



High Council for Human Rights of
the Islamic Republic of Iran

No. 4

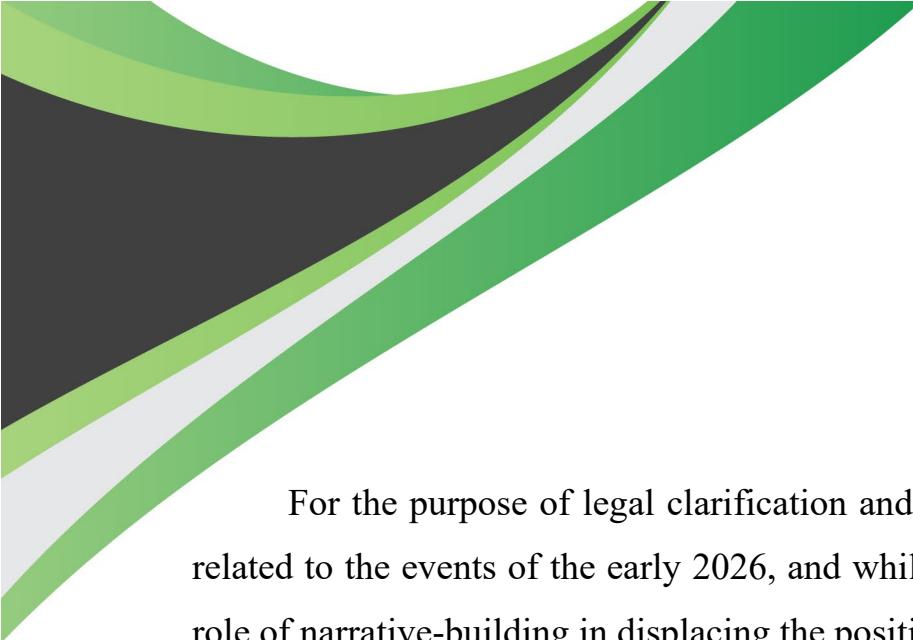
An Elucidating Report on: The Right to Due Process in the Islamic Republic of Iran and the Punishment of Terrorists

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

(February 2026)

In the Name of GOD

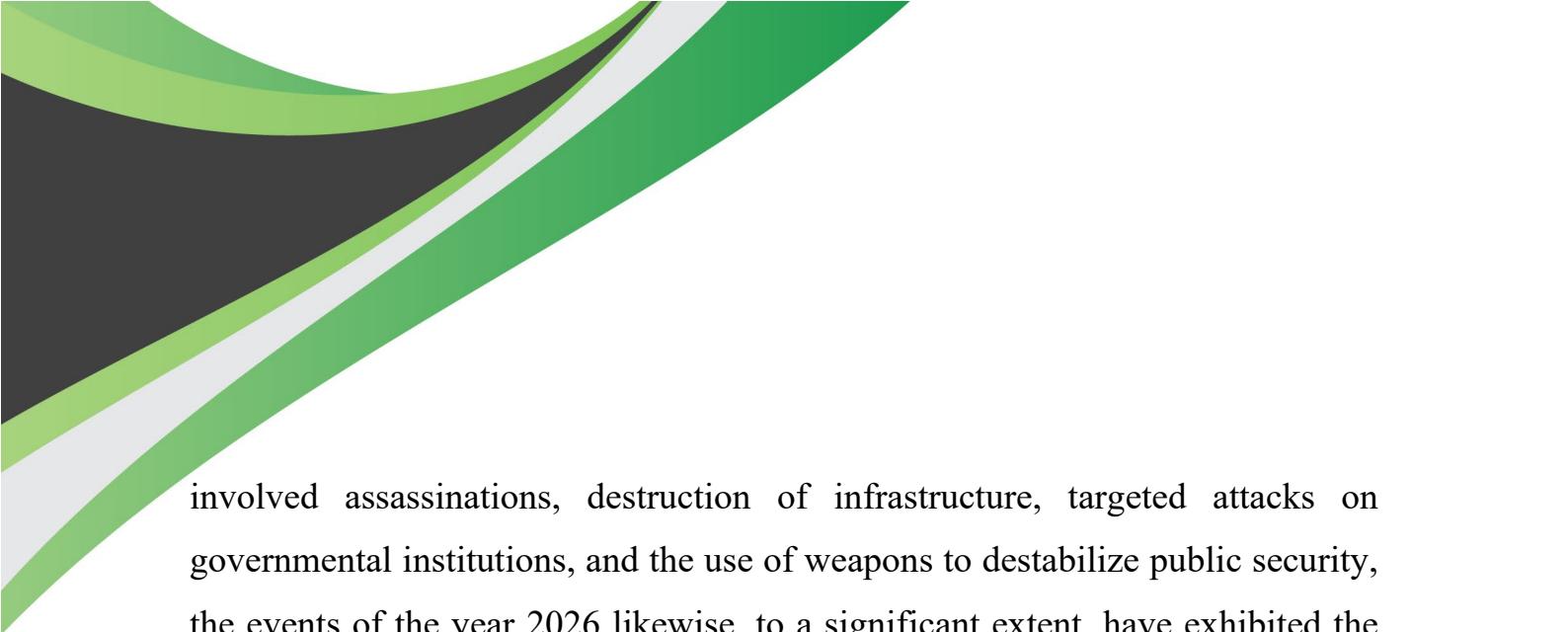
**The High Council for Human Rights of The Islamic Republic of Iran
(February 2026)**



For the purpose of legal clarification and elucidating the ground realities related to the events of the early 2026, and while acknowledging the prominent role of narrative-building in displacing the positions of “martyr and abuser,” it is necessary to examine the claims raised in the constructed narrative put forward by the Human Rights Council. In its special session on Iran, held on January 23, 2026, the Human Rights Council broadly and uniformly described the **unrest of January 2026** as “**peaceful public protests**,” without giving due consideration to the killings, assassinations, armed attacks, widespread destruction of public and private property, and the targeting of military and security centers that occurred during these events at the hands of terrorist elements.

The clarificatory objective of this report is to **correct this flawed analytical framework** and to return to the accepted standards of human rights and international criminal law. From a human rights perspective, although the right to peaceful assembly is recognized as a fundamental right, this right in no way encompasses acts such as **killing and mass murder, the assassination of officials and civilians, the use of firearms and bladed weapons, armed attacks on military and security centers, the systematic destruction of public and private property, or the creation of widespread fear and terror**. Such acts are explicitly outside the scope of protest and are properly analyzed within the framework of **terrorist acts and organized violence**.

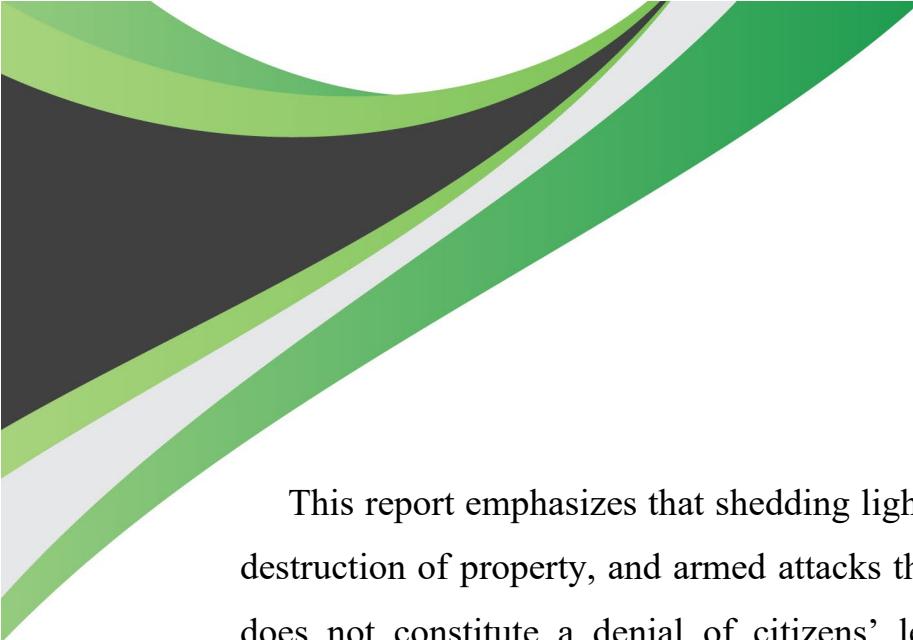
In view of the **well-documented history of violent unrest in the Islamic Republic of Iran in past years**, and the recurring patterns that have consistently



involved assassinations, destruction of infrastructure, targeted attacks on governmental institutions, and the use of weapons to destabilize public security, the events of the year 2026 likewise, to a significant extent, have exhibited the same indicators of terrorism. The persistence of these patterns demonstrates that we are not dealing merely with acts of protest, but rather with **deliberate and organized violence** that has directly targeted the lives of citizens and public security.

The function of this report within the framework of clarification is as follows:

- To elucidate the **terrorist nature of violent actions**, including killings, assassinations, armed attacks, and widespread destruction;
- To refute the narrative of **purely peaceful public protest** which, by disregarding acts of violence, results in the whitewashing of violence and terrorism;
- To **safeguard the concept of human rights** against its instrumentalization as a means of justifying killing, destruction, and intimidation;
- To affirm the **right and duty of the state to confront internal terrorism** as part of its positive obligations to protect the right to life, security, and the public dignity of citizens;
- To explicitly acknowledge the existence of the necessary legal and structural prerequisites for ensuring **the right to a fair trial** in the adjudication of defendants' cases, with the aim of distinguishing between protesters and terrorists.



This report emphasizes that shedding light on the killings, assassinations, destruction of property, and armed attacks that occurred during these events does not constitute a denial of citizens' legitimate rights; rather, it is a **prerequisite for the effective defense of human rights and citizens' rights.**

The Nature of Terrorism in the Domestic Law of Iran and in the International Law

1. Recognizing terrorism in the international legal system

International law regards terrorism as an international or transnational crime and defines it as a set of acts carried out with the aim of creating public fear and terror, threatening societal security, and coercing a government or the public to perform or refrain from performing a particular act, through organized violence and typically against civilians. This definition is articulated in international conventions and treaties on combating terrorism, including United Nations conventions concerning the protection of public officials, attacks against critical infrastructure, and the protection of victims of terrorism, as well as in resolutions of the UN Security Council.

The principal characteristics of a terrorist act include:

- Organized and targeted violence
- Threats to public security

- The creation of public fear and terror
- Influencing the will of the government or the public

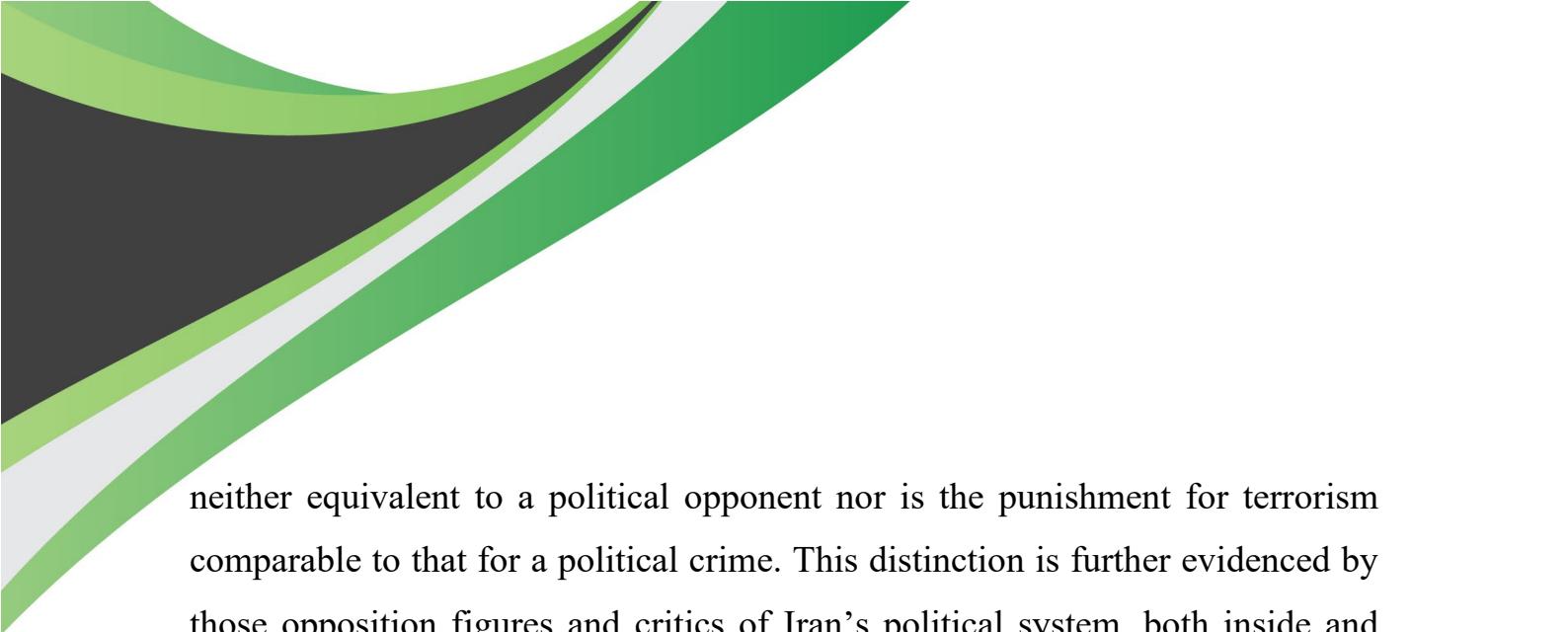
2. Recognizing the concept of terrorism in the legal system of Iran

Under domestic law of Iran, acts characterized by widespread violence, threats to citizens' lives, destruction of public property, and the creation of mass fear and terror are classified as terrorist crimes. The Law on Combating the Financing of Terrorism and its related regulations explicitly include the following examples:

- Assassination and targeting of public officials and security forces
- Armed attacks on public, governmental, and critical infrastructure sites
- Threats to or harm against civilians and ordinary people
- Causing collective fear and terror

Distinguishing Political Action from Terrorism

Applying the definition of terrorism to the on-the-ground realities of the January 2026 unrest demonstrates that claims of purely peaceful protests were unfounded, and terrorist acts remain prosecutable and punishable under domestic law of Iran as well as in accordance with international law. However, it should be emphasized that currents aligned with terrorism, in shaping their narrative, tend to ignore the violent nature of organized actions and cultivate the expectation that detainees should be treated as **political offenders**. In reality, a terrorist is

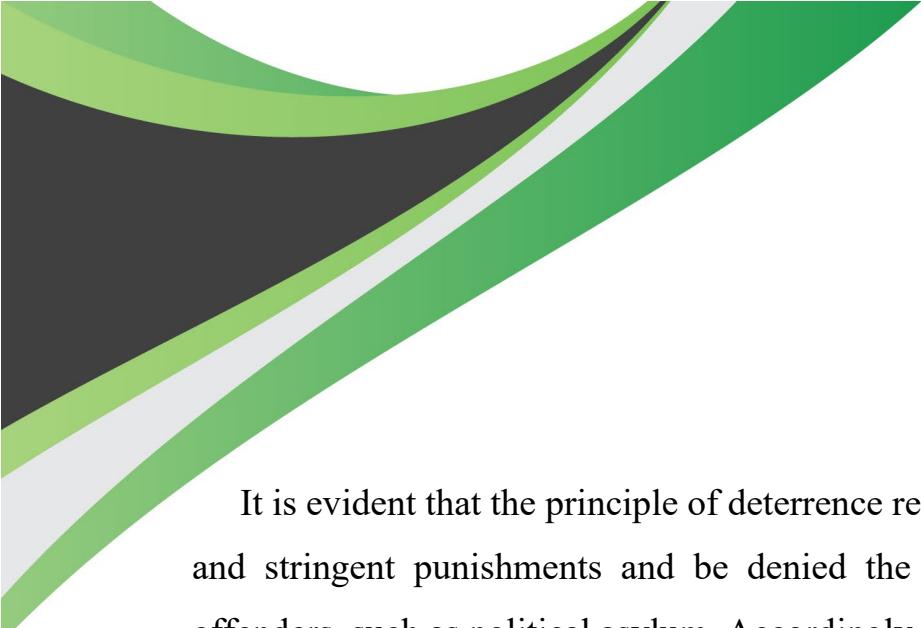


neither equivalent to a political opponent nor is the punishment for terrorism comparable to that for a political crime. This distinction is further evidenced by those opposition figures and critics of Iran's political system, both inside and outside the country, who took positions against war-mongers and separatist terrorists, as well as by segments of the population who, despite financial constraints and dissatisfaction with economic conditions, refused to cooperate with terrorists and were subjected to harassment and attacks by them.

Political crime index:

- Committed against the political system or the authority of a government
- Usually non-violent, or if they are violent, the violence is directed at the state rather than the public
- The aim is political change, protest, or opposition

In the context of the so-called livelihood-related protests, acts such as desecration of the Armenian Church and the recurrent pattern of vandalizing grocery stores, along with the destruction and arson of entirely public and service-oriented properties, such as ambulances, urban transport buses, and banks, nationwide, which adversely affect the provision of essential goods and services to citizens, raise serious questions as to how these actions could be classified as purely political?



It is evident that the principle of deterrence requires that terrorists face severe and stringent punishments and be denied the privileges granted to political offenders, such as political asylum. Accordingly, the Islamic Republic of Iran, in accordance with the fundamental principle of “prosecute or extradite,” calls upon countries that have harbored fugitive terrorists and their leaders not to allow them to go unpunished, as security is a global and interconnected matter. It is inconceivable that if security is jeopardized in Iran, other parts of the world could remain entirely secure.

Distinguishing Peaceful Protest from Terrorism

- Legal definition of peaceful protest

Under international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the right to assemble and engage in peaceful protest is recognized as a fundamental right. This right is considered legitimate when it is free from violence, threats, harm to others, and property destruction. In international law, peaceful protest is regarded as a political act and an expression of civic participation, which states are obliged to protect. Even when conducted on a large scale, peaceful protest remains legitimate as long as it adheres to the following criteria.

- **Indicators of peaceful protest:**

- Expressing demands through non-violent means and peaceful speech
- Refraining from the use of any weapons, whether bladed weapons or firearms
- Avoiding the destruction of or threats to public and private property
- Respecting the rights of other citizens and law enforcement forces

- **Pattern of violence in the events of 2026: Exceeding the framework of protest**

A significant portion of the events of 2026 exhibited clear signs of exceeding the framework of peaceful protest and included elements of organized violence and terrorism. According to international criminal law instruments and recognized human rights standards, these indicators include:

1. The use of firearms, bladed weapons, and incendiary materials in attacks
2. The organized nature of violent actions

Intelligence, judicial, and field evidence indicate that some of the individuals involved in violent actions had direct or indirect connections with known terrorist groups; they received media, financial, or training support from terrorist organizations abroad and operated within organized networks rather than as isolated or spontaneous actors. These connections elevated the nature of the events beyond mere social discontent, turning them into part of a project aimed at destabilizing internal security.

3. Attacks against security, military, and law enforcement forces

The violent actions also included ISIS-style crimes, such as burning individuals alive, beheadings, and stabbing, which demonstrate the extreme severity of the organized violence.

4. Attacks on military, law enforcement, and security centers

5. Creating widespread fear and terror

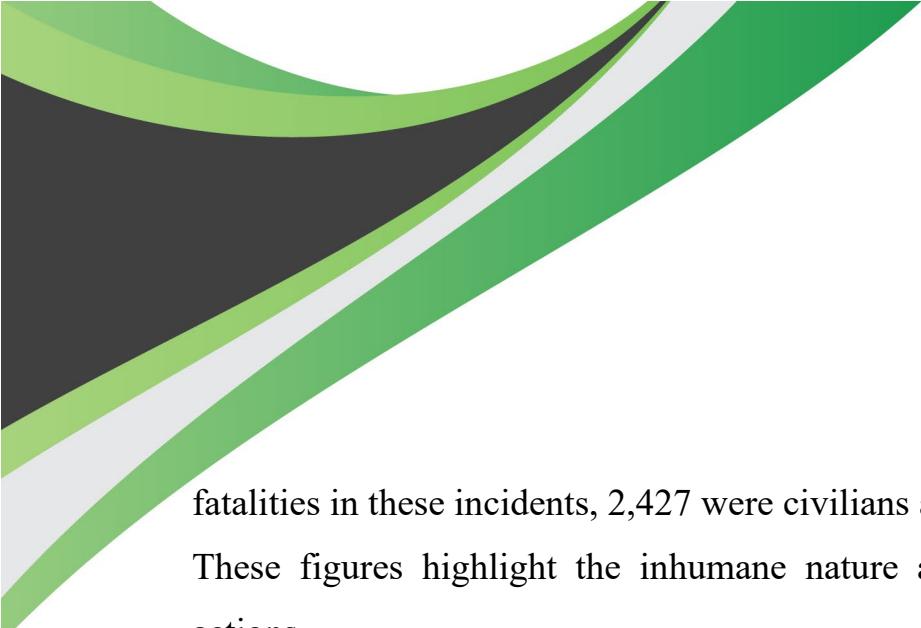
Attacks on shopkeepers who had not closed their businesses during the January 2026 protests, as well as the vandalism of their shops and homes, along with threats to life and assaults on the residences and workplaces of individuals who opposed the terrorist nature of these actions, were all carried out to impose an atmosphere of fear and intimidation and to influence the will of opponents and the government to align with the rioter.

6. Widespread destruction of public and private property

Damage to or complete destruction of 305 ambulances, 24 fuel stations, 700 local shops, 300 residential units, 750 banks, 414 government buildings, 749 police stations, 120 Basij centers of the Islamic Revolutionary Guard Corps, 200 schools, 350 mosques, 15 libraries, 2 Armenian churches, 253 bus stations, 600 ATMs, and 800 private vehicles.

7. Assassination of individuals, including officials and unarmed civilians

Notable examples include the assassination of the Esfarayen Prosecutor and the killing of a three-year-old child in Kermanshah. Overall, out of 3,117



fatalities in these incidents, 2,427 were civilians and law enforcement personnel. These figures highlight the inhumane nature and organized violence of the actions.

Criminal Justice in Iran: Neither Conciliation Nor Injustice!

In light of the above, it is clear that the Islamic Republic of Iran considers itself not only justified but also obliged to confront domestic terrorism. The Islamic Republic of Iran fulfills this obligation within the framework of its positive obligation to protect the right to life, security, and the dignity of all citizens. Accordingly, it emphasizes the existence of the necessary legal and structural foundations to ensure the right to a fair trial when handling cases of the accused, in order to distinguish between protesters and terrorists.

Recognition of the Right to a Fair Trial in Domestic Law of Iran

1. Right to access to a lawyer:

Access to a lawyer for the parties to a dispute is considered one of the main indicators of access to justice, and it is also emphasized in Human Rights Committee General Comment No. 32. The laws and regulations in Iran recognize the right to choose a lawyer at the highest level (Article 35 of the Constitution).

According to Article 346 of the Code of Criminal Procedure: “*In all criminal matters, the parties may appoint their lawyer(s) or defense counsel.*” Article 48 of this law specifies the time of access to a lawyer from the moment of being placed under custody. Accordingly, “*Depriving the accused of the right to have a lawyer and failing to inform them of this right shall respectively result in disciplinary punishments of grade 8 and 3*”. Furthermore, “*in crimes punishable by death or life imprisonment, if the accused does not appoint a lawyer during the preliminary investigation, the investigating magistrate shall assign a public defender for them.*” Therefore, one of the innovative and progressive measures of the judicial system of Iran is the provision of free legal assistance to various segments of society. In this regard, Article 23 of the Lawyers’ Law of 1936 can be noted, which mandates lawyers to accept a certain number of civil cases annually as part of legal aid. The right to choose an “*appointed lawyer*” and the right to have a “*public defender or legal aid lawyer*” underscore the importance of the lawyer’s role in securing rights in society and their undeniable impact on fair and justice-based proceedings, which is explicitly emphasized in the law.

To further comprehensive guarantee of the right to access to a lawyer, Article 12 of the Judicial Security Charter (2020) provides:

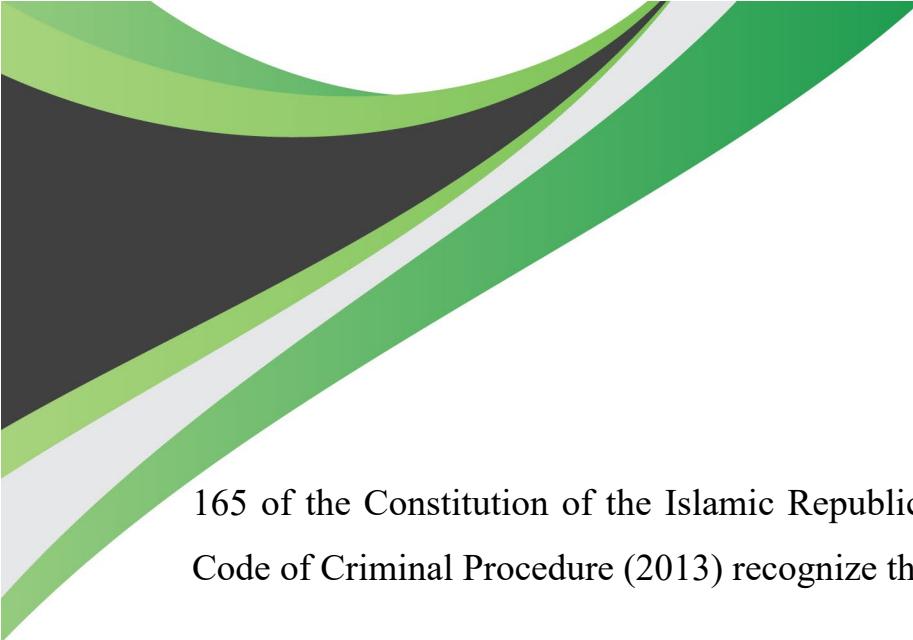
- a. Individuals have the right to freely choose a lawyer from the beginning to the end of the proceedings in all adjudicating bodies, whether judicial or quasi-judicial. Imposing a lawyer or restricting the freedom to choose one is prohibited.

- b. In the Islamic legal system, the duty of lawyers is to defend their clients in order to secure their rights. Considering the important role lawyers play in the judicial system and in the administration of justice, they must be protected from prosecution for defending their clients' rights and must be able to perform their duties independently, free from any domestic or foreign political pressure, threats, or harassment.
- c. The Judiciary shall provide individuals who are unable to afford legal services, including consultation, representation, expert services, or compulsory arbitration, with the possibility to access these services either free of charge or at a reduced cost.

Furthermore, Article 26 of the Charter states: "*The accused must have appropriate conditions to prepare and present their defense within a reasonable time and period. They must be able to access consultation, select and meet with a lawyer, review case files, have access to witnesses, informants, or experts of the case, and enjoy suitable physical and mental conditions to present evidence and defense*".

2. Public nature of proceedings

Regarding the principle of the public nature of proceedings in legal system of Iran, it should be noted that holding public trials, especially in criminal matters, is a principle that contributes to increasing efficiency and accountability. Article



165 of the Constitution of the Islamic Republic of Iran and Article 352 of the Code of Criminal Procedure (2013) recognize this principle.

3. Multi-stage nature of proceedings

One of the components and key factors in enhancing justice in adjudication is the multi-stage nature of proceedings in various cases. In this regard, proceedings in judicial system of Iran are generally two-stage, and in the case of the most serious crimes, for which the punishment is death, the adjudication process consists of three stages. Retrial (Reopening of the case) is one of the avenues for challenging and appealing final judgments. In other words, retrial allows objection to final judgments, regardless of whether they were issued by a court of first instance or an appeal court. Furthermore, the grounds for retrial in criminal cases, according to Article 474 of the Code of Criminal Procedure 2013 (amended 2015), are as follows:

- A person is convicted of murdering someone, and it later becomes evident that the alleged victim is still alive;
- Several individuals are convicted of committing a crime, and the nature of the crime is such that it could not have been committed by more than one person
- A person is convicted due to being attributed to a crime, and another person is also convicted by a judicial decision for the same crime, in a way that reveals the innocence of one of them due to the contradiction between the two judgments;

- Different rulings are issued regarding a person for the same charge;
- It is proven in a competent court that the judgment was based on forged documents or false witness testimony.
- After the final judgment, a new event occurs or new evidence or documents are presented that prove the convicted person's innocence or lack of fault.
- The act committed does not constitute a crime, or the punishment imposed exceeds the legally prescribed penalty.

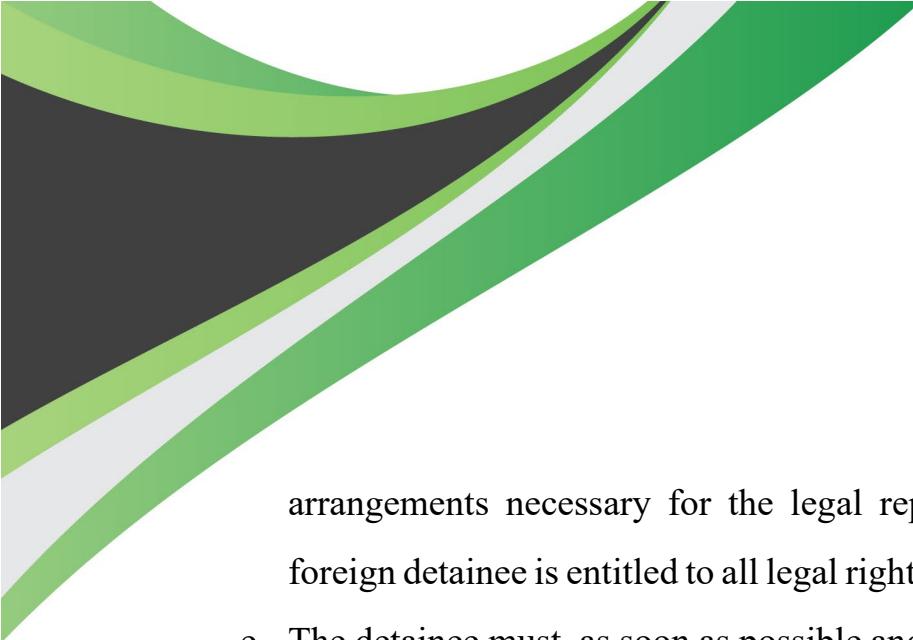
4. Prohibition of arbitrary detention and the requirement of a judicial decision for detention

When an individual is apprehended by law enforcement officers, in legal terms, they are considered to be *under supervision*. Detention is a decision that lies exclusively with the judicial authority, and officers do not have such power. A person may be detained only during the preliminary investigation phase and solely by judicial authority through a temporary detention order. According to the law, the maximum period during which a suspect may be held under supervision by law enforcement officers is 24 hours. After this period, the suspect must either be released or have an appropriate preventive measure issued by the prosecutor. The *Judicial Security Charter* (2020), regarding the prohibition of arbitrary detention, in Article 24 under the title "Prohibition of Illegal and Arbitrary Detention," provides: "*Every person has the right to life, liberty, and security under the protection of judicial security. No one may be detained, forced into*



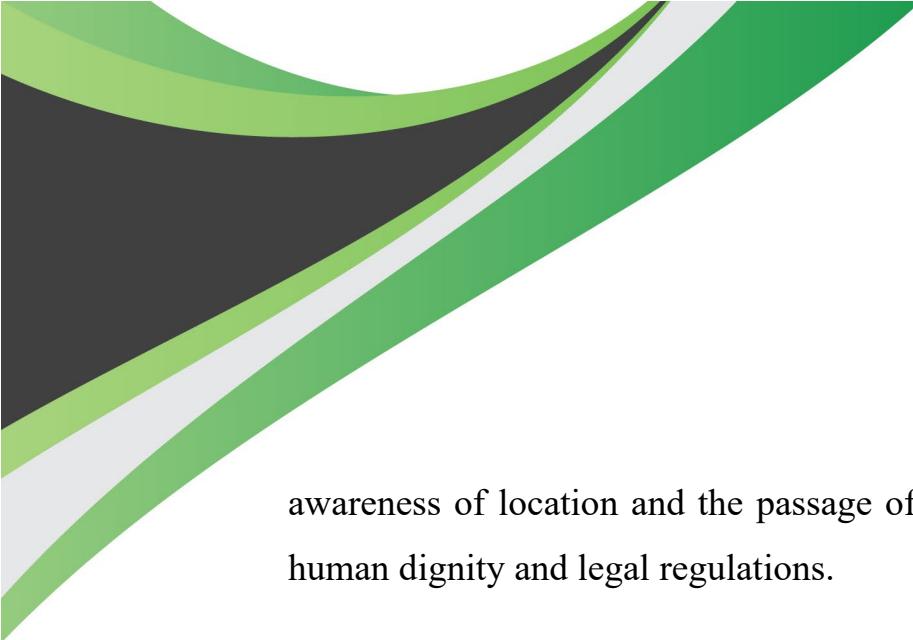
exile, or subjected to compulsory residence except in accordance with the procedure and judgment prescribed by law. Judges are obligated to observe the following matters during the judicial process; otherwise, such acts shall be considered instances of illegal or arbitrary detention:

- a. A bail or surety order must be issued in such a manner that the accused has sufficient opportunity to provide the bail or surety during office hours on the same day. To this end, the issuance of a bail or surety order should not be delayed due to the unavailability of administrative services for reasons not attributable to the accused, which will result in prolonged detention.
- b. The duration of detention must be reasonable and proportionate to the act committed or the charge. An extension of the detention period is justified only if its necessity is established.
- c. The arresting officers must promptly notify the family of the detained person, by appropriate means, about the detention and the location where the person is held. In addition, if the place of detention changes, this must be communicated to the family of the detainee
- d. If the detainee is a citizen of a foreign state, the Judiciary must notify the detention, through the Ministry of Foreign Affairs, to the embassy or the interests section of the detainee's country. Consular officers of that state have the right, through the Ministry of Foreign Affairs, to submit requests to the Judiciary for meetings, negotiations, correspondence, or other



arrangements necessary for the legal representation of the detainee. A foreign detainee is entitled to all legal rights equal to those of other persons.

- e. The detainee must, as soon as possible and simultaneously with admission to the place of detention, undergo an appropriate medical examination, and thereafter receive necessary medical care and treatment whenever required. Such care and treatment must be provided free of charge.
- f. When a detainee undergoes a medical examination during detention, the name of the examining physician and the results of the examination must be fully recorded. The detainee or their legal counsel has the right, upon request, to access the medical records. The detainee or their counsel also has the right to request a re-examination or the opinion of another physician from the judicial authority.
- g. Strip searches are prohibited, except in cases of absolute necessity, and in all circumstances must be conducted in strict accordance with religious and ethical standards. Such searches should be carried out only by healthcare specialists or, at a minimum, by staff who have been properly trained by medical specialists in accordance with health and safety standards.
- h. During the period that a person is detained in facilities under the Judiciary or its affiliated organizations, the Judiciary must provide appropriate conditions regarding welfare, health, educational, and other facilities, in a manner that preserves human dignity
- i. Detaining a person in a way that temporarily or permanently deprives them of the use of their natural senses, such as sight or hearing, or their



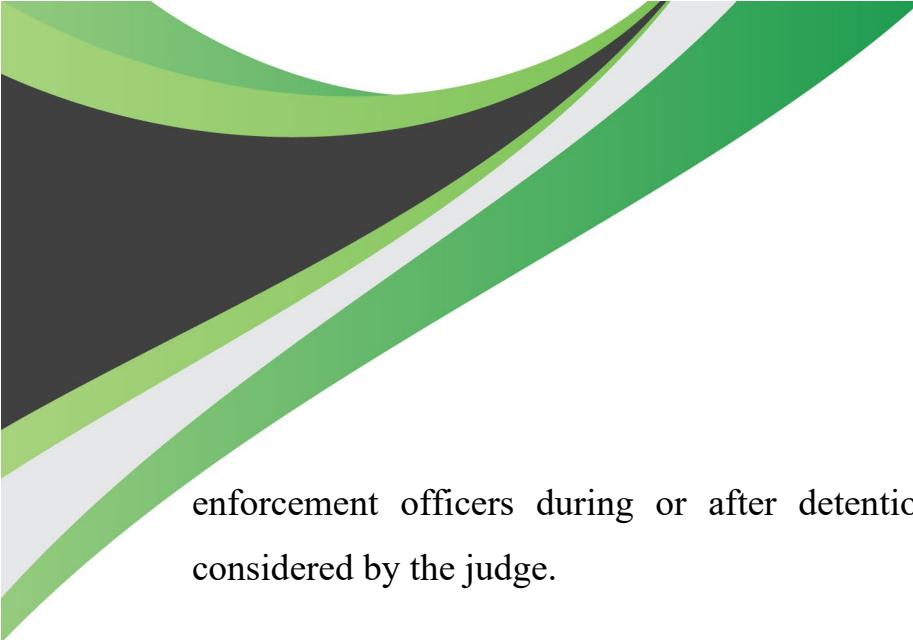
awareness of location and the passage of time, constitutes a violation of human dignity and legal regulations.

5. Right of the accused to contact family and inform them of their status

According to Article 50 of the Code of Criminal Procedure, a person under supervision may, via telephone or any available means, notify their family members or acquaintances that they are under supervision. Law enforcement officers are obliged to provide necessary assistance in this regard, except when, based on necessity, it is determined that the person should not exercise this right. In such cases, the matter must be reported to the judicial authority to obtain an appropriate order. Additionally, the names of individuals under supervision must be reported daily to the Chief Justice of the relevant province for official registration. Parents, spouses, children, brothers, and sisters of these individuals may, through the aforementioned authorities, be informed of their under-supervision status. Providing such information to the above relatives is mandatory, to the extent that it does not conflict with the social and family reputation of the person under supervision.

6. Right of the accused to a medical examination

According to Article 51 of the Code of Criminal Procedure, at the request of the person under supervision or one of their close relatives, a physician appointed by the prosecutor shall conduct a medical examination of the person under supervision. The physician's certificate is recorded and filed in the case file. This is important because, if the accused later claims assault or mistreatment by law



enforcement officers during or after detention, the medical report can be considered by the judge.

7. Right of the accused to be informed of their defense rights in writing

According to Article 52 of the Code of Criminal Procedure, whenever a person is placed under supervision, judicial officers are obliged to explain the rights provided under this law to the accused and provide them in writing. A receipt must be obtained from the accused and attached to the case file.

8. Right of the accused to remain silent

According to Article 38 of the Constitution of the Islamic Republic of Iran, any form of torture to obtain a confession or information is prohibited. Forcing a person to give testimony, confession, or oath is not permitted, and such testimony, confession, or oath is invalid and has no legal effect, with violators subject to punishment under the law. Therefore, obtaining a confession by force or any other means is impossible and legally void. The accused has the right to remain silent in response to questions posed by the investigating judge, and it is the responsibility of the judge to present evidence of the accused's guilt. Furthermore, Article 197 of the Code of Criminal Procedure explicitly states that the accused may choose to remain silent. In such cases, their refusal to respond or sign statements must be recorded in the official report. It should be noted that remaining silent during the investigation should be done in consultation with legal counsel, as it may have specific legal consequences.

