



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation
for Human Rights

Federación Internacional
de los Derechos Humanos

الفيدا الدولية لحقوق الانسان

ATTN. H.E. M. Ban Ki-moon
Secretary General
United Nations

Paris, July 2nd 2009

RE. Call for a Personal Envoy for the Islamic Republic of Iran

Excellency, dear M. Secretary General,

The International Federation for Human Rights (FIDH), the Iranian League for the Defence of Human Rights (LDDHI), and Nobel Peace Prize laureate Shirin Ebadi wish to convey to you our deepest preoccupation regarding the evolution of the situation of human rights in the Islamic Republic of Iran.

We would like, in this context, to reiterate our call upon you to name a Personal Envoy for Iran, a request that was put forward to you on the occasion of the phone conversation you had with Shirin Ebadi on June 23rd.

Such an envoy would investigate and gather information on the post-election violence in the Islamic Republic of Iran, in order to complete your report on the human rights situation in Iran, due at the 64th session of the General Assembly this fall.¹

The human rights situation has indeed been seriously deteriorating following the Presidential elections of June 12th. In the wake of the widespread international condemnation of the violence against peaceful protesters, the authorities have purposely circulated false information regarding the responsibilities for the serious violence against protesters, including allegations that the young girl killed by gunfire and whose picture circulated on the internet worldwide (Neda Agha-Soltan) was killed by CIA agents present among the protesters. Moreover, any attempt to denounce the serious human rights violations perpetrated in the aftermath of the election has been severely repressed.

The following is a brief description of the major violations witnessed during the repression, which FIDH and LDDHI have been able to confirm.

1. Violations of Article 25 of ICCPR

Several elements have emerged, which allow the consideration of strong suspicions of electoral fraud committed during the June 12th presidential election in Iran, in violation of art. 25 of the International Covenant on Civil and Political Rights (ICCPR) on the right to free and fair election, ratified by Iran.

- The cities of Shiraz and Tabriz allegedly ran out of ballot papers on the election day, while two

¹ Report incumbent upon you following UN General Assembly resolution A/C.3/63/L.40

weeks earlier, the Minister of Interior had announced that more than 57 million ballot papers had been printed, for a population of 48 million voters.

- In all polling stations, a representative of each candidate was supposed to be present. However, throughout the country, when the counting of the votes began, the representatives of reformist candidates were expelled from the polling stations. They were thus unable to attend the counting of the votes.
- On the evening of the election day, Ayatollah Khamenei proclaimed the victory of the outgoing president Ahmadinejad, even though the counting of the votes was still going on.
- In 50 cities, the number of votes counted exceeded the overall voting population of the city.
- Following allegations of violations, the Council of Guardians² declared it would look into a limited number of cases of alleged irregularities, but before it could end its investigation, Ayatollah Khamenei repeated in the prayers of June 19th that the elections had been fair and free.

2. *Clamp down on freedom of expression and information*

- On June 25th 2009, following the elections, 27 journalists were confirmed to have been arrested and taken into custody, according to Reporters without Borders. These include 20 journalists from *Kaleme Sabz*.
- Several foreign journalists have been expelled from Iran and prohibited from reporting the events. In particular, on June 21st, **Jon Leyne**, the BBC correspondent in Tehran, was summoned to leave the country, for alleged « support to the rioters », as part of a « plot » of the United Kingdom against Iran. On the same day, the correspondent of Newsweek, **Maziar Bahari**, was arrested at his home.
- Websites and phone lines have been blocked on several occasions, preventing the circulation of information on the elections and the post-elections situation in the country.

3. *Violation of the right to freedom of association and freedom of assembly*

- Peaceful demonstrations in protest of the alleged electoral fraud were banned repeatedly, while demonstrations in support of President Ahmadinejad were authorised.
- In the days following the Presidential election, Bassidji militias raided peaceful demonstrations, beating and arresting many demonstrators, and killing several of them. The government has acknowledged the death of 20 persons during these demonstrations.
- On June 26th, at the Friday prayers, Ayatollah Ahmad Khatami, called for the judicial authorities to seriously punish the « rioters » declaring them « *moharebs* » -meaning enemies of god- calling for their « *ruthless and savage* » punishment. Under Iran's Islamic law, punishment for people convicted as mohareb is the death penalty.
- Last but not least, it is worth recalling that the Defenders of Human Rights Center (DHRC), FIDH's member organization in Iran, has been closed down by the Iranian authorities since December 2008. It remains unable to operate freely. One of the activities of the DHRC consisted in monitoring the conformity of electoral laws and practices with international human rights standards and with Iranian Constitution and national legislation.

4. *Summary executions*

- Unarmed civilians protesting in the streets have been killed during the peaceful demonstrations. Following a large-scale demonstration in the streets of Tehran on June 20th, shots were fired at the crowd from the top of a governmental building where Bassidji militias were stationed. Reports further indicate that in the night of June 14th, three campuses were ransacked by the Bassijis Militia in Tehran, Tabriz and Ispahan, resulting in the death of ten students, and several dozens more injured.
- In addition, reliable sources within the medical institutions have reported that 20 dead bodies have been recorded in the mortuaries of two of Tehran's main hospitals, in connection with the protests, some with numerous bullet wounds in their body.

2 The Council of Guardians is made up of 12 members. Six are Islamic canonists, who are appointed by the Supreme Leader and the other six are jurists, elected by the majlis from among those nominated by the head of the judiciary, himself appointed by the Supreme Leader. Its composition consequently does not offer any guarantee of independence. However, this body is in charge of selecting the candidates ahead of the election, and of supervising the election, confirming the results and examining complaints in that regard.

5. **Enforced disappearances, arbitrary arrests and detention**

- On June 14th, reformist political groups in Iran have claimed that as many as 100 people were arrested during the night.
- On June 15th, Iranian officials claimed having arrested more than 200 persons in connection with the demonstrations.
- On June 27th, LDDHI reported that more than 2000 persons have been arrested during the peaceful protests of the two weeks.
- A very large number of human rights defenders, journalists, political opponents, and intellectuals have been arrested. Some were released after a few hours or days while the majority remains in detention.
- Two members of the Defenders of Human Rights Centre have been arrested by men in plain clothes, respectively on June 16th and June 15th, Abdolfattah Soltani, a lawyer at the bar of Tehran and a founding member of the Defenders of Human Rights Centre, and M. Abdolreza Tajik, an active member of the Centre. They remain in detention in an unknown location.
- On June 12th, M. Ahmad Zeyabadi, a political analyst and civil society activist was arrested. His whereabouts remain unknown.
- According to Reporters without borders, 34 journalists have been arrested since the presidential election.
- On June 21st, Iranian prosecutor Saeed Mortazavi was requested to investigate the actions of detained reformist leaders and party officials. Mortazavi is well known for his implication in past cases of torture, illegal detention, and coercion of false confessions. He was involved in the death in custody of Zahra Khazemi, the Iranian-Canadian journalist, and has notably been accused by the United Nations of being responsible for arbitrary detention and repression.³

6. **Violation of the right to defend human rights**

- The DHRC was closed down by the authorities in December 2008, and the offices are still sealed today.
- As previously mentioned, Abdolfattah Soltani, a founding member of DHRC and well-known human rights lawyer, was arrested in front of his home on June 16, 2009, by plain clothed persons, and we are without any news from him since then.
- Mr. Ahmad Zeyabadi, a political analyst and active civil society activist, was arrested on June 12, 2009, and his whereabouts remain unknown.
- In the night of June 20th, Ms. Jila Baniyaghoob, a well-known women's rights activist, was arrested at her home in Tehran by plain clothed officers of the Ministry of Intelligence. Her whereabouts remain unknown.
- On June 25th, The Iranian official media circulated an unsigned letter reportedly drafted by lawyers, university scholars and families of veterans and martyrs, calling upon Justice Minister Gholam-Hussein Elham to launch judicial proceedings against Ms. Shirin Ebadi for allegedly violating Islamic and constitutional law through her human rights advocacy. Such threats would be a direct consequence of the series of meetings and conversations that Ms Ebadi obtained from the FIDH with yourself as well as with the UN High Commissioner for Human Rights, the High Representative for the European Union Common Foreign and Security Policy, the European

3 In September 2003, the Un Working Group on Arbitrary Detention, following its visit to Iran, reported the following: "A further regrettable example: the recent appointment, questionable and questioned, of judge Said Mortazari, a judge at the Administrative Court for the Press, as Attorney-General of Tehran, with the task of reforming the prosecution service. The appointment was seen as a provocation by the press. In that connection the Commission on Human Rights will recall, on reading the most recent report by the Special Representative, Mr. Copithorne (E/CN.4/2002/42, paras. 11, 22 and 40), that this judge was responsible for the mass closure in 2000 of newspapers (12 were banned) and for the wave of arrests of journalists and editors, several of whom were visited by the Working Group in Evin. He is also responsible for the sentencing of academics and intellectuals who on 7 and 8 April 2000 participated in a conference in Berlin on the subject of "Iran after the elections", including Akbes Ganji and Ali Afshari, visited by the Group in Evin, and of attorneys Mohammad-Ali Dadkhah and Abdul Soltani, visited by the Group after their sentencing for events relating to the legitimate exercise of their functions as defence counsel », E/CN.4/2004/3/Add.2 and Corr.1.

Since the UNWG's report, Mortazavi is claimed to having participated on the murder of Canadian photographer Zarah Kazemi, and in the arrest, torture and subsequent arbitrary detention of 20 bloggers in 2004.

Commissioner on External Relations, as well as the President and members of the European Parliament, to report on the current human rights situation in Iran in the wake of repression.. Ms. Ebadi also publicly presented the 2009 annual report of the Observatory in Geneva on June 19, outlining the direness of the situation of human rights defenders in the country. The Iranian authorities themselves have allegedly orchestrated these threats.

Five independent UN experts have voiced their grave concern regarding the use of excessive police force, arbitrary arrests and killings during the past weeks in the Islamic Republic of Iran. They called upon the authorities to fully guarantee the rights to freedom of expression and assembly throughout the country. The UN High Commissioner for Human Rights also expressed her concern following reports of arbitrary arrests and illegal use of excessive force by semi-official forces and recalled to the Iranian government its obligations under international human rights law. You have also expressed dismay at the post-election violence, particularly the disproportionate use of violence against civilians and urged an immediate stop to the arrests, threats and use of force.

Yet, these calls remain today unsuccessful in preventing the repression and enabling an independent investigation into the violations.

Mainly responsible for the repression, the Iranian authorities, including the judicial body, will not provide a credible nor an effective investigation into the violations we have witnessed. Indeed, as documented here above, the judiciary, notably the Prosecutor of Tehran, has been a tool of the repression, not of the protection of victims against violations.

NGOs and civil society, independent media from Iran or from abroad are also actively repressed in order to prevent their investigation and reporting activities.

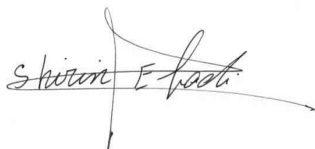
Thus only a supranational mechanism will provide victims with adequate investigation into the violations that occurred. Such a mechanism exists today, and has been established through UN GA resolution A/C.3/63/L.40.

Yet, in view of the intense clampdown from the Iranian authorities on access to information about the violations, it is very likely that you will be confronted with the sheer difficulty of accessing reliable sources and obtaining verified information yourself on the events which occurred during and after the elections of June 12th.

We believe it would thus be particularly relevant and pertinent for you to nominate a personal envoy to investigate, under your direct responsibility, the situation in Iran. Such an envoy would benefit from your authority in the relations with the Iranian authorities, an authority which is denied to human rights groups from Iran or from abroad in the context of this active repression.

Thanking you for your attention and follow-up to this matter, we remain,

Sincerely yours,



Shirin Ebadi
Nobel Peace Prize Laureate



Souhayr Belhassen
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