

Islamic Republic of I R A N

Permanent Mission to the United Nations

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on the Draft Resolution L.56:

“Situation of Human Rights in the Islamic Republic of Iran”

New York, 21 November 2011

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Mr. Chairman, Honorable Representatives of Member States,

It is the 9th consecutive year that the United States of America and the EU members and Canada are submitting a draft resolution, with the claimed purpose of addressing the human rights situation in the Islamic Republic of Iran.

Mr. Chairman,

It is more evident than any time before that this move is:

- Procedurally unwarranted,
- Substantially unfounded, and
- Intentionally malicious.

Mr. Chairman,

The whole reason that the Commission of the Human Rights was abolished and replaced by the new institution of the UN Human Rights Council was exactly the prevention of the Member States from being singled out for selective human rights criticism. Selective country specific resolutions will reduce human rights noble concerns to manipulative devices of political rivalry. For these reasons, it has been a constant and principled position of the Islamic Republic of Iran to reject and oppose any resolution based on country specific statement. But this year, there is an additional point which enforces our argument of rejecting this resolution and that is the fact that the Human Rights Council has appointed a special Rapporteur to evaluate human rights situation in the Islamic Republic of Iran. Therefore, the Rapporteur should be given the time and opportunity to prepare his reports without external pressure or induced prejudices. Otherwise the work of the Rapporteur will be either a copy past of the present barrage of accusations on an irrelevant track in parallel to the report of the UN Secretary General.

Therefore, Mr. Chairman, we believe tabling these kinds of country specific resolutions is not procedurally warranted and should be stopped, and the Human Rights Council should take the full responsibility to pursue any concern raised about human rights world wide.

Mr. Chairman,

In fact, the Islamic Republic of Iran has long been supportive of human rights scrutiny of all UN member States on the basis of the principle of universality. I had the honour that last year (February 2010) to head a very high ranking Iranian delegation to the Human Rights Council Working Group on UPR to present Iran's report under the UPR mechanism. We cooperated and actively participated in the deliberation of the report and explained in details our human rights policies and practices. On 17 and 18 of October this year, the Islamic Republic of Iran defended its third periodic report on the implementation of the International Covenant on Civil and Political Rights. Furthermore, in December 2010, Iran conducted a judicial colloquium together with the OHCHR in Tehran.

Iran's cooperation within the Human Rights Council is far beyond documentation and it has the highest number of visits by the Special Mandate Holders in the region, six of whom visited the country since 2003 and two of them will visit the country in 2012. Additionally, although the visit of the High Commissioner for Human Rights had been arranged for December, it has been delayed to early 2012 upon her own request; and the preparatory delegation from the Office of the High Commissioner is assigned to visit the country on 17 to 23 December 2011.

Iran has also regularly and consistently responded to the communications from the Special Mandate Holders of the Human Rights council.

I do not intend to further dwell on the Iranian cooperation with the UN mechanism, however, to the impartial audiences in the room, all these efforts of Iran which I briefly mentioned would certainly fall within the category of "meaningful and genuine cooperation" with the UN mechanism on human rights.

The Islamic Republic of Iran strongly believes that the UPR mechanism is the best possible way for the promotion of human rights situation in any country, away from any double-standard and biased approach. It is an efficient and accountable mechanism upon which questions are raised, answers are given and finally recommendations are made. That is the main rationale on which Iran is feeling obligated to constructive cooperation, not about accusations but rather on recommendations submitted and accepted during the UPR mechanism.

The Islamic Republic of Iran believes that the reporting process on human rights is by-itself a healthy mechanism, but unfortunately it has been misused and reports of Special Rapporteur and the Secretary General released on human rights situation in Iran are unprofessional, unbalanced, impartial, somehow copy- past of one another. Hence, the committee should not allow the reporting process to be politically manipulated by certain countries.

There is no doubt that behind this superficially glorified move to deplore the human rights situation in my country, the anachronism of colonial arrogant approach to dominate the country is lurking. This resolution is a malignant move to satisfy such disgusting desires in the contemporary era.

Mr. Chairman,

The extensive level of cooperation of the Islamic Republic of Iran with the Human Rights Council as described briefly, definitely should be considered an additional strong argument for the untenability of tabling the draft resolution L.56 by the United States and Canada.

Mr. Chairman,

Besides serious and fundamental procedural flaws in this unfortunate trend, the substance of resolution is absolutely unfounded and a shameful fabrication of baseless allegations and totally preposterous.

Mr. Chairman,

I went through this document rigorously just to count the number of accusations put against Iran and, Mr. Chairman, Honourable Representative of Member States can you imagine that in a single draft resolution more than one hundred and fifty seven allegations are claimed against a member state?! But Mr. Chairman we should not be surprised, for crafting baseless allegations, when one do not feel any limit, and I wonder why they did not include more than one thousand allegations! Especially if no degree of professionalism is required, one can submit impressive documents, even with vulgar language!

Mr. chairman,

The document is an onslaught on the good conscience of international community and unforgivable insult to the whole institution of the UN. Moreover, it is absolutely impossible to answer this preposterous accusation – sheet, because of time and space limit for any such answer and more importantly, even if all allegations are answered, it takes only a few minutes to produce the second list of accusations!

Mr. Chairman,

Ironically, although there are ample examples of violations of human rights in the so called flag-leader countries of human rights, none of them are under any pressure through country specific resolutions.

Various reports of the Special Procedures of the Human Rights Council bear testimony to the fact that Canada and other sponsors of this draft resolution are themselves implicated in serious human rights violations for which they must be held accountable.

Increasing discrimination against immigrants, Muslims and other people of foreign origin in Europe, United States and Canada, the gross violation of human rights and international humanitarian law by the US under different pretexts are but a few examples among many others that figure notably on the long list of rights violations by the sponsors of this draft resolution. No one can deny that the speedy increase in Islamophobia in the Western world have seriously violated the basic rights of the Muslim populations in those countries. The Special Rapporteur on Violence against Women reported of gross violation of human rights of women in particular black women in the US prisons as well as in the US army. Not to mention killing of innocent Afghan women and children by the US drone on a daily basis.

Additionally, it is also reported by the reliable sources about the human rights situation in the US in 2011 that: *“excessive use of force and cruel prison conditions continued.... Scores of men remained in indefinite military detention in Guantánamo.... Hundreds of people remained held in US military custody in the US detention facility on the Bagram airbase in Afghanistan.... The US authorities blocked efforts to secure accountability and remedy for crimes under international law committed against detainees previously subjected to the USA’s secret detention and rendition programme.*

On the situation of human rights in Canada, according to reliable reports during 2011: *“indigenous Peoples of Canada faced ongoing systematic violations of their rights and concerns about human rights violations associated with counter-terror and security operations persisted... The Government of Canada is racist in behavior. The Committee on the Elimination of Racial Discrimination expressed concerns that minority groups in Canada in particular, African Canadians and Aboriginal peoples, continue to face discrimination in all walks of life. The Committee also expressed concerns at the extent of the dramatic inequality in living standards still experienced by Aboriginal peoples.*

Moreover, the Committee on the Elimination of Discrimination against Women noted with concern that a disproportionate number of Aboriginal women in Canada are incarcerated; this is true also of Afro-Canadian women and other women of colour. Indigenous women and girls continue to suffer from a high level of discrimination and violence.

Mr. Chairman,

In reality, the claim by Canada and its partners on human rights advocacy has proven to be a pure myth, as they have, on numerous occasions, put on display their fully politicised approach to human rights issues. It is worth mentioning that the sponsors of the draft resolution before this Committee today are mostly those who have repeatedly ignored and

even supported the gross violation of the most basic human rights of the Palestinian people by the Israeli regime.

This has yet again brought to light the true nature and hidden agenda of such countries' approach to human rights issues, which obviously amounts to making a mockery of human rights itself, as well as the whole international human rights machinery. It is also ironic that the Israeli regime, with an appalling and unspeakable record of war crimes and systematic violation of human rights, is among the co-sponsors of the draft. This alone is telling enough and adequately self-explaining that how ill-intended, deceitful and preposterous this politically motivated move by Canada is.

Mr. Chairman,

We believe that universality in the consideration of human rights situations should be the basic principle of the United Nations. Selectivity and double standard will lead to the manipulation of the whole system of the UN. Moreover, we believe that the best approach to promote and protect human rights across the globe is to engage in a meaningful and sincere cooperation. We have always stressed that cooperation, mutual understanding and respect should lie at the heart of interactions on human rights and enable Member States to use the existing mechanisms to effectively promote and protect human rights worldwide.

Finally, **Mr. Chairman**, as I explained, the Canadian draft resolution against my country solely seeks political interests and goals that its sponsors pursue. It certainly lacks credibility as far as our human rights situation is concerned.

In view of these considerations, I would like to ask for a recorded vote on the draft resolution L.56, and in order to preserve the dignity and credibility of the UN human rights mechanism, I hope the members of the Third Committee choose the right path by saying No to this draft resolution.

Thank you

In the name of God, the Compassionate, the Merciful

**Substantive flaws of the Draft Resolution
on the Situation of Human Rights in the Islamic Republic of Iran
(A/C.3/66/L.56)**

Preamble: The I.R. of Iran has constantly demonstrated its genuine will and intention towards development and promotion of human rights at national and international levels and on the basis of its religious obligations and in direction of enforcing provisions of the Constitution and ordinary laws of the country, has committed itself to practical observation of all those laws and regulations. Regrettably, the draft resolution on the situation of human rights in the I.R. of Iran in the 66th session of the UN General Assembly (Resolution No. A/C.3/66/L.56) has been prepared without taking into account the existing facts and realities. Hence, I.R. of Iran's viewpoints on the content of the draft resolution are announced in this review and it is hoped that with the negative vote of the UN member states to the resolution, an effective step will be taken in advancing the objectives of the Third Committee and avoiding double standards and selective approaches.

Paragraph 1: The I.R. of Iran has officially replied to the report of the Secretary-General of the UN in a very comprehensive way and has always voiced its readiness to cooperate, interact and exchange reliable information with all the UN organs and believes that reports of such mechanisms must be prepared on the basis of reliable and well-documented information. I.R. Iran strongly believes that preparation of reports by using unfair, false and unreal data will severely undermine the credibility of UN and its affiliated organs, as a result of which, the governments and the world public opinion will lose their trust in such reports. It should be emphasized that there is no practice of discrimination against minorities and all people of the I.R. of Iran are equal before the law and any violation of prevailing laws and regulations by individuals shall be treated in accordance with rule of law. Furthermore, majority of the death penalties executed in the I.R. of Iran have been in connection with drug trafficking; and in all case, they have taken place upon exhaustion of relevant judicial procedures. The allegation mentioned in the draft on secret group executions is categorically baseless and a fabrication of lies with the intention of distorting the image of the country.

Paragraph 2(a): The I.R. of Iran believes that allegations which are made generally, without presentation of documents are solely intended as propaganda against a political system and as a means for exerting pressure on it, are devoid of any value or credibility and should not be used in the formal reports of the UN official organs. Allegations in the paragraph regarding the increase in the number of human rights violations are neither credible nor documented and have only been raised by unreliable sources which are hostile to the political system of The I.R. of Iran. Under article 38 of the Constitution of the I.R. of Iran any kind of torture is forbidden. Articles 570, 578, 579 and 587 of Iran's Punishment Law and Article 9 of the law of Respect for Legitimate Freedoms and Preservation of Civil Rights stipulate heavy punishments for the potential offenders. Moreover, under the above-mentioned laws, not only the extraction of such confessions will be null and void, but also the offenders will be prosecuted and punished. Therefore, expressing concerns on the matter is devoid of any legality. Regarding the enforcement of Islamic penal code, it needs to be mentioned that according to the Islamic Sharia, the prescribed punishments are not meant as insult or degrade humankind and are not tantamount to torture. Actually they are punishments to correct the behaviors of the criminals, instead of putting them in jail for a long time which would affect their families as well. Obviously, there

are conceptual differences between Islamic countries and western ones on the different methods of punishments and the way they should be meted out.

Paragraph 2(b): Regarding the issue of executions in the I.R. of Iran, the following points need to be mentioned: Firstly, in international documents, the very serious crimes punishable by death penalty are not clearly expounded and every country has its own decisions on the matter according to its social and security considerations. Secondly, capital punishment is still carried out in many countries and the I.R. of Iran is not the only country who carries out the punishment. Thirdly, there are two categories of offences, in the I.R. of Iran, which entail punishment by death:

1- Most serious public offences: many of the executions of this type are carried out against the drug traffickers. The I.R. Iran has borne hefty human and financial costs in the past three decades to fight drug trafficking. The I.R. of Iran is a neighbor to the world largest producer of narcotics and has always tried to protect its citizens and also to stop narcotics transit to third countries and has utilized all its material and human resources to do so. Thousands of Iranian border police officers have lost their lives or have been wounded to fight drug traffickers. The issue of narcotics and combating drug dealers is a top priority for the I.R. of Iran because it endangers national and international security. It has to be mentioned that, under the Iranian laws, in practice only the major drug lords who have made repeated offences are sentenced to death. Moreover, in many cases these people had committed other crimes than drug trafficking; such as murder, rape and abduction.

2: Qessas or retribution in kind: by the virtue of the Islamic canon law, retribution in kind is applicable to premeditated murder. In this connection, the State is merely in charge of investigation and verification of the nature of the crime and execution of the relevant verdict; rest upon demand of owners of the blood. Presently, even after finalization of the court verdict and its confirmation by the Supreme Court, extensive efforts are carried out by the Conciliation Commission of the Judiciary to obtain consent of the blood owners and substitution of retribution by blood money. Furthermore, a Working Group has been established, with the aim of stopping death penalty through compromise and reconciliation. The group leaves no stone unturned to obtain consent of owners of the blood, in the course of legal proceedings. Within the recent years, tens of individuals have been released from punishment, and encouragement for conciliation has been the principled policy of the I.R. of Iran. To this end, even financial support has been provided, by the Judiciary, to the families unable to pay the blood money.

As for the allegation on secret group executions, we strongly brand it as delusive and baseless and mere fabrication of lies intended to mislead public opinion. Also, by the virtue of Section H of Article 7 of the rule of procedure on the carrying out the punishment of execution, the prisoner's family members and legal counsel must be notified at least 24 hours before carrying out of the execution for fulfillment of due requirements. Article 8 of the mentioned rule of procedure, prescribes that the convict may receive visits from individuals of his/her choice, in case a request is lodged of that nature.

Paragraph 2(c): Iranian people have attach great importance to observance of the rights of the child. In fact, it is rooted in our culture. Furthermore, special attention paid to children by the Islamic Sharia in different aspects such as ethics, psychology, livelihood, education etc has given them a special status. In order to materialize the said ideals, the I.R. of Iran has taken extensive measures in this line and according to Islamic and humanitarian considerations, the I.R. of Iran is very flexible to the offenders under the age of 18. For example it is a must to reinvestigate their

cases in social courts and efforts are made so that minimum and minor punishments are meted out to them. Only in case of murder, the offenders under the age of 18 are tried in the provincial criminal courts in the presence of 5 judges. Under the Islamic laws and Sharia murder is punishable by retaliation. The government's responsibility is only to examine the case and differentiate between murder and manslaughter. According to the existing procedure, even after the verdicts are finalized and the Supreme Court has upheld them, extensive efforts are made by the "Conciliation commission of the Judiciary" to dissuade the family of the victim from going ahead with the death penalty and to replace retaliation with blood money.

Paragraph 2(d): the phrase "imposition of the death penalty for crimes that lack a precise and explicit definition including moharabeh" is completely partial and only intends to disturb the opinion of the UN member states. Article 183 of the Iran's criminal Code Law explicitly says: "any person who takes up arms to intimidate, terrorize and endanger the freedom and safety of people, is moharab and corrupt on earth". Therefore it is well established that as long as a person does not use arms and murder weapons (explosives for carrying out terrorist acts etc) will never be known as moharab.

Paragraph 2(e): as for the method of execution, they are carried out on the basis of provisions of the relevant legal regulations. In connection with the carrying out the punishment of stoning, we would like to mention the following important points. Due to the high importance it attaches to the security and ethics of the society, particularly the foundation of family, and with the purpose of maintaining health and cleanse of the generation, the Holy religion of Islam has introduced the heavy punishment of "Rajm" (stoning) for married individuals (and not singles) who commit adultery to provide and safeguard the mentioned sublime objectives. But for proving this type of crimes, very heavy requirements and conditions need to be realized. This is a very delicate and important issue for deep legal and scholarly consideration. Realization of the requirements for carrying out of "Rajm" is so highly difficult that one may very rarely find cases within the judicial system of the I.R. of Iran. Meanwhile, in most of those very rare limited cases, either the punishment has been, due to different reasons, replaced by an alternative punishment or the case has been essentially dropped, in absence of concrete absolute evidences. Therefore, although the prescribed punishment is very heavy, at the same paste and to the same extent, realization of the legal and religious jurisprudence-based requirements are so difficult that the cases are highly minimized and nearly at zero level. Creation of a mechanism of deterrence for preventing reoccurrence of grave crimes in the society has been, in fact, the objective of the religion of Islam behind introduction of such punishment; and that has served as the sole reason for the outstanding low level of family infidelity disloyalty in Islamic societies in comparison with non-religious societies.

Paragraph 2(f): Firstly, Article 20 of the Constitution of the I.R. of Iran states: "All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria". On this basis, the State is required to guarantee different rights of citizens and provide them with equal legal protection. Holding a particular profession or activity may not cause any judicial action unless those activities or professions disturb public order or violates rights of other people. Secondly, in the Islamic Republic of Iran all social activities in the form of parties, associations or societies require observance of regulations stipulated in the law on activities of political parties and professional associations, as well as Islamic and recognized religious minority societies, and upon obtaining of permit from Commission of Article 10 of the mentioned law. In connection

with Defenders of Human Rights Centre, it should be mentioned that the said group has not obtained any permit from Commission of Article 10 and therefore it is not registered in the list of legal parties of the country. It is obvious that resorting to the covering title of “defenders of human rights” or any other title, for achieving group or organizational objectives may not exempt individual or groups from their legal obligations. Meanwhile, attribution of the title of human rights defenders to the individuals who ignore norms of the society and perpetrate illegal actions, on the basis of their own anti-social behaviors, is an insult against rights of members of the society.

Paragraph 2(g): the paragraph very generally and vaguely refers to some issues to damage the image of the Islamic establishment in Iran in the eye of the international community, because: very transparent figures and realities which can be easily proven are found showing the desirable situation of women in Iran. How can they describe the situation of women in Iran as worrying when they have an increasingly and exponentially higher rate of participation in areas such as elections, managerial positions, various office, industrial and educational professions, state and private universities? The I.R. of Iran has always been striving to provide women and girls with an environment brimful of religious, human and national values that is safe and futuristic for them; an environment that does not allow for immoralities or the abuse of women and girls. We deeply adhere to this theological and ethical belief of us and will utilize all our capacities and capabilities to fulfill it. Naturally, there are limitations and problems on the way of fulfilling all the goals and ideals. There is no doubt that with the synergy and concerted efforts made domestically and by taking advantage of international experiences, the problems and obstacles will be removed.

Paragraph 2(h): The alleged discrimination against Iranian ethnic groups is false and totally contradicts the indicators and the concrete realities of the today’s society in Iran. The I.R. of Iran has not had any discrimination against its ethnic groups whether in its legislation or in its practices and has based all its development planning in social, political, cultural and economic arenas on an approach of “balanced development” in all regions. Recognition of Iranian ethnic groups, their being entitled to have their own members in the Parliament and have their local media, the possibility of participating in all political and electoral and decision-making areas at local and national levels and also at their geographical constituency all prove the falsehood of such allegations. The Constitution of the I.R. of Iran recognizes all the Iranian ethnic groups and has devoted clear rights to them. Iran is a land shared by all Iranians and the preservation of territorial integrity of Iran is the common demand of all ethnic groups. *Based on this undeniable and national principle, it has been tried to make it possible for all the Iranian ethnic groups to enjoy equal conditions in different areas. Iran has a population of over 70 million people comprising seven Azeri, Kurdish, Lorish, Arab, Balochi, Turkman and Fars ethnic groups who have peaceful co-existence and have retained their own diverse traditions and languages. It is ridiculous to find in the draft resolution that the main sponsors of the draft even did not avail themselves to use the correct geographical names and classification of different parts of the country, which uncovers the ulterior aim of the drafters to sow discord among the different ethnical and religious groups in Iran.*

Paragraph 2(i): many Articles of the Constitution of the Islamic Republic of Iran, including Articles 23 and 32 have stipulated fundamental rights and freedoms for all Iranians, regardless of their ethnic, race, language and other affiliations. On the basis of provisions of the Iranian Constitution, fundamental rights such as equality before law, enjoyment of the security of life

and property, employment, right to housing, freedom of religion, enjoyment of social security, right to justice, education, citizenship, participation in management of the country, are considered as legitimate rights of citizens without any discrimination. Under Article 13 of the Constitution, religious minorities are free to perform their religious rites and ceremonies. On the basis of the above-mentioned facts, one may arrive at the conclusion that the issues raised in the paragraph do not enjoy any legal, official and practical basis. This is a cause of surprise for the Government of the I.R. of Iran that those allegations are raised where religious and ethnic minorities have been enjoying their legitimate rights on the basis of the Constitutional provisions. *Furthermore no Christian individual has been arrested because of his/her belief. Likewise, "restriction" or "legal prohibition" against minorities for holding of religious ceremonies in their own languages is basically raised for misleading effort for ill-intended purposes. There are several legal provisions which strongly support religious minorities and we consider them as strong point in the legal system of the Islamic Republic of Iran.*

Paragraph 2(j): As it was said before, on the basis of Article 20 of the Constitution of the Islamic Republic of Iran all citizens are equally under protection of law and in accordance with the Constitutional Article 23, every citizen may follow his/her own belief. *All the nation enjoy their fundamental rights and no one may be arrested or reprimanded or called to account merely due to having a particular belief, provided that the actions resulted from that belief, A. do not breach or violate laws and regulations of the country, B. do not endanger national security of the country, C. their followers do not have relation with foreigners which may lead to intervention in internal affairs of the country and D. their followers do not commit organizational activities against national interests and public order of the country.* Furthermore, in accordance with Article 10 of the Act on Parties and Groups in Iran, every organization is required to obtain an official permit from the Ministry of Interior for its establishment and activities.

The Baha'ism organization in the I.R. of Iran is, principally, a political organization rather than a religious one, whose central organization, by the name of "Beitol Adl" (world house of justice) is located in Haifa, the occupied Palestinian territories (the Zionist occupying regime). Members of the organization have never obtained the required permit for their activities and therefore those activities are considered as illegal and against the existing relevant regulations. In spite of the closure of the organization and illegal status of their activities, some of the Baha'is are still active in outlawed and dissolved organizations. On the other hand, there are Baha'is who have entered universities, merely with the purpose of continuing their education and they have been successfully trying to observe university regulation. There is much to be regretted that this type of students have been harassed and intimidated by the outlawed organization of Baha'is in a way that they had to whether tolerate the pressure and continue their education or quit their university education.

On allegations raised in connection with leaders of the Baha'i cult and their illegal organization, we would like to provide the Member States with primary information on the cause of the arrest of Baha'i individuals. They were basically charged with threat and intimidation with the purpose of attracting individuals into their illegal organization and interference in private lives and beliefs of individuals, threatening that their denial to agree and follow orders of the organization, would lead to deprivation of family contacts within the cult, and also their deprivation from their jobs and their possessions. As well, the Baha'i individuals were sued by legal pertinent judicial authorities, under the charge of establishing illegal organization, and a few other charges. On the basis of investigations in connection with

the lodged complaints, it was disclosed that the individuals had had effective role in occurrence of the attributed offences. Through establishment of the covert and iron organization, the individuals intended to systematically control activities of cult members, interfere in their private, social and economic lives. To achieve its goals, the organization had also planned for entrapping non-cult people, resorting to unusual and illegal ways (such as persuasion, temptation and threat), with the ultimate objective of expanding their illegal organization and creation of a deviational current and an extremist sectarian movement.

On the basis of the existing documents, the organization received orders, instructions and finance directly from the center of the cult located in the occupied Palestinian territories (the Zionist occupying regime) and utilized them for realization of their objectives. On that cause, in addition to investigation of the complaints lodged by private plaintiffs, they were legally sued under the charge of action against national security of the country. Therefore, they were put under arrest through the required judicial warrant of arrest. In spite of extensive negative propaganda and the allegations made by representative of Baha'is in international organizations, the court met in open session, in presence of families and three lawyers of the accused individuals (films of the court session are available).

We also wish to emphasize that those individuals' cases were carried out merely in relation with the mentioned reasons and on the basis of rule of law. They were arrested and brought to the court of justice, merely on the basis of the attributed charges and their verdicts were issued on exhaustion of relevant domestic laws and regulations.

Paragraph 2(k): The Islamic Republic of Iran has already provided lengthy responses to the concerns raised in the undocumented and unacceptable report of the Country Special Rapporteur.

Paragraphe 2(l, m, n, o, p): consideration of different paragraphs of the proposed resolution, clearly demonstrates that its sponsors have tried to distort the image of I.R. Iran by using general and nebulous phrases to arrive at their pre-fabricated objectives. The method is completely visible in the items and the uncoordinated use of legal terms with non-legal words reveals their political nature. There is a separate Chapter in the Iranian Constitution entitled "the Rights of the People" under which 23 articles state the rights and legitimate freedoms of different people in the society: no linguistic or racial discrimination, men and women's equal enjoyment of all citizens rights, support for the women and families, support for the social, economic and cultural rights of all citizens, prohibition of investigating individuals' beliefs, freedom of the journals and the press, freedom of organizing political parties, societies, political and craft associations, the right to choose one's employment, freedom of expression and all other rights and legitimate freedoms that a citizen is entitled to. *Article 13 of the Constitution has stipulated freedom of practicing religious ceremonies; and although they have a population of less than 200,000, Article 64 stipulates that the Zoroastrians and Jews will each elect one representative; Assyrian and Chaldean Christians will jointly elect one representative; and Armenian Christians in the north and those in the south of the country will each elect one representative, whereas, every 150,000 Muslims in Iran may have one representative in the parliament. Regarding the issues related to inheritance and will and testament of religious minorities, the singular article of the law of Observance of Personal Status of Iran stipulates that courts should precisely observe religious rites of minorities.*

On the basis of its humanitarian considerations, the Islamic Republic of Iran has paid a special attention to reforming the offenders and to providing them with suitable conditions in the prison. Under the Executive Bylaws of the Organization of Prisons of I.R. Iran, extensive facilities have been placed at the disposal of prisoners and they have been enjoying humane treatment, having

access to lawyer, regular meetings with the members of their families, divisions by age and gender, communication, health and treatment facilities, regular furloughs and special furloughs for certain occasions. It should be mentioned that so far the prisons in the I.R. of Iran have been visited by several foreign and international delegations and that the I.R. of Iran is continuing its cooperation in this regard. It is regrettable that the draft resolution raises baseless and mal-intended allegations on sexual violence; which are only meant to distort the Image of the I.R. of Iran and further disturb and mislead opinion of the member States.

On the other hand, in connection with the allegations of arbitrary and unlawful interferences in the privacy of people, it should be stated that illegal eavesdropping, as an immoral act, has long been rejected by the genuine teachings of Islam and those who believe in ethics and clean consciences. Hence, the Constitution of the I.R. Iran in its Article 25 pays special attention to the matter. However, outstanding advancements made in information and communication technologies have sometimes resulted the emergence of impieties, perversions and offences whose sinister repercussions lead to the violations of the rights of individuals, families and the human societies, and this has made it necessary to ratify relevant laws and to criminalize such offences. For this reason and having been inspired by international conventions such as Council of Europe's Convention on Cyber crime (Budapest Agreement) and international documents like those by the international society of criminal law and Interpol, the I.R. of Iran's law on cyber offences was ratified with a novel and relatively inclusive approach. The law has tried to be a legal answer to modern technologies by devoting an article (Article 2) to illegal eavesdropping and another one (Article 48 and its note) to lawful eavesdropping. Consequently, all types of tapping of a content being transferred including cyber, telecommunication and electromagnetic waves were incorporated in the said law.

Article 25 of the Constitution and Article 104 of the Criminal Procedures Code of the I.R. of Iran and its note allow the judge to examine (the contents of), and non-delivery of, letters; recording and divulging of telephone conversations; disclosure of telegraphic or telex communications only when they are related to the security of the country and the rights of people. No authority is allowed to do so without a judicial order. Under the provisions stipulated in the directive by the head of the Judiciary of the I.R. of Iran, only one judge in the whole country is allowed to issue such an order. If other authorities (judicial or non-judicial) do such a thing, they will be sentenced to 1 to 3 years of imprisonment under Article 582 of the Iran's Penal Code. Moreover, there are similar laws regarding entry into people's houses (Article 22 of the Constitution and Article 24 of the Criminal Procedures Code of the I.R. of Iran) under which the privacy of people including their private homes are immune to any transgression and it is not possible to enter people's houses, except in cases sanctioned by law and only upon the order of the judiciary authorities (to arrest a escaped convict or finding pieces of criminal evidence).

Paragraph 3: since legal authorities take all the necessary legal actions, on the basis of the existing laws and regulations, if a complaint is lodged by any person or legal entity, they exhaust the relevant laws for administration of justice. Therefore, there is no need for launching further investigations.

Paragraph 4: arrest or detention of a person takes place whenever he/she commits a crime which entails judicial reaction prescribed by laws and regulations. In the Islamic Republic of Iran no one is arrested due to enjoying the right of peaceful assembly or peaceful protest so that to be released "unconditionally". Chapter 3 of the Constitution of the Islamic Republic of Iran, under the title of rights of people, has stipulated freedoms such as the freedom of expression, protest and legal assembly as well as the rights and freedoms of journalists and media and the freedom

of expression. In the Islamic Republic of Iran, any social activity in the form of parties or associations or groups, requires observance of the regulations of the Code on Activities of Parties, and upon obtaining of the relevant permit Commission 10 of the Code. Meanwhile, Chapter 3 of the Constitution guarantees their rights provided that principles of independence, freedom, national unity as well as fundamentals of the Islamic Republic and Islamic principles are not violated.

Paragraph 5: in all political and electoral systems of the world, parliamentary candidates are required to observe the relevant legal instruments and regulations. In the Islamic Republic of Iran, too, taking into account the political, social, cultural and domestic prerequisites of the country, the Judiciary has introduced requirements for candidates and the Guardian Council monitors observance of those regulations. In the I.R. of Iran, Executive Boards which are formed by the interior ministry and whose members are trustees of people, hold elections. The Guardian Council monitors the affairs and its power is not above the law. Organizing and holding of elections and its monitoring in Iran as well as the right of people to participate in public administration, equality before law and enjoyment of its protection is in conformity with Article 25 of the International Covenant on Civil and Political Rights. There is no discrimination applied against candidates.

Paragraph 6: as for the baseless serial allegations and fabricated attributions made against the I.R. of Iran, we would like to invite the attention of Member States to the extensive replies provided to the concerns raised in the reports of the UNSG and Special Rapporteur earlier.

Paragraph 7: in abidance by the recommendation 10 of the UPR of the I. R. Iran, concrete measures are under way, and upon completion of studies, the final results shall be released to the relevant authorities.

Paragraphs 8: The Islamic Republic of Iran as one of the parties to human rights conventions including the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child has always taken significant steps to stay true to its obligations stipulated in the above-mentioned documents. Steps such as those related to reporting and cooperation with the monitoring mechanisms on the said conventions. The initial and periodic reports of the Islamic Republic of Iran to the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have been submitted in a timely manner and elaborated successfully. Now, the Islamic Republic of Iran is at the last stage of preparing its third and fourth reports for submission to the Committee on the Rights of the Child. Also with respect to Iran's periodic reports to other international human rights instruments, efforts have been made to extend full and timely cooperation to the respective treaty monitoring bodies. In this regard, the second periodic report on the International Covenant on Economic, Social and Cultural Rights was submitted to the related Committee, which contains the activities and measures conducted to materialize the rights enshrined in the International Covenant on Economic, Social and Cultural rights. Most recently, concerning the International Covenant on Civil and Political Rights, the I.R. of Iran has defended the third periodic report on 17th and 18th of October 2011 during the 103rd session of the Human Rights Committee in Geneva. In addition to active and constructive participation in all sessions of the Human Rights Council, the Islamic Republic of Iran fully engaged with the Universal Periodic Review mechanism (UPR) by submitting a detailed and substantiated national report to the Council which was considered during the 7th Session of the UPR Working Group in February 2010.

Paragraphs 9 and 10: the I.R. of Iran has constantly taken steps toward promotion of human rights at national and international levels. Our efforts to promote human rights have been based on our religious obligations and adherence to the constitutional and ordinary laws of the country and in abidance by our commitments under international treaties. We are committed to the promotion of human rights both in our deeds and words. From the view of the I.R. of Iran, the mechanism of country rapporteur within the United Nations should be based on professional, just, in-discriminatory, fair and non-political principles. Therefore, the I.R. of Iran believes that appointment of a Special Rapporteur for this country, due to lack of realization and observation of the above-mentioned requirements, is a biased and unacceptable project.

Paragraphs 11 and 12: considering the renewal of the standing invitation to the Special Procedures of the Human Rights Council and the visit paid by six Special Rapporteurs, the I.R. of Iran has proven its willingness and resolution to cooperate with the international mechanisms of human rights. Furthermore, within the framework of the protection and empowerment programs in the area of human rights, the Islamic Republic of Iran shall be prepared for furthering its interaction and cooperation with Special Rapporteurs. In this direction, it should be mentioned that invitations were extended to two Special Rapporteurs to visit Iran. Hence, preparations were made for the visit of Ms. Gabriel, the Special Rapporteur on the independence of judges and lawyers, on December 1st and 2nd 2010, which was not realized due to her busy working schedule. The I.R. of Iran has cemented such relations and cooperation by planning and visits and establishing of direct contacts with the Office of the High Commissioner for Human Rights and it has proven its determination for constructive contacts with relevant human rights mechanisms. It is noteworthy that in response to the invitation of the I.R. of Iran, the UN High Commissioner will visit Iran in 2012. An agenda of technical cooperation has also been approved by the two sides.

Paragraph 13: Regarding the recommendation in this paragraph on consideration of all the recommendations of UPR, it should be mentioned that the I.R. of Iran has placed the recommendations under its scrutiny and is one of the few countries in the world which have so far accepted the highest number of recommendations and is seriously pursuing the implementation of the constructive suggestions such as cooperation with civil societies and relevant stakeholders. However, it is quite obvious that a number of the suggestions which were in contradiction with our domestic laws or had been proposed with mal-intended political reasons, were not accepted.

Paragraph 14: as for the encouragement made to the Special Procedures mandate holders (in addition to the ones mentioned in resolution of the last year) to further review and submit reports on the human rights situation in the I.R. of Iran, and since Iran has repeatedly voiced its preparedness to provide the required data and information in response to inquiries made by Special Rapporteurs, it seems to be an unfair approach to neglect the constructive trend of cooperation carried out by Iran with the OHCHR and the human rights mechanisms. Therefore, the unfair approach and attitude need to be seriously avoided.

Paragraph 15 and 16: The request by the paragraph to the UN Secretary General, to present recommendations and options in order to promote and improve the implementation of the resolution and also the submission of a report to the Human Rights Council at its 19th session, contradicts the above-mentioned ongoing progress and efforts. Moreover, since a little time left until the 19th Human Rights Council session in March 2012, the move may only be construed in line with increasing the number of reports and documents in relation to the human rights

situation in Iran and as unconstructive. Especially since only more than one year has passed since the human rights situation in Iran was reviewed by UPR mechanism and that the I.R. of Iran is now engaged in preparing the areas and measures in order to implement the constructive recommendations offered in the said meeting. Therefore, requesting the UN Secretary General to offer recommendations and options to the next year's General Assembly and also to submit a report to the Human Rights Council, bearing in mind the current follow-ups, is considered to be basically unnecessary and in conflict with the existing constructive cooperation.

Conclusion:

1. Considering the above-mentioned facts and realities, and taking into account the increasing trend of the existing constructive cooperation, the Islamic Republic of Iran, expects the UN Member States to deeply consider existing facts and by adopting a constructive position to casting their negative vote preserve credibility of the United Nations.

2. Existence of a political intention and instrumental approach to the issue of human rights in tabling of the draft resolution is quite apparent. By ignoring the inhuman crimes of the United States in massacring the innocent people of Afghanistan, and by leaving a blind eye toward violation of the most fundamental rights of people in Guantanamo prison, the sponsors of the draft resolution have partly shared those crimes against humanity. Studies reveal that the majority of the most extensive and blatant cases of violation of human rights and its continuation have been the result of the presence and activities of those countries and also as a result of the protection umbrella and the impunity provided by them. In this connection, one may not dare to disapprove that flagrant crimes of the Zionist regime in Palestine and other occupied Arab territories could not be committed and continued without the veto of the United States. Also, small and large scale wars and conflicts in Africa, Asia and Latin America could not be materialized and continued without the support of those very countries. Ignoring all sort of blatant violation of human rights in Gaza Strip and similar regions, sponsors of the draft resolution, in an unconstructive move, have tabled a draft merely relying on forged, fabricated and baseless information against the I.R. of Iran, a nation who following its Islamic Revolution in 1979, has determined to found a new democratic establishment and a social and civil system based upon Islamic wisdom and rationale. In spite of all the negative impacts of the unilateral sanctions imposed on it by some western countries, the Iranian nation has made significant progress in promoting human rights values.

It is sun clear that the proposed draft resolution is a politically motivated effort based on fake information aimed at distorting realities in connection with human rights situation in the I.R. of Iran. However, the Government of the I.R. of Iran, is determined to uphold and promote the human rights and fundamental freedoms of its people and to continue its constructive role in the enhancement of international cooperation for the promotion of human rights.
