**Summary and Outcome**

The United Nations Working Group on Arbitrary Detention found that the detention of Iranian artist and activist Toomaj Salehi was arbitrary and violated international human rights standards. Mr. Salehi was arrested and prosecuted for music and public statements that supported protests and criticized government actions. His detention stemmed directly from the peaceful exercise of his right to freedom of expression, including artistic and political expression online and in music.

The Working Group found that Mr. Salehi was denied basic legal safeguards, such as timely access to a lawyer, being informed of the charges against him, and appearing promptly before a judge. The legal provisions used to prosecute him were vague and overly broad, failing to meet international standards for clarity and legality. The conditions of his detention, including alleged torture, incommunicado detention, and the denial of a fair trial, were found to be serious violations.

The court emphasized that prosecuting individuals for non-violent expression—including artistic and political speech—undermines core human rights protections. The Working Group concluded that Mr. Salehi's detention fell under multiple categories of arbitrariness, including violations of due process and discrimination based on political opinion, and called for his immediate release and reparations.

**Facts**

Toomaj Salehi, an Iranian national born on 3 December 1990, is a prominent hip-hop artist and human rights activist known for his outspoken criticism of the Iranian government. He commands a large online following, including 2.6 million followers on Instagram and 750,000 on X (formerly Twitter). Mr. Salehi has used his platform to promote democracy, social justice, and human rights, particularly through his music. In September 2022, in the wake of nationwide protests sparked by the death in custody of Jina Mahsa Amini, Mr. Salehi released a protest song titled *Divination*, which focused on women’s rights and became widely popular among demonstrators. Around the same time, he gave a televised interview to a foreign news outlet expressing support for the protests and calling for accountability.

On 30 October 2022, shortly after the release of the song and the interview, Mr. Salehi was violently arrested by 12 agents from the Iranian Ministry of Intelligence in Chaharmahal va Bakhtiari Province. He was reportedly beaten, blindfolded, and transferred to Isfahan Central Prison. Simultaneously, approximately 50 agents raided his home. His arrest was carried out without a warrant and without providing any explanation or legal basis. He was held in solitary confinement, denied access to legal counsel or communication with his family, and subjected to physical and psychological abuse. According to credible reports, his leg and arm were broken, his ribs fractured, his eyes severely injured, and he was injected with adrenalin to prevent him from losing consciousness during further acts of torture. He remained incommunicado for 38 days and was only permitted to access a lawyer after 60 days in detention.

On 27 November 2022, the Chief Justice of Isfahan Province confirmed to media that Mr. Salehi had been charged with multiple offences, including: “corruption on Earth” (Article 286 of the Islamic Penal Code), which carries the death penalty; “spreading propaganda against the State” (Article 500); “collaboration with a hostile Government” (Article 508), referring to his interview with the foreign outlet; “inciting people to commit murder and rioting”; “disseminating false information”; “establishing an illegal group to disrupt national security” (Article 498); “insulting the leadership”; and “enmity against God” (Article 279).

The charges were based primarily on his songs, social media activity, and public statements. His trial was held in secret between 18 June and 3 July 2023 before Branch 1 of the Revolutionary Court of Isfahan. His lawyer had only 30 minutes to consult with him before the trial began and was only granted partial access to the case files. The presiding judge had reportedly been sanctioned by several foreign governments for past involvement in human rights violations.

On 10 July 2023, Mr. Salehi was convicted on all charges and sentenced to six years and three months in prison. The court also cancelled his passport, imposed a two-year travel ban, and prohibited him from producing music or art. His legal team appealed the ruling. On 18 November 2023, Branch 39 of the Supreme Court overturned the conviction, citing procedural irregularities and affirming that no more than three charges may be imposed in a single case. Mr. Salehi was released on bail that same day, after spending 384 days in detention, including 252 in solitary confinement. 

Following his release, Mr. Salehi posted a video online on 27 November 2023 describing the torture he had endured during detention and disavowing a previously released confession video, which he claimed had been fabricated. Three days later, on 30 November 2023, he was arrested again in Babol by armed plainclothes agents, who allegedly beat him, causing serious injuries to his face and eyes. He was held incommunicado in an undisclosed location until 2 December 2023, when he was transferred to Isfahan Central Prison. He was permitted to contact his family and lawyer on 4 December 2023. His lawyer’s access to case files remained limited, with three of four volumes still inaccessible, and most communication took place through prison officials rather than directly with Mr. Salehi.

On 1 January 2024, Branch 1 of the Revolutionary Court of Isfahan reconvicted Mr. Salehi on three charges—“spreading propaganda against the State,” “disseminating false information,” and “inciting people to commit acts of violence”—in connection with the song *Divination* and his social media posts. He was sentenced to one year in prison, had his passport cancelled for two more years, and was ordered to attend a behaviour management course. Neither Mr. Salehi nor his lawyer were informed of the hearing, and both were absent at trial.

On 21 January 2024, Mr. Salehi faced two additional charges before the same court: “armed and group rebellion against the system” and “conspiracy to commit security-related offences,” based on his video testimony published in November 2023. At that point, he was facing ten charges in total.

Although the Court of Appeal dismissed his appeal on 14 February 2024, he was later acquitted on 18 March 2024 by the Criminal Court of Isfahan Province of charges related to the video, including “disseminating false information” and “inciting acts of violence.” However, on 18 April 2024, Branch 1 of the Revolutionary Court reasserted its jurisdiction. Five days later, on 23 April 2024, it sentenced Mr. Salehi to death on charges including “participation in rebellion against the State,” “assembly and collusion against national security,” and “spreading propaganda and incitement to violence”—charges which were again grouped under the broadly defined offence of “corruption on Earth.” The court declared the Supreme Court’s earlier decision to be merely advisory. Following this sentencing, officials confiscated Mr. Salehi’s mobile phone and suspended family visitation rights.

On 22 June 2024, the Supreme Court overturned the death sentence, declaring it unlawful and excessive, and remanded the matter to Branch 5 of the Revolutionary Court of Isfahan for re-evaluation. On 10 July 2024, while awaiting a verdict, Mr. Salehi was subjected to a two-hour interrogation, during which he was informed of two new criminal cases against him. These included four additional charges: “spreading propaganda against the State and incitement to murder and violence,” and “insulting sacred values and spreading falsehoods.” The first set of charges was referred to the Revolutionary Court; the second to Criminal Court No. II. These latest charges were reportedly based on content published on Mr. Salehi’s personal website and a song titled *Typhus*, which had been released while he remained in custody.

Although the Revolutionary Court had previously ordered Mr. Salehi’s release on bail following the Supreme Court’s ruling, the new charges became the grounds for his continued pre-trial detention. Throughout the entire sequence of arrests, trials, and appeals, the charges brought against Mr. Salehi have relied on broad and often vague provisions of the Islamic Penal Code, including Articles 279, 286, 498, 500, and 508. These legal provisions have been widely criticized by international bodies for failing to meet the standards of clarity and precision required under international human rights law.

The allegations and prosecutions against Mr. Salehi have consistently targeted his music, social media activity, and public commentary—all of which constitute protected forms of expression under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a State party. His case has involved extensive procedural irregularities, denial of due process rights, and serious concerns regarding the use of torture, incommunicado detention, and the retaliatory application of vague national security laws in response to peaceful artistic and political expression.

**Decision Overview**

The United Nations Working Group on Arbitrary Detention delivered its opinion (No. 53/2024) in the matter of *Toomaj Salehi v. Islamic Republic of Iran*, following its 101st session held in November 2024. The case concerned the repeated arrest and detention of Mr. Salehi, a well-known hip-hop artist and outspoken critic of the Iranian government, whose music and online activism focused on women’s rights, government accountability, and broader human rights issues. The Working Group found that his detention was arbitrary under all four relevant categories: I (lack of legal basis), II (exercise of rights protected under international law), III (denial of the right to a fair trial), and V (discrimination based on political opinion).

The main issue before the Working Group was whether the detention of Mr. Salehi stemmed from his legitimate exercise of the right to freedom of expression—through music, social media posts, and interviews—and whether the Iranian authorities had complied with international legal standards in the conduct of his arrest, detention, and prosecution.

The source alleged that Mr. Salehi was targeted for his music and activism, particularly his support for protests following the death in custody of Jina Mahsa Amini. His songs such as “Divination,” and later “Typhus,” became symbols of protest. He was arrested without a warrant, held incommunicado, subjected to torture, and charged under vague and overbroad provisions of the Islamic Penal Code, including “corruption on Earth” and “spreading propaganda against the State.” The Government of Iran submitted a reply outside the permissible timeline and failed to refute the allegations in substance.

The Working Group relied on the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a State party, particularly articles 9 (liberty and security of person), 14 (fair trial), 19 (freedom of expression), and 26 (non-discrimination), as well as the Universal Declaration of Human Rights. The analysis also drew upon the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Nelson Mandela Rules. *(paras. 3, 25–26, 60, 93–94, 106)*

**Category I: Lack of Legal Basis for Detention**

The Working Group found that Mr. Salehi’s arrests, in both 2022 and 2023, were carried out without an arrest warrant, without informing him of the reasons for his arrest, and without bringing him promptly before a judge.

“In the absence of any information to the contrary, the Working Group finds that Mr. Salehi was arrested without a warrant and that no reasons for his detention were given by the detaining authority.” *(para. 78)*

The Group also noted that he was held in incommunicado detention—amounting to enforced disappearance—for 38 days after his first arrest and for at least three days after his second arrest. This violated his right to be recognized as a person before the law, and it left him without the ability to challenge the legality of his detention.

“Enforced disappearances are prohibited by international law and constitute a particularly aggravated form of arbitrary detention.” *(para. 79)*

**Category II: Exercise of Protected Freedoms**

Mr. Salehi’s detention was directly linked to his public expression—through music, social media, and interviews—calling for human rights, criticizing state violence, and urging citizens to protest. “Mr. Salehi was persecuted primarily for his music, songs and social media posts, as they represent his exercise of free expression in support of human rights, democracy and social justice…” *(para. 87)*

The Working Group stressed that artistic expression is specifically protected under article 19(2) of the ICCPR and that charges such as “spreading propaganda against the State,” “insulting sacred values,” or “corruption on Earth” were too vague to meet the requirement of legal precision.

“The charges of ‘propaganda against the State’, ‘insulting sacred values and spreading falsehoods’ or ‘corruption on Earth’ are impermissibly vague and overly broad and thus incompatible with article 19 (3) of the Covenant.” *(para. 86)*

In assessing proportionality, the Group reiterated that restrictions must be narrowly tailored and necessary to achieve a legitimate aim. No such justification was provided by the Government.

In addition to citing prior Working Group opinions involving Iranian artists and activists, the Group referenced the 2024 report of the Special Rapporteur on the situation of human rights in Iran, which highlighted escalating restrictions on artists and dissidents. Comparative jurisprudence was also applied: the Group referred to Human Rights Committee General Comment No. 34 and Human Rights Council Resolution 12/16.

**Category III: Denial of Fair Trial Rights**

The Working Group identified multiple violations of Mr. Salehi’s due process rights, including the denial of access to legal counsel, lack of adequate time to prepare a defense, secretive and unfair hearings, and reliance on confessions extracted under torture.

“The right of a defendant to have private discussions with their legal counsel… constitutes one of the fundamental aspects of a fair trial.” *(para. 94)*

Mr. Salehi’s lawyer had only 30 minutes to speak with him before trial, and court proceedings were frequently held without notice to him or his legal team. The presiding judge had been sanctioned by multiple governments for prior human rights violations, further undermining the fairness of proceedings.

“The Working Group concludes that Mr. Salehi was not tried by an independent and impartial tribunal…” *(para. 96)*

His prolonged solitary confinement and documented physical torture were also found to violate articles 7 and 10 of the ICCPR. The Working Group highlighted that evidence obtained through coercion violates the Covenant and may also breach the Convention Against Torture.

**Category V: Discrimination Based on Political Opinion**

Mr. Salehi’s treatment was consistent with a broader pattern of state targeting of artists, dissidents, and human rights defenders in Iran. The Group noted the systemic discrimination faced by individuals critical of the government, as outlined in numerous UN reports and past Working Group opinions.

“The Working Group observes a clear, discriminatory pattern of attitude displayed by the Iranian authorities towards Mr. Salehi on the basis of his political opinion and of him acting as an artist expressing opposing views.” *(para. 103)*

It concluded that his repeated detentions were rooted in discrimination based on his political beliefs and artistic expression, constituting a violation of article 26 of the Covenant. *(para. 103)*

The United Nations Working Group on Arbitrary Detention concluded that the detention of Toomaj Salehi was arbitrary and unlawful under international law, falling within categories I, II, III, and V. It called for his immediate and unconditional release, the provision of compensation and reparations, and a full, independent investigation into the circumstances of his arrest, torture, and prosecution.

As it has stated that “The appropriate remedy would be to release Mr. Salehi immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.” *(para. 108)*

The opinion also urged systemic reform, expressing concern that Mr. Salehi’s case is part of a broader pattern of arbitrary detention in the country and warning that such widespread violations could amount to crimes against humanity.

**Decision Direction**

*Expands expression*

This opinion strongly affirms the right to freedom of expression under international law by condemning the Iranian government’s arrest and detention of rapper and human rights activist Toomaj Salehi. The Working Group on Arbitrary Detention found that Salehi's imprisonment was a direct result of his artistic and political expression, including songs criticizing state authorities and social media content in support of protests.

The decision not only calls for Salehi’s immediate release but also challenges the use of vague laws such as “corruption on Earth” and “spreading propaganda against the State,” which have been frequently employed to silence dissent in Iran. It also reinforces that systemic targeting of dissenting artists may amount to crimes against humanity when arbitrary detention becomes widespread or systematic.

**Global Perspective**

*International Instruments Cited*

1. Universal Declaration of Human Rights (UDHR)
   * Articles: 2, 3, 5, 6, 7, 8, 9, 10, 11(2), 14, 19, 25(1)
2. International Covenant on Civil and Political Rights (ICCPR)
   * Articles: 2(1), 2(3), 7, 9(1–4), 10(1), 14(1, 2, 3(b), 3(g), 7), 15(1), 19, 26
3. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
   * Principles: 1, 2, 4, 5(1), 6, 10, 11(1), 15, 16(1), 17, 19, 32(1–2), 36(1), 37
4. United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)
   * Rules: 43, 44
5. Basic Principles on the Role of Lawyers
   * Principles: 2, 3, 7
6. United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems
   * Referenced in relation to legal aid and fair trial standards
7. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
   * Article 1

*Domestic Laws (Islamic Republic of Iran)*

Islamic Penal Code of the Islamic Republic of Iran

* + Article 279 – “Enmity against God”
  + Article 286 – “Corruption on Earth”
  + Article 498 – Establishing an illegal group to disrupt national security
  + Article 500 – “Spreading propaganda against the State”
  + Article 508 – “Collaboration with a hostile Government”

*Opinions from the Working Group on Arbitrary Detention*

Opinios Nos.

5/2020, 6/2020, 9/2013, 9/2019, 11/2020, 13/2020, 14/2015, 20/2022, 22/2023, 25/2021, 30/2017, 30/2018, 32/2019, 33/2017, 36/2019, 37/2020, 38/2021, 41/2017, 41/2020, 42/2019, 46/2018, 46/2019, 48/2017, 51/2019, 52/2015, 52/2023, 54/2022, 56/2019, 57/2016,59/2019, 60/2012, 62/2012, 76/2019, 78/2022, 82/2019, 82/2022, 85/2021, 86/2020, 88/2017, 92/2017, 1/2011, 1/2016, 2/2016, 3/2018, 3/2024, 4/2012, 7/2017, 8/2023, 11/2019, 12/2013, 13/2020, 16/2015, 18/2013, 19/2018, 20/2018, 21/2023, 22/2014, 25/2016, 26/2019, 27/2014, 28/2013, 28/2016, 30/2019, 32/2017, 32/2019, 33/2019, 34/2013, 34/2014, 35/2013, 35/2014, 36/2013, 36/2014, 37/2011, 38/2011, 38/2012, 39/2011, 44/2015, 44/016, 47/2012, 48/2013, 49/2017, 50/2016, 50/2012, 51/2017, 52/2018, 55/2013, 56/2017, 60/2016, 83/2018, and 83/2019

*Special Rapporteurs and Relevant UN Reports Cited*

1. Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
   * Reports: A/HRC/55/62 (2024), A/74/273 (2019)
   * Noted concerns over arbitrary detention, repression of artists, lawyers, dissidents
2. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
   * Report: A/HRC/44/49/Add.2 – On artistic freedom of expression
3. Secretary-General of the United Nations
   * Report: A/74/273 (2019) – On systemic repression in Iran
4. Human Rights Committee General Comments
   * No. 32 (2007) – Right to fair trial
   * No. 34 (2011) – Freedom of expression
   * No. 35 (2014) – Liberty and security of person
   * No. 36 (2019) – Right to life
5. Human Rights Council Resolutions and Reports
   * Res. 12/16 – Expression not to be restricted
   * A/HRC/14/23 – Report on freedom of expression
   * A/HRC/13/42 – Arbitrary detention may constitute crimes against humanity