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High Commissioner and the Secretary-General

Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran*

Summary

The present report is submitted in accordance with General Assembly resolution 67/182, in which the General Assembly requested the Secretary-General to submit an interim report to the Human Rights Council at its 22nd session. The report reflects the patterns and trends in the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of the present resolution, including recommendations to improve its implementation. In its resolution 67/182, the General Assembly called upon the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the previous report of the Secretary-General (A/67/327) and to respect fully its human rights obligations, in law and in practice, in relation to a number of specifically identified concerns.

* Late submission.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/182, which requested the Secretary-General to report to the General Assembly at its sixty-eighth session and to submit an interim report to the Human Rights Council at its twenty second session. The report provides an update to the Secretary-General's last report to the General Assembly (A/67/327) on the human rights situation in the Islamic Republic of Iran and provides information on the progress made in the implementation of resolution 67/182. While the report focuses on the concerns identified in the General Assembly resolution, it also highlights issues impacting on economic, social and cultural rights.

2. Owing to the difficulty of collecting independent data on the human rights situation in Iran, the report draws further upon observations made by treaty monitoring bodies, the special procedures of the United Nations Human Rights Council, United Nations agencies and international non-governmental organizations. It also refers to information from official State media.

3. Since the last report of the Secretary-General to the General Assembly (A/67/327), human rights violations have continued, with an intensified crackdown on journalists, human rights defenders and women's rights activists. The two main opposition leaders have remained under house arrest since February 2011. Concerns about torture, amputations, flogging, increased application of the death penalty (including in public and for political prisoners), arbitrary detention and unfair trials, continue to be raised by United Nations human rights mechanisms. Freedom of expression and assembly remained curtailed, with further erosion of space for political activities. Discrimination against minority groups persisted, in some cases amounting to persecution.

4. The Secretary-General visited Tehran from 29 to 31 August 2012 to participate in the NAM (Non-Aligned Movement) Summit. He also met with the Supreme Leader, the President and other senior Government representatives and discussed a range of human rights issues, including the death penalty, freedom of expression and association, and individual cases of concern. The Secretary-General encouraged the Government of Iran to cooperate fully with international human rights mechanisms, in particular by inviting the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

II. Thematic issues

A. Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations

5. Article 38 of the Constitution of the Islamic Republic of Iran explicitly forbids the use of all forms of torture for the purpose of extracting confessions or acquiring information. There are also provisions in the Penal Code and Code on citizen's rights that provide for acts of torture to be punished. On 27 November 2012, Dr Mohammad Javad Larijani, Secretary General of the High Council for Human Rights in Iran stressed that torture is considered to be Haram (religiously forbidden) and that the judiciary was firmly determined to deal with cases involving allegations of torture.¹

¹ <http://en.humanrights-iran.ir/news-19983.aspx>,

6. The Secretary-General nevertheless remains concerned about continuing allegations of torture and cruel, inhuman or degrading treatment in detention facilities. Particular concerns remain about the ongoing practice of incommunicado detention of political prisoners, prolonged solitary confinement, and alleged occurrences of deaths in custody. It should be noted that given its severely adverse effects on physical and mental health, prolonged solitary confinement amounts to torture, inhuman or degrading treatment.²

7. In addition to custodial deaths caused by lack of medical attention or neglect, at least three cases in which detainees died in custody due to torture or ill-treatment, have been confirmed in 2012.³ These include the death in custody of a blogger, Mr Sattar Beheshti, which drew considerable international attention. On 15 November, a group of Special Procedures mandate holders⁴ expressed concerns at his death and urged the Government to undertake a thorough, independent and impartial investigation, particularly into the allegations of torture, and to make the results of such an investigation public.

8. Mr Beheshti, who maintained a website critical of the Government, was arrested on 30 October by the cyber police, allegedly without a warrant. He was taken to Evin Prison, where he was reportedly subjected to ill-treatment. On 6 November, prison authorities contacted relatives of Mr Beheshti to collect his body. In an open letter, on 10 November, a number of political prisoners held in Evin prison testified that Mr Beheshti had been subjected to torture and that they had witnessed injuries on his body.

9. Following an investigation, members of the Parliament and judiciary confirmed allegations of physical assault during arrest but denied reports that the death of Mr Beheshti resulted from torture.⁵ A Parliamentary committee charged with investigating the case found the cyber police responsible for the death. In a report readout in an open session of Parliament, on 7 January 2013, the Committee accused cyber police of violating law by having kept Mr Beheshti without authorisation in a detention facility, not supervised by the state prison administration, which did not meet the minimum standards, including having close-circuit cameras. The Committee report further referred to the findings of an Iranian Forensic Medicine Organization, which stated that bruises were observed on Mr Beheshti's shoulder, legs and back. The Committee, noting the arrest of three Tehran cyber police officers in connection with this case, called on the judiciary to seriously deal with people responsible and to take measures necessary to prevent similar incidents in the future.⁶ In a letter to the High Commissioner for Human Rights, dated 4 December, the High Council for Human Rights indicated that the head of the cyber police department had been dismissed for negligence, insufficient supervision of his subordinates and improper investigation of the case.

10. Allegations of torture have also been the subject of numerous communications by relevant Special Procedure mandate holders. In a report to the Human Rights Council,⁷ a group of Special Rapporteurs drew the authorities' attention to the alleged torture and prolonged solitary confinement of Mr Saeed Malekpour, an Iranian-Canadian, who was detained in October 2008, after one of his websites, had been used to host pornographic

² A/67/279, 9 August 2012

³ According to Amnesty International, over 40 persons died in custody since 2003, due to torture or other ill-treatment, including lack of adequate medical treatment. See "Iran must ensure an effective investigation into Sattar Beheshti's death in custody", 29 November 2012.

⁴ Special Rapporteurs on the situation of human rights in Iran, torture and other cruel, inhuman or degrading treatment or punishment, promotion and protection of the right to freedom of opinion and expression

⁵ www.presstv.com/detail/2012/12/05/276390/beheshti-died-of-natural-causes-iran-mp/

⁶ <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1784226>

⁷ A/HRC/20/30, 15 June 2012

images without his knowledge. He was sentenced to death on charges of “insulting and desecrating Islam”. He was allegedly held in solitary confinement and subjected to torture in Evin Prison for over a year.

11. The judiciary continue to impose flogging and amputation as sentences. On 23 November, the Head of the Yazd judiciary reported the amputation in public of four fingers of two robbers. On 28 October, the judiciary in Fars announced the sentencing of a person accused of armed robbery to the amputation of his left hand and foot.⁸ On 24 October, a man accused of committing adultery was publicly punished with 99 lashes, in Qaimshahr.⁹ The authorities argue that flogging and amputation are sanctioned under Islamic Law, are effective in deterring crime, and thus do not qualify as torture or cruel, inhuman or degrading treatment. In contrast, the United Nations human rights mechanisms, in particular the Human Rights Committee considers any form of corporal punishment incompatible with article 7 of ICCPR.¹⁰ Infliction of punishments such as amputation not only leads to physical disability but may cause lifelong psychological damage. Without exception such punishment has a degrading and humiliating component, and is compounded by social stigma and diminished physical capacity over a lifetime.

B. The death penalty and executions of juvenile offenders

12. Iran continues to retain the death penalty in both law and practice. It has neither abolished the death penalty nor introduced a moratorium for crimes such as drug offences that do not meet the threshold of “most serious crimes” to which under international human rights law, the death penalty should only be applied, in countries which have not abolished the death penalty¹¹. In a report to the 67th session of the General Assembly¹², the Special Rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and on torture and other cruel, inhuman or degrading treatment or punishment endorsing the view of the Special Rapporteur on extrajudicial, summary or arbitrary executions stressed that drug offences fall short of the scope of the “most serious crimes” for which the death penalty is permissible under international human rights law. The Special Rapporteur on extrajudicial, summary or arbitrary executions further argued that states cannot invoke national legislation or other domestically oriented reasoning to justify drug-related crimes as being “most serious crimes.”¹³

13. In recent years, the number of drug-related executions in Iran has grown as part of the country’s efforts to combat drug-trafficking. The introduction and entry into force of a new Anti-Narcotics law in January 2011 has further exacerbated the situation. The law not only provides mandatory death sentences for the head of drug gangs or networks, but introduces the death penalty for trafficking or possession of more than 30 grams of crystal meth, like other psychedelic substances such as crack and heroin. Furthermore, drug smugglers are also deprived of the right to appeal against the death penalty.¹⁴

14. Drug-related executions accounted for over 80 per cent of the over 1,000 executions reported to have been carried out from January 2011 to December 2012. These include the execution of 16 individuals in one day on 7 November 2012. Despite the aggressive

⁸ <http://isna.ir/fa/news/91082314652> and www.mehrnews.com/fa/newsdetail.aspx?newsid=1730063

⁹ www.farsnews.com/newstext.php?nn=13910803000642

¹⁰ A/HRC/13/39/Add.5, 5 February 2012

¹¹ Article 6(b) of ICCPR

¹² A/67/275, 9 August 2012

¹³ Ibid

¹⁴ A/HRC/21/29, 2 July 2012

campaign of drug-related executions, there is no evidence to suggest that the death penalty has successfully contributed to the eradication of drug-trafficking in Iran.¹⁵

15. The international community, especially the United Nations human rights mechanisms, have frequently called on the Government to impose an official moratorium on the use of the death penalty for all crimes, including drug-related cases and on the cases of juvenile offenders. The High Commissioner for Human Rights in her opening statement to the 21st session of the Human Rights Council raised her concerns about the increase in drug-related executions and executions in public in Iran. The Special Procedures mandate holders, on various occasions publicly condemned the ongoing execution of individuals sentenced to death for drug-related offences. On 23 October 2012, a group of independent experts of the Human Rights Council expressed outrage at the execution on 22 October 2012 of Mr Saeed Sadighi and nine others for drug-related crimes. Mr Sadighi had reportedly been subjected to torture during his detention and there were serious concerns about the fairness of his trial. The execution was carried out despite the fact that on, 12 October, the human rights experts had called on the Government of Iran to halt the planned execution of Mr Sadighi and other prisoners on death row.

16. The new draft Islamic Penal Code (IPC), which was approved by both the Parliament and the Guardian Council in January 2012, was referred back to the parliament for further review by the Guardian Council. The IPC provides for the use of the death penalty for some non-violent acts and has also introduced more severe punishments for people charged with crimes against national security. For instance, it provides for the death penalty for sodomy; for the non-Muslim party in same-sex relations not involving penetration; insulting the Prophet Mohammad; and possessing or selling illicit drugs.¹⁶

17. Moharebeh (enmity against God) and Fisad-fil-Arz (corruption on earth) still carry the death penalty. These vaguely defined offences in the Penal Code appear to be incompatible with the most serious crimes requirement for the death penalty in international law. In the draft IPC, the scope of Fisad-fil-Arz has been expanded to include publishing lies, operating or managing centres of corruption or prostitution, or damaging the economy of the country.¹⁷ The definition of Moharebeh requires the accused to have resorted to arms for the purpose of causing terror or fear or creating an atmosphere of insecurity. On 12 December 2012, the Chief of Iran's judiciary stressed that regardless of the crime, Moharebeh offences are only punishable by death and the judiciary will not apply alternative punishments prescribed in the law.¹⁸ This statement was reinforced by the Parliamentary Commission on legal issues.¹⁹ This suggests that the death penalty could still be imposed on charges of Moharebeh even where the conduct may not have resulted in any death or injury. In past years, Moharebeh charges have frequently been applied to Government opponents and dissidents.

18. Special Procedures mandate holders continued to raise serious concerns about the application of the death penalty on charges of Moharebeh. On 28 June 2012, a group of mandate holders²⁰ condemned the execution of four members of the Ahwazi Arab minority in Ahwaz following a reportedly unfair trial. The four men, including three brothers, were reportedly arrested in April 2011 during a protest in Khuzestan and convicted of

¹⁵ A/67/275, 9 August 2012

¹⁶ A/HRC/21/29

¹⁷ Human Rights Watch, Proposed Penal Code Deeply Flawed, www.hrw.org/news/2012/08/29/iran-proposed-penal-code-deeply-flawed

¹⁸ <http://isna.ir/fa/news/91092213058/>

¹⁹ www.kayhannews.ir/910926/10.htm#other1408

²⁰ Special Rapporteurs on the situation of human rights in Iran, torture and other cruel, inhuman or degrading treatment or punishment and extrajudicial, summary or arbitrary executions

Moharebeh and Fisad-fil-Arz. In a report to the Human Rights Council, the Special Rapporteurs on extrajudicial, summary or arbitrary executions, on the situation of human rights in Iran and on the independence of judges and lawyers²¹ expressed concern over the death sentence imposed on Mr Abdolreza Ghanbari for Moharebeh for alleged links with the banned opposition group, the People's Mojahedin Organisation of Iran (PMOI). The death penalty was apparently upheld on appeal and his request for a pardon from the Amnesty and Clemency Commission was rejected at the end of February 2012.

19. There has been a dramatic spike in public executions in Iran. Over 55 public executions, mainly for drug-related offences and rape, were carried out in 2012, up from 40 in 2011. These include the execution in public of five persons accused of rape, on 27 December 2012, in Yasuj.²² The executions reportedly usually took place in the early hours of the morning and were often attended by large crowds including minors and relatives of the condemned. The authorities lifted a ban on photographing public execution which had been imposed in 2008. This method of executions is degrading and often exposes convicts and their family members to public contempt and hatred, and constitutes cruel, inhuman and degrading treatment or punishment, which is prohibited by Article 7 of ICCPR

20. Both the ICCPR and the Convention on the Rights of the Child, to which Iran is a State Party, prohibit the imposition of the death penalty for crimes committed by persons below eighteen years of age. Furthermore, in 2010 Iran also voluntarily accepted Universal Periodic Review recommendations that urged ending juvenile executions in law and practice. During his visit to Iran, in August 2012, the Secretary-General encouraged the Government to take measures to abolish the death penalty, particularly in relation to juvenile offenders.

21. Iran has taken measures to restrict death sentences imposed on minors by allowing judges greater discretion in the new Islamic Penal Code. Judicial authorities also encourage systematically the family of the victim and perpetrator to reach diyah (blood money) settlements to prevent executions. However, according to human rights groups, at least 143 juvenile offenders convicted for alleged crimes of rape and murder, were on death row in 2011.²³ On 23 November, Iranian media reported the sentencing to the death penalty of a juvenile named Mr Farzad, after confessing to the murder of a 17 year old boy.²⁴ Furthermore, on 16 January 2013, Mr Ali Naderi, a 21 year old man was reportedly executed for a crime, that he allegedly committed when he was 17 years old. He was sentenced to death for his role in the murder of a woman. This was the first juvenile execution since September 2011.

C. Women's rights

22. While examining Iran's compliance with the ICCPR in October 2011, the Human Rights Committee expressed concern about the continuing inequality of women with regard to marriage, family and inheritance matters, and recommended that the Government amend the Civil Code and the draft Family Protection Act to bring them in line with international human rights standards. The Secretary-General has repeatedly raised concerns relating to the protection of women's rights, both in his reports to the General Assembly and the Human Rights Council as well as during his visit to Iran. In his discussion with the Iranian authorities, the Secretary-General pointed to women's underrepresentation in public,

²¹ A/HRC/21/49, 7 September 2012

²² <http://isna.ir/fa/news/91100704504/>

²³ www.hrw.org/news/2012/08/29/iran-proposed-penal-code-deeply-flawed

²⁴ www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1750635

political and professional life and urged the Government to adopt laws and policies that promote women's participation in decision-making positions.

23. There were mixed signs in this regards. In late December 2012, Ms Marziyeh Vahid-Dastjerdi, the first and only female Minister since the 1979, revolution was dismissed by President Mahmoud Ahmadinejad following her criticism of the Government's handling of crises in the medical sector.²⁵

24. The Government's repression of women's rights activists, particularly women lawyers, journalists and those involved in the "One Million Signatures Campaign" and "Mourning Mothers" has continued. Many activists have been arrested, detained and given prison sentences and had travel bans imposed. Additionally, incidents of self-immolation and suicides; honour killings; underage and forced marriages; travel restrictions; gender-segregation in universities, restrictions on women's access to certain university courses also remain concern.²⁶

D. Discrimination against religious minorities

25. Serious discrimination in law and in practice against ethnic and religious minorities, continues to be reported, especially against the Baha'i community. Although the participation in community activities is a foundational element of the Baha'i faith and an integral part of their religious practice, in recent years many Baha'is have been asked, under threat and duress, to sign statements undertaking not to participate in their community's gatherings and other collective activities. Such practices run contrary to Iran's obligations under article 18 of the ICCPR, which guarantees everyone's right to freedom of thought, conscience and religion. In addition, Baha'is are also denied access to public and private universities. The few admitted to universities without their religious affiliation being known have faced expulsion upon revelation of their faith, and had their appeals systematically rejected by relevant authorities and courts. Economic activity in various cities such as Semnan, Aligoudarz, Isfahan and Mashhad has also been affected by discriminatory policies and practices against the Baha'i community. In Semnan at least 27 Baha'i-run business enterprises had reportedly been closed by the authorities as of October 2012, leaving more than 110 Baha'i families without a source of income.²⁷ This has a serious negative impact on the right to work and the right to an adequate standard of living, both of which are guaranteed by the International Covenant on Economic, Social and Cultural Rights, to which Iran is a State party.

26. An ongoing anti-Baha'i media campaign resulted in increasing attacks on its members and their properties. This national campaign that consists of Anti-Baha'is pamphlets, posters, seminars and the broadcasting of anti-Baha'i speeches on radio networks appears to be tacitly condoned by the authorities. In addition, anti-Baha'i speeches reportedly delivered to different audiences including schools, youth organizations and the general public.

27. As of late November 2012, a notable increase in the imprisonment of Baha'is had been observed, with over 100 Baha'is detained apparently because of their religious beliefs. In most cases, security forces, who conduct these arrests, also searched Baha'i homes

²⁵ www.presstv.com/detail/2013/01/01/281171/officials-should-to-attend-to-healthcare/

²⁶ In addition to married women needing husband's permission to work or travel, the Parliament is currently considering new proposals that will require single women under 40 to obtain permission from their father or a male guardian to obtain a passport or travel outside Iran.

²⁷ Inciting Hatred "The Bahias of Semnan" A case study in Religious Hatred, Baha'i International Community, October 2012

and/or workplaces in order to seize materials related to their faith. In a joint communication of 14 May 2012, a group of Special Procedures mandate holders²⁸ expressed serious concerns at the ongoing arrest and detention of members of the Baha'i faith. These included the arrest, on 26 February 2012, of Ms Mahsa Mehregani, a 12 year-old student in Yazd, at a time when she was taking an online exam with the Baha'i Institute for Higher Education (BIHE). Furthermore, on 6 January 2012, security forces arrested Ms Bakhtiyar Rasekhi, Mrs Farahnaz Naimi (Rasekhi) and Ms Farin Rasekhi during a Baha'i event in their home, and charged them with propaganda of the Baha'i faith. Mr Rasekhi allegedly remained detained in solitary confinement for over 70 days.

28. Other minority groups are also reported to have been subjected to a range of human rights violations, including violations of the right to freedom of thought, conscience and religion. Since June 2010, approximately 300 Christians have allegedly been arbitrarily arrested and detained throughout the country, including in Arak, Bandar Abbas, Bandar Mahshahr, Ardabil, Tabriz, Khoramabad, Mashhad, Hamadan, Rasht, Shiraz, Isfahan, and Elam. On 20 September 2012, the Special Rapporteurs on the situation of human rights in Iran and on freedom of religion or belief publicly expressed serious concerns over the arrest and detention of hundreds of Christians and the atmosphere of fear in which many churches operate. In a welcome development, in September 2012, Pastor Yousuf Nadarkhani, who converted to Christianity at the age of 19 and became a member of a Protestant church in Rasht, was released. Mr Nadarkhani had been arrested in October 2009 and found guilty and sentenced to death on charges of apostasy and evangelism following a trial which reportedly did not provide due process guarantees. The sentence was upheld by the Supreme Court, with the caveat that unless the accused renounced Christianity he would be executed by hanging. In early September 2012, the judicial authorities commuted Pastor Nadarkhani's charge to 'evangelizing Muslims,' and reduced his sentence to three years which he was credited with having already served.

29. Other minorities, such as the Sunni community, also faced severe restrictions of their freedom of religion and belief. On 26 October 2012, the most important Muslim holiday, security forces reportedly banned Tehran's Sunnis from holding their own Eid al-Adha gathering and prayers. Although this was the first time that they were prevented from marking Eid al-Adha, they had previously been stopped from holding Eid al-Fitr prayers for three consecutive years, and from building mosques and houses of worship in the city.²⁹ Discrimination against Sunni students in accessing higher education institutions has also been reported. The management of universities asserted that security officials had forbidden Sunni students from receiving higher education. In late September 2012, following pressure from security officials and the Ministry of Education, the Education Department of Iranian Kurdistan banned more than 17 senior Sunni teachers from teaching throughout the province.³⁰

²⁸ Chair-Rapporteur of the Working Group on Arbitrary Detention, Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment, freedom of religion or belief, situation of human rights in Iran and Independent Expert on minority issues. A/HRC/21/49, 7 September 2012

²⁹ www.sunnionline.us/english/index.php?option=com_content&view=article&id=3640:tehran-ban-on-sunnis-own-eid-al-adha-prayers&catid=58:Ahl-al-Sunna-In-Iran&Itemid=198

³⁰ www.sunnionline.us/english/index.php?option=com_content&view=article&id=3624:iran-sunni-students-banned-from-education&catid=58:Ahl-al-Sunna-In-Iran&Itemid=198 and www.sunnionline.us/english/index.php?option=com_content&view=article&id=3544:17-sunni-h-school-teachers-banned-from-teaching&catid=58:Ahl-al-Sunna-In-Iran&Itemid=198

E. Freedom of peaceful assembly and association, freedom of opinion and expression

1. Lack of freedom of expression, association

30. The High Commissioner for Human Rights and Special Procedures have expressed serious concerns about the shrinking space for freedom of expression and assembly. Lawyers, human rights defenders, independent media practitioners, film-makers and artists are often targeted for exercising their professional responsibilities or rights to freedoms of expression and association. Independent associations and unions, such as the Associations of Journalists and Teachers, the Centre for Human Rights Defenders, the Committee for the Defence of Political Prisoners in Iran, the Committee of Human Rights Reporters, the Iranian Bar Association, the One Million Signature Campaign and Mourning Mothers have either been banned or had their members imprisoned. In some instances, authorities even prevented funeral ceremonies for family members of activists.

31. In a report to the Human Rights Council,³¹ the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression expressed serious concerns about the restrictions imposed on the rights to freedom of peaceful assembly and of association and urged the authorities to open up space for people to exercise their legitimate freedom of association without undue hindrances. On 15 November, the Director-General of UNESCO, calling for an investigation into the death in custody of Mr Sattar Beheshti, (see paras 7-10), stressed that freedom of expression is an essential component of democracy, good governance and the rule of law and that citizens and professional journalists should have the right to speak and write without fear for their lives.

32. In its annual report for 2012, the Committee to Protect Journalists reported the imprisonment of 45 journalists in Iran.³² Several are facing charges linked to national security and/or propaganda against the system. Furthermore, the authorities have shut-down independent media outlets and newspapers. On 26 September, the authorities closed down an independent newspaper, the “Daily Shargh”, for publishing a cartoon that authorities deemed insulting to Iran-Iraq War veterans, and arrested its director Mr Mehdi Rahmadian. He was released on bail after spending three days in prison but his trial remains pending. A summons was also issued against the cartoonist. Authorities also raided the offices of “Daily Maghreb”, on 1 October, and arrested its editor, Mr Mohammad Mehdi Emami Nasser. The daily was subsequently suspended on 23 November.

33. Furthermore, on 26 September 2012, Mr Ali Akbar Javanfekr, the press advisor to President Mahmoud Ahmadinejad and Head of the official Iranian News Agency (IRNA) was summoned to serve a six-month prison sentence issued previously for insulting the Supreme Leader and for publishing content “contrary to Islamic standards.” A Tehran court originally sentenced Mr Javanfekr on 20 November 2011 to a year in prison and a three-year ban on working as a journalist, but the sentence was reduced to six months in prison on appeal. On 19 December 2012, he was released on a four-day medical leave to seek medical treatment.³³ In September, the Reuters bureau chief in Iran, Ms. Parisa Hafezi, was charged with spreading lies and propaganda against the system³⁴ and the wire agency’s

³¹ A/HRC/20/27/Add.3, 19 June 2012

³² www.cpj.org/reports/2012/12/imprisoned-journalists-world-record.php

³³ <http://isna.ir/fa/news/91093018078/>

³⁴ www.tehrantimes.com/politics/101932-jury-finds-reuters-bureau-chief-in-iran-guilty

operations suspended, after a story mistakenly entitled “Thousands of female Ninjas train as Iran’s assassins” was published in February 2012, despite the agency’s apologies.³⁵

34. On 22 August 2012, security forces arrested over 30 earthquake relief workers and volunteers, who were offering supplies to earthquake victims in Eastern Azerbaijan that had been struck by a 6.4 magnitude earthquake on 11 August. The earthquake left at least 306 people dead, over 3037 wounded and thousands homeless.³⁶ Those arrested included Mr Hossein Rohaghi Maleki, a blogger, and Mr Navid Khanjani, human rights activist. Both were reportedly charged with distributing unclean and non-hygienic goods, and reportedly subjected to torture and other physical assault in a facility run by the Ministry of Intelligence in Tabriz.

2. Situation of political activists

35. In his remarks at the School of International Relations in Tehran, on 30 August 2012, the Secretary-General stressed the importance of opening up space for free expression and debate, and noted that restricting freedom of expression and suppressing social activism will only “set back” development and plant the seeds of instability. The Secretary-General noted it was critical for the voices of Iran’s people to be heard during the presidential elections and urged the authorities to release opposition leaders, human rights defenders, journalists and social activists to create the conditions for free expression and open debate. The Secretary-General regrets that the Iranian authorities have taken few steps to ease sanctions against lawyers, human rights defenders, women rights activists and political activists, and remain concerned that independent voices have been further stifled ahead of Presidential election in June 2013.

36. However, in a welcome development, 130 prisoners held on political and security related charges were pardoned or had their prison terms commuted under a clemency order issued by the Supreme Leader on the eve of Eid al-Fitr in August 2012. Those released include Ms Nazaneen Khosravani, journalist, who had been sentenced to 6 years in prison on charges of propaganda against the system, and colluding against national security. At the same time, hundreds of political prisoners remain imprisoned and the two opposition leaders, Mr Hossein Mossavi and Mr Mehdi Karoubi, remain under house arrest. The ongoing house arrest of opposition leaders and imprisonment of political activists could limit the potential for credible, inclusive and participatory presidential elections scheduled for 14 June 2013.

37. Ms Faezeh Hashemi, and Mr Mehdi Hashemi Rafsanjani, the daughter and son of Mr Akbar Hashemi Rafsanjani, Chief of the Expediency Council and former President of Iran, were both arrested by the authorities. Faezeh Hashemi was arrested on 22 September to serve a six-month jail sentence, apparently linked to her participation in an opposition rally in February 2011. On 30 December, she was placed in solitary confinement. Mr Mehdi was taken into custody at Tehran airport on 24 September after returning from 36 months of exile abroad. He was held at Evin Prison on charges related to his role in the 2009 post-election unrest, transmitting sensitive information to foreigners and espionage. On 17 December, he was released on bail equivalent of 800,000 US dollars.³⁷ Mr Ebrahim Yazdi, Chairman of the Iran Freedom Movement was sentenced to eight years in prison and a five year ban on social activities on charges of activities against national security, publishing falsehood and cooperating with the Iran Freedom Movement”. Mr Yazdi, who is

³⁵ A/67/327, 22 August 2012

³⁶ www.odvv.org/news-target-print-145

³⁷ <http://www.tehrantimes.com/politics/104772-indictment-issued-for-mehdi-hashemi>

80 years old was first tried in November 2010 and subsequently convicted in December 2011. He is currently freed on bail but remains at risk of detention. On 23 November 2012, members of the National Front Party, Mr Karish Zaeim, Mr Issa Khan Hatemi, Mr Mohammad Owaisi and Mr Mohsen Rahami, who were on visit to Northern Khorasan, were arrested by intelligence agents reportedly and released after intensive investigations. Their arrests appeared to be linked to their political activities.

3. Human rights defenders

38. On 1 November, a group of Special Procedures³⁸ expressed serious concerns about the ongoing campaign of persecution of human rights lawyers, which has grave implications on the adequate functioning and independence of the justice system. According to the Special Rapporteur on the situation of human rights in Iran, at least 32 lawyers had been prosecuted since 2009 and several prominent human rights defenders were currently detained.³⁹ On 4 December 2012, the High Commissioner for Human Rights expressed serious concerns about the deteriorating health situation of Ms Nasrin Sotoudeh, an internationally recognised lawyer and human rights activist, and called for her prompt release, as well as the release of all those activists who have been arrested and detained for peacefully promoting respect for human rights in Iran.

39. Ms Sotoudeh, who was awarded the 2012's prestigious Sakharov Prize for Freedom of Thought, commenced a hunger strike on 17 October 2012, in protest against her prison conditions as well as the travel ban imposed on members of her family. On 4 December, she ended the hunger strike after the authorities acceded to her demands and lifted the travel ban against her 12 year old daughter. Since her arrest in September 2010, her husband and daughter had been subjected to restrictions including travel bans. Although the Government asserts that Ms Sotoudeh committed crimes for which she was convicted by a competent court, the United Nations human rights mechanisms view her imprisonment as arbitrary and in clear violation of international human rights standards.⁴⁰

40. On 28 January 2011, Mr Kohyar Goodarzi, a human rights activist who was arrested in July 2011, was sentenced to five years of imprisonment, on charges of membership in the Committee of Human Rights Reporters, acts against national security and disseminating misinformation about the system. In a letter dated 19 November 2012, the authorities reported that Mr Goodarzi had enjoyed all procedural guarantees and that his appeal against the initial verdict of five years imprisonment had been rejected by the Tehran Appeal Court on 7 July 2012.

4. Threats and harassment of family members of human rights and political activists

41. Family members of human rights activists, lawyers, journalists and artists, are allegedly often subjected to threats, sanctions and travel ban. In his report to the 67th session of the General Assembly⁴¹, the Special Rapporteur on the situation of human rights in Iran raised concerns about the frequent arrest, detention, interrogation and intimidation of family members of journalists and employees of the BBC and Radio Farda, aimed at

³⁸ Special Rapporteurs on the situation of human rights in Iran, on human rights defenders, on the right to freedom of opinion and expression and on the independence of judges and lawyers

³⁹ A/67/369, 13 September 2012

⁴⁰ A/HRC/19/82, 20 March 2012

⁴¹ Ibid

pressuring the concerned journalists and employees to cease their reporting activities.⁴² On 20 November, Ms Massumeh Dehghan, the wife of jailed lawyer and human rights defender Mr Abdolfattah Soltani, was sentenced to one year in prison, suspended for five years, coupled with a five-year travel ban. She was charged with “propaganda against the system” for travelling abroad and receiving the Nuremberg human rights prize given to her husband who is serving a 13 year jail term. On 4 November 2012, security forces arrested Mr Behrouz Ghobadi, the brother of exiled film-maker Mr Bahman Ghobadi on national security charges. Since then, he has been held incommunicado and is reportedly in a fragile health situation.⁴³ Mr Behrouz, who had not been politically active and owned a shop in the Kurdistan region of Iraq, was travelling to Tehran from Sanandaj when arrested. The arrest of Mr Behrouz is apparently linked to the film making activities of his brother, who has produced several films critical of the Iranian Government. These cases points to a lack of respect by the Government of Iran to its obligations under article 19 and 22 of the ICCPR to respect and protect the rights to freedom of opinion, expression and assembly.

F. Lack of procedural guarantees

42. Although Iran’s Constitution, Penal Code and Code of Penal Procedure contain fair trial safeguards and procedural guarantees, Special Procedures mandate holders continued to express serious concerns about allegations of detention without charges, ‘incommunicado’ detention, and lack of access to lawyers. According to reports received, accused persons are often unaware of the charges against them, or charges were pronounced only when they were brought before the court. On-camera confessions, disproportionately heavy bail forfeits and the handing down of heavy sentences after only brief hearings were commonly reported patterns.

43. Any trial, especially in death penalty cases, should last a reasonable amount of time to allow a comprehensive review of the merits of the case, and a proper defence. On 23 March 2012, the Special Rapporteurs on the situation of human rights in Iran, on torture and other cruel, inhuman or degrading treatment or punishment, and on extrajudicial, summary or arbitrary executions⁴⁴ expressed concerns in a joint communication about the heavy sentence handed down to Mr. Habibullah Golparipour for his alleged cooperation with the Party For Free Life of Kurdistan. He had been sentenced to death following a very brief one-session-hearing.

44. On 26 November 2012, the Working Group on Arbitrary Detention adopted opinion 30/2012, expressing serious concerns about the lack of respect for procedural guarantees in the cases of Mr Hossein Mossavi and Mr Mehdi Karoubi, two opposition leaders, and Ms Zahra Rahnava, the wife of Mr Mossavi, who have been kept “incommunicado” in their homes since February 2011.⁴⁵ They have been denied access to visitors and lawyers, have not been brought before a judge, nor had the opportunity to contest the legality of their house arrest, in violation of Iran’s national laws. Article 32 of the Constitution and article 24 of the Code of Penal Procedure, require any charge with reasons to be immediately communicated and explained in writing to the accused and that preliminary documentation must be referred to the competent legal authority within 24 hours. Although the Secretary General of the High Council for Human Rights in Iran stated that the opposition leaders were accused of “incitement to violence and other illegal activities”, the Working Group

⁴² Ibid

⁴³ www.amnestyusa.org/news/press-releases/hollywood-film-directors-and-actors-demand-freedom-for-brother-of-acclaimed-iranian-filmmaker-bahman

⁴⁴ A/HRC/21/49, 7 September 2012

⁴⁵ A/HRC/WGAD/2012/30

has not been informed about any trial or judicial proceedings accorded to the abovementioned persons. The Working Group thus found the deprivation of liberty of Mr Mossavi, Mr Karoubi and Ms Rahnavard to be arbitrary and in contravention of numerous provisions of the Universal Declaration of Human Rights and the ICCPR, and called for their release and compensation.

G. Economic, social and cultural rights and economic sanctions

45. Notwithstanding these serious concerns, Iran has continued to make progress in human development. Iran's Human Development Index value for 2011 was 0.70, placing the country in the category of high human development. Iran is also on track to achieve most of the Millennium Development Goals (MDGs), particularly under MDG1 (reducing extreme poverty), MDG2 (achieving universal education), MDG4 (reducing child mortality by half) and MDG5 (reducing maternal mortality by two-thirds).

46. Iran has shown progress in health and education. Access to health, including reproductive health, has improved, resulting in increased life expectancy at birth for both men and women; more people have access to safe drinking water; maternal and under-five mortality ratios has decreased, the proportion of birth attended by skilled health personnel has increased to 97.3%; while Primary Health Care coverage in rural areas stands at more than 98%.

47. Iran has also made progress in women's education and health. Literacy rates among 15-24 year old women to men have increased⁴⁶, with more than half of all university students being women. The ratio of girls to boys in primary, secondary and tertiary education, increased from 79.2% in 1990 to 98% in 2007⁴⁷. This progress is reflected in the increased Gender Development Index for Iran, which rose from 0.713 in 2004 to 0.770 in 2009.

48. Amidst such achievements, the country still faces challenges regarding unemployment, low labour productivity growth, income inequality, environmental degradation and vulnerability to the impacts of climate change. The continuous rise in inflation, reported at 21.8% as of April 2012, coupled with the implementation of the 2010 Subsidy Reform Plan⁴⁸ has also caused rising unemployment due to its impact on businesses of increased utility bills, higher prices of materials and overhead costs like shipping.⁴⁹ The Government claims to have saved billions of dollars⁵⁰ through the phasing out of the subsidies on fuel, electricity and basic goods, and replacing them with direct cash subsidies. But the costs of fuel and basic services and utilities have dramatically increased.⁵¹

49. Furthermore, disparities remain visible between urban centres and underdeveloped regions. For instance, despite noticeable improvement in health, life expectancy for men and women in some provinces, including Sistan-Baluchistan, Kurdistan, Kohkilooyeh and Boyerahmad, and Lorestan, remains lower than in other areas. The Human Poverty Index

⁴⁶ Statistical Centre of Iran (2008)

⁴⁷ Ibid

⁴⁸ The Subsidy Reform Plan enacted in 2010 in response to sanctions, allow the Government to issue cash pay outs (40\$ per month) to middle and lower class families to off-set the higher prices of unsubsidized goods.

⁴⁹ www.mehrnews.com/en/newsdetail.aspx?NewsID=1568178 and www.tehrantimes.com/politics/96518

⁵⁰ www3.mehrnews.com/en/newsdetail.aspx?NewsID=1390534

⁵¹ www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486f96&submit=go

(HPI) stands at 8.28 and 10.90 for Tehran and Isfahan Provinces, respectively, but in Sistan-Baluchistan and Kordestan the figures are 38.3 and 22.5. Similarly, primary school enrolment in Sistan-Baluchistan is 76.7%, compared with a national average of 90%. Moreover, income inequality stood above 0.4, with significant disparities between provinces, districts and urban centres/rural areas.⁵²

50. Following the August 2012 earthquake in Eastern Azerbaijan, concerns were raised about the slow relief efforts and lack of adequate shelters for the affected families. According to reports received, many of the affected families still live in tents despite the winter and only 15 per cent of the people in Varzaghan have been settled.⁵³ In order to protect themselves from cold weather, some families were forced to take shelter in their partly destroyed houses, which expose them to further risks. There are also reports of cold-related illnesses in the affected areas. The Government's refusal of international assistance reportedly slowed-down relief efforts. The Government announced relief and reconstruction programmes but refused international assistance.

51. The accumulated effects of the financial sanctions imposed on Iran in relation to the country's nuclear programmes are likely to have had detrimental consequences for the general population, including economic, social and cultural rights.⁵⁴ While, it is difficult to assess the direct impact of economic sanctions, which mainly target banking transactions, they have certainly affected every sector of the society. Indirectly, sanctions have accelerated inflation rates, contributed to a drastic rise in commodities and energy costs, increased unemployment and a shortage of necessary items, including medicine.⁵⁵ Unemployment has reportedly increased around three times higher than the official rate of 12%.⁵⁶ It has been estimated, that between 500,000 and 800,000 Iranians have lost their jobs in the past year, as many employees had to cut payrolls, partly because of the currency's devaluation. Millions of unskilled factory worker, are on wages below the official poverty line of 10m rials (about \$300) a month.⁵⁷

52. Iran has also raised serious concerns that the imposition of sanctions have severely disrupted the distribution of medical and pharmaceutical supplies and therefore, interfered with the functioning of the health system.⁵⁸ At the same time, health officials complained that the Government failed to supply the Ministry of Health with foreign currency for drugs and medical supplies for the first half of the year.⁵⁹ On 8 December 2012, the Health Minister called on the Central Bank to provide foreign currency to import urgently needed

⁵² Various HIES (Household Income and Expenditure Surveys) show the extensive differences.

⁵³ www.aljazeera.com/indepth/features/2012/12/201212119338578615.html, and www.csmonitor.com/World/Middle-East/2012/1122/Iran-s-summer-earthquake-leaves-100-000-shivering-in-tents-as-winter-descends, and www.bbc.co.uk/persian/iran/2012/11/121126_193_earthquake.shtml

⁵⁴ Report of the Secretary-General, *Human rights and unilateral coercive measures*, A/67/181, 25 July 2012

⁵⁵ www.reuters.com/article/2012/12/05/us-iran-medicine-idUSBRE8B40NM20121205. See also <http://www.odvv.org/blog-38>

⁵⁶ www.ilna.ir/news/news.cfm?id=24201

⁵⁷ www.economist.com/node/21564229 and www.reuters.com/article/2012/09/19/us-iran-unemployment-idUSBRE88I0TA20120919

⁵⁸ Report of the Secretary-General, *Human rights and unilateral coercive measures*, A/67/181, 25 July 2012

⁵⁹ <http://isna.ir/fa/news/91082012505>, www.radiozameh.com/english/content/sanctions-putting-patients%E2%80%99-lives-danger, http://articles.washingtonpost.com/2012-11-22/world/35509868_1_health-care-crunch-health-committee-central-bank, and http://articles.washingtonpost.com/2012-11-22/world/35509868_1_health-care-crunch-health-committee-central-bank, <http://rc.majlis.ir/fa/news/show/825703>

medical drugs and equipment.⁶⁰ Given that the economic sanctions effectively prevent transfers to Iran, it is difficult, if not impossible, for importers to pay for medical supplies and equipment.⁶¹ As a result, several foreign companies have stopped delivering consignments of medicine. Recently, various officials in Iran's health sector and a number of Iranian non-governmental organizations have argued that sanctions have led to a significant rise in suffering as well as increasing mortality rates mainly due to the unavailability of a wide range of essential drugs, shortages of medical supplies and equipment to treat serious diseases such as cancer, multiple sclerosis and blood disorders.⁶²

53. Since December 2011, the Iran's rial was depreciated by over 80%, mostly in September and October 2012. As a result, the prices of basic staples foods have been rising on a daily basis, making it difficult for the population to cope with the currency's devaluation.⁶³ This devaluation of currency in early October 2012 triggered protests in Tehran, where traders, shopkeepers and money changers took to the street to voice their anger over the Governments' management of the economy and the effects of sanctions. Security forces reportedly used tear gas and batons to disperse the protesters. A number of people are reported to have been arrested during the protests, on 3 October 2012. The authorities have also arrested and shut down a number of money exchangers in Tehran.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the United Nations human rights treaty system

54. Following consideration of Iran's third periodic report in October 2011⁶⁴, the Human Rights Committee requested the Government to provide, within one year, relevant information on the implementation of concluding observations 9, 12, 13 and 22 that deal with inequality of women with regard to marriage, family and inheritance; the death penalty including executions of minors; and the independence of judges. At the time of writing, the Committee had received no further information.

B. Cooperation with special procedures

55. During his mission to Iran, the Secretary-General encouraged the authorities to cooperate with the United Nations human rights mechanisms, notably the Special Rapporteur on the situation of human rights in Iran, and urged the Government to grant him

⁶⁰ On 27 December 2012, President Ahmadinejad sacked Minister of Health apparently for her call for drug prices rises caused by sanctions.

<http://www.presstv.com/detail/2012/12/27/280389/ahmadinejad-sacks-health-minister/>, www.radiozamaneh.com/english/content/iranian-health-minister-calls-medication-money, www.cffsd.org/news/632, <http://www.jahannews.com/vdcx0xzyt0996.2a2y.html>

⁶¹ President of the Iranian Academy of Medical Sciences, Letter addressed to the Secretary-General, 26 November 2012.

⁶² Ibid, and www.presstv.com/detail/2012/12/12/277695/sanctions-target-iran-public-health/ and www.guardian.co.uk/world/2012/oct/17/iran-sanctions-lives-at-risk, www.reuters.com/article/2012/12/05/us-iran-medicine-idUSBRE8B40NM20121205 and www.guardian.co.uk/world/2012/oct/17/iran-sanctions-lives-at-risk

⁶³ www.guardian.co.uk/world/2012/oct/01/iran-currency-rial-all-time-low and See www.economist.com/node/21564229

⁶⁴ CCPR/C/IRN/3, 29 November 2011

access to the country. The Secretary-General regrets that the Special Rapporteur has still not been able to visit Iran as he believes this would be helpful in developing a dialogue on critical areas of concern. Furthermore, Iran has not invited any thematic Special Procedure mandate holders since 2005, despite a standing invitation issued to all thematic mandate holders in 2002 and a pledge to invite two such experts during 2012. Specifically, the Government has yet to schedule country visits of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on freedom of religion or belief, to which it has agreed in principle.

56. The Secretary-General is also concerned about the low rate of replies to the large number of communications sent by Special Procedures mandate holders. In 2012, a total of 28 communications were sent to Iran, of which the Iranian authorities responded to eight.

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

57. The High Commissioner for Human Rights continued to raise concerns with Iranian officials, including during meetings with the Minister of Foreign Affairs and the Adviser to the President and Head of the Centre for Women and Family Affairs, in February and September 2012 respectively. She also intervened with the authorities on a number of individual human rights cases, through private meetings, letters and public statements. These were mainly related to the rights of women, the death penalty, of freedoms of expression, assembly and opinion.

IV. Conclusions and recommendations

58. The Secretary-General was pleased to have an opportunity to visit Iran and appreciates the frank and constructive discussions held on human rights issues with the authorities. The Secretary-General looks forward to continuing and strengthening this dialogue with the Government of Iran and with relevant stakeholders.

59. Nevertheless, the Secretary-General remains deeply troubled by reports of increasing numbers of executions, including of juvenile offenders and in public; continuing amputations and flogging; arbitrary arrest and detention; unfair trials; torture and ill-treatment; and severe restrictions targeting media professionals, human rights defenders, lawyers and opposition activists, as well as religious minorities. The Secretary-General reiterates his request to the Government to address the concerns highlighted in this report and the specific calls for action found in previous resolutions of the General Assembly, as well as recommendations of various human rights mechanisms, including the Universal Periodic Review process.

60. Noting the positive achievements Iran has made against several economic and social indicators, the Secretary-General encourages the Government to continue addressing regional disparities in the enjoyment of economic, social rights, as well as discrimination against women and members of certain minorities. The Secretary-General is concerned at the reported impact sanctions are having on critical economic, social and cultural rights – particularly the right to health – and encourages the Government to allow independent experts, such as the relevant Special Procedures mandates, to examine and report more fully on these concerns.

61. The Secretary-General strongly encourages the Government to end the use of the death penalty against juveniles that are prohibited under international law. The Secretary-General reiterates his calls on the Islamic Republic of Iran to institute a

moratorium on the death penalty pursuant to the General Assembly resolutions 62/149, 63/168, 65/280 and 67/176 on moratorium, and to raise the age of criminal liability of children.

62. While welcoming efforts made by the Islamic Republic of Iran to report to human rights treaty bodies, the Secretary-General calls upon the Government to provide the further information requested by the Human Rights Committee, follow-up to concluding observations of the various treaty bodies, and ratify the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

63. The Secretary-General regrets that, despite repeated requests for a country visit, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran has not yet been admitted to the country. The Secretary-General renews his call on the Government to fully cooperate in the fulfilment of the Special Rapporteur's mandate by inviting him to the country in the near future. The Secretary-General equally encourages the Government to strengthen cooperation with OHCHR, other relevant UN agencies, programmes and funds, as well as with civil society, with a view to enhancing the promotion and protection of human rights in Iran.
