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3.2. Desertion from armed forces

COMMON ANALYSIS
Last update: January 2025

This profile covers the situation of deserters from armed forces and the situation of individuals encouraging desertion. A deserter is a soldier serving within the armed forces and who left his military post or function without leave, or resists being called to fulfil military obligations[12].

This profile addresses the issue of desertion from the regular army (*artesh*) or the IRGC (*sepah*).

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For assessing international protection needs related to desertion from armed forces or, more generally, to military service, please refer to the EUAA Practical Guide on Political Opinion, 3.1. Military service.

The analysis below is based on the following EUAA COI report and Queries: Country Focus 2024, 1.2.7, 4.6; COI Human Rights, 3.1; COI Desertion. Country Guidance should not be referred to as source of COI.

Step 1: Do the reported acts amount to persecution?

Prosecution and punishment for desertion in itself, when proportionate, is not considered persecution, except if Article 9(2)(e) QD/QR applies.

In Iran, desertion is punished as a *Hadd* crime and deserters can be sentenced to imprisonment. Depending on individual circumstances, based on (imputed) political opinion, punishment can be harsher and prison conditions can amount to torture or ill-treatment, including prolonged and indefinite solitary confinement, sexual abuse and forced confessions.

Encouraging someone to desert is considered as *moharebeh* (a crime of 'waging war against God') and can be punished by the death penalty.

Step 2: What is the level of risk of persecution?

A well-founded fear of persecution would in general be substantiated for individuals perceived by the Iranian authorities as encouraging desertion.

The individual assessment of whether there is a reasonable degree of likelihood for a deserter from armed forces to face persecution should take into account risk-impacting circumstances, such as:

- **Force the applicant belongs to and rank/position**: the targeting by the Iranian authorities could depend on the position and the rank of the applicant in the armed forces and the specific armed force they belonged to.

- **Political affiliation**: the targeting by the Iranian authorities could depend on the political opinion of the deserter as he could be seen as critical to the authorities.

- **Ethnic and/or religious background**: if Baluches or Kurds demonstrate opposition to the military institution, they could be suspected of being political opponents and thus can be treated severely by the State. Kurds could be punished harsher than Persians if they desert, because the Islamic Republic views their desertion as a sign of disloyalty and distrust to the State.

- **Situation in which the desertion occurred**: the specific situation in which the desertion occurred could have an impact on the level of risk. For example, the punishments for desertion in war time is harsher than the punishment during peace time.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a deserter, this is highly likely to be for reasons of (imputed) political opinion, whereas it is highly likely to be for reasons of religion for those encouraging desertion.



Exclusion considerations could be relevant to this profile, as persons involved in Iranian Armed Forces may have been involved in excludable acts. See Exclusion.

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  EUAA Practical Guide on Political Opinion, 3.1. Military service, p.54, https://euaa.europa.eu/publications/practical-guide-political-opinion

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