

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	598
Land:	Iran
Kilde:	The Islamic Republic of Iran
Titel:	Human Rights Council. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
Udgivet:	12. marts 2015
Optaget på baggrundsmaterialet:	2. oktober 2015

TIME RECEIVED

February 19, 2015 11:00:16 AM GMT+0

REMOTE CSID

7330203

DURATION

812

PAGES

35

STATUS

Received

19/02/2015 11:32 7330203

IRAN MISSION GENEVA

PAGE 01/35



*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God, the Compassionate, the Merciful

N° 2050/5869

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Working draft of the Special Rapporteur Report on the situation of human rights in the Islamic Republic of Iran to the 28th session of the Human Rights Council, has the honor to submit herewith the response of the Islamic Republic of Iran.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.



Office of the United Nations High Commissioner
for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Fax: 022 928 90 28

In the Name of the Almighty

Response of the Islamic Republic of Iran to Draft Report of the Special Rapporteur for Submission at the 28th session of the United Nations Human Rights Council

Introduction

1. The Islamic Republic of Iran participated actively and constructively in the second cycle of UPR on 31 October 2014 during its 20th session and received 291 recommendations during deliberations on interactive dialogues. Iran wishes to reiterate once again its support for UPR mechanism. As is clearly stated in the founding document of the Human Rights Council, UPR must be able to procure as an effective tool for promotion and protection of human rights in a manner which ensures universality of coverage and equal treatment with respect to all States and by relying on dialogue, interaction and constructive cooperation of member states of the United Nations.
2. The Government of the Islamic Republic of Iran has reviewed carefully and keenly all the recommendations made during the second cycle of UPR. Accordingly, High Council of Human Rights of Iran communicated all the recommendations to the relevant ministries, agencies and institutions of the government for their careful and thorough review. We have also conducted extensive consultations with other stakeholders, including civil society institutions and NGO's. Therefore, all recommendations have been thoroughly examined by experts from legal, political, economic and administrative perspectives.
3. The Government of the Islamic Republic of Iran states its support for about 65% of these recommendations. It is noteworthy that many of the recommendations supported by Iran also include those that have been already implemented to a large extent, or are on track for implementation, or acceptable and implementable in the framework of our national development plans. Moreover, some of the recommendations, despite the use of improper wordings and flawed assumptions, have been supported on partial

and restricted basis, purely for their positive and substantive objectives. Since some recommendations pose components that full implementation of them contravene prevailing laws and values, they are supported by Iran on partial and restricted basis.

4. It should be noted that the quality of acceptance of recommendations relating to UPR mechanism is within the sovereign jurisdiction of States. Therefore, imprudent comments by writers of the draft report in this regard is tantamount to clear intervention in the affairs that inherently fall within the States' jurisdiction. This open intervention is in blatant violation of the rules of paragraph 7 of Article 2 of the Charter of the United Nations and a clear deviation by the Rapporteur from Code of Conduct for Special Procedures *Mandate-holders* of the Human Rights (Resolution 5/2).
5. The Islamic Republic of Iran regards itself committed to fulfillment of international obligations that it has undertaken, both in drafting its legislations and exercising practices. With respect to death sentence and use of torture, we do emphasize that death sentence is issued merely for the most serious crimes that are also recognized by international instruments. The most serious crimes, including massive trafficking of dangerous drugs combined with acts of terrorism are tried with special sensitivity in the courts of law at presence of representative of the Prosecutor, the accused and his/her defense lawyer. Final ruling by the court is issued after holding of adequate hearings and exhaustion of due process. In addition, the Legislator has carefully listed the most serious crimes that may lead to issuance of death sentence. Additionally, laws of the country prohibit use of all forms of torture and seek to ensure prevention of use of torture through articles 578 and 587 that have provisions in dealing with offenders in cases of torture.
6. It is regrettable that the compiler of this draft report draws conclusions from draft bills that are in the initial phase of drafting and have no force of the law. The writer concludes by assumption that its content will undermine human rights situation of certain groups. The legal framework for process of lawmaking in the Islamic Republic of Iran is of special importance. It constitutes long and careful process after a bill or a plan is proposed. Prior to a bill or a plan becomes a law, it has to go through following phases. If different institutions of nation need legislation, they

present a bill or a plan to the Legislator. After careful review of the bill or plan by the relevant committee in Majlis, it goes to the floor of parliament for open discussions. If representatives of parliament cast their affirmative vote for the bill, it then goes to the Council of Guardian. This council examines the bill and approves, if it comes to the conclusion that it is in conformity with Sharia and the Constitution. The bill becomes an enforceable law after its publication in the national gazette. We expect the Special Rapporteur to refrain from making comments on a bill or a plan before it completes lawmaking process. These comments are purely his personal interpretations and his expressions of concern concerning draft of certain bills are unwarranted.

Methodological flaws of the draft

7. Designating a Rapporteur for a country like Iran that has constantly fulfilled its commitments toward its citizens and international community is unjustifiable, meaningless and absolutely destructive. In addition, country reporting mechanism in the United Nations should be based on professional, just, non-discriminatory, fair and non-political principles. It should be noted that the Human Rights Council was established to prevent application of double standards and the evolving UPR mechanism was mandated on the basis of equal accountability of all States; accordingly, these measures should not be undermined by parallel proceedings. The Islamic Republic of Iran believes that designation of a special Rapporteur for Iran is unacceptable for reasons mentioned above in this paragraph and for not observing the above-mentioned criteria.
8. In keeping with our intention to cooperate with UN human rights mechanism and motivated by the aim to rectify the approach of the special Rapporteur due to prepare a draft report based on authentic information, our missions in Geneva and New York have met with the Rapporteur for several times. So, we do not believe that simply visiting a number of European countries would enable the Rapporteur to prepare a reliable report. Invocation of the draft report to allegations of few individuals does not bestow any credibility or corroborative weight to the draft report. On the contrary, it is a clear proof of absence of accurate verification for collected information.

9. Regrettably, Special Rapporteur has frequently brushed aside previous substantiated comments and replies of the Islamic Republic of Iran and has been influenced and predisposed by insinuations and sources that are mostly unreliable, such as past reports, without verifications and observance of the Code of Conduct for mandate holders of the Special Procedures of Human Rights Council. These are primarily the reasons behind incorrect repetitive content of his report. This method of action is clearly indicative of the deviation of the Special Rapporteur from the clear rules stipulated in the criteria for the appointment of the mandate holders. It is also indicative of an unfair and biased approach towards nation of the Islamic Republic of Iran. This approach terminates the validity of this report and torpedoes public confidence.
10. The Islamic Republic of Iran rightly expects that the drafter of this report should have paid more attention, in addition to sources mentioned in the report, to formal responses of our government that had been presented on a regular basis, especially our documented and evidence-based replies to draft report of Secretary-General to the 25th Session of Human Right Council and 69th Session of Third Committee. We hope our past responses and the content of present communication would be effectively applied in the final report.
11. The Islamic Republic of Iran expects the Special Rapporteur, in keeping with the purpose of greater cooperative relations and interactions with UN human rights mechanisms in reviewing human rights situation in Iran, to refrain from using holistic and vague allegations. Employing of these wordings suggest much generalized concepts, are negative, unfounded and biased. It stands to reason that use of general and cliché phrases in the report and trying to draw intended conclusions will only undermine the impartial and unbiased position of the reporting system. We also call on the Special Rapporteur to refrain from making hasty comments on the content of draft bills or plans that are still in the initial phase of drafting in the process of lawmaking.
12. The Islamic Republic of Iran has only few days to respond to the draft report, while the Rapporteur had several months to prepare his report.

Needless to say, providing more response and comments to the draft report and many pages of annexes in this short period of time is not possible.

Cooperation with Special Mandate Holders

13. The Islamic Republic of Iran has resolute determination to respond human rights claims and communications and provides the required transparent information to the international human rights mechanism. In this connection, we have provided replies to previous reports by the Rapporteur concerning cases of concern in paragraph 8 of the draft report. These replies were all evidence-based, comprehensive and relied on legal bases and actual practices. In these replies we also particularized guarantees and force of law behind each one of those rules and regulations. Again, we should take note that providing response to communications received from Special Procedures requires numerous asking from relevant administrations and review of replies received from them and finally preparing the text to the communications. Therefore, it really takes time to respond to communications, nevertheless, our intention is to expedite the process of responding. It is noteworthy that we have provided response to 15 communications and this number is more than half of the received communications. Preparing response to other communications is also underway.
14. Despite the fact that the Islamic Republic of Iran regards designation of Special Rapporteur unwarranted, meaningless and destructive, our missions in New York, Geneva, and other relevant officials have met with the Special Rapporteur in line with our intention to cooperate with UN Human Rights System and for the purpose of correcting the approach of Special Rapporteur and helping to draft a report based on dependable information. Our regular and detailed replies to his draft reports and information presented to him in different meetings have been appreciated by the Rapporteur. This interaction with him will be continued. Moreover, in line with our intention to cooperate with Special Procedures, seven thematic Rapporteurs and Working Groups have visited Iran. There are also plans for the visit of two Special Rapporteurs to Iran. In addition, in line with our intention to promote

cooperation and constructive interaction with the Office of the High Commissioner, our minister of foreign affairs met with the High Commissioner on the sideline of 69th General Assembly and extended to him an invitation to visit Iran.

Allegations concerning reprisals against persons connected with Special Mandate Holders

15. Allegation concerning reprisal measures against those who cooperate with UN Human Rights mechanism is unfounded and baseless. No person is prosecuted solely for the reason of having relations with these mechanisms unless he/she commits an act that is regarded a violation of law such as commission of criminal acts or security offenses under the cover of community-based organizations or by misusing the title of human rights activist or civil society. According to the provisions of our Penal Code, any commission or omission which a punishment has been designated in the laws is a crime that can be a cause for prosecution. It is noteworthy that guarantees and sanctions for ensuring freedoms of individuals are envisaged in Article 570 of the Islamic Penal Code.
16. Charges against persons mentioned in paragraph 10 of the draft report have nothing to do with their cooperation with the Special Rapporteur. Mr. Saeed Shirzad is being tried for his membership in the MKO terrorist group, acting against national security, Mr. Mohamamd Ali Taheri for insulting sanctities, illegal involvement in medical affairs and treatment of patients, commission of a *haram act*, procurement and distribution of audio visual products and unlawful activities, acquiring illegitimate income, and unauthorized use of academic titles, Mr. Reza Pourshajari for charges such as insulting sacred beliefs, Mr. Behnam Ebrahimzade on charges of assembly and complicity to act against the security of state have been prosecuted.

Civil and Political Rights

Death penalty

17. Principled position of the Islamic Republic of Iran on the issue of death verdict has been repeatedly reflected in the official positions of the Islamic Republic of Iran and will be explained further in this response.
18. Excessive concentration on the claim concerning increase in the use of death penalty in Iran as stated in this report and relying on estimated census without paying attention to causes and threats arising from special circumstances, especially because of shocking increase in production of illicit drugs in neighbor countries on the eastern borders of Iran jeopardizes the very validity of this report.
19. The geographical position of Iran on the periphery of the largest producers of traditional narcotic drugs in the world is the primary reason for attaching great importance to combating traffickers. Our country has been very serious in this fight and has made huge human and material sacrifices. More than 3700 of our military and law enforcement forces have given their lives and 12000 have been injured in this campaign. In addition, millions of dollars are spent every year for fighting network of traffickers, prevention, treatment and rehabilitation.
20. According to figures published by UNODC more than 80% of seizures of narcotic drugs in the world belong to the Islamic Republic of Iran. Iran has been recognized as the flag-bearer of the global fight against illicit drugs acknowledged by numerous UNODC reports, admission of its Executive Director and Under-Secretary General of the United Nations.
21. The Islamic Republic of Iran is at the forefront of the fight against trafficking of drugs and cooperates with United Nations and countries in preventing transit of illicit drugs. Iran has also made huge investment in preventing trafficking and uses its full capacity in this fight. The number and volume of seizures in Iran is more than total global seizures. This fight against narcotic traffickers has been very costly for Iran, especially in terms of human resources. In some cases we faced hostage taking of our law enforcement forces by terrorist groups mainly due to lack of cooperation with other countries. In our neighboring region the nexus between extremism and terrorism on one hand, and drug trafficking and organized

crimes on the other hand is undeniable. That is why it is essential to have the serious and responsible cooperation of all countries and relevant international organizations in this fight.

22. In the laws of the Islamic Republic of Iran death penalty is only for very serious crimes. Serious crimes are prosecuted in courts of law with the presence of the representative of the Prosecutor, the accused and his/her defense lawyer. Death sentence is issued after exhaustion of all legal remedies and completion of due process. Hearings of courts for these serious crimes are conducted in presence of defense attorney whose presence is required by law. Rulings by courts in these cases without the presence of lawyers are not legally valid and can be overruled by the higher courts. In Article 32 of the amendment of law concerning the fight against drugs (adopted in 1997), death sentences that are issued by courts can only be enforced after approval of the chief judge of the Supreme Court or Prosecutor General. Due care is exercised in these rulings to such an extent that if one of these two (Supreme Court or Prosecutor) deems that the sentence contravenes provisions of Sharia or law; they can ask for retrial or abrogate the verdict. This is intended to fully observe the rights of the accused. In light of these explanations, we refute emphatically the claims of clandestine executions of the most serious drug-related offenders. If there is a claimant that can present evidence in this connection, we will investigate.

23. Regarding the allegations relating to death sentence for offenders under the age of 18, Iran exercises high degree of flexibility with respect to offenders under 18 because of humanitarian and Islamic considerations. They are tried in special courts and in light of their age and other circumstances minimum sentences are issued for them. Only cases of intentional homicide relating to offenders that have reached age of majority but under age of 18 are tried in provincial criminal courts in presence of five judges. According to our law punishment for the offense of intentional homicide is Qisas. The function of the judiciary in cases relating to intentional homicide is just to prove prior intention. Execution of death penalty is the right of the immediate family to demand execution. According to existing practice even after finality of the sentence and approval of the Supreme Court extensive efforts are made by Reconciliation Commission to seek forgiveness from the heirs of the victims

Λ

and to convert death penalty to another punishment. Over the recent years many have been freed from punishment of Qisas.

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

25. Principled policy of the Islamic Republic of Iran in application of Qisas is to encourage aggrieved parties to forfeit the right of Qisas even by offering financial assistance for payment of blood money. This is the prevailing trend in dealing with this group of offenders. The Judiciary has established a new task force under the title of "Prevention of the Punishment of Execution". This task force subsumes under the Executive Committee to support rights of children and juveniles in the Ministry of Justice. The objective of this task force is to encourage heirs of murder victims to forfeit the right to Qisas and to come to reconciliation.

Fair Trial

26. The Constitution, Criminal Procedures Code and other laws of the country emphasize the fairness of trials and legal proceedings in all their phases from the time of discovery of an offence, investigation and trial, to enforcement of rulings by the court, regardless of race, gender, religion and ethnicity. Moreover, presumption of innocence is assumed and offence should be unlawful act as defined by law. These principles are stipulated in article 37 of the Constitution and articles 2 and 12 of the Islamic Penal Code.

Accordingly, no one is considered guilty of commission of an offence unless proven by court of law.

27. According to article 156 of the Constitution, Judiciary is an independent branch of government and articles 164 and 166 protect the independence of judges and stipulate that judges are required to issue verdicts that are based on solid reasoning and evidence. In addition ordinary laws, including Criminal Procedure Code and Civil Procedure Code and disciplinary rules protect independence of judges and attorneys in all phases of legal proceedings from courts of first instance to appellate phases.
28. Current laws in Iran guarantee standards of a fair trial, including immediate access to defense counsel. In fact, large number of lawyers and legal advisers are providing attorney services under the supervision of the Bar Associations. For this reason, the Islamic Republic of Iran has accepted UPR recommendations concerning standards for fair trial. The writer of the draft report concedes in paragraph 18 that Article 48 is not yet operational; commenting on rules that have not yet come into force is not sensible and justifiable.

Prohibition of arbitrary detention

29. Using the phrase "arbitrary detention" in the draft report is in fact unconstructive, improper and unacceptable. The draft report is apparently prepaid without taking into account separation of powers in the Islamic Republic of Iran and serious requisite imposed by the Judiciary for full observance of rules of Civil Procedures Code governing arrest warrants in the investigation phases and principles governing fair trial from the very first instance to the appeal process restitution ad integrum. Enforcement of rules for fair trial is ensured by the Supreme Court. The Supreme Court examines any deviation from legal course without slightest discrimination and if a ruling by a court is proved to be contrary from legal process, it is overruled and turned over to parallel branch. Therefore, the claim of arbitrary detention is totally baseless. All arrests are carried out on the basis of a

judicial authorization and after exhausting judicial process. Therefore, an arbitrary detention does not have any legal basis.

30. Although the Rapporteur referred to 2003 report of the Working Group on Arbitrary Detention and has included matters on selective basis from that report, it would have more appropriate if he also mentioned about "very positive" cooperation during their visits, the fact that Iranians spared no efforts in helping the Working Group and the Working Group was able to have its meetings and visits in a "transparent" manner and "without any obstructions". Despite our legal and technical criticisms and disapproval of the report by Working Group, the Islamic Republic of Iran has welcomed active and constructive participation in UN human rights mechanisms. We have shown total willingness to have constructive cooperation with all UN mechanisms, including with the Working Group on Arbitrary Detention. Iran was very forthcoming in responding to all queries raised by this working group in a transparent manner and extended the necessary cooperation for the fulfillment of their mission.

31. It should be noted that the Law on "respect for legitimate freedoms and protection of citizens' rights" there is adequate guarantee for the full observance of the rules of Civil Procedures Code and other relevant laws. For the purpose of implementing paragraph 15 of this law, duties of the Central Supervisory Board, which is presided by the Head of Judiciary, are listed in 8 paragraphs. Under Article 2 of the Implementing Regulations of paragraph 15 of this law, there are provisions for establishment of Central Supervisory Board in provincial capitals for better access of citizens. It is a good idea for the Rapporteur to study all paragraphs of this law in order to avoid making very general and scattered statements.

32. It is noteworthy that the Law on "respect for legitimate freedoms and protection of citizens' rights", Central Supervisory Boards are required to deal seriously with the violators through competent authorities, when they observe a violation of laws or receiving a report of violation as well trying to correct any flaws and shortcomings. Needless to say, in case the violation is proven, violator reprimand and in case of commission of an unlawful offence, the offender is sentenced according to the law.

33. Concerning payment of reparations (damages), according to current norms, only the aggrieved party that has suffered losses as a result of a wrongful act can demand compensation from offender. However, if a person commits an offence for which the Legislator has designated a punishment cannot demand indemnities. He/she is sentenced to suffer a punishment mandated by law after completion of investigation, indictment and trial by court. Besides, as a result of his/her wrongful act, the aggrieved party suffers. In some cases, these wrongful acts or offences have private dimensions as well. Therefore, demanding reparations is the right of the aggrieved party that has suffered from a wrongful act.
34. Concerning persons mentioned in paragraph 19 of the draft report, it needs to be noted that Article 176 of the Constitution lays out certain responsibilities for the High Council for National Security. Paragraph 3 of this article allows the Council to "make use of material and intellectual resources of the country for facing the internal and external threats". It can be clearly concluded from this article in the Constitution that their restriction is for the purpose of removing one of the threats to national security. Therefore, their restriction is based on the decision of High Council for National Security which is enforceable according to Article 176 after completion of its legal process.

Independence of Lawyers

35. According to Article 156 of the Constitution, the judiciary is an independent branch, the protector of the rights of the individual and society, responsible for the implementation of justice, and entrusted by law with certain duties. The ordinary laws of Iran, including Procedural Code for Public and Revolutionary Courts for civil and criminal cases and supervisory laws relating to conduct of judges and lawyers ensure their independence in all phases of trial proceedings, from first instance to appeal phase. Lawyers in Iran enjoy full independence and infringements of their code of conduct is dealt with by the Bar Association and lawyers elected by them.

36. Commenting on drafts of bills that simply proposals and have not been even placed on the path to become law is a hasty and amateurish action. Moreover, mere possession of license to practice law does not bring any disciplinary and social immunity. Therefore, if a lawyer violates rules of his/her profession, disciplinary bodies step in to deal with such violations. If a lawyer commits an offence for which Legislator has designated a punishment, judicial authorities and courts deal with such offences. On case of Mr. Masood Shamsinejad declared that he was sentenced to 6th degree prison sentence for 4 months on the basis of articles 19, 211, and 500 of the Islamic Penal Code on charges of propaganda activities against the government. This ruling was issued after exhaustion of due process and hearing of defense arguments. This ruling was upheld by provincial appeal court after initiation of appeal process by Mr. Shamsinejad and his lawyer. The appeal court rejected arguments by Mr. Shamsi's lawyer and upheld the ruling of the lower court on the basis of Paragraph a of Article 257 of the Procedural Code for Courts for criminal cases.

Conditions of prisons and treatment of prisoners

37. With respect to the expectation of the Rapporteur to investigate claims relating to use of torture, it should be noted that in the Islamic Republic of Iran trials for charges against persons are conducted solely in accordance with the applicable laws and without any regard to social and political positions. The Constitution and other laws of the Islamic Republic of Iran stipulate the requirement to observe citizens' rights. Enforcers of the laws of the country regard themselves compelled to implement provisions of this law in practice. They know that any form of negligence with respect to observance of this law on citizens' rights gives rise to accountability. According to paragraph 15 of Single Article Act of the Law on protection of citizens' rights, the Board selected by the head of the Judiciary Power is required to address infringements and deal with the violators through competent authorities and report the conclusions to the Head of the Judiciary. A good example is with respect to Kahrizak Detention Center. In

keeping with the sanctions provided under this law, this center was closed and actions of those have violated citizens' rights has been brought to justice.

38. It is emphasized that Kahrizak Detention Center was intended as a remand centre for ordinary offences, not a new special facility for events after presidential election (2009). After receiving complaints and subsequent investigations, authorities ordered the closure of this detention facility. Those who were found guilty of abuse were punished and those who committed criminal offence were sentenced to prison, payment of reparations and severance of their employment in the government, in addition, measures have been taken to compensate aggrieved parties.
39. Concerning proper medical care for prisoners and in response to claims stated in paragraph 27, it should be noted that despite all the difficulties arising from unlawful sanctions imposed on Iran, the necessary funding for medical needs of prisoners have been provided and prisoners have acceptable levels of access to medical care both inside and outside of the prison. Medical care, health of the prisoners and proper prisons environment are endured in articles 102 up 118 of the Implementing Regulations for Prison Administration. In addition, provincial supervisory and inspection bodies for citizens' rights for the Law concerning "respect for legitimate freedoms and protection of citizen's rights" visit prisons in accordance with articles 9 and 10 of this law. The purpose of these visits is to inquire about conditions of prisons and investigate about observance of the rights of prisoners. Inspectors interview prisoners and inquire about the circumstances and conditions in prisons. Inspectors also examine per capita space for prisoners, separation and classification of convicted prisoners and those facing trials. In addition, prisoners with transmittable diseases are separated and medical conditions of prisoners are inspected. In case of any shortcomings and inadequacies, inspectors give necessary notice to the prison authorities.
40. It should be noted that Implementing Regulations concerning establishment of the prisons inspection department was promulgated by the Head of the Judiciary Power. This is a clear indication of the intention on the part of the Judiciary to ensure greater and more effective observance of laws

concerning rights of citizens, especially the Law concerning respect for legitimate freedoms and protection of citizens' rights. This is also another evidence of the resolve of the Judiciary Power to protect the rights of the accused persons. In addition, these inspection teams conduct random visits in addition to regular periodic visits to prisons and detention centers. During these visits the inspectors seek to verify performance of prison and detention centers authorities and inspect the health and medical conditions of prisoners.

41. Concerning the case of Mr. Saman Nasim, it is to be noted that the Department of Justice in West Azerbaijan Province has stated that Branch chamber Two of the Criminal Court of this province tried him on charges of armed action against the Islamic Republic of Iran country by membership in banned PJAK terrorist group and taking part in an armed terrorist attack against military forces that caused the death and injury of a number of military personnel. The trial was held in presence of five judges and after hearing defense arguments by him and his lawyer and exhaustion of all legal remedies, he was sentenced to death in accordance with articles 183 and 186 and paragraph 1 of Article 190 of the Islamic Penal Code. His defense attorney initiated appeal process and the case was referred to Branch 32 of the Supreme Court. Supreme Court upheld the death sentence ruling of the lower Court and rejected the protest by the accused and his lawyer.

Freedom of Expression and Access to Information

42. According to Article 24 of the Constitution publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. Moreover, Press Law (22/12/1364) and its subsequent amendments lay out boundaries of freedom of press in Chapter Four (articles 6 and 7) and chapter 6 explicitly explains press offences (articles 23-35). Accordingly, whenever an offence takes place, a competent open court with the presence of a jury, as stated in Chapter Seven of the Press Law, examines the offence. Therefore, freedom of press and observance of the rights of real and juridical persons is a two-way requirement, and there is no difference between journalists and others in

this regard. While very few cases of press offences are being examined, large number of the members of the press are enjoying freedom in fulfilling their duties. Unsubstantiated number of alleged arrests of members of the press in these paragraphs is indefensible. Moreover serious offences have been committed by some of these media, including satellite networks mentioned in paragraph 33 of the draft report, insistence on propagating lies and perturbing public peace of mind, and disseminating contents that foment ethnic and religious hatred, extremism and violence.

43. Closer scrutiny of the Press Law of 1364 and its subsequent amendments and protocols, clearly demonstrate that the Legislator of the Islamic Republic of Iran was keen on providing the required environment for freedom of press and access to information by respecting and observing rights of general public. Only those who seek to insult and defame, abuse freedom of press, resort to libel and defamation, disclose confidential secrets of persons and commit illegal acts are prosecutable. This will allow the society to have greatest space for freedom of expression that the framers of the Constitution intended to provide for people.
44. Examining the text of the Computer Crime Law demonstrate that the Legislator of the Islamic Republic of Iran (2009) by addressing problems relating to "unauthorized access, offenses against confidentiality of data and telecommunication systems, unauthorized eavesdropping, cyber espionage, crimes against veracity and integrity of data and computer and telecommunication networks, cyber counterfeiting, destruction and damaging data or computer and telecommunication networks, stealing and fraud using computer, obscene and offensive content, defamation and dissemination of lies, identifying criminal liability of persons, designation procedural code for computer crimes, matters relating to jurisdiction and collection of electronic evidence and stipulations relating to offenses and punishments, seeks to support freedom of expression, proper use of Internet and intends to only prosecute those who violate the law and cause nuisance for the right of the public to freedom of speech.
45. The Government of Iran (like many other governments) blocks obscene sites and those that weaken the foundation of family life whether in artistic or

social groups (such as the indicators claimed by the Rapporteur) or otherwise and declares the names of these sites. If a site is blocked incorrectly, its broadcast could easily be resumed simply by providing evidence; there is a committee that decides on immorality or unlawful activities of Internet sites. Members of this committee are from broad spectrum of organizations and governmental and nongovernmental institutions. This committee examines the activities of these sites in accordance with transparent and lawful standards.

46. In the Islamic Republic of Iran all media outlets, print or Internet, are treated in accordance with the law. According to Article 22 of Computer Crimes, the Judiciary is required to establish "committee on examples of unlawful contents". This committee has members from relevant agencies and headed by the General Prosecutor. This committee acts in accordance with laws and regulations in identifying websites that intend to jeopardize public security and peace, promote offences that are against public decency and morality, propagate lies, support terrorist groups and.... Courts and judicial authorities examine violations by such offenders in accordance with the applicable laws. This approach does not violate freedom of expression and privacy of people. On the contrary, it protects and ensures the rights and privacy of citizens in Internet environment. This action is in keeping with the demand of people from the government to protect reputation, decency, rights and privacy of the population against those who reveal without any permission personal and private information.

47. Media activities in Iran are being carried out on a large scale and with freedom. Press Law also acknowledges freedom of expression and constructive criticism, provided insults, humiliation, character destruction, libel and breach of public and private rights are avoided. Therefore, these limitations as in line with articles 18 and 19 of International Covenant on Civil and Political Rights. Bahar newspaper suspended its publication pursuant to a decision by manager in charge of this paper on voluntary basis. Bahar printed an article that was insulting to sanctities of people and seriously hurt feelings of the public. Manager of the paper offered his apology and conceded that he found the article to be objectionable. Subsequently, after investigations and on the basis of vote of the court and pursuant to

receiving advisory view of the jury, it was suspended for only 6 months. This six-month suspension has already expired.

48. Despite the admission by the Rapporteur that the draft bill on "Political offense" and the bill on "establishment of High Council for Media" are currently being reviewed by Majlis, he claims that these bills have imposed more limitations of freedom of press and assembly, and government supervision over media will expand, simply relying on a bill that has not yet been passed. Criticizing a bill that has not yet passed and required formalities to become law does not correspond to provisions of Resolution 5/2 on the Code of Conduct of Mandate-holders of the Human Rights Council.

49. In case of Mr. Soheyle Arabi declares that he has committed crimes including defamation of holy prophet Mohamad (PBUH) and consequently to injure public religious sensation. Although, after exhaustion of legal formalities and hearing his lawyer defense bill, invocation to article 262 of the Islamic Penal Code, he has been convicted to execution on charges of inserted in paragraph 31 of the draft report, and the sentence has been confirmed by Supreme Court, subsequently, with regard to his request to reopen, his dossier has been demanded by the chamber who has issued the sentence.

Freedom of Assembly and Association

50. In keeping with articles 26 and 27 of the Constitution and in accordance with the provisions of the law regarding the activities of political and trade unions, professional organizations and Islamic societies and recognized religious minorities ", as stated in paragraph 39 of the draft, more than 230 political parties, 400 trade unions and professional organizations and 60 socialites of religious minorities have received permits for their activities. Moreover, in Note to Article 6 of the Law of Parties and its Implementing Regulations, there are clear rules for holding of assemblies and demonstrations.

51. In Iran, members of the civil society comprising political parties, trade unions and professional and religious associations are freely and extensively active. It should be noted that any form of social activity in the form of political party, society or association requires observance of regulations stipulated in the law regarding the activities of political and trade unions, professional organizations and Islamic societies and recognized religious minorities and receiving of a permit from Article 10 Commission.
52. Arrest and detention of persons are on the basis of laws of the country and for commission of criminal act or acts and no one has been arrested in the Islam Republic of Iran for exercising the right of peaceful assembly. Therefore, no group from the civil society, including the so-called "defenders of human rights", is denied the protection of law as long as provisions of the relevant laws are respected and do not commit unlawful acts under the guise of human rights defenders.
53. Considering that Majlis is currently reviewing and deliberating on the draft of bills regarding "non-governmental organizations" and "establishment and activities of political parties and groups", making comments on bills that have not completed their legislative process is a hasty intervention in the sovereign functions of the government and does not correspond to provisions of Resolution 5/2 of the Code of Conduct of mandate-holders of the Human Rights Council.

Freedom of religion

54. According to articles 12 and 13 of the Constitution, the official religion of Iran is Islam, Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, in framework of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious teachings.
55. According to Chapter Three of the Constitution all citizens of Iran are equal before the law and never being a Baha'i or Christian serves as a reason for aggravation or mitigation of lawful punishments. In addition, the principle of

equality before the law and prevent discrimination entails combating against impunity.

56. In the Islamic Republic of Iran across the history, different Islamic branches coexist in peaceful manner and hold numerous joint religious ceremony in common religious places. So, there is not any restriction to attendance of Sunni Muslim in Shia mosque and vice versa. This combination seizes opportunity from extremism to generate cleavage and contributes the alliance between two main branches of Islam to be consolidated.

57. Regarding the situation of Dervishes in paragraph 63 page 13 of the annexes, it should be noted that the claim by Rapporteur concerning arrest of 7 Muslims belonging to Gonabadi sect, solely on charges of being Dervish, by virtue of unreliable sources is unacceptable. Dervishes are citizens of the Islamic Republic of Iran and enjoy the protection of the Constitution and Laws. Paragraph 14 of Article 3 and Article 20 of the Constitution clearly state that all citizens of Iran are equal before the law. The statistic relating to the arrest of Goanbadi Dervishes is on the bases of unreliable source. It would be much better if more details could be provided so we can inquire and communicate our views on another more suitable occasion.

58. Concerning construction of church, it should be noted that the composition of present Christian population shows that they have more than their per capita share of churches, and this is a good reason that there is no obstruction for construction of church. Construction of religious places in other parts of the world also follows this general guideline. The most important requirement is the number of followers in a particular city. Therefore, when the population criteria are met, this subject will be placed in our agenda. In addition, in all legal systems there are provisions and regulations concerning construction of religious places, especially changing residential real estate to buildings that are used for other purposes. Needless to say, changing a residential building for this purpose needs certain changes in the infrastructures and land use which is unlawful.

59. The result of the rule of law is to maintain public order and needs necessary measures. Naturally, maintaining public order which is the first and foremost

goal of law can only be achieved by respecting the law. Therefore, holding of religious ceremonies is also a function of this general principle that needs to be taken into view by Rapporteur. Religious ceremonies are no reason for ignoring the rule of law.

60.Regarding paragraphs 47 to 50, it should be noted that alongside religious minorities, citizens' rights of followers of other sects, including Baha'is are fully observed. Needless to say, respecting rights of citizens depend on fulfillment of legal duties and obligations of each person in the society. This principle that places rights against legal obligations is recognized in most legal systems. The validity of each right is contingent upon reciprocal duty.

61.Islamic religious teachings forbids investigation into other people's belief and Article 23 explicitly prohibits investigation of other people's belief and further states that no one can be taken to task simply for having a certain belief. Despite all the media and political propaganda, especially by Baha'is. No one is in prison solely for having a certain belief or denied entry into university for the same reason. Regarding Baha'i cemetery, several graveyards exist in Iran, and Baha'i enjoy their burial ceremonies freely.

62.Regarding the case of Abdolreza Haghnejad, it should be noted that according to statement by Department of Justice in Alborz Province, Mr. Haghnejad, son of Seyed Mohamamd and also known as Mathias was convicted by Karaj Court, after completion of due process and hearing of defense arguments by him and his lawyer on charges of acting against national security. This ruling was protested and the case was referred to the Provincial Appellate Court. The Court has not ratified his guilt. The accused was exonerated on the basis of Article 257 of Criminal Procedures Code. He is free now. So, the Reporter needs to correct the content of paragraph 52 of the draft report.

Economic, Social and Cultural Rights

63.Chapter Three of the Constitution of the Islamic Republic of Iran emphasizes legitimate rights of the people of Iran such as freedom of

expression and taking part in legal demonstrations and assemblies, provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. In addition, in the Islamic Republic of Iran, social activities in the form of parties, associations and societies require observance under the provisions of the Law regarding the "activities of political and trade unions, professional organizations and Islamic societies and recognized religious minorities". All workers and employers are free to establish a union or to become a member of the recognized trade unions to defend their interests, in fact, chapters 6 and 7 of the Labor Law are dedicated to establishment of workers and employers groupings and association, and collective negotiations and contracts. In accordance with these chapters, workers of each productive unit are allowed to establish their association under three titles: Islamic Workers Council, Trade Union and Workers Representative. Therefore, not acceding to the two conventions is by no means tantamount to restriction of legal rights of workers, because our laws in practice cover many of the provisions of the two conventions.

64. In the Islamic Republic of Iran no one is taken to exercise his/her right. Arrest and detention of persons take place on the basis of commission of a criminal act as defined by law. No one has been arrested for exercising the right to take part in a peaceful assembly.

65. Presently, workers and employers associations are active in the Islamic Republic of Iran and advocate their rights on different occasions. Supreme Center for Employers Trade Union is a member of International Organization of Employers (IOE). This organization is active in the International Labor Organization. The current government in Iran is interacting with various employer and workers groups, including those mentioned by the Committee. These interactions are for the purpose of achieving national consensus, and the results of this cooperative relationship have been satisfactory.

66. Regarding health at workplace, as mentioned on page 311 of the addendum to the draft report, it is noteworthy that in the Islamic Republic of Iran, Ministry of Cooperative, Labor and Social Welfare and Ministry of Health

and Medical Education are responsible and required to announce standards for workers safety and workplace health, and supervise over implementation of these standards. In this connection, Chapter Four of Labor Code is allocated to technical safety and health at workplace. This issue is on the top of the agenda of the Ministry of Labor and Social Welfare. In addition to declaring various standards for health and safety for workers, inspectors of the Ministry follow up the implementation of these standards at regular junctures of time and require the employers to implement these standards. In addition, violating employers are forfeited or required to pay compensation to injured workers.

- 67.Regarding the right to work, Labor Code of the Islamic Republic of Iran has adequate provisions in this regard and various articles in the Constitution, including paragraph 4 of Article 43 and articles 19, 20, and 28 refer to this right and close the way to any injustice inhibiting citizens to have access to the calling of their choice. Article 38 of the Labor Code states that equal wages shall be paid to men and women for performing work of equal value in a workplace under the same conditions. Any discrimination in wage determination on the basis of age, gender, race, ethnic origin and political and religious convictions shall be prohibited. Iran joined ILO Convention 100 on equal remuneration for men and women. There is no difference in remuneration between men and women for work of equal value. Therefore, there is gender difference with respect to remuneration.
- 68.Considering that the draft of the plan regarding" protection of hijab, Ifaf and gender segregation at workplace" is currently being reviewed by Majlis, it is self-evident, making comments on draft bill and laws that have not exhausted all the required legal formalities is a hasty intervention in sovereign duties of the government. This action does not correspond to provisions of Resolution 5/2 and Code of Conduct by the Mandate-holders of Human Rights Council.
- 69.Article 29 of the Constitution regards health and medical care as universal rights, and paragraph A of Article 38 of the Law on Fifth Five-Year Development Plan is to aim that the actual implementation of this right. Attaching priority to the health of the people by the government, a special

committee has been established upon an executive order issued by the President to conduct investigation on the effects of satellite jamming. This committee comprises representatives from Ministry of Health, Ministry of Communications and Technology, Atomic Energy Organization and Environment Protection Department.

70. From the perspective of Sharia, family institution is of special importance. Procreation and perpetuation of human race come with wedlock between men and women. Homosexual relationships prevent survival of humanity and weaken the institution of family. According to rules of Sharia, applicable laws of country, prevailing culture, mores and customs in our society and importance of family, any abnormal actions that is contrary to the law, such as homosexual behaviors is totally rejected. However, there is a protective attitude toward transgender persons. The latter groups are provided with support and protection by relevant agencies.

71. Moreover, paragraph 60 of the draft report endorses actions taken by Iran, both in terms of legislation and in practice, on allowing transgender persons to have surgical operations for sex change. It is noteworthy that in line with our intention to provide greater support to these individuals, we are working on a supportive bill for transgender persons to provide counseling, financial and insurance assistance, and benefit the support of NGO's.

Land Mines

72. Mines in five Western provinces of the Islamic Republic of Iran were planted by former regime of Iraq during eighth-year imposed war. Former régime in Iraq beefed up by its allied countries, especially Western countries, used land mines extensively during eight-year war. These mines have created a vast dangerous area covering close to four million two hundred thousand square hectares. Therefore, responsibility for these mines clearly lies with Iraq and those countries that supported her in imposing war on Iran.

73. Immediately after the end of war, Iran began mine clearing operations in the contaminated areas and has been greatly successful in these operations. Our

mine clearing efforts have been praised by Pierre Reiter, former ICRC chief in Tehran, Ms. Consuelo Vidal, UN Resident Coordinator and UNDP representative in Iran, and Mr. Stephan Husy, Director General of Genève International Center for Demining.

74. Demining efforts by the Islamic Republic of Iran is part of our humanitarian activities which requires cooperation with international organizations and other countries. Unfortunately, despite all our efforts to solicit and attract international assistance and cooperation, nothing has come to Islamic Republic of Iran Mine Action Center.

75. Demining operations in Iran take place according to international standards. Given the extent and vastness of contaminated areas and need for special equipment in certain areas, some areas have not been fully cleared of mines. Shortage of special demining equipment is not only peculiar to Iran; this is a global problem for mines buried below 30 centimeters. Although, illegal imposed sanctions have obstructed access of Government to some high technology in this sphere.

76. Activities by Islamic Republic of Iran Mine Action Center have substantially reduced the number of casualties. This center has organized a number of training courses on this subject.

77. According to a statement by the Supreme Leader of the Islamic Republic of Iran, those who lose their lives in demining operations benefit from status of a martyr and those who suffer injuries can benefit from the status of wounded heroes. The Islamic Consultative Assembly also ratified a law that provides protection and support, similar to those granted to martyrs and wounded heroes of war, to families of those who return to war-affected regions of the country and lose their lives or suffer injury as a result explosion of mines or other unexploded ordinances.

Rights of Women

78. From its very inception, the Islamic Republic of Iran has paid special attention to advancement of women, and elevation of their rights as well as

- Submission of a bill by the government regarding "safety of women against violence".
- Ratification and implementation of Family Protection Law.
- Greater attention to women's rights in the new Criminal Procedures Code.

80. Regarding education and health, it should be noted that the subject of elevating education and health of women are among high priority objectives

their status. Inspired by this goal, extensive efforts have taken place to improve health and education status of women and to combat poverty. Numerous plans have been implemented to generate employment, to fight violence against women and increase social participation of women by their greater presence in positions of decision-making, more participation in community-based organizations and in cultural activities. Motivated by the goal to elevate rights of women, recently a number of institutions as below have been established to advance these goals:

- The Center for Women and Family Affairs has been elevated from advisory position to the position of vice-presidency.
- Improving the role of the Committee on Women and Youth, and Women Caucus in the Islamic Consultative Assembly.
- Creating the post of Advisor of Women Affairs in all government ministries and major agencies.
- Elevation of the role of Women Cultural and Social Council at Cultural Revolution Council, and the Office for Protection of Women and Children in the Judiciary Power.
- Designation of the post of Women Advisor in Family Courts in accordance with Family Protection Law (2002) and elevating the role of women police in the organizational structure of the national police.

79. The constitution and other laws of Iran ensure that all citizens of the country, both men and women, equally enjoy the protection of the law, and seek to eliminate unjust discrimination. The government is required according to these laws to create a favorable environment for the growth of woman's personality and the restoration of her rights, both the material and intellectual. The most important measures taken by the government to elevate rights of women are:

- Passage of law on "organizing and protecting home-based jobs".
- Amendment of articles 1 and 7 of the law regarding "modality of the implementation of the law concerning part-time employment of women".

- Implementation of the project on "prevention of social harms against women" since 1389 by holding of 300 hours of workshops and articulation of 224 women awareness projects on risky behaviors.
- Police project under the title of "joint operations for social awareness" with the purpose of eliminating violence against women and dealing with the perpetrators.

In addition to laws governing violence against persons in public areas, for the purpose of combating domestic violence, Note to Article 1130 of the Civil Code of Iran allows wives to file for divorce in cases of assault and battery and any form of mistreatment.

82. In the laws of the Islamic Republic of Iran, infliction any kind of injury on another person entails criminal liability, and domestic violence is of no exception. Nevertheless, due to the importance the government attaches to issues relating to women, a special bill on safety of women has been drafted. This bill defines in legal terms all types of violence including domestic violence and its examples, and provides for proportionate punitive measures. This bill is presently going through its ratification process.

83. Regarding women participation in social and economic endeavors, in addition to establishment and operation of "Foundations for Women Cooperatives and Entrepreneurship" for the purpose of poverty reduction in 1389, and payment of financial facilities to women for entrepreneurship and self-employment projects, the following is the list of measures in the area of economic empowerment of women:

- Granting assistance to groups that help women heads of households.
- Implementation of a plan on establishing Empowerment Center for Women and increasing the number of women parliamentarian.
- Increasing the number of women representatives in city and rural councils to 6,093 in the fourth round of council elections.

- Occupying important positions and posts in government up to vice-presidency.

The list above is some of the important political activities of women in recent years.

84. According to Article 1 of Law on Protection of Children and Minors (1381), all persons that have not reached the full age of 18 (solar Heijra) benefit from the protection provided under this law. Article 2 of the same law forbids mistreatment and abuse of children and minors that can inflict bodily, psychological and moral harm, and jeopardizes their physical or mental health. Articles 3 to 6 of this law lays out in detail punishments from prison term to pecuniary fines according to circumstances of each case.
85. Regarding Ms. Ghoncheh Ghavami, it should be noted that her arrest was not for her participation in a sport event. She was convicted on charges of waging propaganda against the government. The court ruling in her case was appealed and is currently being reviewed by the appellate court. It is noteworthy that she was freed on bail before the ruling was issued by the court.
86. "Hijab" is the most prized cultural and social symbols of Iranian-Islamic civilization. Hijab in Iran dates back to pre-Islamic era and reached its peak value with Islamic culture. Hijab and Ifaf are two important religious and value standards in Islamic teachings. It is very befitting to pay due attention to cultural and social grounds for this phenomenon. Observance of Islamic Hijab is mandatory according to our laws. Regarding the plan for supporting those who enjoin good deeds (maaroof) and prevent monkar, it is noteworthy that parts of the plan was ruled to be inconsistent with the Constitution by the Council of Guardian in its 10/10/1394 meeting and the plan was returned to the Islamic Consultative Assembly.
87. Regarding acid attacks, it should be noted that such savage actions are condemned by the authorities of the country in the strongest terms. According to the statement by the spokesperson of the Judiciary Power, the culprits behind the acid attack in Isfahan have not yet been arrested. There

were some suspects in the early days, but principal perpetrators are still at large.

Unlawful sanctions

88. It is surprising that the drafters of the present report have said nothing about unlawful and unjust sanctions that have been imposed on the people of Iran. We rightly expect this from the drafters of the report for the following reasons:

- Purposes and principles enshrined in UN Charter primarily focus on maintenance of peace and security, and removal of threats to peace, and on promoting and encouraging respect for human rights and fundamental freedoms, right of self-determination and sovereignty of States.
- No decision by Member States, individually or collectively - even by the Security Council - can be contrary to purposes and principles of the UN Charter.
- These all-out and unlawful sanctions are contrary to article 1 and 2 of UN Charter and many other international human rights instruments. These sanctions have become a complex phenomenon and a serious threat to peace and security.
- Long-lasting and comprehensive sanctions violate purposes of the United Nations, including the right of human beings to benefit from human rights, and are contrary to articles 55 and 56 of the Charter.
- General principles of humanitarian law, principles of equity and customary law as well as many human rights treaties and UN resolutions condemn comprehensive and long-lasting sanctions as violations of human rights.
- The General Assembly of the United Nations and UN Human Rights Council have explicit resolutions that condemn coercive unilateral measures. General Assembly Resolution on U.S. sanctions against Cuba and recent resolution by Human Rights

Council on unilateral coercive measures are among these resolutions.

- Sanctions destroy social rights and harm economies of targeted and third countries.
- Some sanctions are clear examples of "grave and extensive violations of human rights" and violation of "binding international rules" and "universal commitments". Perpetrators of these sanctions should be held accountable to global community.
- International community should endeavor to remove barriers to the right to development by international cooperation and fulfillment of "shared responsibility".

To this end, global community and Member States of the United Nations should express their solidarity with countries targeted for sanctions and endeavor to consolidate "resistance economy" in targeted countries. Technical and advisory assistance in this connection can serve as a manifestation of global solidarity against sanctions.

It is seriously expected from Special Rapporteur to condemn use of unlawful and antihuman sanctions, especially by unilateral actions. He should remind the world of the antihuman consequences of sanctions and demand international supervision over consequences of cruel measures and prohibition of unilateral sanctions, and emphasize on accountability of countries applying sanctions.

Conclusions and recommendations

89. The Government of the Islamic Republic of Iran has reviewed and examined carefully and keenly all recommendations presented during the second round of UPR by involving and seeking participation of all relevant stakeholders. These recommendations were considered from legal, political, social, cultural and administrative perspectives. We wish to state our support for close to 65% of these recommendations.

90. Needless to say, conditions for acceptance of recommendations relating to UPR mechanism are within the realm of State sovereignty. Therefore, casual

and unconsidered comments by the drafter of the report are clear interventions in affairs that are inherently in the realm of sovereignty of States and violate the principles enshrined in the Charter of the United Nations.

91. Despite the fact that Islamic Republic of Iran considers designation of Special Rapporteur for Iran as unwarranted, meaningless and destructive, our missions in New York, Geneva have met with the Special Rapporteur in line with our intention to cooperate with UN Human Rights System and for the purpose of correcting the approach used by Special Rapporteur and helping to draft a report based on dependable information. Regardless of these efforts, we do not believe that simply by visiting a number of European countries and writing a report with lengthy addendums just by having interviews with a limited number of persons is a right way to draft a dependable report.
92. Unfortunately, Special Rapporteur has repeatedly ignored our previous replies that were based on corroborative evidence and supportive documents. Instead, Special Rapporteur chose to be influenced, like his previous reports, by insinuations from mostly unreliable sources without making an effort to verify the content of information provided by these sources and to comply with the Code of Conduct of Mandate-holders of Special Procedures of the Human Rights Council (Res.5/2).
93. It is regrettable that drafter of the present report draws conclusion from draft bills that are still in the initial phase of their legislative process and have no force of law that their content undermines human rights of certain groups.
94. The Special Rapporteur had ample time to prepare the draft report, but the Islamic Republic of Iran has very limited time to respond to numerous claims that are very general and unclear. Nonetheless, Iran has acted to respond out of its strong conviction to have constructive dialogue with international instruments. We rightly expect that the content of our replies will be accorded greater attention in preparation of the final report.
95. In the laws of the Islamic Republic of Iran and in practice any person who commits an offence for which the Legislator has provided a punishment is

tried in the court of law and sentenced to a punishment proportionate with his/her offence after completion of fair trial and exhaustion of all legal remedies, regardless of his/her belief or creed.

96. Allegations concerning use of torture in the Islamic Republic of Iran are emphatically rejected, since Article 38 of the Constitution, and other laws, especially the Law on Citizens' Rights, forbid all forms of torture. Use of torture by any official of the government gives rise to serious responsibility and the offender is dealt with full force of the law as was the case in Kahrizak.
97. In Muslim countries, sexual relations out of wedlock is regarded as an immoral act. For this reason, both in terms of moral and mental health dimensions, formation of family for mature persons who are below age of 18 is more advanced than the free and open relations among juveniles in many non-Muslim countries.
98. In the laws of the Islamic Republic of Iran any form of violence that causes slightest bodily injury is criminalized and at least qualifies for payment of Diyah.
99. Death sentence is part of the laws of many countries, including Islamic Republic of Iran and there is no global consensus on its abolition. Death sentence for the most serious crimes is lawful and in accordance with international legal instruments. In the laws of the Islamic Republic of Iran, there are provisions for use of death sentence for the most serious crimes, including large-scale trafficking of dangerous illicit drugs that are in conjunction with terrorist crimes.
100. Judicial authorities of Iran base their rulings on applicable laws relating to the subject of the crime and act in accordance with Criminal Procedures Code and international standards to ensure fair trials. The structure of judicial system in Iran is built in a way that ensures fair trial.
101. From the perspective of Islamic Penal Code, there is no punishment for a political act. Therefore, there is no political prisoner in the Islamic Republic of Iran. Drafter of the present report should seriously refrain from

placing terrorists and perpetrators of security offences among the so-called political prisoners.

102. Regarding claims concerning execution of juveniles below age of 18, Iran shows a great deal of flexibility toward this group of offenders in light of its Islamic and humanitarian compassion. This group of offenders is tried in special juvenile courts and a committee is established to bring about reconciliation between the delinquent juveniles and aggrieved victims. Article 89 and 91 of the Islamic Penal Code provide many concessions for juvenile delinquents.

103. In the Islamic Republic of Iran, freedom of expression, media activities and freedom of peaceful assembly have always been supported. Article 24 of the constitution emphasizes freedom of publications and press. Moreover, Press Law of 1364 and its subsequent amendments guarantee these freedoms.

104. No group from civil society, including the so-called "defenders of human rights", lawyers, and journalists are denied protection under the law, so long as they do not violate legal norms and commit unlawful acts under the guise of these titles.

105. The Constitution and other laws of the country ensure that all citizens of the country, both men and women, equally enjoy the protection of the law and seek to eliminate unfair discrimination and provide fair opportunities for all. Institutions of government are required by law to provide conducive environment for material and moral growth of women and ensure rights of women by providing necessary grounds and facilities.

106. There is no violation of the rights or discrimination against ethnic minorities in the Islamic Republic of Iran because of our ideological, cultural and ethical beliefs. Moreover, Article 19 of the Constitution states that all people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights.

107. While emphasizing the fact that accession to international conventions is entirely within sovereign jurisdiction, the Islamic Republic of Iran is currently considering accession to UN Convention against Torture.
108. The Former regime of Iraq backed by its supporting countries, especially those in the West, used land mines excessively and extensively in vast areas of Iran. Immediately after the end of imposed war, Iran began mine clearance operations in the contaminated areas in accordance with international standards and has been greatly successful in these operations.
109. Despite methodological and substantive flaws in the annex of draft report, the present response is directed toward substantive contents in the addendum and some cases. Needless to say, responding to other cases in the addendum of the report require correspondence and receiving of replies to our inquiries. We have already communicated the inquiries, but receiving replies from the relevant authorities require time and providing a response in short time is not possible.
110. In closing, we seriously expect the final report take a clear and principled position against unlawful and anti-human sanctions that target general population in Iran and condemn them accordingly.
