

AMNESTY INTERNATIONAL PUBLIC STATEMENT

13 October 2021

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Iran: Suspicious death in custody of torture witness amid impunity crisis

Iranian authorities must urgently carry out an effective, thorough, independent, impartial and transparent investigation into the causes and circumstances surrounding the enforced disappearance and suspicious death in custody of a 49-year-old man, Shahin Naseri, who provided witness testimony on the torture of wrestler and protester Navid Afkari prior to his secret execution in September 2020. This latest case of enforced disappearance and death in custody serves as yet another stark reminder of the deadly consequences of the crisis of systemic impunity in Iran for violations to the right to life and other crimes under international law.

According to a [report](#) by Iran Human Rights, an Iran-focused human rights organization based abroad, Shahin Naseri's relatives were informed of his death by other prisoners on 21 September; nine days after his transfer out of the public ward of Greater Tehran Penitentiary to an unknown location on or about 12 September 2021. Following his transfer out of the public ward, the Iranian authorities refused to reveal his fate or whereabouts to his family, thereby subjecting him and his family to enforced disappearance, a crime under international law.

Shahin Naseri's enforced disappearance coincided with the one-year anniversary of the globally condemned [execution](#) of Navid Afkari, whose torture and other ill-treatment in pre-trial detention Shahin Naseri had testified witnessing in multiple written affidavits submitted to various prosecution and judicial authorities despite threats by prosecution authorities (see Annexes 1-4).

According to information received by Amnesty International, a day before his suspicious death in custody, Shahin Naseri called at least two individuals from the prison clinic using another prisoner's phone, expressed fears about his life being in danger and indicated having been transferred from his regular ward to a cell intended for solitary confinement, but at the time used to detain several prisoners.

On 23 September, the Prisons Organization, which operates under the supervision of the judiciary, issued a [statement](#) noting that Shahin Naseri had "died in prison" following unsuccessful efforts for 45 minutes by prison clinic staff to resuscitate him in response to an "urgent" unspecified condition. According to the statement, the Legal Medicine Organization of Iran, a forensic institute under the authority of the judiciary, is in the process of determining the cause of death. The statement provides no information indicating whether an independent investigation in line with international standards has been or would be launched into the causes and circumstances surrounding his enforced disappearance and death in custody to ensure accountability. Instead, the statement lists the offences of which Shahin Naseri was convicted in what appears to be a sinister attempt to dehumanize him and divert attention away from human rights violations that may have caused or contributed to his suspicious death in custody.

Amnesty International has recently [documented](#) the Iranian authorities' failure to ensure accountability for the deaths in custody under suspicious circumstances of at least 72 men and women in Iran since January 2010. According to international law, failure to investigate a death in custody, in itself, is a violation to the right to life.

Given the crisis of systematic impunity in the country, as well as the gravity and scale of the crimes concerned, Amnesty International reiterates its calls for the UN Human Rights Council to urgently establish an investigative and accountability mechanism to collect, analyse and preserve evidence of the most serious crimes under international law committed in Iran to facilitate fair criminal proceedings.

Witness to torture committed with impunity

Shahin Naseri provided multiple written affidavits in 2019 and 2020 to prosecution and judicial authorities in support of the torture complaints, defence submissions, and appeal and judicial review requests lodged by Navid Afkari, who was arbitrarily arrested in September 2018 and repeatedly tortured by agents from the investigation unit of Iran's police (*Agahi*) as well as the ministry of intelligence. Navid Afkari was sentenced to death following grossly unfair proceedings based on [torture-tainted "confessions"](#) and other deeply flawed evidence, and executed in secret on 12 September 2020, in breach of Iranian law which requires lawyers to be notified of the scheduled execution of their

client 48 hours in advance. His execution sparked a global outcry and contributed to renewed focus on widespread and systematic impunity in Iran and the use of the death penalty as a weapon of political repression.

Shahin Naseri had recounted witnessing plainclothes agents torturing Navid Afkari in October 2018 in a detention centre run by the *Agahi* in Shiraz in at least five affidavits. According to documentation reviewed by Amnesty International, these affidavits had been submitted to the Criminal Court 1 of Fars province on 24 September 2019 (see annex 1), to the lead investigator at Branch 10 of the Office of the Special Prosecutor for Criminal Affairs and Security Offences on 25 September 2019 (see Annex 1), to Branch 5 of the Assistant Prosecution Office (*dadyaree*) in Shiraz on 14 October 2019 (see Annex 2), to the Supreme Court on 31 October 2019 (see Annex 3), and to Criminal Court 2 of Shiraz on 20 January 2020 (see Annex 4). In his affidavits, Shahin Naseri stated: “I saw two plainclothes agents severely beating Navid Afkari with tubes and batons while he was lying on the ground and covering his head with his hands. They hit his hand several times forcefully and, while yelling insults and swear words, they told him that the truth was whatever they said.” Shahin Naseri added that several hours later, he saw Navid Afkari again, and Navid Afkari told him while crying that one of the interrogators had broken his hand during the beatings.

According to a written complaint by Navid Afkari (see Annex 1), Shahin Naseri was threatened with reprisals in October 2019 if he testified. In this complaint, which was addressed to the Prosecutor of Government Employees, Navid Afkari wrote that the lead investigator at Branch 10 of the Office of the Special Prosecutor for Criminal Affairs and Security Offences, mandated with investigating his torture complaint, had summoned Shahin Naseri on 28 September 2019 and threatened him with criminal prosecution and lengthy imprisonment if he testified to having witnessed the beating of Navid Afkari. Navid Afkari added that Shahin Naseri held his ground and reiterated his testimony.

Amnesty International learned from informed sources that in September 2020, Shahin Naseri was transferred from Adelabad prison in Shiraz, where he was held at the time, to a ministry of intelligence detention facility in Shiraz, known as “Pelak-e 100” (Number 100) and held there for about two weeks. During this period, ministry of intelligence officials subjected him to coercive interrogations while blindfolded to pressure him to recant his testimony about having witnessed Navid Afkari’s torture. He also shared his suspicions that interrogators drugged his drinking water with an unknown substance as he felt unwell and asked for a doctor. This period coincided with Navid Afkari’s enforced disappearances prior to his execution, and the placement of his brothers in solitary confinement (see heading on *Gross miscarriage of justice* below).

Consistent with long-standing patterns of impunity for torture and other crimes under international law in Iran, prosecution authorities and judges, including at Branch 1 of Criminal Court 1 of Fars province, Branch 116 of Criminal Court 2 of Shiraz, Branch 2 of the Revolutionary Court of Shiraz, Branch 27 of the Appeal Court of Fars province, and Branch 39 of the Supreme Court, ignored Shahin Naseri’s testimony without providing any reasons. In its review of Navid Afkari’s conviction, the Supreme Court confirmed that Shahin Naseri had submitted a written affidavit in support of Navid Afkari’s allegations of torture to the Supreme Court, but failed to exclude Navid Afkari’s forced “confessions” as evidence, and order independent, impartial and thorough investigations.

Gross miscarriage of justice

On 17 September 2018, *Agahi* agents arbitrarily arrested Navid Afkari, along with his brother Vahid Afkari, and accused them, without any basis, of various peaceful and violent activities deemed threatening to “national security”, and of fatally stabbing an intelligence agent on 2 August 2018, purportedly for the intelligence agent’s role in suppressing protests in Shiraz, Fars province, earlier that day. On 13 December 2018, ministry of intelligence agents violently arrested Habib Afkari – brother to Navid Afkari and Vahid Afkari – whom they also accused of various peaceful and violent activities in the context of protests. All three brothers repeatedly maintained their innocence in court and in written complaints and said they had been tortured to “confess”. Despite this and the lack of credible evidence, Vahid Afkari was sentenced to 33 years and nine months’ imprisonment and 74 lashes and Habib Afkari sentenced to 15 years and eight months’ imprisonment and 74 lashes in multiple grossly unfair trials. In August 2021, the Supreme Court rejected Vahid Afkari’s request for judicial review.

Since September 2020, the authorities have subjected Vahid Afkari and Habib Afkari to renewed torture and other ill-treatment by holding them in windowless solitary confinement cells in Adelabad prison in Shiraz, either together in a single cell or separately, and denying them access to adequate healthcare, meaningful contact with other prisoners, fresh air, telephone calls and face to face family visits.

Amnesty International renews its calls for the release of Vahid Afkari and Habib Afkari as they are arbitrarily detained, for their unjust convictions and sentences to be quashed and all charges related to their peaceful participation in protests dropped. If they are charged with internationally recognizable criminal offences, retrial proceedings must meet international standards of fair trial and exclude coerced “confessions”, obtained without the presence of a lawyer.

Amnesty International has further documented how Iranian authorities have been attempting to coerce the Afkari family into silence through repeated harassment, threats and prosecution, restricted their rights to hold memorial ceremonies, and subjected Navid Afkari's burial site to desecration and destruction. On 12 September 2021, the one-year anniversary of Navid Afkari's secret execution, another brother, Saeed Afkari, who has publicly sought truth, justice and reparations for his brothers, was arbitrarily arrested in Shiraz and released later that day after hours of intense interrogations. Media reports indicate that security forces beat him and his sister Elham Afkari during arrest.

Deaths in custody amid systemic impunity for torture

On 15 September 2021, Amnesty International issued the names and other [details](#) of at least 72 individuals who died in custody across Iran since January 2010, amid credible reports that their deaths resulted from physical torture or other ill-treatment or the lethal use of firearms and tear gas by officials. These recorded deaths in custody exclude dozens of deaths in custody with suspected links to the denial of adequate medical care, which Amnesty International is in the process of investigating.

Since the publication of these findings, in addition to Shahin Naseri's death, Amnesty International received reports of three further suspicious deaths in custody – [Asaad Ramin](#) (aged unknown) and [Davood Rahimi](#) (aged 35) at a detention facility run by the Revolutionary Guards in Urumieh, West Azerbaijan province, on or around 20 September 2021 and [Amir Hossein Hatami](#) (aged 22) at Greater Tehran Penitentiary on 23 September 2021.

Amnesty International believes that the real number of deaths in custody is likely much higher given the lack of transparency in Iran's justice system and the fact that many human rights violations go unreported due to widespread fear of reprisals and systematic repression of civil society.

Not a single official has been held to account for any of these deaths, reflecting Iran's long-standing crisis of impunity where allegations of [torture](#) and [unlawful killings](#) consistently go uninvestigated and unpunished.

International law and standards

The duty to investigate potentially unlawful deaths is an essential part of upholding the right to life.

According to the UN Minnesota Protocol on the Investigation of Potentially Unlawful Death (Minnesota Protocol), "investigations must, at a minimum, take all reasonable steps to: a) identify the victims; b) recover and preserve all material probative of the cause of death, the identity of perpetrators and the circumstances surrounding death; c) identify possible witnesses and obtain their evidence in relation to the death and the circumstances surrounding the death; d) determine the cause, manner, place and time of death, and all of the surrounding circumstances; and e) determine who was involved in the death and their individual responsibility for the death" (Paragraph 25).

The protocol provides that participation of the family members is an important element of an effective investigation: "The state must enable all close relatives to participate effectively in the investigation, though without compromising its integrity. The relatives of the deceased must be sought ... and informed of the progress of the investigation, during all its phases, in a timely manner... Family members should be protected from any ill-treatment, intimidation or sanction as a result of their participation in an investigation or their search for information concerning a deceased" (Paragraphs 35-6).

۲ از ۳

فرم ویژه مکاتبات مددجویان

نام و نام خانوادگی: **فرزند: حسین تاریخ تولد: ۱۳۷۲ محل تولد: شیراز محل تحمل محکومیت: ۲۰۰۳**
 اتهام: **سبقت در قتل** بدو کلاه داشت: **۹۷، ۹، ۲۶** مدت محکومیت: **—** کلاس پرونده: **۹۹۸۰۷۴۰۱۰۵۴۶۶**

نام مرجعی که با آن مکاتبه می نمایند: **دادستان محترم دادسرای ویژه کارکنان دولت**
 عنوان درخواست: **احضار شاهد شهری جهت ادای شهادت و اعمال ماده ۲۱۴ آیین دادرسی کیفری**

شرح درخواست: عریضه خود را فقط در همین صفحه بیان نمایید:
 بازپرس شعبه دهم در تاریخ ۹، ۷، ۹۸ آقای ناصری را به دادسرا احضار کرده که آقای شاهین ناصری، شکایتی به نام جناب بازپرس در خصوص شهادت دادند. لیکن در حال تأسیف و تعجب جناب بازپرس محسبی با تخدیه های مکرر آقای ناصری (بدون کوبندگی) در ده تا عرف دیگر به پرونده است اضافه می کنند! مأمور ها رو وادار می کنن که علینیت شکایت کنند! تو برو... توی این پرونده خوب می کنن ایا و... به شهادت قصد ترساندن ایشان را دارند! اقا آقای شاهین ناصری با تکیه بر ایمان و شرف و وعده و با سوگند به اسماء جلاله جلوه سبجان و در کمال وقار و صلابت و بدون هیچگونه ترس و واچالاری و شهادت خود را اقرار نمودند. (شهادت کتبی ایشان به شرح پیوستی تقدیم می گردد.)
 حال با توجه به جرم عظیم تخدیه های جناب بازپرس در خصوص پرونده و اینکه ایشان -



عسکر وزارت مددجویان
 بسمه تعالی
 جهت اثر انگشت
 ...

شماره ثبت در دفتر مددکاری:

تایید مقام مسئول: (صورت مهر الزامی است)

تایید رئیس اندرزگاه:

۳ از ۳

فرم ویژه مکاتبات مددجویان

نام و نام خانوادگی: نوید افکاری فرزند: حسین تاریخ تولد: ۱۳۷۲ محل تولد: شیراز محل تحمل محکومیت: نرس مدت محکومیت: ۹۷/۶/۲۶ بدو بازداشت: ۲۶/۶/۹۷ کلاس پرونده: ۸۰۷۲/۸۰۵۴۹۶

نام مرجعی که با آن مکاتبه می‌نمایند: دادستان محترم دادسرای ویژه کارکنان دولت
 عنوان درخواست: احضار شاهد شهری و اطای شهادت و اعمال ماده ۲۱۴ این دادرسی کیفری

شرح درخواست: عرض خود را فقط در همین صفحه بیان نمایید:
 به استناد در صورت همین پرونده اظهار نظر کرده و در این باره که ایشان (جناب آقایان) (جناب آقایان) (جناب آقایان) ...
 ۱- بی طرفی بر رعایت نگردد ۲- حق ایجاب را نزنایی و حکمی خلاف شرع و قانون صادر کنند ۳- سلامت و امنیت آقای شاهین ناصری را به خطر بیندازند لذا بنام مراتب فوق به علاوه بر اینکه تقاضای ما هم آقای سید شاهین ناصری را جهت اطای شهادت شهری به شعبه پنجم نایت اطلبی احضار نمایند، خواهشمندم طبق ماده ۲۱۴ این دادرسی کیفری امنیت حاکمانه آقای ناصری را برقرار و تضمین نمایند.

احمد بن محمد بن عبدالله

بسمه تعالی
 با صحت اثر انگشت
 در وجه فوق مورد تایید است



عملکرد کیفری
 ثبت مددجو:

شماره ثبت در دفتر مددکاری:

تایید مقام مسئول: (ضرب مهر الزامی است)

تایید رئیس اندرزگاه:

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ANNEX 2 – EYEWITNESS TESTIMONY FROM SHAHIN NASERI ON TORTURE OF NAVID AFKARI SUMMITTED TO THE ASSISTANT PROSECUTION OFFICE

The following is a record of Shahin Naseri’s eyewitness testimony, written by the local assistant prosecution officer (*dadyar*) of Branch 5 of the Assistant Prosecution Office (*dadyaree*) in Shiraz on 14 October 2019. Shahin Naseri provided this eyewitness testimony to the local assistant prosecution officer as part of the officer’s investigation of the lead investigator at Branch 8 of the Office of the Special Prosecutor for Criminal Affairs and Security Offences in Shiraz for “abuse of position” and “ill-intentioned and unrighteous conduct”, as per Articles 576 and 605 of the 1996 Islamic Penal Code. This investigation took place nearly three months after Navid Afkari filed a complaint on 26 May 2019 with the Office of the Prosecutor of Government Employees in Tehran against the lead investigator as well as *Agahi* officials and Ministry of Intelligence agents reasonably suspected of involvement in his torture.

In late 2019, the local assistant prosecution officer (*dadyar*) in Shiraz interviewed Navid Afkari, Habib Afkari and Vahid Afkari; reviewed the medical records of the three brothers; obtained and recorded the testimony of Shahin Naseri witnessing Navid Afkari being tortured; and summoned the lead investigator at Branch 8 of the Office of the Special Prosecutor for Criminal Affairs and Security Offences in Shiraz for questioning. On 29 April 2020, a prosecution official in the Office of the Prosecutor of Government Employees in Tehran issued a decision clearing the lead investigator at Branch 8 of the Office of the Special Prosecutor for Criminal Affairs and Security Offences.

For further details on the details of the complaint Navid Afkari filed with the Office of the Prosecutor of Government Employees in Tehran and the way it was processed and dismissed, please see <https://www.amnesty.org/en/documents/mde13/4349/2021/en/>

ANNEX 3 – EYEWITNESS TESTIMONY FROM SHAHIN NASERI ON THE TORTURE OF NAVID AFKARI TO THE SUPREME COURT

The following is a two-page written submission Shahin Naseri provided to the Supreme Court on 31 October 2019 stating that in October 2018, he had witnessed two plainclothes agents beating Navid Afkari with tubes and batons while swearing and forcing him to “confess” in a detention centre run by the *Agahi* in Shiraz, Fars province.

۱ از ۲

فرم ویژه مکاتبات مددجویان

نام و نام خانوادگی: سیدشاهین ناصری فرزند: تیردین الدیناریغ تولد: ۱۳۵۱ محل تولد: شاهرود محل تحمل محکومیت: زندان مرکزی
 اتهام: مشارکت در کلاهبرداری بزرگمبلغی بازداشت: ۱۳۹۷، ۶، ۲۶ مدت محکومیت: - کلاس پرونده: ۹۷.۹۹۸.۷.۱۴.۰۲۸۲

نام مرجعی که با آن مکاتبه می نماید: ریاست محترم دیران عالی کشور
 عنوان درخواست: شہرارت

شرح درخواست: عریضه خود را فقط در همین صفحه بیان نمایید:

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
 يَا أَيُّهَا الدِّينُ يَا أَيُّهَا الْوَلِيُّ يَا أَمِيرَ الْمُؤْمِنِينَ يَا قَائِدَ أُمَّةٍ
 يَا أَسَدَ الْوَجْدِ يَا أَسَدَ الْبُرْجَانِ يَا أَسَدَ الْبَيْتِ يَا أَسَدَ الْوَالِدِ
 يَا أَسَدَ الْوَالِدِ يَا أَسَدَ الْوَالِدِ يَا أَسَدَ الْوَالِدِ يَا أَسَدَ الْوَالِدِ

با سلام و تحیات واسعه الهی و احتراماً اینجانب سیدشاهین ناصری فرزند تیردین الدین با شماره ملی: ۵۵۹۱۱۵۷۸۷۲۳ در صورت سلامت کامل عقلی با تکلیف و وجدان و شرف و سواد بر آسایش جلال خداوند و التماس و التماس شهادت می‌دهم پس از رسیدگی در تاریخ ۹۷.۶.۲۶ در جزیره قضایی استان قزوین در تاریخ ۵ یا ۵ مهرماه ۱۳۹۷ وارد بازداشتگاه اداره آگاهی شیراز شدم و حدوداً دو هفته بعد از آن توسط استوار نایب جنوری با دست و پای بسته از بازداشتگاه خارج گردیدم و پس از حدود سه روز و هجده کیلومتر جاده به سمت شیراز رفتم که در راه خود را در اداره آگاهی شیراز دیدم که صدای فریاد و نجاشی شنیدم و سر و پا را در دست گرفته و در فریاد و نجاشی شنیدم و با باز

شماره ثبت در دفتر مددکاری:

تأیید مقام مسئول: (ضرب مهر الزامی است)

تأیید رئیس اندرزگاه:

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فرم ویژه مکاتبات مددجویان

نام و نام خانوادگی: میرشاهین ناصری فرزند: برترین الدین تاریخ تولد: ۱۳۵۱ محل تولد: شاهرورد محل تحمل محکومیت: زندان شاهرورد
 اتهام: جرم: شارت در کلاس برادران نیز گناهان با داشت: ۹۷، ۲، ۲۶ مدت محکومیت: — کلاس پرونده: ۹۷۰۹۹۸۰۷۰۰۲۸۲

نام مرجعی که با آن مکاتبه می نمایند: ریاست محترم دیوان عالی کشور
 عنوان درخواست: شهادت

شرح درخواست: عریضه خود را فقط در همین صفحه بیان نمایید:

گردد. بر همین گفت صورتی با و همانجا بمان و تکلان نخورد و من که به وضوح صدای فحاشی و آلتاس او کتک کاری را می شنیدم از نزدیک
 کتک کاری که جلوتیتم و داخل اتاق را نگاه کردم و دیدم که دو نفر با لباس شخصی با کلاه و با توپ اما نوید افکار کار را به سر
 زمین افتاده بود و را به شدت می زدند و او را کتک می زدند و سرش را گرفته بودند چند نفر به حکم آمدند و می زدند و
 ضمن فحاشی و الفاظ رکیک به او می گفتند هر چه ما می گویم دوست است و در همین چنین سرود و جیبها را با کلاه و کلاه دید
 این صحنه را دیدم که یک نفر محکم به شکم زد و به زمین افتادم و یک چشم بند از چشمش بردارند و چشمهایم را بست و در آنجا
 بردند چند ساعت بعد که نوید افکار را در بازداشتگاه دیدم با کتک و کتک عیاشی افسر پرونده ام دستم را بستند
 حال اینجانب سیدشاهین ناصری و با علم و اطلاع از عواقب و مجازات شهادت کذب و جاسوسان
 شهادت و گفتن و اجماع و دیده هایم نزد هر مرجع و مقام قضایی در هر محله ای می باشد و تحت عتاب
 را با اثر انگشت تایید می نمایم



بسته تعالی
 اثر انگشت من تایید است
 مددجوی

شماره ثبت در دفتر مددکاری:

تایید مقام مسئول: (ضرب مهر الزامی است)

تایید رئیس اندرزگاه:

نام و نام خانوادگی: پسر شاهین زاهدی فرزند: میر حسین البرکاتیکون تولد: ۱۳۵۱ محل تولد: شاهرود محل تحمل محکومیت: زندان مرکزی
اهام الجرم: شاکرت در کلابردار اینترنشنال بازداشت: مدت محکومیت: کلاس پرونده: بند معاز

نام مرجعی که با آن مکاتبه می نمایید: ریاست محترم کمیته گیزی استان شیراز
عنوان درخواست: ادای شهرت

شرح درخواست: عریضه خود را فقط در همین صفحه بیان نمایید:

ادامه صفحه قبل: چند ساعت بعد که نوید افکاری دادیدیم ما گویم بن گفت: عملی غیر پرونده ۱۴
در تمام راهگرت: حال اینجا نیست میدن شاهین زاهدی یا شخصار غیر ما نم با علم و اطلاع از عواقب و
مجازات شهرت کذب حاضرید او ای شهرت و مراجع ضروری با نام مورادین ضماره ۱۳ فرود
مجمع و تمام قضایا و در هر محکم ای بی باشم و صحت عرائض را با اثر انگشت تایید می کنم ۰۱

شماره ثبت در دفتر مددکاری:
بسمه تعالی
امین الله انکشیته مددجوی
۱۳۹۸ قوه قهریه تطبیق است