



*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 latter's Communication No. UA IRN 11/2022 dated 8 June 2022, would like to transmit, herewith, the comment of the High Council for Human Rights of the Islamic Republic of Iran in that regard.

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 assurances of its highest consideration.



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

Comment By

The High Council for Human Rights of the Islamic Republic of Iran

Concerning some allegations regarding the riots of May 2022

Communication UA IRN 11/2022, dated 8 June 2022

Peaceful civil protests are one of the most important mechanisms that people in democratic societies use to demand their rights. In these societies, people have learned that using unreasonable means that are coupled with violence will have no result other than continuation of social and political crises or being caught in a vicious cycle of violence and distrust. Meanwhile, governments pay attention to the existing protests and listen to the people's voices. In a way, these protests may lead to chaos and riots after the intervention of foreign forces. In such conditions, all governments would counter rebels and rioters in order to maintain public security and restore order, which is the right of all citizens. Therefore, it is necessary to first identify the components and indicators of a peaceful civil protest and to distinguish it from street riots.

The first condition for holding legal gatherings and peaceful protests is to avoid violence and actions run counter to public order and security. Also, determining reasonable and reform-minded demands – to be distinguished from subversive demands – is a key feature of civil protests. Another condition is that protestors refrain from targeting public interests and harassing citizens. The only purpose of

such protests is to draw attention to policies and laws that protesters consider to be unfair or discriminatory.

Freedom of peaceful assembly in laws of the Islamic Republic of Iran

The 27th Article of the Constitution of the Islamic Republic of Iran recognizes and provides for freedom of assembly as follows: "Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam." In this connection, Note 2 under Article 6 of the Party Act of 1981 stipulates: "holding demonstrations and gatherings in urban squares and public parks after having notified the Ministry of Interior to secure a permit and on condition of not carrying weapons is permissible if, at the discretion of Article 10 Commission, they do not violate Islamic principles."

Therefore, the constitution, recognizes the freedom of assembly and stipulates that obtaining a permit and not carrying weapons are the requirements for exercising this right. Based on Article 27 of the Constitution, it can be argued that individuals and groups are entitled to the right to express their voice and demands in various gatherings and marches. And the government is responsible for ensuring the security of these marches. According to paragraph 7 of Article 3 of the Constitution, establishing political and social freedoms is one of the duties of the government. In this paragraph, the word "establish" has been used instead of the word provide to denote creation. Therefore, the government is responsible for creating security in public marches. This is a basic right of the people.

On the other hand, Article 9 of the Constitution clearly states: "In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from one another, and their preservation is the duty of the government and all individual citizens. No individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and

military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country."

The right to organize, assemble and march is also recognized in Articles 43 and 46 of the Charter of Citizenship Rights of 2016:

Article 43: Citizens have the right to form, join and participate in parties, societies, social, cultural, scientific, political and guild union associations as well as non-governmental organizations with the framework of the law. No one can be prohibited from or forced to participate in any of them. Membership or non-membership must not lead to deprivation from or restriction on citizenship rights or cause unfair discrimination.

Article 46: Citizens have the right to organize and participate in gatherings and marches freely within the framework of the law and to enjoy neutrality of the responsible institutions and under the security they provide.

Accordingly, many peaceful protests and gatherings are held every year in Iran without any problems.

Examples of freedom of peaceful assembly

In order to be an instance of freedom of assembly recognized in international human rights documents, peaceful assemblies must meet certain requirements that are integral part of these assemblies. The most important factor that sets apart peaceful from riotous is as follows:

- Avoiding violent actions and not carrying weapons

The defining feature of peaceful assemblies is avoidance of violence. One of the manifestations of violence is carrying all kinds of weapons (including firearms and cold weapons) in protests and assemblies. The main reason why carrying weapons derails assemblies from their peaceful state is the threat it causes to public security and people's lives. Article 27 of the Constitution of the Islamic Republic of Iran stipulates that one of the conditions for freedom of assembly is that participants must refrain from carrying weapons. This condition confirms peacefulness of assemblies as a legal requirement.

- Prohibition of hate speech

Another thing that is prohibited in assemblies is using hate speech. Hate speech is the use of words and statements that foment discord among different social strata (including among religions, races, and political and social groups) or prepares the ground for incidence of violence, tension, hatred, discrimination, and even violent skirmishes that at times escalate into armed conflicts. Prohibition of hate speech is a restriction on the freedom of speech of individuals and due to the close relationship between freedom of speech and freedom of assembly, this restriction can also be extended include freedom of assembly as well.

According to Article 19 of the International Covenant on Civil and Political Rights, the right to freedom of expression is subject to such restrictions as respecting the rights or dignity of others and maintaining national security and public order or safeguarding public health or morals. According to Article 21 of the Covenant, although the right to organize peaceful assemblies should not be subject to any restrictions, concerns relating to national security, public safety, public order, protection of public health and morals as well as the rights and freedoms of others are among the factors that understandably cause governments to impose restrictions.

Riots of May 2022

Following the cruel and illegitimate unilateral extensive sanctions by the United States and its supporters against the Iranian nation which led to a rise in the prices of basic goods, especially after the liberalization of prices and the implementation of the government's plan to eliminate use of artificially cheap foreign reserves, protests took place in certain cities. With the infiltration of some opposition and separatist elements as well as MKO operatives into the protest movements, especially in Khuzestan province, the protests that started peacefully to voice discontent over the increase in the prices of certain goods, proceeded in a different direction in some cities. Some people and groups while chanting anti-establishmentarian slogans, attacked government authorities and offices, military and law enforcement centers and even public property and attempted to destroy and set fire to them. At first, the police tried to create peace and disperse the riotous gatherings by calling for restraint; But due to the armed nature of some attacks, especially on the police forces, and the planned attempts on the lives of certain people, the flames of the riots were fanned and inevitably, in order to safeguard the safety of the society and the lives of individuals, a number of rioters were arrested. Except for those who had fired gunshots or were involved in destroying or setting fire to the centers, the rest were released in the following days with proper bail or upon providing guarantees regarding future behavior.

According to the available statistics, among those arrested, there were a handful of people under the age of 18 most of whom were released on the same day, and a few others were released upon pledging to refrain from similar actions in the future.

According to the available documents, the variety of occupations and professions of those arrested, who were mostly released in the early days of their detention, shows that there was no intention of targeting a specific class or group of protesters, and that the criteria for dealing with offenders was their violation of the laws and regulations. Therefore, the claims regarding widespread suppression of civil society and targeted arrests of teachers and leaders of labor unions and other such groups have no basis.

Unfortunately, 2 people lost their lives in Khuzestan province and 2 others in Chaharmahal and Bakhtiari province in the intense tensions that arose during these riots. Therefore, the figure cited by the rapporteurs (at least 5 deaths) is not correct. The official policy of the Islamic Republic of Iran is to facilitate people's access to information and create legal freedoms for online and offline media activity, and consequently, protect and advance the right to freedom of opinion and expression. The claim that cellphone internet connection was cut off completely and landline calls were limited in Khuzestan province is not true at all. During the riots, internet speed was reduced slightly. Slowing down the internet and sometimes temporarily limiting access to certain internet networks in order to prevent terrorist acts and ensure people's security in times of crisis is common in all countries and is recognized in various documents such as the Covenant on Civil and Political Rights. In particular, messaging applications and social media networks are known as an effective means of daily interactions in various cultural, economic and political areas and they play an important role in the formation of various interactions in society. Thus, one cannot be indifferent to the dimensions, effects and damage that may be caused by social media. It is no secret that the terrorist attacks on the Islamic Consultative Assembly and the shrine of Imam Khomeini and many other terror attacks took shape on the platform of certain social media networks. Therefore,

there is no reason to treat this issue with a negative attitude, while ignoring the mentioned considerations, which conform to international documents and are commonplace in the world as a way of safeguarding the rights of the people.