183] See Working Group on Arbitrary Detention opinions No. 28/2013, No. 28/2016, No. 50/2016 and No. 92/2017; Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 12 March 2018, paras.51-57.
[3184] See report of the Working Group on Arbitrary Detention, A/HRC/WGAD/2017/49, para. 43
[3185] FFM-IRAN-D-001023 (FFMI Interview); « Irish government pushes for release of Tipperary man from Iranian prison", Irish Central, 23 January 2023; FFM-IRAN-D-001387; FFM-IRAN-D-001022 (FFMI Interview)
[3186] "Freedom for Louis Arnaud, traveler detained In Iran since September 2022", change.org, 24 July 2023.
[3187] Margaux Benn, "Iran: le Français Louis Arnaud condamné à 5 ans de prison", Le Figaro, 8 November 2023, FFM-IRAN-D-001387.

17 November 2023, he was convicted for national security offences, including "propaganda against the State" and was handed a five-year prison sentence by a Revolutionary Court.[3188] In a statement provided to the French news agency, his family declared that their son had been an "enthusiastic tourist" and stated that he was "neither a conspirator nor a spy and a villain", but simply a "citizen of the world who wants to travel to know and understand countries better." Before arriving in Iran, he had crossed Italy, Greece, Turkey, Georgia and Armenia.[3189] Louis Arnaud was initially held in very harsh conditions, and denied contact with his family, with the exception of one phone call to his parents. After May 2023, he was transferred to a more traditional cell and is able to communicate more regularly with his family.[3190] At the time of writing this document, Louis Arnaud remains detained in Iran.

1591. Bernard Phelan, a 64-year-old French-Irish national and travel consultant, was arrested on 3 October 2022 together with a friend while traveling in Mashhad. Bernard Phelan was accused of "sending information to an enemy state", "taking photographs of Iranian police officers, and of burning a mosque,"; sending photographs to the British newspaper *The Guardian*, and "stealing two pieces of 900-year-old pottery from a historic village he had travelled to."[3191] He was sentenced to six and half years in prison by the Revolutionary Court of Mashhad.[3192] The authorities held Bernard Phelan at Vakilabad prison in Mashhad where he spent 10 to 12 days in solitary confinement, was blindfolded and interrogated. He was not provided with consular services until 9 January 2023, three months after his arrest. Despite multiple requests, he was not permitted to speak with his relatives. In May 2023, and due to his deteriorating medical condition, Bernard Phelan was released "on humanitarian grounds."[3193]

1592. Alessia Piperno, a 30-year-old travel blogger and national of Italy, reportedly was arrested on 28 September 2022 in Tehran, on suspicion of having taken part in the "Woman, Life, Freedom" protests and charged with national security offences.[3194] She was detained at Evin Prison in Tehran, together with Louis Arnaud.[3195] According to her public accounts, she was mentally tortured as she was falsely told by the authorities that her mother had died. Following a one-month hunger strike, she was eventually allowed to contact her family.[3196] She was released on 10 November 2022. According to her Instagram page, where she posted just prior to her arrest, she was impressed by the courage of the Iranian people. "This land welcomed me with open arms, and it went straight into my heart."[3197]

1593. Santiago Sanchez Cogedor, a 41-year-old national of Spain, was arrested on 2 October 2022 in the Kurdish city of Saqqez. He was reportedly accused of national security offences and espionage. Sanchez, an avid football fan, was walking from Spain to Doha, Qatar for the FIFA World cup. According to public reporting, after crossing the border from Iraq, a man he had met on a previous visit took him to visit Jina Mahsa Amini's grave, where he took a photo. Santiago Sanchez has publicly claimed to have been tricked into visiting the grave by his acquaintance and that he had not even known about the protests. Santiago Sanchez was reportedly arrested by security officials and held in solitary confinement for 42 days.[3198] He was released and returned to Spain on 2 January 2024.[3199]

1594. Thomas Kjems, a 28-year-old Danish travel blogger was part of an indirect European exchange when he was arrested on 1 November 2022 in Tehran. He was accused of participating in gatherings

[3188] "Iran sentences Frenchman Louis Arnaud to five years on national security charges", France 24, 8 November 2023.
[3189] FFM-IRAN-D-001387
[3190] See "Detention of Louis Arnaud in Iran: "we want him not to be forgotten"", France 3, 21 July 2023. "A French citizen was sentenced to 5 years in prison in Iran", DW, 8 November 2023.
[3191] FFM-IRAN-D-001023 (FFMI INTERVIEW); "Irish government pushes for release of Tipperary man from Iranian prison", Irish Central 23 January 2023.
[3192] "Bernard Phelan: Irishman sentenced to six and a half years in Iran prison", BBC, 8 March 2023: FFM-IRAN-D-001383 (submission)
[3193] "Bernard Phelan: hostage in Iran, detained in "Satan's block"", France Inter, 26 June 2023.
[3194] "Italian travel blogger detained in Iran freed - Italian PM office", Reuters, 10 November 2022; European Parliament, Parliamentary question, E-003274/2022, 4 October 2022.
[3195] "French people in the hands of the mullahs", France 2, 12 May 2023.
[3196] Ibid.
[3197] "Italian Woman Arrested In Iran Amid Amini Protests", RFE/RL, 4 October 2022.
[3198] See "Pasé por cosas que no deseo ni a mi peor enemigo"; Santiago Sanchez, el turista espanol que termino encerrado en la prison mas temida de Iran", BBC Mundo, 16 January 2024.
[3199] "Spaniard released from year imprisoned in Iran says he is planning a return", Reuters, 2 January 2024.

against the Islamic Republic of Iran and of national security offences.[3200] Thomas was filming the protests in Tehran when intelligence services, arrested him and took him to Evin Prison, section 209. Thomas Kjems who had begun his journey from Europe to Asia prior to his arrest, wanted to put out videos from his travels on social media. Thomas Kjems spent seven months in detention in Evin prison in Section 209. He was released on 2 June 2023 and returned home the next day.[3201] On 31 October 2023, his lawyer informed him that he had received a judgment, and that his two-year prison sentence had been commuted to a $1,000 USD fine and a two-year travel ban to the country.[3202]

1595. Foreign nationals arbitrarily arrested, detained, and prosecuted in the context of the protests were deprived of due process and of fair trial rights, through the lack or delayed access to consular services and independent lawyers. They were also subjected to torture, in the form of prolonged solitary confinement, and other forms of ill-treatment in the context of detention. The Mission found that the cases of foreign nationals included the involvement of the IRGC intelligence and Revolutionary Courts, in particular. These are longstanding patterns with respect to the treatment of foreign nationals held in Iran.[3203]

1596. Foreign nationals also appear to have been targeted based on their nationality. Even if, as claimed by the Government, foreigners had participated in the protests, or been at the protests, non-citizens have a right to peaceful assembly and freedom of expression without discrimination. According to international human rights law, non-citizens or dual nationals enjoy the same access to rights as nationals and should be afforded equal protection, without discrimination.[3204]

1597. In light of official statements detailed above, and credible information that does not point towards their involvement in the protests, other than as tourists or onlookers, the Mission notes that foreign/dual nationals who were arrested during the protests are likely to have been unjustly used to blame foreign involvement in the protests or for other purposes in the context of the so-called hostage-diplomacy. In this context, the Mission is particularly concerned about the indication of detention and threats to continue to detain foreign/dual nationals to compel States to a course of action as an implicit or explicit condition for the release.

E. Overall findings

1598. From the outset, the Mission notes the lack of protection for human rights and fundamental freedoms in domestic law as established in this chapter, which leads to serious violations of the civil, political, economic, social and cultural rights of journalists, human rights defenders, artists and writers, teachers and university professors, students and school children, lawyers, public figures and other groups. Members of these groups have been subjected to violations for simply exercising their protected rights in the context of the protests that began on 16 September 2022.

1599. Specifically, the Mission found that journalists and their families members were subjected to arbitrary arrest and detention and violations of their rights to personal security and a fair trial. Journalists were targeted for their work in covering the “Woman, Life, Freedom” movement and on shining a light on violations in the context of the protests that began on 16 September 2022.

1600. The Mission found that State authorities, including Officials at Offices of Governors, security and intelligence bodies, including the Ministry of Intelligence and the IRGC, as well as prosecutorial officials and judges, subjected families of victims of killings, deaths in custody and arbitrary executions to sustained violence, harassment, and intimidation including though interrogations, arbitrary arrests and detentions, disappearances, and criminal prosecutions and convictions. Some of these violations occurred to children or in the presence of children, and all had significant consequences for their families. In doing so, State authorities aimed to silence the families who are the centre and forefront of the justice seeking movement in the country, and to prevent them, individually and collectively as a group, from mourning, as well as seeking truth and justice.

[3200] FFM-IRAN-D-001022 (FFMI Interview)
[3201] "Danish vlogger: 'My guilt over being traded in Iranian prisoner swap'", BBC, 13 July 2013.
[3202] FFM-IRAN-D-001022 (FFMI Interview)
[3203] FFM-IRAN-D-001391 (FFMI Interview); FFM-IRAN-D-001393 (FFMI Interview); FFM-IRAN-D-001392 (FFMI I Interview), see also Opinion of the Working Group on Arbitrary Detention, A-HRC-WGAD-2023-37, p. 12.
[3204] See Human Rights Committee, General Comment 15, “The position of aliens under the Covenant” para. 2, 1986.

1601. The Mission found that State authorities deprived family members of victims from exercising their fundamental human rights and in particular violated their rights to truth, access to justice, freedom of expression, association and peaceful assembly, religion or belief, dignity, liberty, and the security of the person.

1602. The Mission further found that the State authorities inflicted, in particular, severe mental pain and suffering, on families of victims, including by threatening them with withholding the bodies of victims and secret burials, harming their surviving family members and denying them the right to mourn and commemorate their loved ones. Such acts were committed with the purpose of coercing them into silence and/or repeating the official narrative, to stop them from seeking truth and justice and punishing them for speaking up. As such, this treatment amounted to torture and ill-treatment. Many of these acts have a long-lasting impact on the development of children and youth, as well as significant consequences for adults.

1603. Security and intelligence forces and the judicial system also sought to repress protests and the "Woman, Life, Freedom" movement by threatening, and arbitrarily arresting and detaining, as well as by sentencing WHRDs to lengthy prison sentences, in breach of the right to non-discrimination and quality, the right to personal liberty and security, to be treated with humanity and with respect in detention, and to a fair trial, as well as the rights to freedom of expression, of peaceful assembly and to freedom of association. WHRDs from minority groups were particularly targeted for repression in breach of article 2 and 27 of the ICCPR. WHRDs were targeted for arbitrary arrest and detention and were tried on vaguely worded charges that do not meet the criteria of precision and predictability in breach of article 15 of the ICCPR. Additional punishment against WHRDs include travel bans in breach of article 12 of the ICCPR and bans on exercising some professional activities in breach of article 6 of the Covenant on Economic, Social and Cultural Rights which guarantees the right to work.

1604. The Mission has reasonable grounds to believe that the rights and freedoms of teachers, teachers' trade unions members and leaders were systematically violated in the repression of peaceful protests. The authorities subjected teachers and trade union leaders to torture and ill-treatment, arbitrary arrest and detentions, as well as intimidation and harassment (including their family members) in violation of the right to personal security.

1605. State authorities subjected teachers and professors to unfair, politically biased and non-transparent suspension and dismissal from their job, sentencing and imprisonment for exercise of legitimate rights such as peaceful and legal academic and trade union activities, restriction of other civil and political rights, and economic, social and cultural rights-among others, freedom of movement, the right to work and the right to voluntarily form and join trade unions. Their arbitrary dismissal, exclusion from employment benefits, workplace intimidation and harassment constitute a clear illustration of the states very low tolerance for criticism and freedom of conscience and expression and are a clear violation of the fundamental right of workers as well as the right to education.

1606. The Mission is satisfied that the intensified pattern of intimidation, arbitrary arrest and detention, administrative and judicial harassment of teachers, and members of the Iranian Teachers' Trade Association is indicative of the authorities` coordinated policy of silencing teachers' voices, and the exercise of their lawful rights and fundamental freedoms as individual teachers and as organized groups entitled to collective rights.

1607. On lawyers, the Mission concludes that defence lawyers, who represented individuals facing charges in protest-related cases and/or publicly expressed solidarity with the protesters, have been subjected to arbitrary arrest and detention, torture and other ill-treatment, as well as criminal prosecution. The intimidation and reprisals they faced also constitute a violation of their right to personal security. Lawyers also face violations of the right to freedom of expression. Threats and actual suspension from the Bar and the prohibition by Revolutionary and criminal courts of lawyers from practising also constitute a violation of the right to work. State authorities have interfered with the independence of lawyers, including by placing the Bar Associations under increased pressure, demanding that disciplinary measures be taken against numerous lawyers, introducing legislation to erode the independence of the Bar Associations further, and through interference by the administration and the judiciary into matters such as the issuance of practice licences and oversight of the conduct of lawyers.

XI. Accountability

A. International Human Rights Law Violations

1610. The Mission has reasonable grounds to believe that serious human rights violations were committed by the Iranian authorities in the context of the protests that began on 16 September 2022. As reflected in the Mission's report and detailed in this document, under each of the sections and sub-sections, they included violations of the rights to life, not to be subjected to torture and ill-treatment, to security and liberty of the person, to a fair trial and due process, to an effective remedy, to freedom of religion or belief, of expression, of peaceful assembly and of association, and the rights to privacy, health, education, livelihood and work.

1611. The Mission is satisfied that the rights to equality and non-discrimination on the grounds of sex, gender, ethnicity, age, religion, or belief, political or other opinions have been violated in connection with the rights listed above. Violations of the rights of women and children were particularly severe, as were violations of the rights of ethnic and religious minorities.

1612. Discriminatory domestic laws and policies applicable to women and girls have led in practice to widespread arbitrary detention, torture, ill-treatment and a plethora of other serious human rights violations, including of civil, political, economic, social and cultural rights. The domestic legal and policy framework lacks proper safeguards for the protection of fundamental rights and freedoms, including the right to freedom of expression, association and of peaceful assembly. This flaw has not only led to violations of these rights, but has also led to unlawful deaths, including in the form of extra-judicial executions and death penalty. It has also enabled widespread arbitrary detention, ill-treatment and a wide range of other human rights violations, including of economic, social and cultural rights. These violations were compounded by the lack of an effective remedy, not least due to the serious flaws in Iran's judicial system, including the Criminal Procedure Code, which hinder, rather than facilitate, the ability of victims and their families to seek and obtain truth, justice, and reparations.

1613. The Mission found that the range of serious human rights violations established in its report were thus also grounded in flawed and discriminatory laws and policies that, in and of themselves, violate international human rights laws and standards.

B. Crimes under international law

1614. The Mission assessed the conduct of the state authorities from the perspective of international criminal law. As stated in Section I, the Mission referred to the definitions of crimes as set out in the Rome Statute of the International Criminal Court, as reflective of customary law binding on all States, as well as authoritative jurisprudence of international courts and tribunal. In particular, when examining this conduct from the perspective of crimes against humanity, the Mission has relied on the definition contained in Article 7 of the Rome Statute.[3205] Possible divergences from customary law are noted where relevant.

1615. As discussed in detail below, the Mission has concluded that many of the serious human rights violations it found in the context of the protests that began on 16 September 2022 also amount to crimes against humanity, specifically those of murder, imprisonment, torture, rape and other forms of sexual violence, persecution, enforced disappearance and other inhumane acts, that have been committed as part of a widespread and systematic attack directed against a civilian population, namely women, girls and others expressing support for human rights.

1. Contextual elements

1616. Examining the contextual elements (*chapeau* elements) necessary for findings of crimes against humanity in the light of international jurisprudence, the Mission first examined the necessary prerequisite attack. It notes that for such an attack to occur an armed conflict is not necessary.[3206] The term attack is defined as "a course of conduct involving the commission of acts of violence" and encompasses circumstances where there is mistreatment of the civilian population.[3207] An attack must entail as at least one of the prohibited underlying acts.[3208] As further detailed below, the Mission is satisfied that many of the serious human rights violations it found in the context of the protests that began on 16 September 2022 constitute underlying acts of the crime against humanity. It is further satisfied that a course of conduct occurred in the context of the protests that involved the commission of acts of violence.[3209] The Mission therefore concludes that an attack, as the contextual element of crimes against humanity, occurred in the context of the protests.

1617. Turning now to the element of civilian population, the Mission notes that pursuant to relevant jurisprudence the term comprises "all persons who are civilians as opposed to

[3205] See A/CN.4/680, International Law Commission, First report on crimes against humanity by Sean D. Murphy, Special Rapporteur, para. 122. See also A/70/10, Report of the International Law Commission, 14 August 2015, p. 59, para. 8.

[3206] See e.g. ICTY, *Prosecutor v. Jadranko Prlić*, IT-04-74-T, Judgement, Trial Chamber, 29 May 2013, para. 35. The Rome Statute and the Elements of Crimes of the International Criminal Court do not require the existence of an armed conflict. On the Rome Statute reflecting the latest consensus among the international community and thus being an expression of international customary law, see UN Office on Genocide Prevention and the Responsibility to Protect. See also ICC, *Prosecutor v. Germain Katanga*, ICC-01/04-01/07, Judgement pursuant to article 74 of the Statute, Trial Chamber, 7 March 2014, para. 1100.

[3207] See e.g. ICTY, *Prosecutor v. Jadranko Prlić*, IT-04-74-T, Judgement, Trial Chamber, 29 May 2013, para. 35; ICTY, *Prosecutor v. Jovica Stanišić and Franko Simatović*, IT-03-69-T, Judgement, Trial Chamber, 30 May 2013, para. 962; ICTY, *Prosecutor v. Radovan Karadžić*, IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016 – Volume I of IV (TC), 24 March 2016, para 473; ICTR, Prosecutor v. *Ndindiliyimana et al*., ICTR-00-56-T, Judgement, Trial Chamber, 17 May 2011, para. 2087.

[3208] ICTR, ICTR-96-4-T, *Prosecutor v. Jean-Paul Akayesu*, Judgement, Trial Chamber, 2 September 1998, para. 581; ICTR, ICTR-97-20-T, *Prosecutor v. Laurent Semanza*, Judgment and Sentence, Trial Chamber, 15 May 2003, para. 327. As such it means that the mistreatment has to reach the threshold of one of the underlying acts of crimes against humanity. See ICC, ICC-01/05-01/08, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, Trial Chamber, 21 March 2016, para. 151.

[3209] See Sections V, VI, VII, and X.

members of the armed forces and other legitimate combatants".[3210] A population is considered as civilian if predominantly civilian in nature.[3211] The expression population "does not mean that the entire population of the geographical entity in which the attack is taking place (a state, a municipality or another circumscribed area) must be subject to the attack."[3212] The population element "is intended to imply crimes of collective nature and thus exclude single or isolated acts which […] do not rise to the level of crimes against humanity".[3213] According to relevant jurisprudence "it is sufficient to show that enough individuals were targeted in the course of the attack, or that they were targeted in such a way as to satisfy the Chamber that the attack was in fact directed against a civilian 'population', rather than against a limited and randomly selected number of individuals".[3214] Based on the civilian nature of the victims, the collective nature of the crimes, and the high number of victims targeted in the course of the attack, the Mission concludes that the attack that occurred in the context of the protests that began on 16 September 2022 was directed against a civilian population.

1618. While the requirement of widespread and systematic is not cumulative, but alternative,[3215] the Mission examined both conditions. The Mission considers that the attack directed against the civilian population in the context of the protests that began on 16 September 2022 was "widespread", based on the high number of victims, the wide range of locations in which victims were found and, in particular, the prevalence across the country of the recurring patterns of violations amounting to crimes.[3216] The Mission further finds that the attack was "systematic", because of the organized nature of the crimes and the improbability of their random occurrence. The commission of crimes by agents of the State was not random, spontaneous, or isolated. Rather, the crimes were committed as part of a pattern of organized conduct, following instructions, encouragement and endorsement by high-level State authorities and senior members of State institutions, and implemented by a large number of physical perpetrators.[3217]

[3210] ICTY, IT-96-23-T and IT-96-23/1-T, *Prosecutor v. Kunarac, Kovac and Vukovic*, Judgement, Trial Chamber, 22 February 2001, para. 425.
[3211] ICTY, IT-95-14/2-T, *Prosecutor v. Kordić and Cerkez*, Judgement, Trial Chamber, 26 February 2001, para. 180. See also ICTY, IT-95-16-T, *Prosecutor v. Kupreškić et al*., Judgement, Trial Chamber, 14 January 2000, para. 549; ICTY, IT-96-23-T and IT-96-23/1-T, *Prosecutor v. Kunarac, Kovac and Vukovic*, Judgement, Trial Chamber, 22 February 2001, para. 425.
[3212] ICTY, IT-96-23-T and IT-96-23/1-T, *Prosecutor v. Kunarac, Kovac and Vukovic*, Judgement, Trial Chamber, 22 February 2001, para. 424. See also ICTY, IT-94-1-T, *Prosecutor v. Tadić (alias "Dule")*, Judgement, Trial Chamber, 7 May 1997, para. 644.
[3213] ICTY, IT-94-1-T, *Prosecutor v. Tadić (alias "Dule")*, Judgement, Trial Chamber, 7 May 1997, para. 644.
[3214] ICTY, IT-96-23-T and IT-96-23/1-A, *Prosecutor v. Kunarac, Kovac and Vukovic*, Judgement, Appeals Chamber, 12 June 2001, para. 90; ICTY, IT-97-24-T, *Prosecutor v. Stakić*, Judgement, 31 July 2003, para. 623. See also ICTY, IT-03-69-T, *Prosecutor v. Jovica Stanišić and Franko Simatović*, Judgement, Trial Chamber, 30 May 2013, paras. 964-965.
[3215] See e.g. ICTY, IT-04-74-T, Prosecutor v. Jadranko Prlić, Judgement, Trial Chamber, 29 May 2013, para. 41; Rome Statute, article 7.
[3216] On the definition of "widespread", see ICTY, IT-04-74-T, *Prosecutor v. Jadranko Prlić*, Judgement, Trial Chamber, 29 May 2013, para. 41; ICTY, IT-95-14-T, *Prosecutor v. Blaškić*, Judgement, Trial Chamber, 3 March 2000, para. 206; ICTR, ICTR-00-56-A, *Prosecutor v. Augustin Ndindiliyimana, François-Xavier Nzuwonemeye and Innocent Sagahutu*, Judgement, Appeals Chamber, 11 February 2014, para. 260; ICTR, ICTR-2000-61-T, *Prosecutor v. Gatete*, Judgement, Trial Chamber, 31 March 2011, para. 631; ICC, ICC-01/09-01/11, *Prosecutor v. Ruto, Kosghey and Sang*, "Decision on the confirmation of charges", Pre-Trial Chamber, 23 January 2012, para. 176-177; ICC, ICC-01/05-01/08, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, Trial Chamber, 21 March 2016, para. 163.
[3217] On the definition of "systematic", see ICTY, IT-04-74-T, *Prosecutor v. Jadranko Prlić*, Judgement, Trial Chamber, 29 May 2013, para. 41; ICTY, IT-95-5/18-T, *Prosecutor v. Radovan Karadžić*, Public Redacted Version of Judgement Issued on 24 March 2016 – Volume I, Trial Chamber, 24 March 2016, para. 477; ICTR, ICTR-00-56-A, *Prosecutor v. Augustin Ndindiliyimana, François-Xavier Nzuwonemeye and Innocent Sagahutu*, Judgement, Appeals Chamber, 11 February 2014, para. 260; ICTR, ICTR-2000-61-T, *Prosecutor v. Gatete*, Judgement, Trial Chamber, 31 March 2011, para. 631; ICTY, IT-96-23-T and IT-96-23/1-T, *Prosecutor v. Kunarac, Kovač and Vuković*, Judgement, Trial Chamber, 22 February 2001, para. 429; ICTY, IT-96-23-T and IT-96-23/1-A, *Prosecutor v. Kunarac, Kovač and Vuković*, Judgement, Appeals Chamber, 12 June 2001, para. 94;

1619. The Mission considered the requirement that these violations were committed pursuant to or in furtherance of a State or organizational policy. The Elements of Crimes of the International Criminal Court state that the State or organization must "actively promote or encourage" the attack against the civilian population.[3218] Relevant jurisprudence further provides that "an attack which is 'planned, directed, organized', as opposed to 'spontaneous or [consisting of] isolated acts', satisfies the policy requirement."[3219]

1620. Based on the conduct of the State authorities, as detailed below, the Mission is satisfied that the underlying acts were committed in furtherance of a State policy. This conduct includes statements by its officials encouraging or condoning the commission of violations.[3220]

1621. The following factors are indicative that violations are committed as part of a State policy: planning and preparations;[3221] the involvement of State officials and institutions in the commission of violations;[3222] the coordination of different intelligence and security entities;[3223] and the use of State resources.[3224] The Mission is satisfied, in particular, that violations detailed in its report were planned, directed and organized by and involved the coordinated action of different State entities and the investment of a considerable amount of State resources.[3225]

1622. The Mission also considered as part of the conduct indicating a policy, the recurrent patterns of violence, including in multiple locations,[3226] and similar patterns of violations.[3227] The use of force patterns identified by the Mission in Section 5 could be found in multiple locations, with specific patterns found in regions populated by minorities, as discussed in Section 6. Mass arrests, as well as targeted arrest operations, especially against women, were also conducted in a similar fashion across different locations, as described in sections 5 and 8. Victims across multiple detention facilities operated by different State entities described the same patterns of torture, ill-treatment, and sexual violence.

ICC, ICC-01/09-01/11, *Prosecutor v. Ruto, Kosghey and Sang*, "Decision on the confirmation of charges", Pre-Trial Chamber, 23 January 2012, para. 210.

[3218] ICC, Elements of Crimes, p. 3.

[3219] See e.g. ICC, ICC-01/09-01/11, *Prosecutor v. Ruto, Koshey and Sang*, "Decision on the confirmation of charges", Pre-Trial Chamber, 23 January 2012, para. 210.

[3220] See e.g. ICC, ICC-01/05-01/08, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, Trial Chamber, 21 March 2016, para. 160; ICC, ICC-01/04-02/06-2359, *Prosecutor v. Bosco Ntaganda*, Judgment, Trial Chamber, 8 July 2019, para. 674; A/HRC/25/CRP.1, para. 1063. See section on responsibility.

[3221] See e.g. ICC, ICC-01/04-02/06-2359, *Prosecutor v. Bosco Ntaganda*, Judgment, Trail Chamber, 8 July 2019, para. 686; ICC, ICC-01/04-01/07, *Prosecutor v. Germain* Katanga, Judgment pursuant to article 74 of the Statute, Trial Chamber, 7 March 2014, para. 1147; ICC, ICC-01/09, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya, 31 March 2010, Pre-Trial Chamber, para. 118.

[3222] See e.g. ICC, ICC-01/05-01/08, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, Trial Chamber, 21 March 2016, para. 160; ICC, ICC-02/04-01/15, *Prosecutor v. Dominic Ongwen*, Judgment, Trial Chamber, 4 February 2021, para. 2679; ICC, ICC-01/04-02/06-2359, *Prosecutor v. Bosco Ntaganda, Judgment*, Trial Chamber, 8 July 2019, para. 674; A/HRC/28/69, para. 49.

[3223] ICC, ICC-01/19, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar, Pre-Trial Chamber, 14 November 2019, para. 92; A/HRC/S-17/2/Add.1, para. 105.

[3224] See e.g. ICC, ICC-01/05-01/08, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, Trial Chamber, 21 March 2016, para. 160; ICC, ICC-01/04-02/06-2359, *Prosecutor v. Bosco Ntaganda*, Judgment, Trial, Chamber, 8 July 2019, para. 674; A/HRC/28/69, para. 674; ICC, ICC-02/04-01/15, *Prosecutor v. Dominic* Ongwen, Judgment, Trial Chamber, 4 February 2021, para. 2679.

[3225] See section on responsibility.

[3226] See e.g. ICC, ICC-01/05-01/08, *Prosecutor v. Jean-Pierre Bemba Gombo*, Judgment pursuant to Article 74 of the Statute, Trial Chamber, 21 March 2016, para. 677; A/HRC/25/CRP.1, para. 1062; A/HRC/39/CRP.2, para. 1480.

[3227] See e.g. A/HRC/30/CRP.2, para. 591; A/HRC/25/CRP.1, para. 1084.

1623. Another indicator of the existence of a policy is the systematic identification of victims.[3228] As established in sections 8 and 10, the identification and targeting of the victims of repression was the result of a concerted and coordinated effort by security and intelligence forces and the judicial system, including prosecutors. The Mission established a pattern of instrumentalization of the judicial system to supress acts of protest and solidarity that culminated in systematic impunity in relation to violation.

1624. The Mission also considered the patterns of targeting women[3229] and children[3230] as conduct indicating policy. As extensively demonstrated, State entities made a concerted effort to adopt and violently enforce strict rules, prohibitions and penalties that targeted especially women and girls, particularly with respect to the mandatory *hijab*. The also targeted women human rights defenders, women demanding equality and the end to institutionalized discrimination, including those defying the mandatory *hijab*.

1625. The systematic failure of the State to condemn violations, and to prevent, investigate, prosecute and punish them, and the impunity enjoyed by alleged perpetrators,[3231] is further evidence of a policy. As extensively described in its findings in sections 3, 5, 6, 8, 9 and 10, the Mission established a pattern of impunity in relation to violations it found, in particular in relation to, but not limited to, unlawful deaths, extra-judicial executions, enforced disappearances, torture and ill-treatment, and rape and sexual violence.

1626. The Mission also took into account the organized concealing of violations.[3232] This includes a pattern of authorities blaming "hostile groups", "anti-revolutionary grouplets", "terrorists" or "rioters" for all of the deaths and injuries caused by the unnecessary or disproportionate use of force, as well as of forcing individuals to confess to crimes they did not commit to absolve the State of responsibility, the victims to withdraw their allegations of violations, and families of victims to blame "rioters" or "opposition groups" for violations by State security forces or confess to crimes they did not commit. Other efforts to conceal violations included withholding bodies of those killed as a result of the use of force by or in the custody of State security and intelligence forces. Authorities also pressured families to return death certificates or simply denied issuing them. State officials denied reports of injuries, in particular blinding, caused by weapons and ammunition used by the security forces. With respect to women and girls, authorities used particularly gendered explanations for their deaths to avoid responsibility, including pre-existing health conditions, physical weakness, or emotional distress that supposedly led to accidental deaths or suicides. According to them, women victims have car accidents and fall off buildings. The strategy of concealing violations by State authorities was accompanied by misinformation and disinformation by Iranian State media.

1627. Lastly, the Mission examined the motivation underlying the commission of the violations as an indicator of a policy.[3233] As stated in Section 4, the mandatory *hijab* is one of the most central tenets of the Islamic Republic. The imposition of the mandatory *hijab* on women and girls, including through the "morality police", and the repression of the "Woman, Life, Freedom" movement, with its demands for gender equality and an end to discrimination

[3228] See e.g. ICC, ICC-01/21, Decision on the Prosecutor's request for authorisation of an investigation pursuant to Article 15(3) of the Statute on the Philippines, Pre-Trial Chamber, 15 September 2021, para. 99; A/HRC/51/CRP.3, para. 431.
[3229] See e.g. ICC, ICC-01/12-01/18-461-Corr-Red, *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision on Confirmation of Charges against Al Hassan, Pre-Trial Chamber, 13 November 2019, para. 183; ICC, ICC-02/04-01/15, *Prosecutor v. Dominic* Ongwen, Judgment, Trial Chamber, 4 February 2021, para. 2802.
[3230] See e.g. ICC, ICC-02/04-01/15, *Prosecutor v. Dominic* Ongwen, Judgment, Trial Chamber, 4 February 2021, para. 2313.
[3231] See e.g. A/HRC/32/CRP.1, para. 260; A/HRC/25/CRP.1, para. 1085.
[3232] See e.g. A/HRC/25/CRP.1, paras. 1032, 1066, 1068 and 1151-52; A/HRC/51/CRP.3, para. 433; A/HRC/52/CRP.5, paras. 964-965; S/2009/693, para. 184; A/HRC/S-17/2/Add.1, para. 104.
[3233] See e.g. ICC, ICC-01/12-01/18-461-Corr-Red, *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision on Confirmation of Charges against Al Hassan, Pre-Trial Chamber, 13 November 2019, para. 182.

and forms of gender segregation, represent the ideology and form the motivation underpinning the commission of violations found by the Mission. This is evidenced by the discriminatory laws and policies themselves, as well as the many official statements, including at the highest levels.

1628. The Mission notes that in order to establish the existence of a policy, it has considered the indicators individually and in aggregate, and each indicator may itself be sufficient to show the existence of a policy.

2. Underlying acts

1629. The Mission now turns to the underlying acts of the crime against humanity examining whether the material and mental elements of the underlying acts are met. The mental element, i.e. whether the perpetrator had knowledge that the conduct was part of, or intent that the conduct be part of, a widespread or systematic attack directed against a civilian population will be addressed below for all underlying acts jointly.[3234]

Murder

1630. Murder is defined under international criminal law as the unlawful and intentional killing of a human being.[3235] The death of the victim must result from an act or omission of the perpetrator, who possessed the intent to kill, or the intent to cause serious bodily harm which the perpetrator should reasonably have known might lead to death.[3236] The Mission's report established a pattern of violations of the right to life. Victims were killed as a result of the use of unnecessary force, extra-judicial executions, deaths in custody and the use of the death penalty in violation of international human rights law. Deaths were the result of intentional use of lethal force against persons posing no imminent threat of death or serious injury. Further, victims who died in custody were subjected to ill-treatment or torture with the intent to cause serious bodily harm which the perpetrator should reasonably have known might lead to death. As reflected in particular in sections III, V, and VI, the conduct was committed as part of the widespread and systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022.

1631. The Mission accordingly concludes that there are reasonable grounds to believe that murder as an underlying act of crimes against humanity was committed in the context of the protests that began on 16 September 2022.

Imprisonment, torture and enforced disappearance

1632. Imprisonment as a crime against humanity is defined as the imprisonment or otherwise severe deprivation of liberty of one or more persons by the perpetrator, who is aware of the factual circumstances that established the gravity of the conduct.[3237] The imprisonment must be in violation of fundamental rules of international law.[3238] This includes arbitrary deprivation of liberty.[3239] On assessing the arbitrary nature, jurisprudence considered following factors: whether there was a valid warrant of arrest; the detainee was informed of the reason for their arrest; the detainee was formally charged; and the detainee was informed of any procedural rights.[3240] Based on international human rights law, the Mission also considered whether an arrest was based on a legitimate ground for deprivation of liberty. On

[3234] The Mission has not named individual perpetrators responsible for violations and crimes in its report, A/HRC/55/67.
[3235] ICC, Elements of Crimes, art. 7(1)(a); ICTR, ICTR-96-4-T, *Prosecutor v. Akayesu*, Judgment, Trial Chamber, 5 September 1998, para. 589.
[3236] *Prosecutor v. Akayesu*, Judgment, Trial Chamber, 5 September 1998, para. 589.
[3237] ICC, Elements of Crimes, art. 7(1)(e).
[3238] ICC, Elements of Crimes, art. 7(1)(e).
[3239] See e.g. ICTY, IT-00-39-T, *Prosecutor v. Krajisnik*, Judgment and Sentence, Trial Chamber, 27 September 2006, para. 752.
[3240] See e.g. ICTR, *Prosecutor v. Ntagerura et al*., ICTR-99-46-T, Judgment, 25 February 2004, para. 702.

the criteria of severity, the Mission notes that the duration of a detention does not deny as such the severity.[3241]

1633. As the Mission established in sections 5, 6, 8 and 10, protesters have been arbitrarily arrested and detained by members of State entities, who were aware that their acts constituted violations. Many victims were arbitrarily arrested, detained, and convicted and some were sentenced to long prison terms solely for exercising rights protected under international human rights law, including to belief and religion, to freedom of expression, and of peaceful assembly. Victims were also convicted and sentenced following unfair trials before courts lacking independence and impartiality. The Mission found a pattern of prison sentences imposed after trials involving, *inter alia*, the denial of the right to a lawyer of one's choice, torture and forced confessions.

1634. Based on the evidence, the Mission finds that there are reasonable grounds to believe that imprisonment as an underlying act of crimes against humanity was committed as part of the widespread and systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022.

1635. Torture is the intentional infliction of severe physical or mental pain or suffering upon one or more persons, upon a person in the custody or under the control of a perpetrator.[3242] It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions under international law.[3243] For an act to amount to the crime of torture a severe degree of pain and suffering has to be reached.[3244] The perpetrator must have intended the conduct and that the victim endured severe pain or suffering.[3245]

1636. The Mission concluded in sections V, VI, VIII and X that victims, including protesters, child protesters, members of ethnic and religious minorities, women challenging institutionalized discrimination, lawyers, journalists, family members of victims, public figures, and foreign nationals have been subjected to severe physical or mental pain and suffering inflicted intentionally during their arrest, transfer to, and detention at facilities operated by different State entities, including unofficial sites, and during interrogation. Moreover, prosecutorial officials and judges dismissed reports of torture, while courts used confessions obtained under torture to convict persons in connection with the protest.

1637. The Mission is therefore satisfied that the crime against humanity of torture was committed against victims and that the conduct was part of the widespread or systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022.

1638. Enforced disappearance means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of liberty or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection

[3241] ICC, ICC-01/17-9-Red 09-11-2017, Public Redacted Version of "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi", ICC-01/17-X-9-US-Exp, 25 October 2017, Pre-Trial Chamber, 25 October 2017, para. 86 ("The brevity of detention alone cannot be brought forward as an argument to deny the severity of the deprivation of physical liberty."); ICC, ICC-01/14-01/18-403-Corr-Red, *Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Corrected version of 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona', Pre-Trial Chamber, 11 December 2019, para. 119 ("[N]either the duration of the imprisonment nor the number of persons imprisoned denies, as such, the severity of the deprivation of liberty.")

[3242] ICC, Elements of Crimes, art. 7(1)(f).

[3243] Rome Statute, art. 7(2)(e).

[3244] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art. 1; ICC, ICC-01/05-01/08-424, *Prosecutor v. Bemba*, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor, Pre-Trial Chamber, 15 June 2009, para. 194.

[3245] ICC, ICC-01/05-01/08-424, *Prosecutor v. Bemba*, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor, Pre-Trial Chamber, 15 June 2009, para. 193.

of the law. Under the Rome Statute, such removal must be for a prolonged period of time, and the conduct must be accompanied by the awareness and intent of the perpetrator.[3246] The Mission notes that those requirements cannot be found in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Declaration on the Protection of All Persons from Enforced, the doctrine of human rights bodies, and comparative jurisprudence of regional human rights tribunals.[3247] As detailed in Section V, the Iranian authorities routinely held detainees, including children, incommunicado and/or in solitary confinement, refusing to inform their families of their whereabouts, in some cases placing them outside the protection of the law and amounting to enforced disappearance. The lack of compliance with procedural safeguards for detention, as described in Section V, which should protect against disappearance, meant that in many cases, families were unaware of the fate and whereabouts of their loved ones, including children, until they were released, or were transferred to official places of detention. These periods lasted days, weeks and more than a month. The Mission finds that these practices were intentional.

1639. The Mission concludes that there are reasonable grounds to believe that enforced disappearance as an underlying act of crimes against humanity was committed as part of the widespread and systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022.

Rape and sexual violence

1640. Rape is an act by which the perpetrator invades the body of a person by conduct resulting in penetration of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body of the perpetrator.[3248] This invasion must be "committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent".[3249]

1641. The definition of crimes against humanity also lists "other sexual violence of comparable gravity" as a prohibited underlying act. This covers cases where the perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive

[3246] Rome Statute, art. 7(2)(i).

[3247] The reference "of removing them from the protection of the law *for a prolonged period of time*" introduces a minimum time requirement for the crime of enforced disappearances in the Rome Statute, which cannot be found in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) or the Declaration on the Protection of All Persons from Enforced Disappearances (A/RES/47/133; 1992 Declaration). Likewise, the Rome Statute includes an additional requirement by establishing that the act(s) should have the "intention" to remove the person from the protection of the law, which cannot be found in the ICPPED and the 1992 Declaration. As stated by the international human rights mechanisms tasked with overseeing the implementation of the 1992 Declaration and the ICPPED, the removal of a person from the protection of the law is a consequence of the enforced disappearance rather than a constitutive element. See CED/C/PRY/CO/1, paras. 13-14; Working Group on Enforced and Involuntary Disappearances (WGEID), General comment on the definition of enforced disappearance, para. 5 (contained in A/HRC/7/2, p. 11); and WGEID, General comment on the right to recognition as a person before the law in the context of enforced disappearances, paras. 1-2 (contained in A/HRC/19/58/Rev.1 p. 10).

[3248] ICC, Elements of Crimes, art. 7(1)(g)-1, para. 1.

[3249] ICC, Elements of Crimes, art. 7(1)(g)-1, para. 2. On the coercive environment, ICTR, ICTR-96-4-T, *Prosecutor v. Akayesu*, Judgment, Trial Chamber, 2 September 1998, para. 688; endorsed by the ICTR, ICTR-2001-70-T, *Prosecutor v. Rukundo*, Judgment, Trial Chamber, 27 February 2009, para. 379; ICTY, IT-98-30/1- T, *Prosecutor v. Kvočka*, Judgement, Trial Chamber, 2 November 2001, para. 180; ICTY, IT-96-21-T, *Prosecutor v. Delalić et al.*, Judgement, Trial Chamber, 16 November 1998, paras. 478-479; ICTR, ICTR-96-13-T, *Prosecutor v. Musema*, Judgment, Trial Chamber, 27 January 2000, para. 965.

environment or such person's or persons' incapacity to give genuine consent.[3250] The conduct must be of comparable gravity to rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation.[3251]

1642. As laid out in sections V, VI, VIII and X, in the context of the protests that began on 16 September 2022, the Mission established a pattern of rape and sexual violence against women during their arrest, transfer to, and detention at facilities operated by different State entities, including unofficial sites, and also during interrogation. Perpetrators raped and gang-raped women and girls and threatened them with rape, and raped victims with objects. Women belonging to minority groups, in particular Baluchi and Kurdish women, were subjected to particularly brutal acts of sexual violence, including gang rape, and some acts were accompanied by racist and gender-based insults directed against women protesters. The Mission also established acts of rape and sexual violence perpetrated against men. This included rape with batons or sticks. Security and intelligence forces also subjected women and men to forced nudity, including during interrogation, electrocution to the genitalia and humiliating cavity searches. Such practices against women were often carried out or witnessed by men on staff. Victims of rape and other sexual violence were protesters, students, women from ethnic and religious minorities, women challenging institutionalized discrimination, and women human rights defenders.

1643. The Mission is therefore satisfied that the crimes against humanity of rape and other sexual violence were committed against victims and that the conduct was part of a widespread or systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022.

Other inhumane acts

1644. The crime against humanity of other inhumane acts entails the infliction of great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act.

1645. Under the Rome Statute, such act must be of a character similar to any other act under its article 7 (1). The perpetrator must be aware of the factual circumstances that established the character of the act.[3252] The criterion of similar character is understood to refer to the nature and gravity of the act.[3253]

1646. As discussed in section V, serious use of force violations by security forces have led to devastating and life-changing injuries. The Mission is satisfied that such acts inflicted great suffering and serious injury to body or to mental or physical health, and that they were of a character similar to any other act referred to in article 7 (1) if the Rome Statute. As detailed in sections V, VI, VII, and X, the Mission found evidence of ill-treatment, including inhumane and degrading treatment,[3254] as well as death threats against protesters, members

[3250] ICC, Elements of Crimes, art. 7(1)(g)-6, para. 1.
[3251] ICC, Elements of Crimes, art. 7(1)(g)-6, para. 2. See also ICTR, ICTR-96-4-T, *Prosecutor v. Akayesu*, Judgment, Trial Chamber, 2 September 1998, para. 688; ICTY, IT-98-30/1- T, *Prosecutor v. Kvočka*, Judgement, Trial Chamber, 2 November 2001, para. 180. The ICC's Office of the Prosecutor defines a sexual crime as an act of a sexual nature if not limited to physical violence, and notes it may not involve any physical contact – for example, forced nudity. Sexual crimes, therefore, cover both physical and non-physical acts with a sexual element. See ICC OTP, Policy Paper on Sexual and Gender-Based Crimes, June 2014, p.3.
[3252] Elements of Crimes, art. 7(1)(k). See also ICTY, IT-95-5/18-T, *Prosecutor v. Radovan Karadžić*, Public Redacted Version of Judgement Issued on 24 March 2016 – Volume I, Trial Chamber, 24 March 2016, para. 494; ICTR, ICTR-95-1-T, *Prosecutor v. Kayishema* and Ruzidana, Judgement, Trial Chamber, 21 May 1999, para. 583.
[3253] See e.g. ICC, ICC-01/09-02/11, *Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, Decision on the confirmation of charges, Pre-Trial Chamber, 23 January 2012, para. 277; ICTY, IT-95-14/2-T, *Prosecutor v. Dario Kordić and Mario Čerkez*, Judgement, Trial Chamber, 26 February 2001, para. 269,
[3254] Regarding "deliberate ill-treatment" as other inhumane acts, see e.g. ICTY, IT-96-21-T, *Prosecutor v. Delalić et al.*, Judgement, Trial Chamber, 16 November 1998, para. 1034. Regarding

of ethnic and religious minorities, women challenging institutionalized discrimination, lawyers, journalists, family members of victims, public personalities, foreign nationals and dual nationals, during their arrest, transfer to, and detention, at facilities operated by different State entities, including unofficial sites, and including during interrogation. In those detention facilities, solitary confinement as a form of punishment was widely used against detainees.[3255]

1647. Moreover, severe violations of fair trial rights and the minimum guarantees in criminal proceedings of article 14 of the ICCPR as detailed in Section 5 are similar in nature and gravity to the other crimes against humanity the Mission found to have occurred.[3256] These includes violations of the right to be presumed innocent, not to incriminate oneself, to a lawyer of one's choice, and to examine evidence against oneself and to present a defence. Equally, the Mission considered the sentence imposed by Revolutionary Courts of forced residency in certain cities, known as 'internal exile', met the criteria of "similar character" and thus constitutes another inhumane act.

1648. The Mission is satisfied that the crime against humanity of other inhumane acts was committed against these victims and that the conduct was part of a widespread or systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022. The acts include ill-treatment, severe violations of the right to personal security, of fair trial rights and of the minimum guarantees in criminal proceedings and the sentence of internal exile.

Mental element

1649. Under the Rome Statute a perpetrator must have known that the conduct was part of, or have intended the conduct to be part of, a widespread or systematic attack directed against a civilian population.[3257] The perpetrator must have acted with knowledge of the broader context of the attack, and with knowledge that his acts (or omissions) formed part of the widespread or systematic attack against the civilian population.[3258] However, it is not necessary that the perpetrator be informed of the details of the attack, or that he approve its purpose or the goal behind it. It is irrelevant whether the perpetrator participated in the attack for purely personal reasons.[3259] It is sufficient that, through his acts or the function which he willingly accepted, he knowingly took the risk of participating in the implementation of that attack.[3260]

1650. Members of State security and intelligence forces, notably of the Islamic Revolutionary Guard Corps, the Basij forces, the Law Enforcement Command of the Islamic Republic of Iran (Faraja), the Military Intelligence, the "morality police", as well as members of the judiciary and prosecutors, were involved in the commission of the underlying acts of crimes against humanity listed above.[3261]

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inhumane and degrading treatment, see e.g. IT-04-74-T, *Prosecutor v. Jadranko Prlić*, Judgement, Trial Chamber, 29 May 2013, para. 79.

[3255] On inhumane conditions of detention as under inhumane acts, see e.g. IT-04-74-T, *Prosecutor v. Jadranko Prlić*, Judgement, Trial Chamber, 29 May 2013, para. 80.

[3256] On denial of fair trial as a crime, see *United States of America v. Josef Altstötter et al*., Opinion and Judgment, Nuremberg, 3 March-4 December 1947, in Trials of War Criminals Before the Nuernberg Military Tribunals under Control Council Law No. 10,Volume III (United States Government Printing Office, 1951), pp. 1046-1047; Jennifer DePiazza, "Denial of Fair Trial as an International Crime Precedent for Pleading and Proving it under the Rome Statute", *Journal of International Criminal Justice* 15 (2017), pp. 281-282.

[3257] Elements of Crimes, art. 7(1)(a) to (k).

[3258] ICTR, ICTR-00-56-A, Prosecutor v. Ndindiliyimana, Nzuwonemeye and Sagahutu, Judgement, Appeals Chamber, 11 February 2014, para. 260.

[3259] ICTY, IT-04-74-T, *Prosecutor v. Jadranko Prlić*, Judgement, Trial Chamber, 29 May 2013, para. 45.

[3260] ICTY, IT-97-25-T, *Prosecutor v. Krnojelac*, Judgement, Trial Chamber, 15 March 2002, para. 59; ICTY, IT-95-14-T, *Prosecutor v. Blaškić*, Judgement, Trial Chamber, 3 March 2000, para. 251; ICTY, IT-96-23/1-A, *Prosecutor v. Kunarac, Kovac and Vuković*, Judgement", Appeals Chamber, 12 June 2001, para. 102-103.

[3261] See sub-section on responsibility.

1651. High-level State authorities publicly commented on the attack directed against the civilian population and encouraged, sanctioned, and endorsed underlying acts through statements justifying them. Different State entities planned, directed, and organized their action and invested a considerable amount of State resources in the actions. Official statements were publicly issued.[3262] The Mission also notes the recurring patterns of violence in different locations over a prolonged period by the same entities. It further highlights the patterns of targeting certain groups of victims across all entities and the pattern of impunity. Representatives of different State entities used the same terminology to describe, denigrate and delegitimize victims. Authorities across the system were involved in misinformation and disinformation campaigns, as well as campaigns of harassment, intimidation and reprisals against victims, their families and supporters.

1652. Based on the above, the Mission concludes that members of the listed entities generally knew that there is an attack directed against the civilian population and that their acts were part of that attack, or at least knowingly took the risk of participating in the implementation thereof.

C. Persecution under international law

1653. The Mission examined whether the violations found in its report amount to persecution on grounds of gender, political opinion or belief, and ethnicity and/or religion, taking into account the facts and circumstances surrounding those violations. In its analysis the Mission applied international human rights law and criminal law, and took into account international refugee law and practice. Below, the facts relating to elements found under all three bodies of law are addressed jointly.

1654. In international law, the notion of persecution of a specific group of individuals defined by objective, protected characteristics has long had clear recognition in the context of refugee law. When defining a person as a refugee, the 1951 Convention Relating to the Status of Refugees ("Refugee Convention") refers to persecution[3263] "for reasons of race, religion, nationality, membership of a particular social group or political opinion".[3264] Relying on refugee related jurisprudence in several countries, UNHCR highlighted that in deciding whether an act constitutes persecution it is important to consider the "severity of the measures and sanctions" against individuals and its consequences rather than "the qualification of the right infringed as 'basic' or not."[3265]

1655. On gender, UNHCR noted that "the refugee definition as a whole should be interpreted with an awareness of possible gender dimensions in order to determine accurately claims to refugee status."[3266] UNHCR offered some considerations for the assessment of a well-founded fear of persecution based on gender. It observed that discriminatory and persecutory laws and harmful practices that violate international human rights law, cannot be justified on the basis of custom, religion, history, or culture. It would be considered persecution when the punishment for non-compliance is disproportionally harsh and includes a gender component.

[3262] See sub-section on responsibility.
[3263] The Office of United Nations High Commissioner for Refugees (UNHCR) defined persecution as acts "involv[ing] serious human rights violations, including a threat to life or freedom as well as other kinds of serious harm." See UNHCR, Statement on the concept of persecution on cumulative grounds in light of the current situation for women and girls in Afghanistan, 25 May 2023 (issued in the context of the preliminary ruling reference to the Court of Justice of the European Union in the cases of AH and FN v. Bundesamt für Fremdenwesen und Asyl (C-608/22 and C-609/22)) ("UNHCHR Statement").
[3264] Convention relating to the Status of Refugees, 28 July 1951, art. 1A (2).
[3265] UNHCHR Statement, 3.4.
[3266] HCR/GIP/02/01, Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002, para. 2.

Severe punishments of women for transgressing gender norms of a society could therefore amount to persecution on grounds of gender.[3267] A pattern of discrimination on cumulative grounds, including restrictions on the right to work, right to education and freedom of expression, may qualify as persecution, and warrant international protection.[3268]

1656. Even before the protection from persecution was codified in the Refugee Convention, it was reflected in the 1948 Universal Declaration of Human Rights. Article 14 provides that everyone has the right to seek and to enjoy in other countries asylum from persecution. This principle has influenced international human rights law, with increasing recognition by the human rights system that persecution describes discrimination, attributable to the State, which seriously restricts the victim's enjoyment of fundamental human rights.[3269] Institutionalized and structural discrimination in particular leads to such serious restrictions and thus constitutes an element of persecution.

1657. Various UN human rights mechanisms, including the treaty bodies and the Human Rights Council Special Procedures mandate holders have referred to persecution on various grounds in their reports, and in jurisprudence.[3270]

1658. International criminal law recognises persecution as amounting to a crime against humanity, where the necessary contextual elements are met. The Rome Statute, Article 7(2)(g) describes persecution as a severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.[3271] The jurisprudence of international criminal courts and tribunals has recognised a wide variety of fundamental rights that come within this notion. These include the right to life, liberty and the security of person, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or

[3267] HCR/GIP/02/01, Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002, p. paras. 10-12. The Mission notes that several European States recognized that the cumulative impact of discriminatory measures against Afghan women and girls amounts to persecution on gender grounds and have decided to grant protection to Afghan women on the basis of their "membership to a particular social group defined by gender." See UNHCR, Statement on the concept of persecution on cumulative grounds in light of the current situation for women and girls in Afghanistan, 25 May 2023, para. 5.2.6. See also Swedish Migration Agency, Legal Position on the Protection Needs Assessment for Nationals from Afghanistan, RS/089/2021; Denmark, Refugee Appeals Board, The Refugee Board Grants Asylum to Women and Girls from Afghanistan, 30 January 2023.

[3268] HCR/GIP/02/01, Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, 7 May 2002, p. para. 14. The Guideline indicates that imposition of severe criminal penalties for refusing to wear the veil by women could amount to persecution.

[3269] International Refugee Law, as well as the United Nations Special Rapporteur on Freedom of Religion or Belief, provide useful guidance on the distinction between discrimination and persecution. See United Nations High Commissioner for Refugees, HCR/GIP/04/06, 28 April 2004, para. 17; United Nations Special Rapporteur on Freedom of Religion or Belief, Rapporteur's Digest on Freedom of Religion or Belief, p. 114. See also United Nations High Commissioner for Refugees, HCR/GIP/12/09, 23 October 2012, para. 16; United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, HCR/1P/4/ENG/REV. 3, paras. 51-53. The Mission notes that there is no definition of what constitutes "discrimination that seriously restricts the victims' enjoyment of fundamental human rights" in the context of international human rights law.

[3270] International Refugee Law, as well as the United Nations Special Rapporteur on Freedom of Religion or Belief, provide useful guidance on the distinction between discrimination and persecution. See United Nations High Commissioner for Refugees, HCR/GIP/04/06, 28 April 2004, para. 17; United Nations Special Rapporteur on Freedom of Religion or Belief, Rapporteur's Digest on Freedom of Religion or Belief, p. 114. See also United Nations High Commissioner for Refugees, HCR/GIP/12/09, 23 October 2012, para. 16; United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, HCR/1P/4/ENG/REV. 3, paras. 51-53.

[3271] Rome Statute of the International Criminal Court, 1998, art. 7(2)(g).

punishment and the right not to be subjected to arbitrary arrest and detention, [3272] as well as the rights to freedom of religion, freedom of expression, freedom of thought, freedom of association, of peaceful assembly, freedom of movement, equality, education, privacy, personal dignity, work, security and property.[3273]

1659. The additional element that the Mission has therefore sought to examine with respect to persecution as a crime against humanity, relates to (i) the severity of the deprivation of fundamental rights and (ii) the intent of the perpetrators, both being requirements unique to the qualification of persecution as a crime against humanity.

1660. With regard to the severity requirement under international criminal law, jurisprudence requires that to establish the *actus reus* of persecution, the underlying act discriminated in fact, denied or infringed upon a fundamental right laid down in international customary law, and was of "equal gravity" to the underlying crime, whether considered in isolation or in conjunction with other acts".[3274]

1661. The Mission now turns to examining whether persecution has been committed on grounds of gender, political opinion or belief or on grounds of ethnicity and/or religion under each of the legal frameworks. Given that both frameworks require, as a minimum, the establishment of a severe deprivation of fundamental rights, on prohibited discriminatory grounds, the Mission will examine the various forms of persecution first under international human rights law and then in turn will examine the additional elements required under international criminal law, to establish persecution as a crime against humanity.

Persecution on grounds of gender

1662. United Nations human rights mechanisms have referenced persecution, including on gender, in their recent reporting on human rights violations in Iran, within the framework of international human rights law and as a crime against humanity, and also in relation to refugee law.

1663. Notably, in his March 2023 report focusing on the events leading up to and since the death in custody of Jina Mahsa Amini, the Special Rapporteur on the human rights situation in Iran noted that severe human rights violations, such as those of "the right to life [and] the right not to be subjected to rape and other forms of sexual violence" were carried out in pursuit of an "apparent policy instigated at the highest level of the State to crush protestors at all costs", and concluded that the scale and gravity of these violations indicated the "possible commission of international crimes, notably the crimes against humanity of

[3272] ICTY, IT-95-14-T, *Prosecutor v. Blaškić*, Judgement, Trial Chamber, 3 March 2000, para. 220. See also ICTY, IT-97-25-T, *Prosecutor v. Krnojelac*, Judgement, Trial Chamber, 15 March 2002, para. 433; ICTY, IT-98-30/1-T, *Prosecutor v. Kvočka*, Judgement, Trial Chamber, 2 November 2001, para. 186; ICTY, IT-94-1-T, *Prosecutor v. Tadić*, Judgement, Trial Chamber, 7 May 1997, para. 710.
[3273] See e.g. ICC, ICC-01/12-01/18-461-Corr-Red, *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision on Confirmation of Charges against Al Hassan, Pre-Trial Chamber, 13 November 2019, para. 664; ICC-01/12-01/18, *Prosecutor v. Al Hassan*, Decision on the Prosecutor's Application for the Issuance of a Warrant of Arrest, Pre-Trial Chamber, 22 May 2018, para. 88; ICC, ICC-01/17-X, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi, Pre-Trial Chamber, 9 November 2017, para. 132. See ICTY, IT-95-16-T, *Prosecutor v. Kupreškić et al*., Judgement, Trial Chamber, 14 January 2000, para. 615 (physical acts, and other discriminatory acts involving attacks on political, social and economic rights); ICTY, IT-98-32-T, *Prosecutor v. Vasiljević*, Judgement, Trial Chamber, 29 November 2002, para. 246 (physical and mental harm, as well as cultural and property destruction); Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, para. 23.
[3274] See Prosecutor v. Popovic et al. Appeal judgment, IT-05-88-A, 30 January 2015, para. 762, citing Nahimana et al. Appeal Judgement, para. 985 and Nahimana et al Appeal Judgment, paras. 985-988; Brdanin Appeal judgment, para. 296; Simic Appeal judgment para. 177; Blaskic Appeal Judgment, paras. 135, 139, 153-155, 160.

murder, imprisonment, enforced disappearances, torture, rape and sexual violence, and persecution."[3275]

1664. The CEDAW also considered the issue of gender persecution in Iran in the context of the recognition of refugee status. In relation to the assessment of the real, personal and foreseeable risk of gender-related persecution and honour-related violence that the person seeking refugee status would face, the Committee noted the existence of "the persistent institutionalized discrimination against women and girls in public and private life enshrined within civil and penal law and practice in the Islamic Republic of Iran, the patriarchal values and misogynist behaviours that permeate many segments of Iranian family life, and the law enforcement agencies' reluctance to intervene in domestic violence and honour crime cases were not sufficiently addressed in the context of the case at stake." The Committee went on to express "concern about the persistence of deep-rooted gender-based violence and discriminatory patriarchal stereotypes in […] Iran concerning the roles and responsibilities of women and men in the family and in society, which overemphasize the traditional role of women, thereby undermining women's social status, safety and security, autonomy, educational opportunities and professional careers." It also noted with concern "that gender-based violence and patriarchal attitudes are on the rise among State authorities, including within law enforcement agencies, and that gender equality was being openly and increasingly challenged by the Iranian authorities."[3276]

1665. The Mission notes that Human Rights Council Special Procedures mandate holders have in some instances referred to the concept of gender apartheid to describe the system of institutionalized discrimination and elements of gender segregation in the Islamic Republic of Iran.[3277] The concept highlights the severe and institutional gender-based discrimination faced by Iranian women and girls in law and practice across many fields. The concept includes, but is not limited to, the violent enforcement of the mandatory *hijab*; torture and ill-treatment, sexual and gender-based violence; and discriminatory laws violating the right to personal liberty and security, to freedom of expression, of peaceful assembly, to take part in political, public and cultural life, to freedom of religion and belief, and freedom of movement, as well as to work, health and education.[3278] Segregation rules for women and girls apply in public spaces, including in schools, universities, public transport, public offices, parks, and specific sections of hospitals. The role of women in the political and legal system is limited.[3279] While human rights treaties do not address gender apartheid, and it is not codified as a crime under international law, Special Procedures mandated holders[3280] and civil society representatives[3281] have called for the inclusion of gender apartheid as a separate crime against humanity under Article 2 of the draft articles on the prevention and punishment of crimes against humanity currently under consideration by the UN General Assembly's Sixth Committee.

a.) Persecution of an identifiable group, targeted by reason of their identity

[3275] A/HRC/52/67, para. 75 (f). See also "Repressive enforcement of Iranian hijab laws symbolises gender-based persecution: UN experts", United Nations, 14 April 2023; "Iran's proposed hijab law could amount to "gender apartheid": UN experts", United Nations, 1 September 2023.
[3276] CEDAW/C/85/D/173/2021, para. 7.6.
[3277] "Iran's proposed hijab law could amount to "gender apartheid": UN experts", OHCHR, 1 September 2023; "Iran must safeguard basic freedoms and protect human rights: UN expert", OHCHR. 24 October 2023.
[3278] See Sections 4 and 8.
[3279] See Section 4.
[3280] A/ HRC/WG.11/40/1; "Gender apartheid must be recognised as a crime against humanity, UN experts say", OHCHR, 20 February 2024. See also UN Women, Speech: The women's rights crisis: Listen to, invest in, include, and support Afghan women, 26 September 2023 (UN Women Executive Director calling on the Members of the Security Council to lend their full support to an intergovernmental process to explicitly codify gender apartheid in international law).
[3281] See e.g. "Gender apartheid is a horror. Now the United Nations can make it a crime against humanity", Atlantic Council, 5 October 2023; "Malala Fund works to end gender apartheid in Afghanistan", Malala Fund, 6 March 2024; "End Gender Apartheid Today", Legal Brief, 5 October 2023.

1666. The Mission considered whether those protesting or supporting demands for gender equality, dignity and freedom in the context of the "Woman, Life, Freedom" movement were targeted by reason of their identity as a group (hereinafter "group"). This identifiable group included women, girls, men, boys and LGBTQI+ persons. The Mission notes that the element of an identifiable group is required under both international human rights law and international criminal law to establish persecution.

1667. The concept of "gender" grounds does not pertain only to the women and girls who were protesters in Iran, but to anyone who took part in the "Woman, Life, Freedom" movement. Men and boys were targeted because of their support for gender equality, dignity and freedom to from the system of institutionalized and structural discrimination and forms of segregation. The impact of the acts, including killing and violent attacks, may have affected men and women differently. Moreover, a victim may have been targeted by reason of their intersecting identity as a member of a group/collectivity based on, *inter alia*, ethnic, religious, or political grounds.[3282]

1668. The Office of the Prosecutor notes in its Policy on the Crime of Gender Persecution that "underlying acts or crimes of gender persecution may include, but are not always manifested as, forms of sexual violence or any physical violence or physical contact."[3283]

1669. That said, the Mission found that the violations against the group often had a gendered dimension. The members of the group, especially women protesters, were subjected to detention, torture, rape and to other forms of sexual violence, including threats of rape and gendered and sexualized insults by interrogators. Insults included references to "prostitutes," or "willingness to get naked." A woman witness stated that when they cut her hair and her lip during detention, members of security forces told her that it was "a lesson to all whores and prostitutes who take to streets."[3284]

1670. The system of institutionalized and structural discrimination and forms of segregation are both the trigger of the protests and the "Woman, Life, Freedom" movement and enabler of the serious human rights violations committed in their repression. At a general level, all branches of government, the executive, the legislature, and the judiciary, are involved in upholding this system, including through devising regulations and guidelines on the mandatory *hijab* and its enforcement. More specifically, State resources are mobilized to repress and persecute the members of the identifiable group. The intention of the Islamic Republic to discriminate on the basis of gender is apparent through its actions to uphold and enforced a system of institutionalized and structural discrimination, and the punishment of those who are challenging or perceived to challenge it.

1671. The Mission recognises that not all of those targeted in the context of the protests were women and girls or even individuals supporting gender equality (see below on intersectionality). As outlined in this document, protesters had varied demands, but essentially respect for gender equality, dignity, and freedom were at the heart of those demands. Because the severe deprivation of rights, occurred in the framework of the "Woman, Life, Freedom" protests, a movement that was triggered by gender inequality, the Mission considers the protesters as a whole a targeted group in identifying persecution on grounds of gender. [3285] The Mission considers that the "identifiable group" should thus be interpreted widely, in accordance with established jurisprudence in this regard.[3286]

[3282] See Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, para. 29.
[3283] Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, para. 23.
[3284] See Sections IV, V, VIII.
[3285] See Section IV.
[3286] See for analogy jurisprudence of international courts and tribunals. E.g. ECCC, 001/18-07-2007-ECCC/SC, *Prosecutor v. Kaing Guek Eav (alias Duch)*, Judgement, Supreme Court Chamber, 3 February 2012, para. 272; ICTY, IT-98-34-T, *Prosecutor v Naletilić and Martinović*, Judgement, Trial Chamber, para. 636; Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, para. 43.

1672. The Mission is satisfied that the Islamic Republic of Iran, contrary to its obligation under international human rights law, targeted persons or groups by reason of their identity as women, girls, and men and boys supporting demands for gender equality and the "Woman, Life, Freedom" movement, including in the context of the protests that began on 16 September 2022.[3287]

b.) Deprivation of fundamental rights of the identifiable group

1673. The Mission examined the deprivation of the fundamental rights[3288] of those protesting or supporting demands for gender equality, dignity and freedom, in the context of the "Woman, Life, Freedom" movement, in laws, policies and in practice.

Deprivation of fundamental rights on grounds of gender, in laws and policies

1674. To uphold and enforce the system of institutionalized and structural discrimination on the grounds of gender and forms of segregation,[3289] the Islamic Republic adopted a plethora of evolving laws, applying to girls as young as seven-years-old and all women regardless of their religious beliefs and nationality.[3290]

1675. Women's political participation is significantly limited due to a system based on discrimination and segregation on the basis of gender that excludes women from holding most public positions and participating freely in public life. Segregation rules for women and girls apply in public spaces, including in school, universities, public transport, public offices, parks, sports events and stadiums, and specific sections of the hospitals. Discriminatory laws against women and girls reach deep into the private sphere.[3291]

1676. The domestic legislative framework on expression, peaceful assembly, and association, in particular,[3292] constitutes a deprivation of fundamental freedoms of the members of the group.

Deprivation of fundamental rights on grounds of gender in practice

1677. The Mission considered also where institutionalized and structural discrimination on the basis of gender has in practice led to the deprivation of fundamental civil and political, as well as socio-economic and cultural rights of the members of the group.

1678. Violence was used to impose gender discriminatory laws and regulations, as demonstrated by the death in custody of Jina Mahsa Amini and the repression of the "Woman, Life, Freedom" protests.

[3287] See Sections III, IV, V, VI, VIII and X.

[3288] The jurisprudence of international tribunals and courts provide examples of fundamental rights. See ICTY, IT-95-14-T, *Prosecutor v. Blaškić*, Judgement, Trial Chamber, 3 March 2000, para. 220. See also ICTY, IT-97-25-T, *Prosecutor v. Krnojelac*, Judgement, Trial Chamber, 15 March 2002, para. 433; ICTY, IT-98-30/1-T, *Prosecutor v. Kvočka*, Judgement, Trial Chamber, 2 November 2001, para. 186; ICTY, IT-94-1-T, *Prosecutor v. Tadić*, Judgement, Trial Chamber, 7 May 1997, para. 710; ICTY, IT-95-16-T, *Prosecutor v. Kupreškić et al*., Judgement, Trial Chamber, 14 January 2000, para. 615; ICTY, IT-98-32-T, *Prosecutor v. Vasiljević*, Judgement, Trial Chamber, 29 November 2002, para. 246; ICC, ICC-01/12-01/18, *Prosecutor v. Al Hassan*, Decision on the Prosecutor's Application for the Issuance of a Warrant of Arrest, Pre-Trial Chamber, 22 May 2018, para. 88; ICC, ICC-01/17-X, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi, Pre-Trial Chamber, 9 November 2017, para. 132. See; Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court, 7 December 2022, para. 23.

[3289] See Section IV.

[3290] See Section IV. Including 2013 Penal Code, articles 638 and 639, as well as bylaws and policies regulate women and girls' dress code in all public arenas, including schools, universities, hospitals, and public transport.

[3291] See Section IV.

[3292] See Sections V, VII, X.

Women and girls have been arbitrarily arrested, detained and prosecuted, subjected to ill-treatment, torture, and harassment for transgressing or having perceived to be transgressing discriminatory laws and regulations, while compliance was monitored through CCTV cameras.[3293] After her arrest for what was deemed to be "improper *hijab,"* Jina Mahsa Amini was subjected to physical violence while in the custody of the "morality police"".[3294]

1679. During the protests, security and intelligence forces used unnecessary and disproportionate force against the members of the group, resulting in unlawful deaths and serious and life-changing injuries. Moreover, security and intelligence forces raped and tortured members of the identifiable group, and subjected them to other forms of sexual violence, and ill-treatment during arbitrary arrests and detention.[3295]

1680. Women, girls, and those protesting or supporting demands for gender equality, dignity and freedom were denied appropriate medical assistance and care, including when suffering grave conditions, in the context of the death of Jina Mahsa Amini, the protests and the "Woman, Life, Freedom" movement.[3296] Narges Mohammadi, the Nobel Peace Prize laureate was repeatedly refused access to medical care due to her refusal to comply with the mandatory *hijab*.[3297] A statement by the deputy for Cultural and Student Affairs of Ministry of Health's demonstrates that this is based on State policy: at the opening ceremony marking the start of the new academic year on 3 April 2023, he reaffirmed that medical care will not be provided to women allegedly in breach of the mandatory *hijab*.[3298]

1681. As part of the repression of the support for gender equality, dignity and freedom, judges rendered decisions punishing, humiliating and degrading to members of the identifiable group, in particular women. Such sentences included a woman being directed by a court in Tehran to wash corpses after she was caught on a CCTV camera driving without a *hijab.* Another sentence was imposed on a woman to undertake 270 hours of public service cleaning the Ministry of Interior offices. Others required psychiatric treatment for activists, women actors, and those perceived as having the ability to influence the larger women and girls population, for what was characterised as mental illness and "anti-social and anti-family behaviour".[3299]

1682. The Mission established that women challenging institutionalized discrimination were prohibited from exercising their profession, with recruitment, continued employment or promotion being conditional on adherence to the mandatory *hijab.* The Ministry of Health issued warnings to women medical staff to comply with the mandatory *hijab* or face disciplinary measures, including termination of employment.[3300] Women lawyers were prohibited to enter courts and access their clients for transgressing the mandatory *hijab*. In the private sector, the authorities closed several businesses, including restaurants, pharmacies, and travel agencies for non-compliance with the mandatory *hijab*.

1683. The Mission determined that girls were denied access to education due to their role in protests and for non-compliance with the mandatory *hijab*. The Ministry of Education declared in a statement on 3 April 2023 that if women students transgressed the mandatory dress code, they would not be granted education or other services, such as accommodation. The Mission found that women students who refused to wear the mandatory *hijab* were threatened by public officials with disciplinary measures, arrest, zero grades, and being barred from sitting final exams.[3301]

[3293] See Sections III, IV, VII and VIII.
[3294] See Section III.
[3295] see Section V.
[3296] See Sections III and V.
[3297] See Section VIII
[3298] See *"*Education centers of the Ministry of Health will be excused from providing services to students without hijab", *ISNA*, 03 April 2023.
[3299] See Section VIII.
[3300] See Section VIII.
[3301] See Section VIII.

1684. The Mission found that family members of the killed protesters were prevented from holding funerals and commemorations in honour of their loved ones in line with their religious and cultural customs.[3302] The Mission also established that gravesites of at least 18 victims, including children, killed during protests were destroyed and vandalised. This included, among other acts, the erasure of the phrase "Woman, Life, Freedom" from the victims' gravestones.[3303]

1685. Based on the above, the Mission is satisfied that the Islamic Republic of Iran severely deprived members of the identifiable group, of the right to non-discrimination including on sex and gender ground, equal rights of men and women to the enjoyment of all civil and political rights, and equality before the law.[3304]

1686. The security and intelligence forces violated the inherent right to life, and the right not to be subjected to torture, ill-treatment, rape and other forms of sexual violence and gender-based violence[3305] of the members of the identifiable group. The Mission also finds that the rights to liberty and security of person, of any persons deprived of their liberty to be treated with humanity with respect for the inherent dignity, and to a fair trial have been violated.

1687. The Mission is satisfied that the rights to privacy, freedom of religion and belief, freedom of expression and of peaceful assembly of the members of the identifiable group were violated. In particular, the Islamic Republic's rules regarding the mandatory *hijab* amount to severe deprivation of the right to freedom of expression.

1688. The Mission also found violations of the right to work, health and education, of members of the identifiable group, particularly women and girls. In particular, in relation to the school poisonings, the right to education of Iranian girls was violated.[3306] The pattern of such attacks, combined with other incidents that link the prohibition of girls' access to education in the context of the "Woman, Life, Freedom" movement were carried out as "a means to enforce gender discrimination",[3307] thus amounting not only to deprivation of the fundamental right to education but also deprivation of the fundamental right to be free from discrimination.

1689. The Islamic Republic of Iran breached its obligation under international law by denying families and otherwise affiliated with killed protesters to observe funerals in accordance with their cultural and religious customs.[3308] Additionally, funeral related restrictions on the family members of the killed protesters also caused mental, emotional and or psychological harm.

1690. The Mission also finds that impunity for the violations against the identifiable group, and the violation of the rights of the victims and their families to justice, truth and reparation constitute separate rights violations.

[3302] See Sections V and X.
[3303] See Section X.
[3304] ICCPR, arts. 2, 3 and 26. On non-discrimination, see also ICESCR art. 2 (2); CRC, art. 2 (1); ICERD, art. 1; CRPD, preambular paragraph (p). See also ICCPR, article 20(2).
[3305] See CEDAW, general recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (2017). See also CEDAW, CRC, joint general recommendation No. 31 (2014) of the Committee on the Elimination of Discrimination against Women/general comment No. 18 (2014) of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31/REV.1 - CRC/C/GC/18/Rev.1, para. 6.
[3306] See Section 9.
[3307] Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, p. 80.
[3308] Article 22 of the UDHR recognizes cultural rights as indispensable for everyone's dignity and free development of personality and article 27 of the UDHR recognizes everyone's right to participation in the cultural life of the community. Cultural rights are also recognized in ICCPR, articles 1 and 27; and ICESCR, articles 1 (1), 3, 15 (1) (a) and 15 (2). ICESCR, article 15 (2) of places positive obligation on States to take steps towards full realization of the cultural rights.

1691. In relation to children, the Mission is satisfied that, in addition to the violations described above, the following rights under the Convention on the Rights of the Child were violated: every child's inherent right to life, to freedom of expression; to health, to freedom of religion and belief, to freedom of association and of peaceful assembly, and to education.[3309]

1692. Moreover, the deprivation of the rights was serious. Many violations themselves meet the seriousness threshold, and all of them do so cumulatively.[3310] The Mission also notes that the seriousness threshold is always met where violations are used to enforce laws, policies, and conducts against persons because of sex characteristics and/or because of the social constructs and criteria used to define gender.[3311] The temporal factor contributes to the seriousness threshold for the deprivation of fundamental rights of the identifiable group, as the patterns of serious violations pre-exist the death in custody of Jina Mahsa Amini and the protests that began on 16 September 2022.

c.) Other elements specific to persecution on grounds of gender as a crime against humanity

1693. Having established deprivation of fundamental rights of an identifiable group on grounds of gender, common to both, international human rights law and international criminal law, the Mission now turns to the additional elements of the crime against humanity of persecution on grounds of gender.

Severity of the deprivation of fundamental rights on grounds of gender (Rome Statute)

1694. For the deprivation of fundamental rights to meet the severity threshold for them to constitute persecution as a crime against humanity, the Mission has relied on jurisprudence of the international criminal tribunals. In this regard, and according to relevant jurisprudence, discriminatory acts charged as persecution must not be considered in isolation, but in context, by looking at their cumulative effect.[3312] Furthermore, "although individual acts may not be inhumane, their overall consequences must offend humanity in such a way that they may be termed 'inhumane'.[3313]

1695. The Mission is satisfied that the cumulative effect of the legal and policy measures coupled with their implementation in practice rises to the level of inhumane acts for purposes of assessing severity of the conduct on the part of the Iranian authorities. The Mission notes in particular, that the discriminatory measures taken against women, and girls, by enforcing harsh penalties against them for non-compliance with the discriminatory legal framework,

[3309] CRC, arts. 2, 6, 12, 13, 14, 15, 28 and 29. See also positive obligation under CRC, arts. 19, 34 and 37.

[3310] See mutatis mutandis, ICTY jurisprudence on deprivations of fundamental right cumulatively meeting the severity threshold under ICL ICTY, IT-95-16-T, *Prosecutor v. Kupreškić et al*., Judgement, Trial Chamber, 14 January 2000, para. 622.

[3311] See analogous, ICC, Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court, 7 December 2022, p 4.

[3312] ICTY, IT-98-30/1-T, *Prosecutor v. Kvočka*, Judgement, Trial Chamber, 2 November 2001, para. 185; ICTY, IT-95-16-A, *Prosecutor v. Kupreškić et al*., Judgment, Appeals Chamber, 23 October 2001, para. 615; ICTY, IT-05-88-A, *Prosecutor v. Popović et al*., Judgment, Appeals Chamber, 30 January 2015, para. 766. The Policy on the Crime of Gender Persecution states that "where possible, naming fundamental rights violations based on discriminatory grounds that may cumulatively amount to a severe deprivation also produces a more accurate and holistic historical record of the abuses that occurred." See ICC, Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, p. 5.
The Mission notes that civil society actors contend that in assessing the severity threshold for deprivation of fundamental rights, other factors may also be taken into consideration, including the length of time. See MADRE and Institute for Gender, Law, and Transformative Peace (CUNY Law School), Gender persecution in Afghanistan: A crime against humanity (Part one: Severe Deprivation of the Fundamental Rights to Education, Assembly, and Expression), March 2023, p. 15.

[3313] See ICTY, IT-98-33-T, *Prosecutor v. Radislav Krstic*, Trial Chamber, 2 August 2001, para. 535.

including but not limited to the arbitrary deprivation of liberty and the denial of a range of civil, political, economic, social and cultural rights, on the grounds of gender is a persecutory act, especially when combined with the deprivation of other fundamental rights and/or violent enforcement.

1696. The Mission therefore finds that the threshold of seriousness or severity, of persecution on grounds of gender has been met under both international human rights law and as a crime against humanity.

1697. The Mission notes that when assessing severity in the context of gender persecution, the development of international law towards the recognition of equality before the law and the right to non-discrimination as peremptory norms of general international law (*jus cogens*), is particularly relevant. Indeed, the prohibition of racial discrimination has already been well-established, under international law, as giving rise to *erga omnes* obligations, whereby "all States can be held to have a legal interest in their protection." Such status is derived by virtue of a State's membership in the international community, which has a legal interest in the protection of certain basic rights and the fulfilment of certain essential obligations.[3314]

1698. By analogy, the status of *ius cogens* may be applicable to the prohibition of gender discrimination. Some regional and national jurisdictions have already expanded this concept. For example, in its advisory opinion on the Juridical Condition and Rights of Undocumented Migrants, the Inter-American Court of Human Rights determined the right to equality to be a peremptory norm of general international law (*jus cogens*) flowing from its status as a general principle of law stating that was "because the whole legal structure of national and international public order rests on it and it is a fundamental principle that permeates all laws".[3315] The International Law Commission has taken note of these developments in this regard.[3316] The Mission concurs with the view that the prohibition of gender discrimination could rise to the status of *jus cogens.*

Connection to any act in article 7(1) of the Rome Statute

1699. In addition, to the severe deprivation of fundamental rights on discriminatory grounds, persecution under the Rome Statute regime requires that the persecution be connected to one of the other crimes under the Rome Statute, being, for present purposes, murder, imprisonment, enforced disappearances, torture, rape and sexual violence, all of which the Mission has established in the preceding section. This requirement is not a reflection of customary international law, but rather constitutes a jurisdictional clause applicable at the International Criminal Court. The Special Rapporteur of the International Law Commission on crimes against humanity notes that "the clause appears designed to establish a form of jurisdiction unique to the International Criminal Court, and not to indicate the ambit of what constitutes crimes against humanity more generally. Indeed, such a clause does not operate as a part of the national laws of States, nor is it used as a jurisdictional threshold for other contemporary international criminal tribunals." He concludes that such tribunals have indicated that the requirement of such a connection is not a reflection of customary international law.[3317] At the same time, the Special Rapporteur also noted that a retention of the "connection" clause in the International Law Commission's Draft articles on Prevention and Punishment of Crimes Against Humanity provides guidance as to the nature of the persecution that constitutes a crime against humanity.[3318]

1700. For present purposes, even applying the narrower approach set out in the Rome Statute, the Mission is satisfied that the relevant elements are met. As discussed in the above section on crimes under international law, the Mission concluded that the crimes against

[3314] See International Court of Justice, *Barcelona Traction case*. Judgment, 5 February 1970, para. 33.
[3315] See Juridical Condition and Rights of Undocumented Migrants, Advisory Opinion OC-18/03 of 17 September 2003, requested by the United Mexican States, Inter-American Court of Human Rights, Series A, No. 18, at p. 99, para. 101.
[3316] A/74/10.
[3317] A/CN.4/725, para. 92 (footnotes omitted). See also ECCC, Case No. 001/18-07-2007-ECCC/SC, *Prosecutor v. Kaing Guek Eav*, Judgment, Supreme Court Chamber, 3 February 2012, para. 261.
[3318] A/CN.4/725, para. 93. See paras. 96-100 for reasoning on the retention of the "connection" clause and for narrowing the connection to crimes against humanity only.

humanity of murder, imprisonment, torture, rape and other forms of sexual violence, enforced disappearance, and other inhumane acts were committed and that the conduct was part of a widespread or systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022. The Mission is satisfied that persecution on gender grounds was accompanied by the commission of these crimes, many of which were used to enforce the severe deprivation of fundamental rights on the grounds of gender as described above.

Persons were intentionally targeted based on gender grounds (Rome Statute)

"Before the shooting, security forces called women protesters 'whores', and said 'There is no such a thing as Woman, Life, Freedom; this is nothing!' and 'You will see now!'"
Witness who participated in the protests that began on 16 September 2022[3319]

1701. In considering the issue of intent (mental element) for the crime against humanity of gender persecution, the Mission notes that the Office of the Prosecutor of the ICC contends that the threshold for element one on severity of deprivation of fundamental rights is always met when the underlying crimes are committed with discriminatory intent.[3320]

1702. The perpetrator must have discriminatory intent; that is they must have acted with the intent to harm the victim because they belong to a particular community or group.[3321] Evidence of discriminatory intent can be inferred contextually, with relevant factors including "the general attitude of the alleged perpetrator as demonstrated by his behaviour", for example, the use of derogatory language in relation to a particular group[3322] or the fact that the acts were only inflicted on members of one group.[3323] Under the Rome Statute, persecution can only be prosecuted in connection with any other crime within the jurisdiction of the Court.[3324]

1703. The discriminatory intent on gender ground is not only indicated through laws and policies of the Islamic Republic of Iran,[3325] but also in statements of public officials. For example, on 7 February 2023, the Minister of Health, Bahram Ainullahi, underlined the necessity to observe the mandatory *hijab* laws in public and private medical establishments, noting that the license of private medical facilities would be withdrawn in case of non-compliance.[3326] On 3 April 2023, the Ministry of Education published a statement on mandatory *hijab* compliance among school girls. It states: "[in] building culture and education, i.e., internalizing and believing in a norm and culture, we need to strengthen indicators such as national, religious and gender identity, as well as create inner belief in students. This issue is currently included in the important policies and programmes of the country's education system and is being seriously pursued by the Vice-Chancellor of Education and Culture of other education departments."[3327] The statement concludes that students who do not comply with the dress code will not be provided educational services.

[3319] FFM-IRAN-D-000374 (FFMI Interview).
[3320] ICC, Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, paras. 38-39.
[3321] ICC, Elements of Crimes, art. 7(1)(h); ICTY, *Prosecutor v. Karadžić*, IT-95-5/18-T, Judgment, 24 March 2016, para. 500.
[3322] See e.g. ICTY, IT-05-88-A, *Prosecutor v. Popović et al*., Judgment, Appeals Chamber, 30 January 2015, para. 713.
[3323] See e.g. ICTY, IT-98-30/1-A, *Prosecutor v. Kvočka et al.*, Judgment, Appeals Chamber, 28 February 2005, para. 366.
[3324] Rome Statute, art. 7(1)(h); ICC, Elements of Crimes, art. 7(1)(h). See also ICTY, IT-08-91-T, Prosecutor v. *Stanišić and Župljanin*, Judgment, Trial Chamber, 27 March 2013, para. 67; ICTY, IT-95-16-A, *Prosecutor v. Kupreškić et al*., Judgment, Appeals Chamber, para. 98.
[3325] As discussed above and in detail in Section IV.
[3326] "Iran's New Health Ministry Restrictions for Women", AA, 7 February 2023.
[3327] "Statement of the Ministry of Education on Hijab and Chastity", *IRIB News Agency*, 3 April 2023.

1704. Based on interviews with victims, the Mission also inferred the discriminatory intent of the security forces on the grounds of gender from statements made by them to these victims when committing the underlying acts such as torture or rape.[3328] It is important to be mindful of the fact that a perpetrator's motives do not undermine discriminatory intent.[3329]

1705. The Mission is satisfied that perpetrators knew that their conduct was part of a widespread or systematic attack or intended that it be part of the attack. Members of State security and intelligence forces, notably of the IRGC, the Basij forces, the Law Enforcement Command of the Islamic Republic of Iran (FARAJA), the Military of Intelligence, the "morality police", as well as the judiciary and prosecutors were involved in the commission of the underlying acts of crimes against humanity listed above.[3330]

1706. High-level State authorities publicly commented on the attack directed against the civilian population and encouraged, sanctioned and endorsed underlying acts through statements justifying them. Different State entities planned, directed and organized their action and invested a considerable amount of State resources. Official statements were publicly issued. The Mission also notes the recurring patterns of violence in different locations over a prolonged period by the same entities. It further highlights the patterns of targeting certain groups of victims across all entities and the pattern of impunity. Representatives of different State entities used the same terminology to describe, denigrate and delegitimize victims. Authorities across the system were involved in misinformation and disinformation campaigns, as well as campaigns of harassment, intimidation and reprisals of victims, their families and supporters.

1707. Based on the above, the Mission concludes that members of the listed entities generally knew that there is an attack directed against the civilian population and that their acts were part of that attack, or at least knowingly took the risk of participating in the implementation thereof.

d.) Intersectionality of the gender persecution under international law

1708. While gender was the critical ground for targeting of this group, the Mission also found that, both under international human rights law and international criminal law, it intersected with targeting on other prohibited grounds, and in particular ethnic, political, and/or religious grounds. The Mission notes that in gender persecution analysis, applying an intersectional lens is especially crucial in the context of Iran because of the combined effects of discrimination based on gender and other intersecting identities, particularly ethnicity and religion. Poverty and socio-economic standing further exacerbate discrimination in law and practice and reinforce marginalization and exclusion. In the context of the protests, the targeting was primarily on the ground of gender and sex, while intersecting with other grounds such as political, ethnicity/religion and age.[3331]

Political grounds

1709. "Political grounds" refer to grounds concerning governmental issues or public affairs. In both contexts, it does not presuppose a membership of a particular party or support of a particular ideology, but is rather to be understood in a broader way to include all acts grounded in the difference of opinions with regard to public issues.[3332]

1710. The Mission established that protesters, took to the streets for a variety of reasons and demands, that may not solely have been linked to demands for gender equality. These

[3328] See above and Chapters V and VIII.

[3329] ICTY, IT-05-87/1-A, *Prosecutor v. Đorđević*, Judgement, Appeals Chamber, 27 January 2014, para. 887; ICTY, IT-98-30/1-T, *Prosecutor v. Kvočka*, Judgement, Trial Chamber, 2 November 2001, para. 327; Office of the Prosecutor, Policy on the Crime of Gender Persecution, International Criminal Court (ICC), 7 December 2022, para. 49.

[3330] See section on responsibility.

[3331] See Section 8.

[3332] See for example, UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection, HCR/1P/4/ENG/ REV. 4, 2019, para. 80.

included demands for political change. Protesters chanted "death to Khomenei", burnt images of the Supreme Leader and demanded, *inter alia*, change in leadership. The Mission found that the widespread use of charges for national security offences against protesters, namely "colluding with hostile Governments", "waging war against God" (moharebeh) and "corruption on earth" (efzad-e-fi-arz) under Iran's domestic legal framework, have in the context of the protests been systematically used against persons who have been critical of the Islamic Republic. This has been most pronounced with respect to certain groups, in particular ethnic and religious minorities, but also with respect to women human rights defenders, journalists, lawyers, artists and others. Such conduct which for most part would fall within the scope of protected freedom of expression, in the Islamic Republic, amount to offences, that carry long prison sentences, or even the death penalty.[3333]

1711. The Mission found that issues pertaining to gender equality, and in particular the mandatory *hijab* are also deeply tied to notions of support to the Islamic Republic.[3334] Those defying the mandatory *hijab* are perceived as rejecting a key tenet of the Islamic Republic and effectively opposing it.

1712. The Mission finds that protesters thus constitute a targeted group, on grounds of political opinion or belief.

1713. The Mission found serious violations of the rights of protesters and women human rights defenders, as well as those demanding political change.[3335] These groups have been subject to violations of their rights, to life, their right not to be subjected to torture and ill-treatment, their rights to personal liberty and security, to a fair trial, to belief and religion, to freedom of expression, and of peaceful assembly, solely for expressing, holding, or perceived to be holding political opinions, convictions and beliefs or for their role, real or perceived, during the protests.[3336] The Mission established that peaceful protesters were subject to severe deprivation of fundamental rights, namely those related to freedom of expression, association and the right of peaceful assembly, in relation to expressions of dissent.

1714. The severe deprivation of these fundamental rights is enshrined in the laws and policies of the Islamic Republic of Iran, including in the Constitution, the Islamic Penal Code, the Press Law and the complex legal and policy frameworks governing the use of the Internet, some of which carry heavy prison sentences and even the death penalty. In the context of the protests, these laws and policies have cumulatively led in practice to serious violations of, *inter alia*, the right not to be subjected to torture and ill-treatment, to personal liberty and security, to a fair trial, to belief and religion, to freedom of expression, and of peaceful assembly, solely for expressing, holding, or perceived to be holding political opinions, convictions and beliefs or for their role, real or perceived, during the protests. This severe deprivation of fundamental rights contrary to international law is intentional, as evidenced by the many official statements, including at the highest levels of the State, labelling peaceful protesters "rioters", "foreign agents" and other derogatory terms for conduct that was for most part protected under the right to freedom of expression, association and of peaceful assembly. The required level of severity of the deprivation of the fundamental rights is reached on the basis of the harm that are incurred as a result of the expression or perceived

[3333] See Section V.
[3334] See Sections IV and VIII.
[3335] See Sections X, XI, XII and XIII.
[3336] International Criminal Law provides examples of persecution based on political grounds. See e.g. Extraordinary Chambers in the Courts of Cambodia, *Prosecutor v. KAING Guek Eav alias Duch*, 001/18-07-2007-ECCC/SC, Appeal Judgement, Supreme Court Chamber, 3 February 2012, para. 272. Membership to a targeted political group can be real or perceived, see e.g. ICTY, *Prosecutor v. Simić et al*., IT-95-9-T, Judgement, Trial Chamber, 17 October 2003, para. 49, fn. 89; ICTY, *Prosecutor v. Naletilić and Martinović*, IT-98-34-T, Judgement, Trial Chamber, 31 March 2003, para. 636; ICTY, *Prosecutor v. Kvočka et al*., IT-98-30/1- T, Judgement, Trial Chamber, 2 November 2001, para. 195, affirmed in ICTY, *Prosecutor v. Kvočka*, IT-98-30/1-A, Judgement, Appeals Chamber, 28 February 2005, para. 363; *U.S. v. Altstoetter et al*., Judgement, 3-4 December 1947, reprinted in Trials of War Criminals Before the Nuernberg Military Tribunals Under Control Council Law No. 10, Vol. VI, p. 81, fn. 1.

expression of political opinions, namely arbitrary arrest and detention, torture and ill-treatment, and unlawful death.

On ethnic and/or religious grounds

1715. In relation to ethnic and religious minorities, the Mission notes that rather than discrimination resulting merely in preferential treatment of the majority, these minorities face discrimination amounting to persecution because, the discrimination they face in law and in practice, seriously restricts their enjoyment of other fundamental human rights.[3337] Safeguards against the infringement of the rights of ethnic and religious minorities pursuant to articles 20 (2) and 27 ICCPR are also severely lacking in domestic legislation.[3338]

1716. In particular, in the context of the protests that began on 16 September 2022, Kurdish regions saw a militarized response to the protests and serious human rights violations.[3339] While military grade weapons were used across the country, the Mission found that security forces displayed a particularly militarized response to protests that took place in minority regions, as compared to the means and methods used by security forces to repress the protests elsewhere. This, together with the unnecessary and random use of force against individuals outside any protests, mass arrests and ongoing impunity for any violations, as detailed in the Mission's report, created a climate of fear in Kurdish regions, and constitutes persecution.[3340] The Mission also considered the pattern of Internet shutdowns in regions with minority populations, in particular in Sistan and Baluchistan province, since the protests began on 16 September 2022. Cities where Internet has been most disrupted also saw unnecessary and disproportionate use of force, resulting in extensive, permanent and life-changing injuries and large numbers of killings.[3341]

1717. The Mission found that members of ethnic and religious minorities were subjected, including based on their minority membership, to serious violations of their right to life, not to be subjected to torture and ill-treatment, to personal liberty and security, to a fair trial, to belief and religion, to freedom of expression and of peaceful assembly.

1718. The Mission thus concludes that in the context of the protests that began on 16 September 2022, members of ethnic and religious minorities were subjected, including based on their membership to the minority, to serious violations of their right to life, not to be subjected to torture and ill-treatment, to personal liberty and security, to a fair trial, to belief and religion, to freedom of expression, and of peaceful assembly.

1719. Kurdish and Baloch women who were arrested, detained and tortured by the security forces reported described treatment that constitutes intersectional discrimination.[3342] One witness said that during her interrogation, she understood that her Kurdish identity was the reason she was facing a more severe punishment.[3343] Another witness, a woman who was raped and tortured while in custody, stated that the interrogators called her "dirty" and

[3337] International Refugee Law, as well as the United Nations Special Rapporteur on Freedom of Religion or Belief, provide useful guidance on the distinction between discrimination and persecution. See United Nations High Commissioner for Refugees, HCR/GIP/04/06, 28 April 2004, para. 17; United Nations Special Rapporteur on Freedom of Religion or Belief, Rapporteur's Digest on Freedom of Religion or Belief, p. 114. See also United Nations High Commissioner for Refugees, HCR/GIP/12/09, 23 October 2012, para. 16; United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, HCR/1P/4/ENG/REV. 3, paras. 51-53.
[3338] See Section VI. In relation to advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, see Human Rights Committee, general comment No. 11 (1983).
[3339] See Sections V (and annex) and VI.
[3340] See Sections V and VI.
[3341] See Section VII.
[3342] See Section VIII.
[3343] FFM-IRAN-D-000124 (FFMI Interview).

"stupid" because she was a Baloch and ridiculed her Sunni faith, in addition to labelling her a "prostitute."[3344]

1720. The Mission is satisfied that the rights under the International Convention on the Elimination of all Forms of Racial Discrimination, to security of person, to be protected by the State against violence or bodily harm, to freedom of thought, conscience and religion, to freedom of opinion and expression, of peaceful assembly and to freedom of association of Kurd and Baloch women and girls were violated in the context of the protests that began on 16 September 2022.[3345]

1721. The intentional and severe deprivation of fundamental rights was committed in connection with other crimes against humanity as described in this section. These include the crime of murder, imprisonment, torture, enforced disappearance, rape and other sexual violence, and other inhumane acts.

1722. The Mission established that while gender was the principal ground for targeting individuals in the context of the "Woman, Life, Freedom" movement, persecutory conducts were compounded by intersectional discrimination on ethnic, religious and political grounds, as well as age. As captured in the interviews with witnesses, perpetrators imposed their views with harsher penalties on ethnic/religious groups such as Baluchi and Kurds.[3346]

1723. The Mission is thus satisfied that in the context of the protests, gender persecution intersected with discrimination on political, ethnic and religious grounds, and that the conduct of the authorities in relation to the Baluchi and Kurds constituted a severe deprivation of their fundamental rights as distinct groups, in the meaning of both international human rights law and international criminal law, namely, as a crime against humanity.

1724. In this respect, the Mission is satisfied that protesters, women human rights defenders and all those challenging institutionalized discrimination against women and demanding human rights, as well as those demanding political change, can be defined as a targeted group and that the conduct of the authorities in relation to this group, amounts to persecution on political grounds under international human rights law. Similarly, with respect to ethnic and religious minorities, in particular the Baluchi and Kurds, the Mission is satisfied that as a targeted group they have been subject to persecution under international human rights law.

1725. Further investigation is required to establish the discriminatory intent specific to these targeted groups to draw conclusions regarding persecution on political and ethnic and/or religious grounds, under international criminal law.

e.) Findings

1726. The Mission concluded that the Islamic Republic of Iran committed a series of continuing acts that individually constitute human rights violations, directed against women, girls and persons expressing support for gender equality and the rights of women and girls and, cumulatively, constitute what the Mission assesses to be gender persecution in the context of the protests and associated repression of fundamental rights.

1727. The Mission finds that those protesting or supporting demands for gender equality, dignity and freedom in the context of the "Woman, Life, Freedom" movement were targeted by reason of their identity as a group and on the grounds of gender. This identifiable group included women, girls, men, boys and LGBTQI+ persons. The members of the group were severely deprived of a broad range of fundamental rights, including the right to life, the right to be free from torture, to freedom of expression, to freedom of religion, to public life, to bodily integrity and autonomy, and to access to education and to health care. Moreover, in implementing State policy, the security forces have used persecutory conduct, including rape and other forms of sexual and gender-based violence, with the intention to discriminate. The authorities have enforced discriminatory laws through violent measures, including unlawful

[3344] FFM-IRAN-D-000589 (FFMI Interview).
[3345] ICERD, arts. 5 (b), 5 (d) (vii), 5 (d) (viii), 5 (d) (ix).
[3346] See Section VI.

killings and injuries, arbitrary arrest and detention, torture, rape and other forms of sexual violence. Women and girls have been subjected to further violations, due to multiple forms of discrimination on the grounds of their political or other opinions, ethnicity, socioeconomic background, sexual orientation or gender identity.

1728. The cumulative effect of the overall system of institutionalized and structural discrimination and the serious human rights violations that impact women and girls in virtually all aspects of their lives amounts to persecution on the grounds of gender.

1729. The commission of these crimes, in the context of a severe deprivation of fundamental rights of women and girls, inflicted with and aggravated by discriminatory intent, additionally leads the Mission to the conclusion that the crime against humanity of persecution on the grounds of gender has been committed.

1730. The Mission is satisfied that in the context of the protests, persecution under international human rights law, against protesters and groups opposing the Islamic Republic as well as against ethnic and religious minorities, in particular the Baluchi and Kurds, has been committed.

1731. The Mission concludes that in the context of the protests, gender persecution as a crime against humanity intersected with political, ethnic and religious discrimination. There are also *indicia* that the crime against humanity of persecution on ethnic, religious and political grounds may have been committed and that the conduct was part of the widespread and systematic attack directed against a civilian population in the context of the protests that began on 16 September 2022.

D. Responsibility

1732. The human rights violations and crimes under international law outlined in the Mission's report give rise to State responsibility and to individual criminal responsibility.

1733. A State is responsible for all acts that are attributable to it and constitute a breach of an international obligation.[3347] On the first criterion, under international customary law, acts are attributable to the State when they are committed by a State organ or persons or entities exercising elements of governmental authority.[3348] On the second criterion, in relation to conduct of non-State groups or individual actors, the State incurs responsibility where these actors act on the instruction of or under the direction or control of the State, or when State agents acknowledge and adopt the conduct of non-State actors.[3349] The State is also responsible when it fails to take all reasonable, necessary measures to prevent a non-State actor committing the acts and to protect rightsholders from the conduct of non-State actors.[3350]

1734. In this document, in relation to the violations found, the Mission systematically demonstrated where State entities or persons exercising governmental authority acted or failed to take all reasonable, necessary measures to prevent, protect and punish. The role of the different entities in relation to the violations committed will be further detailed below. As also established across its report and this document, acts and conduct outlined constitute a

[3347] A/RES/56/83, Annex, Responsibility of States for internationally wrongful acts, art. 2 (based on the International Law Commission draft articles, hereafter "ILC Articles on State Responsibility").
[3348] ILC Articles on State Responsibility, arts. 4 and 5 (referring to "persons and entities").
[3349] ILC Articles on State Responsibility, arts. 8 and 11. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment refers to "acquiescence of a public official or other person acting in an official capacity ". So does the ICPED. It can be considered that under international law that is an exception to the general rule of attribution laid out in the International Law Commission's Draft Articles on Responsibility of States for Internationally Wrongful Acts (part I, section II, arts. 4 to 11). See James Crawford, "The ILC's Articles on Responsibility of States for Internationally Wrongful Acts: A Retrospect", The American Journal of International Law, Vol. 96, No. 4 (October 2002), p. 878 and fn 17.
[3350] See Section I and Section IX (regarding school poisoning).

breach of Iran's international obligations under international treaty and customary law. The Mission is thus satisfied that Iran is responsible for the violations as established in this document.

1735. In addition, the crimes under international law give rise to individual criminal responsibility, either under domestic criminal law or under international law. As a basis for the investigation into the identities of perpetrators, the Mission analysed the structures and the chain of command of the entities involved in crimes under international law. It focussed in particular on indicators which are relevant to establish individual criminal responsibility pursuant to articles 25 and 28 of the Rome Statute, and relevant jurisprudence of international and national criminal courts and tribunals.[3351]

1736. The Mission analysed information and evidence, in particular, on the structure, responsibilities and role of the IRGC, the Basij, the Ministry of Intelligence, the police (FARAJA), including its special forces, the Prisons Organization, as well as prosecutors and judges. Equally it reviewed the role of the Supreme Leader and the security councils. In some instances, for reasons of consent or protection, the Mission is not referring to all information and evidence in its possession. In light of the new and more detailed information still coming to light, these entities and actors should continue to be investigated.

1737. The Mission analysed information on the identities and responsibility of alleged perpetrators. This information is included in a confidential list.

1. International legal framework

1738. The Mission considered articles 25 and 28 of the Rome Statute, which provide for individual criminal responsibility for crimes within the jurisdiction of the ICC, as well as any relevant international jurisprudence.

1739. Article 25 of the Rome Statute provides for the responsibility of those who committed violations "whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible".[3352] "Co-perpetrators" are defined as "two or more individuals [who] worked together in the commission of the crime", requiring an agreement that may take the form of a "'common plan'[3353] and an essential contribution to the crimes within the framework of the common plan".[3354]

[3351] International Criminal Court (ICC), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Court for Rwanda (ICTR) the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Special Tribunal for Lebanon (STL).

[3352] See Article 25(3)(a) of the Rome Statue. For definition of "direct perpetrator", see ICC, ICC-01/12-01/18-35-Red2-tENG, *Prosecutor v. Al Hassan*, Decision on the Prosecutor's Application for the Issuance of a Warrant of Arrest, Pre-Trial Chamber, 22 May 2018, para 163; ICC, *Prosecutor v. Bemba et al*., Judgment, Appeals Chamber, para. 706; *Prosecutor v. Lubanga* Appeal Judgment, para. 467. See also ICTY, IT-94-1-A, *Prosecutor v. Tadić*, Judgement, Appeals Chamber, 15 July 1999, para. 188; ICTR, ICTR-97-31-T, *Prosecutor v. Renzaho*, Judgement and Sentence, Trial Chamber, 14 July 2009, para. 739; ECCC, 001/18-07-2007/ECCC/TC, *Co-Prosecutors v. Kaing Guek Eav alias Duch*, Judgment, Trial Chamber, 26 July 2010, paras. 479-481; STL, STL-11-01/1/I/AC/R176bis, Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy Homicide, Perpetration, Cumulative Charging, Appeals Chamber, 16 February 2011, para. 216.

[3353] ICC, ICC-01/05-01/13-2275-Red, *Prosecutor v. Bemba et al*, Judgment, Appeals Chamber, 8 March 2018, para. 132.

[3354] ICC, ICC-01/04-02/06-2666-Red, *Prosecutor v. Ntaganda*, Judgment, Appeals Chamber, 30 March 2021. Acts that do not, as such, form the *actus reus* of the violation may nevertheless be taken into account when determining whether the person has made an essential contribution. See ICC, ICC-01/05-01/13-2275-Red, *Prosecutor v. Bemba et al*, Judgment, Appeals Chamber, 8 March 2018, para 15.

1740. Pursuant to article 25, also bearing responsibility are those who ordered, solicited or induced the commission of a violation or who aided, abetted or otherwise assisted in its commission or its attempted commission.[3355]

1741. Article 25 provides liability for those who contribute to the commission or attempted commission of a crime by a group of persons acting with a common purpose.[3356]

1742. The responsibility of "superiors" is laid out in article 28 of the Rome Statute: they may be held responsible for violations committed by their subordinates, if:

- they are a military commander or a person effectively acting as a military commander or in a superior subordinate relationship;[3357]
- had effective command and control, or effective authority and control, over the forces that committed the crimes (commander) / concerned activities that were within the effective responsibility and control of the superior;[3358]
- either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes (commander), or knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes (superior);[3359]
- failed to take all necessary and reasonable measures within their power to prevent[3360] or repress[3361] the commission of such crimes or to submit the matter to the competent authorities for investigation and prosecution.

[3355] See Article 25(3)(b) of the Rome Statue. On ordering, see ICC, ICC-01-04-01-12-1-Red, *Prosecutor v. Mudacumura*, Decision on the Prosecutor's Application under Article 58, 13 July 2012, para. 63; *Prosecutor v.Ntaganda*, Decision on the confirmation of charges, para. 145. On aiding and abetting, ICC, ICC-01/05-01/13 A A2 A3 A4 A5, *Prosecutor v. Bemba et al*,, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled "Judgment pursuant to Article 74 of the Statute", 8 March 2018, paras. 18 and 19.

[3356] See Article 25(3)(d) of the Rome Statue.

[3357] See also, ICTR, *Prosecutor v. Kajelijeli*, Judgment, Appeal Chamber, para. 85; ICTR, *Prosecutor v. Gacumbitsi*, Judgment, Appeals Chamber, para. 143; ICTY, *Prosecutor v. Aleksovski*, Judgment, Trial Chamber, para. 76; ICC, ICC-01/05-01/08-424, *Prosecutor v. Bemba*, Confirmation Decision, Pre-Trial Chamber, para. 408 and footnote 522.

[3358] ICTY, *Prosecutor v.* Delalić et al., Judgment, Appeals Chamber, paras 190-198, 256; ICTR, *Prosecutor v.* Bagilishema Appeal Judgment, para. 51; ICC, ICC-01/05-01/08-424, *Prosecutor v. Bemba*, Confirmation Decision, Pre-Trial Chamber, para. 415; ICC, ICC-01/05-01/08-3343, *Prosecutor v Bemba*, Judgment, Trial Chamber, para. 183.

[3359] ICTY, *Prosecutor v.* Delalić et al. Trial Judgment, para. 386; ICTY, *Prosecutor v.* Blaškić Trial Judgment, para. 307; ICTY, Strugar Trial Judgment, para. 368; ICTR, Bagosora et al. Trial Judgment, para. 2014; SCSL, Sesay et al. Trial Judgment, paras 309 and 368; ICTY, *Prosecutor v.* Limaj et al. Trial Judgment, para. 524; ICTY, *Prosecutor v.* Halilović Trial Judgment, para. 66; ICTY, Blagojević and Jokić Trial Judgment, para. 792; ICTY, *Prosecutor v.* Stakić Trial Judgment, para. 460; ICTY, *Prosecutor v.* Kordić and Čerkez Trial Judgment, para. 427; ICTY, *Prosecutor v.* Naletilić and Martinović Trial Judgment, para. 72; and ICTY, *Prosecutor v.* Galić Trial Judgment, para.s 700-705.

[3360] ICC, *Prosecutor v. Ntaganda*, Decision on the confirmation of charges, para. 164; ICRC, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (1987), pp. 1017 and 1020 (paras 3549, 3558, 3560, and 3563); ICTY, *Prosecutor v. Hadžihasanović and Kubura*, Judgment, Trial para. 153; ICTY, Strugar Trial Judgment, para. 374 and footnotes 1093 and 1095, citing United States of America et al. v. Araki Sadao et al. (Tokyo) Judgment, 463; ICTY, *Prosecutor v. Hadžihasanović and Kubura*, Judgment, Trial Chamber, para. 153; ICTY, *Prosecutor v.* Strugar, Judgment, Trial Chamber, para. 374 and footnote 1094; ICTY, *Prosecutor v. Hadžihasanović and Kubura*, Judgment, Appeals Chamber, para. 153; ICC, ICC-01/05-01/08-3343, *Prosecutor v. Bemba*, Judgment, Trial Chamber, paras. 203 and 204.

[3361] ICC, *Prosecutor v.* Ntaganda, Decision on the confirmation of charges, para. 164; ICRC, Commentary to the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (1987), page 1010, para. 3538; ICTY, Halilović Appeal Judgment, para. 182; ICTY, *Prosecutor v.* Blaškić Judgment, Appeals Chamber, para. 69; ICTY, *Prosecutor v. Hadžihasanović and Kubura*, Judgment, Appeal Chamber, para. 154.

1743. Relevant preventive measures include ensuring that the forces are adequately trained; securing reports that actions were carried out in accordance with international law; issuing orders aiming at bringing the relevant practices into accord with the applicable rules; and taking disciplinary measures to prevent the commission of atrocities by the forces.[3362]

1744. On repression of crimes, superiors have the duty to exercise disciplinary power, propose sanctions to superiors that do have the power to impose them[3363] or submit the matter to the competent authority for investigation and prosecution.[3364]

1745. Irrespective of the mode of liability under articles 25 and 28 of the Statute, the person must act with the requisite mental element, i.e. intent or knowledge.[3365]

2. State entities

1746. In light of the modes of liability under international criminal law, in particular the Rome Statute, the Mission analysed the structure, responsibilities and role of the entities mainly involved in the commission of serious human rights violations and crimes under international law as established in the report. The analysis is mainly focused on indicators relevant to establishing the responsibility of superiors. Where applicable, facts relevant to other modes of liability are discussed. Nonetheless, this does not preclude the possibility of considering the same facts and indicators under alternative modes of liability, including those relevant in jurisdictions where avenues for accountability may exist, as discussed further below in this Section.

Security Forces

(i) The police

1747. Absent official figures on its size, estimates on the personnel of the police force of Iran ("FARAJA") reportedly range from 100,000 to 300,000, including a percentage of conscripts.[3366]

1748. In considering the question of **effective responsibility and control**, the Mission analysed both the *de iure* and *de facto* structures, responsibilities, and chain of command of the police.

[3362] ICTY, Hadžihasanović and Kubura Trial Judgment, para. 153; and ICTY, Strugar Trial Judgment, para. 374 and footnotes 1093 and 1095, citing United States of America et al. v. Araki Sadao et al. (Tokyo) Judgment. See also United States of America v. Wilhelm List et al. (Hostage Case) Judgment, page 1311; Article 87(2) of Additional Protocol I; and ICRC, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (1987), pages 1017 and 1020 (paras 3549, 3558, 3560, and 3563); ICC, Prosecutor v Bemba, Trial Judgment, ICC-01/05-01/08-3343, para. 203. Other preventive measures potentially relevant include: issuing orders specifically meant to prevent the crimes, as opposed to merely issuing routine orders; protesting against or criticising criminal conduct; insisting before a superior authority that immediate action be taken; postponing military operations; suspending, excluding, or redeploying violent subordinates; and conducting military operations in such a way as to lower the risk of specific crimes or to remove opportunities for their commission. See ICTY, Hadžihasanović, and ICTR Kubura Trial Judgment, para. 153; ICTY, Strugar Trial Judgment, para. 374 and footnote 1094, citing United States of America et al. v. Araki Sadao et al. (Tokyo) Judgment; and ICTY, Hadžihasanović and Kubura Appeal Judgment, para. 153.

[3363] ICTY, Halilović Appeal Judgment, para. 182; and ICTY, Šainović et al. Trial Judgment, para. 123.

[3364] ICTY, Aleksovski Trial Judgment, para. 78; ICTY, Blaškić Trial Judgment, paras 302, 335, and 464; and ICTY, Halilović Trial Judgment, para. 100; ICTY, Halilović Appeal Judgment, para. 182. See also ICRC, Commentary to the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (1987), page 1020, para. 3562. Referral to a non-functioning authority or an authority likely to conduct an inadequate investigation or prosecution may not be sufficient to fulfil the commander's obligations. See ICTY, Boškoski and Tarčulovski Appeal Judgment, para. 234.

[3365] See Rome Statute, art. 30(1).

[3366] See Global Security, Iranian Law Enforcement Forces.

1749. According to the Police Forces Law ("PFL"), the Supreme Leader is the highest authority with respect to the police.[3367] The police is affiliated to the Ministry of Interior, who in turn is appointed and under the authority of the President,[3368] but the former is only responsible for logistic issues, such as maintenance of equipment and facilities. The Police forces are under the authority of the commander of the Law Enforcement Force of the Islamic Republic of Iran (thereafter the "Police Commander"), appointed by the Supreme Leader.[3369] The Minister of the Interior is the Police Deputy Commander. The Police Commander, in turn, appoints the higher echelons of police structure.[3370] The "morality police" acts under the authority of the Police Commander.[3371]

1750. The PFL establishes the framework for cooperation between the police and the Ministry of Intelligence. The law authorizes the police to conduct intelligence activities, including obtaining information to perform assigned tasks.[3372] These activities are subjected to the "centralized guidance" of the Ministry of Intelligence.[3373] The cooperation between the police and the Ministry of Intelligence is coordinated by the National Security Council.[3374] When the Ministry of Intelligence requires the support of police personnel, for example for the acquisition and collection of material, the acting police officers are put under the operational control of this Ministry. In cases of crimes related to national security, the Ministry of Intelligence is responsible to undertake follow up activities in cooperation with the police.[3375]

1751. The PFL also sets out the framework relationship between the Police and the IRGC, including the Basij forces.[3376] When according to the Supreme National Security Council the "principles of the revolution" are at risk, preventive activities involving the protection of civilian locations and equipment, as well as domestic and foreign officials, are conducted under the responsibility of the IRGC.[3377] When necessary, the police can also resort to Basij forces in coordination with the IRGC.[3378] Superiors within the police force, however, retain the authority over their subordinates.[3379]

1752. The Police force is, *inter alia*, tasked with establishing order and security within the territory of Iran and to protecting the "achievements of the Islamic Revolution",[3380] and responsible to prevent, confront and "firmly fight" unauthorized protests and riots.[3381] These functions are discharged by different Police branches.[3382]

[3367] PFL, art. 2.
[3368] "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, p. 18.
[3369] PFL, note to art. 2.
[3370] See Global Security, Iranian Law Enforcement Forces. For example, the appointment of the new commander for Sistan-Baluchistan by the Police Commander. See "Iran Police Appoint New Chief For Sistan-Baluchestan Province, Repeat Threats", Iran International, 27 February 2023.
[3371] See Section IV.
[3372] PFL, art. 4.
[3373] PFL, note 2 to art. 4.
[3374] PFL, notes 1 and 2 to art. 4.
[3375] PFL, note 2 to art. 4.
[3376] See PFL, art. 4.
[3377] PFL, art. 4 (5) and (6).
[3378] PFL, note to art. 4 (15).
[3379] Islamic Penal Code, art. 159
[3380] PFL, art. 2.
[3381] PFL, art. 3.
[3382] See Section II. This includes the Prevention and Operation Police (PPVA), in charge of running police stations and crime prevention; Intelligence and Public Security Police (PAVA); the Intelligence Police, tasked with gathering intelligence in local communities; the Public Security Police, tasked with identifying and arresting members of criminal gangs; the Moral Security Police with its Morality Police, tasked with dealing with women without proper hijabs or men with 'un-Islamic' appearances in public places; the police in charge of Supervising Public Facilities and Locations, tasked with monitoring behaviour in public places, such as the interaction of people of the opposite sex and the kind of music played in those places; Cyber Police (FATA), according to credible information, is

1753. Each province has provincial command headquarters responsible for overseeing the police stations. Police stations in the city have a "Command and Control Center", called MARFOUK, which receives, registers, and distributes information and orders. Orders issued by the national headquarters are transmitted to the provincial level and from there to the city level. The "Command and Control Center" at city level has an office, "Office 101", where officers process orders and information received and register them in the police logbooks.[3383]

1754. The Mission now examines whether at the time of the crimes found in this document, the police was *de facto* a fully operational force with a working chain of command, including in the provinces covered in this document.

1755. In doing so, based on international jurisprudence, the Mission looked at several indicators. The first two indicators considered are (i) the prompt mobilization of significant resources in various provinces and cities simultaneously, and (ii) the deployment and coordinated action of different police units. As detailed in Section 5 and Annex II, from the very first protest on 16 September in front of Kasra hospital onwards, different police units, including anti-riot police, deployed rapidly, well equipped and in large numbers. The same could be observed on 17 September 2022, in Saqqez, Kurdistan province, where police forces were, *inter alia*, strategically deployed along the way from the cemetery to the Governor´s office.

1756. Another indicator is (iii) the coordinated and joint action of the police with other security forces such as the IRGC and State entities. As discussed in great detail in Section 5 and Annex II, in the majority of use of force incidents investigated, the police and the IRGC, often including Basij forces, acted jointly. Examples include the protests taking place on 19 September 2022 in Divandareh, and in Mahabad; on 20 September 2022 in Kermanshah; on 21 September 2022, in Ghouchan; and on 26 October 2022 in Rasht, and in Mahabad. On 15 November 2022, in Tehran, police including special units in all-black uniforms, Basij, IRGC, and their *Sarallah* unit were deployed to repress the protests. In various instances, including during the days that followed the burial of Jina Mahsa Amini or during Friday prayers in Zahedan the deployment of security forces was accompanied by internet shutdowns requiring the involvement of separate State entities.[3384]

1757. All three indicators were present on "Bloody Friday" on 30 September 2022 in Zahedan, Sistan and Baluchistan province.[3385] A prompt and significant mobilization of resources, including heavy weaponry and a helicopter, deployment of different police units and planned coordinated action involving the police, and IRGC forces, and police forces deployed on the rooftops.

1758. The fourth indicator considered by the Mission was (iv) the receipt, recording and transmission of superior orders. Two former officials serving recently, but before September 2022, described how orders would have been received, processed and distributed in the police, from national to provincial level, down to the police stations.[3386] One of them, who was involved in policing prior protests, stated that when high-level officers transmitted orders to shoot or kill protesters, the force executed it; they would comply and "shoot at everyone"

tasked with monitoring, tracking, intimidating, and arresting online activists, especially bloggers and those active on social media; and specialized Forces, antiriot units and Anti-Terror (NOPO).

[3383] FFM-IRAN-D-000828 (FFMI interview); FFM-IRAN-D-000823 (FFMI Interview); FFM-IRAN-D-000824 (Statement); FFM-IRAN-D-001459 (Investigation note).

[3384] Various bodies interact to regulate Internet connectivity, communication services and access to social media platforms, including the Supreme National Security Council for Cyberspace under the supervision of the Supreme Leader and the Communication Regulatory Authority (CRA). See Section 8.

[3385] See Section VI.

[3386] FFM-IRAN-D-000823 (FFMI Interview); FFM-IRAN-D-000824 (Statement); FFM-IRAN-D-000823 (FFMI Interview); FFM-IRAN-D-000824 (Aban Statement); FFM-IRAN-D-000828 (FFMI INTERVIEW).

as they were trained to do. The forces on the ground do not shoot of their own accord, but always follow orders.[3387]

1759. The Mission has credible information that shows that during the 2022 protests such orders were equally passed down from the national to the provincial levels and received in police stations through the MARFOUK Command and Control Centers, and that in one province protesters were subsequently killed.[3388]

1760. A fifth indicator considered by the Mission was the (v) participation in mass arrest operations and detentions. As detailed in Section 5, mass arrests were conducted in coordinated operations, relying upon a multiplicity of forces that included police, IRGC, Basij and intelligence acting at times jointly. The widespread arrests and detentions of tens of thousands of individuals could not have been conducted without high-level coordination and working chain of command. Factors indicating working chain of command and coordination are:[3389]

- Perceived protest leaders or leading voices were identified, including through surveillance, and targeted during arrest operations.[3390]
- Security forces conducted targeted arrests outside and after protests, including at homes, schools and workplaces, and in hospitals.
- Arrest operations extended to perceived supporters of the protests, including lawyers, journalists, human rights defenders, doctors and family members.
- State entities subjected victims, families or supporters who made information public to systematic harassment and reprisals, and pressure to change accounts.
- Detaining authorities videotaped "confessions" of detainees, which were then shown on State or state-affiliated media, including IRGC-affiliated.
- Security forces and the judiciary were involved in the pattern of suspended prosecution orders and sentences, and pardons in exchange for admission of guilt and expression of remorse.

1761. A sixth indicator is the (vi) appointment, dismissal and promotion of police agents. The Mission found that the Police Commander and other commanders subordinate to him had effective authority to dismiss or redeploy subordinates. For instance, in October 2022, as reported by Iran's High Council for Human Rights, the chief of police station No. 16 and the Commander of Police Forces of Zahedan were dismissed. The reason given was that some officers killed protesters and bystanders.[3391] That said, public information suggests that Zahedan's Chief of Police later was appointed advisor to the Police Commander of Sistan and Baluchestan affairs,[3392] which puts him now at the higher provincial level. In October 2023, the Zahedan Police Commander was replaced by a commander who reportedly had issued orders to shoot at protesters in the 2019 protests.[3393] Equally, in January 2023, the Police Commander appointed the Tehran police commander (who had served since 2016) as the head of newly established specialized Economic Security Police of the FARAJA.[3394]

1762. This information *prima facie* indicates the *de facto* authority of police commanders to appoint, dismiss and promote subordinates, and that those involved in crimes may have been promoted, rather than demoted or disciplined. The Mission continues its investigation into alleged promotions of those involved in crimes and seeks further information on possible dismissals or disciplinary proceedings.

[3387] FFMFFM-IRAN-D-000828 (FFMI Interview); FFM-IRAN-D-000828 (FFMI Interview)

[3388] FFM-IRAN-D-001459 (Investigation Note); FFM-IRAN-D-000823 (FFMI interview); FFM-IRAN-D-000828 (FFMI interview).

[3389] For factual analysis, see sections 5, 6, 7, 8 and 9.

[3390] According to a former official, serving before the 2002 protests, this is consistent with training. See FFM-IRAN-D-000823 (FFMI Interview); FFM-IRAN-D-000824 (Statement).

[3391] High Council for Human Rights of the Islamic Republic of in Iran, "The Third Report on September 30 Incidents in City of Zahedan", p. 1.

[3392] "Sardar Ahmad Taheri, the former police commander of Sistan and Baluchistan and one of the accused people of Bloody Friday Zahedan, became the adviser of Sardar Ahmadreza Radan", Haalvash;

[3393] "Dismissal of Zahedan police chief and head of police station 16", FarsNews, 27 October 2022.

[3394] "Farewell of Sardar Rahimi from the capital police/appointment as the head of the economic security police", *ISNA*, 29 Jan 2023.

1763. Based on the above indictors, the Mission is satisfied that the crimes found in this document were within the effective responsibility and control of the FARAJA hierarchy in general, and of specific police commanders.

1764. On the required **knowledge by the superior** of the criminal conduct of subordinates, the Mission refers to the extensive body of evidence across the sections of this document, and in particular in Section 5 and Annex II, which details a pattern of planned and coordinated deployments to protest sites across different provinces, equipped with an extensive amount of weapons and ammunition, and in arrest operations of police forces. It also notes the official statements by State authorities labelling the protesters as "rioters", "agents of the enemy", or "terrorists", and acknowledging casualties among the protesters, including on sites the police had been deployed to. When assessing knowledge, the Mission also considered the role of the Police Commander in the National Security Council (see below).

1765. The concerted effort to deny access to justice to the families of the victims is further evidence that allegations of crimes were known. Allegations in relation to crimes committed by security forces, including the police, were widely reported in the international media. In some instances, authorities acknowledged crimes committed by police forces. For instance, on 27 October 2022, the Police Commander in Sistan and Baluchistan stated, "We do not deny that some individuals received bullets on the streets leading towards the Mossala".[3395] The Police Commander of Zahedan equally admitted that individuals were shot with bullets in the streets leading to the Mossala.[3396]

1766. Against this backdrop, no sensible suggestion can be made that superiors within the police forces did not know or have reason to know that their subordinates were committing crimes established by this document. Knowledge of crimes can be ascribed to the FARAJA hierarchy in general, and to specific police commanders within it. The investigation into the knowledge should continue.

1767. Turning to **preventive measures**, the Mission examined whether superiors ensured that the forces were adequately trained,[3397] and were issuing orders aiming at bringing relevant practices into accord with the applicable rules.

1768. According to two witnesses, who served recently in the police force, but before September 2022,[3398] it was not part of the training that forces in the antiriot police should de-escalate situations, even less so how to do that. Even if mention was made, it was imparted as a formality with knowingly no plan for it to be implemented during operations.[3399] One witness stated "[t]his part of the training was imparted however as a formality, because it was known at all times that policemen that have for example killed three persons have not been prosecuted, so this was not meant to be implemented. Indeed, training did not include that repressing protests violently will lead to punishment. It is their duty to proceed and execute the repression of protests."[3400] Training did equally not include consideration of a minimum distance between the weapon and the protester, in order to avoid harm including to the

[3395] "Police commander of Sistan and Baluchistan: We do not deny that people were shot in the streets leading to the place of prayer in Zahedan's Black Friday", Ensaf News, 19 October 2022.
[3396] "Sistan and Baluchestan police chief: We do not deny that people were shot in the streets leading to prayer in Zahedan's Black Friday incident. 19 October 2022
[3397] For training in the context of policing peaceful assemblies, see Human Rights Committee, General comment No. 37 (2020).
[3398] The Mission took into account credible information on training pre-dating the protests that began on 16 September 2022 as, in the absence of evidence to the contrary, it is reasonable to assume that the training of the police forces has not fundamentally changed.
[3399] FFM-IRAN-D-000828 (FFMI interview); FFM-IRAN-D-000823 (FFMI Interview); FFM-IRAN-D-000824 (STATEMENT).
[3400] FFM-IRAN-D-000823 (FFMI interview); FFM-IRAN-D-000824 (STATEMENT).

protesters' eyes,[3401] or it was imparted as a formality with knowingly no plan to for it to be implemented.[3402]

1769. According to the same witnesses, there is a system in place to ensure a large anti-riot force composed of agents indoctrinated to comply automatically, mercilessly and to their maximum capacity whatever orders are issued. There is insufficient psychological assessment at the time candidates are incorporated into these forces. Around 1000 agents may be simultaneously trained in dedicated centers. The witnesses said that the recruits are trained to become violent, and brutality, killing or blinding were normalized.[3403] The Mission does not have any indication that the approach to training has changed since 16 September 2022.

1770. Rather than issuing orders aiming at bringing relevant practices in line with international human rights law, commanders in the FARAJA hierarchy appear to have encouraged violence. For instance, in a media interview posted on social media on 16 June 2023, the Mazandran Police Commander stated that "in this Province or in any cities, anyone who acts against chastity, break their necks and the responsibility goes to me."[3404]

1771. The Mission has not found evidence of superiors securing reports that actions were carried out in accordance with international law or taking of disciplinary measures to prevent the commission of crimes by police forces.

1772. The Mission notes that prevention also entails adequate planning and the deployment of appropriate equipment.[3405] Yet the selection of equipment provided to the forces policing the protests that began in 2022 increased the risks and opportunities for the commission of crimes. As extensively discussed in Section 5 and Annex II, heavy military weaponry was deployed, including AK-47s, assault rifles and Heckler & Koch MP5, Uzi, Dshk machine guns mounted on vehicles.[3406]

1773. A report by Iran's High Council for Human Rights[3407] refers to a notice by the Police Commander concerning "the prohibition of using firearms of any kind to deal with the rioters and control street riots and the need to use other police tactics and equipment at disposal for managing street gatherings and riots". In its 27 June 2023 letter, the Mission requested that the Government provide a copy of the notice, but no response or information was received. The lack of response notwithstanding and even assuming that this order was effectively issued and transmitted through the chain of command, the continuous deployment of police forces armed with, and using heavy weapons and ammunition, undermines the suggestion that this order had been meant to be implemented.[3408]

1774. Apart from the reported dismissals (and reported reappointment) mentioned above, the Mission has no information that police superiors **repressed** commission of crimes or submitted the matter to the competent authorities for investigation and prosecution. It notes the public reports on the replacement of the Sistan and Baluchistan police Commander in February 2023 on the orders of the FARAJA Police Commander.[3409]

[3401] FFM-IRAN-D-000828 (FFMI INTERVIEW).
[3402] FFM-IRAN-D-000828 (FFMI INTERVIEW); FFM-IRAN-D-000823 (FFMI INTERVIEW); FFM-IRAN-D-000824 (STATEMENT).
[3403] FFM-IRAN-D-000828 (FFMI INTERVIEW); FFM-IRAN-D-000823 (FFMI INTERVIEW); FFM-IRAN-D-000824 (STATEMENT).
[3404] See https://twitter.com/AlinejadMasih/status/1669705011285094400.
[3405] The Mission recalls the principle of precaution in law enforcement, which provides that law enforcement operations and actions shall be planned and conducted while taking all necessary precautions to prevent or at least minimize the risk of recourse to force by law enforcement officials and members of the public, and to minimize the severity of any injury that may be caused. See "United Nations Human Rights Guidance on less-lethal weapons in law enforcement", OHCHR, 2.6.
[3406] See Section V and Annex III.
[3407] Report by High Council for Human Rights of the Islamic Republic of Iran, "Most important measures taken in connection with rule of law, Non-use of lethal force and policy of accountability during riots", 22 November 2022, (FFM-IRAN-D-000873).
[3408] See ICC, ICC-01/04-01/06-2842, Proscutor v Lubanga, 14 March 2012, para 1348.
[3409] "Iran Police Appoint New Chief For Sistan-Baluchestan Province, Repeat Threats", Iran International, 27 February 2023.

1775. Based on the above, there is *prima facie* indication that officials at all levels within the police chain of command, including Commander of the Police, provincial commanders and other lower level commanders, failed to prevent and repress crimes committed by their subordinates and thus bear responsibility for the crimes of their subordinates and should therefore be investigated.

1776. In addition to their relevance under article 28 of the Rome Statute, the Mission notes that the orders referred to above are also evidence which is relevant to the mode of liability of ordering pursuant to article 25.

(ii) "Morality Police"

1777. As discussed in Section 2, the Morality Security Police (a sub-branch of the Intelligence and Public Security Police) supervises the activities of the Guidance Patrol, the "Morality Police" and thus the officers patrolling the streets. The Police Commander has authority over the "Morality Police".

1778. The Mission has established that the "Morality Police" was operational during the period covered by this document and operated under the authority of the Police Commander. The Mission found that Jina Mahsa Amini's unlawful death occurred in the custody of the "Morality Police". It also notes that reports that the "Morality Police" had been disbanded after Jina Mahsa Amini's deather, were refuted by official media,[3410] and patrols returned to the streets reinforced with additional foot and car patrols along with a campaign to attract with financial incentives women from economically disadvantaged backgrounds to join the *hijab* enforcers. Patrols to monitor compliance and arrests continued.[3411] Moreover, in April 2023, the Police Commander announced that the police would increase the intensity of morality policing in public places, with a particular focus on the enforcement of the mandatory *hijab*, including through verbal warnings and arrests subject to the discretion of patrol officers.[3412]

1779. As discussed in previous sections, other police forces are also involved in the enforcement of the mandatory *hijab*. On 8 April 2023, the Police Information Center announced that in an innovative measure, the police will use smart devices and cameras in public places and roads to identify those who do not abide by the mandatory *hijab*.[3413] Equally in September 2022, the Prosecutor General's Office issued a decree to the Police forces instructing them to 'firmly confront" the removal of the mandatory hijab by women and girls.[3414]

1780. The Mission has not found evidence of superiors in the "Morality Police" taking action to prevent or punish subordinates committing crimes. While General Hossein Rahimi, the then Police Commander in Tehran, at a press conference, expressed regret for the death of Jina Mahsa Amini, he did not announce any particular preventative or other measures.[3415] While the Mission takes note of reports on 19 September 2022 according to which the head of the "morality police", Colonel Ahmed Mirzaei, had been suspended from his position on

[3410] "Same old story?/ IRIB denied the news that Gasht-e Ershad [morality police] was closed", Khabar Online. See also "First comment by Tehran Police Chief on Mahsa Amini", Mashregh News, 19 September 2022.
[3411] See sections 3, 4 and 8.
[3412] "Police announcement regarding breaking norms in society; Treatment based on "law enforcement"", ISNA, 08 April 2023.
[3413] "Exclusive Cameras for recording driving offenses also record "veil detection" cases", Tasnim News, 9 April 2023.
[3414] "The General Prosecutor's Office ordered the police to deal with the discovery of the hijab", ISNA, 10 January 2023.
[3415] "First comment by Tehran Police Chief on Mahsa Amini", *Mashregh News*, 19 September 2022.

orders of General Hossein Rahimi,[3416] it has not received information on the reasons for the suspension or on any other actions taken.

1781. The role of the "Morality Police" in relation to the crimes found, its structures, responsibilities, and chain of command and the knowledge of its hierarchy should be further investigated.

(iii) The Islamic Revolutionary Guard Corps

1782. The IRGC, which forms part of the Armed Forces of Iran, is regulated by the Law of the Islamic Revolutionary Guard Corps ("LIRGC"). According to available information, the IRGC is composed of 190,000 Revolutionary Guards.[3417]

1783. In considering the question of **effective responsibility and control**,[3418] the Mission analysed both the *de iure* and *de facto* structures, responsibilities and chain of command of the IRGC.

1784. The IRGC's responsibilities include combatting movements aiming to sabotage or overthrow the Islamic Republic system.[3419] It has the responsibility to establish order, security, and the rule of law.[3420]

1785. The Supreme Leader is the highest authority of the IRGC.[3421] The IRGC is composed of five branches: the land forces, navy, aerospace force, Al Quds and the Basij. The IRGC's chain of command is regulated in the LIRGC.[3422] All commanders are appointed by Iran's Supreme Leader and answerable only to him. IRGC's "antiriot units" are reported to be the country's most important units to engage in the policing of protest. By law, the IRGC structure consist of the Supreme Command of the IRGC, the Minister of the IRGC and the Supreme Council of the IRGC.[3423] The Supreme Command of the IRGC is composed of the "Commander-in-Chief", responsible for the command area and the "Minister of the Revolutionary Guards", responsible for the ministerial area.[3424]

1786. The IRGC Commander-in-Chief and the heads of these units compose the IRGC Supreme Council, in charge of coordination functions.[3425] It meets on a weekly basis and takes decisions by vote.[3426] The IRGC Commander-in-Chief[3427] has the obligation to

[3416] "Mirzaei, the Chief of Tehran Morality Police removed?", Hamshahr Online, 19 September 2022; "The head of the Moral Security Police of Greater Tehran was dismissed", Eghtesad News, 19 September 2022.
[3417] These include aerospace (15,000), naval (20,000), ground forces (150,000) and Quds forces (5,000) "Islamic Revolutionary Guard Corps Ground Forces 150,000. Controls Basij paramilitary forces. Primary role: internal security; secondary role, external defense, in conjunction with regular armed forces.", see IISS Military Balance 2023, pp. 325-326.
[3418] The Mission examines the responsibility of the IRGC hierarchy under the mode of liability for superiors (rather than commanders), as the IRCG, according to international human rights law, operates in the context of the 2022 in a law enforcement, rather than an armed conflict setting.
[3419] Articles 2 and 3, LIRGC.
[3420] Article 5.
[3421] Constitution, art. 110; LIRGC, art. 12. The training of IRGC members is based on Islamic teachings and standards, guided by the directives of the Supreme Leader. See LIRGC, art. 11, LIRGC.
[3422] LIRGC, arts. 14-34.
[3423] LIRGC, art. 13.
[3424] LIRGC, art. 14. The position of Minister, mainly vested with administrative and financial duties (LIRGC, arts. 16 and 17), is no longer operative.
[3425] LIRGC, art. 18.
[3426] LIRGC, arts. 19-21.
[3427] The IRGC Commander-in-Chief is responsible, *inter alia*, for the units, dealing with recruitment of members and personnel affairs; planning and conducting military training, determining the content of ideological-political training; public relations and publications issued in the name of the Revolutionary Guards through mass communication channels; supplies, equipment, and facilities of

communicate down the chain of command and implement the decisions of the Council.[3428] The Commander-in-Chief is supported by the Chief of Staff, who heads the Central Command Office.[3429] It is also supported by the "Investigation and Inspection Office", to conduct evaluations of individuals proposed for appointments and performance.[3430] The offices of the Commander-in-Chief and the representative of the Leadership assist in leadership duties, including on supervisory functions.[3431]

1787. The IRGC's central and hierarchical structure comprises: the Commander-in-Chief; Regional Commanders; Area Commanders; Base Commanders; and Garrison Commanders.[3432] The IRGC Commander-in-Chief is responsible for the conduct of operations, appointments and dismissals and "all ranks are accountable to him".[3433] The IRGC Intelligence Unit is under the authority of the IRGC Commander-in-Chief.[3434]

1788. The Basij, a paramilitary volunteer militia with one million active members,[3435] is under the planning, organization and management authority of the IRGC Commander-in-Chief.[3436]

1789. Basij groups are organized into resistance zones; districts; bases including groups; and Basij cores.[3437] The IRGC law envisages local Basij units/cores in all neighbourhoods.[3438] Those who complete military training are ordinary members, Basij of the Islamic Revolutionary Guard Corps, and may support in combat activities during wartime, as well as civil, service, social, political, and informational activities. Those who continue training, become "active members", although with no "personnel status" and "fixed salaries".[3439] The "Special Members" are the active individuals, with Pasdaran qualifications, who may serve full-time in the IRGC. All individuals and officials of Basij central staff units, commanders of Basij centers, and commanders of resistance zones (in cities) are members of the Pasdaran.[3440]

1790. The IRGC acts in coordination with the intelligence organs and the police.[3441] It works together with the army to safeguard the independence, territorial integrity, and the Islamic Republic system.[3442] Furthermore, as set out in further detail below, it controls sections in detention centres within the formal Prison system.

1791. The Mission now examines whether at the time of the crimes found in this document, the IRGC was *de facto* a fully operational force with a working chain of command, including in the provinces covered by this document.

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the Revolutionary Guards; intelligence; operational plans, conducting communications operations, and deploying forces; weapons, telecommunications and electronics. See LIRGC, art. 15.

[3428] LIRGC, arts. 22-23.

[3429] LIRGC, art. 24.

[3430] LIRGC, art. 26 (b).

[3431] LIRGC, arts. 26-27.

[3432] Article 28, LIRGC "Article 28 - The organizational structure of the Sepah (Islamic Revolutionary Guard Corps) is centrally commanded, and maintaining hierarchy, order, and complete discipline is essential. The hierarchy of command in Sepah is as follows: 1 - Leadership authority. 2 - Commander-in-Chief of Sepah. 3 - Regional Commanders. 4 - Area Commanders. 5 - Base Commanders. 6 - Garrison Commanders.

[3433] LIRGC, arts. 29-30.

[3434] Articles 15, 28 and 29 LIRGC.

[3435] Reuters, Iran's Revolutionary Guards: from military operations to business empire, 19 January 2023.

[3436] LIRGC, arts. 9 and 15. LIRGC. See also US Institute for Peace, The Basij Resistance Force, 6 October 2010.

[3437] LIRGC, art. 37, LIRGC.

[3438] LIRGC, art. 39, LIRGC.

[3439] LIRGC, art. Note to 41(b).

[3440] LIRGC, art. 42, LIRGC.

[3441] LIRGC, art. 8, LIRGC; PFL, art. 4 (5) and (6).

[3442] LIRGC, art. 7.

1792. In doing so, the Mission looked again at several indicators. As with the police force, the Mission is satisfied that, in the context of the protests that began in September 2022, the IRGC promptly mobilized significant resources in various provinces and cities simultaneously (indicator (i)), that different IRGC units deployed in a coordinated fashion (indicator (ii)), and that the IRGC coordinated and acted jointly with other security forces, such as the police, and State entities (indicator (iii)). Examples include the deployment at protests on 19 September 2022 in Divandareh, Kurdistan, and in Mahabad, West Azerbaijan province; on 20 September 2022 in the center of Kermanshah city; on 21 September 2022 in a city in one of the northern provinces; on 26 October 2022 in Rasht, Gilan province, and in Mahabad, Kurdistan province; and 15 November 2022 in Tehran city.

1793. Regarding the participation in mass arrest operations and detentions (indicator (v)), as detailed in Section 5 and above, the IRGC, together with the police, was involved in the coordinated arrests and detention of a high number of individuals. The patterns followed, as described above, could not have been put into practice without high level coordination and working chains of command. In addition, the IRGC participated in the arrests of individuals targeted by their profiles, such as journalists.[3443] The Mission also established a pattern of torture at official and unofficial detention facilities operated by the IRGC, and of "confessions" of detainees who had been tortured being published, including on the website of IRGC's Centre to Investigate Organized Crime, Gerbab.[3444]

1794. Based on the above indicators, the Mission is satisfied that the crimes found in this document were within the effective responsibility and control of the IRGC hierarchy in general, and of specific police commanders.

1795. On the required **knowledge by the superior** of the criminal conduct of subordinates, the Mission refers to the extensive body of evidence across the sections of this document, and in particular in Section 5. For the same reasons as discussed regarding the police, including the role of the IRGC Commander-in-Chief within the National Security Council (see below), no sensible suggestion can be made that superiors within the IRGC did not know or have reason to know that their subordinates were committing crimes established by this document. Knowledge of crimes can be ascribed to the IRGC hierarchy in general, and to specific IRGC commanders within it. The Mission continues its investigation in this regard.

1796. Turning to **preventive measures**, the Mission examined whether superiors ensured that the forces were adequately trained,[3445] and were issuing orders aiming at bringing relevant practices into accord with the applicable rules. Evidence shows that the IRGC vilified protesters or ordered forces to avenge "martyrs". Referring to the "Bloody Friday" events, the IRGC Commander-in-Chief, for instance, stated: "Revenge on the blood of the martyrs of the IRGC and Basij and the people who were victims of the crime of Black Friday in Zahedan is on our agenda and we assure the brave and patient people of this province. The way to relentlessly confront global arrogance plots and mercenary terrorists hired by foreign security services will continue to the point of martyrdom".[3446] On 1 August 2023, the IRGC Commander-in-Chief, speaking to officials of the paramilitary Basij force, warned against a resurgence of widespread protests in Iran on the first anniversary of Jina Mahsa Amini's death. He indicated that the protests sparked by Jina Mahsa Amini's death "represented the most powerful, most dangerous, most serious and far-reaching opposition to the Islamic Republic […]. The enemy intends to instigate sedition […]" and called for proactive "prevention" approach to "counter this threat."[3447]

[3443] See Section 10.
[3444] See Section 5.
[3445] For training in the context of policing peaceful assemblies, see Human Rights Committee, General comment No. 37 (2020).
[3446] "Sardar Salami: We consider revenge for the blood of the martyrs of Black Friday Zahedan as our agenda", IRNA, 01 October 2022.
[3447] "IRGC Chief Warns against Renewed Nationwide Protests", IranWire, 2 August 2023.

1797. As with regards to the police forces, the IRGC forces were heavily armed,[3448] increasing the risks of and opportunities for the commission of the crimes found in this document.

1798. The Mission has not found evidence of superiors securing reports that actions were carried out in accordance with international law or taking of disciplinary measures to prevent the commission of crimes by police forces. Equally the Mission has not found evidence that superiors **repressed** commission of such crimes or submitted the matter to the competent authorities for investigation and prosecution.[3449] The Mission has requested information from Iranian authorities as to criminal proceedings conducted in respect of the allegation but is yet to receive a response.

1799. Based on the above, there is *prima facia* indication that officials at all levels within the IRGC chain of command, including the IRGC Commander-in-Chief and other commanders, failed to prevent and repress crimes committed by their subordinates and thus bear responsibility for the crimes of their subordinates and should therefore be investigated.

Judiciary

(i) Judges and prosecutors

1800. The judiciary is responsible for the administration of justice in Iran.[3450] As stated, the Head of the Judiciary[3451] is appointed by the Supreme Leader, and responsible for the employment, dismissal, and appointment of judges. The Prosecutor General is also nominated by the Head of the Judiciary.

1801. The Head of the Judiciary, the Prosecutor General, and the heads of justice departments in various provinces made public statements referring to the protests systematically as "riots", and a ploy by "enemy" and "hostile" States' and their intelligence services, the "anti-revolutionaries" and "the enemy media" in order to overthrow the Islamic Republic's system.[3452] In the weeks following the start of the protests and amid large scale arrests and detentions, judicial and prosecutorial officials made several announcements regarding the court hearings of the "key elements of the riots". The Head of the Judiciary stated on 17 October 2022, that "the key elements of the recent riots must be tried as soon as possible and upon the decision of judges and with observance of legal requirement, their trials will be held publicly so that the atrocities [committed] by these riot elements are brought to the attention of the people". These statements form the backdrop to the involvement of different parts of the judiciary in the prosecution and conviction of protesters, their real or perceived supporters, and persons demanding equality and the end to institutionalized discrimination.

[3448] See Section V.

[3449] The Mission notes that pursuant to the Constitution, offenses related to the specific military or disciplinary duties of Pasdaran members will be adjudicated in military courts (art. 172). The LIRGC establishes a specific a mechanism to address complaints, grievances, and objections from the public concerning Pasdaran members or sections and the regulations implemented in Sepah. The Administrative Justice Court is designated to handle such matters. The LIRGC delineates crimes related to the specific military or disciplinary duties will be addressed in military courts, while those committed publicly or as judicial officers will fall under the purview of public courts. (see arts. 43 and 44).

[3450] Constitution, art. 156.

[3451] On individual criminal responsibility of judges, see *United States of America v. Josef Altstötter et al*., Opinion and Judgment, Nuremberg, 3 March-4 December 1947, in Trials of War Criminals Before the Nuernberg Military Tribunals under Control Council Law No. 10, Volume III (United States Government Printing Office, 1951). See also Jennifer DePiazza, Denial of Fair Trial as an International Crime Precedent for Pleading and Proving it under the Rome Statute Journal of International Criminal Justice 15 (2017), pp. 281-282. See also A/HRC/45/33, para. 155; A/HRC/48/69, paras 110-119.

[3452] See Sections V, VIII and X.

1802. The Mission is satisfied, based on its findings, that from the start of the protests, judges and prosecutors across provinces and cities dealt with the thousands of persons facing criminal investigations and prosecutions. By late December 2022, thousands had been indicted and convicted.

1803. In particular, the Office of the Prosecutor participated in arrests and detention, when it operated closely with security and intelligence bodies, including the IRGC's Intelligence Organization, the Ministry of Intelligence, and the Intelligence and Public Security Police, to detain persons arrested in connection with the protests for prolonged periods and to indict them. Prosecutorial officials consulted with security and intelligence agents about their cases.

1804. Judges at Revolutionary Courts spoke with intelligence officials just prior to hearings and heavily relied on reports by security and intelligence bodies, including the IRGC and the Ministry of Intelligence, and self-incriminating statements made by accused under torture, including in death penalty cases. State media published selected video footage of court proceedings in the cases of persons accused of capital offences. In fact, lawyers in Iran sent letters to the Head of the Judiciary and the Head of the Supreme Court to raise fair trial violations. Defence lawyers have raised allegations of torture of their clients with judges and prosecutors, including on appeal before the Supreme Court. Allegations of torture were also made public. Convictions of protesters were widely publicized in the country's media. These facts are *prima facie* evidence of the judiciary's awareness of and role in the crimes committed against defendants, and coordination between the judiciary, intelligence entities and other State entities.

1805. The Mission has no information on any measures taken by the judiciary to address the violations found in this document in relation to the torture, prosecution and conviction of defendants. The statements coming from the Head of the Judiciary, the Prosecutor General, and the heads of justice departments ascribing the protesters guilt, and the dismissal of torture allegations by judges, rather suggest an endorsement of the violations.

1806. These facts, including the official statements, are evidence relevant to establishing the existence of a common plan, and to the mode of liability of co-perpetration, as well as of soliciting, inducing, aiding and abetting or otherwise contributing to the violations pursuant to article 25 of the Rome Statute. The Mission continues to investigate in relation to all modes of liability under the Rome Statute.

(ii) The prison system

1807. Prisons, detention centers, vocational training centers, employment centers, and other affiliated centers in Iran are administered by the State Organization for Prisons ("Prisons Organization").

1808. In considering the question of **effective responsibility and control**,[3453] the Mission analysed both the *de iure* and *de facto* structures, responsibilities and chain of command of the Prisons Organization.

1809. The duties and responsibilities of the Prisons Organization are set out in the 11 December 2005 Regulations ("Prison Organization Regulations" or "POR"). According to these regulations, suspects under arrest and convicts shall be treated pursuant to relevant regulations and laws.[3454] Each prison has a prison head/chief responsible for supervising behaviour of officers vis-à-vis convicts and suspects.[3455] He must take immediate action if informed of any incidents, take necessary and urgent measures and report matters to higher authorities as soon as possible, copying the prosecutor and the competent judge.[3456] The

[3453] The Mission examines the responsibility of the IRGC hierarchy under the mode of liability for superiors (rather than commanders), as the IRCG, according to international human rights law, operates in the context of the 2022 in a law enforcement, rather than an armed conflict setting.
[3454] Article 18, POR.
[3455] POR, art. 18 (c).
[3456] POR, art. 25.

"prison guard officers" are responsible for monitoring, supervision, prevention and reporting misconduct of prison guards.[3457]

1810. Police detention centres are under the responsibility of the Prisons Organization in provinces.[3458] As discussed in Section II, according to a 2006 Executive By-law, with the Prisons Organization's approval, security bodies such as the Ministry of Intelligence, and the intelligence departments of the Revolutionary Guards, could be allocated space in detention facilities in central prisons of each province, for the detention of individuals accused of national security offences.[3459]

1811. The Mission now examines whether at the time of the crimes, the Prisons Organization had the *de facto* responsibility and control over the prisons in which crimes were committed according to this document.

1812. The Mission has credible information that the IRGC operates its own separate network of detention facilities outside the jurisdiction of the Prisons Organization. For example, it reportedly controls Ward 2A and Section 325 within Evin prison, the Touhid Detention Centre, and Prison 59 (Eshratabad) in Tehran.[3460] Separately, the Ministry of Intelligence reportedly administers a distinct set of detention facilities, including Ward 209 within Evin prison and unofficial detention centers.[3461]

1813. In addition, as discussed in Section 5, the Ministry of Intelligence ran unofficial places of detention, including "safe houses", where victims were, *inter alia*, tortured and raped.

1814. The questions of effective responsibility and control of the Prisons Organization (including links with other State entities), and whether the Prisons Organization hierarchy had the required knowledge of the criminal conduct of subordinates, should be investigated further.

The Executive - The Ministry of Intelligence

1815. In considering the question of **effective responsibility and control**, the Mission analysed both the *de iure* and *de facto* structures, responsibilities and chain of command of the police.

1816. As stated in Section 2, the Ministry of Intelligence is under the direct supervision of the Supreme Leader. The Minister is chosen with the approval of the Supreme Leader. According to its 1983 foundation law, the Ministry is charged with the "gathering, procurement, analysis, and classification of necessary information inside and outside the country."[3462] The Ministry has established *Herasat* branches in civilian organizations, hospitals and universities, tasking them with identifying potential security threats.[3463]

1817. As noted above, the police and the IRGC cooperate by law with the Ministry, which has the centralized guidance over intelligence activities.[3464] The cooperation between the

[3457] POR, art. 30.
[3458] Executive By-law for Management of Security Detention Centres, Note to Article 4, 21 November 2006.
[3459] Executive By-law for Management of Security Detention Centres, 21 November 2006, Articles 1(b), 3, note to article 3, and 8.
[3460] "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, p. 24.
[3461] "Country Report, Iran - Criminal procedures and documents", Norwegian Country of Origin Information Centre (Landinfo), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the State Secretariat for Migration (SEM), December 2021, p. 22.
[3462] "The Structure of Power in Iran", PBS.
[3463] See Sections V, VIII and X. See also Saeid Golkar, Iran's Coercive Apparatus: Capacity and Desire, TWU 5, January 5, 2018.
[3464] PFL, art. 4, note 2.

Ministry and the police is coordinated by the National Security Council.[3465] In cases of crimes related to national security, the Ministry provides centralized guidance. When intelligence suggests that crimes under this category are conducted, the Ministry is responsible to undertake follow up activities in cooperation with the police. When the Ministry requires police personnel for example for the acquisition and collection of material, the acting police officers are put under the operational control of that Ministry.[3466]

1818. The Mission is satisfied that the Ministry was fully operational with a working chain of command at the time of the crimes found in this document. Regarding the coordinated and joint action with other entities (indicator (ii)) and the participation of the Ministry in mass arrest operations and detentions (indicator (v)), the Mission established in sections 5, 8 and 10, that agents of the Ministry of Intelligence conducted arrests, in different provinces and cities, and seized devices and other items. Officials from the Ministry were involved in interrogations, of protesters and real and perceived supporters.[3467] As already noted, the Ministry of Intelligence administers a distinct set of official and unofficial detention facilities.[3468] In doing so, they have promptly and simultaneously deployed substantial resources (indicator (i), often acting jointly with other forces (indicator iii).

1819. The Mission will continue its investigation on whether the crimes as detailed in this document were within the effective responsibility and control of the Ministry of Intelligence, whether the Ministry's hierarchy had the required knowledge of the criminal conduct of subordinates, and on any preventative measures or measures to repress crimes committed by their subordinates.

Supreme Leader and the Security Councils

1820. The Supreme Leader is the supreme commander of the Armed Forces and supervises the IRGC Commander in Chief,[3469] and the Basij forces. As demonstrated above, he also holds supreme command over the police forces, and has the responsibility to supervise and the authority to appoint, dismiss and accept the resignations of the commander the IRGC and police forces. He also appoints the Head of the Judiciary. The Supreme Leader is supported by an Office which supports the supervision of all aspects of the Supreme Leader's duties.[3470]

1821. There are various "Security Councils" in Iran, including the Supreme Council for National Security chaired by the President.[3471] This council, which deals with internal and external security, includes heads of government branches, military officials, and ministers. The decisions of the Supreme Council for National Security become effective after confirmation by the Supreme Leader.

1822. One rank below the Supreme Council for National Security is the National Security Council, which under the chairmanship of the Minister of the Interior, is dealing with internal security. The 1993 Law on the Determination of Duties and Organization of the National Security Council sets out its duties, functions and working procedures. It is composed of the Minister of Interior, one of the advisers to the Leadership Council in the Supreme Defence Council, determined by that council, Chief of the Joint Staff of the Army, the IRGC Commander-in-Chief, the Head of the National Intelligence, the Police Commander, the Head of the Committees of Islamic Revolution and the Commander of the General

[3465] PFL, art. 4, notes 1 and 2.
[3466] PFL, art. 4 (4), note 3.
[3467] See Sections V and X.
[3468] Articles 15, 28 and 29 LIRGC. See also Sections V, VIII and X.
[3469] Constitution, art. 110; Police Forces Act, art. 2.
[3470] https://www.leader.ir/en.
[3471] Constitution, art. 176. It is tasked to safeguard national interests, preserve the Islamic Revolution, and maintain territorial integrity and sovereignty, determining defence and national security policies, coordinating activities in various fields, and utilizing the country's resources to address internal and external threats.

Gendarmerie.[3472] The Council has a consultative status, with the ultimate decision on internal security affairs resting with the Minister of Interior.[3473]

1823. The body is tasked with examining major and fundamental developments and incidents related to internal security, making decisions and coordinating measures to prevent and deal with issues related to it.[3474] It receives information and reviews news related to sensitive security, political, and social events; communicates with the Provincial Security Councils to receive periodic reports on the security, political, and social situation; specifies general domestic security policies; clarifies the duties and authorities of each organization and institution in relation to the country's internal security within the framework of their legal duties.

1824. According to the law, provincial and city security councils are composed of Governors, highest IRGC commanders, police and army, and local heads of the Ministry of Intelligence.[3475] The Head/President of Security Council in each Province is the Governor.[3476] Here too, the councils are formed for consultation on security matters. The decision-making power rests with the representatives of the Ministry of Interior (Governor, county executive, section executive).[3477] Decisions coming from the National Security Council and provincial and city security councils are mandatory commanders or military officials.[3478]

1825. A former official described the practice at city level. Regarding a 'shoot order' issued by the 'city council', he noted that each city has a council, composed of IRCG, police, and 'intelligence'. According to him "intelligence controls the CCTV cameras; they are sitting in the room, watching the cameras. […] The council issues an order to repress the protests. The content of the order is that the police agent shall shoot at everyone. Even bystanders or persons showing from the window of houses may be harmed. The orders do not include that only those who are engaging in violence should be shot at; the order is to shoot at everyone in general. Forces know that they should try to target the leader, but everyone is targeted."[3479]

1826. Examining whether the authorities at the highest level of the State were aware of the crimes committed in context of the protests that began on 16 September 2022, the Mission first recalls that the Supreme Council for National Security reports to the Supreme Leader, that the National Security Council operates below the Supreme Council for National Security, and that one of the main responsibilities of the National Security Council in order to discharge its overall coordination role, is to receive information and news related to sensitive security, political, and social events.[3480] Moreover, the city security council have an obligation to provide the relevant information to the provincial security councils, and the latter to the National Security Council.[3481] Official statements, in particular, show that the Supreme Leader and members of the security councils were privy to relevant information on crimes:

- On 17 September 2012, in Saqqez, the Governor of Saqqez, who takes part in the City Council together with the city police commander, addressed the protesters asking them to go home and when protesters refused to disperse, the police started shooting at them.

[3472] 1993 Law on the Determination of Duties and Organization of the National Security Council, art. 3.
[3473] NSC Law, article 3 note 2.
[3474] NSC Law, article 1.
[3475] 1993 Law on the Establishment and Responsibilities of the National Security Council, Articles 6 and 7. Governors can invite the General Prosecutor and Revolutionary Prosecutor in their jurisdiction to the meetings.
[3476] NSC Law, articles 4 and 6.
[3477] NSC Law, article 9.
[3478] See Penal Code for Crimes of Armed Forces, art. 39. Commanders or military officials who fail to enforce approved Council decisions or those of the provincial or county security councils will be sentenced to imprisonment.
[3479] FFM-IRAN-D-000823 (FFMI interview); FFM-IRAN-D-000824 (STATEMENT). On coordination meeting where decisions where decisions are taken on the planned casualties, see FFM-IRAN-D-000825 (FFMI Interview).
[3480] Law on the Determination of Duties and Organization of the National Security Council.
[3481] NSC Law, article 1B, 5B and E.

- On 20 September 2022, the Governor of Kurdistan province, who chaired the Provincial Council, confirmed in a media interview that three people had been killed during "unlawful protests" in Divandareh on 19 September.3482
- On 23 September 2022, the Minister of Interior acknowledged that people were killed during the protests, including by security forces.3483 On 26 December, he stated that "in the recent riots, we saw that terrorist groups, separatists and groups that are run as a cult and control people's minds so much that they even take their freedom of thought, claim to be in favour of freedom and human rights.3484
- In relation to the "Bloody Friday" events, on 30 September 2022 in Zahedan,3485 the Security Council of Sistan and Baluchestan province reportedly accepted the negligence of some officers, dismissed both the Commander of Police Station No. 16 and the Commander of Police Forces of Zahedan, ordered compensation of innocent victims and their families, and requested investigations.[3486]
- On 22 October 2022, the head of the Islamic Propaganda Office of Mashhad[3487] stated, responding to questions of Fars News Agency, "[f]or those who protested and say, 'why were we arrested, why were we beaten with batons?', I told them: Don't take the story personally. This is a trend and the police, and the system are dealing with the trend and not with you".[3488]
- On 21 November 2022, Sardar Sayed Yahya Safawi, advisor to the Commander of All Forces, stated "we hope the security forces, to whom IRGC and Basij are the stronger shoulders, shouldn't allow the riots to prolong further".[3489]
- **On** 27 November 2022, the IRGC Commander-in-Chef stated that "the cause of the protests is linked to enemy" and he framed the repression of protests as "defending the security of the country".[3490]
- On 28 November, the IRGC Commander of Air Forces stated that over 300 people had been "killed and martyred" over the previous two months.[3491]
- On 3 December 2022, the National Security Council released a statement saying that over 200 individuals had been killed during the course of the "riots".[3492]

[3482] As detailed in the annex to Section V the protest was peaceful.

[3483] "Interior Minister's Remarks on Victims of Recent Protests",Ensaf news, 24 September 2022. The Minister of Interior described four categories of persons killed: a. "people from the west and northwest of Iran where anti-Revolutionary groups are active"; b. "innocent people who were beaten by rioters and sometimes killed by them"; c. "those who may have been killed while trying to enter sensitive places such as police stations and governor buildings"; and d. "people who were killed in other places and whose bodies were transferred to protest sites". Categories a. and c. suggest the involvement of security forces.

[3484] Interior Minister terms anti-Revolution act in riots as worst form of dictatorship, Irangov.ir, 26 December 2022.

[3485] See Section VI.

[3486] High Council for Human Rights of the Islamic Republic of in Iran, "The Third Report on September 30 Incidents in City of Zahedan", p. 1 (also acknowledging that protesters and bystanders were killed by security forces). See above section on NAJA regarding the reported dismissals (and reported reappointment) and section 6 on "Bloody Friday" events.

[3487] The Islamic Propaganda Organization is under the supervision of and its leader appointed by the Supreme Leader. See "Qomi named new chief of Islamic Dissemination Organization", Tehran Times, 20 August 2018.

[3488] "Narrative of meeting with youths arrested in riots", Fars News, 20 October 2022.

[3489] See "Sardar Safavi: Basij and IRGC should not allow the riots to last long", Moniban 21 November 2022.

[3490] "The Commander of the Islamic Revolutionary Guard Corps regarding nationwide protests: It is not possible to stand in the middle", VOA, 27 Nov 2022.

[3491] "Sardar Hajizadeh: More than 300 people were killed and martyred in these two months", Tasnimnews, 28 November 2022.

[3492] The figure consisted of "martyrs of security" [security forces], people martyred in terrorist attacks, innocent people [who were] victims of the killing projects of grouplets, innocent people who have lost their lives in a situation of unrest and lack of security, rioters, and armed elements belonging to separatist grouplets". See "The first official statistics of those killed in the 1401 protests National Security Council: 200 people lost their lives", Aftab, 3 December 2022.

- On 9 January 2023, the Supreme Leader “there are economic problems but these problems cannot be solved with putting fire on waste bins and creating riots in the streets.” He said “such acts are treason, and the responsible departments will act seriously and fairly”[3493] On 24 August 2023, his representative in the IRGC stated that the "enemy" is pursuing the slogan "woman, life, freedom" to "create hatred for religions," "incitement of ethnic and religious divisions," "armed civil war, ethnic war" and "with the aim of breaking up Iran."[3494]
- In February 2023, the Head of the Judiciary announced that 22,628 individuals had received state pardons connected with the protests.[3495] The IRGC Deputy Commander stated that the average age of those arrested was 15.[3496]

1827. The authorities at the highest level of the State, including the Supreme Leader and members of the security councils, repeatedly denied the crimes, and blamed the victims themselves or private actors. On 3 October 2022, the Supreme Leader stated, “I explicitly say that the recent incidents are the plans of USA and Israel and their followers. Their problem is a strong, independent and developed Iran” […] [t]hose attacking police stations or Basij center or insulting Army and IRGC […] attack the security of the country. Police is obliged to stand against and maintain security of the community”.[3497] On 29 September 2022, the Governor of Tehran, said: “Of course, there were no mistakes in the recent events and the police force was neither negligent nor guilty according to the documents.” He continued: “Salutations to our police forces who, at the height of their authority.”[3498]

3. Conclusion

1828. Based on the above, there is *prima facia* indication that the crimes as detailed in this document were within the effective responsibility of the authorities at the highest level of the State, including the Supreme Leader and members of the security councils, that those authorities had the required knowledge of the criminal conduct of subordinates, and have failed to take necessary and reasonable measures within their power to prevent or repress crimes committed by their subordinates.

1829. Officials at all levels, who had effective responsibility and control and the requisite knowledge and failed to prevent and repress crimes committed by their subordinates, bear responsibility for the events. Acts and omissions may also give rise to responsibility for, *inter alia*, ordering, soliciting or induced the commission of a crimes described in this document or aiding, abetting or otherwise assisting in their commission or attempted commission. Individual determinations of responsibility depend on the roles and circumstances of an individual at the relevant times and the specific evidence in relation to the material and mental elements of liability and the underlying crimes. Information on the identities and responsibility of alleged perpetrators is included in a confidential list.

1830. The Mission continues its investigation into the responsibility of entities - those discussed in this section and other sections of the report - and individuals.

[3493] “Leader of the Revolution: In recent turmoil they wanted to destroy the country's strengths / Do we have an economic problem, but can be solved by burning the trash can?”, Tasnimnews, 9 April 2023.
[3494] “Iran Judiciary Threatens and Insists on Dealing with Protests and 'Unveiling' on Anniversary of Mahsa Amini”, BBC, 14 September 2023.
[3495] “Tens of thousands of pardons linked to recent riots - Amnesty for 82,000 prisoners”, IRNA, 13 March 2023.
[3496] “Sardar Fadavi: The average age of many of those arrested is 15 years old”, Fararu, 6 October 2022
[3497] “Suppression order from the barracks; Decoding Ali Khamenei's speech”, IranWire, 3 October 2022.
[3498] “Governor: Tehran is safe”, IRNA, 29 September 2022.

E. Victims' rights to equality, truth, justice and reparations

1. Impunity

Introduction

1831. In light of its findings on gross human rights violations and crimes under international law in relation to the protests that began on 16 September, the Mission analysed domestic avenues for accountability. In doing so, it examined the opportunities and impediments to seeking equality, truth, justice and reparations at the domestic level. In this regard, the Mission reviewed the domestic legal avenues and related evidence on impunity and harassment, reprisals and criminal prosecutions of those who are seeking justice, truth and reparations for violations committed against them.

1832. The Mission notes that as recently as October 2023, in his report to the General Assembly the Secretary-General noted that he "is deeply concerned at the lack of transparent and independent investigations into reported human rights violations, in particular in the context of the latest nationwide protests".[3499] Also in October 2023, the Secretary-General noted in his report to the Human Rights Council that "[d]omestic avenues for accountability remain weak and ineffective, particularly in addressing violations in the context of recent protests."[3500] In its concluding observations on Iran, the Human Rights Committee noted that it was "concerned by the apparent lack of independent, impartial and transparent investigations into deaths and injuries following incidents of excessive and lethal use of force and firearms by law enforcement officers, by the lack of prosecution of, and sanctions handed down to, perpetrators and by the lack of remedies for victims, which create a de facto climate of impunity." It also noted the lack of impartial and independent investigations into incidents of "poisoning of around 1,200 schoolgirls between November 2022 and April 2023, allegedly as a reprisal for schoolgirls engaging in peaceful assemblies following the death of Mahsa (Jina) Amini".[3501]

1833. In addition to assessing the current situation, any examination of domestic avenues for accountability also must consider the historic impunity for gross human rights violations in Iran systematically documented and reported by human rights mechanisms. In this respect, the Mission notes that in January 2022, in his report to the Human Rights Council, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran referred to "a culture of impunity that perpetuates the cycles of violence, since violations of human rights have no consequences for the State or for individual perpetrators."[3502] The Human Rights Committee also expressed its concern about past human rights violations and reprisals.[3503]

1834. Historic impunity includes impunity for gross human rights violations in the 1980s. In its report to the Human Rights Council, the WGEID reiterated concerns "about the ongoing concealment of burial sites of those forcibly disappeared and allegedly executed between July and September 1988 across the country. The Working Group recalls that an enforced disappearance continues until the fate and whereabouts of the individual concerned is established and repeats its support for an international investigation on the matter."[3504] It repeatedly raised the issue with the Government of Iran, highlighting ongoing violations and impunity. This includes the allegations of the "continued refusal to disclose the circumstances of deaths and remains of thousands of political dissidents who were forcibly disappeared and then allegedly extrajudicially executed between July and early September 1988 in 32 cities and the authorities refusal to provide families with accurate and complete death certificates".[3505] It also raised the alleged threats, harassment and prosecution of family

[3499] A/78/511, para. 52.
[3500] A/HRC/53/23, para. 53.
[3501] CCPR/C/IRN/CO/4, paras. 9 and 25.
[3502] A/HRC/49/75, para. 64.
[3503] CCPR/C/IRN/CO/4, para. 9.
[3504] A/HRC/51/31.
[3505] AL IRN 20/2020.

members and other individuals seeking information on alleged executions[3506] and the alleged destruction[3507] and desecration[3508] of mass graves. Highlighting the lack of investigations and prosecutions of those responsible, the WGEID group noted that "[t]here is a systematic impunity enjoyed by those who ordered and carried out the extrajudicial executions and enforced disappearances". It also noted the flat denials of the killings.[3509]

International legal framework

1835. As stated in Section 1, under international human rights law, States have the obligation to respect, protect and fulfil human rights in their territory and jurisdiction without discrimination, and are responsible for any violations committed by their organs or agents. This includes the obligation to adopt legislative, judicial, administrative, educational and other appropriate measures to fulfil the human rights,[3510] to investigate and punish the commission of violations, and to ensure that victims of violations have accessible and effective remedies and reparations. Investigations must be carried out independently, impartially, promptly, transparently, thoroughly, and effectively.[3511] The failure to investigate and punish human rights violations and the denial of the right of victims and their families to truth, justice and reparations[3512] constitute a violation to the right to an effective remedy[3513] and a violation of the underlying rights.

Lack of legal protections under domestic law

1836. As stated in sections V, VI, VII, VIII and X, domestic law in and of itself falls short of international human rights standards, thereby failing to fully protect fundamental human rights as part of Iran's commitments as State party to the various human rights treaties. This includes the rights to life, not to be subjected to torture and ill-treatment, not to be subjected to rape and sexual violence, to liberty and security of person and to a fair trial and due process, as well as the right to privacy, to freedom of thought, conscience and religion, to freedom of expression, of peaceful assembly, equality and to non-discrimination, as well as the right to participate in public life, to bodily integrity and autonomy, right to privacy, and to access to education and to health. The lack of full implementation of human rights in domestic legislation denies victims of violations of those rights an effective remedy.

1837. The lack of an available remedy is further confirmed by the fact that the Mission did not find any evidence of criminal investigations into allegations of the human rights violations covered in its report, in particular arbitrary arrests and detention, unlawful deaths, torture, rape and sexual violence, nor any evidence of prosecutions of the perpetrators or the provision of any other forms of redress to victims.

[3506] AL IRN 20/2020. See also IRN 30/2016; IRN 21/2017. See also "Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity", Amnesty International, 14 December 2018.
[3507] A/HRC/WGEID/111/1, Annex II, para. 17.
[3508] IRN 21/2017.
[3509] AL IRN 20/2020.
[3510] CCPR, General Comment 31, CCPR/C/21/Rev.1/Add. 13, para. 6.
[3511] See CCPR, General Comment 31, CCPR/C/21/Rev.1/Add. 13, para. 15; General Comment 36, CCPR/C/GC/36; General Comment 37, CCPR/C/GC/37; The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), Office of the United Nations High Commissioner for Human Rights, New York/Geneva (2017); ECOSOC, Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989), para. 9; The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), paras. 57, and 71-72, A/RES/70/175 (2015); The updated Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022); and United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement (2020).
[3512] See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147); see also ICCPR, article 2; CCPR, General Comment 31, CCPR/C/21/Rev.1/Add. 13, paras. 4, 15 and 17.
[3513] ICCPR, art. 2.

1838. The lack of independence of the judiciary and prosecutors, as detailed in Section II, and the lack of transparency and accountability of the judicial system and interference with the independence of the Iranian Bar Association and members of the bar, as established in sections V and X, create further impediments for victims of human rights violations to access justice. Judges denied victims' access to justice, including by ignoring torture allegations and denying them victim status because of supposed infractions.[3514] In light of their involvement in human rights violations, including unlawful deaths, torture and arbitrary detention, as established by this document, the role of intelligence entities in judicial proceedings, as elaborated in Section X, represents an effective bar for any victim of such violations to seek justice before the courts. Equally, defence lawyers from the head of the judiciary's approved list, who, as discussed in Section X, did not provide effective assistance and/or disregarded torture allegations or even contributed to fair trial violations, can hardly be considered viable legal advocates for victims of these violations.

1839. Moreover, as described in this document, mechanisms and procedures for investigating potentially unlawful deaths and torture, rape and ill-treatment are either lacking or are not consistent with international human rights law and standards. The Mission found no evidence of formal administrative or legal accountability mechanisms within security or intelligence forces, including the IRGC, Basij and FARAJA.

1840. While the Iranian authorities have announced a number of investigations, the Mission found that they did not meet the international human rights standards applicable to domestic investigations. In particular, after the establishment of the "special committee to investigate the 2022 unrest" and an initial call with members of the committee in July 2023, the Mission sought information detailed information on its working methods via a letter sent on 27 July 2023, but received no response.

Special Committee to investigate the 2022 unrest

1841. The Special Committee provided a statement and a response in September 2023, and the Mission reviewed its website and conducted a second call with members of the Special Committee in January 2024. The chairperson of the special committee noted that the Special Committee was considering complaints received, including supporting material, had received full cooperation in its investigation by different State entities, including the Ministry of Interior, Ministry of Intelligence and the security advisor, including receiving reports and material from them; and had visited different provinces. The chairperson stated that members of the special committee had spoken to families of those killed and injured, both law enforcement and "normal people". This was done without the presence of any government officials and the families expressed their grievances without fear of reprisals. The chairperson said that Special Committee identified all those who had lost their lives during the protests, including passers-by, law enforcement, and "rioters" and that victims had received compensation.[3515]

1842. In its January 2024 call with the Mission, the Special Committee claimed that the protests took a violent turn because of the involvement of foreign actors and also blamed social media. It further warned the Mission that any allegations of rape and sexual violence were cowardly allegations intended to pervert the public and warned the Mission not to fall into this trap. The Special Committee noted that during the visit of its members at Evin prison, they had not seen any inmates under the age of 30 and the prison list did not contain under 18-year-olds. While the members of the Special Committee had received a number of "objections" from the inmates, including on the duration of their detention and their prosecutions, two journalists were released after the visit. One of the members maintained that the rights of defendants in Iran are among the best in the world.[3516]

1843. The Mission reviewed all available information on the composition, mandate and work of the Special Committee in light of the criteria under international human rights law and standards applicable to domestic investigations, in particular independence, impartiality,

[3514] See Section V.
[3515] FFM-IRAN-D-001784 (FFMI meeting).
[3516] FFM-IRAN-D-001784 (FFMI meeting).

transparency, thoroughness and effectiveness. In its exchanges with the Mission, the Special Committee emphasized its independence and impartiality and highlighted the diverse expertise of the members of the secretariat, the lack of Government affiliations of the members of the secretariat and the fact that the Special Committee's records are exclusively accessible to the secretariat. It also noted that it was to present findings to the President and to the judicial bodies. This being said, the Mission is concerned about the lack of institutional independence of the Special Committee and its members, as well as about prejudicial public statements about those involved in the protests that began on 16 September 2022 made by some of its members. The Special Committee has not responded to the Mission's queries on concrete steps taken to ensure the former's institutional and substantive independence and its ability to work independently and impartially. No further details were available on the substantive profiles, roles and responsibilities of the secretariat staff, or on the resources given to the special committee.

1844. On transparency, the Mission has not been able to establish whether the hearings of the Special Committee were public, whether the reported invitation to media was a standing one and whether such invitation extends to all media or selected ones. The Mission has not found any indication that media can request access to the sessions or hearings and was not able to obtain substantive information on the frequency or format of the hearings. Furthermore, while the Special Committee referred to its mandate on informing the public, it had not confirmed to the Mission that its factual and legal findings would be presented to the public or that there will be any engagement with the public.

1845. Regarding effectiveness and thoroughness, the Special Committee assured that requisite measures to provide support to witnesses and victims will be taken assiduously safeguarding their statements, reports, and documents. Reference was made to the require consent from victims and witnesses to for their records to be transferred by the Special Committe to relevant institutions. The Special Committee also made reference to taking into account testimonies of victims and witnesses, to conducting interviews, to on-site inspection and to communication with agencies to obtain reports or investigate matters. It notes that the "identification of both victims and alleged transgressors will be achieved" *inter alia* by the investigation conducted by the secretariat. The findings of the Special Committee will be submitted to judicial bodies for consideration and making a judicial decision.

1846. However, the Mission has many concerns in this context. The Mission was not able to establish whether the Special Committee applied the norms and standards contained in the international human rights treaties to which Iran is a party and reflected in international customary law. On the collection, analysis and preservation of evidence, it remained unclear whether the special committee had the power to summon individuals and seize evidence, which would be particularly relevant in the case of alleged perpetrators and where evidence is in the possession of agencies allegedly involved in violations. No further information was provided on whether the Special Committee's findings would determine the cause, manner, location and the dates of commission of human rights violations, on the standard of proof applied, how evidence would be preserved, and what would happen to the Special Committee's archives.

1847. While referring to the identification of "transgressors" and the submission of findings to judicial bodies, the Special Committee did not explicitly state whether alleged perpetrators would be individually named in its findings and whether it would recommend that such persons should be brought before a competent court established by law, in particular if they were government actors.

1848. The Mission has not obtained information on effective steps taken to ensure the rights on victims, their protection and support and on fostering women's participation in the Committee's process and providing a safe and enabling environment.

1849. On 18 March 2024, the "Special Committee to investigate the 2022 unrests" released a summary of its findings.[3517] According to the summary, the Committee found that Jina

[3517] Statement of the President of the Special Committee investigating the 2022 Unrests, 18 March 2024.

Mahsa Amini's death was "not attributable to physical contact, assault or any form of bodily trauma". It further found that 202 individuals lost their lives in the protests, of whom 90 were engaged in carrying and utilizing weapons; 112 were bystanders who "perished amidst the riots", and that 79 law enforcement officers and civilians were "martyred by terrorists and violent rioters". The Special Committee made no mention of protesters killed by security forces. With respect to arrests and detentions, the Special Committee stated that 34,000 individuals had "judicial cases" filed against them, but that "during the unrest, the number of individuals in detention did not exceed 3,000". The Committee stated that 292 remain in detention. The Committee stated that the Judiciary had addressed over 244 cases of public complaints against law enforcement officers associated with the "2022 riots" and that these ranged from "assault, insult, and destruction to arrest and murder". Separately, 21 security personnel had been subjected to disciplinary measures following public complaints. Accordingly, the Special Committee decided through instructions of the National Security Council to compensate 122 individuals. The Special Committee concluded that while there had been "isolated instances of misconduct by certain law enforcement personnel, these transgressions were not indicative of government policy". The summary finding also stated that "[I]n alignment with the complete enforcement of Article 27 of the Constitution, plans and proposals concerning assemblies and demonstrations should be promptly allocated to the Islamic Consultative Assembly for consideration."

1850. The Mission acknowledges the findings of the Special Committee, but in the absence of access to underlying evidence in support of its conclusions, in accordance with the Mission's methodology, it is not in a position to assess the validity and credibility of the Committee's findings. Moreover, based on the summary findings of the Committee it does not appear that its recommendations include any measures to bring legislation in line with Iran's obligations under international human rights law, in particular on the rights of peaceful assembly, to freedom of expression and the right to life.

Harassment and reprisals against victims, their families and lawyers

1851. In its findings in sections III, V and X, the Mission extensively described the systematic harassment and reprisals against victims of human rights violations, their families and lawyers, who have tried to seek the truth and obtain justice and reparations. As detailed in Section 5, families of victims are denied access to the bodies of their killed loved ones, funeral and memorial ceremonies according to their beliefs and tradition, as well as information on the circumstance of their victimisation. Families of those killed and injured are being threatened into silence and harassed after speaking, including to the media, holding memorials, or lodging official complaints.

1852. On 18 March 2024, the "Special Committee to investigate the 2022 unrests" released a summary of its findings. According to the summary, the Committee found that Jina Mahsa Amini's death was "not attributable to physical contact, assault or any form of bodily trauma". It further found that 202 individuals lost their lives in the protests, of whom 90 were engaged in carrying and utilizing weapons; 112 were bystanders who "perished amidst the riots", and that 79 law enforcement officers and civilians were "martyred by terrorists and violent rioters". The Special Committee made no mention of protesters killed by security forces. With respect to arrests and detentions, the Special Committee stated that 34,000 individuals had "judicial cases" filed against them, but that "during the unrest, the number of individuals in detention did not exceed 3,000". The Committee stated that 292 remain in detention. The Committee stated that the Judiciary had addressed over 244 cases of public complaints against law enforcement officers associated with the "2022 riots" and that these ranged from "assault, insult, and destruction to arrest and murder". Separately, 21 security personnel had been subjected to disciplinary measures following public complaints. Accordingly, the Special Committee decided through instructions of the National Security Council to compensate 122 individuals. The Special Committee concluded that while there had been "isolated instances of misconduct by certain law enforcement personnel, these transgressions were not indicative of government policy". The Mission acknowledges the findings of the Special Committee, but in the absence of access to underlying evidence in support of its conclusions, in accordance with the Mission's methodology, it is not in a position to assess the validity and credibility of the Committee's findings.

1853. State authorities summoned family members for interrogation, arrested, detained and charged or prosecuted them for vaguely worded national security offences, with sentences including imprisonment and flogging, as shown in Section X.

1854. Moreover, as detailed in sections III and X, State authorities arrested, detained, charged and prosecuted lawyers in connection with their professional work representing their clients, including for offering legal aid and assistance to protesters, victims and their families; denouncing the torture and ill-treatment of their clients; expressing their opinions, including in solidarity with the protests; and giving interviews to media outlets.

Findings

1855. The Mission found no evidence of effective domestic remedies for victims of human rights violations and established that the authorities had failed to investigate allegations of human rights violations, or to prosecute or punish those responsible, and had deliberately and systematically obstructed any efforts by the victims and their families to obtain redress and establish the truth. Moreover, the Mission established that State authorities retaliated against privately appointed lawyers defending protestors and their families.

1856. The domestic legal framework is set to prevent and obstruct any efforts of victims and their families to obtain a remedy and reparation. Denied their rights to equality, truth, justice and reparations, victims have been subjected to a justice system lacking independence, transparency, and accountability. Judges, prosecutors, intelligence officers and defence lawyers from the head of the judiciary's approved list, all worked in unison to deny and conceal violations, shield the perpetrators and punish and silence those seeking accountability.

The right of victims to equality, to access justice, truth and reparations in Iran

1857. Pursuant to the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, victims and their families have the right to truth, justice and reparation.[3518] States must incorporate norms of international human rights law and international humanitarian law into their domestic law, or otherwise implement them in their domestic legal system; adopt appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice; make available adequate, effective, prompt and appropriate remedies, including reparation, as defined below; and ensure that their domestic law provides at least the same level of protection for victims as that required by their international obligations.[3519] Moreover, States must provide those who claim to be victims of violations with equal and effective access to justice; and provide effective remedies to victims, including reparation.[3520] Accordingly, States should implement full and effective reparations including measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition[3521].

1858. In light of the entrenched impunity, and the recurrence and ongoing nature of serious human rights violations, especially with respect to women and children, the Mission highlights, in particular, the obligation of Iran to provide guarantees of non-repetition or non-recurrence, both, as part of a victim-specific remedy and towards society at large.[3522] Guarantees of non-recurrence are designed to tackle the causes and enablers of human rights violations and crimes against humanity, hence they have a crucial role in preventing future violations and reinforcing the rule of law, respect for human rights, and contributing to sustaining peace and development.[3523]

[3518] Adopted by General Assembly resolution 60/147 of 16 December 2005 (A/RES/60/147).
[3519] A/RES/60/147, para. 1 (a)-(d).
[3520] A/RES/60/147, para. 2 (c)-(d).
[3521] A/RES/60/147, paras. 15 to 23.
[3522] For guarantees of non-repetition as form of reparation, see A/RES/60/147; for guarantees of non-recurrence, see A/HRC/30/42; A/70/438.
[3523] Office of the United Nations High Commissioner for Human Rights, Guarantees of non-recurrence. See also A/HRC/14/22, para. 62.

1859. The Mission found pervasive and deep-rooted structural and institutionalised discrimination against women and girls, permeating all areas of their public and private lives. It has detailed the structural limitations to women's and girls' enjoyment of fundamental rights based on their sex, gender, and a variety of intersectional factors including, *inter alia*, ethnicity, age, religion and belief, sexual orientation and gender identity, and economic status. They include unwarranted limitations and denial of fundamental rights with elements of segregation for women and girls; reinforced by an institutionalized system of discrimination.

1860. Based on the above, reparations for women and girls and guarantees of non-recurrence should encompass legal reforms to ensure that *prima facie* discriminatory norms in all aspects of private or public life are modified to guarantee the rights of women and girls; moreover, the Mission has identified a set of laws and regulations that do not comply with the principles of legality, necessity, proportionality, or are not based on legitimate grounds that have enabled the human rights violations outlined in this document. Such laws and policies should be repealed or revised with a priority given to those that may be most impactful in response to the perpetuation of structural discrimination and violence documented in this document. Key within these measures, the repealing of laws on the mandatory *hijab*, the reform of legislation and policies on the protection of physical integrity, on the use of force, on sexual and reproductive rights, on child marriage, on freedom of expression, on freedom of religion and belief, access to public life, and fair trial guarantees.

1861. A set of critical measures, linked to the cessation of ongoing violations include the release of those on trial or sentenced based on their participation in protests, of women challenging institutionalized discrimination, and lawyers and journalists supporting them. The Government of Iran must enact an immediate moratorium on the use of the death penalty, with a view to abolishing the practice altogether.

1862. Moreover, breaking the cycle of inequality, violence and impunity fostered by institutionalized systems requires that the reparations and guarantee of non-recurrence include measures to ensure that women are part of the decision-making processes regarding all issues, as a corollary to the right to fully participate in public life. Specifically, it should include measures to ensure full participation by women from all backgrounds in all levels of government and State institutions. Women's segregation and underrepresentation erodes the legitimacy of institutions and limits their ability to address intersectional discrimination and violence. Critical measures of reparation and guarantees of non-recurrence relate to the appointment of positions to the judiciary, legislative, and executive functions, ensuring an adequate representation of women and keeping parity as a measure of equality.

1863. The overhaul of the justice system to ensure its independence, impartiality, and robust guarantee of the rights of women and children as well as minorities, is also a critical part of the reparations necessary to guarantee non-recurrence of the systematic violations of fundamental rights enabled by the judicial system in place. In light of the Mission's findings, the following measures are critical: independent mechanisms for the selection and removal of judges and prosecutors; a commitment to gender parity and representation in the administration of justice system; a full and comprehensive review of fair trial guarantees in criminal processes, including full implementation of the absolute prohibition to use evidence obtained under torture.

2. Avenues for accountability and reparations outside Iran

1864. In light of the severely limited options for accountability and reparations for victims of human rights violations in Iran, the Mission reviewed other available avenues outside of the country. In other contexts, where victims of gross human rights violations and their families have not been provided equal and effective access to justice and adequate reparations for the harm suffered in the country in which their victimization took place, they have sought remedies and reparations outside. Both the international and domestic legal systems offer victims and their families avenues – albeit narrow – for accountability. This section describes ongoing accountability initiatives on alleged human rights violations in Iran in third States and internationally. It specifically maps available legal avenues outside Iran for victims of human rights violations in Iran described in this document, both at domestic and international level.

(a) Domestic legal proceedings in other countries

Accountability initiatives on Iran

1865. While there is currently no publicly available information on ongoing criminal investigations at domestic level in relation to human rights violations in the context of the protests that began on 16 September 2022, recent accountability processes and initiatives in relation to human rights violations committed in Iran, including in relation to the protests, are noteworthy.

1866. On 14 July 2022, for instance, the Stockholm District Court in Sweden found Iranian national Hamid Nouri, who worked in an assisting role to the deputy prosecutor at Gohardasht Prison, guilty of war crimes and murder committed in 1988 on the basis of universal jurisdiction and sentenced him to life imprisonment. The court heard 72 testimonies, including from 34 plaintiffs, 26 witnesses and 12 expert witnesses or witnesses with special knowledge about a relevant issue for the case.[3524] For two weeks in November 2021, the court also relocated to Durrës, Albania, to hear the testimony of plaintiffs who reside there.[3525] On 19 December 2023, the Svea Court of Appeal upheld the district court judgment and sentenced the defendant to life in prison for war crimes and 24 accounts of murder.[3526]

1867. Separately, in June 2023, the European Center for Constitutional and Human Rights (ECCHR) announced that it had filed a criminal complaint with the German Federal Prosecutor against judicial authorities in Iran for crimes against humanity. The allegations refer to the 2020 abduction of and the death sentence against a German Iranian national, Jamshid Sharmahd.[3527]

1868. In an effort to seek accountability for victims through the application of common criminal law, lawyers for six plaintiffs in France announced that on 14 September 2023, they had filed a criminal complaint against three senior Iranian officials with the prosecutors in Paris in relation to alleged public death threats by the officials in response to support for nationwide protests in Iran following the death in custody of Jina Mahsa Amini.[3528]

Establishing jurisdiction

1869. Third States establishing jurisdiction over the human rights violations in Iran described in this document under the principle of universal jurisdiction constitute an avenue for accountability for victims. Pursuant to the principle of universal jurisdiction, States may and, under certain circumstances, are under the obligation to exercise extraterritorial jurisdiction over crimes under international law, in the absence of any other national link (territorial or nationality). This is based on the understanding that States share a common interest in the adjudication of certain crimes under international law. Applying the principle of universal jurisdiction, some national criminal codes provide for holding individuals liable for crimes under international law committed outside of the territory of the State, including

[3524] Civil Rights Defenders, "Report 43: The Verdict", Trial Reports, 17 July 2022.
[3525] Civil Rights Defenders, "Report 15: Plaintiff Hearings pt. 9", Trial Reports, 19 November 2021; Civil Rights Defenders, "Report 16: Plaintiff Hearings pt. 10", Trial Reports, 25 November 2021.
[3526] Civil Rights Defenders, "Report 58: The Court of Appeal's verdict", Trial Reports, 22 December 2023.
[3527] Criminal complaint against judicial authorities in Iran: German Federal Public Prosecutor must investigate crimes against humanity: Case of German-Iranian citizen Jamshid Sharmahd, ECCHR.
[3528] "Iran: le chef des Gardiens de la révolution visé par une plainte en France", RFI, 14 Septembre 2023.

torture and enforced disappearance,[3529] irrespective of whether the State in which the violation was committed is a party to a relevant international treaty.[3530]

1870. Treaty law indeed also provides a basis for exercising jurisdiction for human rights violations committed extra-territorially. In particular, irrespective of the nationality of the victim, States are under the obligation to exercise jurisdiction over acts committed outside their territory by non-nationals pursuant to some human rights treaties such as the Convention against Torture. Article 5 (2) of the Convention against Torture requires States parties to that Convention to establish extra-territorial jurisdiction if the alleged offender or the victim is a national of the State party. In addition, the Convention further requires "*each State Party to take measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him*".[3531] This obligation requires at minimum that the State party "immediately make a preliminary inquiry into the facts".[3532] While Iran is not itself a State party to the Convention against Torture, many countries where victims of torture in Iran reside, including many who have been interviewed by the Mission, and to which alleged perpetrators may travel to, are parties to this Convention.[3533]

1871. In addition, States parties to the Rome Statute also have a duty to exercise jurisdiction when crimes under the Rome Statute are committed on their territory or by their nationals. The States parties to the Rome Statute, in particular, have enshrined and codified the crime of genocide, crimes against humanity, war crimes, and the crime of aggression in their domestic legislation. In this context, States have applied, under certain circumstances,

[3529] N.B. International Law Commission's draft articles on prevention and punishment of crimes against humanity foresee, in addition to jurisdiction based on the territorial and the passive and active personality principle, respectively, that States parties take the necessary measures to establish their jurisdiction over the offences covered by the draft articles "in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite or surrender the person in accordance with the present draft articles". An international treaty on crimes against humanity would only strengthen the prevention and criminalization of crimes against humanity in national jurisdictions and the use of universal jurisdiction. See draft articles on Prevention and Punishment of Crimes Against Humanity, Adopted by the International Law Commission at its seventy-first session, in 2019, and submitted to the General Assembly as a part of the Commission's report covering the work of that session (A/74/10). The report will appear in Yearbook of the International Law Commission, 2019, vol. II, Part Two, article 7.The General Assembly invited States to submit by the end of 2023 written comments and observations on the International Law Commission's draft articles and on the recommendation of the Commission for the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles. See A/RES/77/249, para. 6.

[3530] Universal jurisdiction should not be confused with the obligation to extradite or prosecute (*aut dedere aut judicare*) as it constitutes a basis for exercising jurisdiction, rather than an obligation to prosecute in all circumstances (i.e. beyond the effect of the relevant treaty). This being said, States parties to treaties containing the *aut dedere aut judicare* obligation commit to criminalizing the relevant treaty offenses in their domestic law. Those codified crimes in turn for the basis of any investigation and prosecution under the principle of universal jurisdiction. Moreover, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance oblige States parties to establish their jurisdiction, even universal jurisdiction, and to prosecute the perpetrators of crimes covered by these treaties, whether or not there has been a request for extradition by another State. See A/65/181, paras. 18-22. See also International Law Commission, The obligation to extradite or prosecute (aut dedere aut judicare), Final Report of the International Law Commission, 2014; A/CN.4/L.844.

[3531] Article 5 (1) of the Convention against Torture provides for jurisdiction based on the territoriality principle (the offence having been committed on the state's own territory), the active personality principle (nationality of the perpetrator) or the passive personality principle (nationality of the victim). The Mission notes that Article 7 of the ILC Draft Articles on Prevention and Punishment of Crimes Against Humanity also provides for the establishment of national jurisdiction.

[3532] See Questions related to the Obligation to Prosecute or Extradite, (Belgium v. Senegal), International Court of Justice, Judgment, 20 July 2012.

[3533] On general examples of international travel and assets of officials of the Islamic Republic of Iran, see FFM-IRAN-D-001389 (submission).

relevant criminal codes and specific crimes against humanity laws to non-nationals present in their territory for crimes committed in the territory of States that may not be parties to the Rome Statute.[3534]

1872. To date, 148 United Nations Member States reportedly have laws that allow them to investigate and prosecute at least one of the four most serious international crimes, namely genocide, crimes against humanity, war crimes, and the crime of aggression even when committed outside of their territory.[3535] Courts in Argentina, Belgium, France, Germany, the Netherlands, Sweden, and Switzerland, in particular, have exercised some form of universal jurisdiction, which may be particularly relevant in the present context.[3536] In Argentina, for instance, courts have admitted universal jurisdiction claims based on the Constitution,[3537] without any link to either Argentinian nationals nor to perpetrators or victims present on Argentinian territory. Notably in 2021, the Federal Criminal and Correctional Chamber of the Autonomous City of Buenos Aires ordered that the federal jurisdiction of Buenos Aires must investigate the alleged commission of crimes against humanity in Myanmar committed between 2012 and 2017 within the framework of a widespread and systematic attack against the civilian population of the Rohingya community, based on the principle of universal jurisdiction. The court considered that this crime was provided for in the constitution and in the international treaties on human rights to which Argentina is a party. It accepted the prosecutor's argument that the ongoing investigation in the Prosecutor's Office of the International Criminal Court (ICC) does not concern the same criminal conduct, that no link to Argentina was necessary, and that no domestic legal avenues were available in Myanmar. Among other evidence, the court relied on the findings of the Independent International Fact-Finding Mission on Myanmar, including on the lack of domestic accountability avenues.[3538]

1873. As another example, in Germany, universal jurisdiction is codified in the 2002 Code of Crimes against International Law, as part of the domestic codification of the Rome Statute. Pursuant to the 2002 Code, Germany has jurisdiction over the crime of genocide, crimes against humanity and war crimes, without requiring either the victim or the accused to be a German national.[3539] Currently, the German legislation, however, does not provide for universal jurisdiction for torture as a stand-alone crime. It is worth mentioning that in July 2023, the German Ministry of Justice presented a Draft Bill on the Further Development of International Criminal Law.[3540] The draft bill includes a number of changes to the 2002 Code, relevant provisions of the Code of Criminal Procedure and the Courts Constitution Act.[3541]

[3534] E.g. prosecutions for crimes against humanity committed in Syria, which is not a State Party to the Rome Statute, *inter alia* in Germany and France. See Trial International, Universal Jurisdiction Annual Review 2022.

[3535] "Justice Beyond Borders", Clooney Foundation for Justice, last visited 26 November 2023.

[3536] See "Universal Jurisdiction Annual Review 2022", Trial International in relation to other countries, such as Austria, Finland, Ghana, Hungary, Italy, Lithuania, Spain, United Kingdom, and United States.

[3537] Based on article 118 of the Argentina Constitution referring to crimes committed outside the territory of Argentina against public international law, the Federal Act 48 on the jurisdiction and competence of the national tribunals referring in its article 21 to the application by national tribunals and judges of, *inter alia*, *el derecho de gentes*, and article 25 of the American Convention on Human Rights on the right to judicial protection. See Constitución de la Nación Argentina (Constitution of Argentina), article 118. Refers to "el derecho de gentes", translated as "against public international law" in English versions. See also A/77/186, para. 6. Additionally, Article 4 of the Rome Statute implementation law provides that if an alleged perpetrator of genocide, crimes against humanity or war crimes is present in a territory subject to Argentina's jurisdiction an investigation shall be opened before national courts, unless the person is extradited to another state or surrendered to the International Criminal Court. See Ley 26.200, Ley de Implementación del Estatuto de Roma, promulgated on 5 January 2007.

[3538] "La Cámara Federal porteña ordenó investigar la denuncia sobre crímenes de lesa humanidad en Myanmar", Las Noticias del Ministerio Público Fiscal, 29 November 2021.

[3539] 2002 Code of Crimes Against International Law (*Völkerstrafgesetzbuch*), arts. 1, 6-12.

[3540] Entwurf eines Gesetzes zur Fortentwicklung des Völkerstrafrechts, 14 July 2023.

[3541] Regarding sexual and gender-based violence, sexual coercion would no longer be required for sexual offenses per the proposed amendment. However, the draft bill does not appear to foresee the

Separately, a separate stand-alone crime of enforced disappearance in the regular German Code of Crime is reportedly forthcoming.[3542]

1874. While domestic legislation in France provides for universal jurisdiction,[3543] for a long time its application was narrowed by four conditions,[3544] the so-called four locks. More recently, in May 2023, the Court of Cassation found that the habitual residence requirement was satisfied when there was sufficient connection between France and the defendant, i.e. a primary residence was not required. It also widened its interpretation of the double criminality standard by focusing on the underlying acts that make up the relevant crimes.[3545] Furthermore, on 22 November 2023, the relevant provision in the French Code of Criminal Procedure was amended removing completely the requirement of double criminality and relaxing the condition of habitual residence by referring to a "sufficient connection" ("*lien de rattachement suffisant*").[3546]

1875. National jurisdictions generally foresee some sort of immunity of state officials from prosecution, which also applies to the exercise of universal jurisdiction. The 2003 International Crimes Act in the Netherlands for instance foresees personal and functional immunity with respect to international crimes.[3547] Whilst accountability initiatives before national courts have sometimes stalled due to issues of immunity, the claims of immunity should not under all circumstances represent an obstacle to accountability. In this regard, the Mission notes that the more complete immunity enjoyed by a head of State ceases when that person leaves office, to be replaced by a functional immunity (immunity *ratione materiae*) applicable also to other State officials. Considering the increasing recognition[3548] that immunity *ratione materiae* should not apply with respect to the crime of genocide, crimes against humanity, war crimes, the crime of apartheid, torture and enforced disappearance, States are able to take action to ensure accountability for such crimes.

Structural investigations

inclusion in the 2002 Code of the additional offense of other forms of sexual violence of comparable severity, which is currently absent.

[3542] Wolfgang Kaleck and Andreas Schüller, "Room for Improvement - A Critical Assessment of 20 Years of the Code of Crimes Against International Law in Germany from an NGO Perspective", Journal of International Criminal Justice (2023), p. 14.

[3543] French Code of Criminal Procedure (articles 689, 689-2, 689-11, 689-13) provides for universal jurisdiction for e.g. torture, enforced disappearance, and crimes within the Rome Statute (crime of genocide, crimes against humanity and war crimes).

[3544] French Code of Criminal Procedure, article 689-11. Under the first, the double criminality standard required that the conduct be criminalized in France and in the State in which the conduct occurred. Under the second lock, the alleged perpetrator needs to "habitually" reside in France, asylum included. The third lock constitutes the principle of subsidiarity according to which authorities will prosecute if the authorities in the territory where the crime was committed are unable or unwilling to prosecute, or an extradition to the territorial state is not possible. Lastly, the fourth lock is the prosecutorial discretion over whether to initiate proceedings.

[3545] Cour de cassation, Pourvoi n° 22-82.468, 12 May 2023, paras. 43-45, 72-77; Cour de cassation, Pourvoi n° 22-80.057, 12 May 2023, paras. 39-40.

[3546] French Code of Criminal Procedure, article 689-11, as modified by law n°2023-1059 dated 20 November 2023, art. 22. Further efforts are being made at domestic level at closing the accountability gap. In the United Kingdom, for instance, on 25 April 2023, one of its members presented in the House of Commons a bill providing that the offences of genocide, crimes against humanity and war crimes may be tried in the United Kingdom regardless of the nationality or residence of the offender, the Universal Jurisdiction (Extension) Bill. The 2022-2023 session of Parliament has prorogued and it is indicated that this bill will make no further progress. Such initiative would further close gaps. See United Kingdom Parliament, Parliamentary Bills, Universal Jurisdiction (Extension) Bill, Private Members' Bill (under the Ten Minute Rule), originated in the House of Commons, Session 2022-23.

[3547] Act of 19 June 2003 containing rules concerning serious violations of international humanitarian law (International Crimes Act), Section 16 provides that "[c]riminal prosecution for one of the crimes referred to in this Act is excluded with respect to: (a) foreign heads of state, heads of government and ministers of foreign affairs, as long as they are in office, and other persons in so far as their immunity is recognised under customary international law; (b) persons who have immunity under any Convention applicable within the Kingdom of the Netherlands.

[3548] See A/CN.4/L.969, draft article 7.

1876. Some countries are able to open structural investigations into a certain situation in another country, before a suspect has been identified. Victims and witnesses of human rights violations in Iran described in this document may be present on and alleged perpetrators may travel to the territory of States, whose authorities can open structural investigations thus allowing them to secure high-quality evidence at an early stage, including on contextual elements and structures, with the aim of eventually opening an investigation against a specific perpetrator. Indeed, while some jurisdictions only allow for the opening by the authorities of an investigation into alleged crimes under international law committed abroad by a non-citizen if the suspect is identified and is present in the country,[3549] others, including Germany, France, England and Wales, and Sweden, allow for the opening by prosecutorial authorities of structural investigations into a general situation without an identified suspect.

1877. In Germany, for instance, while not explicitly foreseen in the Code of Criminal Procedure, the Federal Prosecutor has used the prosecutorial strategy of structural investigations for international crimes since 2011.[3550] It constitutes a full-fledged investigation for the purpose of investigating and collecting evidence on specific structures, within which crimes under international law allegedly have been committed. The investigation extends to the contextual elements of the alleged crimes, such as the *chapeau elements* of crimes against humanity, for instance.[3551] These investigations allow the prosecutor to acquire knowledge and collect evidence often necessary to conduct investigations against individuals that are alleged to have committed these crimes.[3552] The evidence collected also allows the prosecutor to react quickly when a suspect enters Germany in the future and thus triggers the duty to investigate.[3553] It may also be shared with a court of another state or an international court pursuant to judicial cooperation, and can lead to the opening of an investigation against a specific person even if that person is not in Germany.[3554]

1878. In practice, Syrian officials Eyad al-Gharib and Anwar Raslan were convicted in 2021 and 2022, respectively, for crimes against humanity following a structural investigation into

[3549] Dutch International Crimes Act (Wet internationale misdrijven / ICA), art. 2 (1). Jurisdiction is terminated if the suspect leaves the country during the investigation. Courts are still able to proceed if the suspect leaves once a prosecution has started. See also Swiss Criminal Code, arts. 6(1), 7(1-2), 164m(1).

[3550] Wolfgang Kaleck and Patrick Kroker, "Syrian Torture Investigations in Germany and Beyond - Breathing New Life into Universal Jurisdiction in Europe?," Journal of International Criminal Justice 16 (2018), p. 179.
For a structural investigation, prosecutors in Germany need to be satisfied that they have access to evidence on alleged acts, including witnesses, that alleged perpetrators may travel to Germany and that a crime under international law has been committed. If an alleged perpetrator travels to Germany, the prosecutor is under a legal obligation to open a case against them. Generally speaking, the legal threshold for a prosecutor to open an investigation is "sufficient factual indications" of a crime that a prosecutor can investigate, and pursuant to the mandatory prosecution principle, prosecutors are obligated to open an investigation unless the law provides otherwise. See German Code of Criminal Procedure (Strafprozeßordnung / StPO), art. 152) Within the StPO, German prosecutors have used their discretion to decline pursuing cases when no German national is involved (perpetrator or victim) and when the suspect is neither present in nor expected to be present Germany in the foreseeable future (applying exceptions, StPO arts. 152, 153f).

[3551] FFM-IRAN-D-001783 (FFMI meeting).

[3552] Wolfgang Kaleck and Patrick Kroker, "Syrian Torture Investigations in Germany and Beyond - Breathing New Life into Universal Jurisdiction in Europe?", Journal of International Criminal Justice 16 (2018), p. 179.

[3553] Wolfgang Kaleck and Patrick Kroker, "Syrian Torture Investigations in Germany and Beyond - Breathing New Life into Universal Jurisdiction in Europe?", Journal of International Criminal Justice 16 (2018), p. 179.

[3554] Wolfgang Kaleck and Patrick Kroker, "Syrian Torture Investigations in Germany and Beyond - Breathing New Life into Universal Jurisdiction in Europe?", Journal of International Criminal Justice 16 (2018), pp. 179-180.

the commission of war crimes and crimes against humanity in Syria opened a decade earlier.[3555]

1879. In Sweden, the prosecutors at the national unit against international and organized crime (*Riksenheten mot Internationell och Organiserad brottslighet*) have been conducting structural criminal investigations, including in relation to Syria and Ukraine. Investigations are opened when there is an amount of evidence to be collected in Sweden to result in an indictment.[3556] Generally speaking, the legal threshold provides that a prosecutor "shall" initiate investigations when there is "cause to believe that an offense subject to public prosecution has been committed".[3557] In France, a structural investigation was opened in 2015 regarding crimes allegedly committed by Syrian government officials during the armed conflict. The United Kingdom is said to have 13 structural investigations open.[3558] The public prosecutors in several countries have reportedly opened structural investigations in relation to crimes under international law committed in Ukraine.[3559]

Rights of victims

1880. In the case of any legal proceedings, victims of human rights violations in Iran described in this document may enjoy different rights depending on the jurisdiction, including in relation to the degree of their participation, to their role, and to the degree of protection, legal aid, rehabilitation, support, and damages granted. Proceedings may include, *inter alia*, civil lawsuits, criminal proceedings, or local trials to establish state responsibility.

1881. Under article 14 of the Convention against Torture, victims of an act of torture, regardless of where it occurred, can obtain redress, and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.[3560]

1882. In many jurisdictions, victims may submit a criminal complaint.[3561] In France,[3562] for instance, the standard applied for the investigating judge to order the communication of the

[3555] "The Trial of Anwar Raslan and Eyad Al-Gharib", Syria Justice and Accountability Centre, Trial Report 1, April 2020.

[3556] FFM-IRAN-D-001783 (FFMI meeting). When deciding to open an investigation, prosecutors, who enjoy a great deal of independence, are said to consider the existence of crimes against humanity for acts after 1 July 2014, of acts that fall into the torture definition of the Convention on the Prevention and Punishment of Torture, including rape, since 1 January 2022 and of murder, as well as the potential presence of a large number of victims and witnesses and an alleged perpetrator in Sweden.

[3557] Code of Judicial Procedure ch. 23, para. 1(1). Prosecutors may decline to open an investigation, if they decide it is "manifest that it is not possible to investigate the offense". See Code of Judicial Procedure ch. 23, para. 1(2)).

[3558] FFM-IRAN-D-001783 (FFMI meeting).

[3559] FFM-IRAN-D-001783 (FFMI meeting).

[3560] Christopher Keith Hall, "The Duty of States Parties to the Convention against Torture to Provide Procedures Permitting Victims to Recover Reparations for Torture Committed Abroad", The European Journal of International Law Vol. 18 no. 5 (2005).

[3561] E.g. in Argentina, to the General Secretariat at the Federal Criminal Appeals Court (Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal) or, if a sensitive case, to the Investigating Judge dealing with urgent procedures. In Germany, anyone, including victims and non-governmental organizations, can report (orally or in writing in German) an offense to any public prosecution office, the police, or local court (German Code of Criminal, Procedure Strafprozeßordnung / stop, art. 158). In the Netherlands, anyone with knowledge of a criminal offense can file a complaint with the Dutch International Crimes Team (Dutch Code of Criminal Procedure / Wetboek van Strafvordering, art. 163). Complaints may be against an unknown suspect (natural person or legal entity). Equally, in Anyone may report (written or orally) an offense to a criminal justice authority (Swiss Criminal Procedure Code of 5 October 2007, art. 301).

[3562] Injured parties (French Code of Criminal Procedure CCP, art. 1), and, under certain requirements, organizations (CCP arts. 2-4, 2-1–2-25) can file criminal complaints to the prosecutor or the judicial police (and for a civil party to an investigating judge, so called *plainte avec constitution de partie civile*) and bring civil actions for damages (CCP, art. 2-2-25). For crimes under the ICC jurisdiction, the investigating judge can only initiate an investigation if requested by the prosecutor (see also (CCP, art. 689-11). War Crimes Unit within the Paris district court (prosecutor) and Central Office for

complaint to the public prosecutor to take requisitions, is that the complaint is sufficiently substantiated or justified to the "mere plausibility of facts alleged".[3563] Crimes involving universal jurisdiction in England and Wales can be reported to the police, which passes the report to the special unit dealing with international crimes at the Metropolitan Police (SO15) for investigation. The crime can be reported on behalf of a victim, by their legal representative or by a non-governmental organization.[3564]

1883. Domestic jurisdictions provide for the rights of victims during the proceedings,[3565] including the right to be alerted by the public prosecutor of proceedings resulting from their complaint[3566] and to become a civil party during the investigation.[3567] In Argentina, for instance, victims' rights include the right to request protection measures; to intervene in criminal proceedings, in accordance with the provisions of the criminal code; to be informed of the results of the procedure; to examine documents and actions, and to be verbally informed about the status of the process and the situation of the accused; to be heard before each decision that implies the extinction or suspension of the criminal action, if expressly requested; to be notified of the ruling that may require its review; to request the review of, *inter alia*, a dismissal, the file, even if they did not intervene as complainant; to participate in the process as complainant.[3568] German procedure also provides for the right of victims to request information on whether a suspect was taken into custody; to have a lawyer inspect files or obtain information from files; to appoint a lawyer or to be represented by one; to anonymity when necessary; to certain protections if particularly vulnerable; and, if they have filed a compensation claim, to attend hearings, be represented by a lawyer, and apply for legal aid.[3569]

1884. Some jurisdictions also have funds to support victims of crimes. In Switzerland, for instance, victims who have suffered direct harm as the result of a criminal act are entitled to assistance from counselling services all over the country on medical, psychological, social, financial or legal matters under the Victim Support Act. Close relatives of victims, such as spouses, partners, parents, children, brothers and sisters, can also benefit from the assistance.[3570] The 2019 Victim Support Services Bill in South Africa provides for the rights of and services to victims, including medical assistance and care, psycho-social services, witness protection services, and any other relevant services.[3571]

1885. Victims and their families may also be entitled to damages. In France, civil parties can apply for reparations against the guilty party, which include monetary compensation and other measures, such as restorative justice.[3572] Claims are adjudicated by criminal court judges after the decision on the criminal action.[3573] In the case of an acquittal or if the accused is exempted from penalty, civil parties may apply for compensation for any damage the accused caused if it derives from the same matter of which they were accused.[3574] The court

Combating Crimes Against Humanity and Hate Crimes (police) are competent for crimes under the Rome Statute (CCP arts. 689-11, 628-1).

[3563] French Code of Criminal Procedure, art. 86.

[3564] "Universal Jurisdiction: Law and Practice in England and Wales", Open Society Institute, Trial International, and Redress, May 2022, p. 18.

[3565] See e.g. the Netherlands, Code of Criminal Procedure, arts. 51aa-51f.

[3566] See France, Code of Criminal Procedure, art. 40-2.

[3567] See France, Code of Criminal Procedure, art. 87. See also, Swiss Criminal Procedure Code, art. 122, Those who suffered harm as a result of a crime may bring civil claims as a private claimant in the criminal proceedings.

[3568] Federal Criminal Procedural Code, title III section 1, art. 79. See also Law N°27.372 (Ley de Derechos y Garantías de las Personas Víctimas de Delitos; Law N° 26485 (Ley de Protección Integral a las Mujeres), which provides that a victim can be represented by counsel at any point in the process except for the testimony, it has to be stated by them.

[3569] German Code of Criminal Procedure (Strafprozeßordnung / StPO), paras. 406-406j.

[3570] Loi sur l'aide aux victimes, LAVI, 23 March 2007.

[3571] Victim Support Services Bill in South Africa, 2019, published in Government Gazette No. 43528 of 17 July 2020.

[3572] French Code of Criminal Procedure, art. 10-2.

[3573] French Code of Criminal Procedure, art. 371.

[3574] French Code of Criminal Procedure, art. 372.

then determines whether civil responsibility could be established and the amount of damages.[3575]

1886. In addition to reparations from the guilty party, victims may also be awarded compensation from the government. Under the German Crime Victims Compensation Act, for instance, German nationals or foreign nationals who sustained an injury due to a violent crime committed abroad may be entitled to damages paid by the government if they have ordinary and legal residence in Germany and if, at the time of the crime, they were outside Germany for no longer than six months.[3576] In Sweden, victims may be entitled to criminal injuries compensation from the State if they are unable to get full compensation from the perpetrator.[3577] Victims who were injured through a violent crime outside England, Wales or Scotland and are residents of the United Kingdom can claim monetary compensation from the Criminal Injuries Compensation Authority.[3578]

Legal cooperation

1887. While investigating and prosecuting any acts in relation to human rights violations in Iran described in this document, States may rely on formal requests for judicial assistance to obtain relevant information. Furthermore, less *ad hoc* forms of cooperation can be useful - and have demonstrated to be - in relation to crimes under international law.

1888. An important platform for legal cooperation is the European Network of Contact Points in respect of persons responsible for genocide, crimes against humanity and war crimes ("the Genocide Network"), which was established in 2002 in order to designate centralised and specialised contact points on genocide and crimes against humanity in each member state, and facilitate collection and exchange of information.[3579] In addition, authorities in the European Union may set up a joint investigation team (JIT) for a specific purpose and a limited period of time to carry out criminal investigations in one or more of the European Union member states.[3580]

1889. The Ljubljana-Hague Convention may become another important tool of legal cooperation at international level. Adopted on 26 May 2023, at a diplomatic conference in Ljubljana, Slovenia, gathering more than seventy states, it would offer a multilateral path to legal assistance beyond Europe. The Convention will open for signatures in 2024.[3581] The Convention includes, *inter alia*, provisions on JITs, restitution, and information exchange.

Role of the international community

1890. Following precedents, information and evidence collected by the Mission on human rights violations in Iran described in this document, as well as the report's factual and legal findings may be taken into account in the context of legal proceedings at domestic level in third States. Domestic courts may also take into account the work of civil society initiatives.

1891. As mentioned above, in Argentina, for instance, in addition to relying on the testimony of witnesses and survivors, the Federal Criminal and Correctional Chamber of the

[3575] Cour de cassation, Chambre criminelle, no. 08-872292, December 2009.
[3576] German Crime Victims Compensation Act (OEG), art. 3a.
[3577] Polisen, Compensation and Damages.
[3578] Criminal Injuries Compensation Authority and Ministry of Justice, Criminal injuries compensation: a guide, last updated 30 January 2024.
[3579] Council Decision of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (2002/494/JHA).
[3580] Council Framework Decision of 13 June 2002 on joint investigation teams (2002/465/JHA), art. 1. See also on support of the European Union Agency for Criminal Justice Cooperation (Eurojust), European Union Agency for Criminal Justice Cooperation, Joint investigation teams.
[3581] "Overeenstemming over Nieuw Verdrag om Internationale Misdrijven Beter aan te Pakken [Agreement on New Treaty to Better Tackle International Crimes]", Kingdom of the Netherlands, 26 May 2023.

Autonomous City of Buenos Aires Court in its ruling took into account the information contained in the report of the Independent International Fact-Finding Mission on Myanmar, which was established by Human Rights Council through resolution 34/22.[3582] In the case of Hamid Nouri, the Stockholm District Court relied on evidence presented before an International People's Tribunal, namely the 2012 Iran Tribunal. The Court called several fact and expert witnesses, who had testified before the Iran Tribunal.[3583] In its judgment, the court referred to the report of the Iran Tribunal's Truth Commission and the Amnesty International report "Blood-Soaked Secrets" as part of the written evidence it relied upon in its findings.[3584]

Other areas of accountability

1892. Human rights violations in Iran described in this document may also give rise to the responsibility of corporations.[3585] In relation to criminal responsibility, in May 2022, for instance, the Paris Court of Appeals upheld all charges against the Lafarge company, including aiding and abetting crimes against humanity in Syria. The case is based on a criminal complaint filed in November 2016 by eleven Syrian former employees together with the NGOs ECCHR and Sherpa. A judicial inquiry also then determined that the financial value of the arrangements made with the Islamic State and other armed groups amounted to at least 13 million euros.[3586]

1893. In addition, human rights violations in Iran described in this document may also give rise to civil responsibility of corporations. In Canada for instance, in *Nevsun Resources Ltd. v. Araya* (2020), the Supreme Court expanded liability for Canadian corporations for serious human rights abuses committed abroad and brought Canadian law more in line with the Alien Tort Statute (ATS) in the United States of America (US). ATS is a federal law that gives federal courts jurisdiction to hear lawsuits filed by non-US citizens for torts committed in violation of international law.[3587] In *Kiobel v. Royal Dutch Petroleum Co.*,[3588] the US Supreme Court ruled that the claim advanced in an ATS suit must "touch and concern the territory of the United States" and must do so "with sufficient force" to displace the presumption against extra-territorial application. A current head of state or anyone with diplomatic immunity cannot be the subject of a successful ATS suit.

1894. Civil responsibility may also apply to individuals. The 1991 Torture Victim Protection Act (TVPA), for instance, allows both US citizens and noncitizens to bring civil law claims against individuals who, acting in an official capacity for any foreign nation, committed torture and/or extrajudicial killing outside the United States. Claimants are, however, statutorily required to exhaust all "adequate and available" remedies in the country where the offense occurred. Lastly, under the Foreign Sovereign Immunities Act Litigation, Section 1605A of the United States Code, or the "terrorism exception" to the Foreign Sovereign Immunities Act.[3589] The grant of jurisdictional immunity is subject to six general exceptions, including torture and extrajudicial killings, allowing for possible redress for victims who can sue the relevant state.[3590]

[3582] FFM-IRAN-D-001783 (FFMI meeting).
[3583] Marilena Stegbauer, Atlantic Council, "The Hamid Noury conviction in Stockholm—a win for People's Tribunals?", 10 November 2022.
[3584] "Report 43: The Verdict", Trial Reports, Civil Rights Defenders, 17 July 2022.
[3585] See Section XII.
[3586] Cour d'appel de Paris, ruling dated 18 May 2022. See also, "La Cour d'appel de Paris confirme la mise en état de la multinationale française Lafarge pour complicité de crimes contre l'humanité commis par l'Etat islamique", Doughty Street.
[3587] Judiciary and Judicial Procedure, US Code 28, § 1350, 1926. The US Supreme Court decision in *Sosa v. Alvarez-Machain* held that the ATS allows for US federal courts to hear only a "narrow set" of claims for violations of international law.
[3588] 569 U.S. 108 (2013).
[3589] FSIA grants foreign states immunity from suit in the United States, namely immunity from jurisdiction and from adjudication, and grants their property immunity from execution of judgments against them, i.e. immunity from enforcement and immunity from execution.
[3590] Victims may include those who were killed or physically or emotionally injured, as well as members of a victim's immediate family who suffered from intentional infliction of emotional distress. The claimant or the victim must be, at the time the acts alleged occurred, a US national, a

(b) Legal proceedings before international courts

International Court of Justice

1895. Some human rights violations in Iran described in this document may also fall within the jurisdiction of the International Court of Justice (ICJ), one of the principal organs of the United Nations[3591] and its principal judicial organ.[3592] The ICJ has the role to settle, in accordance with international law, legal disputes submitted to it by States, so called contentious cases, and can play a significant role in interpreting and applying human rights obligations. The International Court of Justice may also give advisory opinions on legal questions referred to it by duly authorized United Nations organs and specialized agencies.[3593]

All Members of the United Nations, including Iran, are *ipso facto* parties to the Statute of the international ICJ,[3594] and have undertaken to comply with any decision of the ICJ in a case in which they are a party.[3595] Iran has only accepted the Court's compulsory jurisdiction on the narrow matter of state immunity.[3596]

1896. Iran is not part of any special agreement to submit a dispute to the Court.[3597] However, Iran is a party to one human rights treaty, ICERD, which contains a jurisdictional clause. As a general matter, Iran has participated in the proceedings in relation to contentious cases before the ICJ both as a claimant and a respondent State, including in oral and written proceedings.[3598]

1897. This section will discuss matters of jurisdiction and standing in relation to ICERD, the power of the Court to issue provisional measures, and the protection of human rights through actions of the Court, as most relevant to the human rights violations in Iran described in this document.

member of the US armed forces, or otherwise an employee of the US government or of an individual performing a contract awarded by the US government, acting within the scope of the employee's employment.

[3591] United Nations Charter, art. 7 (1).

[3592] United Nations Charter, art. 92

[3593] See International Court of Justice – Cases.

[3594] United Nations Charter, art. 93 (1).

[3595] United Nations Charter, art. 94 (1)

[3596] Iran has accepted the compulsory jurisdiction of the Court under Article 36(2) on 25 June 2023 in relation to disputes on "the jurisdictional immunities of the State and State property", and "immunity from measures of constraint against State or State property". In addition to the narrow scope for which Iran accepts the ICJ's compulsory jurisdiction, its declaration of acceptance excludes any matters Iran deems to be domestic questions, and matters relating to States Iran does not recognize. Iran's acceptance of the compulsory jurisdiction of the Court only allows for instituting proceedings that that fall within its narrow scope on questions relating to state immunities from jurisdiction and measures of constraint. See International Court of Justice, Declarations recognizing the jurisdiction of the Court as compulsory - Iran, Islamic Republic of, dated 25 June 2023.

[3597] The ICJ is competent to hear a matter when the States concerned have accepted its jurisdiction by entering into a special agreement to submit the dispute to the Court, by virtue of a jurisdictional clause, and/or through the reciprocal effect of declarations made by them under its Statute pursuant to which they have accepted the Court's compulsory jurisdiction. See Statute of the International Court of Justice, arts. 36 (2) and 40 (1).

[3598] International Court of Justice, *Anglo-Iranian Oil Co. (United Kingdom v. Iran)*; International Court of Justice, *Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America)*; International Court of Justice, *Oil Platforms (Islamic Republic of Iran v. United States of America)*; International Court of Justice, Certain Iranian Assets (Islamic Republic of Iran v. United States of America); International Court of Justice, *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*. See also International Court of Justice, *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, para. 10.

Jurisdiction[3599] *and standing in relation to the International Convention on the Elimination of All Forms of Racial Discrimination*

1898. A State may, in case of a dispute regarding the interpretation, implementation, or violation of a treaty, including human rights treaties, unilaterally initiate a case by virtue of a jurisdictional clause contained in the treaty.[3600] The human rights treaties to which Iran is a state party[3601] include the ICERD, the principle United Nations instrument aimed at supressing racial discrimination.[3602] The ICERD provides that "[a]ny dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement".[3603] The "procedures expressly provided for in [the] Convention" begin with a referral to the Committee on the Elimination of Racial Discrimination under Article 11 of ICERD; the so-called inter-state complaint procedure.[3604]

1899. In relation to the reference to dispute settlement "by negotiation or by the procedures expressly provided for in [the] Convention", the so-called compromissory clause, the Court has held that these are alternative and not cumulative options.[3605] Furthermore, according to *Georgia v. Russian Federation* to seize the Court "some attempt should have been made by the claimant party to initiate, with the Respondent Party, discussions on issues that would fall under CERD".[3606] The concept of "negotiations" differs from the concept of "dispute", and

[3599] On admissibility, see International Court of Justice, *Application of Convention on Prevention and Punishment of Crime of Genocide (Croatia v. Serbia)*, Preliminary Objections, 18 November 2008, para. 120 (objections to admissibility: e.g. failure to comply with the rules as to nationality of claims; failure to exhaust local remedies; the agreement of the parties to use another method of pacific settlement; or mootness of the claim). See also International Court of Justice, *Oil Platforms (Islamic Republic of Iran v. United States of America)*, Judgment, 6 November 2003, para. 29.

[3600] The Convention Against Torture and other cruel, inhuman or degrading treatment or punishment (article 30) and the Convention on the Elimination of All Forms of Discrimination against Women (article 29) for instance provides for the jurisdiction of the Court in the case of a dispute.

[3601] Iran is also party to the 1960 UNESCO Convention against Discrimination in Education, the first legally binding international instrument which is entirely dedicated to the right to education, which contains a jurisdictional clause. Its article 8 states that "[a]ny dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court."

[3602] See Section VI on minorities and legal findings under international human rights law and crimes under international law in Section XI.

[3603] ICERD, art. 22.

[3604] This procedure has been used for the first time in 2018. On 8 March 2018, the State of Qatar submitted an inter-state communication against the Kingdom of Saudi Arabia and against the United Arab Emirates, respectively; and on 23 April 2018, the State of Palestine submitted an inter-state communication against the State of Israel. See Committee on the Elimination of Racial Discrimination, Information note on inter-state communications, 30 August 2018.

[3605] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Order on provisional measures, 15 October 2008, para. 113. The case was not adjudicated on the merits. See Judgment, 1 April 2011. See also International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, p. 361, para. 31. In relation to the "procedures expressly provided for in [the] Convention", it is worth noting that the Court did not examine this precondition if the respondent state does not contend that the dispute was submitted to the inter-state complaint procedure. See International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia), Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, p. 405, para. 30.

[3606] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Order on provisional measures, 15 October 2008, para. 114.

requires - at the very least - a genuine attempt by one of the disputing parties to engage in discussions with the other disputing party, with a view to resolving the dispute.[3607] The Court noted that "where negotiations are attempted or have commenced, […] the precondition of negotiation is met only when there has been a failure of negotiations, or when negotiations have become futile or deadlocked".[3608]

1900. The Court has equally applied the requirement of negotiations as a precondition and the standard of genuine attempt in proceedings concerning provisional measures in the cases of *Ukraine v. Russian Federation*,[3609] and *Qatar v. UAE*,[3610] both concerning the application of ICERD, ruling that the "genuine attempt" standard was met.[3611] Similarly, in the cases of *Azerbaijan v. Armenia* and *Armenia v. Azerbaijan*, respectively, the Court noted that the parties to the dispute had raised allegations of violations of obligations under CERD in various bilateral exchanges. The Court observed that despite these exchanges, the positions of the parties to the dispute remained unchanged and that "their negotiations had reached an impasse". The Court found that the dispute between the parties had not been settled by negotiation and that the procedural preconditions under Article 22 of CERD appeared to have been met. [3612]

1901. The above-mentioned cases related to ICERD currently pending before the Court primarily relate to the right of a state whose nationals are allegedly victims of racial discrimination. However, particularly relevant in relation to the human rights violations in Iran described in this document, international law also allows States parties to invoke the

[3607] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Preliminary Objections, Judgment, I.C.J. Reports 2011, p. 70, para. 157.

[3608] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Preliminary Objections, Judgment, I.C.J. Reports 2011, p. 70, para. 159. Cf. Joint dissenting opinion of President Owada, Judges Simma, Abraham and Donoghue and Judge ad hoc Gaja, paras. 48-63.
In relation to the subject matter of the negotiations, according to the Court, they "must relate to the subject-matter of the dispute which, in turn, must concern the substantive obligations contained in the treaty in question." See para. 161.

[3609] International Court of Justice, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Order on provisional measures, 19 April 2017, para. 59.

[3610] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Order on provisional measures, 23 July 2018, para. 40.

[3611] Notably in the case of *Qatar v. UAE*, when finding that the standard was met, the Court found it sufficient that representatives of Qatar raised the issues concerning the dispute on several occasions in international fora, including at the United Nations Human Rights Council, in the presence of representatives of the UAE, "while the UAE - along with Bahrain, Saudi Arabia and Egypt - issued a joint statement 'in response to [the] remarks' made by the Minister for Foreign Affairs of Qatar." The Court further took note of a letter addressed to the Minister of State for Foreign Affairs of the UAE, in which the Minister of State for Foreign Affairs of Qatar referred to the alleged violations of ICERD and stated that "it [was] necessary to enter into negotiations in order to resolve these violations and the effects thereof within no more than two weeks". The Court considered that the letter contained an offer by Qatar to negotiate with the UAE with regard to the latter's compliance with its substantive obligations under ICERD. Based on this and on the fact that "the UAE did not respond to that formal invitation to negotiate", the Court ruled that the dispute had not been resolved by negotiations. See International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, Order on provisional measures, 23 July 2018, paras. 37-38.

[3612] International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, p. 405, paras. 35-39; International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, p. 361, paras. 38-42.

responsibility of another State party for breach of obligations *erga omnes partes.*[3613] In *Georgia v. Russian Federation*, the Court confirmed the right of one State Party to ICERD to demand compliance of a State party "with specific obligations incumbent upon it under Articles 2 and 5 of the Convention",[3614] i.e. a right in correlation to an obligation under ICERD. In light of the International Law Commission's Draft Articles on Responsibility of States for Internationally Wrongful Acts,[3615] this formulation may be interpreted as referring to the right of any State Party to ICERD, including that of a non-injured state or a "State other than an injured State" in the sense of article 48(1)(a) of the ILC's Draft Articles[3616] to demand the compliance by a State party with said obligations under ICERD (an obligation *erga omnes partes*). This standing derived from a collective or common interest was indeed confirmed by the Court in *The Gambia v. Myanmar*, when it found that "any State party to the Genocide Convention, and not only a specially affected State, may invoke the responsibility of another State party with a view to ascertaining the alleged failure to comply with its obligations *erga omnes partes*, and to bring that failure to an end."[3617] It concluded that The Gambia had "*prima facie* standing to submit to it the dispute with Myanmar on the basis of alleged violations of obligations under the Genocide Convention".[3618] An entitled State may claim the cessation of the violation of the obligation, as well as guarantees of non-repetition.[3619]

[3613] Separately, in the *Barcelona Tractions* case, the Court referred to the obligations *erga omnes*, namely "the obligations of a State towards the international community as a whole" and noted that "[i]n view of the importance of the rights involved, all States can be held to have a legal interest in their protection". The Court went on to refer to the prohibition of racial discrimination as an example of an obligation *erga omnes.* See International Court of Justice, *The Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v Spain),* Second Phase, Judgment, 5 February 1970, [1970] ICJ Rep 3, at 32, paras. 33-34.

[3614] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Order on provisional measures, 15 October 2008, para. 126. See also International Court of Justice, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Order on provisional measures, 19 April 2017, para. 81; International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Order on provisional measures, 23 July 2018, para. 51.

[3615] Text adopted by the Commission at its fifty-third session, in 2001, and submitted to the General Assembly as a part of the Commission's report covering the work of that session. The report, which also contains commentaries on the draft articles, appears in Yearbook of the International Law Commission, 2001, vol. II (Part Two). Text in the annex to General Assembly resolution 56/83 of 12 December 2001, and corrected by document A/56/49(Vol. I)/Corr.4.

[3616] Article 48 entitled "Invocation of responsibility by a State other than an injured State" provides that:

1. Any State other than an injured State is entitled to invoke the responsibility of another State in accordance with paragraph 2 if:

(a) the obligation breached is owed to a group of States including that State, and is established for the protection of a collective interest of the group; or

(b) the obligation breached is owed to the international community as a whole.

It is worth referring to the ILC noting in their commentary to the Articles on the Responsibility of States for Internationally Wrongful Acts that the term 'obligations *erga omnes*' is avoided on purpose, as it "conveys less information than the Court's reference to the international community as a whole and has sometimes been confused with obligations owed to all the parties to a treaty" (*see* para. 9 of the commentary on article 48). Article 48 (1)(b) reflects the obligations *erga omnes* as foreseen in the *Barcelona Traction* case (*see* para. 8 of the commentary on article 48).

[3617] International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 3, para. 41. It is worth noting that while the Genocide Convention's jurisdictional clause in article IX does not include a compromissory clause, it otherwise contains a similar formulation to ICERD, article 22.

[3618] International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 3, para. 42.

[3619] International Law Commission, Articles on the Responsibility of States for Internationally Wrongful Acts, 2001, article 48(2)(a). See also International Court of Justice, *Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)*, Judgment, I.C.J. Reports 2014, p. 226,

Provisional measures and human rights violations

1902. If the Court were to be seized, victims of the human rights violations in Iran described in this document could benefit from provisional measures. Such measures, ordered by the Court, can bring immediate relief and *a prima facie* recognition of the violations suffered. Article 41(1) of the ICJ Statute provides that "[t]he Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party." The Court will indicate provisional measures only if there is urgency, namely that there is a real and imminent risk that irreparable prejudice will be caused to the rights claimed before the Court gives its final decision. The condition of urgency is met when the acts susceptible of causing irreparable prejudice can "occur at any moment" before the Court makes a final decision on the case.[3620] Such an order on provisional measures is binding.[3621]

1903. Particularly relevant in relation to ICERD are provisional measures ordered by the ICJ in the cases of *Georgia v. Russian Federation*,[3622] *Ukraine v. Russian Federation*,[3623] *Qatar v. United Arab Republic*,[3624] *Azerbaijan v. Armenia*[3625] and *Armenia v. Azerbaijan*.[3626] In *Azerbaijan v. Armenia*, the Court ordered Armenia to "take all necessary measures to prevent the incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin".[3627]

1904. It is worth noting that in the case related to the Genocide Convention, *The Gambia v. Myanmar*, in its order on provisional measures, the Court ordered Myanmar, *inter alia*, to submit a report on all measure taken to give effect to the Court's order within four months and subsequently every six months until a final decision is rendered by the Court.[3628] By

paras. 244-246; International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Furundžija*, IT-95-17/1-T, Judgment, 10 December 1998, para. 151.

[3620] E.g. International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 24, paras. 64-65; International Court of Justice, *Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)*, Provisional Measures, Order of 3 October 2018, I.C.J. Reports 2018 (II), p. 645, para. 77.

[3621] International Court of Justice, *LaGrand (Germany v. United States of America)*, Judgment, I. C. J. Reports 2001, p. 466, para. 110.

[3622] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation), Order on provisional measures, 15 October 2008.

[3623] International Court of Justice, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Order on provisional measures, 19 April 2017.

[3624] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Order on provisional measures, 23 July 2018.

[3625] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia), Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, p. 405.

[3626] International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, p. 361; International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of 22 February 2023; International Court of Justice, *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of 17 November 2023.

[3627] International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia), Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021, p. 405, para. 76.

[3628] International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020,

ordering provisional measures in this situation, the Court preserved the rights of all parties to the Genocide Convention.

Protecting human rights

1905. For reasons of jurisdiction, standing and other, a State may not bring all human rights violations occurring in a given situation in their entirety before the ICJ to adjudicate. However, when facing ongoing violations and impunity, where there is requisite jurisdiction and standing, the Mission deems important for human rights protection that State parties to a human rights treaty demand the compliance by another State party with obligations under that treaty and may thus bring the particular violation to an end. Moreover, experts have observed that the international exposure brought through the high-level hearings before the ICJ bring attention to the human rights situation in question and may, in and of itself, contribute to a cessation of some acts violating human rights.[3629]

While an inter-state process, the ICJ proceedings may also contribute to the protection of victims and the realisation of victims' rights to truth, justice and reparations, including satisfaction, including, if the Court were to be seized, of victims of the human rights violations in Iran described in this document. As addressed above, provisional measures are valuable in providing an effective protection for victims from ongoing human rights violations and in recognising their victimization. In addition, in the claimant State or States, victims may see the international community standing against the violations they have experienced[3630] and in favour of the common interest to ensure that the obligations owed by a State party to all the other States parties to a Convention are upheld. Moreover, ICJ judges examine information and evidence on human rights violations and the hearings before the ICJ are broadcast and well attended in The Hague, including by diplomatic representatives of Member States,[3631] providing further attention to the plight of victims.

(b) International Criminal Court

1906. The International Criminal Court (ICC) has jurisdiction over the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.[3632] It may exercise its jurisdiction over such crimes allegedly committed on the territory of a State Party or of a State that has accepted the jurisdiction of the Court, or allegedly committed by a national of the State Party or of a State that has accepted the jurisdiction of the Court.[3633] The Court may exercise its jurisdiction upon referral by a State party or after the Prosecutor has initiated an investigation *proprio motu*. In addition, it may exercise jurisdiction if a situation is referred to the Office of the Prosecutor by the Security Council, in which case the territorial limits on

I.C.J. Reports 2020, p. 3, para. 86. Regarding the measures that Myanmar had been ordered by the Court to take: "in relation to the members of the Rohingya group in its territory, [to] take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention", to "ensure that "its military […] do not commit any [such] acts […], or of conspiracy to commit genocide, of direct and public incitement to commit genocide, of attempt to commit genocide, or of complicity in genocide", and "take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II".

[3629] FFM-IRAN-D-001783 (FFMI meeting).

[3630] FFM-IRAN-D-001783 (FFMI meeting).

[3631] FFM-IRAN-D-001783 (FFMI meeting).

[3632] See Rome Statute. Jurisdiction over the crime of genocide, crimes against humanity, and war crimes when committed after 1 July 2002, and over the crime of aggression when committed after 17 July 2018.

[3633] Rome Statute, art. 12(2). A country that is not a party to the Rome Statute may lodge a declaration with the registrar of the court accepting its jurisdiction within a particular temporal or territorial scope.

jurisdiction do not apply.[3634] It is also worth noting that the Court may exercise jurisdiction over crimes that allegedly occurred partially on the territory of States parties.[3635]

1907. Iran is not party to the Rome Statute of the International Criminal Court and has not made a declaration accepting its jurisdiction. Nor has there been a Security Council referral in relation to Iran. This being said, in the past, victims have submitted communications under article 15 of the Rome Statute requesting that the Prosecutor exercise jurisdiction over crimes under international law committed by a non-national in a country that is not a state party, by alleging that the crimes occurred partially on the territory of States that are parties.[3636] As far as the Mission is aware, no such communications have been filed in relation to human rights violations related to the protests in Iran that began on 16 September 2022.[3637]

(c) International truth processes

1908. Truth commissions are a mechanism that contribute to realize the right to the truth of victims, their families, and society. Truth commissions meeting international human rights standards are set up inside the country in which human rights violations took place. Such truth commissions at a national level usually require a national choice based on a broad consultative process and a genuine political will for rigorous investigation and truth reporting, are part of a comprehensive transitional justice strategy, are unique, responding to the national context and special opportunities present, operate with clear operational independence, and usually rely on international support.[3638] In the absence of a truth commission at national level and in the face of prevailing impunity, the international community has at times come together to organize truth-seeking processes at international level, such as for instance, the civil-society supported People's Tribunal on the Murder of Journalists.[3639]

1909. Currently there are no complementary international or state-supported truth-seeking processes available in relation to the human rights violations in Iran described in this document. This being said, it is worth noting that in 2012, the Iran People's Tribunal, a grassroots initiative, conducted hearings on the human rights violations related to the 1980s mass-executions. In June 2012, at the first international session of the Iran Tribunal, a Truth Commission was held in London. The purpose of the truth commission included allowing the voices of the families of the victims and survivors to be heard. During five days, 75

[3634] Rome Statute, art. 13.
[3635] International Criminal Court, Pre-Trial Chamber III, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar, 14 November 2019.
[3636] See e.g. Global Rights Compliance, Article 15 Communication submitted to the Prosecutor of the International Criminal Court on the Deportation, Deprivation of the Right to Return and Persecution of Tamil Civilians by Sri Lankan Authorities, 27 October 2021; Tamil Rights Group (TRG) and International Tamil Refugee Assistance Network (I-TRAN), Communication under Article 15 of the Rome Statute: Request to Open a Preliminary Examination into Crimes Committed Against Eelam Tamils in the Territories of States Parties (Deportation and Persecution), 9 November 2021.
[3637] Unrelated to its mandate, the Mission is aware that at least two article 15 communications have been submitted in relation to Iran: a February 2022 communication requesting the Office of the Prosecutor to open Preliminary Examination to examine the role of Iran in relation to crimes committed during the armed conflict in Syria (see "IHRDC submits request for the International Criminal Court Prosecutor to examine Iran's role in the Syrian conflict", Iran Human Rights Documentation Center, 16 February 2022); and a September 2022 communication on behalf of the Association of Families of Flight PS752 Victims, representing the families of almost 140 victims who died when the aircraft was shot down on 8 January 2020 ("Families of victims of Ukrainian flight PS752 shot down in Iran instruct Haydee Dijkstal of 33BR for Art 15 Communication submitted before the ICC", 33 Bedford Row, 23 September 2022). The Mission also is aware of a communication under Article 15 of the Rome Statute in relation to the 2019 submitted to the ICC prosecutor. See FFM-IRAN-D-001782 (FFMI Meeting).
[3638] OHCHR, Rule-of-law tools for Post-conflict States – Truth commissions, 2006.
[3639] See https://ptmurderofjournalists.org/.

witnesses were heard by a "jury" composed of international experts.[3640] The findings of the commission were published on 28 July 2012 and include witness statements and summaries of oral testimonies.[3641] In addition, three human hights organizations initiated the Iran Atrocities Tribunal, known as the Aban Tribunal, on violations that took place between 15-18 November 2019 in Iran.[3642]

1910. Separately, it is also worth mentioning the work of the Permanent Peoples' Tribunal (PPT), an international opinion tribunal competent to rule on any serious crime committed to the detriment of peoples and minorities.[3643] According to the PPT, it was "set up to shed light on unheard cases of human rights violations and are activated at the request of social forces who, in the absence of national, regional or international tribunal initiatives, promote the establishment of entities considered to be more accessible forms of justice." The PPT takes into consideration requests made by community representatives, minorities, peoples, civil society who have been and/or are subject to serious systematic violations of their human and peoples' rights, by governments, institutional and private actors, and who are unable to find a response in national, regional or international court proceedings. The PPT has held more than 50 sessions worldwide, including on crimes against humanity in Latin America and on the Tamils in Sri Lanka and the Rohingya in Myanmar.

1911. The Mission notes the invaluable contribution to truth seeking that civil society actors in and outside of Iran have made, including non-governmental organizations, lawyers, and others documenting and reporting on human rights violations in Iran, including in the context of the protests that began on 16 September 2022.

(d) Reparation at international level and victims' rights to assistance and support

1912. Beyond the available domestic legal avenues in third States to obtain damages, not many avenues to obtain reparations are open for victims of human rights violations in Iran described in this document.

1913. The Mission recalls that the adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law.[3644] States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.[3645] States should provide under their domestic laws effective mechanisms for the enforcement of reparation judgments.[3646] Victims of gross violations of international human rights law and serious violations of international humanitarian law are entitled to be full and effective reparation, including in the form of restitution, compensation, rehabilitation, satisfaction and guarantees

[3640] Iran People's Tribunal, Stages of the Investigation.
[3641] The Iran Tribunal On the Abuse and Mass Killings of Political Prisoners in Iran, 1981-1988, Findings of the Truth Commission, Held 18th-22nd June, 2012.
[3642] See International People's Tribunal on Iran's Atrocities of November 2019.
[3643] The PPT pronounces on "State crimes, crimes against peace and humanity, crimes of genocide, and gross and systematic violations of the rights and freedoms of individuals, peoples and minorities", and has "in recent years opened a specific line of investigation into economic and corporate crimes, environmental crimes and systemic crimes".
[3644] Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, para. 15.
[3645] Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, para. 16.
[3646] Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, para. 17.

of non-repetition.[3647] Satisfaction includes the commemorations and tributes to the victims.[3648] The Mission deems it important to further develop initiatives on reparation at national and international level and make them accessible to victims of human rights violations in Iran described in this document.

1914. Some forms of support that victims may access at international level that can be further explored, including the examples below.

1915. The United Nations Voluntary Fund for Victims of Torture gives direct help to victims of torture and their families. The Fund's aim is to help victims and their families to rebuild their lives and to seek redress for the human rights violations they have suffered. It awards grants to civil society organizations worldwide to deliver medical, psychological, legal, social and other assistance to the victims of torture. It does, however, not directly provide reparations to victims.[3649]

1916. Regional and domestic legislation also provides for reparation or support, including rehabilitation for victims of torture and other crimes. The European Union Directive establishing minimum standards on the rights, support and protection of victims of crime provides a right for all victims of crime to specialist support services, including immediate medical support, referral to medical and forensic examination for evidence in cases of rape or sexual assault, short and long-term psychological counselling, trauma care, legal advice, and specific services for children as direct or indirect victims, taking into account the specific needs of the victim.[3650] In Mexico, the 2013 General Law for Victims provides for the protection of the rights of victims of crime and human rights abuses. It established the Executive Commission of Attention to Victims, *inter alia*, to provide victims with reparation for the harm caused.[3651] The Mission highlights the importance to recognize victims of torture and other serious human rights violations irrespective of where their victimization occurred and to provide access to reparation and services. Such services should be accessible to victims of human rights violations in Iran described in this document if present in other States.

1917. States have in some cases also extended temporary protection or accorded humanitarian visas. The Mission emphasizes the importance of such protection for victims of human rights violations in Iran described in this document. Particular care should be taken in cases of victims who have sustained life-changing injuries during the protests, including blindings, visibly branding them, women challenging institutionalized discrimination, and individuals facing persecution on ethnic, religious and gender grounds as detailed in this document.

1918. On sexual and gender-based violence, it is worth noting that while there are civil-society led initiatives such as a global survivors' fund providing interim measures for victims and a global network of victims and survivors that provides solidarity and rehabilitation, their work focuses on conflict related sexual violence.[3652] The Mission welcomes any initiative to include survivors of sexual and gender-based violence in the context of the repression of protests.

1919. In the context of victims' rights, the Mission also wishes to highlight efforts of the international community to recognize and memorialize victims of human rights violations detailed in this document, the "Woman, Life, Freedom" movement and women challenging

[3647] Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, para. 18

[3648] Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, para. 22 (g).

[3649] General Assembly resolution 36/151.

[3650] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 25 October 2012.

[3651] General Law on Victims, 9 January 2013.

[3652] FFM-IRAN-D-001781 (FFMI meeting).

institutionalized discrimination, including those defying the mandatory *hijab*. Jina Mahsa Amini and the "Woman, Life, Freedom" movement were awarded the European Parliament's 2023 Sakharov Prize for Freedom of Thought.[3653] Narges Mohammadi was awarded the Nobel Peace Prize 2023 "for her fight against oppression of women in Ian and her fight to promote human rights and freedom for all".[3654] Niloofar Hamedi, Elaheh Mohammadi and Narges Mohammadi were named as laureates of the 2023 UNESCO/Guillermo Cano World Press Freedom Prize.[3655] The Mission highlights the power of memorialization, domestically and internationally, of victims and research on the root causes and consequences of the serious human rights violations in Iran described in this document with a special focus on the rights of women and children.

1920. Based on the above, Legal avenues outside Iran for the victims of the human rights violations described in this document, both at domestic and international level, may be narrow, incidental and certainly are second best to rule of law and the respect and fully realization of victims' rights to truth, justice and reparations within Iran. Effectively, they currently constitute the only available avenues for accountability for the victims.

XII. Conclusions

1921. The "Woman, Life, Freedom" movement emerged against the backdrop of a long history of protest movements in the Islamic Republic of Iran. In the most recent spate of protests that began in September 2022, the pivotal role of women and girls was a distinctive feature, alongside the overwhelming public support of men and boys, and from across Iranian society. Various groups including lawyers, journalists, teachers, medical professionals, and members of the Iranian creative communities such as actors, singers, poets, and writers, also supported and publicly expressed solidarity towards the movement. While triggered by demands for gender equality, the demands of protesters rapidly catalysed wider demands for respect for dignity and freedom.

1922. The death of Jina Mahsa Amini, a young student of Kurdish origin, in the custody of the "morality police", served as a stark reminder of the pervasive and deep-rooted structural and institutionalized discrimination against women and girls in the Islamic Republic of Iran. Her death resonated amongst people across the country, of all ages, ethnicities, religions, as it embodied the fundamentally discriminatory nature of the laws and policies that have enabled the State to repress women and girls in Iran for decades. These frameworks have enabled the repression to permeate all areas of their public and private lives. Images of women and girls across the country removing their *hijab* in acts of "defiance" rapidly became the hallmark of the September 2022 protests. The institutionalized discrimination in law and in practice was both a trigger and an enabler of the widespread gross human rights violations some of which amounted to crimes against humanity, committed against those who advocated for equality, dignity and freedom and denounced broader impunity and oppression within the context of the "Woman, Life, Freedom" movement.

1923. An entire State apparatus mobilized to suppress the protests, resulting in killings and life-changing injuries of those who joined the movement. Hundreds of protesters who were injured, in particular those who were blinded, will now be "branded" for life. Because of the visible marks to their bodies, they risk suffering additional discrimination and ostracization by a system that is deeply hostile towards those who oppose it.

1924. In detention, protesters, including children, were regularly subjected to violence, which in many cases amounted to torture. Women and girls were targeted for their participation, with prominent human rights defenders pre-emptively arrested and women protestors killed, blinded and maimed. When women were arrested and detained, security

[3653] European Parliament, Award of the 2023 Sakharov Prize: extracts from the ceremony, 12 December 2023.
[3654] The Nobel Prize, The Nobel Peace Prize 2023.
[3655] United Nations Educational, Scientific and Cultural Organization, Three imprisoned Iranian women journalists awarded 2023 UNESCO/Guillermo Cano World Press Freedom Prize, 2 May 2023, https://www.unesco.org/en/articles/three-imprisoned-iranian-women-journalists-awarded-2023-unesco/guillermo-cano-world-press-freedom.

forces resorted to the use of sexual and gender-based violence against some of them, which in many cases amounted to torture, in order to punish them. In doing so, security forces also relied on pre-established patriarchal and social norms to, simultaneously, also enlist families in preventing women and girls from going out on the streets. Women's role in the protests have been consistently denied, and their participation minimized by the State, which continues to label the protests as "riots".

1925. Decades of repression against minority groups on the part of the State highlighted pervasive discrimination on intersecting grounds of gender ethnicity and religion. Shortly after the announcement of the custodial death of Jina Mahsa Amini, the news of the rape of a 15- year-old Baluchi girl by a police official in Sistan and Baluchestan province began to emerge, shaking many communities to their core. These events reverberated deeply across minority regions, as they not only encapsulated a reminder of years of violence against minority women and girls, but also the systematic impunity and chronic lack of accountability for violations committed against minority groups. The unlawful use of lethal force by State security forces documented in Sistan and Baluchestan province, which led to the highest number of deaths recorded for a single day during the protests between September and December 2022, was indicative of the long-standing patterns of violence in minority regions. Likewise, Kurdish regions witnessed a particularly lethal and militarised response from the security forces. The arrests, detention and criminal prosecution that followed were carried out at alarmingly high rates, with Kurdish and Baluchi protesters routinely labelled as "separatists" and "terrorists" by the State apparatus. Sexual and gender-based violence documented in minority regions was particularly brutal and accompanied by ethnic undertones.

1926. The Mission notes that its findings contained in this report are non-exhaustive. Instead, the findings are indicative of broader patterns of violence committed against protesters and their families, in the context of the "Woman, Life, Freedom" movement. There is a need for further investigations which, with more time, would allow the Mission to continue to bolster its documentation of the structural and institutionalized discrimination underlying the protests that it has uncovered, which enabled the crimes and violations committed. Further investigations would also enable documentation of many specific incidents brought to the attention of the Mission that were not investigated due to insufficient time, lack of cooperation and access to the country, as well as its persistent interference and retaliation against those seeking truth and justice in the country. Indeed, at the time of finalizing this report, victims and their families continue to be subjected to threats and harassment for supporting the protests, both inside and outside the country. Many risk their security, liberty, and livelihoods to seek redress for the violations and/or crimes that they have suffered, including in the context of detention, and to pursue justice for their loved ones who have been killed or injured during the protests. Their resilience seeking justice continues despite these fears and should serve as a source of inspiration and admiration for all.

1927. Despite the egregious violations documented by the Mission, the "Woman, Life, Freedom" movement has emboldened many women, children, and men from all parts of Iranian society to demand respect for their human rights. This is most evident in the increased defiance of women and girls, both online and offline, by refusing to adhere to the mandatory *hijab* laws despite risks of arrest, detention, criminal prosecution, and some sanctions. This phenomenon, however, should be juxtaposed against the various measures the State has instituted to accelerate the adoption of repressive new laws, such as the *Hijab* and Chastity Bill, which are set to restrict women's rights even more. Many women and girls who spoke to the Mission expressed a constant sense of anxiety and of injustice with respect to the Government's response to "no *hijab*" or "improper *hijab*". As one witness explained, "You never know what the problem could be – your manteau, your shawl, the type of your trousers, even your socks; everything could be a problem, but you just don't know what it could be until the "morality police" tell you". In addition to living within this climate of fear, women also spoke about feeling "degraded" and being "second-class citizens".

1928. Regarding accountability and the second prong of the Mission's mandate of collection and preservation of evidence, with more time, the Mission will be able to ensure that the overwhelming amount of information and evidence obtained, and which it continues to receive, is consolidated and preserved to effectively lay the groundwork for judicial authorities in the event of any potential legal proceedings. This also includes with respect to certain core international crimes that may be prosecuted under the framework of universal jurisdiction

1929. Victims have consistently expressed a strong need and desire for justice and accountability. One 17-year-old boy who witnessed the killing of his friend stated: "The Islamic Republic of Iran is not accountable to anyone." The lack of accountability for crimes and violations committed since September 2022, combined with entrenched impunity – enabled by decades of discrimination – leads to a vicious cycle of violence, affecting generations to come. Victims have voiced the need for structural and institutional changes in order to address the deeply rooted discrimination, patterns of violence, sustained repression of freedom of expression and assembly, and of curbs on political participation.

1930. Given the gravity of the findings contained in this report, the Mission urges the Iranian authorities to take tangible measures to redress the harm inflicted on thousands of protesters. This should include at a minimum, an immediate halt to all executions, and the unconditional release of all persons arbitrarily arrested and detained in the context of the protests or for non-compliance with or advocacy against the mandatory hijab. The Iranian authorities should cease the judicial harassment of protesters, victims and their families; repeal or amend laws and policies that fundamentally discriminate against women and girls, in particular those on the mandatory hijab; dismantle the persecutory system of the enforcement of these laws and policies; and ensure women's meaningful and equal participation in public and political life. The Iranian authorities should equally hold perpetrators accountable and definitively break the recurring cycle of impunity that has accompanied each of the protest movements over the last decades.

1931. The Mission thus calls on the Iranian authorities to ensure truth, justice and accountability to victims of human rights violations in connection with the protests, and to survivors and their families, in accordance with international human rights standards. It further calls upon the international community including Member States to hold the perpetrators to account. In the light of the structural and institutional discrimination that has enabled the commission of crimes and violations and paved the way for pervasive impunity in the country, Member States should explore avenues for international accountability as the only genuine option to bring a modicum of justice to the countless victims of violations in Iran. who have for far too long been perceived as silent victims.

1932. Beyond criminal accountability, there is also a need to pursue remedies and reparations informed by an understanding of the causes and consequences of inequality and violence, including gender and intersectional discrimination. This includes providing transformative reparations for victims, including restitution, compensation, rehabilitation, satisfaction (for example, commemorations and tributes to victims, victim's funds), and guarantees of non-repetition. In this context, Member States are urged to grant asylum and humanitarian visas to the victims and their loved ones, and to provide medical and other life-saving assistance, including psychosocial support to those fleeing persecution for their involvement in or defence of human rights in the context of the protests in the Islamic Republic of Iran.

1933. The courage and resilience of the women, men, and children of the "Woman, Life, Freedom" movement underscores the critical need for global solidarity with those continuing to fight for equality, justice, and human rights in the Islamic Republic of Iran, particularly for women and girls.

XIII. Recommendations

1934. For three decades, both the UN Secretary General and Special Rapporteurs on the situation of human rights in the Islamic Republic of Iran have presented annual reports to the General Assembly and the Human Rights Council, with detailed recommendations to the Government of the Islamic Republic of Iran. Similarly, concrete recommendations have been made in areas relevant to the mandate of the Mission by the United Nations High Commissioner for Human Rights, UN Treaty Bodies, Special Procedures mandate holders and in the context of the Universal Periodic Review (UPR). Most of these recommendations are still valid today and yet to be implemented by Iranian authorities. In light of its findings, the Mission highlights some recurrent, as well as new, areas of concern which require the attention of the Government of the Islamic Republic of Iran, Member States, the UN human rights system, and the private sector.

A. To the Government of the Islamic Republic of Iran:

1935. The Mission urges the Government, as a matter of utmost priority, to:

(a) Immediately halt all executions of protesters and put in place a moratorium on the use of the death penalty, with a view to abolition;
(b) Immediately and unconditionally release all persons arbitrarily deprived of their liberty in the context of the protests, especially women and children;
(c) Ensure that their family members are immediately informed of the whereabouts of detained individuals;
(d) Cease and desist from any practices, including those described in the present report, that amount to torture or cruel, inhuman and degrading treatment, including acts of sexual and gender-based violence and the use solitary confinement;
(e) End the use of temporary or clandestine places of detention and provide urgent and unconditional medical and health care to those in detention;
(f) Provide children who endured or witnessed serious human rights violations linked to the protests appropriate survivor-centred and child friendly services including psycho-social, medical and other support services.
(g) Provide access to justice and due process to all protesters charged with offences, in line with international human rights standards;
(h) Ensure victims and their families the right to mourn their loved ones without threat, intimidation or fear of reprisals;
(i) End the harassment, including judicial harassment, of protesters, their families, supporters and those expressing solidarity with them;
(j) End the harassment, including judicial harassment, of those seeking truth, justice and reparations for victims in the context of the protests, including victims and their families, journalists, lawyers, medical professionals and human rights defenders;
(k) Undertake, effective, thorough, independent, impartial and transparent investigations, into the violations of international law, human rights, and international criminal law described in this document, in accordance with international standards.

1936. The Mission also urges the Government of Iran to:

(a) Repeal vaguely worded criminal offences in the Islamic Penal Code and other laws that are used to criminalize and punish the exercise of human rights including the rights to freedom of expression and of peaceful assembly and association, as described in this conference room paper;
(b) Repeal all laws and policies relating to the mandatory *Hijab*, and ensure women and girls' rights to freedom of expression and autonomy;
(c) Disband the "*Gasht-e-Ershad*," or "morality police" and end all repressive policy and institutional measures taken and envisaged to repress women and girls exercising their fundamental human rights;
(d) Repeal all laws that discriminate including on grounds of gender, sex, religion and ethnicity, as documented in this conference room paper;
(e) Repeal all laws allowing for the use of lethal force in circumstances that do not meet the threshold of "an imminent threat of death or serious injury" and ensure that domestic laws regulate the use of force in strict compliance with the principles of legality, necessity, proportionality, precaution and accountability;
(f) Raise the minimum age for criminal responsibility, and ensure the equal treatment of boys and girls within the justice system in accordance with international human rights standards;
(g) Uphold the absolute prohibition of torture and other ill-treatment by defining torture as a crime in national legislation in line with international law and standards and introduce the necessary safeguards;
(h) Repeal all legislation, in particular provisions of the Islamic Penal Code which sanction punishments amounting to torture, including flogging and amputation;
(i) Provide due process, including access to a lawyer of one's own choosing from the time of arrest, and including during interrogations, and prompt access to medical examinations by an independent doctor upon being taken into custody, during transfers, and periodically during detention.

(j) Allow unimpeded access and monitoring of detention centres by international and independent organizations and observers, including impromptu visits. Also allow regular consular visits for foreign citizens and for Iranian citizens with dual nationality;

(k) Unequivocally condemn sexual and gender-based violence and bring the definition of rape in Iranian law in line with international law and standards: repeal laws that deter victims from reporting SGBV, that contain discriminatory standards of proof or that lead to impunity for SGBV;

(l) Cease undue restrictions on digital space and repression of online activities. Ensure surveillance is not used to unduly restrict the exercise of fundamental freedoms, especially the rights of women and girls to freedom of expression and autonomy;

(m) Put an end to all online and offline hate speech, especially against women, LGBTQI+ people and minorities, in accordance with international standards;

(n) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and their respective Optional Protocols, including those allowing for individual communications; ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty.

B. Recommendations to Member States

1937. Member States should show solidarity with the women, children and men who courageously stood up for equality, dignity and rights as part of the 'Woman, Life, Freedom' movement, by taking the following measures:

(a) Accelerate asylum applications by victims of the protests, ensuring that survivors of SGBV and linked repression have access to safe legal pathways out of Iran;

(b) Provide funding for psychological trauma support programmes, with a focus on trauma therapy for women and girls, noting the specific gendered crimes and violations they have suffered, as well as for injured protesters, particular those with ocular injuries, given the impact of these injuries on their physical and mental well-being;

(c) Ensure protection of Iranian nationals on their territory who are at risk of retaliation for their solidarity with the protests, and explore avenues for accountability;

(d) Explore the provision of reparations to victims, including restitution, compensation, rehabilitation, satisfaction (e.g. commemorations and tributes to the victims) and guarantees of non-repetition;

(e) Apply the principle of universal jurisdiction without procedural limitations;

(f) Consider opening structural investigations into the general situation linked to the protests of 2022 without an identified suspect, especially where victims of the violations described in this report may be present on their territory;

(g) Refrain from applying immunity *ratione materiae* with respect to the crime of genocide, crimes against humanity, the crime of apartheid, torture, including rape when amounting to torture, and enforced disappearance to ensure accountability for such crimes;

(h) Take legal action to ensure integral reparations for victims and their families, and for that purpose to individually or jointly consider creating a Victims' Reparation Fund;

(i) Respect and ensure that at all stages of legal proceedings, the rights of victims including protection, remedy, and reparation, including for the human rights violations described in the present document. In particular:

- In consultation with the victims, their representatives, and civil society with a track record on defense of human rights, particular care should be taken to ensure their safety and the safety of their family members, taking into account that some family members may be abroad, including through broad and effective protective measures;
- In legal proceedings, victims' knowledge of the facts, including in relation to the violations described, is essential. Building trust among

victim communities, providing support, including in relation to immigration matters, informing the victims about legal processes, not only ensures increased cooperation, but also increased access to relevant evidence;
- In the context of criminal proceedings, victims of human rights violations who reside outside Iran, including those described in this conference room paper, should benefit from any damages awarded by a court;
- Take measures to ensure that no retaliation is exercised against victims, their family members or those that act in solidarity with them using domestic and international venues to respond to threats of or confiscation of property, harassment, arbitrary detention, or any type of retaliation;

(j) Take measures to further increase legal cooperation, including in relation to the human rights violations in Iran described in the present report and in particular consider signing and ratifying the Ljubljana-Hague Convention. Moreover, authorities in the European Union should consider, as appropriate, setting up a joint investigation team to carry out investigations in relation to the violations described;

(k) Separately, States parties to the ICERD should enter into negotiations with Iran with regard to the latter's compliance with its substantive obligations under CERD or bring the matter to the attention of the Committee on the Elimination of Racial Discrimination pursuant to Article 11 of ICERD.

C. Recommendations to the UN human rights system, including the Human Rights Council

(a) The Human Rights Council should remain seized of the human rights situation in the Islamic Republic of Iran, especially in follow-up to the report of this Mission and ensure its preventive role;

(b) The UN human rights mechanisms, including the Special Procedures and treaty bodies, should ensure follow-up of the findings of this Mission.

D. Recommendations to the private sector

(a) In line with the Guiding Principles on Business and Human Rights, private companies have responsibilities to respect human rights, and should seek to prevent or mitigate adverse human rights impact that are directly linked to their operations, products or services, including through their supply chains;

(b) Given their impact on human rights, social media companies must invest in consistent transparency reporting with a view to enabling the public and the media in a timely manner about content restrictions requested by States and about organized hostile operations. Social media companies should have effective remedy processes in order to guarantee accountability;

(c) Ensure that social media platforms are safe for their users, including by strengthening community standards, taking into account the risks faced by users in the Iranian context, ensuring that moderation of content is proactive and not overly reliant on reporting of breaches by users or third parties;

(d) Establish a transparent, well-resourced trusted partner program specific to emergencies and develop an accountability mechanism on the criteria for flagging, removal and public reporting in consultation with Iranian and expert civil society groups;

(a) Monitor and dismantle unauthentic coordinated behaviours and address online hate speech, especially against women, LGBTQI+ people and minorities.

Annexes

I. Correspondence with the Government of the Islamic Republic of Iran

1. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 30 January 2023

United Nations Nations Unies

INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

Reference: FFMIRAN/ST/01

His Excellency Mr. Ali Bahreini,
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

30 January 2023

Re: The Independent Fact-Finding Mission on the Islamic Republic of Iran

Your Excellency,

I write on behalf of the Independent International Fact-Finding Mission on The Islamic Republic of Iran (the 'Fact Finding Mission on Iran', or 'FFMI'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children", adopted on 24 November 2022,

As you may be aware, this Resolution mandates the fact-finding mission to "*thoroughly and independently investigate alleged human rights violations in the Islamic Republic of Iran related to the protests that began on 16 September 2022, especially with respect to women and children*", to "*establish the facts and circumstances surrounding the alleged violations*", and to "*collect, consolidate and analyse evidence of such violations*". It further mandates the fact-finding mission to "*engage with all relevant stakeholders, including the Government of the Islamic Republic of Iran* […]".

In the discharge of this mandate, the three Experts who have been appointed by the President of the Human Rights Council and constitute the FFMI - Prof. Shaheen Sardar Ali (Pakistan), Ms. Viviana Kristicevic (Argentina) and the undersigned - are committed to undertaking a wholly independent and impartial approach, and being informed by the views of all key stakeholders, including the Government of the Islamic Republic of Iran.

In this connection, we respectfully draw your attention to Paragraph 9 of the Resolution, which calls upon the Government of the Islamic Republic of Iran to "*cooperate fully with the independent international fact-finding mission, to grant unhindered access to the country without any delay and to provide the members of the fact-finding mission with all information necessary to allow for the proper fulfilment of their mandate*".

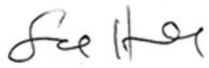
In order to fulfil our mandate, we seek the opportunity to visit Iran and to meet with all concerned stakeholders in the country, in particular the Government of the Islamic Republic of Iran, and citizens of Iran, to receive any pertinent information and hear first-hand their evaluation of the evolving situation.

We accordingly seek an early opportunity to meet with the Permanent Representative of the Government of the Islamic Republic of Iran at the United Nations in Geneva, in order to solicit the Government's views.

We take this opportunity to communicate the assurances of our highest consideration.

On behalf of the Fact-Finding Mission on Iran

Yours Sincerely,



Sara Hossain
Chairperson

cc.
1.Prof. Shaheen Sardar Ali, Member, FFMI
2. Ms. Viviana Kristicevic, Member, FFMI
3. Mr. Václav Bálek, President of the Human Rights Council

2. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 23 February 2023

United Nations Nations Unies

INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

23 February 2023

Re: Request for information (Human Rights Council Resolution S-35/1)

Your Excellency,

We write on behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran (the 'Fact-Finding Mission on Iran', or 'FFMI'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children".

Further to our earlier correspondence of 30th January 2023, we take this opportunity to reiterate our interest in engaging in a dialogue with the Government of the Islamic Republic of Iran, including to seek the views of the concerned authorities with respect to allegations of human rights violations related to the protests that began on 16 September 2022, in particular those relating to women and children.

In the present letter, we respectfully refer to the following specific cases:

I. Jina Mahsa Amini

We have received allegations concerning the arrest, detention and death in custody on 16 September 2022 of Jina Mahsa Amini, aged 22, reportedly arrested for violating the compulsory veiling law. As the mandate provided by the Human Rights Council to the FFMI refers to the situation of human rights in the Islamic Republic of Iran in the context of the protests following the death of Jina Mahsa Amini, it is critical for the FFMI to establish the facts and circumstances surrounding her detention and death, as well as the measures taken by the authorities to ensure accountability of those responsible. In this regard, we respectfully request access to all relevant information on the circumstances leading to the arrest, detention and death of Jina Mahsa Amini in particular:

1. the date, time and location of her arrest and detention, including charges against her;
2. information on the security forces or law-enforcement entity (ies), unit/s and officials present at and responsible for her arrest and detention, including all location/s and place/s of detention where she was held; and
3. access to administrative or medical records referring to her physical and mental health condition at the time of the arrest and detention, as well as any records referring to the cause(s) of death.

II. Death Sentences and executions in relation to recent protests

Please provide detailed information on the **persons sentenced to capital punishment**, and the **persons executed,** in relation to the protests organised in the country between 16 September 2022 and the date of receiving this letter. Please include information on the total number, names, ages, gender, ethnic

identity and religion of these persons, the factual and legal grounds for their arrests and detention, including charges brought against them, convictions and sentences, indicating the places of detention and courts which are exercising jurisdiction on their cases. In particular, we request detailed information about reports that at least 19 individuals have been sentenced to death and are at risk of execution in connection to the protests (see attached list). Additionally, please provide details on how the imposition of the death penalty in all these cases complies with international human rights law, in particular with the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty.

III. Detentions, pardons and reduction of sentences of persons arrested/convicted in relation to recent protests

We request information regarding the recent reported decision by the Supreme Leader of Iran, Ayatollah Ali Khamenei, agreeing to the request of the Chief of Judiciary, to pardon or reduce the sentences of several persons convicted, or arrested, detained or prosecuted, in relation to recent protests.

In this regard, we would be grateful for additional information and clarification on the following questions:

1. Please provide details on the **total number of persons currently held in detention**, **persons charged, and persons convicted and sentenced** in relation to the protests held in the country between 16 September 2022 and the date of receiving this letter. Please provide information on their names, ages, gender, ethnic identity, and religion. Please provide details on the factual and legal grounds for the arrests and detention, including charges brought against them, reasons for convictions and sentences ordered, indicating the places of detention and courts which are exercising jurisdiction in these cases.

2. Please provide any relevant information, including a copy of the request from the Chief of the Judiciary related to **the request for pardon or reduction in sentence** of several persons held in custody, including those detained or charged in relation to the recent protests, and convicted by the Public Courts, Revolutionary Courts, and the Judiciary Courts of the Armed Forces.

3. Please provide **detailed information on the persons arrested in the context of the protests who have received a pardon or reduction of sentence**. Please also provide detailed information on the **persons who have been released from detention following the pardon or reduction in sentence**. Please provide information on the total number, name, age, gender, ethnic identity and religion of these persons, as well as factual and legal grounds for the arrests and detention, including charges brought against them, possible convictions and sentences ordered, indicating the courts which are exercising jurisdiction on their cases.

4. Please provide detailed information on the **terms and conditions for pardons, decisions on reduction of sentences, and release** of persons convicted or arrested, detained, or charged in relation to the protests. Please provide detailed information on the possible application of the pardon and reduction of sentences in respect of persons who are dual nationals (of Iran and another state) or foreigners.

5. Please provide details on the **measures taken by the authorities in these cases to guarantee that the detained persons have not been deprived arbitrarily of their liberty and have access to a fair trial and proceedings before an independent and impartial tribunal**, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975.

6. Please also provide details on the **measures taken by the authorities in these cases to guarantee that the detained persons are treated with humanity and dignity and with due respect to their physical and mental integrity**, in accordance with article 7 of the ICCPR.

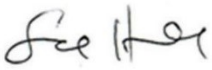
IV. Accountability Measures

Kindly share with us detailed information on the measures taken by the concerned authorities, to ensure accountability in respect of the above matters, including measures to investigate and prosecute any persons responsible for alleged human rights violations, as well as measures adopted to ensure access to justice and reparations including for the families of those affected.

We reiterate our interest in an early opportunity to meet in person to seek clarification and information on the questions addressed in the present letter and look forward to hearing from you in this regard.

We take this opportunity to communicate the assurances of our highest consideration.

Yours Sincerely,
For the Fact-Finding Mission on Iran



Sara Hossain
Chairperson

Encl. List of persons reportedly sentenced to death in relation to protests

Cc: Prof. Shaheen Sardar Ali, Member, Member of the FFMI Ms. Viviana Krsticevic, Member, Member of the FFMI

3. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 6 April 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

6 April 2023

Re: Request for information (Human Rights Council Resolution S-35/1)

Excellency,

I am writing on behalf on of the Independent International Fact-Finding Mission on the Islamic Republic of Iran (the "Fact Finding Mission on Iran", or 'FFMI'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children".

Further to our previous correspondence of 30 January and 23 February 2023, we wish to reiterate our strong interest in engaging with the Government of the Islamic Republic of Iran, and in receiving information and clarifications from relevant Iranian authorities with respect to allegations of human rights violations related to the protests that began on 16 September 2022, in particular with respect to women and children.

In our previous correspondence we had made specific requests for information relating to the case of Mahsa Amini, persons arrested and detained, persons executed following imposition of the death penalty, and others facing the death penalty. We await your responses in this regard.

Moreover, in view of the said Resolution's focus on the human rights of women and children, we seek information on the Iranian domestic legal framework applicable to women and children, in particular girls, and clarifications on certain areas of concern as set out below.

We recall in this connection Iran's obligations under international human rights law to respect, protect and fulfil the rights of all persons within its territories, in particular under the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

I. Compulsory dress code, including veiling and hijab

We have taken note of recent official statements by, H.E. President Ebrahim Raisi and the Ministry of Education regarding the denial of educational services to women and girls for breaching rules of compulsory dress code.

We would be grateful to receive information on:

- Legal provisions relating to the compulsory dress code, including veiling and hijab, applicable in Iran and the age at which this is imposed in law and in practice, in light of allegations that it is imposed on girls from the age of seven .
- The types of legal and/or administrative consequences of not observing the laws and policies on compulsory dress code, including veiling and hijab, such as fines, exclusion from educational programmes, dismissal from employment and prison sentences.
- Data disaggregated by age, ethnic identity, religion and geographic location, on the number of women and girls who have been subject to legal and/or administrative measures for breaching such legal provisions in 2021, 2022 and from January to March 2023.
- The law enforcement agencies and any other bodies tasked with enforcing such legal and administrative provisions, and their powers, alongside any directives, instructions and guidelines provided by government authorities regarding their implementation.
- The role of private businesses, third parties and individuals in the enforcement of such legal provisions.
- The use of facial recognition or other technologies, and of social media to identify women and girls breaching such legal provisions.
- Alleged action against individuals for their advocacy in support of the abolition or relaxation of such legal provisions including information on the number of individuals prosecuted or facing prosecution, the charges brought against them, legal proceedings they faced, any sentences issued or served.
- The possible disbanding of the morality police (*gasht-e ershad)*.

II. Alleged chemical attacks on schools

With regard to allegations of chemical attacks on schools reportedly conducted as a measure of retaliation for schoolgirls' involvement in protests, and in light of statements by the authorities that investigations have been opened, and arrests have taken place of alleged perpetrators, we request information on:

- The steps taken to investigate promptly these incidents, identify the authors and their motives, and bring them to account.
- The number of persons arrested in relation to these attacks, their affiliation(s), the charges brought against them and the legal proceedings they are facing; and whether the girls affected and their parents/ guardians will be provided with accurate, timely and relevant information in this regard.
- The steps taken to ensure the safety of the school premises and other public spaces where children, in particular girls, gather, and to prevent potential attacks, harassment or threats.
- The steps taken to ensure girls are able to enjoy their right to education, free from intimidation or threats.

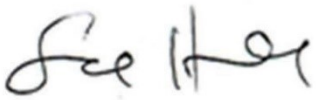
- The steps taken to ensure girls have access to adequate healthcare in such cases without fear or intimidation.

Excellency, as noted above, we would welcome a dialogue with you, to seek clarification and official information on the issues highlighted in this and earlier communications.

We currently plan to be in Geneva from 24 to 28 April 2023 and request a meeting with you during this time to present our mandate and areas of interest, including those outlined in our communications. We look forward to hearing from you in this regard.

Please accept, Excellency, the assurances of my highest consideration.

Yours Sincerely



Sara Hossain

Chairperson of the Fact-Finding Mission on Iran

Cc: Prof. Shaheen Sardar Ali, Member of the FFMI

Ms. Viviana Krsticevic, Member of the FFMI

4. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 17 May 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

17 May 2023

Excellency,

We write to bring to your urgent attention information received of the imminent execution, possibly by tomorrow morning, of three men, convicted and sentenced to death for their alleged involvement in the protests that began in Iran on 16 September 2022.

The three men, Majid Kazemi, Saleh Mirhashemi and Saeed Yaghoubi, from Esfahan, were reportedly convicted for committing the offence of "enmity against God" (*moharebeh*) on allegations of possession of a firearm and killing of three police officers. Their sentences were upheld by the Supreme Court on 10 May 2023, in with allegations of their confessions having been obtained under torture and of due process violations.

We are deeply concerned that the threatened execution of these three men may be in retaliation for their involvement in the protests in Iran following the death of Jina Mahsa Amini on 16 September 2022, and in violation of the international human rights commitments of the Islamic Republic of Iran.

We request you to make these three individuals available for interview to the Independent International Fact-Finding Mission on the Islamic Republic of Iran, and remind you that we are tasked with investigating alleged human rights violations related to these protests and related facts and circumstances.

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H.E. Mr. Ali Bahreini,

Permanent Representative of the Islamic Republic of Iran

Permanent Mission of the Islamic Republic of Iran to the

United Nations in Geneva

H.E. Mr. Amir Saeid Iravani,

Permanent Representative of the Islamic Republic of Iran

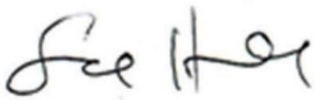
Permanent Mission of the Islamic Republic of Iran to the

United Nations in New York

We urgently appeal to your Government to immediately halt the executions of these three individuals, pending these and other investigations.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain

Chairperson of the Independent International Fact-Finding Mission on the Islamic Republic of Iran

5. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 24 May 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

24 May 2023

Excellency,

We write to bring to your urgent attention, and seek your intervention, in the case of Mohammad Ghobadlou, a 22-year-old man who has been convicted and sentenced to death in connection with the protests that began in the Islamic Republic of Iran on 16 September 2022, and is reportedly at grave risk of execution.

We urgently appeal to the Government to immediately halt any plans to execute Mohammad Ghobadlou, and to ensure that prompt, independent, impartial and effective investigations, in line with international law and standards, are carried out into allegations of torture and ill-treatment in his case.

Given that the threatened execution concerns an individual who has been identified as a possible witness or victim of human rights violations committed in relation to the protests, we respectfully request access to Mohammad Ghobadlou in order to conduct an interview with him. For the Independent International Fact-Finding Mission on Iran to be able to carry out its investigations into his case in an unhindered manner, we further respectfully request access to copies of verdicts issued against him.

We understand that Mohammad Ghobadlou who is reported as having a long-term mental disability, has received two death sentences in relation to allegations that on 22 September 2022, during a protest in the city of Robat Karim, Tehran province, he ran over security forces resulting in the death of one of their members. His first death sentence, on a charge of "corruption on earth", was issued on 16 November 2022 by a Revolutionary Court. His second death sentence, on a charge of "murder" was issued on 24 December 2022 by a Criminal Court. The Supreme Court reportedly upheld these sentences respectively in December 2022 and May 2023. A request for a judicial review of his death sentence issued by the Revolutionary Court on the charge of "corruption on earth" remains pending before the Supreme Court.

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H.E. Mr. Ali Bahreini,
Permanent Representative of the Islamic Republic of Iran
Permanent Mission of the Islamic Republic of Iran to
the United Nations in Geneva

We are deeply concerned about the threatened execution of Mohammad Ghobadlou against the backdrop of reported gross violations of fair trial and due process rights. These include allegations of confession/s obtained under torture, failure to conduct independent rigorous assessments of his mental capacity at the time of the alleged crime, a violation of the prohibition of double jeopardy, and denial of access to a lawyer following arrest and during investigation, as well as denial of access to an independent lawyer during trial before the Revolutionary Court. We are further concerned by allegations of torture and ill-treatment, including beatings in detention, denial of medication for his bipolar disorder, and detention in solitary confinement.

Reports indicate that the courts have not taken into consideration concerns with regard to the mental health status of Mohammad Ghobadlou at the time of the alleged crime. It appears from an official letter, dated October 2022, which is publicly available, that prison officials at the Greater Tehran Central Penitentiary warned the prosecution about Mohammad Ghobadlou's mental health status and on the basis of reports by prison medical professionals recommended that he would be released on medical grounds.

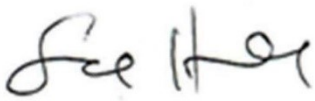
Under international law, death sentences may only be passed for the most serious crimes, limited to "intentional killing", and only in the most exceptional cases and under the strictest limits, including stringent compliance with fair trial guarantees. Under no circumstances is a confession obtained under torture admissible as evidence against a defendant.

Further, international law prohibits the use of the death penalty against people with disabilities, and any execution following fair trial violations would amount to an arbitrary deprivation of life and a gross human rights violation.

As you are aware, we will be providing an update to the Human Rights Council on 5 July 2023 on progress in our investigations. We reiterate our offer to engage in a discussion with you on the situation of human rights in the Islamic Republic of Iran in relation to the protests ahead of this oral update. In the meantime, we look forward to receiving your response to this communication.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain

Chairperson of the Independent International Fact-Finding Mission on the Islamic Republic of Iran

H.E. Mr. Ali Bahreini,
Permanent Representative of the Islamic Republic of Iran
Permanent Mission of the Islamic Republic of Iran to
the United Nations in Geneva

6. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 27 June 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency, Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

27 June 2023

Re: Request for Meeting with the Delegation of the Islamic Republic of Iran attending the 53rd session of the Human Rights Council to discuss Government reports in follow-up to the protests that began on 16 September 2022 (Human Rights Council Resolution S-35/1)

Excellency,

I write on behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran (the 'FFMI'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children".

Further to our previous correspondence of 30 January, 23 February, 6 April, and 18 May 2023, we wish to reiterate our strong interest in engaging with the Government of the Islamic Republic of Iran, and in receiving information and clarifications from relevant Iranian authorities with respect to allegations of human rights violations related to the protests that began on 16 September 2022, in particular with respect to women and children.

In this context, we are pleased to inform you that we have reviewed the reports published by the Government, that provide information on various issues related to the allegations of human rights violations in relation to the protests, including information pertaining to investigations reported to have been conducted by Government authorities. As part of the review, we assessed potential information gaps in the reports, taking into account international human rights law standards, including where applicable, the 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death.

Accordingly, we would be grateful if your Excellency could kindly submit the attached annex containing a list of questions to the Government authorities for their responses and possible follow-up.

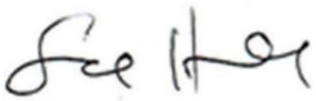
To facilitate our understanding, and in the spirit of enabling the FFMI to take into account the Government's information and views, we respectfully request a meeting with the Iranian Government's delegation attending the 53rd session of the Human Rights Council, during the week of 3 to 7 July 2023.

Alternatively, if it is not possible to schedule the above, we propose a meeting between the Delegation and our Secretariat staff, or the submission of written responses to our questions, preferably by 3 July, to allow us to take into account any Government responses during the preparation of our oral update to the Human Rights Council.

We look forward to hearing from you in this regard.

Please accept, Excellency, the assurances of my highest consideration.

Yours Sincerely



Sara Hossain

Chairperson of the FFMI

Cc: Prof. Shaheen Sardar Ali, Member of the FFMI

Ms. Viviana Krsticevic, Member of the FFMI

ANNEX- List of questions on report of the Government of the Islamic Republic of Iran, in relation to the protests that began on 16 September 2022.

1. **Preliminary Report on the Death of Ms. Mahsa Amini & Ensuing Events, 28 September 2022**

   - Please provide a copy of the autopsy report and results and Ms. Mahsa (Jina) Amini's hospital file and medical records from the Kasra hospital, including the CT scans of her head and chest, and the results of the toxicology tests and pathology, as well as the opinions of experts in related fields referred to in the report any other medical files available.
   - Please provide the terms of reference, findings and results of the investigations conducted by the investigation squad within the Ministry of Interior, a probe team assembled by the Teheran Prosecutor General, the inquiry team of the Teheran Province Justice Administration, the investigation team of the Legal Medicine Organization, and the probe team of the Islamic Consultative Assembly, as well as the medical committee.
   - Please provide information as to whether the different investigations identified and conducted interviews with witnesses, including but not limited to anyone present at the scene of the arrest, the vehicle in which she was transferred, and the conference hall belonging to the Department of Social Affairs and Education for Women, any relevant member of the "morality police", the doctor stationed in the Public Security Police and members of the emergency services. How were witnesses asked to come forward safely and confidentially? Were witness protection programmes made available? If witnesses were interviewed, please provide their full statements.
   - Please provide information as to whether any evidence from the scenes Ms. Mahsa (Jina) Amini was held from the moment she was in the custody of the "morality police" was identified, recovered and recorded, including whether the scenes were recorded in documentary and photographic form. If such evidence was collected, please provide copies of the documentary, photographic and audio-visual materials, and analysis of any physical evidence.
   - Please facilitate access by the Fact-Finding Mission to the members of the above-mentioned investigations and medical and other relevant staff at the Kasra hospital for the purpose of conducting interviews on their findings.

2. **Report No. 2 Pertaining Death of Mahsa Amini & Ensuing Events, 1 October 2022**

   - Please provide more information on the concrete (medical) reason for the conclusion that she suffered a sudden heart and/or organ failure of Ms. Mahsa (Jina) Amini while at the Vozara center?
   - Please provide information in relation to the following questions:
     - What is the explanation for the dark fluid flowing from the right ear? Was there a perforation to the ear drum or a fracture to the base of the skull, local trauma to the ear lobe?
     - After how much time was medical assistance provided? Were there any complications in providing medical assistance?
     - Were the underlying medical conditions and treatments thoroughly considered and their potential effects on the events leading to death examined?

- Were any additional medical records or documentation obtained, apart from the hospital admission document from 2007, to provide a more comprehensive medical history?

- Please provide information on whether and how the Detailed Guidelines on Autopsy were followed in the case of Ms. Mahsa (Jina) Amini, and how long her body has been made available to the forensic doctor for examination.
- Please provide information on how any external causes were excluded as a cause of death, including unintentional causes.
- Please provide the final (original) report of the Legal Medicine Organization.
- Please clarify whether any of the above-mentioned reports, investigation results, have been provided to the family of Mahsa (Jina) Amini and whether the Judiciary has addressed the complaint filed by the family and their lawyer in October 2022.

3. Special Effort to Maintain Health, Safety and Security of inmates in Evin Prison: A Report on Fire Incident and Clashes with Prisoners Convicted of Violent Crimes and Theft, 17 October, 2022

- Please provide detailed information on a) the exact local time when fire was first detected in Ward 7 of Evin Prison; b) the exact time when fire brigades were informed of the fire; c) the exact time when the fire brigade arrived at the site; d) the exact time when fire was extinguished; e) the exact time when Ward 7 prisoners and those held in adjacent wards were evacuated; and f) the exact number of prisoners held in Ward 7, as well as other wards located in proximity to Ward 7.
- Please provide a copy of the investigation report conducted by the fire brigade and/or other bodies in charge into the causes and circumstance of the Evin Prison fire on 15 October 2022, as well as other available information including on evidence recovered and recorded and witnesses interviewed taking into account consent issues.
- Please provide detailed information on the identity of the eight individuals reported to have died in custody on the night of 15 October 2022 or subsequently as a result of injuries sustained on 15 October.
- Please provide copies of the autopsy reports of the eight prisoners who are reported to have died on 15 October or subsequently as a result of the injuries sustained on 15 October, as well as any other relevant medical and pathological records. Please provide information on whether and how the Detailed Guidelines on Autopsy were followed.
- Please provide detailed information on any investigations into the deaths in custody of the eight prisoners as well as detailed information on how any such investigations, if conducted, meet the required criteria under international law and standards in particular the 2006 Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.
- The report refers to "necessary measures" taken by the Security Unit of the Prison Organisation "in order to restore stability to and protect the security of the prison as well as the safety and security of other inmates". Please provide detailed information on these measures including a) the types of force used, including the details of all weapons and equipment deployed; b) injuries caused to prisoners as a result; c) investigations, if any, conducted into the use of force; d) how these measures met international human rights standards on the use of force including fundamental principles of legality, necessity, proportionality, precaution and non-discrimination.
- The report includes no details concerning reports with regards to a) the use of firearms, metal pellets, and the use of tear gas in confined spaces both within Ward 7 as well as in Ward 8; b) the use of force in the Women's Ward; c) the transfer of several prisoners to solitary confinement following the incident; d) the use of landmines in the surrounding

areas of the prison; and e) the opening of criminal cases against a number of Ward 8 prisoners reported to be human rights defenders and dissidents. Please provide detailed information on all such allegations.

4. **Reviewing the methods that are used by Iranian Law enforcement forces to deal with riots, 22 October 2022**

- Please provide organigrams of the Law enforcement forces that dealt with the protests, including names and positions encumbered.
- Please provide the directive by the Commander-in-Chief of the Law Enforcement forces of the Islamic Republic of Iran referred to in the report.
- Please provide more detailed information and material on the domestic legal regime on the use of force by law enforcement officials and on preparedness and planning of law enforcement tasked to policing protests, generic contingency plans and training. protocols, as well as details on instructions and equipment and the deployment of all relevant officials and units.
- Please provide information on instances in which law enforcement officers used force in self-defence or the defence of others to save lives.
- Please provide information on any practices of recording and reflecting promptly in a transparent report the use of force by law enforcement officials during the protests that began on 16 September 2022, including where injury or damage occurred, the recording of the details of the incident, including the reasons for the use of force, its effectiveness and the consequences.
- Please provide information on the protests that the Islamic Republic of Iran has qualified as characterized by widespread and serious violence and a detailed explanation of the legal and factual basis used.

5. **Most important measures taken in connection with rule of law, Non-use of lethal force and policy of accountability during riots, 22 November 2022**

- Please provide detailed information and material on the domestic legal regime on the use of force by law enforcement officials and on preparedness and planning of law enforcement tasked to policing protests, generic contingency plans and training protocols, as well as details on instructions and equipment and the deployment of all relevant officials and units. In particular, please provide detailed information with regards to all weapons referred to in the report as “anti-riot” and non-lethal used by various security and law enforcement bodies.
- Please provide a copy of the “notification appertaining to the ‘non-use and non-carrying of any firearms in dealing with the riots’”, which according to the report was signed by the Commander-in-Chief of the Islamic Revolutionary Guards Corps on 21 September 2022.
- Please provide a copy of the “notice concerning ‘the prohibition of using firearms of any kind to deal with the rioters and control street riots and the need to the use other police tactics and equipment at disposal for managing street gatherings and riots’”, which the report refers to as signed by the Commander-in-Chief of the Law Enforcement Command of the Islamic Republic of Iran.
- With regards to the 23 September 2022 notification from the Country’s Security Council, which according to the report emphasised “when dealing with riots, only special anti-riot forces, who are equipped with non-lethal and authorized equipment and have received the

necessary training related to compliance with relevant laws and regulations and observance of citizen's rights, should be used"; a) please provide a copy of the notification; and b) in relation to the assertion in the letter that only "official and identifiable uniforms of all anti-riot forces" could be used, please provide detailed information, including visual guides, on the uniforms used by various forces used as law enforcement in the context of protests.

- According to the report, "inspection units of each law enforcement force" are tasked with supervising the use of force by law enforcement forces. Please provide detailed information on a) the legal and procedural regimes governing the work of these units; b) the composition of such units; and c) detailed information about all investigations carried out by these units since 16 September 2022 to the date this letter was received in relation to the protests, the issues under investigation and the outcome of each investigation.
- Please provide the following with regards to the 'investigation committee' within the Ministry of Interior established by a 31 October 2022 order, as mentioned in the report: a) the authority establishing the committee and the exact composition of committee; b) its terms of reference, methods of work and procedures; c) the number and nature of reports received from the time of establishment until the date this letter was received, including any findings and recommendations contained in the reports; and d) detailed updates on the work of the committee on (i) "evaluating the claims about the use of unnecessary lethal force by examining the condition of the casualties and determining the causes and factors of the deaths"; and (ii) "evaluating the claims regarding the use of disproportionate non-lethal force by focusing on allegations documented in video images and taking action to verify and investigate in a thorough manner" which according to the report have been assigned as priority areas for investigation. This includes detailed information on all incidents under investigation, the evidence gathered and the findings and recommendations in each case.
- The reports states that "it is the rioters who committed maximum violence against the law enforcement officers by abusing the tolerance and resilience exercised by the anti-riot forces." Please provide details on how such determination has been made while, according to the same report, the work of the Interior Ministry's Committee on allegations of the use of force by law enforcement was still ongoing?

6. The statement issued by the National Security Council concerning issues related to recent riots, seizure of over 8 314 arms, 18 December 2022

- The report acknowledges the existence of peaceful protests. In light of the positive duties under international human rights law to facilitate peaceful assemblies, please provide information on specific measures taken to promote an enabling environment for the exercise of the right of peaceful assembly without discrimination, and to put in place a legal and institutional framework within which the right can be exercised effectively.
- Please provide information on the domestic legal regime on the use of force by law enforcement officials and on preparedness and planning of law enforcement tasked to policing protests, generic contingency plans and training protocols, as well as details on instructions and equipment for and the deployment of all relevant officials and units.
- Please provide information on investigations in relation to the use of force by law enforcement officials in the context of the protests that began on 16 September 2022.
- The report mentions the seizure of weapons. Please provide information on where they were seized, from whom, under what circumstances and on their provenance.
- The report mentions arrests and release of those who have not been engaged in vandalism and arson. Please provide information a) on the number of persons arrested in the context

of the protests that began on 16 September 2022; b) the numbers of persons subsequently released, including information on how many days after their arrest, they were released; c) the numbers of persons facing charges in connection with the said protests and the nature of such charges; d) the numbers of persons convicted and information about their sentences; and e) information on measures taken to respect and ensure their fair trial and due process rights.

7. Armed attack of extremist and terrorist agents in Zahedan, (date of publication unavailable)

- The report attributes the responsibility for the use of firearms and the ensuing deaths to "several extremist and armed elements". Please provide detailed information, including all evidence relied on to attribute responsibility to these actors.
- Please provide CCTV footage, unedited and in full, captured between the hours of 10 am and 10 pm local time on 30 September 2022 by cameras belonging to the police station adjacent to the Mosalla, where the Friday prayers were held, as well as the CCTV footage captured by any other cameras in the vicinity of the mosque and the police station.
- The report refers to the deaths of 19 persons. Please provide a) detailed information about the 19 persons killed, including their identity, age, gender, ethnicity, and religion; b) provide detailed information on the investigations carried out, if any, into each case; c) copies of the autopsy reports of the 19 individuals the report refers to, as well as any other relevant records, including medical and pathological records.
- Reports by several human rights organisations, who have documented the 30 September incident in Zahedan relying – among others – on video footage and photographic evidence of the incident, identify dozens of victims including children. Please provide detailed updated information, disaggregated including by age and gender, about all persons killed on 30 September 2022 in Zahedan and the steps taken in order investigate their deaths.
- Please provide autopsy reports and any other relevant records, including relevant medical and pathological record, for the four named individuals referred to in the reports as members of the IRGC killed during the incident.
- Please provide detailed information about the arrests made in connection with the incident including the number of individuals arrested, the nature of the charges brought against them, the type of evidence collected to support said charges, the stage of proceedings against them and the steps taken in order to guarantee their fair trial rights in line with international law and standards.

8. Some examples of widespread violence by rioters against ordinary citizens and law enforcement officers, 21 November 2022

- Please provide information on the protests qualified as characterized by widespread violence and a detailed explanation of the legal and factual basis used.
- With regards to the reported seizure of weapons, please provide information on where they were seized, from whom, under what circumstances and on their provenance.
- The report entails a number of images which it states pertain to acts of arson, assault and fatal assault some of which include logos of media outlets. For each incident, please provide the original audio-visual material, containing the metadata, as well as all other evidence relied upon to attribute responsibility to individuals, and the manner in which such evidence was gathered and preserved including the chain of custody.

- For all incidents where alleged assaults and killings are reported in the report, please provide the evidence gathered including the autopsy reports of the victims and any other relevant records, including medical and pathological records, as well as detailed information on investigations carried out into the incident.

9. Mohsen Shekari: a report on death penalty and execution of sentence, 13 December 2022

- Under international law, death sentences may only be passed for the most serious crimes, limited to “intentional killing”, and only in the most exceptional cases and under the strictest limits, including stringent compliance with fair trial guarantees. Please provide detailed information as to how the alleged acts attributed to Mohsen Shekari, which did not entail “intentional killing”, amount to "the most serious crimes".
- Please provide a detailed chronology, including the exact dates, of the proceedings in the case of Mohsen Shekari, starting from the time of arrest to his execution.
- Please provide information on the number of hearings held in the case of Mohsen Shekari, both before the lower court and the Supreme Court, and the duration of each hearing.
- According to the report, Mohsen Shekari, “has enjoyed the right to have a lawyer from the very commencement of the proceedings, with his lawyer being present during all trial stages to represent and provide the necessary defence for him.” Please provide detailed information on a) whether the mentioned lawyer was appointed by the court or by the defendant; b) whether the defendant requested a lawyer of his own choosing and if so, how this request was met; c) the exact time and date Mohsen Shekari was granted access to a lawyer following arrest; d) the number of times he was able to meet and/or speak with his lawyer, the duration of each visit, and the circumstances, including steps taken to ensure the privacy of visit/s; e) when his lawyer received the casefile material from the prosecution and whether he received the casefile in full or exculpatory or inculpatory evidence was withheld by the prosecution; f) if material was not disclosed what the legal basis was.
- Please provide information on whether a defence lawyer was present during any questioning of Mohsen Shekari.
- Please provide information on when he was granted access to his family members following the arrest and how many family or other private visits he had prior to his execution.
- Please provide detailed information on all law enforcement agencies and/or security and intelligence bodies in charge of the arrest, detention and questioning in the case of Mohsen Shekari and on all places of detention he was held in following his arrest.
- Please provide copies of the indictment and the verdicts, by both the lower court and the Supreme Court issued in the case of Mohsen Shekari.
- Please provide information on the date and time the scheduled execution was communicated to his lawyer and family.
- Please provide detailed information on the standard of proof that should be met under Iran's domestic laws to establish guilt in criminal cases including in those which may lead to issuance of death sentences.

10. Majidreza Rahnavard: A Report on Death Penalty & Execution of Verdict, 14 January 2023

- Please provide information as to how the criminal offences of "waging war against God" (*Moharebeh*) meets the principle of legality and legal precision under international law.
- Please provide a detailed chronology, including the exact dates of the proceedings in the case of Majidreza Rahnavard, starting from the time of arrest to his execution.
- Please provide information on the number of hearings held in the case of Majidreza Rahnavard, both before the lower court and the Supreme Court, and the duration of each hearing.
- Please provide a detailed explanation on the enjoyment of Majidreza Rahnavard of his rights to presumption of innocence and not to be compelled to testify against oneself or to confess guilt, in light of the broadcasting of a video of him on state TV on 17 November prior to his trial and conviction in which he makes self-incriminating statements.
- In the 17 November video of Majirdreza Rahnavard broadcast on state TV, he appears with a bandaged arm in a cast. Please provide detailed information on how he sustained such injuries, whether the injuries had been sustained during or in the aftermath of his arrest and detention and any investigations conducted into the circumstances in which he sustained injuries.
- According to the report, Majidreza Rahnavard, "has enjoyed the right to have a lawyer from the very beginning of the judicial proceedings. His lawyer has also been present at all stages of the proceedings and provided the necessary defense for him." Please provide detailed information on a) whether the mentioned lawyer was appointed by the court or by the defendant; b) whether the defendant requested a lawyer of his own choosing and if so, how this request was met; c) the exact time and date Majidreza Rahnavard was granted access to a lawyer following arrest; d) the number of times he was able to meet and/or speak with his lawyer, the duration of each visit, and elaborate on the circumstances of each visits, including their privacy; and e) when his lawyer received the casefile material from the prosecution; and whether he received the casefile in full or exculpatory or inculpatory evidence was withheld by the prosecution; f) if material was not disclosed what the legal basis was.
- Please provide information on whether a defence lawyer was present during any questioning of Majidreza Rahnavard.
- Please provide information on when he was granted access to his family members following the arrest and how many family or other private visits he had prior to his execution.
- Please provide detailed information on all law enforcement agencies and/or security and intelligence bodies in charge of the arrest, detention and questioning in the case of Majidreza Rahnavard and all places of detention he was held in following his arrest.
- According to the report, the hearings in the case of Majidreza Rahnavard were held in public and "in the presence of various media outlets, with the footage and audio of which having been recorded, in compliance with legal standards in order to raise public awareness." Please provide the footage and audio recording of all hearings held in the case of Majidreza Rahnavard.
- Please provide copies of the indictment and the verdicts, by both the lower court and the Supreme Court issued in the case of Majidreza Rahnavard.
- Please provide autopsy reports and any other relevant records, including medical and pathological records, for the three individuals Majidreza Rahnavard was alleged to have killed.
- Please provide copies of the following referred to as evidence in the case of Majidreza Rahnavard: a) complaints lodged by the families of the deceased; b) "Complaints lodged and statements made by private plaintiffs"; c) "[t]he content of the videos reviewed at the

time of the crime"; d) the result of the psychological test performed on the defendant as well as detained information on the test and the body which carried out the test; and e) "a handwritten will from the defendant".

- Please provide information on the date and time the scheduled execution was communicated to his lawyer and family.
- Please provide detailed information on the standard of proof that should be met to establish guilt in criminal cases including in those which may lead to issuance of death sentences.

11. Mohammad Mehdi Karami and Seyyed Mohammad Hosseini: A Report on Death Sentences and Execution of verdicts, 14 January 2023

- Please provide detailed explanation as to how the criminal offences of "corruption on earth" (*efsad fel-arz*) meets the principle of legality and legal precision under international law.
- Please provide a detailed chronology, including the exact dates, of the proceedings in the cases of Mohammad Mehdi Karami and Seyyed Mohammad Hosseini starting from the time of arrest to their execution.
- Please provide information on the number of hearings held in the case of Mohammad Mehdi Karami and Seyyed Mohammad Hosseini, both before the lower court and the Supreme Court, and the duration each hearing.
- Please provide detailed explanation on the enjoyment of Mohammad Mehdi Karami and Seyyed Mohammad Hosseini of the right to presumption of innocence and the right not to be compelled to testify against oneself or to confess guilt, in light of the broadcasting of a video of them prior to their trial and conviction in which they make self-incriminating statements.
- With regards to the case of Mohammad Mehdi Karami, the report states that he "has enjoyed the right to have a lawyer since the very beginning of the judicial proceedings." Please provide detailed information on a) the exact time and date Mohammad Mehdi Karami was granted access to a lawyer following arrest; b) the number of times he was able to meet and/or speak with his lawyer, the duration of each visit; c) the circumstances of each visits, including what steps were taken to ensure their privacy; d) when his lawyer received the casefile material from the prosecution; e) whether he received the casefile in full or exculpatory or inculpatory evidence was withheld by the prosecution; f) if material was not disclosed what the legal basis was.
- With regards to the case of Mohammad Mehdi Karami, according to the report, the court did not accept the request of an independent lawyer to represent him stating that the request had not been submitted by the defendant. Please provide detailed information about the steps taken to ensure that Mohammad Mehdi Karami had the opportunity and required information to submit a request for independent counsel.
- According to the report, Mohammad Mehdi Karami appears to not have had access to a lawyer during the appeal before the Supreme Court. The report states "According to the court's announcement, the defendant also did not submit a request to the court to be represented by the lawyer in question or any other barristers." Under international human rights law and standards, death penalty cases should not proceed unless the accused is assisted by competent and effective counsel. Please provide detailed information as to why the confirmation of the verdict and the implementation of the sentence were proceeded without him having had access to legal counsel.
- With regards to the case of Seyyed Mohammad Hosseini, Please provide detailed information on a) the exact time and date he was granted access to a lawyer following

arrest; b) whether the lawyer was appointed by the court or chosen and retained by the defendant; c) if a court appointed lawyer represented the defendant, whether this was the wish of the latter; d) the number of times he was able to meet and/or speak with his lawyer, the duration of each visit; e) on the circumstances of each visits, including steps taken to ensure their privacy; f) when his lawyer received the casefile material from the prosecution and whether he received the full casefile; e) whether he received the casefile in full or exculpatory or inculpatory evidence was withheld by the prosecution; f) if material was not disclosed what the legal basis was.

- Please provide information on whether a defence lawyer was present during any questioning of Mohammad Mehdi Karami and Seyyed Mohammad Hosseini.
- With regards to allegations of torture raised by Seyyed Mohammad Hosseini, the report states that "a case was filed in one of the investigation branches of the Karaj Province Prosecutor's Office, and the lawyer was invited to present evidence and explanations regarding his claims. However, nothing was delivered, unfortunately. Furthermore, the necessary' examinations were conducted when the defendant was transferred to prison, and no signs of beating were observed. The foregoing convict was not harmed or beaten inside the prison either, nor did he himself make a claim in this regard". Please provide detailed information on a) the relationship – individual and institutional – between the Karaj Province Prosecutor's Office and those alleged to have committed the acts of torture; b) as the burden of proof appears to have been placed on the lawyer, the steps taken by the prosecutorial officials to conduct investigations into the allegation; c) the definition of torture under Iran's domestic laws; d) on the date of the reported medical examination of the defendant as well as the authority in charge of carrying it out; d) how the reported investigation meets the required criteria under international law and standards including the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and e) provide copies of all files pertaining to the reported investigation of the torture allegations raised by Seyyed Mohammad Hosseini.
- Please provide information on both men were first granted access to their family members, and other contacts (in the case of Seyyed Mohammad Hosseini) following the arrest and how many family or other private visits did they have prior to their executions.
- Please provide detailed information on all law enforcement agencies and/or intelligence and security bodies in charge of arrest, detention and questioning in the cases of Mohammad Mehdi Karami and Seyyed Mohammad Hosseini and all places of detention they were held in following the arrest, detailing the respective dates.
- According to state media reports, the hearings in the case of Mohammad Mehdi Karami and Seyyed Mohammad Hosseini were held in public. Please provide the footage and audio recording of all hearings held in their cases.
- Please provide copies of the indictment and the verdicts, by both the lower court and the Supreme Court issued in both cases.
- According to state media reports, Mohammad Mehdi Karami and Seyyed Mohammad Hosseini were tried along with at 14 other individuals. Please provide information on how adequate time and facilities were granted to each defendant to present a defence.
- Please provide autopsy reports and any other relevant records, including medical and pathological records, for the individual in whose murder Mohammad Mehdi Karami and Seyyed Mohammad Hosseini were alleged to have played a role.
- Please provide information on the date and time the scheduled execution was communicated to the defendants' lawyers and family.
- Please provide detailed information on the standard of proof that should be met to establish guilt in criminal cases including in those which may to lead to issuance of death sentences.

12. **The preliminary results of investigations conducted by the High Council for Human Rights regarding allegations about deaths of under 18 people during recent riots, 20 October 2022**
    - Please provide detailed information on all aspects of the reported investigations, including but not limited to the exact date/s when they were initiated, all entities, bodies and individuals involved in the mentioned investigations and their relationship – individual and institutional – to those alleged to have committed the violations, their terms of reference, methods of work and procedures, engagement with family members and their participation in the processes of investigation, the types of evidence collected and the manner in which evidence has been collected and preserved, and public reporting on the processes and outcomes, and any other findings and recommendations.
    - Please provided detailed information on how these reported investigations meet the required criteria under international law and standards in particular the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.
    - Please provide copies of autopsy reports and any other relevant records, including medical and pathological records, for all seven children included in the report.
    - While the report mentions the initiation of the investigation by the High Council for Human Rights, following the reported killings of 23 children during the "riots", the discussion on findings appears only to cover the cases of seven children. We acknowledge the existence of another Government report, covering the cases of six other children, which we are in the process of reviewing. Please provide information on investigation, if conducted, and the findings in relation to the remaining 10 children killed. Furthermore, according to reports, over 70 children have been killed in the context of the protests. Please provide detailed information on the steps taken to conduct investigations into the cases of the remaining children reported to have been killed in the context of the protests.
    - In connection with death of Zakaria Khial, in reaching the conclusion that no "combat weapons" were used by law enforcement agents, and attributing responsibility of killings to "terrorist groups", what sources of information and supporting material and evidence have been examined in reaching this conclusion?
    - Similarly, in the case of Amin Marefat, the report attributes the killings to "rioters". What sources of information and supporting material and evidence have been examined in reaching at this conclusion? What are the findings in relation to the weapons used in the killings vis-à-vis the types of weapons used by law enforcement personnel deployed in the specific context of the protest, in the city of Oshnavieh on 21 September 2022.
    - With regards to the case of Nika Shakarami, the reported autopsy findings showed fractures on different parts of the body. However, statements, including from family members, refer to the alleged disappearance of Nika, nine days prior to her reported death, and the marks of severe blows to different parts of her body. Hence, please provide further clarification on what circumstantial evidence led to the conclusion reached in the report, particularly in the absence of any testimonies of witnesses.
    - As to the case of Pedram Azarnoush, please provide additional information on the alleged shooting. The report attributes the shooting to both "rioters and law enforcement forces" without making a distinction. Since the report mentions the ongoing nature of the investigation, which was in October 2022, the FFMI would appreciate receiving further information about the investigations.
    - On the alleged killing of Abdollah Mohammadpour, the report states that Abdollah was killed by blind fire, and that it was not possible to make a determination ss to who was

responsible for firing the shots. Conversely, the specific finding on killing of Abdollah Mohammadpour made a reference to the deceased as having infiltrated the gatherings and attacking a *Basij* base, together with several armed individuals. Since the report mentions the ongoing nature of the investigation, details on circumstances of the death including on the actor behind the shooting is requested.

13. Pardon & Commutation of Punishments Meted Out to Defendants & Convicts on 44th Anniversary of Victory of Islamic Revolution, 14 February 2023

- Please provide disaggregated data (by age, gender, ethnicity, religion, province and city); the factual and legal grounds for arrests and detention; the case status at the time of pardons, namely whether the individual was detained without any charge, charged, or convicted and sentenced; the nature of the charges where individuals were formally charged; and the sentences were they were convicted with regards to those arrested in connection with the protests that began on 16 September 2022.
- Please provide the following information: a) How many of those reportedly pardoned had not been formally charged with a criminal offence at the time they were granted pardons? b) How many had been charged but not indicted? c) How many had been indicted but had not been convicted?
- Please provide disaggregated data (by age, gender, ethnicity, religion, province and city); the factual and legal grounds for their arrests and detention; and the case status on individuals arrested, detained and charged in connection with the protests who have not been granted pardons and the reasons why they have not been included in the pardons granted.
- Please provide detailed information on the terms and conditions attached to the pardons.
- According to reports, individuals granted pardons were required to sign written undertakings. Please provide the form/s used as the basis of such undertakings; and information on whether the individuals were advised and assisted by counsel during this process.

14. Key measures of General Inspection Organisation for Handling Public Complaints 21 March - 22 September 2022), 1 October 2022

- Please provide an update on complaints received since 23 September 2022.
- Please provide more information on complaints against police stations, police units and bailiffs of justice administration.
- Please provide more information on complaints against universities, non-governmental higher education institutions and non-profit schools.
- Please provide more information on complaints related to discrimination, intentional actions or non-official relations towards individuals, as well as complaints related to abuse of office, affairs and administrative positions.
- Please provide information on numbers of instances in which the inspection report implies the occurrence of a crime and a copy of the report with the relevant reasons and documents was sent to the competent judicial authority for the prosecution and punishment of the perpetrator.

15. Key measures by the Islamic Consultative Assembly 's Article 90 Commission to respond to public complaints about modus operandi of three powers of State in the Islamic Republic of Iran 21 May - 22 Sept. 2022, 23 March 2023

- Please provide an update since 23 September 2022, in particular on the work of the judicial committee.
- Please provide more information on complaints received by the judicial committee and measures taking regarding the situation of prisoners.
- Please provide more information on complaints received by the judicial committee and measures taking in relation to situation of reducing the criminal population and applying alternative punishments to imprisonment.
- Please provide more information on the 28 visits and missions conducted by the judicial committee.
- Please provide more information on the 60 investigations conducted by the judicial committee.

16. Major Damages Inflicted upon Public and Private Properties Following Violent riots, 15 October 2022

- Please provide information on the appropriate legal measures implemented by law enforcement officers as described in the report, including what equipment and methods were used, and how they meet international human rights standards on policing of assemblies, including fundamental principles of legality, necessity, proportionality, precaution and non-discrimination.
- Please provide information on the work by law enforcement agencies towards establishing channels for communication and dialogue with the various parties involved in the protests that began on 16 September 2022, including aimed at promoting preparedness and de-escalation.
- Please provide information on what measures were taken by the Government in its planning and conducting of policing of the protests to minimize damage to public and private property?
- Please provide information on persons arrested, detained, prosecuted, convicted or sentenced for alleged damage to property, including the types of sentences pronounced, on the legal and factual basis for such measures, and the steps taken to guarantee their fair trial rights in line with international law and standards.

17. Second Enlightening Report on Alleged Poisoning of Students in the Islamic Republic of Iran, May 2023

- Please provide details on the number of students that are directly affected by the events referred to in this report (disaggregated by sex and administrative provinces). Please provide details on the extent of health risks experienced by the students, and the corresponding clinical support or otherwise extended to treat those students exposed to the poisonous substance.
- The report refers to laboratory tests administered on the substances identified and students affected by the incidents. Please provide information on any quantitative findings on the type of the material agents used against the total reported cases of students' exposure to the chemical substance.
- The report refers to the use of "odorous substance" in and around schools. Please provide further information on the material characteristics of the reported odorous substance.
- While stating the findings of the laboratory tests, the report mentioned: "no toxic substance that can cause poisoning was observed [.]". However, earlier findings reported by the Minister of Health referred to nitrogen as the toxin that poisoned the girls [The New York Times, Hundreds of Schoolgirls Fall Sick in Iran, and Officials Suspect Poisoning,]. It was further mentioned that the specific report of the Ministry of Health to emanate from the investigation works with a team of thirty toxicologists. Please

provide the reasons and evidence for your conclusions in the latest report, in light of what is earlier reported by the Minister of Health. Please provide copies of the report with investigation findings, and facilitate access to members of the team of thirty toxicologists for interviewing.

- The investigation report mentions the apprehension of individuals who are allegedly responsible for the incidents. Please provide information on the status and findings of any investigations into their acts, their responsibility, motives, and any institutional affiliations etc.
- The report refers to "a Project of Shutting Down Girls Schools" as one of the objectives for the commission of the acts of poisoning of students. Please provide further information, including on who specifically is behind the reported project, and their motives.
- The report states that "the alleged poisoning of students was brought up simultaneously as the street riots were subsiding". Please provide any information on any connection between the protest and the reported poisoning of students.

18. Third updated report on damages inflicted upon government, public and private properties and places during riots (financial value of damages)

- Please provide information on the criteria used to calculate the damages in [213,773,625.28 US Dollars].
- Please provide information on persons arrested, detained, prosecuted, convicted or sentenced for alleged damage to property, including detailed charges and the types of sentences pronounced, and on the legal and factual basis for such measures.
- Please provide information on any firearms and *armes blanches* seized, where and whom they were seized from, under what circumstances and on their provenance. Were any persons arrested, detained, prosecuted, convicted or sentenced for the use of such weapons, what were the detailed charges and sentences pronounced, and what was the legal and factual basis for such measures.

19. The third report on September 30 incident in the city of Zahedan

- The investigation reportedly includes interviews with police commanders and security officials, analysis of CCTV footage, collection of field evidence, discussions with eyewitnesses and injured individuals, as well as meetings with clan leaders and religious scholars. Additionally, the investigators reconstructed the scene of the "riot" and analyzed the police's modus operandi. Please provide information and all the evidence obtained including but not limited to the those mentioned above.
- Have the authorities intended to establish any connections between these events and the widespread protests that began on 16 September 2022?
- Please provide information on the sanctions imposed on the police officers involved and the reparation measures that have been implemented?

20. Supplementary report on major damages inflicted upon public and private properties following violent riots

- Please provide information on persons arrested, detained, prosecuted, convicted or sentenced for alleged damage to property, including detailed charges and the types of sentences pronounced, on the legal and factual basis for such measures, and the steps

taken to guarantee their fair trial and due process rights in line with international law and standards.

- Were the individuals who were detained directly linked to these incidents or were they unrelated?
- Please provide further information and evidence on the reported "coordinated" fashion of attacks, on what methods were employed for organizing and the reported widespread nature including the factual and legal basis, taking into account international law and standards, of such categorisation.

7. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 2 July 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

2 July 2023

Excellency,

We write to bring to your urgent attention, and seek your intervention regarding, the case of **Mr. Mojahed (Abbas) Kourkouri**, who has been convicted and sentenced to death in connection with the protests that began in Iran on 16 September 2022, and is reportedly at grave risk of execution.

We urgently appeal to the Government to immediately halt any plans to carry out the execution of Mr. Kourkouri and to ensure that prompt, independent, impartial, transparent, and effective investigations, in line with international human rights law and standards, are carried out into the allegations in his case, namely allegations of enforced disappearance, torture and ill-treatment and serious fair trial and due process violations, including access to a lawyer of his own choice.

According to information received, Mr. Kourkouri was arrested on 20 December 2022 near Ghalehtol, Khuzestan province, by agents from the Ministry of Intelligence, Revolutionary Guards and the Law Enforcement Command of the Islamic Republic of Iran during an alleged "armed clash" and was accused of involvement in the killing of a child at the protests held in Izeh, Khuzestan province, on 16 November 2022.

However, Mr. Kourkouri was reportedly not at the protests taking place in Izeh on 16 November 2022 and we understand that the family of the victim child in question has repeatedly denied his involvement in the killing of their child.

..\..

His Excellency Mr. Ali Bahreini,
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

Following Mr. Mojahed Kourkouri's reported arrest by the Ministry of Intelligence, Revolutionary Guards and the Law Enforcement Command, to early April 2023, neither his family nor his independently chosen lawyer were reportedly informed of his whereabouts.

In April 2023, Mr. Kourkouri was reportedly convicted of the offences of "enmity against God" (*moharebeh*),"corruption on earth" (*efsad-e fel arz*) and "armed rebellion against the state" *(baghi*) and sentenced to death by a Revolutionary Court in Ahvaz. We understand that his appeal against his conviction and sentence is pending hearing before the Supreme Court.

We are deeply concerned about the imminent threat of execution of Mr. Kourkouri against the backdrop of reported gross violations of fair trial and due process rights. These include allegations that Mr. Kourkouri was forced to confess under torture and ill-treatment and that his "confessions" were aired by Iranian state media in late December 2022.

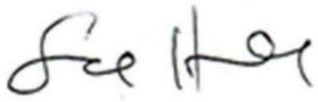
As you are aware, under international human rights law, death sentences may only be passed for the most serious crimes, limited to "intentional killing", and only in the most exceptional cases and under the strictest limits, including stringent compliance with fair trial guarantees. Under no circumstances is a confession obtained under torture admissible as evidence against a defendant. Any execution following fair trial violations would amount to an arbitrary deprivation of life and a gross human rights violation.

Without prejudging the accuracy of the allegations, we respectfully request access to Mr. Kourkouri, as well as to copies of judgements, including factual and legal findings, judicial files and the evidence against him, in accordance with, and in discharge of our mandate pursuant to paragraph 9 of the Human Rights Council Resolution S-35/1, so as to carry out our investigations into this case in an unhindered manner.

Furthermore, the FFMI takes this opportunity to call on the Government of the Islamic Republic of Iran to immediately establish a moratorium on all executions, with a view to abolishing the death penalty, in line with General Assembly resolutions and the positions of the UN human rights mechanisms.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc.
Prof. Shaheen Sardar Ali, Member, FFM Iran
Ms. Viviana Krsticevic, Member, FFM Iran

8. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 27 July 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

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27 July 2023

Excellency,

On behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran'), I write to thank you for your meeting on 4 July 2023 and the opportunity to discuss the mandate and the work of the "Special Committee to investigate the 2022 unrests" ('Special Committee'). In our oral update to the Human Rights Council, on 5 July 2023, we have reported upon the holding of this meeting.

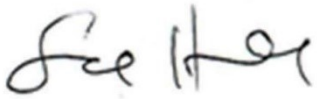
We note the information on the Special Committee's plans and work shared by you during our meeting. Further to your assurance that the Special Committee will try to respond to all our follow-up queries, we forward herewith a set of questions focused in particular on your methods of work, and the timeline and expected outcomes of your activities (see annex).

We will appreciate it if the Special Committee submits its responses by 30 August 2023. We also encourage you to make further submissions to the Fact-Finding Mission on Iran throughout our mandate, including documentation such as case files and other materials relevant to our mandate.

Your responses and submissions will be taken account of by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Prof. Shaheen Sardar Ali, Member of the FFM on Iran
Ms. Viviana Krsticevic, Member of the FFM on Iran

Annex

Questions for the Special Committee

1. Methods of work
   a. Could the "Special Committee to investigate the 2022 unrests" ('Special Committee') share with the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran') the calls for information or submissions that the Special Committee has made public, including the link to the website for submissions from complainants?
   b. Noting your statement that the findings will be based on accounts of witnesses and on documents, could you please elaborate on the investigative powers given to the Special Committee?
   c. Can you share your methodology for identification of victims, witnesses, and alleged perpetrators in relation to interviewing, taking written statements, and collecting and preserving evidence?
   d. Does the Special Committee have the power to summon individuals or seize evidence?
   e. Can you elaborate on steps taken to provide effective protection and support to cooperating witnesses and victims?
   f. Will the Special Committee conduct hearings, and if so, will the hearings be public? Will the media have access to the hearings and be able to follow the work of the Special Committee? Will the transcripts of the hearings by the Special Committee be publicly accessible and if so, how?
   g. Noting your statement that the Special Committee is in regular contact with women's institutions in Iran, could you elaborate on steps taken to ensure broad, pluralistic and equal participation in relation to your mandate across civil society, in particular women and girls, and of efforts to remove or reduce barriers to participation and provide a safe and enabling environment?
   h. Will the Special Committee engage with the public more widely through any other means?
   i. Could you share with us more details on the composition of your Secretariat, including the gender composition? What are the professional profiles of your staff? Are they connected to government institutions?
   j. What legal framework will the Special Committee apply? How will the Special Committee apply in its work the norms and standards contained in the international human rights treaties to which Iran is a party and reflected in international customary law?
   k. Noting your statement on verification and corroboration of evidence, could you please share with us the standard of proof applied by the Special Committee and information on the methodology of its investigation and findings?
   l. How does the work of the Special Committee connect with or complement that of State institutions, in particular the judiciary?
   m. Could you elaborate further on the steps taken to ensure institutional and substantive independence of the Special Committee and its ability to work independently and impartially?

2. Timeline of the investigation

   a. Does the Special Committee have a specific timeframe to accomplish its mandate? What is the timeline for the Special Committee to carry out the mandated activities?
   b. Will the Special Committee issue interim and/or final reports?

3. Outcomes

   a. Could you provide further information on the 18 plans of action developed by the Special Committee and referred to in our meeting?
   b. Noting your statement that the Special Committee will prepare a list of those who lost their lives, were injured or otherwise affected in relation to the protests, will this list be public? Could you share the list with the Fact-Finding Mission?
   c. Will the Special Committee determine the cause, manner, location and the dates of commission of human rights violations?
   d. Will the Special Committee issue detailed factual and legal findings on human rights violations, and will they be made public? How will these be communicated to the families of victims?
   e. Taking into account that the Special Committee said that it will identify those responsible for human rights violations, will it publicly name such individuals or entities and make any recommendations on holding individuals accountable?
   f. Does the Special Committee have power to refer specific cases of human rights violations to the judiciary or any prosecutorial authority for further action?
   g. Will the Special Committee make recommendations on ensuring the right of victims of human rights violations and their families to truth, justice and reparations? Will this include recommendations on adopting legislative and administrative procedures that provide fair, effective and prompt access to justice and to reparations for victims?
   h. Can the Special Committee provide compensation for violations of the right to liberty and security of person and the right to a fair trial under international law?
   i. Can the Special Committee issue interim measures to stop the application of the death penalty while investigating specific cases?
   j. Noting your statement that some victims have already received compensation, could you elaborate on the process of identifying and compensating them and provide data on the alleged perpetrator, the victims compensated, including age, gender, and any other characteristics, the location of the event that led to their victimization, the act(s) that led to the victimization, the type of damage experienced by the victims, the remedies sought by the victims and the type and amount of compensation?
   k. Will the Special Committee issue any (other) interim measures?
   l. Noting your mandate on recommending improvements to domestic laws and regulations governing the freedom of peaceful gatherings, will you make recommendations on incorporating and implementing international human rights law norms and standards into the domestic legal system?
   m. Could you share with us your reports, findings and recommendations as you finalize them?
   n. Do you plan to archive the material collected by the Special Committee?

9. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 27 July 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

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Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

27 July 2023

Excellency,

On behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ("FFM on Iran"), I write to follow-up on the statement of H.E. Dr. Kazem Gharib Abadi, Secretary-General of the High Council for Human Rights of the Islamic Republic of Iran, before the 53rd session of the Human Rights Council on 5 July 2023.

We would appreciate receiving additional information with regard to some of the substantive issues raised in the statement by H.E. Dr. Gharib Abadi, including regarding the following allegations with respect to the protests that started on 16 September 2022 in Iran:

- The participation of 100 persons affiliated with terrorist groups, who were reportedly arrested;
- The seizure of 8000 weapons;
- The killing of 74 law enforcement forces and injury of 7000 law enforcement forces;
- The destruction of 200 places and public and private property;
- Instagram having "taught how to make bombs" and having "refused to remove 3 million posts related to the sale of firearms";
- Twitter having "created 50,000 fake Farsi accounts to act against Iran"; and
- "London-based anti-Iranian TV channels" having "dedicated their capacities to notorious terrorists for interviews" and "devoted a large portion of their programs to promoting violence and crime".

His Excellency, Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

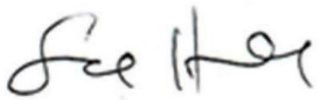
We also take note of the reference in H.E. Dr. Gharib Abadi's statement to the "recent amnesty granted by the Supreme Leader", and that "nearly all of the accused and convicts, both those in custody and those released on bail were granted bail". In this respect, we respectfully reiterate our 27 June 2023 request for information on the number of persons still facing charges and/or detained for their participation in the protests that began on 16 September 2022.

Any information provided will be taken account by the FFM on Iran in its ongoing investigation.

In this context, we reiterate our interest to meet with Your Excellency as well as with the High Council for Human Rights of the Islamic Republic of Iran and hope that such an opportunity will present itself in the near future.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. H.E. Mr. Václav Bálek, President of the Human Rights Council
Prof. Shaheen Sardar Ali, Member of the FFM on Iran
Ms. Viviana Krsticevic, Member of the FFM on Iran

10. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 9 August 2023

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN
E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

Reference: FFMIRAN

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

9 August 2023

Re: The Independent International Fact-Finding Mission on the Islamic Republic of Iran – the use of the death penalty against protesters

Excellency,

I write on behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran', or 'FFM Iran'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children", adopted on 24 November 2022.

I write further to our previous correspondence of 23 February, 17 and 24 May, 27 June and 2 July 2023 respectively, regarding the use of the death penalty in relation to the protests that began on 16 September 2022, and requests for receiving information and clarifications from relevant authorities of the Islamic Republic of Iran in this regard.

We request your Excellency to kindly forward to the concerned State authorities for their responses and possible follow-up the annexed list of questions from the FFM Iran pertaining to the use of the death penalty in connection with the protests and the corresponding list of individuals reported to be at risk of execution or of being sentenced to death (See Annex).

We take this opportunity to reiterate our deep concern that since November 2022, courts in Iran have reportedly sentenced 25 individuals to death in connection with the protests, of whom seven men have been executed to this date while at least eight remain under death sentences and are at risk of execution. We understand that the remaining 11 men have had their death sentences overturned and are undergoing retrials or have been sentenced to other punishments including imprisonment. We are concerned that at least 89 individuals are reported to face charges that may lead to the death penalty or have faced such charges over the past months with unclear status at the moment. We are further alarmed by the allegations of serious human rights violations in the context of death penalty cases. Our concerns include:

- the imposition of death sentences in relation to broadly worded and vaguely defined capital offences such as "waging war against God" (*Moharebeh*) and "corruption on earth" (*Efsad-e fel arz*) which breach the principles of legality and legal certainty;
- the use of the death penalty for exercising what constitutes protected rights under international human rights law, including the rights to freedom of expression, association, and assembly;
- allegations of torture and ill-treatment including for the purpose of obtaining confessions; and
- allegations of violations of fair trial and due process guarantees, including alleged violations of the right to the presumption of innocence and to not be compelled to self-incriminate through broadcasting of the accused's "confessions" prior to their trial; the use of such "confessions" as evidence of guilt in courts; denial of access to independent lawyers of the individual's own choosing during the investigation and trial; denial of the right to adequate time and facilities to prepare a defence; denial of access by the defendants and their defence to casefile material including inculpatory and exculpatory evidence; denial of providing defendants and their legal counsel with written verdicts; and violations of protection against double jeopardy.

We are deeply alarmed by reports that among those facing charges carrying the death penalty in connection with the protests are at least five women and one individual reportedly under the age of 18 at the time of the arrest.

We respectfully reiterate that Iran has an obligation to respect, protect and ensure the rights of all persons within its territory and jurisdiction, pursuant to its obligations under international human rights law, in particular the treaties to which it is party. These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of Persons with Disabilities, International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child.

In this context, we recall key international human rights law norms and standards pertaining to the application of the death penalty, as set out below:

- States that have not yet abolished the death penalty can apply the death penalty only for **"the most serious crimes"** and then only in the most exceptional cases and under the strictest limits. The term "the most serious crimes" must be read restrictively and appertains only to crimes involving "intentional killing";
- **application of the death penalty for exercising protected rights** under international law, including the rights to freedom of expression and assembly, amounts to an arbitrary deprivation of life;
- the use of the death penalty against individuals **under the age of 18 at the time of the alleged crime is absolutely prohibited** under international law;
- **the principle of legality** bars the imposition of the death penalty for vaguely defined criminal provisions whose application depends on subjective or discretionary considerations;
- violations of **fair trial guarantees** in proceedings resulting in the imposition of the death penalty renders any sentence arbitrary in nature and constitutes a violation of the right to life;
- **mandatory death sentences are arbitrary** in nature; and
- carrying out **executions in public** is contrary to article 7 of the ICCPR, which prohibits torture and cruel, inhuman or degrading treatment or punishment in absolute terms, and amount to a violation of the right to life.

The imposition of the death penalty in breach of any of the above-mentioned standards and fair trial and due process safeguards, violates the right to life and the prohibition of inhuman or degrading treatment or punishment. We highlight that under international human rights law, the **arbitrary deprivation of life and violations of inhuman, degrading and cruel treatment or punishment are absolutely prohibited**, at all times and in all circumstances.

In light of Iran's human rights obligations under international law, as detailed above, we respectfully request the following:

a) Information on how the above-mentioned safeguards are incorporated and implemented in Iran's domestic legal system in accordance with international law;
b) Information on measures taken to respect and apply these in the individual cases listed in Annex III to this letter, which has been compiled entirely and solely based on publicly available information, and therefore is subject to further verification and corroboration;
c) Access by the FFM Iran to individuals sentenced to death in connection with the protests that began on 16 September 2022 as well as those facing charges that may lead to the death penalty, and to the judicial files and evidence and, as applicable, judgments, indictments, dismissal orders and acquittals regarding each of these persons.

Information received from the Government of the Islamic Republic of Iran, will allow the FFM Iran to take into account the Government's analysis in our impartial and independent investigation.

Finally, we reiterate our calls on the Government of the Islamic Republic of Iran to immediately establish a moratorium on all executions, with a view to abolishing the death penalty, in line with General Assembly resolutions and the positions of the United Nations human rights mechanisms and to immediately and without conditions, release all individuals arrested and detained solely for participation in or reporting on the protests or exercising their other human rights.

We look forward to your Excellency' response.

Please accept, Excellency, the assurances of my highest consideration.

On behalf of the Fact-Finding Mission on Iran

Yours Sincerely,

Sara Hossain
Chairperson

cc.
1. Prof. Shaheen Sardar Ali, Member, FFM Iran
2. Ms. Viviana Krsticevic, Member, FFM Iran
3. Mr. Václav Bálek, President of the Human Rights Council

Annex I

Questions pertaining to domestic safeguards guaranteeing the rights of persons facing the death penalty

Pursuant to article 6 of the International Covenant on Civil and Political Rights (ICCPR),to which the Islamic Republic of Iran is a party, death sentences may only be passed for "the most serious crimes" and then only in the most exceptional cases and under the strictest limits.

The "most serious crimes" pertain only to crimes of extreme gravity involving intentional killing (Human Rights Committee, General Comment 36, para. 35). Under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates international law, including the ICCPR (General Comment 36, para. 36).

Article 6 also requires States parties to ensure that any death sentence would be in accordance with the law in force at the time of the commission of the crime. This application of the principle of legality prohibits that the imposition of the death penalty be based on vaguely defined criminal provisions that are subject to subjective and discretionary interpretation (Human Rights Committee, General Comment 36, para. 38).

A violation of the fair trial guarantees provided for in article 14 of the ICCPR in proceedings resulting in the imposition of the death penalty renders the sentence in violation of article 6 (General Comment 36, para. 41). Pursuant to article 14 of the ICCPR, those facing criminal charges have, *inter alia*, the right to be assisted by a lawyer of "their own choosing".

Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts (Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984, para. 4).

Pursuant to article 6 of the ICCPR, the use of the death penalty against individuals for crimes committed under the age of 18 is absolutely prohibited.

States parties to the ICCPR that have not abolished the death penalty must respect article 7 of the Covenant, which prohibits certain methods of execution. Failure to respect article 7 would inevitably render the execution arbitrary in nature and thus also in violation of article 6 (General Comment 36, para. 40).

On the basis of the above:

1. Please provide detailed information as to how acts such as arson, wielding of weapons and non-fatal assault, which in a number of protest-related cases have resulted in pronouncement of death sentences, are considered to amount to "the most serious crimes" which under international law are limited to intentional killing.

2. Please provide information as to how the criminal offences of "waging war against God" (*Moharebeh*) and "corruption on earth" (*Efsad-e fel Arz*) are considered to meet the principle of legality under international law.

3. Please provide detailed information on criminalising acts such as "insulting the prophet of Islam" and "apostasy", which according to publicly available reports have been used against individuals in connection with the protests, in light of the State's obligation under international law, in particular articles 18 and 19 of the ICCPR.

4. Please provide detailed information with regards to laws allowing for the imposition of the death penalty on, and its use against individuals for crimes committed under the age of 18, including in connection with the protests that began on 16 September 2022. Please further elaborate on the use of the death penalty against children in light of the State's obligation under international law to prohibit the use of the death penalty against children.

5. According to official reports and announcements, some individuals detained in connection with the protests have been charged with several offences arising from the same act/s and have accordingly been tried in parallel proceedings before Revolutionary Courts as well as criminal courts. We are aware that in at least one case, this has resulted in the pronouncement of two separate death sentences by two courts.

   Please provide information on the above practice and further elaborate on it in light of the State's obligation under international human rights law, including article 14 of the ICCPR, to protect individuals against double jeopardy.

6. Please provide detailed information on the standard of proof that is required to be met to establish guilt in criminal cases including in those which may lead to issuance of death sentences.

7. Under the Note to Article 48 of Iran's Code of Criminal Procedure, individuals facing certain charges, including some that may result in the death penalty, are not allowed to have access to lawyers of their own choosing during the investigation of a case, being required to select legal counsel from a list of lawyers approved by the Head of the Judiciary. Official reports by the Judiciary's News Agency, Mizan Online, confirm that the application of the Note to Article 48 has been extended to the trial phase in the case of at least one individual sentenced to death in connection with the protests.

   Please provide information on the application of the Note to Article 48 of the Code of Criminal Procedure, in particular in proceedings leading to the death penalty and further elaborate on the provision and its application in light of Iran's obligations under article 14 of the ICCPR including the right of accused individuals to adequate time and facilities to prepare a defence.

8. Please provide detailed information on all methods of execution permitted under the law and used in practice in Iran.

Annex II

I. Questions pertaining to the use of the death penalty in connection with the protests that began on 16 September 2022

Please provide detailed information on the following:

a) All persons **executed** in connection with the protests to the date this letter was received;
b) All persons **sentenced to death** in relation to the protests to the date this letter was received;
c) All persons **currently facing charges carrying the death penalty** in relation to the protests.

For each category (a, b and c above), provide the following:

a) the total numbers:
b) names, ages, gender, ethnic identity and religion of these persons;
c) the factual and legal grounds for their arrest and detention, including the charges brought against them, and where applicable, convictions, sentences, dismissal orders and acquittals, indicating the places of detention and courts which are exercising jurisdiction on their cases.

Annex III

I. Questions pertaining to individuals executed in connection with the protests that began on 16 September 2022 (Table A)

Please provide detailed information on the following for all individuals listed below in Table A:

a) A detailed chronology, including the exact dates of the proceedings in each case starting from the time of arrest to the execution;
b) Information on the number of hearings held in each case, both before the lower courts, as well as before the Supreme Court, and the duration of each hearing; information on access to legal counsel including – but not limited to – the exact time and date each person listed was granted access to a lawyer for the first time following arrest; if lawyers of choice were not permitted, information on the factual and legal reasons for denial of access to lawyer of defendants' choosing; whether lawyers were present during the questioning of each person listed; the number of times each person listed was able to meet and speak with their lawyer and the duration of each visit; details on the circumstances of each visit including measures taken to ensure privacy; and the exact time and the level of access to casefile material provided to the defendants and their lawyers; whether any casefile material, including inculpatory and exculpatory evidence, has been withheld by the prosecution; if so, the legal justification for non-disclosure;
c) Detailed information on all law enforcement agencies and/or security and intelligence bodies in charge of the arrest, detention and questioning in the case of each person listed and all places of detention in which they were held following their arrest or detention;
d) Their full judicial files including copies of the indictment and the judgments, by both the lower courts and the Supreme Court, issued in the cases of each person listed;
e) Any audio recordings of their court hearing/s; and
f) Information on when the scheduled execution was notified to their families and lawyers.
g) With respect to the cases of **Mohsen Shekari, Majidreza Rahnavard, Mohammad Mehdi Karami and Seyyed Mohammad Hosseini,** we draw your attention to the Annex to our earlier letter dated 27 June 2023, containing a list of questions pertaining to the Government reports published respectively on each case.
h) Additionally, please provide details on how the imposition of the death penalty in each of the cases in Table A complies with international human rights law, in particular with the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty.

Table A - List of Individuals confirmed to have been executed in connection with the protests that started on 16 September 2022

	Name	Name in Persian	Reported Charges	Date of Execution
1	Mohsen Shekari	محسن شکاری	Moharebeh	8 December 2022
2	Majidreza Rahnavard	مجیدرضا رهنورد	Moharebeh	12 December 2022
3	Mohammad Mehdi Karami	محمد مهدی کرمی	Efsad-e fel arz	7 January 2023
4	Seyyed Mohammad Hosseini	سید محمد حسینی	Efsad-e fel arz	7 January 2023
5	Majid Kazemi	مجید کاظمی شیخ شبانی	Moharebeh	19 May 2023

6	Saeed Yaghoubi	سعید یعقوبی کردسفلی	Moharebeh	19 May 2023
7	Saleh Mirhashemi Boltaghi	صالح میرهاشمی بلطاقی	Moharebeh	19 May 2023

II. Questions pertaining to individuals reported to be under sentences of death in connection with the protests that began on 16 September 2022 (Table B)

Please provide detailed information on the following for all individuals listed below in Table B:

a) A detailed chronology, including the exact dates of the proceedings in each case starting from the time of arrest to the date this letter was received;
b) The most up-to-date legal status of each individual listed including whether the death sentence has been upheld by the Supreme Court;
c) Information on the number of hearings held in each case, both before the lower courts as well as before the Supreme Court, and the duration of each hearing; information on access to legal counsel including – but not limited to – the exact time and date each person listed was granted access to a lawyer for the first time following arrest; if lawyers of choice were not permitted, information on the factual and legal reasons for denial of access to lawyer of defendants' choosing; whether lawyers were present during the questioning of each person listed; the number of times each person listed was able to meet and speak with their lawyer and the duration of each visit; details on the circumstances of each visit including measures taken to ensure privacy; and the exact time and the level of access to casefile material provided to the defendants and their lawyers; whether any casefile material, including inculpatory and exculpatory evidence, has been withheld by the prosecution; if so, the legal justification for non-disclosure;
d) Detailed information on all law enforcement agencies and/or security and intelligence bodies in charge of the arrest, detention and questioning in the case of each person listed and all places of detention in which they were held following their arrest or detention;
e) Their full judicial files including, copies of the indictment and the judgments, by the lower courts and the Supreme Court, as applicable, issued in the case of each person listed; and
f) Any audio recordings of their court hearing/s.
g) In relation to the case of **Abbas (Mojahed) Kourkouri**, we draw your attention to our earlier letter dated 2 July 2023.
h) Additionally, please provide details on how the imposition of the death penalty in each of the cases in Table B complies with international human rights law, in particular with the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty.

Table B List of Individuals under sentences of death in connection with the protests

	Name	Name in Persian	Reported Charges	Province
1	Milad Zohrevand	میلاد زهره‌وند	Murder	Hamedan
2	Mojahed (Abbas) Kourkouri	مجاهد (عباس) کورکوری	Moharebeh and Efsad-e fel arz	Khouzestan
3	Mansour Dehmardeh	منصور دهمرده	Efsad-e fel arz	Sistan and Balouchestan
4	Kambiz Kharout	کامبیز خروت	Moharebeh and Efsad-e fel arz	Sistan and Balouchestan
5	Ebrahim Narouyi	ابراهیم نارویی	Moharebeh and Efsad-e fel arz	Sistan and Balouchestan

6	Shoeib Mirbalouchzehi Rigi	شعیب میربلوچزهی ریگی	Efsad-e fel arz	Sistan and Balouchestan
7	Mohammad Ghobadlou	محمد قبادلو	Under a death sentence for Efsad-e fel arz while the sentence on the charge of murder has been overturned by the Supreme Court	Tehran
8	Manouchehr Mehman Navaz	منوچهر مهمان‌نواز	Arson of buildings with intent to confront the Islamic government amounting to Moharebeh	Tehran

III. Questions pertaining to individuals reported to have faced or currently facing charges punishable by death in connection with the protests that began on 16 September 2022 (Table C)*

*Please note that the list below, drawn solely on the basis of information publicly available from various sources, including official reports as well as reports by media outlets and human rights organisations, includes the names of individuals reported to have been tried for capital charges with unknown trial outcomes; individuals whose death sentence has been overturned and are undergoing retrial on unknown charges; and individuals reported to be currently facing charges carrying the death penalty.

Please provide detailed information on the following for all individuals listed at Table C below:

a) A detailed chronology, including the exact dates of the proceedings in each case starting from the time of arrest to the date this letter was received;
b) The most up-to-date legal status of each individual listed including whether the trial has commenced;
c) If applicable, information on the number of hearings held in each case and the duration of each hearing;
d) Information on access to legal counsel including – but not limited to – the exact time and date each person listed was granted access to a lawyer for the first time following arrest; if lawyers of choice were not permitted, information on the factual and legal reasons for denial of access to lawyer of defendants' choosing; whether lawyers were present during the questioning of each person listed; the number of times each person listed was able to meet and speak with their lawyer and the duration of each visit; details on the circumstances of each visit including measures taken to ensure privacy; and the exact time and the level of access to casefile material provided to the defendants and their lawyers; whether any casefile material, including inculpatory and exculpatory evidence, has been withheld by the prosecution; and if so, the legal justification for non-disclosure;
e) Detailed information on all law enforcement agencies and/or security and intelligence bodies in charge of the arrest, detention and questioning in the case of each person listed and all places of detention in which they have been held following their arrest or detention;
f) Their full judicial files including, as applicable, copies of the indictment, judgments, by both the lower courts and the Supreme Court, issued in the case of each person listed; and
g) In cases where the trial has commenced, any audio recordings of the hearing/s.

Table C - List of individuals reported to have faced or currently facing charges carrying the death penalty

	Name	Name in Persian	Reported Charges	Province
1	Faramarz Salehi	فرامرز صالحی	Unclear, detained and charged in relation to the death of three members of the security forces on 16 November in Esfahan	Esfahan
2	Mehdi Mashayekhi	مهدی مشایخی	Unclear, detained and charged in relation to the death of three members of the security forces on 16 November in Esfahan	Esfahan
3	Abolfazl Badiallah	ابوالفضل بادی اله	Unclear, detained and charged in relation to the death of three members of the security forces on 16 November in Esfahan	Esfahan
4	Arash Ghanbari Kahyiani	آرش قنبری کهیانی	Moharebeh	Esfahan
5	Ali Jokar	علی جوکار	Moharebeh and Efsad-e fel arz	Fars
6	Parvin Mirasan	پروین میراسان	Moharebeh and Efsad-e fel arz	Fars
7	Omid Bahrami Gourmasouleh	امید بهرامی گورماسوله	Moharebeh	Gilan
8	Rahmat Norouzi	رحمت نوروزی	Moharebeh	Gilan
9	Mostafa Mohebbi	مصطفی محبی	Links with a terrorist group and espionage	Gilan
10	Reza Rasai	رضا رسایی	Moharebeh	Kermanshah
11	Farhad Beigi Garousi	فرهاد بیگی گروسی	Moharebeh	Kermanshah
12	Bahaman Bahmani	بهمن بهمنی	Exact charge/s unknown - security related charges	Khouzestan
13	Behrouz Salahshour	بهروز سلحشور	Exact charge/s unknown - security related charges	Khouzestan
14	Mohsen Ahmadpour	محسن احمدپور	Exact charge/s unknown – security related charges	Khouzestan
15	Rasoul Badaghi	رسول بداغی	Exact charge/s unknown – security related charges	Khouzestan

16	Sadegh Ghasemi	صادق قاسمی	Exact charge/s unknown – security related charges	Khouzestan
17	Vahid Abbasi	وحید عباسی	Exact charge/s unknown - security related charges	Khouzestan
18	Reza Arabpour	رضا عرب‌پور	Exact charge/s unknown – security related charges	Khouzestan
19	Ismail Mousavi Nazari	اسماعیل موسوی نظری	Exact charge/s unknown - security related charges	Khouzestan
20	Amin Amiri	امین امیری	Moharebeh and Efsad-e fel arz	Khouzestan
21	Milad Zakavi	میلاد زکوی	Moharebeh and Efsad-e fel arz	Khouzestan
22	Saeed Raygani Maj	سعید رایگانی ماج	Moharebeh and Efsad-e fel arz	Khouzestan
23	Majid Yousefi Hezarvand	مجید یوسفی هزاروند	Moharebeh and Efsad-e fel arz	Khouzestan
24	Niloufar Ghahremani	نیلوفر قهرمانی	Moharebeh and Efsad-e fel arz	Khouzestan
25	Mohammad Bakhshi	محمد بخشی	Moharebeh and Efsad-e fel arz	Khouzestan
26	Seyedeh Shirin Marashi	سیده شیرین مرعشی	Moharebeh and Efsad-e fel arz	Khouzestan
27	Mojtaba Farkhajeh Miri	مجتبی فرخواجه میری	Moharebeh and Efsad-e fel arz	Khouzestan
28	Moslem Norouzi Nasab	مسلم نوروزی نسب	Moharebeh and Efsad-e fel arz	Khouzestan
29	Arsalan Kurdi	ارسلان کردی	Moharebeh and Efsad-e fel arz	Khouzestan
30	Mostafa Kurdi	مصطفی کردی	Moharebeh and Efsad-e fel arz	Khouzestan
31	Mohammad Javad Kurdi	محمدجواد کردی	Moharebeh and Efsad-e fel arz	Khouzestan
32	Elham Sariri Zadeh	الهام صریری زاده	Moharebeh and Efsad-e fel arz	Khouzestan
33	Sasan Zangeneh	ساسان زنگنه	Moharebeh and Efsad-e fel arz	Khouzestan
34	Yousef Akh Sheikh	یوسف آخ شیخ	Moharebeh and Efsad-e fel arz	Khouzestan
35	Seyed Mohammad Tabatabai	سیدمحمد طباطبایی	Moharebeh and Efsad-e fel arz	Khouzestan
36	Jamshid Ghasemian Seresht	جمشید قاسمیان سرشت	Moharebeh and Efsad-e fel arz	Khouzestan
37	Valliollah Adelzadeh	ولی الله عادل‌زاده	Moharebeh and Efsad-e fel arz	Khouzestan
38	Sajjad Shafiei	سجاد شفیعی	Moharebeh and Efsad-e fel arz	Khouzestan
39	Hamzeh Shafiei	حمزه شفیعی	Moharebeh and Efsad-e fel arz	Khouzestan
40	Salman Eyvazinejad	سلمان عیوضی‌نژاد	Moharebeh and Efsad-e fel arz	Khouzestan

41	Mohammad Nazari	محمد نظری	Moharebeh and Efsad-e fel arz	Khouzestan
42	Pouria Javaheri	پوریا جواهری	Moharebeh	Kurdestan
43	Rafigh Salimi	رفیق سلیمی	Efsad-e fel arz	Kurdestan
44	Javad Rouhi	جواد روحی	Moharebeh and Efsad-e fel arz and apostasy	Mazandaran
45	Mohammad Mehdifard	مهدی محمدی فرد	Moharebeh and Efsad-e fel arz	Mazandaran
46	Mohammad Rasouli	محمد رسولی	Moharebeh and Efsad-e fel arz	Mazandaran
47	Ali Rasouli	علی رسولی	Moharebeh and Efsad-e fel arz	Mazandaran
48	Ali Akbarjani	علی اکبرجانی	Moharebeh and Efsad-e fel arz	Mazandaran
49	Ali Asghar Faghani	علی اصغر فغانی	Moharebeh and Efsad-e fel arz	Mazandaran
50	Hossein Shabani	حسین شعبانی	Moharebeh and Efsad-e fel arz	Mazandaran
51	Meghdad Yaghoubi	مقداد یعقوبی	Moharebeh and Efsad-e fel arz	Mazandaran
52	Babak Zarin	بابک زرین	Moharebeh	Razavi Khorasan
53	Mahsa Mohammadi	مهسا محمدی	Sabbo al-nabi (insulting the Prophet of Islam)	Razavi Khorasan
54	Majid Khosh Manzar	مجید خوش منظر	Moharebeh	Razavi Khorasan
55	Mohammad Boroughani	محمد بروغنی	Moharebeh	Tehran
56	Mahan Sadrat Madani (Marani)	ماهان صدرات مدنی	Moharebeh	Tehran
57	Mohsen Rezazadeh-Gharegholou	محسن رضازاده قراقلو	Moharebeh	Tehran
58	Abolfazl Mehri Hossein Hajilou	ابوالفضل مهری حسین حاجی لو	Confronting the Islamic government through committing arson against public property in order to cause disruptions in the country's order and security	Tehran
59	Saeed Shirazi	سعید شیرازی	Efsad-e fel arz	Tehran
60	Milad Armoun	میلاد آرمون	Moharebeh and Participation in Murder	Tehran
61	Mohammad Mehdi Hosseini	محمدمهدی حسینی	Moharebeh and Participation in Murder	Tehran
62	Mehdi Imani	مهدی ایمانی	Moharebeh and Participation in Murder	Tehran

63	Alireza Kafai	علیرضا کفایی	Participation in Murder	Tehran
64	Hossein Nemati	حسین نعمتی	Participation in Murder	Tehran
65	Amir Mohammad Khosheghbal	امیرمحمد خوش اقبال	Participation in Murder	Tehran
66	Alireza Barmaz Pournak	علیرضا برمزپورناک	Participation in Murder	Tehran
67	Mohammad Feizi	محمد فیضی	Efsad-e fel arz	Tehran
68	Sajjad Iman Nejad	سجاد ایمان نژاد	Moharebeh	Tehran
69	Ghodrat Mobarez	قدرت مبارز	Moharebeh	Tehran
70	Mehdi Salehi Yazdani	مهدی صالحی یزدانی	Moharebeh	Tehran
71	Yavar Fathollahi	یاور فتح‌الهی	Moharebeh	Tehran
72	Abolfazl Shamkhani	ابولفضل شمخانی	Moharebeh	Tehran
73	Farshid Hassanzehi	فرشید حسن زهی	Exact charge/s unknown – detained in relation to a reported attack on a Revolutionary Guards base	Sistan and Balouchestan
74	Jamshid Hassanzehi	جمشید حسن زهی	Exact charge/s unknown – detained in relation to a reported attack on a Revolutionary Guards base	Sistan and Balouchestan
75	Omid Kashani	امید کاشانی	Moharebeh and Efsad-e fel arz	Sistan and Balouchestan
76	Farhad Nakhai	فرهاد نخعی	Exact charge/s unknown	Sistan and Balouchestan
77	Mohammad Fouladi	محمد فولادی	Exact charge/s unknown	Sistan and Balouchestan
78	Mohammadreza Naroui Shirani	محمدرضا نارویی شیرانی	Exact charge/s unknown	Sistan and Balouchestan
79	Esmail Shehbakhsh	اسماعیل شه بخش	Exact charge/s unknown	Sistan and Balouchestan
80	Rouhollah Kahrazehi	روح الله کهرازهی	Exact charge/s unknown	Sistan and Balouchestan
81	Abdollah Balouchzehi	عبدالله بلوچ زهی	Moharebeh and Murder	Sistan and Balouchestan
82	Aref Balouchzehi	عارف بلوچ زهی	Moharebeh and Murder	Sistan and Balouchestan
83	Farzad Tahazadeh	فرزاد طه زاده	Moharebeh	West Azerbaijan
84	Farhad Tahazadeh	فرهاد طه زاده	Moharebeh	West Azerbaijan
85	Farzad Mohammadpour	فرزاد محمدپور	Efsad-e fel arz	West Azerbaijan
86	Karwan Shahiparvaneh (Himan Shahi)	(هیمن شاهی) کاروان شاهی‌پروانه	Moharebeh	West Azerbaijan
87	Shahram Marouf Moula	شهرام معروف ملا	Moharebeh	West Azerbaijan

88	Reza Eslamdoust	رضا اسلامدوست	Moharebeh	West Azerbaijan
89	Ehsan Mohammadi	احسان محمدی	Moharebeh	West Azerbaijan

provide the reasons and evidence for your conclusions in the latest report, in light of what is earlier reported by the Minister of Health. Please provide copies of the report with investigation findings, and facilitate access to members of the team of thirty toxicologists for interviewing.

- The investigation report mentions the apprehension of individuals who are allegedly responsible for the incidents. Please provide information on the status and findings of any investigations into their acts, their responsibility, motives, and any institutional affiliations etc.
- The report refers to "a Project of Shutting Down Girls Schools" as one of the objectives for the commission of the acts of poisoning of students. Please provide further information, including on who specifically is behind the reported project, and their motives.
- The report states that "the alleged poisoning of students was brought up simultaneously as the street riots were subsiding". Please provide any information on any connection between the protest and the reported poisoning of students.

18. Third updated report on damages inflicted upon government, public and private properties and places during riots (financial value of damages)

- Please provide information on the criteria used to calculate the damages in [213,773,625.28 US Dollars].
- Please provide information on persons arrested, detained, prosecuted, convicted or sentenced for alleged damage to property, including detailed charges and the types of sentences pronounced, and on the legal and factual basis for such measures.
- Please provide information on any firearms and *armes blanches* seized, where and whom they were seized from, under what circumstances and on their provenance. Were any persons arrested, detained, prosecuted, convicted or sentenced for the use of such weapons, what were the detailed charges and sentences pronounced, and what was the legal and factual basis for such measures.

19. The third report on September 30 incident in the city of Zahedan

- The investigation reportedly includes interviews with police commanders and security officials, analysis of CCTV footage, collection of field evidence, discussions with eyewitnesses and injured individuals, as well as meetings with clan leaders and religious scholars. Additionally, the investigators reconstructed the scene of the "riot" and analyzed the police's modus operandi. Please provide information and all the evidence obtained including but not limited to the those mentioned above.
- Have the authorities intended to establish any connections between these events and the widespread protests that began on 16 September 2022?
- Please provide information on the sanctions imposed on the police officers involved and the reparation measures that have been implemented?

20. Supplementary report on major damages inflicted upon public and private properties following violent riots

- Please provide information on persons arrested, detained, prosecuted, convicted or sentenced for alleged damage to property, including detailed charges and the types of sentences pronounced, on the legal and factual basis for such measures, and the steps

taken to guarantee their fair trial and due process rights in line with international law and standards.

- Were the individuals who were detained directly linked to these incidents or were they unrelated?
- Please provide further information and evidence on the reported "coordinated" fashion of attacks, on what methods were employed for organizing and the reported widespread nature including the factual and legal basis, taking into account international law and standards, of such categorisation.

11. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 25 August 2023

United Nations Nations Unies

INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

25 August 2023

His Excellency, Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

Excellency,

I write on behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran' or 'FFMI') to seek clarification on various aspects of the law and practice in relation to the mandatory wearing of the *hijab* in the Islamic Republic of Iran and its compatibility with the State's obligations under international human rights law.

As you will be aware, the mandate of the FFMI, pursuant to Human Rights Council Resolution S-35/1, is to, *inter alia*, "thoroughly and independently investigate alleged human rights violations in the Islamic Republic of Iran related to the protests that began on 16 September 2022, especially with respect to women and children".

In light of the death in custody of Jina Mahsa Amini in Tehran following her arrest for alleged violation of the laws on mandatory *hijab*, and the public advocacy against and defiance of these laws in the context of the protests that began on 16 September 2022, the FFMI seeks to obtain information from the Government on relevant current laws and policies, their implementation, and their compatibility with Iran's obligations under international human rights law.

In this context, the FFMI notes with concern a reported statement by the spokesperson of Iran's police. This noted that since 25 April 2023, the police had sent 991,176 SMS warning messages to women who were allegedly unveiled when images of them in their cars were captured on camera, issued 133,174 SMS messages requiring the immobilization of vehicles, confiscated 2,000 cars and referred more than 4,000 alleged repeat offenders to the judiciary. This statement further noted that that the police had gathered 108,211 reports on the commission of offences pertaining to alleged mandatory *hijab* law violations within businesses and identified and referred 301 alleged offenders to the judiciary.[1]

We are also concerned to see a report published on 2 August 2023 in Fars news that in the first four months of the Iranian calendar year, a total of 2,251 *hijab* and 'chastity' cases were filed, of which 825 cases resulted in convictions and 344 cases resulted in prosecution, while 167 accused persons were acquitted.[2]

We take this opportunity to reiterate our concerns about the discriminatory nature of laws and regulations on *hijab* and 'chastity' that primarily affect women and girls and violate their human rights and about the continuing reports of arrest, detention and prosecution of women

[1] See سخنگوی نیروی انتظامی :ارسال ۹۹ هزار پیامک کشف حجاب |دستگیری ۳۰۱ نفر در اجرای طرح عفاف و حجاب (armanmeli.ir); ارسال صدها پیامک کشف حجاب در خودرو و ۳۵۰۰ پیامک به واحدهای صنفی از شنبه تا امروز - ایسنا (isna.ir)
[2] See اعلام جزئیات جدید از پرونده‌های کشف حجاب از سوی دستگاه قضا |خبرگزاری فارس (farsnews.ir)

and girls for their defiance of or advocacy against such laws. We are also concerned about reports of a wide range of alleged punishments to such women and girls that may be considered humiliating and degrading. These include their suspension or expulsion from university and schools, travel bans, confiscation of private property, and being required to wash dead bodies in a cemetery or undergo therapy for "anti-social behaviour", as well as a ban on the use of social media amongst others.

We note the recent Bill to Support the Culture of Chastity and *Hijab* ("the Bill") introduced in the *Majles* on 21 May 2023. Following an initial review of the Bill, there are a number of issues on which the FFMI seeks clarification. We note with concern the introduction in the Bill of vague and broadly worded offences that criminalize the conduct of women exercising their rights to autonomy, freedom of expression, and religion and belief which are protected under international human rights law. Such provisions may also contravene the principle of legality and legal certainty. The FFMI notes that according to Article 49, the Bill is ostensibly applicable to both men and women. However, based on an analysis of the draft, it fears that the bill will primarily negatively impact the rights of women and girls and is part of a set of laws and practices discriminatory against women and girls.

We take this opportunity to recall Iran's obligations to respect, protect and ensure the rights to non-discrimination, freedom of expression, thought and conscience and religion, liberty of the person, and not to be subjected to torture or cruel, inhuman or degrading treatment or punishment as set out in the treaties to which Iran is a party. These include the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention of the Rights of Persons with Disabilities (CRPD).

We have enclosed a list of questions for your consideration. We would be grateful if these questions could kindly be brought to the attention of the relevant authorities in the Islamic Republic of Iran for their follow-up and response. We would appreciate if we could receive a submission with written responses to our questions by 28 September 2023.

As noted in all our previous correspondence, the responses and submissions to our queries will be taken into account by the FFMI as we carry out our mandate to conduct an impartial and independent investigation.

We look forward to hearing from you at your earliest convenience.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,

Sara Hossain
Chairperson
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Prof. Shaheen Sardar Ali, Member of the Fact-Finding Mission on Iran
Ms. Viviana Krsticevic, Member of the Fact-Finding Mission on Iran

Annex

Questions regarding the laws and practice around the mandatory *Hijab*

1. **Scope of the legal requirement to wear the *hijab* and criminalization of non-compliance with "compulsory" and "improper" *hijab***

a) Legal framework:

- Please elaborate on how laws and policies pertaining to "mandatory *hijab*" and "chastity" are considered by the State to be compatible with its obligations under international law, in particular articles 7, 9, 17, 18, 19, 24, 26 and 27 of the ICCPR.

- The Fact-Finding Mission on Iran understands that Article 638 of Iran's Islamic Penal Code of 2013, Book V sets out that:

> *Anyone in public places and roads who openly commits a harām (sinful) act, in addition to the punishment provided for the act, shall be sentenced to two months' imprisonment or up to 74 lashes; and if they commit an act that is not punishable but violates public decency, they shall only be sentenced to ten days to two months' imprisonment or up to 74 lashes.*
>
> *Note: Women, who appear in public places and roads without wearing an Islamic hijab (hejab-e-shar'i), shall be sentenced to ten days to two months' imprisonment or a fine of fifty thousand to five hundred Rials.*[3]

- Please clarify the **legal framework** currently applicable in Iran related to the mandatory *hijab* and 'chastity', as follows:

- Please provide the legal definition of "*hejab-e-shar"* in Iranian law, and clarification of what is deemed to constitute "proper *hijab*" or "improper *hijab*" in practice. Provide the legal definition of a "*haram"* act and of "public decency".

- Besides Article 638 of the Islamic Penal Code, what other provisions in the Islamic Penal Code are used to prosecute women and girls for not adhering to, or advocating against, mandatory *hijab* or 'chastity'? Are there any other laws and regulations related to 'chastity' and *hijab* ?

- Please provide the legal definition of "immorality" as mentioned in Article 639 of the Islamic Penal Code.

- Please clarify if Article 638 of the Islamic Penal Code applies to all women and girls in Iran, regardless of their religion or belief, ethnicity or citizenship, including Muslims, Christians, Jews, Zoroastrians, Baha'is or atheists.

- Please explain how the law applying a minimum age of criminal responsibility of nine years for girls is considered by the State to be compatible with its obligations under international law, namely articles 40 and 41 of the CRC?
- Please provide a copy of all laws, decrees, directives, instructions, guidelines and other legislation pertaining to mandatory *hijab* and 'chastity', preferably with official translations

[3] Translation by the FFMI.

into English. The Fact-Finding Mission on Iran would further welcome receiving information on such legal provisions, as well as any other decrees or instructions applicable in schools, universities, medical facilities, courts, public transport, and public services.

b) Practice:

- The Fact-Finding Mission on Iran is concerned about reports that young girls are legally responsible for observing the mandatory *hijab*. The Fact-Finding Mission on Iran understands that under Iranian law, the age of criminal responsibility for girls is nine (lunar years) and that therefore Article 638 is applicable to girls aged nine and above. In practice, the mandatory *hijab* appears to be applicable to girls as young as seven years old when they start school. Can you clarify the legal basis in domestic law for this practice? At what age does the *hijab* become mandatory for girls? Is there an age for women at which the *hijab* is no longer mandatory?

- The Fact-Finding Mission on Iran is concerned that vaguely worded charges are used to criminalize the conduct of women seeking to exercise their rights to autonomy, freedom of expression, and religion and belief. A review of publicly available information regarding individual cases of women allegedly sentenced for "improper *hijab*" suggests that women are charged with multiple offences, including under Article 639 of the Islamic Penal Code, which provides for a prison sentence of one to 10 years for anyone who "facilitates or encourages people to immorality or prostitution". In March 2023, a nurse was reportedly sentenced in Qom to 10 days in prison for "unveiling", eight months imprisonment and 74 lashes for "disturbing public order" and another 74 lashes for "wounding public chastity"[4].

  Please can you confirm whether this information is accurate and share any further information, including judicial files for this and any other relevant cases with the Fact-Finding Mission on Iran. Please provide a breakdown of the numbers of men and women affected by these types of punishments.

2. Punishment for "improper *hijab*" or "no *hijab*"

a) Legal framework:

- Please clarify the legal basis for penalties currently faced by women and girls for breaches of laws and regulations pertaining to the *hijab* and 'chastity'.

- Please clarify the legal basis for women and girls being required to sign pledges to wear the *hijab* and to take a course in Islamic culture upon their first arrest for breaching laws on the *hijab*.

- Please clarify the legal basis for penalties faced by businesses for breaches of laws and regulations pertaining to the *hijab* and 'chastity'.

- Please clarify whether the punishment of flogging is applicable for breaches of the provisions on *hijab* and 'chastity'.

- Please provide information on whether and how the authorities are enforcing prison sentences of less than three months.

[4] فارسی BBC News - محکومیت یک زن به حبس و شلاق برای رعایت نکردن حجاب در بانکی در قم

b) Practice

- Since its establishment, the Fact-Finding Mission on Iran has been reviewing public reports about sanctions faced by women and girls, as well as businesses, for allegedly breaching laws and regulations on the *hijab* and 'chastity'. Please provide information on the number of decisions and sentences reportedly issued in connection with mandatory *hijab*:
  - Impounding of vehicles;
  - Denial of banking services;
  - Denial of access to public transport;
  - Bans on using social media;
  - Prohibition from leaving the country;
  - Dismissal from work;
  - Closure of businesses.

  Please further elaborate on the legal processes leading to such sanctions, including whether they are imposed by courts and whether there is a possibility to appeal against such sanctions.

- The Fact-Finding Mission on Iran is deeply alarmed by the following reports of imposition of punishments for violations of the rules on mandatory *hijab* and 'chastity':
  - In July 2023 a court in Varamin in the Tehran province reportedly sentenced a woman to choose between jail or spending a month washing corpses;[5]
  - A woman was reportedly sentenced on 23 June 2023 to 270 hours of cleaning official buildings;[6]
  - Two actors were reportedly sentenced to receiving therapy for "anti-social personality disorders". According to Fars news, a female actor was sentenced to two years in prison, suspended for five years, for wearing a hat and failing to comply with the *hijab* law. The court also allegedly ordered another female actor to make weekly visits to a psychological center "to treat the mental disorder of having an anti-family personality" and to submit a health certificate after her treatment;[7] and
  - An office of the e-commerce Digikala company was reportedly shut down and judicial proceedings initiated after it published pictures online showing female employees not wearing the mandatory *hijab*. Similarly, the insurance company Azki.com and the Taaghche book application appear to have faced a similar punishment.[8]

  With regard to each report mentioned above, please provide the following:

  - Can the authorities confirm that issuance of the above-mentioned sentences?
  - Where confirmed, please provide information on the legal and factual grounds for the decisions taken.
  - Where confirmed, please provide a copy of all verdicts and the judicial files.

- The Fact-Finding Mission on Iran has noted in a Fars news report a statement by the Ministry of Science that university students who do not observe university rules on the *hijab* and 'chastity' will not receive educational and welfare services.[9] It has also noted a statement by the Ministry of Education to the same effect regarding schoolgirls.[10] Please explain the legal basis for alleged suspension or expulsion of women and girls from university or being barred from sitting final exams for non-compliance with the laws on mandatory *hijab*.

[5] شستن میت "مجازات بی حجابی شد؟ - تحلیل یک حقوقدان از این خبر +عکس رای دادگاه - خبرآنلاین" (khabaronline.ir)
[6] تصویر | جریمه ۲۷۰ ساعت کار به عنوان نظافتچی اماکن به دلیل بی‌حجابی (etemadonline.com)
[7] خبرگزاری فارس |جزئیات محکومیت افسانه بایگان اعلام شد (farsnews.ir)
[8] ازکی «تعلیق شد - ایسنا» (isna.ir)
[9] عدم ارائه خدمات به دانشجویانی که حجاب را رعایت نکنند |خبرگزاری فارس (farsnews.ir)
طاقچه بابت کشف حجاب کارکنانش تحریم شود |فارس من (farsnews.ir)
[10] بیانیه وزارت آموزش وپرورش در خصوص حجاب و عفاف |خبرگزاری صدا و سیما (iribnews.ir)

- The FFMI notes reports that the Supreme Court overturned a court order impounding an uncovered woman's car for a year and revoking her driving license.[11]

  Please share a copy of the verdict with the FFMI and clarify how the court decision will impact the implementation of *hijab* laws and regulations.

- Please provide information on the number of women and girls arrested since 16 September 2022, the number of women and girls convicted since 16 September 2022 and the number of those currently serving prison sentences, for "improper *hijab*", as well as the type of facilities and locations of their detention.

- Please provide the number of women and girls prohibited from leaving the country in this connection.

- Please provide the following information in connection with violations by women and girls and others of mandatory *hijab* and 'chastity' laws:
  - The number of vehicles impounded; and
  - The number of businesses closed or suspended.

  For each category, please provide the following:
  - Relevant information for the period between January 2021 until now;
  - Age, gender, ethnicity, location and religion of these persons, where applicable; and
  - Factual and legal grounds for arrests, detentions and convictions and sanctions imposed.

3. Enforcement of rules on mandatory *hijab*

- The Fact-Finding Mission on Iran takes note of the statement made on 16 July 2023 by the spokesperson of the police, Mr. Saeed Montazer Ahmadi, announcing the resumption of car and foot patrols to enforce mandatory *hijab*.[12] Can you clarify whether these patrols constitute the resumption of the so-called morality police? What is the mandate of the Guidance Patrols? What is their annual budget? To whom do they report? What disciplinary rules apply to them?

- Under Article 29 of the Criminal Procedure Code, trained and qualified officers of the *Basij* Forces are considered judicial officers with the power to arrest offenders. Can you provide more information on the role of the *Basij* Forces in enforcing *hijab* laws and regulations?

- The Fact-Finding Mission on Iran would welcome receiving information on all state institutions and agencies in charge of enforcing laws and regulations regarding the mandatory *hijab*, including: Which institutions have powers to enforce laws and regulations on the *hijab*? Among them which has primary responsibility for doing so?

- Can you clarify if there are any directives, instructions and guidelines provided to state or non-state agencies and bodies regarding the implementation of provisions on mandatory *hijab*, including on the use of force. If so, can you share with us any copies of such instructions/directives?

- The FFMI notes reports that the Municipality of Tehran will deploy 400 agents in the city's subway to enforce *hijab* laws in the public transport network and to prevent women and girls

[11] توقیف خودرو به‌خاطر بی‌حجابی، غیرقانونی است؟ - خبرآنلاین (khabaronline.ir)
[12] استقرار گشت‌های خودروی پلیس برای برخورد با هنجارشکنی‌های اجتماعی | خبرگزاری فارس (farsnews.ir)

with no *hijab* or improper *hijab* from entering the subway and to report them to the law enforcement officers in cases of resistance.[13]

Please confirm this report and clarify the mandate of such agents and its legal basis and whether these agents can arrest women and girls and ban them from using the subway. Please clarify the budget allocated to this measure and whether similar measures will be rolled out in other cities.

Enforcement through surveillance:

- Please clarify the legal basis for surveillance of individuals for non-compliance with mandatory *hijab* and 'chastity' laws. Please provide information on the authorities and organs set up within the domestic legal system which are competent to authorize and carry out surveillance.
- The Fact-Finding Mission on Iran is concerned about reports that facial recognition technology is being used to identify women and girls allegedly in breach of rules on mandatory *hijab*. In this respect, what measures are the authorities putting in place to ensure the right to privacy under the ICCPR is upheld, to inform persons concerned of the manner and process for reporting a violation of the right to privacy and to appeal decisions to conduct surveillance against them, and to hold those doing so to account? What safeguards are put in place to ensure the right of children to privacy is upheld?

- The Fact-Finding Mission on Iran is concerned about reports that mass surveillance is used against individuals allegedly non-compliant with the mandatory *hijab* rules in their cars. The Fact-Finding Mission seeks clarification on Iranian law on privacy and protections against arbitrary interference with the right to privacy. Further, under Iranian law, do cars constitute a private or public space?

4. Bill to Support the Culture of Chastity and *Hijab*

The Fact-Finding Mission on Iran understands that on 21 May 2023, the judicial and executive authorities presented the Bill to Support the Culture of Chastity and *Hijab* ("the Bill") to the *Majles*. On 23 July 2023, a Parliamentary Commission indicated that it had sent the revised Bill consisting of 70 articles to Iran's parliament for review. On 6 August, in a parliamentary session, members of the Majles voted to expedite the review of the Bill without public debate, according to Article 85 of the Constitution.

The Fact-Finding Mission on Iran has conducted a preliminary review of the Bill and has a number of concerns with regard to its compatibility with international human rights standards, in particular Iran's obligations under the ICCPR, the CRC, the ICESCR and the CRPD. In this context, the Fact-Finding Mission requests clarification from the Government of the Islamic Republic on the following aspects of the Bill:

a) Process:

- Please provide information on the proposed timeframe for the adoption of the Bill and any envisaged consultation process with stakeholders, including women's groups, civil society, in particular educational institutions, businesses and others who would be directly affected by its provisions if adopted as law.

[13] شهرداری برای کنترل حجاب در ایستگاه‌های مترو «حجاب‌بان» استخدام می‌کند (etemadonline.com) and طرح جنجالی شهرداری برای برخورد با زنان بی‌حجاب در مترو: استخدام «حجاب‌بان»! (sharghdaily.com)

b) Content

- Please explain how the Bill will be implemented alongside Article 638 of the Islamic Penal Code, including with respect to punishments for non-compliance with the mandatory *hijab*, and whether the Bill provides for any forms of corporal punishment.

- Please provide a full list of all state entities who would be responsible for the enforcement of the Bill, if it is adopted, and clarify which entity would have the primary responsibility for this.

- Please clarify whether alternative forms of punishment, including community service, education or others are envisaged in this Bill.

- Please clarify whether the Bill's provisions apply to children (anyone under 18 years old) and if so, at what age? We note in this regard the statement made by a member of the *Majles* according to which the Bill will be applicable to those below 18 and a range of punishments short of imprisonment would be applicable.[14]

- The Fact-Finding Mission on Iran is concerned that some terms used in the Bill may be vague and thus inconsistent with the principle of legality. The Fact-Finding Mission requests information on the meaning of the following terms making a reference to applicable legal provisions:

Terms used	**Persian**	**Corresponding provisions in the Bill**
Chastity	عفاف	The title and several provisions including Article 1
Public decency	عفت عمومی	Several provisions including Article 1
Acts contrary to public decency	اعمال خلاف عفت عمومی	Several provisions including Article 1
Lack of decency	بی‌عفتی	Several provisions including Article 1
Semi-nakedness	نیمه برهنگی	Article 50
Nudity	برهنگی	Several provisions including Article 1
Family-oriented Islamic lifestyle	سبک زندگی اسلامی خانواده محور	Several provisions including Article 6
Culture of hijab and chastity	فرهنگ حجاب و عفاف	Several provisions including Article 6
Chaste clothing	پوشاک عفیفانه	Article 10
Individualistic and anti-family models	الگوهای فردگرایانه و ضدخانواده	Article 10
Decent/appropriate clothing	پوشش مناسب	Article 12
Selection	گزینش	Article 12
Sharia-based boundaries	حریم شرعی	Article 14
Bad-dressing/dressing inappropriately	بد پوششی	Several provisions including Article 10
Moral security	امنیت اخلاقی	Article 18
Cleansing of seaside environments	سالم‌سازی محیط سواحل دریا	Article 18

[14] حسین جلالی نماینده مجلس :متخلفان زیر سن ۱۸ سال در حوزه حجاب از خدمات پاسپورت، اشتغال، تحصیل، حساب بانکی، اینترنت و تلفن محروم می‌شوند | سایت انتخاب (entekhab.ir)

Abnormal and immoral behaviour	رفتارهای نابهنجار و غیراخلاقی	Article 19
Enemy governments, networks, media, groups and organizations	دولت‌ها، شبکه‌ها، رسانه‌ها، گروه‌ها یا سازمان‌های معاند	Article 26
Norm breaking	هنجارشکنی	Article 30
Normalising conduct contrary to chastity	عادی‌سازی رفتارهای خلاف عفت	Article 30
Ordering virtue and preventing vice	امر به معروف و نهی از منکر	Several provisions including Article 32
Aggression, disobedience, disturbance and disturbance in the implementation of this law	تعرض، تمرد، مزاحمت و اخلال در مراحل اجرای این قانون	Article 66
Organized manner and organized crimes	جرم سازمان‌یافته و به صورت سازمان‌یافته	Articles 26 and 30
trusted persons	اشخاص مورد وثوق	Articles 30 and 67
to promote	ترویج	Several provisions including Articles 38, 39, 40, 41, 43, 44
to insult	توهین کردن	Several provisions including Articles 39, 58, 64, and 65
Aggressiveness and fighting	پرخاش و دعوا	Article 64
Unusual movements	حرکات نامتعارف	Article 65

12. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 1st September 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

1 September 2023

Re: Request for information regarding the death in custody of Ms. Jina Mahsa Amini (Human Rights Council Resolution S-35/1)

Excellency,

I write on behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran (the 'Fact-Finding Mission on Iran'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children".

We seek the cooperation of the Government of the Islamic Republic of Iran in obtaining available information regarding the death of Jina Mahsa Amini, aged 22, in the custody of the "morality police" in Tehran on 16 September 2022.

In our previous correspondence (dated 23 February 2023), we made specific requests for information regarding reported investigations by Government authorities into the circumstances and cause(s) of Ms. Amini's death in custody, and on measures taken to ensure accountability and remedies for any human rights violations in this context.

We note the reports published by the Government of Iran in this connection, announcing that Government authorities had been tasked to investigate the said death (Report No. 1, dated 28 September 2022), and concluding that it was not caused by any injury to the head or body (Report No. 2, dated October 2022).

We have reviewed the information in these reports see our letter dated 27 June 2023), taking into account international human rights law standards, including the 2016 Minnesota Protocol on the Investigation of Potentially Unlawful Death, as applicable.

We await a reply from Your Government on these outstanding requests for information.

In this context, we seek additional substantive and documentary information from the five Government entities which we understand include:

(i) the investigation team formed by the Ministry of Interior;
(ii) the probe team assembled by the Tehran Prosecutor- General;
(iii) the inquiry team established by the Tehran Province Justice Administration; (iv) the probe team formed by the Islamic Consultative Assembly (Parliament);
(iv) the investigation team formed by the Legal Medicine Organization; and
(v) the medical committee formed to probe Amini's "medical records and therapeutic aspects thereof.

We also seek clarification on whether the Special Committee to investigate the 2022 unrests is also investigating the death in custody of Jina Mahsa Amini, and its progress to date.

The Fact-Finding Mission on Iran is seeking to receive medical, forensic, photographic, and audio-visual material and other information of relevance that formed the basis of the conclusions on the cause of Ms. Amini's death, as well as information on the outcome of the reported complaint submitted by Jina Mahsa Amini's family in late October 2022 seeking further investigations and clarifications into her death.[1] To our understanding, no such material or information has been made publicly available by any Government authority to date.

We further note with concern the continued reported detention and closed-door trials of the two journalists, Ms. Nilufar Hamedi and Ms. Elahe Mohammadi, who first reported on Ms. Amini's case. We are disturbed to note that legal proceedings have started against Ms. Nazila Maroofian, a journalist who published an interview in relation to Ms. Amini's death. We are further concerned about media reports of on-going legal proceedings against the lawyer of Ms. Amini's family, Mr. Nikbakht, reportedly on charges of "propaganda against the system".[2]

Meanwhile, as we approach the anniversary of the death in Jina Mahsa Amini's death in, and recall the reported deaths of hundreds of protesters and others in connection with the ensuing protests, there are mounting reports of intimidation of family members to prevent them from marking the deaths of their loved ones, including official statements dissuading those pardoned in the context of the protests that began on 16 September 2022, from demonstrating again during the one-year anniversary of Jina Mahsa Amini's death, through threats of possible legal

[1] جزئیاتی از ماجرای مهسا امینی/ روایتی از لحظه مواجهه با گشت ارشاد تا بیمارستان کسری |خبرگزاری فارس (farsnews.ir) dated 26 October 2022 and روز پس از مرگ مهسا امینی |چه تلاش‌هایی برای کشف حقیقت انجام شد؟ - همشهری آنلاین ۴۰ (hamshahrionline.ir) dated 20 September 2022 (before the Legal Medicine Report a reference to which is made in a statement by its head on 7 October); خانواده مهسا امینی از عاملان دستگیری او شکایت کردند - ایسنا (isna.ir) and حضور پدر مهسا امینی و وکلای او در جلسه پزشکی قانونی - ایسنا (isna.ir)

[2] توضیح وکیل مهسا امینی درباره جزئیات «شکایت وزارت اطلاعات «از او - خبرآنلاین (khabaronline.ir); https://www.rferl.org/a/iran-mahsa-amini-lawyer-order-court/32559269.html#:~:text=The%20France%2Dbased%20Kurdistan%20Human,and%20their%20supporters%20have%20rejected and https://iranwire.com/en/news/119714-mahsa-aminis-lawyer-on-trial-for-propaganda/#google_vignette

proceedings and harsher punishments.[3] We are also concerned about reports that Ms. Amini's grave continues to be desecrated. We remind the Government of its international law obligation to ensure the rights to truth, justice and reparations of victims of human rights violations and their families and to uphold the right to freedom of assembly.

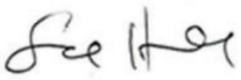
In this context, the Fact-Finding Mission on Iran requests Your Excellency to kindly transmit the attached annexes to the said Government entities and those involved in the cases of Ms. Nilufar Hamedi, Ms. Elahe Mohammadi, Ms. Nazila Maroofian and Mr. Nikbakht, respectively. We request that written responses to all our queries be sent by 14 September 2023. We would also welcome receiving the case files from the entities involved in the investigation into Ms. Amini's death.

We remain available to discuss the most appropriate means by which to obtain this information, including through meetings or briefings.

The Fact-Finding Mission takes this opportunity to reiterate its request for access to the territory of the Islamic Republic of Iran to fulfil its mandate, and our strong interest in engaging with the Government of the Islamic Republic of Iran and in receiving information relevant to the investigation of alleged human rights violations relating to the death of Jina Mahsa Amini and the protests since 16 September 2022.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

Cc: Prof. Shaheen Sardar Ali, Member, Fact-Finding Mission on Iran
Ms. Viviana Krsticevic, Member, Fact-Finding Mission on Iran

[3] Statement of Deputy Head of Judiciary of Iran, Mr. Sadegh Rahimi, as reported in the media on 24 August 2023.

Annex 1

Questions in relation to the investigation into the death in custody of Jina Mahsa Amini

1. Questions for law enforcement, including the "morality police":

a. Please confirm the date, time, and place Ms. Amini was taken into custody.
b. Please provide the reason and legal basis for her arrest and detention, as well as the applicable legislation and/or regulations, including internal, enabling the "morality police" to take Ms. Amini into custody and place her into a "re-education" class.
c. Were "morality police" members who arrested Ms. Amini and took her into custody equipped with body cameras? If so, please provide the video footage (with time stamp and video sound) of her arrest and subsequent transfer to Vozara centre. If not, please explain why such footage is not available.
d. Please provide a copy of the arrest and detention record of Ms. Amini from Vozara centre, or any additional documentation related to her arrest and subsequent death.
e. Please confirm whether inquiring about the health status of individuals and whether they may require specific medication is part of the registration/booking procedures at the Vozara center. If so, please confirm whether this was the case of Ms. Amini.
f. Please also provide video footage of the inside of the vehicle in which Ms. Amini was transported from the place of her arrest to the Vozara centre, as well as the CCTV recording in its entirety of her detention in Vozara centre.
g. Are you aware of the reported desecration to the gravestone of Ms. Amini and what measures have the authorities taken to ensure the grave is respected? Have the authorities taken any measures to repair or facilitate access for Ms. Amini's family and others to her gravestone?

2. Questions for the six Government entities reportedly tasked with investigating the death of Mahsa Jina Amini, namely: (i) the investigation team formed by the Ministry of Interior; (ii) the probe team assembled by the Tehran Prosecutor-General; (iii) the inquiry team put together by the Tehran Province Justice Administration; (iv) the probe team formed by the Islamic Consultative Assembly (Parliament); (v) the investigation team formed by the Legal Medicine Organization; and (vi) the medical committee formed to probe Amini's "medical records and therapeutic aspects thereof:

a. When did the Government task you to investigate the death of Mahsa Jina Amini? What were the details of that request? What were the mandate and terms of reference given?
b. When did you start investigations into the death of Ms. Amini, and at what date was the investigation completed?
c. Please clarify the scope of your respective investigation lines, the composition and the members in each team, their role, background, and respective powers, including the power to summon witnesses and officials, and tasks in this investigation.
d. Please also provide details on how the results of each investigation fed into the overall conclusion on Ms. Amini's death in custody, and how potential conflict in the final conclusions, if any, were dealt with.
e. What was the concrete type of information and material you were tasked to review and assess? Did you have the power to compel witnesses and officials to testify and provide documents?
f. Did you interview the family of Jina Mahsa Amini?
g. What were your findings specifically?
h. What were your findings, concretely, on the beatings allegedly suffered by Ms. Amini while in the custody of the morality police?
i. When did you communicate your findings to the Government?

j. Did you also communicate your findings to the other investigations involved in this case? Were there any conflicting findings, and if so, what were they and how was this dealt with?
k. Please provide all relevant information underpinning your findings, including as mentioned in Report no. 1, the analysis of the "field research, scientific experiments, review of medical records, interviews with relevant witnesses or others, and review of CCTV footage."
l. Were your findings made public? If so, please specify when and through which means. If not, please provide reasons.
m. Were any of your findings communicated to Ms. Amini's family or the family's lawyer? If so, how, and can the family request a review of the findings? If not, please provide the reasons.

3. In addition to the above, questions specifically for the Legal Medicine Organization:

a. Please describe your mandate and scope of work usually performed, as well as whether the Legal Medicine Organization is placed under the authority of the Ministry of Justice.
b. Please provide a copy of the medical records examined by your organization in the course of this investigation, including on the reported brain surgery that Jina Mahsa Amini underwent at the age of eight. Please also provide a copy of medical records relating to the alleged hormonal treatment she received.
c. Please describe how you reached your conclusion regarding the absence of injury on Ms. Amini's body. Was this also concluded by the investigation teams above? Please provide a copy of the supporting documentation.
d. What was the cause of death of Ms. Amini? What was the reason for her to lose consciousness and then suffer cardiac arrhythmia? How did the above investigations contribute to this conclusion?
e. Please confirm which body conducted the examination and the autopsy of Ms. Amini's body, when, and whether you are the custodian of the final results of the examination and autopsy. Was the family of Ms. Amini provided with the underlying information and reports?
f. Was an external and internal examination on the body of Ms. Amini conducted during the autopsy, and if so, was this documented? If so, please provide a copy of the report.
g. Was there a microscopic examination of tissues and organs to identify any potential injuries or abnormalities not visible to the naked eye? If so, please provide a copy of the report.
h. Was toxicology testing performed to determine the presence of any substances that could have contributed to or influenced the cause of death? If so, please provide a copy of the report.
i. Did you consult with other forensic specialists, such as forensic odontologists or anthropologists, to gather additional information? If so, please provide information on the experts consulted.

4. Questions to the "Special Committee to investigate the 2022 unrests" specifically:

a. Were you involved in any way in the investigation conducted into the death in custody of Jina Mahsa Amini? If not, please provide reasons.
b. In the affirmative, please describe your role, mandate, and the supporting documentation that you have assessed in the course of this inquiry?
c. Did you consult, or were you otherwise involved, in the investigation conducted by the six different bodies tasked with the investigation of the death in custody of Ms. Amini?
d. Did you have the power to compel witnesses and officials to testify and provide documents in relation to the death of Ms. Amini? If so, please state if you have used this power and in the case you have not used it, provide the reasons.
e. Did you interview the family of Ms. Amini? If so, please provide details.
f. When did you or will you communicate the results of your investigation to the Government?
g. Are or will your findings be public? If not, please provide reasons.
h. Were or will the results of your investigation shared with the family of Ms. Amini?

Annex 2

Questions in relation to the arrests of Nilufar Hamedi, Elahe Mohammadi and Nazila Maroofian, and media reports of on-going legal proceedings against Ms. Amini's family's lawyer, Mr. Nikbakht.

Ms. Nilufar Hamedi and Ms Elahe Mohammadi

a. Please provide the reasons and legal basis for the arrest of Ms. Hamedi and Ms. Mohammadi, and what is their current location and any other court documentation of relevance regarding their case. Please specify the name of the prison and the section of the prison. Specify is they are held in solitary confinement.
b. Do Ms Hamedi and Ms Mohammadi have access to adequate medical care? Please provide details.
c. Were Ms Hamedi and Ms Mohammadi informed about the charges and reasons for their arrest and detention? If so, please specify when they were informed.
d. Please specify the exact charges on which Ms Hamedi and Ms Mohammadi are tried and what penalties they incur.
e. Were Ms. Hamedi and Ms. Mohammadi allowed to promptly access a lawyer of their own choosing during court proceedings? Please provide details.
f. Was a lawyer of the choosing of Ms. Hamedi present at the court hearings reported to have taken place on 29 May and 25 July 2023? Were they allowed to access information regarding the case of Ms. Hamedi prior to the hearings? If so, please specify when.
g. Was a lawyer of the choosing of Ms. Mohammadi present at the court hearings reported to have taken place on 30 May and 26 July 2023? Were they allowed to access information regarding the case of Ms. Mohammadi prior to the hearings? If so, please specify when.
h. Please provide reasons why the trials of Nilufar Hamedi and Elahe Mohammadi are held *in camera*.
i. Are the families of Ms. Hamedi and Ms. Mohammadi informed of their location and whereabouts, and are they allowed to contact them while in detention?

Ms. Nazila Maroofian

a. Please provide the reasons and legal basis for the repeated arrests of journalist Nazila Maroofian.
b. Please specify the exact charges brought against her and clarify whether she was convicted. If so, please provide a copy of the verdict.
c. Please specify the current status of the legal proceedings against Nazila Maroofian and whether she is facing other charges or another trial.

Mr. Nikbakht

a. Please confirm the on-going proceedings of Mr. Nikbakht as reported in the media, including the start date.
b. Please specify the reasons and legal basis of the proceedings against Mr. Nikbakht as well as the exact charges he is facing.

13. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 7 September 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency, Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

7 September 2023

Excellency,

We write to communicate our concern regarding reported death in custody of **Mr. Javad Rouhi** on 31 August 2023 after he was transferred from the Central Prison in Noshahr, Mazandaran province, to the city's Shahid Beheshti Hospital.

We understand that Mr. Rouhi, aged 35, received three death sentences and a prison term of seven years and six months in connection with the protests that began in Iran on 16 September 2022Branch 1 of the Revolutionary Court in Sari issued two death sentences against Mr. Rouhi, following his conviction for committing the offences of "enmity against God" (*moharebeh*), and "corruption on earth" and (*efsad-e fel arz*) respectively. Mr. Rouhi was accused of committing "crimes against national security", arson and vandalism """in a manner that caused severe disruption in the country's public order, and inciting others to cause insecurity and to gather and collude to commit crimes against national security" during the protests of 21 September 2022 in Noshahr, in Manzandaran province. The Court issued a third death sentence against Mr. Rouhi for "apostasy" (ارتداد و مهدورالدم بودن) for his alleged burning of a copy of the Quran during the protests. In May 2023, the Supreme Court of Iran overturned all three death sentences, and referred his case to another branch of the lower court for review. The status of this case remains unclear to this date.

According to official information, Mr. Rouhi had a seizure, and then died, at 3.45 am on Thursday, 31 August 2023, after having been admitted to hospital by the prison authorities. We understand that a case has been opened before Branch 1 of the Office of the Prosecutor in relation to the death, that the body was reportedly sent to the Legal Medicine Organisation of Iran for determining the case of death and toxicology tests and that an autopsy was carried out. We further understand that there were court orders to review prison CCTV footage and document Mr Rouhi's belongings, including medication.

According to official statements, Mr Rouhi' body was returned to his family on the day of his death, and buried in Kilkoun Village, Mazandaran province later the same evening. In this context, the speed within which the reported autopsy was conducted in the case of Mr. Rouhi raises concerns about its compatibility with international law and standards on investigation of potentially unlawful deaths.

We are also concerned that Mr. Rouhi, who had reportedly suffered from a history of seizures, as well as mental illness, may not have been provided the necessary medical attention prior to his death.

As Your Excellency will be aware, international human rights law places a presumption of State responsibility for the death of a person in its custody, until such responsibility is adequately refuted. According to the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), investigations must be undertaken by an independent, impartial expert body, in a prompt, effective, thorough and transparent manner. In this context, we request information from Your Excellency's Government on how each of these requirements under the Protocol are being met in investigating the cause of death of Mr. Rouhi.

Moreover, we refer to our previous correspondence of 9 August 2023, raising concerns over the imposition of the death penalty against individuals involved in the protests that began in Iran on 16 September 2022. We take this opportunity to remind Your Excellency's Government that States that have not yet abolished the death penalty can apply it only for "the most serious crimes" and then only in the most exceptional cases and under the strictest limits. The term "the most serious crimes" must be read restrictively and pertains only to crimes involving "intentional killing".

In addition, we further recall that according to international human rights law, a detention is rendered arbitrary if the deprivation of liberty has resulted from the exercise of human rights and a serious violation of fair trial rights has occurred. While Mr. Rouhi's death sentences have been overturned, we are deeply concerned that the acts for which he had been arrested, charged and detained, occurred in the course of his exercise of the rights to freedom of expression and assembly and are protected under international human rights law. In these circumstances, Mr. Rouhi's detention may not have been lawful in the first place.

We are deeply concerned about allegations that Mr. Rouhi was subjected to treatment that may amount to torture and ill-treatment following his arrest, in the context of forcing a confession, and that according to official statements, self-incriminating statements by him appear to have been relied upon in order to convict and sentence Mr. Rouhi. It is further reported that he developed medical conditions including digestive complications, urinary incontinence and mobility issues as a result of torture and other ill-treatment.

We respectfully reiterate our previous request (9 August 2023) for access to copies of judgments, including factual and legal findings, judicial files and the evidence presented against Mr. Rouhi, in accordance with paragraph 9 of Human Rights Council Resolution S-35/1. In addition, we respectfully request the following:

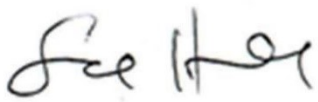
1. The full case file regarding the investigation launched into the death in custody of Mr. Rouhi;
2. Details of the bodies and/or individuals responsible for carrying out the investigation;

3. A copy of all domestic laws, regulations, procedures, decrees and other applicable legislation pertaining to investigation of potentially unlawful deaths including deaths in custody;
4. A copy of the autopsy report and details with regards to the body which and/or any individual who has carried out the autopsy;
5. Information as to whether the family of Mr. Rouhi were consulted and informed of their rights, in advance of the autopsy and whether their representative was present during the autopsy;
6. The CCTV footage of the prison clinic in which Mr. Rouhi was reportedly attended to and provided with medication on Wednesday 30 August; as well as CCTV footage of the ward and the room where he was detained and all prison spaces and facilities, such as visiting areas, to which he may have had access;
7. Copies of medical files belonging to Mr. Javad Rouhi including regarding any treatment and/or medication provided to him in prison; and Statements of witnesses, including those of other detainees and prisoners reportedly interviewed by the authorities.

We look forward to receiving the above information preferably by 14 September 2023.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

Cc: Prof. Shaheen Sardar Ali, Member, Fact-Finding Mission on Iran
Ms. Viviana Krsticevic, Member, Fact-Finding Mission on Iran

14. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 7 September 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency, Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

7 September 2023

Re: Request for information on further Government reports in follow-up to the protests that began on 16 September 2022 (Human Rights Council Resolution S-35/1)

Excellency,

I write on behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran (the 'FFM Iran'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children".

Further to our previous correspondence, and in particular of 27 June 2023, we wish to reiterate our strong interest in engaging with the Government of the Islamic Republic of Iran, and in receiving information and clarifications from relevant Iranian authorities with respect to allegations of human rights violations related to the protests that began on 16 September 2022, in particular with respect to women and children.

Since our letter dated 27 June 2023, we have continued reviewing and assessing the contents of the reports published by the Government that provide information on various issues related to the allegations of human rights violations in relation to the protests.

Accordingly, we would be grateful if your Excellency could kindly submit the attached annex containing a list of questions to the Government authorities for their responses and possible follow-up. We will appreciate it if responses are submitted by 2 October 2023.

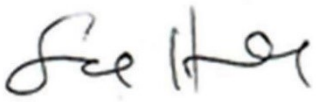
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Responses and submissions will be taken account of by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation.

We look forward to hearing from you in this regard.

Please accept, Excellency, the assurances of my highest consideration.

Yours Sincerely



Sara Hossain

Chairperson of the Fact-Finding Mission on Iran

Cc: Prof. Shaheen Sardar Ali, Member of the FFMI

Ms. Viviana Krsticevic, Member of the FFMI

ANNEX

List of questions on reports of the Government of the Islamic Republic of Iran in relation to the protests that began on 16 September 2022

1. **Guaranteeing and implementing the right to peaceful assembly in the Islamic Republic of Iran, 29 October 2022**
   - Please provide the directive by the Commander-in-Chief of the law enforcement forces of the Islamic Republic of Iran referred in the report.
   - Please provide more detailed information and material on the domestic legal framework on the use of force by law enforcement officials and on preparedness and planning of law enforcement tasked with policing protests, generic contingency plans and training protocols, as well as details on instructions and equipment and the deployment of all relevant officials and units.
   - Please provide information on instances during the protests that began on 16 September 2022, in which law enforcement officers used force (lethal or less lethal) in self-defence or the defence of others to save lives.
   - Please provide information on any practices of recording and reflecting promptly in a transparent report the use of force by law enforcement officials during the protests that began on 16 September 2022, including where injury or damage occurred, and the recording of the details of the incident, including the reasons for the use of force, its effectiveness and the consequences.
   - Please provide information on the protests that the Islamic Republic of Iran has qualified as characterized by widespread and serious violence and reasons and evidence for each such protests.

2. **Ensuring and implementing the right to freedom of expression and the right to access to the internet in the Islamic Republic of Iran, 29 October 2022**
   - Please provide copies of all national laws and regulations governing the Internet, social media platforms, and communications in Iran.
   - Was a request to remove "violent content" posted on Instagram sent by the Government to Instagram? If yes, did Instagram take any action? Please share a copy of relevant communication and any material in support of the request and statements therein.
   - Has the Government collected more posts expressing "violent content" on Instagram in addition to the two reported in the Government report? If yes, please share a copy.
   - Were any of these cases investigated, prosecuted and led to convictions based on national security offences? If so, how many? Please provide relevant verdicts, including factual and legal findings.
   - Regarding networks/communication disruptions, what services, websites, and applications were affected from 16 September 2022 to date? Please clarify the exact period of disruptions for each affected service and the regions/provinces affected.
   - Please clarify if an official order enforcing networks/communication disruptions was issued. If yes, by which agencies or officials? Was the official order made public? Please share a copy.
   - Please clarify the legal basis and the official justification for the following measures: the blocking of social media applications; the shutdowns of internet connectivity in Khuzestan and Kurdistan provinces on 16 and 19 September 2022, respectively; the shutdowns of

mobile networks in different cities and regions; the blocking of circumvention tools; and more recently, in particular between February and April 2023, the Internet disruptions detected in Sistan and Baluchistan province.
- Please clarify if the Government notified the International Telecommunication Union's State parties and the Secretary-General of the above-mentioned adopted measures as per Article 35 of the International Telecommunication Union, to which Iran is a State party.

3. **Shiraz terrorist attack: martyrdom and injury of dozens of innocent civilians, 29 October 2022**
   - Please provide detailed information, including all information and evidence relied on to attribute responsibility.
   - The report refers to the deaths of 15 persons. Please provide a) detailed information about the 15 persons killed, including their identity, age, gender, ethnicity, and religion; b) detailed information on the investigations carried out, if any, into each case; and c) copies of the autopsy reports of the 15 individuals the report refers to, as well as any other relevant records, including medical and pathological records.
   - The report refers to 30 persons, who have sustained injuries. Please provide a) detailed information about the 30 persons injured, including their identity, age, gender, ethnicity, and religion; b) detailed information on the investigations carried out, if any, into each case; and c) copies of the medical reports of the 30 individuals the report refers to, as well as any other relevant records.
   - Please provide autopsy reports and any other relevant records, including relevant medical and pathological record, for the alleged perpetrator, who reportedly succumbed to his injuries in the hospital.
   - Please provide detailed information about the arrests made in connection with the incident including the number of individuals arrested, the nature of the charges brought against them, the type of evidence collected to support said charges, the stage of proceedings against them and the steps taken in order to guarantee their fair trial rights in line with international law and standards.

4. **Investigating claims made by CNN concerning harassment and sexual assault of detainees, 5 December 2022**
   - Please clarify if there are guidelines and procedures in place in medical facilities in Iran to deal with survivors of sexual and gender-based violence (SGBV). Are medical professionals and law enforcement officers trained in responding to SGBV cases?
   - Please clarify how rape and other forms of sexual violence are criminalized under Iranian law. Please provide the legal definitions for rape and other forms of sexual violence.
   - Please clarify whether a victim of rape and other forms of sexual violence may be prosecuted.
   - What services are available to survivors of SGBV in Iran?
   - What are the procedures to report and lodge a complaint for rape or other forms of sexual violence? What are the procedures in place if the alleged perpetrators are a member of security forces or another agent of the state?
   - Please clarify what safeguards are in place to prevent and punish rape and sexual violence in prisons and other places of deprivation of liberty.
   - Do detainees and prisoners have access to medical care in places of deprivation of liberty? Do they have access to specialized medical care?

- Please provide data on SGBV, including on the number of complaints lodged with the authorities for SGBV, as well as the numbers of prosecutions and convictions for the years 2021, 2022 and 2023. Please provide a breakdown by gender, ethnicity, age, and region.
- Why was the patient referred to in the report examined by forensic medicine specialists?
- Was the medical information contained in the report shared with the patient's consent?

5. **The additional results of the investigations conducted by the High Council for Human Rights regarding allegations about deaths of under-18 individuals during recent riots, 30 October 2022**
   - According to the report, the number of children reportedly killed during the protest reached over seventy. Please provide updates on any investigations conducted to further clarify the reported death of children, beyond those covered by the preliminary and additional investigation reports.
   - The report covers the investigation findings on the killings of 13 children. Please clarify why the additional investigation report does not cover investigation finding on all the 23 alleged killings of children and excludes the killings of ten children from scope of investigation.
   - Please share any new developments and findings on the circumstances surrounding the deaths of the children covered by the 30 October 2022 report. This is particularly the case for individual cases where the investigation process was referred to as ongoing.
   - On the death of Mehdi Mousavi Nikoo, the investigation report refers to the cause of death as shooting while Mehdi was taking part in a protest. However, the report does not clarify the circumstances of the death and does not attribute responsibility. Please clarify any specific findings relating to the circumstances of death and on actor responsible for the shooting.
   - On the deaths of Amirhossein Basati and Siavash Mahmoudi, the investigation report confirms that both were killed while taking part in the protest. However, it did not cover the circumstances of deaths and does not attribute responsibility. Please clarify any substantive findings from the investigation on the circumstances and actor responsible for the shooting of the two victims.
   - On Mohammad Sarvari (Sorouri), the report contains an assertion that "Mohammad was murdered in line with the terrorists' killing project". The report lacks any reference as to which actor is allegedly responsible for the death and to the evidence on which the responsibility was established. Please provide the underlying information supporting these conclusions.
   - On Amir Mehdi Farrokhipour, reference is made in the report to the cause of death relating to multiple injuries due to being hit by a hard object. It further refers to the statement of the deceased's father in which he mentioned that his child died as result of motorcycle accident and hitting street curbs. Please explain if there were any investigation findings on the cause of the reported multiple injuries which resulted in the death of Amir Mehdi, other than the reported statement of the father.
   - On the death of Setareh Tajik, other than a reference to falling from height as the cause of death, the report does not indicate how it reached a conclusion on the cause of death. Please share if there were witness accounts or other evidence to clarify the circumstances of death.

6. **Women in the Islamic Republic of Iran, February 2023**
   - Please clarify how the Charter of women's rights and responsibilities enacted in 2006 is compatible with Iran's international human rights obligations, in particular when the rights set out are qualified and must be exercised in accordance with the law or must be "compatible with the Islamic standards".

- Please clarify how laws pertaining to marriage, divorce, custody of children and inheritance are compatible with the principle of non-discrimination and gender equality, as well as equality before the law, as set out in international human rights law instruments to which Iran is a State party.
- Please explain how provisions in the Islamic Penal Code, which criminalize consensual sexual relations between consenting adults or same-sex relations, are compatible with Iran's human rights obligations, in particular articles 17 and 26 of the International Covenant on Civil and Political Rights. Please provide data on the number of arrests, trials and convictions for sexual relations outside marriage or adultery (*zina-e-mohsen and & mohseneh*) in 2021, 2022 and 2023.
- Is there a difference in blood money (*diya*) if the victim is a man or a woman?
- Please clarify the value of a woman's testimony under the code of criminal procedure.
- Please provide information on the numbers of women judges in the Iranian legal system.
- Please clarify the age of marriage for women and girls and for men and boys. Can girls younger than 13 be married with the permission of a judge? Is the age of marriage of girls applicable in Iran compatible with the Convention on the Rights of the Child?
- Please clarify if a woman can obtain a passport or can travel without the permission of her husband.
- Please clarify what provisions of the penal code are applicable for violence against women and girls. Is marital rape criminalized under national law?
- Please clarify the time frame for the adoption of the Bill on Promotion of Security & Protection of Women Against Harm? What steps are the authorities taking to consult with civil society organizations? Please share a copy of the bill.
- What steps are taking to respect and ensure the rights of all women human rights defenders, to release those arrested for their activism on women's rights and to create an enabling environment for organizations representing women across all society?

7. **A report: Measures implemented by the Islamic Republic of Iran in response to poisoning of students, 3 March 2023**
   - Please explain in detail the methodology applied in carrying out the investigation of the school poisoning incidents.
   - Please provide information on the specific findings of the investigation with respect to the scale of the poisoning incidents. In this regard, please clarify the total number of students impacted, injured and killed disaggregated by sex/gender and age, number of schools and administrative provinces affected.
   - Please clarify references contained in the report on a potential linkage of the school poisoning attack with the protest movement (e.g. on page 7, paragraph 4).
   - Please share any new developments on investigation findings since the reports in March and May 2023, respectively.
   - Please share any information acquired during the investigation in relation to any motives behind the school poisoning incidents and regarding any alleged perpetrators.
   - Reference is made in the report on laboratory examination of samples taken from affected students. Please share any scientific from those laboratory findings.
   - Please share any forensic or autopsy examinations conducted in relation to the deaths of students as a result of exposure to the poisonous substances and any findings from specific investigation processes on deaths.

15. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 29 September 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

29 September 2023

Excellency,

On behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran'), I write in connection with the comment and the statement of the "Special Committee to investigate the 2022 unrests" ('Special Committee') transmitted to the Office of the United Nations High Commissioner for Human Rights on 12 September 2023.

After careful review of the comment, the statement and the website of the Special Committee, we forward herewith a number of queries in relation to the information contained therein regarding its investigations and findings to date (for details see Annex).

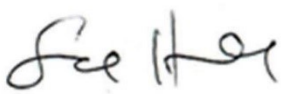
We would appreciate it if the Special Committee could submit its responses to our queries by 27 October 2023. We also encourage you to make submissions to the Fact-Finding Mission on Iran throughout our mandate.

Your responses and submissions will be taken into account by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation.

We take note of the Special Committee's comment according to which it welcomes information from the Fact-Finding Mission on Iran concerning the events in question. In line with its mandate, the Fact-Finding on Iran will present to the Council a comprehensive report on its findings during an interactive dialogue at the fifty-fifth session of the United Nations Human Rights Council. This report including factual and legal findings will be available to the Special Committee.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Prof. Shaheen Sardar Ali, Member of the FFM on Iran
Ms. Viviana Krsticevic, Member of the FFM on Iran

Annex

1. Special Committee and its Secretariat
    a. Mandate: We note the reference in the statement of the Special Committee to "[p]roviding corroborated evidence to […] realize the rights of the Iranian nation". Please elaborate how the Special Committee interprets this part of its mandate and what it understands as " the rights of the Iranian nation".
    b. Independence/Impartiality: We note the comment of the Special Committee according to which "none of the members comprising the Secretariat maintain any affiliations with the Government". We also note that according to the Special Committee, "the constituents of the working groups encompass distinguished non-governmental experts and representatives drawn from executive bodies". Accordingly, could the Special Committee specify (i) the number of members in the secretariat; (ii) how many members of the secretariat have past affiliations with the Government, the dates of these affiliations and the names of the concerned Government entities; (iii) the number of 'constituents' of each working group, and (iv) how many of these constituents are drawn from executive bodies, the name of the concerned executive bodies, whether these constituents are still exercising their functions in these executive bodies, and, if not, whether they will return to these functions on the ending of their assignment related to the Special Committee.
    c. Please provide information on the terms of reference of the members of the secretariat and the constituents of the working groups of the Special Committee, including their respective roles and responsibilities.
    d. Budget: Please provide information on the source of funds for the Special Committee's operations and its total budget?
    e. Financial Reporting: Is the Special Committee independent in its budgetary decision-making, and to which Government entity is it submitting its financial reporting?
    f. Archives: Please specify what happens to the Special Committee's archives after the conclusion of its mandate.

2. Legal Framework
    a. Application of International Human Rights Law: We note references to human rights in the Committee's comment and statement. We also note that the Special Committee's website does not elaborate on whether and how it will apply the norms and standards contained in international human rights treaties to which Iran is a party and reflected in international customary law. Could you please clarify whether it will do so and how?

3. Investigation
    a. We note the reference to the Special Committee's comment to conducting interviews, to on-site inspection and to communication with "agencies "to obtain reports or "investigate matters". Could the Special Committee specify if it has the power to summon individuals and seize

evidence, particularly in relation to alleged perpetrators and where evidence is in the possession of entities allegedly involved in human rights violations?

b. Complaints: How many complaints has the Special Committee received to date ? How may has it processed or completed? Please provide disaggregated data, including by age, gender, and location.

c. Referrals to Fact-Finding Mission on Iran: In its statement, the Special Committee notes that it is "[p]ursuing the rights of the victims, including the people and the law enforcement forces". We invite the Special Committee to submit, with their informed consent, any complaints by victims of human rights violations related to the protests that began on 16 September 2022.

4. Sessions and hearings

a. Hearings: Could the Special Committee provide more details on its "sessions" and "hearings" referred to in its comment, including whether there is any distinction between a "session" and a "hearing", and on their frequency, format, procedure, content, participants and the roles of the latter in these sessions and hearings.

b. Media Engagement: In its comment the Special Committee notes that it "shall engage with the media as it deems requisite, extending invitations for their presence at its sessions." Please specify whether the invitation to media will be a standing one, whether such invitation extends to all media or selected ones, and whether there is a process for media to request access to the sessions. If only selected media will be invited to be present at the sessions of the Special Committee, please indicate which ones and the reasons and selection criteria applied.

c. Public Hearings: Have the sessions and hearings of the Special Committee been held in public or broadcast on national media (press, radio, television or digital); is there a public gallery for its hearings? Are there any plans for holding public hearings going forward, and in the capital or in provinces, or online?

5. Decisions, findings and recommendations

a. Standard of Proof: Please clarify the standard of proof applied by the Special Committee. Which standard of proof is applied to conclude that the facts took place as described by the Special Committee, and that these facts meet all the elements of a human rights violation?

a. Interim Measures: Has the Special Committee interpreted its mandate as including the issuance of interim measures, including pending investigation into specific cases? If so, does it have powers to issue interim measures to halt the application of the death penalty while investigations are ongoing? Has it exercised such powers?

b. Referral to Judicial Bodies: We note that according to its comment, the findings of the Special Committee will be submitted to judicial bodies for "consideration and making a judicial decision". Will such referrals be done on an ongoing basis and/or at the end of the investigation? Will the findings include an explicit recommendation that those allegedly responsible for human rights violations, including government actors, should be brought before a competent court established by law?

c. Identification of Alleged Perpetrators: Will the findings of the Special Committee name and identify alleged perpetrators individually? Will these be made public?

d. Identifying Causes: Will the Special Committee's findings include determining the cause, manner, location and dates of commission of human rights violations and be presented to the public?

e. Lists of Victims: Will the Special Committee's findings contain a list of those who lost their lives, were injured or whose human rights were otherwise affected in relation to the protests? If so, will such lists be made public?
f. Incorporation of International Human Rights Law: Will the Special Committee recommend measure on incorporating and implementing international human rights law norms into the domestic legal system, including on policing of protests, necessary and proportionate use of force, and prevention, as well as on adopting legislative and administrative procedures that provide fair, effective and prompt access to justice and to reparations for victims. Will the Special Committee recommend measures to ensure that laws and their interpretation and application do not result in discrimination in the enjoyment of the right of peaceful assembly, for example on the basis of ethnicity, age, sex, language, property, religion or belief, political or other opinion, national or social origin, birth, minority, indigenous or other status, disability, sexual orientation or gender identity, or other status?

6. Rights of Victims

a. What measures is the Special Committee taking to ensure that victims wishing to lodge a complaint with you can do so without fear of reprisals?
b. We note the assurance in the Special Committee's comment that "requisite measures to provide support to witnesses and victims" will be taken "assiduously safeguarding their statements, reports, and documents", and the reference to obtaining the required consent from victims and witnesses for their records to be transferred by the Special Committee to relevant institutions. Please provide information on specific measures taken by the Special Committee to provide support and assistance to victims and witnesses and to provide protection, including against reprisals.
c. We note the call for the submission of complaints on the Special Committee's website. What are the outreach methods taken by the Special Committee and the measures taken to date, including how they are tailored to different communities, constituencies and regions of the country? Was its call for submissions translated into the Kurdish and Balouch languages? Was it transmitted across the media landscape, including over radio, television and digital media? Is the Special Committee planning to proactively reach out to different victim constituencies and their representatives? If so, please specify which ones. Has the Special Committee taken any confidence-building measures in relation to victims, witnesses and affected communities and if so, which ones?
d. In addition to compensation, are victims of human rights violations entitled to any other form of reparations such as satisfaction (e.g. public apologies, including acknowledgement of the facts and acceptance of responsibility) and rehabilitation (including medical and psychological care, as well as legal and social services)?
e. Please specify the type and amount of compensation foreseen, for which violations (including violations of the rights to life, liberty and security of person, and to a fair trial), under international law, for instance, and whether there are criteria for compensation?
f. Please state any other details regarding the process adopted by the Special Committee in identifying and compensating victims?
g. Are any persons who are identified as victims of human rights violations and who have participated in the protests that began on 16 September 2022 eligible for compensation? What criteria will be applied to determining whether protesters are eligible for compensation?

*****

16. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 6 October 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

6 October 2023

Excellency,

On behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran'), I write to express our utmost concern at allegations reported in the media over the past few days that Ms. Armita Geravand, a 16-year old girl from Kermanshah, is currently in a coma following a physical assault on her relating to her non-compliance with the mandatory hijab laws.

According to media reports, Ms. Geravand suffered a coma, and possible brain injury, following a reported altercation with female hijab enforcers in Tehran's metro, due to her alleged non-compliance with the mandatory hijab laws.

As alleged in these reports, Ms. Geravand was stopped on the metro by a group of mandatory hijab enforcers who allegedly pushed her into a carriage where she hit her head and subsequently fainted. According to State media, Ms. Geravand was subsequently taken to the Tehran Air Force's Fajr Hospital, where she reportedly remains in a coma till now.

We have also seen news reports that Ms. Maryam Lofti, a journalist from Shargh newspaper (in Tehran) who went to the hospital to cover this incident, was also briefly detained, allegedly to prevent her from publishing the story.

The Fact-Finding Mission on Iran refers to its previous requests for access to Iran and would like to reiterate this request with a view to investigating this incident within the framework of its mandate.

In these circumstances, we urgently seek the following information from the Government of the Islamic Republic of Iran:

- A copy of the full medical records (consent of the family permitting) of Ms. Geravand, detailing her current medical status, in particular what type of the injury led to the coma.
- Confirmation that Ms. Geravand is still hospitalized at Fajr Air Force Hospital and the reasons for taking her to a military hospital.
- Full CCTV footage of the incident inside the metro carriage.

- Clarification regarding the presence in the metro of the "morality police", metro personnel or other officials tasked with enforcement of mandatory hijab laws during the incident.
- The status of Ms. Maryam Lotfi, journalist, reasons for her reported arrest and any legal proceedings against her. Please share any reports of documents related to legal proceedings, if applicable.
- Whether Ms. Geravand's family has been able to visit her at the Fajr Air Force Hospital.
- Whether journalists have been able to report freely on the incident without fear of reprisals.
- Whether any official investigation into the incident has been initiated.

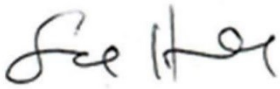
We would appreciate it if this letter, and in particular the queries above, could be urgently brought to the attention of the relevant authorities in Tehran, including the "Special Committee to investigate the 2022 unrests", and if you could kindly transmit our request for a response by Friday 13 October.

We would appreciate it if you could kindly remind the concerned authorities that it is the Islamic Republic of Iran's obligation to investigate promptly, transparently and impartially any allegations with respect to the use of force by security or other officials (on vulnerable persons).

Your responses and submissions will be taken into account by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation into the protests that have occurred in Iran since September 2023. In light of the gravity of the allegations, the Fact-Finding Mission on Iran may decide to make public its concerns with respect to this case.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Prof. Shaheen Sardar Ali, Member of the FFM on Iran
Ms. Viviana Krsticevic, Member of the FFM on Iran

17. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 24 November 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN

E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency, Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the
United Nations Office in Geneva
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

24 November 2023

Re: Request for information on recent developments related to allegations of human rights violations in the context of the protests that began on 16 September 2022, and especially related to women and girls.

Excellency,

I write on behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran (the 'FFM Iran'), established pursuant to Human Rights Council Resolution S-35/1 on the "Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children to raise our concerns about recent developments, related to our mandate.

With respect to recent developments, we request you to kindly share the enclosed annex with the "Special Committee to investigate the 2022 unrests" and other relevant authorities for their follow-up and responses.

We also take this opportunity to reiterate our request to visit the Islamic Republic of Iran, ahead of the presentation of our comprehensive report to the Human Rights Council at its fifty-fifth session in March 2024. Should such a visit be granted, we would seek, as a matter of priority, access to the following individuals currently in detention and whose cases remain of utmost concern to the FFMI, namely:

- Ms. Niloofar Hamedi
- Ms. Elahe Mohammadi
- Ms. Narges Mohammadi

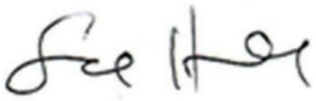
In the meantime, we appeal to your Government to release all individuals arbitrarily detained in connection with the said protests, including for actions that constitute a legitimate exercise of their human rights, including their rights to freedom of expression, peaceful assembly, and freedom of association, in line with the Islamic Republic of Iran's international human rights obligations. We further recall that human rights defenders have the right to conduct human rights work free from intimidation or reprisals, in accordance with the UN Declaration on Human Rights Defenders.

As you will be aware, your responses and submissions will be taken into account by the FFMI as we carry out our mandate to conduct an impartial and independent investigation into the protests that have occurred in Iran since September 2022.

We look forward to hearing from you in this regard.

Please accept, Excellency, the assurances of my highest consideration.

Yours Sincerely



Sara Hossain

Chairperson of the Fact-Finding Mission on Iran

cc. Prof. Shaheen Sardar Ali, Member of the FFMI

Ms. Viviana Krsticevic, Member of the FFMI

ANNEX

Recent developments of concern to the Independent International Fact-Finding Mission on the Islamic Republic of Iran

1. Death of Armita Geravand and aftermath

We are deeply alarmed to learn of the recent death of 16-year-old Armita Geravand and reiterate our concerns and requests made in our letter dated 6 October 2023 to the Government of Iran. We note the official explanation of the circumstances surrounding her death due to an alleged drop in blood pressure.[1] We recall the Government of Iran's obligations to investigate thoroughly, effectively, independently, impartially, and transparently all allegations of unnecessary and disproportionate use of force, and to ensure that the perpetrators are brought to justice, those responsible punished in accordance with human rights standards, and that victims receive reparation. We reiterate our request for clarification and information as follows:

- Full unedited footage of Armita Geravandin the metro station on 1 October, including footage from CCTV cameras inside the metro carriage in question, and the missing four seconds of footage that were not included in the records released by the authorities.
- Armita Geravand's prior medical records as well as the records from Fajr hospital including those relating to the cause(s) of her death on 28 October 2023, consent of the family permitting.
- A clarification as to the reasons for her being taken to Fajr hospital, Tehran, a military hospital under reported heavy presence of security agents, instead of a civilian hospital.
- A clarification regarding the grounds and reasons for the reported arrests and subsequent release of Maryam Lofti of Shargh Daily and of Armita Geravand's school friends.
- Any further investigations conducted into her death, and the results of these.

We are further deeply alarmed by the reported arrest of 15 activists, including, human rights defender, **Ms. Nasrin Sotoudeh,** who attended Armita Gervand's funeral at the Behesht-e Zahra cemetery on 29 October, allegedly for non-observance of the mandatory *hijab* laws and policies. While we understand that Ms. Sotoudeh was released on 15 November 2023, we are concerned at her arrest for non-compliance with the mandatory *hijab* laws and policies and any charges she may be facing in this regard.

We recall the Islamic Republic of Iran's obligations under international human rights law, including to respect, protect and fulfil women's rights to freedom of religion or belief, opinion and expression, and bodily autonomy. We are particularly alarmed by reports of torture and ill-treatment of Ms. Sotoudeh and her lack of access to her family during her detention. We request the following information in this regard:

[1] https://www.irna.ir/news/85272839/%D8%A2%D8%B1%D9%85%DB%8C%D8%AA%D8%A7-%DA%AF%D8%B1%D8%A7%D9%88%D9%86%D8%AF-%D8%AF%D8%A7%D9%86%D8%B4-%D8%A2%D9%85%D9%88%D8%B2-%D8%AA%D9%87%D8%B1%D8%A7%D9%86%DB%8C-%D8%AF%D8%B1-%DA%AF%D8%B0%D8%B4%D8%AA

- An update on the reasons and grounds for the arrest and detention of Ms. Nasrin Sotoudeh and the reported 14 others who were arrested on 29 October in the context of Armita Geravand's funeral.
- Clarification regarding any legal proceedings against them.

The FFM on Iran urges dropping of all charges related to non-compliance with the mandatory *hijab* laws and policies against these 15 persons and further calls for quashing of Ms. Sotoudeh's previous conviction related to her human rights work, including representing women tried for defying hijab rules as their lawyer.

2. Aftermath of Jina Mahsa Amini's death in custody

a.) Recent convictions of Niloofer Hamedi and Elahe Mohammadi

We are disturbed to learn of the recent convictions of journalists Niloofer Hamedi and Elahe Mohammadi. We recall our previous correspondence, including our most recent letter of 1 September 2023, including questions for clarification by the Government of Iran on their situation. We respectfully request a response to these questions and recall Iran's obligations under international human rights law to protect and fulfil the right to freedom of expression. We are concerned that Ms. Hamedi and Ms. Mohammadi's convictions, following proceedings allegedly marred by irregularities, constitute violations of their right to freedom of expression and amount to punishments for their legitimate activities as journalists reporting on a case of high public interest.

In light of the recent convictions of Niloofar Hamedi and Elahe Mohammadi to imprisonment for seven and six years respectively, for "collaborating with a hostile government", we urgently request your Government to provide the following information:

- The full case file, including the court judgments, of Niloofar Hamedi and Elahe Mohammadi, and information and evidence used to convict them.
- Information about their well-being, including their access to medical care in Evin prison.

We further urgently request access to the Islamic Republic of Iran and the opportunity to visit Ms. Hamedi and Ms. Mohammadi in prison.

b.) Conviction of Saleh Nikbaht

We are deeply concerned about the recent conviction of Mr. Saleh Nikbaht, the lawyer of Jina Mahsa Amini's family, for "propaganda against the state", and his one-year prison sentence. We are disturbed that this conviction is based on his legitimate activities in providing legal representation to Jina Mahsa Amini's family and may constitute a reprisal for his call for transparency in relation to the investigation, in violation of his right to freedom of expression. We urgently request your Government to provide the following information and materials:

- The full case file of Saleh Nikbaht, including the court judgment and any information and evidence used to convict him.

3. Situation of Ms. Narges Mohammadi

We are deeply disturbed about recent reports that Nobel Laureate Ms. Mohammadi has been held in prolonged solitary confinement and reported delays in the provision of medical treatment for her refusal to wear the mandatory *hijab*. We appeal to your Government to ensure access for Ms. Mohammadi to the medical care that she urgently requires, recalling its human rights obligations to protect and fulfil

the right to health without discrimination including on the ground of sex. We urgently request your Government to provide the following information:

- Information about Ms. Mohammadi's access to medical care and her situation in detention, including assurances regarding her well-being in Evin prison.

We further **urgently request access to the Islamic Republic of Iran and an opportunity to visit** Ms. Narges Mohammadi in prison.

18. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 1st December 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN
E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

1 December 2023

Excellency,

On behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran'), I write to communicate our deep concern at the reported execution of Milad Zohrevand, aged 21, on 23 November 2023 at Hamadan Central Prison, in connection with Iran's nation-wide protests that began on 16 September 2022 after the death in custody of Jina Mahsa Amini.

We understand that Milad Zohrevand was reportedly arrested in November 2022, allegedly for killing Ali Nazari, a member of the Revolutionary Guards' intelligence service, in the context of protests that took place in Hamadan in October 2022. While news of his death sentence emerged in June 2023, judicial officials are reported to have said that he was sentenced within three months after the arrest. The Supreme Court further reportedly upheld the sentence on 13 November 2023, and he was executed just ten days later.

We are concerned that Milad Zohrevand may have been convicted, sentenced and executed following an unfair trial, which would render his death sentence and execution arbitrary and in violation of the right to life. Concerns include the lack of impartiality of the court, the failure to apply the presumption of innocence, the lack of time and facilities for the preparation of his defence, and denial of his right to be assisted by a lawyer of his own choice.

We are also concerned about reports that Mr. Zohrevand's parents were arrested and prevented from mourning the execution of their son.

We take this opportunity to respectfully request the Government of the Islamic Republic of Iran to provide the following information:

1. A copy of Milad Zohrevand's complete judicial file, including a copy of the judgment from both the court of first instance and regarding the appeal at the Supreme Court;

2. Clarification as to whether Milad Zohrevand had access to a lawyer of his own choosing, the exact time when he was granted access to a lawyer following his arrest, and information on the time and facilities granted for the preparation of his defence and whether he was given the

opportunity to present exculpatory evidence under the same conditions as incriminating evidence is presented;

3. Information on the number of hearings held in these cases both before the lower court, as well as before the Supreme Court, and the duration of each hearing;

4. Any information about the underlying offences for which Milad Zohrevand was convicted and in relation to which he was sentenced to death;

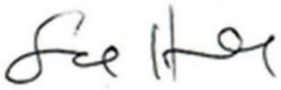
5. Information on when the decision on the scheduled execution being scheduled was notified to his family and lawyer;

6. Information about the alleged arrest of Milad Zohrevand's parents.

We recall that your responses and submissions will be taken into account by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation into the protests that have occurred in Iran since September 2023.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Prof. Shaheen Sardar Ali, Member of the FFM on Iran
Ms. Viviana Krsticevic, Member of the FFM on Iran

19. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 12 December 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN
E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

12 December 2023

Excellency,

On behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran'), I write to express our alarm regarding the Iranian authorities' refusal to allow the family of Jina Mahsa Amini to travel to France to collect posthumously the Sakharov Prize, awarded by the European Parliament in recognition of individuals, groups and organisations that have made an outstanding contribution to protecting freedom of thought.

We understand that Jina Mahsa Amini's father, Amjad Amini, her mother, Mojgan Eftekhari, and her brother, Ashkan Kiarash, were planning to travel to France, with valid visas, on 9 December 2023, when they were stopped by security officials at Tehran's International airport and informed that they were banned from travelling until January 2024. According to information received, the family's passports were confiscated and only their lawyer, Saleh Nikbaht, was able to board the plane and travel.

We respectfully request the Government of the Islamic Republic of Iran to provide the following information:

1. The legal basis and reasons for the authorities' refusal to allow Jina Mahsa Amini's family to travel to France;

2. The legal basis and reasons for the confiscation of the family's passports.

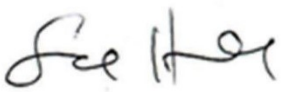
We take this opportunity to recall the Islamic Republic of Iran's obligations under article 12 of the International Covenant on Civil and Political Rights to guarantee the right to freedom of movement, which includes the right to leave and to return to one's country. We trust that pursuant to article 16 of the UN Basic Principles on the Role of Lawyers ("the Havana Principles"), Saleh Nikbaht will not suffer or be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with his recognised professional duties, which includes representing the family of Jina Mahsa Amini at the award ceremony in Strasbourg.

..\..

We recall that your responses and submissions will be taken into account by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation into the protests that have occurred in Iran since September 2022.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Prof. Shaheen Sardar Ali, Member of the FFM on Iran
Ms. Viviana Krsticevic, Member of the FFM on Iran

20. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 27 December 2023

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN
E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

27 December 2023

Excellency,

On behalf of the Independent International Fact-Finding Mission on the Islamic Republic of Iran ('Fact-Finding Mission on Iran'), I write to express our utmost concern at the decision of the Supreme Court of Iran on 24 December 2023 to uphold the death sentence against Reza (Gholamreza) Rasaei following his involvement in the protests that began on 16 September 2022.

We appeal to the Government of the Islamic Republic of Iran to immediately stay Mr. Rasaei's execution.

We understand that Reza Rasaei, a 24-year-old member of Iran's ethnic Kurdish and Yaresan minority, is at imminent risk of execution, following this decision, upholding his conviction and sentence for alleged involvement in the murder of a member of the security forces in Sahneh, Kermanshah province on 18 November 2022 in the course of the protests.

We are alarmed that Mr. Rasaei is facing imminent execution following an unfair trial, which would render his death sentence and execution arbitrary and in violation of the right to life. We are concerned to have learned of allegations of a confession obtained under torture, denial of Mr. Rasaei's right to be assisted by a lawyer of his own choice, in particular during the investigation into the alleged offence, and the lack of independence and impartiality of the court, in particular in examining the allegations of his confession having been obtained under torture.

We take this opportunity to respectfully request the Government of the Islamic Republic of Iran to provide the following information and documents:

- A copy of Mr. Reza Rasaei's complete judicial file, including a copy of the judgment of the court of first instance and the Supreme Court;
- Clarification as to whether any investigation has been held into the allegations of Mr. Rasaei's confession being obtained under torture, and the results of the same;
- Clarification as to whether Mr. Rasaei had access to a lawyer of his own choosing; when he was granted access to a lawyer following his arrest, if at all; information on the time and facilities granted to him for the preparation of his defence; and whether he was given the

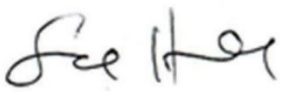
opportunity to present exculpatory evidence under the same conditions as incriminating evidence is presented; and

- Information about the underlying alleged crimes of which Mr. Rasaei has been accused of in relation to which he has been convicted and sentenced to death and faces execution.

We recall that your responses and submissions will be taken into account by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation into the protests that have occurred in Iran since September 2022.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Prof. Shaheen Sardar Ali, Member of the FFM on Iran
Ms. Viviana Krsticevic, Member of the FFM on Iran

21. Letter sent to the Permanent Mission of the Islamic Republic of Iran on 22 January 2024

UNITED NATIONS

UNITED NATIONS INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN
E-mail: ffmiran@un.org
Webpage: https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index

His Excellency Mr. Ali Bahreini
Permanent Representative of the Islamic Republic of Iran to the United Nations Office
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland

22 January 2024

Excellency,

We write to bring to your urgent attention, and seek your intervention, in the case of Mohammad Ghobadlou, a young man who has been scheduled for execution on 23 January 2024 in connection with the protests that began in the Islamic Republic of Iran on 16 September 2022. **We urgently appeal to the Government to immediately halt the planned execution of Mohammad Ghobadlou**, and to ensure that prompt, independent, impartial and effective investigations, in line with international law and standards, are carried out into allegations of torture and ill-treatment in his case. A notification of the scheduled execution has reportedly been sent to Mohammad Ghobadlou's lawyer on 22 January 2024, less than 24 hours before the scheduled execution.

According to a report by the High Council for Human Rights of the Islamic Republic of Iran in January 2023, reviewed by the Mission, Mohammad Ghobadlou's request for a retrial on the charge of *Moharebeh* is still pending before the Supreme Court.

Mohammad Ghobadlou was sentenced to death in two parallel proceedings against the backdrop of reported gross violations of fair trial and due process rights. These include allegations of confession/s obtained under torture, failure to conduct independent rigorous assessments of his mental capacity at the time of the alleged crime, a violation of the prohibition of double jeopardy, and denial of access to a lawyer following arrest and during investigation, as well as denial of access to an independent lawyer during trial before the Revolutionary Court. We are further concerned by reports of torture and ill-treatment, including beatings in detention, denial of medication for his bipolar disorder, and detention in solitary confinement.

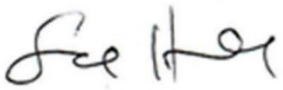
Under international law, death sentences may only be passed for the most serious crimes, limited to "intentional killing", and only in the most exceptional cases and under the strictest limits, including stringent compliance with fair trial guarantees. Under no circumstances is a confession obtained under torture admissible as evidence against a defendant. Further, international law prohibits the use of the death penalty against people with disabilities, and any execution following fair trial violations would amount to an arbitrary deprivation of life and a gross human rights violation.

The imposition of the death penalty in breach of fair trial and due process safeguards violates the right to life and the prohibition of inhuman or degrading treatment or punishment. We highlight that under international human rights law, the arbitrary deprivation of life and violations of inhuman, degrading and cruel treatment or punishment are absolutely prohibited, at all times and in all circumstances.

We reiterate our earlier requests for access to the cases files as well as to interview all persons facing the death penalty in connection with the protests. We recall that your responses and submissions will be taken into account by the Fact-Finding Mission on Iran as we carry out our mandate to conduct an impartial and independent investigation into the protests that have occurred in Iran since September 2022.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,



Sara Hossain
Chairperson of the
Independent International Fact-Finding Mission on the Islamic Republic of Iran

cc. Permanent Mission of the Islamic Republic of Iran to the United Nations in New York

II. Medical Conclusions on the death in custody of Jina Mahsa Amini

1. The Mission obtained 30 grayscale scan images consisting of non-contrast axial CT scan interpretation images of the upper part of Jina Mahsa's skull, chest, and abdomen. The mission notes that the number of images analysed only represents a fraction of the multiple images usually taken by a CT scan.[3656] The mission also reviewed open-source material, including pictures and videos of Jina Mahsa during her stay at Kasra Hospital. The mission sought expert opinions and analysis on the collected material as noted above, from physicians experienced in applying the Istanbul Protocol clinical evaluations, including two forensic pathologists, a radiologist, an endocrinologist, and a clinical internist.

a) Forensic pathologist assessment

2. The mission first reviewed and analysed pictures and one video of Jina Mahsa while in the ICU at Kasra Hospital published on the social media on 14 and 15 September 2022. [3657]

3. Based on this material, forensic pathologists assessed Jina Mahsa's skin tone as being indicative of heart activity and sufficient oxygen saturation without signs of lividity staining, confirming that she was in a coma when the pictures and video were taken.[3658] In addition, she is shown connected to medical equipment, including an active nasogastric tube which was draining a green fluid suggestive of bilious gastric content.[3659] Her eyelids were placed shut by an adhesive tape to prevent desiccation of the eyeballs following exposure to environmental elements, as required for the treatment of comatose individuals. The assessments confirmed that Jina Mahsa "was admitted to Kasra hospital in a comatose state" following her arrest and detention by the morality police at the Vozara detention facility.

b). Forensic analysis also confirmed reddish discoloration from the right ear auricle as shown in the pictures, suggestive of fluid drainage, likely blood. In a letter dated 17 September 2022, the head of the Provincial Medical Council of Hormzganm addressed the head of the Medical Council of the Islamic Republic of Iran, noting that the "bleeding from her ear and ecchymosis under her eyes are not consistent with a heart attack as the cause of death and that most of the signs in the photos published of her in hospital are consistent with the symptoms of a head injury and consequent bleeding."[3660]

Radiology assessment

4. The Mission then analysed available CT scan images which showed the middle and lower part of the brain of Jina Mahsa.[3661] Radiologist confirmed that the images showed "calcified lesion located at the base of the skull and close to the pituitary gland in the middle cranial fossa, which is consistent with the reported craniopharyngioma brain surgery." The expert noted that the "incision made at the union of the frontal, temporal, sphenoid, and parietal bones is consistent with a potential "scar" of a brain surgery." The assessment confirmed that Jina Mahsa underwent a brain surgery in her childhood.

[3656] FFMI-IRAN-D-001429 (Forensic Analysis); FFMI-IRAN-D-001442 (Forensic Analysis); FFMI-IRAN-D-001443 (Forensic Analysis). Acording to a medical expert: "A head CT would have a minimum of 30-50 images, depending on the age and type of the scanner. A chest CT would have 100 images or more. See FFM-IRAN-D-001444.

[3657] https://twitter.com/ICHRI/status/1570767899975127040; https://twitter.com/RadioFarda_/status/1570707704083005441.

[3658] FFM-IRAN-D-001424 (Forensic Analysis); FFM-IRAN-D-001426 (Forensic Analysis).

[3659] Livor mortis (lividity, post-mortem hypostasis) is a reddish-purple coloration in dependent areas of the body due to accumulation of blood in the small vessels of the dependent areas secondary to gravidity.

[3660] Medical System considered "a blow to the head" as the possible cause of death, Radio Farda, The Head the head of the Hormozgan 20 September 2022; SNN, The Administrative Letter That Came Out Of The Foreign Media, 19 September 2022; https://twitter.com/ArmanDrsh/status/1571482916751872000?s=20; FFM-IRAN-D-001427 (Statement).

[3661] FFM-IRAN-D-001428 (Forensic Report).

5. Radiologist also noted that the potential of an injury to the head remains a possibility, since such injury may not be immediately apparent on the CT scans analysed. This is because, as noted in expert opinion, "hypoxic/anoxic brain injury may not be identifiable for many hours on CT, particularly in a young person; therefore, the appearance of the brain on this CT is consistent with, although not diagnostic of, global hypoxia/anoxia, and/or brain death." Separately, the expert noted that, if an injury was indeed sustained to other parts of the skull, the trauma would potentially be visible in CT scans from the vertex to the base of the skull, which have not been available either to the public or to the family to date.

6. The Mission then assessed eight distinct non-contrast axial available CT images of the chest. Radiology assessment found extensive lung opacifications which had resulted in respiratory distress. According to the assessment, the lung opacification "must have developed at the time when the patient lost consciousness, with the most likely scenario being a massive aspiration that occurred upon, or shortly after, patient collapse." The assessment also noted that the lung findings were not consistent with direct blunt trauma to the chest. A forensic pathologist's analysis of the chest CT scan also confirmed that images of the upper chest displayed "*heterogeneous ground glass opacities in both lungs, more pronounced in the right lung, indicative of severe lung involvement, possibly due to an infectious process and acute respiratory distress syndrome (ARDS).*"[3662]

c). Clinical endocrinologist assessment

7. Clinical assessment commissioned by the mission confirmed that, in most cases, patients with craniopharyngioma, such as the case of Jina Mahsa, were cured, but may need hormone replacement post-surgery if their hormone levels were low.[3663] Hypopituitarism, a condition that causes the decreased production of one or more of the nine hormones by the pituitary gland, is one of the most frequent sequelae, with approximately 75 percent of patients experiencing it post-surgery.[3664]

8. Based on her reported medication Jina Mahsa was on replacement hormones for cortisol (hydrocortisone). The assessment noted that "this suggests that she was experiencing some degree of central adrenal insufficiency, namely levothyroxine for central hypothyroidism (as noted above), and desmopressin for central diabetes insipidus (decreased antidiuretic hormone)."

9. In its second report, the HCHR noted that Jina Mahsa developed a "*disorder in the important hypothalamus-pituitary axis and the glands under its command, including adrenal and thyroid.*" In its clinical assessment, the expert noted that "central adrenal insufficiency could indeed occur due to the decreased pituitary gland production of adrenocorticotropic hormone (ACTH), which in turn leads to insufficient cortisol production by the adrenal glands, and it is the deficit that mostly requires a timely diagnosis and treatment." It further noted that "it is also the one for which an increased dose of hormone replacement medication (hydrocortisone) may be most urgently required in the face of stressors."

Adrenal crisis

10. The mission then considered whether her death could have occurred because of the "underlying disease" which left her without "the necessary ability to cope with and get a hold of the situation" as noted by the Legal Medicine Organization. The Mission considered whether the said psychological stress reported to have been caused from her arrest and detention could have led to an adrenal crisis, and thus the reason for, or a contributing factor to, her death.[3665]

[3662] FFM-IRAN-D-001426 (Forensic Analysis).

[3663] FFM-IRAN-D-001428 (Forensic Analysis).

[3664] Lo AC, Howard AF, Nichol A, et al. Long-term outcomes and complications in patients with craniopharyngioma: the British Columbia Cancer Agency experience. Int J Radiat Oncol Biol Phys 2014; 88: 1011–1018.

[3665] Insufficient cortisol to respond to a stressor can result in an "adrenal crisis", which is a medical emergency that can be managed by administering glucocorticoid medications and if necessary intravenous fluids. In more than 90 percent of cases of adrenal crisis, there is a known precipitating

11. To do so, the expert report first noted that "an adrenal crisis is more likely to occur because of prolonged stressors, such as major surgeries or serious illnesses, rather than acute, short-term stressors," such as the single event of arrest and detention that Jina Mahsa experienced. The report also indicated that "adrenal crises are relatively rare when patients are receiving appropriate medical care and adhering to their treatment regimen," which appeared to have been the case for Jina Mahsa. While an adrenal crisis may occur within minutes to hours of a triggering event, it is more common for adrenal crises to develop more gradually over hours to days in response to stressors. The report also noted that "being subjected to physical violence as reported, might be a physical stressor that could trigger a stress response leading to an adrenal crisis." Symptoms leading to an adrenal crisis, such as vomiting, dehydration, confusion,[3666] would have been also seen in the CCTV footage published by official State broadcast , which showed Jina Mahsa seated on a chair for around 30 minutes, before approaching an official and suddenly collapsing on the floor. Being subjected to "violence in police custody could be a stress factor that may induce a stress response that could precipitate an adrenal crisis," as noted by the State. The clinical assessment notes however that "it would be highly unusual, especially in a young, healthy woman, that the first symptom or sign of adrenal crisis would be a sudden loss of consciousness with no preceding symptoms becoming progressively worse".[3667] In addition, adrenal crisis becomes apparent if exams were drawn upon arrival at the hospital, and if Jina Mahsa was indeed in a state of adrenal crisis then glucocorticoids and intravenous fluids could be immediately administered. The report highlights the crucial importance of making medical records available by the treating hospital.

4. Forensic evaluation

12. In the aggregate, according the various expert assessments commissioned by the mission, indicate that, it is highly unlikely that the death of Jina Mahsa Amini was the partial result of an adrenal crisis. Rather, the information provided appears consistent with complications deriving from a beating.

event, with gastrointestinal illness the most common precipitant. See White K, Arlt W. Adrenal crisis in treated Addison's disease: a predictable but under-managed event. Eur J Endocrinol, 2010; 162 (1): 115-120; Puar THK, Stikkelbroeck NMML, Smans LCCJ, Zelissen PMJ, Hermus RMM. Adrenal Crisis: still a deadly event in the 21st centur, American Journal of Medicine, 2015.

3666 The reports notes: "Individuals experiencing adrenal crisis commonly initially present with non-specific signs and symptoms including severe abdominal pain, nausea, vomiting, anorexia, fever, fatigue, weakness, and confusion. Moreover, dehydration can result from excessive fluid loss from vomiting and diarrhoea. Low blood pressures (hypotension) from both hypovolemia (from vomiting, diarrhoea) and/or hypercortisolism, as glucocorticoids promote catecholamines is a hallmark feature of adrenal crisis that can lead to dizziness, light-headedness, and fainting. Further, it is most common for the signs and symptoms of an adrenal crisis to become progressively severe, with early warning signs such as extreme fatigue, weakness, nausea, vomiting, and abdominal pain. These initial symptoms if left untreated may progress to confusion, very low blood pressure, altered mental state, and even loss of consciousness."

3667 Ibid.