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Technical assistance and capacity-building

**Report of the Special Rapporteur on the situation
of human rights in the Islamic Republic of Iran* *****Summary*

In the present report, the third to be submitted to the Human Rights Council pursuant to Council resolution 16/9, the Special Rapporteur communicates developments in the situation of human rights in the Islamic Republic of Iran since his third interim report submitted to the General Assembly (A/68/503) in October 2013.

In the report, the Special Rapporteur outlines his activities since the Human Rights Council renewed the mandate of the Special Rapporteur at its twenty-second session. He examines ongoing issues and presents some of the most recent and pressing developments in the State's human rights situation. Although the report is not exhaustive, it provides a picture of the prevailing situation as observed in the preponderance of reports submitted to and examined by the Special Rapporteur. It is envisaged that a number of important issues not covered in the present report will be addressed by the Special Rapporteur in his future reports to the General Assembly and the Human Rights Council.

* The annexes to the present report are circulated in the language of submission only.

** Late submission.

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I. Introduction

1. A number of positive overtures have been made by the new Government of the Islamic Republic of Iran, apparently aimed at advancing President Hassan Rouhani's campaign pledges to strengthen human rights protections for civil, political, social, cultural and economic rights, and at remedying some cases of human rights violations. This includes the proposal of a new charter for citizens' rights. Since September 2013, the Government of the Islamic Republic of Iran has released 80 individuals, some of whom appear to have been prosecuted for peacefully exercising their fundamental rights to expression, belief, association or assembly.¹ Some detainees were furloughed for a few days; others appear to have been permanently released, while hundreds of others remain in some form of confinement, including several individuals whose detention was identified as arbitrary by the Working Group on Arbitrary Detention (see annex I).²

2. The Special Rapporteur, while welcoming the above-mentioned positive steps, stresses that they currently do not address fully the fundamental human rights concerns raised by the General Assembly, the Human Rights Council and its special procedures, the treaty bodies, human rights defenders and international organizations. This includes the need to address laws and practices that infringe upon the rights to life, to the freedoms of expression, association, assembly, belief and religion, to education and to non-discrimination.

3. The Special Rapporteur emphasizes that the basis of these concerns is primarily the non-compliance of national laws with the State's international obligations and a lack of adherence to the rule of law, as well as a failure to investigate complaints and to bring human rights violators to justice. Furthermore, the Special Rapporteur believes that the recent engagement with the international community presents opportunities for future cooperation, particularly with regard to capacity-building to advance the State's international human rights obligations.

4. Reports of the arbitrary detention of individuals for peacefully exercising their fundamental rights to expression, association, assembly, belief and religion remain prevalent. Interpreting article 9 of the International Covenant on Civil and Political Rights, the Human Rights Committee recognized, in a draft general comment on liberty and security of person, that "liberty of the person is a right of profound importance, both for its own sake and because deprivation of liberty has historically been a principal means by which other human rights are suppressed."

5. Information in the above-mentioned reports also reveal that aspects of Iranian laws, policies, attitudes and practices extensively identified by the United Nations human rights machinery regrettably continue without redress and persist in undermining the independence of the State's judicial organs, and in nullifying safeguards for fair trials. This is all the more alarming when considering the frequent use of the death penalty, in particular for crimes not considered the "most serious offences" under international law.

6. The present report, far from being exhaustive, analyses the prospects for reform of the administration of justice, in particular with regard to progress made in implementing the

¹ David Keyes, "Iran jails political prisoner Majid Tavakoli", *Daily Beast*, 7 November 2014, available from www.thedailybeast.com/articles/2013/11/07/iran-rejails-political-prisoner-majid-tavakoli.html.

² On 29 August 2012, the Working Group on Arbitrary Detention, in its opinion No. 30/2012, found that the detention of Mir Hossein Mossavi and Mehdi Karubi was arbitrary (see A/HRC/WGAD/2012/30).

recommendations made by the Working Group on Arbitrary Detention in 2003,³ during the universal periodic review in 2010⁴ and by the Human Rights Committee in 2011.⁵

7. The Government of the Islamic Republic of Iran forwarded a detailed reply to all sections of the present report,⁶ in which it revealed its ongoing dissatisfaction with credible sources of information, contending that the report violated article 6 of the Code of Conduct for Special Procedures Mandate Holders, which directs them to pursue due diligence in gathering and corroborating information emanating from credible sources. The Government asserted that the present report selectively considered comments made by other United Nations human rights mechanisms, and questioned whether visiting a few European countries to collect information on the situation of human rights in the Islamic Republic of Iran was “the correct methodology for the compilation of a report”.

8. In this regard, the Special Rapporteur continues to maintain that he only presents corroborated information, gathered from credible sources, that he has sought clarification on a number of issues and cases through communications with the Government – a majority of which remain unanswered – and that he has accurately presented concerns raised by other human rights mechanisms. He also concurs that the alternatives pursued in the absence of an approved visit to the country are less than ideal.

9. In its comments, the Government also asserted that individuals that are guilty of serious crimes – including alleged acts of violence, the disruption of public order and the promotion of ideas with the intent of inciting “secessionist” activities – were inappropriately identified as human rights defenders in the report. It also maintained that journalists and lawyers are not immune from prosecution when they violate “the boundaries of a duty entrusted to him/her by law and engages in acts that run contrary to his/her standing”. Lastly, the Government continued to maintain that drug trafficking is a serious crime that warrants capital punishment.

II. Methodology and activities

10. The Special Rapporteur conducted interviews with a total of 72 Iranians in the Netherlands, Germany and France between 12 and 22 December 2013 (see annex II). Another 61 Iranians located in the Islamic Republic of Iran and Turkey submitted statements between September and December 2013. These individuals identified themselves as human rights defenders, lawyers and persons belonging to ethnic and religious minority groups. Others identified themselves as former “political prisoners” or relatives of former or current “political prisoners”, including some who had been executed.

11. During the interviews, individuals recounted events spanning several decades, and answered a series of specific questions pertaining to their arrest, detention and prosecution, where relevant. Between 1 August 2013 and 3 January 2014, the Special Rapporteur received written reports from human rights organizations on the situation of Baha’i, Gonabadi Dervish, Sunnis, Christian, religious minority communities and the Ahwazi Arab, Kurdish, Baluch and Azerbaijani ethnic minority groups. The information communicated during all 133 interviews and in the written submissions was examined and is contained in the annexes to the present report.

³ E/CN.4/2004/3/Add.2.

⁴ A/HRC/14/12.

⁵ CCPR/C/IRN/CO/3.

⁶ See <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/march-2014-reply-by-the-islamic-republic-to-the-srs-report/>.

12. The Special Rapporteur addressed 25 communications, including 8 allegation letters and 17 urgent actions, to the Government to enquire about specific cases and express concern about certain trends, including the arrest and prosecution of journalists, political and student activists, trade unionists, artists, human right defenders, lawyers and women rights activists; the situation of religious minorities; lack of access to medical care in prisons, the application of the death penalty, including the execution of persons in secret; and the promulgation of discriminatory legislation. The Government responded to four of these enquiries. On 19 July 2013, the Special Rapporteur also issued several detailed surveys in the form of questionnaires to various government offices for the purpose of gathering further information about the impact of economic sanctions on the country's humanitarian situation, and transmitted two requests for a visit on 16 May and 2 July 2013, in order to strengthen cooperation with the Government and to investigate further the allegations submitted to him. The Government has yet to respond to these communications.

13. The Special Rapporteur met with the Permanent Representatives of the Islamic Republic of Iran to the United Nations in Geneva and New York to discuss views on the conclusions drawn by the Special Rapporteur in his previous reports, his methodology and the prospects for future engagement. The Special Rapporteur looks forward to future opportunities for engagement and cooperation, including through further meetings and by visiting the country.

III. Legislative developments

A. Draft charter of citizens' rights

14. On 26 November 2013, the Government announced the publication of its draft charter of citizens' rights, which was made available for public comment.⁷ According to the draft, the charter proposes no new rights, but recalls the most important rights currently guaranteed by Iranian law. It states that the charter serves as the Government's intended "plan and policy",⁸ and proposes a framework for cooperation between the various branches of Government to strengthen guarantees for civil, political, economic, social and cultural rights.

15. Human rights defenders and a number of human rights organizations contend that the current draft fails to address underlying concerns, emphasizing that it frames rights within the context of the current national legal framework, which has been a source of concern for the United Nations human rights machinery for decades.⁹ Articles 3.11 and 3.16, for example, acknowledge the right to promote and disseminate ideas and opinions, regardless of medium, and highlight the rights to freedom of association and assembly "within the framework of the law", as long as they do not violate public rights or the principles of Islam.

⁷ See www.president.ir/fa/72975.

⁸ See the draft charter, art. 1.6, at <http://shaheedoniran.org/english/reported-cases/citizenship-rights-charter/>.

⁹ Amnesty International, "Iran: Charter of Citizens' Rights must enshrine human rights for all", 19 December 2013, available from www.amnesty.org/en/library/info/MDE13/057/2013/en; Human Rights Watch, "Joint Letter to President Hassan Rouhani re: draft Citizens' Rights Charter", 27 December 2013, available from www.hrw.org/news/2013/12/27/joint-letter-president-hassan-rouhani-re-draft-citizens-rights-charter; and International Campaign for Human Rights in Iran, "Draft Citizenship Charter Will Allow Continued Rights Violations say Human Rights Groups", 27 December 2013, available from www.iranhumanrights.org/2013/12/ichri-hrw/.

16. The charter currently fails to address laws and policies that discriminate against religious minorities, including the Baha'i, and insufficiently addresses discrimination against women, including their ability to pass their citizenship on to their children. It also fails to address the use of cruel, inhumane or degrading punishment, including flogging, hanging, stoning and amputation; it does not ban the execution of juveniles; and it fails to address concerns about the use of capital punishment, in particular for offences that do not meet the standards for most serious crimes under international law.

17. Several organizations and human rights defenders also recall that a number of laws, including the Constitution and the 2004 Law on Respecting Legitimate Freedoms and Protecting Citizens' Rights, already guarantee the rights described in the charter, but that certain aspects of other laws and practices undermine their protection.

B. Criminal procedure law

18. On 6 November 2013, the Guardian Council approved a new criminal procedure law, which has yet to come into force. The new law incorporates the 2004 Law on Respecting Legitimate Freedoms and Protecting Citizens' Rights. From a rights perspective, the new law presents some notable improvements to the current law, which facilitated a variety of abuses. Nonetheless, the new law also maintains some key shortcomings.

19. The new law continues to provide for the detention of individuals throughout an initial investigation phase, during which security officials gather evidence against suspects. It requires the authorities to adhere to procedures designed to safeguard fair trial standards defined in the law of 2004.¹⁰ In order to prevent flight or to maintain "public order", the law allows investigatory judges to extend pretrial detention, once charges have been laid within 24 hours, for serious offences, including for vaguely worded national security offences, for one month at a time and for up to two years or until trial.¹¹ Detainees may appeal against the extension of detention within 10 days of its issuance.

20. The new law allows the access of defendants to a lawyer within the initial investigation phase, upon their request.¹² Under the current criminal procedure, lawyers are prohibited access during the initial investigation. Furthermore, the investigatory judge must inform the accused of the right to a lawyer, and offer a court-appointed lawyer if the accused cannot afford one.¹³ When accused persons are charged with a national security or other serious offence, however, they can still be denied the right to counsel for one week. Security forces, with the agreement of an investigatory judge, may also deny a detainee's communication with family and friends if there is "a need to do so", which is not clearly defined.¹⁴

21. The law also expands the number of judges that preside over serious crimes in public criminal and revolutionary courts to five, with a quorum of three. In addition, the law expanded the jurisdiction of the Supreme Court to hear appeals, including claims that serious procedural violations have invalidated verdicts. The law states, however, that

¹⁰ Code of Criminal Procedure, arts. 24 and 127.

¹¹ *Ibid.*, art. 32.

¹² *Ibid.*, arts. 48, 346-348.

¹³ *Ibid.*, art. 190.

¹⁴ *Ibid.*, art. 50.

procedural violations do not themselves invalidate rulings unless rights breached are of sufficient importance.¹⁵

22. Defendants may, if acquitted, seek remedy for defamation, damages and mental anguish to themselves or family members if they have been unjustifiably detained or detained through a mistake or fault of the judge during the initial investigation period. Such claims are to be heard by a provisional commission, which consists of three judges appointed by the head of the judiciary.¹⁶

C. Political crime bill

23. In September 2103, the “political crime” bill was introduced to Parliament and is currently being reviewed by the Cultural Commission.¹⁷ The bill appears to impose further limits on freedom of expression, association and assembly. According to article 1 of the bill, a political crime is any act meant to criticize the State or to obtain or maintain power, without intending to damage the fundamental principles and framework of the Islamic Republic of Iran.¹⁸ According to article 2, political crimes are those that defame, insult and publish false information against government officials; it lists crimes defined by the Activities of Political and Professional Parties, Groups, Associations and Islamic Associations or Recognized Religious Minorities Law of 1981.¹⁹

IV. Right to liberty and security of persons

24. In February 2003, the Working Group on Arbitrary Detention, during a mission to the country, visited several prisons and detention centres, and met with representatives of the Government, parliament, the judiciary and non-governmental organizations, as well as with prisoners and their families.²⁰ It made several observations, noting that situations of arbitrary detention were “essentially related to infringements of freedom of opinion and expression”, and “malfunctions in the administration of justice”, in particular concerning due process of law, abuse of solitary confinement, the role of revolutionary tribunals and clerical courts and the failure to take into account the principle of proportionality in passing sentence. It also noted that, while freedom of expression, assembly, association and belief (for recognized religions) are guaranteed by the Constitution, almost all prisoners they requested to visit had been prosecuted or tried for having peacefully exercised these constitutional rights, which made their detention arbitrary under category II of the Group’s working methods.²¹

25. The Constitution prohibits arbitrary arrest. It requires that detainees be informed of their charges in writing “without delay”, stipulating in its article 32 that “a provisional dossier should be forwarded to the competent judicial authorities within a maximum of 24 hours so that preliminary procedures to the trial may be completed as swiftly as possible”.

26. The 2004 Law on Respecting Legitimate Freedoms and Protecting Citizens’ Rights contains 15 articles that specifically govern the conduct of individuals representing all

¹⁵ Ibid., art. 455.

¹⁶ Ibid., art. 256.

¹⁷ See <http://isna.ir/fa/news/92110100816/>.

¹⁸ See http://rc.majlis.ir/fa/legal_draft/show/856745.

¹⁹ See www.president.ir/att/sharvandi.pdf.

²⁰ See E/CN.4/2004/3/Add.2.

²¹ Ibid., para. 42.

courts, prosecutor and judicial offices when carrying out their legal duties. Like the Constitution, the law, in its article 5, forbids “arbitrary detention of individuals”, requires that families of detainees be “apprised of any and all developments” and forbids the use of “unknown places” for detention. In articles 6 and 7, it also forbids interrogators from using blindfolds, shackling or humiliating persons during arrests, or sitting behind detainees during interrogation. It directs officials to use questions that are “clear, purposeful and related directly or indirectly to the accusations” and to use “proper methods of investigation and modern techniques” during interrogations. It also forbids the use of torture to obtain confessions, and insists that forced confessions have no legal merit.

27. As at 14 January 2014, at least 895 “prisoners of conscience” and “political prisoners” were reportedly imprisoned. This number includes 379 political activists, 292 religious practitioners, 92 human rights defenders (including 50 ethnic rights activists), 71 civic activists, 37 journalists and netizens, and 24 student activists (see annex II).

28. The Special Rapporteur is struck by the magnitude, frequency and recurring nature of certain incidents reported by interviewees. The details given by interviewees depict situations of arbitrary detention, particularly the apparent arrest and detention of individuals for the peaceful exercise of fundamental rights, including the right to expression, association or belief, as described by other special procedures.²² Their testimonies also uniformly convey a pattern of abuse that violates both international and national safeguards for humane and fair treatment of detained and accused persons.

29. A majority of the 61 individuals located in Turkey and the Islamic Republic of Iran reported having been detained between 2003 and 2008, 11 reported detentions in 2009, and 12 from 2009 onward. Half of all interviewees reported detentions lasting between six months and three years. Some 69 per cent reported that authorities either did not have warrants or refused to produce one when requested.²³ In some cases, arrests were made at an intelligence office or revolutionary court after individuals responded to a verbal summons, not a written summons as required by the Code of Criminal Procedure.

30. About half of all interviewees reported that they had been arrested at a private residence. The authorities had conducted extensive searches and often confiscated personal items, such as family photo albums. Several reported verbal and physical abuse of themselves and of family members during the arrest. In two thirds of cases, interviewees stated that they had been arrested on behalf of the Minister of Intelligence. Others reported that they had been arrested by various branches of the security forces, including the police, the Islamic Revolutionary Guards Corps or Basij militia.

31. Approximately 85 per cent reported being held in Ministry of Intelligence detention centres or a local prison. It was reported that those taken to local prisons were often held in special intelligence or Islamic Revolutionary Guards wards, such as wards 209, 2A or 240 of Evin prison in Tehran. They were reportedly held in these locations for the course of what appears to be an “initial stage of investigation”. A majority of interviewees reported that they were detained mostly incommunicado during the “investigation stage” for periods ranging from two days to four months, during which they were repeatedly interrogated.

32. Seventy-five per cent of interviewees reported having been held without any charge laid within 24 hours as stipulated by the Constitution. In 59 per cent of cases, detainees were formally charged after more than a week (in some cases, months) or never at all.

²² Ibid.

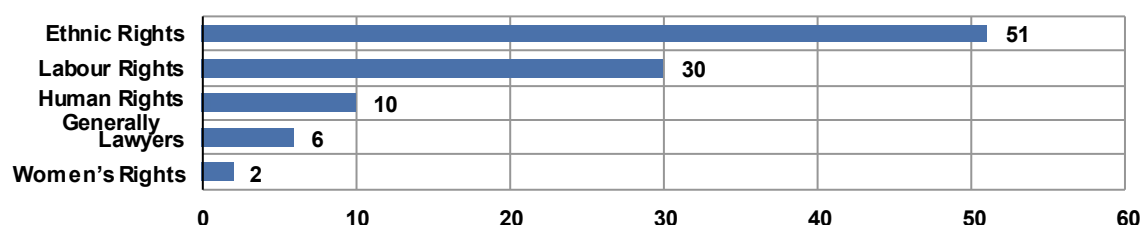
²³ Percentages are based on 29 formerly detained interviewees, with the exception of the number associated with the trials, which are based on the 18 individuals that faced trial only.

A. Human rights defenders

33. Of the 92 human rights defenders currently reportedly detained (see table 1 below), at least 26 were charged with “membership in organizations that aim to disrupt national security” or “relations or collaboration with organizations that aim to disrupt national security” (both charges relate to article 499 of the Penal Code). At least 25 were charged with “propaganda against the system”, and at least 14 were charged with “assembly and collusion against national security”. Other charges less frequently laid against these individuals include espionage and *moharebeh* (commonly translated as “enmity against God”, but translated by the Government as a crime in which “a person brandishes or points a weapon at members of the public to kill, frighten and coerce them”).²⁴ Since 2010, the coordinated mass arrest of human rights defenders has served to effectively dismantle the most important Iranian human right organizations, including the Committee of Human Rights Reporters, the Defenders of Human Rights Centre (founded by Nobel Laureate Shirin Ebadi) and Human Rights Activists in Iran.²⁵

Table 1.

Human rights defenders currently detained, by category



B. Journalists and netizens

34. Of 39 bloggers and journalists currently detained in the Islamic Republic of Iran (including the recent arrest of seven computer technology workers),²⁶ at least 12 were charged with “assembly and collusion”, 10 with “propaganda against the system” and at least six with “insulting the Supreme Leader”.²⁷ The number of persons concerned in each case is probably higher owing to the unknown circumstances surrounding the cases against some journalists and bloggers currently detained.

²⁴ See United for Iran, “Political Prisoners in Iran”, available from <http://united4iran.org/political-prisoners-database/search/>.

²⁵ Human Rights Watch, “Iran: New Coordinated Attack on Human Rights Groups”, 24 March 2010, available from www.hrw.org/news/2010/03/24/iran-new-coordinated-attack-human-rights-groups.

²⁶ Elana Beiser, “Second worst year on record for jailed journalists”, Committee to Protect Journalists, 18 December 2013, available from <http://cpj.org/reports/2013/12/second-worst-year-on-record-for-jailed-journalists.php>.

²⁷ “Political Prisoners in Iran,” United for Iran, URL.

C. Religious minorities

35. As at 3 January 2014, at least 307 members of religious minorities were in detention, of whom 136 were Baha'is, 90 Sunni Muslims, 50 Christians, 19 Dervish Muslims (four Dervish human rights lawyers were also reportedly detained), four were Yarasan, two were Zoroastrians and six were from other groups. A few were members of more newly formed spiritual groups, such as Inter-universalism, founded by Mohammad Ali Taheri. Additionally members of the official state religion Shia Islam, such as Ayatollah Hossein Kazemeyni Boroujerdi, have at times been imprisoned for their expression of theological beliefs that challenge those endorsed by the Government.

36. Former detainees often report being subjected to torture or cruel, inhumane or degrading treatment and prolonged solitary confinement to coerce confessions to accusations or admissions about other people. Many detainees also reported being held largely incommunicado, without access to a lawyer. Some prosecutions reportedly failed to meet international standards, marked by limited access to case files and the right to present a defence. Under the law, religious minorities, including recognized Jews, Christians and Zoroastrians, also face discrimination in the judicial system, such as harsher punishments than Muslims for certain crimes, and are barred from serving as judges.

1. Baha'is

37. At least 734 Baha'is have reportedly been arrested since 2004, and 136 are currently detained. Another 289 have been arrested, released on bail and awaiting trial, while another 150 have been sentenced but are awaiting appeals or summons to serve.²⁸

38. It appears that Baha'is are almost exclusively prosecuted for participation in their community affairs, including by facilitating educational services and publicly engaging in religious practices, such as attending devotional gatherings. The violations appear to be rooted in the unrecognized status of the faith, as well as a pervasive view held within the Government that Baha'is represent a heretical sect with ties to foreign enemies.²⁹ They are typically charged with political and security crimes, such as espionage or "propaganda against the ruling system". According to an unpublished submission from the Baha'i International Community, multiple revolutionary courts recently held that membership of "the misguided Baha'i sect" constituted a criminal offence. The same publication noted that, in a 1993 case involving the murder of two Baha'is, the Constitutional exclusion of Baha'is made them "unprotected infidels" within the justice system. Other sources report that judges are often openly hostile towards Baha'i defendants.

2. Christians

39. In recent years, Christians, many of whom are converts from Muslim backgrounds, have faced a similar pattern of persecution. At least 49 Christians were reportedly being detained in the Islamic Republic of Iran as at January 2014. In 2013 alone, the authorities reportedly arrested at least 42 Christians, of whom 35 were convicted for participation in

²⁸ Ataollah Rezvani, a Baha'i resident of the city of Bandar Abbas, was allegedly murdered on 24 August 2013. It has been alleged that his murder might be linked to his religion. The Government claimed, however, that the case was currently under investigation and that, on the basis of existing evidence, the cause of death was more likely suicide than murder. Some reports indicate, however, that the forensic findings contradict Government statements.

²⁹ See *A Faith Denied: the Persecution of the Baha'is of Iran*, Iran Human Rights Documentation Center, available from www.iranhrdc.org/english/publications/reports/3149-a-faith-denied-the-persecution-of-the-baha-is-of-iran.html#.UtRKfWRDt9E.

informal “house churches”, association with churches outside the Islamic Republic of Iran, perceived or real evangelical activity, and other standard Christian activities. Sentences range from one to 10 years of imprisonment.

40. The Christians most commonly prosecuted appear to be converts from Muslim backgrounds or those that proselytize or minister to Iranian Muslims. Iranian authorities at the highest levels have designated house churches and evangelical Christians as threats to national security.³⁰

41. While most cases involving Christians are tried in revolutionary courts for national security crimes, some Christians face charges in public criminal courts for manifestation of religious beliefs; for example, a court sentenced four Christians to 80 lashes each for drinking wine during communion in October 2013.³¹ Sources also reported that, although prosecutions for the capital offence of apostasy are very rare, officials routinely threaten to prosecute Christian converts for apostasy, which, while not found in any Iranian criminal law, has been prosecuted based on an Islamic law interpretation commonly used by Iranian courts.³²

3. Dervish and Sunni Muslims

42. Muslims are not immune from arrest, prosecution and judicial harassment in the Islamic Republic of Iran. In recent years, authorities have targeted Dervish (namely, Sufi) Muslims, including members of the Nematollahi Gonabadi order. According to information submitted to the Special Rapporteur, since 2008, 90 Gonabadi Dervishes have been summoned to the Ministry of Intelligence for questioning, 391 have been summoned to public and revolutionary courts, and at least 238 Gonabadi Dervishes have been arrested. Altogether, these actions have resulted in at least 970 prosecutions since 2008, with some cases still open.

43. Human rights groups have reported numerous cases of detention of Sunni Muslims, the majority being imams or religious leaders. They often hail from ethnic minority communities, and routinely face multiple levels of discrimination and limits on their religious practices. Some Sunnis appear to be prosecuted for crimes that involve alleged acts of political violence, including capital crimes such as *moharebeh* (see para. 33 above). Human rights groups and a former political prisoner told the Special Rapporteur that the majority of Sunnis are detained for peaceful religious activism or theologically-based opposition to the political system in the Islamic Republic of Iran. Some have alleged that their convictions were based on confessions made under torture.

D. Ethnic minorities

44. As at January 2014, at least 50 ethnic rights defenders, 28 civic and cultural activists and 200 ethnic political activists were reported detained or imprisoned, many convicted of association with armed opposition groups. Sources challenge the legality of these detentions and convictions, alleging torture and denial of fair trial standards for a majority of these individuals.

³⁰ See www.leader.ir/langs/fa/index.php?p=bayanat&id=7363.

³¹ “Iran: Four Christians sentenced to 80 lashes each for drinking communion wine”, Christian Solidarity Worldwide, 23 October 2013, available from <http://dynamic.csw.org.uk/article.asp?t=press&id=1595>.

³² See “The Cost of Faith: Persecution of Christian Protestants and Converts in Iran”, International Campaign for Human Rights in Iran, New York, 2013, available from www.iranhumanrights.org/wp-content/uploads/Christians_report_Final_for-web.pdf.

45. The Special Rapporteur remains deeply concerned about the five Arab Ahwazi members of the Al-Hiwar cultural institute, who were arrested by the security forces in early 2011 and sentenced to death in July 2012. Their sentences were upheld by the Supreme Court on 9 January 2013. They were reportedly prosecuted for protected activities and convicted of *moharebeh*, *efsad fil-arz* (“corruption on earth”) and “spreading propaganda against the system”, reportedly in the absence of fair trial standards.³³

46. According to reports submitted to the Special Rapporteur, five Azeri political and cultural activists, arrested between 31 December 2012 and 6 February 2013, were convicted and sentenced by branch 3 of the Revolutionary Court of Tabriz to nine years in prison for “founding an illegal group” and “propaganda against the State”. The five Azeri activists reportedly promoted the right to self-determination and the cultural and linguistic identity of Azeris in the Islamic Republic of Iran. On 16 June 2013, the Court of Appeals upheld the sentence.³⁴ On 13 July 2013, the five activists embarked on a hunger strike to protest their alleged unfair trial and detention conditions.³⁵

47. The Special Rapporteur is also concerned about the alleged reprisal for the killing of Iranian border forces, with the execution of 16 prisoners in the Sistan and Baluchistan province, the execution of four Ahwazi Arabs and the execution of two Kurdish political prisoners. In his statement on the executions, the Zahedan Revolutionary and Public Prosecutor maintained that the “wicked forces and opposition grouplets” had been warned that “we will retaliate against any action that harms innocent people and security and police forces. This morning, in response to the martyrdom of border forces in the City of Saravan, we executed 16 bandits that were connected to State opposition groups.”³⁶

48. The head of the judiciary in Sistan and Baluchistan province reported that eight of the 16 individuals executed were charged with *moharebeh* and *efsad fil-arz* owing to their membership and cooperation with the Soldiers of Satan group and “participation in terrorist events in the province in recent years”, while the other eight were reportedly executed on drug-related charges.³⁷ According to a number of reports, at least one juvenile offender was among the 16 persons executed.³⁸

49. The Special Rapporteur remains concerned at reports of the extrajudicial killing of Kulbars by border forces³⁹ and the injury or death of civilians as a result of land mines; 17 such cases were reported from March to October 2013.⁴⁰

50. The Special Rapporteur is also concerned about the prosecution of cultural and labour activists. According to reports, labour activists were prosecuted for being members

³³ Human Rights Watch, “Iran: Stop Execution of Ahwazi Arab Political Prisoners”, 24 January 2013, available from www.hrw.org/news/2013/01/24/iran-stop-execution-ahwazi-arab-political-prisoners.

³⁴ Human Rights Watch, “Iran: Free Ethnic rights Activists”, 21 August 2013, available from www.hrw.org/news/2013/08/20/iran-free-ethnic-rights-activists.

³⁵ Ibid.

³⁶ See www.farsnews.com/newstext.php?nn=13920804000374.

³⁷ See www.dadgostari-sb.ir/Default.aspx?tabid=1348&articleType=ArticleView&articleId=78845.

³⁸ See HRANA, “Two Baloch teenage political prisoners sentenced to death were transferred to exile prisons”, 14 September 2012, available from <http://hra-news.org/en/two-baloch-teenage-political-prisoners-sentenced-to-death-were-transferred-to-exile-prisons#more-2010>, and http://hrdai.net/index.php?option=com_content&view=article&id=1440:1392-08-05-08-31-52&catid=1:2010-07-21-10-18-57&Itemid=4.

³⁹ See www.kurdpa.net/farsi/index.php?cat=idame&id=13417 and www.kurdpa.net/farsi/index.php?cat=idame&id=13408.

⁴⁰ Report of the Centre for Supporters of Human Rights and Association of Human Rights in Kurdistan of Iran-Geneva (KMMK-G) submitted to the office of the Special Rapporteur on 6 December 2013.

of the Coordination Committee to Help Form Workers' Organizations in the Kurdistan and West Azerbaijan provinces and for participating in its general assembly.⁴¹

51. Officials have reportedly mandated management of Internet cafes in Paveh city (Kurdistan province) to record information on the citizens entering their venues. On 13 December 2013, seven Kurdish cultural activists from Kurdistan province were sentenced to seven months of imprisonment by the Revolutionary Court of Paveh for reportedly promoting propaganda for Kurdish opposition political parties through social websites.⁴²

V. Treatment of persons deprived of liberty

52. The Government accepted seven recommendations related to the treatment of detained persons during its universal periodic review in 2010, including to improve human rights education and training for judicial and law enforcement officials, to eliminate torture and other forms of ill treatment, to ensure an effective and impartial judicial system in conformity with the International Covenant on Civil and Political Rights is guaranteed, and to take measures to ensure that government and security officials implicated in human rights abuses relating to extrajudicial and arbitrary detention and the possible use of torture are investigated, prosecuted and punished.⁴³

53. Although the prison system in the Islamic Republic of Iran has an official capacity of 113,000, in 2010 there were more than 204,000 inmates, an occupancy rate of 192 per cent, namely, nearly twice its maximum physical capacity (and a sharp increase over the 101,801 prisoners registered in 1993). The International Center for Prison Studies estimated that the rate of prisoners per population at 276 per 100,000 persons (2010), the 39th highest rate in the world.⁴⁴ In 2011, the head of the national prison organization stated that the rising number of prisoners had thrown the penitentiary systems into crisis, and that the system faced a two-month budget shortfall every year.⁴⁵ Living conditions for inmates are routinely reported to range from poor to inhumane. Access to medical services is often limited, and hygiene and nutrition are poor.⁴⁶

54. A total of 69 per cent of the 133 interviewees reported having been held in solitary confinement for periods ranging from a few days to nine months. Solitary cells typically measure 2 to 2.5 m² and contain little more than a blanket and a sleeping mat. They reported that they had been refused access to fresh air, books or a pen and paper, and had no human contact other than with guards and interrogators. In some cases, interviewees stated that they had been allowed to make brief telephone calls to their families in the presence of prison officials to report they were "fine".

55. Almost all former detainees claimed that authorities had blindfolded them during transfers from cells to interrogation rooms or bathrooms. Nearly all reported having been made to face a wall or a corner during interrogation and being interrogated from behind by one to three interrogators. Interrogations allegedly lasted several hours, during which time interrogators usually attempted to coerce detainees to confess in writing to certain activities,

⁴¹ Report submitted to the office of the Special Rapporteur by the Association of Kurds Living in France on 23 December 2013.

⁴² See www.kurdpa.net/farsi/index.php?cat=idame&id=13417 and www.kurdpa.net/farsi/index.php?cat=idame&id=13408.

⁴³ A/HRC/14/12.

⁴⁴ See www.prisonstudies.org/country/iran.

⁴⁵ "Iranian prisoners held in appalling conditions", Radio Zamaneh, 21 December 2011, available from <http://archive.radiozamaneh.com/english/content/iranian-prisoners-held-appalling-conditions>.

⁴⁶ A/68/503, paras. 19-20.

and/or to sign other documents. In nearly all cases, former detainees reported having been subjected to torture or ill-treatment during interrogation and detention.

56. In 90 per cent of cases, former detainees claimed that their interrogators had subjected them to psychological abuse, including prolonged solitary confinement, mock executions, threats to life, sexual harassment, threats to family members, harsh verbal abuse and threats of rape and other torture. Some 76 per cent also alleged that their interrogators physically abused them in the form of severe beatings to the head and body, often with a baton-like object. Some reported having been subjected to suspension and pressure positions, sexual molestation, electric shocks or burning. Some also reported having been transferred to general prison wards and shared cells after the investigation period, after which interrogations largely concluded. Some interviewees stated they were released shortly thereafter on bail.

57. In total, only 18 interviewees (34 per cent) stated that they had faced actual prosecution. Such persons were mainly charged with national security offences, while a few faced additional morality charges in public criminal courts. All interviewees reported various deviations from fair trial standards.

VI. Right to a fair trial

58. In 2003, the Working Group on Arbitrary Detention recommended the abolition of revolutionary and religious courts; the establishment of safeguards for legal counsel against intimidation; and the involvement of legal counsel from the beginning of a case, regardless of the nature of the allegations against the accused.⁴⁷

59. In 2011, the Human Rights Committee recommended that the Islamic Republic of Iran should take immediate steps to ensure and protect the full independence and impartiality of the judiciary, and guarantee that its functioning is free from pressure and interference from the executive power and clergy. The Committee also recommended that the State should also ensure that judges, in interpreting legislation as well as in relying on religious principles, do not reach verdicts that are in contravention to the rights and principles laid down in the International Covenant on Civil and Political Rights.⁴⁸

A. Independence of judges

60. The independence of the judiciary is provided for in article 156 of the Constitution of the Islamic Republic of Iran. The judiciary comprises multiple district courts, the jurisdiction of which is governed by the nature of the allegations against the accused. The revolutionary courts, before which most individuals identified as “prisoners of conscience” are prosecuted, preside over cases involving offences against “internal or external security”, drug offences and activities aimed at “fortifying the Pahlavi regime, suppressing the struggles of the Iranian people by giving orders or acting as agents, plundering the public treasury, and profiteering and forestalling the market of public commodities.”⁴⁹

61. According to article 157 of the Constitution, the Head of the Judiciary is required to be a “doctor of religious law” and to possess knowledge of judicial matters. He has the power to appoint and dismiss judges, to define their jobs, to issue judicial promotions and

⁴⁷ See E/CN.4/2004/3/Add.2 and Corr.1.

⁴⁸ CCPR/C/IRN/CO/3, para. 22.

⁴⁹ Human Rights Watch, “Religious minorities”, 1997, available from www.hrw.org/reports/1997/iran/Iran-05.htm.

transfers (arts. 158 and 164), and to appoint the Prosecutor General and the President of the Supreme Court (art. 162), which are therefore subject to the whims of the head of the judiciary.⁵⁰ Under the Law on the Qualifications for the Appointment of Judges of 1982, Shia Muslim women may be appointed as advisory judges but may not preside over a court.⁵¹

62. The head of the judiciary is appointed by the Supreme Leader, who is responsible for, *inter alia*, supervision of general policies governing the system, the command of the armed forces, and “signing the decree formalizing the election of the President of the Republic by the people”.⁵² The Supreme Leader’s influence over the judiciary was already noted with concern in 2001 by both the Special Rapporteur on the independence of judges and lawyers and the Special Representative on the situation of human rights in the Islamic Republic of Iran following a statement reportedly made by the First Deputy to the head of the judiciary that “judges must obey the Supreme Leader and have no independence in judgement”.⁵³

63. Judges are called upon to adjudicate cases on the basis of codified law and, when the law is silent, to issue judgements on the basis of authoritative Islamic sources and authentic fatwas.⁵⁴ Candidates for judgeship or prosecutorial positions are required to “have faith, be just and possess a practical commitment to Islamic principles and loyalty to the system of the Islamic Republic”.⁵⁵

64. The above-mentioned qualifications are vetted through the *gozinesh* process, which involves investigations conducted by the Supreme Selection Council and the Ministry of Intelligence into the acceptability of an applicant’s beliefs, previous political opinions and affiliations, and repentance of any former political opinions and affiliations set forth in the Selection Law based on Religious and Ethical Standards of 1995.⁵⁶

65. Lawyers reported that they believed that judges, particularly those in revolutionary courts, made their decisions almost exclusively on the basis of reports submitted by arresting and investigating intelligence officials (and confessions, if available). This approach was indeed reflected in the revolutionary court verdicts reviewed by the Special Rapporteur, which made extensive reference to the reports of the Ministry of Intelligence. Lawyers also reported that, in their experience, judges rarely considered evidence provided by the defence, and frequently chose to ignore allegations that confessions had been obtained under torture.

⁵⁰ Amnesty International, “Iran: Violations of human rights 1987-1990”, 1 December 1990 (available from www.amnesty.org/en/library/info/MDE13/021/1990/en), para. 2.1.2.

⁵¹ Submission by Amnesty International to the Committee on Economic, Social and Cultural Rights, 49th session (available from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=442&Lang=en), p. 5.

⁵² Constitution, art. 110.

⁵³ E/CN.4/2001/65, para. 116.

⁵⁴ Constitution, art. 167.

⁵⁵ Law on the Qualifications for the Appointment of Judges, approved on 14 May 1982, Code Collection (1982), Official Gazette.

⁵⁶ Submission by Amnesty International to the Committee on Economic, Social and Cultural Rights (see footnote 51), p. 5.

B. Independence of lawyers

66. As found by the Working Group on Arbitrary Detention in 2003,⁵⁷ the Special Rapporteur notes that lawyers are intimidated, detained and prosecuted for carrying out their professional responsibilities in defence of their clients.

67. More than 42 lawyers have reportedly faced detention, prosecution or harassment by security forces since 2009. Several have been stripped of their professional licences by the courts. Several lawyers also reported that they and their colleagues were often harassed or intimidated by judicial and/or intelligence authorities for carrying out their work, including for their defence of political (“security”) detainees. They also reported that, in more serious cases, judges threatened lawyers with prosecution for their work and that they were charged and/or had been sentenced for “insulting” judges or “disrupting the court” in apparent retaliation for their professional defence of individuals accused of political or “security” crimes.⁵⁸

68. Mohammad Olyaei Fard, a human rights lawyer, reported that, in one of his cases, a judge ordered a prosecutor to file charges against him for publicizing false information about the Ministry of Intelligence, and requested that the bar association revoke his license in response to his assertion that his client’s confession had been obtained under duress and was therefore inadmissible. Mr. Olyaei Fard also reported that he also had to represent a lawyer colleague, Abdol Fatta Soltani, who is currently imprisoned, when Mr. Soltani was prosecuted for submitting allegations of torture on his client’s behalf.

69. Lawyers also reported that judicial and/or intelligence authorities intimidated lawyers or otherwise prevented them from carrying out their work by, for example, withholding necessary and relevant case documents or preventing timely face-to-face client meetings. One lawyer reported that, on several occasions, judges had refused entry to the courtroom when the lawyer attempted to make procedural requests, and had been threatened, in many cases by the judges themselves. The same lawyer also reported that, when attempting to present his/her defence in a “security” case, a presiding judge told the lawyer to “save it for your own trial”. The lawyer further reported that, in another trial where a group of women alleged having been raped by members of a criminal gang, a judge commented at the end of the trial that the plaintiffs certainly “also had something to do with it”, despite the conviction of the men. When the lawyer requested a record of the judge’s statement for the purposes of filing an official complaint, the judge threatened to charge the lawyer instead. The lawyer also claimed having witnessed judges denigrate female lawyers by, for example, ignoring procedural objections or requests made by the lawyers and, in turn, demanding that they adjust the positioning of their head covering or by having courtroom security guards do it.

70. According to sources, incidents against lawyers such as those mentioned above have led to a decline in the number of those willing to take on sensitive cases. The lawyers that do accept such cases are either in prison, have fled the country or in constant fear of arrest or other negative repercussions.

71. Lawyers also reported that this culture of intimidation deters them from raising reports of torture in their clients’ defence for fear that judiciary and security forces might retaliate, including through prosecution or the revocation of their professional license, and

⁵⁷ E/CN.4/2004/3/Add.2.

⁵⁸ Information was based on an interview conducted by the Special Rapporteur with an Iranian lawyer on 20 December 2013. The source’s background was vetted prior to the interview, and all information provided was cross-checked with outside sources for credibility, accuracy and internal consistency.

often deters individuals from hiring legal counsel in order to avoid the accusation that hiring a lawyer is an admission of guilt.

C. Trial proceedings

1. Access to legal counsel

72. Article 35 of the Constitution recognizes the right to elect an attorney in all courts, and clearly requires the courts to provide opportunities for the realization of this right. Article 3 of the Citizenship Rights Law of 2004 requires courts and prosecution offices to respect the right of the accused to a defence, and to provide the accused with the services of a defence attorney. Similar protections have been prescribed by the Criminal Procedure, as noted above.

73. All persons interviewed for the present report stated that they had had no access to a lawyer during the initial investigation stage of their case, which is precisely the period when most violations of fair trial standards occur. Some 56 per cent of interviewees who were prosecuted reported that they did not have a lawyer during their trial. In three cases, judges reportedly refused to allow the defendants to retain a lawyer of their choice.

74. In one case, the judge reportedly informed the defendant that if he did not bring his lawyer with him to trial, he would be given a lighter sentence. In several cases, a lawyer was actually present at trial, although the defendant did not have contact with the lawyer until a few days or just hours before trial. Some 27 per cent of interviewees stated that their lawyer did not have access to their case files, or obtained access only a few days earlier (or even just on the day of trial).

2. Fair and public hearing by a competent, independent and impartial tribunal

75. For 45 per cent of interviewees who faced trial, the court allegedly did not permit the defendant to present a defence, or only allowed partial defence. In 43 per cent of cases, trials lasted only minutes. In 70 per cent of the trials, interviewees reported that coerced information or confessions had been reportedly used by the judge or made up at least part of the intelligence report presented by the prosecution. Some 65 per cent of interviewees reported that the judge had displayed signs of bias, such as by reproaching or interrogating defendants, and limiting their ability to speak and present a defence.

76. All interviewees reported that a court had found them guilty of most or all charges. Several interviewees stated that their lawyers had not been provided with copies of the verdict handed down by the revolutionary court; instead, they had been forced to copy the text of the verdict by hand, which was used to formulate their appeal. In some cases, appeals resulted in lighter sentences, but never acquittals. In all cases, final verdicts reportedly included a combination of prison sentence, suspended prison term, flogging, bans on professional activity or education, or fines.

77. One lawyer who has been practicing in the Islamic Republic of Iran for more than 10 years reported irregularities observed during the representation of the more than 40 individuals in the country's revolutionary courts. The lawyer reported that a number of clients with "security" cases had been forced to confess to charges regardless of available evidence, and the lawyer had often not been permitted to review case files before trials, to meet with clients before and/or after trials, to present a full defence to the presiding judge or to be present in the courtroom throughout the pre-verdict trial proceedings, in accordance with the law.

78. The lawyer also further reported that individuals accused of drug offences were often severely mistreated while in detention, often deprived of access to hygienic facilities, handcuffed and shackled together in court, and that their trials “never last more than a few minutes”.

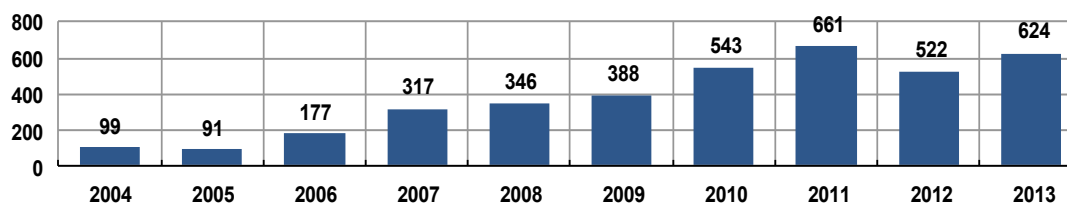
79. The lawyer recalled that Iranian law allows for women who report rape to be prosecuted of adultery in cases where they are unable to convince a judge of their charges, given that the allegations imply that the women had engaged in extra-marital relations. The lawyer also pointed out that rape cases were very difficult to prove and put women wishing to report the crime at risk of being prosecuted for a capital offence, which likely deterred women victims from coming forward. Moreover, women alleging rape must often subject themselves to intrusive “virginity” tests.

VII. Right to life

80. It has been estimated that some 1,539 individuals have been executed, including at least between 955 and 962 for drug trafficking, since the establishment of the mandate of the Special Rapporteur in 2011 (see table 2 below).⁵⁹ Some 687 individuals are thought to have been executed in 2013 (369 of which were announced by official or semi-official government sources), an increase of 165 over the figures recorded for 2012, despite the fact that executions effectively ceased for several lengths of time that year: from 1 March to 15 April, during which only four persons were executed;⁶⁰ during the presidential elections between 23 May and 16 June, when only two were executed;⁶¹ and during Ramadan, from 8 July to 13 August 2013, when three people were executed.

Table 2.

Executions in the Islamic Republic of Iran: 2003 – 2013



81. In 2013, at least 57 individuals were hanged publicly (one of whom was pardoned after surviving the execution), including at least 28 women. A number of individuals were reportedly convicted in the absence of fair trial standards and executed for the crimes of *moharebeh*, *efsad fil-arz* or for “acting against national security”.

82. In late October and early November 2013, three Kurds were executed for *moharebeh* and for “attempting to overthrow the Government”. In November, four individuals from the

⁵⁹ IHRDC Chart of Executions by the Islamic Republic of Iran, Iran Human Rights Documentation Center, available from www.iranhrdc.org/english/publications/3420-executions-in-iran.html#.UsN-waV4F94 (2011), www.iranhrdc.org/english/publications/1000000030-ihrc-chart-of-executions-by-the-islamic-republic-of-iran-2012.html#.UsN-Z6V4F94 (2012) and www.iranhrdc.org/english/publications/1000000225-ihrc-chart-of-executions-by-the-islamic-republic-of-iran-2013.html#.UsNGC6V4F94 (2013).

⁶⁰ Ibid.

⁶¹ Ibid.

Arab Ahwazi minority community were executed for “acting against national security”, *moharebeh* and *efsad fil-arz*.⁶²

83. Four additional Kurdish individuals – Jamshid and Jahanghir Dehgani, Hamed Ahmadi and Kamal Molayee – appear to be at imminent risk of execution for the “crimes” of *moharebeh* and *efsad fil-arz*.⁶³ Sources have reported that they were convicted in the absence of fair trial standards. The Special Rapporteur urges the authorities to halt these executions, commute their sentences and investigate complaints of violations of fair trial guarantees.⁶⁴

84. While the new Islamic Penal Code has excluded the possibility of execution for “security crimes” in which weapons were not used,⁶⁵ it retains the death penalty for certain crimes not meeting international standards for “most serious”, including recidivist alcohol consumption, adultery, consensual homosexual sex and drug possession or trafficking.⁶⁶

85. The drug problem faced by the Islamic Republic of Iran is both significant and complex. The United Nations Office on Drugs and Crime (UNODC) estimated in 2011 that some 1.2 million Iranians were opiate users, one of the highest rates globally. Drug trafficking and related crimes have posed major law enforcement and security challenges. Iranian officials have estimated that the fight against drug addiction and trafficking costs \$1 billion a year.⁶⁷

86. The Islamic Republic of Iran prescribes the death penalty for a variety of drug-related activities, including drug manufacturing and trafficking, but it can also be applied to the personal possession of 30g of heroin, morphine or specified synthetic and non-medical psychotropic drugs, such as methamphetamines, without an effective right of appeal.⁶⁸ Drug offences continue to account for most cases of capital punishment in the country, resulting in the highest known per capita level of executions globally. It was estimated that at least 302 of the 624 executions held in 2013 were for alleged drug possession or trafficking,⁶⁹ although the actual number is possibly higher, given that the reasons for the execution of another 90 individuals remain unknown. This application of the death penalty in the Islamic

⁶² Iran Human Rights, “Iran Human Rights condemns execution of four Ahwazi political prisoners”, 5 December 2013, available from <http://iranhr.net/2013/12/iran-human-rights-condemns-execution-of-four-ahwazi-political-prisoners-3/>.

⁶³ Amnesty International, “Iran: Death sentences upheld, executions imminent: Jamshid Dehgani, Jahanghir Dehgani, Hamed Ahmadi and Kamal Molayee”, 19 September 2013, available from www.amnesty.org/en/library/info/MDE13/037/2013/en.

⁶⁴ Amnesty International, “Iran: Halt the execution of four Kurds on death row”, 20 September 2013, available from www.amnesty.org/en/news/iran-halt-execution-four-kurds-death-row-2013-09-20.

⁶⁵ Information based on an interview conducted by the Special Rapporteur on 20 December 2013 with a lawyer currently practicing in the Islamic Republic of Iran and acquainted with the New Islamic Penal Code.

⁶⁶ Human Rights Watch, “Codifying Repression: An Assessment of Iran’s New Penal Code”, 28 August 2013, available from www.hrw.org/reports/2012/08/28/codifying-repression.

⁶⁷ “Iran’s FM says next year “drug tsunami” to hit region”, *Trend*, 26 April 2013, available from <http://en.trend.az/regions/iran/2143925.html>.

⁶⁸ The new Anti-Narcotics Law of 2011 provides for mandatory death sentences for the heads of drug gangs or networks, but also for trafficking or possession of more than 30 g of crystal methamphetamine or other psychedelic substances, such as crack and heroin. See Amnesty International, “Addicted to Death: Executions for Drugs Offences in Iran”, 2011, available from www.amnesty.org/en/library/asset/MDE13/090/2011/en/0564f064-e965-4fad-b062-6de232a08162/mde130902011en.pdf.

⁶⁹ Iran Human Rights, Annual Report on the Death Penalty in Iran 2013, 12 March 2014, available from <http://iranhr.net/2014/03/report-death-penalty-iran-2013/>.

Republic of Iran affects many of the most vulnerable in society, and accordingly has a disproportionate impact on minorities.

87. UNODC has been engaged in the Islamic Republic of Iran since 1999, providing the Government with significant technical assistance and capacity-building. In 2010, UNODC and the State concluded a multilateral programme of technical cooperation for the period 2011-2014.⁷⁰ Under the programme, UNODC and the State have worked together on sub-programmes that include a focus on law enforcement and on crime, justice and corruption. The Special Rapporteur encourages the Islamic Republic of Iran to take advantage of the support offered by UNODC to address the concerns identified above, in particular in the area of criminal justice reform.

VIII. Socioeconomic rights

A. Right to education

88. According to Daftar Tahkim Vahdat, an Iranian student organization, from April 2005 to March 2013, at least 935 university students were deprived of continuing education for either one or more semesters for political activities, including publishing articles, organizing political events and engaging in student rights organizations perceived to be problematic by Iranian security forces. These individuals were routinely expelled or suspended during the period 2011-2013.⁷¹

89. The Ministry of Science, Research and Technology proposed the return of these students.⁷² According to the proposal, the students expelled after 2010 would be able to return to the schools previously attended, while those expelled between 2006 and 2010 would be required to retake national entrance exams, but they would not be subject to the *gozinesh* process upon acceptance.⁷³ It has been reported that, in most cases, expelled students have been able to return only after pledging to the Sanjesh Oorganization that they would abide by university rules and not participate in any anti-government activities.⁷⁴ On 23 December 2013, the Gozinesh Central Committee announced that 126 of the 400 students who had been deprived of education had been able to continue their education,⁷⁵ although some students maintain that their appeals against expulsion had been rejected.⁷⁶

90. A member of the Education and Research Committee of Parliament stated that the Ministry of Intelligence was currently vetting students that had returned to school, and that students with negative vetting results would be removed again. Another Committee member stated that the Committee would like the Ministry to vet the political background of the students that had returned to school; if no “acute” security issue was identified, they would be able to continue their education. The Committee member clarified that, if the vetting

⁷⁰ See UNODC Country Programme for the Islamic Republic of Iran (2011-2014) at www.unodc.org/islamicrepublicofiran/en/country-programme.html.

⁷¹ Report on violation of right to education of students in Iran, Daneshjoo News, Right to Education and the Human Rights Commission of the Office for Strengthening Unity, 2013, available from <http://www.right-to-education.org/node/79>.

⁷² See http://sharghdaily.ir/?News_Id=20426.

⁷³ Ibid.

⁷⁴ See <http://etemaad.ir/PDF/92-09-05/12.pdf>.

⁷⁵ See www.isna.ir/fa/news/92100200858.

⁷⁶ See www.kaleme.com/1392/09/26/klm-168517/?theme=fast.

result was negative, it would be up to the Ministry of intelligence to propose a course of action to the Committee.⁷⁷

91. At least 41 professors have been reportedly expelled from their universities. A special committee has been reportedly created to investigate complaints concerning the forced retirement of professors deemed to hold views departing from those of the Government.⁷⁸ Reportedly, 18 of the professors have been invited to return to work, while the requests of 10 to 12 others are under review.⁷⁹ According to Mohammad Sharif, a university professor and lawyer who was reportedly expelled from university for his human rights activities, to date retired professors have returned as visiting professors without nullifying their retirement, while those expelled have not received any compensation.⁸⁰

B. Economic sanctions

92. The Special Rapporteur has repeatedly urged sanctions-imposing countries and the Government of the Islamic Republic of Iran to take steps to ensure that sanctions do not undermine human rights, including by strengthening humanitarian safeguards that appear to be falling short of their intended purpose. Sanction relief measures reportedly embedded in the recent agreement on a joint plan of action reached between the Islamic Republic of Iran and the five plus one group, if properly administered, would likely have a positive impact on the enjoyment of economic and social rights in the country, which would be a welcome development. According to the agreement, the parties are to take tentative steps towards establishing a banking channel to facilitate humanitarian trade. The Special Rapporteur would welcome such an outcome, as it could alleviate some of the right-to-health challenges and other hardships identified in previous reports.⁸¹

IX. Conclusions and recommendations

93. The Special Rapporteur recalls his view that the Islamic Republic of Iran possesses the basic tools necessary to observe its international human rights obligations. They include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and various aspects of a number of national laws. He affirms that human rights could be better secured if the principles and regulations stipulated by these laws were consistently implemented.

94. The Special Rapporteur also stresses that, despite recent welcome amendments to the Penal Code and the Criminal Procedure, and the proposal for a new charter of citizens' rights, these documents do not appear to resolve fully the issues previously raised by United Nations human rights mechanisms and recommendations made during the universal periodic review of the Islamic Republic of Iran in 2010. Certain national laws continue to undermine and/or contravene rights guaranteed by these legal instruments through extensive restrictions and discriminatory practices.

⁷⁷ See <http://etemaad.ir/PDF/92-09-11/02.pdf>.

⁷⁸ See <http://etemaad.ir/PDF/92-09-05/12.pdf>.

⁷⁹ See <http://etemaad.ir/PDF/92-08-27/13.pdf>.

⁸⁰ See <http://etemaad.ir/PDF/92-08-26/11.pdf> and "Lawyer Dismissed from Faculty Position for Human Rights Work after 25 Years of Teaching", International Campaign for Human Rights in Iran, 7 April 2011, available from www.iranhumanrights.org/2011/04/sharif-dismissed/.

⁸¹ See A/68/503.

95. Reports received by the Special Rapporteur continue to detail cases of frequent infringement of the rule of law established by national laws and international standards, resulting in the arbitrary detention of hundreds of individuals peacefully exercising rights guaranteed by the above-mentioned treaties. The violation of the rights and guidelines enshrined in the Constitution, the Law on Respecting Legitimate Freedoms and Protecting Citizens' Rights and the Criminal Procedure has also apparently resulted in the psychological and physical torture of persons for the purposes of extorting information that is reportedly used as evidence in court, the basis for convictions and the application of lengthy or capital sentences.

96. Most of the said violations are reportedly committed during pretrial detention or court sessions. The Special Rapporteur therefore urges the Government of the Islamic Republic of Iran to consider the following recommendations:

(a) To facilitate the unconditional release of individuals imprisoned for exercising peacefully their rights to expression, association, assembly, belief and religion;

(b) To strengthen fair trial safeguards by ensuring access to legal counsel during all phases of pretrial detention and the investigative stage of cases, including during interrogation and arraignment, and allow for legal counsel to advise the accused during these proceedings;

(c) To improve access of legal counsel to all files containing evidence against the accused;

(d) To investigate all allegations of mistreatment and/or psychological and physical torture, and to prosecute the parties responsible;

(e) To prevent the intimidation of lawyers, including threats of detention and prosecution for discharging their ethical and professional responsibilities, including when submitting client grievances and addressing international and national media on their client's behalf, which should be possible without fear of prosecution under national security and defamation laws;

(f) To prohibit capital punishment for juveniles and for crimes that do not meet the most serious crimes standards under international law, including for drug offences and perceived sexual offences.