

QUESTIONS & ANSWERS

on the

INDEPENDENT INTERNATIONAL

FACT-FINDING MISSION

ON THE ISLAMIC REPUBLIC OF IRAN

MARCH 2023

PRODUCED BY

IMPACT IRAN

INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON THE ISLAMIC REPUBLIC OF IRAN (“FFMI”)

What is the FFMI, its role and its mandate?

*What is the FFMI's relationship with the UN Special Rapporteur
on the situation of human rights in Iran?*

What is the FFMI expected to achieve?

How can one engage with the FFMI?

Introduction

The past decade has seen a substantial shift in support of UN bodies — the UN General Assembly (UNGA), Security Council (UNSC), and Human Rights Council (HRC) — for investigation mechanisms that can make direct contributions to tackling impunity for some of the most serious breaches of international human rights, humanitarian, and criminal law.

This includes [establishing commissions of inquiry \(COIs\), fact-finding-missions \(FFMs\), and Independent Investigative Mechanisms \(IIMs\).](#)

This development in the global justice and accountability infrastructure recognizes that establishing facts to determine human rights violations is critical, but not always sufficient to hold perpetrators to account, bring truth, justice, and reparation to victims and prevent recurrence.

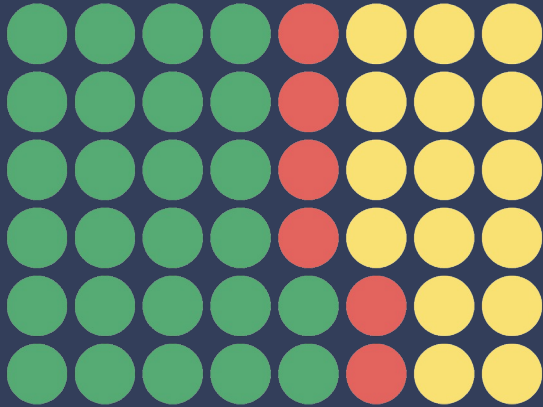
Mandates such as fact-finding missions are crucial in ensuring that the path toward accountability continues beyond establishing facts, especially in contexts where there is no avenue for domestic justice. Critically, these mechanisms make findings on whether a State has violated its international human rights obligations, thus officially engaging the State's responsibility under international law to take action to address and redress violations. Fact-finding missions also make recommendations for States, the UN, and the international community to take measures to remedy violations, ensure the right to truth, justice, and reparations for the victims, and hold those responsible accountable. They may also contribute by cooperating in legal proceedings, including against alleged individual perpetrators. As such, fact-finding missions are key in supporting and strengthening efforts to counter impunity.

2. Why did the UN Human Rights Council establish the Independent International Fact-Finding Mission on the Islamic Republic of Iran (“FFMI”)?

Iranian and international NGOs, UN human rights experts, and other stakeholders have been calling for an international independent fact-finding mission to document human rights violations related to the protests sparked on 16 September 2022, the day of the death in custody of Jina Mahsa Amini, following her arrest for wearing her hijab “improperly.” The protests quickly expanded throughout the country, taking place in over 150 cities and 140 universities in all 31 provinces of Iran, and were systematically met with State violence and repression. Civil society and OHCHR received numerous reports of law enforcement’s unnecessary, disproportionate and lethal use of force and the widespread use of live ammunition, birdshot, and other metal pellets, teargas, and batons by security forces against peaceful protesters and bystanders, including children, who posed no threat to life. As of February 2023, over 480 individuals, including at least 64 children, were reportedly **killed** during protests. Minority regions were and continue to be disproportionately affected, especially in terms of casualties.

More than 19,000 civilians have reportedly been **arrested and detained** since September 2022 without due process guarantees and have been regularly subjected to torture and other ill-treatment, including forced confessions, some of them broadcasted on state media. Alleged protesters have been **executed** following fast-track legal proceedings that violate fair trial standards, which the High Commissioner for Human Rights Volker Türk described as the State’s **“weaponization of criminal procedures to punish people for exercising their basic rights.”**

During the 35th Special Session of the Human Rights Council, draft resolution A/HRC/S-35/1 was adopted with **25** voting in favour, **6** against, and **16** abstaining.



At the initiative of Germany and Iceland, the UN HRC decided to convene a **Special Session** during which it adopted a resolution creating the FFMI to help address the “**full-fledged human rights crisis**” in Iran and investigate reports of what may amount to violations of international human rights law perpetrated on a widespread and systematic scale. Domestic investigations, including those into Jina Mahsa Amini’s death, have reportedly failed to meet international standards of impartiality, independence, and transparency. The UN Special Rapporteur on the human rights situation in Iran, Javaid Rehman, **concluded** in his March 2022 **report** that “there is a complete absence of accountability for crimes under international law and other serious human rights violations in Iran, with no prospects that it could be achieved at the domestic level,” and resulting in a situation of persistent impunity in Iran.

Therefore, by establishing an independent fact-finding body, the UN HRC aims to:

- Overcome some of the obstacles faced by Iranian civil society and justice actors in documenting human rights violations in Iran related to the protests that started on September 16th, 2022;
- Make findings on whether human rights violations have been/are being perpetrated in this context, which would, in turn, engage the Islamic Republic’s responsibility under international law, answer for violations to those affected and take appropriate and remedial actions.
- Collect, consolidate, analyze, and preserve evidence, including in view of cooperation in any legal proceedings.

3. What is the scope of the FFMI's mandate?

The UN HRC has tasked the FFMI to :



“Thoroughly and independently investigate alleged human rights violations in the Islamic Republic of Iran [...]”

This means that the FFMI's mandate is not limited by the type or gravity of human rights violations or the location of their alleged occurrence within Iran's territory. A “human rights violation” designates any action, or inaction, of a state resulting in a breach of its international legal obligations under international human rights law.



“[...]related to the protests that began on 16 September 2022, especially with respect to women and children;”

The FFMI may interpret its mandate as including the investigation of alleged violations that occurred in relation to the protests and that have root causes predating 16th September 2022. The FFMI will examine how women and children have been affected by and targeted for human rights violations in relation to the protests.



“Establish the facts and circumstances surrounding the alleged violations;”

Based on the thorough analysis of all information gathered, the FFMI will establish facts and circumstances, analyze them in light of international human rights law and make findings on violations. Violations of human rights engage the State 's responsibility under international law and requires action under international law.



“Collect, consolidate and analyse evidence of such violations and preserve evidence, including in view of cooperation in any legal proceedings;”

Beyond establishing human rights violations and engaging State responsibility, the FFMI is tasked to preserve evidence in such a way that may contribute to legal proceedings, such as civil and/or criminal proceedings seeking to hold accountable individuals responsible for human rights violations.



“Engage with all relevant stakeholders, including the Government of the Islamic Republic of Iran, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, relevant United Nations entities, human rights organizations and civil society.”

This means the FFMI enjoys and is entitled to seek the cooperation of all actors named in this resolution's paragraph. Cooperation activities may include support to meet and engage with key actors and stakeholders, including protecting victims and other sources.

What does it mean to...

“...investigate alleged human rights violations” related to the protests

One of the FFMI's first tasks will be for its experts to interpret their mandate within the framework of the UNHRC resolution establishing the FFMI. FFMI's experts may decide (or not) to analyze particular events predating the protests, as well as political and legal structures, prioritize specific alleged human rights violations, and investigate certain actions and actors, as long as it is relevant to alleged human rights violations “related to the protests that began on 16 September 2022.” Experts will independently determine the methodology of their inquiry and how they may deliver their findings, conclusions, and recommendations per their mandate and allocated resources. The FFMI is also explicitly tasked to give particular focus to women and children throughout the implementation of its mandate.

The FFMI's [call for submission](#) provides additional insight into the alleged human rights violations the mission will seek to investigate. In addition, the FFMI may choose to address the underlying causes of the protests, such as systemic and systematic gender-based discrimination and violence, as well as circumstances that enabled the scale and violence of state-sanctioned repression. Experts may also seek clarity on the events related to Jina Mahsa Amini's custodial death, its root causes, and ramifications, should they find them relevant to the FFMI's mandate.

“Establish the facts and circumstances surrounding the alleged violations”

Based on the facts it has established, the FFMI will make findings on human rights violations in relation to the protests that began in September 2022. If human rights violations are established, such findings would, in turn, engage the Islamic Republic's responsibility to answer to those affected for violations and take appropriate and remedial actions accordingly.

The FFMI may link violations to specific actors, including state institutions and structures, and recommend appropriate redress, remedy, protection, and prevention measures. The FFMI may also identify viable pathways to accountability, including measures to address wrongdoings by state institutions and other actors responsible at the domestic level. The FFMI may point to international avenues and/or avenues in other States to ensure that impunity is addressed and that individuals responsible are held accountable.

“... in view of cooperation in any legal proceedings”

Beyond establishing human rights violations and engaging State responsibility, the FFMI may also conclude that the evidence it has collected and analyzed may point to the possible commission of crimes under international law (e.g., crimes against humanity, torture, enforced disappearance and other crimes under international law). In such cases, international law requires further criminal investigations in view of holding the individuals responsible accountable. “In view of cooperation in any legal proceedings” emphasizes the role the FFMI may play in supporting such legal proceedings.

The UN HRC tasked the FFMI to gather evidence surrounding alleged human rights violations in a way that would support legal proceedings, including those that seek to hold accountable individuals responsible for crimes under international law in relation to the protests that began in September 2022. This supposes that the FFMI should follow a methodology to collect/consolidate/preserve evidence in a way useful to legal proceedings, including criminal and civil legal avenues as well as other judicial accountability processes.

The FFMI's team

3 Experts appointed by the President of the Human Rights Council. The President of the Human Rights Council sought recommendations from various stakeholders and expressions of interest to find highly qualified and impartial candidates to fill these positions. They are independent, serve in their personal capacity and do not receive any remuneration.



SARA HOSSAIN,
CHAIR
(BANGLADESH)



**SHAHEEN
SARDAR ALI**
(PAKISTAN)



**VIVIANA
KRSTICEVIC**
(ARGENTINA)

18 supporting staff selected with the support of the Office of the United Nations High Commissioner for Human Rights ("OHCHR"). The Secretariat will be hosted by the UN in Geneva.

1. **Coordinator of the FFMI**
2. **Investigation Team Leader**
3. **Investigator 1**
4. **Investigator 2**
5. **Investigator 3 - Child Rights**
6. **Investigator 4 - Sexual and Gender Based Violence**
7. **Investigator 5 - Open Source**
8. **Investigator 6 - Open Source**
9. **Political Affairs Officer**
10. **Gender Advisor**
11. **Information and Evidence Officer**
12. **Analyst / Reporting Officer**
13. **Interpreter / Translator 1**
14. **Interpreter / Translator 2**
15. **Administrative Assistant**
16. **Legal Advisor**
17. **Security Coordination Officer**
18. **Media Officer**

For details on each position's role and functions, click [here](#).

For detailed biographies, click [here](#).



OHCHR provides expertise and support to the investigative mechanisms, including advising on mandate development, investigation methodology and applicable international law, setting up secretariats with specialist staff and providing administrative, logistical and security support.

4. How does the FFMI differ from a UN Special Rapporteur on the situation of human rights in Iran?

The UN Special Rapporteur on the situation of human rights in Iran

The UN Special Rapporteur on the situation of human rights in Iran is an independent expert tasked to monitor, investigate and advise the UN HRC on human rights issues in Iran. The Rapporteur primarily looks at the Government's compliance with all its human rights obligations under international law. The Rapporteur draws general trends of concerns, highlights emblematic evidentiary cases, and provides recommendations to the Iranian Government and the international community to address them.

The Rapporteur submits their findings and recommendations in the form of public reports to the UN HRC and the UN General Assembly. They may also transmit urgent appeals and letters to Iran on alleged human rights violations. The Rapporteur engages publicly on human rights issues of concern, making them visible to international stakeholders and the public at large and, at times, generating high-level political will and diplomatic support for subsequent political processes. It is through this lens that the Rapporteur seeks to enhance accountability and advocate for concrete steps toward improved protection of human rights in Iran.

The Rapporteur is not limited in the timeframe, location within Iran's territory, or human rights issues they choose to highlight — they may choose to focus on a particular issue, group of cases, or communities.

With contributions from civil society, the Rapporteur can compile relevant evidence and information about human rights violations and abuses. This includes information on arbitrary detentions and maltreatment, such as inappropriate use of force or torture, as well as any loss of life that has occurred. This also includes information about legislation, administrative orders, and other policies which may be causing violations of civil and political, economic, social, and cultural rights for the inhabitants of Iran. Collectively, this undertaking helps establish patterns of violations taking place across the country and provides an accurate picture of emerging areas of concern. Finally, the Rapporteur is tasked with recognizing any dangers on the horizon and to present recommendations for addressing existing concerns or reducing the risk of future violations.

The Fact-Finding Mission on Iran (“FFMI”)

In contrast with the Special Rapporteur, the FFMI has a fixed timeline and mandate. Rather than taking a broad-spectrum, holistic approach to the human rights situation in Iran as the Special Rapporteur does, the FFMI will solely focus on investigating alleged violations related to protests that began on 16 September 2022, especially with respect to women and children.

The FFMI is primarily tasked to investigate facts and circumstances and make findings on whether human rights violations in relation to the protests have occurred. The finding of human rights violations engages State's responsibility to take action to address and redress violations as required by international law. Notably, the State responsible for human rights violations is legally bound to provide a remedy to the causes and consequences of violations, ensure truth, justice, reparation, and protection to those affected, and guarantee non-recurrence. The State is also responsible for holding those responsible for human rights violations accountable. The FFMI may issue concrete recommendations to ensure that such steps are taken, if relevant, which may engage domestic actors, the UN, member states, and the international community.

Additionally, the FFMI was allocated necessary resources to carry out its investigation in a way that foresees cooperation with “any legal proceedings.” “Legal proceedings” refer to criminal and civil legal avenues as well as other judicial accountability processes. Criminal proceedings may include litigations that would seek to hold accountable the individuals responsible for human rights violations related to the protests in Iran, notably violations that may amount to crimes under international law (e.g. crimes against humanity, torture, enforced disappearance).

While the FFMI is not a judicial body and cannot issue enforceable legal judgments or establish individual liability as courts do, the UNHRC established the FFMI with the resources and expertise that enable the mission to contribute to proceedings before bodies that have such jurisdiction. This means, for instance, that the FFMI may collect, analyze and preserve evidence in a way that could be used in legal proceedings, including criminal and civil legal avenues.

The FFMI was provided with greater resources than what is generally given to a Special Rapporteur.

The Rapporteur was allocated USD **464,200** for the year 2022/2023. In contrast, the budget of the FFMI is USD **3,674,000** for the period from March 2023 to March 2024, which in turn allows for the following:

- Greater investment in information gathering capacity, including information management, information security, and digital forensics (both in staffing, infrastructure, processes, and tools);
- Greater investments in technology and the use of digital tools, notably in the analysis of information collected; and
- A more deliberate effort to recruit personnel with relevant international criminal law expertise to carry out and drive investigations according to criminal justice standards.

Civil society may submit any information to the FFMI per its call for submission in Farsi/Persian and English.

6. What will the FFMI do to fulfill its mandate?

The FFMI's experts must first interpret their mandate before setting out to implement it. This means that the FFMI will first decide in simple and unambiguous terms what its investigation will cover in terms of:

- 1) **geographical scope** (whether the investigation will cover the whole country or parts of it)
- 2) **time period** (whether the FFMI will deal with events predating 16 September 2022, for instance),
- 3) **human rights issues and violations** (whether it will prioritize certain violations while maintaining a special focus on women and children, as per the resolution),
- 4) **events and actors** of concern to the investigation.

The FFMI will also determine the methodology of work of their inquiry, for instance, the standard or proof the FFMI will follow throughout its investigation. Fact-finding missions typically do so by adopting "Terms of References."

The UN has established a set of principles and standards to which all fact-finding missions are required to adhere. For instance, the FFMI must be independent, impartial, transparent, and objective in fulfilling its mandate.

The FFMI must also reflect the following principles in its methods of work and rules of procedures:

- **Do no harm;** while the FFMI cannot guarantee the safety of the persons it comes to contacts with, the FFMI should avoid jeopardizing a person's life, safety, freedom, and health under all circumstances.
- **Confidentiality** of the identity of interested persons and the information they provide
- **Clarify limitations** regarding the FFMI's ability to guarantee a person's protection;
- **Participatory approach** to protection, by taking the interested person's views and knowledge into account and involving them in risk assessments and the choice of protection measures;
- **Context-specific protection** based on the situation's concrete circumstances, including political and security factors, the commitment of the national authorities to the process, existing witness protection frameworks, and the FFMI's capacity and resources.

When carrying out their investigation, fact-finding missions generally rely on a broad and diverse range of sources of information and evidence, both primary (e.g., as victims, witnesses, investigators' direct observations at the locations where facts occurred and declarations by alleged perpetrators, medical reports detailing injuries or death certificates) and secondary (e.g., second-hand testimonies, the media, NGOs).

Fact-finding missions may also collect information and evidence through desk-based research (e.g., newspapers and other publications, news agencies, television stations, websites, NGO reports, government reports, social media, and United Nations reports), interviews with victims and witnesses, and other consultations with civil society, in-person visits (if security allows). Information may come in various forms, including oral and written testimonies of victims, their families, and witnesses; medical reports; court documents; video materials; photographs; satellite images and open-source information (publicly accessible, online and offline).

The UN HRC has expressly **requested** the FFMI to investigate all human rights violations “especially with respect to women and children.” As a result, the FFMI will analyze how women and children have been affected by and specifically targeted for human rights violations in relation to the protests that began in September 2022 in Iran, including by reason of entrenched discrimination and gender inequalities in law and practice. Therefore the FFMI may seek to collect information and evidence about the gendered causes and consequences of human rights violations in relation to the protests, address them in its analysis, and take them into account when formulating its recommendations.

The FFMI will decide its exact methodology to fulfill its task to “Collect, consolidate and analyze evidence of such violations and preserve evidence, including in view of cooperation in any legal proceedings,” including the parameters of said “cooperation.”

While the FFMI will not undertake its investigation with the formal authority, resources, and judicial tools (e.g., subpoena powers) that typically characterize legal proceedings such as criminal investigations, its “thorough” investigation may provide crucial information (e.g., context-related evidence) for legal proceedings against alleged responsible perpetrators of human rights violations related to the protests, including those that may amount to crimes under international law.

For instance, with the consent of those who provide the information and taking into consideration their security and mental/physical health, the FFMI may share such evidence to domestic, regional, and international human rights and accountability mechanisms for them to exercise their criminal jurisdiction or otherwise deliver other forms of accountability.

The HRC explicitly **called on** the Iranian authorities to grant “**unhindered access**” to the FFMI and to provide its experts with “all information necessary to allow for the proper fulfillment” of their mandate. However, the Government has **announced** that it will not cooperate with the mechanism. This likely includes denying access to places and people of interest to the mandate and requests for official data. Therefore, the FFMI will likely rely on other means to access victims and witnesses and verify and analyze information and data, which include cooperating with civil society organizations that have sources of information on the ground.

The FFMI is requested to submit a report on its work and findings to the UN HRC at its fifty-fifth session (March 2024).

The FFMI's report that will be presented in March 2024 is expected to:

- present the findings of the FFMI's investigation, including the documentation and analysis of alleged violations of international human rights law; and
- set out recommendations to the government of the Islamic Republic of Iran and to other States, the United Nations and the international community on necessary steps to prevent and remedy violations of international human rights law, including by identifying pathways to accountability, and measures toward redress, reparation, protection and prevention, and recommend appropriate action in that regard.

Although the FFMI's mandate is extensive, **resource limitations will impact its capacity** to investigate the sheer number of violations that have been and are being committed in Iran related to the protests that began in September 2022. As a result, the FFMI will be unable to investigate every violation perpetrated against every victim. In light of this, the FFMI may focus on violations that are representative of the types of violations being committed, as well as victims and, potentially, actors responsible. Other factors that the FFMI may take into account in determining which violations to investigate include their gravity and whether they may have been committed in a widespread or systematic manner.

7. How will the FFMI contribute to accountability and justice in Iran?

When fact-finding missions examine allegations of human rights violations, it is first the state's responsibility that is potentially engaged. It is incumbent on the state to respect and uphold human rights, and it is the task of a fact-finding mission to investigate whether or not there is a serious case to answer for the state in respect of allegations of human rights violations.

However, beyond engaging State responsibility under international law, fact-finding missions may also issue authoritative conclusions as to whether there is sufficient evidence to indicate that the human rights violations documented, for which the State is responsible, may as well amount to crimes under international law, thus also engaging individual criminal responsibility.

Such findings by a fact-finding mission solicit further civil and/or criminal proceedings in view of holding the individuals responsible accountable before a court. While the FFMI does not possess judicial powers – i.e., it cannot issue arrest warrants, prosecute suspects, hold judicial hearings, issue judicial verdicts, or establish individual liability/guilt against alleged perpetrators of international crimes, the FFMI has been tasked and entrusted with the resources to contribute to legal proceedings that have such jurisdiction.

The FFMI's thorough investigation and work to collect, preserve and analyze evidence of human rights violations, including those that may amount to crimes under international law, can prove essential to criminal investigations, possible indictments by a prosecutor, and convictions by a court of law.

While there is a lack of avenues for judicial accountability for those responsible for human rights violations and crimes under international law at the domestic level in Iran, foreign tribunals relying on the principle of **universal jurisdiction** and other forms of extraterritorial jurisdiction for international criminals may play an essential role in closing this accountability gap. Universal jurisdiction allows, and in certain circumstances requires, a State to prosecute crimes under international law committed anywhere in the world whenever the alleged perpetrator is present on such State's territory or is otherwise under its jurisdiction.

8. How can civil society engage with the FFMI?

The FFM has issued a [call for submissions](#) in [Farsi/Persian](#) and in [English](#) of relevant information and materials, the deadline for which is as soon as possible **but no later than 31 December 2023**.

To this end, victims, witnesses and their representatives, as well as any other interested individual or organization, may **submit information using the submission form** in [Farsi/Persian](#) or [English](#) to:

submissions-ffmiran@un.org

(Note: The FFMI will shortly provide a Proton Mail account as an additional option for submissions).

More information about the process and means by which information may be shared confidentially and securely is available in the call for submissions. The FFMI may also be reached through its general email address: ffmiran@un.org.

The FFMI Secretariat will determine additional methods for consulting with civil society actors and engaging with victims, witnesses and other sources. The FFMI will likely conduct both remote and in-person interviews, and may travel to specific locations to conduct interviews and visits to the extent the security situation allows.

The sources and content of the information provided to the FFMI will not be made public without the interested person's prior, express and informed consent. Even when the latter is provided, the final decision regarding the publication of such information rests with the FFMI.

BEFORE SENDING INFORMATION TO THE FFMI:

Please follow the safety measures described in the call for submission in [English](#) and in [Farsi](#)

Safety measures to submit information include :

Civil society should send information **from an encrypted email account** to help protect messages and attachments. Do not include sensitive information in the subject of the email. Attach all relevant written submissions, reports, documents and information.

For an additional layer of security, it is also recommended to encrypt files before attaching them to the email. **Do not include the password of the encrypted files in the email.** The FFMI will contact you in due time to access the files provided.

BEFORE submitting large videos, digital materials, or other files, please inform the FFMI in advance via submissions-ffmiran@un.org. The FFMI will contact you in due time to enable the submission of the big size file/s in a safe manner.

Suggested additional safety measures:

- Keep your communication with the FFMI **confidential**. Please do not, to the extent possible, tell your family, friends or others that you are communicating with the FFMI or sending information. observed.
- When communicating with the FFMI or sending information, please do so when there is no one around you. For example, **do not send information from public places** where you may be observed.
- After sending a message to the FFMI, **fully delete it from your device** (including from the Trash folder), and **do not save the FFM submission email address in your contacts**.

Please note that individual acknowledgements of receipt of information will not be sent.

KEY DATES

FFMI's oral update to the Human Rights Council during an interactive dialogue at its fifty-third session (June/July 2023)

FFMI's comprehensive report to be presented before the Human Rights Council during an interactive dialogue at its fifty-fifth session (March 2024)

JANUARY/MARCH 2023

JUNE / JULY 2023

31ST DECEMBER 2023

MARCH 2024

**Recruitment of
FFMI's staff**

**Deadline civil society
submissions to the
FFMI (31 Dec 2023)**

IMPACT IRAN

Impact Iran is designed to promote Iranian civil society efforts to engage with the wider UN human rights system, alongside various intergovernmental processes aimed at strengthening rights protections in Iran. Impact Iran's focus emanates from the belief that the sustainability of efforts to promote respect for human rights in Iran hinges on the capacity of Iranian civil society to effectively engage with and participate in the range of UN processes that promotes accountability and encourages implementation of Iran's international human rights obligations.

Impact Iran represents a coalition of 17 non-governmental organizations that draw attention to the situation of human rights in Iran, and encourage the Iranian government to address concerns expressed by the international community and international human rights bodies. We organize public advocacy campaigns aimed at the United Nations (UN) member states and lead high-level human rights discussions to collectively spark action by the international community to promote and protect the rights and dignity of all in Iran.

Questions and Answers

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