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7.1. Exclusion based on the commission of international crimes

COMMON ANALYSIS
Last update: January 2025

Article 12(2)(a) QD and Article 17(1)(a) QD | Article 12(2)(a) QR and Article 17(1)(a) QR

It can be noted that the ground ‘crime against peace’ is not likely to be of relevance in the cases of applicants from Iran.
Acts reported to be committed in the context of the following past and current confrontations in Iran could be also relevant for Article 12(2)(a) QD/QR and Article 17(1)(a) QD/QR, as they may, depending on the circumstances, amount to ‘war crimes’ and/or ‘crimes against humanity’, if the legal requirements in this regard are fulfilled:

- Kurdish rebellion in Iran (1979).
- Khuzestan insurgency (1979).
- Iraq - Iran war (international armed conflict, 1980 - 1988).
- KDPI–Komala conflict (1984−1991).
- KDPI insurgency (1989–1996).
- Arab civil unrest and insurgency on Khuzestan (1999-2020).
- Sistan and Baluchestan insurgency (2004–present).
- Iran–PJAK Conflict (2004–present).
- Western Iran clashes between Kurdish insurgent parties and Iranian security forces (2016–present).
- Iran–Israel confrontations (2024).

[Country Focus 2024, 2.1, 2.2, 2.4, 4.7.2; COI Human Rights, 3.2]

Moreover, reported crimes such as murder, extrajudicial executions, unlawful killings, torture, enforced disappearances, rape, political or religious persecution and other inhumane acts by the Iran authorities, including members of the military, security and police forces, judicial and administrative institutions, prison officials etc. could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population.

Namely, in 1988, Iranian authorities, summarily and extrajudicially executed thousands of political prisoners across the country with many implicated individuals still currently enjoying impunity and holding prominent positions within the government [Country Focus 2024, 3.11]. More recently, mass arrests, extrajudicial executions and other unlawful killings, torture, enforced disappearances, and other grave human rights violations were reported during and following the 'Woman, Life, Freedom' protests that erupted in Iran in September 2022 [Country Focus 2024, 4.2]. Security forces reportedly used live ammunition, including handguns and automatic weapons against protesters and bystanders [Country Focus 2024, 4.2]. Sexual and gender-based violence was used against women, men, and children, including LGBTIQ persons detained in relation to the 2022 protests [Country Focus 2024, 3.8]. The use of the death penalty and systematic corporal punishments such as floggings against critics of the authorities were also reported [Country Focus 2024, 3.9.3; 4.1].

Crimes in the context of past events, such as the Kurdish opposition groups' insurgencies and uprisings could also trigger the consideration of exclusion in relation to 'crimes against humanity'.

See more information on human rights violations committed by different actors under Actors of persecution or serious harm.

See other contents related to Exclusion:

- *7.1. Exclusion based on the commission of international crimes*
- 7.2. Exclusion based on the commission of a serious crime
- 7.3. Exclusion based on acts contrary to the purposes and principles of the United Nations
- 7.4. Exclusion based on constituting a danger to the community or to the security of the Member State

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