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Agenda item 4

Human rights situations that require the Council's attention**Report of the Special Rapporteur on the
situation of human rights in the Islamic
Republic of Iran^{*}***Summary*

The present report is the second to be submitted to the Human Rights Council, pursuant to Council resolution 16/9, and communicates developments in the human rights situation of the Islamic Republic of Iran that have transpired since the submission of the Special Rapporteur's second interim report to the 67th session of the General Assembly (A/67/369) in October 2012.

The present report outlines the Special Rapporteur's activities since the Council's renewal of his mandate during its 22nd session, examines ongoing issues, and presents some of the most recent and pressing developments in the country's human rights situation. Although the report is not exhaustive, it provides a picture of the prevailing situation as observed in the preponderance of reports submitted to and examined by the Special Rapporteur. It is envisaged that a number of important issues not covered in the present report will be addressed in the Special Rapporteur's future reports to the General Assembly and the Human Rights Council.

* Late submission.

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I. Introduction

1. The Special Rapporteur concludes in this report that there continue to be widespread systemic and systematic violations of human rights in the Islamic Republic of Iran. Reports communicated by nongovernmental organisations, human rights defenders, and individuals concerning violations of their human rights or the rights of others continue to present a situation in which civil, political, economic, social and cultural rights are undermined and violated in law and practice. Moreover, a lack of Government investigation and redress generally fosters a culture of impunity, further weakening the impact of the human rights instruments Iran has ratified.

2. The Special Rapporteur continues to seek the cooperation of the Iranian Government in order to engage in a constructive dialogue and to fully assess the allegations of human rights violations. He regrets that it has been not possible for him to have a more cooperative and consultative relationship with the Iranian Government. He communicated his desire to visit the Islamic Republic of Iran in order to engage in dialogue and to further investigate the veracity of allegations of human rights violations most recently on 9 May 2012. However, the Government remains reticent on this engagement and his request.

3. The Special Rapporteur has also collaborated with a number of other Special Procedures mandate holders of the Human Rights Council to transmit three Allegation Letters, 25 Urgent Appeals, and 7 joint press statements in 2012. In addition to these communications, he has written to the Government on two separate occasions to express his concern about the ongoing house arrest of opposition leaders, as well as about restrictions on women's access to education.

4. The Special Rapporteur has continued to complement the vast number of reports submitted by non-governmental organizations and human rights defenders through interviews with primary sources located inside and outside the country. In this regard, 409 interviews have been conducted since the beginning of his mandate, 169 of which were conducted from September to December 2012 and submitted for this report.

5. Furthermore, the Special Rapporteur wishes to report two reprisal cases that have been reported in the media in November and December 2012, in accordance with resolution 12/2, which called on representatives and mechanisms to report on allegations of intimidation or reprisal.¹ In one case, three Afghan nationals, Mr Mohammad Nour-Zehi, Mr Abdolwahab Ansari, and Mr Massoum Ali Zehi, were reportedly tortured and threatened with hanging for allegedly submitting a list of executed Afghans to the Special Rapporteur.²

6. Other reports have maintained that five Kurdish prisoners located in Orumiyyeh Prison, Mr Ahmad Tamouee, Mr Yousef Kakeh Meimi, Mr Jahangir Badouzadeh, Mr Ali Ahmad Soleiman, and Mr Mostafa Ali Ahmad, have been charged with “contacting the office of the Special Rapporteur” “reporting prison news to human rights organisations,” “propaganda against the system inside prison,” and “contacting Nawroz TV”.³ The

1 A/HRC/12/L.8; Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, 25 September 2009

2 <http://www.daneshjoonews.com/node/8058>; <http://af-express.com/1391/08/24/>
http://hrdai.net/index.php?option=com_content&view=article&id=1064:-----3-----&catid=5:2010-07-21-10-19-53

3 https://www.iranhumanrights.org/2012/12/kurdish_prisoners/;
<http://persianbanoo.wordpress.com/2012/12/15/3-kurdish-political-prisoners-to-be-tried-on-charges-of-contact-with-un-special-rapporteur-ahmed-shaeed/>; <http://hra-news.org/1389-01-27-05-27-21/14413-1.html>;

prisoners were reportedly detained in solitary confinement for two months, interrogated about contact with the Special Rapporteur, and severely tortured for the purpose of soliciting confessions about their contact with the Special Procedure.

7. The Special Rapporteur is alarmed by these reports and joins the Human Rights Council and Secretary-General in condemning “all acts of intimidation or reprisal against individuals that cooperate with the human rights instruments.”⁴ He wishes to emphasize the right of individuals to cooperate with the human rights mechanisms of the United Nations, and underscores the fact that such cooperation is integral to their ability to fulfill their mandates.

8. The Special Rapporteur takes note of the Islamic Republic of Iran’s general observations on the present report⁵, appreciates engagement through such responses, and continues to hope for direct engagement, as these observations should not preclude such cooperation. Comments forwarded by the Iranian government primarily express concern over (a) the Special Rapporteur’s working methodology; (b) the credibility of his sources of information; (c) his assertions about the Government’s cooperation with the human rights mechanisms; and (c) his conclusions that allegations of violations of human rights reported to him demonstrate a need for Government investigation and remedy.

9. The Special Rapporteur has outlined his methodology on several prior occasions, and asserts the highest standards of both rigor and consistency in its application at all times. He notes that evidence and testimonies submitted to him have been assessed for compliance with the non-judicial evidentiary standards required of his mandate, that sources are cited appropriately and copiously, whenever possible, that only allegations that are cross-verified and consistently leveled by various sources are presented, and that his findings are in full compliance with protocol stipulated by the UN system. Names of sources are omitted whenever requested, as required by the Special Rapporteur’s Code of Conduct.

10. Furthermore, the Special Rapporteur has referenced periodic reports recently submitted to the treaty bodies by the Iranian government throughout his report, but maintains that participation or pledges made in such fora do not on their own substitute for concretely addressing and rectifying concerns raised by the human rights instruments. He also continues to underscore the fact that despite its standing invitation, several requests to visit the country remain outstanding, and that no visit has been granted to any Special Procedure mandate-holder since 2005.

II. Situation of human rights

A. Free and fair elections

11. The Special Rapporteur recalls Human Rights Committee General Comment No. 25, which states that article 25 of the International Covenant on Civil and Political Rights (ICCPR) “recognises and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service.”⁶ The right shall be enjoyed and ensured without unreasonable restrictions. Any conditions on this right must be “based on objective and reasonable criteria” without

4 A/HRC/12/L.8; Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, 25 September 2009

5 Attached as addendum: “A Brief reply the Report of the UN Special Rapporteur to the 22nd session of the Human Rights Council”

6 GC25, para 1.

distinction of any kind, including race, gender, religion, and political or other opinion.⁷ The Special Rapporteur is concerned that significant and unreasonable limitations placed on the right of Iranian citizens to stand for Presidential office undermine their right to “participate in the conduct of public affairs through freely chosen representatives” who “are accountable through the electoral process for their exercise of that power”.⁸

12. The Iranian Government reported that under its Constitution, candidates for the office of President must be “political-religious men” and faithful believers in the “foundation of the Islamic Republic of Iran and official religion of the country”.⁹ Women are therefore excluded from the Presidency and no female candidate has been approved by the Guardian Council in the 34 years of the Islamic Republic of Iran. The Iranian Constitution also deprives citizens who hold political opinions contrary to that of the Islamic Republic of Iran and the country’s official religion of the right to stand for President. The General Comment on article 25 is clear that “political opinion may not be used as a ground to deprive any person of the right to stand for election”.¹⁰

13. On 11 February 2013, the Special Rapporteur joined the Chair-Rapporteur of the Working Group on arbitrary detention and the Special Rapporteur on freedom of assembly and association in a statement urging the Iranian government to immediately and unconditionally release former 2009 Presidential candidates Mr. Mehdi Karoubi and Mr. Mir Hossein Mousavi, his wife Zahra Rahnavard, and hundreds of other prisoners of conscience who remain in prison for peacefully exercising their rights to freedom of opinion and expression, or freedom of association and assembly during protests following the 2009 Presidential election. The Special Rapporteurs underscored the fact that the two opposition leaders have not been charged with a crime since their arrest, and that in its August 2012 Opinion, the Working Group on arbitrary detention confirmed that Mr Mousavi and Mr Karoubi, are subject to arbitrary detention by the Iranian Government contrary to article 9 of the ICCPR.¹¹ In the case of Mr Mousavi and Mr Karoubi it was reported that the Iranian Chief Prosecutor suggested that the opposition leaders repent and make full restitution for transgressions against the Government and State in order to participate in the 2013 Presidential election.¹²

14. The Special Rapporteur is further concerned that the Iranian Government has not established an independent electoral authority as indicated in General Comment 25 “to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant”.¹³ He is also concerned about the availability of information and materials on voting in minority languages in Iran.¹⁴ Lastly, the Special Rapporteur recalls, more broadly, that freedom of expression, assembly and association “are essential conditions for the effective exercise of the right to vote and must be fully protected”.¹⁵ Reports of statements by Iranian officials issuing warnings against those citizens who call for a ‘free election’ and suggesting these calls are conspiratorial and inimical to the Iranian State or the principle of velayat-madari

7 Art 2(1) & 25, ICCPR; GC25, paras 4, 6 & 17.

8 GC25, para 7.

9 CCPR/IRN/3, para 885. Constitution, Art 115; GC25, para 15.

10 GC25, para 17.

11 A/HRC/WGAD/2012/30.

12 http://www.bbc.co.uk/persian/iran/2013/01/130117_ka_ejei_mosavi_karobi.shtml.

13 GC25, para 20.

14 GC25, para. 7.

15 GC25, para 12.

(obedience to the Supreme Leader)¹⁶ undermine the full enjoyment of article 25 which requires “the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives”.

B. Freedom of expression, association, assembly

1. Journalists and netizens

15. The Special Rapporteur remains concerned over the continued arrest, detention, and prosecution of dozens of journalists and netizens under provisions in Iran’s 1986 Press Law, which contains 17 categories of “impermissible” content. The Special Rapporteur joined the independent expert on freedom of opinion and expression, human rights defenders, and the Chair-Rapporteur of the Working Group on arbitrary detention on 4 February 2013 in calling on Iran to immediately halt the recent spate of arrests of journalists and to release those already detained following the arrest of at least 17 journalists, the majority of whom work for independent news outlets. The group of human rights experts underscored their fear that the 17 arrests carried-out were part of a broader campaign to crack-down on independent journalists and media outlets, under the accusation that they have collaborated with ‘anti-revolutionary’ foreign media outlets and human rights organisations.

16. Prior to the aforementioned arrests, 45 journalists were detained in Iran.¹⁷ All five journalists interviewed about their arrests and prosecution for this report maintained that they did not face public trials-by-jury, in accordance with the country’s Press Law. Two journalists reported that they were arbitrarily detained without charges and without ever facing a trial; one journalist was allegedly detained for several months and finally released with a verbal warning, and the other was reportedly detained for three years, without charges or a trial, and were finally released on bail. Two female journalists also reported serious sexual harassment while in detention.

17. Furthermore, netizen Mr Mehdi Khazali began serving a 14-year sentence for criticising the Government on his freelance blog in October 2012; Mr Alireza Roshan, a reporter for the reformist Shargh publication began serving a one-year prison sentence in November 2012; Ms Zhila Bani-Yaghoub, editor of the Iranian Women’s Club website, began serving a one-year term on charges of “propagating against the system” and “insulting the president”, and her husband, journalist Mr Bahman Ahmadi Amouee, is serving a five-year sentence on “anti-state charges”.¹⁸

18. The Special Rapporteur also remains concerned by reports detailing the harassment of family members of journalists who live and work abroad. In a public statement, 104 journalists called for an end to the harassment and intimidation of their family members for the purpose of placing pressure on journalists to discontinue their work with such news agencies as BBC Persian, VOA, and Radio Farda. One journalist interviewed for this report, for example, maintained that the passports of two of her family members were confiscated, and that the family was threatened with the seizure of its property if the journalist persisted with her work.¹⁹

16 <http://www.farsnews.com/newstext.php?nn=13911019000569>;
<http://www.1000news.ir/1391/10/24/2074/>;
<http://www.farsnews.com/newstext.php?nn=13911023000070>.

17 <http://cpj.org/imprisoned/2012.php>

18 <http://cpj.org/imprisoned/2012.php>

19 See Annex: Journalist’s Cases Section

2. Human rights defenders

19. Interviews continue to impart that human rights defenders are subjected to harassment, arrest, interrogation, and torture, and that they are frequently charged with vaguely-defined national security crimes.²⁰ A preponderance of human rights defenders interviewed for this report maintained that they were arrested in the absence of a warrant, and subjected to physical and psychological duress during interrogations for the purpose of soliciting signed and televised confessions. A majority of interviewees reported that they were kept in solitary confinement for periods ranging from one day to almost one year, were denied access to legal counsel of their choice, subjected to unfair trials, and in some cases, subjected to severe physical torture, rape (both of males and females, by both male and female officials), electro-shock, hanging by hands or arms, and/or forced body contortion.

20. In April 2012, Ms Narges Mohammadi, a co-founder of the Centre for Human Rights Defense (CHRD), founded by Nobel Peace Prize Winner Ms Shirin Ebadi, began to serve a six-year prison sentence for “assembly and collusion against national security”, “membership in the Center for Human Rights Defenders”, and “propaganda against the system.”²¹ It was reported that Ms. Mohammadi was arrested and taken to Evin Prison, where she was held in solitary confinement for days. On 11 June 2012, Ms. Mohammadi was transferred, without explanation, to an unsegregated ward in Zanjan Prison. Ms. Mohammadi suffers from muscular paralysis²² and seizures, and was released on 31 July 2012 on medical furlough. However, her sentence remains in place and she can therefore be re-incarcerated at any time.

3. Lawyers

21. The Special Rapporteur continues to share the International Bar Association’s concerns regarding the erosion of the independence of the legal profession and Bar Association in the Islamic Republic of Iran.²³ Legislative action such as the approval of the draft Bill of Formal Attorneyship, which increases Government supervision over the Iranian Bar Association, is a case-in-point. The Special Rapporteur is also concerned by article 187 of the Law of the Third Economic, Social and Cultural Development Plan, which has created a parallel body of lawyers known as “Legal Advisors of the Judiciary”. While the law has seemingly increased the number of legal professionals in the country, partly through a less onerous licensing process, the Judiciary ultimately controls the licensing process of all article 187 legal advisors. The Special Rapporteur has also received reports about the revocation of the licenses of article 187 legal advisers after they represented prisoners of conscience.

22. Furthermore, the Law on Conditions for Obtaining the Attorney’s License allows Bar members to elect members of their Board of Directors, but requires the Supreme Disciplinary Court for Judges, a body under the Judiciary’s authority, to confer with the Ministry of Intelligence, the Revolutionary Court and the Police to vet potential candidates for its Board. Some Iranian lawyers have reported that, in practice, candidates who represent human rights defenders have been prohibited from seeking Board membership as a result.

23. The Special Rapporteur continues to be alarmed by reports of Government action targeting lawyers. It is estimated that some 40 lawyers have been prosecuted since 2009, and that at least 10 are currently detained, including Mr. Abdolfatah Soltani, and Mr

20 See Annex: Human Rights Defender’s Cases Section;

21 Interview with the Office of the Special Rapporteur, August 2012

22 <http://www.iranhumanrights.org/2012/07/narges-mohammadi-hospitalized-in-prison/> ;
<http://amnesty.org/en/individuals-at-risk/narges-mohammadi>

23 <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=8281ffa3-1ce7-4976-a93d-e488cc0fa333>

Mohammad Ali Dadkhah. Mr Soltani was arrested in September 2011 and is currently serving a 13 year prison sentence. On 29 September 2012, Mr Mohammad Ali Dadkhah, a lawyer and co-founder of the CHRD was summoned to Evin Prison's Ward 350 to serve a nine-year sentence after being convicted of "membership in an association seeking the overthrow of the Government" and "spreading propaganda against the system through interviews with foreign media".²⁴ Mr. Dadkhah was one the attorneys for Pastor Youcef Nadarkhani, who was exonerated and released from prison weeks earlier after being placed on trial for apostasy.

24. On 17 October 2012, Ms Nasrin Sotoudeh, a human rights defender and lawyer, who has been imprisoned since September 2010, began a hunger strike to protest restrictive conditions placed on members of her family, including a travel ban placed on her 12-year-old daughter in June 2012. Ms Sotoudeh has defended, among others, Shirin Ebadi. She ended her hunger strike on 4 December 2012 when the travel ban was lifted. Ms Sotoudeh was temporarily released on a three day leave on 17 January 2013 to see her family, allegedly with a promise of extending her leave into a longer or permanent release. She was subsequently returned to Evin Prison on 21 January 2013.²⁵

D. Torture

25. The Special Rapporteur expressed concern about reports of widespread use of torture in his report to the 67th session of the General Assembly. He further reported that 78% of individuals who reported violations of their due process rights also reported that they were beaten during interrogations for the purpose of soliciting confessions, that their reports of torture and ill-treatment were ignored by judicial authorities, and that their coerced confessions were used against them despite these complaints.

26. In response to this report, the Iranian government maintained that allegations of torture in the country are baseless since the country's laws forbid the use of torture and the use of evidence solicited under duress. However, the Special Rapporteur continues to maintain that the existence of these legal safeguards does not in itself invalidate allegations of torture, and does not remove the obligation to thoroughly investigate such allegations. He further emphasises that widespread impunity and allegations of the use of confessions solicited under duress as evidence continue to contribute to the prevalence of torture.

27. On 15 November 2012, the Special Rapporteur joined the Special Rapporteurs on extrajudicial, summary or arbitrary executions, torture and other cruel, inhuman or degrading treatment or punishment and on the promotion and protection of the right to freedom of opinion and expression in calling on the Government to investigate the death of Iranian blogger, Mr Sattar Beheshti. Mr. Beheshti was reportedly arrested by the Iranian Cyber Police Unit on 30 October 2012 on charges of "actions against national security on social networks and Facebook." His family was reportedly summoned to collect his body seven days later. During an interview for this report, an informed source communicated that Mr. Beheshti was tortured for the purpose of retrieving his Facebook user name and password, that he was repeatedly threatened with death during his interrogation, and that he was beaten in the face and torso with a baton. The source also stated that Mr. Beheshti

24 http://www.nytimes.com/2012/10/03/world/middleeast/iran-engaged-in-severe-clampdown-on-critics-un-says.html?_r=0; <http://www.amnesty.org/en/news/iran-must-release-human-rights-defender-mohammad-ali-dadkhah-2012-10-01>;

25 http://www.iranhumanrights.org/2012/12/dadkhah_lawyer/;
<http://www.kaleme.com/1391/11/03/klm-130247/>; <http://www.amnesty.org/en/news/iran-stop-cruel-charade-and-release-human-rights-lawyer-good-2013-01-23>;
http://www.iranhumanrights.org/2013/01/sotoudeh_prison/

reported chest pain to other prisoners and that authorities were made aware of his complaints, but no action was taken. A domestic report released in January 2013 by the Majles' National Security and Foreign Policy Commission criticized the Tehran Cyber Crimes Police Unit for holding Mr. Beheshti in its own (unrecognised) detention center, but fell short of alleging direct wrongdoing in his death or of calling for an investigation into the apparent widespread maintenance of illegal detention centers, operated by branches of Intelligence services, in contravention of Iranian law.²⁶

28. The Special Rapporteur is further troubled by media reports that the memorial service for Mr. Beheshti was raided by security agents who beat and arrested members of his family, as well as a number of attendees. It was further reported that five security officers beat and dragged Mr. Beheshti's elderly mother by her hair, and that his brother, Asghar Beheshti, was also arrested and detained for two hours.²⁷

29. It was also reported that in late October 2012, the home of Jamil Sowaidi was raided, and that he was detained by plainclothes officers claiming to be members of the Islamic Revolutionary Guards Corps (IRGC). Frequent attempts by Mr. Sowaidi's family to inquire about his whereabouts were reportedly rebuffed by authorities. On 6 November, authorities reportedly confirmed that Mr. Sowaidi had died in custody and advised his family not to pursue the case. The family's request for an autopsy was reportedly denied, and Mr. Sowaidi was buried on 8 November 2012. The Special Rapporteur strongly urges the Government to conduct a comprehensive and transparent investigation into Mr. Sowaidi's death, and encourages it to take measures to remedy the matter, in accordance with international standards.²⁸

30. Of the 169 interviews conducted for this report, 81 cases of reported detention were examined for allegations of torture. It was found that approximately 76% of interviewees reported allegations of torture; 56% reported physical torture, including rape and sexual abuse; and 71% of those interviewed reported psychological torture. In an effort to further investigate the methods of torture reported by interviewees, the Special Rapporteur examined a study on Iran performed by one of the world's largest torture treatment centres, which investigates and forensically documents evidence of torture in accordance with Istanbul Protocol standards.²⁹ Data collected was both quantitative and qualitative, detailing "history of detention, specific torture disclosures and the forensic documentation of the physical and psychological consequences of torture."³⁰ The medical-legal evidence presented in this study appears to be consistent with a substantial number of statements submitted to the Special Rapporteur in which allegations of torture were reported.

31. The study examines 50 of some 5,000 documented cases of torture reported by Iranians to the centre since 1985. Twenty-nine of the individuals whose cases were examined for this study were detained in 2009, 14 in 2010 and seven in 2011. Fifty-six percent of the cases were detained only once in 2009-2011, while 44% were detained more than once and up to three times before leaving Iran.

32. The study concluded that methods of physical torture described in the 50 cases included: "blunt force trauma including beating, whipping and assault" (100% of cases). The study found that the "main forms of blunt force trauma consisted of repeated and

26 <http://www.parliran.ir/index.aspx?siteid=1&pageid=2964&newsview=16898>

27 <http://hra-news.org/1389-01-27-05-27-51/14403-1.html>; <http://www.persianicons.org/human-right/sattar-beheshtis-40th-day-passing-memorial-services-raided-his-mother-beaten-and-injured/#ixzz2GZ1drpfW>

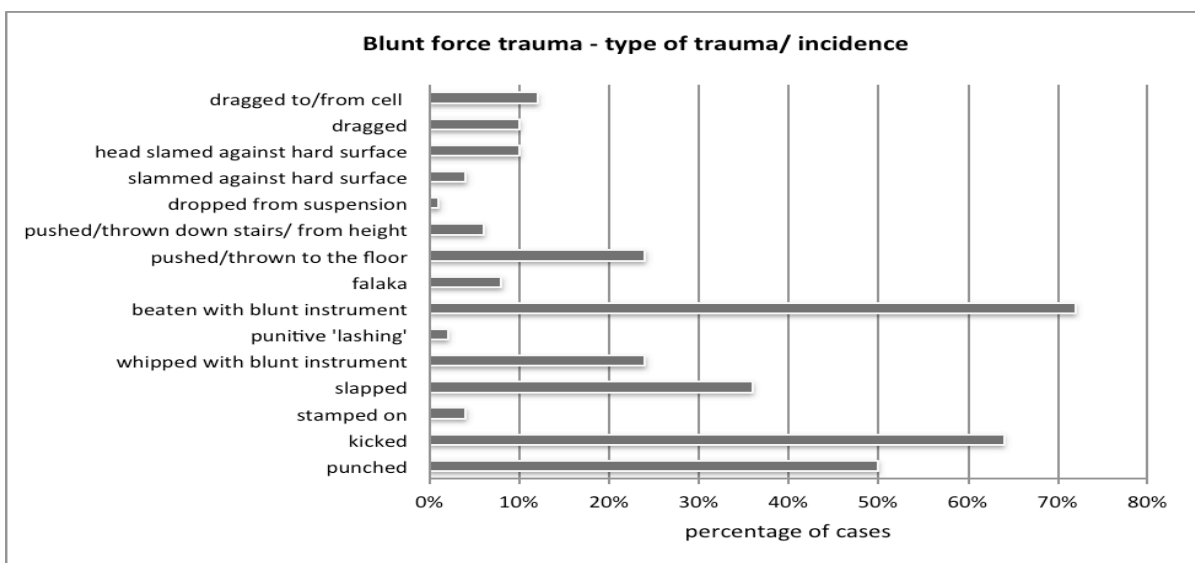
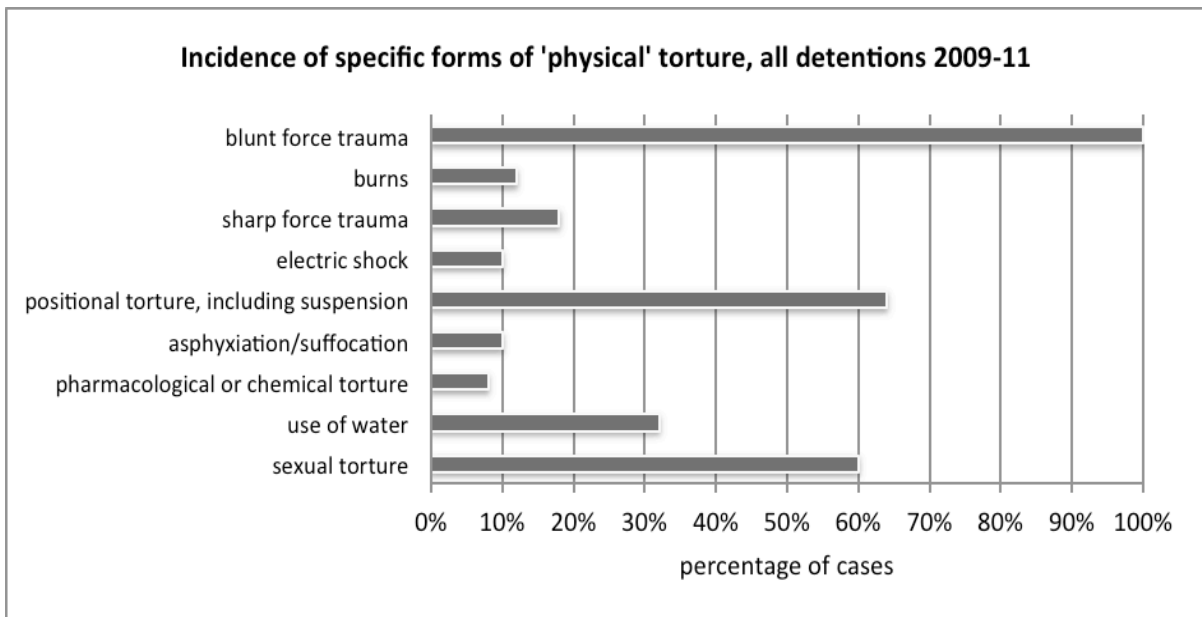
28 <http://www.iranhrdc.org/english/news/inside-iran/1000000206-ahwazi-arab-political-activist-jamil-sowaidi-reportedly-tortured-to-death-in-custody.html#.UN0sr6UTszU>

29 <http://www.freedomfromtorture.org>

30 See Annex: Freedom From Torture Report

sustained assault by kicking, punching, slapping and of beatings with a variety of blunt instruments including truncheons, cables, whips, batons, plastic pipes, metal bars, gun butts, belts and handcuffs. People reported being assaulted or beaten on all parts of the body, though most commonly on the head and face, arms and legs and back. Most were blindfolded while beaten and many were restrained, meaning they were unable to defend or protect themselves.”

33. The study further found the following methods of torture prevalent among the cases reviewed: sexual torture including rape, molestation, violence to genitals and penetration with an instrument (60% of cases); suspension and stress positions (64%); use of water (32%); sharp force trauma including use of blades, needles and fingernails (18%); burns (12%); electric shock (10%); asphyxiation (10%); and pharmacological or chemical torture (8%). Of the cases sampled, 60% of females and 23% of males reported rape.”



E. Executions

34. The Special Rapporteur continues to be alarmed by the escalating rate of executions, especially in the absence of fair trial standards, and the application of capital punishment for offences that do not meet “most serious crimes” standards, in accordance with international law. This includes alcohol consumption, adultery, and drug-trafficking. It has been reported that some 297 executions were officially announced by the Government, and that approximately 200 “secret executions” have been acknowledged by family members, prison officials, and/or members of the Judiciary, making a likely total of between 489 and 497 executions during 2012.³¹

35. It has been reported that at least 58 public executions were carried out this year. The Special Rapporteur joins the High Commissioner for Human Rights in condemning the use of public executions “despite a circular issued in January 2008 by the head of the judiciary that banned public executions”. He also joins the Secretary-General’s view that “executions in public add to the already cruel, inhuman and degrading nature of the death penalty and can only have a dehumanising effect on the victim and a brutalising effect on those who witness the execution.”³² The Special Rapporteur also remains concerned that provisions in the new Penal Code, while not yet adopted, seemingly broaden the scope of crimes punishable by death.

36. On 22 October 2012, Mr Saeed Sedighi, a Tehran-based shop-owner, was executed along with nine others on drug-trafficking charges,³³ despite calls on 12 October 2012 by three Special Procedures mandate holders to halt the executions.³⁴ The Government has yet to respond to due process-related queries, including to allegations that Mr. Sedighi was not permitted adequate access to a lawyer or allowed to defend himself during his trial. These rights are guaranteed by article 14 of the ICCPR, as well as articles 32 and 34-39 of the Iranian Constitution and by the country’s Law of Respecting Legitimate Freedoms and Citizenship Rights (2004), which determines criminal procedure and defines fair trial standards.



F. Women’s rights

37. Reported statistics demonstrate that the Islamic Republic of Iran has made remarkable advances in literacy, access to education for women, and women’s health during the past 30 years. Literacy and primary school enrollment rates for women and girls

31 <http://www.iranhrdc.org/english/publications/1000000030-ihrc-chart-of-executions-by-the-islamic-republic-of-iran-2012.html#.URsdFqUTvu0>

32 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10698&LangID=E>

33 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12688&LangID=E>

34 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12656&LangID=E>

are estimated at more than 99% and 100% respectively, and gender disparity in secondary and tertiary education is reportedly almost nonexistent.³⁵ Statistics also indicate that women have experienced improved access to primary health care. The maternal mortality rate is estimated at 24.6 maternal deaths per 100,000 live births, and skilled attendance during delivery is 94.5 percent; which places Iran in the “on track” category towards the MDG to improve maternal health.³⁶

38. Moreover, the country’s 5th National Development Plan (NDP) calls for “focusing on the needs and the creation of constructive opportunities for women and youth”. The NDP also refers to principles of equal pay for women and the expansion of social support for “ensuring equal opportunities for men and women and empowerment of women through access to suitable job opportunities”.³⁷ Several programs aimed at advancing these goals have reportedly been developed, including a scheme to generate “at home” employment for women. The Chairman of the Parliament’s (Majlis) Health and Treatment Commission also recently announced the extension of maternity leave from six months to nine months, along with two weeks’ mandatory leave for fathers.³⁸

39. Gender-based disparities in economic participation and political empowerment remain problematic however, and some recent developments threaten to reverse the aforementioned achievements in education.³⁹ These include unsuccessful legislative attempts to reinforce polygamy and reduce work hours for women, as well as current policy proposals that discriminate against women in education and further limit their civil rights, which are discussed below.

Iran’s Gender Ranking (2006-2012)							
	2006	2007	2008	2009	2010	2011	2012
	out of 115 countries	out of 128 countries	out of 130 countries	out of 134 countries		out of 135 countries	
Educational Attainment	80 th	90 th	92 nd	96 th	96 th	105 th	101 st
Economic Participation and Opportunity	113 th	123 rd	118 th	131 st	125 th	125 th	130 th
Political Empowerment	109 th	122 nd	128 th	132 nd	129 th	130 th	126 th
Health and Survival	52 nd	58 th	60 th	63 rd	83 rd	85 th	87 th

*World Economic Forum: The Gender Gap Reports: 2006, 2007, 2008, 2009, 2010, 2011, 2012*⁴⁰

1. International obligations

40. In 1993, the Committee on Economic, Social and Cultural Rights (CESCR) noted that Iran’s obligation to ensure equal opportunity for women warranted particular attention, especially in relation to the rights to education, work, and family related rights. In 2006, authorities partially agreed to the implementation of recommendations made by the Special Rapporteur on violence against women following her visit to the country. This includes the agreement to reform discriminatory provisions in the country’s penal and civil laws, especially with regard to women’s equal rights in marriage and access to justice. In February 2010, the Iranian Government also received and accepted eight of the 13 recommendations that relate to women’s rights during the Universal Periodic Review (UPR).

35 UNICEF Report: MENA Gender Equality Profile, Status of Girls and Women in the Middle East and North America, Iran; October 2011, page 3

36 ICESCR: Second periodic reports of States parties, Islamic Republic of Iran, 2009, para 257.9

37 Ibid; para 36.8-36.10

38 <http://isna.ir/fa/news/91100301947/>

39 World Economic Forum; The Global Gender Gap Report, 2012

40 <http://www.weforum.org/reports>

41. In its second periodic report to the CESCR, which will be reviewed during the Committee's 50th session in April/May 2013, the Iranian Government discussed its program to revise "existing rules and regulations" with an aim to advancing women's participation, raising public awareness about their "qualifications", and enhancing their skills.⁴¹ The Government also maintained that women's affairs have received "special attention in the economic, social, cultural and political development plans of the country", commensurate with its view that "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".⁴² In qualifying this position, Government representatives have asserted that while it is believed that "men and women are equal in human dignity and human rights, this is not to be confused with equating men and women's role in family, society, and in the development process".⁴³

42. This viewpoint is further elaborated upon in Iran's "Charter on Women's Rights and Responsibilities; adopted in 2004. According to its preamble, the Charter was developed in line with the view that "there are various traditions and perspectives regarding women's rights based on their different cultures". The Charter, therefore, specifies those rights the Government believes belong to both genders, and emphasises those rights it asserts to be specific to women based on their "physical and psychological" differences.⁴⁴

43. In light of this viewpoint, the Special Rapporteur joins the statement transmitted by the Special Rapporteur in the field of cultural rights, Ms. Farida Shaheed, which asserts that while the tendency to view culture as an impediment to women's rights is "both over simplistic and problematic", "many practices and norms that discriminate against women are justified by reference to culture, religion and tradition".⁴⁵ In this respect, the Special Rapporteur maintains that the aforementioned emphasis on gender roles places limitations on the Iranian Government's obligation to protect women's full enjoyment of their civil, political, social, cultural, and economic rights. He asserts that this view arbitrarily qualifies the degree to which women may enjoy these rights as that which the Government perceives to be in conformity with Islamic criteria. The Special Rapporteur further maintains that this particular argument undermines the notion of universal rights, and compromises the rights protected by the ICCPR and the ICESCR for virtually half of the Iranian population.

2. Socioeconomic rights

44. The educational attainment of Iranian women is not yet reflected in their current economic status. Statistics demonstrate that a significant gender disparity continues to exist in their participation in the labor market, and women still only occupy a small percentage of senior managerial positions. It was reported that compared to the global labour force, 52%, only 32% of Iranian women are actively engaged in the labour market, compared to 73% of men.⁴⁶

45. The Special Rapporteur maintains that certain legal limitations placed on women's employment, coupled with recent revisions of laws that impact their socioeconomic rights, severely weaken the Government's ability to promote gender equality and to make progress

41 ICESCR: Second periodic reports of States parties, Islamic Republic of Iran, 2009; para 25

42 ICCPR: Third periodic reports of States parties Islamic Republic of Iran, 2009; para 27

43 General Discussion of the Commission on the Status of Women, 56th Session; Intervention by H.E. Mr. Eshagh Al-Habib, Ambassador and Deputy Representative of the Islamic Republic of Iran to the United Nations, on behalf of H.E. Maryam Mojtahedzadeh, Advisor to the President and Head for the Center for Women and Family Affairs; February 2012

44 Law of Women's Rights and Responsibilities of the Islamic Republic of Iran, 2004, pg. 11

45 A/67/287; Report of the Special Rapporteur in the field of cultural rights, 10 August 2012

46 UNICEF Report: MENA Gender Equality Profile, Status of Girls and Women in the Middle East and North America, Iran; October 2011, page 4

on those recommendations communicated by the CESCR in 1993, and during the 2010 UPR. These limitations include Article 1117 of Iran's Civil Code, which provides men with the right to legally prohibit their wives from engaging in work outside the home if they can prove that the work is incompatible with the family's interests. It was reported that members of the Majlis recently proposed four articles that require women to be married in order to become members of a university's scientific committee, or to be employed at the Ministry of Education and Training. The speaker of the Parliament's Social Commission reported that the preconditions have not yet been approved.⁴⁷

46. In June 2012, the Science and Technology Ministry announced that women sitting for the national entrance exam would be prohibited from enrollment in 77 fields of study at 36 public universities across the country.⁴⁸ It was reported that female enrollment in hundreds of courses offered during the 2012-2013 academic year at Iranian public universities was substantially restricted, including in courses on petroleum engineering, data management, communications, emergency medical technology, mechanical engineering, law, political sciences, policing, social sciences, and religious studies.⁴⁹ Furthermore, policies to enforce gender segregation provide "single-gendered" university majors for alternating semesters in lieu of entirely banning access to either male or female candidates.⁵⁰ In response to criticism from Iranian parliamentarians who called for an explanation, the Science and Higher Education Minister responded that 90% of degrees still remain open to both sexes, that single-sex courses were needed to create "balance", and that "some fields are not very suitable for women's nature". In light of Iran's international obligations under the ICESCR and the country's Constitution, the Special Rapporteur urges the Government to review policies that could be discriminatory and set back the progress it has achieved in women's education.

3. The right to freedom of movement

47. A married woman may not obtain a passport or leave the country without her husband's written permission. In November 2012 the Chair of the Parliament's (Majlis) National Security and Foreign Policy Commission announced an amendment to the country's passport laws that would require unmarried women under age 40 and males under the age of 18 to acquire the consent of their guardian or the ruling of a sharia judge in order to acquire a passport.⁵¹ Although this amendment was finally rejected, it was reported that the National Security and Foreign Policy Commission of the Parliament (Majlis) announced further amendments to the passport bill which would continue to allow single women over the age of 18 to obtain a passport without the aforementioned permission, but would now require them to obtain permission from their father or guardian from the paternal line in order to leave the country.⁵²

48. In defence of the amendments, the Chair of the *Parliament's (Majlis)* National Security Commission reportedly stated that the Government frequently receives requests by single women to travel outside of the country, particularly for pilgrimage, and that this prompted the Government to institute policies that would ensure their health and safety.⁵³

47 <http://www.farsnews.com/newstext.php?nn=13910822000692;>

<http://www.etemaad.ir/PDF/91-09-09/index1.htm>

48 <http://www.mehrnews.com/fa/newsdetail.aspx?NewsID=1666033>

49 <http://www.hrw.org/news/2012/09/22/iran-ensure-equal-access-higher-education;>

<http://www.mehrnews.com/fa/newsdetail.aspx?NewsID=1666033;>

50 <http://www.daneshjoonews.com/node/7643>

51 <http://isna.ir/fa/news/91082717440/>

52 <http://isna.ir/fa/news/91102514730/>

53 <http://isna.ir/fa/news/91082717440/>

4. Civil and political rights

49. It has been reported that women's rights activists continue to be harassed for making statements that criticise policies or Government actions; organisational meetings continue to be disbanded; the denial of permits required to peacefully assemble persist; and women believed to be associated with entities such as the Mourning Mothers and the One Million Signatures Campaign continue to face harassment, arrest, and detention. Women's rights advocates are frequently charged with national security crimes and "propaganda against the system".

50. Activists are also reportedly subject to travel bans and other forms of suppression for protected activities, and Women's rights activist and member of the "One Million Signatures Campaign for Equality" Ms Maryam Behraman was recently sentenced to an eight-month suspended jail term on the charge of "propagation against the state". She was acquitted on charges of "insulting the leader" and "founder of the Islamic Republic of Iran".⁵⁴ Ms. Behraman was arrested on 11 May 2011 in Shiraz on charges of "acting against national security", a charge apparently linked to her participation in the 55th session of the United Nations Commission on the Status of Women (UNCSW) in March 2011, and detained for 128 days in Shiraz's intelligence detention center. On 15 September 2011, she was released on \$ 300,000 bail. Ms. Behraman's lawyer reportedly stated that she had the opportunity to read eight volumes of her case file and was allowed to take notes, and submit her defense during the three relatively lengthy [court] sessions.⁵⁵

51. Furthermore, a number of Iranian laws continue to discriminate against women. Article 1108 of the Iranian civil code, for example, compels a woman's obedience to her husband. Furthermore, women cannot transfer nationality and citizenship to their husbands or children, which has rendered stateless thousands of children of Iranian women who have married Afghan or Iraqi refugees, as well as expatriate Iranian women married to non-Iranians.

52. A dearth of female representation in decision-making roles remains problematic for women's participation in public life, as guaranteed by Article 25 of the ICCPR. Women are allowed to serve as legal counsellors, for example, but are prohibited from issuing and signing final verdicts.⁵⁶ Also, no woman has ever been appointed to the Council of Guardians and the Expediency Council. Furthermore, only nine of the 490 women that reportedly presented their candidatures for the March 2012 parliamentary elections were elected, giving women only 3.1% of the 290 seats in the Majlis; albeit up from eight female representatives in the last parliament.⁵⁷ Prior to the election, Iranian women's groups called on the Speaker of the Parliament to improve female representation in the Majlis, citing the "increasing number of professional women; the importance of incorporating the female outlook on issues in decision-making bodies; addressing women's and family issues; and eliminating legal vacuums" as reasons for their request.⁵⁸

54 <http://fairfamilylaw.org/spip.php?article8811>

55 <http://fairfamilylaw.org/spip.php?article8811>; <http://hra-news.org/263/best/14339-1.html>

56 Article 5 of the Law on the Qualifications for the Appointment of Judges as amended in 1985, <http://rc.majlis.ir/fa/law/show/91044>; Article 3 of the Law Designating the Current Courts to Courts that are the Subject of Article 21 of the Constitution (Family Courts) (1997), <http://rc.majlis.ir/fa/law/show/92925>; Article 5 of the Law Reforming the Laws Pertaining to Divorce Provisions (1992), <http://rc.majlis.ir/fa/law/show/99628>

57

58 <http://www.payvand.com/news/12/jan/1167.html>

G. Ethnic Minorities

1. Ahwazi Arabs

53. The Special Rapporteur continues to be disturbed by reports from members of the Arab community regarding arrests, detentions, and prosecutions for protected activities that promote social, economic, cultural, linguistic and environmental rights. A majority of interviewees reported that they were arrested in the absence of a warrant, and that they were ill-treated during their arrests. Interviewees maintained that they were detained without charges for periods ranging from several days to several weeks. Several individuals reported being psychologically and physically tortured during their interrogations, including by floggings, beatings, and being made to witness executions, threats against family members, and the actual detention of family members for the purpose of implicating others, or to compel others to report to the authorities.

54. One interviewee reported that his/her cousin, nephew and brother were arrested in June 2012 for the purpose of coercing their children, who are currently living abroad, to return to the country. He/she maintained that Ministry of Intelligence officers reportedly arrested, detained, and interrogated his/her family members about possible foreign contacts on a daily basis for over two weeks in the absence of charges. They were reportedly subjected to psychological and physical torture, including by flogging and beatings to the point of unconsciousness. The individuals reportedly remain in prison.

55. An informed source reported that poet Mr Sattar Sayyahi, died under suspicious circumstances in November 2012 following his release and subsequent threats by the Ministry of Intelligence. Mr. Sayyahi's uncle and neighbour were also reportedly arrested, interrogated and tortured, by the authorities after they took Mr. Sayyahi to the hospital. The interviewee maintained that Mr. Sayyahi's uncle and neighbour were questioned about their conversations with him prior to his death. It was further reported that authorities attacked and arrested an estimated 130-140 funeral attendants, including Mr. Sayyahi's 17-year old cousin, Ali Sayyahi's, whose hand was reportedly broken as a result of torture while in detention.

2. Baloch

56. Sistan-Balochistan is arguably the most underdeveloped region in Iran, with the highest poverty, infant and child mortality rates, and lowest life expectancy and literacy rates in the country. The Balochi are reportedly subjected to systematic social, racial, religious, and economic discrimination, and are also severely underrepresented in state apparatuses.⁵⁹ It has also been reported that the linguistic rights of the Baloch are undermined by a systematic rejection of Balochi-language publications and limitations on the public and private use of their native languages, in contravention of article 15 of the Iranian Constitution, and article 27 of the ICCPR. Moreover, the application of the Gozinesh criterion, which requires state officials and employees to demonstrate allegiance to Islam and to the concept of velayat-e faqih (Guardianship of the Islamic Jurist), further exacerbates their socioeconomic situation, by limiting employment opportunities.⁶⁰

59 Amnesty International's submission to the UN Committee on Economic, Social and Cultural Rights, http://www2.ohchr.org/english/bodies/cescr/docs/ngos/AI_CESCRWG49_Iran.pdf

60 UNPO submission to the Committee on Economic, Social and Cultural Rights, http://www2.ohchr.org/english/bodies/cescr/docs/ngos/UNPO_IranWG49.pdf, also see Religious Discrimination And Injustice To Ahlesunnat, Geneva July 22, 2012, <http://www.ostomaan.org/articles/human-rights/13351> See also: Continuous increasing suppression against Sunni Baloch in Iran, September 2008:

57. Accounts of the destruction of Sunni mosques and religious schools, and allegations of the imprisonment, and assassination of Sunni clerics, have also been reported. Baloch activists have reportedly been subject to arbitrary arrests and torture. The Sistan-Balochistan province experiences a high rate of executions for drug-related offenses or crimes deemed to constitute “enmity against god” in the absence of fair trials.⁶¹ Allegations were also received that the Government has used the death penalty as a means to suppress opposition in the province.⁶² In a plea to the international community, the Balochistan People’s Party reported that two Baloch prisoners in Zahidan Prison were sentenced to death following a demonstration in Rask City and other towns in the Sarbaz area in May 2012. Political prisoners in the detention center who reportedly protested against the death sentences were punished with exile.⁶³

58. It was also reported that netizen Abdol Basit Rigi and political activists Abdoljalil Rigi and Yahyaa Charizahi were charged with “enmity against God”, and sentenced to death following forced confessions. One of the political prisoners, Abdol Basit Rigi, was arrested three years ago, reportedly kept in solitary confinement for eleven months, and allegedly tortured. It is further reported that two of the activists were transferred to solitary confinement in the Intelligence Ministry two days before their execution, where they were subjected to violent torture and forced to record a televised confession.⁶⁴

H. Religious minorities

59. The Special Rapporteur remains deeply concerned about the human rights situation facing religious minorities in Iran. Reports from and interviews with members of the Bahai, Christian, and Sunni Muslim communities continue to portray a situation in which adherents of recognised and unrecognised religions face discrimination in law and/or in practice. This includes various levels of intimidation, arrest and detention. A number of interviewees maintained that they were repeatedly interrogated about their religious beliefs, and a majority of interviewees reported being charged with national security crimes and/or propaganda against the State for religious activities. Several interviewees reported that they were psychologically and physically tortured.

1. Baha’is

60. In its comments on the Special Rapporteur’s report to the 67th session of the General Assembly, the Government asserted that despite the fact that the Baha’i faith is not a recognised religion in the country, its followers have equal rights under the law, and that they may not be prosecuted or imprisoned for adhering to their beliefs. However, it was also maintained that propagation of the Baha’i faith is in “breach of the existing laws and regulations” and that activities that constitute its proselytisation disrupt public order and may be limited in accordance with Article 18 and 19 of the ICCPR. However, the Human Rights Committee emphasises that the teaching of religious beliefs are protected and that “the practice and teaching of religion or belief includes acts integral to the conduct by

<http://eng.balochpeople.org/oldarchive/eng/2008/pressRel/IncreasingSuppressionOfSunniBaloch1.htm>

61 Amnesty International Report, March 2010: <http://www.amnesty.org/en/news-and-updates/iran-executions-send-chilling-message-2010-03-30>

62 Appeal to: The International Community to put pressure on Iranian government to stop Mass arrests and executions of Baloch people in Iran, www.BalochPeople.org, October 2012.
<http://www.unpo.org/article/15045>

63 <http://www.ostomaan.org/articles/human-rights/14422>

64 <http://eng.balochpeople.org/articles/human-rights/411>

religious groups of their basic affairs, such as the freedom to...establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.”

61. It has been reported that 110 Baha’is are currently detained in Iran for exercising their faith, including two women, Mrs. Zohreh Nikayin (Tebyanian) and Mrs. Taraneh Torabi (Ehsani), who are reportedly nursing infants in prison. It was further estimated that 133 Baha’is are currently awaiting summons to serve their sentences, and that another 268 Baha’is are reportedly awaiting trial. Authorities reportedly arrested at least 59 members from August to November 2012, some of whom have been released. Several sources reported that since October 2012, authorities have raided the homes of at least 24 Baha’is and arrested 25 individuals in the city of Gorgan and its surrounding provincial areas, 10 of whom remained in custody at the time of drafting this report. It has also been reported that Baha’is in the northern city of Semnan have been the focus of escalating and broad persecution over the last three years. Baha’is in this city have allegedly faced physical violence, arrests, arson, and vandalism to their homes and grave sites. The majority of Baha’i-owned businesses in Semnan and the northern city of Hamadan have reportedly been closed.⁶⁵

62. Members of the Baha’i community are reported to continue to be systematically deprived of a range of social and economic rights, including access to higher education. Informed sources have reported that authorities from three different universities expelled five Baha’i students in November 2012. Four of these students were reportedly offered continued admission if they denied and/or pledged to abandon their religious practices. The students were reportedly expelled for refusing the offer.

2. Christians

63. The Government stressed that “[r]ecognition of Christianity, by the Constitution ... does not constitute judicial immunity” for its followers.⁶⁶ The Special Rapporteur asserts that Christians should not face sanctions for manifesting and practising their faith, and therefore remains concerned that Christians are reportedly being arrested and prosecuted on vaguely-worded national security crimes for exercising their beliefs.

64. Sources have reported that at least 13 Protestant Christians are currently in detention centres across Iran, and that more than 300 Christians have been arrested since June 2010. Those currently in prison include Pastor Behnam Irani and church leader Farshid Fathi, who are both serving six-year sentences on charges such as “acting against national security”, “being in contact with enemy foreign countries,” and “religious propaganda.” Sources maintain that the evidence used against Mr. Fathi was related to his church activities, including distributing Persian-language Bibles and coordinating trips for church members to attend religious seminars and conferences outside the country. Several Protestant churches with majority Assyrian or Armenian-speaking congregations have also been forced to cease Persian-language services, and it was recently reported that the Janat Abad Assemblies of God Church in Tehran, which held all-Persian services, was shut down on 19 May 2012.⁶⁷

65 <http://www.bic.org/bahais-semnan-case-study-religious-hatred>

66 Comments and Observations of the Islamic Republic of Iran on the Draft Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran to the 67th session of the UN General Assembly

67 <http://www.iranhumanrights.org/2012/06/protestant-church/>;
http://www.mohabatnews.com/index.php?option=com_content&view=article&id=4756:iranian-church-closed-down-amid-government-concerns-over-church-growth-interview&catid=36:iranian-christians&Itemid=279

65. The Special Rapporteur is also concerned that the right of Iranians to choose their faith is increasingly at risk. Christian interviewees consistently report being targeted by authorities for promoting their faith, participating in informal house-churches with majority convert congregations, allowing converts to join their church services and congregations, and/or converting from Islam. A majority of interviewees that identified themselves as converts reported that they were threatened with criminal charges for apostasy while in custody, and a number of others reported that they were asked to sign documents pledging to cease their church activities in order to gain release.

3. Dervishes

66. Interviews and information submitted to the Special Rapporteur continue to allege that Gonabadi Dervishes, who are Shia Muslims, are subjected to attacks on their places of worship, and are arbitrarily arrested, tortured, and prosecuted. Sources note that 12 Gonabadi Dervishes remained in official custody as of November 2012, including four lawyers, Farshid Yadollah, Amir Eslami, Omid Behroozi, and Mostafa Daneshjoo. It was further reported that on 12 December 2012 six dervishes from the city of Kovar were tried in a revolutionary court in Shiraz, some for the capital offence of Moharebeh.

4. Other faith groups and spiritual practices

67. Representatives of the Yarsan, a religious minority active amongst Kurdish Iranians, reported that their religious gatherings are routinely repressed. Additionally, the leader of the Yarsan, Mr. Seyyed Nasradin Heydari, is allegedly under house arrest. Yarsan who pass university entrance exams and profess that they practice the Yarsan faith are purportedly refused admission. Moreover, the Special Rapporteur is also concerned about reports regarding the arrest of leaders of spiritual, semi-spiritual, and meditation groups in Iran. For example, sources report that Peyman Fattahi, leader of the spiritual community of the El-Yasin, was detained for almost three weeks in October and November 2012.

I. Lesbian, gay, bisexual and transgender community

68. The Special Rapporteur continues to share the concern of the Human Rights Committee that members of the lesbian, gay, bisexual, and transgender community (LGBT) face harassment, persecution, cruel punishment, and are denied basic human rights. The new draft Islamic Penal Code criminalises same-sex relations between consenting adults. Articles 232-233 of the new Penal Code would mandate a death sentence for the “passive” male involved in sodomy, regardless of whether his role was consensual. Under the new law, “active” Muslim and unmarried males may be subject to 100 lashes so long as they are not engaged in rape. Married and/or non-Muslim males may be subject to capital punishment for the same act. Men involved in non-penetrative same-sex acts or women engaged in same-sex acts would also face 100 lashes according to the new Penal Code.

69. The Special Rapporteur is concerned that criminalising same-sex relations could lead to violation of core human rights guarantees, including the right to life, the right to liberty, the right to be free from discrimination as well as the right to be protected against unreasonable interference with privacy, provided under international human rights instruments, particularly the International Covenant on Civil and Political Rights. The Special Rapporteur joins the United Nations Secretary-General and High Commissioner for Human Rights in her call for ending violence and discrimination against all people, irrespective of their sexual orientation and gender identity.⁶⁸

70. Interviews with 24 members of the Iranian LGBT community for this report reinforce many of the concluding observations forwarded by the Human Rights Committee's periodic review of Iran. Fifteen interviewees believed that they were arrested at least once for their sexual orientation or for associating with other LGBT persons. Thirteen reported that once in detention, security officers subjected them to some form of torture or physical abuse; including punches, kicks and baton strikes to the head or body and, in a few cases, sexual assault and rape. Several people reported that they were coerced into signing confessions. Iran's criminalisation of same-sex relations facilitates physical abuse in the domestic setting as well. A majority of these individuals reported that they were beaten by family members at home, but could not report these assaults to the authorities out of fear that they would themselves be charged with a criminal act.

J. Socioeconomic rights

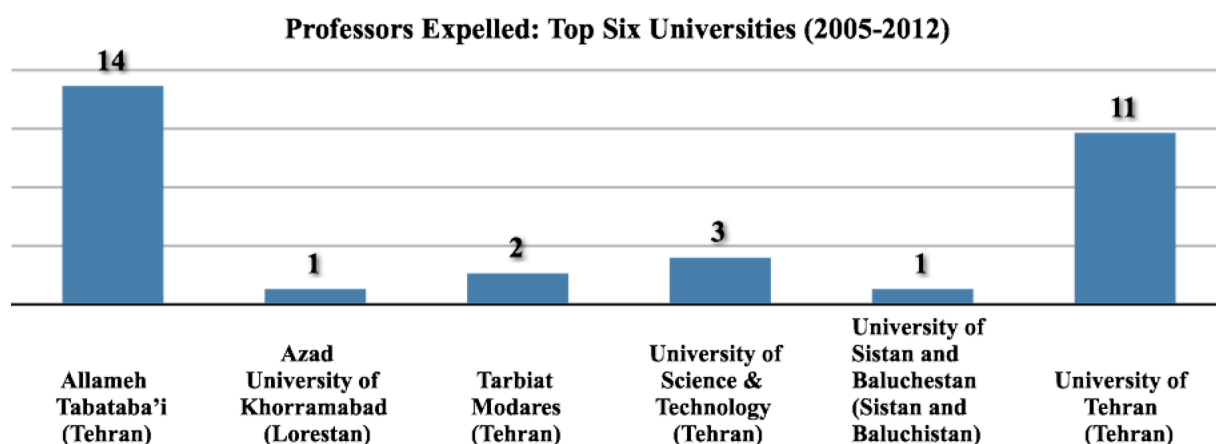
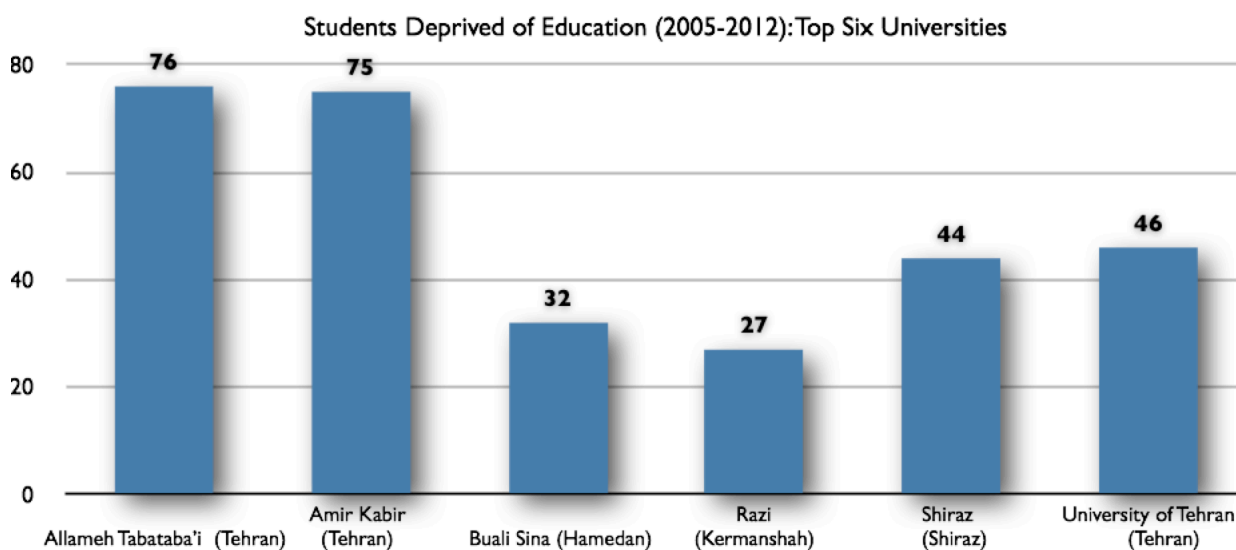
1. Right to education

71. In addition to limitations placed on access to education for women and some religious minorities, reports continue to maintain that students engaged in political activities are being deprived of their education. In a letter to the Special Rapporteur, the Human Rights Commission of Daftar Tahkim Vahdat an Iranian Student Organization stressed the increase in punitive action in reaction to peaceful efforts by students to improve academic life and defend student and human rights, vis-à-vis student organisations, publications, and activism.

72. Citing statistics based on information gathered from news sources, the Commission maintains that since March 2005, there have been at least 935 cases of students deprived from continuing education for either one or more semesters, and at least 41 cases of professors expelled from university. Of the 976 aforementioned reported cases, more than 140 cases apply solely to Allameh Tabataba'i University (14 professors and 57 students), headed by Mr. Sadreddin Shariati, and Amirkabir Polytechnic University of Tehran (72 students), headed by Mr. Alireza Rahaei. Moreover, three student publications or associations have been forcibly closed.

73. Individuals interviewed for this report maintained that they were denied access to universities despite achieving top scores on university entrance exams for higher degrees as a result of their political activities. One top ranking political science student, for example, reported that he/she was denied entrance to a Masters degree program until he/she signed a pledge that he/she would abstain from student activism for the duration of his/her studies. However, he/she was later denied access to PhD studies and alleged that he/she had been informed that the Ministry of Intelligence had placed him/her on a list of students that were banned from continuing their education.

74. The Special Rapporteur is also concerned over allegations that university professors in the field of humanities continue to be expelled for their views. Minister of Science and Technology, Mr. Kamran Daneshjoo, reportedly asserted that professors uncommitted to Velayat-e Faqih (Guardianship of the Islamic Jurist), or who have a “secular or liberal-democracy point of view” are not needed in Iran.⁶⁹ One professor reported that he/she was subjected to immense pressure from the head of his/her university to prove his/her devotion to Islamic values and the Iranian State by demanding that he/she join daily prayers at the university. Refusal to cooperate was reportedly followed by death threats from the Ministry of Intelligence, which informed him/her that if he/she refused to cooperate with the Islamic guidelines of the university he/she would be “expelled, killed, and buried in an undisclosed grave”. The professor further reported that twelve colleagues had been expelled or forced into early retirement for alleged non-cooperation with Islamic guidelines of the university in the last five years alone.



69

<http://old.isna.ir/ISNA/NewsView.aspx?ID=News-1495708>

2. Economic sanctions

75. The Special Rapporteur joins the Secretary-General in continuing to express concern at the potentially negative humanitarian effect of general economic sanctions imposed on the Islamic Republic.⁷⁰ The Committee on Economic, Social and Cultural Rights makes clear that sanctions do not nullify a State Party's obligations under the International Covenant on Economic, Social and Cultural Rights.⁷¹ The Committee also noted that "the inhabitants of a given country do not forfeit their basic economic, social and cultural rights by virtue of any determination that their leaders have violated norms relating to international peace and security". They further stated that the imposition of international sanctions does not in any way nullify or diminish the obligations of a State party to ICESCR to do its utmost to ensure that every individual, without discrimination, enjoys rights stipulated by the Covenant; and to seek measures to protect vulnerable groups.

76. Furthermore, the Committee makes clear that imposing sanctions bestows obligations upon the imposing parties to respect the economic and social rights of the sanctioned country's population.⁷² Principles introduced in a 1995 non-paper on the humanitarian impact of sanctions to the Security Council, by its five permanent members calls for "unimpeded access to humanitarian aid" within the targeted country and for monitoring the humanitarian effects of sanctions, while a 1998 letter to the Council from the Secretary-General urges sanctions regimes to account for human rights and humanitarian standards.⁷³

77. The Special Rapporteur takes note of efforts by parties imposing sanctions, including through "humanitarian exemptions" to exempt foodstuffs, medical supplies, and other humanitarian goods from the sanctions. However, reports of drug shortages used in the treatment of illnesses such as cancer, heart disease, haemophilia, and multiple sclerosis gives rise to concerns that such exemptions are potentially not meeting their intended purpose.⁷⁴ In light of these reports, the Special Rapporteur remains concerned about the efficacy of international safeguards meant to reduce the adverse impact of general sanctions on the Iranian population. He will therefore continue to seek the cooperation of the Iranian Government, as well as those of sanctions-imposing countries to effectively report on the efficaciousness of humanitarian safeguards.

78. Some reports point to sanctions aimed at Iran's financial sector, which could pose an impediment to conducting transactions for exempted items despite humanitarian waivers.⁷⁵

70 Situation of human rights in the Islamic Republic of Iran, Report of the Secretary-General, Un General Assembly, 22 August 2012 (A/67/327)

<http://www.un.org/Docs/journal/asp/ws.asp?m=A/67/327>.

71 Committee of Economic, Social and Cultural Rights, General Comment No. 8 ':

<http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

72 Maastricht, <http://www.maastrichtuniversity.nl/web/file?uuid=0fc38bc3-63f8-4c99-8b4f-d0d27fb607ef&owner=bdf67683-80b5-4222-9540-09e8ce89e8cf>. (E/CN.4/Sub.2/2000/33)

http://ap.ohchr.org/documents/alldocs.aspx?doc_id=7180

73 Letter Dated 13 April 1995 from the Permanent Representatives of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations Addressed to the President of the Security Council, 13 April 1995, S/1995/300; (S/1998/147 of 1998) <http://www.casi.org.uk/info/undocs/s1998-147.html>.

74 <http://www.icanpeacework.org/killing-them-softly-the-stark-impact-of-sanctions-on-the-lives-of-ordinary-iranians>;

<http://www.guardian.co.uk/world/2012/nov/14/sanctions-stop-medicines-reaching-sick-iranians>;

http://www.nytimes.com/2012/11/03/world/middleeast/iran-sanctions-take-toll-on-medical-imports.html?pagewanted=all&_r=1&; <http://www.reuters.com/article/2012/03/20/us-iran-usa-sanctions-idusbre82j05n20120320>

75 http://www.swift.com/news/press_releases/SWIFT_disconnect_Iranian_banks

The Special Rapporteur is further concerned by a serious rise in inflation, increased commodity prices, and subsidy cuts, which could also hinder access to essential goods.⁷⁶ Some reports also indicate that domestic authorities could take steps to mitigate some humanitarian effects of sanctions and better meet obligations under the International Covenant on Economic Social and Cultural Rights.

79. The Special Rapporteur stresses that further investigation into these issues is necessary, and requests the assistance and cooperation of the Government in facilitating an unfettered visit to the country in order to adequately assess the humanitarian consequences of sanctions and their impact on economic and social rights of Iranians. He also appeals to relevant UN agencies and sanctions-imposing Governments to aid in the evaluation of the impact of sanctions on Iran's general population.

III. Conclusions and Recommendations

80. In reflecting on the last two years of his mandate and his current report, the Special Rapporteur concludes that there has been an apparent increase in the degree of seriousness of human rights violations in the Islamic Republic of Iran. Frequent and disconcerting reports concerning punitive State action against various members of civil society, reports about actions that undermine the full enjoyment of human rights by women, religious and ethnic minorities; and alarming reports of retributive State action against individuals suspected of communicating with UN Special Procedures raises serious concern about the Government's resolve to promote respect for human rights in the country.

81. The Special Rapporteur also continues to be alarmed by the rate of executions in the country, especially for crimes that do not meet serious crimes standards, and especially in the face of allegations of widespread and ongoing torture for the purposes of soliciting confessions from the accused. The Government's ability to meaningfully address matters raised by a number of human rights instruments and the Human Rights Council is constrained by a lack of meaningful cooperation, by its intransigent position on the existence of human rights violations in the country, and by *de jure* and *de facto* practices that undermine its international and national human rights obligations.

82. The Special Rapporteur, therefore, proposes that the Iranian Government undertake the following actions in order to address the preponderance of issues raised in this and previous reports communicated by the expert:

(a) Extend its full cooperation to the country mandate-holder by engaging in a substantive and constructive dialogue and facilitating a visit to the country.

(b) Immediately investigate allegations of reprisals against individuals that cooperate with international human rights instruments and organizations and to take measures to "ensure adequate protection from intimidation or reprisals for individuals and members of groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights".⁴

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http://www.bbc.co.uk/persian/iran/2012/11/121111_121_medicine_sanction_health.shtml;
http://articles.washingtonpost.com/2012-10-04/world/35498613_1_cliff-kupchan-iranian-behavior-price-hikes; <http://www.economist.com/node/21564229>;
<http://www.reuters.com/article/2012/10/09/us-iran-economy-imf-idUSBRE8980GX20121009>.
<http://www.aljazeera.com/news/asia/2012/12/20121227171414934991.html>;
http://www.bbc.co.uk/persian/iran/2012/11/121114_110_shahriari_health_crisis.shtml;

(c) Desist from actions designed to injure or intimidate those who work to identify human rights violations, promote redress, and those that may cooperate with international human rights mechanisms.

(d) Consider the immediate and unconditional release of civil society actors and human rights defenders prosecuted for protected activities; including journalists, netizens, lawyers and student, cultural, environmental, and political activists that work to promote civil, political, economic, social and cultural rights currently detained for activities protected by national and international law.

(e) Expedite its voluntary commitment to establish a National Human Rights Commission, in accordance with Paris Principles.

(f) Examine and address those laws that contravene its international obligation to eliminate all forms of discrimination in law and practice. These include those laws and policies that undermine gender equality and women's rights, and that discriminate against religious and ethnic minorities, and members of the lesbian, gay, bisexual, and transgender community in the country.

(g) Consider the immediate release of prisoners of conscience such as Pastors Behnam Irani, Farshid Fathi, as well as the leaders of the Baha'i community, and fully honor its commitments under Article 18 of ICCPR that guarantee the right to freedom of thought, conscience and religion, which was accepted by Iran without reservation.

(h) Investigate all allegations of torture, address impunity and end the culture of investigation through confession as reflected by the breadth of reports communicated to the Special Rapporteur.

(i) Consider a moratorium on capital punishment until the efficacy of judicial safeguards can be meaningfully demonstrated, and stay the execution of individuals who have alleged violations of their due process rights.

(j) Improve transparency on the impact of sanctions and report on measures it has taken to protect its inhabitants from the potential and actual negative impacts of such sanctions.

(k) The Special Rapporteur also calls on the United Nations system and on sanctions-imposing countries to monitor the impact of sanctions and to take all appropriate steps to ensure that measures, such as humanitarian exemptions, are effectively serving their intended purpose to prevent the potentially harmful impacts of general economic sanctions on human rights.

Annex I

[English only]

I. Human rights activists cases

1. Faegh Rourast reported that authorities arrested him and his father in connection with his human rights activities on 27 and 25 January 2009, respectively. He maintained his aunt was assaulted with pepper spray when she inquired about an arrest warrant, and that his father was detained and abused for 16 days. Prison officials reportedly threatened Mr. Rourast's father with the rape his wife and daughters. Mr. Rourast reported that he was charged with "propaganda against the regime," organizing protests, and contact with foreign organizations. He reported that he was tortured by prison officials during his 17 days in detention, including by being hung from the ceiling and being severely beaten. Mr. Rourast stated that he was transferred to Shahrchai Detention Center where he remained for 34 days. He maintained that prison officials tortured him with an electroshock weapon and allegedly threatened to amputate his leg, which had been injured during his interrogation. Faegh Rourast reported that he was sentenced to three years in prison and was eventually released after serving a full year. He asserted that he was harassed after his release, that his home was raided in July 2010, and that he was contacted and threatened with arrest again. His family was threatened as well. He has since left Iran.

2. Rozhin Mohammadi, a medical student at Manila Medical School of the Philippines, was arrested on 23 November 2011 after being detained and interrogated several times during a short visit to Iran to see her family. The source reported that Ms. Mohammadi had been involved in student and human rights activities in an effort to address issues such as stoning and executions in the country. The source stated that Ms. Mohammadi was placed in solitary confinement, insulted, interrogated, punched in the face and regularly beaten by one of her interrogators - breaking her nose - and that she did not have access to medical services for her injuries. It was reported that Ms. Mohammadi was asked about her personal relationships and questioned in detail about her sexual relations. It was maintained that Ms. Mohammadi was threatened with rape, with a defamation campaign, and with the arrest of her brother. Ms Mohammadi's brother, Ramin Mohammadi, was reportedly arrested on 30 November in his home. He was allegedly blindfolded and beaten during his arrest, and threatened with being framed with a crime of his interrogators' choosing at the onset of his interrogations. Reportedly unaware that his sister was in an adjacent room, Mr. Mohammadi was allegedly ordered to write a statement that implicated his sister in crimes, and severely beaten by several individuals with batons, damaging his inner ear, and fracturing his shinbone. It was further reported that Mr. Mohammadi was then hung from a ceiling for four hours. It was reported that Mr. Mohammadi's torture was used to psychologically torture his sister in an effort to encourage her to cooperate with interrogators. He was released on \$100,000 bail. On 1 December 2011. Ms. Mohammadi reportedly suffered from an epileptic episode, which the source speculated was as a result of being exposed to Mr. Mohammadi's torture in the next room. She was reportedly released on \$200,000 bail on 6 December 2011. It was alleged that the Mohammadi family was harassed and threatened by authorities in the days following Ms. Mohammadi's release. The siblings were reportedly summoned to return for interrogation and threatened with rearrest if they did not cooperate. It was reported that the family's home was raided in an effort to rearrest Mr. and Ms. Mohammadi. The whereabouts of both individuals are unknown.

3. An informed source stated that security forces arrested Maziar Ebrahimi at his home on 12 June 2012 for murder (“assassination”). It was reported that Maziar’s family’s communications were being monitored, and they were not free to talk about Maziar’s whereabouts. A member of Maziar’s family alleged that Maziar had been framed for a crime. On 6 August, Maziar “confessed” publicly on television. Lawyers are reportedly unable to gain access to Maziar’s case file. It was alleged that Mr. Ebrahimi’s arrest was connected to failed negotiations over a contract for a Press TV project. The source reported that authorities threatened Maziar during negotiations, and that visible signs of torture and abuse, along with significant weight loss, were noticeable during Mr. Ebrahimi’s televised “confession”. The source maintained that Maziar was out of the country when the crime he is accused of took place.

4. Women and children’s rights activist, Mohammad Ghaznavian, reported that he was arrested in February 2010, in the city of Qazvin, by 10 plainclothes security force agents, who reportedly told onlookers that he was a drug trafficker. He was taken to an unknown location and detained in strict solitary confinement for 10 days and then taken to Qazvin prison, where his family posted bail and he was released. He reported, however, that within 30 minutes he was rearrested and transferred back to the general prison. Mr. Ghaznavian stated that he was interrogated and learned that he had been under surveillance for an extended period of time. He reported that he was always blindfolded during interrogations, that he was repeatedly and severely beaten during his interrogations, and that some of his interrogations would last up to 11 hours. He was reportedly instructed to report his whereabouts to security forces upon his eventual release in 2011 and was allegedly threatened with the rape “one of the females closest to him” if he made the conditions of his detention public. Mr. Ghaznavian has since left the country.

5. Family members living abroad reported that Zahra Mansouri was arrested in June 2011, allegedly for her connection to Camp Ashraf (now Camp Liberty) in Iraq. She was reportedly held in solitary confinement for 90 days and was eventually released on bail. During her time in prison she underwent an operation for breast cancer. She was allegedly returned to solitary confinement without first being given adequate recovery time. Ms. Mansouri was released to be hospitalized for intestinal problems and epilepsy, and underwent another surgery on 27 September 2012. She was sentenced to five years in prison, which was eventually reduced to two, due to her health issues. She was also sentenced by Branch 26 of the Revolutionary Court on 27 September 2012 for acting against national security, and is currently detained. Her family reported their grave concern over Ms. Mansouri’s inadequate access to requisite medications for her illness, and for her health.

6. Mohammed Yeganeh Tabrizi stated that on 29 December 2009, plainclothes police officers attacked a group of protesters and shot three in the head, including himself. He related that 150 bullet fragments entered his body, including two in the brain, and that the entire left side of his body is now paralyzed. He reportedly remained in the hospital for a month and for 20 of those days he was in a comatose state. He reported that a member of the Intelligence Office and someone from the security police interrogated him on the first day he regained consciousness. He was told to report to the Intelligence Office after he was released from the hospital, where he was later interrogated. During this time, he was repeatedly intimidated and threatened with execution. He alleged that he was pushed off his chair to confirm if he was paralyzed. Security forces also allegedly kicked his wheelchair into the wall. He was eventually released without being charged. When he returned to work, he learned that he had lost his business license and the phone lines at his office had been disconnected; he was also told by authorities that he would never be able to run his company successfully again. Due to these prolonged medical issues and continued persecution, Mr. Tabrizi has since left Iran.

7. An interviewee reported that (s)he was arrested at his/her home in the summer of 2010 by several female and male plainclothes intelligence officers. Authorities reportedly videotaped him/her and his/her family during the arrest. S(he) was reportedly presented with a warrant from the Qom Special Clerics' court, but was not informed of his/her charges upon request. The interviewee reported that his/her house was searched and property was seized; including books, CDs, documents, and notes. S(he) was blindfolded during transfer to a detention center where interrogations about his/her Facebook friends and alleged connection to a foreign reporter were conducted. S(he) was eventually charged with "acting against national security through email contact with the hypocrite [MEK] grouplet". The interviewee was reportedly held for weeks in solitary confinement, denied access to a lawyer, denied contact with family until 10 days after arrest, and denied visitors for four months. After four months of detention, s(he) was brought to trial and sentenced to multiple years in prison. In 2012 s(he) was released on furlough and summoned to return to prison. (S)he allegedly still had no access to a lawyer.

8. According to an informed source Gholamreza Khosravi Savajani was arrested at work in Kerman, Iran. Mr. Savajani was severely beaten at the time of arrest, and suffered injuries to his face. Security forces held a gun to the back of his head and told him that they could kill him if he didn't cooperate. Mr. Savajani was reportedly taken to the Kerman Intelligence Offices Detention Center, where he was interrogated. The source maintained that s(he) saw signs evidence of torture, including broken teeth and damaged knees. Mr. Savajani was reportedly accused of providing \$5,500 and two photographs to Simaye Azadi TV Station (an MEK-affiliated satellite station) and was sentenced to six years in prison. He was then issued a death sentence for this charge. It was reported that officials wanted Mr. Savajani to write a letter condemning the MEK, along with a taped confession, which he refused to do. Mr. Savajani was reportedly only able to see his lawyer when he was in court. The appeal of his 2011 death sentence was denied in April 2012 and the execution sentence remains in place. Several UN Special Rapporteurs have submitted a joint urgent appeal to the Iranian government with regard to this case.

9. Mohammad Pourabdollah was first arrested in 2007 for his activities as a student activist. He was later arrested in early 2009 for additional activities and blogging. He was detained in solitary confinement in Evin Prison. It was reported that he was severely beaten by agents who punched and beat him, which lasted two weeks. He was also allegedly forced to sit naked during his interrogations. He was transferred to Evin Prison's General Ward 209 after 25 days. It was further reported that one week later he was forced to shave his face, hair, and eyebrows and beaten so badly that he had bruises on his body for two-to-three months thereafter and could hardly walk. He was allowed a visit with his mother, in the presence of a judge, only 32 days after his arrest. He was transferred to Ghezel Hesar Prison soon thereafter. For 27 days he was kept in Ward 3 in an extremely overcrowded cell with violent offenders, who on one occasion killed each other when a fight broke out. Later, in the spring of 2009 he was transferred to Evin Prison, interrogated, kept in solitary confinement, and transferred back to Ghezel Hesar Prison after nine days. In late spring he was taken to court and charged with "membership in enemy group", "forming enemy organizations", "propagation against the regime", and "assembly and collusion with the intention to disrupt national security". His original sentence was 12 years but in 2010 it was reduced to three years. He was never allowed furlough nor was he granted probation. After prison riots in 2011, he was transferred back to Evin Prison's General Ward 350, and was released three months before the completion of his sentence.

10. Mehdi Gholizadeh Aghdam reported that in 2009 he witnessed Revolutionary Guards run over a woman with their motorcycles and he was arrested when he

intervened to help. He stated that during his arrest he was severely beaten and his back was injured. He was taken to Section 240 and interrogated by five people about his political activity and beaten constantly by one of the interrogators. When his interrogators learned of his particular political affiliation, he was put in solitary confinement for seven days. During questioning, he was told to denounce his membership in a political party. Prison officials threatened to execute other members of his opposition party, and threatened his own execution. They blindfolded him and took him to the basement, where they told him he would be killed and his body returned to his family. They forced him to stand on a chair and they placed a rope around his neck, in a mock execution. He was told that if he confessed and recanted he would survive. When he shouted a campaign slogan instead of a confession, he was given a severe blow to the head and he hit the wall. Three weeks later he was released on bail and was sentenced to six years in prison on “propaganda against the regime”. He has since left Iran.

11. Several sources have reported that authorities arrested four Baha'is - Mr. Missagh Afshar, Mr. Vahed Kholousi, Mr. Navid Khanjani, and Mr. Shayan Vahdati - together with 31 other volunteers while they were distributing humanitarian aid to earthquake victims of the 2012 earthquake in the Eastern Azerbaijan province. Authorities reportedly took the volunteers to a detention center, and then transferred them to Amniyate e-Akhlaghi, a section known to enforce moral behavior and dress. Authorities originally charged the volunteers with “involvement in subversive political activities against the regime, through providing assistance to the earthquake victims”, but this was subsequently changed to “distributing contaminated food”. At least 17 detainees were released within the first 72 hours authorities, including two of the Baha'is, Mr. Missagh Afshar and Mr. Vahed Kholousi; some were required to post bail of \$4,000. However, one Baha'i, Mr. Navid Khanjani, an education rights activist, was not released on bail. He was taken to Ward 305 of Evin Prison, and then transferred to Gohardasht prison on 10 September 2012. No information about the status of Mr. Shayan Vahdati is currently known.

12. A children's rights activist reported his/her arrest in 2012. S(he) was detained while conducting research on the needs of victims of the 2012 earthquake in Azerbaijan in the absence of a warrant, and charged with being in the village without a permit. S(he) was blindfolded and taken to an Intelligence Office. S(he) was verbally charged with “acting and propagating against the state” and “insulting Imam Khomeini”. S(he) was kept in a two-by-one meter solitary cell for over one week and reportedly interrogated for over six hours per day. S(he) stated (s)he had no contact with his/her family during this time. The source currently awaits his/her sentence.

II. Juvenile offender cases

13. In February 2002, Ali Torabi was arrested at 16-years-old for the murder of a fellow classmate during a fight at school. During his detention Mr. Torabi reported that he was denied access to a lawyer and family, and subjected to extreme violence and torture. He reported that he was placed in solitary confinement, flogged, hung from a ceiling, exposed to freezing weather while naked, and that his interrogators would place a portable kerosene stove under his chair and would increase the heat in order to get him to write confessions faster. Mr. Torabi was tried, found guilty, and given the death penalty, despite being a minor at the time of arrest. He was then transferred to a general ward of Rajai Shahr Prison, where he claimed his abuse continued, including beatings and being shocked with electric batons. He was eventually released on bail after being imprisoned for over seven years. He has since left Iran; his final judicial ruling is Qisas for the crime of murder, for which the execution sentence remains in place.

14. Siyamal Taleie was arrested in August 2009 in Shiraz during the 2009 summer protests. He was 17 at the time of arrest, and charged with “assembly and collusion against public order”. He reported that he was pepper sprayed, handcuffed, and taken to Mahfase e-Khalilie (a Ministry of Intelligence office). He maintained that he was beaten while blindfolded. Mr. Taleie claimed that authorities interrogated him for a week about his Dervish background - inquiring if his community had sent him to protest - and that he was never allowed to see a judge, was never informed of his charges, and did not have access to a lawyer. He further reported that he was detained in what he believed was a military prison, and placed in a juvenile ward. He was released on bail after one month, against the deed to his family’s house. A few weeks later, he was informed of his charges of “assembly and collusion against public order”. Mr. Taleie reported that his lawyer was also eventually arrested in July 2010. Mr. Taleie left the country in 2010.

Journalist’s cases

15. Journalist Naeema Dostdaar interviewed for a position with Radio Liberty in Europe. Authorities reportedly searched her home without a warrant, blindfolded her, and took her to Evin Prison, where she was reportedly stripped-searched by a female prison guards, including a cavity search. She alleged being held for one month, during which she was never allowed a change-of-clothes. She reported that she was interrogated about her reasons for traveling earlier that year, about her relationship with foreign media, and about foreign financial support.

16. She was allegedly charges with “relations with foreign media, especially the CIA and Radio Farda, spreading lies [on her blog], and spying”. She reported hearing that up to 70 of her colleagues who had taken part in a round of interviews with Radio Farda in Turkey had also been arrested. She stated that other female prisoners reported being asked personal questions about their relationships and their virginity by prison officials. Ms. Dostdaar was also asked about her relationships with men, which she felt was a form of psychological torture. She reported that her cellmates demonstrated physical signs of torture and abuse. She was eventually released, but informed that she would be under surveillance, and was banned from traveling for a year. She has left the country.

17. Negar Mohamadi is a Voice of America (VoA) reporter working abroad. It was reported that between February and April of 2011, authorities at the Ministry of Intelligence began to question her close relatives. Officers allegedly pressured them to convince the journalist to cease her reporting activities, and they were reportedly told that there “would be consequences [if she didn’t stop working].” Her family also came across a story from a Revolutionary Guard-affiliated site, which falsely stated that Ms. Mohamadi had been sexually harassed at VoA. In February 2012, Ms. Mohamadi’s relative was allegedly detained at the airport and her passport was confiscated until August 2012. Moreover, a female relative was followed home on one occasion and confronted with demands that Ms. Mohamadi resign, and it was reported that authorities repeatedly threatened her family with the confiscation of their passports and with freezing the family’s assets. Some of their passports were seized in June and July 2012 for the “sake of national security”. Due to this pressure, Ms. Mohamadi ceased reporting for the VoA for a short time. There are outstanding travel bans on members of her family.

III. Cases of members of religious minorities

Baha'is

18. Of 30 Baha'is detained in the city of Semnan two are women nursing infant children. On 22 September 2012 Mrs. Zohreh Nikayin (Tebyanian) began serving a sentence of 23 months for “disturbing national security” and “propaganda against the regime”. Mrs. Torabi (Ehsani) also began serving a 2.5 year sentence, reportedly for “setting up and running an illegal organization”. The status of a third mother of an infant child, Mrs. Elham Ruzbehi (Motearefi), sentenced on 25 January 2012 to three years of imprisonment (2.5 years on charges of “collusion and assembly against national security” plus six months for “propaganda against the regime”), remains unknown.

19. Multiple sources reported that authorities raided at least 24 Baha'i homes in the city of Gorgan and the surrounding province, on 17 October 2012 and in the days after, resulting in 25 Baha'i arrests. Authorities also reportedly arrested four Muslims associated with these Baha'i; as of November 2012 all but one of these Muslim detainees was released. As of mid-November 2012 Baha'is arrested in and around Gorgan remained in custody, including: Mr. Farhad Fahandej; Mr. Farahmand Sanaie; Mr. Kamal Kashani; Mr. Shahram Jazbani; Mr. Navid Moallemi; Mr. Behnam Hassani; Mr. Siamak Sadri; Mr. Payam Markazi; Mr. Foad Fahandej; and Mr. Kourosh Ziari. According to one source, the local prosecutor's office allegedly informed the family members of the detainees that they would be charged under Articles 498, 500, and 508 of the Penal Code, which are, respectively: (1) participating in a group of more than two people inside or outside the country with the intent of disrupting the security of the state; (2) propagating against the regime; and (3) cooperating with an enemy Government.

20. In November 2012, authorities from three different universities expelled five Baha'i students: Mr. Farbod Mohammad Zadeh from Isfahan University; Ms. Saamieh Gholinejad from Behshahr University of Science and Technology; and Ms. Tanin Torabi, Ms. Nava Hamidi, Ms. Mona Ashrafi from Khomeini International University in Qazvin. Gholinejad, Torabi, Hamidi, and Ashrafi were reportedly offered continued admission if they denied their faith. The three from Imam Khomeini International University were asked to sign pledges stating that they would not follow their faith. According to sources, when these students refused, they were made to sign documents declaring they were Baha'i and then were expelled.

The Yarsan

21. Seyyed Nasradin Heydari is the current leader of the Yarsan community in Iran, but according to most recent information is under house arrest and cannot travel freely at this time. He had been detained twice before, but popular protests led to his release. He has been under house arrest since his second arrest, and is now only permitted to receive visitors to arbitrate small claims cases within the community, according to a source. The source stated that when authorities in Iran ask the Yarsan about their religious affiliation, they often deny being Yarsan out of fear. He also reported that Yarsan are required to speak Farsi and perform Muslim rites of prayer at school, and that those who refuse are prohibited from receiving education.

Christians

22. Authorities arrested seven other active members of the same house church network as Behnam Irani on 12 October 2012, following a raid by members of the security services on a house in the city of Shiraz. The detained Christians included Mohammad (Vahid) Roghangir, Suroush Saraie, Roxana Forughi, Eskandar Rezaie, Bijan Haghighi, Mehdi Ameruni, and Shahin Lahooti. On 18 October 2012, Afsar Bahmani, a middle-aged woman in need of specialist medication due to heart and kidney complications, was detained at around 1PM along with a man named Massoud Rezaie, after responding to the summons. Afsar Bahmani was released after 24 hours. Bijan Haghighi was released on bail of 100 million rials on 25 October 2012. Roxana Forughi was reportedly released on 1 November 2012.

23. A source close to the case, reported that Iranian authorities have detained Mr. Saeed Abedini. Abedini is a Protestant Christian minister. Abedini was reportedly been arrested several times before 2009 for his house church activities but has claimed while still a Christian has stopped working with house churches in Iran to avoid government scrutiny. Abedini had his passport seized while entering Iran from Georgia in late June 2012. The authorities reportedly told Abedini that he would be summoned to court on September 26th. On that date, Abedini's home was raided by security agents, who confiscated documents, computers, and other personal items and brought Abedini to Evin Prison. Abedini spent four weeks in solitary confinement in Evin before being transferred to Section 3, Ward 209 of the prison. While in solitary confinement, Abedini's interrogators allegedly disoriented him with tactics such as sleep deprivation. During his time in Ward 209, Abedini's interrogators reportedly beat him; he was initially denied access to medical treatment for his injuries but later was allegedly taken for treatment. His family was able to hire a lawyer for his defense in December 2012 and he has since been charged with "acting against national security". His trial is scheduled for 21 January 2013.

24. A family associate reports that Christian Ali Golchin was arrested by plainclothes police in late April 2010 in connection with his possession and distribution of a substantial number of Farsi-language Bibles. Authorities reportedly beat and blindfolded Golchin during his arrest. The Revolutionary Court of Varamin, Branch 1, charged Golchin with "propagation against the state", "acting against national security by promoting Christianity", "solicitation of members for a house church", and "organizing a house church". Golchin was allegedly detained in Evin Prison for 87 days, all of which he spent in solitary confinement. In detention, Golchin's interrogators subjected him to psychological torture in the form of threats of physical violence and of execution. He was released on 25 July 2010 on 200,000,000 tuman bail. On 19 April 2011 Branch 28 of the Tehran Revolutionary Court sentenced Golchin to one year in prison. His lawyer was reportedly not allowed to speak during the court session. Golchin appealed this sentence and was acquitted of all charges six months later, but received no documentation to this effect. Golchin continued to experience harassment after his acquittal including multiple summonses and being followed by government agents. He eventually fled the country under this pressure.

IV. Cases of ethnic minority

Ahwazi Arabs

25. An informed source reported that social and cultural activist Aref Sorkhi was repeatedly threatened by authorities for his activities and was arrested on 9 February

2011 at his home without a warrant by unknown authorities, and was pepper-sprayed at the time of arrest. The authorities then reportedly confiscated his Arabic books, computer, and cell phone. The interviewee maintained that his family was unaware of the place of his detention for a month and that Mr. Sorkhi was only able to contact his family after four months when he was transferred to Karoun Prison. The source stated that Mr. Sorkhi was charged with “establishing anti-state Arabic groups”, “cooperating with Arab countries in the region”, “disturbing public order”, and “participating in the Arab national movement.” The interviewee alleged that Mr. Sorkhi has been tortured, and reported that he remains in detention and has not yet been sentenced.

26. Mr. Hameed was a student studying in Syria and was arrested on 19 June 2008 during a visit to Iran. He reported that he was arrested at the airport by plainclothes security forces and accused of founding an Arab Ahwaz group in Syria, and of being active against the Islamic Republics. After being interrogated he was released, only to be rearrested in July 2008. He was arrested in his home, blindfolded, handcuffed, and taken to the security office of Ahwaz, where he reported being held in solitary confinement until 6 September 2008. After 10 days of being interrogated he was charged with “propaganda against the Islamic Republic of Iran” and with “contact with the Refagh [Arab Nationalist] Party”. He served two months in detention, during which he was physically assaulted, resulting in a separated retina. He asserted that he did not have adequate access to medical services for his injury. Moreover, Mr. Hameed stated that prison officials demanded he confess to “writing about discrimination against Ahwazi Arabs in an effort to stir up trouble”. He was denied access to a lawyer, and was eventually released on bail.

Kurdish Cases

27. Mohammad Ali Afraza, a Kurdish human rights activist, was arrested in Sanandaj in 2008. He reported that eight security forces arrested him, and beat and verbally abused him. He reported that he was charged with “disrupting social security”, that he was kept solitary confinement for 21 days, and that he was physically and psychologically tortured. He was reportedly blindfolded during interrogations and threatened with execution. He was eventually taken to the court in Sanandaj Prison where the conditions were reportedly poor. These conditions allegedly included severe overcrowding, and the widespread, consistent torture of prisoners. Mr. Afraza stated that other prisoners were ordered not to speak to him, which he said was psychologically taxing. He was released on bail after five months, tried two months later, and sentenced to four months in prison, with a five year suspended sentence. He alleged that his trial lasted seven minutes and that he was convicted of “spying for sources outside of the country” and with “propaganda and illegal political organizations”. He was released after his trial, and has since left Iran.

28. An informed source reported that s(he) was part of a student organization that informed Kurdish students about their rights as a minority group in Iran. S(he) was suspended by his/her university’s disciplinary committee for one year for participating in a banned student newspaper. The source reported being summoned to the Ministry of Intelligence 11 times between May and June 2010. During these sessions, (s)he was accused of being a separatist, a spy, and of acting against the Supreme Leader. The source reported being blindfolded, verbally abused, and humiliated during these interrogations. (S)he was charged with “Membership in the Democratic Union of Kurdish Students”, “acting against the regime through propagating falsehoods”, “creating public anxiety and disrupting public order through organizing protest demonstrations”, and “interviewing with foreign media”. (S)he was reportedly sentenced to several months in prison, cash fines, and lashes. His/her prison sentence

was revoked upon appeal, and (s)he was able to pay a fine in lieu of flogging. (S)he reported that (s)he was denied access to a lawyer. In 2012, the source reported that (s)he was arrested by the Ministry of Intelligence, that (s) he was physically abused during his/her arrest, detained in solitary confinement for three weeks, and interrogated on six separate occasions. During this time the source was again accused of being a spy and a member of Kurdish political parties. (S)he reported that his/her request for a lawyer was mocked and denied, that (s)he was asked to call other Kurdish activists who have been executed “terrorists” during his/her interrogations, and that (s)he was released on excessive bail after approximately three weeks in detention. (S)he has been banned from attending university and believes that (s)he has been blacklisted from finding work. The source has since left Iran.

V. Student activists cases

29. Ismaeil Jalilvand was a student and social activist who has been arrested four times and was eventually expelled in 2011 for his activities. He was arrested on 4 February 2009, was charged with “acting against national security”, “disturbing public opinion”, “insulting the Supreme Leader and the President”, and “propagation against the State” within 24 hours of his arrest. He maintained that he spent 11 days in solitary confinement, and was interrogated seven-to-eight times, for up to six hours each time, while blindfolded. He was eventually fined and released. There was no trial. Mr. Jalilvand was arrested again four months later on 20 June 2009. He reported that he was detained by the Ministry of Intelligence for 30 days, that he didn’t have access to a lawyer, was blindfolded during the interrogations, and that he was convicted on charges of “insulting Government officials”, “acting against national security”, “propagation against the Islamic Republic”, “disturbing public opinion, and “insulting the Supreme Leader and the President”. He stated that he was asked to defend himself and that his trial lasted one hour. He is currently released from prison and has left the country.

30. On 10 February 2010 Ali Ajami was arrested by the Ministry of Intelligence for his involvement in the 2009 post-election protests. He spent five days in solitary confinement at a Revolutionary Guard office without access to a lawyer. He was transferred to Evin Prison, where he spent 40 days in solitary confinement and was officially charged with “publicizing false information,” “acting against national security,” “propagation against the state,” and “insulting the Supreme Leader.” At Evin Prison he was repeatedly interrogated about his student publications and online activities for up to eight hours per day, while blindfolded. During these interrogations he was repeatedly beaten and punched, made to stand for long periods of time, and his family threatened. Mr. Ajami reported that in court the judge denied his request for a lawyer and that he was only able to see a lawyer on the day of his hearing. After an appeal he was sentenced to two years in Rajaei Shahr Prison for “propaganda against the state” and “acting against national security.” During his imprisonment he faced extremely poor prison conditions, including severe abuse by prison officials. The deputy director of the prison allegedly hit Mr. Ajami so severely in the ear that it caused bleeding and a torn eardrum. After eventually being released, Mr. Ajami received a letter from the university stating that he was banned from continuing his education.

VI. Lesbian, Gay, Bisexual, and Transgender Cases

31. An anonymous source reported that he was imprisoned twice for activities related to his sexual orientation. He maintained that in the first instance, a Government agent entrapped him by posing as another gay man on a gay dating website. It was reported that the source was physically abused and strip-searched, that he was detained for

several days without contact with family, that he was coerced to sign a document that he had engaged in “Tafkhiz” (non-penetrative sex) with other males, and that he was verbally abused by a judge who sentenced him to 100 “hadd” lashes on his torso and appendages, some of which were reportedly applied. The source was arrested again at an airport with a group of friends after dropping a friend off there. The group of men were charged with “the creation of a prostitution center to facilitate the occurrence of sexually illegal activities” and with “committing sinful acts like cross-dressing, wearing makeup, and lustful kissing”. They were then brought to prison for 12 days, where they were allegedly kept in unsanitary and cramped conditions, and the source was eventually issued a flogging sentence. The sentence was later dropped, and he was released on excessive bail. The source’s parents used their property as collateral for their son’s release. He has since left the country.

32. An interviewee reported that he was beaten by his father and punished by school administrators because of his “effeminate” behavior. He maintained that he suffered from depression as a result of his constant abuse, and could not remain gainfully employed. In 2007 the source attended a party primarily for gay men in his town. He asserted that the party was raided by plainclothes officers, who reportedly forced the attendees to lay down with their hands behind their backs and poured alcohol the officers allegedly brought on them, while stepping on them and beating them with batons and glass bottles. The source maintained that dozens of the attendees were taken to the local Intelligence center, were verbally humiliated, strip-searched, and forced to sleep on the floor of their cells before being transferred to a prison where they spent 4-5 more days. They were allegedly kicked, strip-searched, verbally humiliated, kept in an overcrowded cell, and asked humiliating sexual questions by interrogators there. The source was sentenced to two years’ imprisonment for “facilitating and organizing a party in which alcohol is consumed and immoral acts are performed”, despite the source’s claim that there was no alcohol at the party. When the story became public, employers would not hire him, or would fire him when they connected him with the story. The source has since left the country.

33. The witness attended the same party as the previous source. He separately reported that agents raided the party, ordered all attendees to the ground, and stepped on them with boots, while beating some with batons. The source was taken to the same detention facility in handcuffs and a blindfold, and slept on the floor with co-detainees. He was brought before a judge, who insulted him. He received a fine sentence, and was released; he believes he was not detained for as long as the others because he denied knowing that the party was for gay men or being gay himself. He has since left the country.

34. A source reported that a child, teachers corporally punished him for behavior they considered “effeminate”, and his principal called his parents to complain. As a teenager, male children in his neighborhood gang-raped him. He did not call the police because, as he claimed: “I live in a society in which the police do not protect me. On the contrary, the police come after people like me”. As a young adult, the witness was arrested on four occasions by local police in a park known for gay encounters. Each time, they told him to sign a pledge to act “appropriately” before being released. He was arrested by different officers each time, but believes that if he had been tagged as a multiple offender, the consequences would have been more severe. He has since left the country.

35. The witness, a Kurdish F-to-M transgender man, maintained that he was constantly beaten by his father for behavior that his father considered “un-feminine”. He did not go to the police, because “as [someone legally considered a girl], my father could legally do anything he wanted with me”. After one year under de facto house arrest by his

father, the witness returned to school, but plainclothes officers detained him one night when he was with his female romantic companion. The officers noticed on his ID that he was legally a female, and brought him to a female prison, where they verbally humiliated him and physically touched and searched his genitals and breasts. He was forced to sign a pledge that he would dress and act “correctly” as a woman as a condition for his release. He has since left the country.

Freedom from Torture – Country Reporting Programme Torture in post-election Iran, 2009 - 2011

36. Freedom from Torture (formerly known as the Medical Foundation for the Care of Victims of Torture) is a UK-based human rights organisation and one of the world’s largest torture treatment centres. Since our foundation in 1985, more than 50,000 people have been referred to us for rehabilitation and other forms of care and practical assistance. In 2011 Freedom from Torture provided treatment to more than 1200 clients from around 80 different countries. Every year our medico-legal report service prepares between 300 and 600 medico-legal reports (MLRs) for use in UK asylum proceedings.

37. Freedom from Torture seeks to protect and promote the rights of torture survivors by drawing on the evidence of torture that has been recorded over almost three decades. In particular, we aim to contribute to international efforts to prevent torture and hold perpetrator states to account through our Country Reporting Programme, based on research into torture patterns for particular countries, using evidence contained in our MLRs.

38. Freedom from Torture’s MLRs are detailed forensic reports documenting physical and psychological consequences of torture. They are prepared by specialist clinicians according to standards set out in the UN Istanbul Protocol’. Each is subject to a detailed clinical and legal review process. While the primary purpose of our MLRs is to assist decision-makers in individual asylum claims – and for these purposes our clinicians act strictly as independent experts – collectively they also represent an invaluable source of evidence of torture that can be used to hold perpetrator states to account.

Freedom from Torture’s history of working with Iranian torture survivors

39. Freedom from Torture has consistently received more referrals for Iranians than for any other nationality. Since our foundation, over 5000 Iranians have been referred to us for clinical services – this represents 10% of the more than 50,000 total referrals we have received. Nearly 30% of Freedom from Torture’s current treatment clients are of Iranian origin and at least 16% of all MLRs we have produced over the past three years have been for Iranian clients.

40. Our Iranian clients, both past and present, together embody and provide evidence of the history of torture perpetrated by the Iranian state from the 1980s to the present day. The MLRs we have produced for Iranians provide substantial and robust evidence of torture in Iran and are the source of data for this snapshot study of torture perpetrated by the Iranian government in the lead up to and following the Presidential election in June 2009. We hope the evidence from this study will be of assistance to the UN Special Rapporteur on the human rights situation in Iran in fulfilling his important mandate. This is against the backdrop of presidential elections due in Iran in 2013, during which further human rights abuses are feared by the international community.

Case sample and methodology

41. The current study is focused on patterns of torture perpetrated in the context of the 2009 Presidential election in Iran and the unrest and repression of dissent which followed. It is based on a systematic review and evaluation of 50 cases, selected

according to criteria of detention and torture within the relevant date range (January 2009 onwards) and consent to use anonymised cases for research.

42. Data was collected and recorded systematically from 50 MLRs and included details of the case profile, history of detention, specific torture disclosures and the forensic documentation of the physical and psychological consequences of torture, based on a comprehensive clinical examination and assessment process in accordance with Istanbul Protocol standards. The data collected was both quantitative and qualitative in type and was anonymised and aggregated before being analysed; the findings are presented in summary below.

Case profile

43. Of the 50 cases included in this study, 40 were male and 10 female. Forty two cases (84%) were between the ages of 18 and 35 and all identified themselves as heterosexual. Twenty one of the 50 cases were resident in Tehran at the time of detention, followed by seven cases in each of three Kurdish provinces and Shiraz city and three cases in each of Esfahan, Karaj and Ahwaz. The 50 cases comprised 32 (64%) ethnic Persians, ten Kurds, four Azeris, three Bakhtiaris and a Lur. Forty cases identified as Muslim. Non-Muslims in the sample included two who identified as Christians (converts in exile), two as Ahl-e Haq, and six professing no religion or specific religious affiliation.

44. Twenty six cases (52%) said they were only politically active from the 2009 election onwards, with another 11 reporting activism or dissent prior to 2009 on issues including ethnic and religious minority rights, freedom of expression and women's rights. Another 13 (26%) claimed never to have been active or dissentient and were detained primarily on the basis of the activities of family members or others and a political opinion imputed to them. Individuals who were politically active only from the 2009 election onwards reported activities including attending pre-election meetings, supporting opposition candidates, disseminating political materials and attending demonstrations. Individuals claiming a prior history of activism had reported writing blogs, compiling and disseminating materials critical of the government, writing political slogans in public and taking part in informal (illegal) discussion groups, amongst other activities. Four Kurdish individuals reported various forms of Kurdish activism ranging from cultural activism to supporting illegal Kurdish organizations.

Arrest and detention patterns

45. Twenty-nine (58%) of the 50 cases were detained most recently in 2009, 14 in 2010 and seven in 2011. While 28 (56%) of all cases were detained only once in 2009-11, others were detained more than once and up to three times before leaving Iran. Some cases also had a history of detention before the events of 2009; 10 had been detained before 2005 and eight had been detained in the period 2005-2009. Some of these cases had suffered repeated detentions during these periods.

Reasons for arrests

46. The majority of cases (27, 54%) were arrested and detained at demonstrations and other protests between 13 June 2009 (the day after the election) and February 2011. Of these cases, many reported being detained arbitrarily when security forces descended upon demonstrators. Others were engaged in more specific activities that might have led to arrest such as: distributing leaflets, assisting others to escape arrest or assault by security forces, assaulting security forces, holding placards, chanting anti-government slogans, wearing green (identified with the opposition) and filming the events. Eight people were arrested for other kinds of activism around the 2009 election and its aftermath and nine because of imputed political opinion and activities of others associated with them, mainly family members. Two cases were detained for imputed

religious dissent and four others for non-political offences such as infringement of alcohol laws and behavioral codes.

Detaining authorities and place of detention

47. Eleven of the cases report being detained by the Basij (state militia), ten by Etela'at (state intelligence forces), eight by the police, three by Revolutionary Guards, one by the military, one by the morality forces and 16 by unknown plain clothed agents. In most cases (68%) the state authority that had arrested them and the one that detained and tortured them was thought to be the same. The largest number of cases overall reported being both arrested and detained by Etela'at and the Basij, with a significant number reporting that they were detained by the police (indeed four specific police stations were identified). A small number of other places of detention that were identified (usually on release) included: four prisons (two in or near Tehran), three Etela'at facilities and two Basij bases in various locations around the country. However, 21 people (42%) said that they did not know with certainty which state force they were detained by and the majority (64%) also could not identify the specific place where they were detained, because they were blindfolded en route and/or because it was an unofficial facility and could not be identified.

Due process during arrest and ill treatment en route to detention

48. Of the 50 cases, only four reported being issued with a charge and only one with a warrant at the time of arrest. All 27 people who reported being arrested on a protest or demonstration said that they experienced violence and ill treatment both during arrest and en route to the detention facility. Most described being beaten with batons, sworn at with obscenities and other verbal abuse. Other cases who were arrested from their home or other private address for activities (actual or alleged) connected to the election protests reported similar treatment, with family members being violently treated, subject to threats and verbal abuse and personal property being destroyed or illegally confiscated. Most people (86%), whatever the cause of arrest, reported that they were blindfolded and handcuffed en route to detention; in some cases they were fully hooded and cuffed in stress positions.

49. It should be noted that there is typically a considerable time lag between when a person is detained and when they seek Freedom from Torture's medico-legal report services in the UK. It is therefore likely that evidence of detention and torture from 2010 onwards will increase as MLRs are completed for Iranian cases referred to Freedom from Torture more recently.

Due process during detention

50. All 50 cases reported being held incommunicado and tortured. The majority (80%) described interrogation that was concurrent with torture episodes (sometimes alternating). Most (74%) reported that they could not see their interrogators as they were kept blindfolded and in the majority of cases interrogation appeared to be focused specifically on forcing a confession to actual or alleged offences. These included attending demonstrations, belonging to or being active in illegal political groups, organising protests and involvement in other dissentient actions. Interrogation also focused on links with or on the activities of others, including family members. Some, particularly those who were or had been resident abroad, were questioned about links with foreign agents and exiled political groups and activists.

51. Nearly half the cases in the study (48%) said they were forced under torture to sign confessions or statements about future activities; all but three of these had not seen the contents of these documents. Six cases reported refusing to sign confessions despite being tortured with the stated intent of forcing them to do so. In most cases individuals

reported being given a conditional release following a confession, while some were transferred to prison, pending formal summons to attend court.

52. In most cases no formal charges were made (88%) and there was no access to legal counsel (96%) or a judicial process (88%). Of the 50, only six cases received charges in front of a judge, all following a confession forced under torture. Of these, only two had access to legal counsel, who had sight of the specific charges. Offences that people reported being accused of during interrogation sessions and formal charges they were threatened with included: ‘waging war against God’ (‘mohareb’), ‘insulting Islam’, ‘insulting the Supreme Leader’, ‘disturbing the peace’, ‘participating in political and student assemblies’, ‘co-operating with anti-revolutionary groups’, ‘having links with the UK and with foreign groups’, ‘propaganda against the regime’ and ‘assaulting an officer’, amongst others. Only five people reported being taken to court and one reported being tried in absentia.

53. Eight cases reported being moved to prison after periods of interrogation and torture, three of whom said torture continued in prison. Two cases were released from prison to psychiatric hospitals and at least six others were also transferred from detention to hospital for treatment. All of these cases were eventually able to secure release or to escape with the intervention of family members.

Detention conditions

54. Detention conditions for a significant proportion of cases were extremely poor and in nearly 70% of cases included solitary confinement in a small cell. Half or more cases also reported experiencing unhygienic conditions, poor quality and inadequate food, a hard surface to sleep on with inadequate bedding, no access to natural light and inadequate access to a toilet. The majority of cases received no medical treatment while in detention. Of the eight who were transferred to hospital, three were taken to psychiatric hospitals and the others reported being transferred for treatment following rape and for specialist medical care due to acute injuries to the head, shoulder and knee respectively. Seven others reported access to limited medical treatment in the detention centre, most of whom had injuries arising from sharp force trauma sutured, some without anaesthetic; two of these were also treated for a fracture and a dislocation caused by blunt force trauma. One person reported being treated following rape.

Duration of detention and escape or release

55. More than 70% of the detentions were less than a month and just under half were less than a week in duration. However, a significant number of people were detained for longer, with two cases being detained for more than a year and three cases being detained for 7-12 months. Overall, 57 of the 62 detention episodes in 2009-11 were for six months or less. Eight people were able to secure a conditional release or to escape from detention following transfer to a medical facility and seven cases reported that they escaped from detention rather than being formally released, in most cases with assistance. A further 12 people reported that they were taken blindfolded to unknown locations and released with no explanation, possibly as a result of a bribe, though they reported being unaware of the exact circumstances. Eight people reported that conditional release was granted after the intervention of family members with a variety of bail conditions, including the production of property deeds and money. More than 40% of cases fled Iran within a month and an additional 20% within three months of being released from or escaping their most recent detention (note that in many cases this was not the first period of detention). Most of the individuals left Iran within a year of being released, with a small number remaining in Iran for up to two years and two people remaining for more than two years before eventually being forced to seek protection abroad.

Pattern of torture episodes

56. More than half the cases (58%) said that they were interrogated and tortured in a room different from their detention cell, although some were also beaten, raped and otherwise ill-treated in their cell. Four people said they were taken to a room specifically for torture where there were hooks and other devices in place for suspension. At least six others said that torture and interrogation occurred in their cell, while for the remainder this information was not recorded.

57. The authorities responsible for interrogation and torture in these cases appeared intent on ensuring that they could not be identified by, in the majority of cases, keeping people blindfolded or hooded whenever they were out of their cells, with the likely additional intent of increasing their fear, disorientation and suffering. A few reported that their blindfolds were removed for certain episodes of torture or interrogation but on most of these occasions their captors were not identifiable. Only two people reported seeing uniformed personnel in the detention facility, in one case wearing green and in the other, dark blue uniform. Some people described being aware that different perpetrators, usually identified by their voices, were coming and going or were involved in different ways in their torture and interrogation, despite not being able to see them in most cases.

58. In 34% of cases people reported being tortured at least daily and sometimes several times a day in detention, while for 15 cases the frequency of torture was not recorded. Eight people reported being subjected to a limited number of episodes of torture (1-3) during their detention, though the duration of detention was relatively short in these cases. The remaining 10 cases reported no regular pattern and said that they could not predict when they would be taken for torture or interrogation episodes. In these cases the interval appeared to range from successive days, to every few days, to monthly or less, with the frequency reducing over time where the period in detention was lengthy.

Specific forms of torture disclosed**Methods of physical torture**

59. Methods of physical torture described by the 50 cases and documented in the MLR included: blunt force trauma including beating, whipping and assault (100% of cases); sexual torture including rape, molestation, violence to genitals and penetration with an instrument (60%); suspension and stress positions (64%); use of water (32%); sharp force trauma including use of blades, needles and fingernails (18%); burns (12%); electric shock (10%); asphyxiation (10%) and pharmacological or chemical torture (8%). Of the cases sampled, 60% of females and 23% of males reported rape.

60. The main forms of blunt force trauma consisted of repeated and sustained assault by kicking, punching, slapping and of beatings with a variety of blunt instruments including truncheons, cables, whips, batons, plastic pipes, metal bars, gun butts, belts and handcuffs. People reported being assaulted or beaten on all parts of the body, though most commonly on the head and face, arms and legs and back. Most were blindfolded while beaten and many were restrained, meaning they were unable to defend or protect themselves.

61. Seven people were burned, some repeatedly and most with heated metal objects but also with lighted cigarettes or caustic substances. All were blindfolded and restrained and described intense pain. Most of the nine people subjected to sharp force trauma were cut with sharp or bladed instruments; two of these were cut during sexual torture, one by the fingernails of the man who raped him and the other by a blade when he attempted to resist assault. Electric shocks were administered in five cases to the genitals, hands and feet, legs, nipples and buttocks, by electrodes or 'clips' or some form of 'baton'. In one case the person was shocked concurrently with sexual torture.

62. Of the 32 cases subjected to positional torture, 16 were suspended by a variety of techniques, including upside down or with wrists bound behind the body, from hooks in the ceiling or bars on the wall. A wide variety of forced or stress positions were also described in 11 cases, apparently designed to humiliate and to produce a powerful psychological response as well as severe physical discomfort and pain. Many described being suspended and restrained in stress positions while being beaten and otherwise tortured, as well as being interrogated. In some cases, restraint appears to have been designed to facilitate the administration of a particular form of torture, such as burning, electric shock, asphyxiation or sexual torture. A small number reported the use of asphyxiation techniques, including the repeated submersion of the head in water or contaminated water containing urine and faeces. One person was ‘water-boarded’ on at least five occasions. Three people were given medication by force, described as mind and mood altering and extremely distressing.

63. Given the high levels of shame and stigma attached to rape and sexual assault for men and for women, significant under-disclosure of sexual torture is highly likely among the cases in this sample. Despite this, 60% of men and women in the sample reported sexual torture including rape, molestation, violence to genitals and penetration with an instrument. Six of the 10 women experienced sexual torture. All were raped in the interrogation room or in their cell or both, all on more than one occasion, some many times and all by two or more people. Disclosure of rape in all cases was extremely problematic and clinicians recorded the intense psychological distress and flashback symptoms experienced by these women in talking about sexual torture. In some cases, disclosure was only possible after extensive counselling and in some the clinician reported being unable to facilitate a full disclosure due to the high risk of re-traumatisation. Four of the six women disclosed that they had also been subjected to sexual humiliation including forced nakedness (with clothing being violently removed), verbal abuse of an extreme sexual nature and molestation. All described being forcibly restrained while the rape and sexual assault was taking place and most were treated with extreme violence; at least four were rendered unconscious.

64. Of the twenty-four men who disclosed sexual torture, nine were subjected to rape and a further five to penetration with instruments. In some cases several perpetrators were present and participating, in the cell or in the interrogation room; all cases were forcibly restrained. Those cases who reported rape and anal penetration described brutal attacks during which they were penetrated, sometimes repeatedly, including with objects such as batons and bottles. Two other cases reported violent assault to their genitals, while a further eight described being sexually molested while being verbally abused and threatened with penetration or rape. In all cases clinicians recorded observing high levels of shame and ongoing psychological distress and significant difficulty in disclosure.

65. Methods of psychological and environmental torture Psychological and environmental forms of torture, which were highly prevalent in this case sample, included but were not limited to humiliation (40 cases), solitary confinement (34), verbal abuse (32), threat of death (22), threat to family (15), sleep deprivation (12), and mock executions (7).

66. Psychological forms of torture included the extensive and persistent use of humiliation in most cases, particularly verbal abuse and profanities directed towards the individual or members of their family (especially female family members). Being forced to perform humiliating acts (most but not all with a physical element causing pain and physical stress) and enforced nakedness or removal of clothing were also prevalent across the cases, with clinicians widely reporting the strong psychological impact of this treatment.

67. Threats, particularly of further or different forms of torture, of death and of violence to family members, were reported in 76% of cases and used to induce terror and enforce compliance, particularly to force a confession. Five people reported being given false information that their family members had died or were critically ill, or that they had been detained and tortured and had confessed to an alleged offence. Seven cases were subjected to a mock execution, where they believed that the threat of death would be imminently carried out and the same number reported being forced to witness violence or harm to others in detention, including rape. Many cases (34%) described being exposed to the sounds of others being tortured or in distress in detention. While many cases reported the use of threats as well as torture to induce them to give information about others, in most cases they had no information or refused to give it. Four people said that they were eventually forced to give limited information about or name family members and associates.

68. The most prevalent form of environmental torture was the use of solitary confinement (68% of cases), in small cells, mostly throughout the entire detention. While the duration of solitary confinement was between a week and a month in the majority of cases, some were detained in this condition for several months and at least two cases for more than a year. Twelve people reported that they were prevented from sleeping or that their sleep was deliberately interrupted throughout the detention by guards banging on their cell doors, dousing them in cold water or taking them for interrogation as soon as they fell asleep. Others were kept awake by constant bright light in their cell.

Forensic evidence and psychological impact of torture

69. Forensic evidence of torture Forty-one of cases (82%) had forensic evidence of physical trauma documented in their MLRs in the form of lesions (including scars) 2 arising from torture in detention in 2009-2011. MLRs for the other nine cases specifically focused on the psychological signs and symptoms of torture and in four cases were prepared by the person's treating clinician as examination by an independent doctor was not deemed clinically appropriate. Chronic pain symptoms, mostly attributed to blunt force, positional and sexual tortures, were also reported in 48% of cases and nine cases documented fractures resulting from torture as described. Of the 50 cases sampled 17 (34%) had up to five lesions attributed to torture, while 11 cases had significantly more. Four people had a very large number of lesions (more than 20) or groups of numerous individual lesions assessed together in relation to their consistency with common attributed causes of torture. In all cases where a physical examination was conducted and lesions as well as other signs and symptoms of physical trauma were documented, those attributed to torture were clearly differentiated by clinicians and the individuals themselves, from those with a non-torture attribution.

70. The form of torture that produced the largest number of lesions overall was blunt force trauma; more than 60% of cases had some or numerous lesions attributed to this cause. Freedom from Torture clinicians, using Istanbul Protocol guidelines to describe the level of consistency of the physical findings with the attributed cause of torture, found that in 26 cases there were lesions assessed to be 'diagnostic', 'typical' or 'highly consistent' of blunt force trauma as described by the individual (with no other possible cause, few or a few other possible causes). It should be noted that although used in all cases in this sample, blunt force trauma very often does not produce enduring physical evidence, depending on factors including the force of the blow, the part of the body hit, the length of time since infliction, whether the skin was broken and the healing process. It is also routinely observed by clinicians that while individual scars and groups of scars are assessed for their 'level' of consistency with the attributed cause in line with the Istanbul Protocol, '...Ultimately, it is the overall evaluation of all lesions and not the

consistency of each lesion with a particular form of torture that is important in assessing the torture story...”

71. All seven cases that reported being burned had lesions assessed by the clinicians as being ‘diagnostic’, ‘typical’ or ‘highly consistent’ of this form of torture. Similarly most of the sharp force trauma scars were assessed as having this high level of consistency with the ascribed cause of torture. Physical evidence assessed as ‘typical’ or ‘highly consistent’ of positional torture was documented in seven cases and consisted of ligature or shackle scars and damage to the shoulders or wrists including dislocation, chronic pain and restriction of movement. Ten cases manifested physical symptoms associated with rape and sexual torture including anal bleeding and pain, vaginal bleeding and discharge, pain and swelling in the genitals, lower abdominal pain, pain on passing urine and sexual dysfunction of various kinds.

72. According to available information, 36 cases (72%) had either been referred to or had been medically treated by statutory health care providers for acute and chronic physical symptoms associated with torture in detention. In most cases treatment had occurred in the UK, although a few people had also been treated in Iran immediately on release from detention. Many people were treated for chronic pain symptoms, but others had been referred for acute injuries or symptoms related to these. Most of those who had been raped had either been screened for sexually transmitted diseases or were referred for such screening.

Psychological impact of torture

73. Psychological findings for the 50 cases in this study included 45 people (90%) with symptoms of Post Traumatic Stress Disorder (PTSD) related to the history of torture in detention. Of these, 32 (64% overall) had symptoms reaching the diagnostic threshold according to the ICD-10 Classification of Mental and Behavioural Disorders.⁵ In addition, ongoing symptoms of depression directly related to the history of detention and torture were reported by 42 people (84%), of which 27 (54% overall) had symptoms reaching the diagnostic threshold for depression. According to available information, 39 cases (78%) were in treatment for depression and/or PTSD symptoms at the time of the documentation process, receiving medication and/or psychological therapies from statutory health care providers. A total of 11 cases were receiving treatment services from Freedom from Torture during the period when their MLR was being prepared.

74. Signs and symptoms associated with PTSD were reported and observed to a very high level across the sampled cases and included flashbacks (84%) and intrusive memories and thoughts (68%) where traumatic events are repeatedly re-experienced even when the individual is awake and conscious. Recurrent nightmares including elements of the traumatic events in actual or symbolic form and fear and severe anxiety responses to cues that trigger an association with the trauma were reported and/or observed during clinical sessions (94% and 56% respectively). Other typical symptoms included avoidance of thoughts, feelings and activities associated with the trauma, signs of which were observed in half the cases (50%). Some people also reported and demonstrated a marked emotional restriction or dissociation when recalling events related to their torture and a difficulty recalling these events (20%). A marked diminished interest, detachment and social withdrawal was also documented in 62% of cases, while almost all reported that they had difficulties sleeping (96%).

75. Other depressive features of PTSD and depression signs and symptoms documented in these cases included a persistently low mood in most cases (80%), increased fatigue (38%), as well as diminished appetite (60%). Difficulties with concentration and recall and scattered thoughts were also commonly reported and observed (70%), while feelings of worthlessness and guilt and a bleak or pessimistic view of the future were

very commonly expressed (56%). Some individuals, particularly those who were raped, expressed a feeling of being irreparably damaged and a sense of their self identity having been permanently altered as a result of the torture, with devastating impact. Particular psychological responses to sexual torture and rape documented in those cases subjected to this included: intense and overwhelming feelings of shame; feelings of anger towards the abuser and/or internalised anger expressed as self hatred; fear and severe anxiety symptoms either generalised or related to those who remind the person of their abuser; avoidance of anything associated with the trauma, including being unable to remember anything or remember details of what occurred or to make a full disclosure; social withdrawal and difficulty making relationships with others, especially men; sexual dysfunction; suicidal ideation, self harm and suicide attempts.

76. Overall twenty seven people (54%) in this case sample expressed ideas of self harm or of suicide during their assessment process that were directly related to their experiences of detention and torture in Iran and their ongoing symptoms of PTSD and depression arising from this trauma, as well as their experience of seeking protection in the UK in some cases (particularly the fear of removal). Ten people had indeed carried out acts of self harm (20%) and six had made suicide attempts (12%), some in Iran but mostly in the UK following flight. Some individuals had made several attempts and were considered to be at continued risk of suicide at the time of examination.

Overall conclusions on the clinical findings – congruence with attribution of torture

77. In their clinical opinion and concluding observations for the MLRs in the 50 sampled cases, examining clinicians drew together the salient elements of the account of detention and torture and the clinical evidence which may or may not have supported this history. This included:

summary of the history and torture methods described; physical findings including lesions and their consistency with the attributed cause of torture, or lack of physical findings with clinical reasons; presence of lesions attributed by the person to other causes (non-torture), demonstrating no attempt to embellish the account; psychological findings, including symptoms of PTSD and depression related or unrelated to the history of detention and torture, with clinical reasons; mode of narration of the history including demeanour and affect, level of detail and consistency of the account or lack of these, with clinical reasons and the possibility of fabrication or embellishment of the account of torture, or of alternative explanation for the clinical evidence. Clinicians in all 50 cases found there to be sufficient physical and/or psychological evidence to support the account given and an overall congruence between the clinical findings and the history of detention and torture in Iran in the given period.

ANNEX II - LIST OF CURRENTLY IMPRISONED JOURNALISTS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details		
				Prison	Condition of detention	Health condition
Adnan Hassanpour	Anti-state activities	25-Jan-2007	15 years prison, originally sentenced to death	Sanandaj Prison	N/A	N/A
Mohammad Seddigh Kaboudvand	Acting against national security, engaging in propaganda against the state	01-Jul-2007	11 years prison	Evin Prison	N/A	Heart and health problems
Mojtaba Lotfi	Spreading anti-state information, publishing the views of Ayatollah Hossein-Ali Montazeri	08-Oct-2008	4 years prison, followed by exile	Exiled in Ashtian	N/A	N/A
Hossein Derakhshan	Spying for Israel	Nov-2008	19 years prison, 5 year ban on "membership in political parties and activities in the media"	Evin Prison	With periods of solitary confinement	N/A
Ahmad Zaid-Abadi	Political activity	Jun-2009	6 years prison, 5 years of exile, lifetime ban on political activity	Rajae Shahr Prison	N/A	N/A
Kayvan Samimi	N/A	14-Jun-2009	6 years prison, 15 year ban on political, social, and cultural activities	Rajae Shahr Prison	N/A	Worsening health conditions
Bahman Ahmadi Amouee	N/A	19-Jun-2009	5 years prison, 34 lashes	Rajae Shahr Prison	Wife also a journalist and currently in prison	N/A
Issa Saharkhiz	Participation in riots, encouraging others to participate in riots, insulting the supreme leader	03-Jul-2009	3 years prison, 5 year ban on political and journalistic activities, 1 year ban on foreign travel	Evin Prison	N/A	Heart condition
Massoud Bastani	Propagating against the regime, congregating and mutinying to create anarchy	05-Jul-2009	6 years prison	Rajae Shahr Prison	Periods of solitary confinement. Wife also currently in prison on anti-state charges	N/A

ANNEX II - LIST OF CURRENTLY IMPRISONED JOURNALISTS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details		
				Prison	Condition of detention	Health condition
Mohammad Davari	Propagating against the regime, disrupting national security (stems from reporting on the rape of inmates at Kahrizak Detention Center)	05-Sep-2009	5 years prison, with an additional year for participating in the 2006 teacher protests	Evin Prison	N/A	Heart condition
Saeed Matin-Pour	Relations with foreigners, propagating against the regime	12-Jul-2009	8 years prison	Evin Prison	Long periods of solitary confinement	Deteriorating health
Mehdi Mahmoudian	Mutiny against the regime, and for his role in documenting rape and abuse of detainees at Kahrizak Detention Center	16-Sep-2009	5 years prison	Rajae Shahr Prison	Abuse from prison official	Worsening health conditions, had to be treated for abuse from prison officials
Seyed Hossein Ronaghi Maleki	Anti-state and conspiracy activities	13-Dec-2009	15 years prison	Evin Prison	N/A	Kidney problems
Abolfazl Abedini Nasr	Anti-state activities, contact with enemy states	03-Mar-2010	11 years prison, with an additional year for propagating against the regime	Evin Prison	N/A	N/A
Siamak Ghaderi	Propagating against the regime, creating public anxiety, spreading falsehoods, cooperating with homosexuals	27-Jul-2010	4 years prison, 60 lashes	Evin Prison	N/A	N/A
Mohammad Reza Pourshajari	Propagating against the regime, insulting the supreme leader	12-Sep-2010	3 years prison, with an additional year for blasphemy charges	Ghezel Hessar Prison	N/A	N/A
Arash Honarvar	Acting against national security, espionage,	28-Oct-2010	4 years prison, 50 lashes	Evin Prison	Seizure in custody	Suffered heart attack

ANNEX II - LIST OF CURRENTLY IMPRISONED JOURNALISTS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details		
				Prison	Condition of detention	Health condition
Shojaei	cooperation with foreign embassies					
Fereydoun Seydi Rad	Anti-state activities, propagating against the regime (connected to taking part in a 2010 protest and attending the 2009 funeral of Ayatollah Hossein-Ali Montazeri)	02-Mar-2011	3 years prison	Evin Prison	43 days solitary confinement after arrest	N/A
Alireza Rajaei	Acting against national security, propagating against the regime	23-Apr-2011	7 years prison	Evin Prison	N/A	N/A
Mehrdad Sarjoui	Cooperating with enemy states	Jul-2011	10 years prison	Evin Prison	N/A	N/A
Alireza Behshti Shirazi	Acting against national security	10-Jul-2011	5 years prison	Evin Prison	N/A	N/A
Ahmadreza Ahmadpour	Anti-state charges (stemming from a letter he wrote to U.N. Secretary General protesting rights abuses)	18-Jul-2011	3 years prison, 10 years exile, defrocking, and deprivation of any clerical position	Yazd Prison	N/A	Worsening respiratory illness and cardiac problems
Saeed Jalalifar	Propaganda against the regime, assembly and collusion with the intent to act against national security	31-Jul-2011	3 years prison	Evin Prison	N/A	N/A

ANNEX II - LIST OF CURRENTLY IMPRISONED JOURNALISTS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details		
				Prison	Condition of detention	Health condition
Morteza Moradpour	Propagating against the Islamic Republic of Iran, mutiny, and illegal congregation	26-Aug-2011	3 years prison	Tabriz Central Prison	N/A	N/A
Omid Behroozi	N/A	05-Sep-2011	N/A	Evin Prison	N/A	N/A
Reza Entessari	N/A	05-Sep-2011	N/A	Evin Prison	N/A	N/A
Amir Eslami	N/A	05-Sep-2011	N/A	Evin Prison	N/A	N/A
Afshin Karampour	N/A	05-Sep-2011	N/A	Evin Prison	N/A	N/A
Hamid Moradi	N/A	05-Sep-2011	N/A	Evin Prison	N/A	N/A
Farshid Yadollahi	N/A	05-Sep-2011	N/A	Evin Prison	N/A	N/A
Saeed Madani	N/A	07-Jan-2012	N/A	N/A	N/A	N/A
Saeed Razavi Faghih	Propagating against the regime	17-Jan-2012	4 years prison	Evin Prison	N/A	Suffered a heart attack in custody
Kasra Nouri	Propagating against the regime, having unlawful contact with Radio Farda, creating public anxiety, publishing falsehoods	14-Mar-2012	1 year prison	Shriaz Intelligence Detention Center	N/A	Developed respiratory problems in custody
Reza Ansari Rad	Propagating against the regime	03-May-2012	1 year prison	Evin Prison	Seizures in custody	In poor physical condition, suffered epileptic
Mahsa Amrabadi	Propaganda against the regime	09-May-2012	1 year prison	Evin Prison	Husband is also a journalist and	N/A

ANNEX II - LIST OF CURRENTLY IMPRISONED JOURNALISTS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details		
				Prison	Condition of detention	Health condition
					currently in prison	
Fariborz Raisdana	Propagating against the regime	21-May-2012	1 year prison	Evin Prison	N/A	N/A
Rahman Bouzari	Propagating against the regime	Jun-12	2 years in prison, 74 lashes	N/A	N/A	N/A
Said Moghaneli	Propagating against the regime	26-Jun-2012	6 months prison	Tabriz Prison	N/A	N/A
Nassour Naghipour	Anti-state charges related to his work in documenting violations of human rights	09-Jul-2012	7 years prison	Evin Prison	N/A	N/A
Zhila Bani-Yaghoub	Propagating against the regime, insulting the president (for articles she wrote during the June 2009 contested presidential elections)	02-Sep-2012	1 year prison, 30-year ban on practicing journalism	Evin Prison	Husband is also a journalist and currently in prison	N/A
Shiva Nazar Ahari	Moharebeh ("waging war against God), propagating against the regime, acting against national security	08-Sep-2012	4 years prison, 74 lashes	Evin Prison	N/A	N/A
Faezeh Hashemi Rafsanjani (daughter of	Propagating against the regime	22-Sep-2012	6 months prison, 5-year ban on political, cultural, and press activities	Evin Prison	N/A	N/A

ANNEX II - LIST OF CURRENTLY IMPRISONED JOURNALISTS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details		
				Prison	Condition of detention	Health condition
former President Akbar Hashemi Rafsanjani)						
Ali Akbar Javanfekr	Publishing content contrary to Islamic standards, publishing obscene content	24-Sep-2012	6 months prison, 3-year ban on press activities	Evin Prison	N/A	N/A
Mehdi Khazali	Insulting the supreme leader	30-Oct-2012	14 years prison, 10 years exile, 90 lashes	Evin Prison	Severe injuries during arrest	Suffered heart attack in custody
Alireza Roshan	Assembly and collusion with the intent to disrupt national security, cooperation with the Majzooban-e Noor news website	18-Nov-2012	1 year prison, 4 year suspended term	Evin Prison	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Mahvash Shahriari Sabet	Three charges on religious grounds (“forming an illegal cult”), Three charges related to “espionage” and “acting against national security”	05-Mar-2008	20 years’ imprisonment	Mashhad (Razavi Khorasan)	Tehran (Evin)	N/A	Trial ended 14-Jun-2010
Fariba Kamalabadi Taefi	Three charges on religious grounds (“forming an illegal cult”). Three charges related to “espionage” and “acting against national security”	1) 26-Jul-2005 2) 14-May-2008	20 years’ imprisonment	1) Mashhad 2) Tehran (Tehran)	Tehran (Evin)	1) 19-Sep-2005 2) N/A	Trial ended 14-Jun-2010
Jamaloddin Khanjani	Three charges on religious grounds (“forming an illegal cult”). Three charges related to “espionage” and “acting against national security”	1) 25-Sep-2007 2) 14-May-2008	20 years’ imprisonment	1) Isfahan (Isfahan) 2) Tehran (Tehran)	Gohardasht 9-Aug-2010	1) 01-Oct-2007 2) N/A	Trial ended 14-Jun-2010
Afif Naimi	Three charges on religious grounds (“forming an illegal cult”). Three charges related to “espionage” and “acting against	14-May-2008	20 years’ imprisonment	Tehran (Tehran)	Gohardasht 9-Aug-2010	N/A	Trial ended 14-Jun-2010

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	national security”						
Saeid Rezaie Tazangi	Three charges on religious grounds (“forming an illegal cult”). Three charges related to “espionage” and “acting against national security”	14-May-2008	20 years’ imprisonment	Tehran (Tehran)	Gohardasht 9-Aug-2010	N/A	Trial ended 14-Jun-2010
Behrouz Azizi Tavakkoli	Three charges on religious grounds (“forming an illegal cult”). Three charges related to “espionage” and “acting against national security”	1) 26-Jul-2005 2) 14-May-2008	20 years’ imprisonment	1) Mashhad; 2) Tehran (Tehran)	Gohardasht 9-Aug-2010	1) 15-Nov-2005 2) N/A	Trial ended 14-Jun-2010
Vahid Tizfahm	Three charges on religious grounds (“forming an illegal cult”). Three charges related to “espionage” and “acting against national security”	14-May-2008	20 years’ imprisonment	Tehran (Tehran)	Gohardasht 9-Aug-2010	N/A	Trial ended 14-Jun-2010

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Mohammad Reza Kandi	Posing a threat to the holy regime of the Islamic Republic by teaching Baha'is ideas through communication with the usurper country of Israel	1) 09-Apr-2008 2) 19 or 25-Apr-2009	1) 7 months' imprisonment	Mahforouzak (Mazandaran)	N/A	1) 13-Apr-2008 2) N/A	25-Dec-2008
Alibakhsh Bazrafkan	Plotting overthrow, acting against national security and propaganda against the regime	31-Oct-2009	2.5 years' imprisonment and 5 years of internal exile	Yasouj (Kohgiluyeh and Boyer-Ahmad)	Yasouj	N/A	07-Dec-2009
Manijeh Nasrollahi (Monzavian)	Acting against national security through propagandist activity in the interests of groups and populations hostile to the regime related to Baha'is and membership in illegal groups and populations related to Bahá'is including the group of Khademin of Semnan with the post of secretary and the education committee	1) 17-Jun-2009	3.5 years' imprisonment (3 + .5) and confiscation of documents and materials in connection with the administrative institutions of Baháism	Semnan (Semnan)	Tehran (Evin) 27-Feb-2010	1) 30-Jun-2009 2) N/A	1) 28-Aug-2009 2) Verdict upheld on appeal (signed 25-Jan-2010)

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Rozita Vaseghi	N/A	1) 04-Aug-2005 2) 16-Mar-2010	1) 5 years' imprisonment; Sentence upheld and 2 years added on appeal 2) 5 years' imprisonment on separate charge	Mashhad (Razavi Khorasan)	Mashhad	1) 21-Aug-2005 2) N/A	1) 25-Oct-2009 2) Appeal
Nahid Ghadiri	N/A	1) 04-Aug-2005 2) 16-Mar-2010	1) 5 years' imprisonment; Sentence upheld on appeal 2) 5 years' imprisonment on separate charge = 10 years total	Mashhad (Razavi Khorasan)	Mashhad	1) 21-Aug-2005 2) N/A	1) 25-Oct-2009 2) Appeal
Davar Nabilzadeh	N/A	1) 19-Aug-2005 2) 13-Jul-2010	1) 5 years' imprisonment 2) Sentence upheld on appeal	Mashhad (Razavi Khorasan)	Mashhad	1) 28-Sep-2005 2) N/A	1) 25-Oct-2009 2) Appeal
Jalayer Vahdat	N/A	1) 04-Aug-2005 2) 26-Jan-2009 3) 24-Oct-2010	1) 5 years' imprisonment 2) Sentence upheld on appeal	Mashhad (Razavi Khorasan)	N/A	1) 28-Aug-2005 2) 12-May-2009 3) N/A	1) 25-Oct-2009 2) Appeal
Sima Eshraghi (Aghdaszadeh)	N/A	1) 06-Aug-2005 2) 26-Jan- 2009 3) 24-Oct-2010	1) 5 years' imprisonment 2) Sentence upheld on appeal	Mashhad (Razavi Khorasan)	Mashhad	1) Unknown 2) 12-May-2009 3) N/A	1) 25-Oct-2009 2) Appeal
Siamak Ighani	Membership in illegal groups and gatherings	1) 27-Apr-2009 2) 6-Nov-2010	1) 3 years' imprisonment upheld on appeal	Semnan (Semnan)	Semnan	1) 2-May-2009 2) N/A	Trial: 30-Jun-2009 Appeal: Oct-2010

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	related to the Baha'is especially "acceptance of post of chairperson for the Semnan Khademin. Engaging in propaganda against the regime and for the benefit of the Baha'is		2) N/A				
Feizollah Rowshan	N/A	1) 01-Nov-2006 2) 18-Nov-2007 3) 06-Dec-2008 4) 15-Jan-2011	1 year's imprisonment and 4 years internal exile to Damghan. Ordered to go to Bijar. Remaining internal exile changed to additional 6 months' imprisonment in Sari.	Sari (Mazandaran)	Sari	1) 01-Jan-2007 2) 30-Apr-2008 3) 20-May-2009 4) N/A	1) 24-Apr-2007; 19-Aug-2007 2) Obtained conditional release Began exile 26 Jul-2008 in Damghan
Farhad Amri	N/A	01-Jan-2011	N/A	Mashhad suburb (Razavi Khorasan)	N/A	N/A	N/A
Shahin Shafaie	N/A	05-Feb-2011	N/A	Ghaemshahr (Mazandaran)	N/A	N/A	N/A
Badiollah Lohrasb	N/A	21-Feb-2011	N/A	Motel Ghou (Salman Shahr, Mazandaran)	N/A	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Peyman Kashfi	"Membership in an anti-Islamic group and propaganda against the regime"	1) 19-Oct-2009 2) 13-Feb-2011	4 years' imprisonment	Tehran (Tehran)	Evin	1) Nov/Dec-2009 2) N/A	1) 15-Jun-2010
Afshin Safaieyan	N/A	27-Feb-2011	N/A	Nasim Shahr, Saveh suburb (Markazi)	N/A	N/A	N/A
Mesbah Monghate	N/A	18-Mar-2011	N/A	Tehran (Tehran)		N/A	N/A
Sara Mahboubi	N/A	1) 24-Jun-2010 2) 9-Apr-2011	N/A	Sari (Mazandaran)	Sari	1) 18-07-2010 2) N/A	N/A
Behzad Zabihi	N/A	1) 22-Feb-2011 2) 10-Apr-2011	N/A	Sari (Mazandaran)	Sari	1) 26-Feb-2011 2) N/A	N/A
Vesal Mahboubi	N/A	25-Apr-2011	N/A	Sari (Mazandaran)	N/A	N/A	N/A
Kamran Mortezaie	"Membership of the deviant sect of Baha'ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country".	22-May-2011	5 years' imprisonment	Tehran (Tehran)	Gohardasht	N/A	25-Sep-2011 17-Oct-2011

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Noushin Khadem	“Membership of the deviant sect of Baha’ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country”.	22-May-2011	4 years’ imprisonment	Tehran (Tehran)	Gohardasht	N/A	27-Sep-2011
Mahmoud Badavam	“Membership of the deviant sect of Baha’ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country”.	22-May-2011	4 years’ imprisonment	Tehran (Tehran)	Gohardasht	N/A	27-Sep-2011
Ramin Zibaie	“Membership of the deviant sect of Baha’ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations	22-May-2011	4 years’ imprisonment	Karaj (Alborz)	Gohardasht	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	outside the country”.						
Farhad Sedghi	“Membership of the deviant sect of Baha’ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country”.	22-May-2011	4 years’ imprisonment	Karaj (Alborz)	Gohardasht	N/A	20-Sep-2011
Riaz Sobhani	“Membership of the deviant sect of Baha’ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country”.	14-Jun-2011	4 years’ imprisonment	Tehran (Tehran)	Gohardasht	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Behfar Khanjani	Forming groups and membership in groups and assemblies with intention to disturb the national security; Activity against national security through propaganda against the regime; Use, possession, and distribution of 63 illegal compact discs containing appalling and offensive material.	1) 05-Jan-2010 2) 21-Jun-2011	4 years' imprisonment	Mashhad (Razavi Khorasan)	Semnan	1) 02-Mar-2010 2) N/A	1) 26 Sep 2007 2) 04-May-2010 6-Feb-2012. Appeal denied
Sanaz Tafazoli	N/A	27-Jun-2011	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Nika Barazandehniya	N/A	N/A	N/A	Isfahan (Isfahan)	N/A	N/A	N/A
Jila Rezvani (Ghanei)	N/A	06-Jul-2011	N/A	Mashhad (Razavi-Khorasan)	N/A	N/A	N/A
Saideh Foroughi (Negari)	N/A	06-Jul-2011	N/A	Mashhad (Razavi-Khorasan)	N/A	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Mitra Azmayandeh	N/A	03-Jul-2011	N/A	Isfahan (Isfahan)	N/A	N/A	N/A
Hajir Septo	N/A	11-Jul-2011	N/A	Kata (Kohgiluye and Boyer-Ahmad)	Yasouj	N/A	22-May-2011
Samin Ehsani	N/A	17-Aug-2011	N/A	Tehran (Tehran)	N/A	10-Sep-2011*	N/A
Afshin Heyratian	N/A	03-Jun-2010	4 years' imprisonment	Tehran (Tehran)	Evin	21-Jun-10	N/A
Emamgholi Behamin	N/A	24-Aug-2011	N/A	Kata (Kohgiluyeh Boyer Ahmad)	N/A	N/A	N/A
Janali Rasteh	N/A	24-Aug-2011	N/A	Kata (Kohgiluyeh Boyer Ahmad)	N/A	N/A	N/A
Kamran Rahimian	Using falsely obtained degrees, illegal counselling, running illegal classes, defrauding the public	14-Sep-2011	4 years' imprisonment	Tehran (Tehran)	Gohardasht around 5-Jan-2012	N/A	N/A
Hassanali Delavarmanesh	N/A	04-Sep-2011	N/A	Kata (Kohgiluyeh Boyer Ahmad)	Yasouj	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Afshin Ighani	Formation of a group and membership in illegal groups and assemblies with the intention of disturbing national security, Actions against national security through propaganda against the regime [and in support of anti-regime groups], i.e., propaganda for the perverse sect of Baháism.	1) 18-May-2005 2) 05-Jan-2010 3) Sep-2011	4 years' 3 months' 1 day's imprisonment	Semnan (Semnan)	Semnan	1) 20-May-2005 2) 28-Feb-2010 3) N/A	05-May-2010*
Didar Raoufi	N/A	1) 14-Jan-2009 2) 16-Oct-2011	3 years' imprisonment	Tehran (Tehran)	Evin	1) 11-Mar-2009 2) N/A	12-Feb-2011
Sousan Badavam (Farhangi)	N/A	23-Oct-2011 or 24-Oct-2011	N/A	Rasht (Gilan)	N/A	N/A	N/A
Nadia Asadian (Abdu'l-Hamidi)	N/A	23 or 24-Oct-2011	N/A	Rasht (Gilan)	N/A	N/A	N/A
Shiva Kashaninejad (Samiian)	N/A	23 or 24-Oct-2011	N/A	Rasht (Gilan)	N/A	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Anvar Moslemi	N/A	1) 22-Nov-2008 2) 3 or 5-Aug-2009 3) 12-Nov-2011	1) 1 year's imprisonment 2) 300,000 túman fine	Sari (Mazandaran)	Sari	1) 14-Dec-2008 2) 09-Sep-2009 3) N/A	7-Jun-2009
Shahnam Golshani	N/A	30-Jan-2012	N/A	Shiraz (Fars)	N/A	N/A	N/A
Shahrokh Taef	N/A	1) 06-Mar-2005 2) 14-Jan-2009 3) Jan-2012	4 years' imprisonment sentence upheld in appeals court	1) Tehran (Tehran) 2) Tehran 3) Tehran	Evin	1) 06-Jun-05 2) 17-Mar-09 3) N/A	NA
Foad Khanjani	N/A	27-Apr-2010	4 years' imprisonment	Tehran (Tehran)	Evin	08-May-10	N/A
Payam Taslimi	N/A	03-Feb-2012	N/A	Shiraz (Fars)	Ministry of Intelligence detention centre to Adelabad prison 20- Mar-2012	N/A	N/A
Semitra Momtazian	N/A	05-Feb-2012	N/A	Shiraz (Fars)	Ministry of Intelligence detention centre to Adelabad prison 20- Mar-2012	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Naghmeh Zabihian	N/A	17-Feb-2012	6 months' imprisonment	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Shahram Chiniyan Miandoab	N/A	1) 01-Mar-2009 2) 15-Jan-2012	8 years	Hassanabad (Tehran)	Evin	1) 03-Mar-2010 2) N/A	N/A
Negar Malekzadeh	Co-organizing junior youth exhibit	02-Apr-2012	6 months' imprisonment	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Iqan Shahidi	N/A	03-Mar-2010	5 years' imprisonment	Kermanshah (Kermanshah)	Gohardasht	11-May-2010	N/A
Shahram Mokhtari	N/A	24-Apr-2012	N/A	Birjand (South Khorasan)	N/A	N/A	N/A
Atiyeh Anvari	N/A	20-May-2012	N/A	Isfahan (Isfahan)	N/A	N/A	N/A
Sholeh Afshari	N/A	15-May-2012	N/A	Vila Shahr, Najafabad (Isfahan)	N/A	N/A	N/A
Mona Pour Pir Ali	N/A	15-May-2012	N/A	Najafabad (Isfahan)	N/A	N/A	N/A
Mohammad Hosein Nakhaei	N/A	13-May-2012	N/A	Birjand (South Khorasan)	N/A	N/A	N/A
Saeed Azimi	N/A	29-May-2012	N/A	Nashtarood (Mazandaran)	N/A	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Roufia Beidaghi	N/A	1) 07-Nov-2010 2) late May-2012	1 year's imprisonment	Semnan (Semnan)	Semnan	1) 16-Nov-2010 2) N/A	08-Oct-2011
Jinous Nourani	N/A	1) 18-May-2005 2) 12-Mar-2011 3) late May-2012	1) 91 days* 2) 1 year's imprisonment 3) N/A	Semnan (Semnan)	Semnan	1) 20-May-2005 2) 03-Apr-2011 3) N/A	1) 10-Sep-2006 2) 26-Nov-2011 3) N/A
Faran Khan Yaghma	N/A	09-Jun-2012	N/A	Sari (Mazandaran)	Sari	N/A	N/A
Adel Fanaiyan	Membership in a group; forming and mobilizing a group with intent to disturb the national security, Propaganda against the sacred regime of the Islamic Republic of Iran in the interest of anti-regime groups and organizations by promoting the teachings and ideologies of the sect of Baha'ism through publishing pamphlets	1) 18-May-2005 2) 04-Jan-2009 3) 14-Nov-2010 4) 10-Jun-2012	1) 6 months' imprisonment 2) 6 years' imprisonment 3) N/A 4) N/A	Semnan (Semnan)	Semnan	N/A	1) 12 Apr 2006* 2) 04-Jan-2009 3) 08-Oct-2011* 4) N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	and materials and producing and distributing announcements containing administrative information on the sect of Baha'ism and opposing the sacred regime of the Islamic Republic of Iran. Propaganda against the government of the Islamic Republic of Iran						
Taherverdi "Taher" Eskandarian	N/A	1) N/A 2) 04- Jan-2009 3) 23-Jun-2012	1) 6 months' imprisonment 2) N/A	Semnan (Semnan)	N/A	1) N/A 2) 2-Jul-2009 3) N/A	N/A
Azizollah Samandari	An active member of the perverse Baha'i sect with the intention to act against the national security	1) 14-Jan-2009 2) 07-Jul-2012	5 years' imprisonment	Tehran (Tehran)	Evin	1) 11-Mar-2009 2) N/A	1) N/A 2) 04-Oct-2011
Adel Naimi	N/A	10-Jul-2012	N/A	Tehran (Tehran)	N/A	N/A	N/A
Khashayar Tafazzoli	N/A	11-Jul-2012	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Shayan Tafazzoli	N/A	1) 17 Feb-2012 2) 11-Jul-2012	6 months' imprisonment	Mashhad (Razavi Khorasan)	N/A	1) N/A 2) N/A	1) N/A 2) N/A
Sina Aghdasizadeh	N/A	11-Jul-2012	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Rahman Vafaie	N/A	14-Jul-2012	N/A	Shiraz (Fars)	Adelabad 20-Sep-2012	N/A	N/A
Hamid Eslami	N/A	14-Jul-2012	N/A	Shiraz (Fars)	Adelabad 20-Sep-2012	N/A	N/A
Faran Hesami (Rahimian)	Conspiracy and assembly with the intention to act against the national security by membership in perverse Baha'i sect as the primary director of the Department of Psychology at the illegal Baha'i university under the direction of the House of Justice, Earning illegal income in the sum of 7,000,000 tuman.	1) 14-Sep-2011 2) 15-Jul-2012	4 years' imprisonment	Tehran (Tehran)	1) Evin 2) N/A	1) 29-Nov-2011 2) N/A	1) 09-May-2012 2) N/A
Goudarz Beidaghi	Propaganda against the government of the Islamic Republic of	1) 01-Mar-2010 2) 16-Jul-2012	1) 2.5 million rial fine 2) 1 year's imprisonment under Ta'zir	1) Semnan 2) Sangsar (Semnan)	Sangsar	1) 8-Sep-2007 2) 26-Apr-2010	1) 9 Sep 2007* 2) 17 Aug 2011 04-Oct-2011*

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	ran. Disturbance of the general public's opinion through distribution of flyers (letter of the Baha'i community of Iran addressed to the President of the Islamic Republic of Iran).		3-year exile from Semnan; confiscation of all documents and materials pertaining to the sect of Bahá'ism. 4 October 2011				08-Oct-2011*
Ramin Eidelkhani	Spreading propaganda against the regime, insulting the supreme leader	1) 05-May-2010 2) 19-Aug-2012	2 years' imprisonment + 5 years of internal exile	Parsabad Moghan (Ardabil)	Meshkin Shahr	15-May-2010	
Mr. Vahed Kholousi	"Involvement in subversive political activities against the regime through providing assistance to the earthquake victims" later changed to "distributing contaminated food"	1) 23-Aug-2011 2) 22-Aug-2012	N/A	1) Tehran (Tehran) 2) Tabriz (East Azerbaijan)	Evin	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Navid Khanjani	Engaging in human rights activities, illegal assembly” (in support of university students deprived of higher education), and disturbance of the general public’s opinion”.	1) 02-Mar-2010 2) 22-Aug-2012	12 years' imprisonment + 5 million rial (~US\$500) fine	1) Isfahan (Isfahan) 2) Tabriz (East Azerbaijan)	Nikbakht detention center in Isfahan 3-Mar-2010 (Evin)	03-Apr-2010	07-Dec-2010 10-Aug-2011 verdict upheld
Shayan Vahdati	“Involvement in subversive political activities against the regime through providing assistance to the earthquake victims” later changed to distributing contaminated food"	22-Aug-2012	N/A	Tabriz (East Azerbaijan)	N/A	N/A	N/A
Leva Khanjani (Mobasher)	N/A	1) 3-Jan-2010 2) 25-Aug-2012	N/A	Tehran (Tehran)	Evin and Gohardasht	1) 1-Mar-2010 2) N/A	N/A
Kayvan Rahimian	Assembly and collusion with intent to commit acts of crime against national security, membership in the perverse sect of Baha'ism, and earning illegal income (last charge dismissed).	1) 06-Mar-2005 2) 14-Sep-2011 3) 30-Sep-2012	5 years' imprisonment + 97,877,000 rial fine (~US\$8,000)	Tehran (Tehran)	N/A	1) 16-Mar-2005 2) 21-Sep-2011 3) N/A	12-Jun-2012

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Payman Hejabian	Propaganda against the regime, activity against national security, and insulting the President.	25-Aug-2012	1 year's imprisonment under Ta'zir law	Karaj (Alborz)	Karaj	N/A	N/A
Zohreh Nikayin (Tebyanian) and infant child	Forming illegal administrative groups known as moral education classes with intent to attract Muslims and to promote the ideologies of the perverse sect of Baha'ism, and being present among Muslims. Membership in groups and illegal organizations, including the Ruhi institute, organizing gatherings, science and technology [sic], and Nineteen Day Feasts for the purpose of propaganda [against] the sacred regime of the Islamic Republic of Iran and in the interest of Bahá'ism, Propaganda against the	1) 12-Mar-2011 2) 22-Sep-2012	23 months' imprisonment reduced on appeal from 7 years'	Semnan (Semnan)	N/A	03-Apr-2011	08-Dec-2011 sentenced; Appeal

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
	sacred regime of the Islamic Republic of Iran in the interest of anti-regime groups through receiving messages and instructions issued by the House of Justice, and "implementation of such instructions"						
Taraneh Torabi (Ehsani) and infant child	N/A	1) 12-Mar-2011 2) 22-Sep-2012	5 years and 10 months' imprisonment was commuted to 2.5 years' imprisonment on appeal	Sangsar (Semnan)	N/A	1) 3-Apr-2011 2) N/A	N/A
Adib Shoaie	N/A	06-Oct-2012	N/A	Mashhad (Razavi Khorasan)	N/A	N/A	N/A
Farzin Shahriari	N/A	Late Oct-2012	N/A	Tehran (Tehran)	Evin	N/A	N/A
Ramin Shahriari	N/A	Late Oct-2012	N/A	Tehran (Tehran)	Evin	N/A	N/A
Afshin Seyyed-Ahmad	N/A	08-Nov-2012	N/A	Tehran (Tehran)	N/A	N/A	N/A
Erfan Ehsani	N/A	1) Shortly before 26-Jan-2012 2) 21-Apr-2012 3) 30-Oct-2012	1 year's imprisonment under Ta'zir law	Sangsar (Semnan)	Semnan	1) 1 day after arrest 2) 06-May-2012 3) N/A	N/A
Farhad Fahandej	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	Gorgan	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
Farahmand Sanaie	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Kamal Kashani	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Shahram Jazbani	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Navid Moallemi	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Behnam Hassani	N/A	17-Oct-2012	N/A	Gorgan (Golestan)	N/A	N/A	N/A
Sasan Badi'i	N/A	1) 20-Apr-2008 2) Oct/Nov-2012	not yet announced	Karaj (Alborz); Fardis, Karaj (Alborz)	N/A	NA	N/A
Siamak Sadri	N/A	18-Nov-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Payam Markazi	N/A	18-Nov-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Foad Fahandej	N/A	18-Nov-2012	N/A	Gorgan (Golestan)	Evin 22-Nov-2012	N/A	N/A
Kourosh Ziari	N/A	20-Nov-2012	N/A	Gonbad (Golestan)	Gorgan	N/A	N/A
Sina Aghdasi	N/A	05-Dec-2012	N/A	Tabriz (East Azerbaijan)	N/A	N/A	N/A
Behnam Momtazi	N/A	11-Dec-2012	N/A	Ghazvin (Ghazvin)	N/A	N/A	N/A
Adnan Rahmatpanah	N/A	12-Dec-2012	N/A	Shiraz (Fars)	N/A	N/A	N/A
Neda Majidi	N/A	17-Dec-2012	N/A	Sangsar	Semnan	N/A	N/A

ANNEX III - LIST OF CURRENTLY IMPRISONED BAHÁ'ÍS IN IRAN (AS OF 3 JANUARY 2013)

Name	Charges	Date of Arrest:	Sentence	Details			
				City of Arrest	Prison	Date of Release	Date Tried / Sentenced
				(Semnan)			
Nadia Khalili	N/A	15-Dec-2012	N/A	Mehrshahr, Karaj (Alborz)	N/A	20-Dec-2012 if released	N/A
Sahar Vadaie	N/A	15-Dec-2012	N/A	Mehrshahr, Karaj (Alborz)	N/A	20-Dec-2012 if released	N/A

ANNEX IV - LIST OF IMPRISONED CHRISTIANS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
Youcef Nadarkhani	Apostasy	13-Oct-2009	Death	Rasht	Lakan	Was released following a court hearing on 8 September 2012. The pastor was acquitted of apostasy, but found guilty of evangelising Muslims. He was sentenced to three years imprisonment for evangelising, but was released on minimum bail as he had already served the vast majority of this time. On Christmas day, (December 25th), 2012 Pastor Yousef was rearrested to serve the 45 remaining days of his sentence at Lakan Prison, Rasht.	N/A
Behnam Irani	December 2006 charged with "national security crimes". Found guilty on February 23, 2008. This verdict recommended prosecutor pursue apostasy death sentence. January 2011 - convicted of "action against the order" & "national security	December 2006; April 14, 2010	February 23, 2008, 5-year suspended sentence; January 2011, 1-year sentence. After serving almost the entire year, told must also serve 5 year from previous suspended sentence from 2008 verdict.	Karaj	Ghezal Hezar	Serving sentence	* In poor health and not receiving proper medical treatment.

ANNEX IV - LIST OF IMPRISONED CHRISTIANS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
	threat".						
Farshid Fathi Malayeri	“Actions against national security, being in contact with enemy foreign countries, religious propaganda” - - part of the evidence offered at trial was having Farsi language Bibles, unlawful distribution of Bibles, and possessing Christian literature	26-Dec-2010	Six years prison	Tehran	Evin	In prison serving sentence. On 5 February 2012, Pastor Fathi Malayeri, was tried before the Revolutionary Court in Evin Prison. On 22 February 2012, his six years sentence was upheld by the by the Iranian Revolutionary Court.	* Asked not to make public* Paid over \$400K for bail. Fathi was detained without an indictment for 16 months, and kept in solitary confinement most of those months. Fathi’s lawyer was deprived of full access to his client’s case: “When the lawyer went to court they wouldn’t give him the file ... Until ... a few days [before the trial] they gave him the file, but not even the full file.”
Mojtaba Houseini	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	He was previously arrested on 11 May 2008 along with eight other Christians on the charge of having a Christian faith. At that time he was asked to renounce his faith. 15 October 2012 they were tried, at branch 3 of the Revolutionary Court in Shiraz. The court session finished without issuing any specific verdict.

ANNEX IV - LIST OF IMPRISONED CHRISTIANS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
Homayoun Shokoohi	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	Fariba Nazemian's husband
Vahid Hakkani	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	N/A
Mohammad-Reza Paroei (Kourosh)	No formal charges brought	08-Feb-2012	N/A	Shiraz	Adel-Abad	Still detained awaiting trial	N/A
Saeed Abedini	N/A	26-Sep-2012	N/A	Tehran	Evin	Saeed could not have a lawyer until Dec 2012. He has not appeared before a court for formal sentencing.	He was supposed to travel back to his family in US from Iran on July 30, but his passport confiscated and was called for questioning several time before his arrest.
Mehdi Amerooni	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz
Mohammad (Vahid) Roghangir	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz
Soroush Saraei	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group

ANNEX IV - LIST OF IMPRISONED CHRISTIANS IN IRAN

Name	Charges	Date of Arrest	Sentence	Details			
				City of Arrest	Prison	Status	Notes
							located at Jomhuri Street in Shiraz
Eskandar Rezaee	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz
Shahin Lahooti	No formal charges brought	12-Oct-2012	N/A	Shiraz	N/A	Still being held in custody.	Was arrested when security authorities raided a gathering place of the group located at Jomhuri Street in Shiraz

**ANNEX IV – A BRIEF REPLY BY THE ISLAMIC REPUBLIC OF IRAN TO THE
DRAFT REPORT OF THE SPECIAL RAPPORTEUR TO THE 22ND SESSION OF THE
HUMAN RIGHTS COUNCIL**



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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

N° 331-2/9433

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's note dated 28 January 2013, has the honor to submit herewith "A Brief Reply by the Islamic Republic of Iran to the Draft Report of the Special Rapporteur to the 22nd Session of the Human Rights Council" in Persian and an unofficial English translation. The Islamic Republic of Iran highly expects that the Special Rapporteur, in finalization of his report, fully take into consideration the comments, observations and reservations elaborated in this Reply.

Furthermore, it would be highly appreciated if the Reply of the Islamic Republic of Iran will be officially circulated as an addendum to the report of the Special Rapporteur.

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

Geneva, 11 February 2013



Office of the United Nations High Commissioner for Human Rights
Palais des Nations
Avenue de la Paix 8-14
CH-1211 Geneva 10

In the name of the Almighty

**A Brief Reply by the Islamic Republic of Iran to the Draft Report of the
Special Rapporteur to the 22nd Session of the Human Rights Council**

The Islamic Republic of Iran expresses its regrets for limited time and opportunity provided to it to answer the draft report of the Special Rapporteur. The SR had ample time since 19th session of the HRC to prepare the draft while just a few working days (less than 10 days) were given to the concerned country to answer widespread baseless allegations incorporated in the draft report.

Based on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, the Mandate Holders are compelled to exercise their functions from a completely impartial, loyal and conscientious standpoint, and truthfully while giving authorities of the concerned government adequate opportunity to react and respond. Unfortunately, the present draft report is produced in violation of Article 5, Article 8d and Article 13c of the Code of Conduct and as such the Special Rapporteur's non-compliance with the Code of Conduct is obvious.

Notwithstanding these shortcomings, the I.R. Iran would like to present the following brief reply to the draft report of the SR to the 22nd session of the HRC:

1- The assessment of the SR on the continuation of widespread systemic and systematic violation of human rights in Iran seems totally flawed since:

1/1- The report which is partial and biased disregards realities on the ground, as well as principles of transparency, fairness and impartiality, and has violated paragraph g of the preamble of the Code of the Conduct (which makes it unfit for appraisal);

1/2- References to allegations of unspecified non-governmental organizations, human rights defenders and individuals as the core sources of

the report (against provision of Article 6a and Article 8g of resolution 5/2 on the Code of Conduct) can by no means authenticate its content. Basically, inclusion of disconnected and baseless subjects in a report (in contradiction with the provision of Article 3a of the document 5/2) has led the draft report to lose its credibility. No sound judgment could be made on unverifiable claims.

1/3- Against the allegations made in the introduction of the draft report on the violation of civil, political, economic, social and cultural rights of people in law and in practice, the Islamic Republic of Iran believes in serious cooperation with international bodies and has continuously reported to related committees on international conventions and found itself legally bound to implement its international obligations. In this regard, Iran defended its third periodic report on the Covenant on Civil and Political Rights last year and in May this year will appear before the Committee on Social, Cultural and Economic Rights to defend its report on the Covenant on Social, economic and Cultural Rights. Therefore, claims on the "culture of impunity" and "weakening impact of the human rights instruments" are totally baseless and rejected (claims which are made in disrespect to Articles 6a and 12a of the resolution 5/2).

It has to be further emphasized that using expressions such as "widespread systemic and systematic violation of human rights" and "fostering culture of impunity" by the Special Rapporteur are strictly against the Code of Conduct which requires adopting clear and unambiguous language. Besides, such terms are inconsistent with the content of the draft report itself. It seems that the UN human rights mechanism should seriously reconsider recruiting unprofessional Rapporteurs with partial and biased attitudes (the Special Rapporteur has violated Articles 3 and 5 of resolution 5/2)

Taking into account the above mentioned considerations, it seems that in preparation of the draft report motivations beyond and above the UN mechanisms were involved.

2- The phrase "cumulative and systematic" (used in paragraph 2 of the report) is not valid and baseless. It is proposed in a non-technical, unprofessional and biased context and disrespects the provisions of Article 3f and Article 5 of resolution 5/2.

Undoubtedly, terms such as "systematic, cumulative or widespread" each bear specific connotation. Therefore, it deserves to be asked that why the Rapporteur who according to his mandate should base his work on impartiality and honesty, and should look for facts based on objective and reliable information derived from valid sources, so recklessly and unprofessionally makes in his report unreliable assumptions based on false claims? As a matter of fact, the Special Rapporteur in gathering required information should act under the guidance and observance of such principles as transparency, impartiality and fairness as foreseen in paragraph 8a of resolution 5/2. However, the performance of Rapporteur and making baseless and unreliable claims has deeply undermined the process of confidence-building and cooperation with him.

- The Rapporteur argues that the scope of the human rights situation prevents him to address all dimensions in the report. The Rapporteur, in disrespect of Article 3e of resolution 5/2, piles up scattered, heterogeneous and undocumented materials to produce a dubious draft and by resorting to such claims tries to cover up serious defects in the draft report or to justify them.

- The Rapporteur, since his appointment has disrespected several provisions of resolution 5/2. However, in his latest report he has regretfully gone further and predicts the future. He claims about deterioration of the situation based on a possibility in future that is next presidential election in June 2013!

Without doubt, the possibility judgments are futile. Comparing 2009 presidential election with the next one is erroneous and such flawed comparison seriously undermines and questions credibility of draft report altogether.

3- The Rapporteur has made no serious attempt to cooperate with the I.R. of Iran, while his conducts that contradict duties of a mandate holder has caused serious doubts about having a constructive dialogue. The Rapporteur not only took no genuine step to verify claims of human rights violation, but he himself has involved in fabricating claims to mislead public opinion.

It should be noticed that just expressing willingness by the Rapporteur to visit the Islamic Republic of Iran would not be sufficient. He was responsible to uphold the principles and standards governing his mandate to prepare a fair draft based on defined methodology. The Islamic Republic of Iran while

sustains its serious willingness to cooperate with relevant international institutions and thematic reporters, maintains to consider appointment of the Special Rapporteur be influenced by biased and selective approaches of some countries who wish to misuse human rights apparatus to serve their narrow political interests. Given his unfair and non-methodological performance against defined terms and principles particularly the Mandate-Holders Code of Conduct, the government of IR Iran looks with serious doubt to the work of the Special Rapporteur. By conducting opinionated interviews with media and being prejudiced about the claims, the Rapporteur has turned himself to a political opponent acting against IR Iran in clear contradiction with paragraph 13a of resolution 5/2. Therefore, it is not expected that he can prepare a report while maintains the principles of impartiality and non-politicization.

4- To justify himself, the Special Rapporteur incorporates his ill performance with the work of Thematic Rapporteurs. It is worth mentioning that Iran's cooperation with relevant international bodies and Thematic Rapporteurs has been in place for several years inter alia through responding their communications. There is a serious intention to maintain such cooperation and to continue being responsive to future communications and correspondences.

5- The Special Rapporteur not only fails to provide credibility to the widespread claims he has made through conducting aforementioned interviews but on the contrary, such unconstructive and opinionated interviews with invalid and suspicious sources, further invalidate the draft report before public opinion. Indeed, he has disregarded clear guidelines of Article 9 of resolution 5/2.

6- The Special Rapporteur, without providing reasonable proves and solely based on media allegations, has (in paragraph 6 of his report) referred to the "reprisal cases" and offers an erroneous interpretation of the facts. Such approach contradicts with the provision of Article 12a of the resolution 5/2 where it stipulates that they "need to ensure that their personal political opinions are without prejudice to the execution of their mission, and base their conclusions and recommendations on objective assessments of human rights situations". He also fails to observe Article 12b of the same document to "show restraint, moderation and discretion so as not to undermine the recognition of the independent nature" of the mandate.

Bearing in mind the above mentioned facts, the Rapporteur due to his lack of knowledge about the IR Iran's judicial system and its hearing processes (which is also a disrespect to his solemn declaration based on Article 5 of 5/2) gives a flawed understanding and interpretation on the legal processes which is going through several steps from investigation, issuing indictment, fair and due hearings, establishing the case to issuing verdict and finalizing it. Undertaking due legal processes are not at all reprisal measures. Taking this literature distances the Rapporteur from implementing the Code of Conduct.

7- In a detailed reply which follows this text, all cases mentioned in the Report will be examined. However, it should be clarified that fulfilling relevant regulations and the law of State Prisons and Security and Corrective Measures Organization is indispensable and disrespecting them would bear legal liability. The Rapporteur in this case disrespects IR Iran's laws and regulations while simply repeats fallacious allegations.

8- IR Iran supported and continues to support constructive and true cooperation of NGOs and civil society with the United Nations' mechanisms to promote and protect human rights. Such cooperation has been developed in the past and still continues. However, prejudiced, biased and offensive conducts by anyone even the Special Rapporteur under the disguise of cooperation with UN mechanisms are strongly rejected. This approach clearly contradicts Article 9 a, c and d of resolution 5/2 on the Code of Conduct. IR Iran maintains that it accepts no claim of threat or reprisal, a phrase which is fabricated by the Special Rapporteur.

The conclusion made by the special Rapporteur, which is based on a non-professional and unconstructive draft and contains erroneous and invalid allegations, fails to observe even the basics of the resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the HRC, and therefore, is void and unacceptable, since:

1- Using phrases as "widespread violation of human rights" in a general and vague manner on the basis of unfounded claims does not manifest the constructive will of the Rapporteur. On the contrary, such an approach runs counter to the ethical and professional behaviors of the UN mandate holders which should be consistent with document 5/2. The replies which are provided by the Islamic Republic of Iran are in line with its continuing cooperation and engagement with the international institutions and should not be interpreted as

"a lack of meaningful cooperation". Moreover, phrases such as " intransigent position" and "constrained cooperation" are against provisions of Article 4 (3) of the said document and disrespect laws and regulations of the country, thus ignore provisions of Article 6 (a and b) of the document 5/2.

2- The Islamic Republic of Iran has shown its intention during consideration of its UPR to establish a national institution which is now among the recommendations of the draft report.

3- The claim on the increase in discrimination on the basis of religion and ethnicity as well as discrimination and persecution of minorities is refuted. Because according to the Iranian constitution and other domestic laws all people of Iran regardless of their religion or ethnicity enjoy equal citizenship rights. Race, religion, ethnicity, language and the like do not bestow any privilege or discrimination. Therefore, in the legal system of Iran issues as religion, ethnicity and race are not considered in the legal proceedings.

Insistence of the Special Rapporteur on the release of certain individuals has no legal basis and is a clear intervention in the national sovereignty of the country which is against Article 4 (3) of document 5/2. Since, as mentioned earlier, legal steps from investigation to trial and issuance of verdict or exoneration are based on prevailing legal procedures.

The Islamic Republic of Iran in its written and detailed third periodic report on the Covenant on Civil and Political Rights to the Committee on Civil and Political rights proclaimed its commitments to the Covenant including Article 18.

The Rapporteur's insistence on review of the domestic laws with claim of their contradictions to international commitments is un-substantive, non-legal and is in disregard of cultural diversity of human rights issues. Undoubtedly, the Islamic Republic of Iran based on experiences and the needs of its society, if there is and requirements, adopts or amends its laws and regulations through national legislation system. It is evident, if there is a need for codification or adoption of any law for promoting of human rights; the Government with due process of law take required action deemed necessary. It is worthy of noting that "the law on safeguarding citizen rights and respect for legitimate freedoms" adopted in 2004 was the result of adopting this approach.

4- The majority of capital punishments cases is connected to drug smugglers committing armed crimes and martyred border guards and law enforcement officials and injured numerous individuals. The verdict for the armed smugglers (members of organized smugglers band) are considered definitive after hearing by competent court and due process of law including legal proceeding and possibility of rehearing and appealing of the case. Likewise, the verdict of criminals committing terrorist acts and take the life of innocent people are among the capital punishment.

In spite of Special Rapporteur's inference and general understanding that he doesn't consider such offences among most serious crimes, however, it must be emphasized that these penal crimes are indispensable law and are among the most serious crimes. Thus Special rapporteur's induction is due to his lack of information of current realities including exigencies and necessities of security of citizens and deterrence of committing the crime as well as national law of the country.

I.R Iran seriously rejects and denies the prejudiced accusations about widespread use of torture as a means of extracting confession from offenders. The prevailing laws and regulations to be the Constitution or the general laws in particular the law on Civil Rights and Respect for Legitimate Freedoms are strictly prohibiting such acts and anyone who commits them would be accountable before law. Therefore, the issue of impunity taking into account the ongoing applicable laws is out of question.

5- Undoubtedly, sanctions negatively impact on the basic human rights of the citizens of affected countries. On this basis, no sanction is legitimate and justifiable for all of them contradict the international norms of human rights. It is very disappointing that the SR instead of denouncing imposers of the sanctions and calling them as violators of human rights of the Iranian citizens is criticizing the targeted country. What is even more deplorable is that throughout his lengthy report the SR mentions not even once the unilateral sanctions imposed against Iranians by the US and the EU, let alone condemning them. Such sanctions are in clear negation of the principles of international law as well as letter and spirit of the Charter of the UN. The position of the SR on these sanctions and their impacts on daily lives of the Iranians are not clear. While he has access to internet sites, virtual and news media, it is unlikely the he was unaware about the official news concerning imposition of unilateral sanctions against civilian population in Iran or about

impact of such sanctions on their human rights. Should not this calculated silence be interpreted as concurrence of the SR with violation of human rights of the whole population of Iran?

6- Ongoing laws and procedures guarantee free participation in elections in a democratic manner. Therefore, the concerns expressed by the SR have no base. Political and civil rights including the freedom of speech, demonstration and association in accordance with relevant regulations are permissible.

Taking into consideration the content of the present brief reply, negligence of the SR to the provisions of resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the HRC is crystal clear. Some instances of such carelessness have been presented in the present text.

It is highly expected that the SR carefully pays thorough attention to the sound and reasonable comments of IR Iran on his report. He is also expected to avoid employing such flawed and ill-intended terms as “regime”, “enmity of God”,... which have insulting connotations against values of an Islamic society. Such approach runs counter to constructive cooperation.