

**Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
A/HRC/43/61 para 68(i)**

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament: Ensure that lethal force is used only when strictly unavoidable to protect life, in accordance with principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and that everyone is allowed to participate in lawful and peaceful assemblies, in accordance with article 21 of the International Covenant on Civil and Political Rights;

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur recommends that the Government, the judiciary and the parliament: Ensure that lethal force is used only when strictly unavoidable to protect life, in accordance with principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

As set out in principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the intentional lethal use of firearms is permitted only when strictly unavoidable in order to protect life.

The 1993 Law on the Use of Weapons by Agents of the Armed Forces In Case of Necessity is the only law regulating the use of lethal force by Iranian law enforcement and security forces. Under Article 11 of this law, the military and security forces (including the Revolutionary Guards Corps and the *Basij* militia) “shall use weapons as directed by the law in instances when they cooperate with the Police Force under the law and during assignments given to them”, which is not further clarified.² There is no information to suggest that executive regulations to implement Article 11 have been drawn up. The lack of clarification around the provisions given under Article 11 of the 1993 hinders accountability for law enforcement and security forces who used weapons against demonstrators and superiors who decided on “assignments”.

¹ CCPR.1.S.2 ; CCPR.21.1.S.1
CCPR.6.1.P.1; CCPR.21.1.P.2;
CCPR.6.1.O.2 ; CCPR.21.1.O.2; CCPR.21.1.O.3;

² Law on the Use of Weapons by Agents of the Armed Forces in Case of Necessity (1993), as referenced by Amnesty International, submission to the Human Rights Committee, 2011,
https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_103_9081_E.pdf

While the 2015 Iranian Code of Criminal Procedure (Articles 28 to 44) and the Law on the Protection of Legitimate Freedoms and Civil Rights regulate the powers and duties of law enforcement, they fail to provide details of conduct during arrests, notably with regards to the use of lethal force only when strictly unavoidable to protect life.

There is no independent and impartial mechanism in the Islamic Republic of Iran ensuring that regulations relating to the conduct of law enforcement are effectively implemented. Additionally, there is no official and readily available information that might suggest that existing regulations are effectively implemented.

In November 2019, authorities violently repressed protests across the country.^{3 4} Reportedly, the death toll ranges from verified reports of 304,⁵ to unconfirmed reports of up to 1500 deaths,⁶ and the number of those injured by security forces is estimated at several thousand.⁷ NGOs documented cases where protestors were shot dead by Iranian security forces though they didn't pose a direct threat to life, suggesting that Iranian security forces were "shooting to kill" contrary to the Basic Principles.^{8 9} These findings were echoed in the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in July 2020.¹⁰

As of February 2021, there is no readily available information that might indicate that the Islamic Republic of Iran has engaged in investigations consistent with international standards into the reported incidents that occurred during the 2019 November protests.¹¹

³ Iran: Protests met with violent crackdown and online censorship," ARTICLE19, 19 November 2020.

<https://www.article19.org/resources/iran-protests-met-with-violent-crackdown-and-online-censorship/>

⁴ "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020.

<https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreec/>

⁵ Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020.

<https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreec/>

⁶ "Special Report: Iran's leader ordered crackdown on unrest - 'Do whatever it takes to end it'," Reuters. 23 December 2019.

<https://www.reuters.com/article/us-iran-protests-specialreport/special-report-irans-leader-ordered-crackdown-on-unrest-do-whatever-ittakes-to-end-it-idUSKBN1YR0QR>

⁷ Amnesty International, Iran: Details released of 304 deaths during protests six months after security forces' killing spree," <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreec/>

⁸ Amnesty International, Iran: Details released of 304 deaths during protests six months after security forces' killing spree," <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreec/>

⁹ See also: Justice for Iran, "Shoot to kill: preliminary findings of justice for Iran's investigation into the November 2019 protests – submission to the Council of the European Union", <https://justice4iran.org/15229/>

¹⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

The law in the Islamic Republic of Iran does not ensure that lethal force is used only when strictly unavoidable to protect life. In practice and as documented in the context of the November 2019 protests, Iranian security forces kill civilians despite no plausible threat to life. The impunity to date for the large scale, unlawful use of lethal force by Iranian security authorities strongly increases the probability of reoccurrence.

B. The Special Rapporteur recommends that the Government, the judiciary and the parliament: Ensure that everyone is allowed to participate in lawful and peaceful assemblies, in accordance with article 21 of the International Covenant on Civil and Political Rights;

While Article 27 of the Constitution ostensibly protects the right to freedom of peaceful assembly, the guarantee falls short of international standards set out in the International Covenant on Civil and Political Rights (ICCPR) by requiring that participants are not “in violation of the fundamental principles of Islam”. There is no clear definition or criteria that stipulate what can be considered “fundamental principles of Islam”. Under Article 2 of the Law on Political Crimes, adopted in 2016, participation in an unauthorized assembly, even if it is peaceful, can effectively be considered a political offence.¹² Unauthorized assemblies were previously prohibited under the 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognised Religious Minorities.¹³ Those participating in peaceful unauthorised assemblies are often charged and sentenced to prison terms under Article 610 of the Islamic Penal Code.¹⁴

The revised version of the Islamic Penal Code,¹⁵ adopted in 2013, maintains numerous provisions which criminalise the exercise of the right to freedom of expression, association and peaceful assembly, in contravention of international human rights law and standards. Under the Penal Code, the establishment or leadership of a group that “aims to perturb the security of the country” is criminalized,¹⁶ as well as a variety of acts considered as propaganda¹⁷ or conspiracy against the state (which has been interpreted to include peaceful protests).¹⁸ Encouragement to “violate public morals”¹⁹ as well as satire are also penalized.²⁰ Similar vaguely worded

¹² The 2016 Law on Political Crimes, available at: <https://rc.majlis.ir/fa/law/show/968421>

¹³ The 1981 Law on the Activities of Parties, Populations and Political and Trade Unions and Islamic Associations or Recognised Religious Minorities, available at: <https://rc.majlis.ir/fa/law/show/90226>

¹⁴ The new Islamic Penal Code was introduced in 2013 for an experimental period of five years and was revised in 2016. See the most updated version of the Islamic Penal Code here on the website of the Iranian parliament: https://rc.majlis.ir/fa/law/print_version/845048

¹⁵ The Islamic Penal Code available at: http://rc.majlis.ir/fa/law/print_version/845048

¹⁶ Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁷ Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁸ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁹ Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²⁰ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

provisions criminalize acts such as swearing at²¹ or insulting²² “the Great Prophet of Islam” as well as “sowing corruption on earth”²³, for which they prescribe the death penalty.

The authorities frequently resort to these provisions in order to intimidate, arrest and prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly including journalists and media workers, trade unionists, and lawyers.^{24 25 26 27 28}

²⁹ NGOs have reported a pattern of violations to the aforementioned human rights targeting disproportionately members of minority or marginalised groups.^{30 31}

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Article 90 Commission of the parliament and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.³²

Recommendation Status:

This recommendation has **NOT** been implemented.

²¹ Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

²² Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

²³ Article 286 Islamic Penal Code 2013

²⁴ See more : Amnesty International, Caught in a web of repression: Iran’s Human Rights Defenders under attack, <https://www.amnesty.org/download/Documents/MDE1364462017ENGLISH.PDF>

²⁵ While no official figure exists on the number of journalists detained with charges since 2011, documentation on specific cases of journalists imprisoned by HRANA News Agency, Committee to Protect Journalists, Amnesty International, Centre for Human Rights on Iran, and Reporters Without Borders and ARTICLE19 suggest the number is over a hundred.

²⁶ See more: ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf

²⁷ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

²⁸ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

²⁹ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

³⁰ “Alireza Farshi has been released from Evin,” HRNA News Agency. 11 April 2020. <https://www.hra-news.org/2020/hranews/a-24375/>

³¹ “Iran arrests 29 linked to protests against compulsory hijab laws”, New York Times, 2 February 2018. <https://tinyurl.com/ybmdozuy>

³² Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCS%2fIRN%2f42313&Lang=en