



ACCOUNTABILITY PATHWAYS

A Practitioner's Guide to Addressing Alleged Serious
Human Rights Violations and International Crimes
Committed by the IRGC in Iran and Abroad

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INTRODUCTION

The Islamic Revolutionary Guard Corps (IRGC) is alleged to have committed numerous serious human rights violations and international crimes both within and outside the borders of the Islamic Republic of Iran (Iran) since its creation in 1979. The Pasdaran Documentation Project selected 12 incidents involving serious human rights violations or international crimes that could allegedly be linked to Units or individual members of the IRGC.¹ While the selected incidents are not reflective of the scale of the violations and crimes that could potentially be imputed to the IRGC, illustrate trends or patterns and the *modus operandi* of the IRGC.

The following guidance has been prepared by HRA with the legal support of UpRights.

In Iran, the IRGC's involvement in violations or crimes relates *inter alia* to the suppression of political dissidents, journalists, activists, and any perceived enemy of the regime, including by kidnapping dissidents abroad and running unofficial detention centres across the country. Over the years, the IRGC has been involved in the violent repression of most, if not all, peaceful protests challenging the Iranian Government. Outside of Iran, allegations of human rights violations or crimes involving IRGC's members have been reported all over the world for decades. These incidents mostly target dissidents or interests of foreign enemies to the Iranian regime. Allegations of violations and crimes also expand to the context of armed conflicts in States where the IRGC is involved such as Syria or Iraq.

Currently, there are no viable domestic routes for accountability to address the alleged crimes and violations perpetrated by members of the IRGC. The Iranian national laws often enshrine discrimination and are frequently used arbitrarily to persecute specific individuals and groups. Various reports suggest that Iran's legislative and judicial systems lack independence and impartiality, with the judiciary being complicit by being responsible for unfair imprisonment and violations of fair trial and due process rights at a systemic level.² Despite repeated calls for efforts to document these violations and to deliver justice, those allegedly responsible in the IRGC have rarely been held accountable.

There are, however, judicial³, quasi-judicial⁴ and non-judicial⁵ pathways that can and should be pursued to promote justice for victims. The below analysis sets out potential avenues for civil society, victims and other actors to pursue accountability. For each pathway, limitations and requirements to pursue justice are clearly set out to articulate the feasibility (or lack thereof) under present circumstances.

Pathways to seek accountability have been organized into seven distinct categories most pertinent to the Iranian context, namely:

- I. Domestic judicial avenues, including national jurisdiction and universal/extra-territorial jurisdictions of Third States;
- II. International tribunals, such as the International Court of Justice and the International Criminal Court;

¹ PDP Database, Incidents Investigated

² Novo, L. et al., 'The Islamic Republic of Iran Before the World: International Avenues for Pursuing Accountability for Human Rights Violations in the Islamic Republic of Iran', Atlantic Council, 2023, and Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran to the Human Rights Council, 2 February 2024, A/HRC/55/67, para. 52-60.

³ Judicial pathway refers to formal legal proceedings before national, regional or international courts.

⁴ Quasi-judicial pathway refers to international bodies that are not courts, but do decide individual complaints such as the United Nations Treaty Bodies and Human Rights Council.

⁵ Non-judicial pathway refers to informal mechanisms that do not involve formal legal proceedings such as Truth-seeking initiatives, reparations and victims' support.

- III. United Nations mechanisms, including those established through UN Human Rights Treaty Bodies and the Human Rights Council;
- IV. Sanctions regimes, including the EU's sanctions against Iranian individuals and entities responsible for human rights violations and Magnitsky-style acts in various countries;
- V. Initiatives rooted in transitional justice principles, including truth-seeking initiatives, reparations and victim support.

Accordingly, this memorandum outlines the feasibility, strength and limitations of those pathways. The various pathways enumerated below are intended to support victims of serious human rights violations and international crimes to obtain remedies as required under international law. These remedies include the right to equal and effective access to justice, the right to adequate, effective, and prompt reparation for the harm suffered, and the right to access relevant information concerning violations and reparation mechanisms.⁶

Developing an Accountability Strategy

Pursuing accountability for serious human rights violations and international crimes is, by its very nature, a complicated undertaking. Considering how to utilize and pursue different pathways requires a strategic approach that considers opportunities, benefits, and context. This involves identifying the specific harms or violations that are at issue and who are the affected persons, clarifying the objectives or goals of an accountability strategy, and mapping out the pathways to realize these goals. To do so, however, it is important to articulate some features of the different pathways

and to consider these within the specific context of Iran.

First, pursuing accountability for violations committed by the IRGC is inherently constrained by the lack of willingness to investigate and prosecute in Iran through domestic avenues. The viability of various accountability pathways is also greatly determined by the fact that Iran is not a party, or has major reservations, to many international instruments. This limits potential judicial options like cases before the International Court of Justice. It is also not a party to the International Criminal Court. Iran has also only ratified a limited number of human rights treaties and has not ratified any Optional Protocols to the human rights treaties allowing for individual complaint mechanisms. It impacts the availability of quasi-judicial pathways and limits the capacity of UN Human Rights Treaty Based bodies to engage with Iran on human rights related issues.

Second, accountability pathways yield different outcomes which can largely be grouped into judicial and non-judicial outcomes. Judicial pathways include the International Court of Justice, the International Criminal Court, universal jurisdiction, and others, as well as non-judicial pathways, such as United Nations Mechanisms. Judicial pathways may be more difficult to pursue, but can in certain instances provide concrete, realizable outcomes. A finding by a domestic or international court or tribunal is likely to be a binding legal decision. In contrast, findings by the United Nations human rights body or truth-seeking initiatives may be more accessible but not likely to be judicially binding decisions.

The nature of violations also dictates who is being sought to be accountable. Human rights violations generally hold States, not individuals, accountable.

⁶ UNGA Resolution, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious

Violations of International Humanitarian Law, [A/RES/60/147](#), 21 March 2006, para. 11.

A finding by the International Court of Justice (a judicial pathway) or by a United Nations Human Rights Body (a non-judicial pathway) is likely to relate to State responsibility and be centred in human rights law. Criminal and civil pathways, in contrast, hold individuals responsible and are likely to be centred on international crimes. Such criminal pathways, however, will often require the presence of an accused person.

Why does this matter? Because assessing what is feasible is dependent on understanding what various pathways require. As Iran is not a party to the International Criminal Court, this avenue will be difficult to pursue for a number of reasons laid out below. Universal jurisdiction principles allow for potential prosecution, but they will almost always require the presence of an accused person on the territory of a Third-Party State. United Nations human rights mechanisms are easier to access, but they can be slow, cumbersome and lack enforceable, judicial outcomes.

Utilizing these various pathways therefore requires a holistic and strategic approach. In a perfect world, as required under international law, Iran would investigate and hold responsible perpetrators of international and domestic crimes. Without a significant change in the domestic context, seeking accountability outside of Iran will instead require a mix of pursuing judicial and non-judicial accountability pathways, advocacy efforts and engaging both State and non-State actors to pursue a more enabling environment for the various pathways.

An overview of the accountability landscape in the context of Iran illustrates the above observations. To date, the International Criminal Court, the International Court of Justice and domestic courts have not served as viable pathways. However, universal jurisdiction cases have been initiated,

numerous submissions have been filed to the United Nations, sanctions have been implemented against IRGC members and the IRGC, truth-seeking initiatives have been developed by civil society, and untold advocacy campaigns and public reports have been produced.

This report is intended to clarify the various possibilities in concrete and simple terms. It can form the basis for actors to cooperate and pool their resources to pursue short, medium and long-term accountability pathways based on discussions with victims, honest assessments of the viability of pathways and plans to use short-term successes to open longer-term goals.

Ultimately, these pathways aim to support victims of serious human rights violations and international crimes to obtain remedies as required under international law.⁷ Ensuring that the pursuit of accountability is rooted in the rights and wishes of the victims is critical to realize the needs and rights of victims.

DOMESTIC JUDICIAL AVENUES

Can IRGC members be prosecuted before domestic courts in Iran for serious human rights violations and international crimes?

Yes, in principle but it remains highly unlikely at this time. While it is the primary responsibility of Iran through domestic courts to address allegations of serious human rights violations and international crimes committed in Iran and/or by members of the IRGC, there are currently no prospects to address serious human rights violations and international crimes committed by the IRGC within the judicial system of Iran.

⁷ UNGA Resolution, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious

Violations of International Humanitarian Law, [A/RES/60/147](#), 21 March 2006, para. 11.

The right to a remedy, which is included in many human rights instruments, provides a strong basis for inferring an obligation on States to investigate, prosecute, and provide redress to victims of international crimes and/or serious human rights violations.⁸ These legal obligations derive from both international instruments and customary international law, including from: the 1949 Geneva Conventions (Iran is a signatory, but not a party to Additional Protocol I, II and III); the Convention on the Prevention and Punishment of the Crime of Genocide (ratification on 14 August 1956); the International Covenant on Civil and Political Rights (ICCPR) (ratification on 24 June 1975); the International Covenant on Economic, Social and Cultural Rights (ICESCR) (ratification on 24 June 1975); the Convention on the Rights of the Child (CRC) (ratification on 13 July 1994); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (ratification on 29 August 1968); and the Convention on the Rights of Persons with Disabilities (CRPD) (accession on 23 October 2009). Iran is a State Party to all these Conventions.

Further, it has been established that non-ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, Convention against Torture (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance does not exempt states, including Iran, from their responsibility to investigate and prosecute such crimes and violations since those

duties are enshrined in customary international law⁹ and *jus cogens* norms¹⁰.

Nevertheless, there are currently no viable domestic routes to address serious human rights violations and crimes committed by members of the IRGC in Iran. The arbitrary and discriminatory provisions of Iran's 1979 Constitution, combined with overbroad national security offences like *moharebeh* (waging war against God), *efsad-e fel-arz* (spreading corruption on Earth), are used by Iranian authorities to impose imprisonment sentences and death penalties on peaceful protesters and political dissidents. Human rights violations are weaponized and instrumentalized including through the Islamic Revolutionary Courts.¹¹ Lawyers defending dissidents are jailed, banned from practicing, or forced to flee the country.¹²

Various reports suggest that Iran's legal and judicial systems lack independence and impartiality, with the judiciary being complicit and responsible for unjust imprisonment and widespread violations of fair trial and due process rights at a systemic level.¹³ In his February 2024 report, former UN Special Rapporteur Javād Rehmān concluded that there is no accountability for crimes under international law and serious human rights violations in Iran, with no prospects for achieving this at the domestic level.¹⁴

Similarly, in its report dated March 2024, the Independent International Fact-Finding Mission on the Islamic Republic of Iran (FFMI) “found no

⁸ Roht-Arriaza, N., ‘Sources in International Treaties of an Obligation to Investigate, Prosecute, and Provide Redress’ in *Impunity and Human Rights in International Law and Practice*, ed., Oxford University Press, 1995, p. 24.

⁹ See Médecins Sans Frontières website, [Customary International Law](#).

¹⁰ United Nations General Assembly, Report of the International Law Commission, 20 August 2019, A/74/10, p. 142.

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 9 February 2024, [A/HRC/55/62](#), p. 6.

¹² Freedom House, ‘Freedom in the World 2024’.

¹³ Novo, L. et al., ‘The Islamic Republic of Iran Before the World: International Avenues for Pursuing Accountability for Human Rights Violations in the Islamic Republic of Iran’, Atlantic Council, 2023, and Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran to the Human Rights Council, 2 February 2024, [A/HRC/55/67](#), para. 52-60.

¹⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, [A/HRC/55/62](#), 9 February 2024, para. 45, 81, 88 and 89.

*evidence of effective domestic remedies for victims of human rights violations and established that the authorities had failed to investigate allegations of human rights violations, or to prosecute or punish those responsible, and had deliberately and systematically obstructed any efforts by the victims and their families to obtain redress and establish the truth”.*¹⁵

Can IRGC members be prosecuted before the domestic courts of other States for crimes committed outside of Iran?

Yes. States where the crimes allegedly involving IRGC members occur are the natural jurisdiction for such cases. States can investigate, prosecute, and punish individuals, including IRGC members, under their domestic laws for crimes committed within their territory. Therefore, crimes allegedly committed by IRGC members outside of Iran, notably in countries that have an effective judicial system, can and are generally addressed in the countries where those crimes are committed.

Over the years, multiple allegations of serious human rights violations or crimes involving some IRGC's members have been committed on the territory of other States.¹⁶ These incidents generally target dissidents or interests of foreign enemies to the Iranian regime.¹⁷ As an example, on 18 July 1994, a truck carrying explosives exploded next to the Jewish Community Center in Buenos Aires, Argentina. The explosion resulted in the death of 85 people and injured around 300 others, making it one of the deadliest attacks in Argentina history. Argentinian judicial authorities issued arrest warrants for several Iranian officials including members of the IRGC in relation to this incident. On 25 October 2006, two Argentinian prosecutors officially accused the Iranian government of the bombing, alleging that Hezbollah Lebanon attacked at the direction of Iran. Recently, the Argentinian judiciary concluded that Hezbollah was responsible for the AMIA bombing in 1994 and that it acted based on guidelines and financial support from the Iranian government. The ruling, issued by the highest criminal court in Argentina, is final.¹⁸

¹⁵ Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran to the Human Rights Council, 2 February 2024, [A/HRC/55/67](#), para. 116.

¹⁶ For example, Iran International, ‘[German Court Accuses Individual Of Arson Linked To Iranian Regime](#)’, 5 September 2023: In November 2022, a dual Iranian-German citizen has been charged at the Dusseldorf High Court with orchestrating an arson attack under the orders of Iranian government authorities, targeting a synagogue in the Ruhr region of western Germany; Al Jazeera, ‘[Belgian court jails Iranian diplomat for 20 years over bomb plot](#)’, 4 February 2021: In 2021, a Belgian court sentenced an Iranian diplomat and three others to prison for planning a terrorist attack on an annual gathering of MEK in Paris. The diplomat is accused of organizing the bombing and providing explosives to an Iranian couple in Brussels; Freedom House, ‘Special Report 2021. Iran: Transnational Repression Origin Country Case Study’, p. 36; In August 2020, the IRGC abducted Jamshid Sharmahd.. He was accused of involvement in a 2008 terrorist attack in Iran. Sharmahd was executed in Iran in 2024. October 2018, French authorities announced that operatives from Iran's Ministry of Intelligence were responsible for a failed Vehicle-Borne Improvised Explosive Device (VBIED) attack in Paris at a gathering of the National Council of Resistance of Iran

(NCRI) in June; Middle East Institute, ‘[Bahrain says IRGC plotted pipeline bombing near Manama](#)’, 8 February 2018: In February 2018, Bahraini authorities arrested four individuals linked to a bomb attack on an oil pipeline, alleging that they received training from the IRGC. The attack occurred near the capital city of Manama; ‘[Family's suspicions confirmed: Iran behind the murder of Ahmad Mola Nissi](#)’ (2019): In November 2017, Ahmad Molla Nissi, a former leader of the Arab Struggle Movement for the Liberation of Ahwaz (ASMLA), a group opposed to the Iranian regime, was shot and killed in The Hague, Netherlands; France24, ‘[Indian police 'blame Iran' for attack on Israeli diplomat](#)’, 30 July 2012: In 2012, Indian police concluded that members of IRGC were responsible for a bombing attack on an Israeli diplomat in New Delhi; Al Jazeera, ‘[Iran held liable in Khobar bombing](#)’, 23 December 2006: In 2006, Iran was held liable by the United States District Court for the District of Columbia for the bombing at Khobar Towers, a US Air Force housing complex in Saudi Arabia, in 1996.

¹⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 24 August 2023, [A/78/326](#), p. 4-10.

¹⁸ PDP Database, [Bombing of AMIA building in Argentina](#)

Third States where IRGC members allegedly commit crimes outside of Iran are the natural jurisdiction to address the human rights violations and crimes committed. However, given that these crimes span across a long time frame and multiple countries worldwide, prosecution by national authorities alone does not allow for a full understanding or response to the broader patterns and systematic nature of this type of criminality characteristic of the IRGC *modus operandi*.

Can Third States prosecute IRGC members for serious human rights violations and international crimes committed in Iran and abroad under the universal jurisdiction principle?

Yes. Having regard to the current impossibility of obtaining justice at the domestic level in Iran, there are possibilities to pursue accountability for serious human rights violations and international crimes committed in Iran to be judicially addressed in a foreign state (Third State) relying on extraterritorial jurisdiction and in particular universal jurisdiction. This is subject to the legal and practical challenges of pursuing this accountability pathway.

States generally have the ability to investigate, prosecute and punish individuals for crimes committed beyond their territorial borders. This extraterritorial jurisdiction varies across domestic legal frameworks but commonly includes forms

such as active personality jurisdiction, passive personality jurisdiction, and universal jurisdiction.

Active personality jurisdiction allows Third States to prosecute crimes committed by their nationals, even when committed abroad. Passive personality jurisdiction allows Third States to prosecute crimes committed against their nationals, even when committed abroad. While there are some national specificities, these two forms of jurisdiction are generally recognized at the national level and are often the basis for jurisdiction for the prosecution by Third States of serious human rights violations and international crimes committed abroad.¹⁹

Universal jurisdiction is the broadest form of extraterritorial jurisdiction allowing Third States to investigate and prosecute individuals for serious human rights violations and/or international crimes irrespective of where the alleged crime was committed, the nationality of the suspect or the nationality of the victim.²⁰ Crimes invoking universal jurisdiction under international law are for instance piracy, slavery, war crimes, crimes against humanity, genocide, torture²¹, and enforced disappearances.²²

The basis of universal jurisdiction principles under international law is that Third States have an interest in preventing and punishing crimes that are violations of *jus cogens* and obligations *erga omnes*, even in the absence of any link between the suspect, the alleged crime and the Third State exercising jurisdiction. This means that Third

¹⁹ For example, in January 2024, under the passive personality jurisdiction, a Dutch court sentenced Mustafa A, a former Syrian militia commander, to 12 years in prison for complicity in crimes against humanity and war crimes during the Syrian civil war. He was an asylum seeker in the Netherlands when he was arrested: Al Jazeera, [‘Dutch court convicts Syrian pro-government fighter of war crimes’](#), 22 January 2024. In March 2023, under the active personality jurisdiction, Oliver Schulz, Australian national and former Australian soldier, was charged with the war crime of murder by an Australian court, for crimes committed in Afghanistan in 2012: See Australian Federal Police website, [‘Former Australian soldier charged with war crime’](#), 20 March 2023. In 2022, under universal

jurisdiction, a German court has sentenced a former high-ranking Syrian intelligence officer, Anwar Raslan, to life in prison for crimes against humanity in Syria: Financial Times, [‘German court convicts former Syrian official of crimes against humanity’](#), 13 January 2022.

²⁰ TRIAL International & Ham Diley Campaign, [‘Handbook on Universal Jurisdiction: Holding the Taliban Accountable for International Crimes’](#), 2024, p. 27.

²¹ Human Rights Watch, [Basic Facts on Universal Jurisdiction](#), 19 October 2009.

²² Amnesty International, [Universal Jurisdiction: The duty of states to enact and implement legislation - Chapter Twelve \(“Disappearances”\)](#), September 2001.

States can hold persons suspected of such crimes accountable even if the governments where the suspects are nationals or residents cannot or will not do so.²³

However, universal jurisdiction is not automatically operative in domestic jurisdictions. The crimes covered by and the criteria for invoking universal jurisdiction vary from State to State as each State has its own jurisdictional or procedural requirements to enable the investigation and prosecution of an individual under this principle. For instance, to exercise universal jurisdiction, a number of States' national laws require the presence or residence of the accused on their territory or may limit the discretionary powers of Prosecutors in this matter. The capacity of a national judicial system to prosecute IRGC members for serious human rights violations or international crimes committed in Iran will thus depend on both the domestic legal framework and the facts of each particular case.

To date, two cases of significance have been brought in the context of Iran in Third States based on the principle of universal jurisdiction. In 2024, the United Kingdom authorities arrested and investigated an Iranian national whose name is withheld over torture allegedly committed in Iran between 2010 and 2012.²⁴ The case is currently under investigation. In 2022, Swedish court sentenced Hamid Noury, an Iranian national assistant to the deputy prosecutor of Iran at the time of the events, to life in prison for war crimes related to the mass execution of prisoners in 1988.²⁵ He was arrested in Sweden in 2019 while traveling there for personal reasons. In December 2023, a Swedish appeal court confirmed his sentence.²⁶ However, in 2024, Hamid was returned

to Iran as part of a prisoner swap.²⁷ While Hamid Noury was not an IRGC member, his case shows that accountability for crimes committed by the IRGC, whether in Iran or abroad, could also be successfully investigated and prosecuted in Third States relying on universal jurisdiction.

Successfully pursuing accountability for serious human rights violations or international crimes allegedly committed by the IRGC in Iran through universal jurisdiction in Third States is a complex and challenging process for victims and civil society supporting them, with limited chances of success. Due to the numerous legal and political factors such as the existence of laws on universal jurisdiction and their scope, the variable procedural requirements at the national level, additional requirements attached to universal jurisdiction for instance, most States require the presence or residence of the accused on their territory or limitations to prosecutorial discretion, pursuing this form of accountability against IRGC members is challenging and even if successful results are likely to take time to materialize for the victims.

Experience has shown that the chances of success may be higher in States with an important Iranian community and heavily depends on whether the alleged perpetrators are travelling abroad frequently or have left the country. In addition, experience shows that launching complaints or more broadly supporting universal jurisdiction processes against foreign suspects requires long-term engagement for victims and civil society. Nevertheless, successes exist, and the number of successful prosecutions under extraterritorial jurisdiction and universal jurisdiction in particular have been significantly growing over the past 20 years.

²³ [Handbook on Universal Jurisdiction: Holding the Taliban Accountable for International Crimes](#), 2024, p. 39-40.

²⁴ TRIAL International, 'Universal Jurisdiction Annual Review 2024', p. 111.

²⁵ Reuters, 'Swedish court sentences ex-Iranian official to life for torture, executions', 14 July 2022.

²⁶ DW, 'Sweden upholds life sentence in Iran prison executions case', 19 December 2023.

²⁷ BBC, 'Iranian convicted of war crimes freed in Swedish swap', 15 June 2024.

Can Third States address civil claims for serious human rights violations that can be attributed to IRGC members?

Yes, in certain States and under certain conditions. A civil claim allows one party (the plaintiff) to pursue legal action against another party (the defendant) to seek remedy for a civil wrong.

In certain circumstances, Third States can exercise universal jurisdiction over civil cases involving torts like genocide, crimes against humanity, war crimes, torture, and other international crimes, without requiring a link between the tort/crime and the Third State.²⁸ For instance, Article 14 of CAT requires each State Party to ensure in its legal system that any victim of an act of torture, regardless of where it occurred, obtains civil remedies and has an enforceable right to fair and adequate compensation.²⁹ Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, Argentina, Bolivia, China, Colombia, Costa Rica, Myanmar, Panama, Poland, Romania, Senegal and Venezuela permit their courts to entertain civil claims in criminal cases which are based on universal jurisdiction.³⁰

In the context of Iran, pure civil claims have also been initiated in Third States such as the United States and Canada. United States has the Alien Tort Statute, Torture Victim Protection Act, the

terrorism exception to the Foreign Sovereign Immunities Act, and the Anti-Terrorism Act that allow victims to sue individuals, organizations, governments, and corporations responsible for the commission of human rights violations and abuses.³¹ Victims of human rights violations perpetrated by the IRGC members have additional options under the terrorism laws because the IRGC is a designated terrorist organization under US law.³² For instance, in 2019, the District Court of Columbia ordered Iran to pay Jason Rezaian, an Iranian-American, and his family \$180 million for his 544 days of being tortured and held hostage.³³

Canada has the Justice for Victims of Terrorism Act which provides that Canadian citizens and permanent residents of Canada, who are victims of acts of terrorism, can sue perpetrators of terrorism and seek redress through civil action in Canadian courts, for terrorist acts committed anywhere in the world on or after 1 January 1985. These civil actions can only be brought against foreign States listed by the Canadian government as supporters of terrorism.³⁴ The government of Canada has designated Iran as a State sponsor of terrorism under the State Immunity Act and listed the IRGC as a terrorist entity under the Criminal Code.³⁵ For instance, in 2022, the Ontario Superior Court ruled the destruction of Flight PS752 shortly after take-off in Tehran was an intentional act of terrorism and ordered Iran to pay \$107M to six families of Flight PS752 victims.³⁶

²⁸ Amnesty International, '[Universal Jurisdiction: The scope of civil universal jurisdiction](#)', July 2007, p. 3.

²⁹ Hall, C.K., 'The Duty of States Parties to the Convention against Torture to Provide Procedures Permitting Victims to Recover Reparations for Torture Committed Abroad', European Journal of International Law, Vol.18, Issue 5, November 2007, p. 923-924.

³⁰ Amnesty International, '[Universal Jurisdiction: The scope of civil universal jurisdiction](#)', July 2007, p. 5-9.

³¹ Atlantic Council, '[Closing the Accountability Gap on Human Rights Violators in the Islamic Republic of Iran through Global Civil Litigation Strategies](#)', December 2020, p. 13-39.

³² U.S. Department of State website, '[Designated Foreign Terrorist Organizations](#)'.

³³ United States District Court of Columbia [Ruling](#), *Jason Rezaian et al. v. Islamic Republic of Iran and IRGC*, 22 November 2019; CNN, '[Federal judge awards journalist Jason Rezaian and family \\$180 million](#)', 22 November 2019.

³⁴ Atlantic Council, '[Closing the Accountability Gap on Human Rights Violators in the Islamic Republic of Iran through Global Civil Litigation Strategies](#)', December 2020, p. 40.

³⁵ Government of Canada, '[Canada imposes further sanctions against Iran](#) About:blank', 18 September 2024.

³⁶ The Guardian, '[Canadian court awards \\$107m to families of Iran plane crash victims](#)', 3 January 2022.

This pathway can be used to hold IRGC members accountable by ordering them to provide redress such as financial damages to victims for crimes committed in Iran or abroad. However, potential claimants should be aware that pursuing a civil claim can be challenging due to factors such as the cost of a lengthy legal process, international cooperation, ensuring foreign judgments are recognized in Iran, and the potential inability of IRGC members to pay damages or provide redress due to sanctions.

INTERNATIONAL COURTS

Can Iran be brought before the ICJ for violations of human rights and/or international crimes by other States?

It may be possible, but in the context of Iran, options, if available, are primarily limited to treaties for which Iran has accepted the jurisdiction for disputes to be brought before the International Court of Justice (ICJ), specifically the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Therefore, it would have to be centred on the discriminatory treatment of ethnic minorities in Iran. Moreover, bringing a dispute to the ICJ would necessitate one or several States alleging breaches of the CERD by Iran, even if they are not directly affected, which would require a strong convergence of political and diplomatic will.

The ICJ is the principal judicial organ of the UN. It is not a criminal court, but a court that hears disputes between States (inter-State dispute), not

individuals. Only States (*not individuals, organizations or corporations*) can bring a case against another State before the ICJ. The ICJ has two primary jurisdictions: contentious jurisdiction and advisory jurisdiction. The ICJ's judgment in contentious cases are binding and States must comply with them. The Court exercises jurisdiction in contentious proceedings based on the consent of the States involved. It has jurisdiction over contentious cases involving Iran where:

- a) The case is referred to the ICJ by special agreement under Article 36(1) of the Statute.³⁷
- b) It arises in relation to Iran's declaration accepting compulsory ICJ's jurisdiction.³⁸
- c) The dispute involves a treaty with an ICJ dispute-resolution clause to which Iran is a party.³⁹
- d) A dispute involving Iran, which is initially outside the ICJ's jurisdiction, could be heard under the *forum prorogatum rule* if Iran subsequently consents to the Court's jurisdiction.⁴⁰

On 25 June 2023, Iran submitted a declaration accepting ICJ's compulsory jurisdiction as provided in Article 36(2) of the ICJ Statute.⁴¹ However, the Government of the Islamic Republic of Iran only accepted compulsory jurisdiction over specific matters involving immunities⁴² and expressly excluded "*disputes relating to questions which fall essentially within the domestic*

³⁷ ICJ Statute, Article 36(1).

³⁸ ICJ Statute, Article 36(2). Iran may recognize the ICJ's compulsory jurisdiction under Article 36(2) of the Statute, applying to disputes concerning Interpretation of a treaty; Questions of international law; Existence of facts constituting a breach of an international obligation; Nature or extent of reparations for breaches of international obligations.

³⁹ ICJ Statute, Article 36(1).

⁴⁰ ICJ Rules of the Court, Article 38(5).

⁴¹ ICJ website, [Iran's Declaration](#) recognizing the jurisdiction of the Court as compulsory.

⁴² The following disputes are included in Iran's Declaration: the jurisdictional immunities of the State and State property and immunity from measures of constraint against State or State property. Iran made this declaration for the purpose of bringing a case against Canada on this subject-matter on 27 June 2023. See ICJ, [Alleged Violations of State Immunities \(Islamic Republic of Iran v. Canada\)](#).

jurisdiction of the Islamic Republic of Iran”⁴³ among others. Many States have made similar types of declaration as it may be politically significant for States to protect themselves against inter-state disputes before the ICJ.⁴⁴

However, this declaration may not apply to cases involving violations of *jus cogens* norms or *erga omnes* obligations as they are by their nature, not considered matters of domestic law and therefore, may not fall within the scope of Iran's declaration.⁴⁵ Nevertheless and in any event, due to the very narrow scope of compulsory jurisdiction accepted by Iran, the possibility of initiating proceedings relying on compulsory jurisdiction is limited to questions related to State immunities. This does not appear to be a viable pathway to address human rights violations or international crimes allegedly committed by the IRGC.

There may be a possibility for States, however, to bring a case before the ICJ regarding certain human rights violations in Iran under human rights treaties

to which it is a party such as CERD.⁴⁶ The ICJ has previously adjudicated specific disputes between States on grounds of breach of CERD obligations, namely in *Georgia v. Russia* (2008)⁴⁷, *Ukraine v. Russia* (2017)⁴⁸, *Qatar v. UAE* (2018)⁴⁹, and *Armenia v. Azerbaijan* (2021).⁵⁰

Recently, the ICJ has increasingly considered cases where States allege breaches of *erga omnes* obligations under a treaty, rather than specific disputes between States. Examples include cases involving *Syria*⁵¹, *Myanmar*⁵², *Israel*⁵³, and recently, *Afghanistan*⁵⁴. The ICJ in these cases appeared to suggest that obligations under international human rights treaties could potentially be interpreted as obligations *erga omnes* (duties “owed by any State party to all the other States parties to the Convention”⁵⁵), giving any State party to the same treaty as the Respondent State, even if not directly affected, standing to bring a claim for breaches.

⁴³ ICJ website, [Iran's Declaration](#) recognizing the jurisdiction of the Court as compulsory.

⁴⁴ ICJ website, [Declaration](#) recognizing the jurisdiction of the Court as compulsory.

⁴⁵ ICJ Judgment, *Right of Passage over Indian Territory (Portugal v. India)*, 1960, p. 32-33; Vermeer, Z. & Akande, D., ‘Prior Consent by States to the Jurisdiction of International Courts and Tribunals in Inter-State Disputes’, (2019), para. 113-114; Kolb, R., ‘Reservations to Optional Declarations Granting Jurisdiction to the International Court of Justice’, 2024, p. 66-67; Article 27 of the 1969 Vienna Convention.

⁴⁶ The analysis has focused on the assessment of the legal pathways available under human rights treaties. However, it is important to note that other international conventions can also be used to establish ICJ jurisdiction in relation to incidents involving the IRGC. For instance Iran is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention). On the basis of Article 14 of the Montreal Convention, on 4 July 2023, Canada, Sweden, Ukraine, and the UK instituted proceedings against Iran, claiming that Iran violated certain obligations under the Montreal Convention arising from the shooting down of Ukraine International Airlines Flight PS752 by military personnel of Iran's IRGC on 8 January 2020. The case is pending before the ICJ. *Aerial Incident of 8 January 2020 (Canada, Sweden, Ukraine and United Kingdom v. Islamic Republic of Iran)*, ICJ, [Application Instituting Proceedings](#), 4 July 2023.

⁴⁷ ICJ, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Georgia v. Russian Federation*)

⁴⁸ ICJ, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (*Ukraine v. Russian Federation*)

⁴⁹ ICJ, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Qatar v. United Arab Emirates*)

⁵⁰ ICJ, Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Armenia v. Azerbaijan*)

⁵¹ ICJ, Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Canada and the Netherlands v. Syrian Arab Republic*), 2023.

⁵² ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar: 7 States intervening*), 2022.

⁵³ ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*), 2023

⁵⁴ [Canada, Australia, Germany and the Netherlands v. Afghanistan](#), 2024.

⁵⁵ ICJ Judgment, Questions relating to the Obligation to Prosecute or Extradite (*Belgium v. Senegal*), 2012, p. 31.

However, it is important to note that Iran is not a signatory to CAT, which was recently used by Canada and the Netherlands in their case against Syria before the ICJ, based on *erga omnes partes* obligations and neither of the CEDAW, which was recently used by Canada, Australia, Germany and the Netherlands over allegations of gender discrimination in the context of Afghanistan.⁵⁶

The ICJ has declared that racial discrimination is an obligation *erga omnes*⁵⁷, an obligation owed to the international community as a whole to protect individuals from racial discrimination.⁵⁸ The prohibition of racial discrimination is also a *jus cogens* norm.⁵⁹ The nature of racial discrimination being *jus cogens* and *erga omnes* could allow States that are party to CERD, even if not directly affected, to invoke responsibility of other States for breaches of *erga omnes* obligations. Notably to date, the ICJ have yet to adjudicate cases of *erga omnes* complaint under CERD and any finding on the feasibility of this pathway would need further study. This could be a pathway to be explored for States to bring Iran before the ICJ for alleged breaches of *erga omnes* obligations under CERD, to which Iran is a party.

Some allegations of serious human rights violations and international crimes allegedly involving the IRGC and its members include systemic discrimination against certain religious or

ethnic minorities.⁶⁰ For years, Iran has been regularly pointed out by the United Nations and civil society for the systemic discriminatory treatment and marginalization that it imposed on its ethnic and religious minorities. This discrimination is entrenched in the Iranian legal framework but is also reflected in the way minorities are treated by the Iranian government.⁶¹

In relation to the recent repression of the 2022-2023 protests of the “Woman, Life, Freedom” movement, the FFMI on Iran found that “ethnic and religious minorities, as well as other minorities, were disproportionately impacted by the Government’s response to the protests that began in September 2022.”⁶² The FFMI established that these affected minorities comprise in particular ethnic Kurds and Baluch as well as others, including ethnic Azerbaijani Turks and Ahwazi Arabs.⁶³ The FFMI range of gross human rights violations committed by security forces in Iran against members of minorities, including unlawful deaths, extrajudicial executions, unnecessary use of lethal force, arbitrary arrests, torture, rape, enforced disappearances and gender persecution – many of which amount to crimes against humanity.⁶⁴ For instance one of the deadliest incidents of the 2022-2023 protests, the “Bloody Friday”, took place in Zahedan, the capital of Sistan and Baluchestan province.⁶⁵

⁵⁶ [Canada, Australia, Germany and the Netherlands v. Afghanistan](#), 2024.

⁵⁷ ICJ Judgment, *Barcelona Traction, Light and Power Company, Limited (Belgium v Spain)*, 1970, para. 33.

⁵⁸ *Ibid*, para. 33.

⁵⁹ International Law Commission, ‘Draft Articles on the Responsibility of States for Wrongful Acts, with commentaries’ (2001) 2(2) Yearbook of the International Law Commission 31, para 5; In its commentary regarding Article 26, the ILC made a list concerning *jus cogens* norms under contemporary international law. According to ILC, “the peremptory norms that are clearly accepted and recognized include the prohibitions of aggression, genocide, slavery, racial discrimination, crimes against humanity and torture, and the right to self-determination.”

⁶⁰ Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran to the Human Rights Council, 2 February 2024, [A/HRC/55/67](#), para. 91-98; “Atrocity Crimes” and grave violations of human rights

committed by the Islamic Republic of Iran (1981–1982 and 1988): Detailed findings of Mr. Javaid Rehman, the Special Rapporteur on situation of human rights in the Islamic Republic of Iran, 17 July 2024, p. 56-58.

⁶¹ See OHCHR, ‘[Iran: UN expert says ethnic, religious minorities face discrimination](#)’, 22 October 2019 ; Alternative Report submitted by the International Federation for Human Rights (FIDH), The Iranian League for the Defence of Human Rights (LDDHI) and Defenders of Human Rights Center (DHRC), ‘[Discrimination against ethnic and religious minorities in Iran](#)’, 2010.

⁶² OHCHR, ‘[Minorities in Iran have been disproportionately impacted in ongoing crackdown to repress the “Woman, Life, Freedom” movement, UN Fact-Finding Mission says](#)’, 5 August 2024: see Advocacy Paper.

⁶³ *Ibid*.

⁶⁴ *Ibid*.

⁶⁵ PDP Database, [Bloody Friday - Suppression of Protesters in Zahedan during the 2022 protests](#)

While the ICJ can provide a legal avenue for holding Iran accountable, the feasibility of achieving a successful outcome depends on a combination of legal, political, and international support. Bringing a case against Iran at the ICJ would demand significant political will and support from the international community. There is also no clear answer to whether such jurisdiction would be granted. Regardless, bringing such a case requires a complex process involving States' varying political interests and alliances. It shall also be noted that contentious cases must be brought to the ICJ by a State meaning that civil society or an individual cannot bring the dispute themselves. As a result, pursuing this accountability pathway would require convincing one or several States to bring a dispute to the ICJ against Iran.

Can the ICJ issue an Advisory Opinion concerning the situation in Iran?

Yes, but the current likelihood is low. Under the ICJ's advisory jurisdiction, the ICJ can issue advisory opinions on legal questions posed by authorized UN organs or specialized agencies.⁶⁶ For instance, under Article 96 of the United Nations Charter, United Nations General Assembly (UNGA) can seek an advisory opinion from the ICJ on either (i) '*any questions or any matters*' within the UN Charter's scope; or (ii) any issues relating to the maintenance of international peace and security⁶⁷. Whilst these advisory opinions are not legally binding, they are regarded as authoritative, carry great legal weight, and are often followed by States.⁶⁸

While the ICJ can issue advisory opinions, it is not frequently used and securing such an opinion on the situation in Iran would require significant political will and international cooperation. UN organs such as the UN General Assembly or UN Security Council could request an advisory opinion from the ICJ⁶⁹, focusing on potential violations of international law, particularly CERD, ICCPR, and CRC, related to serious human rights abuses committed by the IRGC. However, obtaining the necessary support from the UN General Assembly for such a request would be a complex and challenging process.

Can members of the IRGC be prosecuted by the International Criminal Court (ICC)?

It is unlikely. Since Iran is not a State Party to the International Criminal Court (ICC), the Court's ability to exercise jurisdiction over crimes committed in Iran or by Iranian nationals, such as IRGC members, is extremely limited.

The ICC is a permanent international court established to investigate, prosecute, and try individuals accused of the most serious international crimes, which concern the international community as a whole. The ICC's jurisdiction is exclusively criminal, meaning it prosecutes individuals rather than groups or States. The ICC operates based on the Rome Statute, the founding treaty that created the ICC, and sets out the crimes falling within the jurisdiction of the ICC (genocide, crimes against humanity, war crimes and the crime of aggression)⁷⁰, the rules of procedure and the mechanisms for States to cooperate with the ICC, among others. When a

⁶⁶ ICJ Statute, Article 65.

⁶⁷ United Nations Charter, Article 96.

⁶⁸ ICJ Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 19 July 2024; ICJ Advisory Opinion on the Legal Consequences of the

Separation of the Chagos Archipelago from Mauritius in 1965, 25 February 2019; ICJ Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004.

⁶⁹ ICJ Statute, Article 65.

⁷⁰ Rome Statute, Article 5.

State becomes a party to the Rome Statute, it agrees to submit itself to the jurisdiction of the ICC.⁷¹

Its temporal jurisdiction covers crimes committed after the Rome Statute entered into force on 1 July 2002, or over crimes committed after a State becomes a party to the Rome Statute.⁷² Therefore, the ICC cannot exercise its jurisdiction over events that occurred before 1 July 2002, under any circumstances. Hence, even if Iran would be a State Party to the ICC, the ICC could never exercise its jurisdiction over older crimes even if they amount to crimes against humanity such as the mass execution of prisoners in 1988.⁷³

The ICC's jurisdiction is triggered by crimes committed on the territory of a State Party or by its nationals.⁷⁴ An investigation can commence if the ICC is satisfied that it has jurisdiction, initiated either by a State Party, the UN Security Council, or the Office of the Prosecutor (OTP) on its own initiative, with Pre-Trial Chamber authorization. Because Iran is not a State Party to the ICC (even though it is a signatory), the ICC has no jurisdiction over international crimes committed in Iran or by its nationals such as IRGC members, unless Iran would consent to the jurisdiction of the court or if the UN Security Council refers the situation to the ICC.

Given that Iran has not made a declaration accepting the ICC's jurisdiction, the only clear path for the ICC to exercise jurisdiction over crimes committed in Iran would be based on a referral by the UN Security Council. Currently, it is highly unlikely that the UN Security Council would refer to the situation in Iran due to the potential for

Member States to veto such a resolution. As a result, even recent events involving the IRGC such as the brutal repression of the “*Woman, Life, Freedom*” protests in 2022-2023 that followed the death of Ms. Mahsa Zhina Amini do not fall under the jurisdiction of the ICC even if they have been qualified of crimes against humanity.⁷⁵

Another possibility involves consideration of crimes committed by Iranian nationals including IRGC members on the territory of a State Party to the Rome Statute that could establish jurisdiction, provided that the crimes fall within the ICC's jurisdiction.⁷⁶ For instance, in 2024, Lithuania submitted a referral to the ICC accusing Belarus authorities of crimes against humanity allegedly committed on the territory of Lithuania.⁷⁷ While specific circumstances could lead to a more nuanced analysis based on Article 15 communication filed to the Office of the Prosecutor at ICC by civil society in relation to crimes committed by the IRGC members on the territory

⁷¹ Rome Statute, Article 12(1).

⁷² Rome Statute, Article 11.

⁷³ “[Atrocity Crimes](#)” and grave violations of human rights committed by the Islamic Republic of Iran (1981–1982 and 1988): Detailed findings of Mr. Javaid Rehman, the Special Rapporteur on situation of human rights in the Islamic Republic of Iran, 17 July 2024.

⁷⁴ Rome Statute, Article 12(2).

⁷⁵ PDP Database, [Bloody Friday: Human Rights Activists, HRA Submission to the Independent International Fact-](#)

[Finding Mission on the Islamic Republic of Iran on the crimes against humanity of persecution on political and gender grounds, Public Redacted Version](#)”; Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran to the Human Rights Council, 2 February 2024, [A/HRC/55/67](#), para 108.

⁷⁶ Rome Statute, Article 12(2)(a).

⁷⁷ Lithuania's [referral](#) to the ICC, 30 September 2024.

of a State Party⁷⁸, it is notable that neither Syria⁷⁹ nor Iraq,⁸⁰ where military actions of the IRGC have taken place in the recent past, is a State Party to the Rome Statute.

The submission of Article 15 communication to the Office of the Prosecutor at ICC regarding potential crimes under the court's jurisdiction⁸¹ can be used by civil society to try to trigger the ICC jurisdiction in relation to the IRGC and Iran as well as for raising awareness about the gravity of the crimes committed by IRGC members in and outside of Iran. However, in the current circumstances, the prospect of the ICC opening an investigation in relation to Iran or IRGC members is highly unlikely. In light of the foregoing, it is highly unlikely that the ICC could exercise jurisdiction over international crimes allegedly committed by the IRGC members. It does not appear to be a viable accountability pathway for the victims in the current circumstances.

⁷⁸ To our knowledge, two Article 15 submissions have been filed by civil society in relation to the situation in Iran. Novo, L. et al., [‘The Islamic Republic of Iran Before the World: International Avenues for Pursuing Accountability for Human Rights Violations in the Islamic Republic of Iran’](#), Atlantic Council, 2023, p. 14: An Article 15 of the Rome Statute's submission sought to establish jurisdiction for alleged crimes against humanity committed in Syria by Iranian nationals, including IRGC members, on the basis that the victims fled to Jordan, a State Party to the Rome Statute; The Guardian, [‘Our lives are destroyed’: families take fight for truth of flight 752 to ICC’](#), 14 September 2022: the Association of Families of Flight PS752 Victims submitted a communication under Article 15 of the Rome Statute to the OTP, which provided information and evidence of potential war crimes and crimes against humanity allegedly committed by the IRGC members preceding and following the shooting down of the Ukrainian aircraft on 8 January 2020. Additionally, another creative way to trigger the jurisdiction of the ICC could be to ask the Prosecutor to initiate an investigation at its own initiative for crimes committed by the IRGC members on the territory of ICC States Parties. In such a communication, it could be argued that these specific acts (which would be the only ones that can be considered by the ICC) are part of a broader crime against humanity taking place in Iran at the time these acts were committed.

⁷⁹ PDP Database, [Recruitment and Use of Afghan Children in Hostilities \(Syria\)](#).

UNITED NATIONS MECHANISMS

UN human rights mechanisms consist of Treaty-based Bodies and Charter-based Bodies, designed to hold States accountable for their human rights obligations, address global human rights concerns, and set standards for human rights promotion and protection. The UN Human Rights Treaty-based Bodies consists of ten committees of independent experts in charge of the implementation of the human rights treaties.

The UN Charter-based Bodies are centred around the UN Human Rights Council, an intergovernmental body within the UN system responsible with promoting and protecting human rights worldwide.⁸² Relevant mechanisms related to the Human Rights Council's mandate⁸³ includes the Human Rights Council's Special Procedures, Complaint Procedure, Universal Periodic Review and Independent Investigations.

⁸⁰ PDP Database, [Rocket attacks on the Kurdistan Region of Iraq](#) on 1st October 2022.

⁸¹ ICC, FAQ on [Article 15 Communication](#).

⁸² It comprises 47 Member States elected by the UN General Assembly. While all 193 UN Member States can participate in its proceedings, only the 47 Members can vote on actions. The Council meets three times a year for regular sessions at the UN Office in Geneva, Switzerland. See Resolution adopted by the UN General Assembly on 15 March 2006, [A/RES/60/251](#), para. 1-3.

⁸³ The Human Rights Council's mandate includes: (1) Serving as an international forum for dialogue on human rights issues with UN officials, mandated experts, States, civil society, and other participants; (2) Adopting resolutions or decisions during regular sessions that express the will of the international community on human rights issues. These resolutions send strong political signals prompting governments to take action; (3) Holding special sessions to respond to urgent human rights situations; (4) Reviewing the human rights records of all UN Member States through the Universal Periodic Review; (5) Appointing Special Procedures, independent human rights experts who monitor and report situations in specific countries or themes; (6) Authorizing commissions of inquiry and fact-finding missions to investigate and collect evidences of human rights violations in specific countries; and (7) Examining human rights violations complaints. See Resolution adopted by the UN General Assembly on 15 March 2006, [A/RES/60/251](#), para. 5.

While these mechanisms can serve as accountability tools for serious human rights violations allegedly committed by the IRGC in or outside Iran, their effectiveness is limited by factors such as State cooperation, political dynamics, and resource constraints. Enhancing their impact requires strengthening these mechanisms, increasing international pressure on Iran, and empowering civil society to advocate for justice and accountability using those UN mechanisms.

How can UN Human Rights Treaty-based Bodies contribute to holding the IRGC and its members accountable?

1. What are UN Human Rights Treaty-based Bodies?

The UN Human Rights Treaty-based Bodies are committees of independent experts that monitor the implementation of international human rights treaties by States Parties. When States ratify a human rights treaty, they agree to periodically report to the respective Committee on the steps taken to ensure everyone in the State can enjoy the rights set out in the treaty. The respective Committee can then provide recommendations to States Parties in relation to the State's respect of its human rights obligations under a particular treaty.

All Treaty Bodies also issue General Comments or General Recommendations, which serve as authoritative guides on interpreting the specific

rights in the treaty they monitor. These General Comments can provide detailed guidance on provisions of a treaty or offer broader guidance such as the information States should include in their reports to the Treaty Bodies.

General Comments and Recommendations help the United Nations to engage with States Parties in the implementation of the obligations set out in the human rights treaties even if the reports and general recommendations mechanisms do not create direct obligations on States Parties. They can also be used by civil society organizations to monitor and advocate for full and better treaty implementation, thereby enhancing the enjoyment of specific rights by rights holders.

One of the main limitations in the context of Iran is that the country is a State Party to only a limited number of the existing human rights treaties, namely⁸⁴:

- a) International Covenant on Civil and Political Rights (ICCPR) (ratification on 24 June 1975),
- b) International Covenant on Economic, Social and Cultural Rights (ICESCR) (ratification on 24 June 1975),
- c) Convention on the Rights of the Child (ratification on 13 July 1994),
- d) International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (ratification on 29 August 1968), and
- e) Convention on the Rights of Persons with Disabilities (accession on 23 Oct 2009).

Of relevance to the human rights situation in Iran, this section examines four treaty bodies established

⁸⁴ Iran is not a State Party to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), its Optional Protocol, the Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR), the Convention for the Protection of All Persons from Enforced Disappearance (CED), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or its Optional Protocol. Therefore, individual communication and inquiry procedures before the

Committee against Torture (CAT, Articles 20, 22), the Human rights Committee (Optional Protocol to the ICCPR, Articles 1-2), the Committee on Enforced Disappearance (CED, Articles 31, 33), or the Committee on the Elimination of Discrimination against Women (CEDAW Optional Protocol, Articles 8-9) are not applicable to Iran. Similarly, neither is the Inter-State Communication mechanism before the Committee against Torture (CAT, Article 21).

under the first four Conventions listed above in turn: (1) Human Rights Committee; (2) Committee on the Elimination of Racial Discrimination; (3) Committee on Economic, Social and Cultural Rights; and (4) Committee on the Rights of the Child, with a view to ascertain how they can assist with providing accountability in relation to Iran.

2. What role can the Human Rights Committee play in relation to Iran?

The Human Rights Committee (HRC) is responsible to supervise and monitor the implementation of the International Covenant on Civil and Political Rights (ICCPR), a legally binding international treaty, which Iran has ratified on 24 June 1975.⁸⁵

The HRC has four major responsibilities in its monitoring and supervisory roles. First, it receives and examines reports from States Parties on the steps they have taken to implement the rights outlined in the ICCPR. Second, it issues General Comments to help States Parties understand their substantive and procedural obligations under the ICCPR. Third, it considers individual complaints known as “communications” under the Optional Protocol from individuals alleging violations of their ICCPR rights by a State Party. Fourth, it has the authority to consider complaints from one State Party about another State Party not fulfilling its obligations under the ICCPR.⁸⁶

Examination of Reports Submitted by States Parties - All States Parties are required to submit reports to the HRC detailing the measures they have adopted to give effect to the rights established by the ICCPR and the progress made in the enjoyment of those rights. The States Parties are required to submit their periodic reports whenever the HRC requests.⁸⁷ Since 2020, the HRC has started an eight-year periodic review cycle that is applicable to all States Parties unless they opt out.⁸⁸ Civil society organizations may provide input to the HRC during these periodic reviews, which the HRC takes into account when assessing the periodic reports of the States Parties.⁸⁹

The HRC receives and examines reports submitted by the States Parties and publishes its Concluding Observations thereon. As a follow-up procedure, it also identifies up to three specific recommendations in its Concluding Observations as requiring immediate attention of the State Party to implement them within a year.⁹⁰ The HRC sets a deadline for the State to provide a follow-up report on the implementation of these specific recommendations.

Iran has not made any reservation to Article 40 of the ICCPR and is therefore bound by this reporting obligation under the ICCPR. On 26 October 2023, the HRC adopted its Concluding Observations⁹¹ on the fourth periodic report that was submitted by Iran on 23 August 2021.⁹² As a follow-up, the HRC requested Iran to provide information on the implementation of its recommendations on

⁸⁵ UN Treaty Collection, [ICCPR](#).

⁸⁶ Human Rights Committee, [Fact Sheet No. 15 \(Rev.1\)](#), p. 14-15.

⁸⁷ ICCPR, Article 40(1)(b).

⁸⁸ OHCHR, [Reporting under the International Covenant on Civil and Political Rights: Training Guide](#), Part I – Manual (2021), p. 11-12.

⁸⁹ HRI, [Follow-up to Concluding Observations, HRI/ICM/2009/6](#), 10 November 2009, p. 1, para. 2. For opportunities for civil society to participate in the treaty body reporting cycle, see the actions table prepared by the Advocates for Human Rights in [Paving Pathways for Justice](#)

& [Accountability: Human Rights Tools for Diaspora Communities](#), January 2014, p. 229.

⁹⁰ HRI, [Follow-up to Concluding Observations, HRI/ICM/2009/6](#), 10 November 2009, p. 1, para. 2; OHCHR, [Reporting under the International Covenant on Civil and Political Rights: Training Guide](#), Part I – Manual (2021), p. 12-13.

⁹¹ HRC, [Concluding observations on the fourth periodic report of the Islamic Republic of Iran, CCPR/C/IRN/CO/4](#), 23 November 2023.

⁹² HRC, [Fourth Periodic Report submitted by the Islamic Republic of Iran under Article 40 of the Covenant](#), due in 2014, [CCPR/C/IRN/4](#), 23 August 2021.

violence against women,⁹³ death penalty,⁹⁴ and excessive use of force⁹⁵ by 3 November 2026.⁹⁶ The next periodic report of Iran is to be submitted by 5 November 2029.⁹⁷

Shadow Report - The HRC encourages civil society organizations and NGOs, whenever possible, to submit a common report known as “Shadow Report” that reflects the collective views of various groups or organizations to supplement or present alternative information to the State reports. Shadow Reports may provide the HRC with crucial information about problems in implementation and areas of government non-compliance. By [submitting a Shadow Report](#) to the HRC, NGOs can highlight issues not raised by their government or point out where the government may be misleading the HRC from the real situation on the ground.

Inter-State Complaint and Individual Complaint Mechanism - Inter-State Complaints are when a State Party may submit a communication to the HRC alleging that another State Party is not fulfilling its obligations under the ICCPR. However, an Inter-State Complaint can only be lodged between two States Parties that have both declared their recognition of the HRC's competence to receive and consider such complaints.⁹⁸ Iran has not submitted a declaration recognizing the competence of the HRC under Article 41 of the ICCPR, making the Inter-State Complaint mechanism inapplicable to Iran.⁹⁹

⁹³ HRC, Concluding observations on Iran, p. 4-5, para. 20.

⁹⁴ HRC, Concluding observations on Iran, p. 6, para. 24.

⁹⁵ HRC, Concluding observations on Iran, p. 6, para. 26.

⁹⁶ HRC, Concluding observations on Iran, p. 14, para. 60.

⁹⁷ HRC, Concluding observations on Iran, p. 14, para. 61.

⁹⁸ HRC, [Fact Sheet No. 15 \(Rev.1\)](#), p. 27-28.

⁹⁹ Article 41 of the ICCPR provides for the possibility for a State Party to make a declaration recognizing the competence of the HRC “to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant”. Accordingly, a State Party may submit a communication to the HRC claiming that another State Party is failing to fulfil its obligations under the ICCPR. Becoming a State Party to the ICCPR does not automatically activate this Inter-State

Furthermore, although Iran is a State Party to the ICCPR, it has not ratified its Optional Protocol.¹⁰⁰ Therefore, the individual complaint mechanism is not applicable to Iran.¹⁰¹

Membership Suspension - The HRC expects its Member States to uphold the highest standards in the promotion and protection of human rights. In the case of gross and systematic violations of human rights, the UN General Assembly may vote to suspend a State's membership from the HRC.¹⁰² However, this has only occurred twice: with Libya in 2011 and Russia in 2022.¹⁰³ The suspension usually serves as a strong international signal condemning the State's actions and aims to pressure it to improve its human rights record.

3. What role can the Committee on the Elimination of Racial Discrimination play in relation to Iran?

The Committee on the Elimination of Racial Discrimination is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) by its States Parties. Iran has been a State Party to CERD since its ratification on 29 August 1968.¹⁰⁴

Under Article 9 of CERD, all States Parties are obliged to submit regular reports to the Committee on the implementation of the rights under CERD.

Communication mechanism. The State Party may submit a declaration recognizing such a competence of the HRC. *See* UN Treaty Collection, [ICCPR](#).

¹⁰⁰ UN Treaty Collection, [Optional Protocol to the ICCPR](#).

¹⁰¹ The Optional Protocol to the ICCPR provides an individual communication mechanism whereby any individual subject to jurisdiction of a State Party can submit complaints to the HRC against that State alleging violations of the rights protected under the ICCPR.

¹⁰² [A/RES/60/251](#), para. 8.

¹⁰³ UN, [UN General Assembly votes to suspend Russia from the Human Rights Council](#); UN, [General Assembly Suspends Libya from Human Rights Council](#).

¹⁰⁴ UN Treaty Body Database, [Iran](#).

States Parties must report initially one year after acceding to CERD and then every two years. The Committee examines each report and addresses its concerns and recommendations to the State Party in the form of Concluding Observations.

Recently, on 10 February 2022, Iran submitted its combined twentieth to twenty-seventh periodic reports on the implementation of the CERD¹⁰⁵ and the Committee adopted its Concluding Observations on 20 August 2024.¹⁰⁶ In its Concluding Observations, the Committee expressed serious concerns about reports of grave human rights violations by law enforcement against protestors from ethnic and ethno-religious minority groups during the November 2019, July 2021, and September 2022 protests. It urged Iran to conduct impartial investigations into these allegations and provide remedies and reparations for victims.

Additionally, the Committee highlighted the overrepresentation of minorities in the criminal justice system, their disproportionate arbitrary detention, and death sentences for broadly defined offences under the Iran Criminal Code and drug-related offences. It called on Iran to review its legal framework, repeal vaguely worded capital offences, ensure fair process for minority groups, and establish a moratorium on the death penalty aiming for its abolition.¹⁰⁷

¹⁰⁵ Committee on the Elimination of Racial Discrimination, [CERD/C/IRN/20-27](#), 22 March 2022.

¹⁰⁶ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twentieth to twenty-seventh periodic reports of the Islamic Republic of Iran, [CERD/C/IRN/CO/20-27](#), 19 September 2024.

¹⁰⁷ *Ibid.*

¹⁰⁸ UN Treaty Body Database, [Iran](#).

¹⁰⁹ UN Treaty Collection, [ICESCR](#).

¹¹⁰ UN Treaty Collection, [Optional Protocol to the ICESCR](#).

¹¹¹ Article 2 of the Optional Protocol to the ICESCR provides for an individual communication mechanism whereby individuals subject to the jurisdiction of a State Party may submit a complaint claiming to be victims of a violation of any right set forth in the ICESCR.

¹¹² Article 10 of the Optional Protocol to the ICESCR establishes an inter-State communication mechanism whereby

Iran has not ratified CERD's Optional Protocol, and therefore, individual communication, inter-State communication, and inquiry procedure for violations under CERD are here again not applicable to Iran.¹⁰⁸

4. What role can the Committee on Economic, Social and Cultural Rights play in relation to Iran?

The Committee on Economic, Social and Cultural Rights (CESCR) is responsible for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Iran ratified on 24 June 1975.¹⁰⁹ However, Iran has not ratified its Optional Protocol,¹¹⁰ and therefore, individual communication,¹¹¹ Inter-State Communication,¹¹² and inquiry procedures¹¹³ are not applicable to Iran.

Articles 16 and 17 of the ICESCR provides for a reporting mechanism on a periodic basis whereby States Parties undertake to submit reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized in the ICESCR.¹¹⁴ The CESCR receives and examines reports submitted by the States and issues its Concluding Observations thereon. Civil society organizations may provide input to the CESCR during these periodic reviews.

a State Party may submit a communication to the CESCR alleging that another State Party is not fulfilling its obligations under the ICESCR. States Parties may submit a declaration recognizing such competence of the CESCR.

¹¹³ Article 11 of the Optional Protocol to the ICESCR sets out an inquiry procedure as follows: "If the Committee receives reliable information indicating grave or systematic violations by a State Party of any of the economic, social and cultural rights set forth in the Covenant, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned." For the activation of this procedure for a State Party, that State must have lodged a declaration recognizing this competence of the Committee.

¹¹⁴ ICESCR, Article 16(1).

Iran has been invited to submit its report due 31 May 2018, but has not submitted it.¹¹⁵

5. What role can the Committee on the Rights of the Child play in relation to Iran?

The Committee on the Rights of the Child is responsible for oversight of the implementation of the Convention on the Rights of the Child (CRC) to which Iran has been a State Party since its ratification on 13 July 1994,¹¹⁶ with reservation preserving Iran *“the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.”*¹¹⁷

Article 44 of the CRC provides for a reporting mechanism through which States Parties undertake to submit reports on the measures they have adopted which give effect to the rights recognized under the CRC and on the progress made on the enjoyment of those rights. Iran has been invited to submit its report, due 11 August 2021, and has not submitted it to date.¹¹⁸ Regardless, as a State Party to the CRC, Iran is obligated to respect and ensure the rights outlined in the Convention to every child within its jurisdiction, without discrimination of any kind.

Indeed, UN reports indicate that the Iranian government has been violating the CRC in several ways. Its brutal actions violate its fundamental obligation to protect children's right to life under any circumstances (Article 6 CRC). By killing

children, the government fails to recognize every child's inherent right to life. By suppressing student protests, Iran violates children's rights to freedom of expression and peaceful protest (Articles 13 and 15 CRC) and ignores their right to be heard (Article 12 CRC). Furthermore, Iran does not uphold children's right to education (Article 28 CRC) and fails to make educational and vocational information and guidance accessible to all children within its jurisdiction.¹¹⁹

Iran has not ratified the CRC's Optional Protocol on a Communications Procedure (OPIC)¹²⁰ and therefore, individual communication,¹²¹ Inter-State Communication,¹²² and inquiry procedures for grave or systematic violations under CRC are not applicable to Iran.¹²³

6. What is the role and interaction of civil society with the Human Rights Treaty Bodies in holding the IRGC accountable?

Civil society organizations are pivotal to any process which seeks to hold Iran and the IRGC accountable for human rights violations through their interaction with Human Rights Treaty Bodies. They can provide reliable, independent information about human rights situations on the ground, assisting Treaty Bodies in making informed decisions. Their input can also be valuable during general discussions and in the development of General Comments. Additionally, they may monitor the implementation of Treaty Bodies' recommendations at the national level. By

¹¹⁵ See UN Treaty Body Database, [Islamic Republic of Iran, year 2018](#).

¹¹⁶ UN Treaty Collection, [Convention on the Rights of the Child](#).

¹¹⁷ *Ibid.*

¹¹⁸ See UN Treaty Body Database, [Islamic Republic of Iran, year 2021](#).

¹¹⁹ OHCHR, [‘Iran: End killings and detentions of children immediately, UN Child Rights Committee urges’](#), 17 October 2022; OHCHR, [‘Comment by UN Human Rights Office spokesperson Liz Throssell on executions of a child and a](#)

[young man in Iran’](#), 28 November 2023; BBC, [‘Iran schoolgirls remove hijabs in protests against government’](#), 4 October 2022.

¹²⁰ UN Treaty Collection, [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#).

¹²¹ Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Article 5.

¹²² Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Article 12.

¹²³ Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Article 13.

participating in sessions, submitting reports, and engaging in constructive dialogues, civil society organizations can help bring IRGC's human rights violations to light and ensure they are addressed by the UN treaty bodies. This collaboration helps build international pressure on Iran to improve its human rights record and address the violations allegedly committed by the IRGC.

7. What are the limitations of Human Rights Treaty Bodies in the context of Iran?

While the Human Rights Treaty Bodies have significantly impacted human rights protection, particularly by incorporating treaty norms into domestic law of States Parties and by engaging States with international human rights issues including with countries such as Iran, they face limitations.

The first limitation is the limited number of human rights treaties that Iran has ratified. It is important to note that Iran is not a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention for the Protection of All Persons from Enforced Disappearance (CED), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), among others.

A second major limitation, even within the context of the human rights treaties that Iran has ratified, is that Iran has neither accepted the Inter-State Complaint mechanisms nor ratified the relevant Optional Protocols that establish individual complaint mechanisms. These two important tools are crucial for ensuring better implementation of human rights treaties. In particular, the individual complaint mechanisms allow victims to file

complaints about personal violations they have suffered. However, these mechanisms are inapplicable in the context of Iran.

In addition, Human Rights Treaty Bodies lack enforcement powers for States Parties as their recommendations are non-binding. Implementation of their recommendations often relies heavily on States' cooperation, political will, and diplomatic pressure. This dependency often results in structural backlogs and delays due to poor compliance with reporting obligations by States Parties.

How can the UN Human Rights Council's Special Procedures contribute to holding the IRGC and its members accountable?

1. What are the Human Rights Council's Special Procedures?

The Human Rights Council's Special Procedures encompasses Special Rapporteurs, Independent Experts, or Working Groups related to [45 thematic](#) and [14 country](#) mandates, including the [Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#). Mandate holders of the Special Procedures submit reports on thematic issues related to their mandates (Thematic Reports) and reports on individual countries after visiting them (Country Reports) to the Human Rights Council and the UN General Assembly.¹²⁴

They conduct country visits, act on individual cases of reported violations and concerns by sending communications to States and other actors to highlight alleged violations or abuses, carry out thematic studies, hold expert consultations, contribute to developing international human

¹²⁴ OHCHR, 'Special Procedures of the Human Rights Council'.

rights standards, raise public awareness, advocate for change, and provide technical cooperation advice.¹²⁵ Special Procedures do not establish an individual complaint mechanism except for the Working Group on Arbitrary Detention, the only non-treaty-based mechanism whose mandate expressly provides for consideration of individual complaints.¹²⁶

In addition to the [Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#), at least 13 other Special Procedures with thematic mandates are relevant to the situation in Iran:

- i. [Working Group on Arbitrary Detention](#)
- ii. [Working Group on Enforced or Involuntary Disappearances](#)
- iii. [Working Group on discrimination against women and girls](#)
- iv. [Special Rapporteur on violence against women and girls, its causes and consequences](#)
- v. [Special Rapporteur on extrajudicial, summary or arbitrary executions](#)
- vi. [Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)
- vii. [Special Rapporteur on freedom of opinion and expression](#)
- viii. [Special Rapporteur on freedom of peaceful assembly and of association](#)
- ix. [Special Rapporteur on the right to education](#)
- x. [Special Rapporteur on freedom of religion or belief](#)
- xi. [Special Rapporteur on the independence of judges and lawyers](#)
- xii. [Special Rapporteur on human rights defenders](#)

¹²⁵ *Ibid.*

¹²⁶ Working Group on Arbitrary Detention, ‘[Complaints and urgent appeals](#)’.

¹²⁷ Report of the Human Rights Council, [A/66/53](#), Resolution 16/9, p. 45.

- xiii. [Independent Expert on sexual orientation and gender identity](#)

For the purpose of this memorandum, consideration will be paid to: (1) the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; (2) the Working Group on Arbitrary Detention; and (3) the Working Group on Enforced and Involuntary Disappearances.

2. What role can the Special Rapporteur on the Situation of Human Rights in Iran play to assist holding IRGC and IRGC members accountable?

Special Rapporteurs are independent experts appointed by the UN Human Rights Council, who work under the Special Procedures of the HRC. Special Rapporteurs have the mandate to monitor, advise and publicly report on human rights situations in specific countries (Country Mandates) and on human rights violations worldwide (Thematic Mandates).

Special Rapporteurs are prominent human rights experts from various walks of life. They include former high-ranking judicial officials, academics, lawyers, economists, and former and current members of NGOs and come from all regions of the world. On 24 March 2011, the Human Rights Council adopted a resolution re-establishing the mandate of a Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.¹²⁷ In April 2024, the UN Human Rights Council renewed the mandate of the Special Rapporteur on Iran.¹²⁸ On 12 July 2024, Ms. Mai Sato was appointed as the fourth Special Rapporteur on the situation of human rights in the Islamic Republic of Iran replacing Mr. Javaid Rehman.¹²⁹

¹²⁸ UNGA Resolution adopted by the Human Rights Council on 4 April 2024, [A/HRC/RES/55/19](#), para. 1.

¹²⁹ OHCHR, ‘[Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#)’.

The functions of Special Rapporteurs generally include responding to individual complaints, conducting studies, providing advice on technical cooperation and undertaking country visits to assess specific human rights situations.¹³⁰ Most Special Rapporteurs also receive information on specific allegations of human rights violations and if a serious human rights violation appears to be imminent, they can send urgent appeals or letters of allegation to governments asking for clarification and concrete measures to end rights violations.¹³¹

The most recent of mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran requests that she submit a report to the Human Rights Council in 2025, asking her to:

- a. Monitor and investigate human rights violations, transmits urgent appeals and letters to Iran on alleged violations of human rights;
- b. Seek to undertake country visits to Iran and to the region and engage with relevant stakeholders;
- c. Submit reports to General Assembly and Human Rights Council on the situation of human rights in the Islamic Republic of Iran; and
- d. Engages publicly on issues of concern, including through press releases.¹³²

What can be achieved by the Special Rapporteur on Iran?

¹³⁰ OHCHR, ‘[Special Procedures of the Human Rights Council](#)’.

¹³¹ OHCHR, ‘[Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#)’.

¹³² UNGA Resolution adopted by the Human Rights Council on 4 April 2024, [A/HRC/RES/55/19](#), para.

¹³³ OHCHR, ‘[Country and Other Visits: Special Procedures](#)’.

¹³⁴ *Ibid.*

¹³⁵ [A/HRC/RES/55/19](#), para. 3; Report of the Special Rapporteur on the situation of human rights in the Islamic

One of the biggest challenges for Special Rapporteurs in relation to Iran is the lack of direct access to the country. Country visits are crucial for highlighting human rights violations and pressuring governments to address them. They allow Special Rapporteurs to thoroughly understand the human rights situation on the ground. It is important to note that country visits can only be undertaken at the invitation of a government, not on the Special Rapporteurs’ own initiative, although they can ask a State for an invitation.

During these visits, Special Rapporteurs interact with governmental and non-governmental actors, including NGOs, civil society organizations, victims, affected communities, and government officials at both national and local levels.¹³³ These visits often require freedom of inquiry, including access to facilities like prisons and detention centers. After the visit, the Special Rapporteurs submit a report to the Human Rights Council, detailing their findings, conclusions, and recommendations.¹³⁴

Official visits to Iran by Special Rapporteurs are rare due to frequent denials of entry and access¹³⁵, with an exception being the recent visit by the Special Rapporteur to examine the impact of unilateral sanctions on the enjoyment of human rights in the country and the right to development from 7 to 18 May 2022.¹³⁶ For instance, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not been granted access to the country since the re-establishment of the mandate in 2011.¹³⁷

Republic of Iran, Mai Sato - Vision and priorities of the mandate; [A/79/371](#), para. 7.

¹³⁶ OHCHR, ‘[A/HRC/51/33/Add.1: Visit to the Islamic Republic of Iran - Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan](#)’.

¹³⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Mai Sato - Vision and priorities of the mandate; [A/79/371](#), para. 7.

While the absence of access to Iran and the limited cooperation of the Iranian government limits the capacity of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran to engage directly with the Iranian Government on pressing human rights issues, the Special Rapporteur regularly produces reports and together with other thematic mandate holders' issues public statements and transmit communications to the Iranian regime. These are important tools to highlight the human rights concerns in relation to Iran.

Civil society is encouraged to engage with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. They can contribute by providing information to the reports of the Special Rapporteur by documenting and highlighting the main human rights concerns including those related to the IRGC. For instance, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran currently has an open call for input to inform the Special's Rapporteur's upcoming report to the Human Rights Council focusing on gender related killings and other forms of violence against women and girls.¹³⁸

While Special Rapporteurs cannot provide redress or a judicial process to the victims but merely reports on serious human rights violations and international crimes and formulate recommendation, its mandate can assist other efforts to establish accountability and prompt further criminal and/or civil proceedings against individuals such as IRGC members.

¹³⁸ Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 'Call for Input- Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran'.

¹³⁹ UN Commission on Human Rights, Question of arbitrary detention., U.N. Doc. [E/CN.4/RES/1991/42](#), 5 March 1991, para. 2.

3. What role can the Working Group on Arbitrary Detention play to assist holding IRGC and IRGC members accountable?

The Working Group on Arbitrary Detention (WGAD) was established by the former UN Commission on Human Rights with a Thematic Mandate to “investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned” in 1991.¹³⁹ The UN Human Rights Council has assumed the mandate of the WGAD since 2006 and extended its scope several times.¹⁴⁰

The WGAD's mandate has been renewed every three years since its establishment, and recently in October 2022.¹⁴¹ This mandate extends to any country. The WGAD is the only non-treaty-based mechanism that can consider individual complaints to determine if a detention is arbitrary. As part of the Human Rights Council's Special Procedures, it can engage with any State, regardless of which treaties that State has ratified.

What are the main procedures of the WGAD?

There are four main procedures of the WGAD: 1) individual communications; 2) urgent action procedure; 3) deliberations,¹⁴² and 4) country visits. This report focuses on the first two procedures as they are more relevant to the Iranian context.

¹⁴⁰ UN Human Rights Council, [decision 1/102](#), 30 June 2006. For the current mandate, see WGAD website, [Mandate](#).

¹⁴¹ Resolution adopted by the Human Rights Council on 6 October 2022, U.N. Doc. [A/HRC/RES/51/8](#), 12 October 2022, para. 15.

¹⁴² Similar to General Comments of the UN Human Rights Treaty-Bodies.

Individual Communications - The WGAD conducts investigation of individual cases through communications submitted to it by individuals directly concerned, their families, their representatives, as well as by Governments, intergovernmental and NGOs, or national institutions for the promotion and protection of human rights,¹⁴³ all of which are called “sources”.

The source can ideally use the model questionnaire¹⁴⁴ available on the website of the WGAD when submitting individual complaints although it is not obligatory, and the failure to do so does not render the communication inadmissible.¹⁴⁵ The communication should include circumstances of the arrest or detention of the individual.¹⁴⁶ The sources are not required to exhaust domestic remedies for admissibility of their communications.¹⁴⁷

The WGAD transfers the communication to the government in question, requesting to respond within sixty days, which can be extended up to one month at the request of the government, if necessary.¹⁴⁸ If the government responds, the source is also allowed to comment thereon within a period specified by the WGAD.¹⁴⁹ After this period, the WGAD renders an opinion based on all the information submitted to it at one of its sessions

held three times a year and publishes its opinion online and in its annual report to the UN Human Rights Council.¹⁵⁰ The opinions of the WGAD are not legally binding.

Urgent Action Procedure - The WGAD has an urgent action procedure for time-sensitive cases where there are reliable allegations of arbitrary detention, and the continuation of detention poses a serious threat to that person’s health, physical or psychological integrity or even to his or her life.¹⁵¹ Even without such threats, the WGAD may decide urgent action is needed in particular circumstances. Upon receiving a relevant submission, the WGAD transmits the urgent appeal by the most rapid means to the Government.¹⁵² These communications are often joint with other Special Procedure mandate holders. Such requests are of “purely humanitarian nature” and are without prejudice to any opinion the WGAD may render in the future.¹⁵³

After sending an urgent appeal, the WGAD may use its regular procedure to determine if the deprivation of liberty was arbitrary. The urgent action procedure is initially confidential, to facilitate engagement with the Government concerned. However, it becomes public after 60 days and is included in Human Rights Council

¹⁴³ Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, para. 12.

¹⁴⁴ [Model Questionnaire to be Completed by Persons Alleging Arbitrary Arrest or Detention](#).

¹⁴⁵ Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, para. 11 (“Communications shall not exceed 20 pages and any additional material, including annexes, exceeding that limit may not be taken into account by the Working Group.”); [Fact Sheet No. 26, The Working Group on Arbitrary Detention](#), p. 5.

¹⁴⁶ For a detailed explanation as to what is needed to be explained in the communication, *see* Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, para. 10.

¹⁴⁷ Communication No. 38/2017 (Turkey) U.N. Doc. A/HRC/WGAD/2017/38, 16 June 2017 (“in its methods of work there is no rule applicable that impedes consideration of communications due to the lack of exhaustion of domestic remedies in the country concerned. Sources have no obligation

therefore to exhaust domestic remedies before sending a communication to the Working Group”)

¹⁴⁸ Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, paras 15-16.

¹⁴⁹ *See* American University Washington College of Law, Center for Human Rights & Humanitarian Law, [The Legal Methods and Jurisprudence of the United Nations Working Group on Arbitrary Detention \(2015-2018\): An Introduction for Practitioners](#), March 2021, p. 4, fn. 19.

¹⁵⁰ Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, para. 18-19.

¹⁵¹ Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, para. 22.

¹⁵² Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, para. 24.

¹⁵³ Methods of Work of the Working Group on Arbitrary Detention, U.N. Doc. [A/HRC/36/38](#), 13 July 2017, para. 23.

reports and the Special Procedures communications database.¹⁵⁴

Has WGAD made any findings in the context of Iran?

In the Iranian context, as of October 2024, WGAD has issued 48 opinions since 1 January 1992 finding that the detention of the individuals was arbitrary under different categories.¹⁵⁵ Notably, the WGAD issued opinions about arbitrary detention of peaceful protesters in Iran, stating that this practice may constitute the crime against humanity of imprisonment.¹⁵⁶ In July 2024, a joint complaint was submitted to the WGAD regarding the detention and mistreatment of Iranian rapper, Toomaj Salehi, and an opinion has yet to be issued.¹⁵⁷ Toomaj Salehi was released from prison on December 1, 2024.¹⁵⁸

An official UN level recognition of the arbitrary detention of Iranian victims by the IRGC can eventually be obtained with the WGAD. However, the WGAD does not have a formal enforcement mechanism. When the WGAD finds a case to constitute an arbitrary detention, it offers recommendations to the government, and requests information on the steps the government has taken within six months. Further, governments are expected to inform the WGAD about follow-up actions taken on these recommendations.¹⁵⁹

The release of the detainees is not guaranteed by WGAD's opinions finding the detention arbitrary, and it is not clear what exact role these opinions

play in this regard. However, opinions and findings can be used to further support other efforts in other judicial (e.g., criminal prosecutions) or non-judicial proceedings (e.g., providing information for targeted sanctions recommendations). For instance, the opinions of the WGAD were considered by national courts in the conditional release of two detained individuals in Turkey.¹⁶⁰

4. What role can the Working Group on Enforced or Involuntary Disappearances play to assist holding IRGC and IRGC members accountable?

The Working Group on Enforced or Involuntary Disappearances (WGEID) was established by the former Commission on Human Rights with a mandate "*to examine questions relevant to enforced or involuntary disappearances of persons in 1980*" and consists of five independent experts.¹⁶¹ Its mandate was most recently extended by the Human Rights Council in October 2023.¹⁶² The WGEID monitors States' compliance with their obligations deriving from the 1992 Declaration on the Protection of All Persons from Enforced Disappearance.¹⁶³ This Declaration is part of "soft law", providing guidance to all States without requiring ratification or accession. The WGEID accepts cases from any country, and it is not necessary to exhaust domestic remedies before submitting a case.¹⁶⁴

¹⁵⁴ Working Group on Arbitrary Detention, [Fact Sheet No. 26/REV.1](#), p. 28-29.

¹⁵⁵ WGAD, [Opinions Search, Iran](#).

¹⁵⁶ WGAD, [Opinions Search, Iran](#), Opinion no. 19/2018 (24 May 2018), para. 41; Opinion no 25/2016 (21 September 2016), para. 33; Opinion no 28/2016 (21 September 2016), para. 54.

¹⁵⁷ [Iran](#): Index on Censorship, Human Rights Foundation and Doughty Street Chambers Submit a Complaint to The United Nations Working Group on Arbitrary Detention in Response to The Ongoing Judicial Persecution of Toomaj Salehi, 24 July 2024.

¹⁵⁸ HRANA, [Toomaj Salehi Released from Prison After Serving Sentence](#)

¹⁵⁹ Working Group on Arbitrary Detention, [Fact Sheet No. 26/REV.1](#).

¹⁶⁰ *Ibid*, p. 24.

¹⁶¹ Commission on Human Rights, [Resolution 20 \(XXXVI\)](#), 29 February 1980, para. 1.

¹⁶² Human Rights Council, Resolution 45/3.

¹⁶³ OHCHR, [Declaration on the Protection of all Persons from Enforced Disappearance](#), 1992.

¹⁶⁴ Working Group on Enforced or Involuntary Disappearances, [Fact Sheet No. 6/REV.4](#), p. 38.

Victims, relatives of a disappeared person, or civil society organizations representing them can submit a case or send prompt intervention letters to the WGEID.¹⁶⁵ They can also organize meetings with the WGEID and provide relevant information during country visits. To ensure protection, sources remain confidential and names are not disclosed to the public.

What are the main procedures of the WGEID?

The WGEID performs its mandate mainly through the following procedures: receives, examines and transmits to governments reports of enforced disappearances submitted by relatives of disappeared persons or human rights organizations acting on their behalf; requests governments to carry out investigations and to inform the WGEID of the results; prompt intervention letters for reprisals against relatives of disappeared people, witnesses or their families or members of NGOs who are investigating cases of enforced disappearances; send joint communications with other relevant mandate holders; country visits with prior approval of governments; and submit annual reports to the Human Rights Council on its activities.¹⁶⁶

Has WGEID made any findings in the context of Iran?

The WGEID remains the only competent UN body to deal with enforced or involuntary disappearance cases in Iran considering that Iran is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance (CED), hence rendering the relevant human rights treaty

body, Committee on Enforced Disappearance, inapplicable in the Iranian context. There is no time limit with respect to the competence of the WGEID to review cases of enforced disappearance. In its most recent report to the Human Rights Council, the WGEID stated that it continued to receive cases dating from the 1980s in the Iranian context.¹⁶⁷ In 2017, the WGEID stated in its report that it received communications and cases in relation to Iran.¹⁶⁸ Overall, as of May 2024, the WGEID noted that there were 572 outstanding cases at the end of the reporting period concerning Iran.¹⁶⁹

How can the UN Complaint Procedure contribute in holding IRGC and IRGC members accountable?

The Human Rights Council's Complaint Procedure is a victim-oriented process that addresses consistent patterns of gross and reliably attested human rights violations occurring anywhere in the world, under any circumstances. It is based on communications from individuals, groups, or NGOs that claim to be victims of human rights violations or have direct, reliable knowledge of such violations.¹⁷⁰ As the only universal complaint procedure covering all human rights in all UN Member States, this procedure allows individuals, groups of individuals, and NGOs to submit complaints.

Complaints can be made against any UN Member State, including Iran, irrespective of their ratification or reservation status of any human

¹⁶⁵ *Ibid*, p. 37.

¹⁶⁶ [Flyer on WGEID Procedures](#); Atlantic Council, 'International avenues to hold the Islamic Republic of Iran accountable for human rights violations', 2023, p. 41-45.

¹⁶⁷ Report of the Working Group on Enforced or Involuntary Disappearances, [A/HRC/54/22](#), 8 August 2023, para. 79-80.

¹⁶⁸ Report of the Working Group on Enforced or Involuntary Disappearances, [A/HRC/WGEID/111/1](#), 24 April 2017, para. 64-70.

¹⁶⁹ Report of the Working Group on Enforced or Involuntary Disappearances, [A/HRC/57/54](#), 26 July 2024, p. 11.

¹⁷⁰ Human Rights Council, [Resolution 5/1](#), 18 June 2007, para. 85. See OHCHR, [Human Rights Council Complaint Procedure](#).

rights treaty. Submissions can be made through an online portal¹⁷¹, and the procedure is confidential.

What are the admissibility criteria for a complaint?

To be considered admissible by the Human Rights Council Complaint Procedure, a complaint must fulfil several criteria:¹⁷²

- Domestic remedies must have been exhausted unless they appear ineffective or unreasonably prolonged;
- The complaint must be in writing in one of the six UN official languages (Arabic, Chinese, English, French, Russian, or Spanish);
- It must include a detailed description of the relevant facts (such as names of alleged victims, dates, locations, and other available information), and the rights which are alleged to be violated;
- The NGOs submitting complaints must have direct and reliable knowledge of the violations concerned;
- It should not be politically motivated or based solely on media reports;
- It must not contain abusive or insulting language; and
- The principle of non-duplication applies, meaning the complaint must not already be under examination by a Special Procedure, a Treaty Body, or other UN or regional human rights complaints procedure.

What happens after a complaint is submitted?

After the submission, the complaint goes through the process of initial screening for admissibility criteria, and the complaint can then be considered by the Working Group on Communications,¹⁷³ which may refer the case to the Working Group on

Situations.¹⁷⁴ If the latter considers that allegations reveal consistent patterns of gross and reliably attested violations of human rights and/or fundamental freedoms, it can refer the case to the Human Rights Council.

While the Complaint Procedure is a highly confidential process, it can be utilized to bring complaints and lead to investigation of allegations of serious human rights violations committed by the IRGC, both within Iran and abroad. It can issue recommendations for remedial actions, offering a platform for victims and human rights defenders to pursue justice and accountability that could lead to prompting further criminal and/or civil proceedings against individuals responsible for the violations.

What are its limitations?

The UN Human Rights Council's complaint procedure faces several limitations such as:

- The effectiveness of the procedure relies heavily on the cooperation of the Member State in question. Given the current situation in Iran, Iran may not cooperate with the investigation, hindering the collection of evidence and implementation of recommendations.
- Limited resources and funding may also affect the thoroughness and timeliness of investigations.
- Political dynamics and the influence of powerful Member States may impact the Council's actions, potentially leading to biased or watered-down outcomes.
- The recommendations issued by the procedure are not legally binding, meaning that even if violations are identified, there is no enforcement mechanism to ensure compliance.

¹⁷¹ Human Rights Council, [Online submission portal](#).

¹⁷² Human Rights Council, [Resolution 5/1](#), 18 June 2007, para. 87.

¹⁷³ OHCHR, [Working Group on Communications](#).

¹⁷⁴ OHCHR, [Working Group on Situations](#).

- While confidentiality is intended to enhance cooperation and safety of complainants, it can also limit transparency and public awareness of the issues being addressed.
- The principle of non-duplication means that complaints already under examination by other UN or regional mechanisms cannot be considered, potentially preventing action.

How can Universal Periodic Review (UPR) contribute to holding IRCG members accountable?

The Universal Periodic Review is an inherently diplomatic process and its recommendations are not legally binding on Member States. However, the UPR can foster States in meeting their human rights commitments. Through advocacy and lobbying, civil society can contribute to this process by drawing attention to issues overlooked by Iran and prompt other Member States to raise concerns during the review, either as questions or recommendations.

The Human Rights Council's Universal Periodic Review (UPR) is a mechanism established by the UN General Assembly. It involves a periodic review of the overall human rights obligations and commitments of all UN Member States, by all UN Member States, every 4.5 years.¹⁷⁵ The UN General Assembly Resolution 60/251 sets out [general parameters](#) for the UPR mechanism.

Unique among UN processes, the UPR takes place in the form of an interactive dialogue with States participating in the review to ask questions, make comments and recommendations to the State under review regarding their human rights record. They can also transmit written questions to the State under review ten working days before its UPR.¹⁷⁶

UPR recommendations primarily focus on specific policy and legislative reforms to address human rights violations. All UN Member States are reviewed on an equal basis and with the same frequency, subject to the same rules and scrutiny and must respond to each recommendation put forward during the UPR review.

Iran's first three periodic reviews took place in February 2010, October 2014, and November 2019.¹⁷⁷ The fourth UPR for Iran took place during the Human Rights Council's 48th session between January and February 2025.

What issues can be addressed under the UPR?

Under the UPR, all human rights obligations of the State under review can be addressed including:

- a) the UN Charter;
- b) the Universal Declaration of Human Rights;
- c) all the human rights treaties to which the State is a Party;
- d) the voluntary pledges and commitments made by the State; and
- e) applicable international humanitarian law.¹⁷⁸

Can States reject recommendations made?

A State may not officially reject recommendations. It must indicate whether it supports and accepts each recommendation or notes it without accepting. When a State formally accepts UPR recommendations, it reflects that the State politically commits to implementing them before its next UPR review. Even if a State has only noted the recommendations, it must still report on the measures it has undertaken since the last UPR review.

¹⁷⁵ OHCHR, [Universal Periodic Review](#).

¹⁷⁶ UN Human Rights Council, '[Basic facts about the UPR](#)'.

¹⁷⁷ See OHCHR, [Universal Periodic Review - Iran \(Islamic Republic Of\)](#).

¹⁷⁸ UN Human Rights Council, '[Basic facts about the UPR](#)'.

How can Iranian NGOs and civil societies influence the UPR recommendations?

A review of a State is based on: (a) a national report prepared by the State under review; (b) a compilation of UN information on the State under review prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR); and (c) a summary of information submitted by other stakeholders (including NGOs, civil society, national human rights institutions and regional organizations), also prepared by OHCHR.¹⁷⁹

The UN Human Rights Council encourages Member States to engage extensively with NGOs and civil society when preparing their UPR reports. These consultations provide a platform for Iranian NGOs and civil society to highlight alleged human rights violations committed by the IRGC, both within and outside Iran, and recommend actions to address them.

Moreover, Iranian NGOs can submit individual or joint reports by collaborating with other national civil society actors to submit credible and reliable information on human rights violations¹⁸⁰, including those committed by the IRGC, and ensure their concerns are included in the UPR review.

Through advocacy and lobbying, they can draw attention to issues overlooked by Iran and prompt other Member States to raise these concerns during the review, either as questions or recommendations. Additionally, Iranian NGOs and civil society can use the UPR to raise awareness of human rights violations in Iran, follow up on treaty bodies' concluding observations, and increase

pressure on Iran to comply with its human rights obligations and commitments.¹⁸¹

What are its limitations?

Although the UPR can foster accountability for States' respective responsibilities in meeting their human rights commitments, the UPR is an inherently diplomatic process and its recommendations are not legally binding on Member States. The effectiveness of the UPR can be influenced by the political will of Member States to implement its recommendations.

How can the UN Independent and International Fact-Finding Mission on the Islamic Republic of Iran (FFMI) contribute to holding IRCG members' accountable?

By documenting alleged human rights violations and international crimes in Iran related to the protests that began on 16 September 2022 and their alleged perpetrators including IRGC members, analyzing and preserving it for legal proceedings, and making recommendations to improve accountability pathways available, the International Fact-Finding Mission on the Islamic Republic of Iran (FFMI) can assist in holding IRCG members' accountable. It is however important to remember that the FFMI is not in itself a judicial proceeding and that the scope of its work up until its recent extension and expansion into a more exhaustive investigative mechanism by the Human Rights Council in its 58th session,¹⁸² has been limited to the 2022-2023 protests that followed the death of Ms. Mahsa Zhina Amini.

¹⁷⁹ UN Human Rights Council, '4th UPR cycle: contributions and participation of "other stakeholders" in the UPR'.

¹⁸⁰ *Ibid.*

¹⁸¹ Child Rights Connect, 'Fact Sheet 1: The Universal Periodic Review Information for NGOs'.

¹⁸² UNGA Resolution adopted by the Human Rights Council on April 4, 2025 [A/HRC/58/L.20/Rev.1](#)

The FFMI was created for an initial period of one year.¹⁸³ The FFMI is an independent investigative mechanism established by the UN Human Rights Council to conduct independent investigations, preserve the information collected and provide recommendations. It is led by three members and supported by experienced UN human rights officers. In April 2024, the UN Human Rights Council extended the mandate of the FFMI for another year.¹⁸⁴ In April 2025, the mandate was again renewed, and expanded.

The initial FFMI mandates was specific and does not include documenting all human rights violations or international crimes committed in Iran. The Resolution mandates the FFMI to establish the facts and circumstances and investigate alleged human rights violations in Iran related to the protests that began on 16 September 2022 with a focus on the situation of women and children.¹⁸⁵ The FFMI's mandate was therefore limited to alleged human rights violations and international crimes committed in Iran¹⁸⁶ in relation to the protests that started on 16 September 2022 following the death of Ms. Mahsa Zhina Amini and onwards.

Numerous incidents related to the 2022-2023 protests allegedly involving IRGC members have been investigated by the FFMI. It includes the “*Bloody Friday*”, the 8 October 2022, in Zahedan, the capital of Sistan and Baluchestan province, where Iranian security forces fired live bullets, tear

gas, and metal bullets at protesters after Friday prayers. This violent response led to the killing of dozens of protesters, including 15 children, and the injury of hundreds of others, making it one of the deadliest incidents during the protests that year¹⁸⁷.

The FFMI also, for instance, mentions the repression of peaceful protests in Zahedan on 20 October 2023. On that day, Baloch protesters gathered for peaceful demonstrations after Friday prayers at the Makki Mosque in Sistan and Baluchestan province. The protesters confronted security forces, including members of the IRGC in civilian clothing. These forces used tear gas, rubber bullets, and water cannons, and severely physically assaulted protesters and passersby. Hundreds of protesters and pedestrians were arbitrarily arrested and detained. Reports indicate that the detainees were transferred to the Imam Ali sports complex in Zahedan before being moved to various detention centers, including a detention center under the control of the IRGC, where they faced further beatings and mistreatment. Testimonies from prisoners indicate that they have been subjected to torture and inappropriate behavior in detention centers¹⁸⁸.

Such incidents were also analyzed within the Pasdaran Documentation Project.

The FFMI issued a detailed report on the repression of the 2022-2023 protests in March 2024 and April 2025¹⁸⁹ and in both instances concluded that it had

¹⁸³ UNGA Resolution adopted by the Human Rights Council on 24 November 2022, [A/HRC/RES/S-35/1](#), para. 7; Impact Iran, ‘[Independent International Fact-Finding Mission on the Islamic Republic of Iran \(FFMI\)](#)’.

¹⁸⁴ UNGA Resolution adopted by the Human Rights Council on 4 April 2024, [A/HRC/RES/55/19](#), para. 2.

¹⁸⁵ *Ibid.*

¹⁸⁶ Independent International Fact-Finding Mission on the Islamic Republic of Iran, [Terms of Reference](#), para. 7: The FFMI indicates that it “*shall investigate any such alleged human rights violations that occurred in the territory of the Islamic Republic of Iran*”. This interpretation suggests that the FFMI will not consider allegations of violations committed by Iranian authorities, including the IRGC, outside of Iran.

¹⁸⁷ PDP Database, [Bloody Friday - Suppression of Protesters in Zahedan during the 2022 protests](#)

¹⁸⁸ PDP Database, [Suppression of peaceful protests by Baloch protesters and worshippers in Zahedan](#). Detailed findings of the Independent International Fact-Finding Mission on the Islamic Republic of Iran 19 March 2024 (updated on 8 July 2024), [A/HRC/55/CRP.1](#), para. 1047, specifying that this incident requires further investigation from the FFMI.

¹⁸⁹ Detailed findings of the Independent International Fact-Finding Mission on the Islamic Republic of Iran 19 March 2024 (updated on 8 July 2024), [A/HRC/55/CRP.1](#).

reasonable grounds to believe that numerous serious human rights violations were committed by Iranian authorities in the context of the 2022-2023 protests,¹⁹⁰ and that number of them amount to crimes against humanity including gender persecution and persecution on political religious and ethnic grounds as well as murder, imprisonment, torture, enforced disappearance, rape, sexual violence, and other inhumane acts.¹⁹¹ The FFMI also found that *“officials at all levels within the IRGC chain of command, including the IRGC Commander-in-Chief and other commanders, failed to prevent and repress crimes committed by their subordinates and thus bear responsibility for the crimes of their subordinates and should therefore be investigated.”*¹⁹²

The FFMI can only make findings regarding the commission of human rights violations and international crimes and related responsibility as well as formulating recommendations regarding accountability. While the FFMI lacks judicial powers, it is well-equipped to support other legal proceedings like criminal investigations and prosecution through its evidence collection and preservation.

The FFMI was specifically mandated to collect, consolidate, and analyze evidence of such violations, preserving it for any potential legal proceedings, such as civil and/or criminal proceedings seeking to hold accountable individuals responsible for human rights violations.¹⁹³

¹⁹⁰ *Ibid*, paras. 1605-1608, including the rights to life, not to be subjected to torture and ill-treatment, to security and liberty of the person, to a fair trial and due process, to an effective remedy, to freedom of religion or belief, of expression, of peaceful assembly and of association, and the rights to privacy, health, education, livelihood and work. The Mission is satisfied that the rights to equality and non-discrimination on the grounds of sex, gender, ethnicity, age, religion, or belief, political or other opinions have been violated in connection with the rights listed above. Violations of the rights of women

The mandate was renewed for a second year specifically to ensure that the information collected is properly consolidated and preserved for future accountability efforts.¹⁹⁴ In investigating human rights violations and international crimes, the FFMI examines State's responsibility and the role of alleged individual perpetrators. This could assist other efforts to establish individual criminal accountability and prompt further criminal and/or civil proceedings against individuals, such as IRGC members. Additionally, FFMI reports can raise awareness and by their recommendations and mobilize international support to address these violations and crimes.

The most recent renewal expanded the FFMI's scope to include serious and ongoing human rights violations beyond those linked to the 2022–2023 protests. This expansion allows the FFMI to investigate a broader range of violations and international crimes, which could further support accountability efforts involving the IRGC—even where the violations are not directly tied to the protests.

SANCTIONS REGIMES

Can the Sanctions regimes be used against the IRGC or IRGC members for the Human Rights violations they allegedly committed in Iran or abroad?

and children were particularly severe, as were violations of the rights of ethnic and religious minorities.

¹⁹¹ *Ibid*, paras. 1609-1727.

¹⁹² *Ibid*, paras. 1778-1795.

¹⁹³ UNGA Resolution adopted by the Human Rights Council on 24 November 2022, [A/HRC/RES/S-35/1](#), para. 7; Impact Iran, ‘[Independent International Fact-Finding Mission on the Islamic Republic of Iran \(FFMI\)](#)’.

¹⁹⁴ UNGA Resolution adopted by the Human Rights Council on 4 April 2024, [A/HRC/RES/55/19](#), para. 2.

Yes. Sanctions are a form of coercive measure imposed against States or non-State actors¹⁹⁵ that does not respect its international commitments or when its behaviour infringes on or threatens the international public order.¹⁹⁶ Countries around the world have imposed sanctions on Iran and the IRGC or IRGC members due to concerns over their nuclear program, support for terrorism, human rights violations, ballistic missile development, and regional destabilization involving Iran's support for proxy groups and involvement in conflicts in the Middle East such as in Syria, Yemen, and Lebanon.¹⁹⁷ These sanctions aim to pressure Iran to change its behaviour, comply with international human rights obligations and norms, and reduce global security threats.

Sanctions regimes in the context of Iran cover broader areas than human rights violations, but the implication of an individual (such as an IRGC member) or an organization (the IRGC itself) in the commission of serious human rights violations or international crimes can be the basis for the imposition of sanctions, generally in the form of travel bans and asset freeze.

Two types of sanctions regime are particularly relevant for the imposition of sanctions for serious human rights violations in relation to the situation in Iran: (1) the EU sanctions regime against Iranian individuals and entities responsible for human rights violations in Iran; and (2) Magnitsky-Style Acts in different countries. The UN does not have

a sanction regime in relation to Iran for human rights violations.¹⁹⁸

What is the EU sanctions regime against Iranian individuals and entities responsible for human rights violations?

The EU has imposed sanctions against Iran in response to its human rights abuses, nuclear proliferation activities and military support for Russia's war of aggression against Ukraine. In the context of repression and human rights violations in Iran, the EU has imposed sanctions on Iranian persons and entities responsible for serious human rights violations in Iran since 2011, which have since been extended on an annual basis.¹⁹⁹ New individuals and entities have been added to the list of those subject to sanctions in this context on a regular basis.²⁰⁰ As of writing, there are 227 individuals and 42 entities on that list.²⁰¹

The list includes IRGC-related entities, such as:

- IRGC's Cyber Defence Command²⁰²
- Nine IRGC Regional Corps operating in different provinces of Iran²⁰³
- Three IRGC Operational Bases (regional headquarters) overseeing different provinces of Iran²⁰⁴
- IRGC Cooperative Foundation, "the body responsible for managing the IRGC's investments"²⁰⁵

¹⁹⁵ UN Human Rights Council, 'The duty to cooperate and non-State actors', [A/HRC/EMRTD/7/CRP.3](#), 20 March 2023, para. 15. Non-state actors are independent of states. It covers individuals, corporations, non-governmental organizations, armed non-state actors, trade associations, and all other actors that are not States.

¹⁹⁶ Médecins Sans Frontières, 'Sanctions'.

¹⁹⁷ Novo, L. et al., 'The Islamic Republic of Iran Before the World: International Avenues for Pursuing Accountability for Human Rights Violations in the Islamic Republic of Iran', Atlantic Council, 2023, p. 1.

¹⁹⁸ See [United Nations Security Council Consolidated List | United Nations Security Council](#).

¹⁹⁹ Consolidated text: Council Decision 2011/235/CFSP of 12 April 2011 concerning restrictive measures directed against

certain persons and entities in view of the situation in Iran (2011 Council Decision), Articles 1(1) and 2(1). See also EU Council website, [Iran: EU Restrictive Measures](#), "Measures responding to serious human rights violations".

²⁰⁰ See EU Council website, [Timeline - Iran: EU restrictive measures](#).

²⁰¹ *Ibid.*

²⁰² 2011 Council Decision, Annex, p. 92, no. 7.

²⁰³ 2011 Council Decision, Annex, p. 98-102, nos. 20-24, 28-31, providing reasons for listing as, among others, conducting operations against protesters during the 2022 protests.

²⁰⁴ 2011 Council Decision, Annex, p. 100-102, nos. 25-27, providing reasons for listing as, among others, conducting operations against protesters during the 2022 protests.

²⁰⁵ 2011 Council Decision, Annex, p. 105, no. 37.

- Tasnim News Agency, “the largest IRGC affiliated media outlet”²⁰⁶
- Basij Resistance Force, “a volunteer paramilitary organization operating under the IRGC”²⁰⁷
- Student Basij Organization, “a branch within the Basij Organization”.²⁰⁸

The list also includes IRGC-affiliated persons, such as:

- IRGC’s Deputy Coordinator²⁰⁹
- IRGC’s Commander in Chief²¹⁰
- IRGC Grounds Forces’ Commander in Chief²¹¹
- Head of the IRGC’s Basij Organization²¹²
- IRGC’s heads in Kurdistan and Tehran provinces and IRGC’s head and deputy head in Ardabil province²¹³
- IRGC’s deputy commander for operations²¹⁴
- IRGC’s deputy commander²¹⁵
- IRGC’s deputy commander and commanders operating in different provinces in Iran²¹⁶
- IRGC’s spokesman²¹⁷
- IRGC’s head of the Intelligence Protection Organization²¹⁸ and
- Chairman, managing director, and members of the board of directors of the IRGC Cooperative Foundation.²¹⁹

The measures imposed by the EU include:

- travel bans for individuals.²²⁰
- asset freeze for individuals and entities.²²¹
- ban on selling, supplying, transferring or exporting to Iran of equipment or software for monitoring or interception of the Internet and of

telephone communications²²² and equipment which might be used for internal repression.²²³

- ban on providing technical assistance, brokering services or financing for any person or entity in Iran that could be used for internal repression.²²⁴

The EU imposes sanctions through a structured process involving multiple actors. The EU Council makes all decisions to adopt, amend, lift, or renew sanctions after review by the relevant Council working groups. These decisions are binding on EU Member States and it is their responsibility to implement the sanctions within their own jurisdictions. The European Commission is responsible for ensuring the uniform application of sanctions.²²⁵

How can EU sanctions impact the IRGC?

While the EU sanction regime is not a judicial process and does not fully achieve the victims’ rights for redress and reparations, EU sanctions can have an impact on the IRGC and its affiliated entities such as on their economic activities, access to financial resources, ability to conduct international activities and procurement of weapons and technology. The sanctions can also be seen as a form of punishment for human rights violators, and it may reduce their capacity to continue committing such violations. However, national political interests may influence the decision by a State to request sanction or not a human rights violator.

²⁰⁶ 2011 Council Decision, Annex, p. 106, no. 38.

²⁰⁷ 2011 Council Decision, Annex, p. 91, no. 6.

²⁰⁸ 2011 Council Decision, Annex, p. 105, no. 36.

²⁰⁹ 2011 Council Decision, Annex, p. 9, no. 9.

²¹⁰ 2011 Council Decision, Annex, p. 28, no. 89.

²¹¹ 2011 Council Decision, Annex, p. 29, no. 91.

²¹² 2011 Council Decision, Annex, p. 28, no. 88.

²¹³ 2011 Council Decision, Annex, p. 41-42, nos. 119, 121-123.

²¹⁴ 2011 Council Decision, Annex, p. 61, no. 169.

²¹⁵ 2011 Council Decision, Annex, p. 73, no. 201.

²¹⁶ 2011 Council Decision, Annex, p. 51-55, nos. 144-155.

²¹⁷ 2011 Council Decision, Annex, p. 73, no. 202.

²¹⁸ 2011 Council Decision, Annex, p. 74, no. 203.

²¹⁹ 2011 Council Decision, Annex, p. 80-82, nos. 217-221.

²²⁰ 2011 Council Decision, Article 1(1).

²²¹ 2011 Council Decision, Article 2(1).

²²² 2011 Council Decision, Article 2a.

²²³ 2011 Council Decision, Article 2b.

²²⁴ *Ibid.*

²²⁵ European Union website, ‘[European Union Sanctions](#)’.

Additionally, concerns may arise regarding the fairness of the process, as sanctions are imposed unilaterally on individuals generally without the opportunity to challenge or litigate the findings. Furthermore, travel bans may restrict the ability of potential perpetrators to travel abroad, potentially going against strategies to initiate criminal cases against them in Third States that rely on the principles of universal or passive personality jurisdiction, which often require the presence of the perpetrator within their territory.

What are the Magnitsky-Style Acts in Different Countries?

A Magnitsky-Style Act is a type of legislation that allows governments to impose targeted sanctions against foreign individuals or entities who have engaged in, been responsible for or complicit in serious violations or abuses of human rights or serious corruption committed outside their jurisdiction.²²⁶ Unlike comprehensive or sectoral sanctions which may affect an entire country or economic sector, targeted sanctions specifically impact only the individuals and entities designated for sanctions.

Countries including the US,²²⁷ UK,²²⁸ Canada²²⁹ and Australia²³⁰ have enacted Magnitsky-Style Acts to impose targeted sanctions for serious human rights abuse and corruption, while the European Union²³¹ has established the EU Global

Human Rights Sanctions Regime for serious human rights violations and abuses only. As discussed above, the EU has a specific sanctions regime on Iranian individuals and entities responsible for human rights violations and thus rarely uses this Act in the Iranian context.²³² Depending on the jurisdiction, these sanctions may include travel bans and/or asset freezing.

For example, the United States could sanction an IRGC member living in Iran who has committed serious human rights abuses against Iranian citizens such as torture, extrajudicial killing, rape, enforced disappearance, by seizing their assets and banning them from entering US. The US could also sanction IRGC members who have ordered any such acts. HRA has conducted in-depth research into the effectiveness of Magnitsky-style sanctions regimes.²³³

What are the legal requirements for sanctioning under Magnitsky-Style Acts?

There are no standardized criteria for designating individuals or entities as sanction targets as these criteria can vary between countries. However, the legal requirements for sanctioning under Magnitsky-Style Acts generally include credible evidence of serious human rights violations or significant corruption, reasonable grounds to suspect involvement, and ensuring the designation is appropriate to deter or provide accountability for

²²⁶ UNSW Australian Human Rights Institute, ‘[An Australian Magnitsky Act: What would it look like and why do we need it?](#)’; Safeguard Defenders, ‘[Fighting Impunity: A guide on how civil society can use Magnitsky Acts to sanction human rights violators](#)’ (2020), p. 5.

²²⁷ Global Magnitsky Human Rights Accountability Act 2016 (as implemented by Executive Order 13818). See US Department of State, [the Global Magnitsky Sanctions Program](#).

²²⁸ [Sanctions and Anti-Money Laundering Act 2018](#); [Global Human Rights Sanctions Regulations 2020](#). See also Human Rights First and REDRESS, [Briefing Note: The UK Global Human Rights Sanctions Regime](#), December 2020.

²²⁹ [Justice for Victims of Corrupt Foreign Officials Act \(Sergei Magnitsky Law\) 2017](#); [Special Economic Measures \(Iran\)](#)

[Regulations 2010](#) under [Special Economic Measures Act](#). Under this Iran-specific regulation, Canada imposed sanctions on persons who participated in gross and systematic human rights violations in Iran and former or current senior officials in the IRGC. See 2(a.1) and (b).

²³⁰ [Autonomous Sanctions Amendment \(Magnitsky-style and Other Thematic Sanctions\) Act 2021](#).

²³¹ [EU Council Regulation 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses](#).

²³² Qarchak Prison is the only Iranian entity sanctioned under this Regulation. See [consolidated text](#), p. 57, no. 13.

²³³ Just Security, [Magnitsky-Style Sanctions Are a Precision Measure for Iran’s Crisis of Impunity](#), 21 November 2024

the violations while considering the likely significant effects on the person or entity.

For instance, under the UK Magnitsky-Style Act, a Minister can only designate a person or entity if there are reasonable grounds to suspect that the individual or entity is involved in certain human rights violations or abuses. This involvement must be linked in one of the ways specified in the Regulations. Additionally, the Minister must ensure that the designation serves the purpose of deterring or providing accountability for such activities, while considering the significant effects on the individual or entity.²³⁴

Under the EU Global Human Rights Sanctions Regime, only EU Member States or the High Representative of the EU for Foreign Affairs and Security Policy can propose to designate an individual or entity if there are reasonable grounds to suspect involvement in serious human rights violations or abuses. Civil society organizations could lobby EU Member States and/or the High Representative to target certain persons or entities.²³⁵ In the US, civil society organizations play an important role in providing recommendations to the US government about individuals or entities who may be eligible for sanctions.²³⁶

What impacts can a Magnitsky-Style Acts have?

The UK has sanctioned 150 individuals and entities under UK human rights sanctions against Iran. Both the US and the EU have applied restrictive measures against more than 250 persons

responsible for human rights abuses in Iran, while Canada has designated over 115 Iranian persons for their involvement in human rights violations.²³⁷

For instance, on 18 September 2024, the US Department of the Treasury's Office of Foreign Assets Control designated 12 additional individuals for sanctions in connection with the Iranian regime's ongoing, violent repression of the Iranian people. In particular, it sanctioned Javad Ghaffarhaddadi,²³⁸ head of the IRGC-Intelligence Organization's Special Operations division since at least early 2022, mentioning explicitly the role played by the IRGC-Intelligence Organization in kidnapping of Iranian Journalist in exile Ruhollah Zam and his forced return to Iran where he was subsequently tried, convicted to death penalty and executed.²³⁹

The IRGC-Intelligence Organization is also for instance listed by the US Department of State pursuant to Executive Order 14078 Bolstering Efforts to Bring Hostages and Wrongfully Detained United States Nationals Home.²⁴⁰ The illegal arrest and detention of US citizens by the IRGC have been reported in the past. For instance, on July 31, 2009, three American citizens - Shane Michael Bauer, Joshua Felix Fattal, and Sarah Emily Shourd - were detained by Iranian forces while hiking near the Iraq-Iran border. The Iranian government claimed that these individuals were arrested after unintentionally crossing into Iranian territory. However, the American news magazine, The Nation, objected to this report and reported that testimonies from eyewitnesses indicate that these three individuals were detained inside Iraqi territory by IRGC members and forcibly taken to

²³⁴ GOV.UK., Policy Paper, 'Global Human Rights Sanctions: consideration of designations', 6 July 2020.

²³⁵ Clifford Chance, 'European Union adopts Magnitsky-Style Global Human Rights Sanctions Regime', 6 January 2021.

²³⁶ Freedom House, 'Permanent Global Magnitsky Act Will Ensure Perpetrators Face Consequences', 12 April 2022.

²³⁷ Human Rights First, 'Evaluating Targeted Sanctions: A Flexible Framework for Impact Analysis', 2023, p. 16.

²³⁸ PDP Database, Javad Ghaffarhaddadi

²³⁹ PDP Database, Kidnapping and Execution of Journalist Ruhollah Zam; U.S. Department of the Treasury, 'Treasury Sanctions Iranian Officials Connected to Human Rights Violations', 18 September 2024.

²⁴⁰ Baker McKenzie, 'US Government Makes First Sanctions Designations under Executive Order Related to Hostage-Taking and Wrongful Detention of US Nationals', 11 May 2023.

Iran. While Shane Michael Bauer, Joshua Felix Fattal, and Sarah Emily Shourd have been released, this example shows the alleged involvement of the IRGC in such practices.²⁴¹

This shows that Magnitsky-Style Acts can be a useful tool to deter human rights abuses by holding perpetrators accountable and demonstrating that such actions will have consequences. These Acts can also put pressure on governments to improve their human rights records and prevent future abuses.²⁴²

Being placed on a country's list of Magnitsky designations can have several direct impacts such as:²⁴³

- Financial loss: Asset freezes can lead to substantial financial losses for the sanctioned individual or entity.
- Travel ban: Perpetrators denied entry will have any existing visa revoked and will be barred from entering the country until the designation is removed.
- Reputation damage: Public shaming and loss of business opportunities can result from being designated under a Magnitsky-Style Act.

What are the potential advantages and challenges in using Magnitsky-Style Acts to target the IRGC?

The Magnitsky-Style Acts are not a judicial process and do not fully achieve the victims' rights for redress and reparations. While sanctions imposed against IRGC members involved in the commission of human rights violations can have an impact on the IRGC and its affiliated entities such as on their economic activities, access to financial resources, ability to conduct international activities and procurement of weapons and technology, the

sanctions can also be seen a form of punishment for human rights violators, and it may reduce their capacity to continue committing such violations.

While Magnitsky-Style Acts can be a tool, they also present several challenges such as requiring political commitment, international cooperation, and sufficient evidence. Obtaining evidence can be difficult in closed societies like Iran, and the IRGC may take steps to evade sanctions. The geopolitical or diplomatic relationship between the country imposing sanctions and the country where the sanctioned individual is most associated (through nationality, residence, or business) may also be impacted.²⁴⁴ In addition, national political interests may influence the decision by a State to sanction or not a human rights violator.

Furthermore, there may be concern in relation to the fairness of the process, as the sanctions are imposed on individuals unilaterally without a contradictory process. Travel bans may also restrict the ability of potential perpetrators to travel abroad, potentially going against strategies to initiate criminal cases against them in Third States that rely on the principles of universal or passive personality jurisdiction, which often require the presence of the perpetrator within their territory.

TRANSITIONAL JUSTICE

Transitional justice comprises a set of principles designed to support society to address and attempt to overcome past abuses, conflict, or serious harms. The various pathways enumerated in this report are all, in one shape or another, forms of transitional justice which are centred on accountability. Transitional justice, however, is broader in its approach and includes four primary elements:

²⁴¹ PDP Database, [Arbitrary arrest and detention of American citizens](#)

²⁴² Safeguard Defenders, 'Fighting Impunity: A guide on how civil society can use Magnitsky Acts to sanction human rights violators' (2020), p. 6-7.

²⁴³ *Ibid.*

²⁴⁴ Human Rights First, 'Evaluating Targeted Sanctions: A Flexible Framework for Impact Analysis' (2023), p. 17-21.

truth, justice, reparations, and guarantees of non-recurrence.

While this document primarily focuses on accountability, it is important to remember that justice and accountability do not exist in isolation. Ensuring that victims have access to reparations, that past harms are brought to light and acknowledged, and that such violations do not occur again is essential for a victim-centered, comprehensive approach to dealing with the past. The following section highlights specific elements of transitional justice that may support or bolster accountability processes.

Although transitional justice is often associated with post-conflict societies, its principles are also relevant for societies still experiencing conflict or instability. The four pillars of transitional justice can assist in providing a framework to seek accountability and support victims. While the ability to implement these principles will remain limited within Iran, they can be applied to international and non-governmental efforts and can assist in developing and pursuing accountability pathways while ensuring a victim-centred approach.

How can truth-seeking initiatives assist victims and contribute to address the serious human rights violations allegedly committed by the IRGC?

The process of truth-seeking is a crucial component of transitional justice, aiming to address the impact of conflict and instability and its related impact on

victims. It involves mechanisms that promote accountability, justice, and reconciliation such as Truth Commissions and Accountability Dialogues. Truth-seeking processes provide a number of positive outcomes including assisting societies in investigating past human rights abuses, providing recognition to victims, rebuilding trust in State institutions, reinforcing respect for human rights, and promoting the rule of law.²⁴⁵ These processes should to the degree possible be tailored to specific contexts, nationally driven and/or driven by affected communities, and focused on the needs of victims to contribute to lasting peace.²⁴⁶

At the heart of truth-seeking is the victims' right to know the truth about the abuses and violations they have suffered, including the identity of perpetrators, the causes of the violations, and the fate or whereabouts of the disappeared. This right is essential for obtaining remedies, such as effective investigations, fact verification, public disclosure of the truth, and reparations. Not only individual victims and their families but also communities and society as a whole have the right to know the truth about human rights violations.²⁴⁷

The right of individuals to know the truth about violations they have suffered is supported by several treaty bodies, regional courts and international tribunals.²⁴⁸ While its core elements are well-established, the right to the truth continues to evolve and may be characterized differently in each domestic legal system.²⁴⁹ As each domestic system has its own legal traditions, unique culture and societal needs, different approaches will arise to uphold the right to truth.

²⁴⁵ Guidance Note of the UN Secretary General, 'United Nations approach to Transitional Justice', March 2010, p. 8.

²⁴⁶ UN OHCHR website, [Transitional justice and human rights](#).

²⁴⁷ González, E. and Varney, H. eds., 'Truth Seeking: Elements of Creating an Effective Truth Commission', Brasília: Amnesty Commission of the Ministry of Justice of Brazil; New York: International Center for Transitional Justice, 2013, p. 3-6.

²⁴⁸ UNGA, 'Annual Report Of The United Nations High Commissioner For Human Rights And Reports Of The Office Of The High Commissioner And The Secretary-General, Analytical study on human rights and transitional justice', [A/HRC/12/18](#), 6 August 2009, p. 6, para. 8; The former UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Asma Jahangir, [A/72/322](#), 2017, para. 109.

²⁴⁹ Human Rights Council, Resolution 9/11, Right to Truth, [A/HRC/RES/9/11](#), p. 3.

1. Truth-seeking initiatives in the context of Iran

Truth Commissions are official, temporary, non-judicial fact-finding bodies that investigate a pattern of abuses of human rights or humanitarian law committed over a number of years. Truth Commissions generally serve as a platform for victims to share their stories by recognizing their active roles in seeking justice, establish facts about past human rights violations, preserve evidence, identify perpetrators, and recommend reparations and institutional reforms to foster accountability.²⁵⁰

As non-judicial bodies, Truth Commissions cannot prosecute anyone, but they may conduct investigations on allegations of human rights abuses and violations, collect victim and witness testimonies, hold public hearings and publish non-binding findings and recommendations relating to guilt, prosecution, legal, institutional or legislative reforms and reparations programmes for victims.²⁵¹

Each Truth Commission is unique to its specific context and is often established through national consultations involving victims and civil society organizations. Unlike courts, these mechanisms vary between countries in their structure, components, powers, and procedures.²⁵² Over 30 Truth Commissions have been established worldwide, including in Argentina, Chile, South Africa, Peru, Ghana, Morocco, El Salvador, Guatemala, Timor-Leste, Democratic Republic of the Congo and Sierra Leone. Truth Commissions also face challenges, including that implicated States, entities, and individuals often ignore the

allegations due to the non-binding nature of the findings and the informal nature of the commissions.²⁵³

While Iran has not established a Truth Commission or made genuine efforts to engage with victims, civil society has implemented truth-seeking initiatives to assist in realizing the victims' right to know the truth about the abuses and violations they have suffered. In particular, two People's Tribunals have been set up outside Iran to investigate specific human rights violations in Iran; one concerning the killing of thousands of political prisoners and dissidents in Iran in the 1980s, and one concerning the Iranian government and its security forces including the IRGC's brutal response during the November 2019 protests.

It is important to note that People's Tribunals are not Truth Commissions. People's Tribunals are independent, grassroots initiatives often organized by civil society groups to hold unofficial non-judicial hearings.²⁵⁴ They do not have the formal authority or official backing that Truth Commissions possess. Their findings and recommendations are also non-binding. While they can play a significant role in raising awareness and documenting abuses, their findings and processes are not recognized as part of an official transitional justice framework.

Given that Iran does not engage with transitional justice and truth-seeking for human rights violations or international crimes committed on its territory, implementing a truth-seeking initiative, such as the two People's Tribunals, remains first and foremost an advocacy tool for the civil society. It cannot be seen as a way for the Government of

²⁵⁰ Byrnes A, Simm G, eds, 'Peoples' Tribunals and International Law', Cambridge University Press, 2018, p. 14-17; UN Security Council, Report of Secretary General, 'The rule of law and transitional justice in conflict and post-conflict societies', [S/2004/616*](#), 23 August 2004, p. 17, para. 50.

²⁵¹ OHCHR, 'Rule-Of-Law Tools for Post-Conflict States, Truth Commissions', 2006, p. 20.

²⁵² UNGA, 'Annual Report Of The United Nations High Commissioner For Human Rights And Reports Of The Office

Of The High Commissioner And The Secretary-General, Analytical study on human rights and transitional justice', [A/HRC/12/18](#), 6 August 2009, p. 6, para. 8.

²⁵³ OpinioJuris, '[International Justice System v. People's Tribunals: A Fictional Hierarchy](#)', 22 April 2024.

²⁵⁴ Byrnes A, Simm G, eds, 'Peoples' Tribunals and International Law', Cambridge University Press, 2018, p. 14-17.

Iran to meaningfully engage with victims in a constructive national process aiming to address the legacy of past conflict and human rights violations.

2. Accountability Dialogues

Accountability dialogues are a form of transitional justice²⁵⁵ that aim to promote meaningful consultation with all affected groups, reconciliation, and accountability for past human rights abuses and violations. They are often used in post-conflict or post-authoritarian societies to address past human rights abuse and violations and develop strategies for preventing future violations.²⁵⁶

Accountability dialogues are victim-centered and often held at national and local levels with multiple stakeholder groups including victims, affected communities, perpetrators, civil society organizations, government officials, and other relevant stakeholders with the aim to emphasize truth-telling, include diverse views and needs into avenues for victims' healing, and accountability for harms caused.²⁵⁷

This dialogue is often facilitated by neutral third parties who help to guide the discussions and ensure that they are transparent, meaningful and inclusive for all participants to share their stories, personal experiences and perspectives.²⁵⁸ Civil society organization may play an important role such as to keep pressure on the government to adopt inclusive, victim-centered approach throughout the dialogues' process and operations.²⁵⁹ In the Western Balkans for instance, the United Nations has developed an action plan on

sustaining peace through trust building, dialogue and reconciliation, which is overseen by an inter-agency task force.²⁶⁰

Given the current situation in Iran, implementing an accountability dialogue faces significant challenges similar to those encountered by truth-seeking mechanisms. Even if such an initiative were led by civil society and victims, there is no domestic support for this issue, making it unlikely that the government would promote these dialogues or their operations. Perpetrators would not participate, and participants might face safety concerns and power imbalances. However, accountability dialogues and truth-seeking initiatives are likely to be necessary in the event of a regime change, given the extensive human rights violations and the divisions they have caused in Iranian society.

How can reparations and victim support assist victims and contribute to address the serious human rights violations allegedly committed by the IRGC?

Reparations are measures that may be employed to redress the various types of harms that victims may have suffered as a consequence of serious human rights violations and crimes.²⁶¹ They play a crucial role in transitional justice by directly addressing victims' needs and offering tangible acknowledgment and recognition of the harms suffered.²⁶² Unlike individual court cases that can be limited in scope and accessibility, reparations programs are designed to offer systemic redress to entire classes of victims. This approach ensures

²⁵⁵ UN Secretary General, Report on The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, p. 4, para. 8.

²⁵⁶ Sabharwal, G., 'How can dialogue support reconciliation and transitional justice in post-conflict contexts?', Issue 2/2027, p. 1.

²⁵⁷ *Ibid.*

²⁵⁸ Hayner, P., 'Transitional Justice in Peace Processes: United Nations policy and challenges in practice', 2022, p. 14.

²⁵⁹ Sabharwal, G., Issue 2/2027, p. 2.

²⁶⁰ Hayner, p., 2022, p. 20.

²⁶¹ De Greiff, P., 'The Handbook of Reparations' (1st ed.), 2006, Oxford University Press, p. 453.

²⁶² International Center for Transitional Justice, 'Reparations in Theory and Practice', 2007, p. 2.

that those lacking resources or legal access can still obtain redress and justice.²⁶³

It is crucial for reparation measures to uphold the victims' dignity and their status as rights-holders, affirming that they are entitled to reparations based on the violations and harms they endured. Importantly, reparations should acknowledge past injustices, establish State responsibility, and demonstrate a commitment to addressing the long-term impacts of these violations and preventing their recurrence.²⁶⁴

Do victims have a right to reparation?

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, adopted by the UN General Assembly, assert that victims of gross violations of international human rights law and serious violations of international humanitarian law are entitled to reparation. This includes equal and effective access to justice, prompt, adequate, and effective reparation for harm suffered, and access to relevant information concerning the violations and reparations.²⁶⁵

Do States have a duty to provide reparation?

The UN Basic Principles emphasize that States are required under international law to hold perpetrators accountable and provide reparations to victims for acts or omissions constituting gross violations of international human rights law or

serious breaches of international humanitarian law. Non-state actors involved in or complicit with such violations also have a legal obligation to provide reparations.²⁶⁶ Additionally, the International Law Commission on Responsibility of States for Internationally Wrongful Acts outlines the duty of States to make reparations for harm caused by their internationally wrongful acts.²⁶⁷ To fulfil their duty of offering prompt, adequate, and effective reparations to victims, States must first acknowledge these violations.²⁶⁸

In the General Recommendation XXVI on Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination has held that “*the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of [racial discrimination], which is embodied in article 6 of the Convention, is not necessarily secured solely by the punishment of the perpetrator of the discrimination; at the same time, the courts and other competent authorities should consider awarding financial compensation for damage, material or moral, suffered by a victim, whenever appropriate*”.²⁶⁹

²⁶³ UNGA, Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 32.

²⁶⁴ Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 29.

²⁶⁵ UNGA Resolution, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, [A/RES/60/147](#), adopted 16 December 2005, para. 11.; Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 25.

²⁶⁶ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, [A/RES/60/147](#), para. 3 and 15.

²⁶⁷ International Law Commission on Responsibility of States for Internationally Wrongful Acts, 2001, [Article 31](#).

²⁶⁸ Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 30.

²⁶⁹ Report of the Committee on the Elimination of Racial Discrimination, [General Recommendation XXVI on Article 6 of the Convention](#), Fifty-sixth session 2000, 1399th meeting, 24 March 2000, p. 153.

How are reparations implemented?

Generally, reparations are implemented through administrative programs²⁷⁰ or enforced as the result of litigation²⁷¹. When implementing reparations, it is vital to ensure they are designed, executed, and monitored through processes that involve meaningful consultation with victims and are specifically tailored to each case and the unique needs of the victims. This approach validates victims' experiences and promotes transparency and accountability. The UN Special Rapporteur provides minimum requirements for domestic reparation programs.²⁷²

It is crucial to note that reparations are often more effective when linked to other initiatives such as truth-seeking, legal and institutional reform, and judicial accountability mechanisms.²⁷³ By adopting this integrated approach, transitional justice initiatives can foster healing, reconciliation, and long-lasting peace.

²⁷⁰ Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 75-77. Government-led initiatives designed to provide reparations to victims without the need for individual court cases. These programs are typically established by domestic legislation and managed by specific agencies or bodies that handle the distribution of reparations.

²⁷¹ Rome Statute, Article 75. The ICC has ordered reparations for victims in several cases, including those in *Thomas Lubanga Dyilo*, *Dominic Ongwen*, and *Germain Katanga* cases; UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, [A/RES/60/147](#), para. 17.

²⁷² Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019.

²⁷³ [S/2004/616](#), 23 August 2004, para. 55; UN OHCHR, [Rule-Of-Law Tools for Post-Conflict States](#), p. 5.

²⁷⁴ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of

What types of reparations exist?

Reparations can include various forms such as: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence.²⁷⁴

Restitution refers to those measures that seek to restore victims to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. These measures can range from the restoration of rights such as citizenship, liberty, return to one's place of residence, to the reinstatement of job and benefits, to the restitution of property.²⁷⁵

Compensation aims to address the harms suffered by quantifying damages, including physical and mental injury, moral damage, lost opportunities (such as employment, education, and social benefits), material damages, and loss of earnings (including future earning potential). It also covers costs for legal or expert assistance, medical services, and psychological and social services, all tailored as appropriate and proportional to the gravity of the violation and the specific circumstances of each case.²⁷⁶

International Humanitarian Law, [A/RES/60/147](#), para. 18; Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 129(b).

²⁷⁵ De Greiff, P., *'The Handbook of Reparations'* (1st ed.), 2006, Oxford University Press, p. 453.

²⁷⁶ For instance, the German compensation programme for forced labour that took place during the national-socialist regime distributed individual payments to 1.66 million forced labour victims in 89 States. See Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 111. In the Republic of Korea, some victims of civilian massacres during the Korean War have received compensation through lawsuits; however, there is no comprehensive legal framework to provide reparations to all war victims. In 2002, Japan enacted the Act on Aid to Persons Abducted by North Korean Authorities and Other Relevant Persons, which provides support, including financial assistance, to abductees once they return to Japan. However, this financial support does not extend to the families of abductees who are still searching for them. See Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,

Rehabilitation involves providing social, medical, psychological care, and legal services to victims. Those who have endured severe human rights violations often suffer significant trauma from their violent experiences. Rehabilitation is essential in addressing both mental and physical harm, helping victims rebuild their lives and restore their dignity.²⁷⁷ The Human Rights Council urged States to provide full, holistic and specialized rehabilitation to victims of torture without discrimination of any kind, to support victims' recovery and ensure their stability and safety, especially when they participate in truth-seeking initiatives that require sharing their personal experiences. Additionally, security measures should be implemented to protect victims and witnesses from potential reprisals when they report the violations they have suffered.²⁷⁸

Satisfaction and guarantees of non-recurrence encompass a wide range of measures, such as cessation of violations, verification of facts, issuing official apologies and judicial rulings to restore the victim's dignity and reputation, full public disclosure of the truth, locating and returning the

remains of deceased and disappeared persons, applying judicial or administrative sanctions to perpetrators, implementing institutional reforms, the creation of museums, parks and sites of memory, the establishment of days of commemoration, and history rectification initiatives.²⁷⁹ These initiatives symbolically acknowledge victims as rights holders whose rights have been violated by the State. The primary goal of guarantees of non-recurrence is to dismantle the structural causes of societal violence and systemic human rights violations ensuring that victims do not experience such violations again.

Numerous countries have implemented various reparations programs through different legal frameworks. For example, Iraq has Law 20 on Compensation for Victims of Military Operations, Military Mistakes, and Terrorist Actions; the Philippines has the Human Rights Victims Reparation and Recognition Act; Peru operates under the Comprehensive Reparations Plan; and Colombia has the Comprehensive System of Truth, Justice, Reparation and Non Repetition that uses a victim-centred approach that incorporates restorative and reparative measures in order to

Elizabeth Salmón, [A/HRC/55/63](#), 26 March 2024, para. 50. In the wake of the first Gulf War, the United Nations Compensation Commission processed more than 2.5 million claims, paying out more than \$18 billion to victims of Iraqis unlawful invasion and occupation of Kuwait. See [S/2004/616](#), 23 August 2004, para. 54.

²⁷⁷ For instance, in March 2021, the Iraqi Council of Representatives passed the Yezidi Female Survivors Law No. 8 of 2021 (YSL), initiating a pioneering reparation program for Yezidi, Turkmen, Shabak, and Christian survivors of ISIS atrocities. See Free Yezidi Foundation & US Department of State, 'Iraq's Yezidi Survivors Law: Report on Year One of Reparation Applications', September 2023, p. 3. In March 2023, Free Yezidi Foundation together with seven other civil society organizations signed a Cooperation Agreement with the General Directorate for Survivors' Affairs to provide mental health and psychosocial support services to YSL applicants and beneficiaries who survived the ISIS atrocities and genocide in Iraq. See IOM Iraq, 'Toward Comprehensive Rehabilitation: Mental Health Service Referral System Launched for Genocide Survivors in Iraq', 28 March 2023.

²⁷⁸ UNGA Resolution adopted by the Human Rights Council on Torture and other cruel, inhuman or degrading treatment or

punishment: rehabilitation of torture victims, [A/HRC/RES/22/21](#), 12 April 2013.

²⁷⁹ De Greiff, P., 'The Handbook of Reparations' (1st ed.), 2006, Oxford University Press, p. 453. In response to historical atrocities, both Germany and Canada have implemented comprehensive reparations programs. Germany has provided financial compensation to Holocaust survivors, established memorials including former concentration camps and Jewish sites of cultural or religious importance to honor the victims, and launched educational initiatives to prevent future genocides. Germany has also identified and returned over 16,000 Nazi-looted objects, including artworks, books, and items from larger collections, to survivors and their heirs over the past two decades. See US Department of State website, 'Justice for Uncompensated Survivors Today (JUST) Act Report: Germany'. Canada has undertaken extensive efforts to address the legacy of the Indian Residential Schools system, including financial compensation, healing programs, and measures to reconcile with Indigenous communities. Prime Minister Stephen Harper's formal apology in 2008 acknowledged the intergenerational trauma experienced by former students, their families, and communities. See Government of Canada website, 'Indian Residential Schools Settlement Agreement'.

realize the right to justice and the recognition of individual responsibility. In Argentina, several laws have been enacted to provide reparations to victims. In El Salvador, Presidential Executive Decree 204/2013 created the Reparation Program for Victims of Serious Human Rights Violations that occurred during the internal armed conflict.²⁸⁰

Can victims currently seek reparations from the Iranian government?

In the context of Iran, neither the government nor the IRGC has acknowledged human rights violations or international crimes committed within or outside the country. Consequently, no reparations have been made available to address the widespread impunity for the numerous harms and violations suffered by victims.²⁸¹ Even if under international law, victims of gross human rights violations are entitled to reparation and States are required to hold perpetrators accountable and provide reparations to victims, given the current situation in Iran, it appears highly unlikely that victims of the IRGC and its members can seek reparations from the Iranian government. Efforts to hold perpetrators accountable and provide reparations may be severely hampered by the lack of an impartial and independent legal and judicial system, lack of political will and financial resources, and ongoing repression of human rights defenders in Iran.

²⁸⁰ Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 75-77. For instance, in Colombia, the Victims and Land Restitution Law encompasses several crucial measures for victims of sexual violence. The law introduces transformative reparation and emphasizes a differential and gender-sensitive approach to victims. Various provisions in the law lower the standard of evidence required from victims, outline the type of treatment

they are entitled to, and prioritize their access to certain benefits to restore their status *quo ante*; Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [A/HRC/42/45](#), 11 July 2019, para. 117.

²⁸¹ Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran to the Human Rights Council, [A/HRC/55/67](#), 2 February 2024, para. 124.



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