



# WHO WILL BE LEFT TO DEFEND HUMAN RIGHTS?

PERSECUTION OF ONLINE  
EXPRESSION IN THE GULF  
AND NEIGHBOURING COUNTRIES



Berkeley  
Law

International  
Human Rights  
Law Clinic

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**NOVEMBER 2021**

## THE GULF CENTRE FOR HUMAN RIGHTS

The Gulf Centre for Human Rights (GCHR) is an independent, non-profit NGO that provides support and protection to human rights defenders (HRDs) in order to promote human rights, including but not limited to freedom of expression, association and peaceful assembly. GCHR is based in Lebanon and documents the environment for HRDs in the Gulf region and neighbouring countries, specifically Bahrain, Kuwait, Iran, Iraq, Jordan, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates and Yemen. GCHR was founded in 2011.

## INTERNATIONAL HUMAN RIGHTS LAW CLINIC

The International Human Rights Law Clinic (IHRLC) designs and implements innovative human rights projects to advance the struggle for justice on behalf of individuals and marginalized communities through advocacy, research, and policy development. The IHRLC employs an interdisciplinary model that leverages the intellectual capital of the university to provide innovative solutions to emerging human rights issues. The IHRLC develops collaborative partnerships with researchers, scholars, and human rights activists worldwide. Students are integral to all phases of the IHRLC's work and acquire unparalleled experience generating knowledge and employing strategies to address the most urgent human rights issues of our day.



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Gulf Centre for Human Rights  
GCHR staff members provided feedback, research, and contributions to text for this report. Special thanks and appreciation to the contributions of Kristina Stockwood.

### DEDICATION

To human rights defenders in the Gulf states and neighbouring countries who, in the face of enormous obstacles, continue to struggle for human rights, and for a more just and equitable world.

### DESIGN

Report design by Stoller Design Group

### ACKNOWLEDGMENTS

The authors express their everlasting appreciation to Roxanna Altholz for her strategic guidance, to Olivia Layug Balbarin for her tireless work preparing the manuscript, to Amy Utstein for her administrative leadership, to Sarah Weld for her copyediting assistance, to Gabriel Gonzalez and Montie Magree for their cybersecurity support, and to Marci Hoffman, Kristina Chamorro, and the many other Berkeley Law librarians who aided us immeasurably with their research expertise. We thank the Norwegian Human Rights Fund for their support of this collaboration.

Finally, we are grateful to Dean Erwin Chemerinsky of Berkeley Law and the individual and institutional donors to the International Human Rights Law Clinic and GCHR without whom this work would not be possible.

### SUGGESTED CITATION FORMAT

GULF CENTRE FOR HUMAN RIGHTS & INTERNATIONAL HUMAN RIGHTS LAW CLINIC,  
WHO WILL BE LEFT TO DEFEND HUMAN RIGHTS: PERSECUTION OF ONLINE EXPRESSION  
IN THE GULF AND NEIGHBOURING COUNTRIES (2021)

# IRAN



# IRAN SCORECARD

## Targeted Activism or Expression



Expression re Offline Protests



Criticism of Government



Journalists



Women's Rights and WHRDs

## Human Rights Violations



Arbitrary Detention



Incommunicado Detention



Enforced Disappearance



Arbitrary Deprivation of Life



Fair Trial

## Problematic Legal Provisions and Institutions



Criminal Defamation



Cybercrime Law



Public Order



Specialised Law Enforcement Units

8

Number of incidents that fit the inclusion criteria of this study

# INTRODUCTION

Between 01 May 2018 and 30 October 2020, there were eight reported violations of the right to freedom of expression online in Iran that fit this study’s inclusion criteria.<sup>1</sup> Since the 1979 revolution that overthrew the monarchy, Iran has been a unitary republic and a theocracy led by a chief cleric, with majority-clergy entities overseeing the executive, judicial, and legislative branches of government.<sup>2</sup> There is credible evidence that authorities utilised arbitrary laws to repress online criticism of the government by Iranian human rights defenders (HRDs) during the timeframe of this study.

The main targets of prosecution were journalists disseminating critical reports through broadcast, social media, blog posts and Telegram—the private messaging app.<sup>3</sup> The Iranian government has largely applied provisions of the Islamic Penal Code relating to national security, corruption, and propaganda against the State, to prosecute individuals exercising freedom of expression to repress dissenting voices. At the same time, authorities arrested and detained HRDs without presenting formal charges or affording HRDs adequate due process. Women human rights defenders (WHRDs) in particular were targeted for their human rights activities, including demanding women’s rights. The government executed one journalist for reporting on government protests via an online news channel. The reported incidents provide credible evidence that the government has violated its obligation to respect online freedom of expression and additional associated rights of HRDs. These violations also constitute breaches of the duty of the

State, pursuant to the United Nations (UN) Charter, “as the main duty-bearer” to ensure “defenders enjoy a safe and enabling environment” and that government institutions and processes “are aligned with their safety and the aim of their activities.”<sup>4</sup>

Iran is a party to several international human rights treaties protecting the right to freedom of expression, including the International Covenant on Civil and Political Rights (ICCPR).<sup>5</sup> As a UN member State, Iran is also bound by the UN Charter and has pledged to adhere to the principles reflected in the Universal Declaration of Human Rights (UDHR), including article 19, which enshrines the right to freedom of opinion and expression.<sup>6</sup>

# LEGAL ENVIRONMENT FOR ONLINE EXPRESSION IN IRAN

Iran utilised a combination of laws and agencies to target HRDs who express dissent or advocated for human rights online.<sup>7</sup> Much of the government's scrutiny is focused on journalists and those who criticise the government.

## Laws Related to Online Expression

Iran has three primary laws limiting online expression: the 1986 Press Law;<sup>8</sup> the Computer Crimes Act enacted in 2009;<sup>9</sup> and the Islamic Penal Code enacted in 1996 and amended in 2013.<sup>10</sup>

### *1986 Press Law*

The 1986 Press Law regulates publications and news media,<sup>11</sup> and states that the press may enjoy freedom of expression so long as it does not violate “Islamic principles and codes.”<sup>12</sup> Under both article 19 of the ICCPR and the UDHR, criminal laws (the Press Law carries criminal sanctions) that restrict freedom of expression must be sufficiently precise so as to enable individuals to determine how to comply with the law and to limit the discretion of authorities enforcing it.<sup>13</sup> Vaguely and broadly worded provisions have been found by UN Special Procedures mandate holders to violate this requirement, allowing authorities to use their excessive discretion to target protected speech, and encouraging individuals to engage in self-censorship.<sup>14</sup> The Press Law suffers from this problem. It stipulates that media are prohibited from: “[p]ublishing atheistic articles or issues which are prejudicial to Islamic codes..., [p]ropagating obscene and religiously forbidden acts...[i]nsulting Islam and its sanctities... [and] [c]ommitting plagiarism or quoting articles from the deviant press, parties and groups which oppose Islam (inside and outside the country) in such a manner as to propagate such ideas (the limits of such offenses shall be defined by the executive by-law).”<sup>15</sup> The UN Human Rights

Council has stated that governments should never restrict “expression of opinion and dissent, religion or belief”<sup>16</sup> as is criminalised by the Press Law. Further, under the Press Law violators may be subject to punishments under article 698 of the Islamic Penal Code, which permits sanctions of up to two years in prison and up to seventy-four lashes.<sup>17</sup>

### *2009 Computer Crimes Act*

The 2009 Computer Crimes Act contains 56 articles regulating internet usage and online content.<sup>18</sup> The Act includes broad definitions of criminal defamation, contains no defence for individuals acting in the public interest, and gives authorities discretion to target HRDs and criminalise internationally protected expression.<sup>19</sup> For instance, article 16 criminalises the use of information technology to alter or “distort” the image of another in a way that brings disrepute to the subject,<sup>20</sup> and article 17 similarly criminalises use of computers or communications technology to publish private information (images, audio files, etc) about an individual or their family.<sup>21</sup> Moreover, article 18 imposes penalties for the dissemination of “lies” with the intent to damage the public order or harm public officials’ “state of mind.”<sup>22</sup> These substantive terms are not defined, violating the requirements of article 19 of the ICCPR and the UDHR that criminal laws that restrict freedom of expression must be sufficiently precise so as to enable individuals to determine how to comply with the law and to limit the discretion conferred on authorities enforcing it.<sup>23</sup> Similarly, international human rights experts, including the UN Special Rapporteur on the freedom of opinion and freedom of expression (SR on FOE), have urged States to abolish general prohibitions on disseminating “false news” because of their vagueness.<sup>24</sup> Further, the UN Human Rights Committee has interpreted ICCPR article 19 to require that defamation laws include the defence of



public interest in the subject matter of the criticism, the defence of truth, and, at least in the case of expression related to public figures, the defence of error.<sup>25</sup> The UN Human Rights Committee and the SR on FOE have cautioned that laws on defamation should be crafted carefully so that they do not restrict freedom of expression, and have recommended the decriminalisation of defamation.<sup>26</sup> The Committee has interpreted ICCPR article 19 to require that “the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”<sup>27</sup>

The UN Human Rights Council has stipulated that “[d]iscussion of government policies and political debate; reporting on human rights, [or] government activities and corruption in government” should never be restricted.<sup>28</sup> The content restrictions in the Computer Crimes law violated international freedom of expression and jeopardise HRDs because authorities may enforce these vague provisions against journalists and human rights activists disseminating information disfavoured by the government.

The Act carries stiff punishments for individuals for these offenses, including fines of up to IRR 40 million (USD 950) and two years’ imprisonment.<sup>29</sup> Article 27 states that, if an individual has violated the Act on two or more occasions, a court can bar the person from using the internet, mobile telephone usage, and electronic banking.<sup>30</sup> In addition, the creation of a cybercrime police unit (FATA), as included in the Computer Crimes Act, contributes to a hostile legal climate for HRDs.<sup>31</sup>

The Computer Crimes Act is particularly concerning because it stipulates the imposition of capital punishment for expression protected under international human rights law. Notably, in chapter 4 of the law, concerning Crimes against Public Chastity and Morality, article 14 prohibits disseminating or saving “vulgar” content or “obscene material” online.<sup>32</sup> The SR on FOE has criticised a similar Saudi law, requiring that all online expression use “civil” language, on the grounds that such a term is “capacious and subjective,” and thus not an acceptable basis for a restriction under article 19(3) of the ICCPR.<sup>33</sup> This

offence carries the possibility of the death penalty, in the case of individuals who are found to be “mofsed-e fel-arz” (“corrupt on earth”), and who engage in acts prohibited under article 14 “professionally or systematically.”<sup>34</sup> As explained by the Iran Human Rights Documentation Centre, this designation “can be understood as any conduct that causes the degeneration, destruction and deviation of the society from its natural course.”<sup>35</sup> The group notes that authorities use it as a “catchall indictment of political dissent.”<sup>36</sup>

UN experts and international human rights monitors have criticised the Computer Crimes Act for containing vague definitions and thus criminalising protected online freedom of expression.<sup>37</sup> More generally, of relevance to the punitive bans on internet usage, the SR on FOE has noted that, in accordance with the requirement of proportionality under article 19 of the ICCPR, any “restrictive measures” must be the “least intrusive” option to protect a legitimate interest.<sup>38</sup>

### **2013 Islamic Penal Code**

The Islamic Penal Code authorises harsh penalties on HRDs who work collectively. For example, article 498 mandates between two and ten years in prison as punishment for leading a group of more than two persons that “aims to perturb the security of the country.”<sup>39</sup> Likewise, article 499 stipulates that a member of such an organisation will receive a sentence between three months and five years in prison.<sup>40</sup> In addition, article 500 states that “[a]nyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations, shall be sentenced to three months to one year of imprisonment.”<sup>41</sup> Furthermore, article 508 stipulates a penalty of one to ten years in prison for “[a]nyone who cooperates by any means with foreign States against the Islamic Republic of Iran.”<sup>42</sup>

The Penal Code also includes several criminal insult and defamation offenses that suffer from the same substantive flaws as similar provisions in Press Law and Computer Crimes Act. Article 513

mandates either the death penalty or one to five years' imprisonment, depending on whether the expression is an insult to the Prophet, for "[a]nyone who insults the sacred values of Islam or any of the Great Prophets or [twelve] Shi'ite Imams or the Holy Fatima."<sup>43</sup> Furthermore, article 609 states that individuals who "insult[] any of the Heads of three powers [of the Executive, Judiciary and Legislature]" or a wide array of other public officials may be subject to seventy-four lashes.<sup>44</sup> Moreover, article 697 mandates between a month and a year in prison, up to seventy-four lashes, or both punishments for "[a]nyone who. . . attributes something to a person which is a crime under law and fails to prove" that their statements are true.<sup>45</sup> Similarly, article 698 punishes with two months to two years in prison or up to seventy-four lashes "[lying] or falsely attribut[ing] some acts to an individual or a legal person or officials, whether explicitly or implicitly."<sup>46</sup> Lastly, article 700 states that "[a]nyone who satirizes an individual. . . shall be sentenced to one to six months' imprisonment."<sup>47</sup> Human rights bodies have emphasised the value of public debate concerning public institutions and public figures in particular, who should not be granted a higher level of protection against defamation.<sup>48</sup> The UN Human Rights Committee has expressed particular concern about "laws on such matters as, *lese majesty*, *desacato*, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honour of public officials" and laws prohibiting "criticism of institutions, such as the army or the administration."<sup>49</sup> Iran's Penal Code contravenes international legal authority on freedom of expression.

In accordance with article 19 of the ICCPR, restrictions on freedom of expression must be provided by law and narrowly defined to limit the discretion of authorities, and they must also provide the public with guidance in how to abide by the law.<sup>50</sup> Vague, broad terms are impermissible as they enable arbitrary government action.<sup>51</sup> The UN SR on FOE has stressed that restrictions with respect to discussion of government activities and corruption in government are never permissible and

the protection of the State and its officials from public criticism is not a sufficient justification.<sup>52</sup> However, the Islamic Penal Code criminalises "propaganda against the state"<sup>53</sup> while offering no definition of the term or providing objective criteria, such as a list of particular actions resulting in violations, to define what expression violates the law.<sup>54</sup> For these reasons, the SR on FOE has stated that the limitations on freedom of expression in the Islamic Penal Code do not conform to the permissible restrictions listed in article 19(3) of the ICCPR.<sup>55</sup>

UN entities have documented a pattern of government enforcement of the Islamic Penal Code to repress freedom of expression.<sup>56</sup> The UN Human Rights Council has previously criticised the role of the Islamic Penal Code, among other laws, in breaches of due process and restriction of freedom of expression.<sup>57</sup> In addition, UN Special Rapporteurs have expressed serious concern at the pattern of prosecutions based on legal provisions that can be interpreted arbitrarily due to their vagueness.<sup>58</sup>

The Islamic Penal Code is cited most often in the reported incidents here, but the Press Law and the Computer Crimes Act may be used in unreported incidents. Furthermore, all three laws are likely to have a chilling effect on freedom of expression given the scale of punishment authorised under the laws.

## Political Context and Policy Development

Following elections in recent years, economic concerns, allegations of electoral fraud, and political dissatisfaction have led to nationwide protests in 2017, 2018, and 2019, resulting in crackdowns by Iranian authorities.<sup>59</sup>

The Iranian government operates a sophisticated internet censorship regime.<sup>60</sup> Reporters Without Borders and Freedom House have identified Iran as one of the worst countries in the world for press and internet freedom with its limitations on Internet access, filtering of content, and imprisonment of bloggers.<sup>61</sup> The Supreme Cyberspace Council, which oversees the three principal government

bodies responsible for upholding and enforcing the censorship regime, introduced regulations in August 2017.<sup>62</sup> Two of these bodies, the Commission to Determine Instances of Criminal Content and the Iranian Revolutionary Guard Corps, control censorship policies and are responsible for blocking websites that violate the Computer Crimes Law and carrying out Iran's cyberattacks.<sup>63</sup> The Iran Cyber Police (referred to in English by the acronym FATA) is the unit primarily responsible for upholding compliance with the State's cybercrime laws.<sup>64</sup>

According to researchers, FATA's responsibilities include tracking and combatting cybercrime, gathering intelligence on internet users, protecting and preserving the religious and national identity of Iran, and enforcing legally prescribed societal norms and values.<sup>65</sup> In the first few years of its creation by the commander of national police force, FATA was active in tracking and arresting HRDs and activists on the internet.<sup>66</sup> In recent years, FATA reportedly has shifted its focus and assists other law enforcement units, including the Iran Revolutionary Guard Corps.<sup>67</sup>

The type and degree of censorship varies depending on the content being censored and the circumstances of censorship. For example, human rights reports document that internet speed is reduced or online access is diminished during political demonstrations with the effect of preventing the circulation of images and information regarding protests.<sup>68</sup> The Iranian government has censored tens of thousands of websites since 2009, including foreign news outlets, human rights organisations, and political opposition groups, among others.<sup>69</sup> International NGOs have found the government censors online content by blocking access to websites, filtering out topics that are not aligned with State doctrine, and removing political content.<sup>70</sup> In particular, the Iranian government has targeted foreign popular social networks such as Facebook, Twitter, YouTube, WordPress, and Blogger.<sup>71</sup> With few options for messaging and social media, Iranian citizens have turned to Telegram, which has an estimated 40 million monthly users.<sup>72</sup> As Telegram has become more popular, the Iranian government has introduced

more restrictions on content and has even tried to block it entirely during heightened protests.<sup>73</sup> The UN Human Rights Committee expressed its concern for the lack of independence of media, the arrest and detention of journalists, the monitoring of internet use and content, blocking of websites that carry political news and analysis, slowing down of internet speeds and jamming of foreign satellite broadcasts.<sup>74</sup> The Special Rapporteur on Iran has criticised the internet shutdowns and blanket blocking of websites and applications as violations of the right to freedom of expression.<sup>75</sup>

The UN Human Rights Committee has repeatedly called upon Iran to end harassment of political opponents, HRDs, including women's rights defenders, and journalists, among others.<sup>76</sup> The UN Human Rights Council has emphasised that States have the obligation to respect and protect the rights to freedom of assembly and association both offline and online.<sup>77</sup> The UN Human Rights Committee has underscored that the protection of activities associated with the right to peaceful assembly, including information dissemination, communication between participants, and broadcasting, is crucial to the exercise of that right.<sup>78</sup> The UN Human Rights Committee also previously has stated that freedom of assembly and association are "severely limited" in Iran.<sup>79</sup>

# TRENDS EMERGING FROM INCIDENTS OF REPRESSION OF ONLINE EXPRESSION IN IRAN

Several of the reported incidents in Iran include journalists the government has prosecuted for publishing information critical of Iranian officials or the government.<sup>80</sup> There were also a significant number of incidents relating to gender-based offenses. Authorities restricted activists' access to an attorney. In all observed instances, authorities arrested HRDs, but reports did not always make clear the specific charges activists faced. When authorities did disclose the charges pressed, they often relied on the Islamic Penal Code, specifically on provisions relating to national security and corruption.

## Violations of the Right to Online Freedom of Expression

### *Targeting of journalists*

Under international law, States are responsible for creating a safe and enabling environment for HRDs, including journalists, to carry out their work.<sup>81</sup> However, Iran has failed to fulfil its obligations and in fact, continues to target journalists.<sup>82</sup> The Special Rapporteur on Iran has denounced the Iranian government's continued targeting of journalists and writers.<sup>83</sup>

The most egregious example is the case of a journalist, Ruhollah Zam, who was living in Paris as a refugee after fleeing Iran in 2011. On 14 October 2019, Iranian authorities abducted Zam with the assistance of Iraqi intelligence officials, hours after he arrived in Iraq.<sup>84</sup> Reportedly, authorities arrested Zam for operating the news channel AmadNews on Telegram.<sup>85</sup> AmadNews reportedly published leaked information exposing government corruption and had posted videos of demonstrations during the 2017-18 protests.<sup>86</sup> According to human rights organisations, the government blamed AmadNews

for instigating the protests. The online news source had 1.4 million subscribers at the time, leading authorities to target Zam.<sup>87</sup> Amnesty International reports that court documents alleged Zam was a spy for Israel and France, and cooperated with the United States, among other charges of national security violations.<sup>88</sup> On 30 June 2020, Branch 15 of the Revolutionary Court in Tehran sentenced Zam to death under the Islamic Penal Code for "spreading corruption on earth" through his news channel.<sup>89</sup> The UN Human Rights Council repeatedly has held that suppression and prosecution of opinions critical of "government policies and political debate," "corruption in government," and "peaceful demonstrations" are impermissible and violate the right to freedom of expression.<sup>90</sup> The UN Human Rights Council and special procedure mandates repeatedly have denounced the Iranian government's pattern and practices in this regard.<sup>91</sup>

Four days after losing his appeal, on 12 December 2020, authorities carried out the execution.<sup>92</sup> International law reserves the death penalty for the most serious of crimes involving intentional killing, which the government violated in this case.<sup>93</sup> The UN Human Rights Committee repeatedly has expressed concern regarding the high and increasing number of death sentences imposed and carried out by the State for a wide range of offenses with arbitrary or vaguely defined misconduct.<sup>94</sup> The Special Rapporteur on Iran also has expressed concern about the issuance of long prison or death sentences.<sup>95</sup> But Zam's case, as well as the other reported incidents of prosecutions of journalists indicate that the government continues to impose death sentences or long prison sentences for expression that is protected under article 19.

Another example of harsh punishment of journalists is the case of Kioomars Marzban, who was arrested in September of 2018 for "collaborating" with the

United States government as a result of his work with Freedom House.<sup>96</sup> Marzban, a satirical journalist for Iranian diaspora media, had been living in Malaysia since 2009 but was arrested after returning to Iran for a visit.<sup>97</sup> The Iranian Revolutionary Guard Corps accused Marzban of participating in “a project of American intelligence to push the issue of human rights internationally through media organisations ... as part of the legs and arms of their psychological warfare.”<sup>98</sup> Iran does not maintain any law that bans Iranian citizens from writing for websites from the United States, but Iranian citizens can be prosecuted for “collaborating” with the US government.<sup>99</sup> In his defence, Marzban argued that he was unaware that a project for which he had written satirical content had received funding from the United States.<sup>100</sup> Authorities sentenced Marzban to over twenty years in prison for communicating with the US government, insulting the sacred, insulting the Supreme Leader (the highest political and religious authority in the government), producing propaganda against the State,<sup>101</sup> and insulting officials.<sup>102</sup> In addition, officials imposed a two-year foreign travel ban and two-year ban on Marzban using social networks for publishing media.<sup>103</sup> All charges were brought under the Islamic Penal Code.<sup>104</sup>

Independent human rights organisations documented several other cases against journalists during the study period. Authorities arrested Mohammad Mosaed, a journalist, in 2019 and released him on bail in February of 2020.<sup>105</sup> Mosaed was arrested over social media posts critical of the government’s response to the coronavirus outbreak and the limited number of candidates in Iran’s 21 February parliamentary elections, and his exposure of two of the candidates as former members of the Iranian Revolutionary Guard Corps.<sup>106</sup> Mosaed’s social media accounts were suspended and Mosaed was charged with “colluding against national security” and “spreading propaganda against the system.”<sup>107</sup> Authorities imposed a four-year-and-nine-month prison sentence, a two-year ban on journalism activities, and a two-year ban on using all communications devices.<sup>108</sup> On 03 August 2019, government agents arrested Nooshin Jafari, a journalist, for allegedly running an anti-State Twitter

account and charged her with “insulting Islam’s sacred values,” “spreading anti-establishment propaganda,” and “insulting sanctities.”<sup>109</sup> After losing her appeal, a court sentenced her on 13 February 2021 to a total of four years in prison, and she was arrested three days later and taken to the notorious Qarchak Prison.<sup>110</sup>

Finally, in June 2018, authorities arrested and charged journalist Hengameh Shahidi with “acting against national security” after posting about the lack of justice in the Iranian judicial system on the Paineveste blog.<sup>111</sup> The UN Human Rights Committee repeatedly has noted that, under ICCPR article 19, States must not enact laws that prohibit criticism of institutions, including religious or governmental institutions.<sup>112</sup> Nevertheless, after a closed door trial, on 1 December 2018, the court sentenced Shahidi to twelve years in prison, in violation of these standards.<sup>113</sup> Shahidi served more than two years before being pardoned and released in February 2021.<sup>114</sup>

These cases of criminalization of online expression critical of the government offer credible evidence that the Iranian government continues to use its enforcement power to silence its online critics in contravention of its human rights obligations.

### *Gender-based freedom of expression violations*

The reported incidents in Iran indicate that the freedom of expression rights of women are uniquely implicated.<sup>115</sup> The government has a longstanding pattern of repression of women in Iran, including those who have peacefully advocated for their rights.<sup>116</sup> Reporters Without Borders has found that the Islamic Republic of Iran is now the world’s biggest jailer of female journalists.<sup>117</sup>

In April 2019, the government arrested three women after they appeared in a video protesting the compulsory veiling laws in conjunction with International Women’s Day. In the video, Yasaman Aryani, Monireh Arabshahi and Mojgan Keshavarz are seen without their headscarves.<sup>118</sup> The Iranian government charged and found the three women guilty under articles 500, 513, 610 and 639 of the

Islamic Penal Code and article 265 of the Code of Criminal Procedure.<sup>119</sup> On 31 July 2019, judges of branch 28 of Tehran's Revolutionary Court sentenced the three WHRDs to prison for their peaceful activities.<sup>120</sup> Aryani and Arabshahi both received sentences of sixteen years in prison, while Keshavarz has been sentenced to twenty-three years and six months.<sup>121</sup> The court that condemned them is presided over by a notorious judge, Mohammad Moqisseh, who reportedly has a reputation for imposing harsh verdicts relying solely on the reports from intelligence agents.<sup>122</sup> The Iranian courts have imposed decades-long prison sentences on WHRDs, particularly those involved in activism against mandatory veiling (hijab).<sup>123</sup> In addition, on 11 March 2019, prominent Iranian lawyer and women's HRD Nasrin Sotoudeh was sentenced to 148 lashes and thirty-eight years in prison, including for her defence of the women arrested for protesting compulsory veiling during "White Wednesday" protests.<sup>124</sup>

FATA announced on 13 May 2020 that women, including public and private figures, are in breach of provisions of the Islamic Penal Code on public morality for participating in deviant behaviour and moral offenses when they appear without a hijab on social media.<sup>125</sup> International law requires that morality laws restricting expression must be strictly necessary and narrowly defined.<sup>126</sup> Iran's laws do not meet these standards, contribute to the gender-based discrimination, and encourage both fear and self-censorship.<sup>127</sup> Under the General Assembly Resolution 68/181, States have an obligation to protect WHRDs and create a safe and enabling environment for them for the defence of human rights with a gender perspective and ensure that they can engage in peaceful protest.<sup>128</sup> The actions of the Iranian government do not satisfy those obligations.

## Additional Human Rights Violations

The reported incidents in Iran indicate that violations of digital online expression consistently bring

violations of other human rights, including arbitrary arrest and detention, and due process rights.

### *Arbitrary arrest, arbitrary detention, incommunicado detention, enforced disappearance*

Arbitrary deprivation of liberty is prohibited under article 9 of the ICCPR, customary international law, and is a *jus cogens* norm applicable to all States.<sup>129</sup> A deprivation is arbitrary including when it is without a legal basis as well as when it results from the exercise of freedom of expression.<sup>130</sup> As the UN Working Group on Arbitrary Detention has reiterated, any measure depriving an individual of liberty must meet strict standards of lawfulness, necessity, and proportionality to avoid arbitrariness.<sup>131</sup> Deprivations may be arbitrary when they are based on discriminatory grounds against HRDs and activists, violating the rights to equality before the law and the right to equal protection under article 26 of the ICCPR.<sup>132</sup> Since the arrests identified during the reporting period were based on protected forms of expressions, these constitute separate violations of article 9 of the ICCPR.<sup>133</sup>

There was also one reported case of an enforced disappearance and incommunicado detention. Iranian authorities arrested Nooshin Jafari, a photojournalist and culture reporter, on 03 August 2019, and took her to an unknown location without formally announcing any charges<sup>134</sup> in relation to her alleged anti-government Twitter account.<sup>135</sup> Enforced disappearance is an international crime and is prohibited by customary law<sup>136</sup> as well as treaty.<sup>137</sup> An enforced disappearance has three elements: (1) a deprivation of liberty; (2) by State officials or with their consent; followed by (3) the refusal to acknowledge the deprivation of liberty, or to disclose information on the fate or location of the disappeared.<sup>138</sup> Jafari reportedly was held incommunicado for an unknown period of time and her family was not able to contact her or locate her,<sup>139</sup> constituting an enforced disappearance as well as incommunicado detention.<sup>140</sup> The Special

Rapporteur on torture has observed that torture is “most frequently practiced during incommunicado detention,”<sup>141</sup> and it is outlawed by international law.<sup>142</sup> The Special Rapporteur on torture has stated that “[i]n all circumstances, a relative of the detainee should be informed of the arrest and place of detention within 18 hours.”<sup>143</sup> The Committee to Protect Journalists reported in February 2021, that after an unsuccessful appeal, Jafari is now serving a four-year sentence for spreading “propaganda” and violating insult laws.<sup>144</sup>

### *Due process violations*

Fundamental principles of fair trials are protected under international law at all times.<sup>145</sup> Individuals have universal rights to seek competent, independent, impartial judicial review of the arbitrariness and lawfulness of deprivations of liberty and to obtain without delay adequate and appropriate remedies.<sup>146</sup> Those detained enjoy a number of procedural safeguards of their rights including the right to be informed of rights, the right to initiate court proceedings without delay, the right to legal assistance of counsel of their choice from the moment of apprehension.<sup>147</sup> The Special Rapporteur on Iran expressed concern about the pattern of reported violations related to due process and fair trial in the State, particularly with respect to HRDs, journalists, and political prisoners.<sup>148</sup>

In several of the identified incidents, the authorities violated these guarantees. Jafari, who authorities arrested on 03 August 2019 for “insulting Islam’s sacred values” on her Twitter account, was held on no formal charges for at least 11 days.<sup>149</sup> Ruhollah Zam was held without contact with lawyers for nine months, and was only allowed to meet a court-appointed lawyer in the presence of intelligence and security officials.<sup>150</sup> The Special Rapporteur on Iran has previously drawn attention to the fact that under the Islamic Penal Code, those accused of national security offences have limited rights to a lawyer.<sup>151</sup> HRDs prosecuted for protected expression are subjected to harsh treatment in the criminal

legal system. For example, judicial authorities had not informed Zam or his family of the scheduled execution, which took place days after authorities denied Zam’s appeal.<sup>152</sup> Taken together, the incidents attest to a pattern of State violation of international due process and fair trial standards for HRDs prosecuted for protection online expression.

# CONCLUSION AND RECOMMENDATIONS

Iran's Islamic Penal Code, Press Law and Cybercrime laws contain provisions that are vague and overbroad in violation of article 19 of the ICCPR, which enable authorities to illegally and arbitrarily criminalise online expression by HRDs critical of political authorities. There is credible evidence that Iran's enforcement of those laws, particularly against journalists and WHRDs violates its international human rights obligations. The reported instances involve evidence of additional human rights violations including arbitrary arrests, online surveillance, incommunicado detention, as well as evidence of violations of due process and fair trial standards, including the imposition of the death penalty for nonviolent offenses.

To address these concerns, we offer the following general recommendations and country-specific recommendations.

## General Recommendations

### *To Governments of Gulf States and Neighbouring Countries:*

- ✦ Eliminate laws and articles in national legal frameworks that criminalise online freedom of expression protected under international human rights law, specifically:
  - All laws including anti-cybercrime, anti-terrorism, communications, media, penal, and technology laws that restrict online or offline expression through provisions to protect public order, national security, or the national economy; insults laws; and laws that criminalise fake news, that do not conform to international human rights standards and satisfy the principles of legality, legitimacy, necessity and proportionality;
  - Decriminalise the offense of defamation;
  - Revise anti-cybercrime laws to include

affirmative protection for the legitimate online expression of HRDs, including journalists.

- ✦ Cease using deportation and travel bans as tools for targeting HRDs for their online human rights advocacy, and refrain from infringing on their right to freedom of movement.
- ✦ Reform legal institutions, including the criminal legal system, to promote the independence and autonomy necessary for:
  - Investigating human rights violations committed against HRDs by law enforcement, such as engaging in unlawful surveillance of HRDs, enforced disappearances, holding HRDs in unlawful detention, incommunicado, and subjecting them to ill-treatment and torture;
  - Ensuring that HRDs', citizens', and residents' right to freedom of movement is not violated;
  - Ensuring the judiciary upholds international standards guaranteeing the right to fair trial.

### *To the UN Human Rights Council:*

- ✦ Instruct the UN Office of the High Commissioner for Human Rights to undertake a study of the transnational cooperation among governments to affect the apprehension and rendering of foreign HRDs to their countries of origin for prosecution of online expression that is protected under international law.
- ✦ Instruct the UN Office of the High Commissioner for Human Rights to undertake a study to identify and track developments in the surveillance regimes in each State in the region. The governments in question should cooperate in this study. The study should identify third party actors including business enterprises and other States that contribute to advancing the surveillance infrastructure in each State concerned. State and non-State actors



complicit in illegal surveillance of HRDs by governments should be held accountable.

**To All States:**

Implement an immediate moratorium on the use, acquisition, sale and transfer of surveillance technology. This moratorium should extend until adequate global controls and safeguards against abuse are in place.

## Country Recommendations

In addition to the above recommendations, States should revise their domestic laws and institutions to ensure compliance with international human rights standards regarding online freedom of expression as indicated below.

**We call on the government of Iran to create a safe and enabling environment for HRDs including by taking the following steps:**

- ♦ Eliminate laws and articles in Iran's legal frameworks that criminalise online freedom of expression protected under international human rights law, or that are inconsistent with the right to due process and a fair trial, including:
  - 1986 Press Law, articles 6(1), 6(2), 6(7), 6(9);
  - 2009 Computer Crimes Act, articles 14, 16–19, 27;
  - Islamic Penal Code, articles 498–500, 508, 513, 609, 697, 698, 700.

**We call on OHCHR to:**

- ♦ Initiate a special working group in cooperation with civil society to address the role of Iran and other governments in the region in cooperating in the apprehension and rendering of foreign HRDs to their countries of origin for prosecution of online expression that is protected under international law.

## NOTES

- 1 Researchers identified reported incidents of violations of online freedom of expression by conducting searches for cases involving Iran between May 2018 and October 2020, from the following international media outlets and human rights organizations that document human rights violations: Amnesty International, Al Jazeera, ARTICLE 19, British Broadcasting Corporation, Committee to Protect Journalists, Front Line Defenders, Gulf Centre for Human Rights, and Human Rights Watch. Researchers also searched for communications from special procedures mandate holders regarding incidents alleging violations of freedom of expression in Iran in the UN database of Communications. Researchers supplemented international research by consulting the following domestic media outlets: *Tehran Times*, *Iran Daily*, *Kayhan International*, *Islamic Republic News Agency*, *Iran News*, and *Iran Economy News*, and researchers used the embedded search functions to retrieve news updates using these keywords: freedom of expression, digital expression, digital, online, post, tweet, Twitter, Facebook, arrest, expression, and human rights defender during the relevant period of study. The domestic sources provided no relevant results. After finding cases using the international sources, researchers conducted additional searches using the Google search engine of the victim's name (with various English spellings) to find additional case information. See methodology section for more information.
- 2 Khosrow Mostofi et al., *Iran: Government and Society*, BRITANNICA (July 21, 2021). This characterization of the political system of the country is offered for descriptive purposes; a normative evaluation of the political system as such is beyond the scope of this chapter.
- 3 Telegram is a web platform that allows sharing of media files such as photos and videos in private and group messaging, and it enables the creation of channels for broadcasting to unlimited audiences. *Telegram FAQ: Q: What Is Telegram? What Do I Do Here?*, TELEGRAM. The service also provides end-to-end encryption. *Id.*
- 4 Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, ¶ 77, U.N. Doc. A/HRC/31/55 (Feb. 1, 2016) [hereinafter *SRHRD Report of Feb. 2016*]; Civil Society Space, Human Rights Council Res. 27/31, U.N. Doc. A/HRC/RES/27/31, ¶ 3 (Oct. 3, 2014); Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, G.A. Res. 53/144, U.N. Doc. A/RES/53/144 (Mar. 8, 1999) [hereinafter *Declaration on Human Rights Defenders*].
- 5 International Covenant on Civil and Political Rights, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter *ICCPR*]; *UN Treaty Body Database: Ratification Status for Iran (Islamic Republic of)*, OHCHR.ORG. Iran also has ratified the Covenant of the Elimination of All Forms of Racial Discrimination (CERD), the Covenant on Economic, Social and Cultural Rights (CESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities. *UN Treaty Body Database: Ratification Status for Iran (Islamic Republic of)*, *supra*.
- 6 World Conference on Human Rights, *Vienna Declaration and Programme of Action*, pmbl. at 20-21, §§ I(1), I(3), I(8), U.N. Doc. A/CONF.157/24 (Part 1) (Oct. 13, 1993); Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/810, at art. 19 (Dec. 10, 1948) [hereinafter *UDHR*].
- 7 Javaid Rehman (Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran), *Situation of Human Rights in the Islamic Republic of Iran*, ¶¶ 24, 31, U.N. Doc. A/73/398 (Sept. 27, 2018) [hereinafter *SRI Report of Sept. 2018*].
- 8 Press Law of 1986 [hereinafter *Press Law*] (Iran) (unofficial English translation).
- 9 Computer Crimes Act Law No. 71063 of 2009 [hereinafter *Computer Crimes Act*] (Iran) (unofficial English translation on file with author). Law No. 71063 on Computer Crimes was adopted on 26 May 2009, according to NATLEX, the International Labour Organisation's database of national labour, social security, and human rights legislation. *NATLEX: Iran (Islamic Republic of) (168)—Law No. 71063 on Computer Crimes*, INT'L LAB. ORG. A report by the NGO ARTICLE 19 also confirms that Iran's Parliament passed the Computer Crimes Law in 2009. ARTICLE 19, *COMPUTER CRIMES IN IRAN: ONLINE REPRESSION IN PRACTICE* 6 (2013).
- 10 Islamic Penal Code Books One & Two of 1996, amended 2013 [hereinafter *Islamic Penal Code Books One & Two*] (Iran) (unofficial English translation); Islamic Penal Code Book Five of 1996, amended 2013 [hereinafter *Islamic Penal Code Book Five*] (Iran) (unofficial English translation).

- 11 Including online and digital publications. Press Law, *supra* note 8, at art. 1, note 3 (“All electronic publications are subject to this law.”).
- 12 *Id.* at art. 6.
- 13 Hum. Rts. Comm., *General Comment No. 34: Article 19: Freedoms of Opinion and Expression*, ¶ 25, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011) [hereinafter *HRC General Comment No. 34*]; David Kaye (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, ¶ 7, U.N. Doc. A/HRC/32/38 (May 11, 2016) [hereinafter *SRFOE Report of May 2016*]; Working Grp. on Arbitrary Det., *Opinion No. 71/2019 Concerning Issa al-Nukhefi, Abdulaziz Youssef Mohamed al-Shubaili and Issa Hamid al-Hamid (Saudi Arabia)*, ¶ 73, U.N. Doc. A/HRC/WGAD/2019/71 (Feb. 14, 2020) [hereinafter *WGAD Opinion No. 71/2019*] (“vaguely and broadly worded provisions ... which cannot qualify as *lex certa*, violate the due process of law undergirded by the principle of legality in article 11 (2) of the Universal Declaration of Human Rights”); UDHR, *supra* note 6, at arts. 11, 19; ICCPR, *supra* note 5, at art. 19.
- 14 *SRFOE Report of May 2016*, *supra* note 13, ¶ 39; Frank La Rue (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, Frank La Rue, ¶ 34, U.N. Doc. A/HRC/17/27 (May 16, 2011) [hereinafter *SRFOE Report of May 2011*].
- 15 Press Law, *supra* note 8, at arts. 6(1), 6(2), 6(7), 6(9).
- 16 Freedom of Opinion and Expression, Human Rights Council Res. 12/16, U.N. Doc. A/HRC/RES/12/16, ¶ 5(p)(i) (Oct. 12, 2009) [hereinafter H.R.C. Res. 12/16].
- 17 Press Law, *supra* note 8, at art. 6, note 2; Islamic Penal Code Book Five, *supra* note 10, at art. 698.
- 18 The Computer Crimes Act criminalises the following conduct: (1) “illegal access” to data, computers, or telecommunications systems; (2) “illegal access” to content transmitted by non-public communications; (3) the sharing of confidential government information; (4) attempts to access confidential government information; (5) the knowing use of falsified data; (6) the concealment of data from authorised individuals; (7) the production, distribution, or saving of obscene content through computer or telecommunications devices; (8) the use of computers or telecommunications devices or portable data storage devices for the commission of crimes; (9) the use of a computer or telecommunications device to manipulate an image or video or other media in a way to bring disrepute to a person; (10) the sharing of another’s media without their consent in a way to bring disrepute to a person; (11) dissemination of lies or the use of a computer or telecommunication system to associate someone, such as an official authority, with a lie; (12) failure by internet providers to filter content that “generates crime.” Computer Crimes Act, *supra* note 9. For an analysis of the law under ICCPR article 19, see ARTICLE 19, ISLAMIC REPUBLIC OF IRAN: COMPUTER CRIMES LAW (2011).
- 19 Computer Crimes Act, *supra* note 9, at arts. 14-18.
- 20 *Id.* at art. 16.
- 21 *Id.* at art. 17.
- 22 *Id.* at art. 18.
- 23 *HRC General Comment No. 34*, *supra* note 13, ¶ 25; *SRFOE Report of May 2016*, *supra* note 13, ¶ 7; *WGAD Opinion No. 71/2019*, *supra* note 13, ¶ 73 (“vaguely and broadly worded provisions ... which cannot qualify as *lex certa*, violate the due process of law undergirded by the principle of legality in article 11 (2) of the Universal Declaration of Human Rights”); UDHR, *supra* note 6, at arts. 11, 19; ICCPR, *supra* note 5, at art. 19.
- 24 U.N. Special Rapporteur on Freedom of Op. & Expression et al., *Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda*, ¶ 2(a) (Mar. 3, 2017).
- 25 *HRC General Comment No. 34*, *supra* note 13, ¶ 47. See also Frank La Rue (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, Frank La Rue, ¶¶ 83-88, U.N. Doc. A/HRC/20/17 (June 4, 2012) [hereinafter *SRFOE Report of June 2012*].
- 26 *HRC General Comment No. 34*, *supra* note 13, ¶ 47. See also *SRFOE Report of May 2011*, *supra* note 14, ¶ 36 (“defamation should be decriminalized”).
- 27 *HRC General Comment No. 34*, *supra* note 13, ¶ 47.
- 28 H.R.C. Res. 12/16, *supra* note 16, ¶ 5(p)(i).
- 29 Computer Crimes Act, *supra* note 9, at arts. 16-19.

- 30 *Id.* at art. 27.
- 31 ARTICLE 19, *supra* note 9, at 21.
- 32 Computer Crimes Act, *supra* note 9, at art. 14.
- 33 David Kaye (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), *Promotion and Protection of the Right to Freedom of Opinion and Expression*, ¶ 27, U.N. Doc. A/71/373 (Sept. 6, 2016) [hereinafter *SRFOE Report of Sept. 2016*].
- 34 Computer Crimes Act, *supra* note 9, at art. 14; ARTICLE 19, *supra* note 18, at 22.
- 35 ARTICLE 19, *supra* note 18, at 22.
- 36 *Id.*
- 37 *SRI Report of Sept. 2018*, *supra* note 7, ¶ 24 (stating that the mandate seeks further information on the Computer Crimes Law with respect to freedom of opinion and expression and access to information); ARTICLE 19, *supra* note 9, at 21.
- 38 *SRFOE Report of May 2016*, *supra* note 13, ¶ 7.
- 39 Islamic Penal Code Book Five, *supra* note 10, at art. 498.
- 40 *Id.* at art. 499.
- 41 *Id.* at art. 500.
- 42 *Id.* at art. 508.
- 43 *Id.* at art. 513.
- 44 *Id.* at art. 609. Fines range between IRR 50,000-1 million (USD 1.20-2.40). *Id.*
- 45 *Id.* at art. 697.
- 46 *Id.* at art. 698.
- 47 *Id.* at art. 700.
- 48 *HRC General Comment No. 34*, *supra* note 13, ¶ 38; *SRFOE Report of June 2012*, *supra* note 25, ¶ 88; *SRFOE Report of Sept. 2016*, *supra* note 33, ¶ 33.
- 49 *HRC General Comment No. 34*, *supra* note 13, ¶ 38.
- 50 *SRFOE Report of May 2016*, *supra* note 13, ¶ 7.
- 51 Frank La Rue (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression, Mr. Frank La Rue*, ¶ 79(d), U.N. Doc. A/HRC/14/23 (Apr. 20, 2010) [hereinafter *SRFOE Report of Apr. 2010*].
- 52 *Id.* ¶¶ 81(i), 82. *SRFOE Report of May 2011*, *supra* note 14, ¶ 37.
- 53 Islamic Penal Code Book Five, *supra* note 10, at art. 500; Ambeyi Ligabo (Special Rapporteur on the Right to Freedom of Opinion and Expression), *Report Submitted by the Special Rapporteur on the Right to Freedom of Opinion and Expression, Ambeyi Ligabo: Addendum—Mission to the Islamic Republic of Iran*, ¶ 29(a), U.N. Doc. E/CN.4/2004/62/Add.2 (Jan. 12, 2004) [hereinafter *SRFOE Report of Jan. 2004*] (identifying article 500 as providing prison sentences for “anyone who undertakes any form of propaganda against the State”).
- 54 *SRFOE Report of Jan. 2004*, *supra* note 53, ¶¶ 94-95 (stating that restrictions on freedom of expression must be precisely identified and defined; emphasizing human rights resolution 2003/42 that criticises the unjustified invocation of national security in restricting the right to freedom of expression; stating that the limitations from these provisions lack any objective criteria and clear definition, and thus are open to subjective and arbitrary interpretation upon implementation); see Islamic Penal Code Books One & Two, *supra* note 10, at art. 286.
- 55 *SRFOE Report of Jan. 2004*, *supra* note 53, ¶ 95. The Special Rapporteur has stated that the limitations to the exercise of the right to freedom of expression in the Islamic Penal Code, particularly articles dealing with national security, defamation, and publication of false news, do not conform to permissible restrictions and have a direct negative impact on the exercise of freedom of expression. *Id.* ¶ 29. The Special Rapporteur on human rights defenders (SR on HRDs) has stated that the criminalisation of defamation has a chilling effect on freedom of expression and can lead to self-censorship, particularly for journalists. Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya: Addendum—Mission to Togo*, ¶ 24, U.N. Doc. A/HRC/25/55/Add.2 (Feb. 26, 2014).
- 56 The Islamic Penal Code allows imprisonment pending trial, loss of civil rights, banishment, and withdrawal of authorization to carry out a profession or activity. Working Grp. on Arbitrary Det., *Report of the Working Group on Arbitrary Detention: Addendum—Visit to the Islamic Republic of Iran (15-27 February 2003)*, ¶ 28, U.N. Doc. E/CN.4/2004/3/Add.2 (June 27, 2003) [hereinafter *WGAD Report of June 2003*]. The provisions in the Penal Code restricting freedom of expression are “far too extensive” to enable an effective exercise of

the right to freedom of opinion and expression by the written press. *SRFOE Report of Jan. 2004*, *supra* note 53, ¶ 41. The Special Rapporteur has also noted that many peaceful press offenses are punishable by prison sentences, flogging, and other corporal punishment, which are contrary to international human rights norms and standards, are clearly disproportionate to the exercise of freedom of expression, and “should not be permissible.” *Id.* ¶¶ 29, 33-34; ARTICLE 19, *supra* note 9, at 6 (noting that the Iranian government particularly relies on the Islamic Penal Code to intimidate and punish digital activists).

- 57 Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, ¶¶ 18, 47-48, U.N. Doc. A/HRC/43/61 (Jan. 28, 2020) (paragraph 18: stating that the Islamic Penal Code does not limit the application of the death penalty to only the most serious crimes, defined by those that involve intentional killing; paragraph 47: stating that articles of the Iranian Code of Criminal Procedure contain provisions that can serve as a serious impediment to due process and the right to fair trial; paragraph 48: stating that the Islamic Penal Code appears to encourage confessions extracted through torture and duress and allows judicial reliance on these confessions and that “the Special Rapporteur is concerned that the combined effect of the aforementioned provisions of the Islamic Penal Code and the Code of Criminal Procedure has led to a strong institutional expectation of extracting confessions and reliance on confessions as the basis of convictions, resulting in serious breaches of criminal justice and the rights of the accused”).
- 58 *SRFOE Report of Jan. 2004*, *supra* note 53, ¶ 95; see Javaid Rehman (Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran), *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, ¶ 8, U.N. Doc. A/74/188 (July 18, 2019) [hereinafter *SRI Report of July 2019*].
- 59 MICHAEL AXWORTHY, *A HISTORY OF IRAN: EMPIRE OF THE MIND* 325-51 (2008); Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, ¶ 4, U.N. Doc. A/HRC/40/67 (Jan. 30, 2019).
- 60 Simurgh Aryan, Homa Aryan & J. Alex Halderman, *Internet Censorship in Iran: A First Look* (paper presented at the 3rd USENIX Workshop on Free and Open Communications on the Internet (FOCI’13), 2013); Javaid Rehman (Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran), *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, *Javaid Rehman*, ¶ 19, U.N. Doc. A/HRC/46/50 (Jan. 11, 2021) [hereinafter *SRI Report of Jan. 2021*] (stating that the SR remains concerned at the repeated disruption of telecommunications by authorities and the government’s continued censorship of websites and social media platforms).
- 61 In 2020, Reporters Without Borders ranked Iran 173 out of 180 countries, making it among the most repressive regimes in the world for journalists. *2020 World Press Freedom Index*, REPS. WITHOUT BORDERS. Freedom House rated Iran 15 of 100 (“Not Free”) in terms of restrictions on internet freedom. *Freedom on the Net 2020*, FREEDOM HOUSE.
- 62 The Supreme Cyberspace Council introduced regulations increasing surveillance capabilities and requiring social media and messaging platforms to either move their servers to the country or face blocking orders. Asma Jahangir (Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran), *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, ¶ 31, U.N. Doc. A/HRC/37/68 (Mar. 12, 2018).
- 63 The Commission to Determine the Instances of Criminal Content (CDICC) is responsible for identifying web content to be filtered and blocked. The CDICC creates lists of illegal websites that violate public morals, contradict Islam, threaten national security, criticise public officials or organizations, or promote either cybercrimes or the use of circumvention tools. The Iranian Revolutionary Guard Corps is a branch of the Iranian military with an intelligence wing. This intelligence wing is widely understood to be involved in supporting and coordinating the offensive cyber-warfare activities. Kyle Bowen & James Marchant, *Internet Censorship in Iran: Preventative, Interceptive, and Reactive*, in *REVOLUTION DECODED: IRAN’S DIGITAL LANDSCAPE* 15, 20 (Bronwen Robertson & James Marchant eds.); FREEDOM HOUSE, *FREEDOM ON THE NET: IRAN 7* (2017).
- 64 FATA, ‘the New Unit of the Iranian’ Police to Control the Internet Space, BBC (2011) (primary document unavailable). Research does not indicate FATA involvement in the incidents identified in this report.
- 65 SMALL MEDIA, *IRANIAN INTERNET INFRASTRUCTURE AND POLICY REPORT 3* (2013).
- 66 *Id.*; FATA, ‘the New Unit of the Iranian’ Police to Control the Internet Space, *supra* note 64.
- 67 SMALL MEDIA, *supra* note 65, at 6. The Iranian

Revolutionary Guard Corps were the identified law enforcement unit in four out of nine identified incidents included in this report. Research did not indicate the law enforcement units involved in the other five incidents.

- 68 REPS. WITHOUT BORDERS, *ENEMIES OF THE INTERNET* 6 (2014).
- 69 Stephanie MacLellan, *What You Need to Know About Internet Censorship in Iran*, CTR. FOR INT’L GOVERNANCE INNOVATION (Jan. 9, 2018); FREEDOM HOUSE, *supra* note 63, at 6.
- 70 FREEDOM HOUSE, *supra* note 63, at 6-8.
- 71 MacLellan, *supra* note 69; SRI Report of Jan. 2021, *supra* note 60, ¶ 19 (discussing the government’s continued censorship of websites and social media platforms).
- 72 MacLellan, *supra* note 69.
- 73 *Id.*
- 74 Hum. Rts. Comm., *Concluding Observations of the Human Rights Committee: Islamic Republic of Iran*, ¶ 27, U.N. Doc. CCPR/C/IRN/CO/3 (Nov. 29, 2011) [hereinafter *HRC Concluding Observations of Nov. 2011*].
- 75 SRI Report of Jan. 2021, *supra* note 60, ¶ 19.
- 76 Situation of Human Rights in the Islamic Republic of Iran, G.A. Res. 73/181, U.N. Doc. A/RES/73/181, ¶ 14 (Jan. 15, 2019) [hereinafter G.A. Res. 73/181].
- 77 Promotion, Protection, and Enjoyment of Human Rights on the Internet, Human Rights Council Res. 38/7, U.N. Doc. A/HRC/RES/38/7, ¶ 1 (July 17, 2018). Those rights are protected under article 20 of the Universal Declaration of Human Rights, *supra* note 6, and articles 21 and 22 of the International Covenant on Civil and Political Rights, *supra* note 5.
- 78 Hum. Rts. Comm., *General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21)*, ¶ 33, U.N. Doc. CCPR/C/GC/37 (Sept. 17, 2020).
- 79 *HRC Concluding Observations of Nov. 2011*, *supra* note 74, ¶ 26.
- 80 The Special Rapporteur on Iran has repeatedly received reports of arrests and intimidation of journalists and media workers. SRI Report of July 2019, *supra* note 58, ¶ 25. Journalists have reported long-standing harassment and persecution, including personal and gendered attacks. *Id.* Journalists have also reported increased reprisals as a result of engagement with the United Nations human rights mechanisms, in some cases involving even family members of journalist staff. *Id.* In response, the Iranian government has stated that journalists, in particular BBC Persian staff, had “perpetrated many destructive activities beyond the sphere of media activity.” *Id.* ¶ 26. These allegations by the Iranian government are unsubstantiated. *Id.*
- 81 Declaration on Human Rights Defenders, *supra* note 4, at art. 2(2); Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Situation of Human Rights Defenders*, ¶¶ 15, 36, U.N. Doc. A/73/215 (July 23, 2018); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, Margaret Sekaggya, ¶ 32, U.N. Doc. A/HRC/19/55 (Dec. 21, 2011); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, Margaret Sekaggya, ¶¶ 90-91, U.N. Doc. A/HRC/25/55 (Dec. 23, 2013) (stating that there is a need to pay particular attention to HRDs who face extraordinary risks due to the work that they do and that the SR is appalled that journalists and media workers are targeted because of their reports on human rights violations; the SR is also concerned that restrictions on media and press freedom could foster a climate of intimidation, stigmatization, violence, and self-censorship).
- 82 Between June and September 2020, the government sentenced eight journalists on charges connected to their reporting; it is unclear whether their reporting was in print or online. SRI Report of Jan. 2021, *supra* note 60, ¶ 20. This is a longstanding issue as the Working Group on Arbitrary Detention noted in 2003 that persecution of the press in Iran was on the rise. WGAD Report of June 2003, *supra* note 56, ¶ 64(4).
- 83 SRI Report of Jan. 2021, *supra* note 60, ¶ 20.
- 84 *Iran: Execution of Journalist Rouhollah Zam a ‘Deadly Blow’ to Freedom of Expression*, AMNESTY INT’L (Dec. 12, 2020); *Iran Abducts Paris-Based Iranian Opposition News Provider*, REPS. WITHOUT BORDERS (Oct. 17, 2019).
- 85 *Iran Abducts Paris-Based Iranian Opposition News Provider*, *supra* note 84.
- 86 *Id.* (Telegram shutting down AmadNews); *Iran: Execution of Journalist Rouhollah Zam a ‘Deadly Blow’ to Freedom of Expression*, *supra* note 84. Citizens and residents of Iran took to the streets in 2017-18 to protest economic hardship and political repression under President Rouhani’s government. Protests took place in fifty cities and turned violent in some. Hundreds were arrested and at least twenty-one were killed. *Iran Protests: Why Is There Unrest?*, BBC (Jan. 2, 2018); Marwa

- Eltagouri, *Tens of Thousands of People Have Protested in Iran. Here's Why.*, WASH. POST (Jan. 3, 2018). According to Reporters Without Borders, at the request of the Iranian government, Telegram shut down AmadNews at the height of the protests in December 2017. The news channel resumed operating on Telegram under a new name, and the Telegram owner refused to close it down again because the site called for peaceful protest. *Iran Abducts Paris-Based Iranian Opposition News Provider*, *supra* note 84.
- 87 *Iran Abducts Paris-Based Iranian Opposition News Provider*, *supra* note 84 (government accusation against AmadNews). The Human Rights Committee has repeatedly called upon Iran to end harassment of political opponents, HRDs, and journalists, among others. G.A. Res. 73/181, *supra* note 76, ¶ 14. The Human Rights Committee also previously has stated that freedom of assembly and association is “severely limited” in Iran. *HRC Concluding Observations of Nov. 2011*, *supra* note 74, ¶ 26.
- 88 *Iran: Execution of Journalist Rouhollah Zam a ‘Deadly Blow’ to Freedom of Expression*, *supra* note 84.
- 89 *Id.*; *Ruhollah Zam: Iran Sentences Journalist to Death for Fanning Unrest*, BBC (June 30, 2020); Islamic Penal Code Books One & Two, *supra* note 10, at arts. 286-88 (criminalising “corruption on earth” as a felony carrying the death sentence).
- 90 H.R.C. Res. 12/16, *supra* note 16, ¶ 5(p)(i).
- 91 *SRI Report of Jan. 2021*, *supra* note 60, ¶¶ 19-20 (providing examples of the government targeting and prosecuting individuals); Javaid Rehman (Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran), *Situation of Human Rights in the Islamic Republic of Iran*, ¶¶ 5, 7, U.N. Doc. A/75/213 (July 21, 2020) (noting the “unprecedented” use of excessive force in November 2019 by the government to suppress protestors).
- 92 *Iran: Execution of Journalist Rouhollah Zam a ‘Deadly Blow’ to Freedom of Expression*, *supra* note 84. This was not the first time authorities have imprisoned Zam for his reporting. In 2009, officials arrested and imprisoned Zam after the disputed presidential election. *Ruhollah Zam: Iran ‘Arrests Exiled Journalist’ for Fanning Unrest*, BBC (Oct. 14, 2019). President Ahmadi-Nejad won re-election in 2009, sparking nationwide protests over allegations of electoral fraud. AXWORTHY, *supra* note 59, 350-66.
- 93 ICCPR, *supra* note 5, at art. 6(2). The Human Rights Committee reserves the imposition of the death penalty to the most serious of crimes, defined as crimes involving intentional killing. Under no circumstances can the death penalty be applied against political opposition groups or for offending the head of State. Hum. Rts. Comm., *General Comment No. 36: Article 6: Right to Life*, ¶¶ 33, 35-36, U.N. Doc. CCPR/C/GC/36 (Sept. 3, 2019).
- 94 *HRC Concluding Observations of Nov. 2011*, *supra* note 74, ¶¶ 12; G.A. Res. 73/181, *supra* note 76, ¶ 10.
- 95 U.N. Off. of the High Comm’r for Hum. Rts., *Compilation on the Islamic Republic of Iran: Report of the Office of the United Nations High Commissioner for Human Rights*, ¶¶ 29, 36, U.N. Doc. A/HRC/WG.6/34/IRN/2 (Aug. 30, 2019) [hereinafter *OHCHR Report of Aug. 2019*] (stating that the Special Rapporteur on Iran expressed concern about the issuances of long prison or death sentences based on charges related to espionage or national security; content-based offenses such as “propaganda against the state” and “insulting Islam” were not clearly defined in relation to the rights of children thus limiting the right to freedom of expression).
- 96 *Iran: Satirist Kioomars Marzban Sentenced to 11 Years*, ARTICLE 19 (Oct. 16, 2019).
- 97 *Id.*
- 98 *Id.*
- 99 *Id.* Islamic Penal Code Book Five, *supra* note 10, at art. 508 (stating that anyone who cooperates with foreign States against the Islamic Republic of Iran can be sentenced to one to ten years imprisonment).
- 100 *Iran: Satirist Kioomars Marzban Sentenced to 11 Years*, *supra* note 96.
- 101 *Id.* The Human Rights Committee has previously expressed concern that content-based offenses in Iran, such as propaganda against the State, were not clearly defined or interpreted. *OHCHR Report of Aug. 2019*, *supra* note 95, ¶ 36.
- 102 The specific sentences for each conviction of Marzban are as follows: Marzban was sentenced to 11 years for “communication with America’s hostile government,” 7 years and 6 months for “insulting the sacred,” 3 years for “insulting the [supreme] leader, 1 year and 6 months for “propaganda against the state,” and 9 months for “insulting officials.” *Iran: Satirist Kioomars Marzban Sentenced to 11 Years*, *supra* note 96. Marzban will only be serving 11 years out of the total sentencing. *Id.*
- 103 *See Id.*
- 104 *Id.*

- 105 *Iranian Authorities Detain Journalist Mohammad Mosaed Again for Social Media Posts*, COMM. PROTECT JOURNALISTS (Feb. 27, 2020).
- 106 *Mohammad Mosaed, Iran*, COMM. PROTECT JOURNALISTS.
- 107 *Id.*
- 108 *Iranian Authorities Detain Journalist Mohammad Mosaed Again for Social Media Posts*, *supra* note 107; *Iranian Press-Freedom Awardee Sentenced to More than Four Years in Prison*, RADIO FREE EUR./RADIO LIBERTY (Sept. 3, 2020); *Mohammad Mosaed, Iran*, *supra* note 106; Islamic Penal Code Book Five, *supra* note 10, at art. 500 (charging those who engage in any type of propaganda against the Islamic Republic of Iran to three months to one year of imprisonment).
- 109 *Iran Detains Freelance Photographer and Culture Reporter Nooshin Jafari*, COMM. PROTECT JOURNALISTS (Aug. 12, 2019); *Iran Is the World's Biggest Jailer of Women Journalists*, REPS. WITHOUT BORDERS (Aug. 27, 2019); *Iranian Journalist Nooshin Jafari Begins 4-Year Jail Term on Propaganda and Insult Charges*, COMM. PROTECT JOURNALISTS (Feb. 18, 2021).
- 110 *Iranian Journalist Nooshin Jafari Begins 4-Year Jail Term on Propaganda and Insult Charges*, *supra* note 109; Islamic Penal Code Book Five, *supra* note 10, at art. 500.
- 111 *Iran Is the World's Biggest Jailer of Women Journalists*, *supra* note 109; *Iran: Decline for Free Expression Requires Increased Support for UN Scrutiny*, ARTICLE19 (Mar. 6, 2019). The ARTICLE 19 report mentions an earlier arrest of 2017, but it refers to a June 2018 report by the Centre for Human Rights in Iran, *Iranian Journalist and Political Activist Detained for Criticizing Iran's Judiciary*, CTR. FOR HUM. RTS. IRAN (June 28, 2018), which gives details of her June 2018 arrest included in our study.
- 112 *HRC General Comment No. 34*, *supra* note 13, ¶ 38; see H.R.C. Res. 12/16, *supra* note 16, ¶ 5(p)(i).
- 113 *After Hengameh Shahidi's Pardon, RSF Asks Supreme Leader to Free All Imprisoned Journalists*, REPS. WITHOUT BORDERS (Feb. 25, 2021).
- 114 *Id.*; *Iran: Decline for Free Expression Requires Increased Support for UN Scrutiny*, *supra* note 111.
- 115 The SR on HRDs has discussed the uniquely gendered risks that WHRDs face as a result of entrenched gender stereotypes and deeply held ideas and norms about who women are and how women should be; in this climate, women defenders are often the first to come under attack. Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, ¶¶ 6-7, U.N. Doc. A/HRC/40/60 (Jan. 10, 2019) [hereinafter *SRHRD Report of Jan. 2019*].
- 116 Protests against the compulsory veiling laws have gone viral and resulted in at least thirty-two arrests since January 2018. The protestors were mostly charged with national-security related crimes, such as “collusion and conspiracy,” “encouraging prostitution by promoting being unveiled,” and “propaganda against the regime.” *SRI Report of July 2019*, *supra* note 58, ¶ 23.
- 117 *Iran Is the World's Biggest Jailer of Women Journalists*, *supra* note 109.
- 118 *SRI Report of July 2019*, *supra* note 58, ¶ 24. Yasaman Aryani, Monireh Arabshahi, and Mojgan Keshavarz are still in detention for this video. *Id.*
- 119 *Id.* The women are sentenced to the lengthiest single sentence imposed for the most serious charge, which is five years and six months for “inciting and facilitating corruption and prostitution.” Nikita White, *It's Been One Year Since Yasaman Aryani Was Jailed in Iran for Taking off Her Headscarf. Here's What You Need to Know*, WOMEN'S AGENDA (Mar. 12, 2020). The Iranian government also arrested four individuals in May 2018, for posting content on social media that went against expectations of female modesty because it featured women without their headscarves or while dancing. According to Amnesty International the government uses article 638 of the Islamic Penal Code to charge dancing in public as a sinful act punishable by two months imprisonment and seventy-four lashes. *Iran: Arrest of Instagram Celebrities Part of Efforts Towards Filtering the Platform*, ARTICLE19 (July 11, 2018); see Islamic Penal Code Book Five, *supra* note 10, at art. 638.
- 120 *Radio Farda, Three Women Sentenced to 55 Years for Defying Compulsory Hijab in Iran*, RADIO FARDA (Aug. 2, 2019); *Iran: Take Action: Release Women's Rights Defenders and Feminist Activists of Iran's #WhiteWednesdays Campaign!*, GCHR (Oct. 31, 2019).
- 121 *Iran: Take Action: Release Women's Rights Defenders and Feminist Activists of Iran's #WhiteWednesdays Campaign!*, *supra* note 120.
- 122 *Radio Farda*, *supra* note 120.
- 123 On 01 June 2020, women's rights activist Saba Kord Afshari was sentenced to fifteen years in prison by an appeals court after having been acquitted on 17 March 2020 by the Evin Prosecutor's Office. *Saba Kord Afshari Ends Hunger Strike*, FRONT LINE DEFS.; *Iran: Shocking Charges Against Jailed Women's Rights Activists, Who*



- Must Be Released Amid Second COVID-19 Peak*, GCHR (June 22, 2020). Authorities sentenced her for “promoting corruption and prostitution through appearing without a headscarf in public,” for her role in the “White Wednesday” protest movement against mandatory veiling. *Iran: Shocking Charges Against Jailed Women’s Rights Activists, Who Must Be Released Amid Second COVID-19 Peak*, *supra*. Kord Afshari is already serving a nine-year sentence. *Id.*
- 124 *Iran: Women Human Rights Defenders Ailing in Prison as a Result of Solitary Confinement and Hunger Strikes*, GCHR (July 23, 2019).
- 125 *Iran: Policing Women on Social Media*, ARTICLE19 (May 22, 2020). Authorities reportedly arrested high-profile Instagram “celebrities.” *Iran: Arrest of Instagram Celebrities Part of Efforts Towards Filtering the Platform*, *supra* note 123. The content of the posts was unclear, but one of those arrested reportedly had posted a video of herself dancing, which the government has prosecuted as a “sinful” act under article 638 of the Penal Code. *Id.*; see Islamic Penal Code Book Five, *supra* note 10, at art. 638 (criminalising the commission in public of a “*harām* (sinful) act”).
- 126 SRFOE Report of Apr. 2010, *supra* note 51, ¶¶ 74, 79(g).
- 127 SRI Report of Jan. 2021, *supra* note 60, ¶ 2; *Iran: Policing Women on Social Media*, *supra* note 125.
- 128 Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: Protecting Women Human Rights Defenders, G.A. Res. 68/181, U.N. Doc. A/RES/68/181, ¶ 8 (Jan. 30, 2014); SRHRD Report of Jan. 2019, *supra* note 115, ¶ 19.
- 129 Working Grp. on Arbitrary Det., *Report of the Working Group on Arbitrary Detention: United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court*, ¶ 11, U.N. Doc. A/HRC/30/37 (July 6, 2015) [hereinafter *WGAD Report of July 2015*]; Hum. Rts. Comm., *General Comment No. 35: Article 9 (Liberty and Security of Person)*, ¶¶ 17, 22-23, 53, U.N. Doc. CCPR/C/GC/35 (Dec. 16, 2014).
- 130 *WGAD Report of July 2015*, *supra* note 129, ¶ 10; UDHR, *supra* note 6, at art. 19; ICCPR, *supra* note 5, at art. 19.
- 131 *WGAD Report of July 2015*, *supra* note 129, ¶ 11.
- 132 Working Grp. on Arbitrary Det., *Report of the Working Group on Arbitrary Detention*, ¶ 46, U.N. Doc. A/HRC/36/37 (July 19, 2017); UDHR, *supra* note 6, at art. 7; ICCPR, *supra* note 5, at art. 26.
- 133 ICCPR, *supra* note 5, at art. 9.
- 134 *Iran Detains Freelance Photographer and Culture Reporter Nooshin Jafari*, *supra* note 109.
- 135 *Id.*; *Iranian Journalist Nooshin Jafari Begins 4-Year Jail Term on Propaganda and Insult Charges*, *supra* note 109.
- 136 1 JEAN-MARIE HENCKAERTS & LOUISE DOSWALD-BECK, INT’L COMM. OF THE RED CROSS, CUSTOMARY INTERNATIONAL HUMANITARIAN LAW Rule 98 (2005) (enforced disappearance).
- 137 International Convention for the Protection of All Persons from Enforced Disappearance, *opened for signature* Dec. 20, 2006, 2716 U.N.T.S. 3.
- 138 Article 2 of the Convention on Enforced Disappearances defines an enforced disappearance as the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.” *Id.* at art. 2.
- 139 *Iran Detains Freelance Photographer and Culture Reporter Nooshin Jafari*, *supra* note 109.
- 140 UDHR, *supra* note 6, at art. 6; ICCPR, *supra* note 5, at art. 16. Additionally, incommunicado detention violates the right to be brought promptly before a judge protected by ICCPR article 9(3) and the right to challenge the lawfulness of detention protected by ICCPR article 9(4). ICCPR, *supra* note 5, at arts. 9(3), 9(4).
- 141 Theo van Boven (Special Rapporteur on Torture), *Report of the Special Rapporteur on the Question of Torture Submitted in Accordance with Commission Resolution 2002/38*, ¶ 26(g), U.N. Doc. E/CN.4/2003/68 (Dec. 17, 2002) [hereinafter *SRT Report of Dec. 2002*].
- 142 Manfred Nowak (Special Rapporteur on Torture), *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak: Addendum—Study on the Phenomena of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in the World, Including an Assessment of Conditions of Detention*, ¶ 156, U.N. Doc. A/HRC/13/39/Add.5 (Feb. 5, 2010) (international law and standards prohibit “all secret and incommunicado detention”); see Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 72/163, U.N. Doc. A/RES/72/163, ¶ 16 (Dec. 19, 2017).

- 143 SRT Report of Dec. 2002, *supra* note 141, ¶ 26(g).
- 144 *Iranian Journalist Nooshin Jafari Begins 4-Year Jail Term on Propaganda and Insult Charges*, *supra* note 109.
- 145 Hum. Rts. Comm., *General Comment No. 32: Article 14: Right to Equality Before Courts and Tribunals and to Fair Trial*, ¶ 6, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007) [hereinafter *HRC General Comment No. 32*].
- 146 WGAD Report of July 2015, *supra* note 129, at annex, princ. 1; *HRC General Comment No. 32*, *supra* note 145, ¶¶ 15, 19, 31-34, 38; ICCPR, *supra* note 5, at art. 14.
- 147 WGAD Report of July 2015, *supra* note 129, at annex, princs. 7-9; *HRC General Comment No. 32*, *supra* note 145, ¶ 10.
- 148 *OHCHR Report of Aug. 2019*, *supra* note 95, ¶ 29. This pattern is characterised by arbitrary arrest, prolonged solitary confinement, interrogation, denial of access to a lawyer of choice, short trials without a published verdict, and the issuance of long prison or death sentences. *Id.*
- 149 *Iran Is the World's Biggest Jailer of Women Journalists*, *supra* note 109.
- 150 *Iran: Execution of Journalist Rouhollah Zam a 'Deadly Blow' to Freedom of Expression*, *supra* note 84.
- 151 SRI Report of July 2019, *supra* note 58, ¶ 89.
- 152 *Iran: Execution of Journalist Rouhollah Zam a 'Deadly Blow' to Freedom of Expression*, *supra* note 84.

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ISBN# 978-1-938722-10-3



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