



# General Assembly

Distr.: General  
2 February 2024

Original: English

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## Human Rights Council

### Fifty-fifth session

26 February–5 April 2024

Agenda item 4

### Human rights situations that require the Council's attention

## Report of the independent international fact-finding mission on the Islamic Republic of Iran\*

### *Summary*

The present report, submitted to the Human Rights Council pursuant to resolution S-35/1, contains the findings of the independent international fact-finding mission on the Islamic Republic of Iran under international human rights law and, as applicable, on crimes under international law. In the report, the mission outlines its findings concerning the protests that began on 16 September 2022 in the context of the “Woman, Life, Freedom” movement, especially in respect to women and children. It includes its findings on the death in custody of Jina Mahsa Amini and on other serious human rights violations committed against protesters and others, including on the use of force, arrests and detentions, treatment in detention, digital space and legal proceedings related to the protests. It concludes with an assessment of State responsibility for the violations found and recommendations, including on accountability and reparations.

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\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

## I. Introduction

1. In its resolution S-35/1, the Human Rights Council established the independent international fact-finding mission on the Islamic Republic of Iran, to thoroughly and independently investigate alleged human rights violations in the Islamic Republic of Iran related to the protests that began on 16 September 2022, especially with respect to women and children; establish the facts and circumstances surrounding the alleged violations; and collect, consolidate and analyse the evidence of such violations and preserve that evidence, in view of cooperation in any legal proceedings. Pursuant to resolution S-35/1, the mission produced the present report for the fifty-fifth session of the Council and an extended report, issued as a conference room paper, which elaborates on the facts, legal determinations and recommendations.
2. The Human Rights Council urged the Government of the Islamic Republic of Iran to cooperate fully with the mission, allow it unhindered access to the country and provide it with the information necessary to fulfil its mandate. The mission regrets the Government's lack of cooperation, including on access to the country and in providing information, and its failure to respond to the 20 letters sent by the mission as of 22 January 2024. While acknowledging its engagement with the Government-appointed Special Committee to investigate the 2022 unrest, the mission regrets the lack of any substantive response.
3. The mission also faced constraints because of the restrictions imposed by the Government on online communications, affecting landlines and mobile networks, heightened electronic surveillance, and harassment and intimidation of victims, witnesses and their families inside and outside the country. Those measures led to pervasive fear, deterring many people from engaging with the mission.
4. Nevertheless, the mission collected sufficient information and evidence to establish facts and make findings that violations of international human rights law had been committed, as well as crimes under international law.

## II. Methodology and legal framework

5. The mission published its terms of reference in July 2023.<sup>1</sup> It ensured that it strictly adhered to the principles of “do no harm”, independence, impartiality, objectivity, transparency and integrity in all its activities.
6. The mission relied on the following information and evidence: laws, decrees, regulations and policies, official statements and reports and judicial documents issued by the Iranian authorities; in-depth interviews with victims and witnesses; medical imaging, documents and independent reports; verified photographs and videos; and satellite imagery.
7. Where the mission deemed the information valid and the source credible and reliable, it used secondary sources to corroborate and contextualize primary sources and patterns. Those sources included information provided to the mission by United Nations entities and human rights organizations.
8. Owing to its limited time and resources, and restricted access, the mission prioritized incidents on the basis of the gravity of allegations, their emblematic nature and the information available. The findings presented are therefore not exhaustive.
9. In the light of its focus on women and children, the mission also adopted an intersectional approach. It prioritized the impact of violations on victims, taking into account their overlapping identities and/or structural discrimination on grounds of age, sex, gender, sexual orientation, gender identity, socioeconomic status, political opinion, religion or belief, ethnicity or nationality.
10. In line with the general practice of United Nations investigative bodies, the mission applied the “reasonable grounds to believe” standard of proof.

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<sup>1</sup> Available from <https://www.ohchr.org/en/hr-bodies/hrc/ffm-iran/index>.

11. The mission primarily used international human rights law as the framework for its investigation and further considered, as appropriate, other State obligations under international treaty and customary law, including in relation to crimes under international law. The mission also considered the Iranian legal framework.

12. The mission is grateful to those who contributed to the investigation by providing material and analysis, and particularly to victims, their families and witnesses, who took risks to give their first-hand accounts. Under no circumstances should anyone face reprisals for their cooperation with the mission.

### III. Background

13. The “Woman, Life, Freedom” movement erupted against the backdrop of a long history of protest movements, including women’s activism, in the Islamic Republic of Iran. It brought to the front demands to eliminate entrenched discrimination against women and girls, embodied by the country’s legislation on the mandatory hijab laws. Triggered by the death in custody of Jina Mahsa Amini, a young Iranian-Kurdish woman, after her arrest for “improper” wearing of the hijab in Tehran, protests began on 16 September 2022 and spread across the country. They galvanized women, men and children from various ethnic, religious and socioeconomic backgrounds, based on a multitude of grievances. The protests were unprecedented because of the leadership of women and youth, in their reach and longevity and, ultimately, the State’s violent response, which prompted the Human Rights Council to establish the mission.

14. Similar to earlier protest movements in the Islamic Republic of Iran, the response to the protests under the banner of “Woman, Life, Freedom” was marked by repression and impunity. The authorities vilified protesters, used physical, psychological and sexual violence, judicial harassment and a wide range of other means to suppress peaceful dissent, as detailed in the present report. Regions with minority populations were particularly affected.

15. While the street protests have largely subsided, their effects and other forms of protest continue, together with State repression. In its report, the mission outlines the findings of a year-long investigation into allegations of human rights violations connected to the protests and a record of courageous acts of defiance and resistance by individuals across the country.<sup>2</sup>

### IV. Death in custody of Jina Mahsa Amini

16. The mission has analysed information and evidence pertaining to Ms. Amini’s death in the custody of the *gasht-e ershad*, or the “morality police”.

17. The mission has established that on 13 September 2022, at around 6.30 p.m., Ms. Amini was arrested by the morality police as she left the Shahid Haqqani metro station in Tehran for allegedly wearing “improper” hijab. The morality police transported Ms. Amini in a van to the Vozara detention facility to undergo a “re-education class”. She collapsed 26 minutes after her arrival and was transferred 30 minutes later to Kasra hospital. That night, her parents were informed that she had been transferred to the hospital “with a delay” “already brain dead”. Her father, who was allowed to see her in hospital at least once, repeatedly stated publicly that during that visit, he had seen bruises on her feet and blood dripping from her ear. On 16 September, Ms. Amini died. On 17 September, her body was transferred to her hometown of Saqqez, where she was buried. The official death certificate stated that she had died of “unknown causes”.

18. The mission emphasizes the arbitrary character of Ms. Amini’s arrest and detention, which were based on laws and policies governing the mandatory hijab, which fundamentally discriminate against women and girls and are not permissible under international human rights law. Those laws and policies violate the rights to freedom of expression, freedom of

<sup>2</sup> See the conference room paper for details on the underlying material and the mission’s analysis.

religion or belief and the autonomy of women and girls. Ms. Amini's arrest and detention, preceding her death in custody, constituted a violation of her right to liberty of person.

19. When a person is injured or dies in a place of detention, there is a general presumption of State responsibility, owing to the control exercised by the State over those it holds in custody. Based on the evidence, alleged complications arising from Ms. Amini's surgery in childhood can be excluded as the immediate cause of her death. The mission has reasonable grounds to believe that her death was brought about by external causes. It has established the existence of evidence of trauma to Ms. Amini's body, inflicted while in the custody of the morality police. Based on the evidence and patterns of violence by the morality police in the enforcement of the mandatory hijab on women, the mission is satisfied that Ms. Amini was subjected to physical violence that led to her death. On that basis, the State bears responsibility for her unlawful death.

20. The mission also concluded that the Government had failed to comply with its duty to investigate a potentially unlawful death promptly, effectively and thoroughly, independently, impartially and transparently, in violation of international human rights law. Instead, the Iranian authorities took active steps to obfuscate the truth about Ms. Amini's death, including to her family and the general public. Most notably, judicial harassment and intimidation were aimed at her family in order to silence them and pre-empt them from seeking legal redress. Some family members faced arbitrary arrest, while the family's lawyer, Saleh Nikbaht, and three journalists, Niloofar Hamedi, Elahe Mohammadi and Nazila Maroufian, who reported on Ms. Amini's death were arrested, prosecuted and sentenced to imprisonment.

## **V. Protests that began on 16 September 2022**

21. The right to peaceful assembly is severely restricted under Iranian law. The organization of and participation in protests is effectively criminalized in relation to public gatherings considered critical of the Islamic Republic. The authorities labelled protesters in the "Woman, Life, Freedom" movement, as "rioters" or "agents of the enemy", thus framing conduct protected under international human rights law as threats to public order or national security.<sup>3</sup> While international human rights law allows for restrictions on grounds of national security and public order, such measures must be the least intrusive possible and are only very exceptionally permissible in relation to peaceful protests. The mission acknowledges that security forces were killed and injured and found instances of violence by protesters, but concluded that the large majority of protests were peaceful.

### **A. Use of force**

22. The State authorities have not provided detailed figures or disaggregated data on the individuals killed and injured in the context of the protests. However, the Government announced that the protests had resulted in the deaths of 75 or more law enforcement agents and injuries to 7,000 of them.<sup>4</sup> As of September 2023, a credible figure was of 551 people killed, among them as many as 49 women and 68 children. Women and men were injured in similar numbers. Deaths were recorded in at least 26 of the 31 provinces, with the highest number of victims in regions with minority populations, in particular in Sistan and Baluchestan province, the Kurdish regions of the country (Kurdistan and Kermanshah) and parts of Western Azerbaijan. The highest number of deaths recorded in one day was 104 on 30 September 2022, during the protests following Friday prayers in Zahedan city, Sistan and Baluchestan province.

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<sup>3</sup> Reports of the High Council for Human Rights of the Islamic Republic of Iran, 15 October 2022, 20 November 2022 and 7 February 2023.

<sup>4</sup> Statement by the Secretary-General of the High Council for Human Rights of the Islamic Republic of Iran at the fifty-third session of the Human Rights Council, 5 July 2023.

23. The mission investigated the use of force by the security forces in protests between 16 September and 21 November 2022, across 14 provinces and particularly in emblematic cases that the mission considers representative of the patterns of the use of force it identified.

24. The mission established a pattern of the security forces using firearms, including assault rifles and shotguns loaded with ammunition containing multiple pellets, causing the majority of deaths. The mission also found a practice of using ammunition categorized as “less lethal”, including ammunition containing multiple kinetic impact projectiles, outside the relevant parameters. In one document, based on an official communiqué, officials from the judiciary confirmed that over the course of one evening, the Law Enforcement Command of the Islamic Republic of Iran (known as Faraja), the Islamic Revolutionary Guard Corps and Basij forces had fired over 300 live ammunition cartridges and over one dozen blank cartridges, using weapons such as AK-47s, MP5s (submachine guns) and pistols, nearly 300 cartridges loaded with multiple rubber pellets and 40 rubber bullets. The document notes that the security forces also used chemical irritants and acoustic and smoke grenades.

25. The mission established a pattern of the use of lethal force by the security forces against protesters in situations where there was no imminent threat of death or serious injury. Acts of violence by individual protesters, such as throwing stones, burning tyres or obstructing law enforcement, do not pose an imminent threat of death or serious injury that would justify the use of lethal force. Equally, violence by protesters at an earlier stage, or in another part, of a protest does not justify the use of lethal force, as there is no imminent threat. Protesting in front of a government building or a security base, chanting slogans, helping others or driving a car nearby are inherently peaceful acts. Victims killed and injured by lethal force while they or others engaged in such activities did not pose an imminent threat. With respect to the incidents investigated, the use of lethal force was therefore unlawful and the targeted killings of protesters constituted extrajudicial executions.

26. The mission identified patterns of use of lethal force to disperse protests, including the random, wanton and indiscriminate firing of shotguns and other weapons loaded with ammunition containing multiple metal pellets, such as birdshot, at protesters and bystanders. The security forces targeted vital body parts of the protesters and bystanders, including the face, head, neck and genital area, in particular with ammunition containing multiple metal pellets. The use of ammunition containing multiple metal pellets in protests amounts to indiscriminate use, due to the risk of serious injury to protesters and bystanders, and is unlawful.

27. The mission also investigated the use of weapons and ammunition in less lethal ways. According to reports by the High Council for Human Rights of the Islamic Republic of Iran, protesters caused widespread damage to private property and public and religious places.<sup>5</sup> The mission corroborated some allegations of material destruction, but found that even the use of so-called less lethal force, such as tear gas or water cannons, was disproportionate because of their indiscriminate impact on protesters, especially those protesting peacefully. Moreover, while kinetic impact projectiles, such as rubber bullets, are categorized as less lethal, ammunition firing multiple rubber bullets in one shot risked and resulted in eye injuries and the blinding of protesters and bystanders.

28. The mission found a pattern of extensive, permanent and life-changing injuries to protesters, resulting from the use of both lethal and less lethal force. Forensic and medical reports recorded severe damage and destruction to the skulls, brain tissue and internal organs of those shot, which were caused by an array of weapons and ammunition.

29. The mission established a pattern of ocular injuries of protesters and bystanders, including women and children, resulting in the partial or full loss of their eyesight, impacting their physical and mental health and, with regard to children, their education. A witness, who lost the sight in one eye, recalled a member of the security forces directing a paintball gun loaded with rubber bullets to the head from 1 m away. The mission notes the deterrent and chilling effect of such injuries, as they permanently marked the victims, essentially

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<sup>5</sup> Reports of the High Council of the Islamic Republic of Iran, 15 October 2022, 20 November 2022 and 7 February 2023.

“branding” them as protesters. In a context where protests are effectively criminalized, the mission is satisfied that such an effect was intended.

30. A pattern emerged of the security forces targeting specific protesters, based on discriminatory grounds, such as gender and ethnicity. A woman was threatened that she would be shot at if she did not put her hijab back on, while other women were called whores and told that there was no such a thing as “Woman, Life, Freedom” before being shot at.

31. The lack of emergency response health care exacerbated the situation. In some instances, the security forces used ambulances for transport. Injured protesters were regularly denied admission at hospitals surrounded by a heavy police presence. Medical personnel were officially instructed by the Ministry of Health to report anyone who sought medical help for injuries. The security forces harassed, arrested and detained health-care professionals.

32. The mission concluded that the security forces had resorted to unnecessary and disproportionate use of lethal force, killing and injuring protestors who posed no imminent threat of death or serious injury, thereby committing unlawful and extrajudicial killings.

## **B. Arrests and detention in the context of the protests**

33. The mission found a widespread pattern of the security forces arbitrarily arresting or detaining protesters for a range of protected conduct, such as dancing, chanting or writing slogans on walls and honking car horns. The authorities also arrested members of the protesters’ families who were seeking redress, their supporters (lawyers, medical personnel) and those expressing solidarity, teachers, artists, athletes and social media influencers. The authorities also arrested and detained those seeking to uncover the truth about human rights violations, such as journalists and human rights defenders.

34. Thousands of women, men and children were arrested throughout the country. Without providing any public data on the numbers arrested and detained, in February 2023, the Government stated that 22,000 individuals had been pardoned in connection with the protests.<sup>6</sup> According to some human rights organizations, the number of persons detained during the protests may be as high as 60,000. The authorities stated that the average age of those arrested was 15.<sup>7</sup>

35. Security and intelligence forces also conducted targeted raids on protesters’ homes and workplaces and at their schools and universities during and after the protests, for arrest, search and seizure purposes. These raids even took place during memorial ceremonies or funeral rites. Protesters were identified by using intelligence and surveillance tools, such as drones and surveillance cameras. Security and intelligence officials present in significant numbers around hospitals apprehended injured protesters who sought medical care.

36. Plainclothes agents carried out arrests, sometimes wearing masks concealing their faces and identity. Individuals arrested outside protest sites were generally not shown an arrest warrant or told the reasons for their arrest. Individuals arrested or transferred to places of detention were commonly subjected to physical and gender-based violence and verbal abuse.

37. Women were violently arrested and subjected to touching of the genitalia by members of the security forces, often during transport to places of detention. Some women were arrested at their homes for participating in protests, suggesting that surveillance had been used to identify them. Women human rights defenders and those perceived as playing prominent roles in the protests were arrested or summoned to serve previously suspended sentences to prevent them from attending protests.

38. Protesters were taken blindfolded to unknown detention facilities in unmarked vehicles and, in some cases, ambulances. The State authorities detained them in a range of detention facilities, including police stations, prisons and unidentified or unofficial secret

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<sup>6</sup> See <https://en.irna.ir/news/85056317/> (in Persian).

<sup>7</sup> See <https://www.irna.ir/news/84904665> (in Persian).

detention sites (military barracks, sports venues, private houses and apartments, dilapidated buildings and underground rooms belonging to the Ministry of the Interior or the intelligence branch of the Islamic Revolutionary Guard Corps). Those arrested were either not registered or registered with significant delays and sometimes only after being coerced into making confessions in a manner that was contrary even to Iranian criminal procedures.<sup>8</sup>

39. Hundreds of children, some as young as 10, including girls, were arrested during and after the protests, including during large-scale arrests, and were held, together with adults, in detention facilities. Others were brought to juvenile detention centres or mental health facilities with the aim of “reforming” them.

40. Even the restricted right to be assisted by a lawyer from the head of the judiciary’s list of approved lawyers<sup>9</sup> was not implemented, nor was the right to be promptly brought before an independent and impartial judicial authority.

41. The Iranian authorities routinely held detainees incommunicado and/or in prolonged solitary confinement, refusing to inform their families of their whereabouts, in some cases placing them outside the protection of the law and amounting to enforced disappearance. In most cases investigated by the mission, detainees had been released but only after the family had paid excessive amounts of bail.

### **C. Torture and cruel, inhuman or degrading treatment or punishment**

42. The mission established that Iranian public officials had intentionally inflicted acts of torture for purposes such as extracting a confession, obtaining information, punishment, intimidation, humiliation, coercion or for reasons based on discrimination, and preventing participation in protests. In addition, due to the threat of such treatment, many of those arrested, often young people, confessed in response to the demands of their interrogators.

43. Torture and ill-treatment typically started upon arrest and continued during transfer to detention facilities, including police stations, Islamic Revolutionary Guard Corps and Ministry of Intelligence detention facilities, and prisons operated by the State Organization for Prisons and Correctional and Educative Measures (the Prisons Organization). Detainees, including children underwent long and repeated interrogation sessions, during which they were blindfolded or hooded and subjected to various forms of physical and psychological abuse amounting to torture. That included physical assault, such as punching, kicking, beating, flogging and burning, the use of electric shocks, suspension and stress positions. Numerous detainees, including children, were forcibly administered, or injected with, unknown substances. Most victims reported that they had no access to medical care, despite the injuries suffered resulting from torture. Detainees were systematically subjected to verbal abuse, including insults of a sexual nature or based on ethnicity and religion. The detaining authorities also used various forms of psychological torture and ill-treatment, including solitary confinement for periods ranging from one night to several weeks, and threats of death, rape and harm to family members. The most egregious forms of violence, including sexual and gender-based violence, occurred in unofficial places of detention run by the Islamic Revolutionary Guard Corps and the Ministry of Intelligence.

44. The mission found that children were kept for days or even weeks in both official and unofficial detention facilities, without knowing the reasons for their detention and without contact with their families or the opportunity to request a legal representative. As with adults, they were subjected to severe physical, psychological and sexual torture, including rape.

45. The mission found several cases of deaths in custody as a result of torture. Injured survivors were denied medical care or did not report the torture when they were released, owing to a fear of reprisals. Some protesters received medical care and psychological support only after relocating abroad.

<sup>8</sup> Code of Criminal Procedure, art. 49, and executive by-law for formation and management of police detention facilities and their supervision, art. 47.

<sup>9</sup> Code of Criminal Procedure, art. 48.

## 1. Sexual and gender-based violence

46. The mission established a pattern of sexual and gender-based violence perpetrated by the State authorities in places of detention. That included rape, including with an object, threats of rape, electrocution to the genitalia, forced nudity, groping, touching and other forms of sexual violence. The mission found that sexual and gender-based violence was carried out on women, men and children who had been detained, including LGBTQI+ persons arrested in connection with the protests.

47. Illustrative of this pattern is the case of a woman protester, who was arrested in November 2022 in Kermanshah province, taken to an unofficial detention facility and interrogated by security officers for hours on her alleged role in the protests, before being taken to another room for a “body search”. As she was undressing, one male agent and one female agent in a *chador* came into the room and forced her down to the floor and, as they were holding her down, another male agent raped her. Following this, the same agent who had restrained her also raped her.

48. Against the backdrop of impunity for sexual and gender-based violence, the security forces played on social and cultural stigma connected to sexual and gender-based violence to spread fear and humiliate and punish women, men and children, including LGBTQI+ persons or their families for participation in the protests. Sexual and gender-based violence was often accompanied by gender-based insults directed against women protesters, who were labelled “whores”, “sluts” and “prostitutes” with “no honour”, and for being “willing to get naked” and spreading “immorality”. In some cases, the authorities justified sexual violence on the basis that this was “the freedom they wanted”. The mission established a discernible pattern of cruelty directed at protesters on the basis of their gender and actual or perceived sexual orientation or gender identity.

49. Sexual and gender-based violence, in particular, has deep and enduring consequences for the mental and physical health of survivors. Survivors risk double victimization, owing to the associated stigma and shame and because of the impact of discriminatory laws that not only do not protect them but instead may lead to their criminalization. Those factors lead to underreporting, thus suggesting that the level of sexual and gender-based violence, although already hugely significant, may be even higher.

## 2. Detention conditions

50. The mission established that the conditions of detention of women, men and children arrested in connection with the protests were appalling in both official and non-official detention centres throughout the country, amounting to inhuman, cruel or degrading treatment and, in some cases, to torture.

51. Detainees were held in overcrowded small and unsanitary cells with no bedding, with the lights on 24 hours a day, or in total darkness. Most individuals detained in connection with the protests reported that they were provided with insufficient and poor quality food and water, were refused medical care or provided with only basic medicines, even when they had serious medical conditions.

## D. Trials

52. The mission established a pattern of prosecution and punishment of persons for protected conduct, including participation in peaceful protests, the legitimate expression of opposition to laws and practices that discriminate against women and girls by dancing and clapping to music, chanting slogans and posting on social media in relation to the protests.

53. Criminal and revolutionary courts convicted and sentenced protesters for such acts on the basis of vaguely defined criminal charges, including “spreading propaganda against the system”, “gathering and colluding to commit crimes against security”, “disrupting the public order”, “forming of and membership in a group or association with the intent to undermine the country’s security”, “spreading lies with intent to disturb the public opinion”, “insulting the leader” and “insulting the sanctities of Islam”.



54. Such convictions were rendered possible, *inter alia* due to vague and undefined exception clauses to constitutionally recognized rights and provisions in the Islamic Penal Code, including those related to “insulting” Islam, religious figures or the authorities. Such provisions are open to broad interpretation, contravening the principle of legality. They have been commonly used with respect to protected speech, to repress real or perceived dissent and opposition, including in the context of the protests.<sup>10</sup> Some of those offences are punishable by death, lengthy prison sentences or sentences that amount to torture and ill-treatment, such as flogging.

55. In the context of a structural lack of independence and impartiality of the judiciary, the mission found that the judges at the criminal and revolutionary courts showed manifest bias against protesters and real or perceived political opposition, systematically dismissed complaints of torture and ill-treatment and instead relied on confessions obtained under torture to convict protesters. Hasty and summary closed-door proceedings and systematic violations of fair trial guarantees are also indicative of the lack of impartiality.

56. Statements of persons incriminating themselves and/or others were released by State and State-affiliated media, including videotaped “confessions” of six men executed in connection with the protests, which were aired prior to their conviction. In many instances, “confessions” were taped shortly after arrest and before the start of the trials and extracted under torture or other ill-treatment and in the absence of lawyers.

57. The vast majority of those detained had no access to a lawyer during the entire investigation. Those who did, were routinely denied access to independently appointed lawyers, including at trial. The mission also found that the limited number of lawyers on the approved list of the head of the judiciary in certain provinces, their close links with judicial authorities and the bias some showed against the protesters also contributed to undermining the latter’s right to defence. Some were only represented by lawyers of their own choice at the appeal stage, after judgment had been issued.

58. The individuals who were prosecuted did not generally have access to the materials in their case files during investigations, thereby depriving them of their ability to prepare their defence.<sup>11</sup> In some cases, protesters were tried in two separate parallel trials for the same act of which they were accused: once before a criminal court and once before a revolutionary court.

59. Court hearings were often held behind closed doors, with family members and independently appointed lawyers routinely being denied access. Protesters were tried in summary proceedings, in an apparent effort to deter others from protesting. In most cases, only a single court session was held, sometimes lasting only a few minutes, and in the absence of exculpatory witnesses.

60. The mission found a pattern of suspended prosecution orders and suspended sentences being issued, in order to create a deterrent to protest or expression of dissent. On 5 February 2023, the judiciary announced the preconditions for the granting of State pardons, which included a requirement for admission of guilt and expression of remorse even for those who had not been convicted of any offence, in violation of their right to presumption of innocence.<sup>12</sup>

## **E. Use of the death penalty in the context of the protests**

61. While the Government has provided no information about the number of death sentences imposed on protesters, there is credible information that as of January 2024, the courts had pronounced death sentences on at least 28 persons in relation to the protests. Of those 28 individuals, 9 young men were executed in December 2022, January, May, November and December 2023 and January 2024, while at least another 6 men reportedly remained under sentence of death, with some at risk of imminent execution at the time of

<sup>10</sup> Islamic Penal Code, arts. 262, 513, 514 and 609.

<sup>11</sup> Code of Criminal Procedure, arts. 191, 351 and note under art. 351.

<sup>12</sup> See <https://www.irna.ir/news/85020213/> (in Persian).

writing. The mission recorded the details of over 100 individuals, including 5 women, who had reportedly been charged with offences relating to the protests that could potentially carry the death penalty. The legal proceedings against nine individuals who were executed were marked by serious violations of their rights to a fair trial and due process. Others were sentenced for crimes that either would not fall into the category of the most serious crimes or would fall under protected rights. One example would be Javad Rouhi, who was given three death sentences, including on the charge of “apostasy”, all of which were overturned before he died in custody on 31 August 2023, following credible allegations of torture.

62. The mission has established that the legal proceedings leading to death sentences were held in a summary fashion amid repeated calls by the State authorities to expedite the trials and carry out executions.<sup>13</sup> The authorities also executed persons convicted of capital offences only weeks after their arrest and/or the date of their conviction. The public execution of Majidreza Rahnavard, in December 2022, the second in a two-year hiatus in public executions, was carried out just three weeks after his arrest. Similarly, Mohammad Mehdi Karami and Seyyed Mohammad Hosseini were executed only two months after commission of the crimes they were alleged to have committed.

63. The courts relied on confessions extracted under torture and ill-treatment. No investigations were conducted by the authorities into cases in which defendants had recanted their self-incriminating statements in court and where allegations of torture and coerced confessions were raised, including publicly, by the defendants, their lawyers and their family members. In cases where allegations of torture and forced confessions were raised, the authorities carried out executions without conducting any investigations.

64. The mission has established that the executions of Mohsen Shekari, Majidreza Rahnavard, Mohammad Mehdi Karami, Seyyed Mohammad Hosseini, Majid Kazemi, Saeed Yaghoubi, Saleh Mirhashemi, Milad Zohrevand and Mohammad Ghobadlou, following summary proceedings and without fair trial and due process guarantees, amount to unlawful and arbitrary deprivation of their right to life and have violated the prohibition against torture and ill-treatment.

## F. Family members

65. The State authorities took concerted action to conceal the truth about the protesters who were killed and silence their families. The families were harassed after speaking, including to the media, about the killings of or injuries to their loved ones, holding memorials, or lodging official complaints. Such harassment escalated just before the traditional mourning rituals held on the third and fortieth days after the deaths (*chehlom*) and on the birthdays of the deceased, when the families attempted to gather at grave sites.

66. The State authorities threatened grieving families with burying the bodies of their loved ones in unidentified locations, unless the families remained silent and complied with severe restrictions on funerals and commemorations. Families were pressured to bury their loved ones swiftly, without funeral ceremonies and in the presence of only immediate family, with bans on chanting slogans. In many cases, security and intelligence forces were present during burial ceremonies. State security forces raided family homes or cemeteries and violently assaulted, injured, arrested and detained family members of the victims and other mourners.

67. In several cases, officials coerced families of protesters to video record “interviews” or sign statements that their loved ones had been killed by “rioters” or “opposition groups”. In the same vein, State authorities summoned family members for interrogation, arrested, detained and charged or prosecuted them for vaguely worded national security offences, with sentences including imprisonment and flogging. State authorities also harassed and intimidated some family members of victims into altering the images and words engraved on the gravestones of protesters who had been killed. Graves were damaged, defaced or destroyed, erasing references to the “Woman, Life, Freedom” movement.

<sup>13</sup> See <https://www.irna.ir/news/84934370/> (in Persian).

## VI. Repression linked to the protests and support for the “Woman, Life, Freedom” movement

### A. Women and girls defying the hijab laws

68. Since Ms. Amini’s death, women and girls have increasingly defied the mandatory hijab laws, opposing deeply rooted gender discrimination in law and in practice. The mission has established that since December 2022, State authorities have adopted new measures to strengthen enforcement of those laws and regulations, affecting the fundamental freedoms of expression, religion or belief and the autonomy of women and girls, as well their access to education, health and livelihoods. There has been an increase in the penalty for non-compliance, amid a broader campaign of harassment, intimidation, surveillance and violence, carried out against those women and girls who have publicly defied such norms and those in support of them, particularly men.

69. Despite reports in December 2022, subsequently refuted by the official State media, that the morality police had been disbanded, on 17 July 2023, the spokesperson for the Law Enforcement Command of the Islamic Republic of Iran announced the deployment of foot and car patrols and threatened women and girls who did not comply with the mandatory hijab laws that they would be “referred to the judiciary”. Government agents, including members of the security forces, the judiciary and the Islamic Revolutionary Guard Corps now enforce compliance with the mandatory hijab laws. Over the past year, the responsibility for enforcement has expanded to the private sector and private individuals, as a complex web of prohibitive and punitive legal measures enforcing the mandatory hijab have been announced to strengthen compliance.

70. Those measures include the introduction of a bill to support the family by promoting the culture of chastity and hijab. The bill sets out measures to (a) increase punishments for acts and promotion of non-compliance; (b) spread enforcement powers across State institutions; (c) make private actors liable for both compliance and enforcement; and (d) extend existing gender segregation in various areas, including universities, hospitals and public offices and spaces. While it also includes a dress code applicable to men, the bill clearly targets women and exacerbates the already fundamentally discriminatory legal framework governing the mandatory hijab for women and girls. Despite the pending adoption of the bill, officials have instructed the police not to wait for it to be approved, but to implement it immediately. The authorities have imposed fines and closed numerous businesses, including cafes, restaurants, pharmacies, private doctors’ offices, travel agencies and private companies for not adhering to the mandatory hijab laws. The laws and policies on the mandatory hijab have a disproportionate impact on women from disadvantaged socioeconomic backgrounds, not least because of the large fines for non-compliance.

71. In February 2023, the authorities reinforced the identification and punishment of women and girls for non-compliance with the mandatory hijab laws, including through expansion of the use of closed-circuit television cameras in public spaces, a measure endorsed at the highest levels of Government.<sup>14</sup> Officials warned those breaking the laws that they would “face social exclusion.”<sup>15</sup> Police forces were ordered by the Office of the Prosecutor General to “firmly confront the removal of the veil by women and girls”.<sup>16</sup> Women not wearing the hijab while driving, or being driven, in cars received text messages warning them of penalties for non-compliance, including the impounding of their vehicles, fines, rescinding of their national identity cards and deprivation of public services, including banking.<sup>17</sup> On 14 June 2023, the police spokesperson announced that since 25 April 2023, the police had sent 991,176 SMS warning messages to women who were allegedly unveiled when images of them in their cars were captured on camera; issued 133,174 SMS messages requiring the immobilization of vehicles; confiscated 2,000 cars; and referred more than 4,000 alleged

<sup>14</sup> See <https://www.mehrnews.com/news/5811295/> (in Persian).

<sup>15</sup> See <https://www.setaresobh.ir/fa/Main/Detail/94860> (in Persian).

<sup>16</sup> See <https://www.isna.ir/news/1401102013051/> (in Persian).

<sup>17</sup> See <https://www.khabaronline.ir/news/1727083/> (in Persian).

repeat offenders to the judiciary. In his statement, he also noted that the police had made 108,211 reports of the commission of alleged violations of the mandatory hijab laws within businesses and identified and referred 301 alleged offenders to the judiciary.<sup>18</sup> The State authorities also publicly warned women and girls that they would be deprived of education<sup>19</sup> and health if they were found in violation of the mandatory hijab laws and regulations.<sup>20</sup> Women students were suspended or expelled from universities and dormitories for refusing to wear the mandatory hijab, while others were threatened with zero grades or barred from sitting final exams. In October 2023, in Mazandaran province, the medical licence of a woman doctor was revoked after she appeared at a public award ceremony without the mandatory hijab.<sup>21</sup> Courts are off limits to women and girls who are not wearing the mandatory hijab, affecting their access to justice. A phone application, Nazer, has been developed by the national police force to enable security officers, and volunteers who have been vetted, to report women offending against the mandatory hijab laws. The authorities had previously set up a phone line and messaging service for members of the public to report offenders.

72. Instances of attempted and violent arrests have continued to be reported, in line with previously established patterns of violence against women and girls who have defied the mandatory hijab laws in public. The mission found that State-sanctioned torture and inhuman and degrading punishments, such as lashing, being made to wash dead bodies and referral to psychiatric treatment, continued to be imposed as forms of punishment for non-compliance.

73. On 1 October 2023, a young women student, Armita Garavand, fell into a coma after reportedly being pushed, following an altercation with women hijab enforcers in a metro carriage. On 28 October, State-affiliated media announced that her death was caused by her falling and hitting the ground, due to a drop in blood pressure. In actions reminiscent of Ms. Amini's case, the State authorities took measures to obfuscate the circumstances leading to Ms. Garavand's death, including by arresting and sentencing journalists covering the incident. Ms. Garavand was taken to Farj military hospital in Tehran, where security forces reportedly prevented her parents from gaining access to her. The State authorities did not release the footage from inside the metro carriage or make public any medical reports. During her funeral in Tehran on 29 October 2023, the security forces present reportedly intimidated and harassed those mourning her death and arrested several women, including prominent human rights lawyer, Nasrin Sotoudeh, who attended the funeral, for not wearing the mandatory hijab. The mission finds that the State failed in its obligation to investigate the death of Ms. Garavand and, in case of a violation, to prosecute those responsible, whether State officials or private individuals and entities. The mission's investigations into the cause(s) of death of Ms. Garavand are ongoing.

## **B. Students and teachers**

74. Students, teachers and academic university staff individually and collectively constituted a leading force in the protests. Protests started in several universities in Tehran on 18 September 2022. Within days, students in 111 universities had announced their boycott of classes. Significant protests erupted within secondary schools, especially girls' schools, and universities. Students held marches between their schools and their homes, choreographed dances and sang songs of protest.

75. The mission established patterns of extreme brutality perpetrated on students, including killings, arbitrary arrest and detention, torture and ill-treatment, suspension or dismissal from their academic programmes, expulsion from dormitories and systematic harassment and intimidation. According to credible information, students were arrested and detained in 30 out of the 31 provinces in the country, with the majority of arrests taking place in Tehran province and in regions with large ethnic minorities. The mission found credible information in relation to 817 cases of students, including women, arrested and detained in

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<sup>18</sup> See <https://www.armanmeli.ir> (in Persian).

<sup>19</sup> See <https://www.iribnews.ir/fa/news/3804380/> (in Persian).

<sup>20</sup> See <https://www.isna.ir/news/1402011405203/> (in Persian).

<sup>21</sup> See <https://www.farsnews.ir/mazandaran/news/14020804000524/> (in Persian).

connection with the protests and established a number of instances of the mass arrest of students.

76. Schools, universities and student dormitories were raided by the security forces, and students were brutally attacked with batons and tasers and faced tear gas and indiscriminate firing of live ammunition. An emblematic example of this was the crackdown on the protest organized at the Sharif University of Technology in Tehran on 2 October 2022: Basij forces and plainclothes agents stormed the university and opened fire through the gate with shotguns, tear gas, rubber bullets and paintballs, beating the students and arresting them en masse, together with faculty members.

77. In April 2023, the National Council of Student Unions reported that more than 435 students at universities across the country had been suspended or expelled for taking part in the nationwide protests. Others left their schools or universities for fear of retaliation by security officials. In August 2023, a news channel run by university students published a list of 2,843 students who had been summoned to disciplinary committees for their alleged role in the protests.

78. Numerous teachers and teacher trade union leaders were charged with serious national security offences for their involvement in the protests. The mission has also established a pattern of non-transparent suspension and dismissals, forced retirement, wage cuts and other arbitrary measures of retribution against teachers and academics for their involvement in the protests and non-compliance with the mandatory hijab law. According to credible information, the State authorities also took measures to retain and recruit only academic staff loyal to the Islamic Republic<sup>22</sup> and excluded others, including those engaged in union activism and civil society organizations.

79. On 21 September 2023, the Minister of Education announced that in 2023, nearly 20,000 school principals had been “changed to make a difference in schools”.<sup>23</sup> On 29 October 2023, the Iranian media reported that universities were undergoing a “purification” process and, as a result, a number of academics and school administrators had been laid off or expelled and that this trend would continue.<sup>24</sup>

### C. Lawyers

80. Defence lawyers, who represented individuals facing charges in protest-related cases and/or publicly expressed solidarity with the protesters, have been subjected to reprisals, including intimidation through summons and questioning by intelligence bodies, threats and actual suspension from the bar, arrest and detention, torture and other ill-treatment, as well as criminal prosecution.

81. The mission has established that State authorities arrested, detained, charged and prosecuted lawyers in connection with their professional work representing their clients, including for offering legal aid and assistance to protesters and their families; denouncing the torture and ill-treatment of their clients; expressing their opinions, including in solidarity with the protests; and giving interviews to media outlets. A credible number of 157 lawyers have faced various forms of judicial harassment since September 2022 and 57 of them have been arrested. The State authorities placed the bar associations under increased pressure, by demanding that disciplinary measures be taken against numerous lawyers, and the revolutionary and criminal courts have prohibited lawyers from practising. The authorities have also introduced legislation to erode the independence of the bar associations further, through interference by the administration and the judiciary into matters such as the issuance of practice licences and oversight of the conduct of lawyers.

82. Lawyers interviewed by the mission repeatedly raised concerns about their fear of prosecution for defending protesters. Several lawyers have been forced to leave the country

<sup>22</sup> See <https://www.entekhab.ir/fa/news/739805> (in Persian).

<sup>23</sup> See <https://www.isna.ir/news/1402063019032/> (in Persian).

<sup>24</sup> See <https://www.etemadonline.com/> (in Persian).

due to judicial harassment. Two women lawyers died shortly after being held in detention in connection with their work on the protests.

#### **D. Journalists**

83. The mission has established that the State authorities arrested, detained, prosecuted and convicted over 100 journalists and media workers solely for their coverage of the protests, for their investigative work, for publishing their opinions, or for giving a voice or platform to victims of the protests and their family members. Non-governmental organizations reported the arrest of a record number of 31 women journalists during the protests.

84. The mission has further established that the State authorities harassed, threatened and intimidated journalists and other media employees working outside the country, including those working at the BBC Persian service, Iran International television, Voice of America, IranWire and Deutsche Welle. The Iranian authorities summoned, threatened and in some cases arrested, detained and charged the family members of those journalists and media workers in an apparent effort to exert pressure on them and prevent them from reporting on the country. On 19 October 2022, the Ministry of Foreign Affairs sanctioned the BBC Persian service and Iran International television, and imposed asset freezes on their staff. Journalists also received serious threats, including to their lives and personal safety, leading to the involvement of the police in some countries. Journalists, in particular women journalists, faced heightened online vilification, harassment and attacks.

#### **E. Other targeted groups**

85. The mission found a range of other groups that were targeted for their support for the “Woman, Life, Freedom” movement, including human rights defenders, artists and athletes, influencers, and dual and foreign nationals. A full review is contained in the conference room paper.

#### **F. Intimidation and reprisals against schoolgirls: the school poisonings**

86. On 30 November 2022, two months after the nationwide protests began, the first incidents of poisoning in schools were reported in the holy city of Qom, where 18 girls from the Nour Technical School were taken to hospital after experiencing respiratory problems, dizziness and nausea. In the following months, school poisonings continued to be reported in Qom and in other provinces, intensifying by March 2023<sup>25</sup> and then subsiding by the autumn of 2023, with the most recent incident recorded in November 2023.<sup>26</sup> The State authorities have recognized that thousands of school children, in particular girls, were affected.<sup>27</sup>

87. The mission has investigated these events of an unprecedented nature, given their temporal proximity to the nationwide protests, in which schoolgirls were very actively involved, and allegations that the school poisonings were driven by an effort to suppress resistance, instil fear in and punish children, in particular girls and their families, for their role in the protests. Medical and other sources, suggest that while the symptoms were temporary (from several hours to several days), long-term side effects cannot be excluded.

88. The mission has made several legal findings and conclusions based on the information it has assessed, including on the basis of the authorities’ response to the poisonings, although it is unable to draw conclusions as to the nature of the substances that caused the symptoms experienced by the schoolchildren.

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<sup>25</sup> High Council of the Islamic Republic of Iran, “Second enlightening report on alleged poisoning of students in the Islamic Republic of Iran”, (May 2023).

<sup>26</sup> See <https://www.mehrnews.com/news/5930549/> (in Persian).

<sup>27</sup> See <https://www.etemadonline.com/> (in Persian).

89. Due to contradictory official explanations, there was a lack of transparency regarding the allegations of poisoning. However, credible information suggests that the victims and their families have been denied access to information on the causes of poisoning. The Government's own investigation reports and statements refer variously to nitrogen, "stink bombs", tear gas and pepper spray, or the presence of an "odorous agent", in and around schools, although they note that the substances were "not toxic". Concomitantly, officials dismissed the events as "rumours",<sup>28</sup> or as the result of "mass hysteria", suggesting that the authorities did not take the incidents seriously.

90. The mission finds it plausible that school poisonings may have taken place with a view to intimidating and/or punishing schoolgirls for their involvement in the "Woman, Life, Freedom" movement or to dissuade them from defying the mandatory hijab laws. That conclusion is based on the timing of the events and their unprecedented and large-scale nature, affecting primarily girls, at a time when the issue of women's and girls' right to equality was at the heart of the public discourse. It is unlikely that school poisonings on such a scale could have taken place without some form of State involvement. In that regard, the mission finds that the rights to education, to health and to an effective remedy were violated.

## VII. Situation of ethnic and religious minorities in the context of the protests

91. The death of Ms. Amini triggered a broad spectrum of reactions among the ethnic and religious minority communities in the country. Her Kurdish identity and the Kurdish slogan "Jin, Jiyan, Azadi" or "Woman, Life, Freedom", was a rallying cry to ethnic groups across the country, bringing to the fore their long-standing grievances based on structural discrimination and marginalization in law and in practice.

92. Immediately after Ms. Amini's funeral, protests started in her hometown, Saqqez, then spread to minority-populated regions, including Khuzestan, East Azerbaijan, West Azerbaijan, Kermanshah, Kurdistan, Lorestan, Ilam and Sistan and Baluchestan. Zahedan city in Sistan and Baluchestan, Sanandaj, Saqqez and Mariwan cities in Kurdistan and Mahabad city in West Azerbaijan became epicentres of the protest movement. Over a year since the protests began, people continue to gather and protest with regularity in Zahedan, especially following Friday prayers.

93. The mission found that ethnic, religious and other minorities, in particular the predominantly Sunni Kurds and Baluchis, were disproportionately impacted by the Government's response to the protests. In the early days of the protests, the Government portrayed the "Woman, Life, Freedom" movement as a breakaway uprising, threatening the nation's unity, and blamed separatist groups. The mission found that officials in minority-populated areas consistently repeated this rhetoric against ethnic minority protesters, including during detention, when they were called "terrorists" and "violent", on the basis of their ethnicity and religion.

94. The security forces killed and injured a disproportionately high number of protesters in regions predominantly populated by minorities, including in multiple towns and cities in predominantly Kurdish regions, such as Mahabad, Sanandaj, Javanrud<sup>29</sup> and Piranshahr.

95. The Government responded to the protests in minority regions, in particular in Sistan and Baluchestan province and the Kurdish regions, with the use of lethal weaponry and ammunition more commonly used by the armed forces.

96. "Bloody Friday" on 20 September 2022 in Zahedan, was the most emblematic of the incidents. Protests in Zahedan were triggered by the rape of a Baluchi girl, allegedly by a local police chief, in Chabahar city. The authorities deployed an unusually large number of security forces on buildings near the Great Mosalla of Zahedan prayer complex and the

<sup>28</sup> "No signs of toxic substances discovered in schools: Intelligence Ministry", *Tehran Times*, 29 April 2023.

<sup>29</sup> See Hengaw Organization for Human Rights, #MahsaAmini, #JinaAmini, #IranRevolution2022, 21 November 2022, available at <https://twitter.com/i/status/1594675897617076226>.

surrounding squares and streets. At approximately the time of the midday prayer, the security forces fired assault rifles (AK-47s) from the police station in front of the prayer complex, aiming at civilians. According to credible information, 103 worshippers, protesters and bystanders were killed by live ammunition and 350 were injured.

97. The mission found that during interrogation or as a punishment for the protests, the methods of torture of detainees from ethnic or religious minorities were particularly severe and brutal. Women from such minorities were subjected to sexual and gender-based violence, including rape, and humiliated on the basis of their Baluchi or Kurdish identity, or for being Sunni.

98. The mission has also reviewed the impact of the protests on other ethnic and religious minorities, which are detailed in the conference room paper.

## **VIII. Digital space and the protests**

99. During the protests, the Iranian authorities imposed restrictions on Internet connectivity and social media platforms, and used online surveillance to disrupt or prevent the protests.

100. The mission has established a pattern of Internet shutdowns and the blocking of social media platforms and messaging services at protest times and locations. According to credible information, Internet disruptions started once the protests began on 17 September 2022, predominantly in minority-populated regions. Internet connectivity was virtually shut down in Zahedan on 30 September 2022 during “bloody Friday” and such localized disruptions continued systematically during Friday prayers in Zahedan throughout 2023.

101. Even if there were legitimate grounds for imposing some of the shutdowns investigated by the mission, namely to prevent incitement to violence, those restrictions did not meet the tests of legality, necessity, proportionality and non-discrimination. The imposed shutdowns took place in vast parts of the country and over prolonged periods, or in a specific area on a regular basis. The restrictions were tantamount to complete shutdowns, which are not necessary for achieving a legitimate aim. Given their indiscriminate and widespread impact, including on the livelihoods of the wider population, especially women dependent on Internet-based economic activities, the shutdowns were also not proportionate and do not constitute the least intrusive instrument to achieve a legitimate purpose.

102. Against the backdrop of ongoing efforts to build a national Internet structure, the domestic legal framework allows a wide range of government security institutions to exercise unchecked control over the population’s access to cyberspace, as well as regulating content.

103. The State authorities threatened, intimidated, summoned and arrested persons in connection with protest-related content posted on social media platforms. Such content included messages of solidarity with protesters, reports of violations committed by the State, pictures posted by injured protesters and offers of legal and medical assistance for protesters and their families. The authorities used social media content as evidence for criminal charges on various grounds, such as “propaganda against the system”, “spreading lies” and “insulting the Supreme Leader”. The content of personal Instagram accounts was used as evidence during criminal proceedings for charges that carried heavy punishments, including the death penalty. The hijab and chastity bill also criminalizes online expression of views critical of the mandatory hijab.

104. The authorities appear to have condoned, if not actively participated in, doxing, smear campaigns and other demeaning forms of online harassment, especially of women and others, including the LGBTQI+ community, for their support or involvement in the protests. In that regard, the authorities failed to uphold their duty both to protect and fulfil the rights to freedom of expression and to privacy.



## **IX. Accountability**

### **A. Violations of international human rights law**

105. The mission found reasonable grounds to believe that serious human rights violations had been committed by the Iranian authorities in the context of the protests that began on 16 September 2022. They included violations of the rights to life, not to be subjected to torture and ill-treatment, to security and liberty of the person, to a fair trial and due process, to an effective remedy, to freedom of religion or belief, of expression, of peaceful assembly and of association, and the rights to privacy, health, education, livelihood and work.

106. The mission finds that the right to equality and non-discrimination on the grounds of sex, gender, age, religion or belief, political or other opinions have been violated. Violations of the rights of women and children were particularly severe, as were violations of the rights of ethnic and religious minorities.

107. The mission has concluded that the Islamic Republic of Iran committed a series of extensive, sustained and continuing acts that individually constitute human rights violations, directed against women, girls and persons expressing support for gender equality and the rights of women and girls and, cumulatively, constitute what the mission assesses to be gender persecution in the context of the protests and associated repression of fundamental rights. The mission finds that gender persecution has taken place against the backdrop of an institutionalized system of discrimination and elements of segregation against women and girls. Iranian women and girls have been severely deprived of a broad range of fundamental rights, including the right to life, the right to be free from torture, to freedom of expression, to freedom of religion, to public life, to bodily integrity and autonomy, and to access to education and to health care. Moreover, in implementing State policy, the security forces have used persecutory conduct, including rape and other forms of sexual and gender-based violence, with the intention of discriminating against women and girls and men and boys supporting demands for gender equality and LGBTQI+ persons, in order to silence, deter and punish the protesters and their supporters. The authorities have enforced discriminatory laws through violent measures, including murder, imprisonment, torture, rape and other forms of sexual violence. Women and girls have been subjected to further violations, due to multiple forms of discrimination on the grounds of their political or other opinions, ethnicity, socioeconomic background, sexual orientation or gender identity.

### **B. Crimes under international law**

108. The mission has also established that many of the serious human rights violations outlined in the present report amount to crimes against humanity, specifically those of murder, imprisonment, torture, rape and other forms of sexual violence, persecution, enforced disappearance and other inhumane acts, that have been committed as part of a widespread and systematic attack directed against a civilian population, namely women, girls and others expressing support for human rights. The commission of such crimes, in the context of a deprivation of fundamental rights of victims, inflicted with and aggravated by discriminatory intent, leads the mission to the conclusion that the crime against humanity of persecution on the grounds of gender has been committed. The mission finds that this gender persecution intersects with discrimination on the basis of ethnicity and religion.

109. Examining the contextual elements necessary for findings of crimes against humanity in the light of international jurisprudence, the mission considers that the attack directed against the civilian population, as defined above, was “widespread”, based on the number and multiplicity of victims, the wide range of locations in which victims were found and, in particular, the prevalence across the country of the recurring patterns of violations amounting to crimes. The mission further finds that the attack was “systematic”, because of the organized nature of the crimes and the improbability of their random occurrence. The commission of crimes by agents of the State was not random, spontaneous or isolated. Rather, the crimes were committed as part of a pattern of organized conduct, following instructions,

encouragement and endorsement by high-level State authorities and senior members of State institutions, and implemented by a large number of physical perpetrators.

110. As to the requirement that these violations were committed pursuant to or in furtherance of a State or organizational policy, the mission has reasonable grounds to infer from the totality of the conduct of the State authorities, including statements by its officials, the continuing impunity enjoyed by alleged perpetrators and the failure of the State to condemn such conduct, that the underlying acts were committed in furtherance of State policy. The mission is satisfied, in particular, that the acts were planned, directed and organized, by and involved the coordinated action of different State entities and the investment of a considerable amount of State resources.

### **C. Responsibility**

111. Various branches of the State security forces, both in uniform and in plainclothes, participated in the unnecessary and disproportionate use of force, resulting in unlawful killings and injuries, most notably by the Islamic Revolutionary Guard Corps, the Basij forces and the Law Enforcement Command of the Islamic Republic of Iran (Faraja), including its special forces (*yegan-e vijeh*).

112. A number of different forces participated in mass arrests, including the Ministry of Intelligence, intelligence agents, the Basij forces, the Islamic Revolutionary Guard Corps, the morality police and Faraja agents. Victims, including children, were arbitrarily detained, tortured and subjected to sexual and gender-based violence and enforced disappearance in a range of detention sites. Official detention facilities included police stations, prisons operated by the Prisons Organization and facilities run by the Basij forces and the Islamic Revolutionary Guard Corps, while unofficial detention places included secret sites operated by the Ministry of Intelligence, the Islamic Revolutionary Guard Corps and the Basij forces.

113. Prosecutors and judges, particularly in the revolutionary courts, used confessions obtained under torture, convicted protesters on vaguely formulated charges and sentenced them to death. They were also responsible for fair trial violations. Prosecutors and the judiciary enforced discriminatory laws against women and girls, in particular in relation to the mandatory hijab laws, which led to arbitrary detention and State-sanctioned torture and ill-treatment, such as lashing.

114. High-level State authorities encouraged, sanctioned and endorsed violations of human rights through statements justifying the acts and conduct of the security forces; engaged in a disinformation campaign depicting protesters as “terrorists” or “separatist” groups; and impugned the character and conduct of women using gender-based and misogynist slurs. Furthermore, authorities at the highest level of the State, including the Supreme Leader, senior members of the Islamic Revolutionary Guard Corps, of the Basij forces, of the Law Enforcement Command of the Islamic Republic of Iran, of the Office of the Public Prosecutor, of the Supreme Council of Cyberspace and of the Supreme National Security Council, the head of the judiciary, the revolutionary courts and the criminal courts, the prison authorities, including the directors of a number of detention centres, the Ministry of Intelligence and the Ministry of the Interior, participated in, aided and abetted or otherwise contributed to the violations, or knew or consciously disregarded information about their commission and failed to prevent and punish them.

115. The mission conducted an investigation into the identities of the direct perpetrators who committed, ordered, solicited or induced the commission of violations. As part of its investigation into the responsibility of superiors, the mission established the chains of command of the various entities. That information is included in the conference room paper. Information on the identities and responsibility of individuals, including superiors, are included in a confidential list.

## D. Impunity

116. The mission found no evidence of effective domestic remedies for victims of human rights violations and established that the authorities had failed to investigate allegations of human rights violations, or to prosecute or punish those responsible, and had deliberately and systematically obstructed any efforts by the victims and their families to obtain redress and establish the truth.

117. While the Iranian authorities have announced a number of investigations, including the establishment of the Special Committee to investigate the 2022 unrest, they do not meet the international human rights standards applicable to domestic investigations and the mission did not find any evidence of criminal investigations into allegations of the human rights violations covered in the present report, nor any evidence of prosecutions of the perpetrators or the provision of any other forms of redress to victims.

118. Denied their rights to equality, truth, justice and reparations, victims have been subjected to a justice system lacking independence, transparency and accountability. Judges, prosecutors, intelligence officers and defence lawyers from the head of the judiciary's approved list, all worked in unison to deny and conceal violations, shield the perpetrators and punish and silence those seeking accountability.

## E. Avenues for accountability outside the Islamic Republic of Iran

119. Absent effective remedies within the country, legal avenues outside the country at the domestic and international levels constitute the only available options for accountability. In particular, the mission has concluded that third States exercising universal jurisdiction over the violations described in the present report represent an important avenue for accountability for victims, including those present on the territory of third States. When investigating and prosecuting the acts described in the present report, States may rely on various methods and instruments, including the opening of structural investigations, the establishment of a joint investigation team, the tracking of alleged perpetrators and the submission of formal requests for judicial assistance to obtain relevant information, including from the mission.

120. At the international level, some of the violations described in the present report may also fall within the jurisdiction of the International Court of Justice, including in relation to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, where victims can benefit from a binding order on provisional measures pursuant to Article 41 of the Court's Statute, to preserve their rights.

121. In the light of the obligation to provide victims of violations with adequate, effective, prompt and appropriate remedies, including truth and reparations, such as compensation, restitution, rehabilitation and satisfaction, the mission notes the need for initiatives at both the national and international levels in relation to the victims of the violations described in the present report.

## X. Conclusions and recommendations

**122. Pervasive and deep-rooted structural and institutionalized discrimination against women and girls, permeating all areas of their public and private lives, was both a trigger and an enabler of the widespread serious human rights violations and crimes under international law committed against women and girls in the Islamic Republic of Iran, as well as others advocating for equality and human rights, in the context of the "Woman, Life, Freedom" movement. Aspects of intersectional discrimination, based on ethnic and religious grounds, shaped the experience of violence and injustice suffered by many in the context of the protests and their aftermath.**

**123. Given the gravity of its findings, the mission urges the Iranian authorities to halt all executions and immediately and unconditionally release all persons arbitrarily arrested and detained in the context of the protests or for non-compliance with or advocacy against the mandatory hijab; cease the judicial harassment of protesters,**

victims and their families; repeal or amend laws that discriminate against women and girls, as well as men and boys, in particular those on the mandatory hijab; and disband the persecutory system of its enforcement.

124. The mission calls on the Iranian authorities to provide justice, truth and reparations to victims of human rights violations in connection with the protests that started on 16 September 2022, survivors and their families, in accordance with international human rights standards. In the light of the pervasive impunity and structural discrimination inside the country, Member States should explore avenues for international and domestic accountability outside the country, together with providing transformative reparations for victims, including restitution, compensation, rehabilitation, satisfaction (for example, commemorations and tributes to victims) and guarantees of non-repetition. In that context, Member States should grant asylum and humanitarian visas, and provide medical and other life-saving assistance, to victims, including those fleeing persecution for their involvement in or defence of human rights in the context of the protests in the Islamic Republic of Iran.

125. Despite its significant findings, with more time available the mission could strengthen its documentation of the structural and institutionalized discrimination underlying the protests that it has uncovered, and ensure the effective preservation of evidence for use in legal proceedings.

126. The courage and resilience of women, men and children of the “Woman, Life, Freedom” movement underscores the critical need for global solidarity with those continuing to fight for equality, justice, the rights to freedom of expression and of peaceful assembly and the rights of women and girls in the Islamic Republic of Iran.

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