

# TRAMPLING HUMANITY

MASS ARRESTS, DISAPPEARANCES AND TORTURE SINCE IRAN'S  
NOVEMBER 2019 PROTESTS

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*Cover photo: An artist's depiction of various torture methods used in detention facilities run by the ministry of intelligence and the Revolutionary Guards across Iran, based on accounts of people who were subjected to torture and other ill-treatment and interviewed by Amnesty International.*  
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# CONTENTS

<b>GLOSSARY</b>	<b>5</b>
<b>1. EXECUTIVE SUMMARY</b>	<b>6</b>
<b>2. METHODOLOGY AND BACKGROUND</b>	<b>12</b>
2.1 METHODOLOGY	12
2.2 BACKGROUND	14
<b>3. ARBITRARY ARRESTS AND DETENTIONS</b>	<b>16</b>
3.1 MASS ARRESTS	17
3.2 CHILDREN DETAINED	21
3.3 STATUS OF DETAINEES	23
3.4 VAGUE, SPURIOUS AND UNSUBSTANTIATED CHARGES	24
<b>4. ENFORCED DISAPPEARANCES</b>	<b>28</b>
4.1 SECRET AND 'SECURITY' DETENTION FACILITIES	29
4.2 FAMILIES KEPT IN THE DARK	30
4.3 ONGOING ENFORCED DISAPPEARANCES	31
<b>5. TORTURE AND OTHER ILL-TREATMENT</b>	<b>33</b>
5.1 PROLONGED SOLITARY CONFINEMENT	35
5.2 BEATINGS	35
5.3 SUSPENSION AND STRESS POSITIONS	36
5.4 ELECTRIC SHOCKS	38
5.5 SEXUAL VIOLENCE AND HUMILIATION	39
5.6 WATERBOARDING	40
5.7 DEATH THREATS AND MOCK EXECUTIONS	41
5.8 FORCED ADMINISTRATION OF CHEMICAL SUBSTANCES	42
5.9 DENIAL OF MEDICAL CARE	43
5.10 INHUMANE DETENTION CONDITIONS	44
5.11 PSYCHOLOGICAL TORTURE	45

<b>6. UNFAIR TRIALS</b>	<b>46</b>
6.1 DENIAL OF ACCESS TO LEGAL COUNSEL AND ADEQUATE DEFENCE	47
6.2 FORCED 'CONFESSIONS'	50
6.3 CLOSED OR IN ABSENTIA HEARINGS BEFORE BIASED BODIES	54
6.4 UNDISCLOSED JUDGEMENTS	56
6.5 MEANINGLESS APPEALS PROCESSES	57
<b>7. CRISIS OF IMPUNITY</b>	<b>58</b>
7.1 FAILURE TO ENSURE ACCOUNTABILITY	58
7.2 SMEARING PROTESTERS	59
7.3 PRAISING PERPETRATORS	60
<b>8. INTERNATIONAL LAW AND STANDARDS</b>	<b>62</b>
8.1 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY	62
8.2 ARBITRARY DETENTION	63
8.3 ENFORCED DISAPPEARANCE	64
8.4 TORTURE AND OTHER ILL-TREATMENT	65
8.5 UNFAIR TRIALS	66
8.6 THE RIGHT TO TRUTH	67
8.7 THE RIGHT TO JUSTICE	67
8.8 THE RIGHT TO REPARATION	69
<b>9. CONCLUSION AND RECOMMENDATIONS</b>	<b>70</b>
9.1 CONCLUSION	70
9.2 RECOMMENDATIONS	71

# GLOSSARY

<b>BAGHI</b>	“armed rebellion”, a charge carrying the death penalty under Iran’s Islamic Penal Code
<b>EFSAD-E FEL-ARZ</b>	“spreading corruption on earth”, a charge carrying the death penalty under Iran’s Islamic Penal Code
<b>HRC</b>	UN Human Rights Committee
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>IRIB</b>	Islamic Republic of Iran Broadcasting
<b>LEGAL MEDICINE ORGANIZATION</b>	State forensic institute working under the supervision of the judiciary
<b>MOHAREBEH</b>	“Enmity against God”, a charge carrying the death penalty under Iran’s Islamic Penal Code
<b>MONAFEQIN</b>	“Hypocrites”, a pejorative epithet used by the Iranian authorities since the 1980s for members and supporters of the People’s Mojahedin Organization of Iran (PMOI), an opposition group based outside Iran that advocates the overthrow of the Islamic Republic system.
<b>PMOI</b>	People’s Mojahedin Organization of Iran
<b>PRISONS ORGANIZATION</b>	State body that falls under the direct supervision of the head of the judiciary and is charged with the management of the affairs of all prisons, detention centres and their affiliated bodies. Its official name is the State Prisons and Security and Corrective Measures Organization.
<b>QESAS</b>	Punishment of retribution in kind
<b>SUPREME NATIONAL SECURITY COUNCIL</b>	State body that determines top-level defence and national security policies in line with the decrees of the Supreme Leader
<b>TABSAREH</b>	An explanatory note attached to an article of the law that clarifies the scope of the article and in some cases provide exceptions
<b>UN</b>	United Nations

# 1. EXECUTIVE SUMMARY

**“They tortured me and hurt me in any way they could. They even said they would have my son suspended from university. I told them I did nothing wrong; I took to the streets peacefully to claim our rights and protest against people’s poor living conditions. I see my family and friends drowning in poverty – this is the reason I attended the protests, but they [authorities] accused me of insulting the Supreme Leader and acting against the state.”**

A peaceful protester from Mashhad, Khorasan Razavi province, who told the organization that he was subjected to arbitrary arrest, detention and torture and other ill-treatment in relation to the November 2019 protests

In response to nationwide protests in November 2019 by tens of thousands of people across the country following the government’s sudden announcement about the significant overnight rise in the price of petrol, the Iranian authorities waged a campaign of mass repression that led to hundreds of deaths, resulting from the deliberate use of lethal force, and to the arrest of more than 7,000 men, women and children as young as 10 years old within a matter of days.

Amnesty International has investigated the actions of the Iranian authorities against those arrested in connection with the protests and concluded that they committed widespread patterns of serious human rights violations, including arbitrary detention, enforced disappearance, torture and other ill-treatment, and flagrant breaches of the right to a fair trial. In May 2020, Amnesty International published its documentation of the patterns of unlawful killings carried out across the country and the details of 304 men, women and children killed by Iran’s security forces during the protests.

## Methodology

Amnesty International conducted in-depth interviews with 66 individuals inside Iran and 10 outside the country between 26 November 2019 and 26 August 2020. They included 60 victims of arbitrary arrest, enforced disappearance, torture and other ill-treatment or their relatives or close acquaintances; two protesters who were in hiding; and 14 other informed individuals who had either witnessed or reliably investigated the violations concerned, including protesters and bystanders who were not arrested, lawyers, medical workers, local activists and journalists, and teachers of schoolchildren arrested.

In addition, since 25 November 2019 when Amnesty International set up two dedicated telephone numbers for people to contact the organization with information about detentions, it received written text or voice messages as well as videos from several hundred individuals inside the country, including protesters and bystanders, family members, friends or acquaintances of those detained, lawyers, medical workers, local journalists or activists, and sources inside prisons.

Amnesty International also analysed extensive video footage of the protests, verified by its Digital Verification Corps, examined several court verdicts and other legal documents, and reviewed statements made by officials, as well as reports and testimonies published by other independent human rights organizations.

The organization wrote to the president, Hassan Rouhani, and the head of the judiciary, Ebrahim Raisi, detailing its concerns and seeking comments and clarifications. No response had been received by the time of publication.

### **Arbitrary arrest and detention**

Amnesty International's findings show that many of the arrests took place during the five days of protests, but, in the days and weeks that followed, the pattern of mass arrests continued. Individuals who had participated in the protests, in many cases peacefully, were identified through images taken by security officials or surveillance cameras and were arrested from their homes or workplaces and, in the cases of some children, at their schools. Many protesters and bystanders were also arrested from hospitals while seeking medical care for life-threatening gunshot wounds or other injuries sustained during the protests.

Others arbitrarily targeted for arrest in connection with the protests were student activists, media workers, including journalists covering the events, and human rights defenders. Individuals who attended ceremonies to commemorate those killed during the protests also found themselves unjustly behind bars.

Consistent with a long-standing pattern, the authorities used the heightened security atmosphere and the pretext of the protests to also arbitrarily arrest and detain activists belonging to ethnic minority groups who face entrenched discrimination, including Ahwazi Arabs, Azerbaijani Turks and Kurds, even when they had not taken part in the protests. While the protests were ongoing, intelligence and security officials also made threatening phone calls to several Azerbaijani Turkic activists, warning them not to attend the protests or else they would face arrest.

In many cases, the arrests were carried out in a violent manner, with police, intelligence and security officials beating people and shoving them into vans. In some cases, security forces brandished weapons such as assault rifles and guns during arrest. According to cases reported to Amnesty International as well as official statements and information publicly available in different news and human rights websites, the arrests took place in 28 of Iran's 31 provinces.

The authorities also harassed, intimidated, and arbitrarily arrested and detained the families of "wanted" protesters who were in hiding to put pressure on them to hand themselves over to the authorities.

They similarly targeted the families of protesters and human rights defenders who were already in detention to put pressure on them to give forced written or video-recorded "confessions".

Based on information gathered by Amnesty International from victims and victims' families, as well as from independent human rights groups outside Iran, Amnesty International has recorded the names and details of more than 500 protesters and others, including human rights defenders, who have been subjected to criminal investigations in connection with the November 2019 protests.

As of 26 August 2020, at least three of the recorded individuals had been sentenced to death after a grossly unfair trial in which they were convicted of "enmity against God" (*moharebeh*) for acts of arson and vandalism. Prison terms meted out to those convicted ranged from between one month and 10 years based on vaguely worded national security-related charges. More than a dozen known to Amnesty International had been sentenced to flogging in addition to prison terms, and at least two had had their flogging sentences implemented by the time of publication.

Amnesty International believes that the real number of individuals prosecuted and sentenced in connection with the November 2019 protests is far higher, given the large number of arrests carried out and previous patterns of prosecution and sentencing in the country following nationwide protests. The lack of access to information is due, in large part, to the climate of intense fear created by the authorities, which has resulted in fewer victims, relatives, lawyers and other informed individuals being willing to speak out.

Charges routinely used against those detained in connection with the protests of November 2019 are drawn from the Islamic Penal Code and have included "disrupting public order", "gathering and colluding to commit crimes against national security" and "membership of a group with the purpose of disrupting national security". The definitions of these crimes contravene the principle of legality as they are overly broad and vague and allow the authorities to apply them arbitrarily to restrict the peaceful exercise of the rights to freedom of expression, association and assembly.

Other charges from the Islamic Penal Code which have been used to prosecute protesters have included, “spreading propaganda against the system”, “insulting the Supreme Leader”, “insulting officials” and “spreading lies with the intention of disturbing the public mind”. These provisions effectively criminalize the free expression of ideas and opinions, in contravention of Iran’s obligations under international human rights law.

Peaceful activities cited in court verdicts and prosecution documents reviewed by Amnesty International as “evidence” of criminal activity against national security have included: participation in what the authorities have referred to as “illegal protests” or “riots”; chanting political songs during protests; filming and/or sharing videos of protests on social media; attending memorial ceremonies of those killed during the protests and lighting candles for them; expressing on social media sympathy for the loss of those killed during the protests and referring to them as “martyrs”; sharing social media posts inviting members of the public to participate in the memorial ceremonies of those killed during the protests; and writing online posts in support of the protests.

Many of those arrested in connection with the protests have also been accused of offences such as arson and destruction of public property. However, in all such cases examined in detail by Amnesty International, the authorities had not submitted credible evidence specifically pointing to individual defendants’ direct participation in violent acts amounting to internationally recognizable criminal offences.

Amnesty International is also aware of a number of cases where the authorities contemplated bringing or brought vague and overly broad criminal charges against protesters that carry the death penalty. These include at least 40 former detainees in Behbahan, Khuzestan province, who were subjected to preliminary criminal investigations for “armed rebellion” (*baghi*), but were subsequently released without charge; a young man, **Siamak Moghimi**, held in the Greater Tehran Central Penitentiary (also known as Fashafouyeh prison), was put on trial for “enmity against God” (*moharebeh*), but was subsequently acquitted of this charge and convicted instead of “gathering and colluding to commit crimes against national security” and “disrupting public order” and sentenced to five years and three months in prison; another young protester, **Hossein Reyhani**, also held in the Greater Tehran Central Penitentiary, who has been charged with “enmity against God” (*moharebeh*) and is awaiting trial, and three young men, **Amirhossein Moradi**, **Mohammad Rajabi** and **Saeed Tamjidi**, who were sentenced to death for “enmity against God” (*moharebeh*) in February 2020.

#### **Incommunicado detention and enforced disappearance**

Many detainees, including prisoners of conscience, were subjected to incommunicado detention and enforced disappearance for days, weeks or even months while held in undisclosed locations. Upon their transfer to regular prisons, it transpired that many had been detained either in unofficial secret detention places or in facilities which are officially referred to as “security detention facilities”, both of which are run by the security and intelligence bodies including the ministry of intelligence or the Revolutionary Guards. Other detainees were held in overcrowded prisons or police stations, with little or no access to their families or lawyers. In some cities, military barracks, sports venues and schools were also used to hold detainees.

Distressed relatives told the organization that they visited hospitals, morgues, police stations, prosecution offices, Revolutionary Courts, prisons and other known detention centres to enquire about their loved ones, but the authorities refused to provide them with information. In some cases, officials deliberately denied information they had on the fate and whereabouts of forcibly disappeared individuals to their relatives, even though they were in their custody. In other cases, officials admitted to relatives that their loved ones were in custody but refused to disclose their place of detention or the charges they faced.

Instead of alleviating the anguish of relatives, the authorities frequently threatened them with arrest if they kept seeking information about their loved ones or publicly spoke out about them. In one case documented by Amnesty International, the authorities arrested a family member of two victims of enforced disappearance for enquiring about their fate and whereabouts.

The widespread use of incommunicado detention and enforced disappearance left many families in a state of deep anguish and uncertainty. Many were left in fear about whether their loved ones were dead or alive, especially amid mounting reports of deaths resulting from the use of lethal force by the security forces during the protests and the refusal of the authorities to return the bodies of those killed to their families, as well as reports of deaths in custody.

As of 26 August 2020, Amnesty International was aware of at least three cases of enforced disappearances related to the protests where the authorities continued to conceal the fate and whereabouts of the individuals concerned, including brothers **Mehdi Roodbarian** and **Mostafa Roodbarian**.

## **Torture and other ill-treatment**

Testimony from victims, victims' families, eyewitnesses and lawyers, video footage verified by Amnesty International's Digital Verification Corps team, and reports from human rights defenders inside Iran and news and human rights organizations outside Iran reveal that police, intelligence and security agents and some prison officials used widespread torture and other ill-treatment against men, women and children, both during arrest and later in detention centres and prisons across the country. Amnesty International found that detainees were most at risk of torture and other ill-treatment in interrogations during their initial period of detention, in conditions amounting to enforced disappearance.

According to information gathered by Amnesty International, torture was used to punish, intimidate and humiliate detainees. It was also used as an interrogation tactic to elicit self-incriminating statements and "confessions", not just about their involvement in the protests, but also about their alleged associations with opposition groups, human rights defenders, journalists and media outlets outside Iran, as well as with foreign governments.

Most frequently, victims recounted being hooded or blindfolded, punched, kicked, flogged, beaten with sticks, rubber hosepipes, knives, batons and cables, suspended and/or forced into holding painful stress positions for prolonged periods, deprived of sufficient food and potable water, and placed in prolonged solitary confinement, sometimes for weeks or even months.

Amnesty International also gathered information from primary sources on interrogators belonging to security and intelligence bodies and prison officials stripping detainees and spraying them with cold water, and subjecting detainees, including children, to extreme temperatures and/or bombardment of light or sound over a sustained period, forcible extraction of the nails from fingers or toes, pepper spraying, forced administration of chemical substances, electric shocks, waterboarding, and mock executions – methods which correspond to patterns of torture previously documented in the country.

Information received by Amnesty International from primary sources, including victims and victim's relatives and sources inside prisons, also reveals that interrogators and prison officials perpetrated sexual violence against male detainees, including through stripping and forced nakedness, invasive body searches intended to humiliate the victims, sustained sexual verbal abuse, pepper spraying the genital area, and administering electric shocks to the testicles.

In all cases documented by Amnesty International, victims also reported various forms of psychological torture aimed at obtaining forced "confessions". These commonly included persistent use of degrading verbal insults and profanities; death threats and threats of further torture against detainees; threats to arrest, torture, kill or otherwise harm detainee's family members, including elderly parents and spouses; and threats to rape detainees or their family members. In several instances, interrogators also threatened to have victims' children suspended from their educational institutions or falsely told victims that their loved ones were already in custody and were being interrogated or tortured nearby.

The authorities, including ministry of intelligence and Revolutionary Guards interrogators, prison officials and prosecution authorities, also routinely subjected detainees to torture and other ill-treatment by deliberately depriving them of access to medical treatment and medication for injuries sustained during the protests, including from gunshots and beatings, as well as for injuries sustained as a result of torture. In some cases, they deprived detainees of the medication they needed for serious pre-existing medical conditions.

To Amnesty International's knowledge, no investigations have been launched into allegations of torture and other ill-treatment by detainees, even when made in court, and no official has been held to account.

Forced "confessions" obtained under torture and other ill-treatment, some of which were filmed and broadcast on state television only days following arrests, have been systematically used as admissible evidence by courts to convict individuals in grossly unfair trials, even when defendants retracted their statements in court and said they had been made under torture and other ill-treatment.

## **Unfair trials**

Individuals detained, investigated and prosecuted in connection with the November 2019 protests have suffered grossly unfair judicial proceedings.

Amnesty International's research shows that interrogators belonging to security and intelligence bodies and prosecution authorities systematically denied the detainees their right to access a lawyer, even lawyers vetted and approved by the judiciary, during the investigation phase.

In line with a growing practice in the country, in some instances, the prosecution and judicial authorities also prevented detainees from accessing lawyers of their own choosing during trial, in breach of Iran's own laws.

They unlawfully told defendants that they had to choose their lawyers from a list of lawyers approved by the head of the judiciary, and the defendants who refused were consequently forced to represent themselves at trial.

Amnesty International documented seven cases where individuals detained in connection with the protests were tried without any legal representation. This was either as a result of defendant being denied access to a lawyer of their own choosing, which consequently forced them to represent themselves at trial, or because the defendants were tried in their absence, without the state providing them with the opportunity to secure legal representation. Amnesty International understands from informed sources that the real number of such cases is far higher.

The right to have time and facilities to prepare an adequate defence was also routinely flouted with lawyers often being denied access to their clients' case files until the start of trials, as well as appropriate facilities for private consultation and communication with clients. Detainees were often not allowed to meet their lawyers until a few hours before their trial date and sometimes not until the trial had begun.

Proceedings took place behind closed doors in contravention of the right of defendants to fair and public hearings. Amnesty International is also aware of at least three cases where the defendants themselves were not present in their trials and were convicted and sentenced in their absence.

Judges presiding over criminal and Revolutionary Courts were generally hostile and biased against the defendants and showed a lack of impartiality by openly supporting the accusations of the intelligence and security officials.

Generally, sentences were upheld without any hearings taking place and many detainees and their lawyers were not provided with an opportunity to present the appeal court with written statements in support of their case beyond the submissions accompanying the appeal request. In many cases, the ability to launch a meaningful appeal was further hampered by the authorities' refusal to provide those convicted and their lawyers with written judgements.

### **Crisis of impunity**

To date, no public official has been investigated, let alone held accountable, for ordering, committing or acquiescing to crimes of torture and enforced disappearance and other grave human rights violations during and in the aftermath of the protests. The Iranian authorities have also refused to make public any official information on the final number of arrests, the number of people who remain in detention, and the status of their cases.

As with many other past atrocities, the crisis of impunity for the human rights violations committed in the context of November 2019 protests goes beyond the failure to investigate and ensure accountability. Top officials in the country have made statements that, in fact, praise the security and intelligence forces for swiftly ending the unrest, and celebrate their brutal crackdown as a "crushing victory" against "a deep, extensive and very dangerous plot".

In a co-ordinated effort to "justify" the human rights violations committed during and in the aftermath of the protests, state officials have consistently depicted arrested protesters as "rioters", "counter-revolutionaries" and "evil-doers" bent on sowing chaos with the support of "hostile foreign powers" and opposition groups based abroad, and highlighted the damage to public and private property that took place during some protests.

### **International law and standards**

International human rights law prohibits the arbitrary deprivation of liberty, including arrest, detention or imprisonment. Detainees have a right to communicate with the outside world and to receive visits. Torture is an international crime and its use is prohibited under all circumstances. Statements elicited as a result of torture, ill-treatment or other forms of coercion must be excluded as evidence in criminal proceedings, except those brought against suspected perpetrators of such abuse.

The right to a fair trial is legally binding on all states as part of customary international law. Those facing criminal proceedings must have the right to access legal counsel from the time of arrest and throughout the pre-trial and trial proceedings; not to be compelled to testify against themselves or to confess guilt; not to be detained on vague charges; to receive a fair, public hearing before a competent, independent and impartial tribunal; and to be provided with a public, reasoned judgement.

States are obliged to conduct prompt, thorough, effective, independent and impartial investigations in relation to alleged violations and to bring those responsible to justice. The investigation results should be published. Victims and their families, as well as other members of society, have the right to know the truth

about human rights violations. Victims of human rights violations also have the right to full and effective reparation for harm they have suffered.

### **Recommendations**

Amnesty International is calling on the Iranian authorities to immediately and unconditionally release anyone imprisoned solely for peacefully exercising their rights to freedom of expression, association and peaceful assembly in connection with the November 2019 protests. The authorities must drop any charges stemming from the peaceful exercise of these human rights and ensure that all convictions resulting from grossly unfair trials are quashed. They must initiate prompt, impartial, independent and effective investigations into all allegations of torture and other ill-treatment and enforced disappearance, with a view to bringing those responsible to justice in fair trials.

Given the gravity of the human rights violations perpetrated and the systematic impunity prevailing in Iran, Amnesty International renews its call on member states of the UN Human Rights Council to mandate a UN-led inquiry into the widespread and systematic patterns of mass arrests, enforced disappearances, torture and unfair trials of detainees, as well as the unlawful killings of protesters and bystanders, that took place during and in the aftermath of the November 2019 protests with a view to ensuring accountability and guarantees of non-repetition.

The organization also urges all UN member states to call on the Iranian authorities to respect and protect the rights to freedom of expression, association and peaceful assembly; bring laws into conformity with international law by repealing or substantially amending vaguely worded provisions of the Islamic Penal Code; disclose the fate and whereabouts of anyone forcibly disappeared in connection with the November 2019 protests; end torture and other ill-treatment, including the practice of extracting and broadcasting forced “confessions”; and take concrete steps to ensure that all trials meet international standards of fairness. The Iranian authorities must also be urged to accept requests to visit from the Special Procedures of the UN Human Rights Council.

# 2. METHODOLOGY AND BACKGROUND

## 2.1 METHODOLOGY

In the context of its ongoing investigation into the repression of anti-establishment protests in November 2019, Amnesty International has researched allegations of human rights violations committed by the Iranian authorities against those detained in connection with the protests.

Between 26 November 2019 and 26 August 2020, Amnesty International conducted in-depth interviews with 66 individuals inside Iran and 10 outside the country, who were selected on the basis of their willingness to be interviewed. They included 60 victims of arbitrary arrest, enforced disappearance, torture and other ill-treatment or their relatives or close acquaintances; two protesters who were in hiding; and 14 other informed individuals who had either witnessed or reliably investigated the violations concerned, including protesters and bystanders who were not arrested, lawyers, medical workers, local activists and journalists, and teachers of schoolchildren arrested.

Based on these in-depth interviews, Amnesty International was able to document the cases of 75 individuals, including 68 men and seven women, who were targeted for arbitrary arrest and detention, enforced disappearance, and torture or other ill-treatment in connection with the protests.

The documented cases were from 13 provinces: Alborz, Ardabil, East Azerbaijan, Esfahan, Fars, Kermanshah, Khuzestan, Khorasan Razavi, Kurdistan, Markazi, Mazandaran, Tehran and West Azerbaijan. Amnesty International also learned of cases of detained individuals belonging to Iran's Baluchi minority in Sistan and Baluchestan province, but struggled to obtain detailed information. The organization experienced similar challenges in documenting the cases of detainees belonging to Iran's Ahwazi Arab minority in Khuzestan province.

Through the interviews conducted, the organization was also informed about the arrest and torture and other ill-treatment of scores of children in the provinces of Kermanshah, Kohgiluyeh and Boyer-Ahmad, Khuzestan and Kurdistan. However, it was not able to obtain the names of the child victims and access their families to obtain more detailed information.

The vast majority of those interviewed by Amnesty International were in a state of shock, trauma and indecision for weeks and months after the protests took place, as they weighed up their yearning to tell their stories against the fear of reprisals against them or their relatives if they did so. Amnesty International has previously documented that, during and in the aftermath of the November 2019 protests, Iran's intelligence and security bodies conducted a campaign of repression to prevent victims' families and others from talking to human rights organizations and the media.<sup>1</sup>

All interviews were conducted in Persian, in 69 cases orally and in six cases in writing. Unless otherwise indicated, Amnesty International has withheld the names of sources interviewed in order to protect their

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<sup>1</sup> Amnesty International, *Iran: At least 23 children killed by security forces in November protests – new evidence* (Press Release, 4 March 2020), <https://www.amnesty.org/en/latest/news/2020/03/iran-at-least-23-children-killed-by-security-forces-in-november-protests-new-evidence/>; Amnesty International, *They shot our children: Killings of minors in Iran's November 2019 protests* (Index: [MDE 13/1894/2020](#)).

security. For this reason, this report does not specify the exact time, location or means of communication for the interviews conducted.

Furthermore, due to serious security concerns, in many instances, the names of the victims whose cases were documented by Amnesty International as well as details such as the name of the city where the acts of torture and other ill-treatment documented took place and the exact date when they took place have not been mentioned in the report in order to ensure that the sources on whose testimonies Amnesty International has relied cannot be identified.

On 25 November 2019, Amnesty International set up two dedicated telephone numbers and shared these on its Iran-focused social media channels and through widely watched news channels based outside Iran to encourage people to contact the organization with information about detentions. In the following days, weeks and months, the organization received written text or voice messages as well as videos from several hundred individuals inside the country, including protesters and bystanders, family members, friends or acquaintances of those detained, lawyers, medical workers, local journalists or activists, and sources inside prisons.

Most of these individuals were not willing to have an in-depth interview with Amnesty International due to security concerns. However, their written or voice messages provided Amnesty International with valuable information about the profiles of individuals detained and the circumstances of their arrests, the widespread ill-treatment of families seeking information on the fate and whereabouts of their detained relatives, the presence of security and intelligence agents at hospitals where injured protesters and bystanders were receiving treatment, the conditions of prisons and detention centres in various cities across the country, the patterns of raids and mass arrests in the days and weeks following the protests, and the heightened security atmosphere prevailing in the country.

In order to ascertain the credibility of the information received, Amnesty International replied to every individual who contacted the organization, asking them to explain how they had been impacted or learned about the violations they were reporting.

The organization systematically compared the information received from primary and secondary sources on the patterns of mass arbitrary arrests, enforced disappearance, torture and other ill-treatment with the cases and concerns documented by other credible human rights activists and organizations, and with previous patterns of violations documented in the organization's own reports.

Throughout the process of research, Amnesty International maintained close contact with credible human rights defenders and journalists based outside Iran who were working on the situation of detainees and had their own channels of communications with victims and victims' relatives, sources inside prisons, and other eyewitnesses.

Amnesty International also conducted internet searches to develop an understanding of the number of individuals who have been subjected to criminal investigations in connection with the protests since November 2019, and whose cases have been reported on by human rights organizations and media outlets. As of 26 August 2020, based on information gathered from primary and secondary sources, the organization had recorded the names and details of more than 500 protesters and others, including human rights defenders, who have been subjected to criminal investigations in connection with the November 2019 protests.

Amnesty International was able to obtain and review several legal documents, including court verdicts and written orders of prosecutors, where they were made available to defendants or their lawyers, or where they had been obtained by other sources. In many cases, judicial and prosecution authorities have refused to provide individuals convicted and sentenced with a written copy of the judgement issued against them. Many detainees have learned about their verdicts from prison officials, either verbally or through a letter provided to them in prison, which simply stated the charges on which they were convicted, and the sentence issued against them. In some cases, detainees' lawyers have been allowed to review judgements at a court office and take written notes (see section 6.1), while, in other cases, lawyers have been simply informed through a letter or an electronic notification from the judiciary's online case management system of the charges on which their clients were convicted and the sentence issued against them.

The organization analysed extensive video footage of the protests, verified by its Digital Verification Corps, which showed Iranian security forces using force, including lethal force, against protesters and bystanders, and subjecting them to violence during the protests, as well as during arrest and transfer to detention facilities.

Amnesty International reviewed official statements by the authorities published in state-owned and state-affiliated news agencies in Iran and searched for and analysed videos that were broadcast on state television providing the authorities' version of events and showing detainees making what were presented as "confessions".

On 19 August 2020, Amnesty International wrote to the president, Hassan Rouhani, and the head of the judiciary, Ebrahim Raisi, detailing its concerns in relation to human rights violations committed against those detained during or in the aftermath of the protests, and seeking comments and clarifications, including on any measures taken to address them. No response had been received by the time of publication. Amnesty International will continue to seek opportunities to discuss its concerns and recommendations with the Iranian authorities.

Amnesty International expresses deep gratitude to and admiration for all the courageous people who contacted the organization to share their own or others' painful experiences.

## 2.2 BACKGROUND

On 15 November 2019, following a sudden announcement by the government about a significant overnight increase in the price of fuel, tens of thousands of people across Iran took to the streets in protest. Early on, protesters went on marches, conducted sit-ins, boycotted petrol stations, created traffic jams with their cars and handed out flowers to security forces. The focus of the protests quickly expanded from concerns about the price of fuel to broader grievances against the political establishment, generating demands for transformation of the country's political system, including constitutional reforms and an end to the Islamic Republic system.

Iran's security forces responded by acting swiftly to crush the protests, which lasted until 19 November, using unlawful force, including live ammunition, birdshot, metal pellets, tear gas and water cannons against protesters and bystanders.<sup>2</sup>

Almost as soon as the protests started, the authorities implemented a near-total internet shutdown, which stopped people inside Iran from being able to share images and videos of the lethal crackdown with the rest of the world. The internet did not start to return until 21 November and did not return to full connectivity until several days later.<sup>3</sup>

Although most of the demonstrations started peacefully, in some instances, some protesters turned to stone-throwing against security forces or engaged in acts of vandalism. Iran's ministry of interior has stated that, in the course of the protests, more than 50 police stations, 731 banks, 70 petrol stations and nine religious centres were set on fire or otherwise damaged, as were 183 police vehicles, 34 ambulances, 307 private cars, and 1,076 private motorcycles.<sup>4</sup>

Amnesty International has documented the cases of 304 men, women and children killed by Iran's security forces during the protests while noting that the real number of those killed is likely much higher.<sup>5</sup> The vast majority of those killed died from gunshot wounds to their heads, necks, chest and hearts, indicating that the security forces were shooting to kill. Thousands of others were injured.

According to extensive research, including video analysis, conducted by Amnesty International, in almost all of the protests, there is no evidence that people were in possession of firearms or that they posed an imminent threat to life that would have warranted the use of lethal force by security forces.

Amnesty International is aware of only two neighbourhood-level protests, both in Mahshahr, Khuzestan province, that involved gunfire being exchanged between several armed protesters and security forces, resulting in the death of one Revolutionary Guards official and one police officer. Even during these two

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<sup>2</sup> Amnesty International, *Iran: Details released of 304 deaths during protests six months after security forces' killing spree* (Press Release, 20 May 2020), <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-sprees/>; Amnesty International, *Iran: At least 23 children killed by security forces in November protests – new evidence* (Press Release, 4 March 2020), <https://www.amnesty.org/en/latest/news/2020/03/iran-at-least-23-children-killed-by-security-forces-in-november-protests-new-evidence/>; Amnesty International, *Iran: More than 100 protesters believed to be killed as top officials give green light to crush protests* (Press Release, 19 November 2019), [www.amnesty.org/en/latest/news/2019/11/iran-more-than-100-protesters-believed-to-be-killed-as-top-officials-give-green-light-to-crush-protests/](http://www.amnesty.org/en/latest/news/2019/11/iran-more-than-100-protesters-believed-to-be-killed-as-top-officials-give-green-light-to-crush-protests/)

<sup>3</sup> Ooni, "Iran's nation-wide Internet blackout: Measurement data and technical observations", 23 November 2019, <https://ooni.org/post/2019-iran-internet-blackout/>

<sup>4</sup> Islamic Republic News Agency, "The attempt of the villains to explode the largest gas tank in one of the cities failed", 27 November 2019, <https://www.irna.ir/news/83570589/> (in Persian).

<sup>5</sup> Amnesty International, *Iran: Details of 304 deaths in crackdown on November 2019 protests*, 20 May 2020 (Index: [MDE 13/2308/2020](#)).

incidents, based on the testimonies of surviving protesters and video footage analysed by Amnesty International, the security forces did not confine their use of lethal force to those posing an imminent threat to life as there is evidence that they also shot at and killed unarmed protesters who were posing no threat.<sup>6</sup>

Based on state media reports, Amnesty International has calculated that a total of five members of the security forces were killed during the protests.<sup>7</sup>

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<sup>6</sup> These took place in the neighbourhood of Chamran (also known as Jarrahi) on 18 November 2019 and the neighbourhood of Taleghani (also known as Koureh) on 18 November 2019 and lasted into the early hours of 19 November 2019. See: Amnesty International, *Iran: Details of 304 deaths in crackdown on November 2019 protests* (Index: [MDE 13/2308/2020](#)).

<sup>7</sup> Holy Defense News Agency, "Getting to know more about the martyrs of the riots", 27 November 2019, <https://bit.ly/2TjK9yE> (in Persian); Tabnak, "Visit of commander-in-chief, Salami, with the family of martyr who defended security", 1 January 2020, <https://bit.ly/36c4dZh> (in Persian); Islamic Republic News Agency, "Martyr Reza Sayadi is a symbol of courage and self-sacrifice in society", 20 November 2019, <https://bit.ly/2TkwbY> (in Persian); Mizan Online News Agency, "Families of martyrs pay tribute to Morteza Ebrahimi and Mostafa Rezaei", 17 December 2019, <https://bit.ly/2Tjdbyn> (in Persian); Tasnim News Agency, "The visit of Jannati with the family of security martyr Morteza Ebrahimi", 26 November 2019, <https://bit.ly/2XbLZTv> (in Persian); Mashregh News, "Film: Funeral of security martyr Mostafa Rezaei", 20 November 2019, <https://bit.ly/3e4kK3U> (in Persian); and Mehr News Agency, "Visit with the family of a security martyr and appearance in Razi University in Kermanshah", 10 December 2019, <https://mehrnews.com/xQLJq> (in Persian).

# 3. ARBITRARY ARRESTS AND DETENTIONS

**“I was on my way to work when I was shot in the stomach. I had surgery in hospital to remove the bullet. When I was discharged, security forces... were waiting inside the hospital to arrest me. They were arresting everyone after their discharge. In the detention centre, there were many people with gunshot wounds.”**

An individual from Karaj, Alborz province, who was on his way to work on 17 November 2019 when he was shot and then arbitrarily arrested and detained for several days

Evidence gathered by Amnesty International shows that many of the arrests and detentions that took place in connection with the November 2019 nationwide protests were arbitrary, as individuals were targeted solely for peacefully exercising their rights to freedom of expression, association and peaceful assembly. In addition, Amnesty International believes that, in virtually all cases, the arrests and detentions carried out in connection with the protests violated due process guarantees, which would also render the arrests and detentions arbitrary and result in unfair trials (for more information, see chapter 6).

Although Iran’s Constitution and Code of Criminal Procedure provide for the right to liberty, restrictive, overly broad and vaguely worded provisions in the Islamic Penal Code and other laws give rise to arbitrary arrests and detentions. In addition, once in custody, detainees are not afforded legal protections in line with international human rights standards. For example, the Code of Criminal Procedure does not provide for the accused to be brought promptly before an independent and impartial judicial authority, such as a judge, following arrest. Instead, it requires them to be taken to the investigator in the case, whose office is located within the office of the prosecutor and therefore lacks the necessary independence, objectivity and impartiality. This effectively means that the same authority who issues the detention order also approves it, responds to a detainee’s request to have it revoked, and determines whether it should be extended; it leaves detainees without a meaningful opportunity to challenge the lawfulness of their detention.

In the case of those detained in relation to the November 2019 protests, some detainees were not even brought before the investigator for days or weeks following their arrests, in contravention of Article 185 of the Code of Criminal Procedure, which states that the period in which the accused may be detained before being brought before the investigator should not exceed 24 hours.<sup>8</sup>

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<sup>8</sup> For more information, see Amnesty International, *Iran: Flawed reforms: Iran’s new code of criminal procedure* (Index: [MDE 13/2708/2016](#)).

## 3.1 MASS ARRESTS

During and in the aftermath of the protests, Iran's police and intelligence and security forces arrested thousands of men, women and children. Those arrested included peaceful protesters and bystanders, among whom were schoolchildren as young as 10 years old. Others arbitrarily targeted for arrest in connection with the protests, either during them or in the weeks that followed, were student activists, media workers, including journalists covering the events, and human rights defenders, including those belonging to ethnic minority groups.

The Iranian authorities have not released official figures on the number of people arrested. However, on 25 November 2019, Hossein Naghavi Hosseini, a member of parliament and the spokesperson of Iran's parliamentary committee for national security and foreign policy, stated that around 7,000 people had been arrested.<sup>9</sup> Independent media reports suggested that the number of those arrested was far higher.

Amnesty International's research shows that many of the arrests took place during the five days of protests, but, in the days and weeks that followed, the pattern of mass arrests continued, particularly in provinces that had suffered high death tolls in a context in which the authorities had stationed significant numbers of security vehicles and personnel in public places to deter further protests.

Intelligence and security forces identified individuals who had participated in protests through images taken by surveillance cameras and carried out raids, including at night, into homes to carry out arrests. People were also arrested at their workplace or, in the cases of some children, at their schools.

In many cases, the arrests were carried out in a violent manner, with intelligence and security officials beating those arrested and shoving them into vans. In some cases, security forces brandished firearms during arrest.

According to cases reported to Amnesty International as well as official statements and information publicly available in different news and human rights websites, the arrests took place in 28 of Iran's 31 provinces including in Alborz, Ardabil, Boushehr, East Azerbaijan, Esfahan, Fars, Gilan, Golestan, Hamedan, Hormozgan, Ilam, Kerman, Kermanshah, Kurdistan, Khorasan Razavi, Khorasan South, Khuzestan, Kohgiluyeh and Boyer-Ahmad, Lorestan, Markazi, Mazandaran, Qazvin, Semnan, Sistan and Baluchestan, Tehran, West Azerbaijan, Yazd and Zanjan.

Amnesty International obtained an official document from a source inside Iran that sheds light on the large number of people who were swept up in mass arrests even in small cities. The legal order dated 20 January 2020 and issued by an investigator in the office of the prosecutor in the city of Behbahan, Khuzestan province, records that, in this small city alone,<sup>10</sup> over 1,000 people were arrested in connection with the protests. The document notes that the vast majority were subsequently released due to lack of evidence against them. It also lists the charges brought against 124 named individuals who were either held in custody or released on bail in connection with the protests, and instructs that 37 be referred for trial and that the charges against the remaining 87 be dropped.

According to eyewitnesses interviewed by Amnesty International, security and intelligence forces, including paramilitary Basij forces, maintained a heavy presence in hospitals and medical centres across the country, in some places reportedly forcing hospital managers to provide them with lists of names of patients admitted with injuries consistent with the impact of firearms, birdshot or beatings, and violently arrested many injured protesters and bystanders from hospitals while they were seeking medical care or immediately after they were discharged. One man from Karaj, Alborz province, who was on his way to work on 17 November 2019 when he was shot and arbitrarily arrested and detained told Amnesty International:

**"I was on my way to work when I was shot in the stomach. I was in shock and initially thought I had been hit with a stun gun, but then I realised I was bleeding from my stomach. I looked around me and saw many other people had also been shot, in their heads and necks. I had surgery in hospital to remove the bullet. When I was discharged a few days later, security forces in plain clothes were waiting inside the hospital to arrest me. I was detained for several days and then released on bail. The security forces were arresting everyone after their discharge from hospital. In the detention centre, there were many people with gunshot wounds and other injuries."**

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<sup>9</sup> Entekhab, "Naghavi Hosseini: The arrests of approximately 7,000 people in the unrests in Iran", November 26, 2019 <https://www.entekhab.ir/ta/news/514774/> (in Persian).

<sup>10</sup> According to Iran's last census, which was carried out in 2016, Behbahan had a population of 122,604. See the website of the Statistical Centre of Iran: <https://www.amar.org.ir/>

According to information provided to Amnesty International by informed sources inside Iran and documented by other human rights groups,<sup>11</sup> across the country, a number of journalists, as well as social media users, were arrested or summoned for questioning for reporting on the protests or commenting on social media about the authorities' crackdown.

For example, on 22 November 2019, journalist **Mohammad Mosaed** was arrested from his home over a tweet he had posted on 18 November 2019 about the near-total internet shutdown imposed by the authorities. He was detained in Tehran's Evin prison before being released on bail on 7 December 2019.<sup>12</sup>

Even Iranian journalists based abroad, such as those working for UK-based Persian-language news organizations, faced intimidation, harassment and threats of kidnapping for their reporting of the protests as authorities summoned for interrogation their Iran-based relatives to pressure them to stop their work.

Consistent with a longstanding pattern, the authorities also used the heightened security atmosphere and the pretext of the protests to arbitrarily arrest and detain members of ethnic minority groups, including activists, who face entrenched discrimination, including Ahwazi Arabs, Azerbaijani Turks and Kurds, even when they had not taken part in the protests.

## MOZHGAN KAVOUSI



Mozhgan Kavousi @Private

Writer, researcher and documentary filmmaker<sup>13</sup> Mozhgan Kavousi, from Iran's Kurdish minority, was arrested on 18 November 2019 by the intelligence unit of the Revolutionary Guards at her home in the city of Noshahr, Mazandaran province, primarily in connection with her writings on social media about the November 2019 protests.<sup>14</sup>

She was taken to a detention centre run by the intelligence unit of the Revolutionary Guards in Sari, Mazandaran province, where she was held in prolonged solitary confinement and interrogated without a lawyer present.

She was transferred to Noshahr prison on 10 December 2019 before being released on bail on 19 December 2019.

Following an unfair trial which took place before Branch 1 of the Revolutionary Court in Noshahr around mid-December 2019, during the final days of her detention, she was convicted of "spreading propaganda against the system" and "inciting people to disrupt the country's order and security" in connection with two posts on her Instagram account about the November 2019 protests and "membership of a group with the purpose of disrupting national security" in connection with the Kurdish Democratic Party of Iran, a Kurdish opposition party of which she was briefly a member several years ago.

She was sentenced to five years and nine months in prison. She did not have access to a lawyer at trial. On 11 March 2020, an appeal court increased her sentence to six years, four months and 15 days, of which she will have to serve three years.<sup>15</sup> She was rearrested on 19 May 2020 and transferred to Tehran's Evin prison to serve her prison sentence.

Mozhgan Kavousi is a prisoner of conscience imprisoned solely for exercising her rights to freedom of expression, association and peaceful assembly.

<sup>11</sup> Reporters Without Borders, "Iran: Open season on journalists after deadly crackdown on protests", 4 December 2019, <https://rsf.org/en/news/iran-open-season-journalists-after-deadly-crackdown-protests>

<sup>12</sup> Radio Zamaneh, "The arrest of journalist Mohammad Mosaed for his tweets during the internet blackout", 23 November 2019, <https://www.radiozamaneh.com/475746> (in Persian); Islamic Republic News Agency, "The case file of Mohammad Mosaed will be investigated by the internet crimes prosecution", 5 December 2019, <https://plus.irna.ir/news/83581225/> (in Persian); Radio Farda, "Journalist Mohammad Mosaed was released from prison on bail", 7 December 2019, <https://www.radiofarda.com/a/30312751.html> (in Persian).

<sup>13</sup> To watch the trailer of Mozhgan Kavousi's documentary film titled *Hiwa* about the Kurdish language, produced in 2017, see: <https://www.aparat.com/v/vubfR> (in Persian).

<sup>14</sup> Kurdistan Human Rights Network, "Kurdish writer Mozhgan Kavousi arrested in the north of Iran", 30 November 2019, <http://kurdistanhumanrights.net/fa/?p=10744> (in Persian).

<sup>15</sup> Kurdistan Human Rights Network, "The sentence of Mozhgan Kavousi was increased by an appeal court", 17 March 2020, <http://kurdistanhumanrights.net/fa/?p=12268> (in Persian).

According to information gathered by Amnesty International, in a coordinated campaign targeting Azerbaijani Turkic activists, intelligence and security officials made threatening phone calls to several Azerbaijani Turkic activists while the protests were ongoing, warning them not to participate or else they would face arrest.

## AZERBAIJANI TURKIC ACTIVISTS



*From top left to bottom right: Akbar Mohajeri, Mohammad Mahmoudi, Shahin Barzegar, Davoud Shiri, Ayoub Shiri, Nasser Kholousi, Sajjad Shahiri, Babak Hosseini Moghaddam @ Private*

**Akbar Mohajeri, Babak Hosseini Moghaddam, Nasser Kholousi, Mohammad Mahmoudi, Sajjad Shahiri, Shahin Barzegar,** brothers **Ayoub Shiri** and **Davoud Shiri**, and several other activists from the Azerbaijani Turkic ethnic minority were arrested from their homes or places of work in the provinces of East Azerbaijan and West Azerbaijan in coordinated raids by plain-clothes agents from the ministry of intelligence either while the protests were ongoing between 15 and 19 November 2019 or in the weeks that followed, even though none of them had participated in the protests. Some were arrested in a violent manner and beaten during arrest.

They were all held in a ministry of intelligence detention centre in Tabriz, East Azerbaijan province, for over two months. Some were held in solitary confinement the entire time, while others were held for a short period in solitary confinement and then in cells with other detainees. None were allowed access to a lawyer during this time. They were transferred to Tabriz prison around the beginning of February 2020.

For months after their arrests, their families were denied information about the reasons for their arrest and their exact location. The prosecution authorities told their families that the arrests were a security matter and, therefore, they had no intention of providing them with any information. They said they could detain them for as long as they wanted and that they were not allowed lawyers.

Some of their family members were harassed, intimidated and detained for short periods when seeking information about them and one was told that the families should stop looking for them as they were all going to be executed.

The men were interrogated and questioned about peaceful activities such as communicating with other Azerbaijani Turkic activists or with groups outside Iran.

According to information available to Amnesty International, interrogators tried to force all of them to give “confessions” that were dictated to them. Some refused to give such “confessions” while others were forced to do so under conditions amounting to torture and other ill-treatment, including prolonged solitary confinement and intentional deprivation of medical treatment, as well as false promises that their cases would be swiftly resolved. They were forced separately to read incriminating statements that their interrogators had written on a white board behind a video camera and were filmed while doing so.

They were all released separately on bail between the end of February and beginning of March 2020 pending trial. None were allowed a lawyer until days before their trial.

On 14 May 2020, Branch 1 of the Revolutionary Court in Tabriz convicted Mohammad Mahmoudi of “spreading propaganda against the system” and sentenced him to four months in prison. Neither Mohammad Mahmoudi nor his lawyer was given a copy of the verdict.

Shahin Barzegar’s case was split into two separate trials. On 9 June 2020, he stood trial before Branch 112 of Criminal Court 2 in Tabriz for “disturbing public order” and before Branch 1 of the Revolutionary Court in Tabriz for “spreading propaganda against the system” and “membership of a group with the purpose of disrupting national security”. On 10 June 2020, the criminal court acquitted him of “disturbing public order”. On 11 July 2020, the Revolutionary Court acquitted him of “membership of a group with the purpose of disrupting national security”, but sentenced him to one year in prison for “spreading propaganda against the system” in relation to his writings on his Instagram account calling for the release of Azerbaijani Turkic prisoners held for politically motivated reasons and expressing solidarity with their families.

Babak Hosseini Moghaddam’s case was split into two separate trials. On 15 July 2020, following a trial that took place on 14 July 2020, Branch 1 of the Revolutionary Court in Tabriz convicted him of “membership of a group with the purpose of disrupting national security” and sentenced him to six months in prison. He was acquitted of “spreading propaganda against the system”. His second case remains open on the charge of “disturbing public order” before Branch 112 of Criminal Court 2 in Tabriz.

Ayoub Shiri’s case was split into two separate trials. Following a trial which took place on 23 June 2020 before Branch 112 of Criminal Court 2 in Tabriz, he was convicted of “disturbing public order” and sentenced to one year in prison and 74 lashes, suspended for one year. The court also stated that, due to the outbreak of COVID-19 in Iran and the increase in the price of sanitary items and shortage of personal protective equipment and sanitary products such as masks, gloves, detergents, alcohol wipes and other materials, he was sentenced to purchase 10 million rials worth of these items under the supervision of the office of the prosecutor in Tabriz and in co-ordination with the State Welfare Organization of Iran and the Imam Khomeini Relief Foundation. After a second trial which took place before Branch 1 of the Revolutionary Court in Tabriz on 14 July 2020, he was acquitted of “spreading propaganda against the system”, but sentenced to two years in prison for “membership of a group with the purpose of disrupting national security” in relation to what the court said were his “ethnic oriented activities”.

Sajjad Shahiri has been charged with “membership of a group with the purpose of disrupting national security”, but his trial has yet to take place.

In the cases in which individuals have been charged with “membership of a group with the purpose of disrupting national security”, the authorities have failed to make clear in which group they are alleging that the men are members. In charge sheets and court verdicts, the authorities have accused the men of using groups to share information on Telegram and with news organizations outside Iran but have conflated two separate entities and written them next to each other as if they were one group: GAMAC (Turkish acronym for South Azerbaijan National Liberation Front), which is a group based outside Iran that posts global and regional news stories online, and GAMT (Turkish acronym for Independent activists of the national movement of Azerbaijan), which is a Telegram channel that shares news stories about, among other issues, politics and human rights violations in Iran, including those suffered by the Azerbaijani Turkic minority. The men have all denied being members of either entity.

As of 26 August 2020, the trials of the other men had yet to take place. All remained at liberty pending trial or appeal.

If they were imprisoned, Amnesty International would consider each of the men to be a prisoner of conscience, as they have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly, including through their advocacy for the rights of the Azerbaijani Turkic ethnic minority.

The authorities also targeted the families of “wanted” protesters who were in hiding for harassment, intimidation, arbitrary arrest and detention to put pressure on the “wanted” individuals to hand themselves

over to the authorities.<sup>16</sup> They similarly targeted the families of protesters and human rights defenders who were already in detention to put pressure on them to give written or video-recorded “confessions”.<sup>17</sup>

Detainees’ relatives were also subjected to harassment and intimidation, including by being summoned and taken into custody for interrogation by intelligence and security officials, and threatened with arrest and detention if they kept seeking information on the whereabouts or status of relatives subjected to incommunicado detention or enforced disappearance or publicly spoke out about their situation.<sup>18</sup>

In one case, four relatives of detained Azerbaijani Turkic activist Meysam Jolani were themselves detained and charged in relation to their search for information about him. Subsequently, his mother and sister were convicted of “disturbing public order” and “insulting officials” and fined.

In the weeks following the protests, Amnesty International documented arrests of individuals for attending commemorations held for those killed by Iran’s security forces during the protests. In a legal order issued by an investigator in the office of the prosecutor in Behbahan, which Amnesty International reviewed, some of the peaceful activities that the prosecution authorities cited to charge individuals with national security-related crimes included attending and lighting candles at commemorations to mark the 40<sup>th</sup> day following the deaths of protesters killed.

For several months after the protests, Amnesty International was contacted by individuals who were in hiding inside the country or had fled to a neighbouring country because security and intelligence forces had repeatedly visited their homes in an attempt to arrest them for taking part in the protests. Amnesty International also learned of at least one case where an individual was convicted and sentenced in their absence after they had fled the country.

## 3.2 CHILDREN DETAINED

According to information provided to Amnesty International by sources including human rights defenders and teachers inside Iran, as well as reports from independent media and human rights organizations outside the country, security and intelligence forces arrested hundreds of children across the country, some as young as 10, during and in the aftermath of the protests and subjected many of them to incommunicado detention.

State officials have confirmed in their statements that children under 18 were among those arrested but have refused to provide specific figures and downplayed the scale of such arrests. On 24 December 2019, the Telegram channel of Amar Cyber Headquarters, which is believed to be linked to security bodies, reported that 116 children, aged “between 15 and 18”, were arrested by the ministry of intelligence and detained in juvenile correctional facilities.<sup>19</sup>

On 31 December 2019, Iran’s judiciary spokesperson, Gholamhossein Esmaili, stated: “Up until two weeks ago, only two or three [children] were in detention and the rest had been released. At the same time, the cases of these two or three [children] were to be immediately decided upon. I doubt that any of these [children] are still being detained at the juvenile correctional facility”.<sup>20</sup>

In a statement made on 11 January 2020, Ali Asghar Jahangir, the then head of Iran’s Prisons Organization, a state body that falls under the supervision of the head of the judiciary and is charged with the management of the affairs of all prisons, detention centres and their affiliated bodies,<sup>21</sup> indicated that the cases of some of the children arrested were still not resolved. He said: “A very small number of children are being held in juvenile correctional facilities and their cases are currently being decided upon.”<sup>22</sup>

Contrary to official statements, reports received by Amnesty International raise concerns that hundreds of children were arrested and detained in the provinces of Kermanshah, Khuzestan and Kurdistan alone for their real or suspected participation in protests.

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<sup>16</sup> See section 4.3 for more detailed findings regarding these concerns.

<sup>17</sup> See section 3.4 for more detailed findings regarding these concerns.

<sup>18</sup> See, for example, the case of Azerbaijani Turkic activists above and the case of Meysam Jolani in Section 6.3.

<sup>19</sup> Amar Cyber Headquarters Telegram channel, “Counter-revolutionary affiliates in the riots”, 24 December 2019, <https://t.me/amarha/12989> (in Persian).

<sup>20</sup> Khabar Online, “What happened to the arrests of November? / The response of the judiciary spokesperson”, 31 December 2019, <https://www.khabaronline.ir/news/1337159> (in Persian).

<sup>21</sup> The official name of the Prisons Organization is the State Prisons and Security and Corrective Measures Organization ([www.prisons.ir](http://www.prisons.ir)).

<sup>22</sup> Iranian Labour News Agency, “In an interview with ILNA, the head of the Prisons Organization announced/ The latest situation of the detainees from the November protests”, 11 January 2020, <https://www.ilna.news/fa/tiny/news-856599> (in Persian).

According to reports from informed sources inside and outside Iran, scores of schoolchildren, some as young as 10, were arrested in Mariwan, Kurdistan province. Amnesty International learned that teachers from several schools in Mariwan reported arrests of students from their schools.

The sources also told the organization that tens of children, some as young as 12, were arrested in the cities of Sanandaj and Saqqez, both in Kurdistan province, and transferred to the juvenile correctional facility in Sanandaj.

In the city of Kermanshah, Kermanshah province, dozens of children were similarly arrested and held with little or no access to their families in detention centres belonging to the police and the intelligence unit of the Revolutionary Guards, according to informed sources.

Ahwazi Arab human rights defenders and civil society organizations outside Iran reported that hundreds of children between the ages of nine and 17 were arrested and detained in the city of Ahvaz, Khuzestan province. They added that, due to overcrowding in juvenile correctional facilities that resulted from hundreds of arrests, some children were detained in police stations, schools and detention facilities belonging to the Revolutionary Guards or the Basij paramilitary force, in many cases alongside adults.

Informed sources from Kohgiluyeh and Boyer-Ahmad province also told Amnesty International that, in the weeks following the protests, security forces arrested dozens of children aged between 11 and 17 in the small city of Likak in the province.<sup>23</sup> Uniformed police and plain clothes agents arrested some children from their homes, while others were removed from their classrooms. An informed source told the organization that, during arrest, security agents removing children from classrooms beat and used stun guns against them to deliver electric shocks. According to information gathered by Amnesty International, all the children were initially detained in a police station in Likak, where they were interrogated without a guardian or lawyer present, and subjected to torture and other ill-treatment including through beatings. Following interrogations, they were transferred to either a juvenile correctional facility in the city of Yasuj or to the prison in the city of Dehdasht, both in Kohgiluyeh and Boyer-Ahmad province. Some were held alongside adults, putting them at increased risk of abuse. According to an informed source interviewed by Amnesty International, when the children emerged from detention weeks later on bail, they bore psychological signs of trauma, including behavioural changes such as aggression and loss of interest in schoolwork.

From testimonies provided to the organization as well as independent media reports, Amnesty International understands that, as with the cases of many detained adults, the authorities set high bail amounts of up to 10 billion Rial (\$56,500) for child detainees, which consequently delayed releases.

## ABOLFAZL KARIMI



*Teenage protester Abolfazl Karimi @ Private*

Teenage protester Abolfazl Karimi was arrested in a violent manner by agents from the intelligence unit of the Revolutionary Guards in Nassimshahr, Tehran province, on 20 November 2019 in connection with his participation in the protests in Nassimshahr. He was 17 years old at the time of arrest.

In a letter written from inside the Greater Tehran Central Penitentiary in July 2020 and seen by Amnesty International, he described how, at the time of his arrest, Revolutionary Guards officials punched him in his face and stomach, and hit him on his head with a gun, causing him injuries to his head and resulting in bleeding. They then put a sack over his head, violently pushed him into a van and took him to a Revolutionary Guards detention centre in Nassimshahr.

There, he wrote, the interrogators questioned him while blindfolded about his role in the protests and, when he stated that he had done nothing wrong, they started beating him all over his body. He recalled that, after beating him for about an hour, the officials stopped and told him that, if he “co-operated” and “confessed” to being in possession of a gun during the protests, the torture would stop. They then bound his hands and feet and forced him to spend the night lying on a cold tiled floor.

<sup>23</sup> There is no specific information on the population of Likak. However, according to Iran’s last census, which was carried out in 2016, Bahma’i County, the capital of which is Likak, had a population of 38,136. According to the census, in this county, 19,857 people lived in urban areas and 17,869 lived in rural areas. See the website of the Statistical Centre of Iran: <https://www.amar.org.ir/>

The next day, Abolfazl Karimi was transferred to Section 2A of Evin prison in Tehran, where he said he was held in prolonged solitary confinement without access to his family or a lawyer for 50 days. He was subjected to further beatings during the transfer. In Evin prison, he faced renewed interrogations, which he said were accompanied by various forms of psychological torture, including threats to arrest his mother and rape his girlfriend. During this period, he was only allowed to call his family once.

Abolfazl Karimi was subsequently transferred to the Greater Tehran Central Penitentiary, where he remains.

Two separate judicial cases were brought against Abolfazl Karimi. On 3 May 2020, he was convicted by Branch 26 of the Revolutionary Court in Tehran of “gathering and colluding to commit crimes against national security” and “spreading propaganda against the system”, and sentenced to two years in prison and four hours of daily community service for a period of six months. The prison sentence was subsequently reduced on appeal to one year and six months in prison. On 4 July 2020, he was convicted by Branch 101 of Criminal Court 2 in Nassimshahr of “disturbing public order”, “robbery”, “arson” and “destruction of public property” and sentenced to 15 years in prison. This sentence was reduced on appeal to nine months in prison and a fine.

Abolfazl Karimi denied the charges brought against him. In his letter, he wrote:

**“I participated in the protests on 16 November because of the increase in fuel and food prices and the crisis that I faced due to Iran’s poor economic situation. Before my arrest, I worked in a shoe factory and was the main breadwinner in our home... My expenses were greater than my income, and seeing my ailing mother and father suffer caused me pain... I joined the demonstrations to protest against the difficult conditions that I and the majority of people in my neighbourhood find ourselves in.”**

### 3.3 STATUS OF DETAINEES

As of 26 August 2020, the Iranian authorities had not provided any specific information about the number of people who remain detained in connection with the protests, the charges they face or the status of their cases.

On 31 December 2019, the spokesperson of Iran’s judiciary, Gholamhossein Esmaili, gave a vague statement about the fate of the detainees, in which he said:

**“The majority of the investigations of the office of the prosecutor have been completed and the majority of the detainees have been released. The charges against many individuals have been dropped. Regarding those individuals against whom there were significant grounds [for legal action], indictments have been issued by the relevant prosecutors. In some provinces, trials have already taken place. Other trials will soon take place. Once the criminal proceedings launched against the main actors and rioters who caused the burning of public resources and property and against the main actors with foreign links are concluded, we will inform the public.”<sup>24</sup>**

On 11 January 2020, the then head of Iran’s Prisons Organization, Ali Asghar Jahangir, said similarly: “All those arrested have been dealt with. Some have been referred to courts as deemed necessary and a considerable number have been released”. He did not specify how many were released on bail or how many had been released after their investigations were closed. He added that only “a few individuals” continued to be detained pending the referral of their cases to court.<sup>25</sup>

Based on information gathered by Amnesty International from victims and their families, as well as information available from independent human rights groups outside Iran, Amnesty International has recorded the names and details of more than 500 protesters and others, including human rights defenders, who have been subjected to criminal investigations in connection with the November 2019 protests. Amnesty International believes that the real number of individuals prosecuted and sentenced in connection with the November 2019 protests is far higher, given the large number of arrests carried out and the patterns of prosecution and sentencing in the country in cases of arbitrary arrests and detention involving intelligence and security bodies.

<sup>24</sup> Khabar Online, “What happened to the arrests of November? / The response of the judiciary spokesperson”, 31 December 2019, <https://www.khabaronline.ir/news/1337159> (in Persian).

<sup>25</sup> Iranian Labour News Agency, “The latest situation of the detainees from the November protests”, 11 January 2020, <https://www.ilna.news/fa/tiny/news-856599> (in Persian).

Prison terms meted out to those convicted have ranged from between one month and 10 years for vague or spurious national security charges such as “gathering and colluding to commit crimes against national security”, “spreading propaganda against the system”, “disrupting public order” and “insulting the Supreme Leader”.

As of 26 August 2020, at least three of the recorded individuals had been sentenced to death after a grossly unfair trial in which they were convicted of “enmity against God” (*moharebeh*) through acts of arson and vandalism. Their death sentences were suspended in July 2020 after the Supreme Court agreed to consider their case for judicial review (see section 6.2).

More than a dozen known to Amnesty International had been sentenced to flogging in addition to prison terms, and at least two of them had had their flogging sentences implemented as of 26 August 2020 (for information on the unfair nature of the trials, see chapter 6).

Some of those convicted and sentenced to prison terms have been in detention since their arrest in November 2019. Of those who were released temporarily pending trial, some were later imprisoned following their conviction. Others are currently at liberty but are going through appeal processes or have had their convictions and sentences upheld on appeal and are at risk of being summoned at any time to begin serving their sentences in prison.

## 3.4 VAGUE, SPURIOUS AND UNSUBSTANTIATED CHARGES

Charges routinely used against those detained in connection with the protests of November 2019 are drawn from the Islamic Penal Code and have included “disrupting public order” (Article 618), “gathering and colluding to commit crimes against national security” (Article 610) and “membership of a group with the purpose of disrupting national security” (Article 499). The definitions of these crimes contravene the principle of legality as they are overly broad and vague and allow the authorities to apply them arbitrarily to restrict the peaceful exercise of the rights to freedom of expression, association and assembly.

Other charges from the Islamic Penal Code which have been used to prosecute protesters have included “spreading propaganda against the system” (Article 500), “insulting the Supreme Leader” (Article 514), “insulting officials” (Article 609) and “spreading lies with the intention of disturbing the public mind” (Article 698). These provisions effectively criminalize the free expression of ideas and opinions, in contravention of Iran’s obligations under international human rights law.

Peaceful activities cited in court verdicts and prosecution documents reviewed by Amnesty International as “evidence” of criminal activity against national security have included:

- participation in what the authorities have referred to as “illegal protests” or “riots”;
- chanting or singing political songs during protests;
- filming and/or sharing videos of protests with family, friends and media outlets or on social media;
- attending memorial ceremonies of those killed by Iran’s security forces during the protests and lighting candles for them;
- writing articles or posts on social media expressing sympathy for the loss of those killed during the protests and referring to them as “martyrs”;
- sharing social media posts inviting members of the public to participate in the memorial ceremonies of those killed during the protests; and
- writing online articles and social media posts supporting the grievances and actions of protesters.

Many of those arrested in connection with the protests have also been accused of taking part in violent acts and charged with offences such as arson and destruction of public property. However, in all such cases examined in detail by Amnesty International, the authorities failed to submit credible evidence not obtained through torture and other ill-treatment specifically pointing to individual defendants’ direct participation in violent acts amounting to internationally recognizable criminal offences. Of the dozens of protesters or their families or close acquaintances Amnesty International interviewed or from whom the organization received written messages, four admitted to the organization that they threw stones at security forces. Three men said they threw the stones in retaliation at security forces unlawfully firing tear gas, birdshot and live ammunition

at peaceful protesters; one woman said she threw a stone at security forces who were trying to arrest a teenage boy.

Amnesty International is also aware of a number of cases where the authorities contemplated bringing or brought vague and overly broad criminal charges against protesters that carry the death penalty. These include at least 40 former detainees in Behbahan, Khuzestan province, who were subjected to preliminary criminal investigations for “armed rebellion” (*baghi*) (Article 287 of the Islamic Penal Code), but were subsequently released without charge; a young man, **Siamak Moghimi**, held in the Greater Tehran Central Penitentiary, who was put on trial for “enmity against God” (*moharebeh*) (Article 279), but was subsequently acquitted of this charge and convicted instead of “gathering and colluding to commit crimes against national security” and “disrupting public order” and sentenced to five years and three months in prison; another young protester, **Hossein Reyhani**, also held in the Greater Tehran Central Penitentiary, who has been charged with “enmity against God” (*moharebeh*) and is awaiting trial; and three young men, **Amirhossein Moradi, Mohammad Rajabi** and **Saeed Tamjidi**, who were sentenced to death for “enmity against God” (*moharebeh*) in February 2020 (see section 6.2).

On 26 June 2020, the head of the justice department of Esfahan province, Mohammad Reza Habibi, made a statement indicating that eight people had been sentenced to death for “spreading corruption on earth” (*efsad-e fel-arz*) (Article 286) in connection with nationwide protests that took place in 2009, December 2017/January 2018 and November 2019. The official did not provide any information about the identities of those sentenced, or the dates and circumstances concerning their detention, conviction and sentencing.<sup>26</sup> He also did not clarify if he was referring to the number of death penalty cases from across the country or in Esfahan province, but the context of the statement, in addition to information that emerged subsequently from human rights defenders, indicates that the cases are from Esfahan province alone and mostly from the December 2017/January 2018 protests.<sup>27</sup>

## REZVANEH AHMADKHANBEIGI



Human rights defender Rezvaneh Ahmadkhanbeigi. The sign she is holding says “Let us unite. Freedom is our right. No to staying silent in the face of repression”  
@Private

Human rights defender Rezvaneh Ahmadkhanbeigi was arrested by 11 agents from the intelligence unit of the Revolutionary Guards in her home in Tehran in the early hours of 18 November 2019. She had attended protests in Tehran on the two previous days, where she was beaten by security forces.

She was taken to a secret unofficial detention facility belonging to the intelligence unit of the Revolutionary Guards in Tehran, where she was held in prolonged solitary confinement until 12 December 2019.

According to information available to Amnesty International, she was interrogated for weeks without access to a lawyer and her interrogators threatened her with the arrest of her husband if she refused to “cooperate” with them, answer their intrusive questions about her private life, and “confess” to supporting and collaborating with various political groups based outside Iran. During this time, she was forced to write and sign such “confessions” as dictated by her interrogators. She was only permitted to make two one-minute telephone calls to her family to let them know that she was alive.

On 12 December 2019, she was transferred to the women’s ward in Evin prison and was allowed a family visit for the first time on 29 December 2019.

Rezvaneh Ahmadkhanbeigi’s trial, which consisted of one 40-minute session on 1 February 2020 before Branch 24 of the Revolutionary Court in Tehran, was grossly unfair. She was denied access to a lawyer

<sup>26</sup> Mashregh News, “The verdict of *efsad-e fel arz* for eight cases from the events of December 2017/January 2018 and November 2019”, 26 June 2020, <https://www.mashreghnews.ir/news/1088097/> (in Persian).

<sup>27</sup> Since the official statement on 26 June 2020, the cases of six men in Esfahan province who were sentenced to death in connection with the protests of December 2017/January 2018 have been publicized by human rights defenders and brought to the attention of Amnesty International. They are those of Abbas Mohammad, Hadi Kiani, Majid Nazari, Mehdi Salehi, Mohammad Bastami and Mostafa Salehi. The execution of Mostafa Salehi was carried out on 3 August 2020. For more information, see: <https://twitter.com/AmnestyIran/status/1291373196575485952>

until the day of her trial. Her lawyer was allowed access to her case file for the first time during the court hearing itself, thereby denying her the right to adequate time and facilities to prepare a defence. The court verdict was issued the day after her trial, on 2 February 2020. The court sentenced her to five years in prison for “gathering and colluding to commit crimes against national security” and one year for “spreading propaganda against the system” in relation to her peaceful participation in the November 2019 protests and writings she had posted on her private Instagram account in support of people detained for political reasons, including her husband who was previously imprisoned. She will be required to serve five years of the sentence.

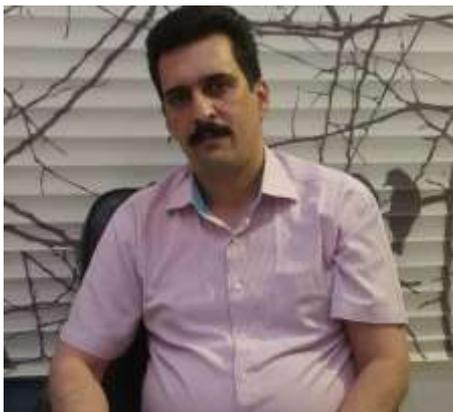
Rezvaneh Ahmadkhanbeigi’s conviction was based entirely on her forced written “confessions”, even though she retracted them in court stating that she had only made them as a result of torture and other ill-treatment, including prolonged solitary confinement and threats against her family.

She was previously sentenced, in a separate case stemming from a December 2018 arrest, to four years and six months, also in relation to her peaceful activism.

She has epilepsy and has suffered from seizures in prison. Despite this, the prison authorities have denied her regular access to her daily medication and care by specialist medical professionals, thereby endangering her health.

Rezvaneh Ahmadkhanbeigi is a prisoner of conscience, imprisoned solely for exercising her rights to freedom of expression, association and peaceful assembly.

## ALI ABDOLI



*Civil society activist Ali Abdoli @Private*

Civil society activist Ali Abdoli was arrested on 18 November 2019 after participating peacefully in the protests in Shiraz, Fars province, over the two previous days.

According to information available to Amnesty International, Ali Abdoli was violently arrested at his place of work by around five agents from the ministry of intelligence, who beat him with batons and then handcuffed and blindfolded him before shoving him into a car.

He was transferred to a ministry of intelligence detention facility in Shiraz, known as “Pelak-e 100” (Number 100), where he was held for about six weeks in solitary

He was allowed only two short telephone calls to his family, the first of which took place around three weeks after his arrest.

Amnesty International learned from credible sources that he was tortured and otherwise ill-treated in detention, including during interrogations by ministry of intelligence officials when he was questioned about his alleged communications with independent Persian-language media organizations outside Iran. He was initially beaten several times a day without being questioned, leading to the fracture of two toes on his right foot. Despite this, his interrogators forced him to walk around and flogged him with a long stick on the soles of his feet, causing a bone in his right foot to break as well. The authorities denied him access to adequate medical care for the injuries he sustained under torture.

According to information available to Amnesty International, Ali Abdoli’s interrogators also deprived him of sleep for five days and nights by questioning him during the day, while loudly banging on the metal door of the cell when he tried to sleep at night. He was also given electric shocks and force-fed unidentified pills. After he refused to make “confessions” for three weeks, his interrogators subjected him to psychological torture by detaining his wife and child for several hours and threatening to continue detaining his wife unless he “confessed”. Consequently, he was forced under duress to make a “confession” on camera at a studio run by the Islamic Republic of Iran Broadcasting (IRIB), which was broadcast in a propaganda video around the end of December 2019, prior to his trial taking place. His

interrogators also forced him to write and sign “confessions” that they dictated to him. Following his “confessions”, he was transferred to Adelabad prison in Shiraz.

In late January 2020, Branch 1 of the Revolutionary Court in Shiraz convicted him of “spreading propaganda against the system” for his communications about the protests with independent Persian-language media organizations based outside Iran that the authorities deem as being “hostile” to the state. He was sentenced to one year in prison and one additional year in “internal exile” in a remote part of Fars province.

He was denied access to a lawyer during his whole pre-trial detention. He was also refused a lawyer of his own choosing at trial and was, therefore, subsequently forced to represent himself.

Ali Abdoli was released around the end of February 2020, but remains at risk of being returned to prison. If imprisoned, he would be a prisoner of conscience, imprisoned solely because of the peaceful exercise of his rights to freedom of expression, association and assembly.

## SEPIDEH GHOLIAN



*Human rights defender Sepideh Gholian @Private*

Human rights defender Sepideh Gholian was violently arrested by security forces from her family home in Khuzestan province on 17 November 2019 after taking part in protests in Dezful, Khuzestan province, during which she peacefully held up a sign criticizing the increase in the price of petrol and the authorities’ failure to increase wages. She was released on bail on 18 December 2019.

On 31 December 2019, she posted on her Twitter account that she had been scheduled to be tried before a criminal court in Dezful for “disrupting public order” on 6 January 2020.

However, a day before the scheduled date of her trial, she learned that it had been cancelled on the grounds that the court to which her case had been assigned lacked the appropriate jurisdiction and that her case had been returned to the prosecution authorities.

In a subsequent post on Twitter on 5 January 2020, she expressed fear that the prosecution authorities may be seeking to bring additional charges against her or change her charges into more serious national security-related ones.

On 22 June 2020, Sepideh Gholian was summoned to Evin prison in Tehran to serve a five-year prison sentence from 2019, stemming from a separate case related to her peaceful human rights activism.

On 6 July 2020, she was tried before Branch 101 of the Criminal Court 2 in Dezful for “disrupting public order”. The authorities did not transfer her from Tehran to Dezful to attend the trial, but her lawyer was present for the session. On 17 August 2020, her lawyer learned that she had been acquitted of this charge.

Sepideh Gholian is a prisoner of conscience, imprisoned solely for exercising her rights to freedom of expression, association and peaceful assembly, including through her human rights activism.<sup>28</sup>

<sup>28</sup> Amnesty International has previously published its reasoned and evidence-based conclusions for considering Sepideh Gholian a prisoner of conscience. See: Amnesty International, *Iran: Abuse of jailed activist must stop: Sepideh Gholian and Esmail Bakhshi*, 25 October 2019 (Index: [MDE 13/1295/2019](#)).

# 4. ENFORCED DISAPPEARANCES

**“My son was arrested by plain clothes security forces during the protests. The authorities have given us no information about his fate and whereabouts and warned that we should not speak to anyone about him... It’s been over a month and we still have no information about where he is.”**

The father of a young protester from Mashhad, Khorasan Razavi province, who was subjected to enforced disappearance from 16 November 2019 to mid-January 2020

In many cases documented by Amnesty International from across the country, detainees arrested in connection with the November 2019 protests were subjected to incommunicado detention and enforced disappearance for weeks or even months following their arrest. They were cut off from the outside world and denied contact with their families and lawyers, while the authorities refused to disclose their fate and whereabouts to their relatives.

Distraught relatives told the organization that they visited hospitals, morgues, police stations, prosecution offices, Revolutionary Courts, prisons and other detention centres to enquire about their loved ones, but the authorities refused to provide them with information. Many of them were subjected to harassment, intimidation and threatened with arrest and detention if they kept seeking information about the fate or whereabouts of their loved ones or dared to speak out about their enforced disappearance publicly.

## **ENFORCED DISAPPEARANCES**

Enforced disappearance is the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State... followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.<sup>29</sup> Enforced disappearance is a crime under international law. The mental distress and anguish caused to families of those forcibly disappeared constitutes a form of torture or other cruel, inhuman and degrading treatment (for further information see section 8.2).

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<sup>29</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.

## 4.1 SECRET AND ‘SECURITY’ DETENTION FACILITIES

Many individuals who were forcibly disappeared in connection with the November 2019 protests were blindfolded immediately upon arrest and taken either to unofficial secret detention places or to official detention facilities known as “security detention facilities” (*bazdashtgah-hay-e amniati*). In both cases, security and intelligence bodies, most often the ministry of intelligence or the intelligence unit of the Revolutionary Guards, were in charge of running these detention places. There, detainees were placed in prolonged solitary confinement and subjected to incommunicado detention, torture and other ill-treatment (see chapter 5). Others were transferred to overcrowded police stations or prisons, where some were held in solitary confinement cells without access to the outside world.

In some cities, military barracks, sports venues and schools were also used as clandestine detention centres.



*A screenshot of a video, geolocated and verified by Amnesty International's Digital Verification Corps, showing a detainee being led into a parked car inside the grounds of Qods Girls' School on Qods Street, Tehran. The video began to be circulated on social media on 23 November 2019. @Private*

“Security detention facilities” (*bazdashtgah-hayeh amniyati*) are used to hold individuals undergoing investigations in relation to national security offences. Under Iranian law, such facilities should be generally established in the central prisons of each province. However, if this is not possible due to lack of space or “appropriate conditions”, security and intelligence bodies including the ministry of intelligence and the Revolutionary Guards can allocate, with the approval of the Prisons Organization, an alternative space for this purpose.<sup>30</sup> These detention facilities are legally required to be under the supervision of the Prisons Organization;<sup>31</sup> prosecution authorities are also obliged to inspect them at least every 15 days and submit a report to the head of the judiciary.<sup>32</sup>

Under the Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights, the head of the judiciary is obliged to set up a committee to ensure that legal provisions concerning the administration of detention centres and banning the use of torture and other ill-treatment against detainees are respected and that all those responsible for committing abuses are held to account.<sup>33</sup>

<sup>30</sup> Prohibition of Forming Special Detention Facilities and Allocation of One Detention Facility for Security Crimes in Each Province; Executive Regulations for Management of Security Detention Facilities, 21 November 2006, Note to Article 3.

<sup>31</sup> Executive Regulations for Management of Security Detention Facilities, 21 November 2006, Articles 2 and 4-6.

<sup>32</sup> Executive Regulations for Management of Security Detention Facilities, 21 November 2006, Article 2. See also the Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights, 5 May 2004, Article 1(13).

<sup>33</sup> The Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights, 5 May 2004, Article 1(15).

These legal protections have long been flouted by prison officials and prosecution and judicial authorities, allowing intelligence and security bodies to engage in widespread patterns of enforced disappearance, torture and other ill-treatment without any accountability.

Unofficial secret detention places fall completely outside the protection of the law. They are often houses or apartment buildings that are unlawfully repurposed by intelligence and security bodies, most often by the ministry of intelligence or the intelligence unit of the Revolutionary Guards, to keep individuals in custody. Unofficial secret detention places are not registered under the Prisons Organization and, hence, detainees and their relatives never find out the exact location in which they were held. Security and intelligence officials colloquially refer to them as “safe houses” (*khanehay-e amn*). This is while under Iranian law, including the Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights, law enforcement officials and interrogators must refrain from transferring detainees to unidentified locations.<sup>34</sup>

The continuing existence of “security detention facilities” and unofficial secret detention places facilitates the use of torture and other ill-treatment by security and intelligence bodies.

The detention of individuals accused of national security-related offences in such facilities has been enabled by a flawed legal framework that fails to establish proper oversight over all prisons and detention centres and ensure that the authorities failing in their obligations are held to account.

## 4.2 FAMILIES KEPT IN THE DARK

The detention of individuals arrested in connection with the protests in undisclosed locations was accompanied by the systematic concealment of their fate and whereabouts from their relatives. These serious human right violations were facilitated by flawed and vaguely worded legal provisions that enable security and intelligence bodies, prosecution authorities and prison officials to deprive detainees of their right to have access to the outside world for an unlimited period of time.

Under Iranian law, notably Article 50 of the Code of Criminal Procedure, law enforcement and prosecution officials must respect the right of detainees to inform their relatives or acquaintances of their arrest, but are allowed to restrict it when deemed “necessary”. Article 50 states that, in such cases, the restriction must be approved by a “judicial authority”, but it does not specify the competent judicial official responsible for issuing the approval order. The article also fails to clarify the exceptional circumstances under which such restrictions are permitted. Nor does it set any time limit for the restrictions.<sup>35</sup>

Article 49 of the Code of Criminal Procedure entitles the immediate family members of detainees to enquire about them with local or provincial prosecution authorities or the head of the justice department in each province. It also states that it is mandatory for the authorities to respond to these queries, but “only to the extent that it does not infringe on the social and familial status of the detainees”. The provision does not provide any clarification as to what constitutes an infringement of one’s social or familial status.<sup>36</sup>

Article 180 of the Executive Regulations of the Prisons Organization states that all detainees are permitted to have contact with their relatives and acquaintances through visits and written correspondence under the supervision of prison officials. However, a Note (*tabsareh*)<sup>37</sup> to the article authorizes the prosecution authorities to prohibit family visits or correspondence if they determine that such contact would not be in the interest of conducting “good trial proceedings”. The decision to ban contact does not appear to be subject to review by any judicial official or body. Moreover, the regulations do not provide any clarification as to when visiting or corresponding with the detainee would contravene “good trial proceedings”. Nor do they set any limitation on how long detainees may be deprived of access to their relatives.<sup>38</sup>

In the cases of some of those arrested in connection with the protests of November 2019, officials falsely told distraught families that their missing relatives were not in their custody and that they had no information about their whereabouts.

In other cases, the authorities admitted holding them in their custody, but refused to disclose the place of detention or said family visits were banned during the investigation phase. In many cases, they insulted and

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<sup>34</sup> The Law on Respect for Legitimate Freedoms and Protection of Citizens' Rights, 5 May 2004, Article 1(7).

<sup>35</sup> Code of Criminal Procedure, June 2015, Article 50.

<sup>36</sup> Code of Criminal Procedure, June 2015, Article 49.

<sup>37</sup> A Note (*tabsareh*) is an explanatory sentence or paragraph attached to an article of the law that clarifies the scope of the article and, in some cases, provides exceptions.

<sup>38</sup> Executive Regulations of the Prisons Organization, 11 December 2005.

threatened families with arrest if they returned to seek information or dared to speak to media or human rights groups about the situation of their loved ones.

The widespread use of incommunicado detention and enforced disappearance left many families in a state of deep anguish and uncertainty. Many were left in fear about whether their loved ones were dead or alive, especially amid mounting reports of deaths resulting from the use of lethal force by the security forces during the protests and the refusal of the authorities to return the bodies of those killed to their families, as well as reports of deaths in custody.<sup>39</sup>

The father of a young protester from Mashhad, Khorasan Razavi province, who was forcibly disappeared from 16 November 2019 to mid-January 2020 told Amnesty International in December 2019:

**"My son called me from the protest and sent me a video showing the crowds. I told him to be careful to not get arrested. He didn't come home that night, and when I tried to call his mobile phone, it was switched off. I learned from a friend of his that he was arrested by plain clothes security forces during the protests. The authorities have given us no information about his whereabouts and warned that we should not speak to anyone about him. We managed to get news from an unofficial source that he was not being held in Vakilabad prison [in Mashhad], but it's been over a month and we still have no information about where he is being held... We fear that he may be detained in a 'safe house' [*khaneh-ye amn*]."**

## 4.3 ONGOING ENFORCED DISAPPEARANCES

As of 26 August 2020, Amnesty International was aware of at least three cases of enforced disappearances related to the protests where the authorities continued to conceal the fate and whereabouts of the individuals concerned.

### MOSTAFA ROODBARIAN AND MEHDI ROODBARIAN



Left: Mehdi Roodbarian. Right: Mostafa Roodbarian. © Private

Brothers Mehdi Roodbarian, 21, and Mostafa Roodbarian, 34, have been subjected to enforced disappearance since 17 November 2019 when they were shot by security forces while attending protests in the city of Mahshahr, Khuzestan province.

According to eyewitnesses present during the protests, security forces, including plain clothes agents from the Revolutionary Guards, fired live ammunition at protesters. Mostafa Roodbarian was shot in his back as he tried to help an injured protester and, when Mehdi Roodbarian went to help his brother, he was shot in the head. The security forces threw the two into a pickup truck belonging to the Revolutionary Guards and drove away. Eyewitnesses believe they may have died from fatal gunshot wounds sustained during the protests, but their bodies have not been returned to their family.

Their family has sought information from various state bodies, including the police and the Legal Medicine Organization, a state forensic institute, but the authorities have repeatedly refused to provide

<sup>39</sup> Amnesty International, *Iran: Details of 304 deaths in crackdown on November 2019 protests*, 20 May 2020 (Index: [MDE 13/2308/2020](#)).

them with any information about their fate and whereabouts. The authorities have also threatened their family members with arrest if they continue seeking information about them or speak to the media.

The third case concerns an individual who participated in the protests in Arak, Markazi province, and contacted Amnesty International several weeks later in December 2019. At the time, he was in hiding after security forces visited his family home several times to arrest him. The distressed individual said security forces had arrested his father to force him to come out of hiding. They released his father several days later, apparently because of his serious medical conditions.

In January 2020, the authorities arrested his mother and threatened the rest of his family with arrest if they contacted any media or human rights organizations. As a result of his mother's detention and the harassment of his family, the individual handed himself over to the authorities the same month. His mother was subsequently released. He has not been seen or heard of since.

After more than three months in custody, his family learned from the authorities at the beginning of April 2020 that he was arrested by the intelligence unit of the Revolutionary Guards, but the authorities have refused to provide them with any specific details about his fate or whereabouts. Subsequent to this, Amnesty International understands that he made two brief telephone calls to his family in which he said hello and cried. His family fears further harassment if they make his name public.

Amnesty International fears that this individual is at risk of torture and other ill-treatment. The organization's concerns stem from information gathered from informed sources inside Iran as well as reports from news and human rights organizations<sup>40</sup> that a number of individuals died in custody under suspicious circumstances and possibly as a result of torture following their arrests by security forces in connection with the protests. The authorities have denied such allegations.<sup>41</sup> Amnesty International has previously documented deaths in custody in Iranian prisons, possibly as result of torture.<sup>42</sup>

Given the well-founded fear of reprisals by relatives of victims if they approach media or human rights organizations, Amnesty International suspects the number of ongoing enforced disappearances to be under-reported.

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<sup>40</sup> BBC Persian, "Iran protests; Reports about the discovery of 'corpses in some dams and lakes'", 16 December 2019, <https://www.bbc.com/persian/iran-50817346> (in Persian); Kurdistan Human Rights Network, "Report of the torture and murder of citizens in the detention centres in Marivan / Children have been sexually abused", 29 December 2019, <http://kurdistanhumanrights.net/fa/?p=11226> (in Persian); Centre for Human Rights in Iran, "Relatives of Ershad Rahmadian: They tortured him to death and say he committed suicide", 18 December 2019, <https://persian.iranhumanrights.org/1398/09/ershad-rahmanian/> (in Persian).

<sup>41</sup> Hamshahri Online, "The news of the discovery of several bodies in rivers after the events of November / Decryption of the diver of Kermanshah", 26 December 2019, <https://www.hamshahrionline.ir/news/471823/> (in Persian).

<sup>42</sup> Amnesty International, *Iran: Investigate reports of protester deaths in custody* (Press Release, 9 January 2018), <https://www.amnesty.org/en/latest/news/2018/01/iran-investigate-reports-of-protester-deaths-in-custody/>; Amnesty International, *Iran: End persecution of families seeking truth and justice for detainees who have died in detention*, (Index: MDE 13/8049/2018); Amnesty International, *Iran: Authorities must investigate death in custody of Ahwazi Arab detainee* (Press Release, 28 June 2019) <https://www.amnesty.org/en/latest/news/2019/06/iran-authorities-must-investigate-death-in-custody-of-ahwazi-arab-detainee/>

# 5. TORTURE AND OTHER ILL-TREATMENT

**“My interrogators tortured me in all sorts of ways... They told me ‘If you die, it will be like a dog dying. It’s not important to us if you live or die.’ The pain was horrific. At one point, I was just wishing to die so that I would be free of the pain and torture. Human life is not important to them.”**

A victim who told Amnesty International that he was peacefully protesting in Khorasan Razavi province, when he was arrested, detained and subjected to torture and other ill-treatment

Testimonies gathered by Amnesty International from victims and victims’ families, eyewitnesses and lawyers, together with video footage verified by Amnesty International’s Digital Verification Corps team, and reports from human rights defenders inside Iran and news and human rights organizations outside Iran, reveal that police, security and intelligence agents and some prison officials used torture and other ill-treatment on a widespread basis against those detained in connection with the protests both during arrest and later in detention centres and prisons across the country.

According to information gathered by Amnesty International, torture and other ill-treatment was used for the purposes of punishment, intimidation, mocking and humiliation of detainees. It was also used as an interrogation tactic to elicit self-incriminating statements and “confessions” not just about detainees’ involvement in the protests, but also about their alleged associations with opposition groups outside Iran, human rights defenders, journalists and media organizations outside Iran, as well as foreign governments.

Victims told the organization that the torture sometimes started during or immediately after arrest, when detainees were usually blindfolded before being shoved into vehicles and beaten when they asked questions about where they were being taken.

The most frequently reported methods of physical torture used against those arrested in connection with the November 2019 protests included beatings, floggings, suspension, forcing detainees into stress positions for prolonged periods, often while blindfolded or having their head covered in a bag or sack, the use of solitary confinement for 24 hours a day for periods reaching months, and the denial of sufficient food, potable water and medical treatment including medication.

Amnesty International also obtained information from primary sources on interrogators belonging to security and intelligence bodies and prison officials subjecting detainees to extreme temperatures and the bombardment of light or sound over a sustained period, including at night; stripping detainees and spraying them with cold water in cold temperatures; forcible extraction of nails from victims’ fingers or toes; sexual violence and humiliation; pepper spraying including on eyes and genital area; waterboarding; electric

shocks, including to temples and testicles; mock executions; and forced administration of chemical substances – methods which correspond to patterns of torture previously documented in the country.<sup>43</sup>

In all cases documented by Amnesty International, victims also reported various forms of psychological torture aimed at obtaining forced “confessions”. These commonly included persistent use of degrading verbal insults and profanities; threats of further torture; threats to arrest, torture, kill or otherwise harm detainee’s family members, including elderly parents or spouses; and threats to rape detainees or their female family members. In a number of instances, interrogators also threatened to have victims’ children suspended from their educational institutions or falsely told victims that their loved ones were already in custody and were being interrogated or tortured nearby.

In assessing the credibility of the testimonies obtained, Amnesty International took into account, among other considerations, the capacity of witnesses interviewed to recount the events concerned in a detailed, consistent and coherent manner, while, of course, being sensitive to the impact and consequences of trauma. In addition, the organization compared the allegations of torture received with cases of torture previously documented by Amnesty International and other organizations. The organization has withheld the details of most cases, including the person’s identity and the city of arrest, for security reasons.

To Amnesty International’s knowledge, no investigations have been launched into allegations of torture and other ill-treatment by detainees, even when made in court, and no security or intelligence official has been held to account.

The survivors of torture and other ill-treatment have been left with long-term physical, psychological and emotional scars, which has been compounded by the failure of the state to provide them with justice and reparation. The organization understands that some of those released were sometimes left so traumatized from their detention ordeal that they withdrew into silence and refused to leave their homes for weeks.

## **PROHIBITION OF TORTURE UNDER IRANIAN LAW**

While Iranian legislation outlaws acts that amount to torture and bans certain types of abusive conduct during interrogations, it does not include a specific crime of torture. Further, it limits the prohibition to when torture is aimed at “extracting confession or acquiring information”, thereby, failing to acknowledge where mental or physical pain or suffering is inflicted on an individual as a form of punishment or intimidation or for any reason based on discrimination or in order to coerce, punish, or intimidate a third person. Article 38 of Iran’s Constitution fails to ensure the absolute prohibition of torture in only outlawing its use “for the purpose of extracting confession or acquiring information”. It also fails to provide any definition of torture.

Articles 1(6) and 1(7) of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens’ Rights provides examples of conduct from which law enforcement officers must refrain. For example, the law forbids officers from humiliating the accused person, blindfolding them or tying their limbs.<sup>44</sup> The law requires that interrogators refrain from “inflicting any form of torture to obtain confessions” and conduct interrogations in accordance with “scientific and legal principles, previous training and under required supervision”.<sup>45</sup>

Article 60 of Iran’s Code of Criminal Procedure also prohibits the use of “force, coercion, insulting language, leading questions and questions irrelevant to the charges” during interrogations.<sup>46</sup>

Article 578 of the Islamic Penal Code states that “any civil servant or judicial or non-judicial agent who corporally mistreats and abuses an accused person in order to force him to confess shall be sentenced, in addition to qesas [retribution-in-kind] and diyeh [blood money], to six months’ to three years’ imprisonment.”<sup>47</sup>

Iran’s Islamic Penal Code allows punishments which violate the legal prohibition on torture and other ill-treatment including flogging, amputation, blinding, crucifixion and stoning.

<sup>43</sup> Amnesty International, *Iran: From protest to prison: Iran one year after the election*, (Index: [MDE 13/062/2010](#)); Freedom From Torture, *We will make you regret everything: Torture in Iran since the 2009 elections*, March 2013, <https://bit.ly/3dGpr3w>; Centre for Human Rights in Iran, *Silencing the Streets, Deaths in Prison: The December 2017 Crackdown in Iran*, 19 February 2018, <https://www.iranhumanrights.org/2018/02/irans-suppression-of-december-2017-unrest-marked-by-brutal-violations-of-law/>

<sup>44</sup> The Law on Respect for Legitimate Freedoms and Protection of Citizens’ Rights, 5 May 2004, Articles 1(6) and 1(7).

<sup>45</sup> The Law on Respect for Legitimate Freedoms and Protection of Citizens’ Rights, 5 May 2004, Articles 1(9) and 1(10).

<sup>46</sup> Code of Criminal Procedure, June 2015, Article 60.

<sup>47</sup> Book Five of the Islamic Penal Code on Discretionary and Deterrent Punishment, 22 May 1996.

## 5.1 PROLONGED SOLITARY CONFINEMENT

Consistent with a long-standing pattern across the country,<sup>48</sup> the Iranian authorities held many of those detained in connection with the protests in prolonged solitary confinement<sup>49</sup> in detention facilities run by the ministry of intelligence or the intelligence unit of the Revolutionary Guards.

Many detainees were held for 24 hours a day for weeks or months in small solitary confinement cells. Detainees were only removed from their cells for interrogations or to use the bathroom if there was no toilet facility inside their cell. During this period, victims were often subjected to lengthy interrogations accompanied by various forms of torture and other ill-treatment to force them to make “confessions”.

In addition, while held in prolonged solitary confinement, victims were frequently denied sufficient food and water, and adequate sanitation and bedding. Amnesty International is aware that, in the past, such mistreatment has led victims of prolonged solitary confinement in Iran to develop long-term back, bladder and digestion problems, among other health conditions.<sup>50</sup>

## 5.2 BEATINGS

According to information gathered by Amnesty International from credible sources, some of the most widespread methods of physical torture used against detainees by intelligence and security agents and some prison officials included punching, kicking, beatings with sticks, rubber hosepipes, knives, batons and cables, and flogging, including on the back and soles of feet. In some cases, those inflicting torture also beat or repeatedly threatened to beat detainees on wounds which they had sustained during the protests as a result of live ammunition or other force.

One video, which was shared widely on social media on 24 November 2019, and verified and geolocated by Amnesty International’s Digital Verification Corps, shows handcuffed detainees being taken into the grounds of Mali Abad police station in Shiraz, Fars province, and then beaten, punched and kicked by security forces.

Credible sources informed Amnesty International that in Raja’i Shahr prison in Karaj, Alborz province, hundreds of detainees, including children, were brought in trucks to the prison from 16 November 2019 onwards. They told the organization that handcuffed and blindfolded detainees were stripped of their clothes, punched, kicked, flogged and beaten daily with batons by prison guards and security officials.

Similar credible accounts were also gathered by Amnesty International or reported by human rights activists and organizations of repeated beatings of detainees held in prisons and detention centres, including in the provinces of Esfahan, Kermanshah, Khuzestan, Kurdistan, Khorasan Razavi, Mazandaran and Tehran.

Amnesty International has learned from informed sources that many detainees emerged from prison after being granted bail with broken teeth, arms and legs or with cuts and bruises visible on their bodies. One victim told Amnesty International that in a detention facility in Malard, Tehran province, run by the Revolutionary Guards, officials beat detainees with knives upon their arrival, leaving them with bleeding wounds and lasting scars on their faces, heads and the rest of their bodies. A lawyer from Kurdistan province told the organization that one schoolboy who was arrested in Mariwan was released several days later on bail with blood on his head and face, while a 16-year-old boy emerged from detention on bail five days after his arrest with broken arms and legs. In the cases of two victims – one adult and one child – whose accounts have been published by independent human rights groups, the agents from the intelligence unit of the Revolutionary Guards inflicting the beatings also allegedly pulled out the victims’ fingernails.<sup>51</sup>

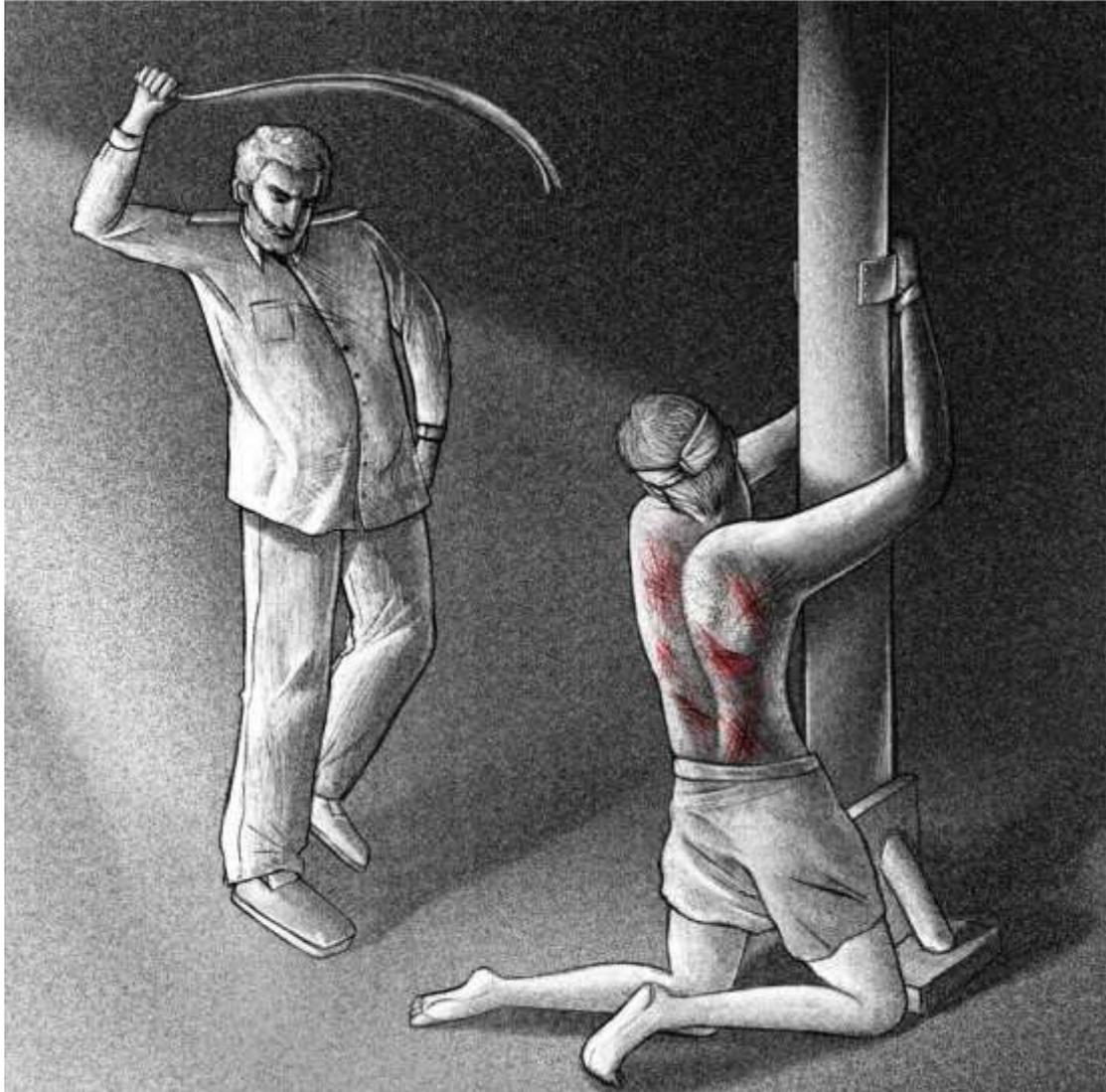
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<sup>48</sup> Amnesty International has worked on hundreds of cases in Iran over the past decades where prolonged solitary confinement was used. This abusive pattern has been consistently mentioned in the annual reports of the organization on Iran. See, for example, Amnesty International, *Human rights in the Middle East and North Africa: Review of 2019*, (Index: [MDE 01/1357/2020](#)).

<sup>49</sup> Prolonged solitary confinement is defined as “solitary confinement for a time period in excess of 15 consecutive days” by the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 44.

<sup>50</sup> See Amnesty International, *Iran: Health taken hostage: Cruel denial of medical care in Iran’s prisons*, (Index: [MDE 13/4196/2016](#)).

<sup>51</sup> Human Rights Activists News Agency, “Abolfazl Karimi’s letter of suffering; The tortured teenager from the November protests has gone on hunger strike”, 16 March 2019, <https://www.hra-news.org/2020/hranews/a-24176/> (in Persian); Human Rights Activists News Agency, “A tortured prisoner from the November protests; Hamid Khosropour sentenced to one year in prison and “providing services under the supervision of the Basij”, 16 March 2019, <https://www.hra-news.org/2020/hranews/a-24161/> (in Persian).

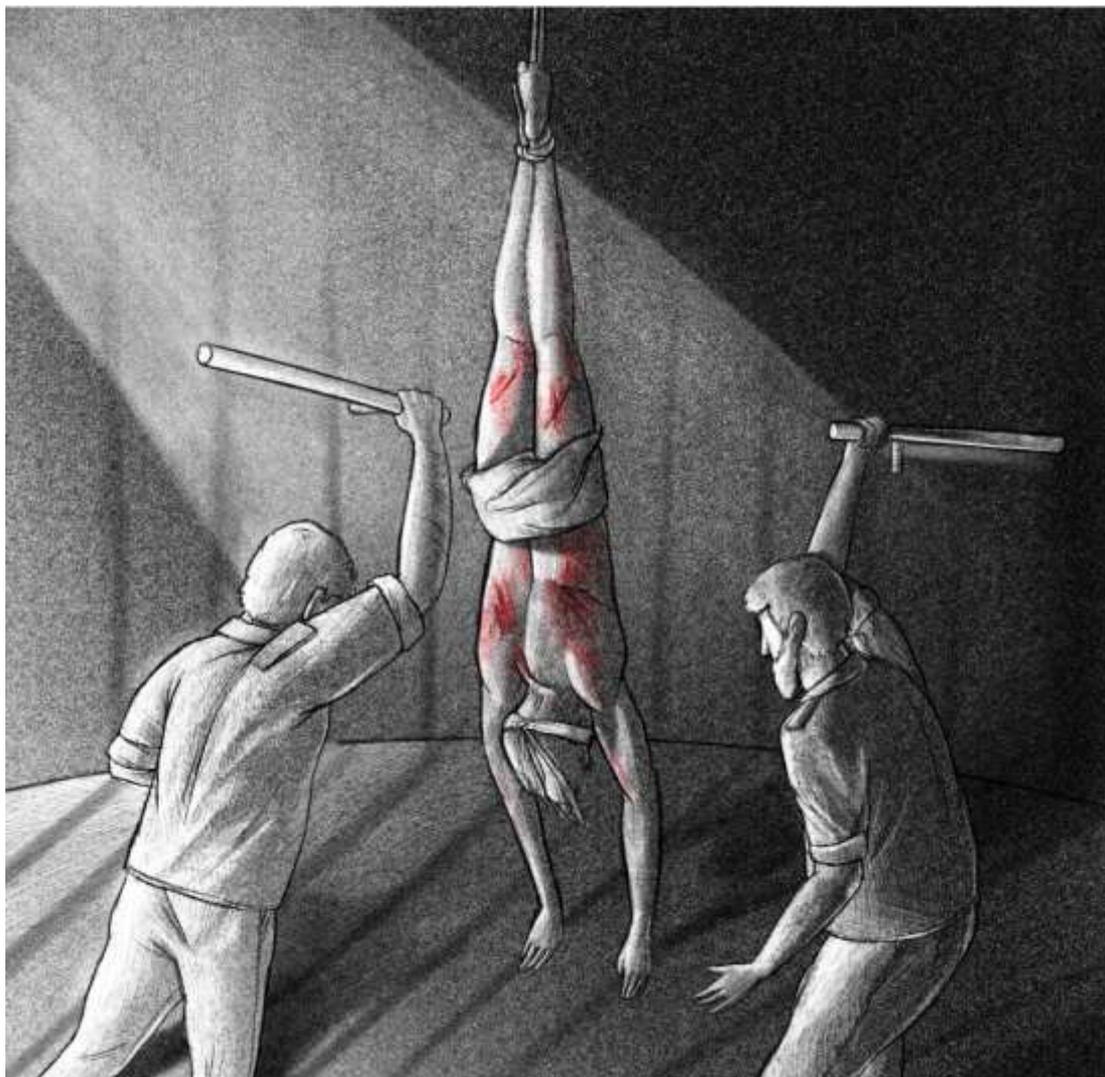


*An artist's depiction of a flogging as described to Amnesty International by a victim as having taken place in a detention centre in Alborz province.  
@Amnesty International*

## 5.3 SUSPENSION AND STRESS POSITIONS

Another frequently reported method of torture used against those detained in connection with the November 2019 protests involved suspending detainees by their tied or cuffed hands or feet from hooks in the ceiling or the wall, and forcing them to hold painful stress positions for prolonged periods. Victims were suspended in different ways: some were hung face down from their feet; some were suspended by their hands; and some had their knees bent, their hands and feet tied together from behind their back and then attached to an iron bar (known as the “chicken kebab”).

In many instances, prolonged periods of suspension were accompanied by beatings and floggings, and sometimes, victims were interrogated while suspended. Victims were generally blindfolded while suspended. These methods of torture caused significant pain to the victims' hands, wrists, arms, feet, neck, shoulders and back. They also induced strong feelings of humiliation, shock and fear.

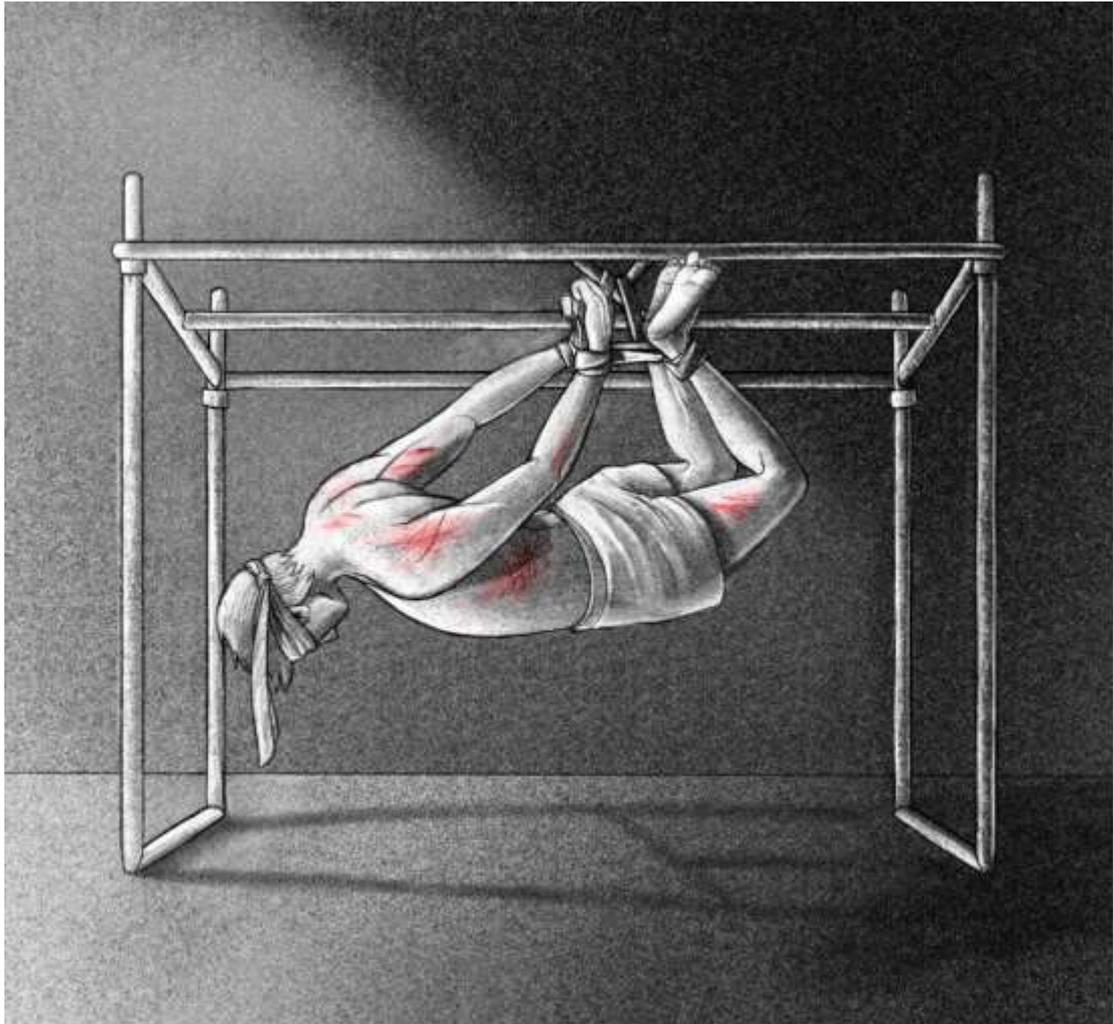


*An artist's depiction of a suspension torture method described to Amnesty International by a victim as having taken place in a ministry of intelligence detention centre in Tehran province. @Amnesty International*

A victim who was suspended through the method known as “chicken kebab” told Amnesty International:

**“[The interrogators] called the room in which they tortured people the ‘technical room’. There, they tied my hands behind my back, bent my legs back at the knees and tied my feet together from the back. They then tied my hands and feet together, put a pole through my hands and feet, and hung me horizontally from the pole for prolonged periods of time. My entire body weight was hanging from my hands and feet. The pain was excruciating. My neck used to go numb. My hands and feet would be all bruised and would go numb. I don’t know if I used to fall asleep in that position or if I used to lose consciousness from the pain.**

**“There was so much pressure and pain in my body that I would urinate on myself... My family know that I was tortured, but they don’t know how I was tortured. I always feel a lump in my throat when I think about my torture. I feel choked with tears because there is no one I can speak to.”**



An artist's depiction of a torture method perpetrated by the intelligence unit of the Revolutionary Guards as described by a victim from Tehran province.  
@Amnesty International

## 5.4 ELECTRIC SHOCKS

Amnesty International's research shows that in various detention centres across the country, as well as during arrest, intelligence and security officials subjected individuals arrested in connection with the November 2019 protests, including children, to electric shocks.

The most widespread method of delivering such electric shocks involved the use of electroshock weapons, such as stun guns and batons. Victims told Amnesty International that stun guns were used on different parts of their bodies and, in at least three cases documented by the organization, on the victims' testicles.

Such testimonies are consistent with those published by other independent human rights organizations.<sup>52</sup>

Amnesty International also received the testimony of a victim who said he was given electric shocks while strapped to a chair that was bolted to the floor. The victim said his arms, legs and torso were strapped to the chair, a metal band was placed over his head, his body was drenched in water and then electric shocks were delivered to his temples. He described his ordeal to Amnesty International as follows:

**“The electric shocks were the worst form of torture for me. One of my interrogators would instruct the others to ‘tickle him a little’, by which they meant to administer a low voltage shock. But this so-called ‘tickling’ felt like**

<sup>52</sup> Centre for Human Rights in Iran, *Gunning Them Down: State Violence against Protesters in Iran, May 2020*, <https://iranhumanrights.org/wp-content/uploads/Iran-Human-Rights-November-2019-January-2020-Protests.pdf>; Human Rights Activists News Agency, “Abolfazl Karimi's letter of suffering; The tortured teenager from the November protests has gone on hunger strike”, 16 March 2019, <https://www.hra-news.org/2020/hranews/a-24176/> (in Persian).

my entire body was being pierced with millions of needles. If I refused to answer their questions, they would raise the voltage levels and give me stronger electric shocks. Each time I was given one of these stronger electric shocks, it felt like there was an earthquake in my body... I would shake violently and there would be a strong burning sensation coursing through my whole body.... To this day, I have continued to be affected... The torture has had lasting effects on my mental and physical health. To this day, I still can't sleep at night.”



*An artist's depiction of an electric shock torture method as reported to Amnesty International by a victim. @Amnesty International*

## 5.5 SEXUAL VIOLENCE AND HUMILIATION

Information received by Amnesty International from primary sources, including victims and victim's relatives and sources inside prisons, reveals that interrogators and prison officials perpetrated sexual violence against male detainees, including through stripping and forced nakedness, invasive body searches intended to humiliate the victims, sustained sexual verbal abuse, pepper spraying the genital area, and administering electric shocks to the testicles.

In addition to the severe physical trauma, the mental pain and suffering inflicted on victims has often been exacerbated by the social stigma around sexual violence and humiliation, leading to victims withdrawing into silence.

A former detainee from Mashhad, Khorasan Razavi province, a former detainee from Shahriar, Tehran province, and a lawyer from Mariwan, Kurdistan province, also raised with the organization serious allegations of security and intelligence agents committing rape. However, given the psychological, social, legal and institutional barriers to reporting rape and the serious concerns around reprisal, Amnesty International was not able to speak to the alleged victims or their families directly to document the details of their cases independently.

The former detainee from Mashhad told Amnesty International that several adult men held in unofficial secret detention places referred to colloquially as “safe houses” in the city were allegedly subjected to sexual assaults including rape following their arrests in November 2019. The former detainee told the organization that he was made aware of these incidents in January 2020 by several former detainees and detainees’ families who had spoken to the victims or victims’ relatives directly. According to the former detainee, the victims were stripped of their clothes and raped through penetration of the anus with various instruments, including drink bottles.

The lawyer from Mariwan told Amnesty International that she had learned about three schoolboys – aged between 15 and 16 years old – who were allegedly sexually abused by agents from the intelligence unit of the Revolutionary Guards in November 2019 after being arrested in connection with their perceived participation in the protests. She said she was made aware of these incidents in November 2019 through a trusted source who had spoken to an acquaintance of the boys, but was unable to speak to the boys or their families directly due to strong security concerns. According to information received by the lawyer, the abuse took place while the children were held in a detention centre belonging to the Revolutionary Guards in Mariwan, Kurdistan province, and allegedly involved rape through penetration of the anus with batons.

According to the lawyer’s source, the boys were detained for several days and, before being released on bail, their interrogators warned them not to tell anyone about their torture, including the instances of sexual abuse.<sup>53</sup> The organization understands that the boys’ families have not filed complaints against the relevant security bodies out of fear of reprisals.

## 5.6 WATERBOARDING

Amnesty International documented the case of one victim who told the organization he was waterboarded while held in an unofficial secret detention place in Khorasan Razavi province.

Amnesty International was initially contacted by a family member of the victim in early December 2019, who told the organization that he had attended a protest in Khorasan Razavi province where he and several other peaceful protesters were arrested by plain clothes agents. He told the organization that his family was given no information about him until a week following his arrest, but security forces refused to reveal his whereabouts until his transfer to a central prison in January 2020. Amnesty International was able to speak to the victim in June 2020 after his release on bail pending trial. He told the organization that he was held in solitary confinement for nearly two weeks following his arrest and subjected to torture and other ill-treatment almost the entire time. The victim did not know with certainty the institutional affiliation of the agents responsible for his detention and torture. He suspected they belonged to the ministry of intelligence, the intelligence unit of the police or the Revolutionary Guards. He told Amnesty International:

**“My interrogators tortured me in all sorts of ways, but the most frequent was waterboarding. They would drench a towel in water and then place it over my face. Then they would pour water slowly over the towel, which made me feel like I was suffocating. They would do this for a few minutes. Then they would stop for about half an hour until I started to feel better and then they would start torturing me this way again. They also punched, kicked and flogged me on the soles of my feet with a cable, but they mostly waterboarded me because they knew I have respiratory issues so I would suffer more, and because waterboarding wouldn’t leave a mark on my body. Talking and even thinking about the torture is very difficult for me.”**

The use of waterboarding and other suffocation techniques in Iran has been previously documented by human rights organizations.<sup>54</sup>

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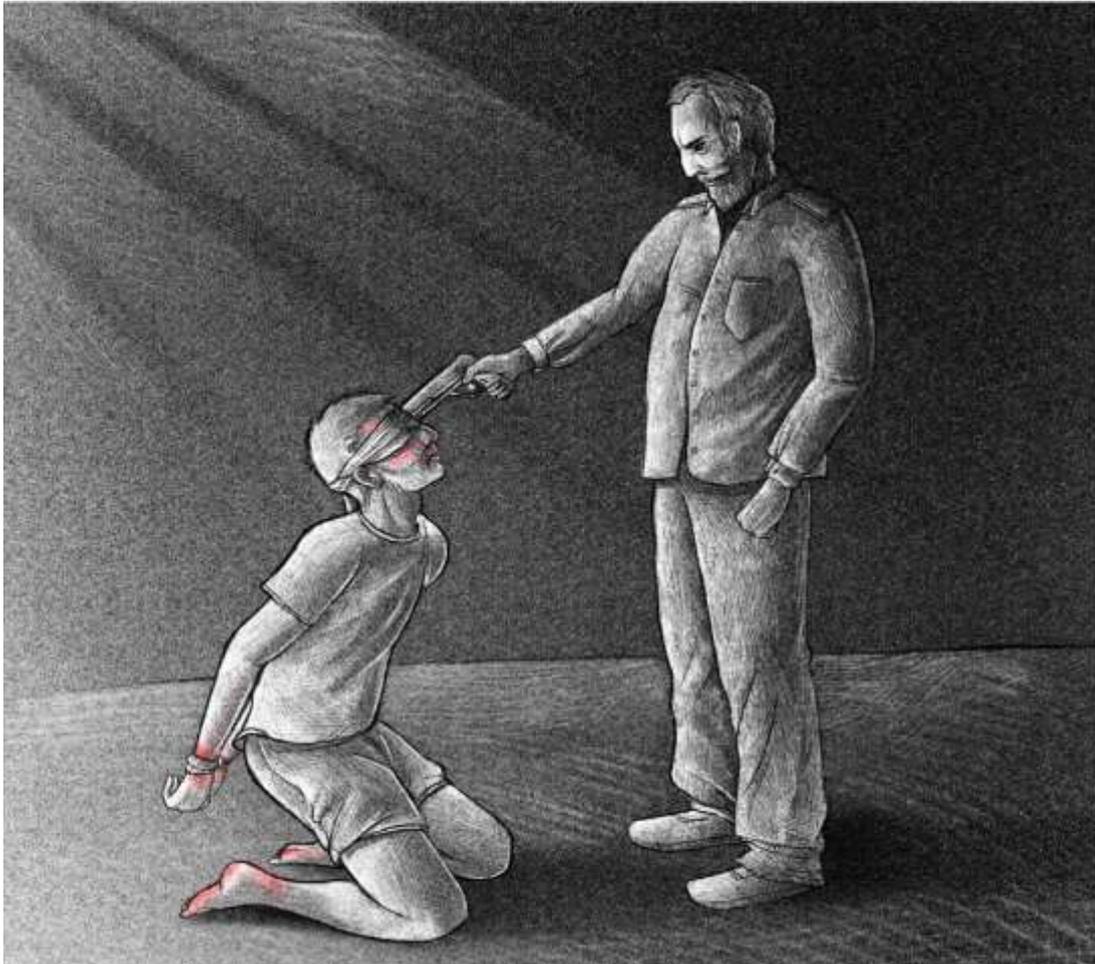
<sup>53</sup> Kurdistan Human Rights Network, *Report of the torture and murder of citizens in the detention centres in Marivan / Children have been sexually abused*, 29 December 2019, <http://kurdistanhumanrights.net/fal/?p=11226> (in Persian).

<sup>54</sup> See, for example, Freedom from Torture, *“We will make you regret everything”: Torture in Iran since the 2009 elections*, March 2013, <https://www.refworld.org/docid/514088902.html>, p. 33. The report states: “Five people reported the use of asphyxiation or suffocation techniques, including the repeated submersion of the head in water or in contaminated water containing urine and faeces; one person was

## 5.7 DEATH THREATS AND MOCK EXECUTIONS

Many of those detained during the protests said interrogators repeatedly asserted that they could kill them or do whatever they wished to them, generating a fear of execution.

According to information gathered by Amnesty International from primary sources, officials belonging to the intelligence unit of the Revolutionary Guards subjected at least two detainees to mock executions in a detention centre in Tehran province. The torture involved blindfolding the victim and subjecting them to mock hanging as well as holding an unloaded gun to their head and firing blanks.



*An artist's depiction of a mock execution torture method as described to Amnesty International by a victim held in a detention centre belonging to the Revolutionary Guards in Tehran province. @Amnesty International*

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'waterboarded' on at least five occasions; they described being taken to a particular room and being handcuffed and shackled and put into a pit. Their head was covered with a towel and water was poured onto it creating a suffocating effect. Another was made to lie on the floor in an interrogation room while buckets of water were repeatedly thrown over their face; a guard then put his foot on the individual's chest to stop them moving and dripped water on their face for a prolonged period."

## MALE PROTESTER FROM TEHRAN PROVINCE<sup>55</sup>

A protester and several of his friends were arrested by plain clothes agents from the intelligence unit of the Revolutionary Guards during the protests in a city in Tehran province on 18 November 2019. The agents aimed assault rifles and other guns at him and his friends, pepper sprayed them in their eyes, handcuffed and blindfolded them, put them in the boot of their cars and took them to a detention centre belonging to the Revolutionary Guards in Tehran province, where he was held at times in solitary confinement and at times alongside other detainees.

The protester told Amnesty International that he was subjected to torture and other ill-treatment during this time, including through the deprivation of food and water, being slapped, kicked and punched, and being suspended on several occasions from his hands so that his entire body was hanging from his wrists and arms, causing intense pain in his body. His interrogators accused him of being a “riot leader” and, to humiliate and punish him, they held him for one night in a filthy and foul-smelling toilet in which he was forced to watch the agents urinate. They also used electroshock weapons against him, administering shocks to different parts of his body, including his testicles.

He also said that the agents subjected him twice to mock executions. One night, at around 4am, they took him to the courtyard, put a sack over his head and forced him to stand on a stool. They told him that he was an “apostate” and a “riot leader” and said that his sentence was death, implying that he had been sentenced to death by a court. They put a rope around his neck, mimicking the typical execution method of hanging in Iran, and pushed the stool from under his feet. The set-up caused him to fall to the ground rather than be suspended in the air. Several nights later, agents took him to the courtyard at dawn, forced him to his knees, took off his blindfold, held a gun to his forehead and pulled the trigger, firing a blank rather than a live bullet.

The protester told Amnesty International that he witnessed the torture and other ill-treatment of scores of others held in this detention centre, including beatings, electric shocks and pepper spray applied to testicles, mock executions, deprivation of food and water, and the denial of medical care for injuries sustained as a result of live ammunition, birdshot or torture and other ill-treatment. He said that the agents also used knives to make cuts to the skin of detainees, causing them to bleed. He told the organization of cruel ways that the agents treated the detainees, including through inflicting more pain to detainees’ wounds and the denial of medical care for detainees with drug addiction who were experiencing withdrawal symptoms.

His interrogators tried to force him to make forced “confessions” on camera, and to write statements incriminating himself, ordering him to write that he had killed someone and carried out robberies during the protests, which he refused to do. They threatened to arrest his family members if he refused to make such “confessions”.

After about a week in this detention centre, he was moved to a second one, during which he was questioned by interrogators who tried to force him to write “confessions”, threatening that they would either kill him or have him convicted of a crime and sent to prison for 20-30 years if he did not write down whatever they dictated to him.

The protester was denied access to a lawyer throughout his entire detention and has since been convicted of a national security offence in relation to his participation in the protests and sentenced to prison following an unfair trial.

## 5.8 FORCED ADMINISTRATION OF CHEMICAL SUBSTANCES

Amnesty International documented the cases of two detainees who were subjected to forced administration of chemical substances.

The first case concerned civil society activist Ali Abdoli, who was repeatedly forced to swallow several different unidentified pills while held in a detention facility run by the ministry of intelligence in Shiraz, Fars province. According to information received by Amnesty International, not only did the interrogators refuse to

<sup>55</sup> The information in this case box is based on the testimony of a victim who shared his ordeal with Amnesty International but asked for his name and the details of his case to be withheld for security reasons.

provide a reason as to why Ali Abdoli was being forced to take the pills, on one occasion when he resisted, one of the them sat on his chest, violently pulled his mouth open and forced him to swallow the pills. When he refused on other occasions, they beat him. The pills had a sedative and intoxicating effect and made Ali Abdoli feel sleepy and confused, affecting his ability to think clearly. It was in this state of disorientation that his interrogators tried to force him to sign “confessions”. When he was eventually transferred to Adelabad prison in Shiraz, he experienced withdrawal symptoms from not taking the pills and suffered convulsions.

This form of torture has previously been documented by Amnesty International and other human rights organizations, including during the nationwide protests of 2009 and 2017.<sup>56</sup>

Another victim who was held in a detention centre run by the intelligence unit of the Revolutionary Guards in Tehran province told the organization that agents injected an unidentified liquid into one of his ankles, causing him extreme pain. He said that he witnessed the agents do the same to several other detainees without ever giving an explanation as to the reason they were administering the injection. He told the organization:

**“They had these injections which they also used on other detainees. They injected us in the back of our ankles, in the place where the tendon meets the heel of the foot. It felt as if they had a saw and they were slowly sawing my foot. It was as if they were breaking the bones of my foot or injecting acid into my foot. The pain was so excruciating that you lost consciousness.”**

## 5.9 DENIAL OF MEDICAL CARE

The authorities, including ministry of intelligence and Revolutionary Guards interrogators, prison officials and prosecution authorities, also tortured or otherwise ill-treated detainees by deliberately depriving them of access to medical care for injuries sustained during the protests or as a result of torture.

According to eyewitnesses interviewed by Amnesty International as well as reports from independent human rights groups and media organizations, in different cities across the country including Ahvaz and Behbahan in Khuzestan province, Esfahan in Esfahan province, Kermanshah in Kermanshah province, Malard in Tehran province, Sadra and Shiraz in Fars province, Sanandaj in Kurdistan province, and scores of protesters and bystanders injured by live ammunition, birdshot and metal pellets were arrested at hospitals while seeking medical care or immediately after being discharged from hospital, and transferred to detention centres where they were denied access to treatment and medication (see section 3.1).

According to Amnesty International’s information, some injured detainees were denied timely surgical treatment to remove the birdshot and metal pellets with which they had been shot, leading to infections and other health complications. Many were also denied antibiotics and pain-relieving medication for their injuries, which included gunshot wounds to the legs, back and stomach. Former detainees have described scenes where wounded detainees, held in unsanitary and overcrowded conditions, screamed from pain and cried for help but the authorities refused to transfer them to hospitals.

Not only did interrogators fail to ensure that detainees were given adequate medical care for injuries sustained during the protests, they even threatened to inflict more pain on the wounds of some detainees if they refused to sign self-incriminating “confession” statements.

Amnesty International also documented one case where interrogators refused medical care to a detainee for injuries he said were inflicted on him under torture until he agreed to make a “confession” (see the case of Amirhossein Moradi, Mohammad Rajabi and Saeed Tamjidi under section 6.2). The organization has previously documented a pattern of the authorities deliberately denying medical care for the purpose of punishing detainees or obtaining “confessions”.<sup>57</sup>

Amnesty International has received information indicating that some of the protesters who remain in prison are being denied medical care, including medication, that they need for pre-existing conditions or related to injuries sustained at the protests or after torture and other ill-treatment in detention (see the case of Rezvaneh Ahmadvanbeigi in section 3.4).

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<sup>56</sup> Amnesty International, *Iran: From protest to prison: Iran one year after the election* (Index: [MDE 13/062/2010](#)); *Freedom From Torture, We will make you regret everything: Torture in Iran since the 2009 elections*, March 2013, <https://bit.ly/3dGpr3w>; Centre for Human Rights in Iran, *Silencing the Streets, Deaths in Prison: The December 2017 Crackdown in Iran*, 19 February 2018, <https://www.iranhumanrights.org/2018/02/irans-suppression-of-december-2017-unrest-marked-by-brutal-violations-of-law/>

<sup>57</sup> See Amnesty International, *Iran: Health taken hostage: Cruel denial of medical care in Iran’s prisons*, 18 July 2016 (Index: [MDE 13/4196/2016](#)).

## 5.10 INHUMANE DETENTION CONDITIONS

According to information received from victims and others with knowledge of detention conditions, the arrest of thousands of protesters during the protests and in their aftermath resulted in severe overcrowding in some prisons and detention centres.

Officials acknowledged overcrowding due to arrests in connection with the protests. On 25 November 2019, the head of the city council of Rey in Tehran province, Hassan Khalilabadi, expressed concern that Greater Tehran Central Penitentiary was extremely overcrowded and had neither the capacity nor the facilities to accommodate such large numbers of detainees.<sup>58</sup>

In addition to overcrowding, the most common complaints about the conditions of detention centres and prisons during this period included: filthy and insufficient bathroom facilities; lack of adequate sanitary facilities and products for prisoners to maintain personal hygiene; poor ventilation; insect infestations; lack of food and water, particularly in the first few days of detention, followed by meagre rations of poor quality food; and a severe shortage of beds, meaning many prisoners had to sleep on the floor.

Some detainees were exposed to extreme temperatures. In some detention centres, detainees were forced to stand outside in the cold, stripped of their clothes and had cold water poured on them with a hose. One victim from Khuzestan province told the organization that she was subjected to extremely cold temperatures in her solitary confinement cell (see the case of female protester in section 6.1). Another victim from Tehran province said that he was held in a cell with a large bright light that was turned on 24 hours a day and emitted intense heat, making him extremely uncomfortable and unable to sleep.

In some cities, many peaceful protesters and bystanders who were detained also faced a serious risk to their safety and wellbeing by being held in prison wards alongside prisoners convicted of violent crimes where assaults against inmates both by other inmates and prison staff, mental health issues, self-harm among prisoners, drug use, and infectious, contagious diseases are prevalent. Similar concerns about inhumane detention conditions have been previously documented by Amnesty International in prisons and other detention centres across Iran.<sup>59</sup> In some cases, such inhumane conditions in themselves may amount to torture.

### WOUNDED PROTESTER SUBJECTED TO INHUMANE CONDITIONS<sup>60</sup>



A civil society activist from Khuzestan province was subjected to criminal proceedings in connection with her peaceful participation in the protests in a city in Khuzestan province and her intention to take part in the memorial ceremonies marking the 40th day of the killing of the protesters.

She sustained a gunshot wound when members of the Basij and Revolutionary Guards began firing live ammunition at a crowd of unarmed protesters. She was taken to hospital where she underwent two surgical operations to remove the bullet. She was arrested a month later in mid-December 2019.

According to information available to the organization, she was taken to a detention centre run by the police, where she was held in

<sup>58</sup> Khabar Online, "Head of the city council of Rey: The facilities in Fashafouyeh prison cannot meet this volume of arrests / Protesters should be separated as soon as possible from the people who caused destruction", 25 November 2019, <https://www.khabaronline.ir/news/1324385/> (in Persian).

<sup>59</sup> Amnesty International, *Iran: Inhumane prison conditions need attention* (Index: [MDE 13/5515/2017](https://www.amnesty.org/en/latest/news/2017/08/iran-mass-hunger-strike-by-political-prisoners-in-protest-at-inhumane-conditions/)); Amnesty International, *Iran: Mass hunger strike by political prisoners in protest at inhumane condition* (Press Release, 22 August 2017), <https://www.amnesty.org/en/latest/news/2017/08/iran-mass-hunger-strike-by-political-prisoners-in-protest-at-inhumane-conditions/>; Amnesty International, *Iran: Four women jailed for attending May Day rally: Anisha Assadolahi, Atefeh Rangriz, Neda Naji and Marzieh Amir* (Index: [MDE 13/0663/2019](https://www.amnesty.org/en/latest/news/2018/02/iran-three-activists-on-hunger-strike-after-violent-prison-transfer/)); Amnesty International, *Iran: Three activists on hunger strike after violent prison transfer* (Press Release, 7 February 2018), <https://www.amnesty.org/en/latest/news/2018/02/iran-three-activists-on-hunger-strike-after-violent-prison-transfer/>

<sup>60</sup> The information in this case box is based on the testimony of a victim who shared her ordeal with Amnesty International. The organization has withheld her name and the details of her case for security reasons.

solitary confinement for a week in a cell infested with insects and rodents, and subjected to extremely cold temperatures.

On the first night, her interrogator refused her request for a lawyer, stating that she had no right to one. She was blindfolded during questioning and her interrogators repeatedly threatened to beat her on her surgical wound, which had not fully healed and had developed an infection, if she did not sign a pre-written statement “confessing” that she was a member of an “opposition group”. She was also questioned about her intention to take part in the upcoming memorial ceremonies marking the 40th day of the killing of the protesters. She was released about a month later on bail. She was subsequently tried on a number of criminal charges but was ultimately acquitted.

## 5.11 PSYCHOLOGICAL TORTURE

In all cases documented by Amnesty International, interrogators in detention centres run by the ministry of intelligence and the Revolutionary Guards subjected those in their custody to psychological forms of torture and other ill-treatment.

These included persistent use of degrading verbal insults and profanities directed against the victims and members of their families, especially female family members.

Threats were also widely used to induce fear and enforce obedience. In addition to threats of further torture including rape against the detainees, interrogators routinely threatened to arrest family members of detainees, including elderly parents, spouses or siblings, subject their loved ones to physical harm, rape or death, or have their children suspended from their educational institutions if they failed to “cooperate” and “confess”.

Several victims also reported that, in order to psychologically torture them, interrogators held them in cells where they could hear sounds of beatings and detainees screaming and crying from pain, and this caused them mental distress and anguish and induced shock and fear.

In a number of instances, interrogators falsely told victims that their loved ones were already in custody and were being interrogated or tortured nearby. Some victims told the organization that interrogators threatened to “destroy” their lives by permanently separating them from their spouses and children.

Interrogators also tried to manipulate detainees into making “confessions” in writing or in front of a video camera by promising that, if they did so, they would be released, their prison sentences would be reduced, or they would receive a pardon.

Victims consistently told Amnesty International that the psychological torture or other ill-treatment, especially threats to detain or harm family members, was particularly hard to endure and led them to make forced “confessions” even when they had been able to withstand physical torture or other ill-treatment.

# 6. UNFAIR TRIALS

**“A prosecution official told us that we should not bother getting a lawyer for him and not to waste our money because they said there was nothing that lawyers could do to help him.”**

A relative of a detainee who was arrested for his participation in the November 2019 protests.

Amnesty International’s research has found that individuals investigated and tried in connection with the November 2019 protests have suffered grossly unfair judicial proceedings. The most common fair trial violations against individuals have included, but are not limited to, denial of the following rights:

- Right to access legal counsel and adequate defence
- Right not to be compelled to testify against oneself or to confess guilt
- Right to a fair, public hearing before a competent, independent and impartial tribunal
- Right not to be detained on charges that are vague or stem from the peaceful exercise of human rights
- Right to a public, reasoned judgement
- Right to a meaningful appeal
- Right to compensation for miscarriages of justice

Amnesty International found that many individuals prosecuted over their participation in the November 2019 protests were subjected to two separate trials, one in front of a Revolutionary Court and the second in front of a criminal court. They were tried in front of a Revolutionary Court on charges related to national security such as “spreading propaganda against the system” and “gathering and colluding to commit crimes against national security”, while facing separate criminal charges including “disturbing public order” and “destruction of property” in front of criminal courts. In both cases, the authorities brought the charges in connection with the protests, even when individuals had not participated in them.

While the organization has previously documented cases of individuals being tried in relation to the same “criminal act” in two separate court cases, it noted an apparent increase in this practice in relation to defendants put on trial in connection with the November 2019 protests. Amnesty International is concerned that this practice of splitting defendants’ cases into two separate trials creates a situation where defendants risk being tried and convicted on charges of which they had already been convicted or acquitted, in contravention of Iran’s obligations under international law, including the principle of protection against double jeopardy.<sup>61</sup>

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<sup>61</sup> International Covenant on Civil and Political Rights (ICCPR), Article 14.7.

## IRAN'S COURT SYSTEM: REVOLUTIONARY AND CRIMINAL COURTS

Iran's criminal courts are listed under Article 294 of the Code of Criminal Procedure. They include Criminal Court 1, Criminal Court 2 and the Revolutionary Courts. Defendants are referred by the Office of the Prosecutor to one or more of these courts depending on the charges brought against them.

According to Article 303 of the Code of Criminal Procedure, Revolutionary Courts<sup>62</sup> have jurisdiction over: 1) crimes against national and external security, "enmity against God" (*moharebeh*), "corruption on earth" (*efsad-e fel-arz*), "armed rebellion against the state" (*baghi*), "gathering and colluding to commit crimes against the Islamic Republic", armed activities, arson and "destruction and plunder of resources with the purpose of opposing the system"; 2) "insulting the founder of the Islamic Republic and the Supreme Leader"; 3) all drug-related offences; 4) trafficking of arms and ammunition and other restricted items; and 5) all other offences whose investigation falls under the Revolutionary Courts pursuant to special laws. Depending on the type of offence, proceedings before Revolutionary Courts are presided over by one or two judges.

According to Article 302 of the Code of Criminal Procedure, Criminal Court 1 has jurisdiction to hear the following cases: 1) crimes punishable by death; 2) crimes punishable by life imprisonment; 3) crimes punishable by amputation and cases of physical assault punishable by payment of half or more of a full payment of "blood money" (*diyeh*); 4) *ta'zir*<sup>63</sup> crimes of degree three and higher; and 5) "political" and "press" crimes. Branches of Criminal Court 1 are located in the capital of each province and, if deemed necessary by the head of the judiciary, in one or more of the province's counties outside the capital. The court is composed of a presiding judge and two associate judges, but it can also convene with two judges. Trial sessions before Criminal Court 1 must be audio recorded or, with the permission of the judge, video recorded. Publication of these recordings is, however, prohibited although they may be "used" with the permission of the court.

According to Article 301 of the Code of Criminal Procedure, Criminal Court 2 has jurisdiction to hear all cases except those that fall within the jurisdiction of other courts. A branch of Criminal Court 2 is typically located in the capital of each county to deal with the crimes that take place in the county. Their proceedings are presided over by a single judge.

Based on Article 268 of the Code of Criminal Procedure, the office of the prosecutor is in charge of issuing indictments against defendants and referring their cases to the courts that have jurisdiction to try the alleged offences in question. Article 284 of the Code of Criminal Procedure states that, if one or more of the charges brought against a defendant falls under the jurisdiction of one court and the remaining charges under the jurisdiction of other courts, a separate indictment must be issued for each court, containing the charges over which the respective court has jurisdiction.

Under Article 428 of the Code of Criminal Procedure, first-instance verdicts are subject to appeal in the Supreme Court if they concern the following crimes: crimes punishable by death, amputation or life imprisonment; *ta'zir* crimes of degree three and higher; intentional physical assault punishable by more than half of a full payment of "blood money" (*diyeh*); and political and press offences. Other first-instance verdicts are subject to appeal in the Court of Appeal, of which there are branches in the capital of each province.

## 6.1 DENIAL OF ACCESS TO LEGAL COUNSEL AND ADEQUATE DEFENCE

Amnesty International's research shows that individuals detained in connection with the November 2019 protests were systematically denied their right to access a lawyer during the investigation phase, including in cases where individuals faced charges carrying the death penalty.

<sup>62</sup> Revolutionary Courts in Iran were established in the aftermath of the 1979 revolution to summarily try and execute those considered "anti-revolutionary", including individuals with a real or perceived affiliation with the overthrown monarchy. See Amnesty International, *Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity* (Index: [MDE 13/9421/2018](#)).

<sup>63</sup> *Ta'zir* crimes refer to those crimes that do not have a pre-determined definition and punishment under Islamic law (Shari'a). They are codified in the Islamic Penal Code on Discretionary and Deterrent Punishment, 22 May 1996, Book 5.

Article 35 of Iran's Constitution guarantees the right of individuals to legal counsel.<sup>64</sup> However, this guarantee has been rendered meaningless by provisions in the Code of Criminal Procedure and long-standing practices of the authorities.

The Note to Article 48 of the Code of Criminal Procedure limits the right to access an independent lawyer of one's choosing by requiring individuals facing charges related to national security to select their legal counsel for the investigation phase from a list of lawyers vetted and approved by the head of the judiciary. In Iran, those charged with "national security" offences include human rights defenders, journalists and others targeted solely for the peaceful exercise of their human rights.<sup>65</sup>

However, in a pattern consistent with previous violations of the right to access a lawyer, interrogators belonging to security and intelligence bodies and prosecution authorities consistently failed to respect even this limited guarantee and refused to provide individuals detained in connection with the November 2019 protests any access to even lawyers vetted and approved by the judiciary during the investigation phase.

Furthermore, in line with a growing practice in recent years, prosecution authorities and judges presiding over Revolutionary Courts invoked the Note to Article 48 of the Code of Criminal Procedure to prevent some detainees from accessing lawyers of their own choosing not only at the investigation phase, but even during trial, despite such a restriction being outside the scope of the Note. In these cases, the authorities told defendants that they had to choose their lawyers from a list of lawyers approved by the head of the judiciary, and the defendants who refused were consequently forced to represent themselves at trial.

Amnesty International documented seven cases where individuals detained in connection with the protests were tried without any legal representation. This was either as a result of defendant being denied access to a lawyer of their own choosing, which consequently forced them to represent themselves at trial, or because the defendants were tried in their absence, without the state providing them with the opportunity to secure legal representation. Amnesty International understands from informed sources that the real number of such cases is far higher.

Lawyers representing people on trial for charges in connection with the protests also often faced a range of repressive measures, further hampering the enjoyment of the right to adequate time and facilities to prepare a defence including: arbitrary intervention by the authorities to deny visits to clients; delayed or denial of access to court files; lack of appropriate facilities for private consultation and communication with clients; and denial of access to their clients. Detainees were often not allowed to meet their lawyers until a few hours before their trial date and sometimes not until the trial had begun.

## AREF ZAREI



Aref Zarei, imprisoned in Adelabad prison, Shiraz. @Private

Aref Zarei took part in protests in the area of Mali Abad in Shiraz, Fars province, with his family on the evening of 16 November 2019. On that day, security forces began firing live ammunition, birdshot and tear gas at crowds of unarmed protesters, according to research conducted by Amnesty International.

On 30 November 2019, intelligence agents from the police raided his family home and arrested him. Informed sources suspect that local Basij informants had tipped off security forces about their presence in the protests.

Following his arrest, Aref Zarei was held for nine days in a detention centre in Shiraz belonging to the police, the first four days of which were in solitary confinement.

<sup>64</sup> Article 35 stipulates: "Both parties to a lawsuit have the right in all courts of law to choose a lawyer and, if they are unable to do so, arrangements must be made to provide them with legal counsel."

<sup>65</sup> For more information, see Amnesty International, *Iran: Regressive amendment would deal crushing blow to right to assistance of a lawyer during investigation phase* (Index: [MDE 13/0379/2019](#)); Amnesty International, *Iran: Nearly four decades after revolution, legal framework remains deeply flawed* (Index: [MDE 13/3420/2016](#)); Amnesty International, *Iran: Flawed reforms: Iran's new code of criminal procedure* (Index: [MDE 13/2708/2016](#)).

He was then moved to a ministry of intelligence detention facility in Shiraz known as “Pelak-e 100” (Number 100) where he was held incommunicado in prolonged solitary confinement for a further 16 days. It was under these conditions and without a lawyer present that he “confessed” to throwing a stone which hit a bank sign, a “confession” which was used in court as admissible evidence against him. During this time, he had no access to his family and the authorities refused to provide them with any information about his fate and whereabouts, thereby committing the crime of enforced disappearance.

Around a month after his arrest, when his family tried to seek information about him from the office of the prosecutor, an official there reportedly told them that it is not necessary to hire a lawyer for him.

Aref Zarei’s case was subsequently split into two separate trials.

On 16 January 2020, Branch 1 of the Revolutionary Court in Shiraz convicted him of “gathering and colluding to commit crimes against national security” and sentenced him to five years in prison.

On 19 January 2020, Branch 101 of Criminal Court 2 in Shiraz sentenced him to four years’ imprisonment for “disturbing public order” and “destruction of government property”.

Both trials consisted of one session each.

Despite Aref Zarei’s family having retained a lawyer on his behalf, he was denied legal representation throughout his entire pre-trial detention. Both courts also denied his independently chosen lawyer access to his case files and refused to allow him to represent Aref Zarei at trial because they insisted that he choose from a list of state-approved lawyers. His lawyer was only allowed access to his case files after the verdicts had been issued, when he needed them to submit appeals against the rulings. Both of his convictions and sentences have been upheld on appeal.

Aref Zarei is serving his prison sentence in Adelabad prison in Shiraz, where he was transferred around three weeks after his arrest.

## HOSSEIN REYHANI



Hossein Reyhani @Private

Hossein Reyhani was arrested in a violent manner by Revolutionary Guards agents at his home in Eslamshahr, Tehran province, on 8 December 2019. He had attended the protests in the city weeks earlier in November 2019.

The agents beat him and transferred him to Section 2A of Evin prison, which is under the control of the Revolutionary Guards, before moving him to Section 241 of the prison, which is under the control of the intelligence unit (*hefazat*) of the judiciary.

According to information available to Amnesty International, while held in Evin prison, Hossein Reyhani was subjected to torture and other ill-treatment,

including through beatings and being held in prolonged solitary confinement. He was transferred to the Greater Tehran Central Penitentiary around a month after his arrest.

Based on information received by Amnesty International and a letter<sup>66</sup> that Hossein Reyhani wrote from inside prison in July 2020, he has been charged with “enmity against God” (*moharebeh*) through arson, which carries the death penalty. Hossein Reyhani said in his letter, which was smuggled out of prison, that this charge was based entirely on a text message he sent from his mobile phone to a friend in which he said that he witnessed a bank that was on fire. It appears that the authorities have used the message as “evidence” that he had been involved in setting the bank on fire.

Amnesty International understands that Hossein Reyhani’s case was first referred for trial to the Revolutionary Court in Eslamshahr in early 2020, but that the court held that it lacked the jurisdiction to hear it, considering that it should instead be brought before the Criminal Court in Eslamshahr. The Supreme Court was subsequently asked to decide which court should try the case.

<sup>66</sup> The letter is available on the website of the Human Rights Activists News Agency, “They charged me with *moharebeh* for sending one text message / A plea from November 2019 protester Hossein Reyhani”, 11 July 2020, <https://www.hra-news.org/2020/hranews/a-25610/>

In his letter, Hossein Reyhani said that, since his arrest, he had been tortured, denied access to any lawyer and had not been allowed to read his court documents. He wrote:

**“Hello to everyone who can hear my voice... From the time my father died, I have been supporting my family financially in these difficult economic times... It may be strange that my crime is just sending a text message to my friend that said ‘some people set fire to the bank’... The Revolutionary Guards violently arrested me and transferred me to Evin prison. I was terrified and did not know why I had been arrested or what would happen to me. In Evin prison, I was repeatedly tortured psychologically. They [the Revolutionary Guards] repeatedly beat me with a hosepipe on my back and sides, hands and feet. I was held for 17 days in a white room and 13 days in solitary confinement... I do not know how and why they have accused me of enmity against God (*moharebeh*) for sending one text message... A few days ago, I received a divorce letter from my wife and now I feel I have nothing more to lose.**

**“Eight months of uncertainty have left me tired and being in prison solely for sending a text message has become unbearable for me. To this day, [the authorities] have never allowed me to have a lawyer and I do not know the status of my case. The only thing I know is that my case is with the Supreme Court.**

**“To the people reading this letter, I ask you to use your pens to help me, so that I can escape from this horrific fate.”**

## 6.2 FORCED ‘CONFESSIONS’

The right to the presumption of innocence requires that those facing criminal charges have the right to remain silent during investigation and at trial. The right to remain silent serves as an important safeguard of the right not to be compelled to incriminate oneself and is guaranteed under Article 197 of the Code of Criminal Procedure. Despite this legal protection, and in a pattern consistent with past violations, Amnesty International’s research shows that those detained in connection with the November 2019 protests, including children, were subjected to torture and other ill-treatment to give written and/or video-recorded “confessions”. Such coerced statements were then unlawfully used as admissible evidence in court to convict them, even when retracted by defendants in court.

Courts have systematically ignored allegations of coercion, torture and other ill-treatment and failed to order investigations. Several victims told Amnesty International that they were threatened by their interrogators, usually members of the ministry of intelligence or the Revolutionary Guards, with further torture or the arrest and torture of their relatives if they refused to make “confessions” in front of a video camera or sign “confession” statements that were either pre-written by their interrogators or dictated to them.

Some victims told Amnesty International that their interrogators asserted that they would have them convicted regardless of whether they “confessed” and that they should proceed to “confess” if they wanted the intense interrogations, frequently accompanied by torture and other ill-treatment, to stop. Other victims were promised lower sentences or medical treatment for injuries sustained under torture if they “confessed”.

One victim from Mashhad, detained by plain clothes agents who did not identify themselves, told the organization:

**“My interrogators kept trying to force me to make ‘confessions’. They kept insisting that I sign a sheet of paper that attributed several crimes to me. One of them said, ‘Whether you confess or not, we will convict you of whatever we want, so you may as well sign to bring these interrogations to an end.’ I asked them ‘In that case, why should I make a confession if you will just do what you want?’ I refused to sign anything because I had done nothing wrong.”**

In the days and weeks following the protests, Iran’s state media broadcast dozens of propaganda videos, showing individuals making “confessions” before their trials had even begun and interjecting the videos with untruthful statements and other audio-visual content that sought to demonize the protesters and distort the truth concerning the unlawful killings and other serious crimes and human rights violations perpetrated by the authorities during the protests (see section 7.2).

Given that detainees are not allowed access to lawyers at the investigation stage in national security cases and the well-established pattern of coerced televised “confessions” in such cases, Amnesty International

believes that the individuals in these videos would not have been in a position to give their consent freely to their appearance in them.

State media also aired a number of propaganda videos that included interviews by state media journalists with individuals injured during the protests, who had their heads or bodies wrapped in bandages.<sup>67</sup> Amnesty International is similarly concerned that these interviews, some of which resembled interrogations, were conducted in circumstances of a coercive nature, against the backdrop of a heavy security presence in hospitals, and were included in broader propaganda packages without the victims' consent before trials had even taken place (see section 5.9).

In addition to violating the right to presumption of innocence and to remain silence, the mental anguish caused to detainees and their families by such "confession" videos, which generally dehumanize and demonize the victims and purport to show their "guilt" for serious crimes, violates the absolute prohibition on torture and other cruel, inhuman and degrading treatment under international law.<sup>68</sup>

## PROTESTERS SENTENCED TO DEATH



From left to right: Amirhossein Moradi, Mohammad Rajabi and Saeed Tamjidi @Private

Amirhossein Moradi, Mohammad Rajabi and Saeed Tamjidi have been sentenced to death in connection with acts of arson in Tehran during the November 2019 protests in which they have denied having any involvement. Their trial was grossly unfair. They were denied access to their lawyers during the investigation phase and subjected to enforced disappearance for weeks. The three men reported being repeatedly subjected to torture and other ill-treatment during the investigation stage. Amirhossein Moradi also said in court that he was coerced into giving a video-recorded "confession" that was later broadcast on state television and unlawfully used as evidence to convict all three.<sup>69</sup>

Amirhossein Moradi was arrested on 19 November 2019 and held for around a week in a ministry of intelligence detention centre in Tehran before being transferred to in the Greater Tehran Central Penitentiary (also known as Fashafouyeh prison) for another week. He was then transferred to Evin prison, where he was held at different times over the next month in Sections 209 and 240, which are controlled by the ministry of intelligence and the intelligence unit (*hefaza*) of the judiciary respectively. He was held in solitary confinement both in the ministry of intelligence detention centre and in Evin prison and reported that interrogators in Evin prison tortured him including through beatings, electric shocks and standing on his chest. He reported that he only "confessed" after his interrogators promised to provide him with medical treatment for the injuries he sustained under torture, which they later denied him.

Mohammad Rajabi and Saeed Tamjidi were arrested on 28 December 2019 after they were unlawfully deported to Iran from Turkey where they had fled out of fear of arrest and detention in relation to their participation in the protests and intended to seek asylum. They were held initially in a ministry of intelligence detention centre in Tehran. They reported that they were subjected to torture and other ill-

<sup>67</sup> Aparat, "IRIB report on the November 2019 riots: Interviews with individuals arrested", <https://www.aparat.com/v/bYVWs/> (in Persian); Mashregh News, "Film: The first confessions of some of the arrested rioters", 19 November 2019, <https://www.mashreghnews.ir/news/1011582/> (in Persian).

<sup>68</sup> Amnesty International, *Iran: Broadcasting injustice, boasting of mass killing: A case study of August 2016 execution of 25 Sunni men in Iran*, (Index: [MDE 13/5079/2016](#)); International Federation for Human Rights and Justice for Iran, *Orwellian State: The Islamic Republic of Iran's State Media as a Weapon of Mass Suppression*, 25 June 2020, <https://www.fidh.org/en/region/asia/iran/iran-new-report-demands-end-to-the-rampant-use-of-forced-confessions>

<sup>69</sup> Aparat, "Unbelievable confessions of the November 2019 riot leaders", <https://www.aparat.com/v/kSaug/> (in Persian).

treatment, including through being kicked, beaten with batons, hung upside down while repeatedly beaten on their legs.

On 24 December 2019, prior to their trial, IRIB broadcast a propaganda video<sup>70</sup> showing the “confessions” of one woman and 12 men, including Amirhossein Moradi. In the video, Amirhossein Moradi’s face is blurred and he is shown “confessing” that he was carrying a stun gun and that Mohammad Rajabi and Saeed Tamjidi each had a knife. He stated that they and other people uprooted a number of trees, put them in a road and set them on fire to block the road.

On 18 February 2020, judiciary spokesperson Gholamhossein Esmaili accused the three men of being “riot leaders” who had “set fire to banks and petrol stations, and filmed their criminal acts and sent the videos to foreign media”.<sup>71</sup> Following this announcement, the men’s lawyers received their court verdict, which stated that Branch 15 of the Revolutionary Court in Tehran had convicted them of “enmity against God” (*moharebeh*) and sentenced them to death. The men have denied committing any acts of arson. Amnesty International understands that their convictions were based on the torture-tainted “confessions” of Amirhossein Moradi and videos of the protests the men had filmed on their mobile phones, which included clips of them chanting anti-establishment slogans and scenes of banks and trees on fire.

On 10 July 2020, the lawyers of the three men reported on their Twitter accounts that their sentences had been upheld by the Supreme Court. On 14 July 2020, judiciary spokesperson Gholamhossein Esmaili confirmed the Supreme Court’s decision but stated that their sentence could change following a judicial review.<sup>72</sup> The Supreme Court subsequently accepted their request for a judicial review; as of 26 August 2020, their case was still under review. The men are imprisoned in the Greater Tehran Central Penitentiary.

## FATEMEH DAVAND



*Fatemeh Davand @Private*

Kurdish Iranian woman Fatemeh Davand was arrested by ministry of intelligence agents on 17 November 2019 after participating peacefully in protests in the city of Bukan, West Azerbaijan province. She was held for one night in a ministry of intelligence detention centre in Bukan before being transferred, whilst blindfolded and with her hands and feet chained, to a ministry of intelligence detention centre in the city of Urumieh, West Azerbaijan province.

Amnesty International learned from credible sources that she was held there incommunicado for two weeks in solitary confinement, where she was denied food for several days and interrogated by agents of the ministry of intelligence without a lawyer present.

While in solitary confinement, her interrogators tried to force her to give “confessions” that she was co-operating with unspecified Kurdish opposition groups. Several days after her arrest, under torture and other ill-treatment through the deprivation of food and coercive tactics such as false promises that she would be released the following day, she was forced to give a “confession” in front of a video camera. She was not informed that those filming her were from IRIB and had no knowledge that her forced “confession” was to be broadcast on state television.

<sup>70</sup> Aparat, “Unbelievable confessions of the November 2019 riot leaders”, <https://www.aparat.com/v/kSaug> (in Persian).

<sup>71</sup> Mizan Online News Agency, “The 20<sup>th</sup> press conference of the spokesman for the judiciary, Gholamhossein Esmaili”, 18 February 2020, <https://www.mizanonline.com/fa/news/597520/> (in Persian).

<sup>72</sup> Islamic Republic News Agency, “New directive for the furlough of prisoners in the second wave of coronavirus”, 14 July 2020, <https://www.irna.ir/news/83855015> (in Persian).

Days following her arrest, videos of Fatemeh Davand's forced "confessions" and her standing atop a car and speaking to a crowd of people during the protests was broadcast by IRIB in a propaganda video, which depicted Fatemeh Davand and other women taking part in the protests as "riot leaders".<sup>73</sup>



*Screenshot taken from the propaganda video broadcast on IRIB. The video showed the forced "confession" of Fatemeh Davand and referred to her and other women protesters as "riot leaders". @IRIB*

Fatemeh Davand was denied access to her family until she was transferred to the women's ward in Urumieh Central Prison around the beginning of December 2019. She was then permitted several phone calls and a single family visit until her release on 25 March 2020.

The authorities split her case into two separate trials.

In the first trial, which took place before Branch 103 of the Criminal Court 2 in Bukan on 31 December 2019, she was convicted of "disturbing public order" and sentenced to five months in prison and 30 lashes.

She was released on 25 March 2020 upon payment of bail, pending her second trial, and completion of her prison sentence from her first trial. Her flogging sentence has yet to be carried out.

In the second trial, which took place on 12 May 2020 before Branch 1 of the Revolutionary Court in Mahabad, West Azerbaijan province, she was convicted of "gathering and colluding to commit crimes against national security" and sentenced to three years and nine months in prison.

Both of her trials were grossly unfair. Her convictions were based, in part, on forced "confessions" obtained under torture and other ill-treatment, even though she retracted them in court and told the judges that she had been forced to give the "confessions" by her interrogators. Both courts also used the videos of her peaceful participation in the protests as evidence to convict her.

She was summoned to Urumieh Central Prison on 5 August 2020 to begin serving her prison sentence of three years and nine months. She also risks the implementation of her flogging sentence.

Fatemeh Davand is a prisoner of conscience, imprisoned solely for exercising her rights to freedom of expression, association and peaceful assembly.

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<sup>73</sup> Mizan Online News Agency, which contains a page vilifying women protesters and featuring the "confession" of a woman detainee, which took place within days of her arrest: "The confessions of 'Fateme Karate' on the counter-revolutionary plan in the recent subversion", 21 November 2019, <https://www.mizanonline.com/fa/news/569736/> (in Persian).

## 6.3 CLOSED OR IN ABSENTIA HEARINGS BEFORE BIASED BODIES

The trials of those convicted and sentenced in connection with the protests of November 2019 have generally consisted of just one brief session, sometimes lasting only a few minutes, according to informed sources.

In line with the secretive nature of Iran's criminal justice system, which has long been documented by Amnesty International and other human rights organizations, trial proceedings before criminal and Revolutionary Courts have generally taken place behind closed doors.

In all cases documented by Amnesty International, families were not allowed to attend and, in several cases known to the organization, even the defendants' lawyers were not allowed to be present.

Amnesty International is also aware of at least three cases where the defendants themselves were not present in their trials and were convicted and sentenced in their absence (*in absentia*).

In at least two of these cases, the authorities failed either to notify the defendants of their trial dates or to ensure their transfer from prison to courts. In the third case, the individual had fled the country by the time their trial took place.

### ALI AZIZI



Azerbaijani Turkic activist Ali Azizi @Private

Azerbaijani Turkic activist Ali Azizi was arrested in a violent manner by agents from the intelligence unit of the police on the morning of 19 November 2019 outside his place of work in Urumieh, West Azerbaijan province, after taking part in protests in Urumieh three days earlier.

According to information from informed sources, the agents pulled out guns, punched and kicked him all over his body, and smashed his head onto the car.

He was taken to an overcrowded detention centre belonging to the intelligence unit of the police in Urumieh where he was held in the same space with scores of other men and women who were also detained for participating in the protests.

Ali Azizi's interrogators questioned him about why he had attended the protests, what he had chanted during the protests and with which groups he has links. He was released on bail the same day, but was rearrested on 23 February 2020, this time by ministry of intelligence agents, who detained him for one night in their detention centre in Urumieh and then for a further 10 days in a detention centre in Tabriz, East Azerbaijan province, which was also run by the ministry of intelligence. During this time, he was held incommunicado in solitary confinement and interrogated without a lawyer present. He was transferred to Tabriz prison after 10 days.

Ali Azizi has faced two cases in relation to his participation in the protests and human rights activism on behalf of the Azerbaijani Turkic minority.

His trial took place in his absence before Branch 101 of Criminal Court 2 in Urumieh while he was held in Tabriz prison because the authorities there failed to transfer him to the courthouse in Urumieh, thereby denying him the opportunity to defend himself. Despite the authorities' failure to ensure his presence at his trial, the court issued a verdict on 12 March 2020, convicting him of "disturbing public order" in relation to his peaceful participation in the protests and sentencing him to 20 lashes and a fine in lieu of an eight-month prison sentence. The court cited as "crimes" peaceful activities such as "chanting in protests" to convict him.

When his verdict was upheld, he was given 20 days within which to request a retrial, during which time he was provisionally released from prison on 25 March 2020 after paying a sum of money. His request was granted and the retrial took place with a lawyer present in the same court of first instance, Branch 101 of Criminal Court 2 in Urumieh. The day after his trial, the court reinstated its original verdict.

His fine and flogging sentence were carried out on 8 June 2020 in Branch 7 of the office for the implementation of sentences in Urumieh. The flogging sentence of another Azerbaijani Turk, Eliar Hosseinzadeh, took place at the same time; he had been convicted on similar charges related to the protests.

Ali Azizi has another case open against him in Tabriz on charges of “spreading propaganda against the system”, “membership of a group with the purpose of disrupting national security” (in relation to GAMAC) (Turkish acronym for South Azerbaijan National Liberation Front), and “spreading lies” in relation to his participation in the protests and human rights activism. This trial has yet to take place.

Ali Azizi also has a third case that has been open against him since June 2015 in relation to his peaceful activism.

If imprisoned, Ali Azizi would be a prisoner of conscience, jailed solely for peacefully exercising his rights to freedom of expression, association and peaceful assembly.

## MEYSAM JOLANI



*Azerbaijani Turkic activist Meysam Jolani @Private*

Azerbaijani Turkic activist Meysam Jolani, was arrested by plain clothes security forces from the ministry of intelligence outside his home in the city of Ardabil, Ardabil province, on 17 November 2019, after taking part in a small peaceful protest in Ardabil.

He was forced into a car, blindfolded and taken to a ministry of intelligence detention centre in Ardabil. He was held in solitary confinement for four days and interrogated without access to his family or a lawyer, after which he was transferred to the central prison in Ardabil, where he was held in an overcrowded cell before being released on bail on 9 December 2019 pending trial.

While in solitary confinement, Meysam Jolani was initially questioned about his opinions on the increase in the price of petrol, but the focus of the interrogation soon shifted to his human rights activism on behalf of the Azerbaijani Turkic minority, including his links to and advocacy for the release of jailed Azerbaijani Turkic activist Abbas Lesani, who is a prominent advocate of the rights of Iran's the Azerbaijani Turkic ethnic minority in Iran and has been sentenced to 15 years in prison. His interrogators accused him of “acting against national security” and threatened to arrest his relatives if he refused to answer their questions.

According to credible sources with knowledge of his detention, during this period, he was held in a small cell with poor ventilation. Electric lights were turned on for 24 hours a day, causing him sleep deprivation and mental distress. He was also denied his spectacles, without which he is unable to see properly.

On 30 November 2019, Meysam Jolani's mother, father, sister and brother were arbitrarily detained for several hours at the office of the prosecutor in Ardabil after they tried to seek information from the prosecution authorities about the reasons of his arrest. All four were later charged in relation to their enquiries about him and, on 4 February 2020, a criminal court in Ardabil fined his mother and sister after convicting them of “insulting officials”.

To his surprise, in June 2020, Meysam Jolani discovered that his trial had already taken place without his knowledge and that Branch 102 of Criminal Court 2 in Ardabil had convicted him of “disturbing public order through antisocial acts” on 30 January 2020, and sentenced him to six months in prison and 74 lashes. His trial was grossly unfair because it took place in his absence due to the authorities' failure to notify him of his trial date. He subsequently applied for a retrial, which was granted.

His retrial took place in the same court, Branch 102 of Criminal Court 2 in Ardabil, on 30 June 2020. The court convicted Meysam Jolani again of the same charge, but increased his sentence to 13 months in prison and 75 lashes, citing his “recidivism patterns” and referring to laws that allow courts to go beyond

the maximum statutory penalty in circumstances where individuals repeat the same “crimes”. His appeal hearing has yet to take place.

If imprisoned, Meysam Jolani would be a prisoner of conscience detained solely for exercising his rights to freedom of expression, association and peaceful assembly.

According to Amnesty International’s research, judges presiding over criminal and Revolutionary Courts have been hostile and biased against the protesters brought before them, and they have shown a lack of impartiality by openly supporting the accusations of the intelligence and security officials.

According to information from credible sources, judges presiding over trials repeatedly failed to allow defendants and their lawyers to properly present their defence and interrupted them while they spoke. Amnesty International’s research has consistently shown that Revolutionary Courts lack independence and operate under the influence of security and intelligence forces to convict defendants and impose harsh sentences.

One victim who was convicted by a Revolutionary Court in Fars province told Amnesty International:

**“The judge did not listen to my lawyer. The whole thing looked like a show trial and the judge seemed to have received prior instructions [from the intelligence and security bodies] to issue a prison sentence.”**

Judges also dismissed defendants’ retractions of “confessions” they said had been made under torture or other ill-treatment, allowed such statements to be used as admissible evidence to convict individuals, and failed to order investigations into allegations of torture and other ill-treatment.

Human rights defenders and lawyers in Iran have repeatedly expressed concerns that people appointed to Revolutionary Courts as judges are selected primarily based on their political opinions, religious beliefs and affiliation with intelligence and security bodies and not on the basis of their legal expertise and integrity. They often have no formal qualifications in law or legal training and experience.

## 6.4 UNDISCLOSED JUDGEMENTS

According to information available to Amnesty International, those convicted and sentenced in connection with the protests of November 2019 and their families and lawyers were consistently warned by intelligence and security officials not to disclose the details of court cases and verdicts to news organizations and human rights groups. In addition, in many cases, courts have refused to provide those convicted and sentenced with a written copy of the verdict. Many detainees have learned about their verdicts from prison officials, either verbally or through a letter provided to them in prison, which simply stated the charges on which they were convicted and the sentence issued against them. In some cases, detainees’ lawyers have been allowed to review judgements at a court office and take written notes (see section 6.1), while, in other cases, lawyers have been simply notified through a letter or an electronic notification from the judiciary’s online case management system of the charges on which their clients were convicted and the sentence issued against them.

of the charges on which their clients were convicted and the sentence issued against them.

These practices violate Iran’s obligation to ensure that judgements rendered in criminal cases are made public (with certain exceptions not relevant to such cases), as provided in Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

The obligation to ensure that court judgements are made public is part of making the administration of justice transparent and open to public scrutiny.

Iran’s criminal justice system does not abide by this international human rights obligation and has no clear legal provisions with regard to making court judgements publicly available. Article 380 of the Code of Criminal Procedure only makes it mandatory for authorities to provide the parties with a written copy of the judgement. Even here, however, Note 2 to the Article removes this requirement in cases involving offences against “decency” or national security, as well as where the judgement “contains content which would be *haram* [religiously forbidden] for the complainant to know about”. In such cases, the Note states that the judgement must be pronounced to the parties in an in-person session and the parties can take notes.

Access to verdicts and judgments are crucial to allow the accused and the public to know why the person has been convicted or acquitted. Furthermore, having access to the reasoned judgement is necessary for guaranteeing the right to appeal and should be provided to all parties within a reasonable time.

## 6.5 MEANINGLESS APPEALS PROCESSES

According to information gathered by Amnesty International, the Courts of Appeal are dismissing the appeals of those convicted and sentenced in connection with the November 2019 protests in a summary fashion and without providing any substantive or detailed reasons. This violates the defendants' right to have a meaningful review of their conviction and sentence by a higher court. The right to a fair trial requires courts to give reasons for their judgements, in particular, to protect against arbitrariness as well as enable appeals.<sup>74</sup>

In line with an emerging pattern documented by Amnesty International, sentences issued in relation to the November 2019 protests have frequently been upheld on appeal without hearings taking place at all, and detainees and their lawyers have not been provided with an opportunity to provide the Court of Appeal with written statements in support of their case beyond the submissions accompanying the appeal request. This pattern follows from formal instructions issued by the head of the judiciary in July 2019 that allows appeal proceedings to take place in writing and without a hearing. Several months before the protests, in May 2019, the head of the judiciary had stated:

**“We believe that in the investigation and prosecution of [matters related to] the fields of order and security, the courts and offices of the prosecutors should act as if an appeal process does not exist and there is just the one stage of trial. The court of first instance must be so precise and sure in its verdict that the court of appeal would essentially just be a court of confirmation.”<sup>75</sup>**

In a similar vein, in July 2020, the director of the judiciary's research institute essentially solidified the judiciary's contempt for the rights of defendants both to access their lawyers and to a meaningful appeal process by stating:

**“One of the factors that cause delays in the processing of court cases is [the presence of] lawyers, because prolonging the proceedings is in the interest of lawyers. For example, lawyers like cases to go to an appeal court or to the Supreme Court, even when the lawyer knows full well what the final outcome will be.”<sup>76</sup>**

This policy was reflected in the way that courts have processed appeals in the cases of individuals detained in connection with the November 2019 protests. In many cases documented by Amnesty International, after detainees had submitted a request for appeal, they were notified by prison authorities, suddenly and to their shock, that their conviction and sentence had been upheld on appeal without even a hearing taking place. Those convicted rarely received appeal court decisions in writing.

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<sup>74</sup> UN Human Rights Committee (HRC), General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, paras 29, 49; *Hadjianastassiou v. Greece* (12945/87), European Court of Human Rights (1992), para. 33; *Apitz Barbera et al v. Venezuela*, Inter-American Court (2008), para. 78.

<sup>75</sup> Islamic Republic News Agency, “Head of the Judiciary: The reform of the judicial process will be completed soon”, 18 May 2019, <https://www.irna.ir/news/83318991> (in Persian).

<sup>76</sup> Fars News Agency, 4 July 2020, [https://twitter.com/FarsNews\\_Agency/status/1279352881053929472](https://twitter.com/FarsNews_Agency/status/1279352881053929472) (in Persian).

# 7. CRISIS OF IMPUNITY

**“We thank the security and police forces who, with the backing of the people and the state, managed this disturbance and extinguished a sedition of this magnitude in 48 hours.”**

Mohammad Hossein Mokhtari, the representative of the Supreme Leader and Friday prayer leader in Birjand, South Khorasan province, on 13 December 2019<sup>77</sup>

A crisis of impunity for human rights violations has long prevailed in Iran. Consistent with their long-standing record, the Iranian authorities have refused to conduct any thorough, independent and impartial investigations into the patterns of widespread human rights violations committed during and in the aftermath of the protests and take any steps to hold those responsible to account.

As with many other past atrocities, the crisis of impunity for the human rights violations committed in the context of November 2019 protests has gone beyond the failure to investigate and ensure accountability. Almost immediately after the protesters started, the authorities orchestrated smear campaigns to demonize the victims as “terrorists” and “villains” in an apparent attempt to distort the reality of the human rights violations perpetrated by the authorities or seek to justify them. In the aftermath of the protests, the smear campaigns targeting the victims of the deadly crackdown have been accompanied by statements from top officials praising the security and intelligence bodies for swiftly ending the unrest.

## 7.1 FAILURE TO ENSURE ACCOUNTABILITY

In early December 2019, President Hassan Rouhani announced that he had appointed a committee comprised of a legal deputy to the president and the interior and justice ministers “to investigate the situation of those harmed during recent events and distinguish between [the cases] of those who did not intend to riot and those who created terror and fear.” While the announcement left the scope of the investigation vague, based on the context in which it was made, the phrase “those harmed” is believed to have referred primarily to those shot during the protests and not those arrested and detained.

Moreover, the committee formed does not meet the requirements of impartiality and independence provided under international law and standards, particularly considering that the minister of interior heads the National Security Council, which was the body responsible for deciding on and overseeing the security forces’ response to the protests.

The committee also fails to meet the standards of transparency and effectiveness. The terms of reference guiding the committee’s investigation and the procedures to be followed in the investigation are not known. The committee is not open to the scrutiny of the general public and is not bound to ensure the participation

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<sup>77</sup> Young Journalists Club, “The quelling of the November 2019 sedition, a sign of the power of the state and people”, 13 December 2019, <https://www.yjc.ir/fa/news/7170817/> (in Persian).

and protection of victims of human rights violations and their family members during the investigation. As far as Amnesty International is aware, the authorities have not instructed the committee to make public its findings, including their factual and legal basis.

On 1 June 2020, Mojtaba Zolnour, a member of parliament and the chair of Iran's parliamentary committee for national security and foreign policy at the time of the November 2019 protests, stated: "We have no reports of anyone being tortured during interrogations".<sup>78</sup> He made his claim in the context of remarks to the media after the end of an event in the ministry of interior that was focused on the coronavirus pandemic. His remarks revealed, for the first time, the official number of those killed during the protests (230). The announcement also mentioned, in detail, the number of banks, petrol stations, and other public and private buildings as well as the number of cars, motorcycles and emergency vehicles that, according to the authorities, were burned or otherwise damaged during the protests.

## 7.2 SMEARING PROTESTERS

During and following the protests, the authorities pushed the narrative that the protests had been orchestrated by "counter-revolutionaries" and "foreign enemies". They called the protests "illegal", warning people to stay away, and attempted to smear protesters by labelling them "rioters" and "evil-doers".

In a coordinated strategy to undermine the legitimate grievances of protesters, officials made statements accusing protesters of sowing chaos and being led by "counter-revolutionary" movements including monarchists and the "*monafeqin*" (hypocrites), a pejorative epithet used by the Iranian authorities since the 1980s for members and supporters of the People's Mojahedin Organization of Iran (PMOI), an opposition group based outside Iran that advocates the overthrow of the Islamic Republic system. The accusations also extended to foreign governments.

During a speech on 17 November 2019, Iran's Supreme Leader, Ali Khamenei, described the protesters as "evil-doers" who had been incited to commit violence by "counter-revolutionary" agents and "foreign enemies" of the Islamic Republic. He said:

**"In the course of such incidents, usually evil-doers, hatemongers and unscrupulous people enter the scene... You see that, over the past two days, all of the world's centres of evil have encouraged these actions against us. From the evil and wicked family of the Pahlavi dynasty [Iran's monarchy prior to the 1979 revolution] to the wicked and criminal collective of the *monafeqin*, they are constantly inciting and inviting people in cyber spaces and elsewhere to conduct these evil acts."**

He went on to order the security forces to "implement their duties" to deal with the protests, effectively sanctioning the continuation of the brutal crackdown.<sup>79</sup>

On the same day, the secretary general of the Supreme National Security Council, Ali Shamkhani, also blamed "counter-revolutionary elements" and the PMOI for the unrest. In a meeting with members of the parliament, he was reported saying: "It has been revealed that they [individuals inciting protests] are connected to the organization of *monafeqin*. They were... evil-doers... and received money to cause chaos."<sup>80</sup>

Also on 17 November 2019, Iran's ministry of intelligence issued a statement warning that the "main culprits behind the riots" had been identified and "proper measures" were being taken.<sup>81</sup> As early as 18 November 2019, while the protests were still ongoing, state media was reporting that detainees had "confessed" to having been recruited by agents who had received training inside and outside Iran and to having received money to set fire to government and public property.<sup>82</sup>

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<sup>78</sup> Tasnim News Agency, "The account of Zolnour on the numbers of people killed in November 2019", 1 June 2020, <https://www.tasnimnews.com/fa/news/1399/03/12/2277765/> (in Persian).

<sup>79</sup> Mizan Online News Agency, "Destruction and arson are not the work of the people, they are the work of evil-doers / The decisions of the heads of forces must be implemented", 17 November 2019, <https://www.mizanonline.com/fa/news/568468/> (in Persian).

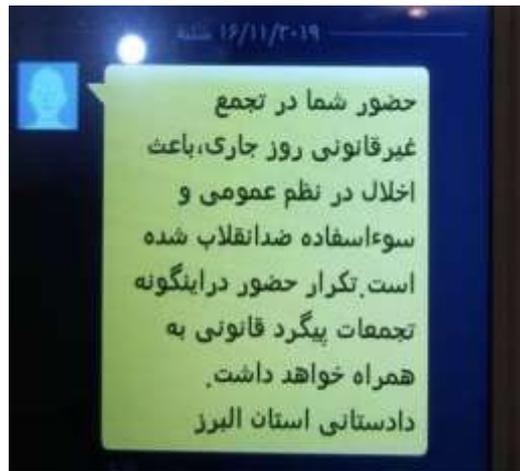
<sup>80</sup> Iranian Labour News Agency, "Some of the identified protesters have links to the *monafeqin* organization / They received money to sow chaos", 17 November 2019, <https://www.ilna.news/fa/tiny/news-835427> (in Persian).

<sup>81</sup> Fars News Agency, "Commander: US Dismayed by 48-Hour Lifespan of Riots", 22 November 2019, <https://en.farsnews.ir/newstext.aspx?nn=13980901000406>

<sup>82</sup> Iranian Students' News Agency, "Arrest of 150 disruptive leaders in Alborz", 18 November 2019, <https://www.isna.ir/news/98082717722/> (in Persian).

During the protests, prosecution authorities in several provinces sent almost identical threatening text messages to a large number of people on their mobile phones, including to individuals who had not attended any protests, warning them to stay away from protests or face legal action. Similarities in the content of the messages suggest that provincial authorities were acting on centralized instructions.

Some social media users shared images of the text messages they had received on social media platforms. One such message sent to mobile phone users by the office of the prosecutor in Alborz province on 16 November 2019 read: “Your participation in the illegal protest today caused disruption to public order and provided [fertile ground] for counter-revolutionary exploitation. A repeat of attendance in such protests will result in legal action. The office of the prosecutor in Alborz province”.



Screenshot of a text message sent to mobile phone users by the office of the prosecutor in Alborz province on 16 November 2019. © Private

For weeks after the protests took place, state news websites and IRIB broadcast dozens of propaganda videos containing misinformation about the protests and aimed at supporting the official narrative accusing protesters of engaging in violence and acting in the interest of the “enemies” of the Islamic Republic. In addition to showing scenes of violence by some protesters and “confessions” by individuals for responsibility for such acts, the videos showed peaceful protesters, both men and women, speaking to crowds and accused them of being “riot leaders”.<sup>83</sup> They also showed individuals “confessing” to peaceful activities such as simply participating in protests, sending pictures and videos of the protests to family and friends or to media outside Iran, and encouraging people to take part in the protests. Such propaganda videos further demonstrate the Iranian authorities’ treatment of acts falling under the legitimate exercise of human rights as “criminal offences” and attempt to paint peaceful protesters as “rioters”.

IRIB has a long-standing record of producing and broadcasting, in co-operation with Iran’s intelligence and security bodies, coerced statements obtained from victims of human rights violations and their families under torture and other ill-treatment, and including them in propaganda videos that distort the reality of the human rights violations perpetrated by the authorities or seek to justify them.<sup>84</sup>

## 7.3 PRAISING PERPETRATORS

Top officials in the country have made statements that praise the security and intelligence forces for swiftly ending the unrest, and celebrate their brutal crackdown as a “crushing victory” against “a deep, extensive and very dangerous plot”.<sup>85</sup>

On 19 November 2019, Iran’s Supreme Leader Ali Khamenei referred to the suppression of the protests, saying:

**“The [criminal] acts committed during the past few days were not the work of the people; it was the work of those [bent on threatening] security... We pushed back the enemy in the field of military, political and security warfare.”<sup>86</sup>**

<sup>83</sup> Dozens of propaganda videos showing “confessions” of detainees can be found online. See, for example, the website of the judiciary’s news agency, Mizan Online News Agency, which contains a page vilifying women protesters and features the forced “confession” of Fatemeh Davand, whose case can be found on pages 52-53 of this report: “The confessions of ‘Fatemeh Karate’ on the counter-revolutionary plan in the recent subversion”, 21 November 2019, <https://www.mizanonline.com/fa/news/569736/> (in Persian).

<sup>84</sup> Amnesty International, *Iran: Broadcasting injustice, boasting of mass killing: A case study of August 2016 execution of 25 Sunni men in Iran* (Index: MDE 13/5079/2016); See also: International Federation for Human Rights and Justice for Iran, *Orwellian State: The Islamic Republic of Iran’s State Media as a Weapon of Mass Suppression*, 25 June 2020, <https://www.fidh.org/en/region/asia/iran/iran-new-report-demands-end-to-the-rampant-use-of-forced-confessions>

<sup>85</sup> See the speech delivered by Iran’s Supreme Leader Ali Khamenei in a meeting with the paramilitary Basij force held on the occasion of Basij Week on the website of the Supreme Leader, “A very dangerous plot was foiled by the people themselves”, 27 November 2019, <https://english.khamenei.ir/news/7198/>; Islamic Republic News Agency, “Rouhani: The Iranian public did not allow water to be poured into the enemy’s water mill”, 20 November 2019, <https://www.irna.ir/news/83562497/> (in Persian).

<sup>86</sup> Website of the Supreme Leader, “The meeting of a group of manufacturers, entrepreneurs and economic activists with the Supreme Leader”, <https://farsi.khamenei.ir/news-content?id=44082> (in Persian).

In the days and weeks that followed the protests, state media outlets were populated by official statements and articles that praised the “heroic actions” of the country’s intelligence and security forces to defeat the protests, which the authorities described as a “major sedition” and a large-scale “war” waged by the “enemies” of the Islamic Republic of Iran. The statements further celebrated the crackdown as a major “accomplishment” and praised the “preparedness of intelligence and security forces”.<sup>87</sup>

On 25 November 2019, in a statement addressing those under his command, the commander-in-chief of the Revolutionary Guards, Hossein Salami, said:

**“The war which started in our streets stemmed from a global scenario. This war has ended. You acted diligently... Islam was glorified and Iran was dignified. Thanks to your glorious presence, the enemy became hopeless. The final shot was fired into [the enemy].”<sup>88</sup>**

On 28 November 2019, the representative of the Supreme Leader to a unit of the Revolutionary Guards in North Khorasan province, Hossein Zahmatkesh, praised the security forces for effectively “managing the situation” and “restoring security and calm in the country”. He stated:

**“Despite the efforts of enemies and malevolent individuals, the people and the authorities in charge managed, with their forceful presence, to sweep away the sedition... By the grace of God, the capacity of our country’s security agencies was very high and the authorities in charge were able to manage the situation and bring our country to peace and security.”<sup>89</sup>**

In a similar vein, on 13 December 2019, Mohammad Hossein Mokhtari, the representative of the Supreme Leader and Friday prayer leader in Birjand, South Khorasan province, stated:

**“The enemy intends to make the general people jittery, but our people have remained cognizant, and following the events of November, they quickly extinguished the sedition... Also, we thank the security and police forces who, with the backing of the people and the Supreme Leader, managed this disturbance and extinguished a sedition of this magnitude in 48 hours.”<sup>90</sup>**

Not a single member of the security or intelligence forces has been held to account for ordering, committing or acquiescing to acts of torture, enforced disappearance or other grave human rights violations committed against many of the men, women and children swept up in mass arrests during and in the aftermath of November 2019 protests.

Amnesty International is also concerned about the apparent complicity of judges presiding over trials of individuals charged in connection with the November 2019 protests in entrenching impunity, given their systematic failure to order investigations into claims of torture and other serious human rights violations and their issuing of sentences on the basis of forced “confessions” and following serious fair trial violations.

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<sup>87</sup> Islamic Republic News Agency, “The recent riots were a planned sedition by the enemies of the state”, 29 November 2019, [www.irna.ir/news/83573273/](http://www.irna.ir/news/83573273/) (in Persian); Tasnim News Agency, “Police: Ending recent riots is an example of Basij bravery”, 25 November 2019, <https://www.tasnimnews.com/fa/news/1398/09/04/2146532/> (in Persian); Tasnim News Agency, “Deputy leader of the Revolutionary Guards’ land forces: In the recent riots, the enemy sent trained personnel to the field / The villains did not even have mercy on peoples’ lives”, 25 November 2019, <https://www.tasnimnews.com/fa/news/1398/09/04/2146619/> (in Persian); Tasnim News Agency, “An assessment of the recent riots by the parliamentary national security and foreign policy committee and in the presence of intelligence and security officials”, 25 November 2019, <https://www.tasnimnews.com/fa/news/1398/09/04/2146772/> (in Persian).

<sup>88</sup> Islamic Republic News Agency, “Commander-in-chief Salami: The recent sedition was the result of the enemy’s defeats in the last 40 years”, 25 November 2019, <https://www.irna.ir/news/83568531/> (in Persian).

<sup>89</sup> Hawzah News Agency, “The goal of the enemies in the recent riots was the overthrow of the state and revolution”, 28 November 2019, <https://www.hawzahnews.com/news/873696/> (in Persian).

<sup>90</sup> Young Journalists Club, “The quelling of the November 2019 sedition, a sign of the power of the state and people,” 13 December 2019, <https://www.yjc.ir/fa/news/7170817/> (in Persian); Islamic Republic News Agency, “Birjand Friday prayer leader: Problems must not be exaggerated”, 20 December 2019, <https://bit.ly/3l0Dvd3> (in Persian).

# 8. INTERNATIONAL LAW AND STANDARDS

Iran has ratified a number of international treaties which prohibit acts of torture, enforced disappearance, and arbitrary deprivation of liberty, and protect the rights to a fair trial, freedom of expression, association and peaceful assembly, including the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC).

However, Iran has failed to ratify other key international human rights treaties that guarantee core human rights principles and set out fair trial standards, such as the right to life, the right to liberty, prohibition of torture and other ill-treatment as well as enforced disappearance. These include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## 8.1 FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

The right to freedom of opinion and expression is provided for under Article 19 of the ICCPR. States must guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice.<sup>91</sup> It includes political discourse, commentary on public affairs, journalism, cultural expression and discussion of human rights.<sup>92</sup> Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person and are essential for any society.<sup>93</sup> Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability which are essential for the promotion and protection of human rights.<sup>94</sup> It forms the basis for the full enjoyment of a wide range of other human rights and may only be subject to restriction by governments if provided in law and be necessary for respect of the rights of others, or for the protection of national security or public order, or public health or morals,<sup>95</sup> and, even then, they must conform to the strict tests of necessity and proportionality.<sup>96</sup>

The rights to freedom of peaceful assembly and association are protected in Article 20 of the Universal Declaration of Human Rights and in Articles 21 and 22 of the ICCPR. The UN Human Rights Committee has stated that the right to freedom of peaceful assembly “enables individuals to express themselves collectively and to participate in shaping their societies.” No restrictions may be placed on the exercise of these rights other than those prescribed by law and which are necessary and proportionate in the context of a society based on democracy, the rule of law, political pluralism and human rights for national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of

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<sup>91</sup> UN HRC, General Comment No. 37 (Article 21: Right of peaceful assembly), para 1.

<sup>92</sup> UN HRC, General Comment No. 34 (Article 19: Freedoms of opinion and expression), para. 11.

<sup>93</sup> UN HRC, General Comment No. 34 (Article 19: Freedoms of opinion and expression), para. 2.

<sup>94</sup> UN HRC, General Comment No. 34 (Article 19: Freedoms of opinion and expression), para. 3.

<sup>95</sup> ICCPR, Article 19 (3).

<sup>96</sup> UN HRC, General Comment No. 34 (Article 19: Freedoms of opinion and expression), para. 22.

others.<sup>97</sup> States parties are not allowed to rely on vague definitions of “public order” and “national security” to justify over-broad restrictions on the right of peaceful assembly. According to the UN Human Rights Committee, “‘interests of national security’ may serve as a ground for restrictions if such restrictions are necessary to preserve the State’s capacity to protect the existence of the nation, its territorial integrity or political independence against a credible threat or use of force”. The Committee notes that this threshold will only exceptionally be met, adding: “Moreover, where the very reason that national security has deteriorated is the suppression of human rights, this cannot be used to justify further restrictions, including on the right of peaceful assembly.”<sup>98</sup>

Isolated acts of violence by some participants should not be attributed to others, the organizers or to the assembly as such.<sup>99</sup>

The UN Human Rights Committee has further noted that the obligation to respect and ensure the right of peaceful assembly means that states parties must not block or hinder internet connectivity in relation to peaceful assemblies and must ensure that the activities of internet service providers and intermediaries do not unduly restrict assemblies or the privacy of assembly participants. Any restrictions on the operation of information dissemination systems must conform with the tests for restrictions on freedom of expression.<sup>100</sup>

States have a positive obligation to facilitate and protect these rights<sup>101</sup>, which means ensuring that they are enjoyed by everyone without discrimination.<sup>102</sup> Violations of the rights to peaceful assembly and association may interfere with the enjoyment of other human rights, including privacy and the right to freedom of opinion and expression, as well as economic, social and cultural rights.

## 8.2 ARBITRARY DETENTION

International human rights law prohibits the arbitrary deprivation of liberty, including arrest, detention or imprisonment. Article 9(1) of the ICCPR provides that “No one shall be subjected to arbitrary arrest or detention”. The UN Human Rights Committee has established that the arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the ICCPR is arbitrary, including the rights to freedom of expression (art. 19), peaceful assembly (art. 21) and association (art. 22).<sup>103</sup> It has also established that enforced disappearances constitute a particularly aggravated form of arbitrary detention that represents a grave threat to life<sup>104</sup> and that imprisonment after a manifestly unfair trial is arbitrary.<sup>105</sup>

Similarly, the UN Working Group on Arbitrary Detention, an expert body mandated by the UN Human Rights Council to investigate cases of arbitrary deprivation of liberty, has identified several categories in which detention is deemed arbitrary, based on international human rights law. Two of these are when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by key articles of the Universal Declaration of Human Rights and the ICCPR, including freedom of expression, association, peaceful assembly; and when the total or partial non-observance of the international norms relating to the right to a fair trial is of such gravity as to give the deprivation of liberty an arbitrary character.

The prohibition of arbitrary detention is a norm of customary international law. It cannot be the subject of treaty reservations and must be respected at all times, including in time of war or other public emergency. The Working Group on Arbitrary Detention has affirmed that the prohibition constitutes a peremptory norm of international law.<sup>106</sup>

In addition, everyone deprived of their liberty has the right to challenge the lawfulness of their detention before an independent and impartial court. This safeguards the rights to liberty and security of person, and provides protection against human rights violations including torture and other ill-treatment, arbitrary

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<sup>97</sup> ICCPR, Articles 21 and 22. See also UN HRC, General Comment No. 37 (Article 21: Right of peaceful assembly), para 40.

<sup>98</sup> UN HRC, General Comment No. 37 (Article 21: Right of peaceful assembly), paras 42-44.

<sup>99</sup> UN HRC, General Comment No. 37 (Article 21: Right of peaceful assembly), para 17.

<sup>100</sup> UN HRC, General Comment No. 37 (Article 21: Right of peaceful assembly), para 34.

<sup>101</sup> UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 16 May 2011, A/HRC/17/27, para. 66.

<sup>102</sup> Article 2 (1).

<sup>103</sup> UN HRC, General Comment No. 35, Article 9 (Liberty and security of person), UN Doc. CCPR/C/GC/35, para 17.

<sup>104</sup> UN HRC, General Comment No. 36, Article 6 (Right to life), UN Doc. CCPR/C/GC/36, para 58.

<sup>105</sup> UN HRC, General Comment No. 35, Article 9 (Liberty and security of person), UN Doc. CCPR/C/GC/35, para 17.

<sup>106</sup> UN HRC, General Comment No. 24, Article 41 (Issues Relating to Reservations Made upon Ratification or Accession to the Covenant or the Optional Protocols thereto, or in Relation to Declarations under Article 41 of the Covenant), UN Doc. CCPR/C/21/Rev.1/Add.6, para 8; UN HRC, General Comment No. 29, Article 4 (States of Emergency), UN Doc. CCPR/C/21/Rev.1/Add.11, para 11; UN Human Rights Council, Report of the Working Group on Arbitrary Detention, Deliberation No. 9, UN Doc. A/HRC/22/44, paras 37-75.

detention and enforced disappearance. This right is guaranteed to all people deprived of their liberty, for whatever reason and applies to all forms of deprivation of liberty. This right is initiated by the detainee or on the detainee's behalf, rather than by the authorities. Where an individual is held in secret or unacknowledged detention, this right serves as a means to establish the whereabouts and well-being of the detainee, as well as which authorities are responsible for their detention, and is a crucial safeguard against torture and other ill-treatment.

People held incommunicado or in solitary confinement must be allowed access to an independent and impartial court to challenge both the legality of their detention and the decision to hold them incommunicado or in solitary confinement. Holding people in incommunicado detention in the context of enforced disappearance without the right to challenge the legality of their detention violates not only the right to liberty but also other rights, including the right to recognition before the law. The right to challenge the legality of detention must always apply, even in times of emergency.

States are under a positive obligation to provide an effective remedy for violations of international human rights law. This principle provides that all those arbitrarily deprived of their liberty must be released immediately and unconditionally and receive adequate reparations, including compensation, restitution, rehabilitation, satisfaction, and guarantees of non-repetition.

## 8.3 ENFORCED DISAPPEARANCE

Enforced disappearance is a crime under international law that occurs when someone has been arrested, detained or abducted by state agents, or people acting with their authorization, support or acquiescence, followed by the refusal to acknowledge this or conceal the person's fate or whereabouts, placing them outside the protection of the law.<sup>107</sup> An enforced disappearance is a cumulative violation because it may inflict a wide range of human rights violations, including of the right to life (as the person may be killed or his or her fate may be unknown), the right not to be subjected to torture or other ill-treatment, the right to be free from arbitrary detention, the right to legal personality, the right to fair trial and others.

People deprived of their liberty have a right to communicate with the outside world. The rights of detainees to communicate with the outside world and to receive visits are fundamental safeguards against human rights violations, including torture or other ill-treatment and enforced disappearance. The UN Human Rights Committee has emphasized that states must ensure that the right of individuals in custody and pre-trial detention to access family members, a lawyer and doctors is enshrined in law.<sup>108</sup>

Anyone who is arrested, detained or imprisoned has the right to inform, or have the authorities notify, someone in the outside world that they have been taken into custody and where they are being held. They also have the right to inform a third person if they are transferred to a different place of detention. The UN Human Rights Committee has clarified that the intentional failure of the authorities to disclose the fate of an arrested person for a prolonged period effectively places that person outside the protection of the law.<sup>109</sup>

In cases of enforced disappearance (where the authorities refuse to acknowledge the detention or conceal the fate or whereabouts of the individual), the UN Human Rights Committee has concluded that such practices violate several rights, including the right to liberty and to be recognized as a person before the law, and places the life of the individual at serious and constant risk.<sup>110</sup>

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<sup>107</sup> International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.

<sup>108</sup> UN HRC, Concluding Observations of the HRC: Central African Republic, UN Doc. CCPR/C/CAF/CO/2, para 14; UN HRC, Concluding observations of the HRC: Sweden, UN Doc. CCPR/C/SWE/CO/6, para 13.

<sup>109</sup> UN HRC: Grioua v Algeria, UN Doc. CCPR/C/90/D/1327/2004, paras 7.8-7.9; UN HRC, Djebrouni v Algeria, UN Doc. CCPR/C/103/D/1871/2008 para 8.9; UN HRC, General Comment 11 of the Working Group on Enforced or Involuntary Disappearances on the right to recognition before the law, UN Doc. A/HRC/19/58/Rev.1, para 42.

<sup>110</sup> UN HRC, General Comment No. 36, Article 6 (Right to life), UN Doc. CCPR/C/GC/36, para 58.

An enforced disappearance shall be deemed continuous or permanent, as long as the fate or whereabouts of the person has not been determined.<sup>111</sup> While the fate or whereabouts of the victim or the remains are not established, the crime of enforced disappearance continues to be committed.<sup>112</sup>

In certain circumstances, as established in Article 7(1)(i) of the Rome Statute, when enforced disappearance is committed as part of a widespread or systematic attack directed against any civilian population, the crime amounts to a crime against humanity.<sup>113</sup>

Victims of enforced disappearance are not only the disappeared persons, but “any individual who has suffered harm as the direct result of an enforced disappearance”.<sup>114</sup> Furthermore, the mental anguish and suffering caused to the family of the disappeared person by the authorities’ refusal to reveal the truth about the fate or whereabouts of the victim constitutes a form of torture or other ill-treatment.

## 8.4 TORTURE AND OTHER ILL-TREATMENT

The absolute prohibition of torture and other ill-treatment is recognized as a rule of customary international law,<sup>115</sup> and it is also prohibited under article 7 of the ICCPR.

Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as punishing them for an act that they have committed or are suspected of having committed, or intimidating them or a third person, or for any reason based on discrimination of any kind.<sup>116</sup>

Amnesty International opposes the imposition of the death penalty in all cases as a violation of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Article 10 of the ICCPR also states that all persons deprived of their liberty must be treated “with humanity and with respect for the inherent dignity of the human person”. Failure to do so may also constitute cruel, inhuman or degrading treatment or punishment.

Under international law and standards, all prolonged solitary confinement, that is solitary confinement imposed for periods beyond 15 days, violates the absolute prohibition on torture and other ill-treatment. International standards also refer to the prison regime of solitary confinement and prison conditions as two major elements in determining whether solitary confinement amounts to torture.<sup>117</sup> The Nelson Mandela Rules state that “In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment” and stipulate that the practices of indefinite solitary confinement and prolonged solitary confinement are prohibited.<sup>118</sup>

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<sup>111</sup> Article 8.1(b) of the International Convention for the Protection of All Persons from Enforced Disappearance recognizes the continuous nature of the crime. Article III of the Inter-American Convention on Forced Disappearance of Persons establishes that the offence of enforced disappearance “shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined”. See also UN Working Group on Enforced or Involuntary Disappearances, General Comment on Enforced Disappearance as a Continuous Crime; Inter-American Court of Human Rights, *Velasquez Rodriguez v. Honduras*, para. 155; Inter-American Court of Human Rights, *Ticona Estrada v. Bolivia*, para. 56; Inter-American Court of Human Rights, *Garcia and family members v. Guatemala*, para. 95; Committee on Enforced Disappearances, Concluding Observations on Uruguay, CED/C/URY/CO/1, para. 14; UN Committee on Enforced Disappearances, Concluding Observations on Paraguay, CED/C/PRY/CO/1, para. 29; UN Committee against Torture, Concluding Observations on El Salvador, CAT/C/SLV/CO/2, para. 14.

<sup>112</sup> The Inter-American Court has considered that when analysing a case of enforced disappearance, the deprivation of liberty must only be understood as the constitution of a complex violation that continues in time until the fate and whereabouts of the alleged victim is known. See, *inter alia*, Inter-American Court of Human Rights, *Ticona Estrada v. Bolivia*, para. 56; Inter-American Court of Human Rights, *Heliodoro Portugal v. Panama*, para. 112.

<sup>113</sup> Both the International Convention for the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on Forced Disappearance of Persons recognize that enforced disappearances may constitute crimes against humanity. The Inter-American Court of Human Rights has also emphasized that when the disappearance forms part of a systematic pattern or practice applied or tolerated by the state it constitutes a crime against humanity. See for example Inter-American Court of Human Rights, *Goiburú and others v. Paraguay*, para. 82; Inter-American Court of Human Rights, *Tiu Tojin v. Guatemala*, para. 91. See also, UN Working Group on Enforced or Involuntary Disappearances, General Comment on enforced disappearance as a crime against humanity.

<sup>114</sup> Working Group on Enforced or Involuntary Disappearances, General Comment on the Right to the Truth in Relation to Enforced Disappearances, UN Doc. A/HRC/16/48, para. 4; UN HRC, *María del Carmen Almeida de Quinteros et al. v. Uruguay*, 21 July 1983, UN Doc. CCPR/C/OP/2, para. 14.

<sup>115</sup> See for example: International Court of Justice: Questions Relating to the Obligation to Prosecute or Extradite (*Belgium v. Senegal*), (2012), para 99; Case Concerning Ahmadou Sadio Diallo (*Republic of Guinea v. Democratic Republic of the Congo*), (2010), para 87; UN General Assembly resolution 66/150, third preambular paragraph; *Prosecutor v Furundzija* (IT-95-17/1) ICTY, Trial Judgment (1998), paras 137-146.

<sup>116</sup> UN General Assembly, Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. A/RES/30/3452, Article 1(1).

<sup>117</sup> UN HRC General Comment No. 20, annex VI.A, Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), UN Doc. A/47/40.

<sup>118</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 43.

Corporal punishment, including flogging, is absolutely prohibited under international human rights law as a form of torture or other cruel, inhuman or degrading punishment. Corporal punishment cannot be imposed as an administrative disciplinary measure.<sup>119</sup>

Acts of rape by state officials always constitute torture under international human right law.<sup>120</sup>

Children held in detention in facilities along with adults are particularly at risk of rape and sexual violence. Therefore, international safeguards requiring the separation of children deprived of their liberty from adults must be observed to protect them from abuse.

Statements elicited as a result of torture, ill-treatment or other forms of coercion must be excluded as evidence in criminal proceedings, except those brought against suspected perpetrators of such abuse (as evidence that the statement was made). These exclusionary rules are inherent in the prohibition against torture and other ill-treatment as well as the right of accused people not to be compelled to testify against themselves or confess guilt and the right to remain silent. Respect for these rights requires that the prosecution prove its case without reliance on evidence obtained by torture or other ill-treatment, coercion or oppression.<sup>121</sup> These rules apply at all times, including during times of emergency, because the prohibition of torture and other ill-treatment is non-derogable under human rights law and is a norm of customary international law.

Individuals who have been subjected to torture and other ill-treatment must have accessible and effective remedies. In particular, states must ensure that allegations are promptly, impartially, independently and thoroughly investigated, that victims have access to an effective remedy and receive adequate reparations, and that those responsible are brought to justice in fair trials. A person who has been subjected to torture or other ill-treatment is entitled to reparation, regardless of whether those responsible have been identified and brought to justice. Reparation should include compensation, rehabilitation, including medical and psychological care and social and legal services, satisfaction, and guarantees of non-repetition. Compensation from the state must afford adequate redress to the victim; reparations should be proportionate to the violations suffered.

## 8.5 UNFAIR TRIALS

The right to a fair trial is recognized in Article 11 of the Universal Declaration of Human Rights. The right is legally binding on all states as part of customary international law and its principles, which are also contained in Article 14 of the ICCPR. While not all fair trial rights are expressly listed as non-derogable, the UN Human Rights Committee has clarified that a significant number of fair trial guarantees are applicable at all times, including during times of emergency and armed conflict.<sup>122</sup>

The right to a fair trial sets out the minimum guarantees that all justice systems should provide to ensure respect for the rule of law and respect for the right to fair criminal proceedings. They apply to investigations, arrests and detention, as well as throughout the pre-trial proceedings, trial, appeal, sentencing and punishment. These international fair trial standards constitute a collective agreement by the international community on the criteria for assessing how governments treat people suspected, accused and convicted of crimes – from the most egregious to minor crimes.

The right to a fair trial ensures that all persons are treated with equality before the courts. In the determination of any criminal charge against defendants, they are entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Any judgement rendered in a criminal case must be made public except in certain circumstances involving children or matrimonial disputes.<sup>123</sup>

Everyone charged with a criminal offence has the right to the presumption of innocence until proven guilty according to law, and everyone is entitled to a number of minimum guarantees, including to be informed promptly of the nature and cause of the charge against them; to be tried without undue delay; to not be

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<sup>119</sup> UN HRC, General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), para 5; UN General Assembly, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. A/60/316, paras 19, 22, 23, 25.

<sup>120</sup> UN Commission on Human Rights, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, E/CN.4/1986/15, para 119; *Aydin v Turkey*, European Court of Human Rights, Report No. 1997-VI, Case no. 23178/94, (1997), para 86; *Martí de Mejía v Peru*, Inter-American Commission on Human Rights, Report No. 5/96, Case 10970, (1996).

<sup>121</sup> UN HRC, General Comment 32, paras 6, 41, 60; *Cabrera-García and Montiel Flores v Mexico*, Inter-American Court (2010), para 165; *Gäfgen v Germany* (22978/05), European Court Grand Chamber (2010), paras 165-168; *Othman v United Kingdom* (8139/09), European Court (2012), paras 264-267.

<sup>122</sup> UN HRC, General Comment No. 29 (States of Emergency), UN Doc. CCPR/C/21/Rev.1/Add.11, para 11; HRC, General Comment No. 32 (Right to equality before courts and tribunals and to a fair trial), UN Doc. CCPR/C/GC/32, para 6.

<sup>123</sup> ICCPR, Article 14(1).

compelled to testify against themselves or to confess guilt; to be tried in their presence and to defend themselves in person or through legal assistance of their own choosing; and to have the right to their conviction and sentence being reviewed by a higher court.

Everyone deprived of their liberty or facing a possible criminal charge has the right to the assistance of a lawyer of their own choosing to protect their rights and to help in their defence. If a person who is arrested, charged or detained does not have legal counsel of their choice, they are entitled to have a lawyer assigned whenever the interests of justice require it. If the person cannot afford to pay, assigned counsel must be provided free of charge.<sup>124</sup> Detainees should have access to a lawyer from the time of arrest, including during questioning.<sup>125</sup>

Individuals must be given adequate time and facilities to communicate with their lawyer, in confidence, which is an essential aspect of the principle of “equality of arms” that requires the defence and the prosecution to be treated in a manner that ensures that both parties have an equal opportunity to prepare and present their case.<sup>126</sup> This right applies at all stages of the proceedings, including before trial, during trial and during appeals. For this right to be effective, detainees must be allowed to communicate in confidence with their lawyer, who must be allowed to advise and represent individuals without restrictions, influence, pressure or undue interference.

## 8.6 THE RIGHT TO TRUTH

Victims and their families, as well as other members of society, have the right to know the truth about human rights violations.<sup>127</sup>

According to Principle 24 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles): “victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.”<sup>128</sup>

The right to truth has both an individual and a collective dimension. The Inter-American Commission on Human Rights has stated: “The right to know the truth is a collective right that ensures society access to information that is essential for the workings of democratic systems, and it is also a private right for relatives of the victims, which affords a form of compensation”.<sup>129</sup> Both in its individual and collective dimensions, the right to truth is an inalienable and non-derogable right, which stands alone and should not be limited.<sup>130</sup>

In terms of how states fulfil their obligations to give effect to the right to truth, Principle 5 of the Updated Set of Principles to Combat Impunity states: “States must take appropriate action, including measures necessary to ensure the independent and effective operation of the judiciary, to give effect to the right to know. Appropriate measures to ensure this right may include non-judicial processes that complement the role of the judiciary. Societies that have experienced heinous crimes perpetrated on a massive or systematic basis may benefit in particular from the creation of a truth commission or other commission of inquiry to establish the facts surrounding those violations so that the truth may be ascertained and to prevent the disappearance of evidence.”

## 8.7 THE RIGHT TO JUSTICE

Article 2 of the ICCPR requires states to conduct prompt, thorough, effective, independent and impartial investigations in relation to alleged violations and to bring those responsible to justice, including in cases of

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<sup>124</sup> UN HRC, General Comment No. 32, Article 14, Right to equality before courts and tribunals and to fair trial, UN Doc. CCPR/C/GC/32, para. 10.

<sup>125</sup> HRC Concluding Observations: Georgia, UN Doc. CCPR/C/79/Add.75, para 27; Netherlands, UN Doc. CCPR/C/NLD/CO/4, para 11.

<sup>126</sup> UN HRC, General Comment No. 32, Article 14, Right to equality before courts and tribunals and to fair trial, UN Doc. CCPR/C/GC/32, para. 32.

<sup>127</sup> Office of the UN High Commissioner for Human Rights, Study on the right to the truth, UN Doc. E/CN.4/2006/91.

<sup>128</sup> UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, Principle 24.

<sup>129</sup> Inter-American Commission on Human Rights, Report No. 136/99, case 10.488, *Ignacio Ellacuría et al. (El Salvador)*, (1999), para. 224.

<sup>130</sup> Office of the UN High Commissioner for Human Rights, Study on the right to the truth, UN Doc. E/CN.4/2006/91, para. 38 and summary.

torture and other cruel, inhuman and degrading treatment and enforced disappearances.<sup>131</sup> International standards confirm that ensuring victims have access to justice is a vital component of states obligations to provide effective remedies.<sup>132</sup>

An effective investigation must give due attention to the rights and needs of victims.<sup>133</sup> This includes the rights to:

- file a complaint;
- be informed of the progress of the investigation;
- name and interrogate witnesses;
- receive legal and psychological support;
- be informed of the outcome of the investigation;
- protection of privacy;
- protection against threats and intimidation; and
- full reparation.

The investigation results should be transparent and open to the victims' families and the general public.<sup>134</sup>

Article 2 of the ICCPR requires that, where investigations reveal violations of certain Covenant rights, states parties must ensure that those responsible are brought to justice. The UN Human Rights Committee has emphasized that “these obligations arise notably in respect of those violations recognized as criminal under either domestic or international law, such as torture and similar cruel, inhuman and degrading treatment, summary and arbitrary killing and enforced disappearance”.<sup>135</sup> Moreover, all states have a duty under international law to investigate and, where sufficient evidence exists, prosecute crimes under international law, including enforced disappearance<sup>136</sup> and torture<sup>137</sup>.

Such prosecutions should seek to bring all of those responsible for such crimes to justice, where sufficient admissible evidence exists.<sup>138</sup> This includes superiors who ordered, aided or abetted, or were otherwise complicit in, the commission of such crimes, as well as superiors who knew or should have known that a subordinate was committing or about to commit a crime and did not take all the reasonable and necessary measures within their power to prevent, repress or punish the crime.<sup>139</sup>

Inappropriate defences such as invoking superior orders<sup>140</sup> as a defence to such crimes must not be applied.

Beyond fulfilling the rights of victims to effective remedies, bringing perpetrators to justice is essential if states are to uphold the rule of law and protect the human rights of all persons.

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<sup>131</sup> UN HRC, General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13, para. 18.

<sup>132</sup> UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, Principle 12; UN Commission on Human Rights, Updated Set of principles for the protection and promotion of human rights through action to combat impunity, UN Doc. E/CN.4/2005/102/Add.1, Principle 32; UN General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc. A/RES/40/34, Principle 5.

<sup>133</sup> UN General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc. A/RES/40/34.

<sup>134</sup> UN Office of the High Commissioner for Human Rights, The Minnesota Protocol on the investigation of potentially unlawful death, 2016, para. 32.

<sup>135</sup> UN HRC, General Comments No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13, para. 18.

<sup>136</sup> See for example UN General Assembly, Declaration on the Protection of All Persons from Enforced Disappearance, UN Doc. A/RES/47/133, Articles 13 and 14.

<sup>137</sup> See for example UN General Assembly, Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 9 December 1975, UN Doc. A/RES/30/3452, Articles 9 and 10.

<sup>138</sup> See for example UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, Principle 4.

<sup>139</sup> See for example Commission on Human Rights, Updated Set of principles for the protection and promotion of human rights through action to combat impunity, UN Doc. E/CN.4/2005/102/Add.1, Principle 27(b).

<sup>140</sup> See for example Updated Set of Principles to Combat Impunity, Principle 27(a).

## 8.8 THE RIGHT TO REPARATION

Victims of human rights violations have the right to full and effective reparation to address the harm they have suffered, including compensation, rehabilitation, and measures of satisfaction.<sup>141</sup>

Rehabilitation measures should include medical and psychological care as well as legal and social services to address physical and mental harms caused to victims.<sup>142</sup>

Measures of satisfaction should include, where applicable, any or all of the following:

- effective measures aimed at the cessation of continuing violations;
- verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- a public apology, including acknowledgement of the facts and acceptance of responsibility;
- judicial and administrative sanctions against persons liable for the violations; and
- commemorations and tributes to the victims.

In determining such measures, authorities should consult with victims and their representatives to fully assess the harms they have suffered and to identify the most appropriate and effective measures to address them.<sup>143</sup> Victims should be treated with humanity and respect for their dignity and human rights throughout the process.<sup>144</sup>

Reparation can be provided through judicial and administrative mechanisms.<sup>145</sup> In situations where violations have been committed on a large-scale, the state should establish an accessible and effective national reparation programme.

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<sup>141</sup> See for example UN General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc. A/RES/40/34, Principles 8-17; UN HRC, General Comments No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 16; UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, Principles 18-23; UN Updated Set of Principles to Combat Impunity, Principle 31.

<sup>142</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, Principle 21.

<sup>143</sup> See for example Updated Set of Principles to Combat Impunity, Principle 32.

<sup>144</sup> See for example Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Principle 4; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, Principle 10.

<sup>145</sup> See for example Updated Set of Principles to Combat Impunity, Principle 32.

# 9. CONCLUSION AND RECOMMENDATIONS

## 9.1 CONCLUSION

Following nationwide protests in November 2019 after the Iranian government announced a sudden significant rise in the price of petrol, the Iranian authorities waged a campaign of mass repression that led to the mass arrest and detention of thousands of men, women and children and widespread patterns of arbitrary detention, enforced disappearance, torture and other ill-treatment. Many detainees, including prisoners of conscience, were held incommunicado in prolonged solitary confinement in official “security detention facilities” or unofficial secret detention places run by intelligence and security bodies, sometimes in conditions amounting to enforced disappearance. Others were held in overcrowded detention facilities or prisons in cruel and inhumane conditions.

Detainees were systematically denied access to a lawyer at the investigation stage of their case and many were forced to make “confessions” against themselves under torture and other ill-treatment, which were then unlawfully used as “evidence” by courts. Some continued to be denied access to legal representation even at their trials. Hundreds have subsequently been prosecuted on overly broad and vague charges in grossly unfair trials that failed to meet basic international fair trial standards and sentenced to lengthy prison terms, as well as flogging, and several others are also facing the death penalty in connection with the protests.

Many of the arrests and detentions that took place in connection with the protests were arbitrary, as individuals were targeted solely for peacefully exercising their rights to freedom of expression, association and peaceful assembly. In addition, in virtually all cases, the arrests and detentions violated due process guarantees, which would also render the arrests and detentions arbitrary and result in unfair trials.

As of 26 August 2020, the Iranian authorities had failed to open investigations into allegations of serious crimes and human rights violations committed by police, security and intelligence agents and prison officials, with the complicity of Iran’s judiciary, against thousands of individuals swept up in mass arrests in connection with the November 2019 protests. Instead, the authorities have embarked on a campaign of mass repression to intimidate and silence victims, relatives and witnesses seeking justice and redress, and actively praised the perpetrators of the brutal crackdown.

The succession of atrocities in Iran is intractably linked to the impunity that has been ingrained into the country’s institutional system, leading the authorities to believe that they can commit crimes and serious human rights violations without repercussions.

The international community including the UN Human Rights Council must not allow this disturbing situation to continue unaddressed and unpunished.

As Iran is in the grip of a multifaceted crisis that is rooted in a confluence of severe political and economic problems, establishing accountability is more than ever essential, not only to support victims and their

families who are anguished at the lack of justice, truth and reparation, but also to provide a vital safeguard against the recurrence of such violations in the future.

Amnesty International, therefore, renews its call on member states of the UN Human Rights Council to mandate a UN-led inquiry into the widespread and systematic patterns of mass arrests, enforced disappearances, torture and unfair trials of detainees, as well as the unlawful killings of protesters and bystanders, that took place during and in the aftermath of the November 2019 protests with a view to ensuring accountability and guarantees of non-repetition.

## 9.2 RECOMMENDATIONS

### TO IRANIAN AUTHORITIES

Amnesty International calls on all three branches of the Iranian state, namely the legislative, the executive and the judiciary, to take all measures within their power to implement the following recommendations:

#### *Arbitrary detentions*

- Immediately and unconditionally release all individuals detained solely for peacefully exercising their human rights to freedom of expression, association and assembly, including through peacefully taking part in protests;
- Immediately drop any charges stemming from the peaceful exercise of human rights and ensure that all convictions resulting from grossly unfair trials, including those that relied on statements obtained through torture or other ill-treatment or without a lawyer present, are quashed; individuals charged with internationally recognizable criminal offences must be granted retrials in accordance to international fair trial standards.
- Uphold the principle of legality and ensure that individuals are subjected to criminal proceedings only on the basis of clearly defined, internationally recognizable offences in laws that are themselves consistent with international human rights law and standards;
- Ensure, in law and practice, that all persons deprived of their liberty have the right to challenge the lawfulness of their detention and its continuity before a regular, independent and impartial court that is authorized to order their release if the detention is found to be unlawful;
- Repeal or substantially amend, with a view to bringing into conformity with international law, all vaguely worded provisions of the Islamic Penal Code that unduly restrict the rights to freedom of expression, association and peaceful assembly, including Articles 499, 500, 514, 609, 610, 618 and 698.

#### *Torture and other ill-treatment*

- Define torture as a crime in national legislation in line with international law and standards including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ensuring that the prohibition of torture is not restricted to when it is “for the purpose of extracting confession or acquiring information” as it currently is under the Constitution, and encompasses pain or suffering that is inflicted on an individual as a form of punishment or intimidation or for any reason based on discrimination;
- Uphold the absolute prohibition of torture and other ill-treatment, and introduce the necessary safeguards, including access to a lawyer of one’s own choosing from the time of arrest and prompt access to medical examinations by an independent doctor upon being taken into custody, during transfers, and periodically during detention, to protect everyone detained in state custody;

- Outlaw and put an end to the practice of prolonged solitary confinement;
- Ban, in law and practice, the practice of producing and broadcasting forced “confessions” and issue an official apology restoring the dignity and reputation and rights of the victims and provide them with reparation;
- Ensure that all statements and other forms of evidence obtained as a result of torture and other ill-treatment are excluded from evidence in all proceedings, apart from cases against the alleged perpetrators;
- Guarantee that individuals in state custody, have access to timely and adequate health care, including prevention, screening and treatment, free of charge and without discrimination, including for long-term injuries sustained during the November 2019 protests or as a result of torture and other ill-treatment in detention;
- Establish procedures for launching investigations as soon as allegations of torture and other ill-treatment are known, and ensure these are conducted in a thorough, independent and impartial manner with a view to bringing to justice all those responsible for ordering or committing these acts, as well as superiors who knew or should have known that a subordinate was committing or about to commit these acts but did not take all the reasonable and necessary measures within their power to prevent, repress or punish them;
- Repeal all legislation, in particular provisions of the Islamic Penal Code, which allow for the application of flogging and other corporal punishments, which violate the absolute prohibition of torture and other ill-treatment;
- Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

#### *Enforced disappearances*

- Immediately inform families of the fate, whereabouts and legal status of their detained relatives in state custody and put an end to the practice of enforced disappearance;
- Return the remains of disappeared victims who are found to be dead to their families and allow them to dispose of those remains according to their own tradition, religion or culture;
- Ensure that detainees have, by law and in practice, immediate and regular access to the outside world, in particular to their lawyers and families;
- Ensure that all cases of enforced disappearance are adequately investigated, that those suspected of ordering, planning, implementing, or otherwise assisting or facilitating the commission of such crimes, as well as superiors who knew or should have known that a subordinate was committing or about to commit enforced disappearance but did not take all the reasonable and necessary measures within their power to prevent, repress or punish the crime, are prosecuted in proceedings that conform to international fair trial standards, and that victims receive adequate reparations;
- Enact legislation making enforced disappearance a crime in Iranian law, in accordance with international law;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

#### *Places of detention*

- Impose, in law and practice, a prohibition on security detention facilities and secret unofficial detention places and ensure that all persons deprived of their liberty are held in

officially recognized places of detention and are registered in a centralized register of detainees accessible to their lawyers and families at all times upon request and without delay;

- Publish an up-to-date list of all officially recognized places of detention in a form that is readily accessible to lawyers and members of the public;
- Establish an independent, efficient and well-resourced body with supervisory and oversight powers over all prisons and detention centres and with access to all persons deprived of their liberty, and amend the laws and regulations related to the Prisons Organization to bring them in line with international standards;
- Allow regular, unannounced, independent and unrestricted inspections by national and international independent expert bodies to all places where people are or may be deprived of their liberty.

#### *Fair trial*

- Uphold international standards of fairness in all trials, including by ensuring that detainees have access to a lawyer of their choosing from the time of arrest and throughout the investigation, trial, and appeal processes;
- Ensure that individuals deprived of their liberty are promptly informed of their rights, including the rights to notify a third person, access legal counsel, challenge the lawfulness of detention, and remain silent, and ensure that statements obtained in violation of the right to notification of rights are not admissible at trial;
- Provide all people accused of a criminal offence with adequate time and facilities to prepare a defence, including adequate facilities to communicate in confidence with their lawyer and timely access to all relevant information about the charges and court proceedings including the information on which the prosecution intends to rely;
- Guarantee the right of all persons charged with a criminal offence to an open hearing and ensure that any exceptions to this right are prescribed in law and narrowly defined;
- Ensure that all individuals charged with criminal offences have the right to be tried in their presence, and that all trial and appeal proceedings provide the accused with the right to an oral hearing where they can be present and be represented by counsel and may bring evidence and examine witnesses;
- Repeal the Note to Article 48 of the Code of Criminal Procedure, which denies individuals charged with certain offences, including national security offences, the right to access an independent lawyer of their own choosing and allows them only to appoint lawyers approved by the head of the judiciary;
- Ensure that statements or confessions made by a person deprived of their liberty other than those made in the presence of a judge and with the assistance of a lawyer have no probative value in proceedings;
- Enact legislation to ensure that, in line with the principle of presumption of innocence, the burden of proof is on the prosecution to show, beyond reasonable doubt, that statements of the accused have been given voluntarily;
- Require courts to issue public, reasoned judgements in all criminal cases, allowing the public to know the essential findings, evidence and legal reasoning relied upon to convict and impose sentences;
- Ensure the independence of the judiciary and ensure that effective safeguards are in place to prevent interference by or pressure or improper influence from any branch of

government, including intelligence bodies and security forces;

- Review, with a view to abolition, the use of all special courts in Iran, including the Revolutionary Courts, unless they are reformed to bring the laws regulating them and their practices in line with international standards for fair trial.

#### *Reprisals*

- Protect survivors, the relatives of victims, and others seeking truth, justice and reparations on behalf of the victims of the human rights violations committed during and in the aftermath of the protests of November 2019 against threats, harassment, intimidation, arbitrary arrests and detentions, and end all reprisals against them by state authorities or other actors;
- Take all necessary measures to prevent and deter acts of intimidation and reprisals against victims of human rights violations and their relatives, as well as human rights defenders, in relation to their communications and interactions with international and regional organizations.

#### *Death penalty*

- Quash the convictions and death sentences of anyone sentenced to death in connection with the protests of November 2019, including Amirhossein Moradi, Mohammad Rajabi and Saeed Tamjidi, and grant them a retrial in accordance with international standards for fair trial and without recourse to the death penalty;
- Immediately establish an official moratorium on executions with a view to abolishing the death penalty;
- Repeal or substantially amend, with a view to bringing into conformity with international law, all vaguely worded provisions of the Islamic Penal Code that impose the death penalty for acts that either do not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law, or are not considered crimes under international law, including Articles 279 and 286.

#### *Truth, justice and reparations*

- Publicly acknowledge that men, women and children were subjected to arbitrary arrests and detention, enforced disappearances, torture and other ill-treatment and grossly unfair trials across Iran during and in the aftermath of the protests of November 2019; make public all available information and records regarding the number of those detained, prosecuted and sentenced, and the cause and circumstances surrounding the human rights violations perpetrated against them; and issue a public apology, including acknowledgement of the facts and acceptance of state responsibility;
- Ensure that prompt, thorough, independent and impartial criminal investigations are conducted into all allegations of enforced disappearance, torture, and other serious human rights violations relating to the crackdown carried out during and in the aftermath of the protests; and where sufficient admissible evidence exists, prosecute those suspected of criminal responsibility, including superiors who knew or should have known that a subordinate was committing or about to commit a crime but did not take all the reasonable and necessary measures within their power to prevent, repress or punish the crime, before civilian courts in proceedings that conform to international fair trial standards and do not involve seeking or imposing the death penalty;
- Establish a competent, independent and impartial reparation mechanism to ensure that the victims of the widespread acts of enforced disappearance, torture, and other ill-treatment and their families are provided with full and effective reparation in accordance with international standards to address the harm they have suffered, including restitution,

compensation, rehabilitation, satisfaction and guarantees of non-repetition.

*Cooperation with UN human rights mechanisms*

- Extend invitations to and accept requests for visits from the Special Procedures of the UN Human Rights Council, including the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the situation of human rights in Iran, and allow them unrestricted access to prisons and detention centres, victims and their families, and human rights defenders, ensuring that no individuals face reprisals for communicating with UN human rights mechanisms.

## **TO UN MEMBER STATES**

Amnesty International calls on all member states of the UN to:

- Use all opportunities in interactions with Iranian authorities, up to the highest level and in public settings, to raise the recommendations made above;
- Call on the Iranian authorities to extend invitations to and accept visitation requests from the Special Procedures of the UN Human Rights Council, including the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on the situation of human rights in Iran;
- Support the establishment of a UN-led inquiry into the widespread and systematic patterns of mass arrests, enforced disappearances, torture and unfair trials of detainees, as well as the unlawful killings of protesters and bystanders, that took place during and in the aftermath of the November 2019 protests with a view to ensuring accountability.

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TO ONE PERSON, IT  
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# TRAMPLING HUMANITY

## MASS ARRESTS, DISAPPEARANCES AND TORTURE SINCE IRAN'S NOVEMBER 2019 PROTESTS

In response to nationwide protests in November 2019, the Iranian authorities waged a campaign of mass repression that led to the arrest of more than 7,000 men, women and children.

Following its documentation of unlawful killings carried out during the protests, Amnesty International has investigated the actions of the Iranian authorities since then and concluded that they have committed further widespread patterns of serious human rights violations, including arbitrary detention, enforced disappearance, torture and other ill-treatment, and flagrant breaches of the right to a fair trial.

The authorities targeted not only individuals who had participated in the protests, in many cases peacefully, but also media workers covering the events and human rights defenders, including activists belonging to ethnic minority groups.

The organization's research involved in-depth interviews with 76 individuals, including victims of violations, information received through messages from several hundred others and analysis of video footage and court documents.

Given the gravity of the violations perpetrated and the systematic impunity prevailing in Iran, Amnesty International is renewing its call on member states of the UN Human Rights Council to mandate a UN-led inquiry into the violations committed with a view to ensuring accountability and guarantees of non-repetition.