



*Mission Permanente  
de la République Islamique d'Iran  
auprès des Nations Unies  
et des autres Organisations Internationales à Genève*

*In the Name of God, the Compassionate, the Merciful*

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The permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the communication IRN 16/2019, dated 20 November 2019 (the letter was received on 18 December 2019) and communication IRN 17/2019, dated 18 December 2019 from special procedures on the protests in Iran between 15 and 19 November 2019, has the honor to transmit, herewith, the comments of the Judiciary of the Islamic Republic of Iran

The Permanent Mission of the Islamic republic of Iran avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 18 February 2020



Office of the United Nations  
High Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10  
Email: [registry@ohchr.org](mailto:registry@ohchr.org)

Cc: Ms. Beatriz Belbin  
Chief, Special Procedures Branch

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## The response of the Iranian Human Rights Council

To the letters of the special procedures dated 20 Nov and 18 Dec 2019

### I. Respect for the rights to freedom of assembly and association under Iran's constitution

Emphasizing the fulfillment of all its international human rights obligations, the Islamic Republic of Iran fully recognizes the right to freedom of expression and opinion as well as the right to peaceful assembly and association and the right to live in peace and security.

Since civil protests are one of the most important and obvious tools used in democratic societies to exercise the rights of the people to expose their shortcomings, the right to freedom of expression and hold peaceful assemblies and associations is recognized in the Constitution and other regulations of the Islamic Republic of Iran. Hence, legal assemblies and associations are treated with respect and considered as legitimate, many demonstrations and Unions assemblies are held annually across the country.

Participating in demonstrations freely and exercising the right to freedom of assembly is subject to their peaceful nature, avoiding use of firearms, and more importantly, violence against people and law enforcement officers, as well as refraining from inflicting damages upon public and private properties. In this regard, no authorization has been granted to organize violent and armed protests either in the Constitution or under International law.

According to Article 27 of the Constitution of the Islamic Republic of Iran, organizing assemblies and demonstrations, provided that arms are not carried, is the legal right of the nation. By virtue of Article 46 of *the Charter on Citizens' Rights*, as well as *the Regulations on Security of Legal Assemblies and Rallies* enacted in 2002, citizens have the right to engage in civil activities, participate in demonstrations freely, in compliance with the law, enjoy absolute

impartiality of the agencies responsible for the protection and security of peaceful assemblies.

## **II. Gasoline Price increase and its aftermath**

The decision to increase the price of gasoline was made after serious and long consultations among the competent agencies and based on the long-delayed need to control the use of energy in the country, particularly in a situation that unilateral U.S. economic sanctions imposed on the country, targeted to inflict the country.

Given this fact that the nation was suffering because of affected economic situation due to already imposed sanctions, this decision which as mentioned, made in accordance with consultations from economic experts and analysts and with the unanimous agreement of all officials with the aim of countering smuggling and excessive consumption of gasoline, created a difficult situation for the people and led to peaceful assemblies and limited unrest in a number of cities. Regretfully, because of propagation and infiltration of foreign-backed agents and with the support of lobbies outside the country, the peaceful demonstrations were guided and led into riots to the extent that brought about insecurity and conflict.

It is noteworthy that the Iranian people have long been suffering from unilateral U.S. economic sanctions. In recent years, the U.S. has intensified its sanctions and caused hardships to the livelihood of the people, especially people in vulnerable situations. The sanctions are tantamount to a form of collective punishment for innocent people that, in addition to inflicting detrimental effects upon the lives of Iranian citizens, have violated their fundamental human rights such as the right to development, the right to adequate food, the right to access to essential medicines, the right to sanitation and health, and alike.

## **III. Role of villain and terrorist actors**

The peaceful assembly were disrupted and turned into violence by certain organized infiltrators who enjoyed generous support from outside, in particular from the United States. These organized internal networks at the heart of the assemblies trained professional ringleaders to command the

rioters with a focus on small towns and cities around the capital Tehran, planned attacks on military and law enforcement compounds in order to acquire weapons and shot to rioters at a fatality rates to arouse global human rights concerns, and also in order to create negative perception against the State using the so-called keyword *"Repression of the protests."*

During the riots backed by the same anti-government and terrorist organizations, the rioters used weapons, firearms and incendiary devices. They diverted the protesters' demands and resorted to the worst kind of violence against the people and the law enforcement officers.

In fact, when the organized terrorist elements infiltrated the peaceful gatherings; violent behaviors soon began. Some of them resorted to direct physical attacks on those not present during the riots, harmed the public by obstruction of their legal rights, widespread deprivation of public and private rights, including the imposition of a tight blockade through the streets through preventing the presence of police and hampering their efforts to restore order. Rioters led by ringleaders blocked ambulances and fire trucks thereby increasing the risk of failing to offer medical services, disturbing daily affairs, encouraging unprecedented violent behaviors of a limited number of protesters led the second day of the rallies into a state of violence as the rioters turned and deviate the people's reasonable demands into calls for maximum destruction.

In the meantime, the foreign-backed agents, via social media platforms especially Instagram, provided trainings for the rioters to spark riots in the streets, commit acts of terrorism and confront the law enforcement officers. The rioters called on everyone to exhaust all their efforts in order to confront the police. For instance, the foreign-backed agents held training courses to teach how to make and use improvised explosive devices or smoke bombs via certain websites and social media platforms in order to attack the law enforcement officers. A foreign-backed terrorist group entitled [REDACTED] [REDACTED] has formally launched a campaign called [REDACTED]. The foreign-backed terrorist group openly calls on people to engage in acts of violence against the law enforcement officers. Some of the terrorist group's violence-encouraging statements are as follows: *"Only revenge can heal us"*, *"The Revenge Campaign calls for struggle"*, *"Those willing to go to war and take*

*revenge, join us”, “It is not a university anymore. It is just a struggle and a war”.* The aforementioned are just a few of hundreds of statements and slogans chanted by rioters to incite violence.

Other terrorist groups, involved in the riots, had also pursued the same approach. For example, ████████ terrorists called on their affiliates to attack the Islamic Republic of Iran’s Broadcasting Centers as well as petrol stations. They also provided the rioters with civil war tactics training directed them to attack private and commercial facilities. The rioters, with the backing of the ████████ terrorist group and the foreign-backed agents, launched widespread attacks on defenseless administrative and public service centers, including banks, petrol stations, offices, schools, water and electricity facilities, mosques and religious sites, many of which were destroyed and put on fire and flames. Banks and chain stores, which were specifically for the supply of public necessities, were robbed and looted. Cars, shops and residential homes were also seriously damaged.

Trained and organized rioters and foreign-backed agents in groups of five to seven, dressed in special clothing and equipped with grenades, incendiary gels, lock breakers and firearms played a central role in committing acts of crime. They attacked police stations and military headquarters to acquire weapons. The rioters’ only intention was to take control of police stations and gain access to firearms. To that end, they used a variety of weapons and machine guns that do not exist in the Iranian Armed Forces.

Blocking roads while deploying assault weapons was another act of crime committed by these terrorist groups. They planted explosives near gas and fuel pipelines. The terrorist groups used heavy machine guns against police in a number of cities including Mahshahr and Sarbandar in the southern province of Khuzestan. The rioters and foreign-backed agents were also fully involved in organizing armed groups and committing acts of terrorism in the city of Bukan in Iran’s western Azerbaijan province and across the western provinces of Kermanshah and Kurdistan.

#### **IV. The damages**

During the riots, 991 banks, nearly 300 business centers and shops, 49 residential buildings, 286 public transport vehicles, 180 fuel stations, 142 private centers including health and medical facilities, and 34 ambulances were destroyed and set them ablaze. Primary estimates conducted from the onset of the riots up until 19 November 2019 show that the unrest caused more than two billions of dollars' loss. The aforementioned are only a few examples of the acts of vandalism committed by the rioters and foreign-backed agents to breed discontent and direct the people towards violent demonstrations.

It is obvious that the use of firearms, resorting to violence against people and police, attacking public and private property, setting public and private places on fire, obstruction and closure of public passages, looting and causing damage to public property are not the examples of peaceful assemblies and associations and thus perpetrators shall be held responsible. Evidently, armed and violent gatherings have not been enshrined in both domestic and international law.

As like the entire globe, the police, as a law enforcement body responsible for ensuring public order and national security of society, have practiced maximum restraint and exercising absolute tolerance and indulgence by calling for peace through speeches and warnings, as well as nonviolently dispersing the rioters. Martyring of Disciplinary Forces and inflicting injuries upon a significant number of the law enforcement officers is a testimony to the fact that security forces have exercised maximum restraint during the riots. However, the law enforcement forces, in order to uphold their duty to maintain security and peace for the masses, and with full compliance of the *"Law on the Use of Force and Firearms by Security Forces"*, legitimately defended themselves and confronted the rioters, during which a number of them were killed, injured and arrested.

## **V. False information**

Under no circumstances may the Islamic Republic of Iran approve the false information and the unsubstantiated reports propagated by some biased media outlets about the number of casualties and the number of detainees

and their claim of torture, as well as the enforcement of restrictions upon freedom of expression and threats against journalists and their families.

## **VI. Remedy actions**

Taking into consideration the paramount importance of transparency and the necessity of investigating and assessing the financial loss and damage as well as bodily harm inflicted upon the people, the Parliament's lawmakers and the Judiciary have launched an inquiry into the recent incidents to make necessary decisions in order to properly compensate for incurred damages.

It is noteworthy that by virtue of the decree of the Supreme Leader of the Islamic Republic of Iran, Ayatollah Seyyed Ali Khamenei, which was immediately issued to the Secretary of the Supreme National Security Council to launch a thorough investigation into the origins, roots and causes of the unrest, and to promptly probe the death cases of those killed during the riots and the situation of their families, it was decided that those arrested shall be treated with Islamic leniency, and the ordinary citizens who either were killed by the rioters and foreign-backed agents or accidentally died without playing a role in the riots shall be considered as martyrs, and their families shall be placed under the coverage of *the Foundation of Martyrs and Veterans' Affairs*<sup>1</sup>. Furthermore, paying blood money and consoling the families of those killed must be on the agenda. Individuals who committed crimes and used weapons during clashes with security forces shall be differentiated from their families, and their families must be appropriately treated and consoled.

Moreover, in light of the necessity of transparency with regards to the recent incidents and the need to assess the financial loss and damage as well as the bodily harm inflicted upon the people and in addition to the follow-up and efforts of the Parliament and the Judiciary, a committee consisting of the Vice President for Legal Affairs, as well as the Interior and Justice Ministers has been set up pursuant to the President's order to fully investigate and report on the incidents at the earliest so as to further facilitate and accelerate for well compensate for the damages incurred. The President also instructed the

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<sup>1</sup>The Foundation of Martyrs and Veterans' Affairs provides a wide variety of lifetime services to the families of the martyrs, veterans and the veterans themselves.

governors to pay a visit to the families and those affected in order to console them and provide them with maximum assistance and help.

Nobody has been arrested for staging or participating in the peaceful assemblies. The law enforcement officers only confronted those who caused violent unrest, incited resorting to violence and violated the peace and public order, and handed them over to the Judiciary. Most of the detainees were released immediately after initial investigations proved that they did not hold mal intentions and were only under the influence of propaganda and adolescent impulsivity. Only a number of those who committed criminal and violent acts are remanded in custody as due legal proceedings are underway. Whilst enjoying all the rights set forth in *the Code of Criminal Procedure* and the *by-law of the Organization of Prisons, Security and Correctional Measures*, the detainees are provided with legal guarantees to have the right to counsel and a fair trial including the presumption of innocence. The detainees, while in custody, are allowed to have access to all available facilities and means including telephone calls, the possibility to meet with family and relatives. Therefore, allegations about the detainees' forced confessions, prevention of them from contacting their families and lack of access to counsel are unfounded.

Claims about transfer of the detainees from hospitals prior to treatment, or the interrogation of the family members and the relatives of Iranian foreign-based journalists are also unsubstantiated and entirely inconsistent with the realities.

## **VII. Limiting internet access**

With regard to the Internet, notwithstanding a series of temporary limitations, the service providers and their infrastructure continued to operate freely and without hindrance; especially, access to certain websites and social media platforms that incited violence was temporarily restricted in order to prevent the riots' ringleaders and the instigators of mischief from advancing their destructive and terrorist agenda. In this regard, international human rights law, including Article 1 of *the International Covenant on Civil and Political Rights* permits the application of transient restrictions under extraordinary and

emergency situations in which national security and public order, public morality, as well as the rights and freedom of people are threatened and compromised.

Concerning the issue of human rights defenders and civil society activists, as stated on multiple occasions, the Islamic Republic of Iran guarantees the freedom of expression and its implementation as stipulated in the Constitution and other ordinary laws of Iran. In light of the proper enforcement of Article 27 of the Constitution, the legislator, by virtue of Article 608 of *the Islamic Penal Code*, has imposed punishments only on those who abuse the freedom of expression to insult others. Regarding claims suggesting that Iran has restricted the freedom of expression and certain social activities, the Islamic Republic of Iran, whilst strongly rejecting them, stresses that constitutional freedoms shall not become a cover for committing acts of terrorism, extremism, ethnic hatred, violence and crime.

As stipulated in the International Covenant on Civil and Political Rights, exercising rights in Paragraph 3 of Article 19 and Article 21 requires special rights and responsibilities and is likely to be subject to specific restrictions set forth in the law. It is noted that nobody in Iran, including human rights defenders, will be specifically prosecuted for exercising the right to freedom of expression and other social activities.

#### **VIII. Final comment**

Finally, the Special Procedures mandate holders are expected to refrain from any hasty judgment based on false news published in media in the States that have through unilateral sanctions policy sought to ratchet up maximum pressure on people including women, children, elderly and those in need of medical, pharmaceutical and food services, and have explicitly violated the human rights of the nation of Iran. They are also required to consider their code of conduct subject matter of Resolution 5/2 as well as provisions in the final section of Article 4 (a), and Article 9 (a).