

## **In the Name of God**

### **The Islamic Republic of Iran's response to the draft report of the Special Rapporteur on the situation of human rights in Iran to the seventy first session of the United Nations General Assembly- September 2016**

#### **Introduction:**

#### **Response to paragraphs 1 and 2:**

\*Beside welcoming the good attention of the Rapporteur to the progress achieved, it is announced that: the Islamic Republic of Iran expresses deep regrets about the appointment of a country-specific Special Rapporteur on human rights for a country like Iran that has persistently honored its obligations to its citizens and the international community. Also, the Human Rights Council has been established to prevent dual and political dealings and the UPR mechanism which is going through its development period, has been set up based on equal responsibilities for all countries. Therefore, such a mechanism must not be weakened by parallel unconstructive measures.

The Islamic Republic of Iran believes that appointing a Special Rapporteur for this country is an unacceptable measure because of the clearly stated fundamental reasons. Despite the fact that Iran believes the appointment of a special Rapporteur as futile, pointless and destructive; in order to cooperate with the UN Humans Rights system and correct the approach of the Rapporteur and in order that reports would be prepared based on reliable information, the Islamic Republic of Iran's delegations and the other relevant officials have had meetings with him. In the light of this interaction and cooperation, it is observed that after six years, in his last report, the Special Rapporteur has referred to numerous advancements in the field of Human Rights. In the final paragraph of his report, he considers the condition of Humans Rights in Iran; worthy of trust and reminds the necessity of upgrading cooperation; a cooperation that can result in tangible and valuable outcomes.

\*Unfortunately, in numerous cases in the stated allegations, the report has sufficed with mentioning the name of individuals, without providing the information required for investigation and responding. Given the limited time for responding, this has imposed many hardships upon the relevant section.

### **Response to paragraph 3:**

\*Paragraph 3 of the draft's introduction, rather than putting forward the purposes of the report, makes a hasty judgment which denies it the opportunity for making an unbiased evaluation and analysis in the rest of the draft. As such, the introduction has turned into a conclusion and final summary which is contrary to the expected structure for a balanced and fair report. Particularly, bringing up false claims, beside a lack of due attention to issues such as: the importance of the negative effects of unilateral and illegal sanctions by certain countries on the progression of human rights, the necessity of fighting against mass smuggling of drugs and heavy related offences, progress made in numerous fields relating to women, variety of journalism and media activities, range of fields of activities of the civil society and Non-Governmental Organizations (NGOs) in Iran as well as cultural and religious issues, have rendered the report unable to depict a true image of the real situation of human rights in Iran.

### **Response to paragraph 4:**

In line with upgrading and supporting human rights and developing positive and constructive interactions with international human rights mechanisms, particularly the Human Rights Council, the UPR mechanism, Special Procedures and the High Commissioner's office, the Islamic Republic of Iran has so far paved the way for the visits of 7 thematic Rapporteurs and working groups. Furthermore, I.R of Iran defended its national reports in the seventh (February 2010) and twentieth (October 2014) meetings of the UPR working group.

In addition to the mentioned cooperation, the Islamic Republic of Iran, while making active contributions in UN Human Rights meetings, including the meetings of the "Third Committee of the General Assembly", "Human Rights Council" and the "Commission on Women's status", has maintained continuous interactions with the Special Rapporteur in Geneva and New York and has provided all

appropriate responses to the reports and communications by him and the thematic Rapporteurs.

In line with fulfilling its international obligations to Human Rights Conventions, the Islamic Republic of Iran, in addition to submitting national periodic reports and defending them, has continually tried to fulfill the mentioned obligations. In this line, the following measures are noticeable:

- Submitting and defending the national periodic report to the commission supervising execution of the “Convention on the Elimination of Racial Discrimination” (August 2010);
- Submitting and defending the third national periodic report to the Human Rights Committee, supervising execution of “the Covenant on Civil and Political rights” (October 2011);
- Submitting and defending the second national report to the Committee supervising execution of the “convention on economic, social and cultural rights” (May 2013);
- Submitting periodic reports regarding the “Convention on the Rights of Persons with Disabilities” (December 2013);
- Submitting and defending the third report to the “Committee on the Rights of the Child”, supervising the Convention on the rights of the child (January 2016).

#### **Response to paragraph 5:**

\*Considering the imprecise statistics that were provided in the draft about the level of Iran’s responding to communications by Special Procedures, the person in charge of the secretariat of Special Procedures (Mr. Karim Ghezraoui) was asked to announce the table of communications and responses received from the Islamic Republic of Iran. Therefore, the secretariat sent the following table via email:

“Enclose find figure for communication from 01/01/2015 until 22/05/2016. Due to technical problem with the database, I could not get statistics for 22/05/2016 to date. However, I will send it over to you as soon as the database is restored”.

### Statistics relating to communications

Concept	Amount	Percentage
Total	37.00	100.00
UA	0.00	0.00
JUA	29.00	78.38
AL	2.00	5.41
JAL	6.00	16.22
Government Replies	19.00	51.35

As it can be seen, within the period between 2015 to 25<sup>th</sup> May 2016, the secretariat has received responses for 51.35 percent of issued communications and declarations, which shows the high level of Iran's cooperation. Hence, the present draft needs to be corrected so that the doubt regarding the existence of prejudgments would be removed.

Given that the Islamic Republic of Iran has accelerated its cooperation with Special Procedures in 2015 and 2016 and has managed to properly respond to more than 50 percent of these communications, providing unauthorized statistics strengthens the doubt that there is political pressure over the Rapporteurs to play up normal issues in Iran. This unconstructive trend in Special Procedures has continued irresponsibly in recent years. For instance, the Iranian High Council for Human Rights, in its statement in May 2015, asked the relevant Rapporteurs to hand to Iran the list for the names of those who were covertly executed, as was claimed in the statement by Special Procedures on 8<sup>th</sup> May 2015, so that it could be investigated. However, unfortunately no response was received after months,

which shows that some Rapporteurs issue statements, that are referred to by others, based on unconfirmed information.

**Response to paragraphs 6 and 7:**

\*Although the draft mentions numerous sources as the bases for its preparation, attention to the information which has been gathered overall shows that the draft report has chosen the information selectively. Also in some cases, the Rapporteur has not cited the sources and documents to which he has referred or has merely cited information that has been quoted from a biased source. This issue reduces the value and reliability of the report.

**Response to paragraph 8:**

\*Subject of the Citizenship Rights Charter has been assigned to the legal deputy of the president and due to the fact that its importance is extra-sectorial and beyond administration of powers, it is required that its topics be meticulously investigated and assessed. Since there are some cases in this charter whose administrators are a number of governmental organs and institutions. Also some of the cases in this charter need to be implemented by institutions outside of the government. Based on this, president's legal deputy has carried out extensive investigations and measures for codifying this charter. It is expected that this charter be finalized until the end of the current year. It is further expected that by a collective obligation for the three powers and governmental organs, the grounds be prepared for executing it for citizens. The opinion expressed by the Rapporteur concerning a charter which has not yet been finalized, is not acceptable and needs to be corrected in the final report.

**Response to paragraph 9:**

\* This paragraph needs to be corrected considering the presented information: in the second cycle of the Universal Periodic Review, in the twentieth meeting of the UPR working group, the Islamic Republic of Iran participated with a constructive and all-embracing approach. It has received 291 recommendations during

interactive dialogues with countries and has announced its support for about 65 percent of the presented recommendations (has supported 189 recommendations fully or partially). Accepting a high percent of recommendations shows the attention of Iran to persistently upgrading human rights and its inclination to mutual communication and cooperation with others. Approving national reports of countries in the UPR mechanism means approving the carried out measures and progressions in the field of accepted recommendations; and unfair prejudgment by the draft report, stating that most obligations of the country regarding signed conventions have had no progress, is against the UPR mechanism as well as realities on the ground, such as the legal and practical upgrading of the Islamic Penal Code and the Code of Criminal Procedure, right of education and right of health, upgrading the rights of women and children and some other cases which the Rapporteur has personally acknowledged in his reports and welcomed as well by the international reports.

**Response to paragraph 10:**

Granted that the UPR mechanism is a voluntary one, countries are free in accepting its recommendations and they are definitely obligated regarding the accepted recommendations. The Islamic Republic of Iran's principled position regarding capital punishment has frequently been reflected in the official statements by the country and will again be addressed later in this response.

Located in neighborhood to the biggest producer of traditional narcotics in the world, our country has given a strategic importance to planning for confronting drug trafficking as a result of which effective measures have been taken to fight against drugs. In this path, many spiritual and material costs have been imposed upon Iran, among them we can refer to martyrdom of more than 4000 people and disability of 12 thousand military and police personnel. Also millions of dollars have been spent annually (for instance 700 million dollars to block the eastern border) to confront smuggling networks and the transit of narcotics and also to prevent, cure and rehabilitate drug addicts. According to statistics released by the "United Nations Office on Drugs and Crimes" (UNODC) more than 80 percent of narcotic discoveries in the world take place in the Islamic Republic of Iran.

According to numerous reports by UNODC and its executive director as well as statements of the Deputy Secretary General, the result of this issue is that Iran has been introduced as the leader of the universal crusade against narcotics.

Iran stands in the front line of fights against drug trafficking and has made major investments in order to prevent their transit to other countries, in addition to making appropriate cooperation with the UN and other countries in playing its own role in preventing drug smuggling. The I.R. of Iran is confronting this issue with all its facilities, such that the amount of narcotics discovered in Iran is higher than in any other country in the world. Confronting drug smuggling has imposed huge costs on Iran, including in the area of human resources, and sometimes, because of a lack of responsible cooperation from other countries, issues such as taking police forces hostage by terrorists related to smugglers have occurred. Moreover, there is no doubt that in our surrounding region, there is an integral link between extremism and terrorism on the one hand and drug trafficking and organized crimes on the other. Therefore, it is necessary that all countries and relevant international institutions make a serious and responsible contribution in this regard. Besides, the Iranian parliament is considering new ways to deal with drug smuggling and to punish the related offences. In case if these be approved and if international contributions are attracted, there will be the possibility for a better confrontation.

Unfortunately, notwithstanding the progressions of Iran in the past few years, particularly in 2016 when after the reduction of international sanctions, the Government took extensive measures to improve welfare and living conditions, reduce inflation, upgrade public health, clarify economic activities, advance civil society and social activities and to utilize new laws including the new Islamic Penal Code and the Code of Criminal Procedure, the Rapporteur, repeated clichés and unfounded claims and false interpretations have been used to introduce the condition of human rights in Iran, which have truly reduced the value of the report.

In the Islamic Republic of Iran's regulations, capital punishment has been determined only for the most serious offences. Heaviest offences, including extensive drug trafficking, are considered in courts with a particular precision, in the presence of the prosecutor's representative, the defendant and his or her attorney. Verdict is issued after holding the required sessions and after a fair trial.

The formality of hearings in such crimes, require the presence of attorney. A hearing that is held without the presence of attorney lacks any legal effect and the decision taken and the verdict issued can be overturned by the Supreme Court. The legislature, in article 32 of the law for amending the Law on Combating Drugs, ratified in 1997, has ordained that: capital punishments issued based on this law shall be recognized as definite and enforceable after being confirmed by the head of the Supreme Court or the country's Prosecutor General. Moreover, it has upgraded the precision regarding these punishments so far so that if any of the abovementioned officials recognize the verdict contrary to religious and legal regulations, he will have the right to review and overturn it. The result of this is complete observance of the rights of the defendant. Therefore, the claim regarding non-observance of the mentioned criteria in considering cases related to drug crimes is baseless and must be corrected.

Moreover, given that the number of victims of drug trafficking crimes is higher than one individual, the legislature has considered it as a serious and important crime in the country's internal regulations. Considering the lawfulness of capital punishment and its impact on reducing crimes and particularly on preventing drug trafficking from turning into a high-income, low-risk job; ceasing to follow recommendations for a moratorium on capital punishment is considered as a measure for defending people's security, happiness and health in the present situation. Also, countries pay attention to the general comment by the Human Rights Committee regarding the definition of serious offences or to comments of some international officials in this regard. They are seeking a way for a serious fight against the forbidding phenomenon of drug trafficking and its deep adverse effects. The determination of numerous countries to continue execution of capital punishment for serious drug smugglers and to count drug smuggling as a grave crime shows the absence of an effective substitute for this punishment and its (highly) deterring effect that prevents drug smuggling from turning into a legal and high income profession which was addressed in previous paragraphs.

Lawmakers have previously ratified the anti-drug law in November 8, 1998 and later made amendment which was approved on July 31, 2010 in which capital punishment was selected for charges related to drug smuggling as specified in the relevant article. If the judge finds the accusation to be in line with the mentioned legal explanations, the verdict must be documented and supported by the relevant



article. Once the preliminary verdict is issued, it becomes final and must enter into force on a case by case basis after the approval of the head of Supreme Court or Attorney General or by considering the new law of Criminal Procedure Code upon confirmation of Supreme Court. Regarding implementation of the verdict it shall be noted that requests for retrial will enable the Supreme Court to request a parallel court (to the original court which issued the verdict) to review the appeal, subject to compliance of the request with one of the items specified in article 474 of Law of Criminal Procedure Code, which sometimes leads into commute or change the punishments. Moreover, lawmakers have improved the accuracy of such verdicts to a point where if a verdict is found in contradiction with legal and religious codes by the aforementioned authorities, such authorities have the right to appeal or to veto the verdict, resulting in comprehensive realization of the rights of suspects. Furthermore, the new law of Criminal Procedure Code has launched a two-step evaluation system in drug related crimes, requiring dossiers with capital punishment outcome to be appealed and reevaluated at the Supreme Court. Additionally, after the verdict is ratified and during implementation phase, the convicted or his/her father, mother, spouse, or children may request for amnesty, which have resulted positively in many cases.

Relativity of the deterring effect of punishments is obvious and is confirmed by different legal scholars and criminologists. If punishments were absolutely deterrent, commission of crimes should not have continued. There is the question as to whether long-term prison has an absolute deterrence on crimes in Western countries?! As it was said, the Iranian parliament is considering new methods for fighting narcotic trafficking and for punishing drug-related offences. If these be ratified and if the international cooperation be attracted, there will be the possibility for a better confrontation and for reducing the use of the most severe punishment for a considerable number of perpetrators of these crimes. Until conclusion and finalization of new laws, no moratorium has been accepted by I.R. of Iran; rather, some non-major drug trafficking convicts have met with forgiveness and commutation because of enforcing compassion.

### **Response to paragraph 11:**

Given the lawfulness of capital punishment in Iran and multi-staged hearings which follow the principles of justice, so far, no information has been received,

from any of the international authorities, regarding non-observance of legal standards for certain individuals in considering drug-related offences which have led to the issuance of death penalty; and this is only a baseless claim. Also considering the more than 50 percent decrease in implementation of capital punishment during the first six months of 2016, excessive focus on and reiteration of the claim, in paragraph 11, regarding increased use of capital punishment in Iran, and reliance on estimates in this regard, without paying due attention to the reasons and threats created and to Iran's special situation, particularly from the aspect of the astonishing increase in the production of narcotics in countries to the east of Iran, reduce the degree of reliability of this report. Based on official statistics available in 2015, more than eighty percent of capital punishments were implemented for drug-related offences. It is required that the estimated and false statistics in paragraph 11 be corrected.

**Response to paragraph 12:**

As it is mentioned in the draft, no stoning punishment has been carried out in 2016. According to religious teachings in Muslim countries, having sexual relationship outside marriage is condemned and has been considered illegal by the legislature. In case of crime perpetration, appropriate punishment will be determined by the court based on laws. Therefore, due to provisions of morality and also mental health, formation of the family is recommended and put in the law. This norm is more advanced than free and unrestricted status of sexual relationship in many non-Muslim communities. Moreover, to secure familial commitments in the form of the legal bond of marriage, not only it will protect the health of generations and moralities of the society but also it can prevent related crimes. As observed in Ms. Khaleqi's case, sexual relationship outside marriage generated the intentions for murder.

\* It must be noted that Islamic punishments have been precisely codified in Iran's Penal Code and have no ambiguity and are implemented with the same precision in practice. As it is observable in Ms. Khaleqi's case, the judge has ascertained about realization of criminal act deserving of flogging, and has issued verdict. Pursuant to this, the verdict has been confirmed by higher judicial authorities. According to Zanjan Province Court, Ms. Fariba Khaleqi, daughter of Ismaeil, has been convicted to stoning on charge of adultery while married and having illegitimate

relationship with her husband's murderer, and to pay blood money to the victim's family on charge of illegal abortion. It is worth mentioning that investigation of the case was performed in the presence of 5 judges in the Criminal Court of the Province and enough attention was paid to defenses of the accused and her appointed lawyer (Mr. Mohammad Norouzi). Due to the lawyer's objection, the case was referred to the Supreme Court, which approved the original judgment.

Execution of the issued verdict has been suspended for the present and its implementation depends on the consent of the head of the Judiciary (although the sentence of retribution for the murderer guy is definite). Considering the nature of this file, there is a possibility for converting the sentence of stoning to other alternative sentences and in the event if the head of the Judiciary decides that the sentence is not compatible with the civic and Islamic laws, reopening the case will be possible. Therefore, it is observed that Ms. Khaleqi's file has not been put to execution yet.

\*It is evident that, as it was observed, the judicial system has investigated this case with due precision. Also, any hasty action has been avoided and the sentence has not yet become implementable. Furthermore, the file of Gilan and Fariba Khaleqi shows that the sentence for stoning is issued in very rare cases and with great precision, because of its deterring effects.

**Response to paragraph 13:**

P13 has been repeated

**Response to paragraph 14:**

\*The new Islamic Penal Code has been ratified in 2013 with the aim of amending and reviewing regulations of the previous Code. Codifiers of the new Code have considered the criticisms and suggestions of lawyers about provisions of the previous Code. Generally, this Code is more comprehensive than the previous one in nature and content. Issues such as commutation, suspension of prosecution, postponement of issuing verdicts and enforcing substitute prison punishments, issuing verdicts for conditional release, forgiveness, protection of children and juveniles and the issue of Criminal responsibility of legal persons, have been considered in this law.

In line with its persistent policy for upgrading human rights and realization of justice, the Islamic Republic of Iran has carried out many measures which has recently been accompanied by amending some laws and procedures which have been acknowledged in paragraph 2 of the draft. It must be noted that the new Criminal Code of Procedure and Islamic Penal Code have been ratified with the aim of reviewing and amending regulations of previous laws and have taken into account international obligations of the country. Codifiers of the new laws have considered the criticisms and suggestions of lawyers about provisions of previous laws.

Generally, these laws are more comprehensive than previous ones in nature and form. Issues such as commutation, suspension of prosecution, postponement of issuing verdicts and enforcing substitute prison punishments, issuing verdicts for conditional release, forgiveness, protection of children and juveniles and the issue of Criminal responsibility of legal persons, have been considered in the new Islamic Penal Code. The new Code of Criminal Procedure was ratified in 2013 to further facilitate the process of litigation and has come into effect since 22<sup>nd</sup> June 2015. Of the innovations of this law according to article 66, is recognizing the presence of non-governmental human rights organizations (NGOs), considering their constitutions, in stages of Criminal Proceedings. Since the mentioned regulations and supports provided in them are executed equally for all individuals, regardless of the type of charge, the claim that they are not executed for those who are prosecuted for charge of acting against national security is rejected. Granted that capital punishment is a legal punishment and is determined only for major crimes after completing comprehensive legal stages in the Islamic Republic of Iran, the report's confirmation of the progressions in this regard is noticeable.

**Response to paragraph 15:**

\*In I.R. of Iran, stages of legal proceedings for crimes, particularly important crimes, are carried out with great precision. Regarding Mr. Rashid Kuhi, it is announced that according to the pronouncement by Gilan Province Court, the aforesaid, son of Muhammad, has been sentenced to capital punishment by the Revolutionary Court of Rudbar city, based on indictment number 9009971321800636 dated 1<sup>st</sup> February 2012, for crime of carrying 800 grams of methamphetamine narcotics (which is a considerable amount), with Ms. Masume

Asghari as his court-appointed lawyer. The issued verdict was confirmed after being investigated in the Supreme Court. It is noteworthy that the issued verdict was brought up in the central Commission of Forgiveness of the Judiciary after requesting for forgiveness twice. After investigating the request, since the case did not possess the conditions, it was rejected and was announced to the unit of executing verdicts. The verdict was executed on 9<sup>th</sup> April 2016 in the central prison of Rasht. It is observed that the allegation in this paragraph which states that legal stages were not completed for this file or that the aforesaid did not have an attorney, is false and needs to be corrected in the final report.

\*Stating that a state-appointed lawyer was used for Rashid Kuhi is incomprehensible and false. Evidently, when a convict does not have the financial ability to appoint a lawyer, based on law, the court appoints a lawyer from the lawyers who have been introduced by the Lawyers' Association for assistance and this lawyer will perform his/her duties according to law. It is required that this part of paragraph 15 be corrected.

#### **Response to paragraph 16:**

Relativity of the deterring effect of punishments is obvious and is confirmed by different legal scholars and criminologists. If punishments were absolutely deterrent, commission of crimes should not have continued. There is the question as to whether long-term prison has an absolute deterrence on crimes in Western countries?! In democratic countries it is natural that officials, thinkers, judges and the civil society express opinions about upgrading laws. As it was stated in the report, the Iranian parliament is considering new methods for fighting narcotic trafficking and for punishing drug-related offences. As it was said, until conclusion and finalization of new laws, no moratorium has been accepted by I.R. of Iran; rather, some non-major drug trafficking convicts have met with forgiveness and commutation because of enforcing compassion.

#### **Response to paragraph 17:**

\*Regarding cases related to executing capital punishment for under-18-year-old offenders, it should be brought to attention that the Islamic Republic of Iran, with due attention to Islamic and humane considerations, is very lenient with these offenders. The necessity of considering their cases in courts of special jurisdiction

and also the use of substitute, minimum and light punishments can be mentioned as examples. Only regarding intentional murder, under-18 offenders are put on trial in the “province’s criminal court number 1” with the presence of 3 judges. According to the Islamic law and the country’s Penal Code, the offence of deliberate murder deserves retribution. In such cases, the duty of government is to ascertain that the murder has been intentional, and implementation of the verdict is possible only according to request of the avengers of blood. Based on existing procedures, even after finalizing court verdicts and confirming them in the Supreme Court, the reconciliation commission makes extensive efforts to obtain the consent of avengers of blood and convert retribution to blood money. Thus, during the past few years, a considerable number of offenders have been released from the punishment of retribution. The Islamic Republic of Iran’s fundamental policy is to encourage reconciliation, even through providing cash assistance to help realize the payment of blood money. This is the prevailing procedure and method for dealing with this group of offenders. Of the measures taken by the Judiciary, is the creation of the “prevention of life deprivation punishment” working group. This working group is a subset of the executive committee of defending the rights of children and juveniles in the Supreme Court of Tehran province which has now extended to all provinces of the country. The aim of this group is to bring about reconciliation and peace and prevent the implementation of retribution. Even during the proceedings, this group can try to bring about peace and reconciliation and to obtain the consent of the avengers of blood.

Under articles 88 and 89 of the Islamic Penal Code, regarding criminal penalties (lesser than death penalty) for those criminals who are between 9 to 15 years of age, the court has predicted one of the five lenient decisions specified in these articles. In practice, the penalties have been converted to protective and correctional measures. In article 89, regarding those aged between 15 to 18, criminal penalties (lesser than death penalty) have been leniently reduced and converted to light punishments such as being kept in houses of correction or to light imprisonments or to pecuniary punishments. Even under article 91 of this law “in crimes leading to flogging or retribution, whenever under-18 adults be unable to comprehend the nature of the committed offence or its unlawfulness, or if there be a doubt in the maturity of their intellect, according to their case and considering their age, they will be sentenced to punishments specified in this chapter”. These

measures are new changes in Iran's judicial system for observing the highest compassion and for the realization of justice regarding under-18 offenders. These measures have considered the supreme interests of the country and the special requirements existing in different sections and the customs of different ethnic groups. The Rapporteur has admitted these facts in paragraph 19.

Despite the allegation brought up in the draft report, the criterion considered for courts to determine the mental capacity of juveniles is not heterogeneous; since whenever an under-18 adult is unable to comprehend the nature of the committed offence or its unlawfulness, or if there is a doubt in the maturity of his/her intellect, the court will inquire idea of the coroner for recognition (article 91 and its note).

\* Given the activity of the reconciliation commission and that files are not final, it is required that providing estimated and unapproved statistics and negative propaganda regarding executing these offenders be avoided in the report.

By referring to responses of previous paragraphs where the method of dealing with offenses of juveniles was comprehensively stated, it must be noted that: although criminal responsibility of boys and girls is different because of the difference in their maturation age, since the elements of physical and intellectual growth have both been considered by lawmakers in inclusiveness of verdicts, in cases of major offences, never has a severe punishment been reported for under 15 individuals of either gender. Moreover, in practice, in the very few cases where the mentioned individuals have committed murder which has resulted in retribution, it is observed that the perpetrator has been an over 16 adult (with the conditions stated in previous paragraphs, where the reconciliation commission failed to attain the consent of avengers of blood). Therefore, the perpetrator was legally punished based on the insistence of avengers of blood. In all cases, the person has been over 18 on execution of the punishment.

\*It is surprising that the 2016 report still insists on mentioning unapproved statistics of 2015; while it could have referred to the impressive decrease in execution of the aforesaid punishment for under-18 adults in 2016.

### **Response to paragraphs 18 and 19:**

As a result of the serious efforts of the Judicial system to reduce issuing and executing capital punishment for under-18 adults, for an equal treatment with all of these accused individuals, even those who have committed a crime before ratification of the above law will be treated based on verdict number 737 issued by the Supreme Court on 2<sup>nd</sup> December 2014 according to unique procedure, and the courts are obliged to implement that. This verdict states that:

“If those sentenced to blood vengeance who were below 18 years of age when they committed the crime and whose definite sentences have been issued before the Islamic Penal Code, ratified on 21<sup>st</sup> April 2013, became mandatory, claim to be included in the conditions specified in article 91 of this law, according to paragraph 7 of article 272 of the above mentioned procedural law, they can ask for a new trial; since changing the punishment in the manner mentioned in this article ultimately leads to a reduction in punishment and to determining a more favorable punishment for the defendant”. Therefore, due to the efforts made, a considerable number of convicts of this age group have received lighter punishments or forgiveness (by avengers of blood) and contrary to the mentioned claim, the rate of implementing their punishments has reduced in 2016.

### **Response to paragraph 20:**

\*Due to time constraints, it is not possible to respond to this paragraph.

### **Response to paragraph 21:**

Based on the announcement by Fars Province Court, implementing retribution for the aforementioned has been suspended by order of the honored head of the Judiciary. The issued verdict has been passed based on extensive investigations and confessions which revealed the reality in stages of proceeding. The aforesaid has had an attorney. Moreover, fair and transparent trial has been completed for the aforementioned.

Based on the pronouncement on 13<sup>th</sup> August 2016 by Fars Province Court, the orders were announced to prosecutor of Kazeron to consider article 91. The response will be later announced as soon as the reply is received. Therefore, the



claim stating that article 91 has not been implemented because of the financial poverty of the convicted person has no reality and needs to be corrected.

**Response to paragraph 22:**

\*As regards with the convict, Mr. Alireza Tajiki, son of Rajabali, it is brought to attention that based on the pronouncement by Fars province Court “following the order by the chief executive officer of the Department of Justice of this province for investigating this issue, the honored public and revolutionary prosecutor of Shiraz issued the order for suspending verdict of retribution until further notice. Required measures were performed, including inquiring from forensic medicine to determine the real age of the convict when committing the crime. Response to the inquiry signifies the intellectual growth and perfection of the convict when committing the crime. Moreover, on 14<sup>th</sup> April 2014, the Supreme Court has overturned judgments number 9209977120700007 and 9209977120700170 by branch 4 of the Criminal Court of Fars province, for failing to observe article 91 of the Islamic Penal Code and returned the file for retrial to the mentioned branch. After convening and inquiring the accused and the idea of forensic medicine experts, and after ascertaining that he had sound intellect and understanding about unlawfulness of the committed acts and their punishment, branch 4 of Criminal Court of Fars province issued the order of retaliation and capital punishment for the convict, on the basis of judgment number 9309977120700165. After approving the aforementioned judgment by branch 11 of the Supreme Court and asking for permission from the honored head of the judiciary, the file was sent to Shiraz Unit for executing criminal sentences to try to make reconciliation. However, given the act of the convict toward the murdered (sodomy and slaughter and dropping the body into a well), avengers of blood are not willing to accept reconciliation and insist upon execution of the verdict.

\*About the allegation that knowledge of the judge has been the basis of the verdict and that there were no legal documents, it must be said:

The reasons for legally proving deliberate murder and punishment for forced sodomy are not limited to testimony of witnesses. Based on law (articles 211 to 213 of the Islamic Penal Code), the judge can issue verdict on the basis of circumstantial and manifest evidences and also using his certain knowledge.

Article 211 is cited below to clarify the ways in which the judge can acquire knowledge:

According to article 211: Knowledge of the judge is defined as a certainty resulting from manifest evidence in a matter brought before him. In cases where a judgment is based on the knowledge of the judge, he is responsible to explicitly mention in the verdict the manifest circumstantial evidence on which his knowledge is based.

Note: instances including expert's opinion, inspection of the place, on-site inquiries, remarks by informed people, reports by bailiffs and other circumstantial evidence which give knowledge can be evidence for the knowledge of the judge. Nonetheless, mere presumptive knowledge, which cannot bring certainty for the judge, cannot provide the grounds for issuing a verdict.

\*In this file, the judge reached conclusion and issued verdict based on law, according to statements and confessions of the accused (when reconstructing the crime scene in the prosecutor's office, where there is no possibility for exerting pressure for confession) and other informed people, defenses of the accused and the defense attorney and other circumstantial evidences (revelation of the place where the knife with which he had killed the murdered or the well into which he had dropped the murdered). Therefore, contrary to the claims brought up in this paragraph, first, the sentence has been passed after completing legal formalities and hearing defenses of the accused and the private attorneys (Seyyed Husein Ahmadi and Shahin Kiyani) and the process of a fair trial has been completely observed for him. Second, stages of legal proceedings have been carried out based on internal laws, including effective access to private attorneys of the accused. Third, commission of murder and the legal punishment for forced sodomy have been proved according to law (articles 211 and 213 of the Islamic Penal Code) and based on manifest circumstantial evidence. Fourth, at the present, the sentence is suspended and efforts are being made to obtain the consent of the avengers of blood, and as it was said, executing it depends on persistence of the avengers of blood for performing retribution, if they refuse to forgive.

### **Response to paragraph 23:**

\*The Islamic Republic of Iran gives a great importance to upgrading the rights of the child. For this reason, additional to numerous national innovations, it has joined

the International Convention on the Rights of the Child and its Second Optional Protocol. In order to implement the convention, it has established the National Committee on the Rights of the Child. Also, in accordance with the mentioned Convention, so far it has submitted three periodic reports to the relevant supervisory committee. Like many other Islamic countries, due to its religious teachings and culture, Iran has joined this convention by applying the general protection and cannot support its opposing requests. Moreover, countries are free to accept international conventions conditionally or through presenting reservations, based on their laws, and principles and foundations of their values. This is what some Islamic countries, including I.R. of Iran, have done about the Convention on the Rights of the Child, which shows a lack of consensus on identifying and distinguishing the ages of children and juveniles, which needs to be noticed.

**Response to paragraph 24:**

First, interpreting Islamic punishments as torture is wrong and purposeful. It must be noticed that according to principle 38 of the Constitution, in the Islamic Republic of Iran, any type of torture is forbidden and according to articles 570, 578, 579 and 587 of Iran's Penal Code and the paragraphs of the single article of the law on respecting legitimate freedoms and protecting the rights of citizens, those who commit torture or other misbehaviors, will be subject to a heavy punishment. Moreover, in order to control the proper enforcement of this law, in accordance with paragraph 15 of the executive directive, the Central Supervisory Board, in cooperation with provincial Supervisory boards, carries out the required inspections and takes the required legal action against any offence or commission of crime in this regard.

In the same line, in the past four years (2012-2016), 38557 inspections have been carried out of several thousand prisons and Police and judicial bodies all over the country. Also 11093 complaints and reports have been received from provincial boards and the central supervisory board for protecting the rights of citizens' system for taking people's reports, which have been considered. From this total, only 4332 cases were about the law on respecting legitimate freedoms and protecting the rights of citizens regarding which the central board and the provincial boards have taken the required measures based on the executive

directive of the mentioned law. In the end, these have led to 622 cases of warning to judicial personnel and 385 cases of warning to administrative personnel. Also 128 cases were referred to the Disciplinary Court of Judges and 116 were referred to judicial bodies. In the total of inspections that were carried out, 511 people were encouraged by provincial boards for their precision in carrying out their assigned duties and for observing the rights of citizens. It is reminded that from the total of 4332 received reports and complains (including from inspections and the received complaints) which were investigated, only a small percentage included traceable cases of violating rights of citizens, regarding which required measures were taken. In accordance with paragraph B of article 9, articles 10, 14 to 17, article 39 and paragraph C of article 68, in case if a complainant claims to have received harm because of an offence, after considering the claim, and if it is proved, the court will order that the material and spiritual harms be compensated for. From the other side, relativity of the deterring effect of punishments is obvious and is confirmed by different legal scholars and criminologists. By accepting the relativity of the deterring effect of punishments, Islamic jurists too, have carried out comprehensive researches whose result was that Islamic punishments are more effective and humane than the irregular utilization of imprisonment. These researches are available. Considering the presented information, it is required that this part of the draft report be omitted.

\*Using the punishment of flogging has been considered in Islamic laws to prevent the commission of similar crimes and to reduce the use of imprisonment which has huge social, ethical and economic consequences. This punishment does not conform to its western interpretation which defines it as a degrading punishment.

\*Islamic punishments are effective and deterrent ones which have been dealt with in Iran's laws. However, relativity of the deterring effect of punishments is obvious and is confirmed by different legal scholars and criminologists. Also, the corporeal punishments provided in the Islamic Republic of Iran's law are lawful and do not stand in contrast to Iran's obligations under paragraph 7 of the International Covenant on Civil and Political Rights.

\*Besides rejecting the baseless claim about a shortage in availability of essential treatments for prisoners, it is brought to attention that:

Using medical facilities inside and outside of prison, is such that according to article 102 of the executive by-law of the organization of prisons, the health unit of the institution or prison is bound to conduct medical tests for all convicts at least once in every month. Article 103 of the mentioned by-law, explicitly states that measures must be taken to provide all the medical and health needs of sick inmates inside the prison or rehabilitation institute. Moreover, in cases of necessity, it is possible for the convict to leave prison for treatment with the approval of relevant officials. Based on the contents of article 104 of the mentioned by-law, prison is to pay for treatment of those illnesses that require the prisoner to be sent out of jail. This is meticulously observed for all prisoners. Article 105 of the same by-law explicitly states that all places within jails, and even the related sites such as vocational training halls, must be disinfected at least once in every month, or much earlier if required in some cases. Also according to article 112 of the executive by-law of the organization of prisons and the protective and corrective measures of the country, whenever a newcomer convict has a prescription or medicine with him/herself, it will be taken and given to the health unit of the prison so that, at the doctor's discretion, he/she would be given medications. Whenever the medicine is vital, it must be instantly given to him/her, after the doctor conducts examination and prescribes it.

**Response to paragraph 25:**

\*The official policy of I.R. of Iran, in compliance with the Constitution and Islamic law, is to promote and develop public morality and to prevent the expansion of immorality, particularly organized immorality, and creation of prostitution associations. With regard to arresting 35 people (girls and boys) and executing their sentences, it is notified that: according to contents of file number 9509982812400058 (archive number 950182) in branch number 101 of the second Criminal Court of Qazvin city, considering the report via phone on 11th May 2016 by the Morality Police of the Commander's office of Qazvin province to the honored on-duty examining magistrate, announcing that about 40 men and women who had no marital relationship had gathered in a villa on the outskirts of Qazvin, and drank wine and danced and made noise which was a nuisance for neighbors, the on-duty examining magistrate ordered that by observing religious, legal and

conventional criteria, they shall enter the place and collect the tools and means of offence and then arrest the accused and introduce them to the detention center. In accordance with the final report on 12<sup>th</sup> May 2016, all the accused have been arrested and introduced to the detention center and their vehicles have been transferred to the car park. The file for charge of illegitimate relationship of the accused was separated and referred to Criminal Court number two of Qazvin. On the same 12th May 2016 date, the relevant judge, attended Morality Police of the commander's office of Qazvin province and enquired all the accused. Pursuant to this and after hearing final defenses, the honored judge, announced closure of proceedings based on judgment number 9509972812400241 and sentenced 35 people to 99 discretionary lashes for illegitimate relationship. Regarding one of these people who was under full 18 years, the warrant for lack of competence of court was issued and referred to Children and Youth Court of Qazvin.

**Response to Paragraph 26:**

Contrary to the claims stated in this paragraph, implementation of flogging punishment for the workers due to union-wide protest is a lie. Based on received information, on December 27, 2014 a few members of AghDareh village invited general public through loudspeakers to gather in front of the mine; therefore, some people along with several seasonal workers, who would be laid off from beginning of winter season until beginning of spring season based on normal procedures of the factory, gathered at the entrance of AghDareh gold mine starting from 7am. By blocking the entrance of the mine, night shift workers were unable to leave while morning shift workers were unable to enter the mine; moreover, the guard was not allowed to leave after finishing his work shift and was forced to stay in the guardhouse. The gathering was reported to authorities such as the prosecutor, governor, police, labor department and mayor who dispatched representatives to negotiate with protestors and invited them to undertake peaceful measures by following up the case through defined legal channels such as the Employment and Administrative Justice departments. Therefore, some protestors left the scene by such negotiations while several protestors decided to remain and provoked others to keep protesting by blocking the mine entrance for up to ten hours. During this event, several protesters assaulted the guard through rushing into the guardhouse, insulting and threatening him to death, tearing his cloths apart and destroyed the

company boards. Finally the protest came to an end at 16:30 through the interference of law enforcements.

On December 30, 2014, Mr. Yadolah Rashidi, the company's guard personnel, filed a lawsuit against 8 persons for unlawful detention, assault and beating, destruction of clothes, insults and death threats. Furthermore, the mine company of Pooya Zarkan Agh Dareh filed a lawsuit against some villagers and workers, a total of 12 persons, for forceful entry, destruction, blocking the way of personnel and prevention of business. The case was referred to the first branch of prosecutor's office, the evidences were provided by the representative of the prosecutor who was present at the protest, the hearing was conducted by prosecution handler, information was inquired from witnesses present at the place, and the suspects were informed of accused charges. As a result, suspects were found guilty for the charges of prevention of business, destroying the company announcement board, insult, threat, destroying cloths and unlawful detention of mine workers, while due to nonappearance of the complainant to the Forensics, the accused persons were cleared from the charges of forceful entrance, assault and beating.

Upon issuance of indictment, dossier was investigated in criminal branch 101 and statements from complainants, defendants and witnesses were obtained, and thus issued conviction and sentence. Through expressing remorse, complainant company consented to forgive the accused persons, dossier was reevaluated in branch 10 of Tehran appeals court and by considering the consensus, relevant discounts to the charges were given in accordance with court's provisions. Therefore, 9 convicts as Mr. Mansour Bahari and Mr. Fateh Rahimi (each sentenced to 50 lashes), Mr. Abed Rahmani, Mr. Khalil A'zami, Mr. Mohammad Khosravi, Mr. Abbas Azar, Mr. Nabiollah Rahimi, Mr. Vahed Khosravi and Mr. Yusof Kavousi (each sentenced to 30 lashes) in a non-public place for the charges of preventing others from conducting business. They received their punishments while imprisonment sentence was pardoned by the supreme leader. Therefore, it can be seen that:

Implementation of flogging punishment for 17 workers in public is a lie, and only 9 persons received discretionary flogging punishment in non-public place;

The gathering in front of the mine did not include workers only, but some members of the village gathered there and prevented mine workers and personnel from entering and exiting the mine. The protestors refused to end their illegal protest despite many negotiations and caused destructions as mentioned above;

The convicts continued to stay in place and prevented others to perform their tasks, despite ten hours of negotiations with authorities and even after several people decided to quit the protests, and committed illegal actions such as unlawful detention of people, destroying the belongings of company and other workers;

The verdicts were issued based on received lawsuits, and not because of the protests;

The pardoning of sentences show implementation of generosity towards offending workers.

### **Response to paragraphs 27 and 28:**

According to the indictment issued by branch 36 of the Court of Appeals of Tehran province the sentence of Mr. Ehsan Mazandarani, son of Muhammad Ja'far, was reduced to two years, instead of five years, for charge of acting against security of the country; because he had no Criminal records. Also for propaganda against the system of the Islamic Republic of Iran, he was sentenced to one year of imprisonment. Through enforcing article 134 of the Islamic Penal Code, only the severest punishment, i.e. the sentence for gathering and colluding to act against national security, that is two years of prison, is implementable. The convicted person has been in jail since 3<sup>rd</sup> November 2015.

His cabin and face-to-face meetings with his family occur on a weekly basis.

According to forensic medicine experts, he has no heart disease and based on their idea, he has the ability to endure prison punishment. He has twice been dispatched to and hospitalized in the hospital that he had determined for treatment. He has once been sent on a furlough from 5th July 2016 to 9th July 2016, for a period of four days. As it is observed, much legal compassion has been exercised regarding him and the rest of the claims mentioned in this paragraph are false and need to be deleted.



\*Ms. Afarin Chitsaz, was sentenced to 10 years of imprisonment based on the indictment dated 19th September 2015, issued by Tehran Court, for charge of cooperating with hostile governments. Subsequently, her file was brought up in Tehran's Appeals Court and after considering it, based on the judgment dated 6<sup>th</sup> September 2016, due to her special conditions and a lack of criminal record, her imprisonment was reduced to 2 years, instead of 10 years. She was also banned from performing journalism activities for two years. She has been in prison since 3rd November 2015. Her face-to-face and cabin meetings with her family continue on a weekly basis. She has twice been sent on furloughs; once, from 5th July 2016 to 9th August 2016, and another time from 10th August 2016 to 18th August 2016. She had requested for knee meniscus surgery and was introduced to the hospital that she had determined for the operation. In addition to one week of furlough, execution of her sentence was suspended for three weeks and she was out of jail. As it is observed, much legal compassion has been exercised for her and other claims in this paragraph are false and need to be omitted.

**Response to paragraph 29:**

The necessity of executing regulations of the by-law of organization of prisons and legal supervisions over its performance was explained in detail in previous paragraphs. The Rapporteur is expected to avoid writing undocumented information and using biased sources and to delete this paragraph from the report.

**Response to paragraph 30:**

This paragraph, too, lacks accurate information regarding Omid Kukabi. Considering the presented information, it needs to be deleted in the final report.

This is because Omid Kukabi's serious offenses of intelligence cooperation with the government of United States and spying have been meticulously investigated in a competent court based on strong evidence and via observing legal criteria which resulted in issuance of a verdict. Still however, much legal compassion has been exercised regarding him, such as granting him long periods of furlough out of jail for treatment of his illness. Also, with agreement of the prosecutor and via enforcing article 58 of the Islamic Penal Code ratified on 2013 (which in summary states that: the court issuing the verdict can issue the verdict for conditional release for those convicts who have been sentenced to more than ten years of prison after

serving half of the imprisonment, through suggestion of the prosecutor or the judge supervising implementation of verdicts and with observing the conditions stipulated in law) he has been subjected to conditional release and is free at the present.

**Response to paragraph 31:**

The claims written in this paragraph is baseless and considering the following information, it is required that they be deleted from the final report. According to the announcement by the department of justice of Kermanshah province, Ms. Zeynab Jalalian, born in Maku, known as Karnya, Sarnya, Sarya and Shahla, was sentenced to capital punishment based on the judgment made on 3rd December 2008 by the court of Kermanshah for the charges of 1- taking armed action against the system of the Islamic Republic of Iran 2- Membership in the PJAK terrorist group 3- Carrying and keeping unauthorized weapons and military equipment 4- Propaganda for groups opposing the system of the country; with due consideration that the 2nd, 3rd and 4th charges are the premises for the 1st charge regarding armed action against the system of the Islamic Republic of Iran. After the convicted person and her defense attorney made an appeal, the issued verdict was investigated in the Court of Appeals of Kermanshah province, and as a result, the court, under the judgment made on 6<sup>th</sup> May 2009, dismissed the appeal and confirmed the appealed judgment as it was. The convicted person also appealed for pardon from the province's Amnesty and Clemency Commission. Finally, based on the announcement made on 20th December 2011 by the Department of Justice of Kermanshah province, in the recent visit by the Supreme Leader to Kermanshah province, she received his compassion and forgiveness and her punishment was commuted. Also based on the announcement made on 1st October 2014 by the Department of Justice of Kermanshah province, she is bearing the punishment of imprisonment. Given that female offenders are kept in the house of correction of Kermanshah, she has enjoyed appropriate health and treatment facilities and the supports of social aid workers of the mentioned prison. It must be mentioned that in order to exercise greater kindness regarding her, pursuant to her request on 27<sup>th</sup> July 2014, she was moved to the prison of Khoy city (near her family) on 22<sup>nd</sup> November 2014. Considering the nature of the file, and the extensive kindness exercised regarding her, the falseness of the rest of claims made in the draft is completely clear. Therefore, it is observed that despite her terrorist activities and

armed actions, she has been subjected to forgiveness and the claims stating that she has been sentenced to capital punishment and that she is being mistreated are wrong. Using force to obtain confession in such a file is absurd. Hence, this paragraph of the correspondence needs to be deleted.

**Response to paragraph 32:**

Rules and regulations governing prisons were explained in previous paragraphs in detail and the level of practical obligation to these regulations was described. These measures have started without taking effect from recommendations of others and have persistently continued. The information in this paragraph confirms the appropriate situations in prisons. It is observed that due to existence of political pressure over some Rapporteurs, they always refuse to acknowledge this.

**Response to paragraph 33:**

\*In line with its persistent policy for upgrading human rights and realization of justice, the Islamic Republic of Iran has carried out many measures which have recently been accompanied by amending some laws and procedures. It must be noted that the new Criminal Code of Procedure and Islamic Penal Code have been ratified with the aim of reviewing and amending regulations of previous laws and have taken into account international obligations of the country. Codifiers of the new laws have considered the criticisms and suggestions of lawyers about provisions of previous laws. Generally, these laws are more comprehensive than previous ones in nature and form. Issues such as commutation, suspension of prosecution, postponement of issuing verdicts and enforcing substitute prison punishments, issuing verdicts for conditional release, forgiveness, protection of children and juveniles and the issue of Criminal responsibility of legal persons, have been considered in the new Islamic Penal Code.

The new Code of Criminal Procedure was ratified in 2013 to further facilitate the process of litigation and has come into effect since 22<sup>nd</sup> June 2015. Of the innovations of this law according to article 66, is recognizing the presence of non-governmental human rights organizations (NGOs), considering their constitutions, in stages of Criminal Proceedings. The mentioned regulations and supports

provided in them are executed equally for all individuals, regardless of the type of charge. Granted that it is only a short time since this law has come into effect, different opinions have been expressed about its ability in upgrading rights of the accused and in administration of justice which can be discussed in their proper situation. It has also been amended once and it is pointless to comment hastily about this.

**Response to paragraph 34:**

It is required that until the finalization of the means of putting the law into effect, commenting about possible ambiguities be avoided. Therefore, this paragraphs needs to be corrected in the final report.

**Response to paragraph 35:**

\*The changes and legal measures for upgrading observance of rights of the accused when administering justice were mentioned in previous paragraphs. Also, additional to legal guarantees, using supervisory institutions within the organization of prisons and judicial organs (as was stated in paragraph 24) are elements that guarantee accurate implementation of provisions of laws. Writing general titles for allegations and avoiding the mention of instances in this paragraph, which is based on prejudgments, have made it practically impossible to respond to this paragraph. For instance, it is possible to refer to paragraphs 38 and 39, which explain the proper implementation of laws regarding the aforesaid people and hence to observe the falsity of claims made in this paragraph. Therefore, it is required that this paragraph be omitted in the final report.

**Response to paragraph 36:**

\*Due to time constraints, it was not possible to access full information of the judicial file of the aforesaid.

**Response to paragraph 37:**

\*Unfortunately, in this paragraph, instead of focusing on the illegal actions and committed offenses of the mentioned individuals, the draft has emphasized subsidiary issues, such as their dual or foreign nationality. Regarding ladies Zaghari and Hudfar, comprehensive information has been provided in paragraphs

38 and 39. Also about the next three people who were all arrested for charge of acting against national security, based on received information, it is announced that: Mr. Siyamak Namazi has an attorney and the time for investigating his file in the court has been determined for October. Reza Shahini has an attorney, his trial has convened and the court is investigating the issue. Mr. Nezar Zaka has attorney as well. His trial was held on 36th August 2016 and is in the stage of issuing verdict. As it is observed, these people have violated the law and their charges are being properly investigated according to legal criteria, and final judgments have not been issued yet.

### **Response to Paragraph 38:**

According to the received information, Ms. Nazanin Zaghari was arrested after finding documented evidence for her attempts against national security in Kerman city, followed by orders of judicial authorities and after dispatching to Kerman (the place where crime was discovered) investigations regarding her mentioned accusations was initiated. According to state rules, Ms. Zaghari is considered as an Iranian and her additional citizenship is not recognized. Ms. Zaghari during her detention was in a suite in Kerman prison and had access to phone calls and met her family frequently.

Since her two-year old child was in Tehran under the care of relatives, due to humane reasons, Ms. Zaghari was transferred to Tehran where she was provided with daily meeting with her child; also, she was in perfect health condition. Since Ms. Zaghari's child had entered Iran using British Passport, access to her was available to the British Consulate while the child was kept by close relatives (grandparents) from the beginning.

Upon request, Ms. Zaghari's husband will receive latest information about her dossier, legally and officially, by referring to the Consulate section of the Embassy of Islamic Republic of Iran. He can even travel to Iran. Furthermore, the claim of banning the child from leaving Iran is untruthful. Regarding the claim for not having access to lawyer, it is informed that the referenced person insisted to have her father-in-law as her lawyer while according to Iran's law, just like many other countries, official lawyer of an individual (if required) shall be selected by

referring to the country's Lawyers Association. Furthermore, by stating the final date of the court, Ms. Zaghari finally accepted the policy of selecting the lawyer and the court of her dossier was held on September 5, 2016. Other claims in this paragraph are untruthful and this paragraph shall be deleted in the final report.

**Response to Paragraph 39:**

According to received information, Ms. Homa Hoodfer, an Iranian professor in Canada, following documents regarding acting against national security, was summoned in 2015 and after preliminary review, was first released on bail, then following legal researches, more documentation about her charges was achieved that convinced the prosecutor to issue an arrest warrant again.

Judicial authorities have made maximum compassion to her because of her age and illness, and agreed to transfer arrest warrant to bail.

According to received information, she benefits from proper health and medical facilities and is under doctor's visit 3 times a day to observe all necessary precautions for her illness (Myasthenia Gravis) and uses drugs special to Autoimmune Neurological Disease and blood pressure (called Asneostigmine and Pyridostigmine) regularly.

Obviously, given the importance of her charges, investigation is carefully ongoing in the court. Subsequently, after the end of investigation, indictment will be presented by inserting subjects of charges.

In her release on bail, she had access to her relatives, as well as legal advice. Regarding the claim of her lack of access to a lawyer, it should be informed that she has an appointed lawyer (Mr. Hojjati) and based on the fact that she is now free on second bail, the claims is proved as false. Therefore, these claims shall be removed in the final report.

**Response to paragraph 40:**

Contrary to the claim, Mr. Arash Zad, was arrested for charge of acting against national security and pursuant to this, after completing investigations, he was introduced to the court. Given that he has an attorney and his file is in the stage of

determining a court date, it is pointless to comment about his file and this needs to be omitted from the final report.

**Response to paragraphs 41 to 43:**

\* The Islamic Republic of Iran has had a good performance in the field of freedom of press and dissemination of different views in the country. For instance: currently, 8500 publications have been registered in Iran. From this total, 214 are newspapers and 813 are weekly periodicals. More than 30 percent of Iran's publications are distributed locally (in the city, province or some neighboring provinces). From them, about 1000 publications are distributed in border regions (some of them in local languages or dialects). Guaranteeing the observance of rights of the press has been predicted in Press Law. The legislature has stipulated in article 4 that: "no governmental or non-governmental official has the right to exert pressure on the press to print a subject or article or to censor and control publications".

\*For proper implementation of principle 24 of the Constitution (freedom of expression), the legislature has determined punishment, in article 608 of the Islamic Penal Code, only for individuals who misuse freedom of expression and insult others. In Press Law, as well, freedom of speech and constructive criticism have been approved; provided that insulting, humiliating, destroying, libeling and violating public and private rights of individuals be avoided. It is noteworthy that the mentioned limitations are compatible with articles 18 and 19 of the International Covenant on Civil and Political Rights.

\* On the other hand, as it has been frequently stated before, in territory of the Islamic Republic of Iran, based on laws and in practice, no one is arrested without clear evidences for commission of crime. The numerous principles of the Constitution and relevant Criminal regulations, including the single article of the law on Citizenship Rights, show that arrests are done based on laws and with clear and specific judicial orders and without exercising any personal interests or misuse of power or exerting any form of violence. They follow principles of fair trial. Moreover, with due attention to the possibility of free activity for thousands of actors, musicians and authors, arresting and prosecuting a few violators must not be considered arbitrary and this needs to be corrected in the final report.

\*Contrary to the allegation written in paragraph 43, in order that the system may be lenient with those who violate rules in media and social arenas, much legal compassion is exercised. For example, in the law on political offenses, the issue of disturbing public opinions and informing has been prepared with compassion, and prospective offenders will be treated with greater toleration.

**Response to paragraph 44:**

\*The allegation that all concerts in the city of Mashhad have been canceled is false. Rather, according to the received information, statements of the honored leader of Friday Prayer have been misinterpreted. In any case, leader of Friday Prayer is a religious authority and like all other people, is free to express personal opinions. Efforts to upgrade legal freedoms for all are on the agenda. Moreover, comments of religious scholars are noticed and supported and respected by people in Iran and officials will consider their guiding and advising views. However, there is no obligation to do so.

**Response to paragraph 45:**

\*Countries have inherent competence to deal with organized immorality and crimes, and legitimate citizenship freedoms must not be misused by groups which destroy public morality. According to the announcement by center for investigating organized crimes of I.R. of Iran:

Pursuant to receiving a great number of complains and reports by different families from different cities of Iran which demanded that popular foreign communication and social services need to be morally refined, a great step was taken to relatively improve the atmosphere of these services for Iranian families, with the aim of making some offender social cites that produce immoral, vulgar and obscene contents unsafe.

This announcement declared the following as the main aims of carrying out Ankabut 2 project:

- Supporting family and the Islamic society;
- Defending national and Islamic identity;



- Refining and making healthy, those contents that are unhealthy for teenagers, young people and families;
- Preparing for a healthy utilization of internet opportunities.

\*Another step taken in this project, considering the deep understanding and systematic foreign plannings and the huge quantity of foreign budgets, was finding the main guidelines and the next judicial measures. To carry out investigations, information received from the public considerably assisted the experts of the center to study organized crimes. On this basis, 170 managers of the abovementioned pages (including 58 models, 51 managers of bride dress shops and clothes designers, 59 photographers and hairdressers and 2 fashion institutions) who had managed to seduce a great number of young people and had incurred moral harms were identified and their network of communications was discovered. From this total judicial filing was completed for 29 main managers and those connected with them. This led to arresting 8 people and summoning the rest. The places related to their crimes were also sealed with judicial order. Also noteworthy is the presence in and regular travels of some of the individuals of this file to neighboring and western countries.

\*The report published by the center for investigating organized crimes shows that the mentioned professional vulgar movement pursued the following aims:

- Promoting universal vulgarism via propagating professional modeling with the aim of normalizing immorality;
- Producing and propagating clothing that does not conform to conventions of Iranian society and semi-naked clothes in social sites;
- Producing attractions for young girls and boys to actively participate in this process with the tempting suggestion for earning money, fame, etc;
- Comprehensive media and advertisement supports from abroad for professional models to turn them into stars and encourage non-professionals to enter this cycle to increase the level at which advertised products are used.

This project has used the following means to achieve its goals:

- Some fashion and clothes designing institutes inside and outside of Iran;
- Some professional and semi-professional women's hairdressers;
- Some bride dress and women's clothes shops;
- Holding ceremonies appropriate for modeling, such as clothes shows and festivals for the meritorious Iranian ladies in different countries;
- Creating unlicensed and underground studios for producing music and vulgar clips;
- Propagating modeling and covering it fully in media by immoral satellite channels and some anti-culture news agencies.

\*Based on the mentioned report, the center for investigating organized crimes has managed to identify foreign communication bridges and managements of the internal movements of this project. In its efforts, the center has found a comprehensive collection of international relations of internal modeling activists with active institutions and non-governmental organizations with cultural covers on the international level. The ever-increasing worries of Iranian families which led to receiving thousands of letters and emails by this center, put this issue among the priorities of this center. In another section of this report, it is said that some of those who had been used as models in this project had judicial records.

Ms. Elham Arab's interview revealed the abovementioned methods. It was stated with an absolutely clear and free literature and the claim written in this paragraph is completely false and needs to be corrected.

\*Prosecuting the offenders in this file has been done according to law and with exercising necessary compassions.

\*Legal performance of I.R. of Iran's sections relevant to this issue conforms to paragraph 3 of article 19 of the Covenant which states: Implementing freedoms stipulated in this article can be restricted by law under certain conditions, in order

to respect rights and dignity of others or to protect national security or public morality and order and health.

**Response to paragraph 46:**

\*Regarding the claim about necessity of transferring servers of foreign communication enterprises into Iran, there are numerous reasons, including the fact that a considerable amount of terrorist group activities are performed via these networks, that there is the possibility of misusing information achieved from users and also because of existence of many immoral channels which can seriously harm family foundations. Therefore, systematizing communications networks has been suggested according to the above considerations and the great number of Iranian users. Hence, it is pointless to express worries in the draft and it needs to be deleted from the final text.

**Response to Paragraph 47:**

As previously mentioned, in the Islamic Republic of Iran according to laws and regulations, and also in practice, no one is arrested or condemned without any apparent reason that indicates the crime. Multiple principles of the Constitution and the relevant penal provisions such as single Article of the Civil Rights Law, show that detention is in compliance with laws which is identified by judicial verdict and is transparent and away from any personal preference and misuse of power or any kind of violence, with respect to principles of fair trial. Persons referred to in this Paragraph of the draft are not exceptional to this law and their detention is lawful. Additionally, incentive policies and free space for activities of artists resulted significant success for Iranian artists in many fields. For instance, this year also in the Cannes film Festival, both a movie and an actor were ranked first (winning rewards). Therefore, according to free activity of thousands of artists, musician and writer, legal action toward the small number of offenders, which their record will be mentioned later, Should not be considered as arbitrary and must be amended in the final report.

Regarding “Mr. Mehdi Rajabian, Mr. Hossein Rajabian, and Mr. Yousef Emadi,” it should be informed that they were sentenced by Tehran Court on charges of

unauthorized activity on audiovisual matters referred to in Article 2 of the law to punish persons who are in the audiovisual unauthorized activity through setting up underground music site called “Barg Music” and publication of irreverent singers who are outside the country as well as insulting Islamic sanctities and the infallible Imams and promote Satanism and publishing blasphemous contents. After hearing their defenses and implementation of legal formalities, each of them was sentenced to 6 years in prison and a fine of fifty million Rials (about \$1,500 USD) according to indictment on May 6, 2015. Issued verdict was reexamined by Tehran Province Appeals Court after the appeal of the sentenced; this Court rejected the appeal on January 2, 2016 according to Article 450 of the Islamic Penal Code and considered mentioned indictment entitled to discount with regard to their circumstances and their juvenile status and also Article 459 of Criminal Procedure Code. Also, strongly issued a verdict for condemnation of aforementioned people according to Articles 46, 54 and 37 of the Islamic Penal Code and lack of record, with suspension of prison penalty under Article 513 to 5 years and converting half of prison penalty under Article 500 of the mentioned law to pay a fine of fifty million Rials (about \$1,500 USD). It can be seen that discount and legal kindness was applied to them. According to information provided, this paragraph must be removed from the draft of the report.

**Response to Paragraph 48:**

Since in the case of aforesaid the final judgment has not yet been issued, commenting on his case and the claimed punishments are baseless and require to be deleted in the final report.

**Response to the paragraph 49:**

As stated, the press is free and many publications are active freely in accordance with the law, so legal action brought against a few violators should not be generalized. It should be noted that the Ghanoon daily website announced that it is stated in the formal suppress letter that: whereas a charge has been preferred against Ghanoon Daily for defamation and publication of false statements with the intention of disturbing public opinion, in accordance with paragraph 5 of Article 156 of the constitution and in line with the Duty of the judiciary in the prevention of crime and in line with Article 114 of Criminal Procedure Code, the Ghanoon

newspaper is suppressed. It should be noted that the definitive judgment is not issued yet.

**Response to Paragraph 50:**

There have been smart restrictions of Youtube, Facebook and Twitter for reasons such as: releasing a large volume of information which contained criminal instances such as immorality, child abuse, terrorist groups' exploitation to promote terrorism, propaganda on extremism and violence, violation of privacy and lack of respect for domestic and international laws and regulations. As previously mentioned, obviously, given free use of more than 46 million users and the possibility of existence of some offenders and law-violating websites, it is not hard to imagine legal actions toward them. Filtering immoral sites and preventing terroristic activities and extremism propaganda in the cyber space, and to take legal actions against the directors for such contents according to the law is being conducted according to the policy of the Islamic Republic of Iran and based on specific social request. Blocking immoral websites and prosecuting its administrators are also performed in accordance with the laws of the country, which is the honor of an Islamic system that seriously fight with the culture of licentious behavior and promiscuity, the spread of prostitution and abuse of children in order to better protect their rights.

**Response to the paragraph 51:**

As stated at the text of this paragraph, this claim has been proposed by some Journalists, and judiciary's spokesman has stated his official opinion regarding it on 3<sup>rd</sup> of July 2016. Due to the lack of a private complainant on the claim, it is necessary to delete this paragraph from the report.

**Response to the paragraph 52:**

The stated claims on this paragraph are without mention of the resource and lack detailed information so they should be deleted. It should be noted that under Iranian Laws especially Article 6 of "Law of Parties" and its executive Regulations, the legal requirements for assemblies and demonstrations are stipulated; for instance on 2012 more than 150 assemblies and demonstrations were held and this trend has continued in recent years.

In line with implementing Article 26 of the Constitution, article 131 of the “Labor Law” recognized the right to form associations and trade unions. It is worth mentioning that at the 5<sup>th</sup> paragraph of article 73 of the Law for the Fifth Development Plan, “strengthening labor union and employers’ association”, has emphasized the legal right for the guilds objection for these unions that in this regard managerial regulations and organizing labor guilds objections has been codified. Also according to the issued permissions and legal supports from guild unions, there are 126 guilds, special for various social groups, are active as follows: educational guild (16 cases), engineers (7 cases), staffs (5 cases), students and academics (48 cases), lawyers (4 cases), farmers (3 cases), labors (6 cases), women (17 cases), journalists (3 cases), athletes (1), youths (5 cases), artists (1 cases), doctors, nurses and dentists (10 cases), and 3 pervasive associations for supporting human rights in Iran. Number of issued licenses for guild associations from 2009 to 2013 is 115 establishments and 280 cases are renewals and 2014 to 2015 statistics are at the final stage for presentation.

\*Also in line with the execution of article 26 of the constitution, article 131 of “Labor Law” recognized the right for establishment of unions and guild unions. It is worth mentioning that at the 5<sup>th</sup> paragraph of article 73 of the Law for the Fifth Development Plan, “strengthening labor union and employers’ association,” it is emphasized on the legal right for the guilds objection for these unions that in this regard managerial regulations and organizing labor guilds objections have been codified.

\* It is obvious that holding any gathering is subject to obtain prior authorization from concerned institutions. According to official statistics, annually, tens of guild gatherings and protests are done in Iran and in the workplace and public environments; and gatherings and legal protests, are not treated as measures against the country’s security. Regarding the presented information, this paragraph of the report should be deleted.

### **Response to the paragraph 53:**

In accordance with article 57 of the constitutional law, legislative power is one of the independent powers in the Islamic Republic of Iran. According to the article 71, Islamic Consultative Assembly can enact law in all matters within the limits

prescribed in the constitutional law. Based on article 74, bills can be raised at the Islamic Consultative Assembly when at least 15 members propose them. The Assembly uses experts' consultation and various experts such as legal experts for legal bills examination. Also, by virtue of article 91 of the Constitution, the Council of Guardians is responsible for the conformity of act of parliament with the Constitution and religious law. If this Council recognizes that the Act of parliament is contrary to the Constitution and religious law, it will return the Act for review to the Parliament. In addition, the report's draft ignores this fact that in order to conduct more specialized study in the future, the mentioned bill is currently suspended. Also the President's proposed bill is being discussed in the parliament and nothing has been finalized yet. Commenting on the draft bill which is still in the proposal stage and which is not yet legislatively examined, does not seem an appropriate measure, and should be removed from the final text.

#### **Response to the paragraph 54:**

Based on the announcement of some judicial authorities, there are documentary evidences for the multiple crimes appointed to individuals mentioned at this article of the draft and their presence at the chaos and destructions after 2009 election and their crime is ascertained. So, flexible treatment of the system against them is due to their previous positions in the system and for protection of their life.

#### **Response to paragraph 55:**

\*According to the announcement by Tehran province Court, the aforesaid was sentenced to one year of prison for charge of propagating against the system and to five years for charge of gathering and colluding to commit crime against security of the state with the definite verdict by the Appeals Court of Tehran province. After her illness was cured, Ms. Narges Mohammadi's sentence (the rest of her 6 year prison, determined in April 2012) was resumed according to law. It is must be noted that via enforcing regulations of article 134 of the new Islamic Penal Code, her sentence was reduced to 5 years, which shows implementation of legal compassion about her.

Regarding her latest charges, competent preliminary court has initiated the investigations and issued verdict after legal proceedings. Since the case is at the appeals court, any statement regarding her dossier is immature and cannot be reliable. It should be noted that her numerous crimes have nothing to do with a legal social activity and the above mentioned verdict is issued based on legal standards. Also regarding the recent allegations raised, initial proceedings have been conducted and a final verdict has still not been issued by any court, thus any statement on her dossier would be considered as prejudgment.

According to information received regarding the health status of Ms. Narges Mohammadi, her health condition is under periodical review, like other prisoners. For instance, she was transferred to Tehran Taleghani Hospital on August 1, 2015 and has been under medical care. Consequently, she was transferred to hospital on Sunday, October 11, 2015 in order to complete her treatment. It is worth mentioning that she was transferred to a hospital that was by the request of her family, and in which Ms. Narges Mohammadi's former physicians work who are familiar with her medical records. Her visits to the appointed physicians are regularly conducted. It can be seen that maximum cooperation for her treatment was performed and allegations contained in the communication are not accurate. Other claims mentioned in this paragraph are also false and rejected.

### **Response to Paragraph 56:**

While many social activists and human rights defenders are freely engaging in activities in Iran, misusing the name of "human rights defenders" or any other title, in order to achieve group or organizational goals, cannot negate their judicial responsibility. Unfortunately referring to them as human rights defenders is done carelessly and negligently, to the extent that in some cases terrorists are also being called defenders of human rights. Additionally, referring the title of "human rights defenders" to those who neglect society's norms because of their own anti-social and against the law behavior is an insult to those who truly defend human rights. Thus with a little reference to international statistics regarding educational, health and social welfare advances over the past three decades in Iran, the claim regarding restrictions on human rights activists is proven to be false.



Also the claim regarding arbitrary detention in Iran is not acceptable; because, as it was mentioned in detail in the above text, ratification of the “law on respecting legitimate freedoms and protecting the rights of citizens” and the other laws and regulations of the country, guarantee the absence of extrajudicial and arbitrary detentions. In practice, all judicial authorities have been obliged to carry out all arrests on the basis of laws and specific and clear judicial orders and verdicts only. Therefore, according to paragraph 10 of the single article of the mentioned law, serious action shall be taken against those who ignore the requirements and regulations and resort to methods contrary to them in fulfilling their duties.

According to the Tehran Province Court, Mr. Abdulfattah Soltani, son of Mohammad, with 12 lawyers, on charges of 1- participating in formation and administration of anti-security organization of human rights defenders 2- assembly and collusion against national security 3- propaganda against the Islamic Republic of Iran 4- earning money through illegal way, and after hearing defenses of him and his lawyers, called Ms. Shima Qusheh and Mr. Ali NajafiTavana, after legal formalities based on indictment number 90/619 on January 8, 2012 according to Article 498, 500 and 610 of the Islamic Penal Code and Article 2 of the punishment of perpetrators of fraud and bribery law, was sentenced, by branch 26 of Tehran Revolutionary Court, to ten years of discretionary imprisonment for charge of formation and administration of anti-security organization, counting the days of previous detention, and one year in prison for propaganda against the Islamic Republic of Iran, and five years in prison for assembly and collusion against national security and two years in prison for illegal acquisition of money. Arguing that the accused used advocacy to cover mentioned crimes, According to Article 19 of the Islamic Penal Code, the court sentenced him to twenty years suspension of practicing advocacy after his prison period, and since his presence in Tehran Prison causes corruption, he will pass his prison time in Borazjan, Bushehr Province.

His dossier was reexamined by branch 54 of Tehran Appeals Court after his appeal toward indictment dated January 8, 2012. The court has confirmed indictment of the opposing regarding other materials according to Paragraph 1 of Article 257 and Paragraph 5 of Article 6 of Procedure Code of Public and Revolutionary Court in Criminal Matters, while removing his five-year prison penalty on charge of the subject mentioned in Article 610 of the Islamic Penal Code (assembly and

collusion against national security), according to note 4 of Article 22 of written law, reduced his suspension time for advocacy to ten years, and according to Paragraph A of Article 257 of Procedure Code of Public and Revolutionary Court in Criminal Matters. It should be noted that lawyers of Mr. Soltani had the possibility to meet and consult with him and read the dossier for about seventy-five hours; the accused also read his dossier for about 20 hours at the court office. His wife had meetings with him in the place of the court every day during the proceedings.

Mr. Abdulfattah Soltani is now enduring prison punishment in Evin Prison. Two years of Mr. Soltani's punishment for earning illegal money have been forgiven by the Supreme Leader on the occasion of Eid al-Fitr on 2012.

Upon ratification of Islamic Penal Code (approved in 2013) and by applying provisions of Article 134, the most severe punishment instead of all punishments were considered, meaning his charge on actions against national security (10 years in prison) will be considered and his prison punishment will be reduced to 10 years and suspension from practicing law will be reduced to 2 years, instead of 10 years.

Treatment conditions and health facilities and medical care for Mr. Soltani: According to the report of the prison, he was sent 32 times to medical treatment centers outside the prison until April 14, 2015 and according to the cardiologist, medical treatment was no longer required. Meeting with family: he had 108 cabin and verbal meetings with his wife, children, mother and sister from mid 2012, that all meetings are recorded in the computer system. He was sent to leave on February 19, 2016 for one week by the order of the prosecutor. His leave was also extended for 72 hours. The sentenced was sent to leave for three times. His cabin and verbal meetings are conducted on a weekly basis and his visits to his appointed dentist and physical therapist is taking place regularly. It can be seen that despite his multiple crimes, a transparent judicial proceeding was conducted with the presence of multiple lawyers, and during the multistage proceedings in the Court of Appeal, his punishments were reduced. He benefited from the Supreme Leader's pardons; he had a standard condition in the prison and numerous meetings with his family as well as benefiting from leave, outside the prison. Thus, this section must be amended in the report.

Regarding Ms. Bahareh Hedayatzadeh Roudsari: According to final verdict issued by branch 54 of the Tehran Appeals Court, she was sentenced on charge of subject mentioned in Article 500 of the Islamic Penal Code to six months in prison, on charge of subject mentioned in Article 610 of the Islamic Penal Code to five years in prison, on charge of subject mentioned in Article 514 to two years in prison and on charge of subject mentioned in Article 609 to six months in prison (total of 8 years in prison). According to the recent verdict of the court, upon the request of the judge responsible to implement sentences, in order to apply provisions of Article 10 and 134 of the Islamic Penal Code (approved on 2014) regarding applying the most severe punishment instead of all punishments, only five years in prison was considered for her. She was previously sentenced to two years in prison on June 12, 2006 on charge of acting against national security by holding gatherings without legal authorization and its implementation was suspended for 5 years. The Attorney General demanded the court issuing verdict to lift the suspension considering her crime in 2006 and according to Article 50 of the Islamic Penal Code that has been subsequently implemented. In this regard, Ms. Bahareh Hedayat's lawyer complied with the correct legal path. During sentencing, she was on leave 21 times for totally 176 days and even had 23 days of absence. She had minimum of 90 meetings with her family until the beginning of this year. It can be seen that her destructive and illegal actions (such as destroying university's entrance door) has nothing to do with a healthy social activity and new rules have been applied in her case.

Based on latest news, Ms. Bahareh Hedayat is now free and this paragraph needs to be revised in the report.

According to the Tehran Province Judiciary, Mr. Mohammad Sediqh Kaboudvand was sentenced to six months in prison on charge of disturbing public opinion through publishing falsehoods and on charge of acting against national security through forming illegal groups with the aim of disturbing state's security to 10 years in prison and from January 13, 2008 to July 11, 2008 for charges of publishing falsehoods and from July 11, 2008 is serving his prison terms for forming illegal groups. His prison terms will end on November 11, 2017.

Issued verdict was confirmed in branch 54 of the Appeal Court, he is now in Evin Prison. He benefits from appropriate condition in prison, nutrition and hygiene like

other prisoners and went on temporary leave twice, first time for 29 days while referring to prison with 6 days of absence. His second leave started from June 12, 2016 to June 19, 2016 for seven days. It can be seen that despite his history of cooperation with terrorist groups (previous conviction) as well as unlawful activities (latest conviction), kindness and compassion was applied for him.

**Paragraph 57:**

The Islamic Republic of Iran's information regarding Ms. Bahareh Hedayat was provided to the relevant working group with minor delays and the working group, based on its schedule, proceeded with decisions, ignoring Islamic Republic of Iran's official response. Therefore, country's official response to other special procedures is sent again. It is worth mentioning that Ms. Bahareh Hedayat is now free.

**Response to Paragraph 58:**

\* Labor disputes in Iran is because of the intensifying illegal, unilateral and imposed sanctions (in the trade interactions of Iran with other Countries) and lead to the closure of some industrial factories, difficulties for the payment of salary and benefits of many classes of the society such as labors, which is currently managed and alleviated to a large extent by authorities planning and caring decisions. In addition to the domestic actions, the Islamic Republic of Iran and non-aligned countries by enacting a resolution at the Human Rights Council of the United Nations attempt to appoint a Special Rapporteur to address the undesirable effects on human rights due to unilateral sanctions against countries. It is hoped that in the future, it would contribute to remove the sanctions effectively and prevent its repetition for developing countries. However, we have tried to deal with violations of labor society with the utmost tolerance and even in some cases after the finalization of judicial decisions there are also continued efforts to mitigate punishments. In a few cases, which unfortunately the defendants used the capacities in the field of labor for illegal purposes such as consolidation of terroristic targets, persuasion of armed insurrection and subversive acts, and creating ethnic and religious hatred, the system in accordance with the law and with transparency investigated the charges against them. Below, is briefly discussed the situation of the individuals mentioned in the correspondence:

\* Ibrahim Madadi: he is released on bail.

\* Ismaeil Abdi: his case has not led to a final judgment and he is now enlarged on bail.

\* Rasoul Bodaghi: according to the Tehran's revolutionary court he is sentenced respectively to five years in prison and one year in prison including the time of his previous detention for the charges of association and collusion to commit crimes against state's security and propaganda against the Islamic Republic of Iran by the Tehran court after hearing his defense and due process in accordance with the judgment No. 89/1377/SH15 dated 05.01.2011 under Articles 610 and 500 of the Islamic Penal Code. After the petition to appeal of the convict and his defending attorney, the rendered judgment was investigated by Branch 54 of the Tehran Appeals Court and according to the verdict dated 05.01.2011 by invoke to paragraph (a) of Article 257 of the Criminal Procedure Code in the General and Revolutionary Courts in criminals actions the proposed appeal was rejected and aforementioned verdict was confirmed. He has been sent for treatment to medical centers outside the prison five times. And currently is serving a prison sentence in Rajai Shahr prison.

Mahmoud Beheshti Langroodi: According to the Tehran province judiciary, he is now serving the punishment in Evin prison. He is sentenced to five years of prison charged for association and collusion to commit crimes and propaganda and also has four years of probation in 2006. He has been sent four times to leave.

\* Regarding the Messrs. Muzaffar Salehinia and Hashem Rostami, not only a final verdict but also no initial judgment has been issued yet. According to the information provided, this paragraph of the report requires to be amended.

### **Response to Paragraph 59:**

Preventing domestic violence, especially maintaining mental and physical health with due respect for wife, has been predicted in Iran's civil law. As provided by Article 1119 Women can put any condition for marriage that is not contrary to the requirements of the marriage contract (such as misconduct by men) and thus can divorce. Also in Article 1130, any action that causes hardship for the woman's life, can create the right to divorce. In the case of verbal violence and desecration,

Article 608 of the Penal Code is the channel. It shall be noted that in order to prove domestic violence against women, several evidences can be used as reference such as Certified forensic testimony and statements from neighbors and witnesses, whether male or female, therefore based on such points it cannot be said that the law is silent towards domestic violence against women. However, a separate bill with subject of “Women’s Security against Violence” is issued in order to protect women against domestic violence, which is under review and legal approval a procedure.

\* The issue of marital rape was not considered by many countries and cultures and mostly raised by extreme feminists. Even based on the available statistics those few countries which consider it as a crime couldn’t implement it due to the fact that the possibility of proving that a crime has occurred is hard. According to the laws of Islamic countries, including Iran, marriage is based on mutual obligations, and Islamic ethics and culture encourages their consent. And the legislature in addition to the annulment of forced marriages, announced that the matrimonial duties in such a marriage are subject to civil liability (Articles 1 and 3 of the Civil Liability Act) and criminal (Article 3 of the Law on Marriage).

Contrary to the claim referred to in this paragraph, in Iran in line with supporting the women who suffered from domestic violence, there are lots of mechanisms for supporting this group a number of which are mentioned below:

Establishing intervention and rehabilitation offices at the welfare organization and implementation of a program with the title of intervention in the individual, family and social crisis (Social Emergency Center 137 center in the whole country);

Creating social emergency hotline (123) with the aim of controlling and reducing social harms;

Providing social emergency mobile services with the aim of empowering vulnerable people to the social damages and suffered people via 200 special vehicles;

Establishment of 24 rehabilitation centers for rehabilitating victim women and girls in the country; there are 22 centers in all provinces; there are two centers in each of the provinces of Tehran and Khorasan Razavi and one rehabilitation center in the

rest of the provinces for victim women by the aim of preventing re-spread of damages and for mental and social rehabilitation and empowerment of them;

Offering specialized services of social work, vocational training for creating employment, educational facilities and supplemental education, art and life skills education, leisure programs and frequent and infrequent financial support and etc, are among the services that will be provided to vulnerable women in rehabilitation centers;

31 health centers have been established in the country with the aim of empowering people who are vulnerable to the social damages and victim people and preventing the suffering of girls who are vulnerable to the social damages. These matters should be included in the final text.

Nations' normal practice in dealing with UPR recommendations is to accept some recommendations while rejecting a few or to accept partially of some of them. Based on the number of accepted recommendations and Islamic Republic of Iran's constructive cooperation with UPR mechanisms, statements in this paragraph shall be revised. Meanwhile, by making parallel and repeated claims in different human rights mechanisms will cause unstable situation for application of these mechanisms. As explained earlier, the bill for women and children's security against violence with the aim to protect women and young girls against various types of violence such as domestic violence is under legal review procedures. However, elimination of all kinds of violence and misbehavior against women has always been on the agenda, and current regulations have always been used for this purpose which was explained at the beginning of response to this paragraph.

**Response to Paragraph 60:**

\* False claims and oriented statistics using dependent resources have been raised in this paragraph of the draft so it is necessary to be modified based on the provided information.

\* Unemployment as a global phenomenon affects men and women around the world and global statistics also indicate that it is more prevalent among women. In addition, the transition from traditional to modern economy in developing

countries is aggravating unemployment. The Islamic Republic of Iran is not an exception; yet two points need to be noted in this context:

1- The laws of Islamic Republic of Iran obliged men to finance the wife and other dependents and this duty will not be removed from men even in the case of financial ability of women. Unlike many parts of the world, this has led to the fact that women be less exposed to the risk of poverty caused by personal unemployment. In addition, the religious, social and cultural attitude arise from the financial irresponsibility of women in obtaining means of living has caused that many women treat a job not as a necessity but as a choice; so this issue is effective on the insufficient presence of women in the field of employment.

2- Illegal sanctions and their direct and indirect consequences together with the negative impact on the labor market severely violated economic and social rights of women and have confronted their realization with difficulties. This matter is always emphasized by I.R. of Iran representatives in all international interactions about women and it deserves more attention by the Special Rapporteur on Human Rights and many of thematic Rapporteurs, headed by the Special Rapporteur on UCM.

Mr. Rouhani's ordered for postponing the recruitment exam in order to observe gender justice for women's employment and its enforcement shows the political will in Islamic Republic of Iran's officials toward women's empowerment.

**Response to Paragraph 61:**

\* Ascertaining individual competency of candidates is applied in accordance with the law without any sexual discrimination and for all individuals including women and men. Also the case of Ms. Minoos Khaleghi is in the process of legal proceedings and referred to the Dispute Settlement Council of Branches. Legally, the aforesaid authority will have the right to decide in this case.

**Response to Paragraph 62:**

\* Enjoining protection of virtue and prevention of vice is stipulated at the 8<sup>th</sup> article of Islamic Republic of Iran's Constitution Law. It is the Islamic kind of the accepted principle for attention and responsibility of citizens, public opinion and the media to observe the law and public morality in line with the full



implementation of rules. On the other hand the veil is a moral issue and to maintain public security, the need to cover parts of the body for men and women in public and urban places is mandatory in all civilized societies. The difference in the amount of coverage is a subject of culture, philosophy and belief. The issue of advising the veil observation is like a situation that a person records the number of police cautions to observe pedestrian crossing lines or to not throw garbage in public places.

\* Because the speed of police's presence in some of the crime scenes has not been enough and even until now a number of people who have taken action to enjoin the right and prevent interruptions to people's honor have been murdered by the gangsters, the Iranian government is trying to increase the speed of police action and its presence and the Iranian Parliament has tabled a bill to facilitate enjoining the right and to support those who obey order others to virtue. This bill passed in Parliament after discussions and lots of modifications and its legal procedures have been taken. In this law the duty of ordinary people who witness a flagrant offences or wrong-doing is only a verbal warning and informing the responsible departments so this will increase the order and will improve public rights in the country. Also with determining and training volunteers (such as volunteer polices in some countries that, in case of necessity, they take action themselves by showing their ID card) besides the official police forces, the assigned functions will be performed more quickly, more broadly and with lower cost. It should be noted that verbal warning is carried out for the evil and wrongdoing, regardless of sex of offenders. This warning is the same as when citizens warn a pedestrian who instead of crossing a crosswalk passes from a wrong place (Instead of the police's presence to fine people in each case of violation).

In Iran, dignitaries, individuals and the media are commenting on social issues; but each department and agency shall plan and take action based on his constitutional duties. With this explanation it seems that it is necessary to amend the relevant clause in the final report.

### **Response to the paragraph 63:**

\* Contrary to the assertion in paragraph 63, the bill was passed to facilitate women's participation in the employment space and has been welcomed by many

women's rights activists. In addition, the third amendment draft of this bill containing tax incentives for private employers in case of reducing working hours of women is included in the bill. It should be noted that the bill has not yet passed the final verification and thus comment on it is unjustified and should be deleted in the final report.

#### **Response to Paragraph 64:**

Since in some parts of the country, due to geographical conditions, girls and boys reach physical and sexual maturity at early ages and need to marry, legislator considered it conditional to Article 1041 of the Civil Code (marriage before 13 years of age for girls and 15 years of age for boys must be by the permission of their guardian and on condition of taking into consideration the competent court's interest. Also according to customs of some tribes and villages, marrying at lower ages is without sexual relationship and that is postponed to an older age. It should be noted that a large part of statistics on marriage at early ages, are in the aforementioned customary and cultural frameworks. The Judicial system seriously monitors these kinds of marriages according to law. Such monitoring is based on Article 646 of the Islamic Penal Code (approved on 1996), the provisions of Article 1041 of the Civil Code and Article 50 of Family Protection Law (2012). Also, according to Article 56 of the recent law, any official notary without certificate who records a marriage without receiving a certificate or contrary to the provisions of Article 1041 of the Civil Code will be sentenced to fourth degree exclusion, subject to the Islamic Penal Code, which bans him from being occupied as a notary. Article 45 of the Islamic Penal Code states: respecting protection and interests of children and juveniles is required in decision making of all courts and executive authorities. In order to respect interests of juveniles, courts do not easily issue vote for marriage. It should be noted that while the laws precisely prohibit forced marriages and prosecute potential perpetrators, courts only allow some of juvenile marriages according to documentations, carefully and by observing their interests. According to Statistical Center of Iran, in urban communities the average at first marriage for men was 24.1 years in 1956 that reached 26.7 years in 2011 and for women from 19.7 years to 23.4 years during this period.

\*Despite Islamic Republic of Iran's protection for the Convention on the Rights of the Child and the Necessity of compatibility of its contents with Islamic laws,

important documents have been ratified in Iran which provide special supports for under-18 individuals for greater compassion and kindness. Some of these documents are:

Draft of the National Document on the Rights of the Child (strategies and executive measures), which has been prepared by the National Authority on the Convention on the Rights of the Child, and also draft of the National Document on Security of Women and Children in Social Relations, subject of article 227 of the law of the fifth development program of I.R. of Iran, which has been prepared by the Office of Women and Family of the Ministry of Interior;

The by-law for organizing street children, ratified on 17th July 2005 by the board of ministers. All under-18 homeless people are subject to all the services provided by this by-law;

In accordance with article 304 of the Criminal Code of Procedure of 2013, all offences of under-18 individuals are investigated in Courts of Children and Juveniles;

The bill for protecting children and juveniles is on the agenda of the Islamic Consultative Assembly to be ratified;

Protecting under-18 individuals in social, cultural and rehabilitation issues is in the specialized internal instructions of the state welfare organization.

### **Response to Paragraph 65:**

Referenced statistics in this paragraph, contrary to what is claimed, are obtained from unreliable and unofficial sources which cannot be used as reference.

According to experts, age of maturity can be different based on genetic characteristics and geographical location, therefore generalizing a minimum marital age of 18 to all regions of the world is in contradiction with scientific viewpoints. Even though the Islamic Republic of Iran never encourages marriages below 18 years, it is preferred over the relationships outside wedlock; since, due to lack of commitment, it can bring serious results for such persons especially for girls while causing generation of children with a single parent or no parents. Furthermore, currently the average marriage age in the Iranian society is much

higher than 18 years, which are around 25 years for females and 27 years for males.

**Response to Paragraph 66:**

In the regulations of education and training, there are several Articles supporting students through serious punishments for immoral mistreatment or abuse of students. Furthermore, sensitivity of public opinion and cultural institutions also guarantees punishments for every abuse of children. Regarding the mentioned dossier in a village in Zanzan Province, according to the received information, the case is under investigation in the court and the initial verdict is still not issued. Thus, commenting on the draft report is baseless and must be removed. Also, regarding illegal and unprecedented student punishment in Shush, a dossier is formed which is under investigation. According to submitted information, interpretation and general verdict of the report from two incorrect phenomena regarding the status of children in schools, is not correct and must be amended.

**Response to Paragraph 67:**

The Iranian society is an emotional and child loving society. Also, Islamic teachings mandate observation of children's rights for not only their parents, but also for others. Legal mechanisms and public funds as well as various children's rights activist NGOs, could create a significant and valuable upgrade regarding the status of children in Iran. Such as the Law on Protection of Rights of Children and Adolescents (approved on December 16, 2002), Article 2 prohibited any harassment of children and adolescents which causes them physical, mental or moral injury and endangers their mental or physical health. According to Article 9, the offender would be punished from three months and one day of imprisonment to six months or a fine up to ten million Rials.

Regarding the claim on silence of the law over the murder of a child by father, in addition to numerous legal and religious considerations, it must be noted that public and chastising dimension of the crime (Article 612 of the Islamic Penal Code, Sanctions section) which is imprisonment punishment up to ten years for the offender, this heavy and noteworthy punishment is at the level of punishments that many non-Muslim countries determine regarding the crime of murder.

Regarding the very rare and unfortunate murder of a girl by her father in Khoy, since the victim was a university student, the subject is not under the category of children's issues, thus, must be amended.

### **Response to Paragraph 68:**

In these paragraphs, like previous parts, many incorrect information and purposeful perceptions have been raised regarding Iranian people that are totally rejected. In this regard, in the Constitution, an independent chapter entitled "Rights of People" is predicted which has 23 principles regarding legitimate rights and freedoms of different social classes including language, religious, racial and ethnic groups. Based on these principles, every citizen, including men and women, are under equal protection of civil, political, economic, social and cultural rights.

According to principle 19 of the Constitution the people of Iran enjoy equal rights, regardless of the tribe or ethnic group to which they belong. Color, race, language, and other such considerations shall not be grounds for special privileges. Several principles of the Constitution such as principles 23 and 32 have considered fundamental rights and freedoms for all Iranian citizens and they are equal to enjoy these rights regardless of ethnic, racial, language other affiliations.

According to principles of the Constitution, fundamental rights such as equality before the law, protection of life and property, jobs, housing, freedom of opinion, choice of occupation as well as benefiting from social security, advocacy, education, fair proceedings, citizenship, participation in the government and other citizenship rights, are recognized for all the residents and citizens of the state regardless of any ethnic, language, racial and other affiliation without discrimination. Iranian society is composed on different tribes with thousands of years of co-existence with great civilization and valuable commonalities. The Islamic Republic of Iran's positive and continuous actions regarding promotion of culture and language of tribes is so considerable and has been confirmed in international reports.

Regarding general education of overall population during the years after the Revolution, several attempts have been made, so that today, the illiteracy rate is less than 10 percent of the teachable population. After providing general education, the issue of training language of different tribes has been followed more widely.

Therefore, in addition to hundreds of magazines and books and local radios and channels, Kurdistan University has started to accept students in the field of Kurdish Language and Literature from Fall 2015 semester. Also, Tabriz University started to accept undergraduate student in the field of Azeri Turkish from Fall 2016 semester. The file of Arabic Language has been practicing in universities for many years. So, raised claims in the report are fully rejected.

Also, contrary to the raised claim in this paragraph, extensive programs to eradicate poverty and reduce deprivation and priority in allocation of budget in remote population centers in the five-year program has to a large extent solved problems which remained from the former regime and also helped general economic development of the country (these measures as well as allocated budgets in the country's official reports, are available to treaty bodies and UPR). Developing health centers, hospitals, universities, and localizing occupational potentials in different provinces, in addition to benefit of all middle and low income classes from monthly subsidies, are undeniable measures, and the report has neglected them, so this paragraph must be removed from the report.

### **Response to Paragraphs 69 and 70:**

In these paragraphs too, claims and misperceptions of the condition of some individuals and groups and efforts of the Islamic Republic of Iran about terrorism are inserted. While during the recent decades Iranian Kurdish provinces become closer to prosperity every day and progress, and achieve cultural, scientific and academic activities; unfortunately, despite information containing details of terrorist and extremist measures of some Iranian Kurd citizens, the Rapporteur considers these offenders as Kurd activists. This incorrect approach in the Middle East caused unprecedented ignited terrorist and extremist actions. It should be considered that no social activist, having originality of thought and purpose, should act with terror and violence to reach his/her alleged social rights. If this issue is observed as a precise criterion in the future evaluation of the Rapporteur, human rights principles are protected. Unfortunately, the Rapporteur has chosen an unfair approach with an oriented analysis in these paragraphs. With a little attention to the relatively calm situation of Iranian Kurds as compared to other similar situations,

policies and practices of the Islamic Republic of Iran is made clear. Hence, these paragraphs shall be removed from the final report.

**Reply to paragraph 71:**

\* Suitable status of recognized religious minorities and their high political - economic and socio-cultural position and ensuring civil rights observance for all citizens of Iran, has been frequently provided in the form of official reports of the Islamic Republic of Iran together with the relevant evidences which are referable. It should be noted that repetition of baseless and false allegations on a single issue will not cause it to be evident and acceptable. So far, no reliable and independent source has provided an evident and acceptable claim for violation of the rights of an Iranian citizen just because of faith or ethnicity. The Islamic Republic of Iran has made continues effort to guarantee and provide the rights of all persons, ethnic and religious groups, in accordance with the law. As in previous reports and documentations it was mentioned in detail, for religious minorities, in addition to their political and highlighted participation in decision-making and observance of their legal support, significant funds were spent for improving their public situation and helps were provided for performance of their religious rituals and the irreligious education and reconstruction of the religious sites. According to acknowledgement of the continuous promotion process of ethnic groups' rights and capacities in Iran, it is necessary to remove this paragraph from the report. Despite the false charges to impose pressure on religious minorities in Iran, it should be noted that during the long years after the Islamic revolution till now many financial and spiritual assistances of the system have been spent for the preservation and restoration of these sites, especially Christian churches as part of the national capital and cultural heritage. The efforts made and finally registration of the churches of St. Stephanos in Tabriz, the Gharah churchin Maku and Julfa in Isfahan at UNESCO as a world heritage are among the evidences. Having separate schools and teaching their native language and religious teachings, more than a hundred social communities, cultural and sporting activities belonging to minorities, political freedom including holding rallies and demonstrations, existence of the centrality of the Assyrian Universal Alliance in Iran, having six members in parliament and city councils, activity of over twenty daily, weekly, monthly magazines in the field of religious minorities, publishing hundreds of books by Religious minorities licensed by cultural institutions, Minorities'

appearance in all the social, economic, cultural, political arenas, allocation of a sixty billion Rials budget approved by the government for religious minorities and dozens of other cases, confirm the positive view of the authorities and represent the sublime and progressive teachings of Islam in the field of religious minorities.

\* On the other hand according to law, all groups, associations and social, religious and political organizations must obtain permission from the legal principles, that this incident occurred in none of house churches and their activities and actions are naturally illegal; while none of the official churches are willing to take responsibility and custodianship of these churches and refuse this. There are over 250 active, semi-active and historic churches in the country so they will meet the religious needs of religious minorities such as Armenians and Assyrians (with a limited population) and hence the need to establish or create a new church under various names such as house church is not felt. Meanwhile, this recognized minority has not made a request to create a new church. In addition, as building mosques, after obtaining the necessary permits, should be in compliance with municipalities' legislations and other relevant laws, establishment of churches also should proceed the current routine.

### **Response to Paragraph 72:**

As reflected in Iran's official reports regarding Baha'i conditions, and despite their vast cooperation with the previous regime of Shah and their role to suppress people and to manage the secret service of SAVAK, living conditions for majority of Baha'is are normal in Iran. Baha'is are engaged in various businesses and benefit from small or large trade activities such as Import/Export business card and enjoy from acceptable living conditions.

As reflected in the Islamic Republic of Iran's official documents, Baha'is have never been prosecuted simply for their beliefs. Since the correspondence does not mention the names for arrested people, therefore precise review cannot be done; however based on estimated information, such people are free at the reference dates. It shall be noted that disturbing public order or arranging unauthorized gathering are defined legal charges and have nothing to do with people's beliefs. Therefore, such items shall be removed from the report's draft.



In addition to religious minorities, civil rights of sect's followers including Baha'is are fully observed. Since in Islamic teachings, investigating and inquisition of belief is strictly prohibited, and is explicitly mentioned in Principle 23 of the Constitution of the Islamic Republic of Iran "The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief;" so despite political and media propaganda, especially by Baha'i representatives, no one will be imprisoned or reprimanded simply for holding a certain belief. Regarding mentioned Baha'is arrests, since no names were given, it cannot be reviewed. Basically, according to current legal measures, claim for arbitrary arrest for the reason of being a Baha'i follower is fundamentally incorrect, since anyone's charges would have to be reviewed in a competent court and only after hearing defenses from accused and the lawyer, verdict is issued. According to international standards, individuals with definite judicial verdict are excluded from arbitrary arrest criteria and no one can ignore nations' verdicts based on personal orientation or political goals, requesting reconsideration. Therefore, this paragraph shall be revised.

#### **Response to Paragraph 73 and 74:**

Many false statements have been mentioned regarding Baha'is which shall be revised based on provided information.

What has been mentioned regarding general hatred in Iran's society towards Baha'is is due to the historical facts observed by Muslims, especially Baha'is organizational cooperation with Iran's previous tyrant regime and the secret organization "SAVAK."

\*Investigating historical events and documents is of the requirements of freedom of expression, and criticizing ideas cannot be considered contrary to international standards of freedom of speech, particularly when these criticisms are free from offensive words. Considering the records of the Baha'i sect's, statement of history cannot be restricted. Moreover, official centers have always tried to direct criticisms at the past history or deviant ideas of sects and to exclude individuals. Furthermore, the responsibility of opinions expressed by non-governmental personalities lies with themselves; particularly members of the parliament have extensive rights in expressing opinions regarding issues of the country.

### **Response to Paragraph 75:**

As mentioned, in Iran different religious and ethnic groups live peacefully together, so, the Islamic Republic of Iran is a successful model. With an overall and comparative look, facilities and religious places for different ethnic groups are very remarkable. In Iran, there are over 10 thousand Sunni mosques. (one mosque for every 600 people); while there is one mosque for every 1300 Shiites who are the throngs of the Islamic Republic of Iran.

Also, as mentioned in previous paragraphs, there is no limit for different ethnicities to participate in executive responsibilities such as in provincial, national and local councils as well as being ambassadors in foreign countries and etc. Now, 19 members of the Islamic Consultative Assembly are Sunnis, many provincial positions are assigned to them, even some ambassadors of the Islamic Republic of Iran in foreign countries are Sunni. It shows Islamic Republic of Iran's attention to their presence in decision-making responsibilities.

Regarding improving the living conditions in provinces with majority of Sunni population, it can be referred to Sistan and Baluchistan.

This province, with the majority of its population belonging to the two Persian ethnicities of Sistani and Baluchi, was in the worst economic conditions in the previous regimes because of the British government's colonization. However, during the 37 years of I.R. of Iran's establishment, within numerous economic and cultural programs (for deprived areas) this province has received budgets and investments higher than those of the developed provinces, such that despite its neighborhood to terrorist-prone and severely underdeveloped provinces of Iran's eastern neighbors, the economic, cultural and health indexes of this province are in their best condition in its history. The existence of numerous universities and hospitals, development of roads and ports and political participation of the ethnic groups of this province in executive posts is very considerable. Representatives of the people of this province are present in the Islamic Consultative Assembly; the Assembly of Experts and provincial, municipal and university posts. Besides these, a considerable social change has occurred in this province, such that for the first time in the recorded history of this province, an educated Baluch and Sunni lady

has become head of the city council and no considerable social opposition has been observed from the traditional populations of this province.

### **Response to Paragraph 76:**

Unfortunately, this paragraph, instead of paying attention to the amount and severity of the crimes committed by offenders, raises inferior subjects that can be considered as a cover to support terrorist activists. The judicial system of the Islamic Republic of Iran investigated dossiers according to the law and the ethnicity or religion of the defendants did not have any effect on the proceedings. According to information received from the Kurdistan Justice:

Defendants launched a Takfiri terrorist group (Tohid and Jihad) 1- armed attacks inside the country, terror and slaughtering people and some of the great scholars of Kurdistan including martyr Mamousta Sheikholeslam and martyr Mamousta Borhan Ali 2- killing some of rangers of Sanandaj 3- kidnapping and killing some civilians such as Farad Khalifa from Qorveh and Hedayat Hassan Khani from Elam 4- provision of various combat weapons and construction of more than 50 bombs ready to explode 5- provision of more than 10 tons of pre-construction materials and making bombs and other explosives 6- bombing in various parts of Sanandaj 7- several armed robberies of gold shops in Qorveh, Zanjan and Bijar 8- distribution of poisoning food to kill some citizens of Kurdistan 9- attacks to police centers and traffic police of Sanandaj that caused martyrdom of 11 people and disability of 20 people 10- several failed attempts for armed robbery from banks and blind and purposeless shooting at people at Azadi Square in Sanandaj that caused disability and martyrdom of 14 people.

Measures of the aforementioned group caused martyrdom of 21 people and disability of 40 people of citizens and military and police personnels in Sanandaj, Qorveh, Hamedan and Zanjan.

The mentioned dossier, because of the enormity of the crime and also various legal aspects and the number of victims, as well as observing maximum citizenship rights, lasted more than 6 years. Finally, after going through all the various judicial stages, completion of investigation, removing objections and fully observing defendant's rights and their use of multiple lawyers at all stages of the proceedings, eventually was upheld by the Supreme Court.

Despite the huge criminal offenses, due to Islamic compassion and the discounts that were legally possible, some punishments were commuted.

According to provided information, this paragraph must be removed from the report.

**Response to Paragraph 77:**

Many baseless claims are mentioned in this paragraph based on information by a biased source regarding the followers of Gonabadii and Yarsan dervishes that cannot be responded due to lack of details. Formal and practical stance of the Islamic Republic of Iran regarding followers of these two sects is to respect their beliefs and citizenship rights. No one in Iran is prosecuted simply for holding a certain belief. On the other hand, violators of the law are not treated with tolerance because of belonging to a particular group or sect. This paragraph must be removed from the report.

**Response to draft Conclusion:**

**Response to Paragraph 78:**

It is welcomed that the draft reflected corrective measures of the Islamic Republic of Iran and conducted efforts to achieve further social and cultural development in the Islamic Republic of Iran.

**Response to Paragraph 79:**

The legislator stated defendant's right to have a lawyer at the investigation process in the new Criminal Procedure Code, so that from the beginning, defendant can request for a lawyer and it is considered necessary to meet with a lawyer considering the investigation process. Even the lawyer has the right to provide written submissions to be recorded in the dossier after the meeting with the defendant. Only in serious actuarial crimes in the note following article 48, a period of one week after the beginning of the supervision is determined for meetings. Thus, adoption of this law is a crucial step in order to further realize defendant's rights and justice.

### **Response to paragraphs 80 and 81:**

Capital punishment has been predicted in the laws of many countries, including the Islamic Republic of Iran, and there is no worldwide consensus on abolishing it. Capital punishment for serious offences is a lawful punishment and has been approved by international documents as well. In the Islamic Republic of Iran's regulations, capital punishment has been determined only for the most serious offences, including extensive drug trafficking mingled with terrorism. Moreover, given that the number of victims of drug trafficking crimes is higher than one individual, this crime is certainly no less important than deliberate murder. Therefore, internal regulations have considered it as a serious and important crime. Given the lawfulness of capital punishment and its impact on reducing crimes and particularly on preventing drug trafficking from turning into a high-income, low-risk job, it has been predicted as a punishment for this offense. On the other hand, the Iranian parliament as mentioned, is considering new methods for fighting narcotic trafficking and for punishing drug-related offences. If these be ratified and also international cooperation be attracted, there will be the possibility for a better confrontation and for reducing the use of the most severe punishment for a considerable number of perpetrators of these crimes. As it was stated, until conclusion and finalization of new laws, no moratorium has been accepted by the Islamic Republic of Iran; rather, some non-major drug trafficking convicts have met with forgiveness and commutation because of enforcing compassion.

### **Response to paragraph 82:**

\*In the Islamic Republic of Iran, freedom of opinion and expression, media activities and freedom of peaceful assembly is always protected. The Constitution affirmed freedom of press according to the twenty-fourth principle and the Press Law adopted in 1985 guarantees these freedoms with subsequent amendments and additions. It is observable that the freedom of circulating information has been aided by huge government investments to facilitate people's access to information.

### **Response to Paragraph 83:**

\*Since its establishment, the Islamic Republic of Iran has paid a special attention to progressing women's affairs and upgrading their rights and position. With this aim, extensive measures were taken to upgrade conditions of their health,

education, occupation and security as well as to increase their presence in society and to fight against their poverty and violence against them. Also, considering its current plans and policies to strengthen protecting and upgrading women's rights, Iran has accepted 42 recommendations in this field in its second cycle of UPR. In this line, confronting violence against women on levels of prevention, protection and restoration is always on the agenda of the government. In the laws of the Islamic Republic of Iran, inflicting any harm or injury upon another person will be followed by criminal penalties. This includes domestic violence as well. With all these, due to the government's attention to women's issues, the bill for providing security for women has been codified in which all types of violence against women, including domestic violence and all its instances have been legally defined, and appropriate punishments have been determined for them. Codifying new laws and amending existing laws to further upgrade the rights of women according to national and Islamic values continue with a considerable amount of efforts.

#### **Response to Paragraph 84 and 85:**

In Iran, it is always tried to secure the rights of all followers of official religions according to the law. As was thoroughly provided in the reports and documents of the answer sheets' contents, in addition to their significant political presence in decision-making and their legal protections, numerous programs are considered for religious minorities, including allocation of significant funds to improve public condition, helping the implementation of religious rituals and religious teachings, and reconstructing religious places. Also, followers of sects benefit from citizenship rights within the framework of the law. Furthermore, in Iran's law and also in executive procedures, whoever commits an act for which a punishment has been set by the legislator, regardless of any belief and opinion, after a fair trial and all of the legal formalities, is punished depending on the committed act specified by the law.

Suitable condition of ethnic groups and their political, economic, social and cultural positions as well as guarantee of citizenship rights for all Iranians are frequently provided in the form of official reports of the Islamic Republic of Iran with relevant documentations which are can be referred to. In Iran it is always tried to secure the rights of every individual and ethnicity according to law. As it is

presented in the previous reports and documents in detail, several economic and cultural programs have been implemented in order to promote living and welfare conditions as well as social and political participation across the country where different ethnic groups live. Meanwhile, in the Iranian law, punishment is because of committing illegal acts and has nothing to do with belonging to any ethnic groups.

**Response to Paragraph 86:**

Final conclusion of the Rapporteur and his acknowledgment regarding reliable indicators in the Islamic Republic of Iran is welcomed. It is hoped that this close recognition and constructive strategy be on the agenda of all relevant special procedures. Also, according to the Islamic Republic of Iran, many of the paragraphs in report and the final conclusion are the best reason to confirm the normal condition and improved trend of human rights in the Islamic Republic of Iran that confirm the need to remove the special procedure on the human rights situation in Iran. It is necessary for the Human Rights Council to consider this issue seriously with no political tendencies.

**Final Consideration:**

The Islamic Republic of Iran, with a serious will for interaction and cooperation with international mechanisms, in response to the present letter, from 47 claimed cases, only two cases have been left unanswered, because in the very limited period and due to time constraints it was not possible to receive required response from relevant authorities. Also, Iran has provided detailed information regarding promotion of human rights conditions in the Islamic Republic of Iran that were sought to be included. In many cases, Iran demanded the removal or the amendment of the mentioned claims based on the adequate information provided. It is hoped that the Rapporteur, in accordance with the responsibilities contained in the Code of Conduct for *Special Procedures Mandate-holders*, properly reflect it in the final report.

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