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Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, in accordance with Human Rights Council resolution [49/24](#).

* [A/77/150](#).



Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman

Summary

In the present report, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, details observations regarding trends, concerns and progress made in the protection of human rights, with a particular focus on arbitrary deprivation of life and an increase in executions. Other aspects covered in the report include arbitrary detention, the authorities' response to protests, restrictions on civic space actors and freedom of expression, association and peaceful assembly.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 49/24. In the report, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, provides an overview of the most pressing human rights concerns, including arbitrary deprivation of life in the country. This is followed by recommendations to the Government and the international community. The report contains information collected primarily up to 30 June 2022.

2. The Special Rapporteur welcomes the Government's invitation to the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights for a country visit, which was conducted from 7 to 18 May 2022, and encourages the Government to extend its cooperation with all special procedure mandate holders, including himself. He reiterates his request to allow him to undertake visits to the country in accordance with the Human Rights Council resolution establishing his mandate.

3. Despite the denial of access to the country, the Special Rapporteur was able to engage with victims of violations, their families and civil society actors. During the reporting period, the Special Rapporteur visited Sweden (May 2022), Switzerland (May–June 2022) and Ireland (June 2022) and conducted meetings with individuals, government officials and other relevant stakeholders. In addition, he conducted a series of virtual interviews, including with survivors of summary executions and enforced disappearances of 1988, lawyers and relatives of individuals subject to arbitrary deprivation of life.

4. The Special Rapporteur dedicates the first part of the report to arbitrary deprivation of life, including the increase in executions and use of lethal force with impunity during the reporting period. Deaths in detention due to torture or denial of timely access to medical care continued, with the use of torture as well as unlawful arrests and imprisonment.

5. The reporting period was characterized by protests and a crackdown against civil society actors and organizations. This came amid a dire economic situation, due to a multiplicity of factors including the imposition of sectoral sanctions. At the same time, the situation was characterized by weak rule of law, infringement of civil liberties and an active policy of shielding perpetrators and preventing accountability. Transparency and accountability are scarce and there are no independent institutions or processes to channel alternative voices or social demands. The activities of civil society were closely monitored by the authorities, with new measures taken during the reporting period to close down associations or interfere with their independence.

6. Those calling for accountability for past and new violations were punished. The high risk of reprisals that people and organizations face for engaging with international human rights mechanisms represents in itself a serious human rights concern. The Special Rapporteur calls on the Government to open the space for engagement, particularly with national actors.

7. The Special Rapporteur notes with serious concern the assassination of Colonel Hassan Sayad Khodai of the Quds Force of the Islamic Revolutionary Guard Corps outside his home in Tehran on 22 May and the death of Colonel Ali Esmailzadeh in Karaj on 30 May under suspicious circumstances. There have been several assassinations of Iranian intelligence and military personnel in recent years. The Special Rapporteur stresses the State's duty to investigate all assassinations and extrajudicial killings and hold perpetrators to account.

II. Arbitrary deprivation of life and executions

A. Introduction and legal framework

8. The Constitution of the Islamic Republic of Iran of 1979 guarantees the right to life in article 22, which provides that “the dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law”. The prohibition of arbitrary deprivation of life is part of customary international law and has been recognized by the Human Rights Committee as a peremptory norm or *ius cogens* (CCPR/C/21/REV.1/Add.6, para. 10). The right to life is further enshrined in article 6 (1) of the International Covenant on Civil and Political Rights, which was ratified by the Islamic Republic of Iran on 24 June 1975.¹ States have a duty to refrain from engaging in conduct resulting in arbitrary deprivation of life and have an obligation “to respect and ensure the right to life, to give effect to it through legislative and other measures, and to provide effective remedies and reparation to all victims of violations of the right to life” (CCPR/C/GC/36, para. 4).

9. Notwithstanding these guarantees and obligations, the extent of arbitrary deprivation of life in the Islamic Republic of Iran is of serious concern. On the one hand, the national legal framework justifies arbitrary deprivation of life in some areas, such as extensive grounds for the imposition of the death penalty and the use of force by security forces in ways that are incompatible with international law. In other areas, violations are a result of practices and acts contrary to the national legal framework itself, such as the use of torture, the lack of timely access to medical care in detention and failure to 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.

B. Death penalty and executions

10. The Special Rapporteur remains concerned at the high number of death penalty sentences in the Islamic Republic of Iran and the alarming increase in the number of executions observed since 2021, particularly executions on the basis of drug-related charges. There continues to be a lack of official data on the total number of death sentences imposed and the number of executions carried out. On the basis of available and verified information, in 2021 at least 330 people were executed, including at least two child offenders and 10 women.² By comparison, in 2020 at least 267 people were executed, including at least four child offenders. Between 1 January and 30 June 2022, at least 251 people were executed, including at least six women and five Afghan citizens, representing double the numbers executed in the first six months of 2021. The Special Rapporteur notes with concern the correlation in time between the increase in executions and large-scale protests. At the time of nationwide protests in May 2022, over 55 people were executed, representing the highest monthly execution rate since 2017.

11. In his previous report to the General Assembly (A/76/160), the Special Rapporteur analysed the framework and application of the death penalty in the Islamic Republic of Iran and highlighted key concerns in this area. He regrets that no measures have been taken to amend the Penal Code to reduce the imposition of the death penalty. The Special Rapporteur notes that the vast majority of offences in the Penal Code that

¹ See also Convention on the Rights of the Child, art. 6; and Convention on the Rights of Persons with Disabilities, art. 10.

² Iran Human Rights, *Annual Report on the Death Penalty in Iran 2021* (2022). Available at https://iranhr.net/media/files/Annual_Report_on_the_Death_Penalty_in_Iran_2021_BwW7LPR.pdf.

carry the death penalty were introduced after the country ratified the International Covenant on Civil and Political Rights. As stated by the Human Rights Committee, “States parties may not transform into a capital offence any offence that, upon ratification of the Covenant or at any time thereafter, did not entail the death penalty” (CCPR/C/GC/36, para. 34). The Special Rapporteur notes that, at the time of the ratification of the Covenant in 1975, Iranian law permitted the application of the death penalty for intentional murder, high treason, rape, certain drug-related offences and armed rebellion and established the death penalty as maximum punishment, allowing judges discretion to give more lenient forms of punishment. Following fundamental changes to the criminal justice system after 1979 and the introduction of the new Penal Code, the death penalty became applicable for over 80 offences, including *moharebeh* (taking up arms to take lives or property or to create fear in public), *efsad-e fel-arz* (spreading corruption on Earth), adultery, apostasy, same-sex relations and blasphemy, which at the time of the ratification of the Covenant either were not considered offences or were sanctioned with other forms of punishment. For several of these offences, the Penal Code establishes the death penalty as a mandatory sentence, in contravention of international law, as it prevents judges from considering extenuating circumstances or choosing the imposition of more lenient punishments in individual cases (CCPR/C/GC/36, para. 37). In view of article 6, the imposition of the death penalty for all offences introduced subsequent to the ratification of the Covenant by the Islamic Republic of Iran constitutes arbitrary deprivation of life.

12. In addition to the expansion of the offences carrying the death penalty, the Special Rapporteur reiterates his concern that the majority of these do not meet the threshold of “most serious crimes”, “which appertain only to crimes of extreme gravity involving intentional killing” (CCPR/C/GC/36, para. 35). Among these are drug-related offences, adultery, homosexuality, apostasy, blasphemy and four convictions for drinking alcohol. These do not entail the killing of another person, much less intentional killing. The Special Rapporteur reiterates the position of the Human Rights Committee that “under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the Covenant” (ibid., para. 36). In addition, the death penalty is imposed on the basis of overbroad and vaguely defined offences such as *moharabeh*, *efsad-e fel-arz* and *baghy* (armed rebellion).

13. In terms of the procedural guarantees of due process and a fair trial, the Special Rapporteur has previously emphasized in his reports to the General Assembly and the Human Rights Council the substantial shortcomings in the legal framework and justice system, which fall short of the requirements under articles 6 and 14 of the International Covenant on Civil and Political Rights to the right to life and the right to a fair trial, and which consequently would render most if not all executions in the Islamic Republic of Iran an arbitrary deprivation of life (see A/76/160, paras. 2 and 43). Among key concerns that remained in the reporting period were the use of closed proceedings before the revolutionary courts, the lack of access to a lawyer at all stages of the proceedings, the low standard of evidence used by courts in cases involving the death penalty, the use of torture or ill-treatment to force a confession, the use of *qassameh* (sworn oath) and several offences for which the death penalty is imposed as mandatory punishment (ibid., paras. 41–45).

14. The Special Rapporteur remains extremely concerned at the continued use of interrogation methods that do not conform to international standards, including denial of access to counsel of choice, prolonged interrogations, extraction of confessions under torture or other forms of ill-treatment. The Special Rapporteur urges the authorities as a first step to amend article 98 of the Code of Criminal Procedure to require judicial investigators to be personally responsible and accountable for independent inquiries and interrogation of suspects; to remove the note to article 48 of the Code in order to allow suspects to hire lawyers of their choice in line with article 35 of the Constitution

and to have effective defence during the investigation phase; to guarantee the right to remain silent and to defend oneself; and to amend article 29 of the Code to end the influential role of security, intelligence and military agents in judicial processes.

C. Increase in executions for drug-related offences

15. The Special Rapporteur is concerned at the alarming increase in executions for drug-related offences observed since 2021. Following amendments to the Anti-Narcotics Law, which came into force in November 2017, and a reduction in drug-related executions between 2017 and 2020, over 126 of the executions in 2021, including of five woman and at least four Afghan nationals, were for drug-related charges.³ This was in comparison with 25 drug-related executions during 2020. None of the drug-related executions were announced by the authorities. Between 1 January and 30 June 2022, over 80 individuals were executed for drug-related offences.

16. In early March 2022, it was reported that 52 individuals sentenced to death on drug-related charges had been transferred to Shiraz central prison for execution.⁴ The executions were reportedly ordered to be implemented by the beginning of the month of Ramadan (2 April). The Special Rapporteur received testimonies and conducted interviews with some of the relatives of prisoners who had been executed, and received reports that between 4 and 16 March at least 16 of the 52 individuals were executed, including at least one Afghan national and one woman. The Government denied this information, but confirmed three executions in that period that were drug-related but did not mention the identities, location or date of execution.⁵

17. The Special Rapporteur notes that individuals executed on the basis of drug-related charges are predominantly people living in poverty and belonging to minority communities, particularly from the Baluch minority. As stated by the Human Rights Committee, crimes not resulting directly and intentionally in death, including drug-related offences, can never serve as a basis, within the framework of article 6 of the International Covenant on Civil and Political Rights, for the imposition of the death penalty (CCPR/C/GC/36, para. 35).

18. In discussions with families of those executed for drug offences, various examples of gross violations of due process rights were brought to the attention of the Special Rapporteur. The Special Rapporteur remains extremely concerned that persons charged with drug-related offences were frequently subjected to torture and kept in solitary confinement during the investigative stages following their arrests and frequently denied access to lawyer. Even in cases in which lawyers are present during trial proceedings, the Special Rapporteur received reports that they were often not afforded the opportunity to speak or defend their clients effectively.

19. All drug-related cases are tried by the revolutionary courts. The Special Rapporteur has highlighted his concerns at the lack of sufficient fair trial safeguards in trials conducted by the revolutionary courts, particularly the fact that trials are usually conducted behind closed doors and are short and that defence lawyers are frequently not allowed to present an effective defence (see A/HRC/49/75).

20. The Special Rapporteur acknowledges that the fight against drug trafficking and drug use remains a major challenge in the country, affecting the health system, the

³ Iran Human Rights, *Annual Report on the Death Penalty in Iran 2021*; and Harm Reduction International, “The death penalty for drug offences: global overview 2021”, available at https://www.hri.global/files/2022/03/09/HRI_Global_Overview_2021_Final.pdf.

⁴ See communication IRN 5/2022. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27206>.

⁵ Response of the Government of the Islamic Republic of Iran to communication IRN 5/2022. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36987>.

criminal justice system and law enforcement. While important steps have been taken through drug treatment and harm reduction programmes, the fight against drug trafficking remains a key challenge, both owing to the geographical location, high levels of unemployment and dire economic situation of the Islamic Republic of Iran and given that drug trafficking is part of the organized illicit economy. In this context, the Special Rapporteur stresses the importance of a holistic approach to combating drug use and trafficking, urges the authorities to end the imposition of the death penalty for all drug-related offences and calls on the international community and the United Nations Office on Drugs and Crimes to carefully consider their engagement with the Islamic Republic of Iran on this issue.

D. Minorities

21. The Special Rapporteur is alarmed at the disproportionate number of executions of members of minority communities, in particular the Baluch and Kurdish minorities. In 2021, at least 70 Baluch individuals were executed, accounting for 21 per cent of all executions in the year and 44 per cent of all drug-related executions. Between 1 January and 30 June 2022, 25 per cent of those executed were from the Baluch minority. In the same period, over 25 individuals from the Kurdish minority were executed, the majority on murder charges.

22. With regard to sexual minorities, in February 2022 two men were executed after being convicted on charges of sodomy. The two had spent six years on death row.

E. Women

23. In 2021, at least 17 women were executed in the Islamic Republic of Iran, of whom 2 were officially announced. Of the 12 cases of *qisas* (retribution in kind), eight convictions arose from women having killed their husbands. Five of the cases related to domestic abuse of women. Between 1 January and 30 June 2022, at least six women were executed. The Islamic Republic of Iran is at the top of the list of countries executing women, with over 172 women executed between 2010 and 2021.⁶ The Special Rapporteur is particularly disturbed that a majority of women convicted of *qisas* were themselves victims of domestic violence or child marriage. He previously highlighted the discriminatory legal framework together with patriarchal values and misogynist behaviours resulting in gender-based and domestic violence as well as forced or early marriages (see [A/HRC/43/61](#)). He urges urgent reform in law to abolish mandatory sentences that fail to take account of individual circumstances and to strengthen the protection of women from violence.

F. Child offenders

24. The imposition of the death penalty for crimes committed by persons below the age of 18 at the time of the offence is prohibited under article 6 (5) of the International Covenant on Civil and Political Rights. A similar provision is found in article 37 of the Convention on the Rights of the Child. According to Iranian criminal law, girls as young as 9 and boys as young as 15 lunar years can be sentenced to death for *qisas* or *hudud* crimes (crimes for which punishments are mandated and fixed), such as homicide and adultery (see [A/75/213](#)).

25. At least 84 child offenders remain on death row in the Islamic Republic of Iran. Article 91 of the Penal Code allows courts the discretion to exempt children from the

⁶ Iran Human Rights, *Annual Report on the Death Penalty in Iran 2021*.

death penalty if the judge assesses that the child did not realize the nature of the crime or if there is uncertainty about his or her mental development. The Special Rapporteur welcomes the Supreme Court's decision in February 2022 to revoke the death sentence against a child offender. The Court found that, owing to the passage of time, forensic medicine was unable to assess the maturity of the child offender at the time of the crime. The Special Rapporteur calls on the Iranian authorities to urgently amend legislation to prohibit the execution of persons who committed a crime while under the age of 18 years and bring the legal framework in line with international law.

G. Dual nationals

26. The imposition of death sentences against foreign and dual nationals in what appears to be a means to put pressure on foreign Governments for the purpose of prisoner swaps or other returns is deeply concerning. The Special Rapporteur remains extremely concerned at the imminent execution faced by Swedish-Iranian national Ahmadrza Djalali, who has been arbitrarily detained since 2016 (A/HRC/49/75, para. 27; and A/HRC/WGAD/2017/92).

27. On his visit to Sweden in May 2022, the Special Rapporteur met with government officials and the family of Mr. Djalali. While officially denied by Iranian authorities, the threats of imminent execution of Mr. Djalali correspond closely in time with the court proceedings under universal jurisdiction in Sweden against an Iranian official charged for his involvement in the summary executions and enforced disappearances of political dissidents in the Islamic Republic of Iran in 1988.⁷ His trial in Sweden began in August 2021, with a verdict expected in July 2022. On 4 May 2022, shortly after prosecuting authorities in Sweden sought a life sentence against the Iranian official, Iranian State media warned of Mr. Djalali's looming execution, stating that "in carrying out the death sentence of Ahmadrza Djalali, the Government of Iran will bar the Government of Sweden from undertaking further actions."⁸ The Special Rapporteur is concerned that such instrumentalization of individuals amounts to a form of hostage-taking, and notes that the Islamic Republic of Iran is a State party to the International Convention Against the Taking of Hostages, which criminalizes acts of hostage-taking committed by State and non-State actors. The Convention defines hostage-taking as the detention of any persons accompanied by threats to kill, injure or continue to detain them unless certain conditions are met by a third party. He urges the authorities not to arbitrarily detain dual and foreign nationals, to refrain from using them as bargaining tools and to desist from violating international law by taking them as hostages.

28. At least two other foreign and dual nationals remain at risk of execution in the Islamic Republic of Iran. The German-Iranian national Jamshid Sharmahd was abducted on a layover in Dubai and transferred to the Islamic Republic of Iran, where in February 2022 he appeared in court facing charges of *efsad-e fel-arz* over accusations of involvement in the bombing of a mosque in 2008.⁹ Since his arrest, Mr. Sharmahd has been kept in solitary confinement and denied access to a lawyer. In January 2022, the trial of Swedish-Iranian national Habib Chaab, the former leader of a separatist group, began before a revolutionary court in Tehran. Mr. Chaab was abducted in Türkiye in October 2020 and faces charges of *efsad-e fel-arz* for running and leading the group and planning and executing bombings in Khuzestan. His alleged forced confessions were aired on national television on multiple occasions. Mr. Chaab has been denied access to a lawyer.

⁷ Amnesty International, "Iran: Swedish-Iranian doctor held hostage and at risk of retaliatory execution", 19 May 2022. Available at www.amnesty.org/en/documents/mde13/5623/2022/en.

⁸ See www.isna.ir/news/1401021408849.

⁹ See <http://hamiyannevelayat.ir/news-details/302075>.

H. Excessive use of force

29. “States are expected to take all necessary measures intended to prevent arbitrary deprivation of life by their law enforcement officials, including soldiers charged with law enforcement missions” (CCPR/C/GC/36, para. 13). Among these measures are appropriate legislation controlling the use of lethal force by law enforcement officials, and supplying forces responsible for crowd control with effective “less-lethal” means and adequate protective equipment in order to obviate their need to resort to lethal force (*ibid.*, para. 14). All operations of law enforcement officials should comply with the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.¹⁰

30. The Special Rapporteur regrets that, instead of reforming the framework for the use of force in line with international law, the authorities have proposed legislative measures that would constitute regressive steps. In June 2022, the spokesperson for the Parliament’s National Security and Foreign Policy Commission announced that the Commission had passed a bill on the reform of the law on the use of firearms by law enforcement forces, and that the bill would be submitted to the Parliament for a vote.¹¹ The bill, prompted by the killing of a police officer in February 2022, would expand the use of firearms by police and intelligence agents.

I. Excessive use of force against protestors

31. During the reporting period, arbitrary deprivation of life as a result of excessive use of force in the context of protests continued without subsequent investigation or accountability and appeared to represent the default response by the authorities to the exercise of the right to peaceful assembly. Among instances of excessive use of force against protestors during the reporting period were protests in May 2022 following changes in the Government’s policies on food subsidies. Footage, video and testimonies show that security forces violently cracked down on protesters, with police and security forces in some cases firing directly at people, killing at least five people in Khuzestan Province and Chaharmahal va Bakhtiari Province.

J. Excessive use of force against border couriers

32. The use of live ammunition against border couriers, primarily from the Kurdish and Baluch minorities, led to the killing of over 60 people and the injuring of over 150 between 1 January and 1 December 2021.¹² Between 1 January and 30 June 2022, at least 19 border couriers were reported killed, with a further 114 injured, mostly owing to shooting or landmine explosions. Indiscriminate shooting incidents reportedly amounted to 133 incidents between 1 January and 30 June 2022. The

¹⁰ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana (1990).

¹¹ Tasnim News Agency, “Commission passes bill on Iranian police use of firearms”, 13 June 2022. Available at www.tasnimnews.com/en/news/2022/06/13/2728108/commission-passes-bill-on-iranian-police-use-of-firearms.

¹² Kurdistan Human Rights Network, “July monthly report: human rights violations in Iranian Kurdistan”, 1 August 2021, available at <https://kurdistanhumanrights.org/en/july-monthly-report-human-rights-violations-in-iranian-kurdistan>; and Kurdistan Human Rights Association-Geneva, “Human rights violations in Kurdistan of Iran: interim annual report on the situation of human rights in Kurdistan of Iran for the period 1st January to October 25th, 2021”, October 2021, available at <https://kmmk-ge.org/wp-content/uploads/2021/10/2021-Interim-Annual-Report-KMMK-G-.pdf>.

Special Rapporteur reiterates the urgent need to strengthen the framework for the use of force by border and security agents and to ensure training in line with international standards.

K. Landmines

33. The Special Rapporteur is concerned at the ongoing threat to life posed by landmines in populated areas in border regions. Between 1 January and 30 June 2022, at least 2 people were reported killed and 19 people wounded as a result of landmine explosions. Five of the victims were children. The Islamic Republic of Iran is the second most mine-polluted country in the world. According to the Ministry of Defence, over 20 million landmines were planted in the border regions during the Iran-Iraq war (1980–1988). While the authorities have engaged in demining efforts, casualties continue in areas that have been announced as cleared, with many victims not receiving the compensation to which they are entitled under Iranian law.

34. The threat to life posed by landmines has been raised by international human rights mechanisms, including the Committee on the Rights of the Child (see [CRC/C/IRN/CO/3-4](#)). Reiterating the Committee’s recommendation, the Special Rapporteur urges the authorities to clear Iranian territory of landmines and recommends that the Islamic Republic of Iran cooperates with the international community in this regard and ratifies the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

L. Deaths in State custody

35. The Special Rapporteur is concerned at the deaths in State custody during the reporting period, both as a result of the use of violence by prison officials or other State agents or due to the denial of timely access to medical care, without being the subject of an independent investigation or accountability. As underlined by the Human Rights Committee, “loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation” ([CCPR/C/GC/36](#), para. 29). Between January 2010 and September 2021, at least 72 men and women died in State custody, reportedly because of torture, tear gas by officials, lethal use of force and other forms of ill-treatment. In its response to a joint communication by special procedure mandate holders on this issue,¹³ the Government held that the allegations of death in detention were groundless.^{14,15} Without conducting any independent investigations, the authorities have generally ascribed deaths in custody to drug overdose, illness or suicide. Family members and lawyers seeking investigation into deaths and accountability from State authorities have been harassed, victimized and intimidated. The authorities persistently deny any issue with deaths in detention, insisting that the Penal Code forbids the use of torture and the use of confession extracted under duress ([A/76/168](#), para. 50).

36. An example of death in custody during the reporting period without subsequent investigation is that of Mehdi Salehi Ghaleh Shahrkokhi, who died in detention in April 2022. Arrested after the nationwide protests in December 2017 and January

¹³ See communication IRN 36/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26927>.

¹⁴ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36846>.

¹⁵ Amnesty International, “Iran: a decade of deaths in custody unpunished amid systemic impunity for torture”, 15 September 2021. Available at www.amnesty.org/en/latest/news/2021/09/iran-a-decade-of-deaths-in-custody-unpunished-amid-systemic-impunity-for-torture.

2018, he was sentenced to death on charges of *baghy*, *moharebeh* and *efsad-e fel-arz* by a revolutionary court. In January 2022, he was taken to hospital owing to a heart condition allegedly caused by torture and was injected with the wrong medication. He was in a coma for two weeks. His family were informed of his death on 14 April.

37. Deaths in detention also include deaths due to lack of access to medical care, denial of full and prompt treatment for illnesses or injuries sustained or emerging during incarceration, as well as failure to provide treatment for long-standing and pre-existing medical issues and life-threatening medical issues. Civil society organizations have recorded at least 65 deaths in detention due to lack of access to medical care since January 2017 across 30 prisons in 18 provinces.¹⁶ The Special Rapporteur is concerned that the authorities deliberately subject some categories of prisoners, including political prisoners and human rights defenders, to life- or health-threatening conditions.¹⁷ In addition, inadequate staffing and equipment in prison clinics contribute to placing prisoners at risk, and in many cases prison directors and prosecution officials overrule medical advice. In the few cases in which the authorities have commented on the death in detention, the cause of death is blamed on drug overdose or illness, without any independent and transparent investigation.¹⁸

38. Two examples of the ongoing crisis in Iranian prisons regarding timely access to medical care are the deaths in detention of Adel Kianpour on 1 January 2022 and Baktash Abtin on 8 January 2022.¹⁹ Mr. Kianpour died after going on hunger strike to protest against violations of his right to a fair trial. Mr. Abtin, a poet and human rights defender convicted of “propaganda against the system” and “assembly and collusion against national security”, was transferred in shackles to a hospital on 8 December 2021 and contracted coronavirus disease (COVID-19) twice in prison. On 8 January, when Mr. Abtin passed away, the Prisons Organization released a statement that he was receiving the relevant treatment while in State custody, disclaiming any responsibility for his death.

M. General conditions in society that may give rise to direct threats to life

39. The duty to protect life under article 6 of the International Covenant on Civil and Political Rights also implies that the State “should take appropriate measures to address general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity”, including access to water, food, health care, extreme poverty and degradation of the environment (CCPR/C/GC/36, paras. 26 and 29).

40. The Special Rapporteur notes with concern the impact of sanctions across various sectors of society and on the economic situation in general, as also reported by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights following her visit to the Islamic Republic of Iran between 7 and 18 May.²⁰ These include life-threatening consequences of lack of

¹⁶ Amnesty International, “Iran: in death’s waiting room – deaths in custody following deliberate denial of medical care in Iran’s prisons”, 12 April 2022. Available at www.amnesty.org/en/documents/mde13/5447/2022/en.

¹⁷ See communication IRN 1/2022. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26956>.

¹⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36991>.

¹⁹ Ibid.

²⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR), “Iran: unilateral sanctions and overcompliance constitute serious threat to human rights and dignity – UN expert”, press release, 19 May 2022. Available at www.ohchr.org/en/press-releases/2022/05/iran-unilateral-sanctions-and-overcompliance-constitute-serious-threat-human.

access to certain types of medicine and medical equipment. While States imposing sanctions have a duty, the Special Rapporteur also recalls the duty of the Islamic Republic of Iran to put in place policies and measures that mitigate the impact of sanctions and to ensure that policies in general address conditions in society that may give rise to direct threats to life, including with respect to food security, poverty, environment and access to clean water.

41. The impact of corruption and lack of effective safety and oversight standards on the right to life is of concern and requires additional scrutiny. An example during the reporting period is the collapse on 23 May of a 10-story building in Abadan, killing at least 70 people.²¹ Despite assessments made on several occasions by engineers and technical experts about the lack of resilience and flawed building plans, city officials authorized the construction of the building. After the collapse, the authorities announced an investigation into the incident and arrested 13 people, including the mayor, two former mayors and the building contractor.²² Notwithstanding these actions, the Special Rapporteur is concerned at the authorities' response to calls for accountability following the collapse of the building. In response to demonstrations that broke out in Abadan and other cities, the authorities sent anti-riot forces, who reportedly shot at protestors with pellet guns, tear gas and bird shots.

N. Investigations and accountability for arbitrary deprivation of life

42. The Special Rapporteur regrets that no steps were taken to strengthen the accountability framework in law or policy to allow effective channels for obtaining truth, justice and non-occurrence of serious human rights violations, including arbitrary deprivation of life (A/HRC/49/75, paras. 48–66). By contrast, available information paints a picture of intentional withholding of evidence, cover-ups and obstruction of national investigations and harassment and threats against those calling for accountability. The continued impunity in relation to the disproportionate and unlawful lethal force used during the country-wide protests in November 2019, the absence of an independent and transparent investigation and failure of accountability for perpetrators responsible for shooting down Ukraine Airlines flight PS752 remain emblematic. In this context, the international community has an important role in ensuring accountability for systemic and gross violations.

43. Impunity and attempts to destroy evidence of past violations continued during the reporting period, including in relation to the summary executions and enforced disappearances of political dissidents in 1988.²³ In May 2022, it was reported that the authorities had put up large concrete walls and surveillance cameras in Khavaran cemetery, which contains a mass grave believed to hold the remains of victims of summary executions and enforced disappearance of 1988. It is believed that these measures are aimed at restricting access to the site and facilitating the destruction of evidence. These measures are the latest in a series of measures to interfere with the evidence of the executions, which have included bulldozing of gravesites and forcing members of the Baha'i community to bury their dead between existing graves or at the Khavaran mass grave site (A/76/150, para. 10). In early 2022, the Special Rapporteur interviewed several survivors of the events of 1988, who provided testimony about their detention and witnessing of the proceedings before, during and after the summary executions of 1988.

²¹ See <https://en.isna.ir/photo/1401030201709/Collapse-of-10-story-building-in-Abadan>.

²² See www.irna.ir/news/84765440/; <https://www.farsnews.ir/news/14010309000247>.

²³ See communications IRN 15/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26439>; and IRN 20/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25503>.

III. Overview of the situation of human rights

A. Corporal punishment

44. The Penal Code continued to retain corporal forms of punishment. The Human Rights Committee has stated that the prohibition against torture or other cruel, inhuman or degrading treatment or punishment in article 7 of the International Covenant on Civil and Political Rights encompasses corporal punishment (CCPR/C/GC/20, para. 5). The Committee urged the Government of the Islamic Republic of Iran to amend the Penal Code to abolish the imposition of corporal punishment by judicial and administrative authorities (CCPR/C/IRN/CO/3, para. 16; and A/60/316, para. 28). Torture and ill-treatment, which may seriously affect physical and mental health, may themselves generate the risk of arbitrary deprivation of life (CCPR/C/GC/36, para. 54).

45. Among the forms of corporal punishment under Iranian law are those characterized as mandatory *hudud* punishments, which include flogging and amputation. In addition, flogging is a *taazir* punishment, which can be imposed at the discretion of the judge.

46. Flogging sentences, both as *hudud* and *taazir* punishments, continued to be imposed during the reporting period, including against human rights defenders, dissidents and political prisoners. Over 100 offences carry the punishment of flogging, including theft, drug-related offences, same sex relations, kissing in public, disruption of public order, drinking or selling alcohol, blasphemy and adultery.²⁴ Having noted the concerns expressed by human rights mechanisms, including the Human Rights Committee in its concluding observations on the Islamic Republic of Iran (CCPR/C/IRN/CO/3, para. 14), the Special Rapporteur urges the country to prohibit all forms of punishment that constitute torture or cruel, inhuman or degrading treatment or punishment. While not implemented in recent years, the punishment of stoning to death for adultery remains in the Penal Code (arts. 132 and 225).

47. Article 278 of the Penal Code foresees “amputation of the full length of four fingers of the right hand of the thief in such a manner that the thumb and palm of the hand remain” for a first conviction of the crime of theft, where it meets the conditions for *hadd*. According to civil society organizations, from 1 January 2000 to 24 September 2020, Iranian authorities sentenced at least 237 people to amputation and carried out these sentences in at least 129 cases. The real number of amputations is likely to be higher as many cases are believed to go unreported. Dozens of prisoners are currently feared to be at risk of amputation across the country. The Penal Code also foresees amputations for *moharebeh* (art. 282).

48. In June 2022, eight men, including Hadi Rostami, Mehdi Shahivand and Mehdi Sharafian, were transferred to Greater Tehran penitentiary for the implementation of amputation sentences.²⁵ They were convicted of burglary and, upon appeal, were sentenced to amputation of their fingers on the basis of article 278 of the Penal Code. On 13 June, an attempt to transfer them to Evin prison for implementing the amputations failed amid protests by other prisoners.

²⁴ The Penal Code includes stoning (art. 225); *qisas* and *hadd* punishments for intentional crimes against life, limbs and abilities as well as for theft (arts. 16, 278 and 386–416); and over 100 offences that carry the punishment of flogging.

²⁵ See communication IRN 13/2022 (not yet available online).

B. Arbitrary detention

49. The Special Rapporteur is deeply concerned about the increase in criminal prosecution, imprisonment and intimidation of and threats to civil society actors and others perceived to be critical of government policies.²⁶

50. Ali Younesi and Amirhossein Moradi, students held in pretrial detention since their arrest in April 2020,²⁷ were sentenced in April 2022 to 16 years' imprisonment by a revolutionary court on charges of acting against national security, assembly and collusion against the system and propaganda against the system. In June 2022, an appeals court upheld their sentences.

51. The Special Rapporteur is particularly concerned that minorities are disproportionately affected by arbitrary detention. Specifically, between 1 January and 15 May 2022, at least 223 individuals from the Kurdish minority were reportedly arrested, mostly charged with cooperation with Kurdish political parties.²⁸

Lawyers and human rights defenders

52. The Special Rapporteur has previously raised his concern about the arrest, charging and detention of a group of lawyers and human rights defenders in August 2021 for national security crimes for merely planning a lawsuit against the authorities for mismanagement of the COVID-19 pandemic (A/HRC/49/75, para. 64).²⁹ On 19 June 2022, branch 29 of the revolutionary court in Tehran convicted them of "assembly and collusion to act against national security" and issued the following sentences: lawyer Mostafa Nili and human rights defender Mehdi Mahmoudian to four years' imprisonment each, lawyer Arash Keykhosravi to two years' imprisonment, lawyer Mohammad Reza Faghihi to six months' imprisonment and civil rights activist Maryam Afrafaraz to 95 days' imprisonment. The Special Rapporteur finds it deeply troubling that convictions are made on national security grounds in relation to grievances expressed around public health issues. Furthermore, in contravention of the Bar Association Independence Law, the court banned Mr. Nili and Mr. Keykhosravi from practising law for two years and one year, respectively.

53. Other lawyers faced charges or were summoned to prison for the implementation of their sentences. In May 2022, three lawyers in Fars Province were charged for "cooperation with hostile States", "assembly and collusion to act against national security" and "spreading propaganda against the State". The three lawyers had represented victims of domestic violence and civil and political activists. In May 2022, 394 lawyers signed an open letter raising concerns about the charges against those lawyers and the continued targeting and judicial harassment of lawyers who take on human rights cases.³⁰ Amirsalar Davoudi was returned to prison in June 2022

²⁶ OHCHR, "Iran: UN experts alarmed by civil society crackdown", press release, 15 June 2022. Available at www.ohchr.org/en/press-releases/2022/06/iran-un-experts-alarmed-civil-society-crackdown.

²⁷ See communication IRN 6/2022. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27257>.

²⁸ Kurdistan Human Rights Association-Geneva, "Human rights violations in Kurdistan of Iran: interim annual report on the situation of human rights in Kurdistan of Iran for the period 1st January to May 15th, 2022", May 2022, available at www.kmmk-ge.org/wp-content/uploads/2022/05/KMMK-G-Summary-Report-for-the-period-of-January-May-2022-on-the-situation-of-Human-Rights-in-Iranian-Kurdistan.pdf.

²⁹ See also communication IRN 27/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26682>.

³⁰ See www.ensafnews.com/347256.

to serve his sentence of 10 years' imprisonment.³¹ A revolutionary court upheld his sentence in July 2021 despite the Supreme Court's previous ruling for his retrial.³² Mohammad Najafi was returned to Arak central prison on 5 June 2022 at the end of his furlough, which began on 17 March 2022. Mr. Najafi was initially sentenced to a total 13 years' imprisonment on various national security charges in connection with his investigation into the death in suspicious circumstances of a prisoner. With the subsequent application of the law on reductions in prison sentences, his current prison term was reduced to 54 months.³³ Mohammadhadi Erfanian Kasseb was summoned to prison on 27 February 2022 after being convicted in May 2021 of "propaganda against the State" to 95 days' imprisonment for statements that he had made about his client, a political prisoner who was stabbed to death in Greater Tehran central penitentiary.³⁴

54. The Special Rapporteur welcomes the release of the women human rights defenders Atena Daemi and Golrokh Iraee on 24 January 2022³⁵ and 11 May 2022,³⁶ respectively. Ms. Daemi was granted an "early release warrant" after five years in prison without furlough.³⁷ Other women human rights defenders remain in detention, including Yasaman Ariyani, Monireh Arabshahi and Saba Kord Afshari. In January 2022, a revolutionary court in Tehran sentenced Narges Mohammadi to eight more years in prison and 74 lashes and a number of social deprivations, following a five-minute trial without the presence of her lawyer.³⁸ Ms. Mohammadi experienced a heart attack in prison on 5 February, was transferred to hospital on 16 February and underwent heart surgery. She was returned to Qarchak prison on 12 April. On 23 June, she was transferred to hospital for shortness of breath and heart arrhythmia and was returned to prison the same day.³⁹ In April 2022, prosecution authorities opened a new case against her.

55. Other cases of denial of timely access to medical care to detained human rights defenders and political prisoners in the reporting period include Abbas Vahedian Shahroudi, a teacher and civil rights activist;⁴⁰ Arsham Rezaee, a civil rights

³¹ Human Rights Activists News Agency, "Davoudi imprisoned", 27 June 2022. Available at www.en-hrana.org/lawyer-and-human-rights-defender-amirsalar-davoudi-imprisoned.

³² Front Line Defenders, "Amirsalar Davoudi returned to prison", 29 June 2022. Available at www.frontlinedefenders.org/en/case/amirsalar-davoudi-released-temporarily-bail-after-spending-two-years-and-seven-months-detention.

³³ Center for Human Rights in Iran, "Joint statement: free imprisoned human rights lawyer Mohammad Najafi in Iran", 3 March 2022. Available at <https://iranhumanrights.org/2022/03/joint-statement-free-imprisoned-human-rights-lawyer-mohammad-najafi-in-iran>.

³⁴ See www.hra-news.org/2022/hranews/a-33892.

³⁵ Front Line Defenders, "Woman human rights defender Atena Daemi released from Lakan prison", 2 February 2022. Available at www.frontlinedefenders.org/en/case/woman-human-rights-defender-aten-daemi-released-lakan-prison.

³⁶ See www.hra-news.org/2022/hranews/a-34753.

³⁷ Front Line Defenders, "Woman human rights defender Atena Daemi released from Lakan prison".

³⁸ Iran Human Rights, "Narges Mohammadi summoned to prison: IHRNGO calls for international reaction", 7 March 2022, available at <https://iranhr.net/en/articles/5126/>; and Center for Human Rights in Iran, "Five-minute trial resulted in Narges Mohammadi's eight-year prison sentence", 31 January 2022, available at www.iranhumanrights.org/2022/01/five-minute-trial-resulted-in-narges-mohammadis-eight-year-prison-sentence-iran.

³⁹ Amnesty International, "Iran: tortured Iranian defender denied medication: Narges Mohammadi", 28 June 2022. Available at www.amnesty.org/en/documents/mde13/5775/2022/en.

⁴⁰ Amnesty International, "Iran: activist in solitary confinement for months: Abbas Vahedian", 2 February 2022, available at www.amnesty.org/en/documents/mde13/5206/2022/en; and www.hra-news.org/2022/hranews/a-35457.

activist;⁴¹ Sepideh Qolian;⁴² Jila Karamzadeh Makvandi, a woman human rights defender;⁴³ Zeinab Jalalian, a political prisoner;⁴⁴ and Farhad Meysami, a human rights defender.⁴⁵

Journalists

56. Recent months indicate a pattern of returning previously released journalists to prison, despite their health condition. On 19 May, Keyvan Samimi, president of the Association for Defence of Iranian Press Freedom and editor of the monthly *Iran-e Farda* magazine, was detained again and sent to Semnan prison.⁴⁶ Alieh Motalebzadeh, a photojournalist and vice-president of the Association for Defence of Iranian Press Freedom, was returned to prison on 12 April.⁴⁷ The photojournalist Nooshin Jafari remains detained in Qarchak prison since April 2021.⁴⁸ Reza Khandan Mahabadi, a member of the Iranian Writers' Association, was returned to Evin prison in April 2022 following a medical furlough, and the freelance journalist Alireza Saghafi was arrested in March 2022 to serve a one-year prison sentence for "propaganda against the State".⁴⁹ In January 2022, the economic journalist Amirabbas Azarmvand was sentenced to four years and four months in prison on charges of "assembly and collusion against national security" and "propaganda against the State" by a revolutionary court in Tehran.⁵⁰ The sociologist and journalist Saeid Madani was arrested on 16 May and has been denied access to the lawyer of his choice.⁵¹

Teachers and labour rights defenders

57. The intensified pattern of intimidation, mass arrests and judicial harassment of teachers, members of the Iranian Teachers' Trade Association and other labour rights defenders during the reporting period points to a coordinated policy of silencing teachers' protests. Between 30 April and 26 June, over 230 teachers and teachers' rights advocates were reportedly arrested and 23 were summoned before judicial and

⁴¹ Center for Human Rights in Iran, "Denial of medical treatment for ailing political prisoners in Iran aimed at crushing dissent", 3 March 2022. Available at <https://iranhumanrights.org/2022/03/denial-of-medical-treatment-for-ailing-political-prisoners-in-iran-aimed-at-crushing-dissent>.

⁴² Centre for Human Rights in Iran, "Plea to UN to demand freedom for gravely ill Sepideh Qolian", 10 March 2022. Available at <https://iranhumanrights.org/2022/03/plea-to-un-to-demand-freedom-for-gravely-ill-sepideh-qolian>.

⁴³ See www.hra-news.org/2022/hranews/a-35425.

⁴⁴ Center for Human Rights in Iran, "Denial of medical treatment for ailing political prisoners in Iran aimed at crushing dissent".

⁴⁵ See www.hra-news.org/2022/hranews/a-33773.

⁴⁶ Reporters Without Borders, "Three Iranian journalists transferred to prisons notorious for mistreating detainees", 24 January 2022, available at <https://rsf.org/en/three-iranian-journalists-transferred-prisons-notorious-mistreating-detainees>; and Human Rights Activists News Agency, "Keyvan Samimi arrested and transferred to Semnan prison", 19 May 2022, available at www.en-hrana.org/keyvan-samimi-arrested-and-transferred-to-semnan-prison.

⁴⁷ Reporters Without Borders, "Three Iranian journalists transferred to prisons notorious for mistreating detainees".

⁴⁸ Center for Human Rights in Iran, "Iranian authorities force detained photographer to threaten activist with eerie voice message", 27 August 2019, available at www.iranhumanrights.org/2019/08/iranian-authorities-force-detained-photographer-to-threaten-activist-with-eerie-voice-message; and www.hra-news.org/2021/hranews/a-28888.

⁴⁹ Reporters Without Borders, "Ailing journalists in Iran's prisons need urgent UN action, RSF says", 27 April 2022. Available at <https://rsf.org/en/ailing-journalists-irans-prisons-need-urgent-un-action-rsf-says>.

⁵⁰ Committee to Protect Journalists, "Iranian reporter Amir-Abbas Azarmvand begins 4-year, 4-month prison sentence", 11 March 2022. Available at <https://cpj.org/2022/03/iranian-reporter-amir-abbas-azarmvand-begins-4-year-4-month-prison-sentence>.

⁵¹ Human Rights Activists News Agency, "Researcher and sociologist Saeid Madani arrested", 17 May 2022. Available at www.en-hrana.org/researcher-and-sociologist-saeid-madani-arrested.

intelligence bodies. On 30 April, in advance of teachers' protests on 1 May, officials from the Ministry of Intelligence arrested three teachers and members of the Iranian Teachers' Trade Association in Tehran Province (Rasoul Bodaghi, Jafar Ebrahimi and Mohammad Habibi) and another three members in Kurdistan Province (Eskandar Lotfi, Shaban Mohammadi and Masoud Nikkhah). During their arrest, they were reportedly subjected to physical violence, their houses were raided and electronic devices were confiscated.⁵² Mr. Bodaghi and Mr. Ebrahimi were sentenced to five years' and four and a half years' imprisonment on national security charges on 12 April and 31 January, respectively. Esmail Abdi, a teachers' rights activist and member of the Association, remains in detention.⁵³

58. Labour rights activists from other sectors were also targeted. On 1 May, the houses of some members of the Syndicate of Workers of Tehran and Suburbs Bus Company union were raided. On 11 May, Reza Shahabi, a labour rights defender and board member of directors of the Syndicate, was arrested by Ministry of Intelligence agents.⁵⁴ On 9 May, the apartment of the translators and labour rights activists Maryam (Anisha) Asadollahi and Keyvan Mohtadi was raided. They were arrested and transferred to Evin prison and remain in detention.⁵⁵

Foreign and dual nationals

59. The Special Rapporteur welcomes the return of Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori to the United Kingdom of Great Britain and Northern Ireland in March 2022, while noting that the condition of their release raises concerns at the justification for their detention. They were released after the United Kingdom paid the Government of the Islamic Republic of Iran 393.8 million GBP in order to settle a long-standing debt from the United Kingdom to the Islamic Republic of Iran. Both Governments have publicly denied that the releases were in exchange for the payment of the debt. Following Ms. Zaghari-Ratcliffe's release, media outlets affiliated with the Government and the Islamic Revolutionary Guard Corps published reports that explicitly acknowledged that her release had come as a result of the payment of the debt.⁵⁶

60. Civil society organizations have documented cases of 69 foreign and dual nationals who have been detained in the Islamic Republic of Iran since 2003 following flawed judicial processes.⁵⁷ It is deeply concerning that in January 2020 a former senior official of the Islamic Revolutionary Guards Corps, in a video clip on social media, stated that arresting and releasing individuals (referred to as "spies") in exchange for money was a source of income for the Corps.⁵⁸

⁵² See www.radiozameh.com/716266.

⁵³ Front Line Defenders, "Esmail Abdi on hunger strike", 18 March 2021, available at www.frontlinedefenders.org/en/case/esmail-abdi-hunger-strike; and www.hra-news.org/2022/hranews/a-35412.

⁵⁴ Human Rights Activists News Agency, "Trade union activist Reza Shahabi goes on hunger strike in Evin prison", 14 June 2022. Available at www.en-hrana.org/trade-union-activist-reza-shahabi-goes-on-hunger-strike-in-evin-prison.

⁵⁵ Human Rights Activists News Agency, "Workers' rights activists Anisha Asadaollahi and Keyvan Mohtadi arrested", 10 May 2022. Available at www.en-hrana.org/workers-rights-activists-anisha-asadaollahi-and-keyvan-mohtadi-arrested.

⁵⁶ Amnesty International, "Iran: the crime of holding Nazanin Zaghari-Ratcliffe hostage must not go unpunished", 1 June 2022, p. 3. Available at www.amnesty.org/en/documents/mde13/5609/2022/en.

⁵⁷ Human Rights Activists News Agency, "HRA highlights sixty-nine dual and foreign nationals detained by Iran from 2003 to present", 22 February 2022. Available at www.en-hrana.org/hra-highlights-sixty-nine-dual-and-foreign-nationals-detained-by-iran-from-2003-to-present.

⁵⁸ Amnesty International, "Iran: the crime of holding Nazanin Zaghari-Ratcliffe hostage must not go unpunished", p. 7; and www.youtube.com/watch?v=Kxextk8sW3A.

61. As of June 2022, over 16 dual nationals and 1 foreign national are known to be held in the Islamic Republic of Iran, either imprisoned or under house arrest, and prohibited from leaving the country,⁵⁹ including Ahmadreza Djalali and Jamshid Sharmahd, whose cases are referred to elsewhere in the present report, and Kamran Ghaderi, Massud Mossaheb, Mehran Raof, Morad Tahbaz, Emad Shargi and Siamak and Baquer Namazi. In March 2022, the 83-year-old Australian-Iranian national Shokrollah Jebelli died in detention after he was reportedly denied timely specialized medical care.⁶⁰ The French-Iranian academic Fariba Adelkhah was returned to Evin prison on 16 January 2022 after being released on medical furlough in October 2020.⁶¹ The detained 66-year-old German-Iranian national Nahid Taghavi, who was sentenced to 10 years' imprisonment, has been denied surgery on her spine, which specialist doctors said she urgently requires.⁶² In May 2022, two other French nationals were arrested.⁶³ On 28 June, the Appeals Court confirmed a prison sentence of eight years and eight months for a French national on charges of “espionage” and “propaganda against the State”.⁶⁴

Individuals remaining in detention for participating in protests

62. The Special Rapporteur is concerned that, despite the meeting held on 25 November 2021 between the Head of the Judiciary and some families of prisoners arrested in protests, many individuals remain in detention for participating in the 2017–2018 and 2019 protests, some of them on death row. Mohammad Javad Vafayi Sani is imprisoned in Mashhad central prison after he was arrested in February 2020 in relation to the nationwide protests of November 2019. A revolutionary court in Mashhad sentenced him to death on charges of *efsad-e fel-arz*.⁶⁵ Mohammad Bastami, Majid Nazari Kondari, Hadi Kiani and Abbas Mohammadi, arrested in relation to the protests in December 2017 and January 2018, remain in Dastgerd prison in Isfahan Province.⁶⁶ They were sentenced to death by a revolutionary court in Tehran on charges of *baghy* and *moharebeh*. In January 2021, their request for a judicial review was granted. There is no further information on their status. Brothers Abbas and Mohsen Deris were arrested in November 2019 in connection with their participation in protests in Mahshahr in Khuzestan Province. In September 2021, prison authorities told Abbas Deris's family that he had been sentenced to death on charges of *moharebeh* and the death of a security officer. In March 2022, it was confirmed that there had been no legal proceedings in the brothers' cases. Other protesters who have received prison sentences after participating in protests and who remain in prison include Sadegh Abbasi, Esmail Bahrami and Peyman Gholami in Evin prison and Mohammad Eghbali Golhin, Vahid Bagheri, Mohammad Beigi, Amir Ehsan Ghazi,

⁵⁹ Center for Human Rights in Iran, “Who are the dual and foreign nationals imprisoned in Iran? (updated)”, 24 May 2018. Available at <https://iranhumanrights.org/2018/05/who-are-the-dual-nationals-imprisoned-in-iran>.

⁶⁰ *The Guardian*, “Australian man, 83, dies in Iranian prison after being denied healthcare”, 21 March 2022. Available at www.theguardian.com/world/2022/mar/21/australian-shokrollah-jebelli-iranian-prison-denied-healthcare.

⁶¹ See www.isna.ir/news/1400102619308.

⁶² See www.hra-news.org/2022/hranews/a-35161.

⁶³ France 24, “Iran says two French nationals held for trying to ‘foment unrest’”, 17 May 2022. Available at www.france24.com/en/middle-east/20220517-iran-says-two-french-nationals-held-for-trying-to-foment-unrest.

⁶⁴ *Le Monde*, “Iran court upholds prison sentence against French tourist”, 28 June 2022. Available at www.lemonde.fr/en/international/article/2022/06/28/iran-court-upholds-prison-sentence-against-french-tourist_5988268_4.html.

⁶⁵ Iran Human Rights, “Protester Mohammad Javad Vafayi-Sani sentenced to death for corruption on Earth”, 10 January 2022. Available at <https://iranhr.net/en/articles/5048>.

⁶⁶ See communication IRN 22/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25566>.

Morteza Omidbigloo and Peshtivan Afsar in Sanandaj prison. Many individuals arrested in protests are breadwinners and heads of their households, and their continuing detention has an impact on their families.

Imprisonment of debtors

63. Article 3 of the Law on Enforcement of Financial Judgments provides for the imprisonment of individuals who are unable to pay their debt.⁶⁷ The provision allows a creditor who has won a judgment against a debtor and who cannot collect the debt owed to him or her to request the imprisonment of the debtor. According to official figures, as of May 2022, 2,868 people were imprisoned for failure to pay a debt or contractual obligation. Article 11 of the International Covenant on Civil and Political Rights expressly prohibits the imprisonment of people for the inability to fulfil a contractual obligation. The Special Rapporteur encourages the Government to take steps to reform the Law in order to outlaw imprisonment for debt in line with its obligations under international law.

C. Rights to freedom of expression, association and peaceful assembly

Protests and government response

64. The reporting period was marked by widespread protests across the country. These included protests by farmers against the water crisis, protests following changes to the subsidy policy for food items and protests against corruption and mismanagement in the context of the collapse of a building in Khuzestan in May 2022. Since November 2021, labour protests have multiplied, involving teachers, retirees and workers nationwide. As described earlier in the report, the Special Rapporteur is concerned at the use of excessive force by security forces against protesters, as well as large-scale arrests. On 25 May 2022, 85 lawyers signed an open letter calling on the authorities to respect the right to protest.⁶⁸ On 29 May, a statement signed by 95 people working in the film industry called on military forces to stop using force against protesters in a campaign known as “lay down your guns”. The authorities have shown no willingness to investigate serious human rights violations committed under their control.

Teachers’ and workers’ protests

65. A coordinated crackdown on teachers’ and workers’ unions was observed ahead of joint gatherings by those unions on 1 May. Before the gatherings, seven leading members of the Iranian Teachers’ Trade Association in Tehran and Marivan were arrested. Between 30 April and 24 May, 88 teachers were either arrested or summoned by Islamic Revolutionary Guard Corps intelligence, the Ministry of Intelligence, local security agents, police or the judiciary across the country, including in Kerman, Khorasan, Gilan, Bushehr, Markazi, Sanandaj, Marivan, Saqqez, Shiraz and cities in Khuzestan, Tehran, Isfahan, Sistan va Baluchestan, Yazd, Kohgiluyeh va Boyer Ahmad, Qazvin, Kermanshah, Hamadan, Lorestan, Mazandaran and Azarbayjan-e Sharqi provinces. As explained above, a large number of labour rights defenders were arrested and remain detained without access to a lawyer. The note to article 48 of the Code of Criminal Procedure deprives individuals accused of national security crimes from having access to a lawyer of their own choice in the first 20 days of their arrest,

⁶⁷ See <https://rc.majlis.ir/fa/law/show/932384>.

⁶⁸ See <https://t.me/emtedadnet/66815>; and Center for Human Rights in Iran, “85 lawyers call on Iranian Government to respect right to protest”, 26 May 2022, available at <https://iranhumanrights.org/2022/05/85-lawyers-call-on-iranian-government-to-respect-right-to-protest>.

which can be extended to cover the full investigation phase. The Special Rapporteur is concerned at the authorities' conflation of the exercise of human rights with national security crimes and at the implications that this has for due process. On 9 May, the Ministry of Intelligence issued a statement about the "infiltration of foreign-affiliated elements into the ranks of teachers and workers", who allegedly planned to threaten the order and security of the population.⁶⁹ On 10 May, the authorities arrested two French nationals, including the head of a federation of teachers unions.

Food protests

66. The economic crisis, including the effects of the sectoral sanctions imposed by the United States of America on government revenues, continued to have a devastating impact on an adequate standard of living for the vast majority of the population. The annual inflation rate of the Islamic Republic of Iran topped 40 per cent between March 2021 and March 2022. Food prices rose faster than the general inflation rate, reaching 51.5 per cent in the same period. In May, a series of changes to the Government's policy on food subsidies was introduced in an effort to address the growing deficit.⁷⁰ The authorities announced these decisions as fair redistribution of subsidies to lower-income people. On 1 May, the Government ended subsidies for imported wheat, with further cuts announced on 3 May. The cuts led to a dramatic overnight increase in the price of certain food items, from 100 to 300 per cent, including cooking oil, dairy products, wheat, bread and other flour-based items. The cuts were introduced at a time of economic crisis, aggravated by the ongoing COVID-19 pandemic and with approximately 60 per cent of the population living below the poverty line. The Ministry of Agriculture announced on 5 May that a new programme would be introduced under which consumers would be able to receive subsidized bread. On 7 May, protests began in Dezful, Mahshahr, Izeh and Shadegan and spread to other cities by 11 May. Protesters criticized the authorities for the crippling political and economic situation and chanted slogans against the political leadership. Footage, video and testimonies showed security forces violently using tear gas and cracking down on protesters and, in some cases, firing directly at people with live ammunition. The use of excessive force led to the killing of at least five people in Khuzestan and Chaharmahal va Bakhtiari Provinces. Internet disruptions were reported at the time of the violent suppression of the protests, preventing access to information and information-sharing about the ongoing events. It was also reported that the Supreme National Security Council and the Ministry of Intelligence had warned the media and media editors against reporting on the protests. In addition to the use of force, there have reportedly been widespread arbitrary arrests of protestors and other individuals in several cities, including Tehran, Dezful and Shahr-e Kord.

Internet disruptions

67. During the reporting period, the authorities employed various Internet disruption methods, including shutting down access to international sites and services on mobile data, throttling international bandwidth on mobile and broadband networks and throttling sites and services based in the Islamic Republic of Iran.⁷¹ Network monitors reported disruptions throughout the reporting period, particularly in May, including a total Internet shutdown in Khuzestan, nationwide throttling on 9 May and near-total shutdowns in Qazvin on 10 May, Ardabil on 13 May, Bushehr on 14 May, Ilam from 20 to 22 May, Khorasan-e Shomali, Zanjan and Lorestan on 23 May,

⁶⁹ See www.isna.ir/news/1401022113710.

⁷⁰ See communication IRN 11/2022 (not yet available online).

⁷¹ See www.isna.ir/news/1401030302378; and <https://filter.watch/en/2022/06/13/network-monitor-may-2022>.

Hormozgan on 25 May, Qom on 26 May and Fars, Kerman and Kohgiluyeh va Boyer Ahmad on 28 May.

Closing of associations

68. The Special Rapporteur is concerned at reports that the State Welfare Organization of the Islamic Republic of Iran has declared new rules that require charities and non-governmental organizations (NGOs) working in the social care sector to provide the national identity number of each individual that they support. Immigrants and unidentified individuals without national identity numbers can therefore no longer receive help from these organizations.

69. The central involvement of the Ministry of Intelligence and the Ministry of the Interior in the registration procedure for NGOs raises deep concern at the right to freedom of association. On 26 May, branch 28 of the Appeals Court in Tehran upheld the 2021 preliminary ruling to dissolve Imam Ali Popular Student Relief Society, the largest independent NGO in the country, which focused on poverty alleviation.⁷² The initial order to dissolve the organization was brought by the Ministry of the Interior and accompanied by the detention of several of the organization's senior staff. The Special Rapporteur reiterates his concerns at the dissolution of the organization and calls on the authorities to refrain from interfering with the association and drop the charges against its management and staff (A/76/160, para. 23).

Reprisals and civil society accountability initiatives

70. The Special Rapporteur is gravely concerned about the authorities' pressure on families of victims to prevent their efforts to seek accountability. Families of victims of human rights violations faced threats, arrest and convictions during the reporting period. In February 2022, security agents raided the home of Shanhaz Akmali, the mother of Mostafa Karimbeigi, a protestor killed in the 2009 protests. Ms. Akmali's daughter, Maryam Karimbeigi, who has peacefully sought justice for the killing of her brother, was summoned to the prosecutor's office in Evin. On 14 June, the house of Ms. Karimbeigi's family was raided and she was arrested. She has been charged with "propaganda against the State" and "assembly and collusion to act against national security".⁷³ Three members of the family of Farzad Ansarifar, a protestor killed in the November 2019 protests, have been targeted for their accountability efforts. In April, the revolutionary court of Mahshahr sentenced Amin Ansarifar and Arman Ansarifar, the father and brother of Farzad Ansarifar, to three months' imprisonment and gave them a five-year ban on leaving the country.⁷⁴ In February, Farzaneh Ansarifar was sentenced to four years and six months in prison by the revolutionary court of Mahshahr in connection with her accountability efforts for her brother's killing.⁷⁵

71. Following the establishment of a people's tribunal, the Iran Atrocities (Aban) Tribunal, in November 2021 to investigate the human rights violations in the context of the nationwide protests in November 2019, witnesses who provided testimonies

⁷² See <https://sosapoverty.org/news/%d8%a8%db%8c%d8%a7%d9%86%db%8c%d9%87-%d8%ac%d9%85%d8%b9%db%8c%d8%aa-%d8%b1%d8%a7%db%8c-%d8%af%d8%a7%d8%af%da%af%d8%a7%d9%87-%d8%aa%d8%ac%d8%af%db%8c%d8%af%d9%86%d8%b8%d8%b1>.

⁷³ Front Line Defenders, "Maryam Karimbeigi released on bail", 18 July 2022. Available at www.frontlinedefenders.org/en/case/new-charge-brought-against-woman-human-rights-defender-maryam-karimbeigi.

⁷⁴ See www.hra-news.org/2022/hranews/a-35537; and <https://twitter.com/Farzanehansari7/status/1540992616707358723>.

⁷⁵ Human Rights Activists News Agency, "Farzaneh Ansarifar sentenced to 4 years and 6 months in prison", 24 February 2022. Available at www.en-hrana.org/farzaneh-ansarifar-sentenced-to-4-years-and-6-months-in-prison.

from inside the country faced harassment. Examples include judicial harassment, intimidation and interrogation of several families of witnesses at the Aban Tribunal.⁷⁶ In April 2022, 15 human rights organizations issued a joint statement calling on the international community to urge the Iranian authorities to immediately cease their reprisals against the Aban Tribunal's witnesses and their families and to quash all convictions and sentences connected with their or their relatives' involvement in the Tribunal.⁷⁷

72. Cases of reprisal have been reported in other contexts as well. Kamal Palangi was arrested at the funeral of his daughter on 25 January after speaking about the killing of his 7-year-old daughter after the police fired on a moving vehicle in January in Azarbayjan-e Gharbi Province.⁷⁸ In February, security forces arrested Guzal Hajizadeh, the mother of Zeinab Jalalian, a Kurdish political prisoner, and interrogated her for several hours at the Ministry of Intelligence directorate in the city of Maku before releasing her.⁷⁹ Prior to her arrest, a video of Ms. Hajizadeh had circulated on social media in which she called for the release of her daughter. Maryam Akarbi Monfared, remains imprisoned for the thirteenth year in Semnan prison for calling for accountability for the enforced disappearance of her family in 1988 and is deprived of adequate health care for liver disease. She has to date not received any furlough and her family's several requests for transfer to Evin prison remain unanswered.

IV. Recommendations

Death penalty

73. The Special Rapporteur calls on the authorities of the Islamic Republic of Iran to immediately abolish, through legislation, the death penalty for all offences. Pending abolition, he recommends that the authorities:

- (a) **Impose an immediate moratorium on executions and commute all death sentences;**
- (b) **Urgently amend legislation to prohibit the execution of persons who committed a crime while under the age of 18 years and urgently amend legislation to commute all death sentences for child offenders on death row;**
- (c) **Impose a moratorium on all drug-related executions;**
- (d) **Amend legislation to allow judges discretionary powers to consider extenuating circumstances or choose the imposition of more lenient punishments in individual cases;**
- (e) **Publish disaggregated data regarding the number of death sentences implemented annually.**

⁷⁶ See <https://kurdistanhumanrights.org/fa/?p=17812>.

⁷⁷ Center for Human Rights in Iran, "Iran should stop persecuting families seeking justice for State atrocities", 7 April 2022. Available at <https://iranhumanrights.org/2022/04/joint-statement-iran-should-stop-persecuting-families-seeking-justice-for-state-atrocities-through-aban-tribunal>.

⁷⁸ Kurdistan Human Rights Network, "Iran: police kills child, arrests father at funeral", 26 January 2022. Available at <https://kurdistanhumanrights.org/en/iran-police-kills-child-arrests-father-at-funeral>.

⁷⁹ See <https://kurdistanhumanrights.org/fa/?p=17738>.

Accountability for human rights violations

74. The Special Rapporteur calls on the authorities to:

(a) **Undertake fundamental reforms towards the establishment of a system of accountability in line with international law, including constitutional, legislative and administrative reforms, to ensure the separation of powers, political pluralism and democratic participation in governance and decision-making;**

(b) **Undertake reforms to ensure the independence of the judiciary, including through the dissolution of the revolutionary courts, and reforms to ensure transparency in judicial appointments;**

(c) **Ensure the independence of bar associations in the Islamic Republic of Iran;**

(d) **Conduct an independent, impartial and transparent inquiry consistent with international standards concerning the use of force by security forces during the November 2019 protests and hold accountable all perpetrators of human rights violations in the context of these and other protests in 2021 and 2022;**

(e) **Ensure that legislation, policies, practices and training concerning the use of lethal force by law enforcement and border officials are compliant with international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(f) **Conduct an independent and transparent investigation concerning the shooting down of Ukraine Airlines flight PS752 and hold all perpetrators accountable;**

(g) **Ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction;**

(h) **Thoroughly review safety and quality standards in the construction industry and conduct an independent and transparent inquiry into the collapse of the building in Abadan, holding those responsible accountable;**

(i) **Conduct a national and public inquiry into the handling of the COVID-19 pandemic.**

Other human rights issues

75. The Special Rapporteur recommends that the Islamic Republic of Iran:

(a) **Ensure that detainees are protected from all forms of torture and other cruel, inhuman or degrading treatment or punishment, ensure that confessions obtained through torture or ill-treatment are never admitted as evidence in court, establish mechanisms for investigating claims of torture and deaths in detention that are consistent with international standards and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(b) **Ensure the right to a fair trial to anyone charged with a criminal offence, including access to a lawyer of his or her choosing during all stages of the judicial process;**

(c) **Ensure that human rights defenders, including women human rights defenders, lawyers, journalists and dual and foreign nationals, and their families,**

are not threatened with or subjected to intimidation, harassment, arbitrary arrest, deprivation of liberty or life or other arbitrary sanctions, release all those detained in connection with their work and extend the policy for temporary release of prisoners;

(d) Release all individuals arrested for the exercise of their rights to freedom of opinion, expression, association and peaceful assembly and promptly report the whereabouts and situation of detainees to their families;

(e) Ensure in law and practice the rights to freedom of opinion and expression, peaceful assembly and association, ensure that any limitation on these rights is in accordance with international law and withdraw the bill on protecting the rights of users in cyberspace and organizing social media;

(f) Repeal the law on “youthful population” and other laws that violate the rights of women and girls, take measures to advance the equal participation of women in public life consistent with international law and ratify the Convention on the Elimination of All Forms of Discrimination against Women;

(g) Revise legislation to eliminate child marriage and undertake comprehensive awareness-raising programmes on the harmful effects of early marriage on the girl child’s rights to health, education and development;

(h) Repeal all laws that exonerate “honour killings” and violence against women and adopt effective laws and policies to end violence against women;

(i) Ratify and implement all fundamental International Labour Organization conventions and recognize independent trade unions;

(j) Undertake concrete actions to reduce existing economic inequalities and ensure an adequate standard of living, including access to basic services, without discrimination;

(k) Take all measures necessary to mitigate the effects of sanctions;

(l) Make substantial investments in all prisons to reduce overcrowding, improve hygiene and ensure prompt access to medical treatment;

(m) Continue to engage with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by permitting the Special Rapporteur to visit the country.

Recommendations for the international community

76. The Special Rapporteur urges the international community to prioritize human rights issues and the implementation of international human rights obligations in all negotiations and agreements with the Islamic Republic of Iran.

77. The Special Rapporteur urges States imposing sanctions on the Islamic Republic of Iran to ensure that measures such as humanitarian exemptions are given broad and practical effect and are promptly and effectively implemented to minimize the adverse consequences of sanctions on human rights, especially during the COVID-19 pandemic.

78. The Special Rapporteur urges the international community to call for accountability with respect to long-standing emblematic events that have been met with persistent impunity, including the enforced disappearances and summary and arbitrary executions of 1988 and the protests of November 2019.