

AMNESTY INTERNATIONAL PUBLIC STATEMENT

1 June 2022 Index Number: MDE 13/5609/2022

IRAN: THE CRIME OF HOLDING NAZANIN ZAGHARI-RATCLIFFE HOSTAGE MUST NOT GO UNPUNISHED

The Iranian authorities committed the crime of hostage-taking against British-Iranian national Nazanin Zaghari-Ratcliffe by holding her in connection with their long-standing debt dispute with the UK, said Amnesty International following a thorough analysis of the circumstances surrounding her six-year detention as well as her March 2022 release in exchange for the payment of £393.8 million by the UK. All Iranian officials reasonably suspected of responsibility for the crime of hostage-taking committed against her must be held accountable, including by being prosecuted in fair, transparent criminal proceedings, and she should be provided with full and effective reparation for the serious violations to which she has been subjected. Nazanin Zaghari-Ratcliffe's six-year ordeal also sheds light on the plight of other dual and foreign nationals who may be used by the Iranian authorities to gain diplomatic, economic, and political leverage and whose arbitrary detention may also constitute the crime of hostage-taking.

Nazanin Zaghari-Ratcliffe, a charity worker, who was arrested in Iran in April 2016, was allowed to leave Iran on 16 March 2022 together with Anoosheh Ashoori, a 67-year-old retired British-Iranian engineer who had been arbitrarily detained in Iran since 2017. Their release came after the UK government paid Iran £393.8 million in order to settle a debt dispute between the International Military Services (IMS), the UK ministry of defence's arms sales subsidiary, and Iran's ministry of defence pertaining to an unfulfilled arms deal dating back to the reign of Mohammad Reza Shah in Iran. The dispute had been the subject of legal proceedings before UK courts as well as negotiations between the parties for decades. The UK government as well as Iran's ministry of foreign affairs have generally denied that the releases have been in exchange for the payment of the debt, maintaining that the two issues have been resolved "in parallel". Yet, the simultaneous nature of the events as well as the language repeatedly used by Iran's official media in the lead up and aftermath of the release and the statements made to Nazanin Zaghari-Ratcliffe and her relatives throughout her detention leave no doubt that the Iranian authorities held Nazanin Zaghari-Ratcliffe hostage in order to compel the UK government to settle the decades-long debt.

Following her arrest on 3 April 2016 during a family visit to Tehran, Nazanin Zaghari-Ratcliffe was convicted of spurious national security-related charges and sentenced to five years in prison in proceedings characterized by egregious violations of international fair trial standards. In April 2021 and upon the completion of her sentence, she was sentenced to a further year in prison and a one-year travel ban on the charge of "spreading propaganda against the system" after a grossly unfair trial. Anoosheh Ashoori was also subjected to a grossly unfair trial and was subsequently sentenced to 10 years' imprisonment for "cooperating with a hostile state against the Islamic Republic" and two years for allegedly obtaining €33,000 in "illicit funds". The circumstances of Anoosheh Ashoori's release also strongly suggest that he was held in Iran as a hostage.

Since 2016, Amnesty International has documented shocking violations of the right to liberty, freedom from torture and other ill-treatment and fair trial rights in the cases of at least seven other dual nationals who are currently arbitrarily detained in Iran,¹ amid concerns that they may be used as leverage by the Iranian authorities. Among them is Swedish-Iranian academic, Ahmadreza Djalali, on whose case Amnesty International carried out an [examination](#) of mounting evidence which indicates that the Iranian authorities are holding him hostage and threatening to execute him to compel third parties to swap him for former Iranian officials convicted and/or on trial abroad. While Amnesty International was able to gather considerable and detailed evidence in the cases of Nazanin Zaghari-Ratcliffe and Ahmadreza Djalali to analyze their unlawful deprivation of liberty in accordance with the International Convention Against the Taking of Hostages, lack of publicly available information in other cases of dual or foreign nationals proving that the Iranian authorities are conditioning their releases on acts or omissions by other states should not be taken to mean that the crime of hostage-taking is not being committed against them.

¹ Shokrollah Jebeli, an Australian-Iranian national, died in custody at the age of 82 in March 2022 after more than two years of torture and other ill-treatment through the denial of access to adequate specialized medical care.

Hostage-taking is a crime under international law, including under the 1979 International Convention Against the Taking of Hostages, to which Iran is a state party. The domestic laws of many states across the world, including in the UK, define acts of hostage-taking as offences over which extraterritorial jurisdiction may be exercised.

Amnesty International urges the UK government to take all necessary measures in order to establish its extraterritorial jurisdiction to investigate all Iranian officials reasonably suspected of responsibility for the crime of hostage-taking committed against Nazanin Zaghari-Ratcliffe, including those who have acted as accomplices, and where sufficient evidence exists, request their extradition and prosecute them in proceedings that comply with international fair trial standards. The organization further calls on all state parties to the 1979 International Convention Against the Taking of Hostages to likewise take all necessary measures to establish their jurisdiction over the crime of hostage-taking committed against Nazanin-Zaghari Ratcliffe where the suspected perpetrator is present in their territory.

In light of ongoing concerns regarding the Iranian authorities' practice of using detained dual and foreign nationals as leverage, all states whose nationals are detained in Iran must urgently adopt policies to ensure that all such cases are promptly examined in accordance with the 1979 International Convention Against Taking of Hostages to determine whether the deprivation of liberty constitutes an act of hostage-taking, and if so, to take all appropriate measures to protect and secure the release of the hostages concerned and to ensure accountability including through both public denunciation and investigation and prosecution of suspected perpetrators. Given that individuals' deprivation of liberty could transform into an act of hostage taking at any stage following their arrest, states must ensure regular reviews of such cases.

The organization also renews its call on the Iranian authorities to immediately and unconditionally release all individuals, including dual and foreign nationals, arbitrarily detained solely for the peaceful exercise of their human rights or solely on the basis of their status and to release all others detained arbitrarily without legal basis, or on the basis of proceedings that violate international norms related to the right to a fair trial.

Amnesty International [campaigned](#) for Nazanin Zaghari-Ratcliffe's immediate and unconditional release since shortly after her arrest and detention in April 2016. As part of this work, the organization conducted interviews with primary sources including her husband and closely examined case-related material. In conducting this assessment to discern whether Nazanin Zaghari-Ratcliffe's arbitrary detention amounted to the crime of hostage-taking, Amnesty International also carried out a comprehensive review of [information pertaining to the developments in the judicial proceedings](#) aimed at settling the debt dispute between the governments of the UK and Iran, including reports and submissions prepared by the human rights organization REDRESS on behalf of Nazanin Zaghari-Ratcliffe, as well as statements made by Iranian and UK officials during her detention and in the aftermath of her release.

Amnesty International has further examined reports by UN experts relating to other dual nationals held in Iran, whose cases suggest that they may be used by Iranian authorities as leverage in the country's disputes with or demands levelled at other states.

HOSTAGE-TAKING UNDER INTERNATIONAL LAW

The United Nations' 1979 International Convention Against the Taking of Hostages defines the crime of hostage-taking as the seizure or detention of any person accompanied with threats to cause them harm including by killing, injuring or continuing to detain them in order to compel a third party, such as a state, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage. Under the Convention, any individual who participates as an accomplice of anyone committing or attempting to commit an act of hostage-taking may also have individual criminal liability for the offence of hostage-taking. The Convention does not restrict hostage-taking to acts committed by non-state actors, meaning state officials may also carry out detentions that amount to the crime of hostage-taking. Iran acceded to the Convention in 2006 and is therefore bound by its provisions.

Moreover, there is no requirement under international law for the conditions attached to the release of a detainee to have been explicitly uttered for the act of detention to amount to the crime of hostage-taking. Circumstances of a case including conduct by those detaining an individual that demonstrate an implicit demand placed on a third party to do or refrain from doing something may suffice to establish intent and to qualify the deprivation of liberty as an act of hostage-taking.

INTERNATIONAL MILITARY SERVICES DISPUTE

The disputed debt was incurred by IMS following Iran's 1979 Revolution when the company did not deliver the Chieftain tanks and other military equipment and trainings, for which Iran had paid in advance. In May 2001, following arbitration

proceedings that had commenced in 1990s, the International Chamber of Commerce found that IMS was liable to pay the debt with interest and costs to Iran. Subsequently, Iran commenced enforcement proceeding before UK courts. In 2006, the Court of Appeal in the Hague reduced IMS's liability but otherwise upheld the decision. This was followed by a dismissal of IMS's appeal against the judgment in 2009. While the UK government acknowledged the debt, the amount of accumulated interest remained the subject of dispute. Moreover, in 2008 Iran's Ministry of Defence was placed on the list of entities subject to sanctions imposed by the EU, further complicating the payment of the debt as a special license needed to be acquired by the Ministry of Defence. Multiple rounds of negotiations between IMS and Iran to reach a settlement on claims, including those that were not subject to litigation, took place while judicial proceedings in UK courts continued with hearings being frequently adjourned. Ultimately, following negotiations that, according to UK officials, took place in October and November 2021 and in February 2022, the UK government paid the amount of £393.8 million to Iran in the days that preceded the release of Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori.

NAZANIN ZAGHARI-RATCLIFFE'S DETENTION CONSTITUTES THE CRIME OF HOSTAGE-TAKING

The Iranian authorities did not publicly articulate their demand for the UK government to pay the disputed debt as a condition for Nazanin Zaghari-Ratcliffe's release, but there is significant and compelling evidence, as detailed below, to conclude that their conduct amounted to the crime of hostage-taking. Most notably, Nazanin Zaghari-Ratcliffe's release immediately following the payment of the debt by the UK as well as multiple reports by official media outlets in Iran explicitly stating that her release was "in exchange" for the payment of the debt provide clear proof that she was held as a hostage. Amnesty International has also been able to discern a meaningful pattern of developments in Nazanin Zaghari-Ratcliffe's case over a period of six years occurring in tandem with those of the debt dispute demonstrating that they have both been influenced by and aimed at influencing the outcomes of the dispute proceedings. During her detention and immediately prior to her release, Iranian officials made statements to Nazanin Zaghari-Ratcliffe and her family that explicitly connected her ongoing detention to the refusal of the UK government to pay the disputed debt. In addition, implicit links were made through public statements by Iran's officials. Ultimately, a number of statements by UK officials have revealed, both prior to and in the aftermath of her release, that they have perceived Nazanin Zaghari-Ratcliffe's release to be connected to the payment of the debt, although the UK government has not officially qualified her detention as hostage-taking.

NAZANIN ZAGHARI-RATCLIFFE'S RELEASE

On 16 March 2022, a day after it was reported that the Iranian authorities had returned Nazanin Zaghari-Ratcliffe's British passport to her, UK's foreign secretary Elizabeth Truss [updated](#) the UK parliament "on the release of British nationals detained in Iran in parallel with the repayment of the IMS debt" confirming that Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori had been allowed to board a plane departing Iran to return to the UK. On the same day and in an event attended by journalists and diplomats in Tehran, Amir Abdollahian, Iran's minister of foreign affairs, [denied](#) any connection between the release of the detainees and the payment of the debt by the UK. He implausibly stated that "the dates of the [detainees'] release and the transfer of the money may have been close timewise but there has not been any links between the two issues." Just two days prior to her release, officials from the Islamic Revolutionary Guards summoned Nazanin Zaghari-Ratcliffe for an interrogation and told her explicitly that she was going to be "swapped for money".

The aftermath of Nazanin Zaghari-Ratcliffe's release saw a large number of reports by state and state-affiliated media outlets, in particular Fars News Agency, in which it was explicitly acknowledged that her release had come as a result of the UK paying the debt. For example, in the afternoon of 16 March, Fars News Agency [reported](#) that Nazanin Zaghari-Ratcliffe had been taken to Imam Khomeini Airport and placed in the care of UK officials "in exchange" for \$530 million. Nearly every single report subsequently published by Fars News Agency used similar or identical language confirming that the release had been conditioned on the payment of the debt. Similar reporting was done by other media outlets such as [Keyhan](#), whose editor-in-chief is appointed by the Supreme Leader. In addition to media reports, a number of Iranian officials have also connected the release of Nazanin Zaghari-Ratcliffe with the UK's payment of the debt. For example, on 17 March 2022, Fars News Agency [quoted](#) Seyed Mohammad Hosseini, the president's deputy in parliamentary affairs, as stating that the UK was ultimately and after half a century "forced" to pay its debt and that this demonstrated that the UK "only understands the language of force to withdraw, not that of pleading, rights and the law."

COINCIDING TIMELINES

The release of Nazanin Zaghari-Ratcliffe immediately after the payment of the debt by the UK as well as the multitude of media reports, in which her release in exchange for the payment of the debt was repeatedly emphasized, came after years of judicial maneuvering in her case by the Iranian authorities aimed at exerting pressure on the UK government to settle the debt.

Key events in Nazanin Zaghari-Ratcliffe's case coincided with important developments in the protracted legal battle over the debt between Iran and the UK. The examination of these developments in parallel with judicial proceedings in Nazanin Zaghari-Ratcliffe's case demonstrates that the Iranian authorities regularly used the latter, including introducing new charges and promises of temporary releases, at critical junctures with the apparent aim of influencing the outcome of negotiations and debt proceedings in the UK.

Nazanin Zaghari-Ratcliffe's arrest on 3 April 2016 came after an unsuccessful round of negotiations between Iran and IMS in March 2016 which failed to bring the parties to an overall settlement. A hearing regarding Iran's application for an enforcement order in the UK High Court, which was originally scheduled for May 2016, was adjourned to December 2016.

Following her arrest, the authorities held Nazanin Zaghari-Ratcliffe in solitary confinement for 45 days and refused to grant her access to a lawyer until only three days before the start of her grossly unfair trial before a Revolutionary Court in Tehran on 14 August 2016. She was denied adequate time and facilities to prepare a defence. At her hearing, which was held behind closed doors and lasted for three hours, she was barred from speaking. A month later, in September 2016, she was convicted on an unspecified national security charge which was later confirmed as "membership in an illegal group" and was sentenced to five years' imprisonment. Soon after her arrest and prior to her trial, the Iranian authorities justified her detention on the grounds that she was involved in "media and cyber projects" devised to "overthrow the government". In convicting her, the court used her employment at Thompson Reuters Foundation, a charity organization, as well as her past work as an administrative assistant on a BBC Media Action project to train young journalists, as "evidence" of her involvement in national security offences. Nazanin Zaghari-Ratcliffe consistently denied the accusations levelled against her, maintaining that she was in Iran with her daughter for a family visit. Her sentence was upheld on 22 January 2017.

On 8 October 2017, Nazanin Zaghari-Ratcliffe was taken to the office of the prosecutor located in Evin prison where she was told that a second case had been opened against her on similar baseless accusations for which she had already been convicted. She was not given the opportunity to request her lawyer's presence. This came days after the postponement of a debt hearing in the UK which had been scheduled for 4 to 6 October. Over the next years, the Iranian authorities used the threat of convicting Nazanin Zaghari-Ratcliffe in a second case to compel the UK government to settle the debt. Nazanin Zaghari-Ratcliffe's hearing for the second case was first scheduled for 10 December 2017 but it did not take place. Instead, her lawyer reported that the judiciary's database had marked her as "eligible for release". At this time, Nazanin Zaghari-Ratcliffe's family also heard from British Embassy staff in Iran that it was their understanding that she would be released on 29 December 2017. These positive signals were received by the family during a month when the Iranian authorities and IMS engaged in negotiations to settle the debt. The December 2017 round of negotiations however was not successful and Nazanin Zaghari-Ratcliffe remained imprisoned. On 19 May 2018, she was taken to Branch 15 of the Revolutionary Court in Tehran where she was formally charged with "spreading propaganda against the system" and told that she should expect to be convicted of the new charge. Her lawyer was not permitted to attend this session. No hearing was scheduled for the second trial and authorities did not share any information publicly or with her or her lawyers about this case until May 2019, when a spokesperson for the judiciary publicly [stated](#) that Nazanin Zaghari-Ratcliffe was facing a second case. His announcement came at the heels of a UK High Court hearing the outcome of which was not favourable to Iran.

In early October 2019, judicial officials advised Nazanin Zaghari-Ratcliffe to apply for parole, raising her hopes for freedom. This development took place just days before a hearing scheduled for 7 October 2019 at the UK Commercial Court in connection to Iran's application to appeal a previous ruling which pertained to the amount of interest payable by the UK and was not favorable to Iran. The UK Commercial Court refused permission to appeal the same day. Nazanin Zaghari-Ratcliffe's application for parole was denied soon afterwards in December 2019.

Amid the spread of Covid-19 in Iran's prisons, Nazanin Zaghari-Ratcliffe was released from Tehran's Evin prison with an ankle tag and was placed under house arrest on 17 March 2020. She was required to report to the Office of the Prosecutor twice a week. On 7 September 2020, a few days after the UK Defence Secretary made statements acknowledging the debt, Nazanin Zaghari-Ratcliffe was summoned to Branch 15 of the Revolutionary Court in Tehran and told that her new trial would commence in a few days. However, she was not summoned for a hearing until 27 October 2020, when it became public that a debt hearing in the UK had been postponed. While her hearing commenced on 2 November 2020, it was adjourned indefinitely. On 7 March 2021, Nazanin Zaghari-Ratcliffe's ankle tag was removed upon the completion of her initial five-year sentence. A week later, she attended a hearing before Branch 15 of the Revolutionary Court in Tehran and was informed that she would receive a verdict within seven working days. Her conviction and one-year prison sentence as well as a one-year ban from leaving the country were however issued on 26 April 2021, a few days after a debt hearing was adjourned to a later date. According to her lawyer, her conviction of the

charge of “spreading propaganda against the system” was for her alleged “participating in a protest outside of the Iranian embassy in London in 2009” as well as giving an interview to BBC Persian. In October 2021, her conviction was upheld.

While the Iranian authorities routinely and systematically try and convict individuals of national security charges in hasty and summary trials which on occasion last only minutes, they prolonged the second case against Nazanin Zaghari-Ratcliffe for nearly four years using the looming threat of further imprisonment as a tool to exert pressure on the UK authorities and to compel them to respond to their settlement requests.

STATEMENTS MADE BY IRANIAN OFFICIALS IN PRIVATE AND IN PUBLIC PRIOR TO NAZANIN ZAGHARI-RATCLIFFE’S RELEASE

Following Nazanin Zaghari-Ratcliffe’s arrest in 2016, various officials, including interrogators affiliated with the Revolutionary Guards, prosecutorial and judicial authorities and ministry of foreign affairs officials repeatedly stated to Nazanin Zaghari-Ratcliffe and her relatives that her ongoing detention was connected to the UK’s failure to pay its debt and that she would be released once a settlement was reached. Similar to the timings of judicial developments in Nazanin Zaghari-Ratcliffe’s case, these statements often coincided with pivotal moments in IMS debt negotiations and court proceedings.

According to Richard Ratcliffe, Nazanin Zaghari-Ratcliffe’s husband, as early as June 2016, only a few months after her arrest and before she was first tried and convicted of national security charges, interrogators affiliated with the Revolutionary Guards explicitly told her that she would be released if the UK and Iran “reached an agreement”. Information reviewed by Amnesty International shows that a few months later, in February 2017, a ministry of foreign affairs official informed Nazanin Zaghari-Ratcliffe’s family that her case required a “diplomatic solution,” explicitly comparing her situation to that of journalist Jason Rezaian, an American-Iranian dual national who, along with a number of other US citizens, had been released a few weeks earlier as part of a prisoner exchange and following the transfer of \$400 million of Iran’s frozen assets in the USA to Iran by the US authorities. According to [information publicly available](#), the prisoners’ release coincided with the settlement of a long-standing financial dispute between the USA and Iran related to the sales of arms and related military equipment to Iran prior to the 1979 revolution. The settlement involved the return of \$400 million principal (which occurred in parallel with the prisoners’ release) and an agreement to pay an additional \$1.3 billion for accumulated interest in subsequent transactions.

On 3 February 2018, officials with the Office of the Prosecutor told her that her case had been closed by the judiciary and it was up to the ministry of foreign affairs to oversee the arrangements for her release. Several weeks later on 21 February 2018, during a parole-related meeting at Shahid Moghadas Prosecutor’s Office of Evin Prison, a judicial official also admitted that her continued imprisonment was connected to the debt dispute.

During the session in which Nazanin Zaghari-Ratcliffe was formally charged with “propaganda against the system” on 19 May 2018, the judge presiding over Branch 15 of the Revolutionary Court in Tehran explicitly told her that she would not be released, given parole or shown clemency unless the UK government paid its debt to Iran.

The Iranian authorities have also made a number of statements publicly connecting the ongoing detention of Nazanin Zaghari-Ratcliffe to the debt dispute. In September 2019, for example, Mohammad Javad Zarif, Iran’s then minister of foreign affairs, told the press in the UK that officials in the UK had offered to pay the debt in exchange for Nazanin Zaghari-Ratcliffe’s release adding that he was prepared to intervene and argue for her release in an Iranian court. According to the publicly available [record of a phone conversation](#) between UK Prime Minister Boris Johnson and Hassan Rouhani, Iran’s then President, on 10 March 2021, the latter complained about the lack of practical progress in settling the debt dispute adding that “Undoubtedly, accelerating the repayment of Iran’s claims would be effective in solving other problems in the UK-Iranian bilateral relationship.” While he did not make an explicit connection between the case of Nazanin Zaghari-Ratcliffe and the debt dispute, an inference could be drawn given that her case was raised in the same call by UK’s Prime Minister.

During a press conference held on 21 March 2022 after Nazanin Zaghari-Ratcliffe’s release and return to the UK, she [confirmed](#) that she had been told by Iranian officials that her release was dependent on the payment of the debt by the UK.

STATEMENTS MADE BY THE UK AUTHORITIES

The UK government has not officially recognized the detention of Nazanin Zaghari-Ratcliffe as a crime of hostage-taking by the Iranian authorities. In her 16 March 2022 statement to the parliament, UK’s foreign secretary, Elizabeth Truss, [denied](#) that the British nationals had been released in exchange for the payment of the debt. Nonetheless, she stated that upon becoming the foreign secretary, she had made resolving the continued detention of British nationals and the IMS

debt her priorities and that she had worked with her Iranian counterparts to resolve the issues “in parallel”. She further made references to the practice of arbitrary detention as a tactic used by some countries to “get their own way”.

During the six years Nazanin Zaghari-Ratcliffe was held in Iran, various former and current officials made statements confirming that Nazanin Zaghari-Ratcliffe was detained for diplomatic leverage and raised this concern with the Iranian authorities as well as in other multilateral initiatives. For example, on 17 July 2019, Andrew Murrison, UK’s then Minister for the Middle East, [confirmed](#) that the foreign secretary had spoken to his Iranian counterpart, raising Nazanin Zaghari-Ratcliffe’s case and those of other dual nationals detained in Iran, making it clear that “innocent people in prison must not be used as diplomatic leverage and called for their release.” In March 2019, after the UK government granted Nazanin Zaghari-Ratcliffe diplomatic protection, UK’s then foreign secretary, Jeremy Hunt, [called](#) on the Iranian authorities to release her stating that no government should use individuals as “pawns for diplomatic leverage.” In February 2021, the UK government [joined](#) a Canadian-led initiative to end the practice of arbitrary arrests, detentions or sentencing of foreign nationals “often used to exercise leverage over foreign governments.”

Some UK officials have alluded to Nazanin Zaghari-Ratcliffe being held as a hostage in Iran. On 2 May 2021, the UK’s then Foreign Secretary Dominic Raab [stated](#) that it was “difficult to argue against” the characterization that Nazanin Zaghari-Ratcliffe was being held as a hostage. He further added that she was detained for leverage, and acknowledged that her release was contingent on negotiations with the Iranian authorities. On 21 March 2021, responding to a question about Nazanin Zaghari-Ratcliffe’s detention, the UK Defence Secretary [referred](#) to Iran’s practice of detaining foreign and dual British nationals as “hostage-taking diplomacy” stating that the country must stop the practice and release Nazanin Zaghari-Ratcliffe.

During a media interview on 24 May 2022, Nazanin Zaghari-Ratcliffe [stated](#) that UK Prime Minister Boris Johnson had confirmed to her in a meeting on 13 May 2022 that her detention was linked to the IMS debt.

ARBITRARY DETENTION OF OTHER DUAL AND FOREIGN NATIONALS

Given the lack of transparency in Iran’s justice system and the fact that many human rights violations go unreported due to widespread fear of reprisal and systematic repression of victims, their family members and civil society, the number of dual and foreign nationals held in Iran remains unknown to Amnesty International. The organization has documented the cases of at least seven dual nationals held in Iran at the time of writing. The seven have been arrested since 2016 following the proliferation of a state narrative in which foreign and dual nationals are portrayed as “infiltrators” posing national security threats. They include Austrian-Iranians **Kamran Ghaderi** and **Massud Mossaheb**; German-Iranians **Nahid Taghavi** and **Jamshid Sharmahd**; Swedish-Iranian **Ahmadreza Djalali**; and two British-Iranians: **Mehran Raouf** and **Morad Tahbaz** (who is also a US national). An 82-year-old Australian-Iranian national, **Shokrollah Jebeli**, [died in custody](#) on 20 March 2022 after the authorities deliberately denied him adequate specialized medical care and withheld his medication for his multiple serious health conditions. His death in custody constituted an arbitrary deprivation of life.

Amnesty International found the detentions of these dual nationals to have been arbitrary or otherwise unlawful under international law as they are deprived of their liberty for peacefully exercising their human rights and/or there have been gross violations of fair trial rights in the proceedings against them. Consequently, the organization has been calling for their releases.

Amnesty International emphasizes that the cases above, which it has documented, are not exhaustive and the real number of dual and foreign nationals arbitrarily detained in Iran is likely to be much higher. In February 2022, the Human Rights Activists News Agency in Iran [compiled and published](#) the details of 69 foreign and dual nationals who have been arrested in Iran since 2003. The list includes both those who were arrested and released between 2003 and 2022 and those who remained in prison at the time of writing. According to another list [prepared](#) by the Center for Human Rights in Iran and updated in May 2022, there are at least 15 dual nationals, four foreign nationals and one foreign permanent resident were known to be held in Iran at the time of writing.

Amnesty International’s findings in the cases of dual and foreign nationals investigated by the organization show that their arrest and detention are marred by gross violations of fair trial rights, consistent with [the broader pattern of systematic fair trial violations in the country](#), including in cases of a political nature. Foreign and dual nationals are systematically denied access to a lawyer at the investigation phase and in most cases are not allowed to communicate with and receive visits from consular officials. Torture and other ill-treatment, including prolonged solitary confinement with little or no access to the outside world and deprivation of medical care, have been reported in all the aforementioned seven cases of dual nationals. Authorities routinely charge foreign and dual nationals with vaguely worded national security offences which lack legal precision, and therefore breach the principle of legality, and try them in proceedings which flagrantly violate international fair trial standards.

In some cases, in violation of their rights to presumption of innocence, not to self-incriminate and to be protected from torture and other ill-treatment, detained dual nationals are coerced into making “confessions” that are then broadcast on state TV as part of “documentaries”, and used as “evidence” to convict them in grossly unfair trials. These programmes promote the state narrative portraying dual and foreign nationals as agents of other states orchestrating a “soft overthrow” of the Islamic Republic including through their academic and media work. The targeting of dual and foreign nationals, in particular those perceived as affiliated with foreign academic or media institutions, and their characterization as “enemy agents” and “infiltrators” threatening national security has proliferated in recent years following the Supreme Leader Ali Khamanei’s repeated references, particularly between March 2015 and March 2016, to the threat of “enemy infiltration” and the “infiltration project”. The Supreme Leader accompanied his warnings about cultural, political, social and intellectual “infiltration” with calls on the Revolutionary Guards to take action and confront the “enemy”.

In addition to the state narrative dubbing dual and foreign nationals as security threats, a parallel narrative exists in which officials as well as state media outlets and those with close ties to state bodies refer to the “importance” of detained dual and foreign nationals, thus indicating that their detention may be used for gaining political, diplomatic and economic leverage. For example, in October 2017, Tehran’s prosecutor [stated](#) that a letter from then UK prime minister David Cameron proved that Nazanin Zaghari-Ratcliffe was important for the UK. Jason Rezaian, an Iranian-American journalist who was held in Iran for 18 months prior to his release in January 2016, was also repeatedly [described](#) as “important” and “valuable” for the US in the state media. Although Iran’s ministry of foreign affairs officials have [insisted](#) that his release together with four American and Iranian-American detainees was part of a prisoner exchange deal alone and not in return for the release of funds by the US, [state media and outlets affiliated to state bodies](#) as well as [some officials](#) have persistently connected the payments and the release of detainees. Amnesty International notes that even if the release of Jason Rezaian was only part of a prisoner swap, this would not preclude the possibility of him having been held as a hostage by the Iranian authorities for the purpose of compelling a third party to release Iranian nationals detained abroad.

More explicit and alarming statements suggesting a broader practice of holding dual and foreign nationals for leverage have also been made by state officials. In January 2020, for instance, a former senior Revolutionary Guards official, in a [video clip](#) that circulated on social media, boasted that holding and releasing individuals in exchange for money was a source of income for the Revolutionary Guards.

In several of its decisions, the United Nations Working Group on Arbitrary Detention has stated that a number of dual and foreign, whose detention in Iran it examined, were targeted because of their status as [foreign](#) or [dual nationals](#). In his January 2022 report, the Special Rapporteur on Iran also [expressed concerns](#) about “the arbitrary detention of dual and foreign nationals, as a means to put pressure on foreign Governments”. In a previous report, he had [highlighted](#) that prisoner exchange deals suggested by Iran’s minister of foreign affairs as an option for the release of dual and foreign national raised “concerns about the veracity of the Government’s allegations against the individuals detained.”

Regardless of the initial motivations and the authorities’ reasons at the onset of the arrest of dual and foreign nationals, which may relate to their peaceful exercise of their human rights such as their academic or media work or activism, cases of arbitrary detention may transform into acts of hostage-taking if at any stage the detainee’s release becomes, either explicitly or implicitly, conditioned on another state or third party meeting the Iranian authorities’ demands.

RECOMMENDATIONS

Amnesty International calls on the Iranian authorities to:

- Provide Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori with full and effective reparation for the harm suffered in accordance with international standards, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- Immediately and unconditionally release all individuals, including dual and foreign nationals, arbitrarily detained solely for the peaceful exercise of their human rights or solely on the basis of their status. Release all others detained arbitrarily without legal basis or on the basis of proceedings that violate international norms related to the right to a fair trial, and if charged with internationally recognizable criminal offences, ensure that they are tried in accordance with international fair trial standards in proceedings that exclude coerced “confessions” and without recourse to the death penalty;
- Undertake urgent legislative, structural, political and other fundamental reforms to put an end to the crime of hostage-taking and other forms of arbitrary detention targeting, among others, dual and foreign nationals, and to

ensure that independent, impartial and thorough criminal investigations are carried out against those reasonably suspected of ordering, committing, aiding or abetting such unlawful acts, and that they are prosecuted in fair trials that do not involve seeking the death penalty, if enough admissible evidence against them is found.

Amnesty International calls on the UK government to:

- Exercise jurisdiction to investigate the crime of hostage-taking committed against Nazanin Zaghari-Ratcliffe by Iranian officials, and where there is sufficient admissible evidence, request extradition, issue arrest warrants, and seek to prosecute all those suspected of criminal responsibility before national courts in proceedings that meet international standards of fairness.

In light of ongoing concerns raised in this statement regarding the Iranian authorities' practice of using detained dual and foreign nationals as leverage, Amnesty International calls on all states whose nationals are at any point detained in Iran to:

- Urgently adopt policies to ensure that the cases of their detained nationals are promptly examined in accordance with the 1979 International Convention Against Taking of Hostages to determine whether the deprivation of liberty constitutes an act of hostage-taking, and if so, to take all appropriate measures to protect and secure the release of the hostages concerned and to promote accountability through both public statements and investigation and prosecution of suspected perpetrators. Given that deprivation of liberty could transform into an act of hostage taking at any stage following the arrest, all such cases must be subjected to regular reviews.

Amnesty International calls on all state parties to the International Convention Against Taking of Hostages to:

- Take all necessary measures to exercise extraterritorial jurisdiction in order to investigate the crime of hostage-taking committed against Nazanin Zaghari-Ratcliffe by Iranian officials where the suspected perpetrator is present in their territory and if there is sufficient admissible evidence, issue arrest warrants and seek to prosecute all those suspected of criminal responsibility before national courts in proceedings that meet international standards of fairness or extradite a suspect to a jurisdiction that will do so; and
- Co-operate in the prevention of the crime of hostage-taking and to take all practicable measures to prevent the commission of the crime of hostage-taking within and outside of their territories including prohibiting illegal activities by both state and non-state actors that encourage, instigate, organize or engage in the perpetration of acts of taking of hostages.

ANNEX – AMNESTY INTERNATIONAL DOCUMENTED CASES OF DUAL NATIONALS ARBITRARILY DETAINED IN IRAN SINCE 2016

Amnesty International has documented the cases of seven dual nationals arrested and arbitrarily detained by the Iranian authorities since 2016, who remained held in Iran at the time of writing, and whose cases are detailed in the Annex.² The organization emphasizes that this list is not exhaustive and the real number of dual and foreign nationals arbitrarily detained in Iran is likely to be much higher. However, given the lack of transparency in Iran’s justice system and fear of reprisal and systematic repression of victims, their family members and civil society, many human rights violations go unreported. Amnesty International is also aware of cases of detained dual and foreign nationals whose relatives based outside of Iran decided not to make their detention public in the hope of securing their release through diplomatic channels. The organization is also currently investigating additional cases of dual and foreign nationals. This Annex will be updated accordingly to include their details.

Of the dual and foreign nationals whose cases have been detailed in this Annex, two were arrested in 2016, one in 2018, one in 2019, and three in 2020. Two of them are Austrian-Iranian nationals, two German-Iranian, one Swedish-Iranian, one British-Iranian, and one British-Iranian-American.

Amnesty International calls on the Iranian authorities to immediately and unconditionally release all individuals, including dual and foreign nationals, arbitrarily detained solely for the peaceful exercise of their human rights or solely on the basis of their status. The organization also calls for the release all others detained arbitrarily without legal basis, or on the basis of proceedings that violate international norms related to the right to a fair trial; and if charged with internationally recognizable criminal offences, ensure that they are tried in accordance with international fair trial standards in proceedings that exclude coerced “confessions” and without recourse to the death penalty. Pending their releases, the Iranian authorities must ensure that they are provided with adequate medical care and access to their relatives, lawyers of their choosing and consular assistance.

1. AHMADREZA DJALALI



Nationality
Swedish-Iranian

Date of arrest
26 April 2016

Sentence
Sentenced to death on the charge of “corruption on earth” through “espionage”

² Shokrollah Jebeli, an Australian-Iranian national died in custody in March 2022 after more than two years of torture and other ill-treatment through the denial of access to adequate specialized medical care.

Swedish-Iranian academic and medical doctor Ahmadreza Djalali, aged 51, remains on death row and at risk of execution after being convicted of the offence of “corruption on earth”, a charge that fails to meet requirements for clarity and precision needed in criminal law and breaches the principle of legality and legal certainty.

In May 2022, after reports emerged about the looming execution of Swedish-Iranian academic, Ahmadreza Djalali, Amnesty International carried out an [examination](#) of mounting evidence in his case which indicated that the Iranian authorities are holding him hostage and threatening to execute him to compel third parties to swap him for former Iranian officials convicted and/or on trial abroad. The organization is calling on members of the international community to accelerate efforts to protect his right to life and endorse the call for an independent and transparent investigation into evidence indicating that the arbitrary deprivation of Ahmadreza Djalali’s liberty and ongoing threats to execute him constitute acts of hostage-taking.

Ahmadreza Djalali was arrested on 26 April 2016 and was held for three months in solitary confinement, without access to a lawyer. Ahmadreza Djalali said that during this period he was subjected to torture and other ill-treatment in order to force him to “confess” to being a spy. He has said that he was forced to read out “confessions” pre-written by his interrogators in front of a video camera. Ahmadreza Djalali denies the accusations against him. In a letter written from inside Evin prison in August 2017, Ahmadreza Djalali said he was held solely because of his refusal to use his academic ties in European institutions to spy for Iran.

In October 2017 and after a grossly unfair trial, Branch 15 of the Revolutionary Court in Tehran convicted Ahmadreza Djalali of “corruption on earth” and sentenced him to death. The court primarily relied on “confessions” that Ahmadreza Djalali says were obtained under torture and other ill-treatment while he was held in prolonged solitary confinement without access to a lawyer. These included threats to execute him, kill or otherwise harm his children and his mother. On 9 December 2018, his lawyers learned that Branch 1 of the Supreme Court had upheld his death sentence without granting them an opportunity to file their defence submissions on his behalf. At least two requests for a judicial review of Ahmadreza Djalali’s case have been rejected by the Supreme Court. Ahmadreza Djalali has never been allowed access to consular assistance from Sweden.

2. KAMRAN GHADERI



Nationality
Austrian-Iranian

Date of arrest
2 January 2016

Sentence
Ten years in prison for the charge of “co-operating with hostile states against the Islamic Republic”

Austrian-Iranian businessman [Kamran Ghaderi](#), aged 58, is serving a 10-year prison sentence after being convicted of the charge of “co-operating with hostile states against the Islamic Republic” in a grossly unfair trial. Ministry of Intelligence agents arrested him on 2 January 2016 at Imam Khomeini airport in Tehran, upon his arrival to the country for a family visit. He had previously

travelled to Iran in October 2015 as part of an Austrian trade delegation with senior Austrian government officials, including then Austrian President Heinz Fischer. Following his arrest, the authorities held Kamran Ghaderi in prolonged solitary confinement for nearly a year and denied him access to a lawyer for over seven months during which period he was subjected to interrogations and put under duress to sign pre-written “confessions” against himself, alleging that he was working for the governments of Austria and the USA. The authorities only allowed him access to a lawyer two days prior to his August 2016 trial before a Revolutionary Court in Tehran in violation of his right to adequate time and facilities to prepare a defence. At his trial, the court relied on his forced “confessions” to convict him of the “co-operating with hostile states against the Islamic Republic”, a charge based on Article 508 of the Islamic Penal Code which lacks clarity and precision and as such contravenes the principle of legality. Kamran Ghaderi’s conviction was upheld on appeal in October 2016 and a request for judicial review by the Supreme Court, which was filed in December 2016, was subsequently rejected. Kamran Ghaderi has never been allowed access to consular assistance from Austria.

Kamran Ghaderi has had several health problems since his arrest in January 2016. On 12 February 2018 and after experiencing severe pain throughout 2017 and into 2018, he underwent surgery on his spine. The authorities only allowed him access to medically-prescribed post-surgery physical therapy after significant delays and cut his treatment period short. He is also denied adequate healthcare for a tumour in his left leg, which requires regular check-ups and treatment.

3. MORAD TAHBAZ

**Nationality**

British-American-Iranian

Date of arrest

19 January 2018

Sentence

Ten years in prison for the charge of “co-operating with hostile states against the Islamic Republic”

Morad Tahbaz, a 66-year-old British-American-Iranian conservationist, is serving a 10-year prison sentence in Tehran’s Evin prison. Revolutionary Guards agents arrested Morad Tahbaz in Tehran on 19 January 2018 in connection with his [efforts to promote conservation](#) of wildlife with the Persian Wildlife Heritage Foundation working to save endangered animals in Iran. Following his arrest, Morad Tahbaz was held in prolonged solitary confinement. He reports that during this period he was subjected to lengthy coercive interrogations and forced to provide “confessions”. In December 2019, following a grossly unfair trial, Branch 15 of the Revolutionary Court of Tehran convicted him of “cooperating with a hostile state against the Islamic Republic”, an overly broad and vague charge

that contravenes the principle of legality, and sentenced him to 10 years in prison. His conviction and sentence were upheld on appeal in January 2020. During the trial and appeal, Morad Tahbaz was denied an independent lawyer of his own choosing and was instead forced to accept a lawyer from a list vetted and approved by the head of the judiciary. In January 2022, his current lawyer filed a request for judicial review to the Supreme Court, which remains pending. Morad Tahbaz has never been allowed consular assistance from the UK or Switzerland which represents the US in Iran.

On 16 March 2022, on the same day British-Iranian nationals, Nazanin Zaghari-Ratcliffe and Anoosheh Ashoori were released, agents from the Revolutionary Guards told Morad Tahbaz that he was granted temporary prison leave and transported him from Evin prison to a family home in Tehran. He remained there under house arrest with agents stationed inside the home and closely monitoring him until 18 March, when he was returned to Evin prison.

The authorities have denied Morad Tahbaz access to adequate specialized medical care for multiple serious health conditions, including regular cancer screenings and daily catheters.

4. MASSUD MOSSAHEB

**Nationality**

Austrian-Iranian

Date of arrest

29 January 2019

Sentence

22 years in prison for the charges of “espionage for Germany”, “collaborating with a hostile government”, in reference to Israel, and “receiving illicit funds” from both governments

Massud Mossaheb, an Austrian-Iranian mechanical engineer, is serving a lengthy prison term imposed after a [grossly unfair trial](#) for vague national security offences. Plainclothes Ministry of Intelligence agents arrested Massud Mossaheb in Tehran on 29 January 2019 and held him in a hotel room for three days. According to informed sources, during this period, they subjected him to torture through sleep deprivation, interrogated him without a lawyer present, and coerced him into signing two documents by falsely promising to release him and allow him to return to Austria. They then transferred him to Section 209 of Evin prison where, according to informed sources, he was tortured including through prolonged solitary confinement, denial of medical care, threats of flogging and bombardment with bright electric lights for 24 hours a day, causing him sleep deprivation and mental distress. The authorities also forced Massud Mossaheb to read pre-written incriminating “confessions” on camera thereby violating his rights to presumption of innocence, not to self-incriminate and to be protected from torture and other ill-treatment. They denied him access to a lawyer during the investigation phase and his chosen lawyer was rejected by the presiding judge in Branch 15 of the Revolutionary Court in Tehran who, instead, appointed one from a state-approved list.

On 27 April 2020, the court convicted Massud Mossaheb of “espionage for Germany”, “collaborating with a hostile government”, in reference to Israel, and “receiving illicit funds” from both governments. He was sentenced to 22 years in prison. He has denied all charges. His trial was grossly unfair, with the court relying on torture-tainted “confessions”, which he retracted in court and told the judge he had made under torture. His sentence was upheld without an appeal hearing. Under Iran’s sentencing guidelines, he will be required to serve 10 years.

Massud Mossaheb has serious medical conditions, including heart and kidney failure, diabetes and high blood pressure, for which he needs ongoing specialist medical care and daily access to medication.

5. JAMSHID SHARMAHD



Nationality
German-Iranian

Date of arrest
Late July 2020

Charges
Charged with the capital offence of “corruption on earth”

Jamshid Sharmahd, a 66-year-old German-Iranian political dissident, is [forcibly disappeared](#) and is at risk of being sentenced to death. Following his abduction in late July 2020, which involved, according to statements made by Iran’s Minister of Intelligence, “complex operations” to bring him back to Iran from abroad, Jamshid Sharmahd was initially permitted infrequent phone calls to family in the presence of intelligence agents. However, these calls have been banned since September 2021. He last appeared before Branch 15 of the Revolutionary Court of Tehran on 6 March 2022 to face the charge of “corruption on earth” in connection with his involvement in the Kingdom Assembly of Iran, an opposition collective that advocates for an end to the Islamic Republic system. Prosecution authorities have denied Jamshid Sharmahd his right to be represented by a lawyer of his own choosing, and he has been forced to accept a lawyer from a list approved by the head of the judiciary. This lawyer was notified just 24 hours in advance of his first hearing on 6 February 2022 and has met with him only twice, thereby violating Jamshid Sharmahd’s right to adequate time and facilities to prepare a defence. Since his arbitrary detention, state television has aired propaganda videos showing Jamshid Sharmahd “confessing” to having a role in an April 2008 explosion in Shiraz, Fars province, in which 14 people were killed according to Iranian state media, violating his right to the presumption of innocence, not to self-incriminate and to be protected from torture and other ill-treatment. Jamshid Sharmahd’s family has denied his involvement in any violent acts. Jamshid Sharmahd has never been allowed consular assistance from Germany.

The Iranian authorities have refused to disclose Jamshid Sharmahd’s place of detention to his family or lawyer; as such, he remains outside the protection of the law. On 23 March 2022, he was able to briefly call his family and revealed he has been held in prolonged solitary confinement since his arbitrary detention, in violation of the absolute prohibition against torture and other ill-treatment, and

is being denied adequate access to healthcare, including denial of specialized medical care and daily medications for his serious health conditions, including diabetes, heart disease and Parkinson's disease.

6. NAHID TAGHAVI



Nationality
German-Iranian

Date of arrest
16 October 2020

Sentence
10 years and eight months in prison for the charges of “forming a group composed of more than two people with the purpose of disrupting national security”

German-Iranian women's rights activist Nahid Taghavi, aged 67, is serving a [10-year prison sentence](#) in Tehran's Evin prison for peacefully exercising her rights to freedom of expression and association, including supporting workers' and women's rights. Agents belonging to the Revolutionary Guards arrested Nahid Taghavi at her home in Tehran on 16 October 2020. She was not allowed contact with the outside world until 28 October 2020, when she was permitted a very short telephone call with her family to let them know that she was being held in Evin prison. The authorities held her in prolonged solitary confinement in violation of the absolute prohibition of torture and other ill-treatment. During this period, interrogators repeatedly subjected her to coercive questioning without the presence of lawyers. On 4 August 2021, Branch 26 of the Revolutionary Court of Tehran convicted Nahid Taghavi, along with Mehran Raouf, a British-Iranian activist of “forming a group composed of more than two people with the purpose of disrupting national security”, in apparent reference to a social media account that posts about women's rights and “spreading propaganda against the system” and sentenced them to 10 years and eight months in prison. Their trial was grossly unfair. Nahid Taghavi was denied the right to adequate defence and to communicate with their lawyer prior to the first trial session on 28 April. Nahid Taghavi did not appeal her conviction and sentence, including because she considered the proceedings unjust. Nahid Taghavi has never been allowed consular assistance from Germany.

Nahid Taghavi is suffering chronic back pain and is denied surgery on her spine, which specialist doctors said she urgently requires.

7. MEHRAN RAOOF



Nationality

British-Iranian

Date of arrest

16 October 2020

Sentence

10 years and eight months in prison for the charges of “forming a group composed of more than two people with the purpose of disrupting national security”

British-Iranian labour rights activist Mehran Raof, aged 65, is serving a [10-year prison sentence](#) in Tehran’s Evin prison for peacefully exercising his rights to freedom of expression and association, including supporting workers’ rights. Mehran Raof was arrested at his home in Tehran on 16 October 2020. Following his arrest, the authorities, in violation of the absolute prohibition of torture and other ill-treatment, held Mehran Raof in solitary confinement for one month before moving him to a room with at least one other person. During this period, interrogators repeatedly subjected him to coercive questioning without the presence of lawyers. Amnesty International learned that interrogators also subjected Mehran Raof to torture and other ill-treatment including by threatening to harm him if he did not cooperate and holding him in a room with the lights on 24 hours a day, which caused him mental distress. On 4 August 2021, Branch 26 of the Revolutionary Court of Tehran convicted Mehran Raof, along with Nahid Taghavi, a German-Iranian activist, of “forming a group composed of more than two people with the purpose of disrupting national security”, in apparent reference to a social media account that posts about women’s rights and “spreading propaganda against the system” and sentenced them to 10 years and eight months in prison. Their trial was grossly unfair. Mehran Raof was barred from meeting his lawyer throughout trial and only met him during hearings. His appeal is pending. Mehran Raof has never been allowed access to consular assistance from the UK.