

# ISLAMIC REPUBLIC OF IRAN'S COMPLIANCE WITH INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS



## WRITTEN CONTRIBUTION TO THE HUMAN RIGHTS COMMITTEE

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**Justice  
for Iran**  
عدالت برای ایران  
FREEDOM FROM IMPUNITY

**RIGHT TO LIFE**

**FREEDOM FROM TORTURE AND OTHER CRUEL AND INHUMAN  
TREATMENT AND PUNISHMENT**

**RIGHT TO LIBERTY AND SECURITY OF PERSON**

**RIGHT TO DUE PROCESS**

**RIGHT TO PRIVACY**

**RIGHT TO RECOGNITION AS A PERSON BEFORE THE LAW**

**RIGHT TO PEACEFUL ASSEMBLY**

**RIGHT TO AN EFFECTIVE REMEDY**

Established in July 2010, **Justice for Iran (JFI)** is a London-based human rights NGO and a member of the International Federation of Human Rights (FIDH), which seeks freedom from impunity. JFI aims to hold the Iranian perpetrators of serious human rights violations accountable; whether they are individuals or entities, state or non-state actors. JFI focuses on the right to truth for individual victims and society as a whole, and pursues right to justice for those who belong to the most marginalised groups such as women, ethnic and religious minorities, LGBTIs and political dissidents. JFI conducts fact-finding, initiates judicial and semi-judicial actions and carries out campaign and advocacy at national, regional and international levels.



Website: [justiceforiran.org](http://justiceforiran.org)

Twitter: @Justice4Iran / @Justice4IranEn

Address: London, United Kingdom

Email: [info@justiceforiran.org](mailto:info@justiceforiran.org)

## VIOLATION OF THE RIGHTS OF PROTESTERS (Articles 6, 7, 9, 10, 14 and 21)

- 1• Following the economic deterioration, and political and social upheaval in the country, Iran has been the scene of mass and nation-wide protests in recent years. In December 2017 and early 2018, in multiple cities, people took the streets across the country to protest the economic policies leading to high inflation; and in November 2019 even more widespread demonstrations took place, protesting the sudden rise in petrol prices. Both episodes of protest soon became political and radical in their demands. As with the nation-wide protests in 2009, the Iranian authorities' response to these protests has been violent crackdowns and suppression, in clear contravention of people's right to peaceful assembly and Article 27 of the Constitution of Islamic Republic of Iran.<sup>1</sup> Many people were killed, beaten and injured, and many more were arrested and put on trial with serious charges, some carrying death penalty. Iran's response to these protests not only violates the right to peaceful assembly as enshrined in Article 21 of ICCPR, but also demonstrates that Iranian officials have ignored HRC recommendation in its 2011 concluding observations asking the State party to "... urgently establish a full, impartial and independent investigation into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and prosecute those officials found responsible"<sup>2</sup> and have repeated the same pattern violating protesters' rights, as follows.
  
- 2• In December 2017 and January 2018, Iran witnessed nationwide protests, starting in the city of Mashhad and quickly spreading across the country. Demonstrators marched on the streets, protesting corruption, mismanagement, and the government economic policies which resulted in an increasing inflation rate and unemployment. Although protests mainly remained peaceful, the protesters soon became more radical in their demands. The authorities confirmed the killing of at least eight protesters, however, according to other sources the actual number is

1 Islamic Republic of Iran Constitution, Article 27: "Public gatherings and marches are allowed so long as the participants do not carry arms and are not in violation of the fundamental principles of Islam."

2 Consideration of reports submitted by States parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, 29 November 2011, available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRN%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fIRN%2fCO%2f3&Lang=en)

much higher.<sup>3</sup>

- 3• According to various reports, it is estimated that over 4,000 people, including protesters, student activists and those who took and shared the photos and videos of demonstrations on online platforms, were detained during the late 2017/early 2018 nationwide protests in Iran. Many of them were subsequently charged with national security-related offences and sentenced to imprisonment. At least three detainees were confirmed to have died in custody.<sup>4</sup> Also following these protests, at least five protestors, including Mehdi Salehi Ghaleh Shahrokhi, Mohammad Bastami, Majid Nazari, Hadi Kiani and Abbas Mohamadi have been sentenced to death in Isfahan. One of the detained protesters, Mostafa Salehi was executed on 5 August 2020 in Dastgerd Prison in the same city.<sup>5</sup>
- 4• Almost two years later, in November 2019, after the sudden increase in petrol prices in Iran, protests erupted across the country. People took the streets to protest the rising inflation and endemic corruption, calling for an overhaul of the political system in at least 93 cities, in 29 out of 31 provinces. The protests were largely peaceful and took the form of demonstrations, marches, road and street blocks, as well as blocking off petrol stations. In certain cities, however, some banks, government buildings and petrol stations were set on fire, allegedly by the protestors. The internet was completely shut down nationwide by the government and the protests were brutally suppressed by security forces. The information blackout, which lasted for one week, allowed the police, security and military forces to carry out a bloody clampdown while people had no access to any communication medium or social media, and the international community's access to information inside the country was severely limited. It was only after a whole week that the news of incidents started to gradually filter out of Iran.
- 5• Security police and other armed forces responded to the protests with water cannons, tear gas, batons, and in several cases rubber bullets and live ammunition against unarmed demonstrators who posed no imminent threat of death or serious injury. During the five days of demonstrations, which according to official

3 Iran's 'year of shame': More than 7,000 arrested in chilling crackdown on dissent during 2018, Amnesty International, 24 January 2019, available at: <https://www.amnesty.org/en/latest/news/2019/01/irans-year-of-shame-more-than-7000-arrested-in-chilling-crackdown-on-dissent-during-2018/>

4 Justice for Iran, "Iran, Maximum Impunity": Submission to the 34th Session of the United Nation Human Rights Council for the third circle of the Universal Periodic Review of the Islamic Republic of Iran, March 2019, available at: <https://justice4iran.org/wp-content/uploads/2019/03/34th-Session-UPR-Submission-Justice4Iran-Public.pdf>

5 <https://www.hra-news.org/2020/hranews/a-26021/>



Government sources involved between 120,000 and 200,000 protestors<sup>6</sup>, incidents of the use of unlawful lethal force have been documented in 39 cities across 15 provinces, resulting in hundreds of deaths and thousands of injuries, with at least 23 children among the deaths.<sup>7</sup> On 18 November, in what appears to be one of the worst incidents, Iranian security forces used machine guns against protesters in Jarahi Square in Mahshahr – including against people fleeing the area and people hiding in nearby reed-beds – resulting in at least 23 people killed, and possibly many more (as highlighted by the UN High Commissioner for Human Rights).<sup>8</sup>

- 6• After over six months of silence, on 1 June 2020, Mojtaba Zolnour, head of the Iranian parliament's national security and foreign affairs committee, claimed that 230 people were killed including six members of the security forces.<sup>9</sup> To date, however, the Iranian authorities have evaded releasing the official numbers and identities of those killed. Figures reported by the media and human rights organisations report a death toll of between 304 and 1,500. On 23 December, Reuters, referring to sources inside the Interior Ministry, reported that 1,500 people had been killed in just four days, between 15 and 18 of November 2019. This included 400 women and at least 17 teenagers.<sup>10</sup> By December 2019, Amnesty International had confirmed 304 deaths.<sup>11</sup> On 2 January, 2020, a news website, close to the reformists, reported that 631 people had been killed, citing confidential bulletins which are usually compiled by the state's security bodies.<sup>12</sup>

6 Bachelet calls on Iran to address multiple human rights violations in context of recent protests, 6 December 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25393&LangID=E>

7 Iran: Details released of 304 deaths during protests six months after security forces' killing spree, 20 May 2020. available at: <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreed/>

8 Bachelet calls on Iran to address multiple human rights violations in context of recent protests, 6 December 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25393&LangID=E>

9 France 24, Half year on, activists fear no justice for Iran protest killings, 17 June 2020, available at: <https://www.france24.com/en/20200617-half-year-on-activists-fear-no-justice-for-iran-protest-killings>

10 Special Report - Iran's leader ordered crackdown on unrest: 'Do whatever it takes to end it', 23 December 2019. available at:

<https://uk.reuters.com/article/uk-iran-protests-specialreport/special-report-irans-leader-ordered-crackdown-on-unrest-do-whatever-it-takes-to-end-it-idUKKBN1YR0QN>

11 Iran: Thousands arbitrarily detained and at risk of torture in chilling post-protest crackdown, 16 December 2019, available at:

<https://www.amnesty.org/en/latest/news/2019/12/iran-thousands-arbitrarily-detained-and-at-risk-of-torture-in-chilling-post-protest-crackdown/>

12 <https://www.kaleme.com/1398/10/12/klm-275274/>

- 7• As mentioned, the reports show the use of lethal force against protestors and bystanders, including children, by Iranian security forces. The video footage and medical reports from victims and their family members show that the head or other vital parts of bodies of the protestors have been targeted in shootings. In other words, use of force has not been deployed to protect from the imminent threat, rather the security forces were shooting to kill. These are clear violations of international norms and standards on the use of force, and serious violations of human rights.
- 8• While the authorities have referred to the threats posed by the protestors, they have often done so in general terms or have referred to threats posed to property, such as state-owned buildings and facilities. Such justifications fall far short of the extremely high threshold that international law and standards set with regards to the use of lethal force. This has been also confirmed by the United Nations High Commissioner for Human Rights, stating: “There are conflicting reports about whether or not there were one or more armed people among the protestors, but this does not in any way justify such an indiscriminate, horrifying and deadly reaction by the security forces.”<sup>13</sup>
- 9• Considering the high threshold of international law on the use of lethal force, the level of force used by the Iranian security forces during the November 2019 protests in Iran, is unjustified. Justice for Iran’s investigation of the November 2019 protests shows that the protests were largely peaceful, although in some cases the protestors set fire to buildings, banks and petrol stations. These incidents primarily took place in the evenings and at nights when the buildings were empty. Despite the authorities’ claims that their use of lethal force was necessary for self-defence, Justice for Iran has not been able to identify any incidents in which the protestors posed an imminent threat to life. The documented cases of indiscriminate shooting of bystanders and passersby by security forces also corroborate that the use of lethal force could not have been targeted at specific individuals who may have posed an imminent threat to life.
- 10• In addition to the unjustifiable use of force during the protests, the Iranian authorities have also intimidated and pressured the victims’ family members following the incidents. Multiple reports by relatives of victims show that they have been threatened by the security and judicial authorities against speaking to the

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13 Bachelet calls on Iran to address multiple human rights violations in context of recent protests, 6 December 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25393&LangID=E>

media and human rights organisations, or providing them with hospital records and death certificates. The authorities reportedly returned the remains of their loved ones, under the condition that they would remain silent and would hold quiet funerals. Some families have even been forced to sign papers undertaking that they would abide by the above-mentioned conditions, which provides further evidence of the state's attempt to cover up its role in the killing of hundreds of protestors.<sup>14</sup>

- 11• The hundreds of cases of potentially unlawful deaths during the November 2019 protests should have prompted the Iranian state's duty to investigate and provide effective remedy. Conversely, almost two weeks after the protests were brutally suppressed, on 4 December, 2019, Ali Khamenei, the Islamic Republic's Supreme Leader, approved a Policy, proposed by the secretary of the Supreme National Security Council on the treatment of the victims' families (hereafter referred to as the Policy) that suppressed any investigation at any level.<sup>15</sup> The Policy forms provincial committees to deal with the cases as follows:

- 1• Those who did not take part in protests and were accidentally killed while passing by, referred to as 'ordinary citizens,' should be recognised as 'martyrs' and their families should receive monthly wages and other benefits from the Foundation of Martyrs and Veterans Affairs;
- 2• The families of those who participated in protests but did not take arms should receive blood money and be consoled by the authorities;
- 3• Regarding the families of those who used melee weapons or firearms against state forces during the protests, the authorities should make appropriate decisions on a case-by-case basis while considering Islamic compassion.

- 12• The Policy's foundation is embedded in Iranian laws and regulations which have tackled cases of 'lawful killings' of civilians by the police and security forces. According to the 'Executive By-law on the Definition of Martyrdom, Martyr and Martyrs' Families', "civilians who are killed [accidentally] in conflicts between military or intelligence forces with enemies, any revolutionaries and villains" are

14 Justice for Iran, Shoot to Kill: Preliminary Findings of Justice for Iran's Investigation Into the November 2019 Protests, February 2019, available here: <https://justice4iran.org/wp-content/uploads/2020/04/SHOOT-TO-KILL-Preliminary-Findings-of-Justice-for-Irans-Investigation-into-the-November-2019-Protests.pdf>

15 The full text of the Policy is available on Iran's Supreme Leader's official website in Persian, at: <https://farsi.khamenei.ir/news-content?id=44322>.



considered to be martyrs by the authorities. The status of martyrdom has significant benefits for the family of the deceased person, those with the status of the ‘family of a martyr’ are entitled to a monthly wage, quota for entering universities, government job opportunities and several other privileges (category 1 in the Policy). Another category of lawful killing is prescribed by the Iran’s Penal Code which requires the government to compensate the families of those who lost their lives as “a result of a lawful act of a law enforcement agent,” or in the cases of murder where the murderer remains unknown, by paying them blood money (category 2 in the Policy). The third category of lawful killing lies in different codes and by-laws considering shooting, injuring and even murdering an enemy of the state during armed clashes lawful. Therefore, by classification of the victims of protests into the three groups of ‘bystanders’, ‘protestors’, and ‘armed rioters’, and ordering varying and inconsistent levels of compensation, where in some cases no compensation is offered, the Iranian authorities deem all deaths of the November 2019 protests as ‘lawful killing’.

13• The Policy neither instigates an investigation into the events, nor establishes a mechanism to unveil the truth. Even a basic level of investigation that one would assume as necessary for the purpose of classification is non-existent. Instead, as documented by Justice for Iran, the Policy has been implemented by local and provincial authorities as the families of the victims of the 2019 protests were approached by them to accept the proposals of blood money and martyrdom status, willingly or coercively/ through intimidation and harassment, in exchange for not filing any complaint or closing their cases.<sup>16</sup> The pressure on the families has furthered to the point where there has not been a single report on opening an investigation, even an administrative one, serving the state’s narrative of the deaths being lawful. This practice is a blatant breach of article 6(1) of the ICCPR in conjunction with article 2(3), grants de facto impunity due to their prosecutorial inaction.

14• Since the mass protests in November 2019, at least 7,000 people have reportedly been arrested<sup>17</sup> in 28 of Iran’s 31 provinces. However, the Iranian authorities have refused to publish any official figures. Reliable reports have been recorded

16 Justice for Iran, *Mockery of Justice: State’s Policies and Laws Regarding the Victims of Iran’s 2019 November Protests*, 16 May 2020, available at: <https://justice4iran.org/wp-content/uploads/2020/05/Mockery-of-Justice-States-Policies-and-Laws-regarding-the-Victims-of-Irans-2019-November-Protests.pdf>.

17 Bachelet calls on Iran to address multiple human rights violations in context of recent protests, 6 December 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25393&LangID=E>

by Justice for Iran, confirming that the authorities detained a number of wounded individuals while they were in hospitals. According to these reports, the authorities pressured medical professionals to discharge the victims prematurely, and subsequently transferred them to detention centres.<sup>18</sup>

- 15• In addition to the concerns over treatment of detainees in detention centres and prisons, the process of their cases is also worrisome. From over 7000 detainees during 2019 protests, many of them were subsequently charged with national security-related offences and sentenced to imprisonment. Many are charged with offences that carry the death penalty, while detainees rights to due process has also been violated repeatedly. Many of the arrested protesters have not had access to a lawyer or their families.
- 16• At least three protesters who participated in the November 2019 protests, including Amir Hossein Moradi, Saeed Tamjidi, and Mohammad Rajab, were sentenced to death. The death sentence was issued on 22 February by Branch 15 of the Revolutionary Court in Tehran, and was upheld by the Supreme Court on 14 July for moharebeh (taking up arms to take lives or property and to create fear in the public) and for 'participation in vandalism and arson with the intent to counter the Islamic Republic of Iran' during the November protests.<sup>19</sup>
- 17• The violation of the right to due process has been clear in the cases of Amir Hossein Moradi, Saeed Tamjidi, and Mohammad Rajabi, currently facing the death penalty. With the arrest of Amir Hossein Moradi in Iran on 19 November 2019 (for another charge and initially not relevant to the protests) and discovering videos of November protests on his phone, his charges were changed and his case was transferred to the Evin Public Prosecutor Office. His two friends, Saeed Tamjidi and Mohammad Rajabi who had also participated in November protests (also identified in videos and through Moradi's confessions), were arrested upon their deportation from Turkey. The detainees were forcibly disappeared for a month

18 Justice for Iran, Shoot to Kill: Preliminary Findings of Justice for Iran's Investigation Into the November 2019 Protests, February 2019, available at: <https://justice4iran.org/wp-content/uploads/2020/04/SHOOT-TO-KILL-Preliminary-Findings-of-Justice-for-Irans-Investigation-into-the-November-2019-Protests.pdf>

19 OHCHR Experts Communication to Iran: Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 7 April 2020, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25155>

during which they were subjected to torture and other ill-treatment, including beatings and suspension from the ceiling. Amir Hossein Moradi has confessed to the charges as the result of the torture during the interrogation.

- 18• During that period they were denied access to a lawyer. According to the lawyers (Babak Paknia, Mostafa Nili and Hossein Taaj) they were not allowed to access their case during the trial and were denied their right to represent them in the Supreme Court. It was only on 15 July (after confirming the death sentence by the Supreme Court) that the lawyers were allowed to enter the case. Currently, according to their defence lawyers, the Supreme Court has agreed to the lawyers request for retrial.
- 19• The defendants' rights to due process was violated during their arrest, detention and the subsequent trials. Given this continuous violation of rights, including their charges and the death sentence imposed in the preliminary and appeal courts (Supreme Court):

*“their arrest and detention and subsequent trial is replete with allegations of denial of their due process rights. In initial interrogations – during which they were subject to enforced disappearance and torture – they were denied the right to a lawyer. These violations continued at trial, where court-assigned lawyers for two of the men reportedly did not provide an adequate defence in the first trial, while chosen lawyers were not allowed to represent them in the Supreme Court and were blocked from accessing their case files during the trial”.<sup>20</sup>*

- 20• As reiterated by the UN Office of High Commissioner for Human Rights, this is not an isolated case, and there are numerous reports of arbitrary detention, torture and violation of due process. The imposition of the death penalty is even more worrisome given that it is served without due process or fair trial. The State's unjustifiable use of force in response to the protests violates the right to life of the protestors. The treatment of detainees, the procedure of their cases and their charges is a clear violation of their right to due process and fair trial, which also

20 UN experts demand Iran quash death sentences against protesters, 16 July 2020, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26106&LangID=E#:~:text=On%2014%20July%2C%20it%20was,Islamic%20Republic%20of%20Iran'%20during>

contravenes HRC recommendation in its 2011 concluding observation which asks the State party to:

*“...ensure that all legal proceedings are conducted in full accordance with article 14 of the Covenant, including guaranteeing (a) the right to legal assistance of one’s own choosing, including for pre-trial detainees; (b) the right to be informed promptly of the nature and cause of the criminal charges; (c) the intervention and presence of lawyers in all cases, including during the investigation stage; (d) the presumption of innocence; (e) the right to a public hearing; and (f) the right to appeal a ruling. The State party should remove the mahdoor-ol-dam (deserving of death) definition, applied to victims, so as to ensure that perpetrators are prosecuted and brought to justice for their crimes. The Committee reminds the State party of its general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial. The issuance of the death sentence, more specifically with the serious concerns over due process and fair trial, contravenes HRC recommendation to the State party in its 2011 Concluding Observation which states: “The State party should consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the “most serious crimes”, within the meaning of Article 6, paragraph 2, of the Covenant and the Committee’s general comment No.6 (1982) on the right to life...”<sup>21</sup>*

## SUGGESTED QUESTIONS

- Provide information on the individuals killed or injured as a result of the use of force by police officers or other state agents in relation to the events of late December 2017-early 2018 and November 2019. Also provide information about the chain of command and highest state officials who issued the orders to use lethal force and also the types of lethal and less-lethal force used.

21 Consideration of reports submitted by States parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, 29 November 2011, available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%-2fIRN%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%-2fIRN%2fCO%2f3&Lang=en)

- Explain the state party's policy with regard to use of lethal force by law enforcement officials, and clarify whether the use of lethal force in relation to the events of late December 2017-early 2018 and November 2019 were lawful and compatible with the right to life as enshrined in the Covenant and relevant international standards, such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Provide statistics on the individuals arrested and detained in relation to the events of late December 2017-early 2018 and November 2019. Provide information about the number and identities of the detainees who died in custody and the circumstances surrounding their deaths.
- Indicate whether the State Party has conducted, or intends to conduct impartial and independent investigations concerning the events of late December 2017-early 2018 and November 2019, in particular on the unlawful use of force by state agents, extrajudicial killings of the protesters and unlawful deaths in custody. Provide information on the number of cases investigated, if any, and the outcome of these investigations and the action taken against those found guilty of ordering and using unlawful use of lethal and less lethal force.
- Indicate the measures taken by the state party for the compensation offered to victims of those events and access to remedies to the families of the victims of extrajudicial killings, and steps taken to ensure that compensation and remedies are neither obstructed nor offered arbitrarily or based on discriminatory policies and political criteria. Specifically explain the steps taken by the state party in order to prevent and investigate cases of intimidation, harassment and persecution of the relatives of the victims of extrajudicial killings.
- Provide information on the number and identities of individuals who were sentenced to death in relation to the events of late December 2017-early 2018 and November 2019, the number of executions carried out, and the grounds for each conviction and sentence. Explain whether the death sentences imposed are compatible with the threshold of the "most serious crimes", within the meaning of article 6, paragraph 2, of the Covenant and the Committee's general comment No. 6 (1982) on the right to life.

## USE OF FORCED CONFESSIONS (Articles 7, 14, 17)

- 21• The use of forced confessions, show trials, and defamatory programmes has been an ongoing problem for 40 years, since the very establishment of the Islamic Republic of Iran. Research undertaken by Justice for Iran and the International Federation for Human Rights (FIDH) has documented that between 2009 and 2019, Iranian state-owned media broadcast the forced confessions of at least 355 individuals, and defamatory content against at least 505 individuals.<sup>22</sup>The targets of these programs include a wide range of prisoners, including human rights defenders, journalists, ethnic minority activists, political dissidents, and dual nationals. The report also details the impact of broadcast forced confessions on the victims' families.
- 22• The patterns evident in the methods of torture, and inhuman or degrading treatment reveal that these forms of ill-treatment are common and systematic procedures in obtaining forced confessions in Iran. These methods vary from physical torture – such as flogging, hanging by the hands, and electrocution – to psychological torture – such as long-term solitary confinement, mock executions, rape threats, and deliberate exposure of prisoners to poor prison conditions – to manipulating the detainee in order to extract confessions on camera.
- 23• The analysis of victims' testimonies also illustrated that the whole process of recording the confession is scripted and staged from beginning to end. The similarities between victims' accounts of the confessions being scripted and staged, the appearance of the detainee, the content of the confessions, and the false confessions which are knowingly imposed on the detainee, all indicate a systematic pattern of behaviour. The Islamic Republic of Iran Broadcasting (IRIB), which holds a monopoly over TV and radio broadcasts, has been actively involved in the systematic production and broadcast of forced confessions, the theft of private data, and the publication of defamatory content. The report concludes that IRIB, in collaboration with the security apparatus of the Ministry of Intelligence and the Intelligence Organization of the Islamic Revolutionary Guard Corps (IRGC), has become a means of mass suppression.

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22 Justice for Iran and FIDH, *Orwellian State: Islamic Republic of Iran's State Media as a Weapon of Mass Suppression*, June 2020, available at: <https://justice4iran.org/15120/>.



- 24• The televised propaganda programmes pursue multiple goals, including: creating a chilling effect on civil society; silencing opposition voices and spinning the public discourse; justifying the suppression of dissidents and activists; creating an evidential basis for criminalisation; meting out psychological torture; and promoting official narratives domestically and internationally. The interviews also indicate that the defamatory nature of these programmes has had such a suppressive impact on the victims that its damaging effect supersedes the impacts of the severe physical ill-treatment and impedes the healing process. Victims revealed that not only were they subjected to torture and ill-treatment to force them to confess – often to false statements – in front of the camera, but that furthermore, the broadcasting of these confessions caused enormous pain and suffering. Many of the victims described these programs as mental and psychological torture with long-lasting impacts.
- 25• The victims interviewed described the impact of broadcasting defamatory programmes on its targets as “deeply traumatising,” and “extremely humiliating,” while noting long-term mental and psychological damages. Some of the interviewees described the experience of watching these programmes as the most painful experience to which they were subjected while in detention. Therefore, the extreme nature of the impact on the victims can be considered one of the main elements of torture. The impact of these programmes is not limited to the victims. It also affects the victims’ families and their reputation. Many of the victims described these programmes as a means of mental and psychological torture with long-lasting impacts. They asserted that the impact of these programmes on their family life and their reputation cannot be easily undone, and that many of the audiences who have no access to independent sources of information believe the defamatory accusations made in these programmes. The majority of the interviewees mentioned the illegal use of their private data as the most damaging and traumatising part of their experience.
- 26• The whole process of obtaining private data, extracting forced confessions, and producing and broadcasting defamatory programmes involves several violations of the ICCPR. The broadcast of forced confessions, the theft of private data, and defamatory programs can constitute a form of torture, cruel, inhuman or degrading treatment which is in a clear violation of Article 7 of the ICCPR. As highlighted by the UN Special Rapporteur on the Situation of Human Rights in Iran, a strong institutional expectation of extracting confessions and reliance on confessions as the basis of convictions, result in serious breaches of criminal justice and the

rights of the accused.<sup>23</sup> One of the core elements of the right to a fair trial is the presumption of innocence, a principle that is violated in most of the propaganda programmes broadcasted by IRIB. Propaganda programmes are mainly used as a contextual basis that precedes judicial harassment, or as a means of justification for previous judicial and extrajudicial harassment. Furthermore, among the minimum guarantees provided by Article 14 for those facing criminal charges is the guarantee not to be compelled to testify against themselves or to confess guilt. The nature of forced confessions is in clear violation of this guarantee and thus of Article 14 of the ICCPR.

- 27• The use of the victim's private and family photos, video footage, or illegally-obtained correspondence, without their consent and against them is normal procedure in producing these defamatory programmes. In addition to the theft of private data, the data is also distorted, edited, and misrepresented in order to discredit, humiliate, or incriminate the target. This is a blatant violation of Article 17 of the ICCPR. The HRCtee has recommended in its 2011 concluding observations that Iran

*"...ensure that an inquiry is opened in each case of alleged torture and cruel, inhuman or degrading treatment facilities, and that the perpetrators of such acts are prosecuted and punished appropriately. It should ensure that effective reparation, including adequate compensation, is granted to every victim. The State party should also ensure that no one is coerced into testifying against themselves or others, or to confess guilt and that no such "confession" is accepted as evidence in court, except against a person accused of torture and other ill-treatment as evidence that the "confession" or other statement was made".*

- 28• The recent instance of torture and ill-treatment of protesters and their forced confessions evidently shows that the State party not only have failed to investigate the cases of torture by its authorities, but has also continued using torture as a tool to get forced confession.

23 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 January 2020, available at: [https://www.ohchr.org/Documents/Countries/IR/Report\\_of\\_the\\_Special\\_Rapporteur\\_on\\_the\\_situation\\_of\\_human\\_rights\\_in\\_the\\_Islamic\\_Republic\\_of\\_IranA4361.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf)

## SUGGESTED QUESTIONS

- Indicate when and if the State Party intends to outlaw and declare inadmissible in legal proceedings, and eliminate in practice broadcast of forced confessions of detainees, show trials, and defamatory programmes on national TV channels and state-supported media platforms which violate, among others, detainees' right to privacy and the presumption of innocence, recognised by Articles 14 and 17 of the ICCPR, respectively.
- Provide information on the measures taken by the state party for making compensation available to victims of torture and ill-treatment, and unlawful interference of state agents with the rights to privacy and the presumption of innocence of detainees.
- Indicate the measures taken by the state party in order to provide unobstructed access to independent legal counsel during the whole process of pre-trial investigations, trials, and appeals, and to inform detainees of their right to access to legal counsel and the right not to self-incriminate.
- Indicate whether the State Party has any plans to ratify the First Optional Protocol to the ICCPR recognising the competence of the Committee to receive and consider communications from individuals.

## ENFORCED DISAPPEARANCES AND DESTRUCTION OF MASS GRAVES (Articles 2, 6, 7, 9, 16)

29• Throughout the 1980s, the Iranian authorities arbitrarily detained, tortured, disappeared and killed thousands of people for their political opinions or religious beliefs. The killing spree reached horrific levels in August and September 1988, when the authorities implemented a plan to systematically liquidate political prisoners across the country. In just a few weeks, thousands of political prisoners were rendered incommunicado, executed in secret and without trial, and dumped in unmarked individual and mass graves. Most of those executed extra-judicially were serving lengthy prison sentences, often imposed for their peaceful dissent, including for activities such as distributing newspapers and leaflets, taking part in peaceful anti-government demonstrations, and having real or perceived affiliations with various political opposition groups. Some had been released several years earlier and were re-arrested in the weeks leading up to the killings. Others had already completed their sentences but had not been released because they refused to make statements of “repentance”.<sup>24</sup>

30• The victims’ families were kept in the dark about the fate of their loved ones. From late 1988 onwards, victims’ families were verbally told by the authorities that their relatives had been killed, without providing any additional information about the circumstances surrounding the killings. However, the authorities never returned the bodies for proper burial. Nor did they provide any concrete information about the circumstances of or reasons for the executions or the place of burial. The UN Working Groups of Involuntarily and Enforced Disappearances have recognised the victims of the 1980 atrocities and particularly, those of extrajudicially killed in the summer of 1988’s deprivation of liberty, followed by the authorities’ refusal to acknowledge it and establish his fate constitutes enforced disappearance, in processing different individual cases<sup>25</sup> as well as in its February

24 Amnesty International, BLOOD-SOAKED SECRETS, 4 December 2018, available at: <https://www.amnesty.org/download/Documents/MDE1394212018ENGLISH.PDF>.

25 Hossein Rahemipour Moghaddam, allegedly last seen in August 1984 in Evin prison, and Golrou Rahemipour Moghaddam, allegedly born in captivity on 9 April 1984, in Evin prison, at: Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances 109th session (9 – 18 May 2016), A/HRC/WGEID/109/1; Robert Papazian, allegedly last seen on 17 July 1982 in Evin Prison, at: Communications, cases examined, observations, and other activities conducted

2017 report while addressing the issue of destruction of mass graves.<sup>26</sup>

- 31• Today, it is still not known exactly how many victims were extrajudicially executed, or precisely where the victims were secretly buried. However, minimum estimates by human rights organizations of the number of those killed between late July and early September 1988 range from 4,000 to 5,000. Justice for Iran estimates that there may be more than 120 locations across Iran that contain the remains of the victims of the 1988 prison killings.<sup>27</sup> To date, the Islamic Republic of Iran has failed to investigate the enforced disappearance of the 1988 prison killings. No Iranian official has been investigated or brought to justice for any of the extrajudicial executions. Some of the alleged perpetrators continue to hold political office or other influential positions, including in the Head of Judiciary and the Ministry of Justice. For over three decades, the Iranian authorities have systematically concealed the whereabouts of the remains of thousands of prisoners of conscience, and others detained on politically motivated charges, who were forcibly disappeared and extrajudicially executed by the Iranian authorities between late July and early September 1988.<sup>28</sup>
- 32• Furthermore, instead of preserving and protecting the sites of mass graves as recognized crime scenes, until proper, independent forensic investigations can be carried out to determine the identity of the remains and the circumstances of

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by the Working Group on Enforced or Involuntary Disappearance, 108th session (8 – 12 February 2016), A/HRC/WGEID/108/1; Abdolreza Akbari-Monfared, allegedly arrested in Tehran in July 1980 and last seen in Gohardasht (today Rajai-Shahr) prison, Alborz Province, in July 1988, and Roghieh Akbari-Monfared, allegedly abducted from her home on 25 September 1981 and last seen in Evin prison, Tehran, in July 1988, at: Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, 113th session (11 – 15 September 2017), A/HRC/WGEID/113/1; Mohammad-Reza Behkish, allegedly abducted from northern Tehran on 15 March 1982 by members of the Revolutionary Guard and the Security Services of the Islamic Republic of Iran, and Mahmoud Behkish, allegedly last seen in Gohardasht (Rajae Shahr) Prison on 27 August 1988, and Mohammad-Ali Behkish, allegedly last seen in Gohardasht (Rajae Shahr) Prison on 27 August 1988, and Zahra Behkish, allegedly arrested in Tehran on 24 August 1983 by members of the Revolutionary Guard, and Mehrdad Panahi Shabestari, allegedly last seen in Evin Prison on 31 August 1988, and Mohsen Behkish, last seen at the Tohid Detention Centre (Evin Prison) in late March 1985, at: Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, 117th session (11–15 February 2019), A/HRC/WGEID/117/1.

26 Communications, cases examined, observations, and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, 111th session (6-10 February 2017), 24 April 2017, A/HRC/WGEID/111/1.

27 Justice for Iran, Thousands of Political Dissidents are Buried in Mass Graves Across Iran, 29 August 2018, available at: <https://painscapes.com/en/cities/562>.

28 Justice for Iran, Submission to the UN Working Group on Enforced or Involuntary Disappearances, January 2017, available at: <https://painscapes.com/en/wp-content/uploads/2017/08/Burying-the-Past-Deliberate-Destruction-of-1988-Mass-Graves-in-Iran.pdf>.

what happened, the authorities have deliberately destroyed the mass grave sites of the victims of the 1988 prison killings. Research undertaken by Amnesty International and Justice for Iran has documented actions taken by the authorities between 2003 and 2018 to destroy or damage at least seven confirmed or credibly suspected mass grave sites across Iran.<sup>29</sup> Shocking techniques deployed to conceal evidence of mass graves include:

- repeated bulldozing;
- turning the sites of mass graves into fetid and unsightly garbage dumps;
- hiding the location of mass graves beneath new, individual burial spots;
- pouring concrete over mass graves; and
- forbidding families and members of the public from dignifying the sites of mass graves, including through erecting monuments and gravestones or adorning the sites with flowers, pictures, plaques and loving messages.

33• Despite the UN Special Rapporteur of the Situation of Human Rights in Iran's March 2017's call on the Iranian government to ensure that all locations of mass graves are preserved and protected until investigations into the events can be carried out, and to undertake thorough and independent investigation into the 1988 prison killings. For instance, in July 2018, Ahwaz municipality transformed the entire sites of mass graves into plain ground resembling the surrounding area.<sup>30</sup> Witnesses have reported that the removal of markings and stones placed around the graves by the families of victims took less than 24 hours. The plan to build a motorway in this area was put in action early 2017 but was interrupted due to several appeals made by victims' families, human rights groups, and the United Nations.

34• In addition to destroying the physical evidence of mass graves, the Iranian authorities have adopted various practices to erase all traces of the mass extrajudicial executions and suppress the truth, including the exact number and political identity of the victims and the identity of perpetrators. The authorities have excluded the names of those executed in 1988 from public death and burial records. The authorities have also misrepresented the cause of death on victims' death certificates by issuing death certificates that did not mention 'execution' or 'hanging' as the cause of death but false reasons such as "death by natural causes", "a car accident", etc. The

29 Amnesty International and Justice for Iran, Criminal cover-up: Iran destroying mass graves of victims of 1988 killings, 30 April 2018, available at: <https://justice4iran.org/wp-content/uploads/2018/04/Mass-Graves-Report-ENGLISH-FINAL.pdf>

30 Justice for Iran, A crime buried: demolition of the mass graves of the 1988 massacre by the Ahwaz Municipality, 27 July 2018, available at: <https://justice4iran.org/11383>.



anguish and distress caused to the families by the authorities' decisions to forcibly disappear and secretly execute their loved ones, to conceal the truth about the whereabouts of their remains, and to desecrate and otherwise damage their mass graves constitute a form of torture or other cruel, inhuman and degrading treatment against the families.

- 35• The UN Special Rapporteur on the Situation of Human Rights in Iran also confirmed the “difficulty they had faced in obtaining information of these events, known as the 1988 massacres, which continue to be officially unacknowledged.”<sup>31</sup> Furthermore, as it is highlighted by the UN Secretary General, the families of the victims of the 1988 mass killings in Iran continue to face harassment in their quest to find out the truth, and that human rights defenders working on their behalf face harassment, intimidation and prosecution.<sup>32</sup>
- 36• Amongst many, the case of Maryam Akbari Monfared is just one example of reprisal against families of forcibly disappeared persons. Herself being a prisoner of conscience, Maryam Akbari-Monfared has faced reprisals since October 2016, when she filed a formal complaint from inside prison requesting an official investigation into the mass executions of political prisoners in the 1980s, including her brother and sister; the location of the graves where their bodies were buried; and the identity of the perpetrators involved. Officials have cancelled her medical care arrangements for her rheumatoid arthritis and thyroid problems, and restricted visits from her family, including her three children, in retaliation. The prosecution authorities have also threatened her with new charges.<sup>33</sup>
- 37• Raheleh Rahemipour was also sentenced to one year's imprisonment in January 2017, after Branch 15 of the Revolutionary Court in Tehran convicted her of “spreading propaganda against the system” for her peaceful efforts to learn the truth about the whereabouts of her family. Her brother Hossein Rahemipour, was summarily executed in 1984, and his baby daughter, Golrou Rahemipour, was forcibly disappeared 15 days after she was born in Evin prison. The prison authorities took the baby away, ostensibly for medical tests, but never returned her to

31 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 5 March 2018, available at: [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A\\_HRC\\_37\\_68.docx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_68.docx).

32 UN Secretary General, Situation of human rights in the Islamic Republic of Iran, 26 February 2018, A/HRC/37/24.

33 NGOs Joint Public Statement: Iran: Repression of those seeking truth and justice for 1980s killings needs to stop, 8 March 2017, available at: <https://www.amnesty.org/download/Documents/MDE1358402017ENGLISH.pdf>.

her mother. The family was subsequently told that baby Golrou Rahemipour had died, but the authorities never provided a death certificate, information about her death, or where she had been buried. On 24 November 2016, a group of five United Nations human rights experts urged the Islamic Republic of Iran to halt the campaign against her trying to learn the fate of her brother and his newborn daughter by dropping all charges against her.<sup>34</sup>

- 38• The Human Rights Committee has reiterated in several cases that while the Covenant does not explicitly use the term “enforced disappearance” in any of its articles, enforced disappearance constitutes a unique and integrated series of acts that represent continuing violations of various rights recognized in the treaty and integrated series of acts that represent continuing violations of various rights recognized in the treaty.<sup>35</sup> The circumstances surrounding the 1988 prison killings, constituting enforced disappearance, involved deprivation of liberty followed by concealment of the fate of the disappeared persons, places the victims outside the protection of law and violates their right to recognition as a person before the law, and puts their life at serious and constant risk, for which the State is responsible. As the Human Rights Committee suggested in multiple similar cases, the intentional removal of a person from the protection of the law for a prolonged period of time constitutes a refusal to recognize him or her as a person before the law, particularly if the efforts of his or her relatives to obtain access to potentially effective remedies have been systematically impeded.
- 39• In the case of prison killings in 1988, the Islamic Republic has produced no evidence to show that it has met its obligations to protect the life of the victims while they are detained by the authorities. They failed to take measures to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own officials. Therefore, it should be considered a violation of the Islamic republic of Iran’s obligations under article 6 (1) and article 16 of the Covenant. The Iranian authorities’ refusal to conduct a prompt, thorough and effective investigation into the events of summer 1988, the systematic concealment and destruction of evidence, the reprisal against victims’ relatives, and their failure to hold the perpetrators accountable, has also violated the rights of the relatives to effective remedy under article 2(3). Furthermore, their systematic concealment of the whereabouts of the victims of the 1988 prison killings has also caused the families anguish and distress, due to the continued and prolonged uncertainty surrounding the circumstances resulting in their death, their burial places and those responsible for enforced disappearances that amount to torture and ill-treatment in violation of article 7 of the Covenant.

34 UN experts condemn charges against Iranian woman seeking missing relatives , 24 November 2016, available at: <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20928&LangID=E>.

35 See for example: *Malika El Boathi v. Algeria*, CCPR/C/119/D/2259/2013, 17 March 2017, and *Tikanath and Ramhari Kandel v. Nepal*, CCPR/C/126/D/2560/2015, 15 July 2019.

## SUGGESTED QUESTIONS

- Provide information about the whereabouts of the remains and sites of individual and mass graves of political prisoners extrajudicially killed and forcibly disappeared in the 1980s. Explain why to date, their fate and burial sites have not been disclosed to the families, and the actual date, location and cause of death are not accurately registered in official records or reflected in death certificates.
- Indicate whether the state party intends to conduct impartial and independent investigations in order to provide society, and the relatives of the victims of enforced disappearance and extrajudicial killings, with the truth about the details of those events, and bring to justice those who were responsible.
- Indicate whether the state party intends to recognise that the locations, believed or known to be the sites of mass graves of victims of enforced disappearances and extrajudicial killings, are crime scenes and ensure preservation of evidence and accurate identification of bodies. Provide specific information on the concealment and destruction operations carried out in the sites of some of the mass graves and whether and when the state party intends to stop any such operations.
- Explain the steps taken by the state party in order to prevent and investigate cases of intimidation, harassment and persecution of the relatives of the victims of enforced disappearances and extrajudicial killings. Provide information on the victims' relatives who were arrested, detained or charged with criminal offences for their activities in relation to seeking truth and justice. Specifically, provide information on the charges brought against them and the sentences imposed.

