

# Islamic Republic of I R A N

Permanent Mission to the United Nations

**Response by the Islamic Republic of Iran  
on the Report of the Special Rapporteur  
on the Situation of Human Rights in the Islamic Republic of Iran  
before the Third Committee of the 67 Session of the GA**

New York, 24 October 2012

In the Name of God, the Compassionate, the Merciful

**Mr. Chairman, Distinguished Delegates,**

Five years ago, my country echoed those who believed that the Commission on Human Rights, despite its rich legacy, ultimately undermined its success by the politicization and selectivity imposed upon it by a certain group of countries. When the CHR was replaced by the Human Rights Council, a strong voice from the United Nations Member States called for that the politicization, selectivity and double standards not be allowed to influence the work of the newly established body.

The Islamic Republic of Iran considers the Special Procedures as an important mechanism in monitoring human rights, provided it is purely professional and free from politicization. Since the Human Rights Council and other affiliated institutions of the United Nations are the main parties entrusted, by the international community, for the promotion and protection of human rights throughout the world, it is seriously expected that the Council, as the main pillar in the field, do not allow any of the existing mechanisms to be abused as instruments for discouragement and not as means for encouragement and promotion of human rights in the world.

Respecting the mandate holder, the Islamic Republic of Iran believes that the appointment of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran took from a defective process based on intervention and political sabotage in the mechanism of human rights. Therefore, we consider appointment of the country mandate holder as a result of a one-sided approach and the political ambition of certain countries, particularly the United States and its European allies. This approach undermines the Special Procedure mechanism and status of the Human Rights Council, as an institution which should function in conformity with international regulations and safeguard dignity of human rights.

In his responsibility of Rapporteurship, any mandate holder is required and obliged to observe the principles of impartiality, honesty, transparency and fairness, avoiding impacts of political pressures.

**Mr. Chairman,**

The Islamic Republic of Iran has already submitted its general comments and observations, in Fifty Seven pages on the draft report of the Special Rapporteur (on the situation of human rights in the Islamic Republic of Iran), in July and August 2012, with the hope that the writer of the report takes them into consideration and includes the provided viewpoints and replies in his final report to counter its imbalances and deficiencies. Regrettably, he has refrained introducing the proposed amendments into the report. Therefore, my country wishes to present the following comments and observations which considered to be legal and substantial importance to the Member States of the United Nations:

1- Compilation of any report by a Special Rapporteur of the Human Rights Council is subject to specific requirements as contained in HRC Resolution 5/2 on the Code of Conduct for Special Procedures including standards of ethical behavior and professional conduct. Article 8 of the code of conduct states that the mandate holders shall give representatives of the concerned State the opportunity of commenting on the mandate holders' assessment of responding to the allegations made against the State, and annex the State's written summary responses to their reports. Article 13 of the same Code clearly says that the mandate holders while expressing their views, particularly in their public statements concerning allegations of human rights violations, should also indicate fairly what responses were given by the concerned State.

Regrettably none of the above mentioned requirements of the Code of Conduct was observed by the Special Rapporteur. The Special Rapporteur neither has considered comments and observations forwarded to him by my Government, nor even has annexed a copy or summary of these comments to his final report.

2- The report has not concentrated on the trend of human rights development in the Islamic Republic of Iran, but also he has made references to the cases which were mostly out of date and to unfounded allegations. The report lacks the principles of independency, non- selectivity and impartiality in its approaches

3- In paragraph 16, relying on some websites, the reports asserts that the e- mail services such as Yahoo, Gmail, Hotmail and MSN are banned in the Islamic Republic of Iran! While the services are active; and it could be easily verified if someone simply checked it.

4- Observance of stipulations of the United Nations Charter and the Code of Conducts of the United Nations mandate holders, are among the most apparent expectations of any country from them. Bolding the issue relating to ethnic and religious minorities an exacerbation of differences between people in the report, have been indications of separatist intentions and sowing discord in the agenda of the report and the dominance of political desires and objectives for damaging of the territorial integrity of an old and great country and civilization.

The Iranian society has been one of the successful and long standing examples of peaceful coexistence among ethnicities and religions. The protection and enhancement of this situation has been among the main national policies of the Government of the Islamic Republic of Iran. National Development Plan in social, political, cultural and economic fields have been even handedly implemented through out the country, with the goal of achieving balanced development. The Iranian Constitution recognition of all the Iranian ethnic groups and their representation in all political, electoral and local - national decision making activities clearly indicates that the allegations raised in the report unfounded. In our long history, all young generations from different parts of the country from khuzestan to khorasan and from Sistan and Balouchestan to west and east Azerbaijan and Gilan have lived as an inseparable Nations under one flag for the territorial integrity of one country. Recent history of our country has never been the domain of one ethnic group over the others.

5- In Paragraph 13 of the report, entrance into the fields such as establishment of cyber council for securing domestic internet relates to security and sovereignty of States rather than an issue dealing with promotion and protection of human rights. As a country frequently targeted by highly sophisticated vicious cyber attacks, often orchestrated by certain States, Iran has every right and reason to strengthen its cyber space security. Contrary to the report assessments based on overly misleading information, this has nothing to do with the freedom of expression at all.

6- Selective approach towards daily developments in the Islamic Republic of Iran is also one of the other faults of the report. The report has raised in full details, the unfounded and baseless allegations, while easily passing by acts of terrorism and assassination of the Iranian scientists and did not even made the slightest reference to the victims and situations of their children and their bereaved families.

7- So many references to the Iranian news agencies, newspapers and reports of the Islamic Republic of Iran to the Committee on Human Rights as source of report, confirms that our judgment is fair enough and that these references to domestic media endorses the high level of freedom of expression and right to information in my country which is in contradiction with the provisions of the Special Rapporteur report.

8- While the report claims that it has covered all issues in the country in preparation of this report, it fails to even notice the daily military threats by the US and Zionist regime against a Member States of the United Nations. How could one accept the legitimacy of the claims.

9- There is much more to regret that the Special Rapporteur has avoided any reference to human rights promotional policies of the Islamic Republic of Iran and its cooperation with the international human rights mechanisms.

10- Efforts of some TV stations and media as well as some study institutions and raising a lot of baseless allegations against my country, have turned the mandate to a political rather than a professional and independent mandate of the United Nations.

11- Regrettably, the report expresses concern over existence of laws and regulations which inter – alia prohibits insult against the Holy Prophet of Islam and religious sanctities of people; while Article 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR) has already imposed limitations on the freedom of expressions inter – alia by prohibiting racial and religious hatred. Therefore, one may conclude that the Rapporteur does not even hold a correct perception of the international human rights law.

**Mr. Chairman, Distinguished Delegates,**

To our great dismay, we came to realize that this report fails to reflect the actual situation of human rights in Iran, mainly because the Special Rapporteur has difficulty in distancing himself from the subject matter; rather assembled catalogue of news and views. There are open contradictions in dozens of his reports' paragraphs.

The Islamic Republic of Iran welcomes constructive cooperation with the United Nations mechanisms, on human rights which are comprehensive and include all member states of the United Nations and not particular group of States. In this regard, the Islamic Republic of Iran has invited the High commissioner for Human rights to visit the Country, and a preparatory visit by the OHCHR was carried out in December 2011 to facilitate the visit of the High Commissioner to Iran.

The Iranian officials in the meeting with the H.E. Mr. Ban Ki Moon, the United Nations Secretary General during the recent visit to Tehran, expressed their readiness to constructive engagement with the Secretary – General and the High Commissioner for Human Rights. Accordingly, cooperation with the special procedures mandate holders shall remain the principled position of the Islamic Republic of Iran.

**Thank you**

## Annex

**Viewpoints of the Islamic Republic of Iran  
on the report of the Special Rapporteur on  
the Situation of Human Rights in the Islamic Republic of Iran  
to the 67<sup>th</sup> Session of the UN General Assembly  
New York, 24 October, 2012**

The Islamic Republic of Iran has already submitted its observations, in fifty seven pages, on the draft report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, dated 27 July, 2012, through Note Verbale No. 7923 dated 15 August 2012 by the Permanent Mission of Islamic Republic Iran in Geneva to the Office of the High Commissioner of Human Rights, hoping that the writer of the report takes them into consideration and includes the provided viewpoints and replies in his final report to counter its imbalances.

In the initial paragraphs of the report, the Special Rapporteur has acknowledged receipt of the comprehensive and detailed comments. However, regrettably he has refrained introducing the proposed amendments into the report. Therefore, the Islamic Republic of Iran wishes to present its comments and observations on the Report of the Special Rapporteur which are considered to be of legal, political and structural importance to the Member States, on the report of the Special Rapporteur (A/67/369; 13 Sep. 2012) without repeating its earlier detailed reply:

1- Compilation of any report by the Special Rapporteurs of the Human Rights Council is subject to particular requirements which are clearly articulated in the Human Rights Council Resolution No. 5/2 under the title of "Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council". Accordingly, Article 1 of the Code of Conduct states that the Special Rapporteur should observe "standards of ethical behaviour and professional conduct". Paragraph 1 of Article 6 stipulates that "the mandate-holder shall always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible". Besides, sub-paragraph A of Article 8 on "sources of information" stipulates that "the mandate-holders shall be guided by the principles of discretion, transparency, impartiality and even-handedness" while sub-paragraph C of the same Article states that "the mandate-holder shall rely on objective and dependable facts based on evidentiary standards". Furthermore, Para. d of Article 8 states that the mandate-holder shall "give representatives of the concerned State the opportunity of commenting on the mandate-holders' assessment of responding to the allegations made against this State, and annex the State's written summary responses to their reports". Additionally, Para A of Article 13 stipulates that the mandate-holders "while expressing their considered views, particularly in their public statements concerning allegations of human rights violations, also indicate fairly what responses were given by the concerned State".

Regretfully none of the above-mentioned requirements of the Code of Conduct was observed by the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran.

2- The Special Rapporteur neither has considered comments and observations forwarded to him by the Permanent Mission of the Islamic Republic of Iran, nor even has annexed a copy or summary of these comments to his final report. These reflect the level of professionalism, fairness and impartiality rendered in producing the present report!

In preparation of his report, the Special Rapporteur has resorted to inauthentic and unfounded sources such as hostile Internet websites and to members of obstinate political groups. In paragraph 5 of his report, the Special Rapporteur claims that he has interviewed 221 individuals. There is much surprise that even one of the interviewees has not made a statement against what the mandate-holder intended to hear, and it well demonstrates that the interviewees had been selected from amongst a particular statistical population. In some cases, the SR has raised heavy allegations against the Government of Islamic Republic Iran merely on the basis of the statements of a person, totally unidentified, in the absence of reliable evidences. He has further distributed these baseless allegations extensively, with propaganda goals, under the name of a UN document. This fabrication of allegations is not acceptable in any legal or political forum.

a. Resorting to unfounded sources by the SP and resulted in inclusion of unfair contents in the report which clearly indicates incorrect and inauthentic nature of the report. For instance, in paragraph 16, relying on the information received from websites of opposing groups the report asserts that e-mail services such as Yahoo, G-mail, Hotmail and MSN are banned in Iran!, while the services have been active; and it could be easily verified by the editor of the report.

b. The Islamic Republic of Iran welcomes the Rapporteurship mechanism of the United Nations and it is ready to cooperate with the preparation of reports on the basis of realities. But the mechanism should be comprehensive and include all Member States of the UN and not particular States. Most regrettably, the mechanism has been exposed to abuse by western powers. In the present report before the Third Committee, the four important principles of the United Nations' reports namely impartiality, non-selectivity, in a non politicization and reference to authentic sources have not been observed. Organs of the United Nations are required to use reliable authentic sources in preparation of reports. The Islamic Republic of Iran strongly believes that introduction of reports, by the UN, on the basis of mal-intended and unrealistic sources of information (similar to what are witnessing now) shall gravely and irreparably damage the status, image and credibility of the United Nations and its affiliated institutions and it shall result in lack of confidence by governments and the world public opinion toward the organization and its reports. The Islamic Republic of Iran believes that raising general allegations in absence of authentic and reliable evidences which are merely introduced for propaganda goals and application of pressure against particular independent states are of no value and validity and should not be used or referred to as official reports of the United Nations. Unfortunately, the report of the Special Rapporteur does not meet the least requirements and indexes of earlier mentioned criteria.

3- Observance of stipulations of the United Nations Charter and the Codes of Conduct of the Organization, are among the most apparent expectations from mandate-holders. But what we, clearly, find in the report, is an evident violation of the requirements and expectations. Bolding of issues relating to ethnic and religious minorities and exacerbation of differences between people in the report, has been an indication of the discord and separatist intentions in the agenda of the writer of the report and its precedence by political desires and objectives in order to sow discord and disparity in Iran and damaging of the territorial integrity of an old country and civilization. This report, with such an approach, has been aiming at disrupting the national security and territorial integrity of the country, while ignoring the basic principles of international behaviour enshrined in international documents. The Iranian society has been one of the successful and long standing examples of peaceful coexistence among ethnicities and religions. Enhancement and strengthening of this situation has been among the important principles and policies of the Government of the Islamic Republic of Iran, and acts of discord by mal-wishers against the Iranian people, in the course of history, have brought them no success. Development plans in social, political, cultural and economic fields, have been applied throughout the country, with the goal of "balanced development". Recognition of all the Iranian ethnic groups and their representation in the parliament, enjoyment of local media, participation in all political, election and national decision making fields clearly indicates incorrectness of the allegations raised in the report against the Islamic Republic of Iran. The Constitution of the Islamic Republic of Iran recognizes all the Iranian ethnicities and has defined and stipulated clear rights for them. The territory of Iran has been a common ground for all Iranians and its safeguard of its territorial integrity and unity has been the will and desire of all Iranians; and by the virtue of this national will, all Iranians have been enjoying similar rights and privileges under the Constitution and laws of the country.

4- Selective approach towards daily developments of IR of Iran is also one of the other faults of the report. The Rapporeur has raised, in full details, the unfounded and baseless allegations, while easily passing by acts of terrorism and assassination of the Iranian scientists by Zionist regime and western espionage networks. It does not even make the faintest reference to the rights of victims and their bereaved families. The report fails to even notice the daily military threats by the U.S and Zionist regime against a Member State of the United Nations. The Special Rapporteur claims that he has covered all issues in the country in preparation of his report. Being aware of the above mentioned realities and incidents, how one may accept the legitimacy of the claim.

5- There is much to be regretted that SP has avoided any reference to human rights promotional policies of Islamic Republic of Iran and its cooperation with the international human rights mechanisms. This has, by itself, made the report unbalanced and unacceptable. The following are amongst the mentioned cooperation and interactions:

- a. provision of regular replies to communications of the Special Procedures,
- b. Provision of periodic reports to the International Covenants and Conventions which the Islamic Republic of Iran is member to,

- c. Enhancement of cooperation and interaction with OHCHR,
- d. Active and constructive participation in UPR process and acceptance of maximum number of recommendations,
- e. Chairing NAM Group in the Human Rights Council on the pertinent human right issues.

6- The SP does not tolerate any action on the side of the Islamic Republic of Iran for maintaining its national security which is the innate competence of every country and even questions it. His entrance into the fields such as establishment of cyber council for securing domestic internet relates to security and sovereignty of states rather than an issue dealing with promotion and protection of human rights. It also well demonstrates an action of follow-up of a particular instruction or, in the best, it maybe an indication of ignorance of the Special Rapporteur of his mandate, whereas article 7 of the code of conduct for Special Procedures Mandate – Holders stipulates that “ It is incumbent on the mandate holders to exercise their functions in strict observance of their mandate and in particular to insure that their recommendations do not exceed their mandate or the mandate of the council itself”

7- A review of the work of the SP since his appointment to the mandate draws a disappointing horizon. He has practically entered into a propaganda war against the IR of Iran. His repeated interviews with VOA and BBC radios and hostile websites out of the country have turned him into a political and media figure rather than a professional and independent Rapporteur of the United Nations. According to the Code of Conduct, in fulfillment of their mandates, the Special Rapporteurs should work in full conformity with the Code of Conduct on the best indexes of professionalism, competence, trust, independence, fairness, honesty and good-will.

8- Regrettably, the SR expresses his concern over existence of laws and regulations which inter-alia prohibits insult against Holy Prophet of Islam and religious sanctities of people; while Articles 19 and 20 of the ICCPR has already imposed limitations on the freedom of expression, inter-alia, prohibiting racial and religious hatred. Therefore, one may conclude that the distinguished Rapporteur does not even hold a correct perception of the international human rights concepts and further makes expectations beyond commitments of the member states.

The report dealt with the issue of capital punishment in the Islamic Republic of Iran. On this issue, the following points are worth mentioning:

**First:** there is no international consensus of any kind against capital punishment. According to the Covenant on Civil and Political Rights, capital punishment is allowed for "most serious crimes". It is evident that each country decides on this issue on the basis of its own cultural, social and security considerations. To retain or abolish death penalty is a matter of national sovereignty.



**Second:** capital punishment is carried out in the Islamic Republic of Iran mainly against drug traffickers. Iran during three recent decades has paid a lot to fight against drug trafficking. Iran is a neighbor to the main producer and exporter of drugs in the world, and has always tried to, along with the protection its own people, halt transition of drugs from its soil to other countries. Therefore, due to the security dimension of drug trafficking, the Islamic Republic of Iran considers this crime, like many other countries, as a serious crime deserving capital punishment. It is necessary that the UN member states live up with their obligations on the basis of the principle of shared responsibility and render their help in the fight against drug traffickers. Obviously, eradication of this problem is a responsibility on the shoulder of international community and if such responsibility is implemented, it would effect the number of executions.

**Third:** on the issue of *Qesas* or retribution in kind, the Government has no role in the execution of the murderers. In this situation, it is the right of the family of victims to request for capital punishment. Iranian judiciary has always tried, in different ways, to acquire the consent of victims families not to insist on execution. One of the possibilities was to pay blood money to the families of victims.

**Fourth:** the Islamic Republic of Iran due to humanitarian and Islamic considerations has shown flexibility on the punishment of individuals below 18, including consideration of their cases in the special courts and commuting their penalties.

10. Based on what was mentioned earlier, the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran is procedurally manipulated due to its failure to follow the Code of Conduct and substantially flawed and therefore is out of validity. To put on record, the Islamic Republic of Iran rejects this report and future use of this report by the UN organs is not accepted.

11. The Islamic Republic of Iran has invited the High Commissioner for Human Rights to visit the country. A preparatory visit by the Office of High Commissioner was carried out in December 2011 to facilitate the visit of the High Commissioner to the Islamic Republic of Iran. It is emphasized yet again that Iran welcomes constructive cooperation with the UN mechanism on human rights. The Iranian officials in their meetings with the UN Secretary General during the NAM summit in August 2012 in Tehran expressed their readiness to constructive engagement with the Secretary General and the High Commissioner for Human Rights.