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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Reynaldo Galindo Pohl (El Salvador), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 7 of Commission on Human Rights resolution 1986/41 of 12 March 1986 and Economic and Social Council decision 1986/136 of 23 May 1986.

ANNEX

Report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution 1986/41 and Economic and Social Council decision 1986/136

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 2	3
II. MANDATE OF THE SPECIAL REPRESENTATIVE	3 - 14	3
A. Examination of the mandate	3 - 5	3
B. Contacts with the Government	6	3
C. Visit to Islamic Republic of Iran	7 - 12	4
D. Terms of reference of the study	13 - 14	5
III. ACTION TAKEN BY THE SPECIAL REPRESENTATIVE	15 - 21	5
A. Contacts with the Iranian Government	16 - 20	6
B. Consideration of information obtained	21	8
IV. OBSERVATIONS	22 - 27	9

I. INTRODUCTION

1. The Commission on Human Rights, at its forty-second session, decided to extend the mandate of its Special Representative on the situation of human rights and fundamental freedoms in the Islamic Republic of Iran for one more year and entrusted its Chairman to fill the vacancy left by the resignation of former Special Representative, Mr. Andrés Aquilar (resolution 1986/41, paras. 5 and 6). On 9 July 1986, the Chairman of the Commission, Mr. Héctor Charry Samper, designated Mr. Reynaldo Galindo Pohl as Special Representative of the Commission.

2. In compliance with the decision of the Commission, the newly appointed Special Representative submits to the General Assembly this interim report.

II. MANDATE OF THE SPECIAL REPRESENTATIVE

A. Examination of the mandate

3. In paragraph 4 of its resolution 1984/54 of 14 March 1984, the Commission on Human Rights at its fortieth session set out the mandate of its Special Representative in the following terms: "to establish contacts with the Government of the Islamic Republic of Iran and to make a thorough study of the human rights situation in that country based on such information as he may deem relevant, including comments and material provided by the Government, containing conclusions and appropriate suggestions, to be presented to the Commission at its forty-first session".

4. At its forty-first session after receiving the preliminary report of the Special Representative (E/CN.4/1985/20), the Commission decided to extend the mandate of its Special Representative, "as contained in resolution 1984/54", for one year (resolution 1985/39), and at its forty-second session it decided to extend again the same mandate for another year (resolution 1986/41, para. 5). Consequently, the original mandate as quoted above has been preserved up to now for three consecutive sessions (the fortieth, forty-first and forty-second sessions), and constitutes the framework of the activities the Special Representative is expected to undertake.

5. Analysing the terms of the mandate, two main parts may be identified: (a) the contacts the Special Representative should try to establish with the Government of the Islamic Republic of Iran, and (b) the preparation of a thorough study on the human rights situation in the Islamic Republic of Iran.

B. Contacts with the Government

6. According to its successive resolutions on the human rights situation in the Islamic Republic of Iran, the Commission has maintained a consistent view on the importance of contacts with the Government of that country, either through the Secretary-General of the United Nations or its Special Representative. Since the

inclusion of this question in its agenda in 1982, the Commission has paid particular attention to the contacts with the Iranian Government. The same approach has been taken by the Third Committee of the General Assembly and by the Assembly itself.

C. Visit to Islamic Republic of Iran

7. Both the Commission on Human Rights and the General Assembly have stated that a visit of the Special Representative to the Islamic Republic of Iran was a paramount element of the contacts mentioned above. The visit to the country was specifically mentioned by the General Assembly in paragraph 6 of its resolution 40/141, as part of the full co-operation that the Iranian Government was urged to extend to the Special Representative of the Commission. The Commission adopted the same language to urge the Iranian Government to permit the visit of the Special Representative (resolution 1986/41, para. 8).

8. In his report to the Commission on Human Rights on his contacts with the Iranian Government (E/CN.4/1985/52), the Secretary-General had stated that direct contacts with the Government and, in particular a visit by a special envoy or a mission, would be most convenient and fruitful to carry out his mandate under resolution 1982/27. The Secretary-General informed the Commission of his contacts with the Iranian Government with a view to the acceptance of a special envoy, the progress made in that respect, namely, the assurances given by the Iranian Mission to the United Nations regarding the acceptance of such an envoy (E/CN.4/1983/52, paras. 4, 5, 6 and 7), and the unfortunate failure of the arrangements (E/CN.4/1984/32). The Permanent Representative of the Islamic Republic of Iran to the United Nations in New York, in his statement to the Third Committee of the General Assembly at its fortieth session, referred to this issue and stated the following: "We extended in early 1983 our invitation to the Secretary-General of the United Nations to send his personal representative to the Islamic Republic of Iran in order to witness for himself the realities of the human rights situation there. It was with deep regret that we learned that certain quarters in the Commission had decided to prevent such depoliticization of the issue, passing a resolution in the Commission that prejudged the outcome of such fact-finding endeavour" (see A/C.3/40/SR.67, para. 42).

9. The former Special Representative, Mr. Andrés Aguilar, aware of the importance of the co-operation of the Government, including a visit to the country, requested, in the first letter he addressed to the Iranian Minister for Foreign Affairs on 22 October 1984, the acquiescence of the Iranian Government for him to visit Iran some time prior to the forty-first session of the Commission (E/CN.4/1985/20, para. 3). He reiterated this request in another letter he addressed to the Minister on 2 July 1985 (A/40/874, para. 5).

10. The Permanent Representative of the Islamic Republic of Iran to the United Nations referred to this request in the statement he delivered to the Third Committee of the General Assembly at its 65th meeting, on 7 December 1984, in the following terms: "As for the visit of the representative of the Commission on Human Rights to my country I should remind the Committee that I have personally

invited the personal representative of the Secretary-General to my country in order for him to observe the situation regarding certain unjustified allegations. The Commission, without any verification whatsoever decided to pass judgement on the basis of claims produced by the terrorists who have killed many of our religious leaders. We think that when the improper verdict is cancelled we are dealing with human rights. Then we consider whom to accept and how to accept" (p. 7).

11. In its resolution 40/141, the General Assembly expressed regret that the Iranian Government had not still extended its full co-operation to the Commission on Human Rights and its Special Representative, in particular by not allowing the Special Representative to visit the country. The Commission on Human Rights used the same language to express regret at the fact that the Iranian Government had not permitted its Special Representative to visit the country (resolution 1986/41).

12. In its most recent resolution, the Commission again urged the Iranian Government "to extend its full co-operation to the Special Representative of the Commission, and in particular permit him to visit that country" (resolution 1986/41, para. 8).

D. Terms of reference of the study

13. The mandate contains some directives on the elaboration of the study regarding the human rights situation in the Islamic Republic of Iran:

- (a) The Special Representative should work with the information he deems relevant to the situation;
- (b) The study should be thorough, that is, carried to completion;
- (c) Comments and materials provided by the Government should be taken into consideration;
- (d) Conclusions and appropriate suggestions should be the closing and culminating part of the study.

14. A basic element in the preparation of an accurate and objective study is the collection and classification of information, and the verification of the facts alleged therein, with verification being the crucial part of this exercise. To that effect the Commission included as one of the requirements of the study the consideration of the comments and material provided by the Government. There is no doubt that the co-operation of the Iranian Government in providing material and comments will be most useful and appreciated.

III. ACTION TAKEN BY THE SPECIAL REPRESENTATIVE

15. Since his designation on 20 July 1986, the Special Representative has had a number of contacts which it is in fact too early to assess. He concentrated his efforts, in the first instance, on the co-operative aspect that seemed to him an essential element for the proper implementation of his tasks.

A. Contacts with the Iranian Government

16. Accordingly, on 24 July 1986 immediately following his designation, the Special Representative addressed a letter to the Minister for Foreign Affairs of the Islamic Republic of Iran informing him of his designation and emphasizing his belief in the importance of establishing direct contacts with the Iranian Government. The letter was transmitted through the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva. It read as follows:

"I have the honour to refer to General Assembly resolution 40/141 and to Commission on Human Rights resolution 1986/41 concerning the human rights situation in the Islamic Republic of Iran, the texts of which are attached, and to inform Your Excellency that I have been appointed by the Chairman of the Commission on Human Rights as Special Representative of the Commission, under the terms of the latter resolution. Your Excellency may also note that the Commission on Human Rights decided to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54, for a year, and requested the newly appointed Special Representative to present an interim report to the General Assembly at its forty-first session and a final report to the Commission at its forty-third session.

"The former Special Representative of the Commission, Mr. Andrés Aguilar, had, on various occasions, expressed his intention to carry out his mandate in the most impartial objective manner. I would like to assure Your Excellency that I intend to continue carrying out the mandate and the responsibilities with which the Commission has entrusted me in the same spirit of total objectivity and impartiality.

"I should like to take this opportunity to emphasize my belief that, in order to fully discharge my responsibilities, the establishment of direct contacts with Your Excellency's Government is of utmost importance. I remain at the disposal of Your Excellency's Government for any contacts it may wish to establish with me, through the Centre for Human Rights, Palais des Nations, Geneva."

17. It has become an extended practice in recent years for Governments to permit the visit of special representatives or special rapporteurs of the Commission on Human Rights to examine on the spot the situation entrusted to their study. The visit provides a valuable opportunity to dispel or confirm allegations of violations of human rights, to obtain direct and authoritative information on the purposes and procedures of government officials to ensure the enjoyment of human rights and fundamental freedoms and the compliance with international obligations, and to have a first-hand insight of the political and social atmosphere surrounding the implementation of international obligations concerning human rights. Usually both Governments and Commission benefit from such a visit.

18. On 8 August 1986 the Special Representative addressed a further letter to the Minister for Foreign Affairs of the Islamic Republic of Iran reiterating his belief in the importance of establishing direct contacts with the Iranian Government and

stressing his conviction that a visit to the country, in conformity with a widespread practice in the Commission on Human Rights, would be most useful, in order to discharge fully the mandate with which the Commission had entrusted him. The letter was transmitted through the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva. It read as follows:

"Further to the letter I addressed to Your Excellency on 24 July 1986, I would like to draw Your Excellency's attention to General Assembly resolution 40/141 and to Commission on Human Rights resolution 1986/41 which, in their operative paragraphs 6 and 8, respectively,

'urges the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission, and in particular to permit the Special Representative to visit that country'.

"I should like to reiterate my belief, as was already emphasized in the letter I addressed to Your Excellency on 24 July, that the establishment of direct contacts with Your Excellency's Government was of the utmost importance. In this connection I wish to stress my conviction that, in order to fully discharge the mandate with which the Commission has entrusted me, a visit to the Islamic Republic of Iran - in conformity with a widespread practice in the Commission on Human Rights - would be most useful. I remain at the disposal of Your Excellency's Government for further discussion of the modalities of such a visit, which could be held at the earliest date convenient to Your Excellency's Government, bearing in mind that, under the provisions of Commission on Human Rights resolution 1986/41, I am requested to present an interim report to the General Assembly at its forty-first session, which will be held in September-December 1986. I may be contacted through the Centre for Human Rights, Palais des Nations, Geneva."

19. As his two above-mentioned letters remained without reply from the Government of the Islamic Republic of Iran, the Special Representative, on 5 September 1986, addressed a letter to the Ambassador and Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva informing him of his forthcoming visit to Geneva and expressing the hope that a meeting may be arranged to discuss matters of mutual interests. The letter read as follows:

"I wish to recall my letter to you of 8 August 1986 transmitting a copy of my letter to His Excellency the Minister for Foreign Affairs. I would have preferred to hand this to you personally, but unfortunately, for reasons beyond our control, it was not possible for us to meet during my visit to Geneva from 21 to 29 July 1986.

"I am now planning to be in Geneva again from 22 to 29 September 1986 and I am given to understand that you may also be in Geneva at that time. I therefore sincerely hope to have the pleasure of meeting with you when we could discuss matters of mutual interest.

"I remain, dear Mr. Ambassador, at your disposal and may be contacted through the Centre for Human Rights, Palais des Nations, Geneva."

20. That letter has also remained without reply.

B. Consideration of information obtained

21. On 27 October 1986 the Special Representative addressed a letter to the Ambassador and Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, seeking replies to the request of his predecessor for information and clarification and communicating additional allegations regarding occurrences which were said to have taken place in the recent past. The Special Representative requested any information or comments the Iranian Government wished to provide with respect to those allegations. The letter read as follows:

"Further to the letter I addressed to Your Excellency on 8 August 1986, I would like to draw Your Excellency's attention to the letters addressed to Your Excellency on 15 July 1985 and 29 October 1985 by the former Special Representative of the Commission on Human Rights, Mr. Andrés Aguilar. By these letters, Mr. Aguilar had transmitted to Your Excellency two lists containing a number of cases of persons who were allegedly summarily or arbitrarily executed or who allegedly died as a result of ill-treatment during their detention, and information containing allegations of violations of human rights in the Islamic Republic of Iran, relative to the period March-October 1985, and had requested any information or comments that Your Excellency's Government may have wished to provide thereon.

"I wish to transmit once more the above-mentioned lists and information (annex I) to Your Excellency, for any information or comments that Your Excellency's Government may wish to provide thereon. I would hope that any such information or comments may reach me in time to enable me to take it into account in the preparation of my interim report to the General Assembly, or, should this prove impossible, in my final report to the Commission on Human Rights.

"Commission resolution 1986/41 on the human rights situation in the Islamic Republic of Iran makes specific reference in paragraph 2 to alleged violations of human rights, namely:

'... those related to the right to life, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to a fair trial, the right to freedom of thought, conscience and religion and to freedom of expression and the right of religious minorities to profess and practise their own religion.'

"and, in paragraph 7, requires me to include in my report the situation of minority groups such as the Bahai's.

"In the light of the foregoing you will find, attached hereto, a list containing alleged violations of the right to life and certain other rights, such as those affecting the medical profession, which allegedly occurred during the period October 1985-September 1986 (annexes II and III). You will also find, attached hereto, a summary of information collected, in the course of informal hearings I conducted from 23 to 25 September 1986, from a number

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of persons who approached me and who alleged to have first-hand experience and knowledge of certain aspects of the human rights situation in the Islamic Republic of Iran (annex IV). I would appreciate receiving any information or comments that Your Excellency's Government would wish to provide.

"I remain at the disposal of Your Excellency's Government and may be contacted through the Centre for Human Rights, Palais des Nations, Geneva."

IV. OBSERVATIONS

22. The situation of human rights and fundamental freedoms in the Islamic Republic of Iran has been on the agenda of the Commission on Human Rights since 1982 (resolution 1982/27), that is for four and a half years. As a result of the development of the situation and with a view to keep it under closer observation, the Commission created the post of Special Representative in 1984.

23. Since 1985 the Commission decided to consider this question as a matter of priority (resolution 1985/39, para. 8, and 1986/41, para. 10). The priority given to this question as set out in the Commission's resolutions, and the short time available to the newly appointed Special Representative since he began to study this complex and sensitive situation, have put the implementation of the mandate under a sense of urgency.

24. Certainly this question has been under consideration by the Commission on Human Rights for a relatively long time, and therefore it may be expected that the newly appointed Special Representative should submit as soon as possible the thorough study he had been asked to prepare. The case is old but the Special Representative has begun to work barely four months ago and, the examination of the entire set of issues, both factual and legal, as well as the examination of information obtained evidently require more time than that which was available to him.

25. This interim report is, therefore, a progress report confined to certain parts of the mandate. The Special Representative recognizes the urgency to implement his mandate in its entirety and to present a final report to the Commission on Human Rights, but at this stage he feels that the information received needs further study. He also hopes that the Government will decide to co-operate with him and thus contribute its share to the satisfactory evolution of the situation under consideration.

26. In the light of the foregoing, and taking into account the restricted time-frame covered by the present interim report, the following general observations may nevertheless be made:

(a) Since the establishment of direct contacts between the Iranian Government and the Special Representative of the Commission is an important factor for an accurate examination of the situation of human rights in the Islamic Republic of Iran, it should be pertinent to reiterate the appeal to the Iranian Government to extend its full co-operation to the Special Representative, including the acceptance of a visit to the country;

(b) Owing to the importance of having the views of the Government in respect to each of the alleged concrete violations presented to the United Nations, it seems pertinent to urge the Iranian Government to reply to the requests for specific information regarding the lists submitted to it by the former and the newly appointed Special Representative of the Commission on Human Rights.

27. Finally, the Special Representative expresses the hope that, by the time he presents his final report to the Commission on Human Rights in accordance with Commission resolution 1986/41 the Government of the Islamic Republic of Iran will have communicated to him its considered view on the issue of co-operation. As stated previously, the Special Representative considers it most important to receive that co-operation, which would enable him to report to the Commission as fully as possible taking into account the views of all concerned.
