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IRAN: SWEDISH-IRANIAN DOCTOR HELD HOSTAGE AND AT RISK OF RETALIATORY EXECUTION

Mounting evidence strongly indicates that the Iranian authorities are holding Swedish-Iranian national **Ahmadreza Djalali** hostage and threatening to execute him to compel third parties to swap him for former Iranian officials convicted and/or on trial abroad as well as to refrain from future prosecutions of Iranian officials, said Amnesty International today urging for an immediate halt to plans to execute him.

Amnesty International is deeply alarmed that the Iranian authorities may carry out the execution of Ahmadreza Djalali, who is arbitrarily detained in Tehran's Evin prison, before 21 May 2022, in retaliation for the prosecution of Hamid Nouri, a former Iranian official, in Sweden for his alleged involvement in Iran's 1988 prison massacres.¹ Iranian state media reports published on 4 May 2022 warned of Ahmadreza Djalali's looming execution and explicitly linked his fate to the criminal proceedings against Hamid Nouri.² Amnesty International urges the international community to escalate efforts to protect the right to life of Ahmadreza Djalali 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 is a medical doctor and academic who was arbitrarily arrested in Tehran on 26 April 2016 while he was on a business trip in Iran. Before his arrest, he lived with his family in Sweden and was also a visiting professor in disaster medicine at the Vrije Universiteit Brussels in Belgium (for further information on his ties to Belgium, see subsection "Public comments by Belgian authorities" below). He was sentenced to death in October 2017 after a grossly unfair trial before Branch 15 of the Revolutionary Court in Tehran which relied on torture-tainted "confessions" to convict him of "corruption on earth" (*efsad-e fel-arz*) through "espionage". On 9 December 2018, his lawyers learned that the Supreme Court had upheld his death sentence in a summary manner and without granting them an opportunity to file their submissions. In a letter written from inside 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 the Iranian authorities.³

Regardless of the Iranian authorities' initial motivations and reasons for arbitrarily detaining and prosecuting Ahmadreza Djalali, Amnesty International's analysis of the current circumstances surrounding his case indicates that since at least late 2020, the Iranian authorities have been conditioning his fate on a "deal" with Belgium to swap Ahmadreza Djalali for former Iranian diplomat Asadollah Asadi and/or with Sweden to exchange him for former Iranian prison official Hamid Nouri. Asadollah Asadi was arrested in June 2018 and subsequently sentenced by a criminal court in Belgium to 20 years' imprisonment in February 2021 for his role in a thwarted bomb attack at a 2018 rally in France. Hamid Nouri was arrested in Sweden in November 2019 and tried for his alleged involvement in Iran's 1988 prison massacres⁴ under the principle of universal jurisdiction between August 2021 and May 2022; the outcome of his trial is expected on 14 July 2022.

¹ Amnesty International, "Iran: Momentous steps towards justice for 1988 prison massacres" (Index Number: MDE 13/1406/2019), 14 November 2019, [amnesty.org/en/documents/mde13/1406/2019/en](https://www.amnesty.org/en/documents/mde13/1406/2019/en)

² Iranian Students News Agency, "اجرای حکم «احمدرضا جلالی» تا پایان اردیبهشت", 4 May 2022, bit.ly/3PjP6TB; Fars News Agency, "حکم احمدرضا جلالی تا پایان اردیبهشت اجرا می‌شود", 4 May 2022, bit.ly/3LcOmFC; Alef, "اجرای حکم احمدرضا جلالی تا پایان اردیبهشت", 4 May 2022, bit.ly/3LcOmFC

³ Amnesty International, "Iran: Execution looms for tortured academic: Ahmadreza Djalali" (Index Number: MDE 13/5567/2022), 5 May 2022, [amnesty.org/en/documents/mde13/5567/2022/en](https://www.amnesty.org/en/documents/mde13/5567/2022/en); Amnesty International, "Iranian-Swedish Doctor At Risk of Execution: Ahmadreza Djalali" (Index Number: MDE 13/3396/2020), 26 November 2020, [amnesty.org/en/documents/mde13/3396/2020/en](https://www.amnesty.org/en/documents/mde13/3396/2020/en); Amnesty International, "Iranian-Swedish Academic Forcibly Disappeared: Ahmadreza Djalali" (Index Number: MDE 13/0853/2019), 6 August 2019, [amnesty.org/en/documents/mde13/0853/2019/en](https://www.amnesty.org/en/documents/mde13/0853/2019/en); Amnesty International, "Jailed Academic Needs Urgent Medical Care: Ahmadreza Djalali" (Index Number: MDE 13/0359/2019), 16 May 2019, [amnesty.org/en/documents/mde13/0359/2019/en](https://www.amnesty.org/en/documents/mde13/0359/2019/en); Amnesty International, "Doctor and academic sentenced to death: Dr Ahmadreza Djalali" (Index Number: MDE 13/7353/2017), 27 October 2017, [amnesty.org/en/documents/mde13/7353/2017/en](https://www.amnesty.org/en/documents/mde13/7353/2017/en);

⁴ Amnesty International, *Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity* (Index Number: MDE 13/9421/2018), 4 December 2018, [amnesty.org/en/documents/mde13/9421/2018/en](https://www.amnesty.org/en/documents/mde13/9421/2018/en)

Amnesty International's analysis that Ahmadreza Djalali's arbitrary detention and ongoing threats to execute him constitute the crime of hostage-taking is based on a considerable body of evidence, including:

- Iranian state media articles published on 4 May 2022;
- information obtained by Amnesty International from multiple informed sources regarding statements made privately by Iranian officials to Ahmadreza Djalali and others advocating on his behalf regarding his fate being contingent upon acts to be taken by Sweden and/or Belgium;
- distressing developments in Ahmadreza Djalali's circumstances coinciding with pivotal moments in the cases of Asadollah Asadi in Belgium and Hamid Nouri in Sweden, including Ahmadreza Djalali's transfer to solitary confinement, scheduling of his execution and warnings of his looming execution, as well as public proposals of prisoner swaps by Iranian officials;
- public comments made by Belgian officials; and
- issuance by the Swedish authorities of an advisory against non-essential travel to Iran on 29 April 2022.

The threats to execute Ahmadreza Djalali for retaliatory purposes come against the backdrop of the Iranian authorities' well-documented and long-standing pattern of targeting dual and foreign nationals for arbitrary detention⁵ and using them for "diplomatic leverage"⁶ or "as a means to put pressure on foreign governments"⁷, as highlighted by the UN Special Rapporteur on the situation of human rights in Iran, the UN Working Group on Arbitrary Detention and the UN Secretary General.

Amnesty International recalls that under the International Convention Against the Taking of Hostages, the crime of hostage-taking refers to 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. 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.

Amnesty International calls for the establishment of an effective, transparent, and independent inquiry into the situation of Ahmadreza Djalali in accordance with the International Convention Against Taking of Hostages to investigate evidence indicating that the deprivation of his liberty and ongoing threats to execute him constitute acts of hostage-taking. The inquiry should have effective powers to conduct its investigations, including to compel co-operation from all government authorities. Given the prevailing climate of impunity in Iran shielding former and current officials from accountability for crimes under international law,⁸ Amnesty International believes that such an independent and impartial inquiry should be

⁵ UN Special Rapporteur on the situation of human rights in Iran, Report, 12 March 2018, UN Doc. A/HRC/37/68, undocs.org/A/HRC/37/68, paras 51-75; UN Special Rapporteur on the situation of human rights in Iran, Report, 30 January 2019, UN Doc. A/HRC/40/67, undocs.org/en/A/HRC/40/67, para. 15; UN Special Rapporteur on the situation of human rights in Iran, Report, 28 January 2020, UN Doc. A/HRC/43/61, undocs.org/en/A/HRC/43/61, para. 28; UN Working Group on Arbitrary Detention, Opinion No. 52/2018 concerning Xiyue Wang (Islamic Republic of Iran), 21 September 2018, UN Doc. A/HRC/WGAD/2018/52, undocs.org/A/HRC/WGAD/2018/52, para. 82; UN Working Group on Arbitrary Detention, Opinion No. 49/2017 concerning Siamak Namazi and Mohammed Baquer Namazi (Islamic Republic of Iran), 22 September 2017, UN Doc. A/HRC/WGAD/2017/49, undocs.org/A/HRC/WGAD/2017/49, paras 43-46; UN Secretary General, Report, 6 August 2018, UN Doc. A/73/299, undocs.org/en/A/73/299, para. 56; UN Secretary General, Report, 2 August 2019, UN Doc. A/74/273, undocs.org/en/A/74/273, paras 16-17; UN Secretary General, Report, 4 September 2019, UN Doc. A/HRC/37/24, undocs.org/A/HRC/37/24, para. 57; UN Secretary General, Report, 17 January 2020, UN Doc. A/HRC/43/20, undocs.org/en/A/HRC/43/20, paras 14-15; UN Secretary General, Report, 5 August 2020, UN Doc. A/75/287, undocs.org/A/75/287, para. 11; UN Secretary General, Report, 14 May 2021, UN Doc. A/HRC/47/22, undocs.org/en/A/HRC/47/22, para. 36; UN Secretary General, Report, 4 August 2021, UN Doc. A/76/268, undocs.org/A/76/268, para. 29.

⁶ UN Special Rapporteur on the situation of human rights in Iran, Report, UN Doc. A/74/188, 18 July 2019, undocs.org/en/A/74/188, para. 13.

⁷ UN Special Rapporteur on the situation of human rights in Iran, Report, 13 January 2022, UN Doc. A/HRC/49/75, undocs.org/en/A/HRC/49/75, para. 27.

⁸ Amnesty International, "Ailing prisoners left to die amid crisis of impunity for fatal denial of medical care", 12 April 2022, amnesty.org/en/latest/news/2022/04/iran-ailing-prisoners-left-to-die-amid-crisis-of-impunity-for-fatal-denial-of-medical-care; Amnesty International, "Presidency of Ebrahim Raisi a grim reminder of the crisis of impunity" (Index Number: MDE 13/4314/2021), 19 June 2021, amnesty.org/en/documents/mde13/4314/2021/en; Amnesty International, "People's tribunal on deadly protest crackdowns must serve as wake-up call for all UN member states", 11 November 2021, amnesty.org/en/latest/news/2021/11/iran-people-tribunal-wake-up-call-un-member-states; Amnesty International, "A decade of deaths in custody unpunished amid systemic impunity for torture", 15 September 2021, amnesty.org/en/latest/news/2021/09/iran-a-decade-of-deaths-in-custody-unpunished-amid-systemic-impunity-for-torture

established, either jointly or separately, by Sweden and Belgium as the states against which compulsion has been directed or attempted.

If enough admissible evidence is gathered in support of a *prima facie* case involving the commission of hostage-taking against Ahmadreza Djalali, Swedish and Belgian authorities must also pursue accountability in accordance with their obligations under the International Convention Against Taking of Hostages, which includes conducting criminal investigations and requesting extradition, issuing arrest warrants, and seeking to prosecute those suspected of criminal responsibility.

Considering that the taking of hostages is an offence of grave concern to the international community, if it is established that the Iranian authorities have perpetrated or are perpetrating acts of hostage-taking against Ahmadreza Djalali, it is also essential that all state parties to the International Convention Against Taking of Hostages urgently work together to hold the Iranian authorities to account and adopt effective multilateral measures for the prevention, prosecution and punishment of such acts of hostage-taking.

STATE MEDIA ARTICLES WARNING OF RETALIATORY EXECUTION

On 4 May 2022, several major state media outlets in Iran simultaneously published identical articles which stated that according to “informed sources, Ahmadreza Djalali’s death sentence has been taken up for implementation and the sentence shall be carried out, at the very latest, by the end of Ordibehesht [21 May 2022].”⁹

The same articles uniformly stated that according to “some political analysts... in carrying out the sentence of Ahmadreza Djalali, the government of Iran will not only implement a binding judicial order but also bar the government of Sweden from undertaking further actions similar to the detention of Hamid Nouri.”

State media reports in Iran concerning high profile political cases are widely known to be issued in close coordination with the country’s judiciary and its intelligence and security apparatus.

Amnesty International believes the articles published on 4 May expose, yet again, the Iranian authorities’ practice of holding foreign and dual nationals as leverage and their pattern of using the death penalty as a weapon of political repression.¹⁰ The state media articles also point to the Iranian authorities’ view that carrying out the execution Ahmadreza Djalali in retaliation for criminal proceedings against Hamid Nouri may also serve as a deterrent against further arrests and prosecutions of Iranian officials under the principle of universal jurisdiction.

IRANIAN AUTHORITIES’ OUTRAGE OVER HAMID NOURI’S TRIAL

The trial of Hamid Nouri in Sweden is the first time a criminal case has been brought against an Iranian defendant abroad under the principle of universal jurisdiction. It is also the first time, after decades of systemic impunity, that the prison massacres of 1988, during which thousands of imprisoned political dissidents were forcibly disappeared and extrajudicially executed in secret, are being addressed through a criminal trial.¹¹ The trial has, therefore, attracted widespread public attention and shed unprecedented new light on the details of the 1988 prison massacres, which the Iranian authorities have for decades tried to conceal.¹²

Consistent with long-standing patterns of denial and distortion, Iran’s ministry of foreign affairs has described the trial as a “plot” concocted by “terrorists” that has relied on “fake documentation and witnesses”.¹³

⁹ Iranian Students News Agency, “تا پایان اردیبهشت» «اجرای حکم احمدرضا جلالی» تا پایان اردیبهشت”, 4 May 2022, bit.ly/3PjP6TB; Fars News Agency, “حکم احمدرضا جلالی تا پایان اردیبهشت اجرا می‌شود”, 4 May 2022, bit.ly/3LcOmFC; Alef, “اجرای حکم احمدرضا جلالی تا پایان اردیبهشت”, 4 May 2022, bit.ly/3LcOmFC

¹⁰ Amnesty International, “Two Kurds executed amid increasing use of death penalty as weapon of repression”, 15 July 2020, [amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression](https://www.amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression); Amnesty International, “Execution of journalist Rouhollah Zam a ‘deadly blow’ to freedom of expression”, 12 December 2020, [amnesty.org/en/latest/news/2020/12/iran-execution-of-journalist-rouhollah-zam-a-deadly-blow-to-freedom-of-expression](https://www.amnesty.org/en/latest/news/2020/12/iran-execution-of-journalist-rouhollah-zam-a-deadly-blow-to-freedom-of-expression); Amnesty International, “Fears mounting for detained Ahwazi Arabs amid reports of secret executions”, 13 November 2018, [amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions-2](https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions-2)

¹¹ Amnesty International, “Iran: Momentous steps towards justice for 1988 prison massacres” (Index Number: MDE 13/1406/2019), 14 November 2019, [amnesty.org/en/documents/mde13/1406/2019/en](https://www.amnesty.org/en/documents/mde13/1406/2019/en)

¹² Amnesty International, *Blood-soaked secrets: Why Iran’s 1988 prison massacres are ongoing crimes against humanity* (Index Number: MDE 13/9421/2018), 4 December 2018, [amnesty.org/en/documents/mde13/9421/2018/en](https://www.amnesty.org/en/documents/mde13/9421/2018/en); Amnesty International, “Iran: World turning blind eye to crisis of mass enforced disappearance”, 28 August 2019, [amnesty.org/en/latest/news/2019/08/iran-world-turning-blind-eye-to-crisis-of-mass-enforced-disappearance](https://www.amnesty.org/en/latest/news/2019/08/iran-world-turning-blind-eye-to-crisis-of-mass-enforced-disappearance); Amnesty International, “Iran: Shocking statements by senior official highlight impunity for 1988 prison massacres” (Index Number: MDE 13/0815/2019), 30 July 2019, [amnesty.org/en/documents/mde13/0815/2019/en](https://www.amnesty.org/en/documents/mde13/0815/2019/en)

¹³ Fars News Agency, “خطیبزاده: افغانستان راهکار نظامی ندارد/وزیر خارجه پاکستان پنجشنبه در تهران”, 23 August 2021, bit.ly/3NdC6gm

According to Iranian state media outlets, on 1 May 2022, Iran's deputy minister of foreign affairs and director of western Europe affairs summoned the ambassador of Sweden in Tehran to raise serious objections over the trial of Hamid Nouri and call for his release. The deputy minister described the criminal proceedings against Hamid Nouri as a "political show", which has been informed by "false and fabricated insinuations of the *monafeqin*¹⁴ terrorist grouplet" and condemned the trial as an effort to "create a hostile environment against the Islamic Republic of Iran".¹⁵

STATEMENTS MADE BY CURRENT AND FORMER IRANIAN OFFICIALS IN PRIVATE

Ahmadreza Djalali's wife told Amnesty International that on 7 May 2022, judicial officials at the office for the implementation of sentences in Tehran confirmed to Ahmadreza Djalali's lawyers that they intend to carry out his execution "as soon as possible" as reported by state media outlets days earlier. They added that they had acted in "good faith" by postponing the execution of Ahmadreza Djalali once in December 2020, but by arresting and prosecuting Hamid Nouri, Sweden had joined forces with Iran's "enemies" and created "troubles" for the Islamic Republic system, and this has now left them with "no option" but to carry out the execution.

These remarks, together with state media articles published on 4 May 2022, provide further evidence that the Iranian authorities are using Ahmadreza Djalali's life as a bargaining chip to pervert the course of justice in Sweden and compel the Swedish authorities to release Hamid Nouri. Their statements also confirm that Ahmadreza Djalali is at risk of a retaliatory implementation of the death penalty.

Amnesty International has further learned from several credible sources that various executive and judicial Iranian officials have privately suggested on at least one occasion to Ahmadreza Djalali in prison and on multiple occasions to those advocating on his behalf that they are seeking to swap Ahmadreza Djalali for Asadollah Asadi and/or Hamid Nouri. Due to security and confidentiality concerns, Amnesty International is not disclosing the identity of these sources and the context in which they learned that Iranian officials are tying the fate of Ahmadreza Djalali to the cases of Asadollah Asadi and Hamid Nouri in Belgium and Sweden, respectively.

Amnesty International has also obtained and reviewed two audio messages, which a former security official, Masoud Molavi,¹⁶ recorded in March 2019 and therein claimed that Iran's authorities "want to exchange Ahmadreza Djalali". In his messages, Masoud Molavi is heard saying that a source who works in the anti-espionage unit of the Ministry of Intelligence has confirmed to him that the Iranian authorities are pursuing a "swap". He is heard saying that Ahmadreza Djalali's wife must urge the Belgian government to raise the issue of prisoner swaps and stressing that "this is the very reason they [the Iranian authorities] have held him [on death row] all these years."

COINCIDING TIMELINES AND PUBLIC STATEMENTS BY IRANIAN OFFICIALS

Since at least late 2020, key developments in Ahmadreza Djalali's case have coincided with key moments in the cases of Asadollah Asadi or Hamid Nouri as well as broader public proposals of prisoner swaps by Iranian officials.

On 24 November 2020, Ahmadreza Djalali was moved to solitary confinement and told his execution would be carried out in a week. This transfer took place just days before the trial of Asadollah Asadi was due to start in Belgium on 27 November 2020. Two days later, on 29 November 2020, the prosecuting authorities in Belgium sought the punishment of 20 years' imprisonment for the accused diplomat.

After global interventions, on 2 December 2020, Ahmadreza Djalali's execution was postponed. The next day, at a public event, Iran's then minister of foreign affairs Mohammad Javad Zarif referred to Iran's willingness to engage in prisoner swaps. He said, "there are several proposals by Iran on the table... I have suggested a global exchange of Iranian prisoners. There are Iranian prisoners in Europe illegally... All of them can go back to their families and Iran is ready to reciprocate. We can do it tomorrow. We can even do it today."¹⁷

¹⁴ *Monafeqin* (hypocrites) is a derogatory term that the Iranian authorities use to refer to the People's Mojahedin Organization of Iran (PMOI) and their members and supporters. The victims of the mass enforced disappearances and extrajudicial executions of 1988 were primarily supporters of the PMOI, but hundreds of prisoners affiliated with leftist opposition groups were also executed. For more information, see Amnesty International, *Blood-soaked secrets: Why Iran's 1988 prison massacres are ongoing crimes against humanity* (Index Number: MDE 13/9421/2018), 4 December 2018, [amnesty.org/en/documents/mde13/9421/2018/en](https://www.amnesty.org/en/documents/mde13/9421/2018/en)

¹⁵ Fars News Agency, "احضار سفیر سوئد در تهران به وزارت خارجه/ حمید نوری آزاد شود", 1 May 2022, bit.ly/3sA9eah

¹⁶ This individual was shot dead in suspicious circumstances in Istanbul, Turkey in November 2019. See <https://www.reuters.com/article/us-turkey-iran-killing-exclusive-idUSKBN21E3FU>

¹⁷ Mohammad Javad Zarif was asked about the issue of prisoner swaps in reference to recent developments at the time which involved an unjustly jailed British-Australian academic being exchanged with three Iranians detained abroad. See *Instituto per gli Studi di Politica Internazionale* (ISPI), *Dialogue with Mohammad Javad Zarif*, 3 December 2020, [youtube.com/watch?v=-fmkcB37JfE](https://www.youtube.com/watch?v=-fmkcB37JfE), minute 30:43.

In the following months and up until around 13 or 14 April 2021, Ministry of Intelligence agents tortured and otherwise ill-treated Ahmadreza Djalali including by keeping him in prolonged solitary confinement in section 209 of Tehran's Evin prison, which is under the control of the Ministry of Intelligence, without any access to the outside world. During this period, a bright light was on in Ahmadreza Djalali's cell 24 hours a day, which he said caused him great mental distress, and he was forced to sleep on the floor on a thin blanket.

The removal of Ahmadreza Djalali from solitary confinement coincided with the resumption of talks in Vienna convened by the European Union to bring Iran and the USA back into compliance with the 2015 nuclear deal. The first round of the negotiations took place from 6 to 9 April 2021 and the second round from 15 to 20 April 2021. Around this period, Iranian officials publicly reiterated their interest in prisoner swap deals. For example, on 20 April 2021, Iran's ministry of foreign affairs spokesperson Saeed Khatibzadeh said at a Clubhouse event that the Islamic Republic of Iran is interested in an extensive "all for all" prisoner exchange deal ensuring the simultaneous release of Iranian prisoners detained "for spurious reasons" in Australia, the USA and Western European countries.¹⁸

In early May 2022, the Iranian authorities once again used the looming threat of execution as a tool to exert pressure, this time mainly on Swedish authorities. State media articles published on 4 May 2022 warned of Ahmadreza Djalali's imminent execution on the same day Hamid Nouri's historic trial in Sweden drew to a close. The articles were published just days after the prosecution authorities in Sweden sought a sentence of life imprisonment for Hamid Nouri on 28 April 2022.

On 9 May 2022, during his weekly press conference, Iran's ministry of foreign affairs spokesperson Saeed Khatibzadeh first denied the reported connections between the cases of Hamid Nouri and Ahmadreza Djalali, but then proceeded to claim that "if there is a connection, it is Sweden that wants to connect [the two cases] and this issue is making us suspicious."¹⁹ He further insinuated that Swedish authorities are engaging in hostage-taking by "unjustly" prosecuting Hamid Nouri to compel Iran to release Ahmadreza Djalali. He said, "the Government [of] Sweden must return to the right path and not think that through such compulsions, the case of Djalali will be forgotten." Saeed Khatibzadeh added that Ahmadreza Djalali "has requested a reconsideration [of his verdict] which is being examined". He did not clarify which body is conducting the examination mentioned and on what basis.

The next day, on 10 May 2022, the spokesperson of Iran's judiciary, Zabihollah Khodayian, was asked in a press conference about the issue of swapping Ahmadreza Djalali for Hamid Nouri. He replied, "the two [cases] are not connected. Mr Hamid Nouri is innocent, and his trial is illegitimate. Mr Djalali was in detention two years before [Hamid Nouri was arrested] and a final verdict has been issued in his case. The issue of exchange is not being discussed, and the judiciary shall act based on the verdict issued."²⁰

The same day, the Secretary General of Iran's High Council for Human Rights, Kazem Gharib Abadi, said in a media interview that the cases of Hamid Nouri and Ahmadreza Djalali show Sweden's "hostile" approach towards issues related to Iran's national security. Kazem Gharib Abadi criticized Sweden for "hosting" the People's Mojahedin Organization of Iran (PMOI), which he described as a "terrorist grouplet", and said Sweden has brought the case against Hamid Nouri in order to further "side with and support" this group and "put the Islamic Republic system on trial." Kazem Gharib Abadi then moved to the case of Ahmadreza Djalali and claimed that Sweden was involved in facilitating the meetings of Ahmadreza Djalali with Israeli foreign intelligence officials and "creating a base against the national security of Iran". Kazem Gharib Abadi concluded that as a country that "has mobilized all its resources to confront the Islamic Republic of Iran", Sweden cannot be considered genuine in its relations and suggested that Iran's relations with Sweden should be adjusted accordingly and possibly reduced.

On 13 May 2022, a top EU diplomat Enrique Mora called for Ahmadreza Djalali's release "on humanitarian grounds" during a two-day visit in Tehran to discuss the restoration of the 2015 nuclear deal. Three days later, on 16 May 2022, Iran's ministry of foreign affairs spokesperson Saeed Khatibzadeh reiterated during a press conference that the death sentence of Ahmadreza Djalali was final but indicated that its implementation may be delayed. He said, "a request has

¹⁸ The Guardian, "Iran sets trial dates for dual nationals before nuclear deal talks in Vienna", 21 April 2021 theguardian.com/world/2021/apr/21/iran-sets-trial-dates-for-dual-nationals-before-nuclear-deal-talks-in-vienna

¹⁹ Iranian Students News Agency, "خطیبزاده: کار ویژه "مورا" انتقال پیام است/ ارتباطی بین دو موضوع "نوری" و "جلالی" نیست", 9 May 2022, bit.ly/3wyXNAS

²⁰ Iranian Students News Agency, "حزنیات حکم مهرشاد سهیلی/ شکایت قالیباف از جعفرزاده/ رد ارتباط پرونده جلالی و نوری", 10 May 2022, bit.ly/3LycLgd

been made to implement the sentence at another time, which is being considered. The judiciary will act upon this matter.” He did not clarify who has made the request.²¹

Escalated threats since 4 May 2022 to carry out the execution Ahmadreza Djalali also coincide with the confirmation of Asadollah Asadi’s conviction and 20-year prison sentence on appeal on 5 May 2022. In the press event on 16 May 2022 where Iran’s ministry of foreign affairs spokesperson Saeed Khatibzadeh suggested that the execution of Ahmadreza Djalali may be postponed, he was also asked about the possibility of a deal to swap Ahmadreza Djalali for Asadollah Asadi. Saeed Khatibzadeh refrained from giving a direct response.²² However, as with his abovementioned comments on the case of Hamid Nouri on 9 May 2022, he insinuated that Belgian authorities are holding Asadollah Asadi hostage to compel Iran to release Ahmadreza Djalali who he said was arrested several years before for “acting against Iran’s national security”.²³ He stated that “such compulsions are unacceptable” and that “it is really regrettable that European governments make noise and put on a show for criminals, repeat offenders and spies who enter Iran with prior plans.”

Amnesty International considers that the vague and contradictory announcements of the Iranian authorities and their state media outlets since 4 May 2022 as reflecting of their two-pronged strategy in the case of Ahmadreza Djalali. The strategy involves some officials announcing that his sentence is final and shall be carried out imminently, and other officials or state bodies, including state media outlets, hinting that there is room for negotiation and threatening to execute Ahmadreza Djalali in retaliation for Iran’s demands going unmet.

SWEDISH ADVISORY AGAINST NON-ESSENTIAL TRAVEL TO IRAN

Less than 24 hours after prosecuting authorities in Sweden sought a life sentence for Hamid Nouri on 28 April 2022, the Swedish Ministry of Foreign Affairs advised its nationals “against non-essential travel to Iran because of the security situation.”²⁴ The advisory added, “[I]aw enforcement’s activities and interpretation of the law may be unlawful. Foreign travelers can be arbitrarily detained and prosecuted without clear reasons.”

The issuance of this advisory and its timing provide an implicit recognition by the Swedish authorities that their nationals are at risk of being arbitrarily detained and used by the Iranian authorities as leverage amid heightened tensions between Iran and Sweden over the trial of Hamid Nouri.

PUBLIC COMMENTS BY BELGIAN AUTHORITIES

The Belgian authorities have not officially acknowledged that the detention of Ahmadreza Djalali and ongoing threats to execute him may amount to the crime of hostage-taking. However, on at least three occasions known to Amnesty International, they have hinted that the Iranian authorities are using him as a bargaining chip to secure the release of Asadollah Asadi.

On 3 February 2021, just days before the verdict for Asadollah Asadi was due to be announced, the Belgian minister of justice, Vincent Van Quickenborne, was asked by a member of parliament during a session of the Parliamentary Committee on Justice if Iran had urged Belgium to exchange Asadollah Asadi for Ahmadreza Djalali. The minister replied, “You will understand that I don’t go into details. In general terms, it is correct to say that the Iranian regime likes to push for a deal or prisoner exchange.”²⁵

The Belgian minister of foreign affairs, Sophie Wilmès, was asked a similar question during a session of the Commission for Foreign Affairs on 2 March 2021. She replied, “As the minister of justice has already explained in the media, the situation of Dr Ahmadreza Djalali is separate from the trial against the Iranian diplomats. For Belgium, these are two separate cases that have no connection with each other.”²⁶ The inclusion of the words “for Belgium” suggests that

²¹ Iranian Students News Agency, “خطیب‌زاده: مذاکرات وین متوقف نشده است/ منتظر تصمیم سیاسی واشنگتن هستیم”, 16 May 2022, bit.ly/3yHWvX0

²² Radio France Internationale, “خطیب زاده از پاسخگویی به مسئله میادله احمدرضا جلالی با حمید نوری و اسدالله اسدی طفره رفت”, 16 May 2022, bit.ly/3WlCfci

²³ Mehr News Agency, “ایران دستور کار جدیدی برای پیگیری وضعیت «اسدالله اسدی» دارد”, 16 May 2022, bit.ly/3yHjGAT

²⁴ Krisinformation.se, “Advisory against non-essential travel to Iran”, 29 April 2022, krisinformation.se/en/news/2022/april/advisory-against-non-essential-travel-to-iran

²⁵ Chambre of Representatives Committee on Justice, Report CRIV 55 COM 363, 3 February 2021, <https://www.dekamer.be/doc/CCRI/pdf/55/ic363.pdf>, p. 15, section 9.02. The original statement in Dutch was as follows: “Mevrouw Samyn, u zal begrijpen dat ik op uw eerste vraag niet in detail kan ingaan. In het algemeen is het wel correct dat het Iraanse regime graag aanstuurt op een deal of een gevangenenruil.”

²⁶ Chambre of Representatives Committee for Foreign Affairs, Report CRIV 55 COM 394, 2 March 2021, dekamer.be/doc/CCRI/pdf/55/ic394.pdf, p.5, section 01.05. The original statement in French was as follows: “Comme le ministre de la Justice l’a déjà expliqué dans les médias, la situation du docteur Ahmadreza Djalali est distincte du procès contre les diplomates iraniens.”

according to the ministry of foreign affairs Iran and Belgium perceive the situation differently, and that for Iran, unlike Belgium, the two cases may be connected.

More recently, on 18 March 2022, a member of parliament in Belgium addressed a question in writing to the Belgian minister of foreign affairs, Sophie Wilmès, regarding a meeting that the minister had with Iran's minister of foreign affairs Amirhossein Abdollahian at the margins of the Munich conference on 19 February 2022. The parliamentarian asked the minister to confirm if during the meeting, the situation of Asadollah Asadi and "a possible swap deal" for exchanging him with Ahmadreza Djalali had been explicitly discussed, and if the Belgian government would "guarantee that an exchange deal for Asadollah Asadi will never be implemented" and that he "will serve his entire sentence in a Belgian prison".²⁷

The minister confirmed in her written reply that the case of Asadollah Asadi had indeed been discussed during the meeting, adding: "You will understand that I, for my part, did not wish to comment on this decision of the Belgian judiciary. There is no legal framework that allows for an exchange of prisoners."²⁸ In her response, the minister did not deny that the question of swapping Ahmadreza Djalali for Asadollah Asadi was raised by her Iranian counterpart during the meeting, but held that she, for her part, recalled the independence of the Belgian judiciary and that it would not be possible under Belgian law to pursue prisoner exchanges.

BELGIUM'S ACTIONS FOR AHMADREZA DJALALI

Ahmadreza Djalali was a visiting professor in disaster medicine at the Vrije Universiteit Brussels. Due to these ties, his arrest in 2016 sparked a public outcry in Belgium, leading his colleagues and university students as well as human rights organisations in Belgium to mobilize for his release. Amnesty International Belgium believes that, to date, over 130,000 people in Belgium have taken action to call for his release.

Regional and federal parliaments in Belgium have adopted numerous motions denouncing the arbitrary detention of Ahmadreza Djalali and the issuance of a death sentence against him and calling for his release.²⁹

Belgian government officials have also repeatedly called on the Iranian authorities, both publicly and privately, to quash Ahmadreza Djalali's death sentence, to pardon him, and to provide him with the medical care he requires pending his release. In December 2017, soon after Ahmadreza Djalali was sentenced to death, the then Belgian minister of foreign affairs, Didier Reynders,³⁰ and the then Minister-President of the Flemish government, Geert Bourgeois,³¹ publicly reported on having requested a pardon for Ahmadreza Djalali.

In September 2018, the then prime minister, Charles Michel, raised the case of Ahmadreza Djalali in a bilateral meeting with the then Iranian president Hassan Rouhani.

In 2020, Belgian minister of foreign affairs Sophie Wilmès asked her Iranian counterpart at the time, Javad Zarif, to stop the execution of Ahmadreza Djalali during a phone call.

On 5 May 2022, Belgium's prime minister Alexander De Croo told the Belgian parliament, "We have always pleaded at the political level not to carry out this execution, we have always inquired about the physical and mental health of Professor Djalali and we have always asked to be able to gain access to him... I myself have also sent a letter to former president Rouhani to clearly ask him not to let that execution take place. More recently, on 19 February and 26 March,

Pour la Belgique, il s'agit bien de deux dossiers distincts qui n'ont aucun lien l'un avec l'autre."

²⁷ La Chamber.be, *Question et réponse écrite n° : 0630 - Législature : 55*, 18 March 2022, dekamer.be/kvocr/showpage.cfm?section=qrva&language=fr&cfm=qrvaxml.cfm?legislat=55&dossierID=55-Bxxx-1183-0630-2021202214698.xml

²⁸ La Chamber.be, *Question et réponse écrite n° : 0630 - Législature : 55*, 18 March 2022, dekamer.be/kvocr/showpage.cfm?section=qrva&language=fr&cfm=qrvaxml.cfm?legislat=55&dossierID=55-Bxxx-1183-0630-2021202214698.xml

²⁹ In 2017, for instance, there were motions adopted in the [Flemish Parliament](#), the [Walloon Parliament](#), the [Parliament of the Brussels Capital Region](#), the [Parliament of the French Community](#), the [Chambre of Representative](#) (Federal Parliament) and the [Senate](#). In December 2020, when the threat of execution was heightened, there were new motions in the [Federal Parliament](#), [Flemish Parliament](#), the [Walloon Parliament](#), the [Parliament of the Brussels Capital Region](#), the [Parliament of the French Community](#). In May 2022, there were renewed calls by the presidents of the [Federal Parliament](#) and a new [motion](#) was adopted in the Flemish Parliament.

³⁰ Didier Reynders, Twitter post, 14 December 2017, twitter.com/dreynders/status/941231541908332547: "Ik heb de Iraanse ambassadeur gevraagd om gratie te verlenen aan Ahmadreza #Djalali, de VUB-prof voor wie in Iran de doodstraf dreigt."

³¹ Nieuw-Vlaamse Alliantie, "Bourgeois vraagt gratie voor VUB-prof in Iran", 13 December 2017, m.n-va.be/nieuws/bourgeois-vraagt-gratie-voor-vub-prof-in-iran

minister of foreign affairs Wilmès also spoke with her Iranian counterpart and asked him to stop the execution.” He added that he hopes to discuss the case of Ahmadreza Djalali with Iran’s president Ebrahim Raisi.³²

On 13 May 2022, Minister-President of the Flemish government Jan Jambon reported to the Belgian parliament that he has sent a letter to Iran’s Supreme Leader Ali Khamenei, calling on him to stop the execution Ahmadreza Djalali and grant him a pardon.³³

FOREIGN AND DUAL NATIONALS HELD AS LEVERAGE

Growing evidence that the Iranian authorities are committing the crime of hostage-taking against Ahmadreza Djalali emerge in a domestic context where state officials and state media outlets consistently refer to the “importance” of detained dual and foreign nationals, thus indicating that their detention may be used for gaining political, diplomatic and/or economic leverage.

For example, in October 2017, Tehran’s prosecutor stated that a letter from then UK prime minister David Cameron proved that British-Iranian charity worker Nazanin Zaghari-Ratcliffe, who was unjustly held in Iran between April 2016 and March 2022, was important for the UK.³⁴ Nazanin Zaghari-Ratcliffe was released and allowed to leave Iran on 16 March 2022 after the UK government paid Iran £393.8 million in order to settle a debt dispute between 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. Amnesty International has investigated the circumstances surrounding the unlawful deprivation of liberty and eventual release of Nazanin Zaghari-Ratcliffe also within the framework of the International Convention Against Taking of Hostages and will release its findings in this regard in the coming weeks.

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 USA in Iranian state media.³⁵ Although Iran’s government, including the ministry of foreign affairs, 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 government, 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’s 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.

More explicit and alarming statements suggesting a broader practice of holding dual and foreign nationals for leverage have also been made by current and former Iranian 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.

Since 2017, in several of its decisions, the UN Working Group on Arbitrary Detention has stated that a number of individuals, whose detention in Iran it examined, were targeted because of their status as foreign or dual nationals.³⁶

In his January 2022 report, the UN 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”.³⁷ 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

³² Chambre of Representatives, Report CRIV 55 PLEN 177, 5 May 2022, www.dekamer.be/doc/PCRI/pdf/55/ip177.pdf,

³³ Het Laatste Nieuws. “Jambon vraagt Iraanse leider Khamenei om executie van Djalali niet uit te voeren”, 13 May 2022, hln.be/binnenland/jambon-vraagt-iraanse-leider-khamenei-om-executie-van-djalali-niet-uit-te-voeren~a6455bc8/?referrer=https%3A%2F%2Fwww.google.com%2F

³⁴ Tasnim News Agency, “نازنین زاغری” پرونده جدید “نازنین زاغری”, 22 December 2017, bit.ly/3lcDjc5

³⁵ Fars News Agency, “جزئیات مبادله جیسون رضاییان”, 9 July 2019, bit.ly/3wfGC8x; Alef, “جاسوس بزرگ سریال «گاندو» را بهتر بشناسید”, 6 July 2019, alef.ir/news/3980415034.html

³⁶ UN Working Group on Arbitrary Detention, Opinion No. 52/2018 concerning Xiyue Wang (Islamic Republic of Iran), 21 September 2018, UN Doc. A/HRC/WGAD/2018/52, undocs.org/A/HRC/WGAD/2018/52, para. 82; UN Working Group on Arbitrary Detention, Opinion No. 49/2017 concerning Siamak Namazi and Mohammed

Baquer Namazi (Islamic Republic of Iran), 22 September 2017, UN Doc. A/HRC/WGAD/2017/49, undocs.org/A/HRC/WGAD/2017/49, paras 43-46

³⁷ UN Special Rapporteur on the situation of human rights in Iran, Report, 13 January 2022, UN Doc. A/HRC/49/75, undocs.org/en/A/HRC/49/75, para. 27.

and foreign national raised “concerns about the veracity of the Government’s allegations against the individuals detained.”³⁸

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

RECOMMENDATIONS

Amnesty International renews its calls on the Iranian authorities to:

- Stop any plans to execute Ahmadreza Djalali, quash his conviction and death sentence, and immediately release him and accord him an enforceable right to compensation, as per the recommendation of the UN Working Group on Arbitrary Detention;
- Establish an official moratorium on executions, with a view to completely abolishing the death penalty; and
- 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 Swedish and Belgian authorities to:

- Urgently set up, separately or jointly, a competent, independent and impartial inquiry to investigate the situation of Ahmadreza Djalali in accordance with the International Convention Against Taking of Hostages to examine evidence indicating that his deprivation of liberty and ongoing threats to kill him amount to the crime of hostage-taking, and if so, take all appropriate measures to protect and secure his release as a hostage;
- If there is sufficient admissible evidence, pursue accountability in accordance with the obligations of Sweden and Belgium under the International Convention Against Taking of Hostages through conducting criminal investigations, requesting extradition, issuing arrest warrants, and seeking to prosecute all those suspected of criminal responsibility before national courts in proceedings that meet international standards of fairness; and
- Considering that the taking of hostages is an offence of grave concern to the international community, if an independent and impartial inquiry establishes that the Iranian authorities have perpetrated or are perpetrating acts of hostage-taking against Ahmadreza Djalali, urgently develop international cooperation to devise and adopt effective measures for the prevention and punishment of such acts of hostage-taking.

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

- 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.

³⁸ UN Special Rapporteur on the situation of human rights in Iran, Report, 28 January 2020, UN Doc. A/HRC/43/61, undocs.org/en/A/HRC/43/61, para. 28.