



In the Name of Security

Human rights violations under Iran's national security laws

Drewery Dyke



Cover photo:

Military parade in Tehran, September 2008, to commemorate anniversary of Iran-Iraq war. The event coincided with escalating US-Iran tensions.

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1

Introduction

Ever since the establishment of the Islamic Republic in 1979, Iran has faced a series of major external security threats. Iran's neighbour Iraq invaded in 1980, leading to an eight-year war which saw some 1 million killed and which has cast its shadow over Iran's regional security and the thinking of its leaders ever since. Over decades Iran's foreign policy has been dominated by disputes with the United States which have repeatedly threatened to escalate to a major armed confrontation.

In addition to external security challenges, including the military threat posed by the US, Iran faces real internal threats. Armed groups rooted in Iran's border regions continue to pose threats to national security. Iranian security forces also face organised crime and cross-border trafficking, notably of drugs and people. According to the UN Office on Drugs and Crime (UNODC) an estimated 35 to 40 per cent of all Afghan-produced opiates and cannabis products are trafficked to or through Iran.¹

National security objectives have deeply influenced governance in Iran. In some instances, these considerations are directly related to security threats, both real and perceived. More generally, however, national security considerations have had a pervasive influence on many institutions and policies of the Islamic Republic, epitomized by the growth in power of the Islamic Revolutionary Guards Corps (IRGC). This has led to what could be called a securitization of governance, and it has had a far-reaching impact on human rights, including in particular Iran's treatment of political

dissidents, Iranian minorities, dual nationals, and migrants. This report looks at Iran's national security laws and at specific patterns of human rights violations committed in Iran in the name of national security. It complements two earlier reports published by Minority Rights Group International, the Ceasefire Centre for Civilian Rights and the Centre for Supporters of Human Rights in Iran, which considered the rights of minorities and women's rights, and material covered in those reports is not repeated here.² As will be described, however, the Iranian government sees its relationship with many of the constituent peoples of the Islamic Republic through a national security lens.

Given the ideological nature of the Islamic Republic, the state has securitized not just the political arena but cultural and social domains of the country as well. The Supreme Leader warns about the threat of 'cultural invasion' and pushes state organs to fight the 'enemy' in the cultural arena.³ The state uses its power to enforce social engineering policies and is prepared to use violence in order to suc-

ceed in its objectives. Indeed, the notion of security as defined by the Islamic Republic encompasses most aspects of social life. This perception of security paves the way for friction between the state and civil society.

The material and findings set out in this text are based on analysis derived from desk research and from interviews and correspondence with numerous experts and activists, both within and outside Iran, including those active in the human rights movement and members of Iran's ethnic and religious minority communities. Save where noted, they have chosen to remain anonymous.

Drawing on emblematic case examples and data from decades of multi-source reporting, this report explores patterns of human rights violations in Iran related to measures taken for the purpose of national security and/or the prevention of terrorism. These measures span a huge range of state interventions, from public order measures and border control to military recruitment to measures taken to deal with the COVID-19 pandemic. The report argues that while the Islamic Republic of Iran has faced serious security threats since the 1979 Islamic Revolution until the present, action taken in the name of national security has led to systematic violations of human rights, falling disproportionately on less privileged groups as well as political dissidents. Iran's response to the national security threat has far exceeded the limits set by international instruments to which Iran itself is a party, as well as violating protections set out in the Iranian Constitution.

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The national security imperative and human rights in Iran

The national security imperative that emerged in Iran in the aftermath of the 1979 revolution prioritized the preservation of the new Islamic Republic and its non-secular Shi'a orientation, and in doing so adopted an expansive definition of its national security.

The fears of the Islamic Republic's government were not without foundation. Foreign intervention has a long and dismal history in Iran, including the lucrative concessions the Qajar Shahs (of what was then Persia) granted to foreign interests in the nineteenth century, the division of the country between Russian and British spheres of interest in 1907, the occupation of Iran by Britain and the USSR in 1941, and the replacement of the first Pahlavi Shah with his more pliant son. In 1953, Britain and the US stepped in to secure Mohammed Reza Pahlavi's position as Shah – and foreign control of Iranian oil – when he and the Anglo-Iranian Oil Company were threatened by popular reformist politician Mohammed Mossadegh. The CIA not only organized the coup and popular protests against Mossadegh but also successfully mobilized most Iranian media against him.⁴ The US was then seen to support the increasingly repressive government of the Shah before the revolution, imposed sanctions on Iran shortly afterwards, and US allies in the region financially supported Iraq in its war with Iran in the 1980s. This bitter history of foreign intervention shaped the national security perceptions of the new authorities. Faced with existential threats since its establishment, and in its attempt to create a new social order, the Islamic Republic came to identify not just armed opposition as a threat but also potentially any contact with foreign interests or media and any political opposition whatsoever.

The revolution and its aftermath (1979–89)

In building a new social and political order after the overthrow of the Shah, the revolutionary government created a security environment that legitimized and systematized the violation of human rights, especially in dealing with non-Shi'a Muslims, who were easily construed as a potential threat to the national security of the Islamic Republic. '(T)he prospect of Islamic rule sparked ethnic rebellions across the country,' Elaine Sciolino notes. 'Overnight, the new regime was confronted with unrest among the Turks in Azerbaijan, the Baluchis in Baluchistan, the Arabs of Khuzestan and the Kurds in Kurdistan.'⁵ The situation was a lot more tense in the frontier regions where the vast majority of people were non-Persians and many were Sunni Muslims.

These movements for local autonomy were suppressed by force, and the violations suffered included executions ordered in grossly unfair summary trials. The Kurds, for example, suffered savage repression, 'in part as warning to other groups'.⁶ Between May 1979 and November 1981, armed militants from Komala, Kurdistan Democrat Party of Iran (KDPI), and other parties clashed with Islamic Republic forces. Hundreds were detained and summarily executed after unfair trials. After a spring offensive in 1982, the government regained control of most Kurdish areas.⁷

In March 1979, forces of the incipient IRGC reportedly killed as many as 100 people, including elders, women and children, many hiding in their houses, while crushing an attempt by leaders of the Turkmen community to reassert control over their community. Some Turkmen were lightly armed, but many had no weapons at all.⁸ By 1980, Turkmen unrest had been crushed but repression continued. In 1982/3, the government unfairly tried Turkmen political activists on charges relating to national security, reportedly executing at least seven.⁹

The government responded to a request in May 1979 for increased autonomy for Khuzestan,¹⁰ a province in south-west Iran with a large Arab population, by violently suppressing peaceful protests and a campaign of arrests and executions in which over 300 are believed to have been killed.¹¹

The perceived threat from Israel was used to justify violations against members of communities which had never engaged in organized opposition in post-revolutionary Iran. In May 1979 a revolutionary tribunal sentenced to death a Jewish businessman accused of espionage for Israel, following a grossly unfair and summary trial.¹² A report issued in 2000 asserted that 17 Iranian Jews had been executed as spies since the revolution.¹³ Between February 1979 and June 1981, the authorities also executed at least 33 Bahá'ís for 'spying for Israel',¹⁴ at least four were executed in 1987¹⁵ and another reportedly in 1988.¹⁶

The largest mass execution under the Islamic Republic was carried out in 1988, when the government summarily executed an estimated 4,500–5,000 political prisoners¹⁷ following an armed rebellion in the west of the country. Many of those executed were members or alleged members of the People's Mojahedin Organization of Iran (PMOI), an armed opposition group which had split with the Islamic Republic after the revolution and was supported by Saddam Hussein's Iraq.

US–Iranian relations throughout this first period of the revolution – marked early on by the US embassy hostage crisis – continued to be hostile. In July 1988 a US Navy cruiser mistakenly shot down Iran Air flight 655, a civilian airliner, with the loss of all 290 passengers and crew. In a 1996 settlement before the International Court of Justice, the US agreed 'ex gratia' compensation of US \$62 million to the victims' families.

Responding to internal dissent (1989–2013)

The end of the Iran-Iraq war in 1988 and the death of Khomeini in 1989 brought few changes. The then president Ali Khamenei (a survivor of an assassination attempt) took over as Supreme Leader. The intelligence and security apparatus of the Iranian state consolidated its control, not just to deal with the continued threat presented by the PMOI, but also over a wider range of political and cultural targets. Ethnic and religious minorities suffered from persecution that now targeted the peaceful expression of their identities. Officials in the Ministry of Intelligence carried out a series of killings that later became known as the chain or serial murders, in which they killed or tried to kill prominent dissident political figures and intellec-

tuals, as well as specific converts to Christianity.¹⁸ The period also saw members of minorities continue to be targeted for spying charges. In 1994 the authorities executed a 77-year-old Jewish man. He was arrested because of telephone conversations he reportedly had with members of his family in the US and Israel, and prosecuted for espionage on behalf of both countries.¹⁹ After his execution his body bore marks of torture, including the gouging out of both eyes.²⁰ In 1999, 13 Jewish men and boys were arrested in Shiraz and Isfahan and imprisoned for a year without contact with relatives or lawyers before being tried.²¹ The court convicted ten of them and sentenced them to between 4 and 13 years in prison, and two Muslims accused of aiding them to 2 years each.

In 2005, the leaking of a 1999 government memo (repudiated by the government as fake) that set out policies to reduce the number of Arabs in Khuzestan by way of forced population transfer provoked around 1,000 to demonstrate in Ahwaz, capital of Khuzestan. Security forces killed scores of Iranian Arabs, injured hundreds and detained hundreds more during and after the demonstrations.²²

The election of Mahmoud Ahmadinejad to the presidency in 2005 relied on support from the IRGC and its subsidiary bodies. It signalled an end to the spirit of dialogue that President Mohammed Khatami sought to promote during his two terms in office (1997–2005). Ahmadinejad's discourse and policies also reinvigorated a Persian nationalism that appeared to equate being Iranian with being both Persian and Shi'a. More than ever, his administration considered expression of non-Persian, non-Shi'a identity as a potential threat to national security. Discrimination against minorities increased over his two terms in office. His appointment, in 2005 of a Sistani Shi'a Habibollah Dehmordeh, known for his anti-Sunni beliefs, resulted in the resignation of two Baluchi parliamentarians.²³ Baluchistan 'remain[ed] amongst the poorest [provinces] of Iran; rule of law is, outside of cities, weak, while, in places, smuggling may supplement meagre incomes'.²⁴

Repression of Baluchis escalated after militants founded the armed organization *Jundallah* ('Army of God') in 2002 to fight for an independent Baluchistan. By 2010 it reportedly commanded

1,000 fighters.²⁵ It is believed to have killed up to 400 Iranian troops and has also targeted civilians, including 39 worshippers in a mosque in Chabहार in 2010.²⁶

Baluchi cultural and civil rights activist Ya'qub Mehrnehad, a member of the Voice of Justice young people's society, was arrested after criticizing local authorities, reportedly tortured and denied a lawyer, convicted of membership of Baluchi militant separatist group Jundallah in an unfair trial and executed in August 2009.²⁷

Following the April 2005 unrest in Khuzestan (discussed earlier), at least 10 were killed and 90 injured in four bomb blasts in both Tehran and Ahwaz in June 2005. In October 2005 and January 2006, bombs killed at least 12 more people.²⁸ By May 2006, the authorities detained at least 500 people in successive waves of arrests. The government detained women and children, holding them as 'hostages' in order to force the husbands and fathers to turn themselves in.

Seven men said to have been convicted of involvement in the October bombings were among nine men shown 'confessing' on Khuzestan Provincial TV on 1 March 2006. Among them were Mehdi Nawaseri and Ali Awdeh Afrawi, who were hanged in public the following morning.²⁹ At least 11 other men have reportedly been sentenced to death in connection with the bombings, and others have been sentenced to long prison terms and internal exile after unfair trials before Revolutionary Courts.

The independent civil activism that had developed under Khatami also came to be viewed as a threat under Ahmadinejad. Allegations were made that Iranians in the diaspora were supporting a 'velvet revolution' – an attempt to 'soft topple' the Islamic Republic by 'creating instability and crisis inside Iran and exacerbating ethnic and religious fault lines'.³⁰

Ahmadinejad himself cast his 12 June 2009 re-election as a victory over plots to bring down the system from within.³¹ The election was marred by serious irregularities that brought hundreds of thousands to the streets in protests against electoral corruption, expressing support for reformist opposition candidates Mir Hossein Mousavi and

Mehdi Karroubi in what came to be known by the world as the Green Movement.

The Iranian government called the protests 'the sedition' and blamed them on the US, Israel and the UK and their 'local lackeys', in effect accusing Mousavi, prime minister under Ayatollah Khomeini, of being a tool of sinister foreign interests.³²

The Iranian authorities initially focused on containing the protests, then on repressing them and forcing people off the streets, including by firing live ammunition at peaceful protesters. They also targeted a range of civil activists and organizers they believed might be involved in mobilizing the protests. The Basij, a volunteer militia run by the IRGC, was mobilized to counter the street protests. The protests died down over the next few months but continued sporadically until early 2011.

The authorities claimed 43 were killed in the crackdown, but opposition sources claimed over 100 were killed, with hundreds of others injured

and over 5,000 detained by the end of the year. Amnesty International reported that torture and rape of detainees was commonplace. Many were charged with vaguely worded offences relating to national security and faced 'show trials' without access to lawyers, with confessions broadcast on national television. Over 80 were sentenced to prison terms of up to 15 years and 6 to the death penalty.³³ Mousavi and Karroubi were placed under house arrest as protesters returned to the streets in 2011 during the Arab Spring, and remain so until the writing of this report.³⁴

In the aftermath of the serious threat to the status quo that the 2009 protests represented, the level of government repression increased. Any form of civic activism the Iranian authorities viewed as a potential threat was targeted, including the perceived links of minorities to foreign states. Seven Bahá'í leaders were convicted of spying for Israel and propaganda against Islam in August 2010 and sentenced to 20 years in prison, which was subsequently halved on appeal in September but re-imposed in full in March the following year.³⁵

2

Legal framework

Iran's Constitution provides fundamental rights protections. But provisions in the Constitution and in Iran's Penal Code also restrict the effect of protection and provide for national security measures which are routinely used to violate human rights.

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The 1979 Constitution

The Constitution of the Islamic Republic provides in its chapter three a number of fundamental rights of the people. These include Article 19, which states that 'All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and colour, race, language, and the like, do not bestow any privilege.'³⁶ Article 23 states that 'The investigation of the beliefs of persons is forbidden, and no one may be molested or prosecuted for holding a belief.' Further, Article 48 of the Constitution also states that:

'There must be no discrimination among the various provinces in respect of exploitation of natural resources, utilization of public revenues, and distribution of economic activities among the country's different provinces and regions, so that every region has access to the necessary capital and facilities in accordance with its needs and potential for growth.'

Article 15 defines Persian as the country's official language, yet states that 'the use of regional and tribal languages in the press and mass media, as well as the teaching of their literature in schools alongside Persian is allowed'. Cases discussed below exemplify how successive governments' failure to adhere to the last part of this article has exacerbated human rights violations in the name of national security.

Article 26 of the Constitution provides for 'The formation of parties, societies, political or professional guilds, as well as religious associations, Islamic or pertaining to one of the recognized religious minorities', but only where 'they do not violate the principles of independence, freedom, and national unity, Islamic criteria and the basis of the Islamic Republic'. Since specific ethnolinguistic communities and religious beliefs are not recognized in Iranian law, they are unable to avail themselves of the protection imputed under this article.

Constitutional provisions also restrict the enjoyment of international human rights standards and shape Iran's use of national security measures that have resulted in human rights violations. These provisions include the preamble of the Constitution, where Shi'a precepts are accorded legal primacy; Articles 1 and 12, which define Iran as Muslim and Shi'a, respectively; and Article 13, that recognizes only

Christians, Jews and Zoroastrians as religious minorities. In this respect, despite the vague terminology of Article 14, which provides for fair treatment of non-Muslim minorities, the large

Bahá'í community has no legal protection. In turn, civil and administrative law, and particularly criminal law, amplify the shortcomings in Iran's Constitution.

Iran's international obligations under human rights law and international humanitarian law

Iran is a state party to the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR); to the International Convention for the Elimination of All Forms of Racial Discrimination (CERD); and to the Convention on the Rights of the Child (CRC), among other international human rights standards. These legally binding

treaties codify international standards of law and practice relating to, among other areas, the right to life and the prohibition of torture; due process and fair trial rights; freedoms of religion or belief, expression, assembly and association; freedom from discrimination, and the rights of children.

Iran is also a state party to the four Geneva Conventions 1949 and the Convention Prohibiting Chemical Weapons, as well as other instruments of international humanitarian law regulating the conduct of hostilities and the protection of civilians and other non-combatants.

Alongside the treaties, the UN Human Rights Council (HRC) has *special procedures*, or independent experts assigned to examine specific themes in international human rights law and practice, or country situations that member states have recognized as requiring particular attention. Iran is one of those countries.³⁷ This report also draws on the work of 10 thematic experts.³⁸

These international standards and those associated with the special procedures form the broad legal framework against which the international community assesses Iran's laws and practices.

The Islamic Penal Code³⁹

Vaguely worded provisions in Iran's Islamic Penal Code often form the basis of a wide range of human rights violations carried out in the name of national security or counter-terrorism. They are found mainly in Books Two and Five of the Penal Code, *Hodoud*, or crimes with prescribed punishments, and *Ta'zirat*, crimes with discretionary punishments, respectively.⁴⁰

Article 279, on *Moharebeh* or enmity, or being in a state of *War against God*, states that: 'Moharebeh is defined as drawing a weapon on the life, property or chastity of people or to cause terror as it creates the atmosphere of insecurity.' Article 280 clarifies that 'Any person or group that resorts to weapons in order to fight with moharebs shall not be considered as a mohareb [a person who is waging war against God]' but Article 281 states that 'Robbers, thieves, or smugglers who resort to weapons and disrupt public security or the secu-

urity of roads, shall be considered as a mohareb.' Punishment for *moharebeh*, according to Article 282, is: (a) the death penalty (hanging); (b) Crucifixion; (c) Amputation of right hand and left foot or (d) Banishment, while Article 283 states that the judge has the discretion as to which of these to apply.

Article 286, addressing *corruption on Earth*, or *Efsad f'el Arz*, states that:

'Any person, who extensively commits felony against the bodily entity of people, offenses against internal or international security of the state, spreading lies, disruption of the economic system of the state, arson and destruction of properties, distribution of poisonous and bacterial and dangerous materials, and establishment of, or aiding and abetting in, places of corruption and prostitution, [on a scale] that causes severe disruption in the public order of the state and insecurity, or

causes harsh damage to the bodily entity of people or public or private properties, or causes distribution of corruption and prostitution on a large scale, shall be considered as mofsed-e-fel-arz [corrupt on Earth] and shall be sentenced to death.'

Article 287 then states that 'Any group that wages armed rebellion against the state of the Islamic Republic of Iran, shall be regarded as moharebs, and if they use [their] weapon, its members shall be sentenced to the death penalty' while 288 provides for a discretionary punishment for membership of a 'rebel group' outside of conflict or without having deployed a weapon.

Book Five of Iran's Penal Code provides the bulk of the legislation relating to national security (mostly between articles 498–512). Its provisions include:

- Article 498: *Creation or direction of a structure*, inside or outside Iran, that disrupts national security; 2 to 10 years' imprisonment;
- Article 499: *Joining a structure* subject to Article 498; 3 months to 1 year of imprisonment;
- Article 500: Carrying out acts of '*propaganda* against the Islamic Republic of Iran or in support of opposition groups and associations'; 3 months to 1 year of imprisonment;
- Article 501: Intentional *transmission of state information* to those not authorized to access that material; 1 to 10 years' imprisonment;
- Article 502: Carrying out of *espionage inside Iran* on behalf of another state, where it damages the national security [of Iran]; 1 to 5 years' imprisonment; and
- Article 508: *Cooperation with foreign states* against the Islamic Republic of Iran; 1 to 10 years' imprisonment;
- Article 610: When two or more individuals *collude and conspire* to commit crimes against the national or foreign security of the country [...] unless they are regarded as *mohareb* (see above); 2–5 years' imprisonment.

The Penal Code does not provide guidance as to what constitutes propaganda, cooperation or collusion; nor what may constitute a structure or or-

ganization. Iran's prosecutors and judges have, for decades, repeatedly used the overly broad and general nature of these provisions to facilitate (arbitrary) arrest, trial and imprisonment on grounds of alleged violations against national security for acts that are not internationally recognizable criminal offences.

Alleged crimes linked to national security or terrorism are tried in Iran's Revolutionary Courts. Amendments to Iran's Code of Criminal Procedure in 2014 failed to halt long-standing, widespread practices, including arbitrary arrest and prolonged pre-trial detention without the opportunity to challenge its basis; torture of detainees during interrogation; or the practice of *taknevisi* (sole, or solo writing), or forced confession in which detainees are forced to write accounts – usually falsified – of relatives, friends and acquaintances, in order to incriminate themselves and others.

The Code of Criminal Procedure also allows prosecutors to prevent lawyers accessing some or all of the case documents against their clients if they determine that disclosure would impede 'discovery of the truth', and in cases relating to national or external security, hindering the right to adequately prepare a defence.

At the same time, successive governments, under pressure from high-ranking clerics, have weakened Iran's Bar Association as well as the independence of lawyers, notably by establishing a parallel lawyers' association whose existence and membership is subject to government approval. In 2018, additionally, the judiciary took steps to further limit the right of a detainee to legal representation of their own choice by passing procedural regulations stating that in cases regarding national security issues, it will only accept lawyers from a list of 20 selected by its head, Sadeq Larijani.⁴¹

Other practices in the administration of justice, notably in cases relating to national security, impact in particular on minorities. For example, Article 23 of the Penal Code enables courts, in specific instances, to impose, among other measures:

- compulsory residence in a specified place
- a prohibition on residency in a specified place(s)

- a prohibition on holding a specified profession, career or job
- dismissal from governmental and public offices
- ban from membership of political or social parties and groups.

3

The Islamic Revolutionary Guards Corps

The IRGC is an organization that operates in parallel to the government and its agencies. Its armed forces constitute Iran's second largest military entity, after the regular army, and it has crucial security functions both domestically and in terms of foreign affairs.

Unlike the army, which is primarily responsible for protecting Iran's frontiers, the IRGC's main role is to protect the revolution and the Islamic Republic. Hence, its ideological role has given it a unique position within the security and political structures of the country. It is important to note that the IRGC is a multifaceted entity: as well as being a military organisation, it has entrenched political, cultural, ideological and economic dimensions. In fact, a very large segment of the Iranian economy is controlled by the IRGC.⁴² The IRGC plays a decisive role in the intimidation and prosecution of those whom it considers a threat. The IRGC's Intelligence Organization is the most powerful security entity in Iran and can affect court rulings through its allied judges. In the frontier regions such as Kurdistan and Baluchistan, where most people are ethnic and religious minorities, the IRGC is known for both brutality and the suppression of dissent.⁴³

The IRGC's domestic paramilitary force, the Basij or Mobilisation Force, is present across Iran. Basij members are present at universities, schools, governmental organisations and have formal bases in neighbourhoods across the country. It has played a dominant role in cracking down on street protests. Although many of its members are young volunteers, it is one of the main security entities of the Is-

lamic Republic and is widely accused of violations of human rights. The Qods Force, established in 1990, is the formal expeditionary force of the IRGC, tasked with advancing Iran's national security interests and strategy outside the country. It is known for clandestine activities overseas and directing major military operations in the region, including in Syria and Iraq.

The IRGC leader answers only to Iran's Supreme Leader and it has representatives in state bodies such as parliament and national committees, rather than being accountable to them. It constitutes an effective state-within-a-state: it cooperates with the state in its provision of security services but its command and control remains outside state control. Its now vast economic operations are likewise outside government control or accountability.

Evolution and legal establishment

Armed militants loyal to Ayatollah Khomeini emerged as 'committees' – *Komiteh* – following the February 1979 revolution. Seen as fiercely loyal to the government, in contrast to how the provisional government viewed the army, they

took part in the elimination of other armed, left-wing groups in Tehran and minority-rooted groups elsewhere in the country. From February 1979, the authorities worked to coalesce the groups into a unified structure and by April 1979, they established a Command Council of the IRGC. It established the legal basis for the IRGC in a law approved by parliament in April 1979 and enacted in 1982.

Iran's 1979 Constitution (amended in 1989), however, cemented the IRGC, as separate from the army, into the state structure. Articles set out in 'Section Two [on] The Army and the Islamic Revolutionary Guard Corps' of 'Chapter IX' – on 'The Executive', address the duties of both the army and the IRGC.⁴⁴

Article 143 states that 'The Army of the Islamic Republic of Iran is responsible for guarding the independence and territorial integrity of the country, as well as the state of the Islamic Republic', while Article 144 adds that it must be an 'Islamic Army' and 'recruit into its ranks worthy individuals having faith in the objectives of the Islamic Revolution and devoted to its cause'. Article 145 adds that no foreigner may serve in the security forces. Article 150, however, is open-ended about the IRGC. It states that it is to be 'maintained in order to maintain its role of guarding the Revolution and its achievements' but that 'The scope of the Corps' duties and their areas of responsibility in relation to the duties and areas of responsibility of other armed forces are to be determined by law, emphasizing brotherly cooperation and coordination.'

By virtue of Article 110 of the Constitution, IRGC commanders are appointed by and report only to the Supreme Leader.⁴⁵

The 49-article, Statute of the Islamic Revolutionary Guard Corps, published in October 1982, reaffirms the core, defensive duty set out in Article 150 of the Constitution.⁴⁶ Much of the law addresses organizational and administrative matters, and two articles, 47 and 48, assert its institutional independence from political groups. It also designated three core duties to the IRGC: to defend the country from foreign attack and agents; to fight counter-revolutionary forces; and to address internal security, including by 'gather-

ing intelligence on threats; execute judicial decisions and, third, support global liberation movements.'⁴⁷ Its mission includes activities such as:⁴⁸

- Articles 4 and 5 – law enforcement, including making arrests;
- Article 8 – intelligence gathering;
- Article 10 – relief and other socio-economic functions, including in the Construction Jihad; and
- Articles 34–42 – the creation and maintenance of a mass Mobilization (Basij) Force.

As a result, its duties also include the protection of the Supreme Leader, heads of all three branches (executive, legislative and judiciary), other top state officials, and the safety and security of the capital city.

In 1980 the government established the Basij, or Mobilization Force. It marshalled recruitment drives for foot soldiers in the 1980–88 Iran-Iraq war, during which thousands of its personnel died in human wave attacks reminiscent of First World War battlefronts. In 1981 the Basij was incorporated into the IRGC and after the war it developed its countrywide network of volunteer 'resistance bases' (*Paygah*) in most cities, villages, mosques, state buildings such as universities and places of higher learning; the civil service and state-owned economic enterprises such as factories, totalling at least 22 branches. By 2017, the Basij numbered around 300,000 and constituted a powerful information gathering, social influencing and paramilitary policing tool.

During the 2005–13 presidency of Mahmoud Ahmadinejad, the IRGC's strength and position solidified. High oil prices and new economic opportunities enriched the IRGC, and with a supportive president who was ideologically in line with the Supreme Leader, the political role of the IRGC started to grow significantly. Many people with links to the IRGC filled important cabinet positions. From the very roots of society to the upper echelons of power, the IRGC had a formal position. Its own bases in cities and towns throughout Iran's provinces represented its reach and power and appear to be as much about maintaining law and order as keeping the aspirations of those communities contained.⁴⁹

Growth and power of the IRGC

By 2017, the IRGC had an estimated 150,000 individuals under its command. Its anti-riot units are the country's most important units to suppress public protests and riots. As arresting officers for the judiciary as well as its own intelligence force, working alongside but separately from the government Ministry of Intelligence, it secured a pivotal role in implementation of the rule of law, or at least its own particular interpretation of it.

Its ballistic missile programme has launched attacks far beyond Iran's own borders, including in 2020 against bases in Iraq hosting US forces.⁵⁰ Its cyber and online operations have hacked domestic and external targets; its aerospace programme has successfully launched several satellites into orbit since February 2009; and it has sent monkeys, a turtle, a mouse and worms into space.⁵¹

Its voice was powerfully carried to centres of power through its representatives to state governance institutions, such as the Supreme National Security Council, the Islamic Consultative Assembly (Majles) – that is, parliament; and the Supreme Council of the Cultural Revolution.

Sensitive to the perceived socio-economic needs of peripheral and relatively impoverished minority provinces such as Kurdistan and Baluchistan, Article 147 states that:

'In time of peace, the government must utilize the personnel and equipment of the Army in work relating to relief, education, production, and the Construction Jihād, whilst observing the criteria of Islamic justice and to the extent that such utilization does not affect the Army's combat readiness.'

In 1983, the government made the socio-economic development body, the Construction Jihad, into a ministry. It was used as a means of extending the IRGC's influence, intelligence and control over minority regions such as Kurdistan, Baluchistan and the Turkman regions, including by assisting counter-insurgency operations.⁵² This practice continues today.⁵³

Following the war with Iraq, during the administration of Akbar Hashemi Rafsanjani, the then recently demobilized IRGC was accorded a formal economic role, notably in reconstruction. It made sense: following the relative austerity imposed by the war, at its close the IRGC had become a large, disciplined organization with specific engineering skills.

Its reported supportive role in Iran's nuclear programme resulted in the IRGC being singled out for targeted sanctions by the UN Security Council. In response, Iran's leadership appears to have decided that an IRGC-led economy was best placed to endure an economic 'siege', as the sanctions in place at the time were termed.

Arguably as a result, the government started to issue large construction contracts without a competitive bidding process. The IRGC or IRGC-owned firms increasingly took control of formerly government-owned state enterprises – such as the national telephone network – through opaque privatizations, and it was awarded contracts worth many billions of dollars to develop the offshore South Pars oil field, which international firms could not bid for due to then US sanctions, political pressure or problems with the Iranian government itself.

By 2010 the IRGC's economic interests spanned construction, manufacturing, mining, electronics, communications and banking. By 2010, too, allegations were openly voiced that the IRGC had become involved in organized, systemic smuggling, including of consumer goods but also alcohol or other illegal substances. In that year, the US Department of Treasury issued sanctions on IRGC affiliates, in part in connection with corrupt practices.⁵⁴

The IRGC also undertakes strategic cultural initiatives and investments: it has a specific cultural agency that operates in universities, villages, factories and in cities. Affiliated bodies advance analogous aims, such as the 'Rahian-e Noor' (Travellers towards the Light) organization.⁵⁵ The IRGC runs a sophisticated online training and intervention programme, and its hackers (noted earlier) have played an important role in disrupting opponents of the government, including by way of social media, all of which it has the capacity to subvert.

An amorphous chain of news agencies and newspapers, including Tasnim, Daneshju News, Nasim, *Javan* newspaper, and Fars are, in effect, through law and practice, required to be close to the IRGC. Hundreds of journalists and social media users supply scores of newspapers, journalists and on-line sources in a manner akin to an arm's-length propaganda programme.

In April 2019, the US government designated the IRGC a 'Foreign Terrorist Organization'. As such, anyone with a connection to the US who has a proven financial or other engagement with the IRGC could face criminal charges.⁵⁶ The EU did not follow suit. In response, Major General Mohammad Ali Jafari, the commander of Iran's Revolutionary Guard Corps, states that the designation would mean the Revolutionary Guard could target the US military the same way it targets ISIS.

4

Human rights violations in the name of security

The national security imperative dominates the Iranian government's relations, not just with foreign powers, but with its own people. The government of Iran routinely and systematically commits human rights violations to suppress any political opposition or perceived challenge to the Shi'a Persian identity of the Islamic Republic, criminalizing acts that are not internationally recognizable as criminal conduct, including in relation to non-violent protests, criticism of the authorities, foreign links and peaceful expressions of minority cultures.

The election of President Rouhani in 2013 again brought with it hopes of reform, and of a thawing of relations with the US. In July 2015 a Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear programme was agreed by Iran, the permanent members of the United Nations (UN) Security Council – including the US – and the European Union (EU). In exchange for limiting its nuclear programme, Iran was to receive relief from sanctions. However, in May 2018 President Donald Trump announced the US withdrawal from the JCPOA, followed by an intensification of sanctions.

Despite attempts by the EU to meet obligations under the JCPOA, the move has placed Iran's economy under renewed stress.

The US killing of Iranian general Qasem Soleimani in January 2020 and subsequent rocket attacks by Iran on US facilities in Iraq have brought the two countries closer to open conflict than at any time since the 1980s.

Targeted harassment and imprisonment of individuals

Driven by its national security imperative, Iranian judicial, intelligence and IRGC officials harass, arbitrarily detain and ill treat individuals in Iran for reasons of their identity or for peaceful exercise of their freedom of expression. Those targeted include both foreign and dual nationals, as well as Iranians targeted for reasons of familial, educational, professional connections or for links with organizations or institutions that the authorities view a threat, such as universities outside of Iran or foreign media bodies. In such cases, the authorities have targeted the individuals less for what they have done than for whom they may have associated with. Human rights activists maintain that such detentions constitute a form of hostage-taking that has nothing to do with national security but everything to do with political leverage and financial benefit for the state apparatus.

Authorities have, in particular, targeted dual nationals, noting that under Iranian law, Iran is not required to allow foreign missions to provide consular services to Iranians nationals or family members.

Scores of journalists, labour activists, women's rights campaigners and other human rights defenders are detained every year on spurious national security grounds. Academics and social scientists have also been targeted for reasons of national security. The IRGC and the Ministry of Intelligence seek to control or even monopolize research and discourse about Iranian society, whether it is conducted from inside or outside the country. Accordingly, regulations regarding media and press ownership, penal provisions regarding expression, or what can be researched or taught in academic institutions are all tightly controlled and policed.⁵⁷

The IRGC exerts what force it can over media sources based outside Iran. If it is unable to control the media platform or journalist or activists in question, the IRGC will act against family or others close to the person, as set out below in the case of BBC Persian. If the person is not Iranian, they may simply seek to know with whom the person has been meeting, in order to gain longer term leverage, such as in the case of the 2019 arrest, questioning and detention of journalist Nicolas Pelham, of the UK-based *Economist*.⁵⁸

Insofar as few if any of those detained have committed recognizable criminal offences, many believe that Iranian officials detained them in order to gain specific objectives, whether this be leverage in a negotiation with another state or for a prisoner exchange; to obtain a change in conduct; or perhaps simply for money. Several scholars may have been arrested simply because they had inadvertently entered areas controlled by the IRGC. If this is true, their detention is, in fact, a form of punishment, despite the absence of criminal intent or offence.

In October 2019, Nizar Zakka said that Iran's detention of dual nationals and foreigners is, 'from day one [of an arrest]' a 'business for the IRGC'.⁵⁹ In November 2019, Jason Rezaian, a journalist with dual US-Iranian nationality working with the *Washington Post* – and former detainee – wrote that 'taking hostages has become a tool of diplomacy for Iran'.⁶⁰

The Iranian authorities have also commonly pressured families and governments to remain silent about their conduct, asserting over and over again that if the family or another government were to publicize the arrest, it would be disadvantageous in terms of resolving the matter. However, complying with this instruction does not appear to confer any advantage in resolving the detention in practice. At least two dual nationals have died in custody in suspicious circumstances. Zahra Kazemi, a Cana-

Alleged prisoner swaps

In 2009, despite denials, France is widely believed to have released Ali Vakili Rad in exchange for Clotilde Reiss.⁶¹ Ali Vakili Rad was sentenced to life imprisonment in 1994 for the 1991 murder near Paris of the Shah's last prime minister, Shahpour Bakhtiar, and an assistant, Souroush Katibeh. He returned to Iran in triumph.⁶²

French national Clotilde Reiss was a language teaching assistant at Esfahan University who attended a demonstration amid the unrest that followed the contested re-election of Mahmoud Ahmadinejad in July 2008. The authorities tried her alongside around 100 others in a mass, unfair trial. Accused of trying to overthrow the government, a lower court sentenced her to two five-year jail terms, which were later commuted to a fine of around US \$90,000.⁶³

In respect to Australian nationals held in Iran in the latter part of 2019, in April 2019 Iran's Foreign Minister, Javad Zarif, expressly suggested that they be exchanged for Negar Ghodskani, an Iranian citizen then held in an Adelaide jail and facing extradition to the US on suspicion of smuggling restricted American technology to Iran: 'Let's have an exchange. I'm ready to do it.'⁶⁴

dian dual national and photojournalist, was detained in June 2003 when photographing Evin Prison in Tehran. A few days after her arrest, she fell into a coma and died. Family lawyers reported that her body showed signs of torture but no independent autopsy or investigation was conducted. Another dual Canadian-Iranian national, Kavous Seyed Emami, was a professor of sociology at an Iranian university and co-founder of the Persian Wildlife Heritage Foundation. He was arrested in January 2018 and accused of espionage under cover of his work for the foundation.⁶⁵ The authorities asserted he committed suicide in prison two weeks later, a claim rejected by his family.⁶⁶

Some idea of the human costs of detentions under arbitrary application of national security laws is conveyed by a sample of recent cases cited below, by the month of arrest. Many of the known cases relate to dual Iranian nationals: in such cases Iran does not recognize the other nationality or any right to access consular assistance.⁶⁷

September 2015 (to June 2019) – Nizar Zakka, a US resident of Lebanese nationality. In 2015, Iran's Vice President for Women's Affairs invited him to Iran to take part in a conference. Officials arrested him after it ended and took him to Evin Prison for questioning. He was released almost four years later and returned to Lebanon.

March 2007 – Robert Levinson, US national and former FBI official, detained on Kish Island, may have been on an unauthorized mission to Iran at the time of his disappearance. US State Department officials have reportedly indicated that while he was in the FBI in the 1970s, he retired in 1998, after which he undertook private, contract work. It was apparently in this context that in 2007, he visited the Island of Kish in southern Iran, to look into cigarette smuggling.⁶⁸ Following publication in 2019 of a reported offer of US\$20 million for information about his fate, the Iranian government reportedly submitted to the UN Working Group on Enforced or Involuntary Disappearances information stating that the case against him was on going at a Revolutionary Court in Tehran, without providing details.⁶⁹

October 2015 – Siamak Namazi, dual US national and (February 2016) his father Baquer Namazi. On 13 October 2019, a Twitter feed linked to the family conveyed birthday wishes to Siamak, adding

'Can't believe it's been four years since your unjust arrest by the #IRGC. Four horrific years spent in Evin, with your only crime being that you are a pawn in a game none of us understands ...'⁷⁰ In October 2016, a court in Tehran convicted both Siamak and Baquer Namazi of 'cooperating with the hostile government of America' and sentenced them to 10 years' imprisonment. In April 2016, their lawyer stated that he had been denied access to clients' case files.⁷¹

January 2016 – Kamran Ghaderi, Austrian dual national and businessman. He is reportedly in poor health. He has three children.⁷²

April 2016 – Nazanin Zaghari-Ratcliffe, dual UK national. The authorities detained her in at Imam Khomeini Airport in April 2016 at the end of a two-week trip to Iran with her daughter to visit with relatives. She was accused of espionage, and in September 2016, a court sentenced her to a five-year jail term following a grossly unfair trial. In October 2017, the IRGC reportedly opened a new case against her based on allegations of spying in connection with work she did for the BBC. In January 2019, her British husband, Richard Ratcliffe stated that the IRGC had pressured her to spy on the UK's Department for International Development and threatened her that her family in Iran would face unspecified consequences if she did not cooperate with them but also that they could arrange for a pardon if she agreed to spy for them.⁷³

October 2018 – Kylie Moore-Gilbert, Australian academic with UK and Australian nationality. Reportedly she is being held in Ward 2A of Evin Prison – a non-public ward. The investigative phase of her case reportedly ended in September, when she would have normally have been transferred to a public, or open ward of the prison. The Iranian authorities have not publicly stated the reasons for her arrest. A scholar at the University of Melbourne, where she has lectured on Islamic studies, her research reportedly covered authoritarian governance, and the role of new media technologies in political activism in the Persian Gulf states.⁷⁴

December 2018 – Meimanat Hosseini-Chavoshi, demographer and research fellow at the Australian National University. She was detained for unspecified reasons, apparently in connection with re-

search into population control, which she was undertaking at the time of her arrest.⁷⁵ She had been invited to Iran to work with the Islamic Parliament Research Center (IPRC) and the president's Center for Strategic Studies (CSS). In 2010, Hosseini-Chavoshi won Iran's Book of the Year Award for *Fertility Transition in Iran: Revolution and Reproduction*, co-authored with Peter McDonald and Mohammad Jalal Abbasi-Shavazi.

June 2019 – The authorities detained French dual national Fariba Adelkhah along with Roland Marchal, a French (only) national. Fariba Adelkhah is an anthropologist and senior research fellow at France's Sciences Politiques University in Paris. The reason for her arrest is not currently known but she was accused of spying.⁷⁶ IRGC officials detained her in Tehran but she had reportedly been conducting research in Qom and had arranged for clerics from Qom to attend seminars in Paris.⁷⁷ In December 2019 a court ordered their conditional release and in January 2020 espionage charges against Fariba Adelkhah were dropped.⁷⁸ On 24 December Fariba Adelkhah undertook a hunger strike with Australian national, Kylie Moore-Gilbert, in protest against the manner of their arrest.

' President Rouhani talks of hope and peace at the United Nations, and yet he is terrorizing people inside the country. [...] The Islamic Republic acts as a hostage-taker and at the same time wants to be trusted by the rest of the world. My brother was not involved in any political activity, and yet he has been detained just to put pressure on me ' ⁸⁴

– Masih Alinejad, women's rights campaigner, speaking about the arbitrary arrest of her brother Ali

July 2019 (to October 2019) – Jolie King and Mark Firkin, an Australian couple (Jolie King reportedly also has UK citizenship), were travel bloggers documenting an overland trip from Australia. One report stated that the IRGC detained the couple for mistakenly camping in a military area around Jajrood in Tehran province, as well as flying a drone in the Tehran area. Iran's Foreign Minister has openly suggested that other Australians form part of a prisoner exchange.⁷⁹

July 2019 – Farangis Mazloum, the mother of political prisoner Soheil Arabi, has been detained since 2013 and held on charges including 'insulting sacred Islamic values', 'insulting the Supreme Leader' and 'disseminating propaganda against the Islamic Republic'.

August 2019 – Kameel Ahmady, a UK dual national and anthropologist, was detained in western Iran.⁸⁰ He has, for more than a decade, documented the practice of female genital mutilation among communities of Sunni Kurds in western Iran.⁸⁸ The charges he faces reportedly relate to his research, work for which he asserts that he has government approval. He was held for around a month in solitary confinement. In September 2019 the authorities permitted his wife to meet with him⁸² and he was reportedly released on bail in November 2019.

September 2019 – Alireza Alinejad, brother of Masih Alinejad, the well-known women's rights activist. Masih Alinejad is founder of the My Stealthy Freedom and White Wednesdays campaigns against compulsory wearing of hijab. Based in the US, she also contributes to the Voice of America Persian Service. In 2018, the authorities pressured members of her family to denounce her on television, and subsequently threatened them. The Intelligence Ministry's agents also raided the house of Alinejad's ex-husband in the northern city of Babol and arrested his brother Hadi Lotfi, 34, and his sister Leila Lotfi, 38, along with a friend.

October 2019 – Ruhollah Zam, a resident in France, ran the AmadNews feed on the Telegram platform, where it had around a million followers. It provided independent information that was often embarrassing to the government and authorities. In October 2019, the IRGC lured the exiled journalist

Imprisonment of environmentalists on national security charges

In early 2018 security officials detained at least nine environmentalists, members of the Persian Wildlife Heritage Foundation. On 20 November 2019, the court informed six of them that Branch 20 of the Revolutionary Court in Tehran had convicted them of 'collaborating with the enemy state of the United States'. The authorities pronounced the final verdicts in respect to eight in February 2020: Houman Jokar and Taher Ghadirian, both eight years;

Sam Rajabi, Sepideh Kashani and Amir Hossein Khaleghi Hamidi, six years each, for 'espionage'; Niloufar Bayani and Morad Tahbaz, five years' imprisonment for 'collaborating with the United States' and Abdolreza Kouhpayeh, four years, for 'conspiracy to act against national security'.⁸⁵ During her trial, Niloufar Bayani stated that the authorities coerced her into making 'confessions' under torture. The ninth detainee, Kavous Seyed Emami, died in custody (see main text).

On 22 November 2019, the United Nations Environment Programme set out its concern with the sentencing of environmentalists.⁸⁶

UNEP confirmed that Niloufar Bayani worked with the organisation between 2012-2017, noting that she was 'deeply committed to supporting communities recovering from the environmental consequences in the aftermath of disasters'. The organisation stated that 'wildlife conservation and environmental protection should not be considered a crime and indeed it is recognized as a public duty in the Islamic Constitution of the Republic of Iran (Article 50)' and that 'it is deeply concerning that authorities have at times responded to legitimate conservation efforts of environmentalists by criminalizing their actions'.

from Paris to Baghdad where he was detained. One report stated that the IRGC described Abdullah Zam as 'a vicious figure and a traitor'. His wife Mahsa Razani said that he was abducted.⁸³

BBC Persian staff and family in Iran

The Iranian authorities have systematically targeted employees and family members in Iran of the London-based Persian service of the British Broadcasting Corporation (BBC) since the service launched its satellite television in 2009. Intimidation of BBC Persian journalists based around the world, and their family members in Iran, is a regular occurrence and has escalated in the last two years. In July 2017, the Iranian government launched criminal investigations into the activities of journalists and other staff working for BBC Persian, alleging their work constituted a crime against Iran's national security.⁸⁷

The text issued by the state-run Mizan News Agency on the occasion of Iran's National Day for Journalists in August 2018 exemplifies the scope of threats faced by BBC Persian staff:

*'Without doubt, the mafia gang associated with the joint psychological operations HQ of overthrowing the system of the Islamic Republic, which has directly targeted the Iranian people and their security, are not free to carry out any counter-security measures against the Iranian people. The members and employees of this gang, a number of whom have gathered in the BBC Persian propaganda-security apparatus, and even their internal colleagues who are following the same line, must be held answerable for their actions against the Iranian people. They will surely be exposed one day before the Iranian nation, and God's hand of justice will manifest itself through the arms of the Iranian people, and they will be punished for their actions.'*⁸⁸

On 17 April 2018, Rana Rahimpour, a journalist working for the BBC Persian service addressed the UN HRC. She said the Iranian government had systematically harassed and persecuted her and 150 of her colleagues for over a decade. Together, they appealed to David Kaye, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression as well Asma Jahangir, the then Special Rapporteur on the

situation of human rights in the Islamic Republic of Iran, to investigate Iran's conduct. She said that members of her and her colleagues' families had faced death threats; that some were jailed and others faced travel bans. The authorities also announced that the BBC Persian journalists themselves were under investigation for acts against national security.⁸⁹

Measures initiated against BBC Persian staffers, who comprise dual nationals of a wide range of countries, including the United Kingdom, France, Germany, Italy, Australia, Canada and the United States of America, include open-ended criminal investigation based on allegations of undermining the state; and a targeted asset freeze that prevents the 152 named, former and current BBC Persian staff from buying, selling or inheriting property in Iran.

Actions taken by Iranian officials against members of the journalists' and technicians' families *inside Iran* include:

- surveillance;
- harassment and threats, including death threats;
- the dissemination of false accounts about the individuals concerned, designed to undermine their and their families' reputation, notably through vilification directed at female journalists;
- interrogation and arrest, including solitary confinement;
- threats that, for example, parents or other family members of BBC Persian staff will lose their jobs or pensions;
- confiscation of family members' passports; and
- imposition of travel bans preventing parents and family members from travelling to meet children or other relatives working for BBC Persian.

Select findings from a 2017 survey conducted amongst 96 BBC Persian employees openly targeted by the Iranian government revealed a range of findings, including that 86 said that they – personally – faced harassment; 45 parents of staffers, 40 siblings and 47 friends had faced questioning by intelligence officials; 59 had been targeted in state-sponsored press and media and 44, mostly women, faced accusations in the Iranian media of having extramarital relations.

The repression of ethnic and religious minority identity

The appointment of a special adviser on ethnic and religious minorities by President Hassan Rouhani after his election in 2013 did not reduce the pervasive discrimination against minorities, who have continued to be targeted for supposed breaches of national security or on terrorism-related grounds. They continued to face a high risk of prosecution on vague charges such as 'enmity against God' and 'corruption on Earth', which can carry the death penalty.⁹⁰

Members of ethnic and religious minorities, including Kurds, Baluchis and Ahwazi Arabs, have been arbitrarily arrested for activities related to claims for cultural autonomy as well as the simplest forms of civil rights activism, which are often falsely and deliberately conflated with separatism and as such regarded as a threat to national security. Since 2010, the authorities have arbitrarily arrested, tried and imprisoned scores of individuals peacefully engaged in community-focused activities and arrested minority rights advocates for creating an 'illegal group', undertaking 'propaganda against the state' or 'gathering and colluding'.

While use of the provisions of 'enmity against God', or *moharebeh*, and 'corruption on Earth', or *afsad f'il arz*, appear less frequent since the development of the range of discretionary punishments linked to national security set out in Book Five of the Iranian Penal Code, the authorities resort to it in instances which appear to represent an affront to social norms.

In October 2014, the authorities held at least 33 Sunni men, mostly members of the Kurdish minority, on death row. Charged with 'gathering and colluding against national security', 'spreading propaganda against the system', 'membership of Salafist groups', they also faced charges of 'corruption on Earth' and 'enmity against God'. In December 2014 the authorities used threats of immediate execution and other punitive measures against 24 Kurdish prisoners who were on hunger strike in protest against conditions in Ward 12 of Oroumieh Central Prison, West Azer-

baijan province, where they and other political prisoners were held.

In the same year, the authorities secretly executed at least eight Ahwazi Arabs after they were convicted on charges that included 'enmity against God' after grossly unfair trials, and refused to hand over their bodies to their families.⁹¹ Arabs have also been targeted for expressing their ethnic identity through Arabic-language poetry.⁹²

The emergence of ISIS in the region has also had an impact on counter-terrorism operations in Iran, particularly in Khuzestan. An armed attack on a military parade in Ahwaz in September 2018 left 25 dead, including IRGC members and civilian spectators. The allegiance of the armed extremists who carried out the attack was disputed, but ISIS claimed responsibility. Hundreds of Ahwazi activists were arrested. After a series of confessions were extracted under torture, activists reported that executions were carried out in secret.

From December 2012, intelligence officials under commanders in Tabriz undertook a series of arrests of Azerbaijani Turk rights activists, detaining Latif Hassani, Mahmoud Fazli, Shahram Radmehr, Ayat Mehr Ali Bayglu and Behboud Gholi Zade, leaders of a peaceful group called the New Southern Azerbaijan National Awakening Movement Party.⁹³ Officials only permitted them access to a lawyer five months after their arrest, a week prior to the start of their trial. The authorities held them in prolonged solitary confinement during pre-trial detention, and they were interrogated and beaten for prolonged periods.

In May 2013, a Revolutionary Court in Tabriz sentenced them to nine years' imprisonment for forming an 'illegal group' and for distributing 'anti-government propaganda'. In July 2013, the activists undertook a hunger strike at Tabriz Central Prison to bring attention to allegations of pre-trial ill treatment they claimed they faced.

On the eighth day of the strike, officials transported them, without prior notification, from prison in Tabriz near their families to Rajai Shahr (formerly known as Gohardasht) Prison, in Karaj, west of Tehran. Duman Radmehr, a brother of Shahram Radmehr, said that during the transfer from Tabriz to Karaj, officials tortured the men.

Officials took them to Evin Prison, handcuffed, shackled and locked in a metal box in a van. Officials were apparently unwilling to take responsibility for the men and they were then taken to Karaj.

Sistan and Baluchistan is one of the poorest of Iran's provinces and human rights violations against Baluchis are often linked to demands for development as well as expressions of cultural identity. In a recent report, the IHRDC recorded that torture and violations of fair trial rights, such as the right to adequate counsel, occur regularly in cases involving Baluchis charged with national security offences. In many instances they receive harsh sentences, including the death penalty, in grossly unfair trials.⁹⁴

Bahá'ís continue to be targeted by the Iranian authorities on national security charges. In January 2020, the Bahá'í International Community expressed alarm at a three-month long surge in persecution of the Bahá'ís, reporting that the authorities have carried out multiple home raids, attacks on properties and have confiscated possessions. They arrested dozens of Bahá'í members and dozens more received religiously motivated prison sentences that amount to a combined prison time of nearly a century, with some individuals sentenced to over 10 years' imprisonment.⁹⁵

Similarly, in September 2011 the government carried out a wave of arbitrary arrests of Gonabadi Nimatullahi Sufis. They are a Muslim community, but follow a mystical tradition linked to Iran's official religion of Twelver Shi'a Islam.⁹⁶ Nevertheless, the authorities have persecuted and unfairly prosecuted members of the group. The authorities held more than 10 in prolonged solitary confinement, then after two years' imprisonment, unfairly sentenced nine of them following grossly unfair trials on vaguely worded charges including 'colluding against national security through membership in a deviant sect', 'disseminating propaganda against the state', 'disturbing public opinion' and 'disturbing public order'. In late August 2014, nine undertook a hunger strike in protest at the authorities' harassment and persecution of Gonabadi Sufis.⁹⁷

Further information on violations of the rights of ethnic and religious minorities, including figures

on arbitrary imprisonment and on executions, is contained in the 2018 Minority Rights Group (MRG)/Ceasefire report, *Rights Denied: Violations of the Rights of Ethnic and Religious Minorities in Iran*.

Excessive use of force and unfair trials faced by cross-border couriers

The Kurdish Kolbaran

The Kolbaran (literally, those who carry on their backs) are couriers, of Kurdish ethnicity, from Iran or Iraq, who use unmarked crossing points on Iran and Iraq's 1,458 km border that straddles adjoining Kurdish regions, to smuggle a variety of, usually, consumer goods, to both sides of the border.⁹⁸ The practice is a peaceful, though illegal one: the Kolbaran face considerable risk from border guards. On 25 February 2020, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed his concern at reports that security forces had shot and killed two Kolbars on 23 November 2019 in West Azerbaijan province and another on 2 December 2019 in Kurdistan province.⁹⁹

Local communities argue that the trade across Iranian and Iraqi Kurdistan is an economic necessity. It supports a significant number of people, some of whom are vulnerable.¹⁰⁰ Some estimates suggest that 100,000 Kolbaran are engaged in work as couriers:

*The precarious financial situation confronting residents living either side of the border area, especially on the Iranian side, means local economies are heavily reliant on smuggling. All Iranian couriers interviewed by the authors said they were pushed into this illegal work through financial desperation.'*¹⁰¹

The practice covers an enormous space: areas of passable terrain could have up to 3,000 couriers transporting goods, and on some comparatively short stretches of border, there could be as many as 25 illegal crossing points. The practice is an open secret. Alongside long-established supply routes of permitted foodstuffs and consumer prod-

ucts that will not have passed export or import procedures, Kolbaran also transport illegal products, such as alcohol; Western cigarettes; raw materials for making drugs – as well as drugs themselves (including Tramadol tablets and battery acid for making drugs like crystal meth)¹⁰² and weapons, perhaps the most lucrative.¹⁰³ Criminal networks organize swathes of the work.

Some of the risks facing Kolbaran arise from the nature of the activity. On 13 February 2020, a Kurdish human rights media platform reported that one Kolbar, Nabi Ahmad-Panah, suffered from frostbite in the mountains near his home city of Piranshahr and that he had to seek urgent medical care in the city.¹⁰⁴ On the same day the organization reported that Iranian forces shot a Kolbar, Payman Abdi, whom they injured, and that a few days earlier, near Paveh, Iranian forces attacked another Kolbar, Mohammed Faghezadeh, who was reportedly left in a critical condition.

Kolbaran apprehended en route may be forced to pay bribes to border guards, who may nevertheless confiscate goods or kill the pack animals, usually horses, being used to transport items. Iranian border guards may, however, exercise excessive use of force or carry out extra-judicial killing by arbitrarily shooting Kolbaran travelling between the Iraqi and Iranian borders, either injuring or killing them.

Kolbars are likely, too, to face prosecution: couriers can expect to face charges relating to the illegal importation of the goods in question, with varying, additional charges, depending on the item and whether it may be, itself, illegal in Iran. As Iran's judicial system routinely falls short of international fair trial standards, some caught may face torture or ill treatment, including forced confession, unfair trial in which they may be denied legal representation or other requirements of due process. Punishment for smuggling, depending on the items, ranges from fines to flogging or, in the case of proscribed drugs, the death penalty.

On account of their identity or social origin, couriers may face politically motivated trials. As Kurds, the authorities may charge them with national security-related offences, including in relation to civic activism or membership of a Kurdish political party. As a result, socially vulnerable couriers may

have faced execution for alleged national security offences applied in a discriminatory fashion:

*'the intersectionality of ethnicity, socio-economic profile and the political context may, as a result, create a framework for persecution in which national security informs and shapes state conduct; where merely being a Kolbar may be considered tantamount to a political affiliation with, say, a Kurdish political movement, or an actual or imputed political opinion.'*¹⁰⁵

The Baluchi Sukhtbaran

The Sukhtbaran (literally 'those carrying combustibles'; singular: Sukhtbar) refers to the piece-meal but illegal trade of hydrocarbons such as forms of gasoline, including diesel and oil, from Iran to Pakistan. The practice emerged during the 1980–88 Iran-Iraq war, when the government of Iran reduced the export of hydrocarbons. The smugglers benefit from the historically lower price of fuel in Iran, which they sell illegally in Pakistan. Publicly available images and clips show hundreds of small trucks and motorcycles with containers filled with gasoline travelling over arid, dangerous and rough, semi-mountainous tracks in order to reach Pakistan, as well as the use of small boats.¹⁰⁶

The cornering of the Baluchi couriers between their desperate socio-economic situation and the possibility of being killed in a security operation has, for many years, been widely known. Successive parliamentarians have spoken of it and it has received media attention. An October 2018, an in-depth article in *Sharq* described the socio-economic pressures facing people and explored government initiatives to alleviate suffering.¹⁰⁷ State media, too, such as the Islamic Republic News Agency (IRNA) openly addressed aspects of the challenges, such as in relation to quotas imposed on petrol in 2019, without, however, addressing the role of the security forces.¹⁰⁸

During a period of comprehensive international sanctions on trade with Iran, the trade in hydrocarbons replaced, for many, the smuggling of opium. In one of the poorest regions of Iran, it is one of the few activities that can be done to earn money. A 2013 report estimated that the amount of diesel smuggled from Iran to Pakistan totalled

100–130 tankers, or 25,000–40,000 litres.¹⁰⁹ Yet the June 2019 *Deutsche Welle* report states that couriers earned less than US \$3.25 a day for carrying 40 litres of petrol.¹¹⁰

Couriers face injury or death on the route, including by Iranian border guards, some of whom can, at times, be bribed. In 2017, a parliamentarian from the region, Mohammed Naeem Aminfarid, highlighted that the smuggling only took place if there was no other work and he called on the authorities not to fire upon the vehicles.¹¹¹ While impossible to verify date, time or location, the 2019 clip used by *Deutsche Welle* shows an unidentified boat – possibly Iranian military forces – firing on boats carrying unidentified goods, believed to be fuel. *Deutsche Welle* reports that in 2018, police killed 100 couriers.

In the six months following 21 March 2019, the start of the Iranian year, the Baloch Activists Campaign has stated that Iranian forces' gunfire had killed and injured 75 individuals. This number comprised 25 Afghan migrants, and 50 Iranian Baluchis, of whom 29 were killed and 21 injured. The Baluchi cases cited are believed to have been mainly those who were trading goods and petrol products. The Baloch Activists stated that IRGC forces killed four individuals and that another was killed by an IRGC mine; that one killed with his father was 14 and at least one appeared to have a female name.¹¹² According to *Deutsche Welle*, Iranian forces' June 2019 killing of a Sukhtbar caused widespread unrest across Baluchistan. Sunni cleric Molavi Abdolhami 'Esmailzahi called on the police to stop killing drivers.¹¹³ The May to August 2019 period appeared particularly lethal: the Breathing in Confinement (*نفس در قفس*) platform report the following incidents:¹¹⁴

- 12 May 2019 – one person, Yahya Faqiri, killed in gunfire in Nikshahr;
- 21 July 2019 – Abdolbaset Shokrzehi and Navid Shokrzehi, killed following Mersad officials' gunfire upon a fuel truck, between Khash and Saravan;
- 1 August 2019 – two killed and six injured (not named) in gunfire on a fuel truck in Kerman;
- 6 August 2019 – one killed and three injured (not named) in separate incidents in Khash and Sarbaz;

- 19 August 2019 – one killed (not named) in his car, while being fired upon.

The Baloch Activists Campaign organization's annual report covering 21 March 2019 to 21 March 2020 reported that, as a result of direct fire upon their vehicles, Iranian forces killed a total 31 couriers of goods and fuels, while another 32 were injured. Emergency services were never alerted or allowed to intervene following such confrontations.¹¹⁵

MRG has not seen a single report referring to authorities undertaking any investigation into the use of armed force resulting in killing or injury, but it has recorded more than one instance in which security forces personnel appeared in photographs of Sukhtbaran that they or others had killed, as if their bodies were trophies. For example, on 16 February 2019, Baluchi media platform Rasank circulated one such photograph, stating that it had been published on the internet, and that the person who did so wrote:

These people were carrying diesel. The IRGC border guards fired at them, suspecting them of drug trafficking. After the murder they threw their bodies on the back of the vehicle [a pick-up truck]. They took a souvenir photo entitled "Destruction of a band of smugglers"

Around the same time – May 2019 – a computer game reportedly emerged depicting the killing of Sukhtbaran, without reference to local socio-economic conditions.¹¹⁶

While Pakistan's Frontiers Corps reportedly killed at least one person and detained a further seven in May 2020, when they are reported to have previously shot at least a further five, the force is thought to be too poorly resourced to halt smuggling over the length of the long, rugged border.¹¹⁷ Allegations of involvement by security forces in the trade on both sides of the border have been reported from time to time.¹¹⁸

A representative from the Centre for Baluchistan Studies in London, UK, asserts that the IRGC uses the existence of smugglers in Baluchistan in order to expand the deployment of Basij forces in the province.¹¹⁹ He states that the IRGC has a licence to sell gasoline and that the smugglers represent an economic threat to the lucrative trade.

People trafficking and forced recruitment

The Quds Force (QF) is the IRGC unit responsible for extra-territorial operations outside of Iran. Commanded by General Qasem Soleimani until his death in a US drone strike in January 2020, the Quds Force is responsible for major military interventions in Iraq, Syria and Afghanistan, as well as supporting Lebanese Hezbollah and Yemen's Houthi forces. These engagements abroad, including extensive violations of international humanitarian law, are outside the scope of this report. However, they have also involved the trafficking and forced recruitment of large numbers of Iranian Afghans and Afghan and Pakistani nationals from, or through, Iran.

Iran's intervention in Syria dates from 2012 when the IRGC determined that the Syrian Arab Army and Syrian security forces could not defend the government of President Assad without support. As Professor Scott Lucas of Birmingham University explains: 'The Iranians decided to set up a 50,000-strong national defence force to fight alongside the Syrian army. With a shortage of willing fighters inside Syria, they began looking elsewhere – signing up Iranian Afghans, Lebanese, Iraqi and Pakistani Shia recruits.'¹²⁰

Trafficking of persons of Afghan origin

The IRGC-QF has deployed around 15,000 Afghan Shi'a, many from the Hazara community, as part of its forces in Syria. They form the Fatemiyoun Division, under Iranian IRGC command.¹²¹ Iranian military propaganda depicts the Fatemiyoun Division as brave soldiers that took part in, for example, the battle to retake the Syrian city of Palmyra in March 2017.¹²² Yet Iranian QF commanders of the Fatemiyoun Division reportedly used the Afghans as 'first-wave shock troops [who] were effectively disposable.'¹²³ One said that: 'Sometimes we had no supplies, no water, no bread – hungry and thirsty in the middle of the desert,' and that 'We were light infantry and we'd have to walk 20–30 kilometres to face the enemy and then fight them.'¹²⁴

The QF has reportedly used child soldiers in the Fatemiyoun Division.¹²⁵ Human Rights Watch (HRW) has stated that it:

*'documented eight Afghan children who fought and died in Syria. Five of them, one as young as 14, are buried in the Martyr's Section of Tehran's Behesht-e-Zahra cemetery. Writing on the epitaphs of the tombstones indicates that they were all probably killed in combat in Syria and that all of them were below the age of 18 at the time of their deaths. Human Rights Watch was able to document three more cases, of a 17-year-old, a 15-year-old, and another 17-year-old, who were buried in Alborz, Tehran, and Isfahan provinces, respectively.'*¹²⁶

Some recruits may have volunteered to fight while legally in Iran, possibly in return for the promise of naturalization and accompanying rights, and Basij members are reported to have recruited Afghans in Iran.¹²⁸ Others reportedly volunteered in Afghanistan. Active recruitment there was nevertheless illegal: in August 2016, Afghan officials arrested Qurban Ghalambor, an Iranian official representative in Kabul.¹²⁹ Those from Afghanistan reportedly included school or university drop-outs who struggled to find decent work in Afghanistan.¹³⁰

They appear to have been treated as expendable: 'I witnessed with my own eyes that Afghan fighters were rolled over by tanks the way that someone steps on ants [...] and dead bodies were scattered everywhere.'¹³¹ They are reportedly paid the same as a worker in Iran but, if killed, they are accorded a 'special burial ceremony' attended by family members in, for example, Mashhad.¹³² Others still – the exact numbers are not known – appear to be former Taliban militants who later received training in Iran following disagreements with the Taliban and who also served voluntarily in Syria.¹³³

The IRGC coerced or induced an unknown number of people of Afghan origin in Iran to fight and trafficked them to Syria. Poor living conditions in Iran appear to be a driver for the sudden growth in recruitment of the Fatemiyoun Division in 2012/13. A recruit told one researcher:

*'We had worked hard for years in Iran. We were insulted and bullied. We sought shelter in Iran in vain. Now we were willing to do anything. Because anything was better than our life in Iran. It was a result of years in which the Iranians denied us normality that we now pointed the barrels of our guns towards the heads of Arabs.'*¹³⁴

In one instance – a model thought to be relatively widespread – Afghans linked to the IRGC approached an Afghan and his friends in a mosque in Esfahan: 'They suggested we go to Syria to help defend the Shi'a holy shrines from Daesh', adding that 'we'd get passports and have an easy life afterwards. We'd be like Iranian citizens and could buy cars, houses ...'¹³⁵ Other reports state that, in addition to citizenship, Afghans from Iran would be paid salaries of US \$500–\$800 per month in return for fighting (usually a 3-month-long deployment to Syria).¹³⁶

Undocumented Afghans detained in Iran have reportedly been coerced to fight in Syria. One spent 12 months in Syria, as a tank driver and later a sniper, deployed across the country from Damascus to Palmyra, but on return to Iran he was only given a temporary residency of 30 days. With it he could not even buy a SIM card. In reaction to his complaint, he was told that he would have to carry

Afghans in Iran

There are around 3 million Afghans in Iran, including nearly 1 million documented refugees; nearly 500,000 on Afghan passports with Iranian visas and an estimated 1.5–2 million undocumented Afghans.¹²⁷ Those who arrived in 1979–80 were, generally, granted asylum. Those

who arrived during the 1996–2001 civil war were given time-bound humanitarian leave including the right to work. For at least the last 15 years, Afghans in Iran have faced mounting discrimination and increasing restrictions to their rights. The government has forced families to change their place of residence, forcibly moving them significant

distances, substantially dislocating their lives; in some instances it has failed to issue identity documents, and has restricted access to other permits, such as a driver's licences or those giving access to state services such as secondary education or specific forms of employment. Some who are legally in the country have faced deportation.

out another tour of duty. Instead he fled Iran for Europe.

Others report that the IRGC never fulfilled promises of birth certificates or pay; that they were left wounded on return to Iran and had to return to Afghanistan, unable to work.¹³⁸

Another, in a November 2015 video, stated that he had been imprisoned in Iran for drug smuggling, implying that his military service in Syria was a trade-off for his sentence, for which he stated that he also received around US\$300.¹³⁹ The makers of the video state that, by that time, 200 Afghans had been killed fighting in Syria and that the thousands of Afghans who made up the Fatemiyoun Division comprised poor Afghans living in Iran, with a poor living standard; some of whom they recruited through mosques including in Mashhad and Qom.¹⁴⁰ In January 2018 – two years and two

months later – a report stated that Afghan fatalities were at least 2,000; alongside 800 injured.¹⁴¹

The coercion or inducement of Afghan Hazaras to fight in Syria has impacted on wider society: a report examining the challenges faced by mothers, sisters, children and the extended family of Fatemiyoun combatants shows the struggles of families both during the fighting and following their return: there is a gendered impact to Iranian state conduct even in this regard.¹⁴²

On 5 January 2020, Belqis Roshan, an Afghan parliamentarian, asserted to her counterparts that Quds Force Commander Qasem Soleimani 'committed *the largest crimes in Afghanistan*'.¹⁴³ She asserted that the QF action had led to the killing of 5,500 Afghans in Syria, with another 2,100 having disappeared while in combat in the Fatemiyoun Brigade.

'Trafficking in persons'

Article 3a of the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children defines 'Trafficking in persons' as:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of

deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs [...]

3c adds that 'recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.'

The Protocol entered into force in 2003 with the 40th state ratifying. Even though Iran has not ratified it, it represents the standard of state conduct against which this report assesses Iran's record.

Trafficking of Pakistanis

The Pakistani Shi'a-based Zeinabiyoun Brigade may originally have been constituted as a unit of the Fatemiyoun Brigade, numbering around 1,000 combatants in 2015.¹⁴⁵ As of early 2017, the brigade reportedly incurred 140 fatalities; the first three occurred on deployment in Iraq in the latter half of 2014, and the remaining 137 in Syria, from November 2014 to 2017.¹⁴⁶

Most of the several thousand Zeinabiyoun combatants that Iran has deployed in Syria appear to have been recruited in Pakistan. One report indicated that in the last quarter of 2017 and the first of 2018, they had recruited some 1,600 new personnel.¹⁴⁷ As with Afghans recruited outside of Iran, some reports indicate that the IRGC offered good income and possibly Iranian nationality. Other aspects also seemed attractive:

*'One recruitment ad posted on Facebook [...] said any physically fit man between 18 and 35 should apply to fight in Syria. It offered 45 days of initial military training along with six months of further training in Syria, a salary of 120,000 Pakistani rupees (approximately \$1100) per month and 15 days of holiday every three months.'*¹⁴⁸

Conversely, some members of the brigade have been recruited in Iran. Those recruited in Iran appear to consist of, in part, Pakistani Shi'a who sought to fight in Syria and who transited through Iran following illegal entry. Some of them may have already received some sort of facilitation from the IRGC.¹⁴⁹ At around the same time – 2013 through to 2014 – the United Arab Emirates government expelled many thousands of Shi'a, including Pakistanis, some of whom, it is believed, settled in Iran.¹⁵⁰ A small number of individuals from this community are believed to have enlisted to fight. Others recruited in Iran may also have included religious studies students at the Al-Mostafa Open University, in Qom.¹⁵¹

Thousands of Pakistanis are believed to have been trafficked using clandestine routes across the border or under cover of pilgrimage. One report, noting high levels of unemployment and poor living standards in Pakistan, stated that Zeinabiyoun recruiters may, in fact, pose as recruits for engagements in Iran. 'The Zainabiyoun Brigade moved a large number of Shia residents of Quetta, Punjab, Sindh and other areas to Iran via illegal routes', but once in Iran, 'the IRGC took them into custody'.¹⁵² From there, some were coerced to go and fight.

Suppression of popular protests (2017–)

Since 28 December 2017, Iran has faced waves of popular protests, mainly motivated by economic grievances. Despite temporary sanctions relief for Iran after the 2015 nuclear deal, most Iranians saw little improvement in their economic situation. A jump in food prices sparked protests against the government of President Rouhani. The protests spread across the country, including into ethnic minority areas, and quickly morphed into

more general protests against the leadership of the Islamic Republic and their governance of the country's wealth.¹⁵³ Videos posted on social media recorded serious clashes between some protesters and security forces. Iranian state media reported that armed protesters attacked police stations.¹⁵⁴

The response of the authorities was harsh. By 9 January 2018, security forces had arrested at least 3,700 according to a member of the Iranian parliament, and by 14 January 2018, 25 had been killed, including 15 protesters, 2 members of the security forces and 4 bystanders.¹⁵⁵ Amnesty International reported five deaths in custody under suspicious circumstances.¹⁵⁶

Discontent continued through 2018 and 2019 with strikes and protests by shopkeepers, truckers, workers, farmers and teachers, providing an indication of exactly how widespread discontent was. This resentment exploded again into mass protests across the country on 15 November 2019, in response to significant increases in the heavily-subsidized price of fuel. The protests escalated over the following days and some turned violent, apparently in response to the heavy-handed crackdown of the Iranian authorities, which was more brutal than the response to the 2017 protests. No accurate death toll is available, but estimates range from over 100 to over 304 killed, and a member of the Iranian parliament reported that over 7,000 were arrested.¹⁵⁷

One human rights activist interviewed for this report argues that the 2019 protests were in many ways the continuation of those that started in 2017. They appear to be 'leaderless, amorphous, somewhat radical multi-ethnic protest movements'. They also appear to have been largely working class although it is difficult to say with certainty.¹⁵⁸

The Iranian government appears to regard these protests in much the same way as the 2009 protests. Supreme Leader Ayatollah Khamenei blamed 'the enemies of Iran [who] are deploying every means at their disposal including money, arms, political and intelligence support to coordinate making trouble for the Islamic establishment'.¹⁵⁹ The head of the IRGC referred to the protests as 'the Sedition'¹⁶⁰ rhetorically drawing a direct line between the protests of 2009 and the

more recent waves of protest even though the protesters' motivations and the socio-economic demographics of the protests appear very different.

On 15 November 2019, an Ahwazi Arab rights activist reported that 'massive' protests broke out in Kut Abdallah and Ahwaz, and that they had spread to Mahshahr (Mashor in Arabic).¹⁶¹ Then on 18 November 2019, it was reported that Baluchi 'resistance factions' had attacked government forces in Zahedan, the capital of Sistan and Baluchistan province, burning a tank and killing government soldiers.

Faced with widespread protests across the country, the government responded by escalating the scope of its repression and deepening cultural measures against perceived foreign influence. Iran banned the teaching of the English language in primary schools, warning that the early learning of the language paves the way to a 'cultural invasion', in a move that was widely seen as a response to the protests breaking out.¹⁶² Pro-government rallies numbering in the thousands were held on 3 January 2018, and internet service providers, who are linked to or owned by the IRGC, shut down internet access to cities affected by protests in 2017. Again in 2019, the internet was shut down almost completely for six days.¹⁶³

In the heightened security atmosphere following the US killing of Qasem Soleimani and Iran's rocket attacks against US bases in Iran, the IRGC accidentally shot down a Ukrainian passenger plane on 8 January with the loss of all 176 on board. Demonstrations in Tehran and other cities against the attack were suppressed with deadly force by the authorities. Some 16 protesters who gathered to commemorate the victims in Amol, Mazandaran province, were handed prison and flogging sentences, the Center for Human Rights in Iran reported.¹⁶⁴

Coronavirus and Iran's national security imperative

The threat posed by COVID-19 was treated by the Iranian authorities not just as a public health challenge but also as a national security issue. State media reported that coronavirus could be a US-

an armed forces spokesperson announced that the authorities had detained 3,600 people for challenging the government's narrative on the virus

manufactured 'bioweapon',¹⁶⁵ and allegations have been made, including by an Iranian parliamentarian, that the government has concealed the true scale of the epidemic.¹⁶⁶ On 20 April, according to a Radio Farda news report, Armed Forces spokesperson Abolfazl Shekarchi announced that the authorities had detained 3,600 people for challenging the government's narrative on the virus in Iran. On 10 May, officials announced the arrest of a further 320 people for spreading 'false and provocative' information on social media.¹⁶⁷

Iran's national security imperative has an impact on every sector of its development, including the health sector.¹⁶⁸ The primacy of the security imperative has affected many other aspects of Iran's governance, including the sharing of information, its guarded and suspicious engagement with the international community, and suspicion of Iranians with any foreign ties. This has had predictable effects on the efficacy of its response to COVID-19. But Iran's handling of the pandemic should also be seen in the context of its relationship with the US. The current US administration backed out of the international deal on Iran's nuclear programme and re-imposed sanctions designed to cripple the Iranian economy. These were further tightened as the impact of COVID-19 on Iran became known, and have in practice made it more difficult for Iran to obtain medical supplies and equipment to protect against the virus.

While the Iranian government has admitted sanctions make obtaining vital supplies and equipment difficult and called for sanctions relief, the US blocked a \$5 billion loan from the International Monetary Fund (IMF) to combat the virus, dismissing Iran's attempts to secure relief.¹⁶⁹

Around 30 March–2 April 2020, prisoners held in section 5 of Sheyban as well as Sepidar prisons in Ahwaz staged a protest against prison conditions, the presence of coronavirus and the refusal of the government to even temporarily release any of those held on grounds of alleged national security violations, as a precautionary measure to slow the spread of COVID-19. Dur Untash, a US-based source of information on Ahwaz, reported that during the protests, ‘detainees set light to bedding and other items in a desperate attempt to call attention to their plight’.¹⁷⁰ Officials reportedly used excessive force: they shot and beat detainees while others died of suffocation as a result of fires. Around 36 were feared to have been killed.¹⁷¹ At least one is reported to have lost his sight in one eye as the authorities withheld medical treatment to some of the prisoners during and following the unrest.

Those accused of instigating prison unrest face further charges, while the authorities have required families to pay for material damage to the prison. At the time of writing, the authorities had not published any information regarding a public inquiry into the unrest nor had they informed family members where those killed had been buried. By withholding some of their bodies, the

authorities prevented the families from holding funerals. In other cases, prison officials gave reasons for death that did not appear credible.¹⁷²

Coronavirus had already claimed many thousands of lives in Iran, early in the pandemic. The UN’s human rights and health bodies, the Office of the High Commissioner for Human Rights (OHCHR) and World Health Organization (WHO) respectively, had called for a reduction in prison numbers.¹⁷³ Iran had, in places, including in Ahwaz, abided by this call but had not, pointedly, released those imprisoned for peaceful acts relating to expression of opinion, or if they did, the bail conditions were so onerous that families were unable to pay. In Ahwaz many prisoners lost contact with family members as they were no longer permitted to visit.

On 7 April 2020, reports emerged that the authorities had transferred 80 prisoners from Shayban prison to an unknown location.¹⁷⁴ Following a protest outside Shayban prison by the families of detainees, prison authorities said they had been removed.¹⁷⁵ They continue to be held incommunicado in a place not known to their families, where they could be at risk of torture.

5

Conclusion and recommendations

The government of the Islamic Republic of Iran believes that it faces an existential threat from the United States and its allies in the Middle East. The presence of US military forces in the region, the US sanctions regime, and the January 2020 killing of Quds Force Commander Qasem Soleimani near Baghdad Airport all serve to ground Iranian fears.

Internally, Iran also continues to face significant security threats, including acts of terrorism and the trade in narcotics. Armed militants have targeted Iranian military or police installations, including those in urban areas.

However, the national security imperative has driven the Iranian government to turn on many of its own people, committing grave and widespread human rights violations in the name of security and combating terrorism. Thousands of Iranians have suffered arbitrary imprisonment, torture, and/or execution, including members of ethnic and religious minorities and other vulnerable communities such as migrants. Dual nationals and their families have been targeted for harassment or arrest in order to apply

‘ We look at things that have nothing to do with politics or security through the lens of national security ’

– Faezeh Rafsanjani

pressure or employ leverage over foreign governments. Iranian nationals and residents of foreign origin have been subject to trafficking and/or forced recruitment to fight in Syria, among them some of the estimated 3 million Afghans living in Iran.

The conduct of the Islamic Revolutionary Guard Corps in pursuit of Iran’s national security has itself exacerbated pre-existing poor relations with minority communities in Kurdistan and Baluchistan, as well as with Arabs, Azerbaijani Turks and Turkmen, all located on Iran’s borders.

The Iranian authorities continue to employ vaguely worded national security and anti-terrorism laws to conduct trials whose procedures do not meet minimum international due process standards. Mass demonstrations against the government have been met with excessive use of force, and large-scale arbitrary arrest and detention. Any government has a responsibility to maintain public order, but measures taken to safeguard public order and safety should be lawful, necessary and proportionate, and always conform to international human rights standards.

Former member of parliament Faezeh Rafsanjani, daughter of the last president and one of Iran’s better-known dissidents, recently commented that the handling of coronavirus is only one instance where Iran’s politics have gone wrong. She went on to explain: ‘We look at things that have nothing to do with politics or security through the lens of national security.’¹⁷⁶

The national security challenge faced by the Iranian government is real. Its response to that challenge, however, is conducted at the expense of the human rights of the Iranian people.

Recommendations

To the Islamic Republic of Iran:

- Adhere to Iran's obligations under international human rights treaties it has ratified and adopt an action plan to implement recommendations on human rights that Iran has received from UN treaty bodies and the UN Universal Periodic Review.
- Ratify the outstanding international core human rights treaties, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, as well as Additional Protocols I and II to the Geneva Conventions.
- Permit the UN Special Procedures, including the Special Rapporteur on the human rights situation in Iran, to enter the country for monitoring visits.
- Establish an independent, national human rights institution in line with the Paris Principles, responsible for receiving complaints of human rights violations.
- Guarantee the rights to freedom of opinion, expression and assembly and cease the practice of arresting activists engaged in the peaceful defence of human rights. Release all activists imprisoned for their peaceful advocacy of human rights.
- Immediately cease the practice of detaining dual nationals in order to apply political leverage on foreign governments.
- Enable medical professionals and other health activists to raise concerns about COVID-19 response without censorship or persecution.
- Repeal or amend vaguely worded articles in the Islamic Penal Code which allow for the conviction of journalists and human rights defenders, including minority rights defenders and other peaceful activists.
- Repeal or amend provisions in the Code of Criminal Procedure in order to bring administration of justice in line with international standards.
- Respect the right to a fair trial, including by providing access to freely chosen legal counsel during pre-trial detention and all stages of criminal investigation, trial and appeal.
- Ensure that all persons in custody are treated in accordance with international standards and are guaranteed clean and dignified conditions, access to medical treatment, and rights to family visitation and furlough.



- End the use of the death penalty for crimes not meeting the 'most serious' threshold according to international standards.
- Cease the indiscriminate killings of border couriers and take measures to regularize their work.
- Cease the trafficking of persons, including those of Afghan and Pakistani origin, for the purposes of military recruitment.

The international community, including the United States, should:

- Ensure that medical supplies and equipment, including those required to deal with the COVID-19 pandemic, are effectively exempt from sanctions on the Islamic Republic of Iran and are able in practice to be imported to Iran.
- Continue to support the international rule of law by abiding by international agreements reached with Iran, including the JCPOA.
- Continue to support the renewal of the mandate of the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

Endnotes

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- 9 In a private communication, the South Turkmenistan Human Rights Centre (Turkmen-Sahra, Iran) stated that they were Halli Halizadeh, Gurgen Behelke, Meretgeldi Bidar, Ibrahim Nadimi, Arazmuhahamed Basiri, Yagub Kurt and Turkmen community leader Annageldy Gughlani.
- 10 Yousef Azizi Bani Torof, a member of the delegation, stated in a private communication that they presented the demands to Ayatollah Khomeini, Leader of the Revolution, and to senior officials.
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In the Name of Security

Human rights violations under Iran's national security laws

In brief

The national security imperative has driven the Iranian government to turn on many of its own people, committing grave and widespread human rights violations in the name of security and combating terrorism. Thousands of Iranians have suffered arbitrary imprisonment, torture, and/or execution, including members of ethnic and religious minorities and other vulnerable communities such as migrants. Dual nationals and their families have been targeted for harassment or arrest in order to apply pressure or employ leverage over foreign governments. Iranian nationals and residents of foreign origin have been subject to trafficking and/or forced recruitment to fight in Syria, among them some of the estimated 3 million Afghans living in Iran.

The Islamic Republic of Iran faces real national security challenges, both externally from the US and other states, and internally, from armed militants, terrorism and the trade in narcotics. Iranian authorities, however, apply national security laws to almost every aspect of Iranian cultural and social life. The conduct of the Islamic Revolutionary Guard Corps in pursuit of Iran's national security has itself exacerbated pre-existing poor relations with minority communities in Kurdistan and Baluchistan, as well as with Arabs, Azerbaijani Turks and Turkmen, all located on Iran's borders.

The Iranian authorities continue to employ vaguely worded national security and anti-terrorism laws to conduct trials whose procedures do not meet minimum international due process standards. Mass

demonstrations against the government have been met with excessive use of force, and large-scale arbitrary arrest and detention.

This report recommends that the Islamic Republic of Iran:

- Repeal or amend vaguely worded articles in the Islamic Penal Code which allow for the conviction of journalists and human rights defenders under national security provisions
- Immediately cease the practice of detaining foreign and dual nationals in order to apply political leverage on foreign governments
- Enable medical professionals and other health activists to raise concerns about COVID-19 response without censorship or persecution
- Respect the right to a fair trial and ensure that all persons in detention are guaranteed clean and dignified conditions and access to medical treatment
- Cease the indiscriminate killings of border couriers; and cease the trafficking of persons for the purposes of military recruitment.

The report also recommends that the international community, including the US, should:

- Ensure that COVID-19 supplies and other medical supplies and equipment are effectively exempt from sanctions on Iran and are able in practice to be imported
- Support the international rule of law by abiding by international agreements reached with Iran.

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