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Human rights situations that require the Council's attention

Joint written statement* submitted by Women's Human Rights International Association, France Libertés: Fondation Danielle Mitterrand, non-governmental organizations in special consultative status, International Society for Human Rights, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2023]

* Issued as received, in the language of submission only.



United Nations Human Rights Council Must Act Urgently to Confront Persistent Impunity In The Islamic Republic Of Iran

Following the establishment of the Independent International Fact-Finding Mission on the Islamic Republic of Iran in relation to the nationwide anti-government protests that began on 16 September 2022, Iranian authorities have stepped up their deadly crackdown on protesters including by executing individuals for taking part in the protests. Furthermore, with each passing day, the authorities are killing peaceful protesters on the streets or in prison with total impunity.

The latest round of protests initially began over the death in custody of 22-year-old Iranian Kurdish woman Mahsa Amini who had been arrested by the so-called “morality police” for allegedly violating the state’s discriminatory compulsory veiling laws. The protests quickly turned political, with protesters demanding fundamental political change, end to repression, and respect for basic human rights.

The authorities have responded to the peaceful protests with unlawful violence that has so far resulted in at least 750 deaths, including of at least 70 children and 60 women.

The Islamic Revolutionary Guard Corps (IRGC) is the prime suppressive force responsible for the crackdown on the protests. According to reliable evidence, including several directives issued by IRGC commanders, and exposed by the Iranian opposition, the IRGC has full responsibility for suppression of the protesters. The paramilitary Basij, plainclothes agents and even the State Security Forces are all operating under the command of the IRGC in suppressing the protesters.

Since the first days of the protests, and in line with long standing violent practices, top State officials have instructed security forces to violently repress people at any cost to human life.

Anyone taking part in the protests has been quickly labelled as “enemy to confront”, “terrorist”, or “foreign agent attempting to destabilise the Islamic Republic of Iran”. Both the head of the Judiciary and the President have emphasised the need to act “without leniency” against protesters.

On 11 November, some 227 parliamentarians in blatant violation of the separation of powers, called on the Judiciary to act decisively and pronounce severe punishment including sentences carrying the death penalty.

Criminal proceedings and the death penalty are being weaponised by the Iranian Government to punish individuals participating in protests and to strike fear into the population so as to stamp out dissent, in violation of international human rights law, United Nations Human Rights Chief Volker Türk said on 10 January 2023.

“The weaponization of criminal procedures to punish people for exercising their basic rights – such as those participating in or organizing demonstrations - amounts to state sanctioned killing”, Türk said.

On 8 December 2022, Mohsen Shekari was executed for taking part in the protests. He had been convicted of “enmity against God” in a grossly unfair trial. Four days later, Majdireza Rahanavard was executed, only 23 days after his arrest on 19 November. On 7 January 2023, Mohammad Mehdi Karami and Mohammad Hosseini were executed. All were executed secretly without their families being informed. This in itself constitutes a violation of international human rights law.

Dozens of other protesters have been reportedly sentenced to death, and more than 100 others face charges for capital crimes.

Based on reports by monitors and activists, at least 30,000 peaceful protesters, including many women, children, lawyers, human rights defenders and activists, are believed to have been arrested since the protests began.

Thousands of protesters continue to remain in detention and are being subjected to torture and other ill-treatment. Many of the arrested individuals remain in incommunicado detention and are at risk of execution.

On 8 November 2022, the Tehran prosecutor said 1,024 indictments had been issued against those arrested in connection with recent “riots” in Tehran province alone, without giving further details. Hundreds of similar indictments have been issued in the rest of the country.

Other violations of due process and fair trial guarantees recorded by the UN Human Rights Office include application of vaguely worded criminal provisions; denial of access to a lawyer of choice and the right to present a defence; forced confessions obtained through torture and ill-treatment; failure to respect the presumption of innocence; and denial of meaningful right to appeal against conviction.

Reporting human rights violations leads to smear campaigns, threats, surveillance, arbitrary arrests, detentions, torture and ill-treatment in detention, including sexual abuse.

Testimonies by numerous victims’ relatives detail harrowing accounts of how officials have refused to return the bodies of their loved ones until they committed in writing not to hold a funeral and how they were cruelly forced to bury them in remote burial sites, often during the night and in the presence of intelligence agents.

Internet communications in many parts of the Islamic Republic of Iran have been disrupted since the protests started, preventing access to, and sharing of, information, including about alleged human rights abuses against protesters, according to UN experts.

The UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javād Rehmān, told a Special Session of the Human Rights Council on 24 November 2022 that “structural impunity” prevails in the Islamic Republic of Iran, fuelling widespread patterns of unlawful killings, enforced disappearances, torture and other serious human rights violations, and meriting a “forceful response” from the international community.

Iranian officials have been emboldened in their atrocities partly by the international community’s failure to hold the authorities accountable for their past major crimes, including the 1988 massacre of some 30,000 political prisoners, and the deadly crackdowns on the nationwide protests of 2017, 2018, and 2019.

In his report to the Human Rights Council in January 2022, the UN Special Rapporteur on the Islamic Republic of Iran underscored the need for “accountability with respect to long-standing emblematic events that have been met with persistent impunity, including the enforced disappearances and summary and arbitrary executions of 1988 and the protests of November 2019.”

In the past four decades, the Iranian authorities have perpetrated crimes against humanity and crimes amounting to genocide, from the massacre of the people of the Kurdistan region in the Islamic Republic of Iran and the mass execution of political prisoners in the 1980s to the massacres of 1988 and November 2019, and the massacre of unarmed protesters since September 2022. Current senior officials, have been directly involved in these crimes since the 1980s. Ebrahim Raisi personally sat on the Tehran Death Commission in 1988 that ordered the extrajudicial execution and enforced disappearance of thousands of political prisoners. Given their record of mass murder and crimes against humanity, the Iranian authorities deserve to be shunned by the world community, and they should be held accountable for their crimes.

While we welcome the establishment of the Fact-Finding Mission on the Islamic Republic of Iran, we note that the Mission has been requested to present its findings during the Human Rights Council’s fifty-fifth session in March 2024. This timeline denies any effective recourse or remedy to those protesters at imminent risk of execution.

We therefore urge the Human Rights Council to recommend that the UN General Assembly refer the Islamic Republic of Iran’s ongoing systematic killings and crimes against humanity to the Security Council for prompt and effective action. The Human Rights Council should support accountability for Iranian officials that have perpetrated major crimes that violate international law such as the 1988 massacre and the deadly crackdowns on previous and

ongoing protests. It should also recognise the legitimate right of the Iranian people to demand change and to defend themselves against the brutality of the security forces.

HANDS OFF CAIN Nouveaux Droits de l'Homme (France) Pax Christi Australia, NGO(s) without consultative status, also share the views expressed in this statement.