

## **In the name of God**

### **Response to the Draft Report of the Special Rapporteur to the 70<sup>th</sup> session of the UN General Assembly**

#### ***Introduction:***

Appointing a country specific rapporteur for a country like Iran which is abided by its commitments toward its citizens and international community is unwarranted, meaningless and absolutely destructive. The Human Rights Council has been established to prevent double standard, and the UPR mechanism as an evolving body has been built on equal responsibility of all countries. Hence, this universal mechanism should not be weakened through making parallel discriminatory mechanisms. Therefore, the Islamic Republic of Iran is of the opinion that appointing a special rapporteur on Iran due to the afore-mentioned reasons is unacceptable. Despite the fact that the Islamic Republic of Iran considers appointment of the Rapporteur as unwarranted, however, in keeping with its intention to cooperate with the UN human rights mechanisms, and motivated by the aim to provide the Special Rapporteur with reliable and authentic information, our missions in Geneva and New York as well as representatives of other officials of the Islamic Republic of Iran have met with the Rapporteur for several times, and engagement with him will continue.

#### **Paragraphs 1 and 3:**

The Islamic Republic of Iran has always put emphasis on the peaceful nature of its nuclear program and followed its international obligations. Conclusion of the recent nuclear agreement between the Islamic Republic of Iran and the P5+1 countries confirms peaceful nature of Iran's program and untrue claims aiming at ending illegal and inhumane sanctions which targeted people of Iran for years. The Iranian people endured all hardships and unjust sanctions for the sake of reaching their development goals and peaceful nuclear rights. Moreover, the history of 36 years of the

Islamic Revolution demonstrates continuous efforts of the government and people of Iran to achieve their rights and lofty human goals such as justice, development and public welfare which will be followed the period after the Agreement.

**Paragraph 2:**

The Special Rapporteur has drawn his attention to the negative and inhumane impact of sanctions imposed by certain countries against Iran. While welcoming his attention to this issue, it could have been more suitable if the Special Rapporteur had paid more serious attention to this issue from the beginning of his mandate by condemning such a flagrant violation of human rights of people of Iran, and helping to put an end to this destructive trend.

**Paragraphs 4 and 5:**

The Islamic Republic of Iran has actively participated in the second cycle of its Universal Periodic Review (UPR) and received 291 recommendations during its interactive dialogue with member and observer states of the Council. Iran declared its support to about 65 percent of the received recommendations. It should be noted that a large number of recommendations which received Iran's support, include issues which have already been implemented or are on the process of implementation and fall within the national development programs. A number of recommendations have been partly supported by Iran because of their positive goals, despite their abusive literature and incorrect suppositions. Since some of the recommendations included phrases or parts inconsistent with prevailing laws and values of Iran, these recommendations also have been accepted partially, as their full acceptance would have run contrary to the applicable laws of the country. However, many countries of the world have put forward constructive and responsible recommendations which have been welcomed by Iran including on issues related to women's rights. The high percentage of accepted recommendations is an indicative of the serious attention paid by Iran to continually promote human rights through cooperation and dialogue with others.

In this connection, Iran reemphasizes its support to the UPR mechanism since- as it was mentioned in the establishing document of the Human

Rights Council- this mechanism is based on principles of universality, non-selectively and equal treatment of all countries through dialogue, engagement and constructive cooperation of the UN members which could provide an effective instrument for the promotion and protection of all human rights.

**Paragraph 6:**

In line with the engagement of the Islamic Republic of Iran with the special procedures of the Human Rights Council so far seven thematic rapporteurs and working groups of the Council have visited Iran. Moreover, Iran has recently invited the Special Rapporteur on the Rights to Food to pay a visit to the country in 2015. The invitation was welcomed by the Rapporteur, however, due to her pre-engagement she could not manage to visit the country in 2015, and based on her request the visit will be re- scheduled for the year 2016. Moreover, in line with the promotion of cooperation and engagement with the Office of the High Commissioner for Human Rights, the Minister for Foreign Affairs of the Islamic Republic of Iran in his meeting with the High Commissioner has invited him for an official visit to Iran. On the issue of responding to communications of the special procedures during the period mentioned in the draft report, it should be noted that four communications have been received in august 2015 which still have the time for responding, and some communications are on one particular subject (such as the case of Saman Nasim which seems that Iran's reply has not been distributed among the requesting procedures and therefore have been repeated by them). Responses to a number of communications are being translated and will be sent to questioning bodies later on.

**Paragraph 7:**

Unfortunately, the Special Rapporteur hasn't paid enough attention to the previous reasonable and substantiated responses of the Islamic Republic of Iran. He, benefiting from sources which are mainly unreliable like previous reports, ignored the Code of Conduct of the UN Mandate Holders contained in resolution 5/2 of the Human Rights Council. It is expected that the Rapporteur in his final report include Iran's previous reports as well as the present response. It is necessary also that the Rapporteur in his final report in accordance to the Code of Conduct of the

special procedures, include Iran's response at the end of each related paragraph. It is also expected from the Special Rapporteur that in line with expansion of cooperation and engagement with the UN mechanisms to avoid using general and obscure claims and accusations in consideration of human rights situation in Iran. The Special Rapporteur also should avoid hasty judgment about the content of draft bills and laws which have not yet been finalized in Iran.

**Paragraph 8:**

On the basis of the principles and working method of the UPR mechanism, member states can, according to their national law and programs, accept voluntarily recommendations made by other countries. Hence, the Islamic Republic of Iran has accepted more than 65 per cent of recommendations it received during the second cycle of its UPR review, which is an indicative of its high level of cooperation and intention to further promote human rights in the country. Moreover, according to the above- mentioned working method, it is very natural that states do not accept some recommendations or do not place them as a priority. Certainly, principles of fair trial and due process of law have always been observed in judicial dossiers in particular those cases related or leading to death penalty, and this issue has been reemphasized by accepting relevant recommendations by Iran.

In addition, since the number of victims and injured persons from drug related crimes is very high in a way that covers many people (not a single individual), such crimes are of more importance than an intentional murder. Therefore, the domestic laws of Iran consider drug related crimes as the most serious crimes, and regarding the legality of death penalty and its effect on reduction of crimes in particular its role on preventing drug trafficking to become a less risky and more profitable occupation, lack of support from the recommendations requesting moratorium on death penalty- in current situation- is in line with security, prosperity and health of people of Iran.

According to the laws and regulations of the Islamic Republic of Iran, capital punishment is limited to the most serious crimes, which include, extensive trafficking of narcotics. Such crimes are very carefully

considered by courts in which the representative of the prosecutor, the accused and his/her lawyer must be present. Subsequently sufficient numbers of sessions are held in which the case is fairly heard and sentence meted out. Such cases can only be prosecuted in the presence of a lawyer. Sessions in which a lawyer is not present are not considered official and subsequent verdicts and sentences have no legal force and may be quashed by the Supreme Court. Article 32 of the amended drug control code (dated 1997) states: death sentences that are handed down in accordance with this code must be endorsed by chief justice of the Supreme Court and the state prosecutor general. Thus, the margin of error has been minimized, for if any of the above officials deem the sentence in violation of Sharia or legal parameters, they have the authority to ask for a review or quash the sentence. This protocol provides the accused with his/her full rights. Furthermore, the new Criminal Procedural Code (effective from 22 June 2015) provincial appellate courts or the Supreme Court can review issued verdicts, which is an indicative of further accuracy and realization of justice.

On the allegations relating to death sentence for offenders under the age of 18, Iran exercises high degree of flexibility with respect to offenders under 18 out of humanitarian and Islamic considerations. They are tried in special courts and in light of their age and other circumstances minimum sentences are issued for them. Only cases of intentional homicide relating to offenders that have reached age of majority but under age of 18 are tried in provincial criminal courts in presence of five judges. According to our law punishment for the offense of intentional homicide is Qisas. The function of the judiciary in cases relating to intentional homicide is just to prove prior intention. Execution of death penalty is the right of the immediate family to demand execution. According to existing practice even after finality of the sentence and approval of the Supreme Court extensive efforts are made by Reconciliation Commission to seek forgiveness from the heirs of the victims and to convert death penalty to another punishment. Over the recent years many have been freed from punishment of Qisas. The principled policy of the Islamic Republic of Iran in dealing with such cases is to encourage reconciliation – even by providing financial aid to offenders to enable them to pay Diah. The judiciary has now established a

working group to help prevent the punishments that take the life of offenders. The Working Group is affiliated to the Tehran province prosecutor general executive committee on protection of children and adolescent rights. The goal of the commission is to promote reconciliation and prevent the implementation of Qesas sentences. Members of the committee include: the representative of the national focal point for the rights of children, psychiatrist attached to the juvenile rehabilitation center, social worker attached to the juvenile rehabilitation center, manager of the rehabilitation center, lawyer with children and juvenile experience, secretary of the executive committee on child and juvenile rights protection (Tehran department of justice) and financial donations officer. The committee is also staffed by volunteers such as artists, NGO representatives, child experts and donors. The Working Group functions in the following way:

- They are notified by the prosecutor's office, the court, head of Tehran province correction center or police of the arrival in the judicial system, of adolescents who have been charged with crimes that carry the death sentence.
- Check the psychological status of the accused person by a social worker and psychologist.
- Home visits by a social worker.
- Attorney meets with the defendant and owners of blood.
- Attorney meets with the judge hearing the case.
- The report of the working group meeting.
- Decide on the next steps in the committee meeting.
- If necessary, inviting influential people to help with the reconciliation effort.
- Invite the owners of the blood and organize meetings between members of the group and the judge.

According to articles 88 and 89 of the Islamic Penal Code, punishments (less than execution) for individuals who at the time of committing offense were 9 to 15 years of age the court envisages one of the five

measures mentioned in this article, and in practice punishments will be transformed into rehabilitation.

According to article 89 of the Islamic Penal Code punishments for persons between ages of 15 to 18 are of lighter nature, less than death sentence. They are sent to Correctional Institute or sentenced to pay pecuniary penalties. According to article 91 of the Penal Code, in offenses eligible for Hodood and Qisas, "if mature persons under the age of 18 do not understand the nature and consequences of the crime, punishments envisaged in this chapter will be applied." These are new developments in the judicial system of Iran for the purpose of exercising maximum leniency and justice for offenders under the age of 18.

### **Paragraph 9:**

International figures show that efforts made by the Islamic Republic of Iran - and the resoluteness of the Judiciary and the disciplinary forces (the police) in combating drug trafficking- have intensely controlled and contained such crimes. Prohibition of serious punishments, including executions against drug producers and traffickers (after the entrance of western forces) in countries neighboring Iran's eastern borders, in recent 14 years, has led to 333 percent increase in drug production (from 1800 tons in 2001 to 6000 tons in 2014). It has also led to the upsurge of inhumane drug related felonies.

Additionally, countries which consider the narcotics trade as a serious threat to their security and social wellbeing, are considering the use of capital punishments. The Islamic Republic of Iran has repeatedly announced its readiness to engage in regional and international efforts to uproot the production and trafficking of narcotics. In this connection, the UNODC has repeatedly commended Iran's measures in combating narcotic drugs, and has implemented various country programs. New country programs for 2015-2019 are being finalized.

Furthermore, to explain its positions in combating narcotic drugs, and to access most advanced possible experiences, the Islamic Republic of Iran has put the subject on the agenda of bilateral human rights dialogues and cooperation with other countries. This includes submission of a comprehensive plan to regional cooperation (multi- dimension

cooperation on cultural, economic and technical issues) with some European countries, which despite lengthy negotiations; some have shown no seriousness in this regard. In addition, in the last meeting with the Special Rapporteur, Iran proposed dialogue and cooperation on this subject to be included in the next meeting with him.

The excessive concentration on claims regarding the use of death penalty in Iran in paragraph 6 of the draft report, recourse to estimated statistics while ignoring reasons, threats and special situation of the country in particular with regard to astounding increase in narcotic drugs production in countries neighboring Iran's eastern borders, undermines the credibility of the draft. According to the existing statistics, drug related executions accounted for over 80 per cent of all executions in Iran in 2014.

In light of legality of death penalty in Iran, and observance of legal procedures and fair trial in its courts, no complaint has been received from international bodies concerning drug related death sentences. So, the claim is an unfounded allegation. Furthermore, claims regarding unreported executions and names of convicted individuals are refuted. Iran has requested complementary information on those claims from rapporteurs in particular from the Special Rapporteur on Iran but no response has yet been received. So, these claims are proved unfounded. Moreover, due to high number and density of population (more than 15 million populations) in two provinces of Tehran and Alborz, the possible high number of executions in the referred prisons, comparing to others, seems justified. Albeit, it is noted that all prisons of the country are run by same procedures according to the executive code of conduct of the Prison Organization.

**Paragraph 10:**

In this paragraph it is claimed that details of executed persons in the last year and 7 months of year 2015 has been provided by NGOs separately but by referring to footnote 12 it can be seen that most statistics are quoted from unofficial sources and needs verification. Different NGOs claim different persons on the list of executed people and these contradictions show that these claims are not authentic and correct.

Furthermore, the Special Rapporteur relies on reports that are not yet proved which seriously undermines credibility of the report and it should be amended in the final text.

**Paragraph 11:**

It is necessary to consider that Iran has expressed concerns for more than three decades over the risk of sharp increase in production and trafficking of drugs emanating from its eastern neighbors. Unfortunately, the need to design a set of international measures to control and eradicate this dangerous phenomenon from the region is still ignored by international organizations and countries which claim advocacy of human rights. These countries instead of offering real help for realization of the above measures confine themselves to express concerns over imaginative statistics associated to execution of drug related offenders. It should be noted that the Islamic Republic of Iran has the world's highest per capita drug seizure and it should be considered that since Iran has seriously fought this crime from different aspects such as economic, social, legal and operational, therefore, it was able to reduce significantly consequences of uncontrolled increase of drug production and trafficking inside the country, and prevented drug trafficking to target countries in the west.

**Paragraph 12:**

Literature used in this paragraph of the draft report is so vague that it is not clear that whether the Rapporteur intended to appreciate legal measures taken by Iran to fight drugs or wanted to criticize them. It seems that lack of attention to deep political, economic and social roots, expansion of production and trafficking of drugs and negligence of international commitments in fighting against drugs and safeguarding real human rights of people of this region of the world leads to incorrect interpretation of the subject. The Islamic Republic of Iran welcomes every mutual consultation to help eradicate drug trafficking and combating its effects (addiction), in particular possible spread of AIDS, and refers the Rapporteur to the list of government actions to prevent the spread of AIDS particularly in prisons.

**Paragraphs 13 and 14:**

As mentioned in the previous related paragraph, Iranian laws emphasizes the possibility to appeal verdicts of the courts regarding death penalty and also explains the possible way to seek pardon for condemned people that practically reduced the use of the mentioned punishment. As mentioned in paragraph 14 of the draft, several research units including governmental and non governmental are in a dialogue and discussion regarding finding new and more effective solutions to eradicate, control and manage the widespread and devastating phenomenon of production and trafficking of drugs at the regional level.

**Paragraphs 15 and 16:**

Court verdicts are issued in accordance with provisions of the Penal Code. It is obvious that law enforcement in legal system of every country is duty of judges. It is noteworthy that based on Article 38 of the Constitution of the Islamic Republic of Iran, any torture is prohibited in the country and under article 570, 578, 579 and 587 of Iran's Penal Code and article 9 of the law on "Respecting Legitimate Freedoms and Protecting Citizenship Rights" perpetrators will be subject to heavy punishment. In Islamic law, corporal punishment has a clear definition (Hodoud and Qisas have been determined under Islamic law). This definition is absolutely not consistent with the concept of torture, and therefore concerns of the Special Rapporteur in this regard are inadmissible.

The relative deterrence of penalties is explicit and is confirmed by various scholars of laws and criminologists. If penalties were absolutely deterrent, crimes should not have continued. This question will arise that whether long-term prison has an absolute deterrence of crimes in Western countries?! By accepting relativity of deterrent effect of penalties, the Islamic jurists also have carried out comprehensive researches regarding more effective and more humane Islamic penalties instead of the indiscriminate use of imprisonment which is available. It should be noted that issuing verdict on amputation is very rare and in case of issuance, the Enforcement Unit, in particular the related Amnesty Commission, try to suggest alternative penalties.

Also, the deplorable issue of acid attack has strongly been condemned by the officials. These attacks are seriously being prosecuted by the

judiciary. Meanwhile, according to the received information from the competent authorities the allegation of flogging of 480 persons is totally wrong, regarding this issue, it should be noted that legal corporal punishment meted out only for 3 persons, because of breaking Islamic rituals in the holy month of Ramadan ostentatiously, in public places proximity of the grand mosque, which incorporated with hooliganism and saber rattling.

**Paragraph 17:**

Freedom of expression and the guarantee for its implementation has been clearly stipulated in Iran's Constitution and ordinary laws. In paragraph 17, despite statistics and claims, no source has been referred to confirm those claims; therefore, the whole paragraph should be deleted from the final report. It should be noted that of thousand press activists only few individuals committed offenses that have been tried by competent courts according to the law with the presence of the jury. Majority of those individuals received light verdicts. However, a number of individuals who abused mass media for disseminating untrue and insulting information aiming at disturbing public opinion and inciting ethnic and religious hatred to undermine dignities of other people as well as public moral and national security have been investigated by competent courts and the judicial procedures for their cases have been exhausted with transparency. Such legal restrictions are in line with article 19 (3) of the ICCPR which allows for restrictions to freedom of expression to protect public morals, dignity of people and national security.

Issues mentioned in this paragraph regarding the Press Law of the Islamic Republic of Iran are devoid of credibility. Since criminal acts in the field of press are clearly mentioned and courts pay attention to those acts and as referred to in previous paragraph, only criminal acts of violators have been considered in their judicial proceedings. On the other hand, legal potentiality and political tolerance of the country has provided grounds for many media, journalists, and web-loggers to be free in their activities for publication, information sharing and criticizing current affairs.

**Paragraph 18:**

In accordance with declaration of the Tehran Islamic Revolution Court, the aforesaid person son of Mr. Alireza was prosecuted by branch 26 of

the Tehran Islamic Revolution Court according to verdict number 502 dated November 29, 2011 on charges of:

1. Illegal interference in medical matters subject to article 3 of the provisions of the law relating medical matters (amendment dated April 29, 2000) by cancellation of license of Cultural Institution of Erfan Keihani convicted to pay a fine of five million Tomans (about 1600 dollars).

2. Openly committing a sinful act (Haaram) under article 638 of the Islamic Penal Code convicted to 74 lashes.

3. Insulting sanctities under article 513 of the Islamic Penal Code convicted to five years in prison.

4. Unauthorized activities and production and distribution of audiovisual works under article 2 of the law of the penalties for people who does illegal audiovisual activities to pay a fine of ten million Tomans (about 3000 dollars).

5. Acquiring illegal wealth under article 2 of the law of intensifying punishment for perpetrators of bribery and embezzlement and ...to pay a fine of 890 million Tomans (about 300,000 dollars).

6. Unauthorized use of academic titles under single article of using academic titles subject to article 556 of the Penal Code to pay a fine of 600 thousand Tomans (about 200 dollars).

The verdict was issued after hearing defenses of him and his attorneys Mr. Michael Ghanbari and Mr. Behzad Kazemi and Mrs. Shadi Rasadi, after exhausting all legal proceedings. The requested appeal by the defendant and his attorneys was considered by branch 54 of the Tehran Province Appeal Court which confirmed the primitive verdict while rejecting the appeal according to the verdict number 301 dated April 22, 2012 according to paragraph A of article 257 of Code of Criminal Procedure.

As it is obvious, he misused license of a cultural institution by taking illegal medical measures and committed other above mentioned crimes which were dealt with according to the law. Investigations have been completed regarding his other charges on creating deviant sect that caused deep social, health, psychological, individual and familial damages. Recently, a lower court has issued a verdict against him which can be appealed.

Atena Faraghdani: According to the Justice Department of Tehran Province, Atena Faraghdani daughter of Mohammad Taghi was prosecuted on charges of :

1. Assembly and collusion to commit crime against security of the country 2. Propaganda against the system of the Islamic Republic of Iran

3. Insulting the spiritual Supreme Leader 4. Insulting the President, 5. Insulting members of the parliament 6. Maintaining immoral CDs 7. Insulting law enforcement officers during their interrogation.

After hearing her defense lawyer and exhausting all legal proceedings, and according to articles 500, 514, 609, and 610 of the Islamic Penal Code and article 134 of this law, based on the verdict issued on April 23, 2015 she was convicted to prison (7 years and 6 months for charge number 1, 18 months for charge number 2, 3 years for charge number 3. For charge number 4 and 5 as all are punishable under article 609 of Islamic Penal Code to 9 months in prison. She was sentenced to pay seven and a half million Rials fine for charge number 6. It should be noted that her various crimes has no connection to healthy and legal social activities and the above mentioned verdict was issued according to the laws and it is initial and within the legal limit is subject to revision. Moreover, currently she is released on bail.

**Paragraph 19:**

According to the Justice Department of Tehran Province Mrs. Atena Daemi Khoshknoodhani daughter of Mohammad Hossein was prosecuted on charges of gathering and colluding to commit crimes against national security, sentenced to seven years in prison, insulting the spiritual Supreme Leader to three years of prison and concealing evidence of the crime to four years of prison including periods of previous detention. It should be mentioned that the issued verdict is primitive and is not definitive yet. It should be noted that her numerous crimes have nothing to do with a healthy and legal social activity and the mentioned verdict has been issued according to law and is primitive and it can be appealed within moratorium in Tehran Province Appeal Court.

**Paragraph 20:**

Comments of individuals and groups on current issues of the country continue to disseminate freely, and claims contained in this paragraph have many ambiguities which should be verified. According to received information editor of Publishing Judiciary Media Center was not expelled and still is working and avoiding concluding contract with him as editor of legal services of Mizan is irrelevant to this subject. Furthermore, Jamaran News and Bahar News are not filtered and continue to work.

**Paragraph 21:**

Association of Iranian Journalists started its work in 1376. Its closure came about when in two consecutive years its general assembly could not acquire necessary quorum to elect members of the Board of Directors. Therefore, according to the statute of this Association it was dissolved.

As a result, the Association of Iranian Journalists while protesting this decision (dissolution) lodged a complaint to the Administrative Justice Court. The Court rejected the complaint of the Association and upheld the decision of the Ministry of Cooperative, Labor and Social Welfare on the dissolution of the Association. When the Roohani's Administration came to power, and after promises made by the President, the Ministry of Cooperative, Labor and Social Welfare tried to solve the problem through consensual agreement and understanding. However, the Judiciary expressed its legal view that since dissolution of the Association has been decided after exhausting all legal proceedings, therefore, there was no possibility of its re-opening. With this decision of the Judiciary, the Ministry of Cooperative, Labor and Social Welfare in order to solve the problem put forward a proposal to the members of the Association to establish the Association of Iranian Journalists through establishing provincial associations. At the moment, efforts are being made to grant this cultural society of the country a labor guild status. Considering the above efforts this paragraph should be lifted. Furthermore, Investigations indicate that the Iranian Freelance Journalists' Association which was mentioned in the later part of this paragraph is the same as the Association of Iranian Journalists and apparently is repetition of one claim.

**Paragraph 22:**

A good number of university elites has established private companies in the field of IT technology, some of which are cooperating with national projects. Unveiling these projects by the Ministry of Telecommunications and Information Technology aims at showing government's support to private sections in particular those related to the advanced High Tech. The Islamic Republic of Iran is committed to respect privacy of individuals and to protect them in the digital space. The claim on replicating international online applications to give state officials full access to all transmitted contents (through search engines or messaging service for mobile phones) is invalid; due to the independent and non-governmental structures of service provider companies, and their obligation to obey laws of the country which forbid any sort of eavesdropping and illegal information leakage in electronic space. Complainers may provide evidence for further investigations.

**Paragraph 23:**

To pursue union rights through union protests is among recognized fundamental rights mentioned in Articles 26 and 27 of the Constitution of the Islamic Republic of Iran. Also, this issue is implicitly referred to by the legislator in paragraphs 142 and 143 of the Islamic Republic of Iran

Labor Law, and has been emphasized in the Fifth Development Plan of the country in paragraph E of article 73 as " description of reinforcing workers and employers unions involving legal rights for protests for these unions."

In order to implement Articles 26 and 27 of the Constitution of the Islamic Republic of Iran and to provide security for trade gatherings and guiding it within the law and also to ensure trade union rights, the government formulated and adopted "regulations on the management and organization of workers union's protests" in 2011 which has been sent to the International Labor Organization.

**Paragraph 24 and 25:**

With regard to persons referred to in paragraph 24 and 25 of the draft, information are provided briefly as following:

**Paragraph 24:**

Mahmoud Salehi: According to the Kurdistan Province Court Mr. Mahmoud Salehi was arrested on charges of propaganda against the system and membership in illegal groups (coordinating committee for groups affiliated with Komala terrorist group) and his dossier has not been finalized so far.

Osman Esmaeili: According to the Kurdistan Province Court Mr. Osman Esmaeili was arrested on charges of membership in Komala terrorist group and propaganda against the system. He is free on bail now, and his dossier is in proceedings and has not been finalized so far.

Reza Amjadi: According to the Kurdistan Province Court Mr. Reza Amjadi was prosecuted on charges of cooperation with Komala terrorist group and sentenced to 91 days in prison. He was acquitted from propaganda against the system in favor of the mentioned terrorist group, he was imprisoned on June 24, 2015, and the end of his prison period is September 7, 2015.

Farzad Moradian (Moradinia): According to the Kurdistan Province Court Mr. Farzad Moradian was prosecuted by the Sanandaj Court on charges of membership in Komala terrorist group and sentenced to one year in prison and propaganda against the system in favor of the terrorist group through distributing leaflets and sentenced to two years of prison. Therefore, according to clause 3 of article 19 of the Islamic Penal Code the most severe punishment was chosen and after confirmation of the verdict, by the Province Appeal Court he was presented to prison on July 25, 2015 and the end of his prison period is on June 17, 2017.

As can be seen in these 4 cases, cooperation or membership in terrorist groups are reasons for their arrests and judicial proceedings and is impertinent to activities referred to in the draft (activities in the field of labor law).

Esmail Abdi: According to Tehran Province Court on August 22, 2015 the dossier and indictment of Mr. Esmail Abdi was sent to the court on charges of gathering and colluding by committing crime against national security and propaganda against the system.

It is obvious that holding any gatherings needs prior license from relevant bodies. According to official statistics there are tens of peaceful assemblies held in working places or in public areas. Therefore, Legal protests and gatherings are not considered as acting against national security.

**Paragraph 25:**

Saeid Shirzad: first of all, he was presented to the court by indictment on charges of gathering and colluding by committing crime against national security and disturbing public peace. Second, he has the right to access to a lawyer and will be accepted if requested, a lawyer introduced. Currently he is in Evin prison. Therefore, the mentioned claims about him are incorrect and are denied.

Reza Shahabi: According to Tehran Province Court he was tried by the court and prosecuted on charges of 1. Gathering and colluding by committing crime against national security through connecting to MKO terrorist group 2. Committing propaganda against Islamic Republic of Iran. After hearing his defenses and those of his attorney Mr. Masood Shafiei, and exhausting all legal procedures, verdict number 91/2483 dated April 10, 2012 was issued based on articles 500 and 610 and in compliance with article 47 of the Islamic Penal Code. He was sentenced to five years in prison for charges number 1 and one year in prison for charges number 2 including periods of prior detention as well as extradition of 70 million rials (about 2,000 dollars) in favor of the government which earned as a result of the crime. The issued verdict has been reviewed by branch 36 of the Province Appeal Court after filing a protest by the sentenced person and his defense lawyer. The court confirmed the issued verdict according to verdict number 429 dated June 13, 2012 on the basis of paragraph A of article 257 of the Criminal Procedure Code of Public Courts. It should be noted that he spent parts of his sentences and is on leave out of the prison for a long time.

Shahrokh Zamani: According to East Azerbaijan province Court he was prosecuted on charges of participating in creating illegal groups and

propaganda against the system by the Tabriz Court after exhausting legal procedures and hearing his defenses and those of his lawyer Mr. Biouk Pourfaridi. Accordingly verdict number 863 dated August 28, 2011 was issued against him, sentencing him to ten years in prison for first crime and one year in prison for the second. The issued verdict was confirmed through verdict number 842 dated November 10, 2011. It can be seen that his crimes is irrelevant to labour activities and the case should be removed from the final report.

Rasool bodaaghi: According to the Tehran Province Court he was prosecuted on charges of gathering and colluding with the goal of committing crimes against national security and propaganda against the Islamic Republic of Iran. After hearing his defenses and exhaustion of legal procedures, verdict number 89/ 1377/15 dated July 24, 2010 was issued based on articles 610 and 500 of the Islamic Penal Code. According to this verdict, he was sentenced to five years in prison for first charges and one year in prison for the second including periods of prior detention. The issued verdict has been reviewed by branch 54 of Tehran Appeal Court after appeal was filed by the defendant and his lawyer Mr. Masoud Shafiei, and according to verdict number 1010 dated January 5, 2011 based on paragraph A of article 257 of the Criminal Procedure Code of Public Courts, the mentioned verdict was confirmed while rejecting the appeal.

Behnam Ebrahimzadeh: According to Tehran Province Court he was prosecuted by Tehran court on charges of 1. Gathering and colluding aiming at committing crimes against national security 2. Propaganda against the Islamic Republic of Iran 3. Disturbing public order. After hearing his defenses and those of his lawyer Ms. Manijeh Mohammadi, verdict number 62 dated July 2, 2011 was issued by which he was sentenced to five years in prison. The issued verdict was sent to branch 36 of the Tehran Province Appeal Court after appeal was filed by the defendant and his lawyer. The appeal court confirmed the verdict of the lower court because of invalidity of objections, upholding principles and formalities of the primitive verdict. According to the verdict number 688 dated September 6, 2011 based on paragraph A of article 257 of the Criminal Procedure Code of Public Courts, currently he is in Rajaei Shar prison and can meet his relatives and uses leaves out of prison frequently.

**Paragraphs 26 and 27:**

In the Preceding Code of Criminal Procedure, the accused could have enjoyed from a lawyer and the lawyer could have presented the judge with information that could lead to the discovery of truth or defending the

accused, once the investigations reach a conclusion. In case of crimes against national security, presence of lawyer was subject to judge's agreement. Lawmakers, in the new code of criminal procedure, have affirmed the right to have a lawyer for the accused during the investigation stages; in such a way that upon being under supervision, the accused can request for the presence of a lawyer and meeting with the lawyer are made mandatory while investigations are paid attention to. Even the lawyer is allowed to submit his/her written statements to be included in the file after the meeting. Only in the case of serious actuarial crimes, note of article 48 states that within one week from being under supervision, a meeting with lawyer shall be arranged. Therefore, the adoption of this law is a very important step in the realization of the rights of the accused and justice. Moreover, according to article 38 of the Iran's constitution and article 9 of the Law, Respecting Legitimate Freedoms and Protecting Citizens' Rights and obtaining confessions through any kind of torture or to force him/her to do an action is prohibited; confessions obtained this way does not have any legal and religious validity and the committed personnel are to be punished (Article 578 of the Islamic Penal Code). Therefore, claims of torture in any stages of judicial process are unexpected, based on current laws and effective monitoring.

**Paragraph 28:**

Commenting on a draft which is still in the process and is a proposed and was not considered by the members of the Parliament, is not an appropriate measure and should be deleted from the final text.

**Paragraphs 29-35 and 37-39:**

In all political systems and electoral laws, candidates who enter parliaments must enjoy qualifications based on the law. In the Islamic Republic of Iran also in addition to the Constitution, people's representatives in the Parliament have developed elections laws and executive regulations suitable to country's cultural, social, political, and indigenous situations and the Guardian Council supervises on the full enforcement of these laws, too.

In some countries, candidates' competency and qualification are reviewed and announced by the respected parties themselves. In the Islamic Republic of Iran considering the more prominent role of independent candidates in comparison to candidates from political parties, and in order to provide the possibility for all spectra of people to participate in the parliament, qualification process and examination of candidates' competency is first carried out by the Election's Executive Board (deployed at the Interior Ministry) with participation of four related

institutions to ensure no criminal records and matching identification, education and.... documents and these references are required to respond within 5 days based on the law with substantiated documentation. Disqualification issue occurs at this stage for some candidates and protesters can send a complaint to provincial council monitoring election and disprove their disqualification by providing required documents.

Six members of the Guardian Council are elected by the Supreme leader and the other six members are nominated by the head of the Judiciary whom should be approved by the Parliament. According to Article 92 of the Constitution, they are elected for duration of 6 years. According to Article 99 of the Constitution, the Guardian Council is responsible for supervising the Assembly of Experts, presidential and parliamentary elections. In some limited cases, the Council is not able to approve qualification of a number of candidates the reason of which, supported by legal documentation, will be communicated to the concerned individuals (candidates).

Unfortunately, the draft report referred to statistics and diagrams, without mentioning their sources; therefore, it is not clear that the mentioned individuals have been disqualified by which section of the government. There is a need that this diagram be deleted from the final report.

It should be noted that in Iran elections are held by the Executive Board whose members are trustees of people, and the Guardian Council's supervision is not beyond the law. Elections mechanisms in Iran and supervision over it are completely in agreement with article 25 of the International Covenant on Civil and Political Right, as far as participation rights of people in public management, the right to equality before the law and enjoyment of protection of the law are concerned. No discrimination is applied with regard to candidates willing to participate in the elections.

The existence of a parliament consisting of all parties, political groups and independent individuals within the provisions of the Constitution guarantees political vitality of the country. Moreover, powerful and critical position of Iranian parliament and its serious monitoring of all affairs of the country are indicative of the importance of the parliament in the political system of Iran. According to the Constitution of the Islamic Republic of Iran, performance of the Interior Ministry and the Guardian Council could guarantee public base of the parliament over the past years as well as the independence of the parliament. Furthermore, the high turn out of people in the polling stations manifest people's support of the legislative power of Iran and the position of the Iranian Parliament.

**Paragraphs 36:**

Members of the parliament enjoy legal immunity for expressing their opinions and performing their duties. If their expression of opinion is within their individual capacity (not as positions of their political parties) it is considered as one opinion out of 290 members of the parliament. Examples mentioned in this paragraph prove the same characteristics. With regard to "sedition of 88" the current members of the parliament as well as members of the previous parliament had freely expressed their views which received attention from the system. Drying up of Lake Urumia, which happened as a result of combination of climate change and water management received attention from the previous government and in particular from the government of President Rohani, programs were designed, and budgets were allocated for its revival. The claim on some representative's fear on commenting on this issue which is supported by the government is unfounded and should be deleted from the final report. Many controversial and important issues are raised by members of the parliament which ultimately led to the promotion of legislation and management in the country.

**Paragraphs 40 and 41:**

In the legal system of the Islamic Republic of Iran legislation (the parliament) is of significant importance. It follows an accurate process, which are briefly as following, toward proposals which are put to it:

If law required, country's institutions declare the matter to the legislative power through provision of a bill or proposal. After specialized review by the relevant parliamentary committees, the issue is raised in the open session of the parliament, and if people's representatives give their positive vote, the adopted law will be sent to the Guardian Council for final approval. This proposal will be ready for implementation when it was recognized in conformity with the Constitution and Islamic Laws and approved by the Guardian Council. The last stage is publication of the law in the official newspaper of the country. It is expected that the Special Rapporteur avoid commenting based on his personal interpretation before completeness of the process for a bill to become a law and his concerns about draft of some legislative bills are unjustified.

Moreover judgment about a draft which has not been considered by the Legislative Power is not appropriate.

**Paragraph 42:**

After the landmark tenth presidential election on June 12, 2009, some individuals carried out illegal activities such as street fighting in Tehran and some other cities of the country which led to the killing and injury of a number of citizens, destruction and burning of public and governmental

properties. Therefore, forces responsible for order and security of the country tried to identify principal elements that were related to foreigners and were behind these incidents. These forces in collaboration with the Judiciary managed to arrest some of the people who were mastermind of the rebellion. Among those who were arrested were principal members of the Mojahedin Enghelab Organization and Mosharekat Party. The files of these people were sent to court, and Tehran Public Prosecutor in his bill of indictment requested punishments for members of the said organization and also asked for the dissolution of the Mojahedin Organization and Mosharekat Party. Consequently, considering performance of the two mentioned parties and their violation of the laws of the country, the Article 10 Commission while confiscated (cancelled) the authorization certificate of both parties requested from the court to dissolve these organizations, based on articles 16 and 17 of the law on activities of parties.

Despite the fact that the authorization certificate of the Mojahedin Organization was cancelled by Article 10 Commission based on decision number 43/10101 dated April 17, 2010, the said organization ignored the decision of the Article 10 Commission and continued with its activities. As activities of this organization run contrary of the Constitution, ordinary laws and statute of the Mojahedin Enghelab Islami Organization as well as the request of Article 10 Commission, and also considering criminal activities of many principal members of the Mojahedin Organization to disturb public order and incite people to rebellion and sedition and act against security of the country, the Tehran Court convicted some of members of this organization, and on the basis of Articles 16 and 17 of the law on the activities of parties and political associations ordered to dissolve the Mojahedin Enghelab Islami Organization. This verdict on the basis of Article 232 of the Criminal Procedure Law is final.

With regard to the content of the file and various positions and performance of the Mosharekat Party in year 2009 and despite the fact that the authorization certificate of this party was cancelled according to the decision number 43/10097 dated April 17, 2010 of the Article 10 Commission, however, this party ignored the decision of the Commission and continued with its activities.

Considering that activities of this organization were against the Constitution, ordinary laws and statute of the Mosharekat party and run against decision number 2707 dated may 15, 2010 of the Article 10 Commission, and also considering criminal activities of many principal members of Mosharekat Party to disturb public order and incite people to riot and sedition and act against security of the country, the Tehran Court convicted some of members of this organization, and on the basis of

Articles 16 and 17 of the law on the activities of parties and political associations ordered to dissolve Mosharekat Party. This verdict on the basis of Article 232 of the Criminal Procedure Law is final.

With reference to the above explanation, it is clear that situation of the Mojahedin Organization and Mosharekat Party has been examined by a competent court and therefore it is necessary that this paragraph be deleted from the final report. It is obvious that these two organizations with making modifications as requested by the law can resume their new activities. It should be noted that these two organizations represent small segment of the reform movement in the country and the major section has participated in the parliamentary and presidential elections in the context of legal groups and parties and played an effective role in this regard.

**Paragraphs 43 and 44:**

In the Islamic Republic of Iran's Constitution and ordinary laws there is no limit for women to participate in elections whether as voters or as candidates. Women's participation in elections is a social and cultural subject and had a upward trend since the establishment of the Islamic Republic of Iran. Also, the Islamic Republic of Iran made all of its efforts to improve women and girls' educational level as a prerequisite for their political participation which led to the increase in the number of women attending higher education, according to the existing statistics which is also confirmed by international institutions. At the same time, the policy to increase the number of women as regional or provincial governors, the highest local decision-makers and the government's representatives, has been followed to augment women's political participation and to assign them in decision-making positions. Finally, it is emphasized that women's educational empowerment aims at training specialist women in order to attend social scenes including political participation and achieving decision-making positions, albeit through making a balance between social and family responsibilities.

**Paragraph 45:**

Accepting majority of UPR recommendations related to women issues mentioned in the draft report is an indicative of serious will of the country for the promotion of rights and status of women which should receive due attention. To increase participation of women in decision making positions the following programs are under consideration and implementation:

- Awareness raising of women on the importance of their rights to political participation through public training and media,
- Increase in programs for empowerment of women who are in managing positions,
  - Allocation of certain quota for women in the parliament, increase number of women in the political parties for parliamentary elections,
  - Increase of executive management training courses for women, and increase in financial resources and provision of opportunity for women to attend elections.

**Paragraphs 46 and 47:**

It should be noted that the quota issue of universities should not be interpreted as restriction of education since in the lack of cultural and economic policy in this field there would be many problems and gaps between the educated individuals and people seeking occupation in some of university majors.

Another reason is that female students are reluctant to study in majors such as engineering, a fact which is very conspicuous both in choosing their branch of study and in working market. It also should be mentioned that quota system is not only for women; in some branches such as medical science, positive discrimination is applied in favor of women.

The existing statistics indicate that the rate of economic participation of women in the market place of Islamic Republic of Iran has an increasing trend in recent years. This rate increased from 9.1 per cent in 1999 to 13.8 per cent in 2012. At the current moment, about 17 per cent of all persons with occupation are female. Also, the rate of participation of men and women shows that in 1999 the rate of participation of men was almost 6 times greater than that of women. This rate lowered in recent years, reaching to 4.5 times, which is an indicative of progress. To implement laws and programs relating to women and the family, the following are on the agenda of the government:

- Further empowerment of women in different jobs to promote their occupation status,
- Special protection of laws for female recruitment in labor markets,
- Establishing civil society institutions in support of women,

-Protection of production cooperative firms of women in particular in agriculture and handicraft sections.

**Paragraphs 48 and 49:**

Unemployment problem is a worldwide phenomenon that affected men and women all over the world, and global statistic shows prevalence of unemployment more among women. Furthermore, transition period from traditional economy to modern economy intensifies unemployment in developing countries. The Islamic Republic of Iran is also not excluded from this matter; however, two points should be mentioned in this regard:

- The Iranian law made men obliged to financially support his wife and other dependent members of the family and this responsibility is not annulled from men even if the wife is capable to maintain herself. This is why, contrary to many countries, the Iranian women are less at risk of poverty due to personal unemployment. Furthermore, religious, social and cultural views emanating from the lack of financial responsibility of women for family welfare, caused that many Iranian women consider job as a choice not as a necessity.

- Years of sanctions and its direct and indirect outcomes had negative impacts on the country's job market and seriously violated women's economic and social rights and made realization of such rights extremely difficult. This issue has always been emphasized by representatives of the Islamic Republic of Iran in all international interactions on women related issues, and deserves more attention from The Special Rapporteur and many thematic rapporteurs and in particular the UN Special Rapporteur on Human Rights and Unilateral Coercive Measures.

**Paragraphs 50 and 51:**

"Promotion of Virtue and Prevention of Vice" is clearly mentioned in Article 8 of the Constitution of the Islamic Republic of Iran. The issue of promotion of virtue and prevention of vice is an Islamic principle which is about responsibility of citizens, public opinion and media towards observing public moral in line with full implementation of laws. To support people who are promoters of virtue, the parliament submitted a bill which was adopted. The objective of this bill is to boost security of

citizens through supporting promoters of virtues (Where the police could not attend on time to prevent a crime) The bill after thorough discussion and various amendments was approved by the parliament. According to this bill, ordinary people witnessing a crime just have the responsibility to verbal objection and informing relevant authorities. This would lead to more order and promotion of public rights in the country. By training volunteered persons working along side of official forces, the Police will be able to implement its legal duties more expeditiously and in a greater scale. It should be mentioned that verbal objection to a vice is carried out regardless of gender of the violator. With this explanation, it seems that this paragraph should be modified in the final report.

**Paragraph 52:**

Women's presence in sport stadiums is not so much related to laws as to the social and cultural environment. Therefore, the Islamic Republic of Iran mindful of its preventive approach on fighting violence against women is seeking ways to prepare suitable social and cultural environment as well as to provide infrastructures and facilities for security of women and girls in such environments to prevent any kinds of physical, mental or verbal violence against women. It is noteworthy that based on statistics published in document number A/61/122/Add.1 P.134 titled Comprehensive Studies on all forms of Violence against Women which was issued by the Secretary General of the United Nations, sports stadiums are risky places where violence against women are very likely to happen so that 40 to 50 percent of women interviewed in one of the developed countries stated that they were victims of violence in sports stadiums.

**Paragraphs 53-55:**

The Islamic Republic of Iran has serious intention to eliminate violence against women and condemns all forms of such violence. Iran puts special emphasis on strengthening the family considering it as pivotal for the security of the family members specially women and children, and believes that domestic violence disturbs the function of the family and is in contrast with inherent dignity and mental and physical health of the family members. It should be mentioned that “distress and constriction” (osr va-haraj) does not necessarily means commitment of serious violence

against women. This principle is a relative concept which is defined based on physical and mental situation and dignity of women and can include various degrees of violence depending on the decisions of the court (judges). Moreover, claims mentioned in paragraphs 53 and 54 contain conclusion of the draft on bills which have not yet finished the process of adoption. Therefore, these claims are not acceptable.

**Paragraphs 56 and 57:**

Girls' genital mutilation or sexual circumcision does not exist in religious and historical background of Iran. Few cases may have occurred in certain geographical locations – small marginal border cities or on their outskirts– under the influence of common cultures in neighboring countries, however, these few cases are also not acceptable from the viewpoint of the Islamic Republic of Iran. Therefore, Articles 664, 706, 707, 708 of the Islamic Penal Code could be as the legal basis of complaining from perpetrators of this crime. Efforts are being exerted to inform native people of these regions through health houses, reliable and religious native people. The National Authority on the Right of the Child is also sensitive on this issue. Considering the impossibility of verification of cases mentioned in the draft, authenticity of the statistics are under serious doubts. Obviously, adopting necessary criminal laws in addition to cultural activities to prevent this phenomenon would be in line with the Convention on the Rights of the Child.

**Paragraphs 58 and 59:**

According to Narges Mohammadi case, since Ms. Mohammadi's medical problem was terminated so she was summoned to serve the remainder her 6-year prison sentence she received in April 2012 according to the law. The rest of claims mentioned in this paragraph are devoid of reality and needs to be deleted from the draft report. Also, according to Ms. Mortazi Langroodi, she has not yet received final verdict and her dossier is under appeal stage.

**Paragraph 60:**

The right to receive education in mother tongue has been referred to in many international documents such as Charter on Mother Language, Universal Declaration on linguistic Rights, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic

Minorities, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. However, even the UNESCO education position paper of 2003, did not affirm the necessity of teaching mother languages by governments, and it just contained recommendations to prevent extinction of languages which are at a high risk of demising. Article 15 of the Constitution of the Islamic Republic of Iran by making a reference to teaching of regional and tribal languages has given due attention to this issue. In other words, the Constitution considers teaching of regional and local languages along with Farsi language. Therefore, there are no restrictions or obstacles in the way of education of Iranian ethnic groups in their mother languages as well as publication of their papers in their mother languages.

**Paragraph 61:**

Coherence of Persian language with the Iranian ethnic languages together with common culture of thousand years is in a way that made this language understandable and available to all Iranians. In particular, after the Islamic Revolution with widespread literacy programs which unprecedentedly increased the literacy rate across the country along with the spread of T.V coverage and increase in the number of higher education centers as well as the number of educated persons, in practice the common language of Iran is understandable to all segments of the Iranian population. Given the high number of admissions and even the high number of students from different cities of the country in acquiring top ranks in university entrance exams and faculty positions by all Iranian ethnic groups it is clear that claims mentioned in the paragraph is invalid and should be deleted.

The draft report indicates that more than half of the illiterate population is fifty years or older which means these people have been affected by the policies of the previous regime (before the Revolution). In the Islamic Republic of Iran with spending adequate budget and improving accuracy in the implementation of adopted policies no efforts have been spared to educate people in particular in regions largely populated with ethnic minorities.

**Paragraph 62:**

Unfortunately the draft without paying attention to the development of the country made reference to a report which absolutely does not support claims and prejudgments of this paragraph, and therefore should be deleted in the final report. Correct judgment on the performance of the Islamic Republic of Iran with regard to promotion of economic, cultural and social situation of areas largely populated with ethnic minorities is possible only when indicators such as poverty, discrimination, early

marriage of girls, and mandatory primary education be compared to the period before the victory of the Islamic Republic of Iran. International statistics prove the trend of promotion of economic, health and educational condition of the country in recent decades in particular in country's Third and Fourth Development plans.

**Paragraph 63:**

Notification about shortage of primary school teachers led to the allocation of new budgets and employment of qualified persons in this field. Therefore, inclusion of paragraph 63 in the final report is unjustified.

**Paragraphs 64 and 65:**

The Kurdistan province, before the Islamic Revolution, was among the most deprived provinces of the country, and the rate of illiteracy, child mortality and poverty and lack of health was very high in that province. The first decade of the revolution was under the shadow of damages of imposed war and divisive measures of Saddam Hossein. Ethnic extremist movements and presence of terrorist groups in such a situation hindered any possibility of providing health and education services and financing for development of this province. With the end of the imposed war, in recent 20 years the face of this province seriously changed and all development indicators including education and health have been promoted; and various universities have been established in the province. It should be noted that governments can only meet demands which are within the context of the Constitution of the country. In this line, the government of President Rohani according to Article 15 of the Iran's Constitution planed various programs, and teaching local and ethnic literature including Kurdish language became possible. In addition to that, from October 2015 the branch on Kurdish language and literature in Kurdistan University starts to admit students.

**Paragraph 66:**

According to Article 10 of the Iranian Press Law appeals for publication should be accepted by the Press Supervisory Board. Accordingly, establishing public and professional qualifications of applicants are entrusted with this seven-member Board. Some requests may be rejected for professional reasons, which should not be connected to sex, ethnicity, religion and political opinions of the applicants. Observing lists of press in Iran (6000 titles) which are always updated in the comprehensive system of state's media (e-rasaneh.ir) shows that there are various

publications which belong to religious minorities, ethnic groups, women and government critics.

Based on the above-mentioned professional criteria, Mr. Parviz Bahadorzahi was denied a license to run a publication. It should be noted that Mr. Bahadorzahi has sent a new request, in last March, to the Press Supervisory Board to run another publication. His request is on the line for consideration. His request will be accepted if it meets requirements and provisions of the law.

**Paragraph 67:**

As mentioned in the draft report, different segments of the country are working to promote culture and literature, including language and literature of the Iranian ethnic groups, considering that these efforts generate promotion of Iran as a whole. One of the greatest contemporary poets in Persian language is Mr. Shahryar from Tabriz center of Azerbaijan Sharqi province whose mother language is Azari. It is necessary to note that governments can accept requests which are within their constitutions. During his recent provincial visits, President Rouhani unveiled the “Foundation for Azari Culture, Literature and Art”, which was welcomed by the literature scholars. The 36-year performance of the Islamic Republic of Iran is in a way that is inclusive of all ethnic groups in particular in the Capital city, and while promoting all native and ethnic cultures and languages, the historical and cultural integrity of the country is preserved.

Emergence of extremist and destructive tendencies which abuse ethnic groups, and planned from abroad, are dealt with tolerance and vigilance. According to the Justice Administration of Ardebil province Mr. Atabak Sepehri, who committed propaganda to incite extremist hatred was released on 21/11/93 based on his written commitment, and consequently the court issued verdict of non-prosecution with regard to his charge on propaganda against the system. With the given information, this paragraph should be deleted.

**Paragraph 68:**

In the Islamic Republic of Iran detention of individuals are merely done according to the laws regardless of ethnicity, religion or other affiliation. The person pointed out in this paragraph of the draft was not detained at all, and therefore, this claim should be deleted. Mr. Younes Asakerah is an Arabic speaker citizen from Khoramshahr who had a fruit kiosk in Khoramshahr without permission of municipality. When Khoramshahr municipality wanted Mr. Asakerah to close the kiosk he immolated himself in response to the municipality’s request, and consequently 10 days later he passed away in a hospital. Following to the complaint

lodged by his family against municipality a judicial dossier was formed and after investigation the municipality was not found guilty and the dossier was closed. It should be mentioned that the claim of arresting about 1000 people who defended Mr. Asakarah is a pure lie and no independent source has reported it. Therefore, information contained in this paragraph is unsubstantiated and should be deleted. According to the existing evidences and pictures posted in the internet, the said person received adequate medical treatments and his death happened because of gravity of his injuries. After his death, local authorities and charity NGOs took significant measures to safeguard the life and housing of his immediate family. Moreover, since many local authorities in Khoramshahr including the mayor are Arabic speakers, it indicates that the law was applied regardless of the ethnicity of the violator, so it should be deleted from the report.

**Paragraph 69:**

The claim on arresting a man dressed in traditional Arab clothing is very strange; since a considerable people of Khozestan Province speak Arabic and wear Arab clothing. Moreover, objection expressed by soccer players or spectators against the result of the match was not abnormal that might lead to the possible temporary arrest of some guilty persons. On the claim about continuation of detention of some individuals, names should be provided for further investigations.

**Paragraph 70:**

According to the information received no one (let alone children) were arrested on the time mentioned in the draft report. Available reports indicate arrest of some individuals on charges of planning terrorist activities.

**Paragraph 71:**

Unfortunately, in some areas of Khoozestan, propagation of extremism and inciting people for violent and terrorist activities has an increasing trend inspired by the existing extremism in neighboring countries which received attention of local officials, and different programs are being designed to control it. Furthermore, Mr. Hazbawi (Ahmad Zavari known as the Ahmad Hazbawi son of Mr. Sabti) was charged of inciting to violence and supporting war in the region and encouraging to ethnic conflicts. His dossier was legally examined which ended up with a slight verdict (payment of 9 million Rials). He is out of prison currently. Considering the information submitted on this issue, it is proved that claims of the paragraph are incorrect and therefore should be deleted from the final report.

**Paragraph 72:**

According to the report of Mahabad police on 14/2/94 number 565606109400177 regarding death of Ms. Kobra (Farinaz) Khosravani daughter of Mohammed, age 27, as a result of falling from height at Hotel Tara in Mahabad (Shura Boulevard), police officers attended the scene swiftly to investigate the incident. After examining the Hotel cameras, the police found out that the lady entered room No. 403 which belonged to Mr. Seyed Morteza Hashemi Vand, aged 39, son of Mr. Seyed Kazem, from Tabriz, occupation engineer. Mr. Hashemi Vand was arrested and confessed that he had relation with the lady since 2 weeks before the accident and wanted to marry her, and parents of the girl were aware of the issue (proposed marriage). On the day of incident on 13/2/94 she entered the room, but for the sake of concealing herself from the surveillance cameras as well as from the manager of the Hotel she tried to exit the room using the balcony. Unfortunately, after passing some adjacent rooms, she lost her control and fell from the fourth floor of the Hotel building which led to her death. Immediately after the incident, the judge in duty, a forensic physician and police officers attended the scene and after examining the body of the deceased person declared that she was not raped, and her death happened as a result of broken skull. A dossier was opened in Branch 1 of the prosecutor office and necessary judicial order was issued for investigation. Subsequently Mr. Hashemivand was arrested on charge of having illegitimate affairs and was introduced to Mahabad Prison. He was released on bail later.

On Thursday dated 17/2/1394 as a result of malicious propaganda of some individuals who, had extremist ethnic tendencies and incited young persons through satellite programs and social media, a number of opportunistic people and some young men gathered in front of the hotel, attacked it and burned the hotel and three private cars. Due to the illegal actions and damages made, 62 persons who masterminded the attack were arrested and with the temporary detention decree were put in jail (majority of them were released later on bail). Fourteen people and 53 policemen were injured due to their conflict with rioters.

First: the number of ordinary persons injured was 14, 11 of them were outpatients. Three of the injured persons named Akam Tlaj son of Gamal, Amir tork son of Mohaamad, and Farhad Rahimi, son of Rahim were hospitalized in Orromieh, Tabriz and Mahabad. Unfortunately, Mr. Akam Tlaj passed away on 8/4/94 because of shot in the spinal cord. Considering type of the bullet which hit Mr. Akam Tlaj (a bullet of a hunting gun from 5 meters far) no doubt left that he was shot by gangsters and elements of the riots. (Because such guns are not organizational gun of the police and do not exist in police possession). Mr. Tlaj' name was

put on the list of martyrs and his family receives privileges from the Martyrdom Foundation.

Second, death of Ms. Kobra (Farinaz) Khosravani in Mahabad province was put under investigation by local and judicial officials on time. According to substantiated information, the issue of rape or proposal for sex are ruled out. Mr. Hashemivand had no governmental position, and was connected to the family of the deceased person and intended to marry her.

**Paragraph 73:**

The position of each state vis a vis acceptance or rejection of the UPR recommendations falls within the sovereign rights of states. The Islamic Republic of Iran tried to implement all accepted recommendations of its first UPR review. It is obvious that implementation of all recommendations requires preparation and planning; thus needs a long period of time. It is surprising that the draft report took a position concerning non-implementation of first UPR recommendations; because it has a non-complete and partial reference to Iran's UPR working group report (which was not in the working group's report on Iran). On the other hand, Iran could manage to defend its first national report. Therefore, this paragraph should be modified.

**Paragraph 74:**

Unfortunately, in this paragraph incorrect claims were mentioned about Christians in Iran, the reply of which is provided in the reply to paragraph 77. The reply on draft's prejudgment about Baha'is is contained in replies to paragraphs 75 and 76.

**Paragraph 75:**

Claim of the draft report that there are numbers of Baha'is in prison without paying attention to their crimes and due process which was carried out during their prosecution is invalid. Making reference to their "persecution" indicates prejudice, incorrect judgment and partiality of the Rapporteur, and needs to be corrected in the final report.

In 1389 after receiving reports to the Ministry of Science, Research and Technology about suspicious activities on holding of scientific classes in different places other than official universities, the ministry attempted to file a complaint in court in Tehran which was accordingly examined. Studies have indicated that directors of the institute despite knowledge of their illegal activities insisted on continuing their activities in way or another. Examination of the discovered documents from this institute indicates that it was established illegally and in parallel to the higher education system of the country. Considering the presence of Baha'is in

state universities, establishment of an illegal institute was unjustified. The institution, under the guise of educational activities, was following political and economic goals of an outlawed cult. Persons referred to in this paragraph have been prosecuted on charges of membership in this cult and carrying out illegal activities. After a fair trial and hearing their defense each were sentenced to 4 years in prison, who recently completed the sentence and were released

**Paragraph 76:**

The only case in Semnan province is related to Mr. Ali Khanjani (not Jamaloddin Khanjani who has a record of activities and conviction because of his membership in illegal Baha'i Organization). Ali Khanjani requested for construction certificate of 200 square meters in 2000. According to construction certificate number 5200 dated January 6, 2001 the original copy of which is in the file, his request of construction of 200 square meters was approved. In later years it became known that he constructed 400 square meters and the rest 200 were additional. During the investigation he submitted a construction certificate in which construction of 400 square meters was mentioned instead of 200 meters. Considering contradiction between the certificates he submitted with the original certificate which existed in his dossier, competent authorities came to conclusion that his construction certificate has been manipulated.

Consequently, according to the law, a complaint was filed against him on charge of forgery (fabrication). However the forgery was confirmed by official experts of the Judiciary but Mr. Khanjani 's contribution in the forgery was not approved. Therefore, a verdict of non- prosecution was issued about Mr. Ali Khanjani. On the other hand, all construction plans which were submitted by Mr. Khanjani were invalid because the signatures did not belong to experts and officials of the governor office.

It should be noted that the validity of a construction certificate is one year after which the certificate has no validity and should be extended. He did not request extension of the certificate. Since the certificate became invalid, the Article 99 Commission of the municipality ordered demolition of 200 meters which was based on the Islamic clemency.

Considering mentioned claims in this paragraph it should be noted that construction violations in urban areas should not be cleansed (expurgated) because of the beliefs and attitudes of violators. Taken measures have absolutely nothing to do with owner's personal beliefs so this paragraph should be deleted from the final report.

**Paragraph 77:**

There are more than 250 active, semi- active and historic churches in the country which are meeting religious needs of religious minorities; Armenians and Assyrians (With their limited population). Hence there is no need to establish new churches under the names mentioned in the draft report. Leaders of the Christian minorities in Iran did not propose to create new churches in the country, and none of the established churches are willing to take the responsibility for this new form of Christianity.

According to the law, all groups, associations and social, religious and political organizations, must obtain the necessary authorization from the legal authorities for designing their activities, which is not the case for so-called house churches; therefore their activities are considered illegal, as it is the case in Shahin Shar.

About Mr. Tamarz, according to the Tehran Justice Office, he was charged with illegal formation and management of an association. He was summoned to the judiciary, and after consideration of his charges was released on bail. No verdict has been issued for him as yet.

**Paragraph 78:**

Statements contained in paragraph 78 of the draft confirm policy of Iran toward religious minorities, as well as the flexibilities shown by the government towards them to perform their religious duties.

**Paragraph 79:**

The care facility referred to in this paragraph has been the home of the elderly which worked for 20 years without license. The Welfare Organization of Iran requested this center to obtain legal license to monitor the situation of provision of care to the elderly according to the existing standards. Despite passing the deadline, directors of this center did not act as it was requested by the Welfare Organization, and therefore they were ordered to close the center. Because of work experience of the center for the elderly it was dealt with gentleness and the center was not received cash fine for the period of illegal working. Obviously, the closure of unlicensed and non-standard locations should not be attributed to the belief of the owners or operators of the center.

Regarding Mr. Salehian, according to information received so far, the sentence of flogging has not been carried out against him. It is necessary that this part of the report be modified or deleted.

**Conclusion and recommendations:**

- 1- In the laws of many countries, including the Islamic Republic of Iran, there are certain crimes that may result in death penalty. There is no global consensus on its abolishment. Death penalty for

serious crimes is legal and not prohibited by international law. In the laws of the Islamic Republic of Iran, death penalty is only meted out to perpetrators of very serious crimes, including trafficking of narcotic drugs that is combined with acts of terrorism. It is worth mentioning that according to Article 38 of the Constitution of the Islamic Republic of Iran torture is prohibited and extracting confession under torture is invalid and according to article 570, 578, 579 and 587 of the Penal Code and article 9 of the law on Respecting Legitimate Freedom and Protecting Citizenship Rights. Perpetrators of torture are subject to heavy punishment.

- 2- Since the number of victims and injured persons from drug related crimes are very high that covers many people (not a single individual), such crimes are of more importance than an intentional murder. Therefore, the domestic laws of Iran consider drug related crimes as the most serious crimes, and regarding the legality of death penalty and its effect on reduction of crimes in particular its role on preventing drug trafficking to become a less risky and profitable occupation, lack of support from the recommendations requesting moratorium on death penalty-in current situation- is in line with security, prosperity and health of people of Iran.
- 3- In the Islamic law corporal punishments have specific definition which are not absolutely equal to the concept of torture therefore concerns expressed by the Special Rapporteur in this regard is invalid. Furthermore, in the legal system of Islam comprehensive studies have been carried out with regard to the effectiveness and deterrent nature of Islamic punishments which reduce excessive use of imprisonment and its various social consequences.
- 4- In the Islamic Republic of Iran freedom of expression and opinion, media activities and freedom of peaceful assemblies has always been protected. The Constitution in its article 24 clearly stipulated freedom of press and the Press Law adopted in 1995 with consequent modifications and annexes has guaranteed such

freedoms. The Constitution, the elections law of Iran and the code of conduct of the Iranian parliament have also guaranteed freedom of expression and immunity of members of parliament. Holding decades elections with the widespread presence of candidates from different political and ethnic spectra, manifest practical commitment of the government in observing its law and obligations.

- 5- In the Islamic Republic of Iran citizens without any distinctions such as race, color, sex, language, religion, political opinion, national or social origin, wealth, decent, or other status have the right to participate in social life including the right to participate in elections within the limit of laws and regulations. To run in elections competency condition has been defined and envisaged in the law, therefore these conditions are not contrary to articles 2 and 25 of the Covenant of Civil and Political Rights.
  
- 6- Since its establishment the Islamic Republic of Iran has tirelessly worked to advance women's issues and develop their rights and station. Extensive measures have been taken to improve women's health and education, fight poverty, create jobs, provide security and fight violence against them. To promote and protect rights of women, the Islamic Republic of Iran accepted 42 recommendations it received during its second UPR. In this line, Iran attaches great importance to combating violence against women at the levels of prevention, protection and remedy. In the laws of the Islamic Republic of Iran, infliction of any kind of injury on another person entails criminal liability, and domestic violence is of no exception. Nevertheless, due to the importance the government attaches to issues relating to women, a special bill on safety of women has been drafted. This bill defines in legal terms all types of violence including domestic violence and its examples, and provides for proportionate punitive measures. Adopting new laws and modification of the existing law for the benefit of further promotion of women's rights according to national and Islamic values are seriously under consideration.

- 7- It is the constant endeavor of Iran to protect and guarantee rights of all followers of recognized religions according to the law, as extensively referred to in previous reports. In addition to their participation in political decision-making and other legal protection, a considerable budget has been spent in their general situation and performance of religious rituals and religious education and renovation of their religious sites.
- 8- The proper situation of the recognized religious minorities and ethnic groups, their political-economic and social-cultural high position as well as guarantee of observing citizenship rights of all Iranian nationals have been repeatedly reported in the framework of substantiated reports of the Islamic Republic of Iran; to which one may refer for further information. To observe rights of all individuals, ethnic groups and followers of different religions have always been a steadfast policy in Iran. As stated in previous reports, various economic and cultural programs have been implemented in regions inhabited by Iranian ethnic groups to promote their life condition, welfare and political and social participation. In Iranian laws, punishments are only based on committing unlawful acts and individuals' affiliation to ethnic groups is not considered in this regard.
- 9- The new Criminal Procedure Law has stipulated the right of defendants to defense lawyer in the investigation phase. With the commencement of surveillance, the defendant can ask for the presence of lawyer, and in the investigation phase meeting with the lawyer is obligatory. Even the lawyer can after his meeting with defendant put his written observations in the dossier. Only in crimes mentioned in note of Article 48 the meeting with lawyer is one week after the commencement of surveillance. Therefore, this new code is an important stride toward realization of the rights of the accused and administration of justice which is of great importance.
- 10- The Islamic Republic of Iran with precision and interest, paid attention to recommendations submitted to it during the second

cycle of UPR meeting from legal, political, economic, cultural and structural perspective while involving all the related parties. Iran announced its support for about 65% of received recommendations. While consulting with related governmental institutions and members of civil society, put implementation process of accepted recommendations on its agenda.

### **Final Considerations:**

- Unfortunately, the present draft relies on clauses of some bills that are still in early stages of endorsement and its contents are not finalized and are not at the execution phase. Hasty interpretation and conclusion should not be made on these drafts, and should be amended.

- Despite numerous notifications of the Islamic Republic of Iran on previous draft reports of the Special Rapporteur for condemning inhumane sanctions against Iranian citizens, although late, finally the Special Rapporteur referred to harmful effects of sanctions on Iranian citizens' rights in his introduction of the draft report. However, it is expected that considering document (A/HRC/RES/27/21) in complying the final report, the harmful effects of illegal and inhumane sanctions that affected most of Iranian citizens, be considered completely and denounced and offenders should be condemned.

- Claim mentioned at the beginning of paragraph 75 that prejudged without documentation and raised the claim of continued harassment (persecution) of a group, made the report out of balance and impartiality which are basic rules of the Code of Conduct of the special procedures, and should be amended in the final report.

- The Islamic Republic of Iran has prepared more comments to the each paragraph of the draft report, within the short period of time, with the expectation to the drafter to accurately address the response in the final report.

- Fortunately, there is an emphasis in the report on executive or national policies which are implemented based on a country's needs and budgetary conditions. The draft report in numerous cases has referred to country's practical achievements and welcomed several high authorities' remarks and activities. The report's moves towards a more balanced path could improve better understanding and interaction opportunities in the future.

\*\*\*