

**Open Letter to His Excellency Ban Ki-moon, Secretary-General of the United Nations,
and Members of the UN General Assembly**

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Since the UN General Assembly must adopt a decision on the Islamic Republic of Iran's bid for membership in the UN Human Rights Council, and because it is not possible to make a correct decision without knowing the facts about the government's performance, particularly in the past year, I would like to draw the attention of the distinguished Member States' representatives to the following points:

The Islamic Republic of Iran is signatory to the international covenants on Civil and Political Rights, Economic, Social and Cultural Rights, and the Rights of the Child. Sadly, however, it does not abide by its obligations, in law or in practice. Below is a summary of the breaches:

1. LEGAL OFFENCES

i) There are several cases of gender-based discrimination in the legislation introduced in the wake of the 1979 Revolution. For instance, the blood money for a woman is half that of a man. The testimony of two women is equivalent to the testimony of one man. A man is permitted to have four wives and divorce any of them without giving any reasons. And there are many other instances of discriminatory laws.

ii) There is also discrimination based on religion. According to the Constitution of the Islamic Republic of Iran, the official state religion is the Shi'a branch of Islam. Other Islamic sects, as well as Zoroastrianism, Christianity and Judaism, are also officially recognized religions. But the law does not give any rights to followers of other faiths, such as the Baha'i faith, who also live in Iran, as well as individuals who do not have any particular beliefs or do not subscribe to any particular moral or divine codes. Such groups and faiths are deprived of civil, political, social and cultural rights. In fact, since the Revolution, members of the Baha'i faith have even been barred from studying at universities.

Sadly, there are also blatant differences between the treatment of Muslims and the followers of the other officially recognized religions. For instance, based on the Penal Code, the

punishment for the same offence varies depending on whether the perpetrator is a Muslim or non-Muslim.

Based on the law, if an unmarried man and woman commit fornication, they receive a hundred lashes each. But if the woman is Muslim and the man non-Muslim, let's say a Christian, the man would be sentenced to execution while the woman's sentence remains a hundred lashes. Or if a Muslim intentionally murders a non-Muslim, let's say a Jew, and fails to obtain a pardon from the victim's parents, he will be sentenced to a maximum of 10 years in prison. However, if a non-Muslim murders a Muslim and fails to obtain a pardon from the victim's parents, he will be sentenced to death. And there are many other instances of discriminatory laws.

iii) Punishments such as stoning, amputation of limbs, crucifixion and flogging exist in the law and have, sadly, been enforced on many occasions.

iv) The age of criminal responsibility in Iran is very low; it is nine for girls and 15 for boys. As a result, there have been many instances when death sentences were issued and carried out against individuals for crimes they had committed when they were less than 18 years of age.

v) The law requires that all books obtain a publication permit from the government. In the recent years, many books have remained unpublished since the authors have not managed to obtain the required permit. There is also press censorship. For example, the Press Law does not allow criticisms of the constitution and closes down any publication that flouts that code.

vi) The right to participate in the administration of the national government through elected representatives is one of the fundamental principles of human rights. Based on Iranian laws, however, the people are not allowed to vote for parliamentary and presidential candidates until the candidates have been vetted and approved by the Guardian Council.

Widespread disqualification of candidates in any elections is very questionable. An instance of that was the June 2009 presidential elections in Iran, when more than 300 candidates registered but only four were approved, one of whom was the incumbent president.

Dear Member States! The aforementioned instances represent merely a fraction of the laws introduced in Iran after the Revolution. To mention every instance of human rights violations in the Iranian Law would take up an entire book, for which the honorable representatives have neither time nor patience.

2. OPERATIONAL PERFORMANCE

In addition to the above-mentioned laws, there have been numerous instances where government officials have also committed breaches of human rights by breaking laws formulated and endorsed by the government. And, sadly, such breaches have intensified in the past year.

Millions of Iranians took to the streets in the wake of the June 2009 presidential elections to protest against the poll results in a peaceful manner. The government responded with bullets and imprisoned numerous protestors. Many photographs and witnesses corroborate the government's violence, not to mention instances when sufficient facts and evidence were presented to the authorities and public that exposed the identity of the killers. Sadly, however, the Judiciary and other state officials have not taken any steps to apprehend the killers or even reduce the level of violence.

A large number of political, civil, and even cultural, activists have been arrested on unfounded charges. Some were sentenced to death after summary trials behind closed doors. Political prisoners are treated so badly that some have died in jail and under torture. These prisoners are even deprived of the rights afforded by law to ordinary and dangerous inmates.

Iran has turned into a big prison for journalists whose only crime is to disseminate information. In addition to closing down many newspapers, the authorities filter many news websites, jam Persian-language satellite broadcasts and arrest individuals by monitoring their emails and telephone calls.

Iranian students are imprisoned or barred from education for making the slightest political criticism.

Iranian women who seek equal rights are charged with conspiring to overthrow the Islamic Republic; criminal proceedings have been instituted against more than a hundred of these women.

Workers and teachers have been accused of causing riots and disorder because they were trade union members and had protested against their low wages. Some of them have been imprisoned, and many have lost their jobs.

Iran is home to various tribes and, based on the Islamic Republic of Iran's Constitution, they should enjoy the right to study and teach their language and culture. To date, however, they have been deprived of that right.

Not only are non-Muslims persecuted, but even followers of the Shi'a faith, which is the official state religion, have not been immune from government repression; an example of that is the persecution and detention of Gonabad Dervishes.

Meanwhile, human rights defenders are treated the worst because the authorities do not want any reports on human rights violations in Iran to leave the country. As a result, most of the known activists in Iran are either in prison or barred from travelling abroad; or else they have been forced underground and into hiding. More distressingly, indictments have been issued against some of them for Moharebeh (waging war against God), which is a charge punishable by death.

The Iranian government has not allowed any UN Human Rights Council special rapporteurs into the country since 2005.

Several resolutions have been adopted against Iran by various organs of the UN for reasons already mentioned. The most recent of these resolutions, as the Member States' representatives recall, was passed by the UN General Assembly in December 2009.

Let us not forget that the UN General Assembly Resolution 60/251 on the establishment of the Human Rights Council, which was passed in 2006, requires Member States to observe the following:

“Uphold the highest standards in the promotion and protection of human rights”

“Extend full cooperation to the Human Rights Council”

Now the questions that arise are: Does the Islamic Republic of Iran, which has been violating human rights for years, deserve to be on the Human Rights Council? Could a state that has hitherto disregarded and ignored UN resolutions make proper judgements on observance of human rights in other countries?

We hope that by rejecting the Islamic Republic of Iran's bid for membership in the Human Rights Council, you will draw the Iranian authorities' attention to their wrongdoings, and that you will also make that country's membership to the council conditional on the implementation of UN resolutions on human rights violations in Iran, in particular the resolution 64/176 of December 2009.

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