

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
UA UKR 3/2021

13 April 2021

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 44/5, 43/4, 43/24 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the possible deportation of Mr. Sam Yari from Ukraine to the Islamic Republic of Iran, where he would be at risk of being subjected to torture and of being sentenced to death.

According to the information received:

Context

Mr. Yari was born in Iran and began a career as a photographer in the country in 2011. He worked with fashion companies, photographing models and celebrities, including photographing women who were not wearing the hijab and were wearing clothes that did not cover all body parts. These photos, considered by the Iranian authorities as indecent or representing "western inspired lifestyles," were publicly posted and shared online.

While Iranian law does not prohibit photography, there are limitations on photography publications that are not clearly delineated. In 2014, the Islamic Revolutionary Guard Corps (IRGC) launched a surveillance programme known as "Operation Spider" to monitor social media. The IRGC stated this was aimed at identifying and arresting individuals active on social media who were contributing to 'spread[ing] corruption' and 'diminish[ing] the Iranian-Islamic way of life and targeting the holy institution of the family.'

In January 2016, seven fashion models were arrested including several individuals who had posted images of themselves in which they were not wearing a hijab. Mr. Yari had photographed one of the individuals. In May 2016, the Revolutionary Guards cybercrime investigation unit announced that the surveillance operation "Project Spider 2" had identified 58 fashion models, 51 fashion house owners and clothing designers, 59 photographers and makeup artists and two fashion institutes as liable for prosecution in

connection with their professional activities.<sup>1</sup> Some of these individuals faced charges including prostitution or promoting corruption and were interrogated for several days or weeks. They were released only after pleading guilty and publically apologizing for their actions. Further arrests of models, stylists and photographers were carried out in Qazvin in November 2016 after seven modelling businesses were shut down.

In 2016, fearing for his life and liberty, Mr. Yari left Iran and emigrated to Turkey where he continued to work as a professional photographer and established a company focused on photography and the provision of branding development and advertising services. In October 2020, he obtained Turkish citizenship.

Individuals involved in the fashion industry continue to face arrest in Iran. In 2019, the authorities summoned some Instagram users with large followings including models, musicians and dancers. Some of these individuals were detained and their Instagram accounts taken over by the authorities.

#### Arrest of Mr. Yari and charges against him

On 6 January 2021, Mr. Yari was arrested at the International Airport of Boryspil, Ukraine, and on 8 January 2021, the Boryspil District Court, Ukraine ordered his provisional detention for 40 days. Mr. Yari was informed that he was the subject of a request from the Iranian authorities through the INTERPOL Police Database. On 12 February 2021, the Shevchenkivskiy District Court of Kyiv, Ukraine ordered his detention while a decision is made on possible extradition to Iran.

In February 2021, the Iranian authorities provided the Ukrainian General Prosecutor's Office with an extradition request and associated documents. These documents indicate Mr. Yari is being sought based on an arrest warrant issued on 7 December 2020 by the Revolutionary Court in District 33 in Tehran and the Revolutionary Public Prosecutor's Office. The warrant accuses him of participating in human trafficking and gambling, money laundering and acquisition of property through illegal means. The arrest warrant refers in particular to his affiliation with clothing fashion brands and stores in Iran, his involvement in branding and advertising services, his photography of models and celebrities. The arrest thus appears to be primarily based on Mr. Yari's professional photography, branding and advertising work. The arrest warrant also alleges that Mr. Yari, along with accomplices, arranged the employment of men and women and transported them to Turkey to work in an escort and modelling business and that he received and laundered illegal money from this activity. Mr. Yari denies these charges.

The warrant alleges that the crimes were committed in cooperation with a journalist and businessman of Iranian origin who is popular on social media. This appears to indicate that the Iranian authorities may be targeting Iranians

---

<sup>1</sup> See also Situation of human rights in the Islamic Republic of Iran, A/71/418, para 45

with large social media followings who have emigrated to other States.

According to documentation related to the pre-trial investigation carried out by Iran, Mr. Yari is being investigated under case no. 9909980276200207 conducted by the Public and Revolutionary Prosecutor's Office in District 33 of Tehran. A number of individuals are reported to be part of the case and the charges listed are of association in *efsad-e fel-arz* – “corruption on earth” and gambling abroad.

#### Risk of the death penalty, torture and unfair trial

According to article 286 of the Criminal Code of Iran, persons who commit offences considered as corruption on earth “shall be sentenced to death.”<sup>2</sup> This charge has not been notified to INTERPOL or the Ukrainian authorities.

The Iranian Revolutionary Courts have jurisdiction over a wide range of vaguely defined offences including “corruption on earth,” and “insulting Islamic sanctities,” and have sentenced defendants to death on these charges. The charges that have been officially listed by the Iranian authorities in their request to Ukraine, could also be qualified by the Revolutionary Court as falling within the offences of “sowing corruption on earth” or “insulting Islamic Sanctities”.

Additionally, individuals in detention in Iran are at risk of torture and other forms of cruel, inhuman or degrading treatment including to extract confessions upon which they are later sentenced, including to death.<sup>3</sup>

Furthermore, judicial proceedings in Iran, in particular before the Revolutionary Courts, often violate other fair trial standards, including those related to access to legal representation at all stages of proceedings, access to information regarding charges and access to evidence.<sup>4</sup>

Without prejudice to the accuracy of the information received, we express serious concerns regarding the possible deportation of Mr. Sam Yari from Ukraine to the Islamic Republic of Iran, where he would risk being subjected to torture and the possible imposition of the death penalty.

Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which Ukraine ratified on 12 November 1973, guarantees the right to life and that no one shall be arbitrarily deprived of their life. Article 7 of the ICCPR guarantees that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or

---

<sup>2</sup> Article 286- “Any person, who extensively commits felony against the bodily entity of people, offenses against internal or international security of the state, spreading lies, disruption of the economic system of the state, arson and destruction of properties, distribution of poisonous and bacterial and dangerous materials, and establishment of, or aiding and abetting in, places of corruption and prostitution, [on a scale] that causes severe disruption in the public order of the state and insecurity, or causes harsh damage to the bodily entity of people or public or private properties, or causes distribution of corruption and prostitution on a large scale, shall be considered as *efsad-e fel-arz* [corrupt on earth] and shall be sentenced to death.”

<sup>3</sup> See for example, *ibid*, para 6, Situation of human rights in the Islamic Republic of Iran, A/75/213 paras 20 and 23 and Human Rights Committee, Concluding Observations, CCPR/C/IRN/CO/3 para 14

<sup>4</sup> See for example, Situation of human rights in the Islamic Republic of Iran, A/HRC/43/61, para 24

punishment, and so does the Convention against Torture (CAT) which Ukraine ratified on 24 February 1987. Article 19 of the ICCPR protects the “right to freedom of expression [...], regardless of frontiers, in writing or in print, *in the form of art*, or through any other media of his choice” (emphasis added).

Under international law, States that have abolished the death penalty cannot deport, extradite or otherwise transfer persons to a country in which they are facing criminal charges that carry the death penalty, unless credible and effective assurances against the imposition of the death penalty are obtained (Human Rights Committee, General Comment 36). We further highlight that according to article 3 of the CAT, no State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. In this regard, we note that the Special Rapporteur on the situation of Human Rights in the Republic of Iran has expressed concern at the high number of death sentences and executions in the Islamic Republic of Iran, including for acts that do not amount to the “most serious crimes” such as “corruption on earth,” and following unfair trials.<sup>5</sup> He has also expressed concern about the use of torture to extract confessions.<sup>6</sup>

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

**In view of the urgency of the matter, on the basis of the information received, we are respectfully urging your Excellency’s Government to ensure Mr. Yari is not extradited to the Islamic Republic of Iran.**

As is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the current legal proceedings in Ukraine related to Mr. Yari’s arrest, detention and possible extradition.
3. Please provide detailed information on the risk assessment carried out by the Ukrainian authorities to ascertain the risks that Mr. Yari may face, including the risk of being subjected to the death penalty, to torture or ill-treatment as well as arbitrary detention, if he is extradited to Iran, and how this assessment is compatible with the international legal obligations of Ukraine under the human rights conventions it has ratified, including the ICCPR and the CAT.
4. Please provide detailed information on the existing legal procedures in Ukraine ensuring the possibility for foreign nationals to challenge extradition requests against them and the safeguards applied in that

---

<sup>5</sup> Situation of human rights in the Islamic Republic of Iran, A/HRC/46/50, para 5

<sup>6</sup> Situation of human rights in the Islamic Republic of Iran, A/HRC/43/61 paras 48-57

regard.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

A copy of this letter is being sent to the governments of the Islamic Republics of Iran and the Republic of Turkey.

Please accept, Excellency, the assurances of our highest consideration.

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Javaid Rehman

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment