

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/37/68 para 80

Full recommendation:

The Special Rapporteur accordingly calls upon the Government to ensure prompt, thorough, and effective investigations by independent and impartial bodies of allegations of violations documented, and that those responsible are held accountable. The Government could further consider the use of modern technology to monitor detention centres to deter the torture and other ill-treatment of those detained, interrogated or imprisoned, whilst ensuring that such monitoring is conducted in line with international human rights standards.

Assessment using Impact Iran human rights indicators¹

The shortcomings of the Iranian legal framework leave members of minorities in the Islamic Republic of Iran without legal guarantees that would ensure the full enjoyment of their human rights. The lack of such guarantees goes against Iran's international obligations. As such, Iran's legal framework grants wide impunity to agents of the State who perpetrate violations of the human rights of individuals throughout the country.^{2 3}

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Parliament's Article 90 Commission (established under Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently being reviewed and investigated.⁴ Without mechanisms that are able to independently and impartially review complaints of human rights violations, perpetrators' accountability is severely limited -if not made impossible.

¹ CCPR.7.1.S.1; CCPR.9.1.S.1; CCPR.9.1.S.2; CCPR.9.1.S.3; CCPR.9.2.S.1; CCPR.9.3.S.2; CCPR.14.1.S.2; CCPR.7.1.P.1; CCPR.7.1.P.2; CCPR.9.1.P.1; CCPR.9.1.P.2; CCPR.9.1.P.5; CCPR.9.1.P.6; CCPR.9.2.P.1; CCPR.9.3.P.1; CCPR.7.1.O.1; CCPR.7.1.O.2; CCPR.7.1.O.3; CCPR.9.1.O.1; CCPR.9.1.O.1; CCPR.9.2.O.1; CCPR.9.2.O.4; CCPR.14.1.O.8

² See more : Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³ See more: ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_IJS_IRN_42315_E.pdf

⁴ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

The Supervision and Inspection Board, established under the Law on Respect for Legitimate Freedoms and Safeguarding Citizen's Rights, monitors the compliance of policies and conducts with the law and confronts those in breach. The Board's functions include submitting "the complaints it receives to the relevant bodies and pursuing the investigation until it yields an outcome"; "deploying inspection groups to the bodies"; and "preparing reports on the implementation of laws in the country every three months and making them available to the public every three months."⁵ The Supervision and Inspection Board has also set up a database enabling victims and witnesses to submit their complaints. On the occasion of its 2019 Universal Periodic Review, the Islamic Republic of Iran stated that "the prosecutors, through judges stationed in prisons as well as the Secretariat of the Protection of Citizenship Rights and provincial supervisory boards, conduct regular inspections and investigate any reports or complaints" with regard to allegations of torture.⁶ There is no readily available information that might indicate that complaints have been investigated and adjudicated either by the Board or the Secretariat in an independent and impartial manner.

Additionally, the government of the Islamic Republic of Iran reported that the Citizenship Rights Watch Board carries periodic inspections of prisons and detention centres. According to the government, the body "received and handled 3,275 complaints and reports, through the complaint system, in relation with civil rights violations. Between 2015 and 2018, a number of 28,504 inspections were carried out to prosecutors' offices, prisons and detention centres."⁷ There is no readily available information about the outcome of such inspections and whether they led to the investigation of acts of torture and ill-treatment against detainees.

As a consequence, there is no readily available information that might indicate that the Islamic Republic of Iran is holding agents of the State, who are the subject of complaints handled by the aforementioned mechanisms, accountable. On the contrary, numerous NGO and OHCHR reports deploring the large-scale impunity enjoyed by agents of the State of the Islamic Republic of Iran suggest that these mechanisms of complaints are insufficient and/or inefficient.^{8 9}

Further, the Islamic Republic of Iran lacks mechanisms to hold, agents of its security and intelligence apparatus, notably the Islamic Revolutionary Guards Corps (IRGC), accountable. The IRGC is an independent security force tasked to preserve the ideals of the 1979 revolution.¹⁰ Throughout the years, the IRGC extended its security and intelligence role in Iran, separate from

⁵ See Executive By-law of Article 1(15) of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights.

⁶ Report of the Working Group on the Universal Periodic Review, February 2020, <https://undocs.org/en/A/HRC/43/12/Add.1>

⁷ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

⁹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F50&Language=E&DeviceType=Desktop>

¹⁰ Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

the country's regular forces, notably through its *Basij* all-volunteer paramilitary force and the IRGC Intelligence Organisation. The head of the IRGC reports directly to the Supreme Leader. Thus, in effect he is not accountable to either the government or the judiciary. The Supreme Leader, who appoints, dismisses and accepts the resignation of the chief commander of the IRGC,¹¹ is not accountable to any institution. Consequently, the possibility to challenge the actions of the Islamic Revolutionary Guard Corps is severely limited. Similarly, detention centres headed by the IRGC and other security and intelligence agencies escape government and judicial scrutiny.^{12 13 14 15}

Anti-government protests that erupted in late December 2017 were met with a heavy-handed response by State forces and reportedly resulted in at least 21 deaths and thousands of arrests.¹⁶ In November 2019, authorities violently repressed protests across the country.^{17 18} Reportedly, the death toll ranges from verified reports of 304,¹⁹ to unconfirmed reports of up to 1500 deaths,²⁰ and the number of those injured by security forces is estimated to be several thousands.²¹ Around 7,000 persons were arrested and detained according to a spokesperson for Iran's parliamentary committee for national security and foreign policy, with trials ongoing, some resulting in long prison and death sentences.^{22 23} As of February 2021, the Islamic Republic of Iran has not engaged in investigations consistent with international standards into the reported incidents that occurred during and after the 2019 November protests.²⁴

Numerous reports received by OHCHR have indicated that detainees are regularly kept in poor conditions in Iranian prisons, notably due to overcrowding, serious lack of basic hygiene, lack of

¹¹ Article 110, Constitution of the Islamic Republic of Iran, English translation, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹² Radio Free Europe <https://www.rferl.org/a/1078808.html>

¹³ Ibid.

¹⁴ Rasanah <https://rasanah-iiis.org/english/monitoring-and-translation/reports/prisons-in-iran/>

¹⁵ Radio Free Europe <https://www.rferl.org/a/1078808.html>

¹⁶ "Iran: protect constitutional right to protest", ARTICLE 19, 3 January 2018. <https://tinyurl.com/ycodj649>

¹⁷ Iran: Protests met with violent crackdown and online censorship," ARTICLE19, 19 November 2020.

<https://www.article19.org/resources/iran-protests-met-with-violent-crackdown-and-online-censorship/>

¹⁸ "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020. <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spre/>

¹⁹ Ibid.

²⁰ "Special Report: Iran's leader ordered crackdown on unrest - 'Do whatever it takes to end it,'" Reuters. 23 December 2019. <https://www.reuters.com/article/us-iran-protests-specialreport/special-report-irans-leader-ordered-crackdown-on-unrest-do-whatever-it-takes-to-end-it-idUSKBN1YR0QR>

²¹ "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020. <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spre/>

²² "November Protests; the details of the case of three prisoners who were sentenced to death," HRANA.5 March 2020. <https://www.enhrana.org/november-protests-the-details-of-the-case-of-three-prisoners-who-were-sentenced-to-death>

²³ See more: Article 19, Small Media, Human Rights Activists in Iran, Impact Iran

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fFCS%2fIRN%2f42315&Lang=en

²⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/190/27/PDF/N2019027.pdf?OpenElement>

access to adequate food and water and the denial of access to medical care.^{25 26 27} The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran received numerous reports of the abusive use of torture to extract confessions, use of solitary confinement, and medical treatments conditional upon confession.²⁸ Additionally, numerous reports have documented deaths and cases of ill-treatment of persons detained during the November 2019 protests.^{29 30}

Over the past decade, the Islamic Republic of Iran has not engaged with the UN Special Procedures to organise country visits. In light of the above, Iran does not ensure the prompt, thorough, and effective investigation by independent and impartial bodies of violations of human rights, and those responsible have not been held accountable. Furthermore, there is no indication of the Government considering the use of modern technology to monitor detention centres.

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

²⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

²⁷ UN News, <https://news.un.org/en/story/2020/10/1074722>

²⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

²⁹ Ibid.

³⁰ Amnesty International, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>