

In His Name, the Exalted

Preliminary Report on Death of Mahsa Amini & Ensuing Events

Analogous to people and State officials, the High Council for Human Rights of the Islamic Republic of Iran is appalled by the death of Mahsa Amini and takes this opportunity to once again express its' deepest sympathies to the bereaved family. The present preliminary report has been prepared with the aim of exhibiting the determination and resolve of the Islamic Republic of Iran in illustrating the aspects of the incident as well as the existing facts pertaining the exploitation of ensuing events which led to the spark of unrest and insecurity in the society. Supplementary reports on the final results of investigations into the death of the aforesaid, destruction of public and private property, and courts' handling of judicial cases filed in this regard will be prepared and presented afterwards.

Formation of Investigation Teams to Probe Death

As per a report received from the police, due to non-compliance with the binding Islamic hijab law and impossibility of redressing the state of attire when facing the police, the forgoing person had been transferred to a conference hall belonging to the Department of Social Affairs and Education for Women in the Public Security Police in the absence of any verbal abuse, physical or coercive maltreatment in order to receive the necessary trainings. She, however, suddenly lost consciousness and fell on the ground after 26 minutes. Initial measures implemented by a doctor stationed in the Public Security Police and emergency services as well as her immediate referral to the hospital have all failed to bear fruit; and finally, she was pronounced dead despite several rounds of cardiopulmonary resuscitation.

Once informed of the incident, special investigation teams were formed to clarify all aspects thereof and unmask the truth. The teams include: an investigation squad formed by the Minister of Interior as per the Order of the President and under the supervision of the Deputy Interior Minister for Security and Enforcement Affairs as well as the Secretary of the State Security Council; a probe team assembled by Tehran Prosecutor General; another inquiry team put together by the Tehran Province Justice Administration within the Office of Civil Rights Protection of the Judiciary; an investigation team formed by the Legal Medicine Organization comprising of experts; and a probe team formed by the Islamic Consultative Assembly. Furthermore, a medical committee consisting of the Deputy Minister for Treatment of the Ministry of Health, Treatment and Medical Education, the Vice Chairman of the Health Commission of the Islamic Consultative Assembly, the Head

of the Legal Medicine Organization, the Head of the Medical Council, the representative of the Heart Association, the representative of the Neurosurgeon Society, and the representative of the Society of Radiology was formed in order to probe the forgoing person's medical records and therapeutic aspects thereof.

The investigation teams began their mission instantaneously with a view to launching quick, impartial, effective and independent inquiries into the incident including by conducting field research and scientific experiments, reviewing medical records, interviewing relevant and informed persons and going over CCTV recordings, the final report of which will be submitted to the judicial authority once investigations come to an end.

Orders Issued by President & Heads of Other Branches of Power to Deal with Incident

Expressing sympathy to the family of the deceased during a phone call, Hujjat al-Islam wal-Muslimeen Dr. Seyyed Ebrahim Raeisi, the President of the Islamic Republic of Iran, said: *"Once informed, I ordered my colleagues to investigate the incident specially and put it on the agenda; and, I assure you that I will demand answers from responsible bodies so that the issue's dimensions are clarified."* The family of the deceased, while expressing gratitude to the President for the phone call and issuing an immediate order to deal with the incident, requested His Excellency to follow up on the incident until aspects thereof are illustrated. Furthermore, the President has ordered the Minister of Interior to launch an urgent and accurate investigation in to the cause and details of the incident and report the results. The Minister of Interior has subsequently tasked his Deputy for Security and Law Enforcement Affairs with investigating the incident.

"Having already put on its' agenda, the Judiciary will follow up on Mahsa Amini's death carefully and meticulously." stressed the Chief of the Judiciary, Hujjat al-Islam wal-Muslimeen Gholamhossein Mohseni Eje'i. His Excellency, in a phone call to the Head of the Legal Medicine Organization, has reiterated the necessity to investigate the death in a careful and meticulous manner. The Chief of the Judiciary has also ordered the judicial authorities to conduct thorough and in-depth inquiries into the incident from the very place where she was invited to the police car, and to check public and private CCTV recordings. His Excellency has reassured the family of the deceased that the incident will be followed up on meticulously and swiftly after obtaining test results produced by laboratories, stressing that the results of the investigations will be announced without any considerations.

Following the incident, Dr. Mohammad Baqer Qalibaf, the Speaker of the Islamic Consultative Assembly, said: *“The recent incident for a woman in one of the police departments of Tehran hurt public opinion. While emphasizing that it is a must to abide by the law and exhibit a lawful behavior when it comes to social and cultural issues, I assign the Internal Affairs Commission and councils to investigate all aspects of the incident with urgency and precision and present a report on the results to the Parliament.”*

Dr. Kazem Gharibabadi, the Vice-President of the Judiciary for International Affairs and the Secretary-General of the High Council for Human Rights, offered his condolences to the bereaved family and immediately called upon the relevant institutions to act expeditiously and undertake the necessary, in-depth and extensive investigations into the cause of the death, adding that the results of the probes should be transparent and available to the public. He also called upon the relevant judicial officials to bring to justice the perpetrators of and those responsible for the incident *tout de suite* if negligence and fault are found.

In a phone call with the bereaved family, Dr. Ensieh Khazali, the Vice President for Women and Family Affairs, expressed her condolences and reiterated that follow-ups are underway until all aspects of the incident come into the light.

Governor of Kordestan Province, Dr. Esmail Zarei Kousha, have also called the family of the deceased to express his condolences, stressing that the incident is being thoroughly investigated. He added that any possible negligence or fault, as per the Order of the President, will be dealt with.

Filing Judicial Case to Deal with Incident

A criminal case was filed in the Tehran Prosecutor’s Office following an order issued by the Chief of the Judiciary. By forming a special team and appointing a special investigator for the case, the Tehran Prosecutor General issued the necessary orders to conduct investigations into the incident and clarify dimensions thereof. The Tehran Province Chief Justice Administration has also ordered the Citizenship Rights Monitoring Board to immediately launch inquiries into the cause of the death, and called upon the Legal Medicine Organization as well as the Ministry of Interior to submit their reports and summaries to the Judiciary as soon as possible. He emphasized that detailed judicial investigations have already started since the very early hours of the incident. The forgoing high-ranking judicial official also stated that the results of the investigations at different stages will be announced, reassuring everyone that the case will be dealt with in an exclusive, fast and accurate manner.

Preliminary Results of Probes into Allegations of Assault & Battery

Unfortunately, allegations – including those made in two statements released by the Acting UN High Commissioner for Human Rights, some Special Procedures Mandate Holders and certain countries – suggest that the person in question was assaulted and beaten on the head. Such a premature judgment, as investigations and inquiries are still underway, is unwarranted and provocative. In an interview conducted by the Director General of the Tehran Province Legal Medicine Organization a few days after this incident, the initial statement of the aforesaid Organization pertaining investigations into the cause of the death reads: *“Considering that any comments by the Legal Medicine Organization regarding cases referred thereto require detailed and substantiated evidence, [be advised that] in this particular case and up to this moment, the only medical documentation that can be cited is one case of hospitalization for brain surgery in Tehran back in 2007 when the deceased was aged eight. Taking into account that false and unscientific information has been circulating in social media and the cyberspace about blood coming out of her ears, fracture of the cranial floor and damage to internal organs, we hereby announce that no signs of injury on the head and face, bruises around the eyes and fracture of the cranial base were found in the physical examination and autopsy conducted on the deceased. An autopsy of the torso and abdomen shows no traces of bleeding, crushing or rupture in the internal organs of the body. In the meantime, what needs time is to determine the cause of the death, which should be done after the results of the tests are produced and combined with the results of the examination and autopsy of the body and medical records. Then, the Legal Medicine Organization’s final report on the cause of the death will be presented to the judicial authority.”*

In an interview, Dr. Massoud Shirvani, a neurosurgeon, announced that the above named had a brain tumor successfully removed via surgery at the age of eight. The physician added: *“Such patients must undergo drug treatment under the supervision of an endocrinologist because they suffer from hormonal imbalance; and, the late Mahsa Amini was under continuous treatment under the supervision of an endocrinologist.”*

In a statement released on 23 September 2022 pertaining allegations of assault, the Minister of Interior said: *“The preliminary investigations and a report produced by Kasra Hospital prove that there was no assault, battery and brain hemorrhage. In*

the second phase of inquiries, we have to determine the cause of the death. We are waiting for the opinion of the Legal Medicine Organization in this regard.”

Guaranteeing Right to Freedom of Peaceful Assembly

The Constitution and ordinary laws both recognize the right to freedom of peaceful assembly; and, as long as those participating therein do not resort to unconventional measures, they are under the protection of the law. However, in case *armes blanches* or firearms are brandished in order to disrupt public order and strike fear and terror into the hearts of people, they will be held legally responsible. Tasked with ensuring public order in the society, the bailiffs are well cognizant of the aforementioned right and have received necessary trainings. Based on the aforesaid facts, peaceful protests and gatherings galore have hitherto been and are being held every year in Iran by the people without let or hindrance.

It deserves a mention that international human rights instruments such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights subject the exercise of such rights to observance of order, health, public morality, national security as well as respecting the rights and freedoms of others. Regretfully, some peaceful gatherings that took place following the incident morphed into riots in which the rioters resorted to vandalization. The egged-on rioters took control of the peaceful civil gathering and diverted it. 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 internal affairs. Other external factors such as terrorist groups and foreign-based Persian media outlets also incited and directed their agents to participate in the riots and provided support thereto. The axes of unconventional and illegal actions taken by the aforementioned entities are as herein under:

- Provoking, inciting and inviting to spark riots;
- Directing and commanding riots by trained leaders;
- Targeted planning to attack military and police centers;
- Incitement to commit acts of violence and sabotage;
- Destroying public and private properties and equipment;
- Desecrating sanctities respected and cherished by followers of divine religions; and
- Inciting 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 rifles, *armes blanches* and incendiaries. Some examples of such violent behaviors are: direct physical assault on those who did not participate and accompany them in the gatherings, 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 who are tasked with maintaining order, and preventing the free and unhindered movement of emergency vehicles such as ambulances and fire engines.

The rioters used social media and networks to organize the riots and acts of destruction, thereby inciting and provoking everyone to confront the police and destroy public and private property. During the disruptive riots, many public and private properties were set ablaze or looted; some law enforcement officers and ordinary people were also killed or injured by *armes blanches* and firearms brandished by the rioters. Defenseless administrative centers and public services such as banks, ATMs, ambulances, public transportation, police vehicles, fire engines and religious places were widely attacked, many of which were destroyed and burned.

It is obvious that using firearms, intimidating devices and equipment, perpetrating 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 peaceful protests. Be advised that such violent behavior and the rioters' brandishing of weapons in gatherings are in glaring contradiction with international human rights instruments.

Given the unorthodox and disruptive acts as well as the violent unrest sparked off in different cities, the peaceful protesters who were pursuing their demands in a lawful manner, decided to part ways with the rioters. Millions of people across the Country have also taken to the streets in two days to protest against the actions of rioters and their foreign supporters; they voiced support for the policies of the Government, the police and the religious values governing the society.

Police Handling of Riots

Public order requires that decision to stage gatherings be notified to the police, as they are the ones tasked with maintaining security and public order. The presence of the police in gatherings is of paramount importance because it is to ensure that no

harm is inflicted thereupon, to safeguard security thereof, and to maintain public order and guarantee the public safety of the society.

According to Note 2 of Article 4 of the Law of the Police, confronting and fighting against any acts of sabotage, terrorism, rebellion and acts that disturb the State security in a decisive and unceasing manner, and on the strength of Note 3 of the aforesaid Article, ensuring the security of gatherings, assemblies, marches, legal and authorized activities, preventing any unauthorized assemblies, marches and gathering, as well as dealing with disturbance, disorder and illegal activities are among the duties assigned to the Law Enforcement Command of the Islamic Republic of Iran. Nevertheless, the police have adopted an approach based upon five criteria, as referred to herein under, in order to restore order, establish security and deal with rioters and illegal gatherings:

- Exercising tolerance and restraint;
- Calling for calm via delivering speeches and verbal warnings;
- Dispersing gatherings without resorting to deterrent means;
- Using control equipment according to the law, if deemed necessary; and
- Placing rioters under arrest.

Fair & Just Handling of Detainees

During the unrest, no one has hitherto been arrested for peaceful protest. Only the agents of insecurity, rioters and those violating the rights of the people have been dealt with legally in accordance with rules and regulations; and, they have been handed over to the judicial authority after the arrest. The arrested individuals, after it is learned that they were holding no malicious intention, as well as those who were deceived and subsequently carried away under the influence of paroxysms have all been released right after the initial investigation – only those who have committed criminal and violent acts will remain in custody. The detainees enjoy all the rights stipulated in the Code of Criminal Procedure as well as the regulations of the State Prisons Organization, guarantees of a fair trial including the principle of presumption of innocence and right of access to a lawyer; and while in custody, they benefit from all available facilities such as medical services, telephone calls and the possibility of meeting with their family members. The Chief of the Judiciary has personally contacted the relevant judicial officials, paid a visit to the Court of Security Crimes and issued the necessary orders to commence fair and quick proceedings against the detainees. On the other hand, anyone in Iran enjoys access to competent tribunals, and as per Article 3 of the Code of Civil Procedure, the judges of the courts are

obliged to hear all claims according to the law; otherwise, they will be recognized as a refuse of doing justice and shall be sentenced to punishment. In this way, any person sustaining injuries during gatherings can lodge a lawsuit in the courts at any time to receive compensation, as the private rights of individuals are not subject to the passage of time.

Rights of Women

Ensuring the comprehensive rights of both men and women, equality of the general public before the law, eliminating undue discrimination and creating fair facilities for all are guaranteed under and taken care of by the Constitution and related laws. Government institutions have been obliged to lay the groundwork for the material and spiritual development of women by ensuring rights thereof in various fields and establishing the necessary facilities and arrangements therefor. Since the establishment, the Islamic Republic of Iran has paid special attention to advancing women's affairs and improving their rights and status. In line with promoting dignity, honor as well as social and human character of women, the Government of the Islamic Republic of Iran has managed to achieve significant progress and implement extensive measures so as to improve women's health and education, create employment therefor, ensure security thereof, deal with perpetration of violence there against and increase social presence by encouraging and facilitating participation thereof in decision-making positions. For more information, please find attached herewith a report on the measures taken by the Islamic Republic of Iran for supporting and promoting women's rights over the past two years.

Principle of Hijab

Enjoying a majority vote of 98.2 per cent, the Islamic Republic of Iran enacts laws according to the type of governance – which has been determined based upon the Constitution – as well as culture and religion of the people. The establishment of public order and enjoyment of all people from human rights in a democratic society based upon the rule of law, can only be attainable by respecting and abiding by the law which are passed by the representatives of the people. Any violation of the law entails criminal responsibility; and, those enforcing the laws including judicial, police and detention center staff have no right to act against the will of the ordinary legislator. Any kind of illegal behavior by the law enforcement officers gives the victim the right to lodge a complaint thereagainst and pursue it.

Any fault and negligence, on the strength of provisions of Single Article of the Law on Respecting the Legitimate Freedoms and Protection of Citizens' Rights and

executive instructions thereof, can *absque dubio* be investigated and punishment shall be prescribed for violations and *actus rea* of such nature.

Other Points

The Islamic Republic of Iran is committed to protecting the basic rights and freedoms of its' people according to the accepted laws and obligations; and therefore, it will seriously pursue any restrictions or violations of rights.

Having always paid special attention to the concerns and demands of the people, the Government has spared no effort to exhaust all endeavours in order to fulfill them within the framework of the existing facilities and conditions. In this framework, the Islamic Republic of Iran has always provided the necessary conditions for people's demands and their peaceful protests.

Temporary restrictions have been imposed on the Internet with a view to obstructing communication between the rioters and members of violent and terrorist groups. The Internet has of course never been completely cut off; the restrictions placed thereon will be lifted after the riots are brought under control.

All necessary arrangements have been made so as to ensure the security of diplomatic missions, foreign companies and investors. On the other hand, the necessities and essential items are provided to the people living in the unrest-hit areas; and, the provision of social and health services continue uninterruptedly.

Curtain Line

In the end, while calling upon certain States and international human rights mechanisms to observe fairness, avoid any prejudice and hasty judgments when commenting on the incident and refrain from presenting a politically-charged evaluation of the situation and facts on the ground, the Islamic Republic of Iran once again reiterates the existing resolve to protect the rights of all of its' citizens. The Islamic Republic of Iran will also seriously pursue the incident in question until the cause of the death is discovered, and stresses that it will not allow the rights of the deceased and the bereaved family be violated in case anyone is found guilty of negligence or fault. The results of the investigations and judicial proceedings will be transparently published. On the other hand, in order to establish order and security for all members of the society, the Government will take the necessary measures within the framework of its' domestic laws and international obligations. It deserves a mention that the Islamic Republic of Iran is made up of various ethnic groups including but not limited to Kurds, Baloch, Turks, Arabs, Lurs, Persians, and none

of which are considered minorities; they in fact constitute the majority of the Iranian society. It is bitterly surprising and regrettable that how come no statement is issued in support of the victims of terrorism and to condemn the unending killings of the Kurdish people of Iran by the Komalah, PKK and the so-called Democrat terrorist groups?!