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The Statement

of

The Special Rapporteur on the Situation of Human Rights in the Islamic Republic of  
Iran

Mr. Ahmed Shaheed

Human Rights Council

\_ 19<sup>th</sup> Session ...

12 **March** 2012

**Madame President, Distinguished Delegates, Ladies and Gentleman,**

First, I wish to thank the President of the Human Rights Council and its members for providing me with the opportunity to present some of the key points raised in my first submission to the Council on the human rights situation in the Islamic Republic of Iran. I also wish to thank the Office of the High Commissioner for Human Rights for the support and assistance rendered to me thus far.

**Madame Prexident t.**

A crucial element of my mandate as an independent evaluator of the human rights situation in Islamic Republic of Iran is to collaborate with Government, civil society, and the international community to contribute to the promotion of human rights in Iran. Indeed, this work would have been greatly enhanced by the Government's cooperation. However, the Iranian authorities have not facilitated any meaningful interaction with my mandate to date. I have only managed to obtain two meetings - one meeting with the Permanent Mission to the United Nations in New York, and one meeting with the Permanent Mission to the United Nations in Geneva - where discussions were perfunctory in both cases. I have also shared the draft of my report for comments with the Iranian authorities, who relayed observations, which have been included in my report.

Furthermore, it is cause for great concern that several requests for an invitation to visit the country remain unanswered despite Iran's standing invitation to thematic Special Procedures. Similarly, requests by the Human Rights Council and the General Assembly for the Government's cooperation have remain unaddressed, despite announcements regarding the Government's intention to invite two Special Procedures this year. A number of joint communications made by various thematic Special Rapporteurs and myself also remain unanswered.

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This apparent unwillingness to cooperate substantively only heightens concerns and seems to fuel further attention to its human rights record. As Special Rapporteur, I believe that it is my responsibility to report the views of all relevant parties on the human rights situation in the country. However, this is difficult to accomplish without access to the country, and in the absence of substantive dialogue with Iranian authorities so that I may further ascertain the veracity of reports communicated to me. Creating a void of information and access also creates a space for the international community to imagine the worst.

**Madame President,**

The other methods I have used to monitor the human rights situation have resulted in voluminous information, collected from a variety of credible sources, including non-governmental organizations and human rights defenders: I have also reviewed audio and video submissions, as well as media reports emanating from inside and outside the Islamic Republic of Iran. I have interviewed a total of 163 individuals - located both inside and outside the country - since my mandate began: 141 of which have been interviewed for this report. These interviews have served as primary sources that corroborate much of the evidence submitted by the aforementioned secondary sources.

In my interim report, I maintained that the outcome of the Universal Periodic Review, which examined the human rights situation in the Islamic Republic of Iran in February 2010, provided a sound basis for collaboration between myself and the Iranian authorities. In my initial review of the UPR outcome, I noted that approximately 34% of the 126 recommendations, which the Islamic Republic of Iran accepted and agreed to implement with transparency and the support of the international community were related to the Government's need to further strengthen its observance of guarantees stipulated in the International Covenant on Civil and Political Rights (ICCPR).

However, each of the 141 testimonies submitted to me by those that reported violations of their human rights, or the rights of others, speak to multifarious and systemic deficits in the Government's capacity to ensure respect for human rights. A majority of these allegations point to insufficient compliance with ICCPR guarantees, including the obstruction of free and fair elections. While my report presents the testimony submitted by credible witnesses about the 2008 Parliamentary elections and the 2009 Presidential election, today I wish to report on the most recent Parliamentary elections which took place on 2 March 2012.

Reports have indicated that the authorities estimate turnout at 64 per cent, an increase of 10 per cent compared to the previous parliamentary elections. However, this figure remains difficult to verify at this point in time. It was reported that 3467 candidates competed in the election, and that the Interior Minister stated that 48 million citizens were eligible to vote at more than 47,000 polling stations across the country. Although international observers were not invited to observe however, it was reported that 850,000 observers supervised the election process, and that 13,000 local and 350 foreign reporters provided coverage. However, serious concerns remain about the vetting of the candidates for this election. The Guardian Council reportedly disqualified at least 28 currently sitting Members of Parliament. It was further reported that the Guardian Council reinstated a number of candidates just two days before Election Day, and therefore, these candidates were deprived of conducting proper campaigns to lobby for support.

**Madame President,**

My report also presents concerns about a number of vaguely defined security provisions within the Islamic Penal Code, which are reportedly applied in ways that unduly limit freedom of expression, association, and assembly. These laws contravene the ICCPR, which Iran has ratified without reservations. They also severely restrict the space for criticism of, or advocacy for policies and government actions that have an impact on the public interest.

In many cases, witnesses reported that they were arrested for activities protected by international law, and that they were detained in solitary confinement for weeks, or even months with no family members, and in the absence of official charges. Individuals also frequently reported the use of psychological intimidation, degrading or cruel treatment and that they were subject to certain practices that amount to torture for the purposes of soliciting coerced confessions. A number of those interviewed stated that they were subjected to prison conditions that fall well below the minimum standards defined by the United Nations, such as severe overcrowding, inadequate access to water, insufficient prisoner segregation practices, extremely poor quality

and unhygienic facilities, hazardous ventilation conditions, insufficient access to medical services, and paltry nutritional provisions.

Furthermore, a majority of those interviewed maintained that they were denied reasonable access to legal counsel, and that they and/or their lawyers were denied access to evidence, case files or witnesses testifying against them. Some also reported that their lawyers had been prevented from presenting an oral defense during trial, and in some cases, judges reportedly issued verdicts on the basis of coerced confessions in trials that only lasted several minutes. It has also been reported in several cases that individuals tried in the absence of these due process rights have been issued lengthy or capital punishment sentences.

For example, several sources maintained that Zanyar and Loghman Moradi, who were arrested in 2009 on charges of murdering the son of an Imam, were detained for the first nine months of their detention without charges. These witnesses reported that Zanyar and Loghman Moradi were later compelled to confess to allegations of murder after being severely beaten and threatened with rape. The witnesses stated that no evidence or witnesses were brought against these men, and that they did not have reasonable access to their legal counsel. Both men were sentenced to public hanging on 22 December 2010 by Branch 15 of the Tehran Revolutionary Court.

It is also frequently reported that those who attempt to defend the accused are also met with severe punitive measures. The Nuremberg prize for human rights winner and lawyer, Abdolfattah Soltani, for example, was arrested on charges of "propaganda against the regime": "co-founding the Defenders of Human Rights Center": "assembly and collusion against the regime": "accepting an illegal prize" and "illegal earnings" stemming from the prize. Mr. Soltani was sentenced to 18 years in prison and banned from practicing law for 20 years. Similarly, Ms Nargis Mohammadi, a human rights defender and Vice President of the Defenders of Human Rights Center, co-founded by Nobel Laureate Shirin Ebadi, was recently sentenced to 6 years in prison by Branch 26 of Tehran's Revolutionary Court.

Reports of the intimidation and detention of dozens of lawyers representing political and ideological defendants is indeed disturbing. It has become increasingly clear that these punitive measures in reaction to those that defend the rights of defendants deprive Iranians of their rights to an effective defense and undermine the effective administration of justice. Therefore, I appeal to authorities to consider the immediate release of those lawyers that are currently detained, and to refrain from prosecuting those that serve to protect the rights of Iranians.

Adame President.

It is with great concern and regret that I report the significant increase in the rate of executions in the Islamic Republic of Iran from 200 executions in mid-September 2011, to over 600 executions as of December 2011. A majority of the capital punishment cases were related to drug offenses, which does not meet a level of serious crimes required by international standards. Furthermore, the imposition of the death penalty in the absence of proper judicial safeguards serves to underscore the need for the authorities to allow for legal representation of accused persons at all stages of investigations and trial, and to consider a moratorium on the use of capital punishment

for all crimes until such time as effective enforcement of due process rights may be meaningfully demonstrated.

I would like to welcome the omission of stoning as a form of capital punishment in the newly reformed Islamic Penal Code. However, I also wish to express my concern that the new penal code intimates that this punishment may still be issued at a judge's discretion in accordance with sharia law or *fatwas*. I therefore call upon the Iranian government to observe its moratorium on the practice, which was announced in 2002 for all crimes, and urge the government to consider the commutation of all sentences for stoning for the fifteen individuals mentioned in my report.

On another note, I would like to welcome the recent decision to release three journalists, namely Marzieh Rasouli, Parastoo Dokouhaki and Sahamoddin Bourghani, who were reportedly arrested along with several other journalists in January 2012 for security crimes. However, I urge the government to continue to reassess the cases of the forty-two other journalists who remain detained on various charges, and to consider their immediate release. Information brought to my attention has also relayed concerns about the harassment and intimidation of family members of media professionals, particularly those working with foreign based Persian news agencies.

Lastly, I would like to request that the Iranian authorities reassess the cases of all those listed in my report and to reconsider the aforementioned cases presented here today. I also continue to urge them to consider the release of human rights lawyer, Nasrin Sotoudeh; student and women's rights activist, Bahareh Hedayat; student activist Abdollah Momeni; and Pastor Yousef Nadarkhani who has been sentenced to death on charges of apostasy, and to consider the immediate release of opposition leaders Mir-Hossein Mousavi and Mehdi Karroubi, who have been under house arrest since February 2011.

**Madame Presirleut,**

Let me conclude by stating that while effectiveness of the mandate will clearly be enhanced by co-operation from the government, my experience these past eight months have also demonstrated to me that one of the most important aspects of this mandate is its capacity to give voice to those that believe themselves to be silenced by fear and lack of recourse. However, I would continue to urge the government of Iran to collaborate with the country mandate with a view to addressing its human rights challenges in a holistic and incremental manner, and with transparency and accountability. A country mandate is not a penalty but an opportunity for the country concerned.

**Thank You.**