



*Mission Permanente  
de la République Islamique d'Iran  
auprès des Nations Unies  
et des autres Organisations Internationales à Genève*

*In the name of God, Compassionate, the Merciful*

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The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the “Working draft of the Special Rapporteur report on the situation of human rights in the Islamic Republic of Iran to the 68<sup>th</sup> Session of the General Assembly”, has the honor to submit herewith the comments by the I.R. of Iran to the above mentioned draft.

The Permanent Mission of the Islamic Republic of Iran avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.



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**Comments by the Islamic Republic of Iran on the Special Rapporteur's draft report on the situation of human rights in the Islamic Republic of Iran; to be presented to the 68<sup>th</sup> session (September 2013) of the General Assembly of the United Nations.**

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**Comments by the Islamic Republic of Iran on the Special Rapporteur's draft report on the situation of human rights in the Islamic Republic of Iran; to be presented to the 68<sup>th</sup> session of the General Assembly of the United Nations.**

**I. Introduction:**

The Islamic Republic of Iran has incessantly demonstrated its determination to cooperate with international mechanisms and subsequently has proceeded towards development and promotion of human rights at the national and international levels, and in compliance with its constitution, international treaties and its religious commitments.

In its cooperation the Islamic Republic of Iran has been especially active in the following fields:

- Active participation in, and provision of the national report of the Islamic Republic of Iran to the Universal Periodic Review mechanism. Iran has also worked to realize the accepted recommendations of the first session of the Universal Periodic Review, as well as the preparation and presentation of its report to the upcoming Universal Periodic Review (Second Cycle) to be held in 2014.
  
- All communications received from the Human Rights Council thematic Rapporteurs and other Special Procedures.

- Reports of the Secretary-General of the United Nations to the United Nations General Assembly and the Human Rights Council.
- The Special Rapporteur's reports on the situation of human rights in the Islamic Republic of Iran for presentation to the United Nations General Assembly and the Human Rights Council.
- Presentation of the third national report of the Islamic Republic of Iran, regarding the International Covenant on Civil and Political Rights, to the Human Rights Committee,. Provision of written replies to the queries made by the above Committee concerning the national report and active participation in the 2011 session with a view to providing the arguments justifying the report.
- Presentation of the second national report of the Islamic Republic of Iran, with regard to the International Covenant on Economic, Social and Cultural Rights, provision of replies in writing to the queries made by the Committee on Economic, Social and Cultural Rights concerning the provided national report and active participation in the ensuing 2013 session with a view to providing the arguments justifying the report.
- Active contribution to international human rights meetings.
- Visits to the Islamic Republic of Iran by six thematic Rapporteurs with two others being scheduled.
- Bilateral technical cooperation with the Office of the United Nations High Commissioner for Human Rights.

- Extending an invitation to the High Commissioner for Human Rights to visit Iran, and the 2011 visit by a preparatory delegation in preparation for the expected High Commissioner's visit.
- Membership and accession to a number of international human rights treaties, including the UN Convention against Corruption(2008) and the UN Convention on the Rights of Persons With Disabilities(2008).

The above references only constitute a portion of the positive measures and interactions undertaken by the Islamic Republic of Iran vis-à-vis the United Nations human rights system and international bodies. It also speaks of Iran's commitment to the continuation of the above cooperation. Thus, the Islamic Republic of Iran while emphasizing the continuation of its positive interaction with the international mechanisms, further declares its preparedness to go on with the cooperation.

Given the above, the politicized approach of the Special Rapporteur does not in any way affect Iran's will to continue cooperating with the international mechanisms.

- The rapporteurship mechanism can facilitate the monitoring of human rights, if it is not tainted by politicization and remains professional. Unfortunately, the Special Rapporteur remains inattentive to the reasoned and documented responses of the Islamic Republic of Iran and has

chosen to repeat his previous reports that were exploited by invalid sources and by doing so disregard the rules of conduct mentioned in resolution 5/2 and the Code of Conduct for the Human Rights Council's Special Procedures Mandate-holders. Such conduct by the Special Rapporteur is indicative of his departure from provisions stipulated in the above mentioned resolution and speaks of a biased approach towards the Islamic Republic of Iran. Consequently the content of the text provided by the Special Rapporteur is unconvincing and lacks credit and does not merit public trust or confidence. The concerns of the Special Rapporteur on the situation of human rights in Iran is unfounded due to the fact that despite the broad cooperation of the Islamic Republic of Iran with a variety of United Nations monitoring mechanisms and its positive interaction by accepting 123 recommendations made in the course of the Universal Periodic Review and its ensuing voluntary actions towards the realization of the mentioned recommendations, the Special Rapporteur attempts to portray Iran's positive interactions in a negative light. Furthermore, despite the endeavors made by the Islamic Republic of Iran to modify its current law, taking into account its constitution as well as international treaties, the Special Rapporteur has claimed the existence of numerous conflicts!! which indicates his ignorance of legislation process within the Islamic Republic of Iran. Special Rapporteur has obviously strayed from the Code of Conduct for Special Procedures Mandate-holders and has systematically violated his functions and duties. Such conduct

is indicative of the Special Rapporteur's reluctance to cooperate with the country which is under scrutiny. By using phrases like "continuous systematic violations of civil, political, economic, social, and cultural rights", the Special Rapporteur has signaled the existence of a political will and has demonstrated his inattention concerning the application of legal concepts. In this relation, he has utilized falsified and exaggerated data to arrive at his pre-desired conclusions. Given the above, such unfounded inferences by the Special Rapporteur are manipulated and not acceptable.

The Islamic Republic of Iran has been and continues to be transparent and responsive to human rights issues. In this regard, it has replied to all communications received under procedure 15.3 -- records of which are archived. Also, communications by Special Rapporteurs and international bodies channeled through Missions of the Islamic Republic of Iran, have received reasoned and documented replies.

The Special Rapporteur has provided an inaccurate example in paragraph 2 of his draft report due to the fact that he does not provide any details about the subject and number of the communications or the precise natural or legal identity of the communicators. As for the cases claimed by the Special Rapporteur, at minimum he should have included a list on the details of communications and should also have specified exactly

which communications have remained unanswered since January 2013.

Again the Special Rapporteur is expected to be bound by the stipulations of resolution 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council and avoid engaging in unfounded generalities.

The Special Rapporteur has mentioned the “reports of reprisal cases against individuals alleged to have contacted UN human rights mechanisms” as the basis of his concerns.

The Islamic Republic of Iran, following its provision of reasoned and documented replies to the mentioned false and non-factual allegation and in its detailed response to the Special Rapporteur’s report to the 22<sup>nd</sup> session of the Human Rights Council, expects the Special Rapporteur to avoid repeating exactly the same content and rather ask for complementary replies if it were required.

The Special Rapporteur is reminded that according to a very basic principle of law, no penalty or punishment can be meted out unless committing a specific act -- or its abandonment -- is already criminalized by law. Consequently the mere act of cooperation with the relevant human rights bodies to promote human rights does not provide legal ground for penalty.

It is most unfortunate that the Special Rapporteur has established his understanding on the basis of a phrase which is vague



and general. Consistent with the above he states that: **“various aspects of the electoral process leading up to the June 2013 Presidential and Council elections in Iran did not, regrettably, comply with international human rights standards and norms.”**

What can be construed after careful consideration of the above vague and general statement is that the Special Rapporteur has been after inculcating his baseless belief and understanding to the addressees of his draft. This sort of phrase is against the provisions of resolution 5/2 which deals with the code of conduct of Rapporteurs.

To clarify:

The pre-election reports and statements of the Special Rapporteur on non-compliance or incompatibility of the 2013 Presidential elections in Iran with international human rights standards and norms, has been an engineered scenario which has been in place months before and even days after the announcement of the election results and was used to form a negative human rights atmosphere and tarnish the image of the system with the public opinion. A reference to the need for international monitoring of the election process was a prelude to Special Rapporteur’s intervention in the election. This has continued exponentially through allocation of 4 paragraphs of the Special Rapporteur’s report, to the 22<sup>nd</sup> session of the Human Rights Council in March 2013. as a follow-up, presentation of a comment, a statement and an article within the three months after the session by the Special Rapporteur , all bearing a pessimistic and biased perception concerning the genuineness of the election’s democratic process of Iran, is bespoken of an unfair and partial approach by the

Special Rapporteur towards the subject of the election in Iran. Most regrettably, same biased approach could be traced and identified in the preparation of the Special Rapporteur's current draft report. Quite the opposite and contrary to the above approach, the broad participation of Iranian citizens in the election and the healthy processes resulting in the emerging of the President-elect's name from the ballots, invalidated a considerable number of prejudgments made by and further reflected in claims included in the Special Rapporteur's report.

## **II. Freedom of expression, access to information and association**

As inferred from various principles of the Constitution of Islamic Republic of Iran, the scope of freedoms are determined by three criteria namely opposition or nonconformity with Islamic standards, public interest and rights as well as the rights of others. Observance of the Islamic standards have always been noted and emphasized.

The Constitution of the Islamic Republic of Iran which has been ratified on the basis of the majority vote has stipulated the free press and publication in its principle 24. At the same time the Constitution honors and respects the fundamental principles of Islam and the public rights. Aimed at observance of the public rights and fundamental principles of Islam, the representatives of the Islamic Consultative Assembly who are elected by people, and in their

capacity as legislators of ordinary law, have approved a number of standards reflected in the Press Law and the Computer Crime Law, both of which are enforceable subsequent to the confirmation of the Guardian Council. The claim set forth by the Special Rapporteur on systematic violation of freedom of expression and access to information is not acceptable, taking into account the democratic process of legislation.

Careful consideration of the Press Law 1986, further amendments and annexes thereto included, makes it evident and certain that the attention of the legislator fully denotes securing freedom of expression and access to information with full respect to the public rights. It only considers liable to prosecution those who, in their engagement in the contempt, abusing the press, disrepute or dishonoring of persons or their denigration or the disclosure of private secrets, and slandering, commit culpable or criminal acts. This is to assist the community to benefit to the utmost from freedom of expression atmosphere provide by the legislator.

Membership of a sect or acting as a proxy does not culminate in any penalty if it does not involve culpable or criminal acts.

Special Rapporteur regardless of committed acts of persons like Khosro and Masud Kordpour has classified them as journalists while the above named persons have been cooperating with the terrorist groups such as Pejak and have been charged with

numerous criminal acts. Meanwhile the legal proceedings are still going on and no final judgment or verdict has been issued yet.

Careful Consideration of the letter of the Law on Computer Crime of 2009 makes it evident and certain that the attention of the Islamic Republic of Iran's legislator to the following titles of: "Illegal access, crimes against confidential data and telecommunication systems, illegal wire-tapping, computer spying, offences against the authenticity and integrity of the data and computer systems, and given computerised falsification/forgery, disruption and destruction of data or computer and telecommunication systems, computer related theft, robbery or fraud, crimes or offences against public morality and chastity, defamation or disrepute, dissemination of lies, along with identifying the penal responsibility of individuals, determining rules of procedure as well as consideration of jurisdiction or competence, collection of electronic evidence and then stipulation of offences and penalties", is indeed intended towards protecting freedom of expression and the proper use of the Internet and its wares. Subsequently and in line with securing the rights of every individual of the society in benefiting the freedom of expression and appropriate use of Internet possibilities, it pursues and punishes solely the law opponents and those who disrupt or interrupt the use of freedom of expression by the public.

Respecting the law ratified by representatives of the nation is incumbent upon all natural and legal persons including those in

charge of sites and coffee nets.

Islamic Republic of Iran supports the natural and legal persons who really work for the promotion of human rights and do not follow any other purposes but transcendence of human rights in that course. Creation of free atmosphere for the broad activity of the civil society such as enabling an effective role for numerous community- based organizations/NGOs in the society, human rights seats in universities and establishing the high institution of human rights (High Council For Human Rights) with the membership of dignitaries of the State, as well as Human Rights Committee in the Islamic Consultative Assembly, are all bespeaking of the promotional approach of Islamic Republic of Iran concerning human rights field.

Article 26 of the 3<sup>rd</sup> Chapter of Islamic Republic of Iran's Constitution asserts the freedom and the right to formation of and membership in professional associations. Article 27 asserts the right to hold public gatherings and marches. Further to Article 26 of the constitution, Article 131 of the Labour Code of Islamic Republic of Iran has recognized the right to establishment of associations and guild societies. Accordingly, associations and guild societies including the one mentioned in the query shall enjoy the above mentioned rights if established in accordance with the by-law of the Note<sup>5</sup> of the mentioned Article which contains the regulations pertaining to establishment, scope of duties and powers and the functions of association and guild societies. Tehran's Bus Drivers union /syndicate lacks any concrete or effective function in labour

communities and does not enjoy the legal representation of any labour society. As declared by the Ministry of Labour, a number of 5686 formations inclusive of Islamic Councils, associations and guilds are performing activities in the labour milieu. Besides, currently six labour political parties have obtained the activity permit from the Commission of Article 10 of the Parties Law and are performing their activities.

It is to be mentioned that the mentioned societies including those of workers and teachers have in recent years convened, within the legal frameworks, guild gatherings vis-à-vis their relevant bodies/ Centers which have not been challenged or interfered in any way by the government. A default approach which has characterized the System.

### **III. Administration of Justice**

#### **A: Legal development**

Special Rapporteur has not paid adequate attention to the Paragraph 2 of the Article 6 of International Covenant on Civil and Political Rights where the reference is made to: "only for the most serious crimes in accordance with the law in force at the time of the commission of the crime.... not contrary to ....pursuant to a final judgment rendered by a competent court." It seems that the judgment passed by the Special Rapporteur has been missing precision and carefulness as concerns the legal provisions of the

Islamic Republic of Iran. Special Rapporteur is pointed out that: legislation is enjoying a particular significance within the legal system of Islamic Republic of Iran and it proceeds through a precise process which could be summarized as follows:

Where there is a need for a law, the institutions of the State, reflect the mentioned requirement, through submission of bills or legal drafts to the Legislation. The proposed drafts are looked into by relevant specialized commissions of the Islamic Consultative Council and subsequently in its Plenary where, if voted upon positively by the elected representatives of people, it shall then be communicated to the Guardian Council where its compatibility with the principles of the Constitution and religious standards shall be scrutinized, upon confirmation by the latter referee, it will be published in the gazette and it is only then, when it becomes enforceable. Consequently, prior to the exhaustion of legislation process of a bill and its legalization, the Special Rapporteur is expected to avoid comments resulting from personal interpretation. The expression of some unfounded concerns about some legal drafts by the Special Rapporteur does not enjoy any validity.

Beside the need for the elements of cultural diversity and geographical specificities to be taken into consideration, identification of very serious crimes behooves the legislator. Determination of the appropriate penalty is carried out through taking the victim's rights and also other individuals of the community into account and from the viewpoint of criminal act's impact as well as the need for the observance of the human rights norms, so that a

secure and open environment accompanied with observance of the rights of all citizens shall be available through the administration of justice.

**b. Prison conditions**

The points reflected in the report of Special Rapporteur under the topic of prison conditions has been without due attention to the legal provisions current in Islamic Republic of Iran and in particular to executive by-law of the Prisons Organization and the country's security/safeguarding and educational measures. To describe the existing realities, it briefly informs that: prisons throughout the Islamic Republic of Iran are under the direct supervision of the public prosecutors and their deputies. They may inspect the prisons at any time or occasion they deem appropriate so that in case of the occurrence of any misconduct or violation, to take both rectifying and prosecutorial measures with a view to obviating the misconduct and pursue the offender.

The followings are notable as regards fulfillment of the duties of the Prison Organization and the security/safeguard measures of the State:

1- Currently, the premises which are utilized as detention center are under management and supervision of the Prison Organization. Beside the in-house monitoring (inspection, protection, judicial and Execution of Judgments), it is under supreme oversight of the public prosecutor, the representatives of whom, are the overseer



judges who overlook all parts and sections specially those which relates to the field of dealing with the accused or convicts of security crimes. The Citizenship Rights and Oversee Units of the Justice Department too, conduct intermittent and without prior notice inspections.

2- Since, the responsibility of the detention centers is upon the Prisons Organization which is an independent organization of the Judiciary, and consequently, the Prison does not have any role in inquiry, investigation and detecting the crime, misbehaving the prisoners is inapplicable and a non-issue. Besides, legal and religious standards of the Islamic Republic of Iran do not allow such acts.

3- In recent years an improvement approach has been in the agenda with regard to keeping prisoners and there is an emphatic endeavor on improvement of the sanitation, treatment and nutritional aspects.

4- Torture and mistreating prisoners has been banned by the Constitution and ordinary/statutory laws including the Law Respecting Legitimate Freedoms and protecting Citizens' rights. The officers in charge of the Prisons have received the necessary education and instructions. In the meantime the issue of efficient investigation does not pertain to the prison-keeping realm.

5- At the Evin Prison, a well-equipped medical centre is in place which provides standard medical services to prisoners with ease of access to the physician at a level which is not always possible for the people outside the prison. All medical services are provided gratuitously.

7- In prisons of the country, there are vocational workshops for volunteer and eligible prisoners where they are offered the chance to both learn a vocational skill and to earn an income from their productive job inside the prison to be used for the livelihood costs of their family outside the prison.

8- Islamic Republic of Iran while guaranteeing the prisoners rights on the basis of legal provisions and the by-law of the Prisons Organization as well as security and educational measures, has provided for facilities like: repeated visits by prisoners family and relatives, appropriate medical and sanitary facilities, access to amenities and welfare facilities, stores, barber shops, health club, educational and cultural courses, cinema, library etc...

Given the above, the concerns of the Special Rapporteur on allegations made, has been without taking the realities on the ground into account.

### **c. Executions**

The Special Rapporteur has based his draft report on a report by the Iranian opposition as well as some other unreliable sources. He is using unverified figures and by using terms such as “alarming reports of execution” tries to inculcate an undocumented issue. Besides, in employing his words he overlooks the provisions of code of conduct for the mandate holders as stipulated in the resolution 5/2.

I.R. Iran presenting its interaction and cooperation with international bodies provides the following brief information from beginning of the trial mechanism to the issuance of death sentence as well as the highest levels of appeals to the verdicts.

The alleged concern expressed by the Special Rapporteur on the increasing number of drug related death penalties is not sensible. It is expected that he remain impartial and pay attention to reasons before causes and the reasons behind increase in the production of narcotic drugs which as a destructive scourge threatens the right to life of a large number of Iranian citizens in particular its youth; it is also causing break down of a considerable number of families and destruction of the future of those children whose parents fall victim to such crimes. I.R. Iran believes in its responsibility to follow the provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances specially the provisions reflected in its Introduction and will continue to combat decisively with organized and international drug related crimes.

Death penalty is part of the national law in many countries including the Islamic Republic of Iran and there is no global consensus on its elimination. Therefore, such request to abolish death penalty cannot be incorporated in the report of the Special Rapporteur and should be taken out. The contradiction is also noticeable in the position taken by the Special Rapporteur who warns against drug related policies and activities of Iran with the position of UNODC that in several occasions has appreciated Iran's seriousness in combating

narcotic drugs.

Death penalty for serious crimes is a lawful punishment and is recognized by international instruments. In the Islamic Republic of Iran too death penalty is adopted for the most serious crimes.

Investigation of such crimes is initiated with special sensitivity in the courts with the presence of the prosecutor's representative, offender and his/her lawyer. The proceedings follow with required sessions and obtaining expert opinions and forensic assessments and hearing offender's defences and statements by plaintiffs, witnesses and informed people. It follows by conducting sufficient consultations ahead of issuing a final verdict.

No session in relevant proceedings is considered to be official in the absence of a lawyer. Any such session would be void and ineffective while their decisions and rulings could be disputed in the High Court.

It is expected that the Special Rapporteur refrain biased references which are coming from unreliable sources and give the impression that he is becoming prejudiced and unfair. It is also expected that while preparing his final report he pay full attention to the provisions of terms of reference of the mandate holders as stipulated in the resolution 5/2.

#### **d. Other forms of cruel and inhumane punishment**

The Special Rapporteurs claim on the presence of conflict between some recognized punishments in the Islamic Penal Code and human rights regulations is due to his lack of attention to both cultural diversity and Sharia provisions.

The Islamic Republic of Iran is committed to its Constitution which is based on public votes as well as to the general laws as adopted by people representatives in the Parliament (Islamic Consultative Assembly). Meanwhile in order to promote human rights if it finds consideration and adoption of a specific law necessary it would do that with due respect to the legal requirements. For instance, the law on Civil Rights and Respect to Legitimate Freedoms adopted in 2004 should be seen in this promotional context.

In the view of the I.R. Iran's legal system, the punishments mentioned in some articles of the Islamic Penal Code are in no way considered to be torture. Based on religious teachings and Article 38 of the Constitution and to protect civil rights of all suspects and offenders the law on Civil Rights and Respect to Legitimate Freedoms was adopted by the legislator in 2004. In accordance with article 15 of that law a central supervising secretariat was established to monitor implementation of its provisions. Meanwhile, supervising boards are foreseen in all provincial courts throughout the country to protect civil rights of the suspects and offenders.

The Islamic Republic of Iran while reiterating its commitment to the principles of Constitution and national laws and regulations as well

as international commitments expresses the following on the allegations made in the communications of relevant Rapporteurs on torture, amputation and flogging:

The sentences are being issued following completion of due legal processes according to the Islamic Penal Code and judges issuing their judgments based on relevant legal provision(s) while taking into account appropriateness between the committed felony and the punishment. It is obvious that implementation of law in every given country is the responsibility of judges. It should be noted that according to article 38 of the Constitution of the Islamic Republic of Iran any form of torture is forbidden and in accordance to articles 570, 578, 579 and 587 of the Islamic Penal Code and article 9 of the law on Civil Rights and Respect to Legitimate Freedoms those who commit it will face grave punishment. Therefore, the concern expressed by the Special Rapporteur is not valid.

Since the Special Rapporteur has in his draft report made reference to stoning it should be mentioned that:

The holy religion of Islam grants the utmost importance to protection of morality and security of the society specially the family as its basic unit as well as the rights of children. In order to protect and respect generational purity (that is essential for survival of the family and society) Islam has envisaged severe punishment of stoning for adultery among married people (not singles). So, the preventive nature of this punishment would achieve such sacred goal. However,

it should be noted that this kind of offenses shall not be proved unless very serious conditions are being met during the judicial process. The reason for such serious scrutiny and complex proving condition is to minimize to the extent possible erroneous judgments. Hence, such offenses can only be addressed by the courts after general conscious of society is proven to be hurt (it has to be occurred in the presence of several witnesses). Therefore, the seriousness of the punishment comes with serious provisions for establishing its occurrence. According to an Islamic rule punishments shall be waived by misgivings. Providing the proofs to substantiate the crime is so difficult that extremely minimizes the possibility of its proving. The reason behind establishing such rules in Islam is to create a mechanism that serves prevention and non repetition of these offenses.

The legislator in the new Islamic Penal Code has also foreseen relinquishment of punishment in the case of repentance of an offender before proving the offence should the judge be convinced about his/her remorse. Even after proving the case and if the offender repents, the court can still seek clemency from the head of judiciary.

Based on article one of the Constitution, the state of Iran is an Islamic Republic. In accordance with article 4 of the Constitution all laws and regulations should be based on Islamic provisions. The same document in its article 91 provides for establishment of a council to be known as Guardian Council to observe compliance of Parliament's

legislations with the Islamic laws. Based on article 94 of the Constitution, all adopted legislations of the Parliament should pass through the Guardian Council and it should verify and investigate their conformity with the provisions of the Constitution and Islam. Therefore, all regulations in the Islamic Republic of Iran to be the Constitution or general laws are in line with implementing Sharia and the authorization to make reference to credible Islamic sources or Fatwas should just be seen as guarantors for realization of full justice and dealing with any given case until a verdict is arrived to.

#### **e. Impunity**

On the case of Mr. Sattar Beheshti we would like to inform that as soon as the High Council for Human Rights received news of him it released a statement expressing the serious will of the Judiciary to investigate the case and bring the culprits to justice. The Iranian Parliament put the case on its agenda, and the Office of the Tehran prosecutor embarked on investigating the case. On the bases of the said investigation, Mr. Beheshti was detained in November 2012 on charge of propagation against the state and was sent to custody as a first rank accused. The seven-member medical commission has stipulated the following on the cause of the death of Mr. Beheshti: *for the moment with the examinations carried out and with the available information, from the medical point of view exact cause of the death cannot be determined. However, after examination of the body no proof exists to show that he has died because of a disease. Therefore, the most possible cause of the death can be a shock which could have occurred*



*due to a blow or blows to sensitive parts of the body or psychological stress.*

In the current criminal file the accused was acquitted from committing willful murder which led the objection of the lawyer of the blood owners. It is evident that such objection would be taken up by the appeal court. On charges of un-willful murder, assault and battery and insult the accused was found guilty.

With what said above, it is evident that Islamic Republic of Iran would react firmly against any unlawful and arbitrary actions.

The Rapporteur's assertion on mass demonstration after the 2009 elections has been responded in our earlier replies, and he is referred to those answers.

On the basis of Article 20 of the Constitution, "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights" and there is no difference between students and other people in the society, in their enjoyment of their rights; and to the same extent, they are obliged to obey rules and regulations of the country. Thus, any legal treatment with students has been within the limits of law and the regulations governing universities and scientific and education places. Thus, we recommend the Special Rapporteur to work on the basis of the Code of Conduct of the HRC Mandate Holders in particular its articles 4 (3), 5, 6 (a), 8 (a) and 12 (a).

It is regrettable that the Special Rapporteur (para 37) while explicitly referred to the trial of two judges, uses uncommon languages which are against the Code of the Conduct (resolution 5/2). He by his personal interpretation complains that the trial conducted behind closed doors, the plaintiff' witnesses could not submit testimony, and the publication of information about court proceedings was reportedly prohibited.

Such personal interpretation is due to his lack of knowledge about penal code procedures law. The criminal law of the Islamic Republic of Iran in article 188 calls for public trial, and the three- exception cases are at the discretion of judges. Second, Article 148 of the said law stipulates that the judge would summon persons who are necessary for clarification of the accusation, under the request of the accused or plaintiff or the judge himself. It should be mentioned that from article 149 to 172 under the title of summoning of witnesses of investigation the required regulations have been envisaged. Third, dissemination of news on the trial is subject to regulations contained in Article 188 of the said law. It is noted that permanent suspension from judiciary and 5 years suspension from governmental jobs are part of verdicts issued against the two judges.

On the claims bout " Mourning Mothers of Laleh Park", unfounded claims on "decade 80" it should be mentioned that although no logical relation exist between those who are claiming and the issues raised in the report we reemphasize that basically each punishment is carried out according to the law and by the competent courts. The

Islamic Republic of Iran deploras that the Special Rapporteur does not observe the principle of impartiality. Despite the fact that "Habibian Society" submitted to him a list containing names of 17000 of victims of terrorism who were murdered by MKO, he did not made slightest reference to this list. The Special Rapporteur in this part of the report did not obey article 8 (a) of the Code of Conduct of the CHR Mandate Holders (resolution 5/2).

#### **IV. Women's rights**

The I.R. Iran is obliged according to its Constitution and its willingness to cooperate with international bodies and belief to guaranteeing the rights of women has adopted in 2012 the law on protecting the family. In the law, developments on observing rights of women and children are envisioned. Those rights are inter alia presence of judge counselor in courts, appointing lawyer by court for those without sufficient financial resources, provision of alimony to the wife from the court which is considering the family dispute, possibility for the wife to file disputes in her area of residency, envision of council centers for family in which at least half members should be married women, obligatory registration of permanent marriage its dissolution, divorce, and registration of temporary marriages where the law stipulates, conducting medical examination before marriage to ensure couples health and health of their children, child fostering, provision of regular allowances for the wife from the salary of the dead husband even after remarriage. In case of the death of the second husband the more allowance is devoted to the wife. To

prevent early marriage the law in Article 50 has envisioned a criminal guarantee against the man who defied the law.

According to article 1 of the law protecting children and adolescence adopted in 2002 all persons under 18 will enjoy the protection provided in this law. In Article 2 of the said law it is stipulated "any kind of molesting children and adolescences which incur injuries against them physically or psychologically is prohibited. From article 3 to article 6 of this law, punishments such as imprisonment or monetary punishment was put in place. It should be noted that at the moment the age of marriage for girls and boys in Iran practically speaking in particular because of cultural influence of access to public communication is increased. Of course by passing of the time, increasing cultural changes prevent marriage of people under 18.

In response to the claim of the draft report on the limitation of political participation of Iranian women, it is reiterated that in the laws of the Islamic Republic of Iran no limitation is placed on the political participation of women and holding of political vacancies by them. In the process of qualification of presidential candidates of the June 2013 presidential elections, gender was not considered as a criterion, and women who registered their candidature were disqualified merely for lack of required executive and political experiences. Such process of qualification exists in many electoral systems of the world. In a number of countries presidential

candidates must provide 500 signatures of persons with political positions to be recognized as a politician.

Presence of women in election competitions has no legal obstacle. However, the Guardian Council in implementing article 99 Of the Constitution has the right to monitor the elections and works on the basis of qualifications mentioned in article 115 of the Constitution

Issues mentioned in the draft report on domestic violence are not correct. In the laws of the I.R. Iran commission of assault and battery leads to criminal punishment which encompasses domestic violence. However, due to particular attention paid by the government to women' rights, a bill was drafted on the safety of women in which all sorts of violence against women including domestic violence were legally defined and corresponding punishments were envisioned. This bill is on the process of finalization.

On the claim about replacing "women studies" with "women's rights in Islam" it should be noted that fields of studies in the universities of each country are determined according to the needs of that given country. Considering the fact that more than 98 per cent of Iran's population chose Islamic system for the management of the country then conducting studies and researches on Islamic thoughts in all fields including women and children's rights should be regarded as a

legitimate request and demand of the people. Furthermore, establishing a branch of study on the rights of women in Islam does not contradict with the rights of women but rather it is in line with the promotion of their rights, conducting university studies on human rights and clarifying wrong interpretations in this regard.

On the promotion of women rights in the I.R. Iran the following developments which unfortunately did not catch the attention of the SR have recently taken place:

- 1- Safety and security of women. A bill has been presented on this issue whose purpose is to prevent violence against women and to support victims and those likely to be targets of violence.
- 2- Submission of a bill on establishing a committee for safety of women. The purpose of this bill is to prepare strategies and programmes, and to define priorities, and consolidate plans and programmes for the promotion of dignity of women and elimination of discrimination against women in all walks of life.
- 3- Revision of a number of articles of the Civil Code regarding the family as well as some articles of the Labor Law to protect rights of the working women.
- 4- Establishing child nurseries close to women prison to take care of children of jailed women in a suitable situation for their growth and nurturing and to provide for them necessary

standard of life and finally to reduce the risk of exposing them in the condition of criminalization.

- 5- Proposal to modify article 4 of the law on the distance working of persons with disability, pregnant women and women with children under age 6.
- 6- Submission of the bill to provide facilities and job services to women heading households.
- 7- Presenting a bill for amending the law of promotion of breast feeding and support of mothers during the feeding time.
- 8- Proposing a bill to add three years to the required age of mothers requesting governmental jobs.
- 9- Modification of the law on management of civil services in the field of women and family.
- 10- Submission of a bill to modify the law on High Council of Provinces in order to allow women to attend decision making sessions of the working groups of the Council on environment, economic and health.
- 11- Allocation of special budget for women's sport in the ministries and other public institutions.
- 12- Increase of budget of child nurseries for government employees.

The mission for each university is to promote scientific knowledge of students. In the I. R. Iran with exact studies subjects needed for

people are discussed in High Council of Planning and the Council for Expansion of Universities and other Higher education institutions, and on these basis university fields of study are determined. Therefore, the claims mentioned in paragraphs 39 and 49 are unfounded. Since, according to the Constitution and national will to implement social, cultural rights, no discrimination in education is possible. In reality, thousands of women in universities across the country are studying in the fields of law, political science, social science, etc.

Decision on determine fields of university is the job of cultural institutions of each country. Existence of a branch of study in one country does not make it necessary for the examined country to have the same branch of study. Reference to replacing one field of study with another indicates lack of attention of the Rapporteur to cultural diversity and necessities of sovereignty. Furthermore, the Ministry of the Higher Education has refuted claims about prohibition of women from enrollment in 77 fields of study. Few universities declared their decision to grant admission only to men in a number of special fields of study. This decision however was nullified by the Ministry of the Higher Education in the entrance examination of the same year. It should be mentioned that culturally in the Islamic Republic of Iran, some women do not show interest to certain branches of study.



## **V- Freedom of religion:**

According to Article 19 of the Constitution of the Islamic Republic of Iran all people of Iran, from whatever ethnicity, enjoy equal rights and that their color, race, language and the like do not bestow any privilege. Moreover, based on Article 20 of the Constitution, all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

According to Articles 12 and 13 of the Constitution, the official religion of Iran is Islam, and Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

The I.R. Iran while rejecting claims raised by the Rapporteur reiterate that as it accepted in the UPR mechanism recommendations on freedom of religion to manifest its cooperation and engagement tried to implement those recommendation which will be submitted in the second round of UPR.

According to the Constitution, basic rights such as equality before law, protection of life, property, occupation, housing, freedom of opinion, social security, remedies, education, and access to due process of law, nationality, participation in the management of the country, are guaranteed for all citizens of Iran, regardless of their

religious or ethnic affiliation without discrimination. In Article 13 of the Constitution reference was made to freedom of religious ceremonies.

According to the provisions of the Constitution, no Iranian has privilege because of affiliation to a special religion, ethnicity or race. Of course, only one religion and only one language are official. However, it does not mean that Iranians from other races or religions or languages are deprived from freedom and rights in cultural and religious fields. Article 19 of the Constitution stipulates:

All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege.

All people are obliged to obey the law and as they are free to maintain their language and religion. They should observe laws of the country as well. Article 20 of the Constitution says: all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

#### **a. Bahais**

Along with the recognized religious minorities, the citizenship rights of followers of other faiths including Bahais are entirely observed. Evidently, observance of such rights hinges upon observance of duties and legal responsibilities by each individual in the society.

Since validity of rights is dependent on discharging of duties by individuals, and this legal principle i.e. duties verses rights is recognized in majority of legal systems.

In the Islamic doctrine, investigation of belief is strongly forbidden and Article 23 of the Iranian constitution explicitly holds that “the investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief”. Therefore, despite political and media campaign in particular by Baha’i representatives, no individual is expelled from university or sent to a prison for merely holding certain beliefs.

Unfortunately, in Baha’i faith inquisition and imposition of beliefs is a routine action. If a Baha’i chooses Islamic Science for University Entrance Examination, he/she would endure pressures to opt for continuation of university education or deprivation from faith rights.

It is evident that education centers in the I.R.Iran – as is the case in other countries- are obligated to implement laws and regulations. If individuals, regardless of their religions or beliefs respect the laws, no one has the right to offend them. Otherwise, in respecting rights of others, culprits are punished accordingly.

A number of Bahais, provoked by the World Center of Baha’i or “Beit Al Adl” which is located in the Palestinian occupied territories, systematically propagate their sectarian beliefs. For instance, according to the instruction issued on 13 September 2007 by Beit Al

adl "Dear young Bahais should be well aware and happy that the day for propagation and invitation of relatives and fellow-generation to sessions of study and worship in the holy land has arrived". Moreover, the second ranking leader of Bahais in his letter dated 29 June 2006, encouraged: "Believers should be more active in the important task of propaganda which is a manifest duty of each Baha'i: It is evident that such activities are against laws and regulations of education and research centers and incite sentiments of majority of university students, professors and administrative staffs, leading to disturbance of university order.

It is noteworthy that Article 18 (3) of the Covenant on Civil and Political Rights stipulates that "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.". Also, according to Article 19 of the said Covenant "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to respect of the rights or reputations of others; as well as protection of national security or of public order, or of public health or morals.

Although Bahais apparently have been instructed by their leaders to obey laws of their countries, many Bahais under the influence of World Center of Baha'i, which is an outlawed organization, are active

and commit illegal and provocative activities in the Iranian universities, defying laws of the higher education system of Iran. Those Baha'i students who observe laws are rejected administratively and spiritually and their relation would be severed by the Baha'i network. Furthermore, a significant number of Baha'i students were forced to withdraw from universities, and their human rights have been violated by Bahi's unlawful network.

Taking note of the above arguments, it is reemphasized that not only the rights to education of all Baha'i students are not violated but also these rights have been supported. It is expected that the Special Rapporteur pay attention to the demands of victims of this illegal network who are willing to continue their higher education but under the pressure and intimidation of Baha'i illegal network their basic rights have been violated.

Again it is emphasized that In the Islamic doctrine, investigation of belief is strongly forbidden and Article 23 of the Iranian constitution explicitly holds that "the investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief". Therefore, despite political and media campaign in particular by Baha'i representatives, no individual is expelled from university or sent to a prison for merely holding certain beliefs.

**b. Christians:**

The recognition of Christianity in the Constitution does not provide impunity or judicial immunity for the followers of Christianity. As precisely stipulated in the Constitution, all citizens are equal before the law.

It is pointed out the mere belief in a religion including Christianity does not account for criminal prosecution of the follower of a religion except when the latter is engaged in an illegality which as occurred, shall following identification of accusation, culminate in issuance of writ of culpability and bill of indictment, due process and legal proceeding, hearing of the perpetrators defense and that of his attorney. Subsequently and upon the establishment of a criminal act, a punishment proportionate to the crime shall be determined by the court.

Mosques and churches equally have to go through the required municipal and other provisions for acquiring the necessary permits for their establishment at a specified location.

In the judicial system of the Islamic Republic of Iran, the individuals who are under judicial prosecution are under no circumstances categorized according to their religion up to the termination of trial and serving of their determined sentence. All trials in the Islamic Republic of Iran are performed with full respect to due process and fair trial standards and in particular, access to a lawyer. Therefore, while repudiating the unfounded reflected allegations, it is expected that the Special Rapporteur observe the criteria and standards

included in the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council.

**c. Dervish Moslems:**

The Special Rapporteur allegation as regards the continuous violation of Moslem minority sects such as Nematollahi Gonabadi, with invoking invalid sources with no regards for the current realities, is categorically unacceptable. The latter is due to the fact that Dervishes are citizens of the Islamic Republic of Iran and enjoy constitutional and legal rights in accordance to the precise stipulations made by paragraph 14 of Article 3 and the one topping the Article 20 of the Constitution of the Islamic Republic of Iran, according equal rights to all.

The Special Rapporteur's mere citation of the received reports to serve as a proof to the torturing of Dervishes and destruction of their premises or locations is incapable of providing any substantiating proof to the allegations made by the Special Rapporteur.

As regards the premises used by the Dervish Moslems, it informs that some Dervishes proceed with construction of premises without prior acquisition of the required permits which is in violation of municipal regulations. The observance of the aforementioned regulations is obligatory for establishment of any site or premises including for mosques.

It is reiterated that judicial procedure followed with regard to Dervish Moslems and their premises or congregation sites has not in any way been performed due to their being Dervishes but due to their illegal measures of disturbing the public order and security equally and unexceptionally applicable to all Iranian citizens.

#### **VI. Ethnic minorities:**

In the Islamic Republic of Iran, there is no discrimination or violation of ethnic minorities rights due to the stipulation made in Article 19 of the Constitution:

“All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege.”

In the meantime, all people are to abide by the law. As they are free to maintain their language, religion and ...etc, they also out to be cognizant of their duties vis-à-vis the public and official rules and regulations of the State. Consequently, the Article 20 of the Constitution provides:

“All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.”

The Islamic Republic of Iran, by way of an utmost cooperative and interactive approach towards international bodies including the



Committee on Economic, Social and Cultural Rights, aimed at addressing the latter's concerns, has provided both written and oral replies respectively through its periodic reports and its high ranking delegation attending the Committee's session and has amplified on issues pertaining selection and employing elites, identification of specialists commensurate and consistent with the functions required by the private and public sectors.

Given the above, there is no whatsoever discrimination against the ethnic minorities of the country and as such, all ethnicities of the Islamic Republic of Iran have appropriate coexistence as countrymen while observing the principle of equality of rights.

It is reminded that various Iranian ethnicities are dispersed throughout the country. Consistent with a full non-discriminatory approach towards the individuals' rights, no interview employment form contains any query concerning the applicant's ethnicity. In practice, they have occupied posts of a variety of levels many of them classifies as high managerial level.

Despite the fact that exercising illegal unilateral sanctions by some Western countries has challenged the full implementation of human rights standards, the government has made its utmost effort for provision of fresh water (through water supply by way of dams bed and water resources to the most remote locations), appropriate accommodation/housing (millions of units are under construction in the context of Mehr national Project, with considerable numbers

already delivered to the eligible applicants, electricity (efforts made to utilize nuclear energy based electricity and develop gridding infrastructures to the remotest regions of the country), transportation (endeavors made towards construction and expansion of the routes and promotion of the marine transportation capacity of the State), health centers (efforts made towards construction and development of medical centers of the country including even through establishment and development of Health Houses in the remotest regions of the country) and has taken effective steps towards the aforementioned provision of people's basic needs. All the above mentioned services provided and measures have been fulfilled with no discrimination against any ethnicity and has been prioritized towards the interests and needs of the more deprived and remote regions and shall continue to be so.

Generally, the Special Rapporteur has invoked no valid sources concerning reports claiming violation of minorities' rights. He has listed some rights with no specified reference to the source. Utilizing such vague and general phrases culminates in the fragility and invalidity of the report.

The Islamic Republic of Iran reiterates that consistent with respecting all articles of the Covenant on Economic, Social and Cultural Rights, and while taking fully into account Principles of the Constitution, 4<sup>th</sup> and 5<sup>th</sup> National Development Plans as well as 20 Year Vision Plan and also the by-laws and executive directives aimed at implementation of the aforementioned plans follows the objective

of observance of economic, social and cultural rights of all individuals as a portion of its core agenda.

**a. Afghan Refugees**

First of all, it is surprising that the Special Rapporteur in clear opposition to provisions of the international law places the issue of "Afghan Refugees" under the title of Iran's ethnic minorities. The international laws concerning refugees as included in the 1951 Refugee Convention have stipulated the status and condition of these groups in the host countries, and by no means can these people be included among ethnic minorities of the host country.

Second, the recognized international agency to consider refugees status is the UNHCR. Therefore, consideration of this subject has its own special international mechanism. The status of refugees living in the Islamic Republic of Iran is under monitoring of the UNHCR. This agency has always appreciated Iran's services to the millions of refugees it received in last three decades.

It is necessary that the Rapporteur delete these paragraphs from his report.

**b. Ahwazi Arabs**

It is regrettable that the Special Rapporteur uses the title of "cultural rights activists" for individuals whose activities are against the social rights of people as well as against principles of cultural rights. To clarify parts of terrorist activities of these individuals following is mentioned:

Content of the judicial dossier indicates that 1- Hashem Shabani

Nezhad 2- Hadi Rashedi 3- Mohammad Ali Amori Nezhad 4- seyed Jaber Alboshokeh and 5- Seyed Mokhtar Alboshokeh were detained on charges of formation, activities for and membership of a terrorist group " People Resistant for Freedom of Ahwaz" It should be mentioned that this organization had a separatist ambition and acted against the system and actively propagated Vahabism and salafism. Members of this group held fire arms such as pistols, Kalashnikov, machine guns, grenades, R.P.G and other arms for conducting sabotage activities against buildings and public institutions. They shot R.P.Gs to public buildings which caused damages to the buildings and opened fires against ordinary people and workers in city of Ramshir for separatist ambitions. This organization has also intimidated people. Therefore dossiers of these people have been sent to competent courts after being thoroughly investigated. After conducting due process of law and hearings, they were convicted to death penalty in accordance to Articles 183, 186, 189, 190, 191, 193, 194, 105, 498, and 500 of the Islamic Penal Code.

The Rapporteur is recalled that he should be attentive in using legal terminologies because concept of Moharebeh wrongly was translated to enmity against God. While Moharebeh is a kind of crime of terrorism, and it means "to terror people by using guns". This (Moharebeh) is a crime just to maintain public order and to protect people and has no connection to enmity with God. On access to potable water, the attention of the Special Rapporteur is drawn to the above mentioned facts.

### **c. Kurds**

The Special Rapporteur has referred in a vague and general manner to indiscriminate killings of border couriers (Kulbaran) and shooting to them by law enforcement forces. He should be advised that like other countries transit in and out of the country's borders follow specific rules and border guard is responsible to protect the borders of the country. Import and export of the goods are being done through official border points. Unauthorized transit outside land, sea and air entry points have not and are not being protected by the legislator. Importing any smuggled good is forbidden. Existence of a set of laws to hunt and punish the offenders does not imply that border guards disregard the limits of their mandates and indiscriminately shoot at offenders. The law on trial of military staff of the Islamic Republic of Iran covers their functions and performance. Those staff who violate provisions of this law would face appropriate consequences. Therefore, the misconduct of an individual officer cannot be the basis for a general ruling or censuring performance of other officers in execution of their mandate. So it is expected that the Special Rapporteur in preparing his report respect provisions of the mandate holders' code of conduct as contained in resolution 5/2.

### **d. Sistan and Baluchistan**

Inclusion of a piece of news coming from an unreliable source without explicitly mentioning the kind of the offence committed while the identity of the offenders too is unclear has no consistency with the provisions of the mandate holders' code of conduct as

contained in resolution 5/2. This reference just further undermines credibility of the draft.

## **VII. Land mines**

Inclusion of paragraphs on land mines under umbrella of human rights is not acceptable, and is considered as a political move. However, the following points are mentioned as answers to the allegations raised by the Special Rapporteur in his draft report:

- 1- Land mines which exist in five western province of Iran were buried by the Iraqi forces during the 8 years of the imposed war against the I.R. Iran. The former regime of Iraq with the support of a number of countries especially from western part of the world has excessively used land mines which contaminated 42000 square kilometers of the Iranian soils. Therefore, the responsibility rests on Iraq and its allies during the imposed war against Iran.
- 2- Immediately after the war, the I.R. Iran exerted its tremendous efforts to de-mine the contaminated areas and has made considerable progress in this regard. These efforts have been appreciated by UN officials including the former representative of the International Committee on Red Cross in Tehran, the UN Resident Coordinator, Head of the UNDP Tehran and Head of the International Center for Humanitarian De-mining in Geneva.
- 3- De-mining process is a humanitarian move, and as such international organizations and all states are obliged to

cooperate. However, despite Iran's efforts to receive international support and cooperation unfortunately no support was rendered to Iranian De-Mining Center by the United Nations.

- 4- The de-mining process in Iran has been conducted according to the international norms. However, due to the widespread contaminated areas and the need for special technologies some areas may have not been completely cleared. Limitation of facilities makes the de-mining process beyond 30 centimeter difficult which is not confined to Iran only.
- 5- The Iranian De-Mining Center has significantly reduced the number of casualties emanating from mine explosion. The center moreover held training courses in this regard.
- 6- According to the views of the Supreme leader of the Islamic Republic of Iran, those who die or are injured during the de-mining process are considered martyrs and veterans. To meet the needs of the victims of mines explosion and to protect their families, the Islamic Consultative Assembly passed a law by which families of the dead or disabled persons as a result of mine explosion are entitled to receive regular salaries or allowances. According to this law, these people are considered as martyrs or war- disabled

## **VIII. Sanctions**

Unfortunately the Special Rapporteur in his draft report while referring to the issue of sanctions portrays an unjust and inaccurate

picture to the readers. He, instead of condemning sanction-imposing countries, criticizes victims of sanctions and the target country. Those who impose economic sanctions are undoubtedly violators of human rights. Since economic sanctions are followed by serious adverse consequences against basic rights of citizens of the country which is subject to such sanctions. These sanctions are not legitimate and cannot be justified as they are practiced against international human rights norms and standards.

The worst is that the Special Rapporteur does not condemn unilateral sanctions imposed by the US and the EU against Iranian population; the sanctions that are in clear contrast to the provisions of the principles and spirit of the international law and the letter and spirit of the UN Charter. It is needed to say that the position of the Special Rapporteur vis-à-vis these sanctions and their adverse effects on lives of Iranian citizens is not clear and transparent. Apparently the Special Rapporteur is not aware of various resolutions and recognized norms in the UN which condemn unilateral sanctions because of their adverse effects on human rights. These sanctions are the main obstacles to the access of countries to the millennium development goals.

How a Rapporteur whose mandate is to consider a human rights situation can ignore flagrant violation of human rights by the United States and the EU through imposition of sanctions which are against the UN Charter and human rights conventions? Therefore, it is vital necessary that the Rapporteur in his reports condemns unilateral sanctions imposed by the US and the EU and requests their



dissolution.

### **IX. Conclusions and recommendations**

The Special Rapporteur has had several months from March to 22 August 2013 to prepare his draft report while against explicit provision of article 8 of the mandate holder's code of conduct the Islamic Republic of Iran was only given a few days to respond to respond to extensive allegations. This is yet the clearest sign for overlooking neutrality and fairness in preparation of the report.

However, the Islamic Republic of Iran believing in constructive cooperation and interaction with international mechanism would like to present this communication and expects that its content be reacted with good faith by the other side.

The author of the draft report raises unfair elements in the conclusion and recommendation part, the Islamic Republic of Iran presents the following responses paragraph by paragraph:

Paragraph 76: Special Rapporteur disregards his main mandate which is promotion of human rights in line with coordination and cooperation with the Human Rights Council. On top of the paragraph he has attributed unreal and unjust allegations to the Islamic Republic of Iran; allegations which are being cruelly used by some Western countries and the Iranian opposition against the country. Using such terms reveals the lack of real interest of the Rapporteur to work with international bodies as well as the concerned country.

Culture of the Islamic Republic of Iran is based on the vivid Islamic laws which are being respected by about one and a half billion followers throughout the world.

His assertion on the limitation of basic rights and those mentioned in this paragraph due to Iran's cultural attachment to Islam is illegitimate and unjustifiable. Even before development of international texts, the holy Sharia was attentive to dignity of human being in different aspects. It has not created any limit to the true rights of the human being.

The Islamic Republic of Iran based on its Constitution, general laws and international treaties as well as its religious commitments is working towards protection and promotion of human rights at national and international levels and in practice finds itself committed to respect them. Presentation and adoption of the national human rights report of the Islamic Republic of Iran during seventh session of the United Nations Human Rights Council; cooperation with Council's Special Procedures including the visit of six special Rapporteurs to the I.R. Iran; mutual cooperation with the Office of the High Commissioner and inviting her for visiting Iran and the visit of the preparatory delegation in this regard at the end of 2011; presentation of the third national periodic report to the Covenant on Civil and Political Rights to the Human Rights Committee and defending the report and answering the questions of the members of the Committee by a high ranking delegation of the I.R. Iran; participation of the Iranian delegation headed by the Secretary General of the High Council for Human Rights and Advisor to the Head of Judiciary in the Sixty Sixth Session of the Third Committee and the General Assembly of the United Nations; participation of a high level delegation headed by the Secretary General of the High Council for Human Rights and Advisor to the Head of Judiciary in the

nineteenth and twenty second sessions of the Human Rights Council; presentation of the Second National Periodic Report to the Covenant of Economic, Social, Cultural Rights and defending the report and answering the raised questions on it by a high ranking Iranian delegation; membership and accession to several human rights treaties; establishing the high human rights institution (High Council for Human Rights); holding specialized human rights sessions with the participation of judicial, executive and academic officials initiated by the High Council; conducting bilateral human rights dialogues with several countries and persistence of these steps are constituting only parts of positive interaction of the Islamic Republic of Iran with the United Nations human rights system and other international bodies. They reflect practical adherence of Iran to continued cooperation.

Paragraph 77: this is regretful that the Rapporteur in one hand expresses his ostensible willingness to further cooperation with the government of Iran and on the other hand pays no attention to previous reasonable and documented responses provided by Iran and once again fabricated and repeated based on his personal interpretations unprofessional, undocumented and vague allegations against the country.

Paragraph 78: the Islamic Republic of Iran has always been ready to cooperate with special procedures and human rights mechanisms and pays due attention to the further promotion of human rights. It welcomes the readiness of the Special Rapporteur to cooperate in the framework of the Universal Periodic Review provided that he respects the provisions of the mandate holders' code of conduct (the

subject of resolution 5/2).

Paragraph 79: the Islamic Republic of Iran interested in having a cooperative and interactive relation with international bodies including the Committee on Economic, Social and Cultural Rights has provided extensive explanations on May 2013 during presenting its Second Periodic Review to the said Committee current laws and activities concerning the rights of minorities which includes several principles of the Constitution, Fourth and Fifth national development plans, the twenty years national development perspective and the constructive measures undertaken for their implementation.

Paragraph 80: from the viewpoint of the Islamic Penal Code no penalty has been decided for political activities and there is no political prisoner in the Islamic Republic of Iran so the request for their immediate release is not practically applicable.

It should be noted that in the Islamic Republic of Iran there is no prisoner with the titles used by the Rapporteur hence their release cannot be recommended by him. Whoever commits an act recognized as punishable by law, regardless of his or her belief or opinion- will be accordingly sentenced following a fair trial and going through all legal procedures.

Paragraph 81: death penalty for serious crimes is a lawful punishment that is also being recognized by international treaties. In the Islamic Republic of Iran death penalty has been reserved only for the most serious crimes.

Death penalty is part of the national law in many countries including the Islamic Republic of Iran and there is no global consensus on its elimination. Therefore, such request to abolish death penalty cannot

be incorporated in the report of the Special Rapporteur and should be taken out. The contradiction is also noticeable in the position taken by the Special Rapporteur who warns against drug related policies and activities of Iran with the position of UNODC that in several occasions has appreciated Iran's seriousness in combating narcotic drugs.

Paragraph 82: though the Special Rapporteur is seemingly encouraging all stakeholders including the United Nations to provide technical assistance to Iran but in fact he conditions such assistance to non violation of international human rights regulations.

It should be noted that the Special Rapporteur by utilizing such language, instead of promoting and encouraging international bodies to provide humanitarian assistances to promote human rights in the Islamic Republic of Iran, as a matter of fact contradicts himself.

Paragraph 83: the Islamic Republic of Iran seriously rejects and denies any allegations on torture. The provisions of article 38 of the Constitution and other laws in particular the law on Civil Rights and Respect to Legitimate Freedoms implies that whoever commits torture would faces grave punishment.

Paragraph 84: in accordance with article 156 of the Constitution the Judiciary is an independent branch with the responsibility of supporting personal and social rights and realization of justice. It is responsible for the functions that the article has foreseen for it. General laws to be the legal procedures of public or revolutionary courts in civil and criminal cases or the supervisory regulations on judges and lawyers are considering their independence in all levels of trial from the initial to appeals and to the high courts.

Paragraph 85: the Islamic Republic of Iran has constantly expressed its readiness for continuous cooperation with international organizations in practice. In this communication and previous ones the efforts for promotional support of women's rights have been detailed. It is obvious that accession to any convention or treaty should follow internal regulations and requirements of the concerned country.

Paragraph 86: establishment of national human rights institution after accepting the relevant recommendation during the universal periodic review has been under consideration to make sure that it would work in compliance with Paris Principles.

Paragraph 87: accession to any convention by countries should follow their internal regulations and requirements.

Paragraph 88: in accordance with article 24 of the Constitution publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The legislator in this article has referred the details to the general laws under which the 1985 law on press and its further amendments and riders were adopted. Also, in accordance with article 26 of the Constitution the formation of parties, societies, political or professional associations is permitted provided they do not violate the principles of independence, freedom, national unity, the Islamic rules, or the basis of the Islamic Republic. The legislator further emphasizes in the same article that no one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.

The Islamic Republic of Iran is serious in giving the opportunity for

the civil society to play their respective roles in the next universal periodic review.

Paragraph 89: the Islamic Republic of Iran as in the past cooperated with six thematic Rapporteurs and they visited the country following issuance of a general invitation has the possible visit of two additional Rapporteurs under consideration. Besides, Iran has also invited the High Commissioner to pay a visit to the country and a preparatory team has already travelled to Iran. The United Nations' Secretary General has also met senior officials of the Islamic Republic of Iran at the sidelines of the Non-Aligned Movement Summit in Tehran and held some talks on human rights issues.

Paragraphs 90 and 91: the Special Rapporteur is invited to consider the response given in the present communication on the sanctions.

In conclusion, it is seriously expected that the Special Rapporteur remove the following terms from the draft report:

- Paragraph one: the phrases "capricious application" and "systemic and systematic violation"
- Paragraph two: the word "perfunctory"
- Paragraph twenty four: the word "crucifixion"
- Paragraph thirty one: the phrase "secret mass execution"
- Paragraph fifty three: the phrase "state- sanctioned discrimination"
- Paragraph seventy eight: the phrases "human rights crisis – Iran's culturally relativistic positions – systemic and systematic violation"

- Paragraph eighty one: the word "crucifixion"
- Paragraph forty nine: replace "government" with "regime"