

PETITION TO:

UNITED NATIONS
WORKING GROUP ON ARBITRARY DETENTION

Chair-Rapporteur: Dr. Ganna Yudkivska

Vice-Chair on Communications: Dr. Matthew Gillet

Vice-Chair on Follow-Up: Dr. Miriam Estrada Castillo

Dr. Mumba Malila

HUMAN RIGHTS COUNCIL
UNITED NATIONS GENERAL ASSEMBLY

In the Matter of

Reza KHANDAN

Citizen of the Islamic Republic of Iran

v.

Government of the Islamic Republic of Iran

URGENT ACTION REQUESTED

Submitted by:

Robert F. Kennedy Human Rights

PEN America

Raoul Wallenberg Centre for Human Rights



September 2025

Basis for Urgent Action Request

As set forth in the petition further below, the Government of the Islamic Republic of Iran is arbitrarily depriving Mr. Reza Khandan of his liberty for his work as a human rights defender and in reprisal for the exercise of his fundamental rights to freedom of expression, association, and assembly.

Mr. Khandan has been arbitrarily detained for 282 days in the execution of a criminal sentence that does not meet the international standards of legality and due process. Further, he is subject to grave and dangerous prison conditions, which constitute serious threats of irreparable harm to Mr. Khandan's life and personal integrity. We want to underscore to this Working Group that the notorious Evin prison in Tehran where Mr. Khandan was deprived of his liberty, was attacked with missiles on June 23, 2025, as part of the 12-day war between Israel and Iran, resulting in at least 71 people killed and dozens of inmates wounded. As is explained in the petition, Mr. Khandan was transferred along with hundreds of detainees to Fashafeyeh prison in Tehran, a prison known for its terrible conditions. Serious reports have also indicated that the crackdown on political prisoners such as Mr. Khandan has worsened. At the end of August he was transferred back to the still-damaged Evin prison. The heightened crackdown on inmates and the risk of another airstrike or other type of attack to his current prison remains extremely high as the Israel-Iran tension continues. Thus, Mr. Khandan's continued detention constitutes an extreme, urgent danger to his life and health.

For the above reasons, we respectfully request that the Working Group considers this Petition pursuant to its Urgent Action Procedure. Additionally, we request that the attached petition be considered a formal request for an opinion of the Working Group.

Questionnaire¹

I. IDENTITY OF THE VICTIM OF ARBITRARY DETENTION

1. **Family name(s):** Khandan Heris
2. **Given name(s):** Reza
3. **Gender:** Male
4. **Date of birth date or age at time of detention):** 60 years
5. **Nationality(ies):** Iranian
6. **Identity document and issuing authority:** [REDACTED] issued by the Islamic Republic of Iran
7. **Profession and/or activity (if considered relevant to the arrest/ detention):** Human rights activist
8. **Address of usual residence:** [REDACTED]

II. DETAILS OF ARREST OR DETENTION

1. **Date of arrest or detention:** December 14, 2024
2. **Place of arrest (as detailed as possible):** Tehran, personal residence.
3. **Circumstances of the arrest or detention:** On December 14th, uniformed officers from the Security Police arrived at Mr. Khandan's residence. Mr. Khandan and a friend were in the parking lot working on a project when the officers informed them that Mr. Khandan was under arrest due to traffic violations. Upon being asked to produce an arrest warrant, the officers showed a warrant detailing the charges indicated on Question #6. Mr. Khandan's wife asked the officers if Mr. Khandan could see his son before leaving; however, when she returned with their son, the officers had already taken Mr. Khandan to Janat Abad Police Station.

¹ Based upon the *Model Questionnaire to Be Completed by Persons Alleging Arbitrary Arrest or Detention*, UN Working Group on Arbitrary Detention,, available at: <https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention/complaints-and-urgent-appeals>

4. **Did the forces making the arrest produce a warrant or other decision by a public authority?** Yes.
5. **Authority who issued the warrant or decision:** Security Prosecutor's Office.
6. **Reasons for the arrest or detention given by the authorities:** When officers arrived at Mr. Khandan's residence, they told him he had traffic violations. However, when asked to provide an arrest warrant, they produced a warrant that did not include traffic violations. It indicated the following as the reason for arrest: "Gathering and colluding with the intention of committing a crime against national security," "Propaganda activity against the regime of the Islamic Republic of Iran," and "Encouraging people in society to engage in corruption and prostitution." The charges resulted from Mr. Khandan's distribution of pins reading "I object to the compulsory hijab." in connection with his participation in the 2018 protests.
7. **National law cited as the legal basis for the arrest or detention (if known):** Mr. Khandan was arrested under Article 610 (gathering and collusion against national security), Article 500 (spreading propaganda against the system), and Article 639 (encouraging corruption and prostitution) of the Islamic Penal Code.²
8. **Duration of detention (if not known, approximate duration):** 282 days
9. **Authority responsible for detaining the person:** Security Police.
10. **Place(s) of deprivation of liberty (indicate any transfer and present place of detention):**
 - Initial: Janat Abad Police Station in Tehran (one day)
 - Transferred to: Evin prison in Tehran
 - Transferred to Fashafoyeh prison in Tehran (Greater Tehran Central Penitentiary) following the Israeli airstrike to Evin prison on June 23, 2025, where he spent 45 days.
 - Currently back in Evin prison in Tehran.
11. **Has the detainee or anyone on his behalf been able to challenge the detention domestically? Which domestic remedies are available, and which have been used? How effective have such remedies been?:** Mr. Khandan's lawyer appealed his original conviction on September 25th, 2024 resulting in a reduced sentence, but beyond that, he has no effective legal remedy available.
12. **Authorities that ordered the detention:** Assistant Prosecutor for the Execution of Criminal Sentences, Branch 1, District 33 Shahid Moghadas, Public Prosecutor's Office (Security), Tehran.

III. FURTHER DETAILS CONCERNING THE ARREST OR DETENTION

Statement of Facts

1. Human Rights Context in Iran

Since the introduction of the mandatory hijab in 1979, the Islamic Republic of Iran has engaged in systematic repression of dissenters, women's rights activists, and civil society at large.³ While restrictions on women have persisted for over four decades, enforcement of the mandatory hijab laws and the crackdown on those challenging them intensified sharply over the past decade.

In late 2017 and early 2018, Iran witnessed nationwide protests that initially focused on economic grievances but quickly grew into a broader movement against the country's theocratic rule.⁴ Against this backdrop of political unrest, women launched high-profile campaigns like "White Wednesdays" to protest the

² New York Bar Association, *Urgent request for intervention in favour of renowned Iranian human rights defender Reza Khandan* (18 December 2024), <https://www.nybar.org/reports/urgent-request-for-intervention-in-favour-of-renowned-iranian-human-rights-defender-reza-khandan/#fin4>.

³ *Gender Persecution in the Islamic Republic of Iran* pg. 7, University of California Berkeley School of Law Human Rights Center & Atlantic Council (22 January 2025), <https://humanrights.berkeley.edu/wp-content/uploads/2025/01/Jan-22-Gender-Persecution.pdf>.

⁴ Ali Fatholla-Nejad, *The Islamic Republic of Iran four decades on: The 2017/18 protests amid a triple crisis*, Brookings Institute (April 27, 2020), <https://www.brookings.edu/articles/the-islamic-republic-of-iran-four-decades-on-the-2017-18-protests-amid-a-triple-crisis/>.

compulsory hijab.⁵ Iranian authorities responded harshly and swiftly: over 7,000 individuals were arrested, hundreds faced sentences of imprisonment or flogging, 26 protesters were killed, and 9 died in custody.⁶ Throughout the year, Iranian authorities beat unarmed protesters, used live ammunition, tear gas, and water cannons against peaceful protesters.⁷ Mr. Khandan and his wife, renowned human rights lawyer and former political prisoner Nasrin Sotoudeh, were both arrested for their human rights defense work during this period.⁸

Since then, the repression of civic space has deepened. Following the 2021 election of President Ebrahim Raisi, a loyal supporter of Supreme Leader Ayatollah Khamenei, the government expanded its efforts to enforce the hijab and silence all dissent.⁹ In September 2022, the death of Mahsa Jina Amini in the custody of the “morality police” marked the beginning of the “Woman, Life, Freedom” protests which were the largest anti-government protests since 1979.¹⁰ Iranian authorities responded with brutal force. By March 2024, 20,000 protesters were arrested and 551 protesters were killed, with Sunni Kurdish and Baluch minorities being disproportionately targeted.¹¹ In the weeks following Amini’s death, Iran’s highest military authorities ordered to “severely confront” demonstrators.¹² Credible reports found that Iranian courts had pronounced death sentences on at least 28 individuals with 9 young men having been executed between 2022 and 2024.¹³ Confrontation has extended beyond protests with online commentators, journalists, and artists facing imprisonment, torture, and in the most severe cases, sentenced to death.¹⁴

Despite international condemnation and pressure, the government of Iran has hardened its stance. Most recently, Iran attempted to implement the Law on Protection of the Family through the Promotion of the Culture of Chastity and Hijab, which outlines harsher prison sentences and allows judges to impose the death penalty for the charge of “corruption on earth.”¹⁵ This law was supposed to take effect on December 13th, 2024, the same day Mr. Khandan was detained. However, it was placed on hold due to widespread social protests that Ms. Sotoudeh was helping lead. This targeting of Mr. Khandan demonstrates continuing efforts to stymie any dissent to the regime.¹⁶

Freedom of Expression and Assembly

Iran’s legal frameworks inherently threaten freedom of expression and assembly. The Iranian Constitution places limitations on the rights to freedom of opinion, expression, and peaceful assembly when they are deemed “harmful to the principles of Islam or the rights of the public,” “injurious to others,” or “detrimental to public interests.”¹⁷ These vaguely worded provisions paired with the overly broad provisions in the Islamic Penal Code including “propaganda against the state,” “collusion against national security”, and

⁵ Nassim Hatam, *Why Iranian women are wearing white on Wednesdays*, BBC News (13 June 2017), <https://www.bbc.com/news/world-middle-east-40218711>

⁶ Iran’s ‘year of shame’: More than 7,000 arrested in chilling crackdown on dissent during 2018, Amnesty International (24 January 2019) <https://www.amnesty.org/en/latest/news/2019/01/irans-year-of-shame-more-than-7000-arrested-in-chilling-crackdown-on-dissent-during-2018/>

⁷ *Id.*

⁸ U.N. Human Rights Office of the High Commissioner, *Iran must protect women’s rights advocates* (29 November 2018) <https://www.ohchr.org/en/press-releases/2018/11/iran-must-protect-womens-rights-advocates-un-experts>.

⁹ *Gender Persecution in the Islamic Republic of Iran*, *supra* note 3 at 6.

¹⁰ *Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran to the Human Rights Council*, U.N. General Assembly, U.N. Doc. A/HRC/55/67 at 13, (2 February 2024), <https://docs.un.org/en/A/HRC/55/67>.

¹¹ *Id.*, at 22; Fariba Parsa, *Mahsa Amini’s Legacy: A New Movement for Iranian Women*, Carnegie Endowment (19 September 2023), <https://carnegieendowment.org/sada/2023/09/mahsa-aminis-legacy-a-new-movement-for-iranian-women?lang=en>.

¹² *Gender Persecution in the Islamic Republic of Iran*, *supra* note 3 at 8.

¹³ *Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran*, *supra* note 10 at 61.

¹⁴ *Gender Persecution in the Islamic Republic of Iran*, *supra* note 3 at 9.

¹⁵ *Consolidated findings of the Independent International Fact-Finding Mission on the Islamic Republic of Iran*, United Nations Human Rights Council, U.N. Doc. A/HRC/58/CRP.1 at 61 (18 March 2025), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/advance-version/a-hrc-58-crp-1.pdf>.

¹⁶ Nasrin Sotoudeh, *‘Now Reza is the One in Prison,’* Ms. Magazine (24 April 2025), <https://msmagazine.com/2025/04/24/reza-khandan-nasrin-sotoudeh-jail-womens-rights-hijab-iran-evvin-prison/>.

¹⁷ *Factsheet: Freedom of opinion & expression & right to information in the Islamic Republic of Iran*, Impact Iran (12 February 2024), <https://impactiran.org/2024/12/02/factsheet-freedom-of-opinion-expression-right-to-information-in-the-islamic-republic-of-iran/>.

“insulting the Supreme leader,” create a legal framework through which the state can criminalize all forms of dissent. For example, in the year following the Woman, Life, Freedom protests, at least 100 journalists were imprisoned.¹⁸

In recent years, the State has bolstered this infrastructure by adopting new tools to curtail the freedom of opinion and expression. Specifically, Iranian authorities have utilized digital tools like the development of its National Internet Network, to surveil and target individuals, specifically journalists and human rights defenders. In November 2023, the State enacted a law mandating real-time online activity tracking, in February 2024, the Supreme Council on Cyberspace banned the use of VPNs, in May 2024, the “Judicial Transformation and Excellence Development Plan” allowed the government to access citizens’ banking and SIM card records, and in September 2024, authorities moved to deactivate the SIM cards of human rights defenders thus restricting access to essential services with access only being re-activated if victims were subjected to interrogation by security agencies.¹⁹ These tools and strategies allow the State’s repression to extend beyond the physical realm, “effectively silencing victims and human rights defenders.”²⁰ Additionally, this intensive surveillance prevents human rights defenders from doing their work and curbs the growth of human rights movements at large.

Women’s Rights

The Iranian government has implemented increasingly repressive measures infringing upon the fundamental rights and freedoms of women. In April 2024, Government authorities began implementing policies that enhance punishment for women who do not wear the mandatory hijab, including restricting the ability of women to access education if they refuse to wear the hijab. At the behest of the Iranian judiciary, the police force launched the “Noor” plan which has led to arbitrary arrests and criminal prosecution for women and girls for alleged non-compliance.²¹ One report uncovered that the Government acted against approximately 30,629 women for violations of the mandatory hijab law with at least 618 arrested within the context of the Noor plan.²² According to the International Fact Finding Mission on Iran, many Iranian women describe the increased presence and patrolling of the “Morality Police” as cause for widespread fear and anxiety.²³ One woman described that the number of security officers had increased since the launch of the “Noor” plan, “like an army against women.”²⁴ Beyond just physical patrolling, state authorities have expanded coverage of CCTV cameras and artificial intelligence to monitor and identify women violating the mandatory hijab mandate.²⁵ As a result of this increased targeting of women in relation to the mandatory hijab, women have been subjected to measures including monetary fines, confiscation of their vehicles, and severe flogging.²⁶

Prison conditions

Detention centers across Iran utilize torture and ill-treatment while simultaneously suppressing any public information about these abuses.²⁷ Evin prison, where Mr. Khandan is being held, is one of the most

¹⁸ *The Situation of Journalists and Journalism One Year After the Protests*, International Federation of Journalists (15 September 2023), <https://www.ifj.org/media-centre/news/detail/category/press-freedom/article/iran-ifj-launches-report-on-press-freedom-in-the-last-year#:~:text=The%20IFJ%20report%20records%20that,from%20security%20institutions%20or%20government>.

¹⁹ *Consolidated findings of the Independent International Fact-Finding Mission on the Islamic Republic of Iran*, *supra* note 15 at 574, 576, 581, 585.

²⁰ *Id.*, at 574.

²¹ *Id.*, at 13.

²² *2024 Annual Statistical Report of Human Rights Conditions in Iran* pg. 49, Human Rights Activists in Iran (26 December 2024), <https://www.en-hrana.org/annual-analytical-and-statistical-report-on-human-rights-in-iran-for-the-year-2024/#:~:text=Human%20Rights%20Activists%20in%20Iran,charts%20for%20enhanced%20reader%20comprehension>.

²³ *Consolidated findings of the Independent International Fact-Finding Mission on the Islamic Republic of Iran*, *supra* note 15 at 25.

²⁴ *Id.*

²⁵ *Id.*, at 43.

²⁶ *Id.*, at 34, 36, 46.

²⁷ “Like Dead in their Coffins,” Human Rights Watch (6 July 2004), <https://www.hrw.org/legacy/campaigns/torture/iran/>.

notorious and dangerous prisons for political prisoners in Iran. The United States²⁸ and the EU²⁹ have imposed sanctions on Evin prison, calling for reforms within the penal system. Overcrowding in Evin prison has led to some prisoners being forced to sleep on floors, rampant bed bugs, and other diseases.³⁰ Mr. Khandan's cell holds nine people and consists only of bunks for three people to sleep on. Due to food shortages, prisoners commonly experience severe weight loss and joint pain.³¹ Political detainees report frequent harassment by prison authorities spanning from threats of torture, threats of torturing family members, humiliation, denial of or delays in providing medical care, denial of familial visits, and more.³² Specific incidents reported at Evin prison have included prisoners being placed in solitary confinement for over 100 days, guards beating inmates, dragging emaciated inmates by their arms and leaving them in stairwells, and shining bright lights in cells to deprive inmates of sleep.³³ Following the Israeli Air Force's June 23 airstrikes on Evin prison, Mr. Khandan along with other inmates were transferred to Tehran's notorious Fashafoyeh prison. Fashafoyeh is known for unsanitary and overcrowded cells, massive rodent infestations, and a severe lack of food and water.³⁴ Prisoners have been subjected to torture, with documented cases of prison guards deliberately wounding inmates with boiling water.³⁵ Reportedly, since the transfer, inmates have been placed in overcrowded rooms with 40 to 50 people sleeping on the floor, without beds. The prison population exceeds official capacity threefold.³⁶ Only one toilet and sink are available for every 70 to 80 prisoners and one shower for every 90.³⁷ The summer heat has caused outbreaks of skin and infectious diseases. The transferred inmates who suffer from chronic conditions have been denied their medication as well as any form of medical care.³⁸ Fashafoyeh prison is made up of metal-roofed warehouses trapping extreme heat. Without access to fans or cooling, many prisoners have suffered from heatstroke, dizziness, and severe threats to their health.³⁹

2. The Detention of Mr. Khandan

Mr. Khandan is a sixty-year-old graphic designer and human rights defender from Tehran. He is married to renowned⁴⁰ human rights lawyer, activist, and former political prisoner Nasrin Sotoudeh, who has herself been subjected to arbitrary detention and judicial harassment, among other abuses.⁴¹

For decades, Mr. Khandan has been a vocal advocate against Iran's compulsory veiling laws and the

²⁸ U.S. Department of the Treasury, *Iran Designations and Updates* (30 May 2018), <https://ofac.treasury.gov/recent-actions/20180530>.

²⁹ Council of the European Union, *Iran: seven individuals and two entities targeted by EU's sanctions over serious human rights violations* (14 April 2025),

<https://www.consilium.europa.eu/en/press/press-releases/2025/04/14/iran-seven-individuals-and-two-entities-targeted-by-eu-s-sanctions-over-serious-human-rights-violations/>.

³⁰ Niloufar Goudarzi, *Evin Prison's Ward 4: Cramped, Filthy, Pest-Ridden, and Ignored*, Iran International (17 June 2024), <https://www.iranintl.com/en/202406157248>.

³¹ *Id.*

³² "Like Dead in their Coffins," *supra* note 27.

³³ U.S. Department of State, *2021 Country Reports on Human Rights Practices: Iran* (2021), <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/iran>.

³⁴ U.S. Department of State, *Special Representative for Iran and Senior Advisor to the Secretary Brian Hook Special Briefing* (5 December 2019), <https://2017-2021.state.gov/special-representative-for-iran-and-senior-advisor-to-the-secretary-brian-hook-3/index.html>.

³⁵ *Implementing Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran*, EUR-Lex, (12 April, 2021), <https://eur-lex.europa.eu/legal-content/EN/TEXT/HTML/?uri=CELEX:32021R0584&from=EN>.

³⁶ *Forced Transfer of Political Prisoners from Evin*, Iran Human Rights Monitor (28 June 2025), <https://iran-hrm.com/2025/06/28/forced-transfer-of-political-prisoners-from-evin/>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ European Parliament, *Nasrin Sotoudeh - 2012*, Iran (2012);

<https://www.europarl.europa.eu/sakharovprize/en/nasrin-sotoudeh-2012-iran/products-details/20200331CAN54204>.

⁴¹ OHCHR, *Iran: UN experts "shocked" at lengthy prison sentence for human rights lawyer Nasrin Sotoudeh* (14 March 2019), <https://www.ohchr.org/en/press-releases/2019/03/iran-un-experts-shocked-lengthy-prison-sentence-human-rights-lawyer-nasrin>; OHCHR, *Iran: Human rights lawyer Nasrin Sotoudeh must be freed for treatment, say UN experts* (25 September 2020) <https://www.ohchr.org/en/press-releases/2020/09/iran-human-rights-lawyer-nasrin-sotoudeh-must-be-freed-treatment-say-un>.

death penalty in Iran. He has been a consistent supporter of and collaborator in Ms. Sotoudeh's work. He gained international prominence when he took to social media and began publicly campaigning for Ms. Sotoudeh following her arrest.

In 2018, as part of a campaign to show support for women protesting the compulsory veiling laws, Mr. Khandan and his colleague Mr. Farhad Meysami began producing pins which read "I object to the compulsory hijab." The buttons became a global symbol of Iran's women's rights movement worn by advocates across the globe.

Mr. Khandan and his colleague Mr. Meysami were originally arrested in September 2018 for producing and distributing the pins, and for posting online updates about his wife's June 2018 arrest. Mr. Khandan was imprisoned for 111 days before being released in December 2018 due to the health ramifications of a hunger strike he was participating in. As the trial of Mr. Khandan and Mr. Meysami began, the men attended an initial court session but refused to attend the following hearings in protest. At the start, the Court rejected the men's lawyers of their choosing, indicating that they had to either accept Court-appointed lawyers or forgo legal representation. After immense pressure, the Court ultimately accepted the lawyers but subjected them to severe harassment and threats. Following this process, on January 22nd, 2019, both men were sentenced in absentia by Branch 15 of the Tehran Revolutionary Court to 6 years imprisonment, of which 5 years were enforceable for "Gathering and colluding with the intention of committing a crime against national security" and one year imprisonment on the charge of "propaganda activities against state." Mr. Khandan was also banned from leaving the country or engaging in online activities for two years. Mr. Meysami served 4.5 years of this sentence while Mr. Khandan's sentence was not carried out. As Mr. Khandan's wife, human rights defender Nasrin Sotoudeh, was also arbitrarily detained at the time and the couple had two minor children, his lawyer applied for bail which was then granted.

In February 2023, Khandan was summoned to appear within 30 days for the execution of his sentence, weeks after his wife, Ms. Sotoudeh, called for the release of Mr. Meysami, whose life was in danger following a hunger strike. The summons were not enforced at that time.

On Edalat-e-Ali,⁴² a platform where many judicial and legal documents are leaked, Mr. Khandan's wife and legal team discovered a letter indicating that Mr. Khandan's charges had been dropped and his case was closed.⁴³ However, Mr. Khandan nor his legal team were notified of the closing of the case. While unaware of this important fact, Mr. Khandan's lawyer filed a "Resumption of Proceedings" before the Court of Appeals on September 25th, 2024, which resulted in a reduction of the 2019 sentence from 5 years to 4 years, 1 month, and 10 days of imprisonment, of which 3 years and 6 months are enforceable.

Mr. Khandan was arrested again on December 13th, 2024 at his personal residence. At the time, he and a friend were in the parking lot of their apartment building, working on a home project. Officers claimed he was being arrested due to traffic violations. However, when Ms. Sotoudeh asked to see the warrant, there was no mention of any such violations. The warrant stated "Gathering and colluding with the intention of committing a crime against national security" and "propaganda activity against the regime of the Islamic Republic of Iran," as the reasons for arrest. As Mr. Khandan was being arrested, Ms. Sotoudeh asked the officers if they would let him say goodbye to his son, Nima. They agreed; however, when she returned with her son, they had left. Ms. Sotoudeh and her friend went to Janat Abad Police Station, where Mr. Khandan was being held; however, Ms. Sotoudeh was refused entry as she does not wear a hijab. The following morning, he was transferred to the prosecutor at Evin prison's court where he was interviewed and processed for hours. He was then transferred to prison quarantine, where he stayed for 9 days with no outside contact. Importantly, the

⁴² Edalat-e-Ali is a hacktivist group that leaks videos and documents to expose the human rights violations perpetrated by the Iranian government. The group has also disrupted Iranian state-run TV and radio transmissions during significant events. As they expressed in anonymous written comments, "Our goal is to expose the regime's inhumane activities against the Iranian people and not allow the regime to hide. We want the release of political prisoners." [<https://www.rferl.org/a/iran-hacktivism-prison-abuses/31564796.html>]

⁴³ See annex 1 & 2

day of his most recent arrest coincided with the enactment of Iran's new, draconian law imposing harsher punishments on women and girls who do not wear the hijab, which Ms. Sotoudeh had forcefully criticized.

In the past months, Ms. Sotoudeh has not been authorized to see her husband due to her refusal to wear a headscarf. When Mr. Khandan's son, Nima, attempted to visit his father on January 29th, 2025, he was beaten by six prison officers, handcuffed, and charged with "Destruction of Government Property," "Insulting Government Officers," and "Resisting Government Officials."⁴⁴ This incident has greatly affected Nima, causing him great mental anguish. Mr. Khandan's detention has taken place under severe prison conditions that have amplified challenges to his physical and mental health. Evin prison is notorious for its brutal policies and treatments of prisoners, especially political prisoners. Amidst overcrowding, unsanitary conditions, being placed in solitary confinement, and having communication with his family cut off, detention has left Mr. Khandan feeling isolated and vulnerable.

With the tensions between Israel and Iran escalating to full-blown war in June 2025, on June 13th Mr. Khandan and other Evin prison inmates sent a letter to Iran's Head of the Judiciary requesting him to apply Supreme Judicial Council resolution No. 211 dated 23/10/1365 (January 13, 1987), which stipulates that whenever wartime conditions arise and endanger prisoners' lives, it is necessary for prosecutors to review the prisoners' situation of prisoners and proceed with accepting the conversion of bail, conditional release, and similar legal measures. If such measures are not effective and sufficient, prisoners should be released with appropriate bail, guarantor, or suitable surety, acting in a manner that preserves prisoners' lives.⁴⁵ The letter further cited Articles 197 and 201 of the executive regulations of the Prison Organization and the country's security and correctional measures, as provisions supporting the authority of the Head of the Judiciary to grant leave to eligible prisoners.⁴⁶ Despite the letter, and a meeting with prison officials, no action was taken by the prison administration, the national prison organization, or the judiciary.⁴⁷

On June 23, 2025, what Mr. Khandan and the other inmates most feared took place, when Israeli forces bombed Evin prison.⁴⁸ 71 people in and around the prison were killed in the attack, including inmates and visiting women and children.⁴⁹ Mr. Khandan, along with the rest of Evin's political prisoners, was transferred to Tehran's Fashafoyeh prison, where conditions are reportedly worse than Evin.⁵⁰ After the transfer, Mr. Khandan was able to communicate with relatives and shared some details on the transfer. He reported that without any clear indication or announcements, in the middle of the night hundreds of political and other prisoners "were chained together in pairs with handcuffs and leg shackles" and that even though many prisoners were wounded or in poor physical condition, none were taken to a hospital.⁵¹ He further reported that his bus broke down, forcing prisoners to move their belongings through a rubbish dump area where they

⁴⁴ *Teen Son of Iranian Rights Lawyer Beaten by Prison Guards at Evin*, Iran Wire (January 31, 2025), <https://iranwire.com/en/news/138649-teen-son-of-iranian-rights-lawyer-beaten-by-prison-guards-at-evin/>.

⁴⁵ Reza Khandan, *Translation of Letter from Reza Khandan to Iranian Judiciary*, Robert F. Kennedy Human Rights (18 June 2025), <https://rfkhumanrights.org/our-voices/translation-of-letter-from-reza-khandan-to-iranian-judiciary/>.

⁴⁶ *Id.*

⁴⁷ *Political Prisoner Details Violent Transfer After Israeli Strike on Iran's Evin Prison*, Iran Wire (3 July 2025), <https://iranwire.com/en/prisoners/142918-political-prisoner-details-violent-transfer-after-israeli-strike-on-irans-evin-prison/>.

⁴⁸ David Gritten, *Israel says it struck Tehran's Evin prison and Fordo access routes*, BBC News (23 June 2025), <https://www.bbc.com/news/articles/cp8621gnknjo>.

⁴⁹ *Aftermath of Israel's deadly attack on Evin Prison in Tehran*, Al Jazeera (30 June 2025), <https://www.aljazeera.com/video/newsfeed/2025/6/30/aftermath-of-israels-deadly-attack-on-evin-prison-in-tehran>; Sarah El Deeb, *Survivor of Israel's attack on Iran's Evin prison describes a 'slow death' after 12-day war*, AP News (20 June 2025), <https://apnews.com/article/iran-israel-prison-evin-attack-nobel-democracy-6a06ba6f26d08cdd69520e31872cf9b9>; Vivian Yee & Sanam Mahoozi, *Israel's Attack on Evin Prison Killed 71, Iranian State Media Report*, New York Times (29 June 2025), <https://www.nytimes.com/2025/06/29/world/middleeast/evin-prison-iran.html>; Irene Nasser and Manveena Suri, *Israeli strike on Iranian prison killed more than 70, says Iran state-affiliated media*, CNN (29 June 2025), <https://www.cnn.com/2025/06/29/middleeast/israel-strike-iran-prison-death-toll-intl>.

⁵⁰ Deepa Parent & William Christou, *'A new wave of repression': fears for Iran's political prisoners after Israel war*, The Guardian (1 July 2025), <https://www.theguardian.com/world/2025/jul/01/iran-political-prisoners-jail-conditions-israel-war>.

⁵¹ *Political Prisoner Details Violent Transfer After Israeli Strike on Iran's Evin Prison*, Iran Wire (3 July 2025), <https://iranwire.com/en/prisoners/142918-political-prisoner-details-violent-transfer-after-israeli-strike-on-irans-evin-prison/>.

waited for about an hour, while “air defense systems were active, and explosions lit up the sky over southern Tehran.”⁵² Mr. Khandan added that they were “chained at the feet, with fear and anxiety, helplessness and humiliation, we stood in lines reminiscent of Nazi Germany’s forced labor camps.”⁵³ They arrived at Fashafoyeh Prison six hours later, to be met with what he describes as catastrophic conditions, including: severe water shortages, overcrowding, lack of hygiene, heavy pollution, and frequent verbal and physical abuse in an environment designed to welcome new inmates with humiliation and threats.⁵⁴

After 45 days in this prison, Mr. Khandan was transferred back to the still-damaged Evin prison. In a recent communication received by his family, Mr. Khandan related how following the recent devastating war and the weakness of the security organizations in predicting attacks, “the judiciary’s execution machine is carrying out the death sentences of inmates who have been in prison for years under various titles with utmost speed and ferocity. Not a week goes by without news of the execution of these prisoners. Fellow inmates who have been sentenced to death say that the judiciary has put dozens of people on a long list for execution. We all know the cruel way these cases were formed and the motivation for issuing these sentences.”⁵⁵

IV. LEGAL ANALYSIS ON ARBITRARY NATURE OF DETENTION:

For the following reasons, the detention of Mr. Reza Khandan constitutes an arbitrary deprivation of his liberty under Category I (no legal basis for detention), Category II (fundamental rights), Category III (due process rights), and Category V (discrimination based on a protected class) as set forth by this Working Group. The Statement of Facts above establishes a *prima facie* case for breach of international requirements condemning arbitrary detention, shifting the burden of proof to the Government of Iran.

The Islamic Republic of Iran is a State party to the International Covenant on Civil and Political Rights (ICCPR).⁵⁶

1. Category I: No legal basis for Detention.

A detention is arbitrary under Category I of the Methods of Work “[w]hen it is clearly impossible to invoke any legal basis justifying the deprivation of liberty.”⁵⁷ The Working Group has found detention to be arbitrary under Category I where the law justifying the deprivation of liberty is “extremely vague and lacks the requisite degree of precision and legal certainty... lead[ing] to the deprivation of liberty which is unreasonable or unnecessary.”⁵⁸ The Working Group continuously expresses concern under Category I for criminal charges that “might allow an excessively broad interpretation of its provisions due to their vagueness... resulting in unjustified and arbitrary criminalization of the legitimate exercise of the right to freedom of expression.”⁵⁹

Mr. Khandan was convicted under Criminal Code Articles 500 (“propaganda activity against the regime”) and 610 (“gathering and collusion against national security”). Due to the vague, open-ended application of these legal provisions, Mr. Khandan could not have known that his actions would amount to criminal conduct. Moreover, in 2012, the UN Special Rapporteur on the situation for human rights in Iran submitted a report to the Human Rights Council that detailed these provisions as “vaguely defined” and that they “contravene international human rights law and unduly limit freedom of expression, association, and

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Kerry Kennedy, *post on X with August letter from Reza Khandan*, available here:

<https://x.com/KerryKennedyRKF/status/1960057381464801461>

⁵⁶ *United Nations Treaty Status, International Covenant on Civil and Political Rights*, (1966).

⁵⁷ *Report of the Working Group on Arbitrary Detention*, U.N. General Assembly, U.N. Doc A/HRC/16/47, Annex 7(b) (“Revised Methods of Work”) at 8(a), (19 January 2011).

⁵⁸ *Opinion No. 8/2017 concerning Hasan Zafar Arif (Pakistan)*, U.N. Working Group on Arbitrary Detention, U.N. Doc. A/HRC/WGAD/2017/8 at 36 (2 June 2017).

⁵⁹ *Opinion No. 20/2017 concerning Musallam Mohamed Hamad al-Barrak (Kuwait)*, UN Working Group on Arbitrary Detention, U.N. Doc. A/HRC/WGAD/2017/20 at 35 (18 July 2017).

assembly.”⁶⁰ Moreover, as this Working Group found in another case regarding Iran, these legal provisions are not consistent with the Universal Declaration or the ICCPR⁶¹ and that both Article 500 and Article 610 of the Iranian Criminal Code “are so vague and overly broad that they could... result in penalties being imposed on individuals who have merely exercised their rights under international law.”⁶² The determination of what constitutes an offence under these provisions appears to be left entirely to the discretion of the authorities.⁶³ In 2019, the Working Group further found that the vagueness and broadness of Article 500 and other provisions of the Criminal Code make it “impossible to invoke a legal basis for his deprivation of liberty”⁶⁴ and are therefore incompatible with article 15(1) of the ICCPR and 11(2) of the UDHR.

Additionally, according to leaked documents by Edalat-e Ali,⁶⁵ Mr. Khandan’s case was closed due to an amnesty which was never notified to Mr. Khandan and his lawyers. In this regard, the State appears to be also in violation of article 14(7) of the ICCPR, as Mr. Khandan is being punished for an offence for which he has already been convicted and granted amnesty. In the past, this Working Group has found that “the postponement of one’s release... from prison after being amnestied or pardoned cannot be justified under international law.”⁶⁶ The Working Group continues that the deprivation of liberty following when an individual should have been released after being amnestied is arbitrary and in contravention of article 9 of the Universal Declaration of Human Rights.⁶⁷

Therefore, Mr. Khandan’s ongoing detention is arbitrary under Category 1.

2. Category II: Substantive Fundamental Rights.

Mr. Khandan’s detention is arbitrary under Category II because it resulted from his exercise of his fundamental rights to freedom of expression, freedom of peaceful assembly, and freedom of association.

Mr. Khandan was detained because he exercised his rights to freedom of expression, association, and assembly

Mr. Khandan was detained due to his production and distribution of “I object to the compulsory hijab” buttons. Article 19(1)-(2) of the ICCPR and Article 19 of the UDHR guarantee the freedom of opinion and expression. Specifically, the right includes the freedom to “impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”⁶⁸ According to the UN Human Rights Committee, this right includes the right to express dissenting political opinions, the right to participate in discussions on human rights, and the right to comment on public affairs. Importantly, the Committee explains that Article 19(2) also safeguards the means of dissemination through which expression is shared including “books, newspapers, pamphlets, posters, banners, dress and legal submissions.”⁶⁹ The buttons Mr. Khandan produced and distributed are clearly protected by this right.

⁶⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, United Nations Human Rights Council, U.N. Doc. A/HRC/19/66 at 13 (6 March 2012), https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-66_en.pdf.

⁶¹ *Opinion No. 19/2018 concerning Arash Sadeghi (Islamic Republic of Iran)*, U.N. Working Group on Arbitrary Detention, U.N. Doc A/HRC/WGAD/2018/19 at 30-31 (24 May 2018).

⁶² *Id.*, at 33.

⁶³ *Indefensible: Iran’s Systematic Criminalisation of Human Rights Defenders* pg. 7, The Observatory for the Protection of Human Rights Defenders (August 2019), <https://www.fidh.org/IMG/pdf/obsiran2019web.pdf>.

⁶⁴ *Opinion No. 32/2019 concerning Saeed Malekpour (Islamic Republic of Iran)*, U.N. Working Group on Arbitrary Detention, U.N. Doc. A/HRC/WGAD/2019/32 at 31 (23 August 2019).

⁶⁵ See Annex 1/2. Though Edalat-e Ali is not an official government source, the Iranian government has responded to and acknowledged the veracity of the organization’s leaked materials in the past. See: *Iran prisons chief apologises over leaked videos of Evin abuse*, BBC News (24 August 2021), <https://www.bbc.com/news/world-middle-east-58315816>.

⁶⁶ *Opinion No. 7/2004 concerning Janie Model (United Arab Emirates)*, U.N. Working Group on Arbitrary Detention, U.N. Doc. E/CN.4/2005/6/Add.1 at 9 (12 February 2004).

⁶⁷ *Id.*, at 10.

⁶⁸ *International Covenant on Civil and Political Rights (ICCPR)*, ratified by Islamic Republic of Iran June 24, 1975, 999 U.N.T.S. 171 (entered into force March 23, 1976).

⁶⁹ *General Comment No. 34, Article 19: Freedoms of opinion and expression*, U.N. Human Rights Committee, U.N. Doc CCPR/C/GC/34 at ¶ 11 (12 September 2011), <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

The right to freedom of opinion and expression has limitations under international law; however, as the Human Rights Committee emphasizes, these restrictions “may never be invoked as a justification for the muzzling of any advocacy of multi-party democracy, democratic tenets and human rights.”⁷⁰ For a State to legitimately restrict expression, restrictions must adhere to a three-part test: they must be provided by law, they must only be imposed to protect a legitimate interest recognized under international law, and they must conform to the tests of necessity and proportionality.⁷¹

The restriction of Mr. Khandan’s expression is not provided by law. Nowhere under international law is the distribution of political pins a crime or evidence of a crime for which a detention can be issued. While the State contends that these actions amounted to propaganda under article 500 of the Iran Penal Code, several UN bodies have raised concern about this law indicating that “prosecutors and revolutionary courts have systematically used these laws to target, harass, and imprison peaceful protesters,” in violation of international law.⁷²

The restriction of Mr. Khandan’s expression was not imposed to protect a legitimate interest nor was it necessary or proportional. Article 19(3) allows for limitations of expression if they are for the following aims: respect for the rights or reputations of others and the protection of national security, public order, public health, or morals.⁷³ The State has argued national security as its legitimate aim; however there is no link between the aim and application of the law: detaining a person for sharing political pins is not necessary for the protection of national security. The failure of the State to identify any evidence linking Mr. Khandan’s distribution of buttons to any national security threat demonstrates its manipulation of law to suppress dissenting views as discussed in Category 1. In fact, the Human Rights Committee emphasizes that arresting, torturing, or threatening the life of a human rights defender never meets the “necessity” test.⁷⁴ Ultimately, if a State restricts expression under legitimate grounds, “it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.”⁷⁵ The State cannot identify a legitimate threat posed by Mr. Khandan nor a legitimate justification for his detention.

Further affirming these arguments, the UN Human Rights Council has opined that restricting the following is not compatible with any article 19(3) limitations: discussion of government policies, political debate, reporting on human rights and government activities, political activities, peaceful demonstrations, and the expression of opinion and dissent.⁷⁶ Understanding this, the State’s detention of Mr. Khandan also constitutes an undue restriction on his right to freedom of peaceful assembly and association. Freedom of peaceful assembly and association are guaranteed by Articles 21 and 22(1) of the ICCPR and Article 20(1) of the UDHR. For the past decade, Mr. Khandan has been an avid participant in the work his wife, Nasrin Sotoudeh, has led. Ms. Sotoudeh is a globally recognized human rights defender, lawyer, and figure in the women’s rights movement in Iran. Mr. Khandan’s detention directly resulted from his association with and participation in the women’s rights movement. Moreover, his arrest sends a broader message to the movement by signaling that those who challenge the State are at risk of reprisal. The State’s attempted chilling of dissent threatens the rights to freedom of expression, association, and assembly throughout the country. A joint civil society statement supporting the renewal of the International Fact-Finding Mission on Iran emphasizes the

⁷⁰ *Id.*, at ¶ 23.

⁷¹ *Id.*, at 22.

⁷² *Situation of human rights in the Islamic Republic of Iran*, U.N. Human Rights Council, U.N. Doc. A/HRC/31/26 at 29 (8 February 2016), <https://docs.un.org/en/A/HRC/31/26>; *Opinion No. 19/2018 concerning Arash Sadeghi (Islamic Republic of Iran)*, U.N. Working Group on Arbitrary Detention, U.N. Doc A/HRC/WGAD/2018/19 at 30-31 (24 May 2018).

⁷³ *International Covenant on Civil and Political Rights (ICCPR)*, at 19(3).

⁷⁴ *Nijaru v. Cameroon, Views*, U.N. Human Rights Committee, U.N. Doc CCPR/C/89/D/1353/2005 at 6.4 (3 April 2007), <https://juris.ohchr.org/casedetails/1337/en-US>.

⁷⁵ *General Comment No. 34, Article 19: Freedoms of Opinion and Expression*, *supra* note 68 at 35.

⁷⁶ *Freedom of opinion and expression*, U.N. Human Rights Council, U.N. Doc A/HRC/RES/12/16 at 5(p)(i) (12 October 2009), <https://docs.un.org/en/A/HRC/RES/12/16>.

severity of how the chilling effect has manifested due to the criminalization of dissent: “civic space is almost non-existent in Iran” as demonstrated by the continued reprisals and targeting of journalists, victims, and human rights defenders.⁷⁷

In regards to his right to the freedom of assembly, Mr. Khandan’s distribution of pins occurred in the context of the widespread 2018 protests, affirming that his actions constituted participation in a peaceful assembly. The Human Rights Committee explains that symbols used during protests like “flags, uniforms, signs and banners” should be regarded as legitimate forms of expression. The buttons Mr. Khandan distributed fall within these protections.

The right to freedom of peaceful assembly and association is not absolute but Mr. Khandan’s exercise of his right does not remotely exceed the limitations set forth by the ICCPR and does not adhere to the three-part test as outlined above. In numerous cases, this Working Group has found that belonging to a human rights organization and forming part of a group that counters the government are legitimate exercises of the right to association enshrined in the ICCPR and UDHR.⁷⁸

Mr. Khandan was detained on the very day a new draconian law related to the mandatory hijab mandate was set to be enacted — a law against which both Mr. Khandan and his wife were planning to take peaceful initiative. This context illustrates the State’s motivation to detain him in order to retaliate against Mr. Khandan and his wife for their advocacy and influence in the Iranian women’s rights movement.

Mr. Khandan was detained because of his advocacy in pursuit of non-discrimination

The fundamental freedoms discussed above are enabling rights that allow citizens and human rights defenders to advocate for other freedoms and rights enshrined in international law. As the Human Rights Council foregrounds, the rights to freedom of assembly and association are critical for “the full enjoyment of civil and political rights, and economic, social and cultural rights.”⁷⁹ Mr. Khandan exercised these fundamental freedoms with one overarching goal: to combat the discriminatory regime Iranian women are subject to. Article 7 of the UDHR⁸⁰ and Article 26 of the ICCPR⁸¹ affirms that all people are equal before the law and entitled to equal protection without discrimination. In this context, the UN General Assembly has explicitly condemned “the discriminatory compulsory veiling laws and policies of the Islamic Republic of Iran, which fundamentally undermine the human rights of women and girls.”⁸² Mr. Khandan’s distribution of pins, bearing the message “I object to the compulsory hijab,” is a direct act of advocacy for the realization of the substantive right to non-discrimination and equal protection under the law. The State’s targeting of Mr. Khandan constitutes, in effect, the targeting of this message of non-discrimination. As such, his prosecution is not only an attack on his civil and political freedoms, but is contrary to the principles expressed by Article 7 and Article 26.

3. Category III: Due Process Rights

The ongoing detention of Mr. Khandan is arbitrary under Category III. Detention is arbitrary under Category III “[w]hen the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and the relevant international instruments

⁷⁷ Joint Statement: Extend the mandate of the Special Rapporteur on Human Rights in Iran and continue independent investigations into serious human rights violations in Iran, Impact Iran (18 March 2025), <https://impactiran.org/2025/03/18/joint-statement-extend-the-mandate-of-the-special-rapporteur-on-human-rights-in-iran-and-support-a-complementary-international-independent-investigative-mechanism/>.

⁷⁸ Opinion No. 10/1993 concerning Arif Jamil Mazhar et al. (Syria), U.N. Working Group on Arbitrary Detention, U.N. Doc. A/HRC/WGAD/1993/10 at 5(h) (19 April 2017); Opinion No. 26/1992 concerning Rubén Hoyos Ruiz et al. (Cuba), U.N. Working Group on Arbitrary Detention, U.N. Doc. E/CN.4/1993/24 (12 January 1993).

⁷⁹ The rights to freedom of peaceful assembly and association, U.N. General Assembly, U.N. Doc A/HRC/RES/15/21 at 1 (6 October 2010), <https://documents.un.org/doc/undoc/gen/g10/166/98/pdf/g1016698.pdf>.

⁸⁰ Universal Declaration of Human Rights, U.N. General Assembly, U.N. Doc. A/810, Article. 7 (10 December 1948).

⁸¹ International Covenant on Civil and Political Rights (ICCPR).

⁸² Situation of human rights in the Islamic Republic of Iran, U.N. General Assembly, U.N. Doc. A/C.3/79/L.41 at 15 (6 November 2024), <https://documents.un.org/doc/undoc/ltd/n24/333/32/pdf/n2433332.pdf>.

accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.”⁸³

Mr. Khandan was denied access to counsel of his choice

According to Article 14(3)(d) of the ICCPR, accused individuals are guaranteed a defense “through legal assistance of his own choosing.” In limited scenarios, counsel can be assigned by the court, but for a court to assign a lawyer over the wishes of the accused, the substitution must be based on “an objective and sufficiently serious.”⁸⁴ During his original sentencing in 2019, the court obstructed Mr. Khandan’s right to counsel of his choice throughout the proceedings.

First, the Court insisted that Mr. Khandan must be represented by a Court-appointed lawyer, denying him any say in the selection of his defense. As a result, for three (3) months, Mr. Khandan was unable to be effectively represented by the lawyer of his choice leaving him without effective legal representation during that period. As this Working Group has upheld, “Persons deprived of their liberty have the right to legal assistance by a counsel of their choice at any time during their detention, including immediately after apprehension, and must be promptly informed of this right upon apprehension.”⁸⁵ This right was clearly violated. This follows a larger pattern in Iran. As discussed by the Independent International Fact-Finding Mission on Iran, the “vast majority of those detained [following the 2022 protests] had no access to a lawyer during the entire investigation” and those who did were “routinely denied access to independently appointed lawyers, including at trial.”⁸⁶

Following sustained pressure, the Court finally accepted Mr. Khandan’s lawyer, Mohammed Moghimi. However, Mr. Moghimi was subjected to physical and verbal harassment when he appeared at Court for the trial. Following the trial, he faced continued targeting by State authorities, putting his life at risk and forcing him to flee the country. As a result of the State’s targeting of Mr. Moghimi, Mr. Khandan was again denied effective access to legal counsel of his choice, as his lawyer was no longer present in the country or able to represent him without risk of reprisal. In its interpretation of Article 14, the UN Human Rights Committee emphasizes that the right to counsel depends on lawyers being “able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure, or undue interference from any quarter.”⁸⁷ The intimidation, threats, and surveillance Mr. Moghimi experienced directly undermined this principle and Mr. Khandan’s right to counsel under Article 14 of the ICCPR.

Mr. Khandan was denied access to a competent, independent, and fair tribunal

Article 14(1) of the ICCPR provides that “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law,” which is reiterated in Article 10 of the UDHR.⁸⁸ In addition, the Body of Principles requires a “judicial or other authority” to have the “strongest possible guarantees of competence, impartiality and independence.”⁸⁹ The UN Human Rights Committee has emphasized that “the right to be tried by an independent and impartial tribunal is an absolute right that may suffer no exception”⁹⁰ and that states must ensure “the actual independence of the judiciary from political

⁸³ *International Covenant on Civil and Political Rights (ICCPR)*.

⁸⁴ *General Comment No. 32 on Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial*, U.N. Human Rights Committee, U.N. Doc. CCPR/C/GC/32 (23 August 2007), at 37 [hereinafter General Comment 32], <https://digitallibrary.un.org/record/606075?ln=en&v=pdf>.

⁸⁵ *Opinion No. 81/2021 concerning Paul Rusesabagina (Rwanda)*, U.N. Working Group on Arbitrary Detention, U.N. Doc. HRC/WGAD/2021/81 at 105 (19 November 2021).

⁸⁶ *Report of the Independent International Fact-Finding Mission on the Islamic Republic of Iran*, *supra* note 10 at 57.

⁸⁷ *General Comment No. 32*, at 34.

⁸⁸ *Universal Declaration of Human Rights*, Article. 10.

⁸⁹ *Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment*, G.A. Res. 47/173, U.N. Doc. A/43/49, adopted 1988, at Scope of the Body of Principles (f).

⁹⁰ *González del Río v. Peru*, *Communication No. 263/1987*, U.N. Human Rights Committee, U.N. Doc. CCPR/C/46/D/263/1987 at 5.2 (28 October 1992), <https://juris.ohchr.org/casedetails/332/en-US>.

interference by the executive branch” and protect “judges from any form of political influence in their decision-making.”⁹¹ The Working Group has found detention arbitrary in cases where the judiciary and the executive operate as the same entity or if the executive branch has the power to control or direct the workings of the adjudicatory body.⁹²

Iran’s judiciary is heavily influenced by the government and religious leaders. In the Revolutionary Courts, the magistrate acts as both the prosecutor and judge in the same case creating obvious threats to fairness and impartiality.⁹³ In 2024, the International Fact Finding Mission on Iran explained that the “criminal and revolutionary courts show manifest bias against protesters and real or perceived political opposition” thus creating a situation where human rights defenders will inevitably be subject to detention.⁹⁴ The judge presiding over Branch 15 of the Tehran Revolutionary Court at the time of Mr. Khandan’s sentencing, Abdolghassem Salavati, was sanctioned by the U.S. Department of Treasury⁹⁵ and the European Union⁹⁶ due to his delivering of severe citizens to hundreds of political prisoners, human rights activists, and peaceful demonstrators.

According to the International Commission of Jurists, “the judiciary and law enforcement agencies continue to serve as the main tools of oppression in Iran.”⁹⁷ In 2024, the Special Rapporteur for Iran underscored that “the absence of an independent judiciary, its consistent politicization, particularly through the use of the revolutionary courts has been a significant factor in the failure of accountability within the country.”⁹⁸ The Rapporteur further found that the judiciary, and specifically, the revolutionary courts, “persistently violate the rule of law, natural justice principles and the international human rights obligations undertaken by the Islamic Republic of Iran.”⁹⁹ As a human rights defender, Mr. Khandan was targeted by the court which sought to criminalize his persistent dissent. Mr. Khandan was subjected to a Revolutionary Court that acts as a tool of political repression, lacking independence, impartiality, and fair trial guarantees.

For the above reasons, Mr. Khandan’s detention is arbitrary under Category III.

4. Category V: Discrimination Based on a Protected Class.

The ongoing detention of Mr. Khandan is arbitrary under Category V. Detention is arbitrary under Category V “[w]hen the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth;...ethnic or social origin;...political or other opinion...or other status.”¹⁰⁰ In past opinions, the Working Group has underlined that this includes discrimination based on “a person’s status as a human rights defender,” and in particular, “discrimination in the exercise of rights elaborated under declaratory instruments such as the Declaration of Human Rights.”¹⁰¹

As demonstrated by the facts of the case, Mr. Khandan is being targeted and detained due to his status as a human rights defender, consistently and peacefully advocating against Iran’s mandatory hijab laws and in

⁹¹ *General Comment No. 32*, at 19.

⁹² *Bahomonde v. Equatorial Guinea*, *Communication No. 468/1991*, U.N. Human Rights Committee, U.N. Doc. CCPR/C/49/D/468/1991 at 9.4, (20 October, 1993), <https://documents.un.org/doc/undoc/gen/g93/193/52/pdf/g9319352.pdf>.

⁹³ *Iran – Attacks on Justice 2000*, International Commission of Jurists (2001), https://www.icj.org/wp-content/uploads/2001/08/iran_attacks_justice_2000.pdf.

⁹⁴ *Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children*, U.N. Human Rights Council, U.N. Doc. A/HRC/Res/S-35/1 at 55 (29 November 2022).

⁹⁵ U.S. Department of the Treasury, *Treasury Sanctions Two Judges Who Penalize Iranians for Exercising Freedoms of Expression and Assembly*, (19 December 2019), <https://home.treasury.gov/news/press-releases/sm862>.

⁹⁶ 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, EUR-Lex, Document 02011D0235-20240626 (12 April, 2011), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011D0235-20240626>.

⁹⁷ *Iran – Attacks on Justice 2000 pg. 1*, International Commission of Jurists (2001), https://www.icj.org/wp-content/uploads/2001/08/iran_attacks_justice_2000.pdf.

⁹⁸ *Situation of human rights in the Islamic Republic of Iran - Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*, U.N. Human Rights Council, U.N. Doc. A/HRC/55/62 at 88 (9 February 2024), <https://www.ohchr.org/en/documents/country-reports/ahrc5562-situation-human-rights-islamic-republic-iran-report-special>.

⁹⁹ *Id.*

¹⁰⁰ *Working Group on Arbitrary Detention Fact Sheet 26*, United Nations Human Rights Office of the High Commissioner (2024).

¹⁰¹ *Opinion No. 45/2016 concerning Ny Sokha et al.* (Cambodia), U.N. Working Group on Arbitrary Detention, U.N. Doc. HRC/WGAD/2016/45 at 44-45 (8 December 2016).

favor of women's rights more broadly. Together with his wife, renowned human rights lawyer Nasrin Sotoudeh, he has been subject to retaliation for defending fundamental rights. Mr. Khandan's ability to engage in this work is protected under the UN Declaration on Human Rights Defenders. Specifically, under article 6(2), Mr. Khandan is guaranteed the freedom to "publish, impart or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms."¹⁰² The Iranian state infringed on this freedom by arresting and detaining Mr. Khandan for spreading human rights messaging via the buttons. Mr. Khandan's targeting is part of a larger campaign to stifle human rights defenders. In November, 2024, a month before Mr. Khandan's arrest, the UN General Assembly expressed concern at "the use of harassment and intimidation to silence individuals who oppose the Government of the Islamic Republic of Iran, including human rights defenders and their families, such as through arbitrary arrest and detention."¹⁰³ Following his December 2024 detention, PEN America condemned the "cruel, petty retaliatory measures" and "the range of attempts by the Iranian authorities to threaten or silence those who oppose further draconian restrictions on women's rights."¹⁰⁴

Therefore, Mr. Khandan's ongoing detention is arbitrary under Category V.

V. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken.

Mr. Khandan's lawyer appealed his original conviction on September 25th, 2024 resulting in a reduced sentence, but beyond that, he has no effective legal remedy available.

VI. Conclusion

The arrest and continued detention of Mr. Khandan is a severe violation of his fundamental rights. The Islamic Republic of Iran has violated the following rights under various provisions of international law by arbitrarily arresting and detaining Mr. Khandan.

- The right to be free from arbitrary detention;
- The right to freedom of opinion;
- The right to freedom of expression;
- The right to freedom of association;
- The right to due process, including the right to counsel of choice and the right to a competent, independent, and fair tribunal;
- The right to be treated equally regardless of ethnicity, political opinion, or membership and;
- The right to dignity and the right to be free from cruel, inhuman, or degrading treatment

We hereby respectfully request that the United Nations Working Group on Arbitrary Detention take the following actions:

- Considers Mr. Khandan's case under its Urgent Action Procedure in light of the extreme risk of irreparable harm he is facing
- Issues an opinion finding Mr. Khandan's arrest and ongoing detention violate Iran's obligations under international law;
- Calls for Mr. Khandan's immediate and unconditional release;
- Requests the Islamic Republic of Iran to investigate and hold accountable all persons responsible for

¹⁰² *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, United Nations General Assembly. Res. 53/144, art. 6(2), U.N. Doc. A/RES/53/144 (9 December 1998), <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declaration.pdf>.

¹⁰³ *Situation of human rights in the Islamic Republic of Iran*, U.N. General Assembly, U.N. Doc. A/C.3/79/L.41 at 20 (6 November 2024), <https://documents.un.org/doc/undoc/ltd/n24/333/32/pdf/n2433332.pdf>.

¹⁰⁴ *PEN America Condemns Arrest of Reza Khandan amid Crackdown on Women's Rights in Iran*, PEN America (13 December 2024), <https://pen.org/press-release/pen-america-condemns-arrest-of-reza-khandan-amid-crackdown-on-womens-rights-in-iran/>.

the unlawful arrest and continued detention of Mr. Khandan, and

- Requests the Islamic Republic of Iran to award Mr. Khandan compensation for the violations he has suffered as a result of his unlawful arrest, arbitrary detention, and poor living conditions while in state custody.

VII. Full name, postal, and electronic addresses of the person(s) submitting the information (telephone and fax number, if possible).



Angelita Baeyens
VP International Advocacy and Litigation
Robert F. Kennedy Human Rights
1300 19th Street NW, Suite 750
Washington, DC 20036
+1-202-906-0987
legal@rfkhumanrights.org

Karin Deutsch Karlekar, Ph.D.
Director of Writers at Risk
PEN America
+1 646.779.4822
kdkarlekar@pen.org



Yonah Diamond
Senior Legal Counsel
Raoul Wallenberg Centre for Human Rights
+1 438 989 8895
yonahdiamond@rwchr.org

Annexes

Annex I: Edalat-a-Ali Document Leak (Farsi)

Annex II: Edalat-a-Ali Document Leak (English)

Annex III: Reza Khandan's 2024 Sentence (Farsi)

Annex IV: Reza Khandan's 2024 Sentence (English)

Annex 1: Edalat-a-Ali Document Leak (Farsi)

پرونده کلاسه 9709980276700067 شعبه 1 اجرای احکام کیفری دادسرای عمومی و انقلاب ناحیه 33 (شهیدمقدس «امنیت») تهران تصمیم نهایی شماره 140168390016971152 متهمین:

1. آقای فرهاد میثمی تبریز فرزند علی با وکالت آقای محمد مقیمی فرزند رحیم به نشانی استان تهران - شهرستان تهران - شهر تهران - - نرسیده ب م توحید خ فرصت شیرازی پ 133 واحد 1 ط 1
 2. آقای رضا خندان هریس فرزند حسین با وکالت آقای محمد مقیمی فرزند رحیم به نشانی استان تهران - شهرستان تهران - شهر تهران - - نرسیده ب م توحید خ فرصت شیرازی پ 133 واحد 1 ط 1 به نشانی استان تهران - شهرستان تهران - تهران - - بلوار فرحزادی- بالاتر از دریا - ک بهاران 2 - پ 8 - و 4 و با نمایندگی خانم فرزانه ناظران پور فرزند محمود
- اتهام ها:

1. اجتماع و تبانی به قصد اقدام علیه امنیت ملی کشور از طریق تحریک و تشویق بانوان جامعه به حضور در خیابان به صورت سرلخت/یک عدد کارتن
2. فعالیت تبلیغی علیه نظام مقدس جمهوری اسلامی ایران

بسمه تعالی

نسبت به اتهام وارده علیه فرهاد میثمی تبریز و رضا خندان هریس دادر بر اجتماع و تبانی به قصد اقدام علیه امنیت ملی کشور از طریق تحریک و تشویق بانوان جامعه به حضور در خیابان به صورت سرلخت/یک عدد کارتن و فعالیت تبلیغی علیه نظام مقدس جمهوری اسلامی ایران مختومه شدن پرونده به دلیل عفو صادر شد

شعبه 1 اجرای احکام کیفری دادسرای عمومی و انقلاب ناحیه 33 (شهیدمقدس «امنیت») تهران - محمد مهرداد

Annex 2: Edalat-a-Ali Document Leak (English)

Class Case 9709980276700067 Branch 1 Execution of Criminal Sentences Public and Revolutionary Prosecutor's Office District 33

(Holy Martyr "Security") Tehran Final Decision No. 140168390016971152 Defendants

1. Mr. Farhad Meysami Tabriz, son of Ali, represented by Mr. Mohammad Moghimi, son of Rahim, with the address of Tehran Province - Tehran County - Tehran City - - Not reached B.M. Tohid St. Forsat Shirazi P. 133 Unit 1 Floor 1

2 Mr. Reza Khandan Harris, son of Hossein, represented by Mr. Mohammad Moghimi, son of Rahim, with the address of Tehran Province - Tehran County - Tehran City - - Not reached B.M. Tohid, Forsat Shirazi St., 133, Unit 1, Floor 1, Address: Tehran Province - Tehran County - Tehran - Farahzadi Boulevard Above the Sea - Baharan 2 - P. 8 - and 4 and represented by Ms. Farzaneh Nazeranpour, daughter of Mahmoud

Charges:

1. Gathering and colluding with the intention of acting against the country's national security by inciting and encouraging women in the community to appear on the streets in a topless position, carrying a cardboard box.

2. Propaganda activities against the sacred regime of the Islamic Republic of Iran

Almighty God

The case against Farhad Meysami of Tabriz and Reza Khandan of Harris, regarding the charges of gathering and colluding to act against the country's national security by inciting and encouraging women to appear on the streets naked, holding a cardboard sign, and carrying out propaganda activities against the sacred system of the Islamic Republic of Iran, was closed due to an amnesty.

Branch 1, Execution of Criminal Sentences, Public and Revolutionary Prosecutor's Office, District 33 (Holy Martyr "Security"), Tehran - Mohammad Mehrdadi

Annex III: Reza Khandan's 2024 Sentence (Farsi)

شعبه ۲۱ دادگاه تجدید نظر استان تهران
 تاریخ تنظیم دادنامه
 ۱۴۰۳/۰۷/۰۴
 ۱۴۰۳/۰۷/۰۴
 ۹۷.۹۹۸.۰۲۸۶۷۰۰۰۶۷
 ۰۲۰۱۲۵۷

آقای رضا خندان هریس فرزند حسین با وکالت آقای محمود بهزادی راد بر اساس بخشی از مفاد دادنامه شماره ۹۸.۹۹۷۰.۲۲۳۶۰۰۰۷۰ مورخه ۱۲/۳/۱۳۹۸ صادره از شعبه سی و ششم دادگاه تجدید نظر استان تهران در تایید دادنامه شماره ۴۳۰۷ - ۹۷ مورخه ۵/۱۰/۱۳۹۷ صادره از شعبه پانزدهم دادگاه انقلاب اسلامی تهران به سبب اتهامات اجتماع و تبانی به قصد ارتکاب جرم علیه امنیت کشور به مجازات تحمل پنج سال حبس و به جهت فعالیت تبلیغی علیه نظام مقدس جمهوری اسلامی ایران به مجازات تحمل یک سال حبس و دو سال محرومیت اجتماعی (خروج از کشور و ...) محکوم گردیده است . وکیل محکوم علیه به وکالت از موکل خود تقاضای اعاده دادرسی نسبت به دادنامه صادره از شعبه سی و ششم دادگاه تجدید نظر را مطرح نموده و با ارجاع پرونده به شعبه سی و نهم دیوان عالی کشور و بر اساس مفاد دادنامه شماره ۱۴۰۲۰۶۳۹۰۰۰۷۰۳۳۷۵ مورخه ۴/۹/۱۴۰۲ ضمن پذیرش تقاضا با صدور تجویز مجدد رسیدگی به استناد بند ج ماده ۴۷۴ قانون آیین دادرسی که در واقع با پذیرش اصل محکومیت محکوم علیه پرونده را به علت تعیین بیش از حداقل مجازات قانونی بدون ذکر دلیل به دادگاه همعرض جهت رسیدگی به این شعبه ارجاع گردیده است . دادگاه با ملاحظه اوراق و محتویات پرونده و با عنایت به اینکه اعاده خواه دارای دو عنوان مجرمانه می باشد و موضوع مشمول ماده ۱۲ قانون کاهش مجازات ناظر به ماده ۱۳۴ قانون مجازات اسلامی است دادنامه شعبه سی و ششم دادگاه تجدید نظر را مستند به ماده ۴۸۰ قانون آیین دادرسی کیفری با اصلاح میزان مجازات جرم اجتماع و تبانی بر علیه امنیت کشور از پنج سال به سه سال و شش ماه و ده روز و بابت اتهام فعالیت تبلیغی علیه نظام به تحمل هفت ماه و بیست روز حبس با اجرای مجازات اشد تایید می نماید . رای صادره قطعی است

رئیس شعبه ۲۱ دادگاه تجدید نظر استان تهران
 عبدالعزیز مهدی

مستشار دادگاه
 دکتر غلامرضا مهدی

Annex IV: Reza Khandan's 2024 Sentence (English)

14.368390009860670		Branch 21 of the Court of Appeals, the people of this valley, the verdict	
1403/07/04	Set date	indictment	
40.991.2474...74	0201257	Branch archive saw	

Mr. Reza Khandan Haris, son of Hossein, represented by Mr. Mahmoud Behzadi Rad, has been sentenced to five years in prison for conspiracy to commit a crime against the security of the country, based on part of the provisions of the judgment number 9809970223600070 dated 12/3/1398 issued by the 36th Branch of the Tehran Provincial Court of Appeal, confirming the judgment number 4307-97 dated 5/10/1397 issued by the 15th Branch of the Islamic Revolutionary Court of Tehran, and has been sentenced to one year in prison and two years of social deprivation (exiting the country, etc.) for propaganda activities against the sacred system of the Islamic Republic of Iran. The lawyer of the convicted person, representing his client, requested a retrial of the case against the verdict issued by the 36th Branch of the Court of Appeals, and by referring the case to the 39th Branch of the Supreme Court, and based on the provisions of verdict No. 14020639000703375 dated 4/9/1402, while accepting the request, by issuing a retrial authorization based on paragraph c of Article 474 of the Code of Procedure, which in fact accepted the principle of the conviction of the convicted person, the case was referred to the same court for consideration by this branch due to the determination of more than the minimum legal punishment without giving any reason. The court Considering the documents and contents of the case and considering that the applicant has two criminal charges and the matter is subject to Article 12 of the Law on Reduction of Punishment, which refers to Article 134 of the Islamic Penal Code, the Thirty-Sixth Branch of the Court of Appeals confirms the judgment based on Article 480 of the Criminal Procedure Code, amending the punishment for the crime of association and collusion against national security from five years to three years, six months and ten days, and for the charge of propaganda activity against the system, to seven months and twenty days in prison with the implementation of the harshest punishment. The ruling issued is final.

Court Advisor Dr.	Yasser, Branch 21, Tehran Province Court of Appeals
Gholamreza Sadeghi	Abdul Atour Sadeghi