

🇬🇧 English (Safe publishable version) — Message No. 55 (SHAMA)

Judges and Prosecutors of the Country

“When something decays, they salt it—woe to the day the salt itself decays.”

With reference to the threats made by the dismissed Head of the Judiciary calling for accelerated punishment of the protesters of Iran’s National Revolution, and following our previous warnings, the following points are hereby communicated:

- 1) One of the most important duties of the Judiciary, under Clause 3 of Article 156 of the Constitution, is to supervise the proper implementation of laws. Unfortunately, due to the failure to oversee the leadership requirements set out in Articles 5, 107, and 109, Ali Khamenei—who lacked the relevant qualifications—fraudulently and unlawfully seized the position of Supreme Leader. Therefore:
First, the Judiciary bears responsibility for neglecting oversight of the country’s most fundamental law;
Second, the consequence of such fraud and illegitimacy is the invalidity of the claimed authority and the resulting loss of legitimacy.
- 2) The invalidity of such authority necessarily extends to institutions derived from it. Consequently, the Judiciary itself lacks legitimacy, including the head appointed under that authority and judges operating under such appointment.
- 3) Furthermore, regardless of the above, Ali Khamenei is currently subject to all three conditions referenced in Article 111 of the Constitution. The Judiciary’s failure to enforce this constitutional mechanism and its continuation of unlawful authority constitutes a serious breach, for which it bears responsibility.
- 4) Even aside from issues of legitimacy, Article 156 defines the Judiciary as independent, as a supporter of individual and social rights, and as responsible for establishing justice, restoring public rights, and expanding lawful freedoms. Obedience to unlawful orders that target peaceful protesters violates judicial independence and conflicts with constitutional principles—especially Article 9, which makes the protection of freedom a duty of both the state and all citizens, and prohibits any authority from restricting lawful freedoms under any pretext. Public protests, therefore, fall within the sphere of lawful freedoms. Accordingly, even if the Judiciary were fully legitimate, it would have no legal or moral basis to criminalize peaceful protest, and instead must prevent abuses against citizens exercising fundamental rights.
- 5) Under Article 156 of the Islamic Penal Code, the right of self-protection applies in situations of actual or imminent danger. This principle is not limited to confrontations with armed agents, but concerns broader protection of life, dignity, and basic freedoms. Judges and prosecutors are therefore urged to avoid any action that may escalate harm, injustice, or instability.
- 6) The issuance or enforcement of convictions against protesters—especially corporal punishment, executions, or retaliatory penalties—must cease immediately. Those who violate basic rights and due process will face legal accountability under national and international standards.

7) It is deeply regrettable that many judges—who should be independent and at the forefront of justice, legality, and accountability—have been turned into instruments of repression, and that an institution meant to uphold justice has itself become widely accused of corruption and injustice.

Proud people of Iran

Long live Iran

National Council of Iran's Revolution

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