



High Council for Human
Rights of the
Islamic Republic of Iran

Guaranteeing & Implementing the Right to Peaceful Assembly in the Islamic Republic of Iran

The High Council for Human Rights of
The Islamic Republic of Iran
(29 October 2022)

In the Name of GOD

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Guaranteeing the Right to Peaceful Assembly in Laws of the Islamic Republic of Iran: Examples of Implementation in Practice

The right of peaceful assembly is recognized both by the Constitution and the ordinary laws of the Islamic Republic of Iran; and, those participating therein are supported as long as they do not resort to unconventional measures. But in case they brandish *armes blanches* or firearms, disrupt public order and create terror for the people, they will be legally held responsible for their criminal actions. Tasked with maintaining public order in the society, the bailiffs of justice administration are cognizant of the aforesaid right and have been trained in this field. Based on this, many peaceful protests and gatherings have been staged in the Islamic Republic of Iran by the people every year without any let or hindrance.

On the strength of Article 26 of the Constitution, the formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate therein. By virtue of Article 27 of the Constitution, public gatherings and marches may be freely held, provided arms are not carried. As per Article 13 of the Law on Activities of Political Parties and Groups, enacted in 2016, Article 46 of the Charter of Citizenship Rights, enacted in 2016, as well as Article 29 of the Bylaw of Non-Governmental Organizations, enacted in 2016 by the Council of Ministers, parties, organizations and citizens have rights and privileges such as holding marches and organizing gatherings. Moreover, according to Articles 11 and 13 of the Law on Activities of Political Parties and Groups, requesting to hold a rally and march is among the recognized rights of the legally-licensed parties. In this context, the Islamic Republic of Iran has considered and continues to consider and make all necessary arrangements and facilities to hold peaceful gatherings.

In the past year, three specific measures have been implemented by the Government to institutionalize and organize the right to protest, which are:

- Holding elections for the House of Parties¹ in a healthy political competition and the participation of 91 parties therein;
- Organizing social demands through the holding of general assemblies of trade-specialized organizations²;
- Compiling a draft executive bylaw of gatherings according to Article 27 of the Constitution.

It is noted that gatherings in the Islamic Republic of Iran, if peaceful, are supported by law enforcement officers even in case a permit has not been obtained therefor. Over the last two years, more than 1,000 peaceful gatherings have been held in the Country by workers, students and trade unions without the necessary license. This is emblematic of the support and promotion policy of the Islamic Republic of Iran regarding the right of peaceful assembly as a human right. It is once again noted that some of these gatherings were held in the last month and during the recent non-peaceful and violent riots in different cities of the Islamic Republic of Iran, all of which were supported and protected by law enforcement agents.

The Right of Peaceful Assembly in International Law

It should be noted that international human rights only support peaceful (non-violent) gatherings. International human rights law considers an assembly's "peaceful nature" as a defining characteristic for protection under Article 21 of the International Covenant on Civil and Political Rights. The implementation of the right to freedom of peaceful assembly is subject to certain conditions stipulated by the law. In a democratic society, in line with national or public security, public order, public health, good morals and protection of the rights and freedoms of others are necessary.

The most critical issue in peaceful gatherings is to avoid violence. Sometimes, violence is perpetrated through some behaviors and practical examples, and sometimes it is manifested by verbal violence and the promotion of hatred. Gatherings that are accompanied by violence and hatred are certainly not supported and recognized by international human rights instruments.

As stipulated in all international instruments, the carrying of weapons, hateful speech and incitement to violence and violent actions are among the examples of non-peaceful measures that divert a gathering or protest from the peaceful nature thereof.

¹ Parties' House, or the House of Parties of Iran, is one of the places where political discussion and criticism take place.

² There are currently 480 trade unions and specialized organizations operating in the Islamic Republic of Iran, which cover a large part of social demands.

Non-Peacefulness of Recent Gatherings: Instances

Unfortunately, some gatherings that took place in different parts of the Country following the death of Mahsa Amini deviated from the peaceful nature thereof and morphed into riots and vandalization. A few violent rioters took control of the peaceful civil gatherings and diverted them. In the meantime, the U.S. and certain western countries – in a completely unconventional move and contrary to international standards – started to intervene in the peaceful gatherings and supported the rioters by openly interfering in Iran's domestic affairs. Other external factors such as terrorist groups, satellite channels and social media networks also incited and directed their agents to participate in the riots and provided support thereto. The axes of actions by the aforesaid current (certain countries, satellite channels, social media networks and terrorist groups) are as hereinafter:

- Provoking, inciting and inviting to spark riots;
- Directing and commanding violent riots by trained leaders;
- Targeted planning to attack military and police headquarters;
- Inciting to commit acts of violence and sabotage;
- Destroying and setting fire to public and private properties and equipment;
- Desecrating sanctities respected and cherished by followers of divine religions; and
- Inciting to disrupt public services such as provoking to block streets, highways and main squares of cities.

Egged on by terrorist groups, certain individuals resorted to the worst kind of violence against people and police forces during the riots using *armes blanches*, rifles and incendiaries. Some examples of such violent behaviors are: direct physical assault on those who were not present in the gatherings and refused to participate therein and accompany them, causing disturbance to the general public, encroaching upon the rights of citizens especially those of women, widespread violation of public and private rights including by creating roadblocks, obstructing the presence of police tasked with maintaining order, preventing the free and unhindered movement of emergency vehicles such as ambulances and fire engines, setting fire to public and private properties and places, and striking fear and terror into the hearts of people.

During the riots, certain individuals and operatives of terrorist groups, while participating therein and directing them, sought to exacerbate the violence by issuing various calls in cyberspace in order to incite and encourage people to embark on violent and uncivilized behaviors.

The rioters used social media networks to organize themselves, train, and carry out destructive and violent actions, thereby inviting and encouraging everyone to confront the police and destroy public and private property. In the course of the subversive riots, many

public and private properties as well as more than 1,200 places, cars and motorcycles were either set ablaze or looted; some law enforcement officers and ordinary people were killed or injured³ by *armes blanches* and firearms brandished by the rioters. Defenseless civil administrative centers and public services such as banks⁴, ATMs, ambulances, public transportation means, police vehicles, fire engines and religious places⁵ – many of which were destroyed and burned – were subject to organized and widespread attacks.

It is evident that brandishing firearms, intimidating devices and equipment, resorting to violence against people and police forces, attacking and setting aflame public, government and private properties and places, blocking public roads as well as looting and attacking people's property – all of which result in prosecution and entail criminal responsibility – are not considered examples of peaceful protests. In this situation, the Law Enforcement Command of the Islamic Republic of Iran is obliged by the law to restore public order and guarantee the public security of all citizens. Be advised that such violent behavior and the rioters' brandishing of weapons in gatherings are in glaring contradiction with international human rights instruments.

³ Over 30 martyrs and 6,000 injured law enforcement agents.

⁴ More than 180 banks.

⁵ Over 21 religious places.