



International People's Tribunal on Iran's Atrocities (ABAN TRIBUNAL)

Judgment Summary, 30 September 2022 ¹

I. Introduction

1. On 15 November 2019, the Islamic Republic of Iran (Iranian Government) announced a steep increase in the price of fuel. This sparked mass protests throughout the country, in which protesters expressed their frustration with the fuel hike and raised concerns about wider grievances.
2. The security forces acted over five days to clear the streets and quell the protests. They used both lethal and non-lethal force against civilians. Many hundreds of protesters and some bystanders were killed and many more injured. Thousands of people were arrested and tortured during and in the immediate aftermath of the protests. Some people were disappeared.
3. The Iranian Government has alleged all its actions to be justified and lawful. Victims, family members and others who sought justice have been rebuffed. Many were threatened and themselves subjected to abuses. There has been no domestic investigation, prosecution or other accountability effort in Iran or internationally.
4. The International People's Tribunal on Iran's Atrocities (Aban Tribunal) was established in response to public calls for truth, justice and reparation. It is a People's Tribunal established by civil society. The primary aim of the Tribunal is to establish the truth, rectify historical

¹ Note: This is not an official judgment. It is a summary of the Aban Tribunal judgment which will be released publicly once the Farsi and English versions are both available.

memory and generate moral reparation for harm done.

5. The Aban Tribunal's Prosecutor alleges that the Iranian Government and their security forces violated the rights of the protestors in a variety of ways, including, persecution, unlawful killing torture and other ill treatment, enforced disappearances, and sexual violence. According to the Prosecution, the Iranian Government and various Government and security officials, including Ali Khamenei, the Supreme Leader of the Islamic Republic of Iran, are responsible as a state and individually criminally responsible respectively for these violations which constitute crimes against humanity. In sum, it is alleged that the Iranian Government designed and implemented a criminal plan to persecute the protestors who were merely exercising their political rights to peaceful assembly and protest, as guaranteed by Iran's constitution and several international treaties ratified by the Iranian Government.
6. The Panel of Judges of this Tribunal (the Panel) were appointed by the founders of the Aban Tribunal to evaluate the variety of live, written and video evidence and to adjudicate on these charges, namely to determine whether these events violated the fundamental rights of the protestors and whether any violations amounted to crimes against humanity. The Panel was requested to address both state and individual criminal responsibility and ascertain, if possible, whether the evidence established the responsibility of the Iranian Government and any Government or security official and thereafter make recommendations concerning accountability, redress and reparation.
7. The Aban Tribunal has complied with its Statute and Rules of Procedure and Evidence, with treaties ratified by Iran including the International Covenant on Civil and Political Rights (ICCPR), customary international law including as relates to the prohibition of crimes against humanity, and general principles of law as derived from Iran's Constitution and national laws as well as national laws of internationally recognized legal systems. It applies the concepts of individual criminal responsibility as well as state responsibility.
8. Most of the evidence was heard in two public sessions held in London, United Kingdom from 10 - 14 November 2021 and online from 4-6 February 2022. Fifty-five witnesses including protestors, relatives of protestors and bystanders killed, individuals who had been subjected to arbitrary arrest and detention and torture as well as unfair trials, healthcare workers, and former security and judicial officials were heard. The Panel also heard expert witnesses, including authors of investigative reports. The Tribunal also received written statements from 169 witnesses which were tendered into evidence and reviewed by the Panel.

9. The Iranian Government was invited by the Tribunal to participate in the proceedings and provide any information or evidence. Even though officials of the Iranian Government spoke publicly in Iran about the proceedings, this formal invitation was not acknowledged and the Government declined to participate.

II. The Tribunal's Analysis of the Evidence Presented

10. Protesters included children, men and women who came from a variety of professions, including mothers, university students, labourers and persons of diverse socio-economic backgrounds. Crowds of people congregated in a variety of cities and other centres, chanting slogans. Some had pitched tents. Traffic was blocked by drivers who left their cars stationary in the middle of the street. In some locations, tyres were set alight.
11. The protests were mainly peaceful, however, there were isolated reports of violence, mainly in retaliation for violence by security forces. Some protesters threw stones, mainly in self defence. The level of violence did not justify the use by the security forces, including the police forces (NAJA), the IRGC, the Basij, and other plainclothes forces, of lethal force, illegal and indiscriminate forms of ammunition, or the frequent use of water cannons, truncheons and batons, routinely used to beat, wound, intimidate and arrest unarmed protesters.

II.1 The right to protest and the use of less lethal force during protests

12. Overall, a clear pattern of force was used to disperse overwhelmingly peaceful protests in breach of the obligation of the Iranian Government to respect freedom of peaceful assembly. Authorities violated the protesters' right to express their opinions and their right to gather in public to collectively and individually protest government policies. Security forces failed to plan, in advance, negotiate with protesters and use de-escalation techniques to control the protest and ensure that the protest could continue peacefully. Instead, they deliberately escalated tensions and made a peaceful situation very dangerous. The criminalisation of the right to protest was total. The authorities sought to quash the protests by any means and to punish the protesters by excessive, unnecessary and unjustified non-lethal and lethal force without consideration of necessity and proportionality.
13. Teargas, water cannons, batons and other equipment were used to disperse people, and also as weapons, on persons who were retreating from the scene. Protestors were beaten indiscriminately, reckless as to whether significant damage, including death, was the result. Authorities frequently used pellet guns including prohibited multiple-shot pellets to shoot

directly at protesters and bystanders, including against children and persons who were attempting to flee the scene. Some of the persons who were shot died of their injuries. There are many reports of persons including children being shot with pellets in their eyes, resulting in permanent loss of vision.

14. Immediately when the protests started, the Security Council held sessions at the provincial and town levels. The general order to use firearms against protesters was given by the Ministry of Interior in consultation with the Security Council and it was communicated to the provinces and governors. On 17 November 2019, Ali Khamenei, Supreme Leader, described the protesters as “villains” who were incited to violence by counter-revolutionaries and foreign enemies of Iran. He ordered security forces to “implement their duties” to end the protests, effectively giving the green light for the brutality to continue.
15. The types of weapons used and the manner in which they were used demonstrates that security forces either meant to cause the injury or death of the victims, or were aware that injury or death would occur in the ordinary course of events and continued to act nonetheless. Security forces used force against protesters to intimidate and coerce them into stopping the protest, and punish them for daring to participate in what the authorities considered to be an illegal protest. The evidence demonstrates that the authorities were routinely seeking to cause as much harm as possible, without any effort to avoid the use of these tactics, including dangerous weapons, against children, the elderly or those with disability. Security forces resorted to force quickly and without warning leaving the protestors and bystanders with no opportunity to avoid serious injury or death.

II.2 The right to life and the use of lethal force during protests

16. At least three hundred and four, and likely significantly more, protesters and bystanders were indiscriminately and unlawfully killed, with extensive and credible witness evidence from incidents in Ahvaz; Alvand; Andimeshk; Arak; Behbahan; Fardis; Isfahan; Islam Shahr; Karaj; Khuzestan; Kermanshah; Mahshahr; Marivan; Omidyeh; Shahr-E-Qods (Qods); Sanandaj; Shahriar; Shiraz; and Tehran. As already found, authorities used lethal force without warning, randomly shooting with live ammunition including machine guns, and in some cases, illegal weaponry and/or ammunition into large crowds to disperse protesters and even appearing to target specific protesters. Security forces, often stationed on rooftops, fired directly at protesters, hitting many above the waist, indicating, at minimum, a reckless disregard for

human life if not an actual intent to kill. Wounded persons detained were routinely denied medical assistance resulting in more long-lasting injury and even their deaths.

17. The evidence shows that arbitrary killings were planned, coordinated, and directed by the highest echelons of the state. There is no evidence to suggest that authorities from the local to the central undertook any action to stop the killings, or after the fact to investigate, prosecute and punish those responsible.
18. The evidence also established that security forces were specifically authorized to use lethal force against unarmed protesters, including shooting to kill. The now Commander of Alborz Province authorized security forces in that area to “do whatever they wanted to do” including firing on protesters.² The Basij and Sepah, in particular, fired “everywhere.”³ A confidante of a Friday Prayer Leader testified that in a session with the Friday Prayer Leader the IRGC took control of the meeting and said the protests had to end and security forces were permitted to do whatever they had to do, including shooting people, to stop them. He testified shoot to kill orders came from Tehran.⁴ Witness 418, a member of the police force, testified that though the police were not ordered to shoot, the IRGC and Basij were ordered to do so; they were the forces shooting at protesters.⁵ Security force members who refused to comply with this order were arrested, beaten and punished.⁶

II.3 Arbitrary arrest and detention

19. Security forces engaged in the arbitrary arrest and detention of thousands of civilians during and in the aftermath of the protests. Credible and consistent evidence of arbitrary arrests and detentions in Ahvaz; Arak; Behbahan; Fardis; Gorgan; Isfahan; Islam Shahr; Karaj; Kermanshah; Khuzestan; Marivan; Mashad; Omidiyeh; Qom; Sanandaj; Shahriar; Shiraz; Tehran; Urmia was received, analysed and reviewed by the Panel. In some locations, Basij forces rode around on motorcycles, shooting coloured paintball pellets at people on the streets – without verifying whether they were participating in the protests or were passers-by – so that intelligence forces would thereafter identify the people marked by the pellets and arrest them. Arrests were effectuated without warrants or legal justification. Often, security officials entered hospitals and dragged away patients injured in the protests. Also, injured protesters were taken from protest sites to police stations for interrogation and arbitrary detention instead of

² W5, 13 November 2021; W407, 4 February 2022.

³ W5, 13 November 2021; W418, 6 February 2022.

⁴ W185, 10 November 2021.

⁵ W418, 6 February 2022.

⁶ W601, 6 February 2022.

hospitals to be treated. Detainees were routinely denied access to family members, to counsel and to a fair trial. Many detainees were forced to sign undertakings upon release that they would not be involved in future protests. Family members of protesters who were injured or killed were themselves threatened with arrest or other harassment if they spoke to the media or revealed anything about the circumstances in which victims died.

II.4 Enforced Disappearances

20. The Panel has heard evidence that numerous individuals were arrested, detained, killed or abducted by the Iranian security forces. A number of persons went missing during or in the immediate aftermath of the protests. Some whose whereabouts still remain unknown. Witness testimony confirms that incidents of enforced disappearance took place, particularly in Marivan; Omidiyeh; Razavi Khorasan; Sanandaj; Shahriar; Shiraz; and Tehran. The evidence shows that Iranian security forces were responsible for these disappearances and for the deaths of individuals whose bodies were later found. These testimonies were consistent with expert witness testimony that described how many detained protesters were subjected to incommunicado detention and enforced disappearance for days, weeks or even months while held in undisclosed locations, in unofficial secret detention places, or in official “security detention facilities” run by the ministry of intelligence or IRGC.⁷
21. The evidence available to the Panel also reflects that Iranian Government and their forces did nothing to assist families in determining the fate of their disappeared loved ones. They did not, for example, ever offer to investigate the disappearances. Similarly, no explanation or justification was ever offered by Iranian authorities for keeping detained people in custody without letting their families know where they were and their intended fate.

II.5 Torture and other cruel, inhuman or degrading treatment or punishment

22. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is absolute, meaning there is no possible justification to torture. Individuals cannot be deprived of their right to freedom from torture and other prohibited ill-treatment including in the context of protests. This applies to all types of demonstrations, whether they are peaceful or

⁷ W Raha Bahreini, 11 November 2021, p. 7. See also, Kalshoven-Gieskes Forum on International Humanitarian Law, Expert Report, pp. 68-69. *See also*, pp. 70-71, 122-123, 126.

violent, lawful or unlawful.⁸

23. Article 6(2)(f) of the Statute of the Aban Tribunal defines torture as the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused. To establish the crime of torture the evidence must show that the perpetrator(s) inflicted severe physical or mental suffering on a person, either by an act or omission.⁹ The Government may also be found responsible for violating the human rights obligation to exercise due diligence to prevent torture or otherwise comply with its obligations to investigate, prosecute and provide remedies to victims.
24. The evidence establishes that protesters were detained in inhumane conditions and subjected to torture in Ahvaz; Arak; Baluchestan; Behbahan; Isfahan; Kermanshah; Marivan; Rasht; Shahriar; Shiraz; and Tehran. Detainees were routinely severely beaten, held in prolonged solitary confinement, electrocuted, kept in freezing temperatures, subjected to psychological methods of torture such as sleep deprivation, threats of rape and death, threats made against family members, and enforced nudity. They were interrogated and forced to confess to instigating and participating in violent protests, causing arson, destroying public property, provoking people to come to the streets to riot, and disrupting the order and security of the country. There was a lack of medical treatment for the wounded or injured. Some child detainees were sexually abused and denied medical attention. Some female detainees were subjected to psychological torment, including acts of humiliation, sexual violence and denial of privacy.

II.6 Sexual violence and rape

25. Despite the challenges associated with coming forward about such acts, the Panel heard convincing testimony concerning sexual violence and/or rape which occurred in Bukan; Isfahan; Khorramabad; Shiraz; and Tehran. These acts were perpetrated against women, men and children to intimidate, humiliate and otherwise punish the victims. In one instance, the act of sexual violence took place on the street. Judges who were informed of such assaults refused to act.

⁸ See UN Special Rapporteur on Torture, *Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment*, UN Doc. A/72/178 (20 July 2017), para. 15, referring to the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 7 September 1990, paras. 12-14.

⁹ *Prosecutor v Dominic Ongwen*, ICC-02/04-01/15, [Trial Judgement](#), 4 February 2021 ('Ongwen Trial Judgement'), para. 2700; *Prosecutor v. Delalić et al.*, IT-96-21-T, [Trial Judgement](#), 16 November 1998 ('Delalić Trial Judgement'), para. 468.

II.7 Right of access to justice

26. Iranian authorities deliberately attempted to shield what happened from the public, denying victims, family members and the Iranian people the right to truth. Not only did Iranian authorities fail to investigate allegations of unlawful killings, torture and ill-treatment and arbitrary arrest on their own initiative, they deliberately sought to suppress any incriminating information from entering into the public domain, thwarted formal complaints lodged by victims and family members and shut down public debate about what happened, denying victims, family members and the Iranian people the right to truth. The Panel was unable to locate a single case of a public official that has been investigated or otherwise held accountable, for ordering, committing or acquiescing to crimes committed in the context of the protests.
27. Corpses were typically only returned to grieving family members if the families agreed not to speak publicly about what had happened and to limit their mourning practises, including the nature of mourning ceremonies and what could be written on the tombstones. In many instances, autopsy reports were not provided to family members. Persons arrested, charged and/or convicted of offences linked to the protests were warned by intelligence and security officials not to disclose the details of court cases and verdicts to news organizations and human rights groups. In some of these cases, the individuals who were convicted and sentenced in connection with the protests were never provided with an official determination as to what they were convicted of and why. Often, authorities discouraged family members from filing complaints about their loved ones who were killed during the protests and from following up on complaints already filed. Many individuals were threatened by security forces, faced harassment and were summoned to appear before intelligence services sometimes resulting in further threats and arbitrary arrests. Those who persisted in seeking answers to the legitimate questions they had about the deaths of their loved ones or have sought to speak about the injustice they face publicly, have also received threats of violence and death.
28. Some of the witnesses who courageously testified before the Panel, in person or online, and their family members were subjected to reprisals including harassment and intimidation by Iranian authorities, signaling to all that they had no right to expect truth or justice and would be punished for seeking either.
29. Complaints have not resulted in the initiation of a timely, transparent or effective investigation. Many complaints have been summarily dismissed on the simple assertions of public authorities that they were not involved, without any independent investigation ever taking place. Numerous witnesses explained that authorities would tell them virtually anything to shut down

the conversation on complaints. Often the rationale given was that the person killed had participated in the protests and this obviated the need for an investigation, presumably on the basis that any use of force against a protester, even lethal force, was incontrovertibly justified. This is despite the clear obligation on the competent authorities to carry out an effective investigation in any case of alleged killing by the state.

30. Many families have been pressured into accepting “martyr” status for their loved ones who had been killed. This status traditionally refers to persons who have died in the service of the Islamic Republic or to civilians who were killed accidentally in conflicts between military or intelligence forces with enemies. While this ultimately may entitle them to payments in the form of monthly wages or other benefits from the Foundation of Martyrs and Veterans, or a *dija* (blood money) payment depending on the circumstances, it appeared designed to foreclose the prospect of any criminal investigation into the alleged responsibility of the state and its officials for the killing. Because of the connotation attached to designation of “martyr” status, namely that the recipients were thereafter aligned with the state, many families resisted the designation (and the payments). Needless to note, the policy on designating victims of the 2019 Aban protests as martyrs ignores that peaceful protest is not a crime, and that any alleged killing by the authorities merits scrupulous and independent investigation, regardless of what the purported role of the victim of the killing may have been.
31. Many individuals who have been arrested and detained in the context of the protests, of whom many were subjected to torture and other forms of prohibited ill-treatment, have had their coerced confessions serve as the basis for criminal charges lodged against them leading to grossly unfair judicial proceedings. Many detainees were denied access to lawyers during the investigation phase, and some were denied the assistance of a lawyer of their own choosing at their summary and predetermined trials.

II.8 The right to dignity including the right to dignified burial in international law

32. Each human being possesses worth intrinsic to their humanity and is entitled to respect by virtue simply of being a human being. The right to dignity implies the respect for the autonomy and equality of all persons and is the foundation of all human rights. Where individuals died because of the authorities’ use of excessive force, their right to dignity requires *inter alia* that their bodies are handled respectfully and in a manner that protects their dignity.¹⁰ A failure to

¹⁰ International Committee for the Red Cross (ICRC), Advisory Service on International Humanitarian Law, ‘*Humanity after Life: Respecting and Protecting the Dead*’, August 2019, p.1.

comply with these standards results in a violation of the deceased's right to dignity. It can also result in pain and suffering of family members that might amount to inhuman or degrading treatment, where the pain and suffering is different to the natural pain and suffering experienced as a result of the death itself.¹¹

33. One main goal of victims' right to a remedy and reparation, is to restore their dignity.¹² States must provide reparation to victims by taking a range of measures, including restitution, compensation, rehabilitation, satisfaction and the right to know the truth, as well as to guarantee non-repetition of violations and crimes.¹³ States cannot oblige victims to give up on their right to reparation or to condition the provision of reparation on the signing of certain undertakings like a promise not to initiate judicial proceedings against the state. Specifically in the context of enforced disappearances, for example, the UN Human Rights Committee considers that "[U]nder no circumstances should families of victims of enforced disappearance be obliged to declare them dead in order to be eligible for reparation."¹⁴
34. States not only have a responsibility towards the deceased victim but also towards that victim's family. They must investigate the circumstances that led to the victim's death and keep the family informed if they so wish. The authorities are obliged to search for and identify the bodies of those killed, and to assist "in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities."¹⁵ Where the remains are not in the possession of the family already, they must be returned promptly so that they can be buried in accordance with the family's wishes and their religious beliefs.¹⁶ These standards are also reflected in international humanitarian law, which has extensive provisions regarding the dignified treatment of the dead.¹⁷
35. A key source of Shia jurisprudence, that of Mohammed Yazdi, provides clearly for the sanctity of the dead calling on the Muslim community to show utmost respect in burial. In fact, he even provides for situations where a person may be exhumed from their grave and moved to a new grave, including where that person "was not washed and shrouded", "was not washed

¹¹ *Case of Moiwana Community v Suriname* (Preliminary objections, merits, reparations and costs), Series C No. 124 (IACtHR, 15 June 2005), paras. 98- 100.

¹² *Ibid*, para.22 (d).

¹³ HRC, General Comment No. 36, para. 28.

¹⁴ ⁹ HRC, General Comment No. 36, para. 58.

¹⁵ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Human Rights Violations and Serious Violations of International Humanitarian Law, principle 22 ©.

¹⁶ *Case of The Rio Negro Massacres v Guatemala* (Preliminary Objections, Merits, Reparations and. Costs), Series C No. 250 (IACtHR, 4 September 2012), paras.157-163.

¹⁷ ICRC, *Study on customary international humanitarian law (IHL)*, Cambridge University Press (2005), Rules 112 – 116.

and shrouded correctly”; if “buried without the permission of their guardian” or if “buried in an unsuitable cemetery”.¹⁸ Furthermore, in Khomeini’s *fatwas* in the Book of the Dead, a key source of Shia jurisprudence, there are numerous references on the “sanctity of the dead” and clear orders not to disrespect the sanctity of the dead.¹⁹ It provides for the “respectful burial” of Muslims.

36. In the period during and following the protests, the authorities, in what appears to be a co-ordinate strategy, adopted a policy of harassment and persecution of the families of those killed during the protests. This included delaying the return of the bodies of those protesters who were killed as a means by which to obtain undertakings from their families not to speak to the media about the deaths of their loved ones.
37. According to witnesses who testified before the Panel, security and intelligence officials placed the families under surveillance and attended funerals and commemorative ceremonies to ensure that restrictions were observed. These restrictions included: restrictions on the number of mourners attending; burials being forced to take place at short notice and irregular hours; including in the middle of the night; burials being forced to take place in cemeteries other than those requested by the families; and prohibiting and limiting memorial posters and banners from being displayed in public places or on social media. Witnesses also expressed their distress at officials attending burials and memorial services to ensure compliance with the restrictions.
38. In certain cases, bodies were returned for immediate burial, depriving the families of their right to administer the last rites to their loved ones in a manner consistent with their religious beliefs and customs. Witnesses testified that officials washed and prepared the bodies for burial without informing the families and then handed over the bodies for immediate burials.
39. The Panel also heard from witnesses that the payment of *diyyah* was often linked to the securing of an undertaking from families that they would not lodge any complaints nor speak to the media about their loss.

¹⁸ Yazdi, Mohamed, *Al Urwa al Wuthqa*, volume 2, pp 50-52, Qum, Iran.

¹⁹ See Ayatollah Khomeini collection of jurisprudence, pp 78 onwards, http://shiaonlineibrary.com/%D8%A7%D9%84%D9%83%D8%AA%D8%A8/717_%D8%AA%D8%AD%D8%B1%D9%8A%D8%B1-%D8%A7%D9%84%D9%88%D8%B3%D9%8A%D9%84%D8%A9-%D8%A7%D9%84%D8%B3%D9%8A%D8%AF-%D8%A7%D9%84%D8%AE%D9%85%D9%8A%D9%86%D9%8A-%D8%AC-%D9%A1/%D8%A7%D9%84%D8%B5%D9%81%D8%AD%D8%A9_80#top.

III. Summary of Findings

III.1 Findings related to violations of human rights

40. The government of Iran and its security forces are responsible for the massive and gross violations of human rights during and in the aftermath of the protests. In particular, the failure to guarantee citizen's right to peaceful protest, including the right to express dissent and voice grievances even when they go against government policy. Not only did the government thwart peaceful protests, it actively persecuted all persons it associated with the protests in order to make clear that no dissenting civil society space is to be tolerated in the country. This is in direct contravention of Article 21 ICCPR. The restrictions the government imposed, including the use of both non-lethal and lethal force, were not proportionate or necessary and only served to extinguish the right to protest and violate the range of civil and political rights of individuals who were simply asserting their right to engage in public debate.
41. The violent and targeted attacks on protesters which led to unlawful, arbitrary and indiscriminate killings violated the right to life of ordinary Iranians of all ages and genders, in all parts of the country. It is unlawful for a government to order, cause or allow officials to shoot to kill protesters or indeed any persons who do not pose an immediate threat to life. It violates Iran's international obligations and its Constitution. It is also criminal behaviour. Furthermore, the right to life requires the government to exercise due diligence to prevent, investigate and prosecute all allegations or occurrences of arbitrary deprivation of the right to life. The evidence demonstrates that the Iranian Government failed this test. To the contrary, the protesters and others in their vicinity were not seen as worthy of having their lives safeguarded.
42. The security forces acting through their chains of command appeared to be under the mistaken belief that they had absolute authority to arrest any person in connection with the protests, simply by deeming those protests unlawful. The actions of the authorities in effecting arbitrary arrests, and releasing detainees only on the condition of forced confessions, promises to avoid future involvement in protests, and to refrain from speaking about their time in detention, violated Article 9 of the ICCPR among other human rights provisions.
43. The Panel has determined that there were several instances of enforced disappearances, involving persons who were taken by authorities and either kept incommunicado in undisclosed locations for extended periods of time before being released, or never to be heard from again. The practice of enforced disappearance including the failure of authorities to

acknowledge or give information about victims' whereabouts is devastating for victims' families and violates Article 2(3), 7 and 9 of the ICCPR. The failure to have in place and to enforce a system whereby individuals are only arrested on lawful grounds, and anyone detained is appropriately registered also violates the due diligence obligations to prevent these violations.

44. Acts of torture and other cruel, inhuman or degrading treatment and punishment including sexual violence were commonplace by security forces on the streets as well as in detention centres in violation of Article 7 ICCPR. Protesters were impermissibly routinely and severely beaten at protests causing severe physical and psychological suffering. The Panel underscores that these acts could never have served any law enforcement function; they were simply an exercise of brute and unlawful force. Detainees including women and children were routinely tortured and ill-treated, occasionally subjected to sexual violence and to other inhuman conditions of detention. There is no evidence of any effort to prevent, prohibit, prosecute or afford reparations for this torture and ill-treatment. Instead, torture was routinely used to obtain confessions which were not rendered inadmissible in court proceedings.
45. These various violations stem from the direct acts attributable to the government and members of the security forces, of ordering human rights abuses to take place, and directly perpetrating those abuses. The responsibility of the government also stems from its failure to exercise due diligence to protect protesters and ordinary citizens from harm during and in the immediate aftermath of the protests as well as its failure to investigate and prosecute the crimes that ultimately occurred.
46. The government has thwarted efforts made by victims, their families, journalists and ordinary members of the public to know the truth about what happened, violating the right to truth.
47. In preventing the families from burying their loved ones in dignity and in accordance with their religious rituals and customs, the Iranian Government breached Article 15 of the ICESCR, which Iran has ratified. These actions can also amount to cruel, inhuman or degrading treatment in violation of Article 7 of the ICCPR.
48. Victims' and their families' right to a remedy and reparation in equality and dignity was routinely denied. That some (though not all) persons have been offered or afforded martyr status for deceased loved ones is inconsequential, as it requires victims to give up their quest to find out what truly happened and to obtain a measure of accountability in respect of the individuals and the governmental bodies that perpetrated or created the conditions for the crimes to occur. Victims and their families deserve truth, accountability *and* reparations. The

right to reparation should not be contingent on what they say in public or how they decide to frame their grievances.

Conclusion

49. The Panel’s unanimous judgment is that the Islamic Republic of Iran is responsible for violating the following rights and freedoms: freedom of assembly; the right to life; the right to liberty and security of the person; freedom from enforced disappearances; freedom from torture and other cruel, inhuman or degrading treatment or punishment, including sexual violence and rape; the right of access to justice; the right to dignity, including dignity of the dead.

III.2 Findings related to crimes against humanity

50. The Prosecution has alleged that the State of Iran’s reaction to the protests which took place in November of 2019 constituted the commission of crimes against humanity. Article 6(2) of the Statute of the Aban Tribunal provides that for an act to constitute a crime against humanity, it must be committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”.

51. Based on the evidence made available to it, as well as the legal principles applicable in this case, the Panel finds that the crimes of murder, imprisonment, enforced disappearances, torture, sexual assault, and persecution (majority, Rohan dissenting) were established by the evidence beyond a reasonable doubt.²⁰

52. There was an attack against the civilian population in Iran in November 2019, and this attack was widespread. The Iranian Government, using its security forces, pursued a plan to commit serious criminal acts against large scale protests that amounted to a widespread attack on the civilian protesters. While protests were recorded in twenty nine of thirty-one provinces, in at least twenty of these provinces, the Iranian security forces engaged in murder; in at least twenty provinces, the Iranian security forces engaged in wrongful arrests and imprisonment; and in at least eleven provinces, the Iranian security forces engaged in beatings and torture against the civilian population involved in the protests. The Panel has noted expert evidence that the Iranian security officials arbitrarily arrested, detained, and tortured over seven thousand individuals during the five days of the protests, in at least twenty eight out of Iran’s thirty one provinces.²¹ The Panel has found that the total number of civilians recorded as being killed is

²⁰ See, Separate Opinion of Panel Member Rohan on the crime against humanity of persecution.

²¹ Expert report Robert Heinsch, p. 126; Expert Report Shadi Sadr, p. 5,

above three hundred (and possibly as high as one thousand five hundred fifteen, according to expert evidence).²² The testimony offered by fact witnesses heard by the Panel strongly suggests that the casualties may have been significantly higher than the lower range of these approximations.

53. The Panel considers that the acts of enforced disappearances were part of the plan. Similarly, the sexual assault and threats to (and actual commission of) rape against detained protesters were acts that can be classified as torture and also part of the plan. They formed part of the Iranian security forces' attack on the civilian population and were part of the course of conduct designed to silence the protesters and force confessions from them.
54. In accordance with Article 6(2)(f) of the Statute of the Aban Tribunal, the Majority (Rohan dissenting) also finds that the evidence also demonstrates beyond a reasonable doubt that the crime against humanity of persecution on political grounds was intended and committed by the State of Iran. A group can be described as political if its participants share membership in a political party or hold ideologically similar political beliefs, constitute an actual or perceived opposition, or hold dissenting views (including political protesters) to that of a particular political regime.²³ A political group may be constituted by those targeted by reason of personal political affiliations, whether actual or merely perceived, by the perpetrator.²⁴
55. The Panel notes that it has found that the Iranian security forces severely deprived civilian protesters across Iran of their fundamental human rights. The Panel (Majority, Rohan dissenting) further finds, as discussed below, that the various protesters across the provinces in Iran relevant to this judgement were identified from the outset of the protests as a political group by the Iranian Government and their security forces. These protesters, as well as other individuals who were mistakenly identified as protesters by the security forces, may not have actually possessed any closely aligned or ideological political views, however they were clearly bound together either by their immediate opposition to the fuel hikes and latterly by their opposition to the government or by the perception of the Iranian Government and their allied security forces. Accordingly, the majority (Rohan dissenting) finds that anybody identified by the security forces as being opposed to the Supreme Leader's regime formed part of the

²² Expert Report Raha Bahreini, p. 4.

²³ ICC Pre-Trial Chamber, *Situation in the Libyan Arab Jamahiriya*, ICC-01/11, [Decision on the "Prosecutor's Application Pursuant to Article 58 as to Muammer Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi"](#), 27 June 2011, para. 60-65; ; *Prosecutor v. Sampán & Chea*, 002/19-09-2007-ECCC/SC, [Appeal Judgment](#), 23 November 2016, para. 669.

²⁴ *Ongwen Trial Judgment*, para. 2737 (citing *Situation in Burundi Authorisation Decision*, para. 133; *Prosecutors v. Kaing Guek (alias Duch)*, 001/18-07-2007-ECCC/SC, [Appeal Judgement](#), 3 February 2012 ('Dutch Appeal Judgment'), para. 272).

political group which was targeted by these forces and their fundamental rights severely attacked or curtailed.

56. The cumulative nature of these acts indicates that the attack was widespread. Therefore, the Panel concludes that, having regard to the large geographical scope of the crimes committed across Iran, the seriousness of the crimes, as well as the large number of victims involved, the test of ‘widespread’ attack has been met.
57. Further, the Panel considers that the evidence established that the crimes that occurred were part of a systematic attack on the civilian population in Iran. The crimes across the different provinces were remarkably uniform and reflected a similar pattern of acts across the provinces. The attacks followed a regular pattern resulting in the continuous commission of, or the non-accidental repetition of acts.²⁵
58. The evidence from members of the Iranian Security Forces, among other witnesses, on the structure and activities of the various groups which comprised the security forces at the time of the November 2019 protests established beyond a reasonable doubt that a command structure exists within and between the Government and the security forces allowing cooperation among them regarding the manner in which the response to the protests was implemented around the country. Also, as found by the Panel above, the evidence shows that the arrests, detention, torture and assaults of protesters followed similar patterns across the country, raising the strong inference of a pre-existing or extemporaneous plan.
59. The shooting order, which appears to have emanated from the Supreme Leader’s office, was transmitted to the different provincial councils, who in turn ordered their various security forces and government authorities, including prosecutors, to use any means, including shooting at protesters, to end the protests. The evidence established that the coordinated attacks across Iran were highly likely to have been conducted under a command hierarchy headed by the Ayatollah Khamenei in Tehran and leading systematically down through various governmental and security forces to the local levels.²⁶
60. Attacks on the protestors by the security officials and forces were made pursuant to the plan. The evidence is clear that aside from the local police, even the judiciary was collaborating with the Iranian security forces and the Ministry of Intelligence in ensuring that the security officials could continue to commit crimes against civilians without any legal repercussions.

²⁵ *Katanga Trial Judgment*, para. 1162.

²⁶ Ali Ansari: expert report “Political Structures and Governance in the Islamic Republic of Iran;” and testimony 11 February 2022.

Furthermore, State resources were allocated for the attacks.

61. The Panel has found beyond a reasonable doubt that the Iranian security forces launched an attack against the civilian protesters across several provinces in Iran, which included the commission of the crimes of murder, imprisonment, enforced disappearances, torture, sexual violence and persecution. The totality of the circumstances of the attack demonstrate that this attack was widespread in nature. It was also systematic.

Conclusions

62. **The Panel unanimously finds that the totality of these findings establishes beyond a reasonable doubt that the Iranian Government and the security forces (including Ministry of Interior, the Supreme Council of National Security, Provincial Security Councils, police forces (NAJA), the IRGC, the paramilitary Basij, Ministry of Intelligence, other plainclothes forces and the Ministry of Justice) designed and implemented a plan to commit crimes against humanity of murder, imprisonment, enforced disappearances, torture and sexual violence in order to quell the protests and conceal the crimes committed.**
63. **The Majority (Rohan dissenting) also finds beyond a reasonable doubt that this criminal plan included the crime of humanity of persecution, that is the protesters and bystanders were discriminately targeted for their collective involvement in the protests and/or their perceived association with that group and their rights severely curtailed or denied.**

III.3 Findings related to individual criminal responsibility for crimes against humanity

64. The Prosecution has listed the names of 160 individuals as perpetrators responsible for the crimes against humanity which took place in Iran in November 2019. They have alleged a number of theories of liability as to all of these individuals including joint criminal enterprise, indirect perpetration, co-perpetration, and command and superior responsibility. The Panel is asked to infer the personal criminal liability of these individuals from the positions they held in the hierarchy of the government and/or security forces in Iran as well as the evidence that the governmental and security forces with which these individuals were associated participated in the November 2019 crimes. The Prosecution also rely upon the absence of any evidence that any of these individuals, holding positions of authority in the Iranian Government or security forces, took any action within their limits of their authority or at all to prevent or punish the crimes of their subordinates.

65. The Panel has concluded that the evidence establishes beyond a reasonable doubt that the Iranian Government and the security forces designed and implemented a plan to commit crimes against humanity of murder, imprisonment, enforced disappearances, torture, sexual violence and, Rohan dissenting, persecution in order to quell the protests and conceal the crimes committed. Even though the Panel did not have the benefit of any participation in these proceedings by the government of Iran or any of the named alleged perpetrators, it was able to do so based on the presentation of consistent, reliable evidence, including from a variety of independent witnesses located across the country who were themselves victims of those events or otherwise had personal knowledge of the events of November 2019.
66. The question of imposing individual liability on the named members of the government and security forces for the criminal plan and the crimes found established cannot be so categorically resolved. The available evidence did raise, based on a variety of evidence, including: the position and function of these individuals in the governmental and security forces and the wholesale failure to sanction or punish the actual perpetrators of the crimes against humanity, the strong suspicion of the individual liability of many of these individuals. This suspicion constitutes cause for the international community to agree to investigate what happened in Iran in November 2019 and to determine who is individually responsible for the commission of the crimes against humanity against the unarmed civilian population taking part in, or bystanders to, the protests.
67. This evidence has allowed the Panel to unanimously conclude that in relation to thirteen of the named individuals there is a powerful case to answer that they are criminally liable for the crimes against humanity which took place *under one or more of these theories of individual criminal liability*. A case to answer is based upon the balance of probabilities, namely that the evidence establishes that these individuals are more likely than not to have significantly participated in the planning and implementation of the criminal plan to commit the aforementioned crimes against humanity discussed at section III.2.3(b) of the judgment.
68. A trial process is essential to allow these cases to be further considered to ascertain whether the evidence establishes *beyond a reasonable doubt* the individual criminal responsibility of these Iranian Government officials and to ensure that the victims of these crimes have their rights to due process, accountability and justice fully and transparently vindicated.
69. In other words, the Panel finds that it is more likely than not that the following individuals

planned and implemented the criminal plan to commit crimes against humanity, their contribution was significant and/or essential and they shared a criminal intent to commit the crimes against humanity of murder, imprisonment, enforced disappearances, torture, sexual violence and, Rohan dissenting, persecution in order to quell the protests and conceal the crimes committed.

- i) Ali Khamenei – Supreme Leader of the Islamic Republic of Iran (LIRI)
- ii) Hassan Rouhani - President of the Islamic Republic of Iran (President)
- iii) Ali Shamkhani - The secretary of the Supreme National Security Council (SNSC), The Leader of the Islamic Republic of Iran (LIRI)'s representative in SNSC
- iv) Ebrahim Raisi - Head of Judiciary
- v) Abdolreza Rahmani Fazli - Minister of Interior
- vi) Hossein Ashtari - Chief Commander of the Police of the Islamic Republic of Iran (NAJA)
- vii) Hossein Salami - Chief Commander of Islamic Revolutionary Guard Corps (IRGC)
- viii) Gholamreza Soleimani - Head of the Basij Organisation
- ix) Hassan Karami - The Commander of the Special Units of Iran's Police
- x) Habibollah Jan Nesari - The Deputy Commander of the Special Units of Iran's Police
- xi) Leila Vaseghi - Governor of Shahr-e-Qods
- xii) Abdolkarim Geravand - Governor of the City of Bushahr
- xiii) Mohammad Mahmoud-Abadi - Governor of Sirjan

70. In conclusion, the Panel considers that these Iranian officials, and likely many others occupying positions of authority and/or control in the governmental and/or security forces, are more likely than not to have taken part in the criminal plan; are responsible for the entirety of the crimes and shared the criminal intent. The Panel finds that it is more likely than not that they are responsible pursuant to one or more of these internationally recognised modes of liability.

IV. Recommendations

71. In the event of findings concerning violations or crimes, the Panel was requested to make recommendations concerning accountability, redress and reparation. The Panel recommends the following.

IV.1 To the Islamic Republic of Iran

72. Conduct independent, impartial and transparent investigations in line with international standards into the human rights violations and crimes against humanity which occurred in connection with the protests of Aban 2019 and institute proceedings against all those reasonably suspected of human rights violations in the context of these protests, drawing on the conclusions reached by the Tribunal.

73. Institute criminal proceedings against persons reasonably suspected of murder, sexual violence, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary detention, enforced disappearance and persecution as well as all associated crimes against humanity.

74. Acknowledge fully its responsibility and liability for the human rights violations and crimes which occurred in connection with the protests of Aban 2019, issue a full and frank apology and ensure appropriate reparation and compensation for victims and their families.

75. Immediately release all those held in arbitrary detention in relation to the protests of Aban 2019, and all individuals similarly arrested for the exercise of their rights to freedom of opinion, expression, association and peaceful assembly, including in relation to the most recent protests occurring in response to the death of Mahsa Amini after injuries sustained while in police custody. Immediately reveal the fate and whereabouts of persons who were disappeared as part of the protests of Aban 2019.

76. Immediately cease all forms of intimidation, harassment and acts of reprisal against the protesters and bystanders in the protests of Aban 2019, and their families and associates, as well as witnesses and civil society actors participating in this Tribunal.

77. Ensure the legal system allows fully for individuals to protest in line with the International Covenant on Civil and Political Rights to which the Islamic Republic of Iran is party, including by reforming laws that limit or deny the rights of freedom of opinion, expression, association and peaceful assembly.

78. Immediately cease the use of laws and practices which enable state violence, subvert due process and erode human rights, and put in place mechanisms to ensure that violations and crimes such as those outlined in this judgment do not recur.
79. Take all reasonable steps to reform Government institutions, policy and practice to provide effective guarantees of non-recurrence, including by reference to any violations or crimes committed during the protests occurring in response to the death of Mahsa Amini.
80. Consult with the families of those who died in the protests, as well as community representatives, on how best to restore dignity to those who died and adopt the necessary measures to do so.

IV.2 To the international community

81. Urge, and take all necessary steps, to ensure that the Islamic Republic of Iran implements the recommendations made to it in this judgement. Provide any necessary support to enable the implementation of the recommendations.
82. Be reminded of their obligations and competencies to open investigations, including on the basis of universal jurisdiction, to gather information and prosecute those involved in relevant crimes.
83. The United Nations Security Council refer this situation to the International Criminal Court by a resolution of the Council adopted under Chapter VII of the Charter of the United Nations.
84. States and international bodies with sanctions regimes such as the UN Security Council, the European Union, the United States and the United Kingdom, apply individual targeted sanctions against those responsible for violations and crimes committed in connection with the protests of Aban 2019 in a transparent manner, ensuring that any application of sanctions respect due process in line with international human rights standards and are applied in coordination with other relevant accountability mechanisms, to contribute to accountability for perpetrators and reparations for victims.