



## COI QUERY

<b>Country of Origin</b>	<b>IRAN</b>
<b>Main subject</b>	<u><a href="#">Desertion/draft evasion from the army and the Islamic Revolutionary Guard Corps (IRGC)</a></u>
<b>Question(s)</b>	<ol style="list-style-type: none"><li>1. Overview on the Iranian military forces<ol style="list-style-type: none"><li>1.1 Regular army (<i>Artesh</i>)</li><li>1.2 Islamic Revolutionary Guard Corps (<i>IRGS</i>)</li><li>1.3 Military service</li></ol></li><li>2. Legal framework on desertion/ draft evasion</li><li>3. Treatment of deserters/ draft evaders by the authorities</li><li>4. Prison conditions</li></ol>
<b>Date of completion</b>	9 February 2022
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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EUAA and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision-making authorities. The answer was finalised on 9 February 2022. Any event taking place after this date is not included in this answer.

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## COI QUERY RESPONSE – Iran

### Desertion/draft evasion from the army and the Islamic Revolutionary Guard Corps (IRGC)

#### 1. Overview on the Iranian military forces

The Iranian military structure is comprised of two parallel forces: the regular army, the Artesh, and the Islamic Revolutionary Guard Corps (IRGC). The Law Enforcement Force is Iran's national police force and is also part of the armed forces;<sup>1</sup> it is comprised of border and security troops, assigned to the armed forces in wartime.<sup>2</sup> The supreme leader holds ultimate authority over all security forces.<sup>3</sup>

Predating the revolution, the regular army is tasked with defending the country against external threats; while the task of the IRGC is to defend the regime and the Islamic system from any domestic and external threat.<sup>4</sup>

Article 7 of the 1982 Constitution of IRGC states that its mission is, *inter alia*, the 'cooperation with the Islamic Republic of Iran's army when necessary, in order to protect the Islamic Republic of Iran's independence, territorial integrity, and Islamic Republican system'.<sup>5</sup>

During 2020, both the Iranian national army (the Artesh) and the IRGC provided external defence.<sup>6</sup>

#### 1.1. Regular army (Artesh)

Articles 143-151 of the 1979 Constitution of the Islamic Republic of Iran define the tasks of the Iranian regular army and the IRGC. The Articles that refer to the Iranian Army state the following:

'Article 143: The Army of the Islamic Republic of Iran is responsible for guarding the independence and territorial integrity of the country, as well as the order of the Islamic Republic.

Article 144: The Army of the Islamic Republic of Iran must be an Islamic Army, i.e., committed to Islamic ideology and the people, and must recruit into its service

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<sup>1</sup> US, DIA, Iran Military Power, 2019, [url](#), pp. 10-11

<sup>2</sup> CIA, The World Factbook- Iran, last updated 21 January 2022, [url](#)

<sup>3</sup> USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#) p. 1

<sup>4</sup> US, DIA, Iran Military Power, 2019, [url](#), p. 10

<sup>5</sup> Iran, Constitution of the Revolutionary Guards, 7 September 1982, available at Iran Data Portal, [url](#), Art. 7

<sup>6</sup> USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#) p. 1



individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of realizing its goals.

Article 145: No foreigner will be accepted into the Army or security forces of the country.

Article 146: The establishment of any kind of foreign military base in Iran, even for peaceful purposes, is forbidden.

Article 147: In time of peace, the government must utilize the personnel and technical equipment of the Army in relief operations, and for educational and productive ends, and the Construction Jihad, while fully observing the criteria of Islamic justice and ensuring that such utilization does not harm the combat-readiness of the Army.

Article 148: All forms of personal use of military vehicles, equipment, and other means, as well as taking advantage of Army personnel as personal servants and chauffeurs or in similar capacities, are forbidden.

Article 149: Promotions in military rank and their withdrawal take place in accordance with the law.<sup>7</sup>

According to a 2019 report by the US Department Intelligence Agency (DIA), the Iranian regular army is comprised of Ground Force, Navy, Air Force, and Air Defence Force. The total number of personnel constituting the Artesh was estimated at 420 000.<sup>8</sup>

## **1.2 Islamic Revolutionary Guard Corps (IRGS)**

The IRGC (Sepah-e Pasdaran)<sup>9</sup> was founded in 1979 with the establishment of the Islamic Republic, following the Iranian revolution that brought Ayatollah Ruhollah Khomeini to power.<sup>10</sup> The IRGC' mission is to protect Iran's Islamic system from domestic and external enemies.<sup>11</sup> Article 150 of the 1979 Iranian Constitution states the following:

'The Islamic Revolution Guards Corps, organized in the early days of the triumph of the Revolution, is to be maintained so that it may continue in its role of guarding the Revolution and its achievements. The scope of the duties of this Corps, and its areas of responsibility, in relation to the duties and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them.'<sup>12</sup>

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<sup>7</sup> IRAN, Constitution of the Islamic Republic of Iran, 24 October 1979, available at Refworld, [url](#) Art. 143-149

<sup>8</sup> US, DIA, Iran Military Power, 2019, [url](#), p. 10

<sup>9</sup> BBC, Profile: Iran's Revolutionary Guards, 3 January 2020, [url](#); Britannica, Islamic Revolutionary Guard Corps, last updated 31 January 2022, [url](#)

<sup>10</sup> Washington Post (The), What is Iran's Revolutionary Guard Corps that Soleimani helped to lead?, 4 January 2020, [url](#)

<sup>11</sup> Vatanka, A., Raisi and the Revolutionary Guards, in USIP/The Iran Primer 2 September 2021, [url](#); BBC, Profile: Iran's Revolutionary Guards, 3 January 2020, [url](#)

<sup>12</sup> IRAN, Constitution of the Islamic Republic of Iran, 24 October 1979, available at Refworld, [url Art. 150](#)



The IRGC ‘answers directly to the supreme leader’<sup>13</sup> and all the ‘senior IRGC and military commanders are appointed by the Supreme Leader’.<sup>14</sup> The IRGC is comprised of Ground Force, Navy, Aerospace Force, Qods Forces, and Basij (reserves). The total number of personnel constituting the IRGC, excluding the Basij, was estimated at 190 000 (640 000 including the Basij).<sup>15</sup>

The Islamic Revolutionary Guard Corps is characterised as ‘a major military, political and economic force in Iran’,<sup>16</sup> as a key player in Iran’s economy<sup>17</sup> and foreign policy.<sup>18</sup> According to Freedom House, the IRGC is the major shareholder of the Telecommunication Company of Iran (TCI) which ‘retains a monopoly on internet traffic flowing’ and creating ‘opportunities for the security apparatus to monitor online activity’.<sup>19</sup>

The Islamic Revolutionary Guard Corps forces have deployed activities not only in Iran but also in Iraq, Syria, Europe and the Gulf.<sup>20</sup>

### **1.3 Military service**

Military service in Iran is compulsory for males at the age of 18, except for gay men and transgender women, who are classified as having mental disorders.<sup>21</sup> The compulsory period lasts between 18-24 months, depending on the location of service (soldiers serving in places of high security risk and deprived areas serve shorter terms). The age for volunteer military service is 16, while for Law Enforcement Forces is 17 and for Basij is 15.<sup>22</sup>

The US Central Intelligence Agency (CIA) Factbook noted that ‘approximately 80 percent of Artesh ground forces personnel are conscripts, while Navy and Air/Air Defense Force personnel are primarily volunteers; approximately 60 percent of the IRGC is reportedly comprised of conscripts’.<sup>23</sup>

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<sup>13</sup> CFR, Iran’s Revolutionary Guards, last updated 6 May 2019, [url](#); Iran, Constitution of the Revolutionary Guards, 7 September 1982, available at Iran Data Portal, [url](#), Art. 1

<sup>14</sup> BBC, Iran: How a unique system runs the country, 18 June 2021, [url](#); Iran, Constitution of the Revolutionary Guards, 7 September 1982, available at Iran Data Portal, [url](#), Art. 18

<sup>15</sup> US, DIA, Iran Military Power, 2019, [url](#), p. 11

<sup>16</sup> BBC, Profile: Iran’s Revolutionary Guards, 3 January 2020, [url](#)

<sup>17</sup> Vatanka, A., Raisi and the Revolutionary Guards, in USIP/The Iran Primer, 2 September 2021; USDOS, Country Reports on Terrorism 2020, 16 December 2021, [url](#), p. 272

<sup>18</sup> USDOS, Country Reports on Terrorism 2020, 16 December 2021, [url](#), p. 272

<sup>19</sup> Freedom House, Freedom on the Net 2021, Iran, 21 September 2021, [url](#)

<sup>20</sup> USDOS, Country Reports on Terrorism 2020, 16 December 2021, [url](#), p.273; CFR, Iran’s Revolutionary Guards, last updated 6 May 2019, [url](#); BBC, Profile: Iran’s Revolutionary Guards, 3 January 2020, [url](#)

<sup>21</sup> USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#) p. 64

<sup>22</sup> CIA, The World Factbook- Iran, last updated 21 January 2022, [url](#)

<sup>23</sup> CIA, The World Factbook- Iran, last updated 21 January 2022, [url](#)



## 2. Legal framework on desertion/draft evasion

Article 504 of the Islamic Penal Code (IPC) states the following:

‘Anyone who effectively encourages combatants or those in military forces to rebel, escape, surrender, or disobey military orders, with the intention to overthrow the government or to defeat national forces against the enemy, shall be considered as mohareb; otherwise [if he does not possess the intention] if his acts are effective he shall be sentenced to two to ten years, and if not, to six months to three years’ imprisonment’.<sup>24</sup>

As noted by a 2020 report by the International Federation for Human Rights (FIDH), while the aforementioned Article 504 is the only one in the IPC referring to offences committed by armed forces, the Armed Forces Offences Law, adopted in December 2003, mentions various offenses, including desertion (which is mentioned in Art. 57, 76, 79 of the said law), that might be punishable by death sentence. The FIDH report observed that:

‘This law stipulates that military personnel, and any civilians convicted of perpetrating offenses in connection with military personnel, should be deemed as mohareb in numerous cases. Such offenses include: devising plans to topple the government or effective involvement in an association for that purpose; taking action to harm the territorial integrity of the country; surrendering the personnel or bases under their command or submitting documents to the enemy; conspiring with the enemy; helping a government at war with the country or the mohareb and corrupt groups; taking armed action against the Islamic Republic; providing the enemy with documents and information harmful to the security of military facilities; submitting secrets of the armed forces to the enemy; disobeying commands leading to the enemy’s domination of territory or the army’s personnel; failing to use weapons or other facilities to fight hence leading to the defeat of the “Islamic front”; and willfully sleeping while on guard duty against enemies and the moharebs, on the condition that the action leads to disruption of the national security or the defeat of the “Islamic front.”’<sup>25</sup>

However, within the time constraint for drafting this COI Query response, a copy of the 2003 Armed Forces Offences Law could not be found.

Regarding draft evasion from the Iranian military service, the 2020 report of the Australian Department of Foreign Affairs and Trade (DFAT) on Iran stated that:

‘Draft evaders are liable for prosecution. An individual who evades military service by leaving the country must complete their service on return if they are under the age of 40. For those over 40, a fine is the most common punishment. Evading military service for up to a year during peacetime or two months during war can result in the addition

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<sup>24</sup> Iran, Islamic Penal Code of the Islamic Republic of Iran- Book Five, available at IRAN HRDC, 15 July 2013, [url](#), Art. 504

<sup>25</sup> FIDH, No one is spared - The widespread use of the death penalty in Iran, 2020, [url](#), pp. 17-18



of between three and six months to the total length of required service. More than one year's draft evasion during peacetime or two or more months during war may result in criminal prosecution. Draft evaders may lose social benefits and civic rights, including access to government jobs and higher education, and the right to establish a business. The government may also refuse to grant draft evaders drivers licences, revoke their passports or prohibit them from leaving the country without special permission.<sup>26</sup>

According to Article 46 of the 1982 Constitution of the Revolutionary Guard:

'Should a member of the Revolutionary Guard be absent without leave for over fifteen days in peacetime or five days in wartime, he shall be considered a deserter and shall be pursued by the military courts and subject to punishment under the law. The punishment for desertion shall be less than the punishment for desertions according to the disciplinary regulations ratified by the Revolutionary Guards' Supreme Council'.<sup>27</sup>

### 3. Treatment of deserters/draft evaders by the authorities

Scarce updated information regarding the treatment of deserters and draft evaders by the authorities could be found within the time constraint for drafting this COI Query response.

A 2013 report by the Netherlands Ministry of Foreign Affairs, referred that people who are considered as draft evaders may lose their social and civil rights, including the right to work, to education or to set-up their own business.<sup>28</sup>

In 2014, Iran Human Rights Documentation Center (IRAN HRDC) noted that 'a failure to serve without being granted an exemption can result in the government's refusal to grant a driver's license to that individual, revocation of their passport and a ban on them leaving the country without special permission'.<sup>29</sup>

A 2016 article by Middle East Eye reported that the Iranian government had started a crackdown on young men attempting to avoid the compulsory military service, adding that between 30 000 and 35 000 people were arrested during 2016 for attempting to avoid military service.<sup>30</sup>

In March 2021, the deputy speaker of Iran's parliament, Amir-Hossein Ghazizadeh-Hashemi, called for the ending of compulsory military conscription, informing that, to that date, there were 3 million draft evaders.<sup>31</sup> Citing Iran's Fars News, in April 2021, The Jerusalem Post

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<sup>26</sup> Australia, DFAT, Country Information Report, Iran, 14 April 2020, [url](#), p. 56

<sup>27</sup> Iran, Constitution of the Revolutionary Guards, 7 September 1982, available at Iran Data Portal, [url, Art 46](#)

<sup>28</sup> Netherlands, Ministerie van Buitenlandse Zaken (Netherlands Ministry of Foreign Affairs): Algemeen Ambtsbericht Iran, 24 December 2013, [url](#), p. 47 (informal translation)

<sup>29</sup> IRAN HRDC, Denied Identity: Human Rights Abuses Against Iran's LGBT Community, 30 July 2014, [url](#)

<sup>30</sup> MEE, Iran to crack down on evaders of military service, 20 June 2016, [url](#)

<sup>31</sup> Old Iran International, Iran Deputy Parliament Speaker Urges End To Conscription, 22 march 2021, [url](#)



reported that some 50 000 people in Iran had signed a petition calling for the end of compulsory military conscription.<sup>32</sup>

#### 4. Prison Conditions

Amnesty International (AI) reported that prison officials ‘used prolonged and indefinite solitary confinement, itself often amounting to torture, to punish prisoners for their political views or speech or to extract “confessions”’.<sup>33</sup>

According to the USDOS 2020 report on Human Rights Practises:

‘Commonly reported methods of torture and abuse in prisons included threats of execution or rape, forced tests of virginity and “sodomy,” sleep deprivation, electroshock, including the shocking of genitals, burnings, the use of pressure positions, and severe and repeated beatings’.<sup>34</sup>

The media source, Iran International, reported similar information, citing former and current prisoners who reported to have been subject to ‘ill-treatment including sexual abuse and pressure to obtain confessions’ as well as ‘psychological torture’ for the prisoners and their families.<sup>35</sup> Furthermore, Amnesty International (AI) reported that:

‘Away from public view, Iranian security officials routinely subject men, women and children behind bars to torture or other ill-treatment, particularly when undergoing interrogations in detention centres run by the ministry of intelligence, the Revolutionary Guards, and the investigation unit of Iran’s police (Agahi)’.<sup>36</sup>

Similarly, Human Rights Watch (HRW) mentioned ‘torture’ and ‘ill-treatment’ against prisoners stating that:

‘over the past year, there have been at least two reported deaths of prisoners, with families alleging that delayed or improper medical care contributed to their deaths. In many cases, Iranian authorities have restricted access of prisoners to medical care, particularly outside prison’.<sup>37</sup>

A Joint NGO Letter, addressed to Khamenei, dated 7 January 2022, reported that the conditions inside Iranian prisons ‘remain unsafe’ while ‘mistreatment of prisoners and denial of medical care is a systemic problem in Iranian prisons’.<sup>38</sup>

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<sup>32</sup> Jerusalem Post (The), More than 50,000 in Iran demand end to military conscription, 1 April 2021, [url](#)

<sup>33</sup> AI, Amnesty International Report 2020/21, The State of the World’s Human Rights, 7 April 2021, [url](#), p. 52

<sup>34</sup> USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#), p. 9

<sup>35</sup> Iran International, Iran Prisoners Say Rights Groups Must Look Into Psychological Torture, 27 August 2021, [url](#)

<sup>36</sup> AI, Iran: Leaked video footage from Evin prison offers rare glimpse of cruelty against prisoners, 25 August 2021, [url](#)

<sup>37</sup> HRW, World Report 2022-Iran, 13 January 2022, [url](#)

<sup>38</sup> HRW, Joint NGO Letter to Khamenei on Baktash Abtin’s Condition, 7 January 2022, [url](#)



Additionally, a report prepared by the Kurdistan Human Rights Network (KHRN) provided information on the detention centres controlled by the IRGC in the Kurdistan Region of Iran. According to the report, the detention centres are located in the cities of Orumiyeh, Sanandaj, and Kermanshah.<sup>39</sup>

### **Evin Prison**

The Evin Prison, in Tehran, was built in 1971 ‘under Iran’s Shah Mohammad Reza Pahlavi’ and it is controlled by the Islamic Revolutionary Guard Corps.<sup>40</sup> Namely, the Wards 209 and Two of the aforementioned prison is controlled by the ISGC.<sup>41</sup>

According to sources, the Evin Prison is for political prisoners as well as for people with foreign and dual nationality<sup>42</sup> who are charged with spying and propaganda.<sup>43</sup> Al Jazeera, points out that Evin Prison ‘has for years been criticised for human rights abuses’ and it is ‘blacklisted by both the US and the EU’.<sup>44</sup>

During August 2021, a group of hackers ‘calling itself Edalat-e Ali (The Justice of Ali)’<sup>45</sup> leaked a video footage that showed the abuse of the inmates in the Evin Prison.<sup>46</sup> Specifically, the footage ‘shows prison guards beating and mistreating inmates, attempted suicides without authorities intervening, and emaciated inmates being dragged by their arms and left in stairwells’.<sup>47</sup>

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<sup>39</sup> KHRN, A Report by Kurdistan Human Rights Network on Secret Detention Centres of Iranian Security Institutions in Kermanshah, Sanandaj, Orumiyeh, 29 October 2021, [url](#)

<sup>40</sup> AP News, Leaked footage shows grim conditions in Iran’s Evin Prison, 23 August 2021, [url](#)

<sup>41</sup> USDOS, 2020 Country Reports on Human Rights Practices: Islamic Republic of Iran, 30 March 2021, [url](#), p. 10

<sup>42</sup> AP News, Leaked footage shows grim conditions in Iran’s Evin Prison, 23 August 2021, [url](#); BBC, Iran prisons chief apologises over leaked videos of Evin abuse, 24 August 2021, [url](#); Al Jazeera, Iran confirms leaked footage of harsh conditions in Evin Prison, 24 August 2021, [url](#)

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<sup>45</sup> DW, Videos confirm systemic abuse in Iran's jails, 2 September 2021, [url](#)

<sup>46</sup> DW, Videos confirm systemic abuse in Iran's jails, 2 September 2021, [url](#); Al Jazeera, Iran confirms leaked footage of harsh conditions in Evin Prison, 24 August 2021, [url](#); Center for Human Rights in Iran, Hacked Iranian Prison Footage Provides Limited Glimpse of Right of Abuses, 27 August 2021, [url](#)

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