

IRAN

Monitoring Iran

One Year into the Mandate of the
Special Rapporteur on the Situation
of Human Rights in Iran

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INTERNATIONAL CAMPAIGN
FOR HUMAN RIGHTS IN IRAN

Monitoring Iran: One Year into the Mandate of the Special Rapporteur on the Situation of Human Rights in Iran

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ABOUT US

The International Campaign for Human Rights in Iran is an independent, nonpartisan, not-for-profit organization founded in The Netherlands in 2008 by a group of international human rights activists working in Europe and the United States. The Campaign's headquarters are in New York City.

The mission of the Campaign is to mobilize international support for Iranian human rights defenders who are advocating for their civil, political, social, and economic rights on the basis of international standards and treaties. The Campaign is founded on these principles: that human rights in Iran, and in every country, are a matter of legitimate international concern and essential to establishing international peace and security; that human rights in Iran can only be implemented with the assistance of civil society, whose role must be protected and sustained; that human rights compliance in Iran should be approached from a non-partisan perspective, and detached from political objectives; and that solidarity with any and all peoples prevented from enjoying their human rights is a moral imperative of our time.

The Campaign documents human rights violations in Iran via first hand and original sources within the country, and publishes statements, appeals, blogs, multimedia productions and comprehensive reports in both English and Persian (www.iranhumanrights.org). The Campaign advocates with national governments and intergovernmental institutions, and cooperates with a broad range of civil society organizations on behalf of strategies aimed at protecting civil society and improving human rights in Iran.

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EXECUTIVE SUMMARY

The Deteriorating Human Rights Situation in Iran Requires a Special Rapporteur

Iranian authorities increasingly disregard human rights standards, imprisoning human rights defenders, journalists, political activists, and trade unionists. The number of executions has skyrocketed. Officials routinely use torture to extract false confessions, and a deeply politicized Judiciary fails to uphold due process. Discrimination against women and religious and ethnic minorities has intensified. Since 2009, four independent United Nations bodies have documented these trends.

Achievements of the Special Rapporteur on Human Rights in Iran

- **The mandate has sparked participation by Iranian society in UN human rights mechanisms.** Iran's human rights community, as well as Iranian victims of abuse, have actively supported and engaged with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, seeing him as an arbiter to whom they can express their concerns. In this sense, the first year of the mandate has been an overwhelming success as it has drawn hundreds of Iranians into the international human rights process.
- **The mandate helps prioritize human rights in Iran internationally and amongst Iranians.**
- **The Special Rapporteur's reports effectively document many cases and human rights issues not covered by other UN documents.**
- **The creation of the mandate has likely helped convince Iranian authorities to mitigate some human rights abuses.**

Iran's Failure to Cooperate with UN Human Rights Mechanisms

- **Iran has failed to cooperate with thematic mandates.** The government has not allowed any thematic mandates to visit the country since 2005 and ignored the vast majority of communications sent by these mandates.
- **Iran has failed to implement recommendations from the 2010 Universal Periodic Review.**
- **Iran has failed to cooperate with the Special Rapporteur on human rights in Iran.** Authorities have not allowed a country visit by the Special Rapporteur nor provided substantive comments to his reports. Instead, officials have been openly hostile to the mandate, deriding him and his work in domestic media.
- **Renewing the Special Rapporteur's mandate will convey to Iran that it must establish constructive dialogue with UN human rights mechanisms regarding its violations of international law.**

Key Recommendations

- **Renew the mandate of the Special Rapporteur on human rights in Iran.**
- **Urge Iran to submit a voluntary mid-term Universal Periodic Review.**
- **Call on Iran to cooperate with all UN human rights mechanisms.**

MONITORING IRAN

ONE YEAR INTO THE MANDATE OF THE SPECIAL RAPPOREUR ON THE SITUATION OF HUMAN RIGHTS IN IRAN

The Deteriorating Human Rights Situation in Iran Requires a Special Rapporteur

Almost three years since the disputed presidential elections of 2009, the situation of human rights in Iran continues to deteriorate. In March 2011, increased international concern about Iran's human rights crisis led to the creation of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. However, the Iranian government continues to deprive Iranian citizens of their basic freedoms, defying both international and domestic law.

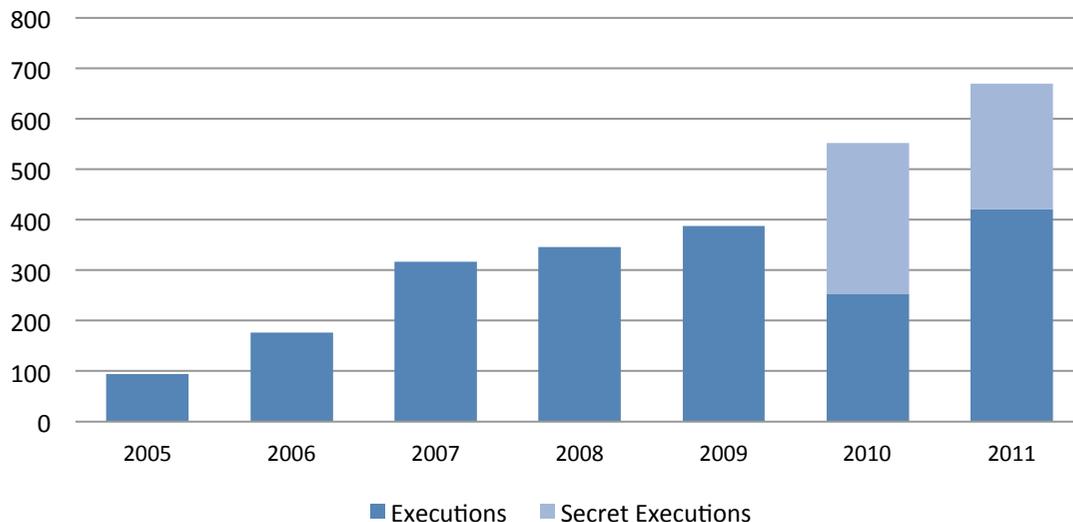
Indeed, Iranian authorities have ramped up their targeting and persecution of members of the political opposition. Political opposition leaders Mir Hossein Mousavi, Zahra Rahnava, and Mehdi Karubi have been under an illegal "house arrest" since February 2011.

Iranian authorities also continue their crackdown on dissent with the arrests of human rights defenders, journalists, lawyers, religious leaders, student activists, and artists, often prosecuting them on the basis of vague charges such as "propaganda against the regime" or "acting against national security."

Torture, physical and psychological, continues to be a method used by intelligence officials to extract confessions. Many prisoners of conscience are held in solitary confinement for prolonged periods and authorities have sentenced some to flogging.

Executions have skyrocketed in Iran. Iran has the highest per-capita execution rate in the world, and is second only to China in the absolute number of executions. The Iranian government issues the death penalty for many crimes that do not meet minimum standards for capital punishment. In 2011, there were at least 670 executions in the country, at least 249 of which were "secret executions" not reported by the government. In the vast majority of cases, executions occur after trials that do not meet international standards.

Executions in Iran



Women and religious and ethnic minorities continue to be denied equal rights. Authorities furthermore have escalated censorship of the Internet, suppressed association and trade unions, and inhibited the demonstration and association across the country.

Since 2010, four separate UN authorities—the Secretary General, the Human Rights Committee, the Universal Periodic Review, and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran—have all independently produced documents reporting similar violations of human rights in Iran. In his first year, Special Rapporteur Ahmed Shaheed has made significant strides in detailing events in Iran and has attempted to engage authorities as well as Iranian society in the process of addressing human rights issues in the country. Nonetheless, Iran has been largely non-cooperative with the Special Rapporteur and unresponsive to the concerns of other UN human rights mechanisms.

The continuation of the Special Rapporteur’s mandate is vitally necessary to maintain the situation in Iran as a priority of the international community and to provide Iranian authorities with an opportunity for dialogue and cooperation to address the country’s human rights issues.

Achievements of the Special Rapporteur on Human Rights in Iran

In his first year, the Special Rapporteur has had many accomplishments. The mandate has helped prioritize the human rights situation in Iran globally as well as domestically, and has induced participation by Iranian civil society and victims of human rights abuses in the UN human rights process. The Special Rapporteur has successfully documented an overwhelming number of individual cases, creating a comprehensive portrayal of the human rights crisis in Iran.

The mandate has sparked participation by Iranian society in UN Human Rights mechanisms

Before the creation of the mandate, many prominent members of Iranian civil society urged that the human rights crisis in Iran necessitated the creation of a Special Rapporteur. In the aftermath of the June 2009 disputed presidential election, human rights lawyer and Nobel Peace Prize laureate Shirin Ebadi repeatedly appealed to the Human Rights Council to appoint a Special Rapporteur for the human rights situation in Iran.¹ Ebadi’s efforts were echoed by numerous prisoners of conscience and Iranian human rights groups, who reached out to various UN bodies and member states to support the creation of the mandate.

Iranian civil society and victims of human rights abuses welcomed the appointment of the Special Rapporteur, seeing it as a way to convince the Iranian government to begin a process aimed at upholding its international responsibilities and reversing course on the country’s deteriorating human rights situation. For these Iranians, the mandate became a point of entry for working with UN human rights mechanisms and gave many of them hope that human rights procedures could address the hardships they face as individuals, families, organizations, and communities. “At a minimum, the Special Rapporteur gives hope to the families of hundreds of political prisoners that their loved ones are not forgotten,” said Parisa Kakaee, a human rights defender.²

¹ International Federation of Human Rights Defenders, “Iran: Impunity continues to claim victims,” 8 June 2011, <http://www.fidh.org/Iran-Impunity-continues-to-claim> (accessed March 7, 2012).

² International Campaign for Human Rights in Iran, “Human Rights Council Votes 2 to 7 to Establish Special Rapporteur,” 24 March 2011, <http://www.iranhumanrights.org/2011/03/hrc-rapporteur-res-passed/> (accessed March 7, 2012).

Asieh Amini, Iranian journalist and women's rights activist, explained,

The establishment of the special mechanism will not undo the gross injustices experienced by Iranian people over the past two years, but it will at least demonstrate international concerns and demand accountability from the Iranian government.³

"It is remarkable but amongst Iranians Ahmed Shaheed is a household name," said Shirin Ebadi, adding,

Because of the mandate, large segments of Iranian civil society, such as rights organizations, ethnic minorities, women, journalists, students activists, religious minorities, and ordinary Iranian citizens felt they had a voice in the human rights system. They believed, possibly for the first time, that the UN and its member states were standing up for them and because of that feeling they wanted to help the mandate succeed.⁴

After the Human Rights Council appointed the Special Rapporteur, hundreds of Iranian victims of human rights reached out to him, offering to testify to the abuses they faced. Numerous prisoners of conscience, torture survivors, and other victims published open letters addressed to the Special Rapporteur agreeing to tell their stories. In a joint open letter, 41 prisoners of conscience, some recently freed and others still in prison, welcomed Shaheed's appointment, writing, "We, the signatories of this letter, are prepared to [testify] to provide detailed accounts of our experience in prison and our observations."⁵

Many other victims of human rights abuses or their families wrote privately and publicly to the Special Rapporteur, providing detailed accounts of torture, suppression of free expression, religious discrimination, lack of due process, and other violations they faced before and after imprisonment.

Shabnam Madadzade, a 24-year-old student activist sentenced to five years in prison, wrote in a letter,

Mr. Shaheed, there is so much to tell and this is just a small piece of a sea of pain and suffering. There is a small glimmer of hope in the hearts of all of us prisoners and the anguished Iranian people, that perhaps your complete report and the international consensus and your efforts to realize the dreams of those who drafted the Universal Declaration of Human Rights may lead to an improvement of conditions in Iran. Of course there is also a fear that this subject, much like thousands of other subjects, may be consumed by political games. Now all eyes are on you. Do not allow this to happen.⁶

Iranians who shared their experiences with the Special Rapporteur found him to be a neutral arbiter who could speak to the international community on their behalf. Masood Alizadeh, a 28-year-old victim of torture in Kahrizak Detention Center who was featured in the Special Rapporteur's March 2012 report, noted,

Mr. Shaheed's appointment is important because legal observers can't operate in Iran.

³ Ibid.

⁴ International Campaign for Human Rights in Iran interview with Shirin Ebadi, Nobel Peace Prize laureate, March 7, 2012.

⁵ "Chahar va yek zendani-ye siyaasi-ye pishin Irani khatab beh Ahmed Shaheed: Hazerim tajrobiyat-e khod az زندانها-ye Iran ra dar ekhtiyar-e shoma gharar dahim," Gooya News, <http://news.gooya.com/politics/archives/2011/08/126209.php> (accessed March 7, 2012).

⁶ Shabnam Madadzade, "Marg khoob ast, ammo baraye hamsayeh: name-ye Shabnam Madadzade," Committee of Human Rights Reporters, 4 September 2011, <http://chrr.biz/spip.php?article15758> (accessed March 7, 2012).

His report will help show that major human rights violations are occurring in the country. Because of censorship we can't openly talk about what is happening in Iran's courts, what happened in Kahrizak.

Mr. Shaheed's work truly helps expose the situation of human rights in Iran, allowing our voices to be heard globally, so everyone around the world can know what is happening in Iranian prisons and can learn about how the lives of our youth are so easily extinguished. [His work shows] how [authorities] can so easily take us, imprison us, without even a court verdict, just as top political leaders can be put under house arrest without a trial. I really believe Mr. Shaheed can help address human rights in Iran.⁷

The mandate helps prioritize human rights in Iran internationally and amongst Iranians

As a country-specific rights observer, the Special Rapporteur has been able to bring needed attention to human rights violations in Iran. After the disputed 2009 presidential elections, the mass street demonstrations, and the government's violent reaction, international media and UN member states reacted with appropriate concern for the escalating human rights crisis in Iran. But as Iran's rights violations moved from the streets to courtrooms, private homes, and prisons, the international community's interest waned, even though the situation in Iran continued to worsen. However, after the Human Rights Council appointed Shaheed and he began documenting trends in Iran, he was able to revive the international community's desire to address the country's human rights issues and to encourage the government to reverse its trajectory.

The Special Rapporteur has been able to provide a credible basis for international dialogue on human rights in Iran both because of his impartial documentation and because the cross-regional Human Rights Council authorized his mandate. Therefore, his work has empowered a wide array of international actors, including key, emerging powers, to take action on Iran's crisis.

Ali Akbar Mousavi Khoeini, a former Member of Parliament in Iran who investigated prison conditions during his tenure from 2000 to 2004, said of the Special Rapporteur's mandate,

In the absence of any meaningful monitoring mechanism inside the country, we are facing a true crisis. With human rights organizations shuttered and the Parliament failing to perform its oversight role, this mechanism is essential.⁸

Amongst Iranians, the Special Rapporteur has bolstered human rights mechanisms as a means to address many of their country's most pressing issues. Persian-language media in particular have closely followed the work of the Rapporteur, resulting in extensive discourse about human rights in public forums and social media.

The Special Rapporteur's reports effectively document many cases and human rights issues not covered by other UN documents

The Special Rapporteur's interim report, published in October 2011, lays out his methodology and highlights key systematic human rights violations that provide the method and scope of his research for

⁷ International Campaign for Human Rights in Iran interview with Masood Alizadeh, former prisoner of conscience, 4 March, 2012.

⁸ International Campaign for Human Rights in Iran, "Human Rights Council Votes 2 to 7 to Establish Special Rapporteur," 24 March, 2011.

the annual report.

The interim report states that a pillar of the mandate is to facilitate Iran's participation in the UN human rights framework. The report explains, "The Special Rapporteur firmly believes that the establishment of the current mandate provides for a more coordinated engagement with the Iranian authorities on a range of human rights issues that have been raised by the international community."

The interim report details the specific cases of 58 identified Iranian human rights victims, including prisoners of conscience and individuals on death row. The case-specific approach introduces documented allegations of human rights violations to various authorities, including the Human Rights Council and member states, allowing them to address specific cases alongside otherwise abstract systematic violations.

For example, the report raises concerns about the arbitrary detention and flogging sentence of eight members of the Gonabadi Sufi order, including Alireza Abbasi and Abdolreza Kashani, as well as Kurdish rights activist Mohammad Sadiq Kaboudvand, who was sentenced to 10 years in prison for establishing the Human Rights Organization of Kurdistan.⁹

Hassan Yusufi Eshkevari, a religious scholar and researcher who was defrocked by the Inquisition-style Special Court for the Clergy, said,

When I was imprisoned, I saw first-hand the impact of international protests on the Iranian government. Although they pretend they do not care, international protests and pressures do indeed matter to the government.¹⁰

The Special Rapporteur's March 2012 report notes that Iran "possesses the basic legislative framework and tools to promote respect for human rights." Nonetheless, "elements of the legal framework, together with insufficient adherence to the rule of law, create the systematic obstacles to the government's ability to adhere to these commitments."

The report provides the most comprehensive account of certain topics, such as free and fair election standards, the disputed elections of 2008 and 2009, the discrimination and persecution of labor unionists and the LGBT community, and impunity amongst top officials, noting,

Reports containing allegations of egregious human rights violations that took place in the days and months following the 2009 presidential elections continue to emerge, demonstrating that breaches of the rule of law have not been addressed and that impunity continues to prevail.¹¹

The report's recommendations reinforce commitments that Iran already adopted during its Universal Periodic Review (UPR), including defining what constitutes a national security crime, ensuring executions meet minimum standards, and calling for independent investigation into post-election events. The report concludes by reiterating the need for Iran's cooperation with UN human rights mechanisms and suggests

⁹ General Assembly, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/66/374, 23 September, 2011, <http://www.un.org/Docs/journal/asp/ws.asp?m=A/66/374> (accessed March 7, 2012) 11, 16.

¹⁰ International Campaign for Human Rights in Iran, "Human Rights Council Votes 2 to 7 to Establish Special Rapporteur," 24 March, 2011.

¹¹ Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran," A/HRC/19/66, 6 March, 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-66_en.pdf (accessed 7 March, 2012) 12.

a voluntary mid-term UPR review.

The Special Rapporteur successfully used victim-based testimony to strengthen his findings

In the course of researching his interim and annual reports, the Special Rapporteur interviewed over 130 victims and witnesses of human rights abuses in Iran. Over a dozen of these interviews underpinned the October 2011 interim report, and 122 interviews made up the basis of the March 2012 annual report.¹² The individuals include a broad array of torture victims, members of the Baha'i faith, journalists, and student activists.

By using victim-based testimony the Special Rapporteur was able to rely on primary sources and first-hand accounts despite Iran's failure to allow a country visit. Nasim Sarabandi, a student and women's rights activist, noted that one of the challenges facing the Special Rapporteur will be gaining access to Iran. "But even if the government does not cooperate with the Rapporteur, the victims, their families, and civil society can provide much documentation and information."¹³

The Rapporteur found that these interviews corroborate general findings about Iran's human rights situation from the UN and human rights organizations, and that the allegations communicated to him met evidentiary standards appropriate for the non-judicial character of the report as stipulated by the code of conduct for Special Procedures.¹⁴

This approach was in many ways unique amongst recent UN human rights documents on Iran. For example, the Secretary General's 2010 report largely utilized sources from reputable human rights organizations and information submitted to the thematic mandate holders.

As such, the Rapporteur's report possesses a level of detail and complexity necessary to deal with the level of systematic violations occurring in Iran, and constitutes a unique and original contribution.

The Special Rapporteur additionally met with and recorded the human rights concerns of two Iranian NGOs supportive of the government in his annual report.

The creation of the mandate has likely helped convince Iranian authorities to mitigate some human rights abuses

Although the Iranian government has not cooperated with Special Rapporteur, the Human Rights Council's creation of the mandate correlated with some positive actions by Iran.

Just two months after Shaheed's appointment in June 2011, authorities released about 100 less well-known political prisoners.¹⁵

¹² Ibid, 5.

¹³ International Campaign for Human Rights in Iran, "Human Rights Council Votes 2 to 7 to Establish Special Rapporteur," 24 March, 2011.

¹⁴ Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran," 6.

¹⁵ International Campaign for Human Rights in Iran, "Dozens of Post-Election Political Prisoners Released; Is there a Chance for Hundreds More?" 29 August 2011, <http://www.iranhumanrights.org/2011/08/prisoners-release/> (accessed March 7, 2012).

Iran's Failure to Cooperate with UN Human Rights Mechanisms

A primary impetus for the creation of the mandate for the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has been the government's general failure to cooperate with UN human rights mechanisms.¹⁶ Iran has avoided country visits and responses to communications by thematic mandate holders, and has done almost nothing to implement recommendations from its Universal Periodic Review. Iran's communication with the Office of the High Commissioner on Human Rights has yielded little in terms of substantive cooperation.

Since his appointment in August 2011, Iranian authorities have failed to grant Special Rapporteur Ahmed Shaheed substantive meetings or country visits. Domestically, moreover, Iranian officials have been openly hostile to the mandate and to Shaheed himself.

Iran has failed to cooperate with thematic mandates

Iran has not allowed a thematic mandate holder to visit the country since 2005, despite offering a standing invitation. At least six mandate holders have outstanding visit requests. The Special Rapporteur on torture has requested an invitation in 2005 and every year since then. Other special rapporteurs have also requested country visits, including the Special Rapporteurs on freedom of opinion and expression, in February 2010; on the independence of judges and lawyers, in 2006, 2009, and 2010; on minority issues, in 2008; and the Working Group of Enforced or Involuntary Disappearances in 2010.¹⁷ All country visit requests remain outstanding.¹⁸

Iran has received a higher number of communications from thematic mandate holders than any other country since 2004, and has not responded to the majority of them. From 2004 to 2008, Iran received 549 communications from Special Rapporteurs on freedom of expression, executions, violence against women, health, independence of judges and lawyers, religion, and migrants.¹⁹ During that period Iran failed to reply to more than 300 communications (i.e., about 54 percent), including allegation letters and urgent appeals. In over 100 cases authorities rejected allegations in full, taking steps to address the issue in only six cases. Iran's responses to the remaining communications were incomplete or immaterial.²⁰

Iran continued to have the highest number of communications from thematic mandate holders and outstanding government replies in 2009 and 2010. In 2009, Iran received 42 communications, including urgent appeals and allegation letters, and only responded to two.²¹ In 2010, Iran received 38 communications, only responding to 11.²² In both years Iran had the highest number of outstanding communications. The majority of communications were joint communications involving more than one

¹⁶ Human Rights Council, "Interim report of the Secretary-General on the situation of human rights in Iran," A/HRC/16/75, 14 March, 2011, http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.75_AUV.pdf, (accessed March 7, 2012) 16.

¹⁷ General Assembly, "The situation of human rights in the Islamic Republic of Iran," A/65/370, 15 September 2010, http://www.un.org/ga/search/view_doc.asp?symbol=a/65/370&referer=http://www.iranhumanrights.org/2010/10/sg-iran-2010/&Lang=E (accessed March 7, 2012), 17.

¹⁸ Ibid.

¹⁹ Ted Piccone, "The U.N. and Human Rights: More than Politics," Brookings Institution, 8 December 2010, http://www.brookings.edu/opinions/2010/1208_human_rights_piccone.aspx (accessed March 7, 2012).

²⁰ Ibid.

²¹ General Assembly, "The situation of human rights in the Islamic Republic of Iran," A/65/370, 17.

²² United Nations Special Procedures, Office of the United Nations High Commissioner for Human Rights, "Facts and Figures 2010," April 2011, 10.

thematic mandate.²³ These communications represented hundreds of individual cases of alleged human rights violations.

Iran has failed to implement recommendations from the Universal Periodic Review

On 15 February 2010, the Islamic Republic of Iran underwent its first Universal Periodic Review (UPR). Delegations at the Human Rights Council made a total of 188 recommendations.²⁴ The Islamic Republic of Iran fully accepted 123 recommendations, partially accepted 3, rejected 46 and took note of the remaining 16.²⁵ The importance of the UPR, as a central mechanism of the Human Rights Council, is that it applies to all member states and is the UN human rights mechanism that Iranian authorities often describe as most legitimate.²⁶

Iran, nonetheless, has done essentially nothing to implement any of the 126 recommendations it accepted during the UPR. Moreover, its non-cooperation with the thematic and the country-specific mandates means there is almost no transparency about Iran's progress or lack thereof.

For example, Iran agreed to several recommendations to enhance and guarantee freedom of expression and assembly, including amending the country's press law to comply with its obligations under the International Covenant on Civil and Political Rights (ICCPR). Authorities, however, did nothing to address laws and policies that permit the repression of these rights. Instead, according to the Secretary General, the Human Rights Committee, and the Special Rapporteur, Iran continued or escalated its assault on the freedom of expression and assembly, targeting journalists, peaceful protesters, human rights defenders, and others with arbitrary arrests, all while increasing censorship of newspapers and the Internet.²⁷

Another recommendation which Iran accepted called on the government to "respect at least the minimum standards and the provisions of the ICCPR and the CRC [(Convention on the Rights of the Child)] concerning the death penalty." Nonetheless, as the Special Rapporteur reported, 2011 saw the highest number of executions since at least 2003, reaching 670.²⁸ The vast majority of these executions were for crimes that did not meet the standard of "most serious crimes," such as drug crimes and adultery. The Special Rapporteur on summary, extrajudicial or arbitrary executions also expressed concern that authorities imposed these sentences without due process.²⁹

The one measure undertaken by Iranian authorities regarding standards for execution has been to change

*Countries featured in this graph are those that have received 15 or more communications.³⁰

²³ Ibid, 8.

²⁴ UPR Info, 2010, "List of all recommendations made to Iran and the delegation's responses," <http://upr-info.org/-Iran-.html> (accessed 6 March 2012).

²⁵ Ibid.

²⁶ Mohammad Javad Larijani, lecture at "Report from Iran," Carnegie Council, 15 November 2011, transcript available at: <http://www.carnegiecouncil.org/resources/transcripts/0450.html> (accessed March 7, 2012).

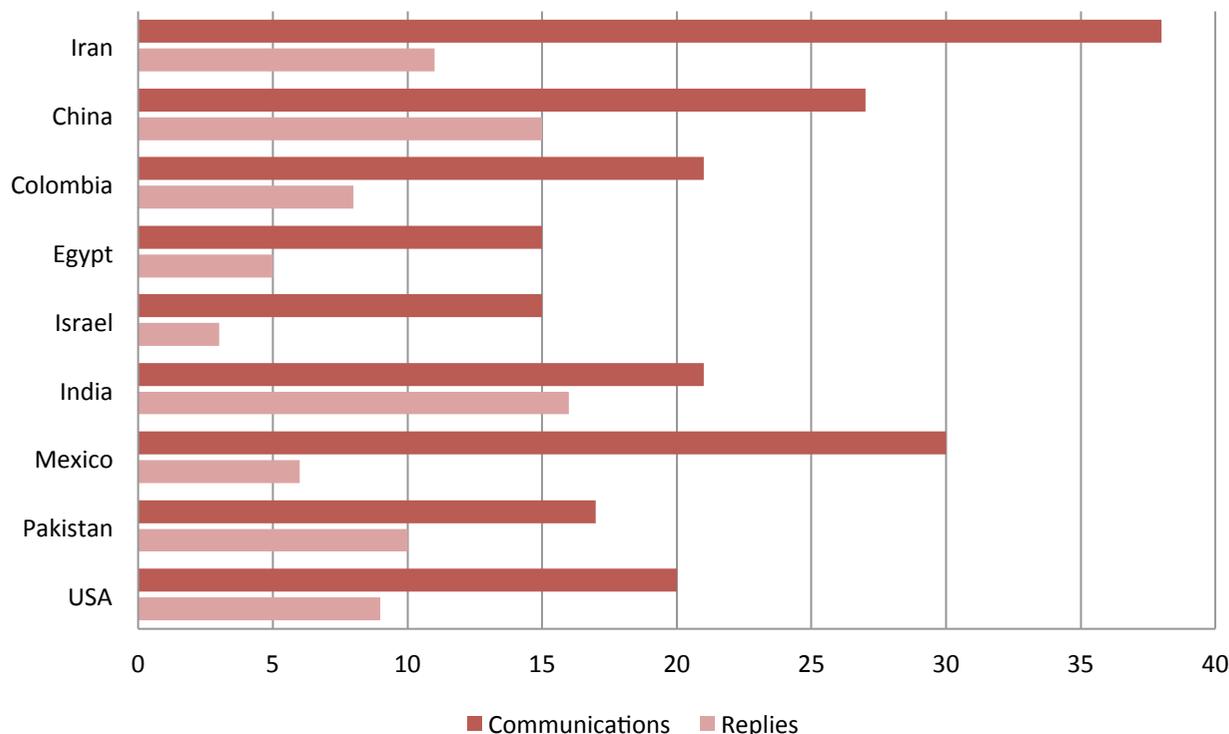
²⁷ Human Rights Council, "Interim report of the Secretary-General on the situation of human rights in Iran," A/HRC/16/75, 14 March, 2011.

²⁸ UPR Info, 2010, "List of all recommendations made to Iran and the delegation's responses."

²⁹ International Campaign for Human Rights in Iran, "UN News Release: UN experts call for a moratorium on death penalty in the Islamic Republic of Iran," 2 February, 2011, <http://www.iranhumanrights.org/2011/02/uh-ohchr-moratorium-death-penalty/> (accessed March 7, 2012).

³⁰ United Nations Special Procedures, Office of the United Nations High Commissioner for Human Rights, "Facts and Figures 2010," April 2011, 10.

Communications and Government Replies in 2010*



the penal code so that mandatory juvenile executions are now discretionary if the judge determines the juvenile lacked adult mental capacity.³¹ Nonetheless, girls aged 9 and boys aged 15 are still subject to the death penalty and it remains unclear whether Iran has mitigated the sentences of juveniles already on death row.³²

The UPR also called on Iran to define national security under the penal code.³³ However, while many prisoners of conscience languish in jail for the vague charge of “acting against national security,” Iran has not undertaken any steps to begin the legislative process, much less amend these laws.³⁴

Iran has failed to cooperate with the Special Rapporteur on human rights in Iran

Since the creation of his mandate, Iranian authorities have been largely non-cooperative with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. On 22 June 2011, Mohammad Sadegh Larijani, head of Iran’s Judiciary, stated in domestic media that accepting the Special Rapporteur’s mandate was not part of the government’s policies.³⁵ In practice the government has largely avoided

³¹ Nargess Tavassolian, “Half Measures: Juvenile Execution Under Iran’s New Penal Code,” International Campaign for Human Rights in Iran, 27 February, 2012 <http://www.iranhumanrights.org/2012/02/new-penal-code-commentary/> (accessed March 7, 2012).

³² Ibid.

³³ UPR Info, 2010, “List of all recommendations made to Iran and the delegation’s responses,” <http://upr-info.org/-Iran-.html> (accessed 6 March 2012).

³⁴ Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran,” A/HRC/19/66, 6 March, 2012, 7.

³⁵ “Siyaasat-e ma paziroftan-e gozarezshgar-e vizhe hoghooghe bashar nist (matn-e kamel-e goftegoo),” IRNA, 21 June 2011,

communication with the Special Rapporteur and officials have been openly hostile to both the mandate and the person in domestic media.

The Special Rapporteur has sent several communications to Iran since June 2011, including urgent actions and allegation letters, some sent jointly with thematic mandate holders such as those on torture and executions.³⁶ These communications included requests for country visits and meetings with Iran's Foreign Minister Ali Akbar Salehi, human rights head Mohammad Javad Larijani, and the Permanent Missions in New York and Geneva.³⁷

Iranian authorities have not permitted a country visit by the Special Rapporteur. On 19 September 2011, the Special Rapporteur sent a letter to Iranian authorities requesting a country visit and followed up on this request in letters and in his preliminary report.³⁸ Iranian authorities have not formally responded to the Special Rapporteur's visitation requests nor facilitated any country visits as of this writing.³⁹

Iran has granted the Special Rapporteur only two meetings: one with Iran's representative to the UN in New York and one with the representative in Geneva.⁴⁰ The parties scheduled these meetings in order to discuss methodology. At the meetings, however, the Special Rapporteur and Iranian representatives were not able to have a substantive dialogue about either methodology or research findings, as the latter chose to engage in discussion only about their beliefs about the illegitimacy of the mandate.

Iranian officials have been openly hostile to the creation of the mandate and the achievements of the Special Rapporteur. Since its creation, numerous Iranian officials have made public statements attacking the Special Rapporteur's mandate. Officials have called the mandate "illegitimate," "politically motivated" and "lacking independence," and called Shaheed and his work "biased," "unprofessional," and "propaganda."⁴¹ On 16 July 2011, Javad Larijani, Secretary General of Iran's High Council for Human Rights, stated, "The Western-engineered appointment of a Special Rapporteur for Iran is an illegal measure."⁴²

Iranian officials provided no comments to the Special Rapporteur regarding his interim report prior to its release.⁴³ Before publication, in accordance with UN protocol, Special Rapporteur Ahmed Shaheed sent a draft of his interim report to Iranian authorities for comment, but received no response. Nonetheless, after Shaheed presented his report to the 66th session of the UN General Assembly, Iranian officials publicly attacked it. Iran's Deputy UN Ambassador Eshagh al-Habib rejected the report's findings, saying it "lacks the principles of independence, non-selectivity, and impartiality."⁴⁴

<http://irna.ir/NewsShow.aspx?NID=30444181> (accessed March 7, 2012).

³⁶ Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran," A/HRC/19/66, 6 March, 2012, 3.

³⁷ Ibid, 4.

³⁸ Ibid.

³⁹ Ibid, 21.

⁴⁰ Ibid, 3.

⁴¹ Ibid, and Mohammad Javad Larijani, United Nations Press Conference, "Press Conference: Human Rights and Regional Development," 16 November 2011, <http://www.unmultimedia.org/tv/webcast/2011/11/press-conference-human-rights-and-regional-development.html> (accessed March 7, 2012).

⁴² Saeed Kamali Dehghan, "Iran refuses to let in UN's human rights monitor," The Guardian, 18 July 2011, <http://www.guardian.co.uk/world/2011/jul/18/iran-refuses-un-human-rights> (accessed March 7, 2012).

⁴³ Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran," A/HRC/19/66, 6 March 2012, 4.

⁴⁴ Louis Charbonneau, "Iran slams U.N. human rights report; attacks U.S., Britain" 20 October 2011, <http://in.reuters.com/article/2011/10/20/idiNIndia-60004220111020> (accessed March 7, 2012).

Iranian officials provided no substantive comments to the Special Rapporteur regarding his first annual report, nor did they provide any information to supplement findings to which they raised objections.⁴⁵

According to the Special Rapporteur, Iranian officials expressed that “the establishment of a country mandate was the result of a ‘flawed process, that the country had been cooperating with the United Nations human rights system and that the Special Rapporteur was engaged in propaganda by participating in forums and gatherings that were contaminated by Western espionage agents, Zionist elements, and terrorist groups.’”⁴⁶ The government claimed that the information in the Special Rapporteur’s report lacked credibility but did not provide any counter evidence to support its position.⁴⁷

Iranian officials engaged in an unprecedented breach of diplomatic protocol by discussing publicly the content of the Special Rapporteur’s first annual report prior to its release. In accordance with UN protocol, the Special Rapporteur submitted a draft of his report to Iranian authorities for review and comment prior to its release.⁴⁸ On 2 February 2012, over a month before the report was finalized and released, Sadegh Larijani, head of the Iranian Judiciary, said to pro-government Iranian media that the Special Rapporteur’s “report is full of lies.”⁴⁹ Moreover, for the first time in the history of UN human rights mechanisms, Larijani publicly discussed some of the factual content in the draft report, particularly the report’s review of impunity for torture occurring at Kahrizak Detention Center in Tehran.⁵⁰

Renewing the mandate will convey to Iran that it must establish constructive dialogue with the Special Rapporteur and other UN human rights mechanisms regarding its violations of international law

If the mandate were not renewed, it would constitute an endorsement of Iran’s defiance of international law and an invitation to other states to follow suit. This would also signal abandonment of Iranian victims of human rights abuses and civil society. The mandate should be extended in order to achieve results in terms of establishing constructive dialogue.

⁴⁵ Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran,” A/HRC/19/66, 6 March 2012, 4.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ “Pasokh-e rayiis-e ghavayee be doroggooyee gozashgar-e sazman-e melal dar boraye ‘Kahrizak,’” Javan Online, 2 February 2012, <http://www.javanonline.ir/vdci53a53t1awu2.cbct.txt> (accessed March 7, 2012).

⁵⁰ Ibid.

RECOMMENDATIONS

To the Human Rights Council and UN Member States:

- Support and renew the mandate of the Special Rapporteur for human rights in Iran.
- Urge Iran to cooperate with the Special Rapporteur and with human rights mechanisms.
- Call on Iran to submit a voluntary mid-term Universal Periodic Review.

To the government of Iran:

- Cooperate with the Special Rapporteur for human rights in Iran, including allowing him to visit the country.
- Cooperate with thematic mandates, including allowing country visits.
- Volunteer to submit a mid-term Universal Periodic Review.
- Impose an immediate moratorium on the death penalty.
- Launch independent investigations into grave violations of human rights, including alleged killings, tortures, and arbitrary detentions by security forces since the June 2009 election.



Monitoring Iran

One Year into the Mandate of the Special Rapporteur on the Situation of Human Rights in Iran

Because of the mandate, large segments of Iranian civil society, such as rights organizations, ethnic minorities, women, journalists, students activists, religious minorities, and ordinary Iranian citizens felt they had a voice in the human rights system ... and because of that feeling they wanted to help the mandate succeed.

—Shirin Ebadi, Nobel Peace Prize laureate

[Special Rapporteur] Shaheed's work truly helps expose ... how they can so easily take us, imprison us, without even a court verdict, just as top political leaders can be put under house arrest without a trial. I really believe Mr. Shaheed can help address human rights in Iran.

—Masoon Alizadeh, victim of torture in Kahrizak Detention Center

In March 2011, in response to escalating violations of international law and Iran's ongoing non-cooperation with UN human rights mechanisms, the United Nations Human Rights Council mandated a Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

Despite the Iranian government's open hostility to his mandate, the Special Rapporteur has generated impartial documentation of human rights violations in the country while encouraging large segments of Iranian society to participate in the human rights process.

The continuation of the mandate is vitally necessary to help prioritize the situation in Iran and to provide Iranian authorities with an opportunity to address the country's human rights issues.

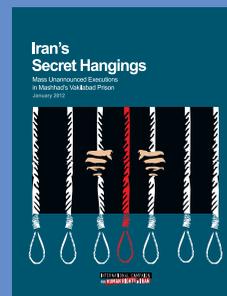
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