

Check against delivery



**Statement by Ahmed Shaheed
SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN
RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN**

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Mr. Chairman, Distinguished Delegates, Ladies and Gentleman:

I am thankful for the opportunity to present some key points from my second interim report to the Third Committee of the General Assembly. I wish to thank the Office of the High Commissioner for Human Rights for the support it has provided to this mandate. I would also like to take this opportunity to extend my deepest condolences to the victims of the earthquake in Northern Iran - particularly in the Tabriz area - and to wish the Iranian people, many of whom reportedly remain homeless, a rapid recovery.

Mr. Chairman,

I wish to report that I have transmitted several communications on specific cases of concern to the Government of Iran, and that I have received several responses from the Government. For this reason, I remain optimistic about the potential to establish a substantive dialogue with Iranian officials to discuss my concerns, as well as those raised by the international community. I also continue to look forward to positive engagement on my recent request to visit Iran so that I may further examine the veracity of the allegations reported to me during my tenure and to undertake meaningful dialogue with the Government and relevant stakeholders inside the country.

My report documents a number of developments and examines several issues that impact Iran's human rights situation within the context of its international human rights obligations. Iran is a State Party to five human rights treaties, including the two core human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These treaties lay down obligations which Iran is bound to respect. Iran is also obliged to implement the 123 recommendations it voluntarily accepted during its Universal Periodic Review (UPR) in February 2010.

Since the drafting of my report, the Government announced hundreds of pardons and released a number of prisoners of conscience, including Pastor Youcef Nadarkhani, who was reportedly in prison on apostasy charges. However, I continue to call upon the Government to release all prisoners of conscience, and to investigate allegations of human rights violations, especially violations of due process rights.

Mr. Chairman,

I have met with numerous stakeholders, including Iranian officials and members of the Iranian diaspora, since I submitted my last report to the 19th session of the Human Rights Council this past March. Concern about the indirect and direct impact of general sanctions on the country's human rights situation were raised in several of these meetings, including their effect on food security and access to medical supplies. The potential impact of sanctions on human rights does concern me, and an examination of this will be part of my future work. I believe that this undertaking requires careful and comprehensive examination of a wide range of indicators, which calls for cooperation from a number of actors, including the Iranian Government, through a visit to the country.

Information gathered from other sources, including Iranians who reported human rights violations, continues to present a deeply troubling human rights situation in the country. This information paints a picture in which a climate of fear pervades Iranian civil society;

legislative actions serve to increasingly narrow public space and frustrate healthy participation in democratic processes; and an impaired judicial system impedes justice and access to remedy.

An indication of the human rights situation is that Iran continues to detain large number of journalists, with over 40 journalists currently in prison, serving sentences anywhere from 6 months to over 19 years. At least 19 journalists appear to have been arrested between January and June of this year, and at least 10 journalists were apparently released within the same timeframe. Moreover, 19 netizens are reportedly detained on various charges, four of whom were sentenced to death in January; they are Vahid Asghari, Ahmad Reza Hashempour, Mehdi Alizadeh Fakhraabad and Saeed Malekpour.

The high frequency of executions in Iran, particularly for drug-related crimes, which do not conform to "most serious" standards under international law, is of serious concern. Over 300 executions, the majority of which were for alleged drug-related offences, have been recorded since the beginning of this year and thousands remain on death row.

In addition, my report presents my concerns about the impact of computer crimes and "cyber cafe laws" on freedom of expression and the right to information. These laws have apparently been employed to prosecute those who use media to criticize the Government or its representatives, often on spurious charges relating to "national security." These laws undermine Iran's ability to adhere to international law which allows for freedom of expression.

Other legislative developments also warrant concern. The newly revised Islamic Penal Code, which is currently being reviewed by the parliament, omits stoning as a form of punishment, and apostasy does not appear as a criminal offence. However, as stated in my report, judges are compelled to defer to either fatwas or Sharia law where the law is silent on criminal matters. Therefore, the Penal Code's reticence could serve as a loophole for the use of stoning and prosecution for apostasy. I am also concerned that the new Penal Code broadens the scope of national security crimes under the vague headings of "corruption on earth" and "enmity against God", for which even harsher punishments would now be mandated. The Penal Code also continues to undermine gender equality; regarding women's lives and legal statuses as half that of men's.

Mr. Chairman,

I continue to be alarmed by reports of violations of due process rights conveyed in interviews conducted for this report. Of the 99 individuals interviewed, approximately 60 per cent reported the use of prolonged solitary confinement; 80 per cent stated that they were beaten during interrogations; and over 60 per cent of those interviewed alleged that they were denied adequate access to a lawyer after the investigative phase of their case. I am further concerned by the treatment of lawyers and human rights defenders, who are reportedly prosecuted for their representation of prisoners of conscience, and for their public criticism or advocacy of their clients; who are themselves often charged with national security crimes. At least 32 lawyers and several prominent human rights defenders are currently detained in Iran, including Nasrin Sotoudesh, Abdolfattah Soltani, Narges Mohammadi; and, last month, Mohammad Ali Dadkhah, who began serving a nine-year prison sentence in Evin prison. I am particularly concerned about the situation of Nasrin Sotoudesh, who has been on hunger strike since 17 October for restrictions imposed on her and her family, including the recent

travel ban imposed on her 12 year-old daughter. The implications of these violations to the proper functioning of the judicial system are grave. Lawyers must be permitted to rigorously practice their profession in defense of their clients. I hope Iran will review the cases of these human rights defenders and lawyers with a view to releasing them.

Mr. Chairman,

This situation continues to undermine the Government's ability to adhere to its international commitments, and undercuts its capacity to implement the recommendations accepted during its Universal Periodic Review. Therefore, I urge the Government to address systemic obstacles and recommend that specific attention be paid to legislation that serves to attenuate and abrogate rights guaranteed by the five international human rights instruments it has ratified. Furthermore, impunity must be addressed in order to facilitate accountability, provide redress for human rights violations and strengthen the rule of law; all of which are required to effectively promote respect for human rights in the country.

Mr. Chairman,

During the remainder of my mandate, I will continue to engage with Iranians both inside and outside the country, with members of the international community, and with the Iranian Government in order to establish a constructive space where a substantive dialogue on the human rights situation in the country can be explored.