



**Freedom of Expression in Iran  
Priorities for the 43<sup>rd</sup> Session of the Human Rights Council  
February 2020**

In the last year, conditions for the rights to freedom of expression and peaceful assembly have been rapidly deteriorating in Iran.

ARTICLE 19 is deeply concerned with the unlawful killings and arbitrary arrest of thousands of people during recent nationwide protests beginning in November 2019, amid unprecedented internet controls that limited the sharing of information among participants and hindered documentation of human rights violations.

Judicial harassment of human rights defenders, journalists, and others engaged in dissent, whether offline or online, has continued, mostly through abusive application of broad provisions in the Penal Code and Iranian Constitution.

At the 43<sup>rd</sup> Session of the Human Rights Council (HRC43), States should raise the following four priorities in their interventions related to Iran, and support the renewal of the Special Rapporteur mandate for a further period of one year.

**I. Right to Peaceful Assembly**

Since November 2019, authorities have violently repressed protests across the country, violating international human rights law, and guarantees for the right under Article 27 of the Iranian Constitution.

Unlawful and excessive force used against protests made it one of the bloodiest periods in Iran for freedom of assembly since the 1979 Revolution. The death toll ranges from verified reports of 304, to unconfirmed reports of up to 1500 deaths,<sup>1</sup> and the number of those injured by security forces estimated at 4800.<sup>2</sup>

Nearly 7000 persons were arrested and detained,<sup>3</sup> many on an arbitrary basis, with many trials ongoing, and already resulting in draconian prison sentences on vague grounds. Sohbatoollah Omid, a protester from the city of Kermanshah, was sentenced to five years' imprisonment for

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<sup>1</sup><https://www.reuters.com/article/us-iran-protests-specialreport/special-report-irans-leader-ordered-crackdown-on-unrest-do-whatever-it-takes-to-end-it-idUSKBN1YR0QR>

<sup>2</sup> <https://www.bbc.co.uk/news/world-middle-east-50520634>

<sup>3</sup> <https://www.middleeastmonitor.com/20191127-iran-arrests-7000-fuel-protesters-in-one-week/>

“membership in an opposition group” under Article 500 of Islamic Penal Code, and five years of imprisonment for the charge of “assembly and collusion” under Article 610.<sup>4</sup> Additionally, Amir Hossein Moradi, Saeed Tamjidi, and Mohammad Rajabi, protesters from Tehran, were all sentenced to death for vandalism and arson against the Islamic Republic under Article 687.<sup>5</sup>

**States at the Human Rights Council should call on Iran to immediately open full and transparent investigations into all deaths of protesters, including the use of lethal force, and hold those responsible to account in courts of law. They should also call on Iran to immediately release all persons detained for the exercise of the right to peaceful assembly, and drop outstanding charges, and/or quash convictions, as applicable.**

## **II. Internet Access**

During the 2019 protests, the government imposed unprecedented Internet controls. The week long Internet shutdown enabled an information blackout on the protests, limiting the ability of participants to communicate freely, including to document abuses by security forces.<sup>6</sup> In HRC resolution 38/11 (2018), States condemned the practice of blocking Internet access during protests.<sup>7</sup>

The continued development of the National Information Network (NIN), a project which aims to create a national, secure and ‘clean’ Internet, has had a major role in facilitating internet shutdowns.<sup>8</sup> NIN has given the government the confidence to eliminate access to free and unrestricted international traffic during sensitive moments like protests, as the majority of national infrastructure remains on Iran’s NIN, such as banking, e-commerce, national and insecure messaging and social media, as well as hospital networks.<sup>9</sup> Aggressive policies to favour and subsidise use of national platforms hosted on NIN, including local social media and messaging platforms, is of particular concern given broad content-based criminal offences, criminalisation of encryption technologies, and wide-reaching surveillance enabled by the Computer Crimes Law of 2010.

These hurdles on online expression have been exacerbated by the impact of sanctions against Iran, as a number of free services, such as Github, Amazon Cloud and Google Cloud, have limited access to circumvention tools Iranians frequently use to bypass government filters. This increases reliance on unsafe hosting tools, that may compromise users’ data and security.

**States at the Human Rights Council should condemn the 2019 measures to restrict Internet access in the context of protests, as well as continued attempts to centralise control over the Internet through the development of the National Information Network. They should**

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<sup>4</sup> <https://www.hra-news.org/2020/hranews/a-23807/>

<sup>5</sup> <https://www.en-hrana.org/three-arrestees-of-november-protests-were-sentenced-to-death>

<sup>6</sup> <https://www.article19.org/resources/iran-protests-met-with-violent-crackdown-and-online-censorship/>

<sup>7</sup> [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/38/11](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/38/11)

<sup>8</sup> <https://www.article19.org/resources/tightening-the-net-irans-national-Internet-project/>

<sup>9</sup> <https://www.nytimes.com/2019/11/19/opinion/iran-internet-ban.html>

**also call on Iran to overhaul the Computer Crimes Law to guarantee the right to freedom of expression and privacy online.**

### **III. Judicial Harassment of Human Rights Defenders and Lawyers**

Judicial harassment of human rights defenders and lawyers has continued in the last year, intensifying following public outcry at the shooting down of a Ukrainian Airline passenger plane by Iran's Revolutionary Guards in January 2020. This repression is enabled by numerous provisions in the Islamic Penal Code, and a Constitutional framework that does not safeguard the right to freedom of expression in accordance with international standards.

At least 14 human rights lawyers currently in prison serving lengthy sentences.<sup>10</sup> This includes:

- **Amir Salar Davoudi** was sentenced to 30 years in prison in June 2019 for creating a group channel for Iranian lawyers on Telegram. He was charged with “insulting officials” (Article 513), “propaganda against the state” (Article 500), “cooperating with enemy states” (Article 510), and “forming a group to overthrow the state” (Article 504).<sup>11</sup>
- **Nasrin Sotoudeh** was sentenced to 12 years in prison on 11 March 2019 for her work as a human rights lawyer defending hijab protesters. She was charged with “inciting corruption and prostitution”, “openly committing a sinful act by... appearing in public without a hijab” and “publishing falsehoods with the intent to disturb public opinion,” the majority of which fall under the broad provisions of Article 287 of Penal Code.

Activists have also been targeted for arrest, including signatories of a letter published during July and August of 2019 by 14 civil rights activists demanding resignation of Ayatollah Khamenei. Currently, signatories Abdolrasoul Mortazavi, Mohammad Hossein Sepehri, Mohammad Nourizad, Javad Laal Mohammadi, Seyed Hashem Khastar, and Fatemeh Sepehri are still in detention, while others were released on bail and are awaiting trial. Those charged with “establishing an unlawful group and propaganda against the state”, under Article 514 of Iranian Penal Code, have been convicted and sentenced. Those convicted for “insulting the Supreme Leader and the Founder of the Islamic Republic”, under Article 515 of Iranian Penal Code, are still awaiting sentencing.<sup>12</sup>

In February 2020, four students at the University of Tehran, Bahareh Hedayat, Amir Mohammad Sharifi, and Moin Zareian, were arrested by the national security police for their involvement in university protests criticising the government, especially the role of the Revolutionary Guard in the shooting down of the Ukraine Airliner. They are awaiting sentencing, though Hedayat was recently released on bail.<sup>13</sup>

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<sup>10</sup> <https://www.en-hrana.org/annual-report-of-prosecuted-lawyers-in-iran>

<sup>11</sup> <https://www.en-hrana.org/amir-salar-davoudi-was-sentenced-to-30-years-in-prison>

<sup>12</sup> <https://www.en-hrana.org/14-civil-rights-activists-received-long-term-prison-sentences>

<sup>13</sup> <https://www.hra-news.org/2020/hranews/a-23817/>

On February 18 2020, an Iranian revolutionary court finalised the sentences of 8 environmental activists on espionage related charges. Of the 8 activists, 7 were sentenced with tough prison terms ranging from 6 to 10 years on the charge of “cooperating with the hostile state of the U.S” under Article 510 of the Penal Code. One of them, Abdolreza Kouhpayeh, received the lowest sentence of 4 years for “assembly and collusion to act against national security” under Article 610. Morad Tahbaz, an Iranian who also holds U.S. and British citizenship, and Niloufar Bayani, an environmental researcher, both of whom work with the Persian Wildlife Fund, received the highest sentences under Article 510, and were sentenced to 10 years’ in prison.<sup>14</sup>

**States at the Human Rights Council should condemn the arbitrary arrests and detention of human rights lawyers and environmental defenders, and call for their release. The Iranian Penal Code requires comprehensive reform, alongside the Iranian Constitution, to fully guarantee the right to freedom of expression.**

#### **IV. Access to information**

While ARTICLE 19 has welcomed the adoption of the 2009 Publication and Free Access to Information Act in Iran<sup>15</sup>, we remain concerned at the slow pace of its implementation, and the limiting effects of broad exemptions under the Law.

We are particularly concerned that Article 10 of the Act limits access to information for all bodies under the control of the Supreme Leader (including the Revolutionary Guard, Ministry of Intelligence and Security, and the Supreme Council of Cyberspace), limiting their duties under the law to proactively disclose information, as they can only do so with the Supreme Leader’s consent. Chapter IV of the law sets out a broad range of exemptions, many of which do not comply with the requirements of legality, necessity and proportionality, allowing for information requests to be denied without clear justification. We are also concerned that the law only provides a right of access to information for citizens, limiting the use of the Act for immigrants and refugees in the country.

**States at the Human Rights Council should urge Iran to improve its implementation of the Access to Information Law, and reform exemptions under the Act to ensure any refusal to publish information complies with international human rights law.**

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<sup>14</sup> <https://www.hrw.org/news/2020/02/19/iran-environmentalists-unjust-sentences-upheld>

<sup>15</sup> <https://www.article19.org/resources/iran-review-of-the-publication-and-free-access-to-information-act-2009-2/>