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COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



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SUMMARY RECORD OF THE 364th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 July 1982, at 10.30 a.m.

Chairman:

Mr. MAVROMMATIS

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Covenant

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The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4)

Iran (CCPR/C/1/Add.58)

1. At the invitation of the Chairman Mr. Khosroshahi (Iran) took a place at the Committee table.
2. Mr. KHOSROSHAHI said that the dynamic doctrine of Islam was the ideological foundation of the Islamic Revolution in Iran, in which complete submission to God Almighty was the fundamental basis for the preservation of humanity and human freedom from all forms of human exploitation and domination. Islam and the Koran recognized that people were distinguished by their colour, race and language, but those superficial differences were never allowed to be used as a basis for inequality in the enjoyment of human rights. The superficial differences were in fact, according to the Holy Koran, divine signs and symbols, to enable men to know each other and increase their knowledge. In Islam, there was only one criterion for human superiority namely, "Taghwa" which might be translated as "virtues or moral and spiritual values". A man was judged for his virtues and knowledge; he acquired praise or blame only on the basis of his acts. According to Islam and the words of the Prophet, non-Moslems living in Moslem societies were to be treated as fellow human beings and their lives and interests protected. It followed in all logic that even if there was no religious bond between peoples, their common human dignity dictated that they should be allowed to enjoy their legitimate rights.
3. Before referring to individual articles of the Covenant, he wished to draw the Committee's attention to three general points. First, in spite of the formidable obstacles and difficulties, both internal and external, placed in the way of laying the foundations of the Islamic Republic of Iran, the Government had at no time suspended the freedoms and liberties, enshrined in the Covenant and in the Iranian Constitution. No state of emergency had been imposed, nor had martial law been declared. The second point to note was that the regulations and laws in force in Iran at the present time fell into two distinct categories: (a) post-revolutionary regulations and laws, approved by the Islamic Consultative Assembly of Iran; and (b) regulations extant in the pre-revolutionary era, which were still in force and had been accepted as in accordance with Islamic practice. The Islamic Consultative Assembly was at present examining laws and regulations in relation to criminal acts, the Code of Criminal Procedure, the Military Penal Code and other instruments. The third point to emphasize was the absolute independence of the judiciary. To safeguard that important principle of the Iranian Constitution, steps had been taken to incorporate military and revolutionary courts within the framework of the Ministry of Justice.
4. During the rest of his statement he would provide further information on the ways in which Parts I, II and III of the Covenant were implemented in Iran. A more comprehensive report would be furnished, as soon as the present session of the Islamic Consultative Assembly had completed its task of approving the laws and

regulations he had referred to. He felt bound to emphasize that although many articles of the Covenant were in conformity with the teachings of Islam, there could be no doubt that the tenets of Islam would prevail whenever the two sets of laws were in conflict.

Article 6

5. The right set forth in article 6 was guaranteed by articles 4 and 22 of the Constitution of the Islamic Republic of Iran, which provided:

Article 4: "All civil, penal, financial, economic, administrative, military and political laws, etc., shall be based on Islamic tenets. This article shall generally govern all the articles of the Constitution and also other laws and regulations at the discretion of the religious jurists, members of the Council of Custodians of Islamic precepts and the Constitution".

Article 22: "The prestige, lives, property, rights, dwelling places and occupations of people shall be immune against unauthorized entry, unless otherwise provided by the law".

6. The death penalty was imposed in Iran for very serious offences such as murder or armed operations against the Islamic Republic of Iran. Sentence of death was only carried out after a final judgement, rendered by a competent court and article 110 of the Constitution concerning the duties and authority of leadership provided for the pardoning of convicts or mitigation of punishment within Islamic criteria on a proposal by the Court of Cassation.

Article 7

7. The basic provisions on the protection of persons from torture or cruel, inhuman or degrading treatments or punishment were to be found in articles 38 and 39 of the Constitution; which provided:

Article 38: "Any torture whatsoever to induce persons to confess or to obtain information shall be forbidden. To oblige a person to witness, confess or swear an oath shall not be allowed, nor shall such witness, confession or oath be valid. The party violating this article shall be punished according to the law".

Article 39: "Aspersions on the honour and reputation of a person arrested, imprisoned or exiled according to the law shall not be allowed under any circumstances and shall render the offender liable to punishment".

Article 8

8. Iranian legislation contained no reference to slavery, since slavery was never practised in Iran. However, article 43 paragraph 4, of the Constitution made provision for safeguarding the freedom of choosing occupations, preventing persons from being forced to accept particular jobs and preventing their exploitation.

Article 9

9. The right in article 9 was guaranteed by articles 22 and 32 of the Constitution, which provided:

Article 22: "The prestige, lives, property, rights, dwelling places and occupation of people shall be immune against unauthorized entry, unless otherwise provided by the law".

Article 32: "No person shall be arrested, unless otherwise ordered by the law. If a person is arrested, he shall be notified in writing of the accusation against him and within 24 hours he shall be brought before a competent court, which shall enquire into the case at its earliest convenience. Any person violating the provisions of this article shall be punished according to the law".

10. A further safeguard was contained in articles 87 to 90 of the Criminal Code and in article 171 of the Constitution.

Article 10

11. The right in article 10 of the Covenant was guaranteed by article 39 of the Constitution, cited earlier. Further protection was afforded by clauses 39 to 45 of the Prison Regulations, in conjunction with clause 29, which required the separation of those detained prior to trial from convicted persons, and also by the regulations governing the implementation of article 29 of the Act establishing juvenile courts.

Article 11

12. Neither detention nor imprisonment were to be ordered for defaulting on purely civil obligations. An act promulgated in 1973 prohibited detention or imprisonment for inability to fulfil contractual obligations.

Article 12

13. Article 33 of the Constitution provided that no person should be exiled from his place of domicile or be forbidden to reside where he desired or forced to reside in a certain place, unless otherwise provided by the law.

Article 13

14. Under article 16 of the Executive Instructions governing the entry into the country of foreign nationals, appeals from decisions by the immigration authorities in regard to the issue, extension or renewal of residence permits might be submitted, within 15 days of notification, to the Ministry of the Interior. The relevant commission of the Ministry would then adjudicate on the request and communicate its decision to the immigration authorities.

Article 14

15. In Iran all persons were equal before the courts and tribunals, in accordance with article 34 of the Constitution:

Article 34: "It shall be the indisputable right of every person to seek to obtain justice and, to this end, all persons shall be entitled to plead before the competent courts. Such courts shall be open to all the people and no person shall be forbidden recourse to legal remedies to which he is entitled in accordance with the law".

16. Article 140 of the Constitution was also applicable:

Article 140: "Charges brought against the President, Prime Minister and ministers, as far as ordinary offences are concerned, shall be investigated at ordinary courts of justice with prior notification of the Majlis".

17. Article 165 of the Constitution provided:

Article 165: "Trials shall be held in sessions with the public admitted, except where the court decides that open sessions would be contrary to public decency or order, or when in private litigation the parties thereto request that trial sessions shall not be held in open court".

18. Article 37 of the Constitution provided:

Article 37: "Acquittal shall be the main and valid aim and no person shall be deemed guilty by law, unless his guilt has been established by a competent court".

19. Article 35 of the Constitution provided:

Article 35: "In all courts, the parties to a case shall be entitled to appoint an attorney and, if they cannot afford a retainer, they shall be provided with the means to appoint and retain an attorney".

20. In addition, articles 6, 7 and 8 and Notes 8, 9 and 11 of the Revolutionary Tribunals Procedure, paragraph D, made explicit reference to the subject. Decisions by revolutionary tribunals were covered by article 14 of the Act setting up special courts to deal with counter-revolutionary offences, which was worded as follows:

Article 14: "Court decisions under the aforementioned Act are final except in the case of death and life imprisonment, where the condemned person may submit an appeal within 5 days. Such appeals are to be processed as a priority task and out of the normal schedule. Should previous court decisions be overruled, the case shall be referred to another court".

21. Article 171 of the Constitution provided as follows:

Article 171: "If the judge fails to consider rightly the merits of the case or makes an error in his judgement or in reconciliation of the verdict with a particular case and thus causes someone to sustain material and non-material losses, he shall be responsible for his failure in accordance with Islamic practice; otherwise the Government shall pay for the losses incurred and in any case the accused shall be rehabilitated".

Article 15

22. In accordance with the Civil Code of the Islamic Republic of Iran, no person could be condemned for actions which are not recognized as offences. Sentences, for which provision is made in the law, might not be imposed retrospectively.

Article 16

23. Article 20 of the Constitution provided:

Article 20: "All persons, both men and women, shall be equal under the protection of the law and shall enjoy all human, political, economic, social and cultural rights, with due observance of Islamic precepts".

Article 17

24. Article 25 of the Constitution provided:

Article 25: "Inspection of or failure to deliver letters, tapping telephones and disclosing telephone conversations, divulging telegrams and telexes, censoring or failure to send or deliver such messages, overhearing or enquiry into other people's business shall be prohibited, unless otherwise provided by the law".

Article 18

25. Article 18 of the Covenant being concerned with the freedom of conscience, thought and religion was in some ways similar to articles 12, 13, 14, 23 and 26 of the Constitution, dealing with the State religion of Iran, with recognized religious minorities in Iran, with relations between Moslems and non-Moslems, with freedom of opinion and with the freedom of Islamic or recognized religious minorities to form parties, associations, political groups and trade unions, in which any person was to be permitted to participate.

Article 19

26. Freedom of expression was covered in article 24 of the Constitution:

Article 24: "The press and publications shall be free to write what they will, unless the matter is detrimental to the principles of Islam or the rights of the people. The courts shall decide on the application of this article".

Article 20

27. In accordance with the Act regarding punishment of racial agitators, the publication of material aimed at the promotion of racial prejudice and hatred and also the instigation of racial segregation, exercised against any race, colour or ethnic group, were prohibited. Such offences were punishable by imprisonment for six months or a fine of up to 50,000 rials.

Articles 21 and 22

28. The right of assembly was recognized in articles 26 and 27 of the Constitution:

Article 26: "Parties, associations, political groups and trade unions and Islamic or recognized religious minorities' societies shall be free, provided that they do not violate the principles of independence, liberty, national unity and Islamic standards and the foundations of the Islamic Republic. No person shall be forbidden or forced to participate in any of these".

Article 27: "Rallies and marches should be free, provided that they are unarmed and do not damage the foundations of Islam".

Article 23

29. Since the family was the fundamental unit in Islamic society, all laws and regulations were aimed at facilitating the formation of the family on the basis of Islamic morals and values. In accordance with clause 1670 of the Iranian Civil Code, a marriage contract could only be concluded with the consent of the parties concerned. Clauses 1168 and 1179 of the Iranian Civil Code, regarding the wellbeing and education of children, were broadly equivalent to the rights stipulated in article 23, paragraph 4 of the Covenant.

Article 24

30. Article 21 of the Constitution provided:

Article 21: "The Government shall proceed to protect mothers, especially during pregnancy and nursing and provide the necessary care for orphaned children ... and entrust worthy mothers with the guardianship of children, with a view to ensuring the latter a happy future, where there is no legal guardian".

Article 25

31. Article 25 covered some of the same ground as article 58 of the Constitution:

Article 58: "The legislative power shall be exercised through the Majlis which shall be a consultative assembly of representatives elected by the people".

In addition article 20 of the Constitution provided:

Article 28: "Every person has the right to choose, as he desires, an occupation that is not contrary to Islam, to the public interest and to the rights of others. The Government shall provide all the people with means of employment under equal conditions and with due consideration to the requirement of society for different professions".

Article 26

32. All Iranians of any ethnic, racial or tribal origin were entitled to enjoy equal rights without discrimination in regard to race, colour of skin or language.

Article 3, paragraph 14 of the Constitution provided as follows:

Article 3: "14. The Government of the Islamic Republic of Iran must ensure equal rights in every respect and equitable legal security for men and women alike and equality of all the people before the law".

Article 27

33. The right in article 27 was guaranteed in Iran in articles 12 and 13 of the Constitution, referred to earlier in connection with article 18 of the Covenant.

34. The CHAIRMAN thanked the head of the Iranian delegation for his statement. He invited the Committee to ask questions if they so wished.

35. Mr. SADI thanked the Iranian delegation for the information provided and its willingness to answer questions. He had read the report of Iran with interest but regretted that it did not fully conform with the guidelines provided by the Committee (CCPR/C/5). He was pleased, however, to note that the delegation had said that it would send a lengthier report at a later date.

36. Explaining his own position, he said that in April 1979, immediately after the Iranian Revolution, it had been suggested that the Committee should press Iran to submit a report. He had opposed the request as he had considered it would not be fair to ask for a report so soon. At the Committee's October 1981 session, however, he had been the first to ask that the condition of human rights in Iran be given priority, particularly in view of the media reports of conditions in that country. He had been appalled by the reports he had heard and read of mass executions and systematic torture. Such reports could not all be dismissed as exaggerations.

37. Above all other human rights, he placed the right to life, without which all other rights were null and void. He did not, therefore, intend to ask questions about the implementation of the many other rights mentioned in the Covenant, but to concentrate on that single vital right.

38. In the first place, he inquired how many executions had been carried out in Iran after the Revolution and what were the charges against those who had been executed. He had been gratified to hear that the death penalty was only applicable in cases of murder and armed operations, but there had been reports that it was inflicted for other offences. Moreover, in that context, what was meant by armed operations? Was a person carrying a weapon and contemplating a military operation chargeable with a capital offence?

39. Above all, he wondered how the mass executions which had been widely reported could possibly be considered compatible with the Koran. He, too, was a Moslem, but failed to see any justification in the Koran for mass executions for crimes not involving murder. The Koran preached tolerance, forgiveness, understanding and love. He could understand that certain countries considered the death penalty justified in cases of murder - though the philosophy of the Covenant aimed at convincing countries to abolish capital punishment - but he could not believe that all the people who had been executed in Iran had been murderers. He had heard that the death penalty had even been inflicted for minor sexual offences. Above all, was it true that thousands of children had been executed?

40. He realized that any revolutionary government would be confronted by threats, but there were reasonable ways of fighting such threats, those of the Koran and of the Covenant. He therefore inquired whether torture, which was not acceptable under the Covenant, was practised in Iran during interrogations of alleged terrorists. In that connection, he asked the Chairman if the secretariat had any documentary evidence or information on torture and executions in Iran.

41. Finally, he inquired whether, in Iran, the Covenant had precedence over domestic laws or, in other words, whether an individual could have recourse to the Covenant in a court of law in support of his human rights.

42. The CHAIRMAN asked the members of the Committee and the representatives of Iran simply to ask questions at the present stage. The Iranian delegation would be afforded time to reply at a date convenient to them.

43. The secretariat had no information on torture and executions in Iran.

44. Mr. OPSAHL said that the fact that representatives of Iran were today before the Committee was worthy of note. Iran had accepted that it was still bound by the Covenant and had sent an important delegation to the meeting as it had declared it would do.

45. In April 1979, a few months after the Revolution, when the question of asking for a new report from Iran had been raised, he had himself been in favour of making such a request. It had not, however, been necessary, since the chargé d'affaires of Iran had come to the Committee at his own request and had made a statement which withdrew the earlier reports (CCPR/C/1/Add.15 and 26) as not reflecting the reality of the situation in his country and had said that a new report would be submitted in due course. For various reasons the Committee had had to wait a considerable time for that report and it was therefore particularly welcome.

46. He reminded the Iranian delegation that the members of the Committee served in their personal capacity, as experts on the Covenant, and not as representatives of Governments.
47. As a State Party, Iran had undertaken to respect and secure to everyone in the country - without distinction of sex, religion or political opinion - the rights, inter alia, to life, humane treatment, liberty and security, as well as to the due process of law, to privacy, freedom of thought, conscience and religion and, further, to freedom of expression, assembly, association, family rights and political rights, to mention only some of the key terms of the Covenant. The report was required to show how those rights and obligations were implemented, by what remedies they were enforced and what factors and difficulties, if any, affected their implementation.
48. When Iran's earlier report had been considered four years ago, many critical questions had been asked on all those points of those who at that time had represented the country. Well-known problems had been referred to and it had been hoped that the next report would demonstrate, in terms of the Covenant, the measures adopted and the progress made in the enjoyment of civil and political rights in Iran.
49. At that time, he had been one of those who believed that great changes were needed in Iran and that the people of Iran itself would have to carry them out. That was still his firm belief. All were aware of the enormous difficulties that the Revolution had had to cope with and understood that stability and progress in human rights would not come at once or easily. However, now as before, the Committee had to be critical and to ask whether the report submitted provided a true picture.
50. The people of Iran had brought foreign domination and earlier domestic oppression to an end and the new Constitution denounced those evils. It opened the way towards achievement not only of real self-determination, as foreseen by article 1 of the Covenant, but also the general principles and individual rights laid down in the following provisions.
51. The report before the Committee did not, however, enable members to see whether those aspirations had been fulfilled. The brief written report appeared to a large degree to be a statement of principles rather than of facts. It did not relate its comments to the provisions of the Covenant and, in particular, did not report on measures adopted and progress made as required by article 40 of the Covenant.
52. The oral information provided by the Iranian representative was useful in informing the Committee about the Constitution and other rules and regulations, but it was to be regretted that it had not been provided in writing. He had been particularly interested in the reference to the law concerning the entry of aliens. He inquired whether it was a new law or an earlier one and would like more details of how it was implemented in the new conditions.
53. In making that preliminary assessment, he did not propose any conclusion at the present stage. In October 1981, some members had agreed that a less than perfect report would have to be accepted and that what mattered was to get one, so that the dialogue between Iran's Government and the Committee could continue after the interruption. The present report said so little, however, about the facts of the situation that it became necessary to look elsewhere for a basis on which to make observations and put questions.

54. It was, of course, always possible to ask the questions which usually arose when a State Party's report was considered, taking the Covenant article by article and recalling the Committee's guidelines. Or, as had often been done, the text of the Constitution as submitted could be examined and related to the provisions of the Covenant. But at the present time, dealing with a country of war and at a very serious moment in history, it was the Committee's task to apply the Covenant as a yardstick on the legal and social system and the facts of the situation in Iran. If the last examination of that situation had been based on a report which did not reflect reality, as the Committee had been told, then the present examination should not suffer from the same defect. Yet, regrettably, the Committee appeared to be faced with a similar problem of unreality unless a number of questions of law and fact could be answered. The last sentence of the report, which stated that certain unavoidable disorders and discords resulting from the Revolution had been considerably reduced did not provide sufficient enlightenment.

55. In the first place, therefore, the Committee should be further enlightened on what the fundamental role of Islamic law really meant in the context of the Covenant, especially since the Constitution so often referred to that concept. Was Islamic law a body of rules appropriate for the government of a modern State? The Iranian representative had implied that in the case of a conflict between the Covenant and Islamic law, it was a foregone conclusion that the latter would prevail whereas it was the Committee's view that in the context of international law the Covenant should prevail.

56. He had heard it stated that the Koran proclaimed "mischief through the land" or as commonly translated in English "corruption on earth" a capital offence. Was it true that capital punishment had been based on that concept and what did it mean? Moreover, was it in accordance with articles 6 and 14 of the Covenant?

57. The next fundamental question to which answers were required concerned the emergency so eloquently described in the second half of page 3 of the report. The influence of the emergency on the operation of law and order was only implicitly commented upon. For the purposes of the Committee and of the Covenant, much more information should be provided about the nature of the emergency, whether rights under the Covenant had been derogated from, how, and the reasons therefor. On that point, the Committee required information not only in the light of article 4 of the Covenant but also under the general comment 5/13 set out in the Committee's last report to the United Nations General Assembly (Official records: Thirty-sixth session, Supplement No. 40 (A/36/40, annex VII)).

58. Since other members of the Committee were waiting to speak, he would only briefly mention a number of other points on which he felt information was needed. In addition to the use of the death penalty information should be provided on the nature and procedure of trials, the use of imprisonment or arrest, detention awaiting trial, and the treatment of prisoners. Many other issues might be raised such as the position of women and of groups such as the Bahai, propaganda for war and such punishment as flogging.

59. In conclusion, he reiterated his view of the importance of the presence of the Iranian delegation at the meeting and expressed the hope that a dialogue would be established as regards the system underlying the Iranian Constitution vis-à-vis the values expressed in the Covenant, which he hoped would prevail in Iran under whatever form of government.
60. Mr. PRADO VALLEJO said that he welcomed the presence of the Iranian delegation. As a citizen of a third world country he sympathized with the Iranian people in their struggle to assert their political rights and escape from the economic oppression they had endured for many years. He was glad to learn that the Iranian Government would submit a new report since the report before the Committee did not follow the guidelines regarding the form and content. He hoped the new report would deal with certain aspects of the situation in Iran concerning the protection of human rights which disturbed him.
61. As a non-Moslem he had difficulty in understanding how a constitutional Law based on the principles of the Koran could be compatible in every respect with the Covenant. How could a legal system based on the precepts of a single religion protect all the human rights enshrined in the Covenant? Iran had experienced a profoundly religious revolution, the objective of which was to change the legal structure of the country and break away from colonialism and economic dependency. But the Committee was bound to ask whether the Iranian revolution had improved the situation with regard to the exercise of human rights. Was there better respect for human rights in Iran now than before the revolution?
62. In the constitutional Law a number of articles relating to human rights contained restrictions. For example, article 20 stated that all persons were equal under the protection of the law and enjoyed all human, political, economic, social and cultural rights "with due observance of Islamic precepts". Article 21 guaranteed women's rights but "with due observance of Islamic precepts". He wished to know how Islamic precepts guaranteed equality of the sexes. In article 22 the prestige, lives, property, rights, dwelling places and occupations of people were immune against encroachment "unless otherwise provided by law". He would like more information on what was "provided by law". Article 24 stated that the press and publications were free with the proviso unless such writings were "detrimental to the foundations of Islam or the rights of the people". Who decided on the rights of the people? Article 26 was concerned with the right of association which was guaranteed provided it did not "violate the principles of independence, liberty, national unity and Islamic standards and the foundation of the Islamic Republic". The proviso implied a certain restriction. A similar proviso appeared in article 27 guaranteeing freedom for rallies and marches "provided that they are unarmed and do not damage the foundations of Islam". He would welcome clarification on all those matters.
63. He was concerned at the concentration of power implied in article 107 and wondered how it affected the exercise of human rights. In particular, he wished to know whether the constitutional Law guaranteed an independent judiciary capable of ensuring that the Iranian people enjoyed full human rights. The reference in article 110 to the appointment of the highest-ranking official of the judicial bench cast some doubt upon the impartiality of the judiciary. He would also like more information concerning the "Supreme Judicial Council" mentioned in article 157 and its effect on the independence of the judiciary.

64. In page 4 of the Iranian report (CCPR/C/1/Add.58), paragraph (b) 3 mentioned that article 173 of the Constitution provided for investigation of litigations, complaints and protests of the public against government officials by a tribunal known as the "Administrative Court of Justice". He wished to know what injustices or oppressions had been committed by government employees or units which had led to the establishment of that tribunal.
65. There appeared to be a distinction between principles and practice regarding the exercise of human rights in Iran. Information was required regarding the existence of special tribunals in Iran. In all countries special tribunals posed a threat to human rights. It had been alleged that 4,000 judgements had been made by special tribunals in Iran. The Committee would like more information regarding alleged summary executions. It had been reported that many members of the Bahai faith had been tried by special tribunals. Article 13 of the Constitutional Law guaranteed freedom for three religious minorities but did not appear to include freedom for the Bahai faith.
66. The Iranian report laid down certain principles which he accepted, but did not give a complete picture of the situation regarding human rights in Iran. The head of the Iranian delegation had provided an interesting verbal report which did not clarify the situation. What were the legal channels open to an Iranian citizen who felt he had been deprived of his rights? He appreciated that in a country undergoing a total change of system of government there might be abuses by people in authority and that it might be necessary to establish tribunals to deal with them. When a State Party submitted a report it should provide information in relation to each article of the Covenant. Members would like to know what difficulties the Iranian Government had experienced in implementing those articles.
67. Sir Vincent EVANS welcomed the presence of the representatives of Iran and thanked the authorities of that country for the report they had submitted. The willingness to furnish additional particulars was also greatly appreciated, since the report did not contain the detailed information concerning the measures taken to implement the Covenant which the Committee normally expected. However, the Committee had to recognize that there had been a revolutionary situation in Iran and that the process of reviewing and changing the laws to give effect to the principles of the Revolution was still under way. In any event, the report and the Constitution, taken together, provided at least a basis on which the Committee could proceed in accordance with article 40 of the Covenant.
68. Iran had one of the oldest civilizations in the world. It was also one of the most important Islamic States in the modern world. It was therefore not surprising that events in Iran were followed with a great deal of attention in other countries. It was the Committee's duty to raise matters which it considered to be of concern regarding the implementation of the Covenant and, by elucidating the issues, to try to promote the due observance of the rights contained in it.
69. One important question was the status of the Covenant itself within the new constitutional framework. The Covenant was a treaty or international agreement, and every State Party to it had the obligation, as a matter of international law, to ensure that its laws and practices gave effect to the rights set forth in the Covenant. In many countries such treaties became an integral part of the domestic legal system and their provisions became directly applicable by the courts and administrative authorities of the State. The actual provisions of the Covenant could be invoked by the individual in proceedings before the courts and in his relations with the administrative authorities. That was probably the most direct and effective way of giving effect to the provisions of the Covenant in the domestic legal system of the State concerned. It would be interesting to know what the position was in that respect in Iran.

70. Article 170 of the Constitution provided that judges of justice courts should refrain from administering government decrees and regulations in so far as they were contrary to Islamic laws. Likewise, the Council of Custodians, under chapter 6 of the Constitution, had the responsibility to ensure that enactments of the Majlis were consistent with Islamic tenets. The Covenant reflected what the international community, including many States with an Islamic tradition, considered to be universally applicable minimum standards of human rights. It would therefore be interesting to know whether there were any provisions of the Covenant which might be considered to be contrary to Islamic laws or tenets. However, that was unlikely to be the case, since the seminar sponsored by the University of Kuwait in December 1980 had concluded that Islam was the first to recognize basic human rights and almost 14 centuries ago had set up guarantees and safeguards that had only recently been incorporated in universal declarations of human rights. That was probably a reference to the Universal Declaration of Human rights and the International Covenant on Civil and Political Rights. The seminar had gone on to conclude that in the Islamic concept, human rights and freedoms were not attributed to Nature but were considered to be gifts of God in accordance with the Islamic faith. That confers on them an added measure of veneration, prestige and sanctity to protect them from inroads by the ruling authorities, lent them the qualities of completeness and universality, and rendered them inalienable and irrevocable.

71. Since the courts of a country had an essential role to play in safeguarding the rights of the individual by ensuring remedies in the event of alleged violations of those rights, it would be helpful if the Committee could be given much fuller information on the judicial system of Iran than was to be found in the report or in the Constitution. It could be deduced from the Constitution that there was a Supreme Judicial Council responsible for the creation of appropriate judicial organizations, a Supreme Court of Cassation and an Administrative Justice Tribunal; Furthermore, article 159 of the Constitution provided that there should be "justice courts" to deal with litigation and complaints. Presumably, in addition to the Administrative Justice Tribunal, there were civil courts and criminal courts. What courts were there, and had there been, since the Revolution? Who were the judges, and what qualifications must they have? How were they appointed? Had any members of the former judiciary been appointed or had they been replaced, possibly by judges with special qualifications in Islamic law? Had there been, and were there, any special courts to deal with the emergency situation created by the Revolution, and in particular to deal with political or security offences?

72. Article 14 of the Covenant laid down the rules of due process of law designed to ensure that the individual was given a fair trial. They were, in a sense, obvious and elementary. Nevertheless, they were of great importance in the administration of any system of justice. They guaranteed a fair and public hearing by a competent, independent and impartial tribunal; the presumption that a person was innocent until he was found guilty; adequate time and facilities for an accused person to prepare his defence; the assistance of a freely chosen lawyer; the right to have witnesses heard and examined; and also the right of anyone convicted of a crime to have his conviction and sentence reviewed by a higher tribunal according to law. Had those requirements been duly observed in the courts since the Revolution?

73. Article 6 of the Covenant dealt with the right to life, which had been described as the supreme right. The representative of Iran, in his opening comments, had drawn attention to a number of requirements laid down in the Constitution which gave effect to that right. Article 6 of the Covenant provided, inter alia, that no one should be arbitrarily deprived of his life and laid down a number of conditions for the use of the death penalty, stating that it should be imposed only for the most serious crimes, that it might not be imposed on persons under the age of 18 or on pregnant women. Furthermore, in addition to the right of appeal or review required by article 14, paragraph 5, of the Covenant, article 6, paragraph 4 required that anyone sentenced to death should have the right to seek pardon or commutation of the sentence. People in other countries had been profoundly concerned at the number of executions - sometimes mass executions - reported to have been carried out in Iran since the Revolution. Moreover, those executions had taken place in a summary manner and without any real opportunity for appeal or review of the conviction and sentence, as required by the Covenant. The concern felt had been all the greater because the executions had been taking place at a time when the trend in other countries was to abolish the death penalty. Indeed, many countries had already abolished the death penalty even for the most serious offences. The Kuwait seminar to which he had referred earlier had found that capital crimes were limited and carefully defined in Islamic law. Political offences that were punishable by death in some States were dealt with differently under Islamic law, which did not allow the death penalty for such offences. Was that so? If it was, how were the hundreds of executions which had been reported since the Revolution to be justified? For what offences was the death penalty applied in Iran? Was it ever applied in the case of persons under the age of 18? Had all the trials been conducted with the necessary guarantees and safeguards, including the right of appeal or review?

74. Article 7 of the Covenant prohibited the use of torture or of cruel, inhuman or degrading treatment or punishment, and article 10, paragraph 1 required that all persons deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person. One of the serious charges against the previous régime in Iran had been the use of torture by the police and security services. Article 38 of the Constitution provided that any torture whatsoever to make people confess or to obtain information should be forbidden. Such a straight prohibition was necessary, but even a constitutional provision was not enough and in that connection a number of questions arose. For example, what measures was the Government of Iran now taking to ensure that detained persons were not tortured or ill-treated? What regulations were there concerning the treatment of detained persons and how was the enforcement of those regulations supervised? Were there any arrangements for prisons and other detention centres to be visited by persons who were independent of the prison authorities and who were empowered to receive any complaints and to have them investigated? What procedures were available for those purposes? How effective were they? Had any arrangements been made for prisons and detention centres in Iran to be visited by representatives of the International Committee of the Red Cross. Those questions were questions which he had put to the representatives of all reporting States who had appeared before the Committee.

75. Article 9 of the Covenant contained a number of safeguards against arbitrary arrest and detention. The report gave no information regarding the implementation of those provisions, and it was important for the Committee to know how they were complied with in Iran. The Committee's attention had been drawn to article 32 of

the Constitution which contained important provisions regarding persons who were accused of criminal offences, but were there any persons detained for political or security reasons without being brought to trial? How many such persons were there? For how long had they been in custody? Under what legal authority were they detained? Were persons deprived of their liberty for whatsoever reason entitled to take proceedings before the courts to have the lawfulness of their detention determined, as required by article 9, paragraph 4 of the Covenant?

76. Article 18 of the Covenant required that everyone should have the right to freedom of thought, conscience and religion, that no one should be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice, and that freedom to manifest one's religion or belief might be subject only to such limitations as were prescribed by law and were necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. Article 27 of the Covenant also protected the rights of religious minorities. The rights of certain named minorities were recognized by article 13 of the Constitution. However, what was the position of other religious minorities, including the Bahais? A resolution adopted earlier in 1982 by the United Nations Commission on Human Rights contained a reference to the perilous situation facing the Bahais in Iran, and it was known that a number of the leaders of the Bahai faith in Iran had been executed, although it was one of the tenets of their faith that they should not engage in politics. That matter was of profound international concern, and it would be appreciated if the representatives of Iran could comment on it.

The meeting rose at 1.5 p.m.

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Sixteenth session

SUMMARY RECORD OF THE 365TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 July 1982, at 3 p.m.

Chairman: Mr. MAVROMMATIS

later: Mr. GRAEFRATH

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Covenant (continued)

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE
COVENANT (agenda item 4) (continued)

Iran (CCPR/C/1/Add.56) (continued)

1. Mr. TARNOPOLSKY was gratified that the Iranian representative had confirmed in his opening statement that a more detailed report would be submitted later. He was aware of the difficulties Iran had faced in recent years and realized that after any revolution time was needed to enact legislation in every field. It was one of the duties of members of the Committee to assist States Parties to present their reports and it was with that in mind that he wished to ask a number of questions concerning the application of the Covenant in Iran.
2. With regard to article 1 of the Covenant concerning self-determination, he asked whether information could be given in a future report on the Government's position with regard to certain minorities and the opportunities particularly legal opportunities, open to them to achieve self-determination. With regard to article 2, he wondered what the exact position of the Covenant was in domestic law. From his reading of the Constitution he gathered that in the event of conflict the Constitution would prevail.
3. Article 2, paragraph 1 of the Covenant concerned the principle of non-discrimination, which seemed to be the subject of article 19 of the Constitution. He noted that the prohibited grounds for discrimination listed did not include sex, religion, political or other opinion, national or social origin, property, birth or other status, all of which were of great importance. In the same connection, he pointed out that article 20 of the Constitution provided that all persons, both men and women were equal "under the protection of the law", and not "before the law" as was provided in article 26 of the Constitution which, with article 3, should be read in conjunction with article 2, paragraph 1. He would be grateful to know the significance of the term "equal under the protection of the law", with particular reference to women's rights, which were according to article 21 of the Constitution guaranteed with due regard to Islamic precepts. Did the latter expression imply some restriction and did women have access on an equal basis with men to all forms of employment (the civil service, the judiciary, the legal professions, the police)? Could they dress as they wished and were they able to participate in public life? Finally, what legislation had been enacted to guarantee the application of article 3 of the Covenant under which States Parties undertook to ensure the equal right of men and women to the enjoyment of all civil and political rights?
4. With further reference to discrimination, he had some misgivings about religious discrimination, which was the subject of article 18 of the Covenant and seemed to be dealt with in articles 13 and 14 of the Constitution which referred to Zoroastrian, Jewish and Christian Iranians. He wondered whether that meant that the Baha'i were not recognized under the Constitution and what their position was. He wondered also whether a Muslim could renounce his religion and become a convert to another religion or cease to have any religious faith and whether the laws, which were said to be

based on the teachings of the Koran, provided for the repression of renegades and Baha'is. According to article 14 of the Constitution, the principle that Muslims should respect the rights of non-Muslims applied to non-Muslims who did not "plot" against Islam and the Islamic Republic of Iran. He would like to know what the word "plot" meant in that context since refusing to be a Muslim or being a missionary might be considered as plotting against Islam.

5. Turning to the question of remedies (article 2, paragraph 3) he said that he would be grateful for further information regarding the jurisdiction of the State Inspectorate General and the Administrative Court of Justice mentioned in the report (CCPR/C/1/Add.59). The relations of the two organs with other courts and their legal status and functions were not made clear. Moreover, there was no reference to remedies, which were essential in ensuring respect for human rights. It would be helpful if the next report included information on the legal status of the revolutionary guards, the revolutionary prosecutors and the revolutionary courts and their relationship with the ordinary courts. What was their jurisdiction and with which offences did they deal? What was their relationship with the ordinary police force and the ordinary courts? The report referred to the proclamation of the "Year of the Law" and the reduction of "the unavoidable disorders and discords resulting from the revolution". The statement implied that there had been disorders, some of which might reasonably be supposed to have been the fault of State officials. Had such cases been brought before the courts and if so what had been the outcome?

6. Turning to article 4 of the Covenant, he had been glad to learn that article 79 of the Constitution had never been invoked, a remarkable achievement in view of the difficulties Iran had experienced. States were of course entitled to derogate from some articles of the Covenant even in normal times (articles 18, 19, 20, 21, 22 and 12 and 14) but in the case of articles 6 and 7 derogation was never permissible. He would like to believe that the Iranian Government had never derogated from those articles.

7. Article 6 of the Covenant called for a number of comments. There had been reports in official Iranian newspapers and broadcasts of executions, the number of which was unknown and which had created anxiety throughout the human rights movement. The international community had been informed of statements by high ranking members of the Iranian judiciary the authenticity of which he would like to verify. For example, a senior judge had suggested that the organizers of a particular demonstration should not be brought before the courts but should be put against a wall and shot. He wondered whether statements of that kind reflected the official position of the Government and if not whether the leader of the revolution had taken appropriate corrective measures. Article 6, paragraph 1 provided that no one should be arbitrarily deprived of his life. Every State Party was under a duty to investigate any alleged deprivation of life, such as for example the phenomenon of "disappearances", which had been the subject of a special study by the United Nations. Had there been an investigation into the disappearance in August 1980 of 11 members of the Baha'i community and if so what had been the result?

8. With reference to the death penalty, which was the subject of article 6, paragraph 2 he asked whether sentence of death could be imposed in the case of adultery, the possession and use of drugs, the practice of homosexuality in private between consenting adults or acts covered by the vague term opposition to Islam. Article 6, paragraph 2 provided that sentence of death could only be imposed in accordance with the law in force at the time of the commission of the crime. Was

the death penalty imposed in Iran exclusively for crimes under the penal code? Were those provisions a simple prolongation of the code in force under the former régime or had they been enacted by the present régime and were they couched in sufficiently explicit terms to enable everyone to know what he had to face?

9. Other members of the Committee had stressed the importance of enabling anyone sentenced to death to seek pardon. Commenting on article 110, paragraph 6 of the Constitution under which the leadership was empowered to pardon convicts or mitigate their punishment, he asked whether it was certain that each and every case was submitted to the leadership. He was disturbed by reports that children under 16 years of age had been executed. He wondered also whether article 6, paragraph 5 of the Covenant prohibiting the execution of pregnant women was respected in Iran. Finally he asked whether steps had been taken to abolish the death penalty or at least to reduce the number of crimes for which sentence of death might be imposed.
10. Turning to article 7, he noted that article 38 of the Iranian Constitution forbade the use of torture to induce persons to confess or to obtain information and asked whether those were the only cases in which torture was prohibited. Had there for example been instances in which torture had been inflicted on persons regarded as renegades? Did citizens have to choose between renouncing their faith and death? Had allegations of torture been investigated and if so what had the results of the investigation been? If capital punishment was retained, the very least that could be done was to minimize the sufferings of persons put to death. In that connection he asked whether stoning and flogging were still practised. He asked also whether the right hands of thieves were still amputated, which was a penalty akin to torture and thus contrary to article 7 of the Covenant. Finally he came to a question which he asked the representatives of all States Parties with regard to article 7 read in conjunction with articles 10 and 23. Were persons deprived of liberty able to freely contact their families and were there measures or laws prohibiting the holding of prisoners incommunicado and guaranteeing the right of detained persons to have a lawyer?
11. Turning to article 9 of the Covenant, which was to some extent covered by article 32 of the Constitution, he asked whether the revolutionary courts were required to observe that article and whether all the requirements of the article (obligation to inform the accused of the charges against him, release on bail and the remedy of habeas corpus) were respected in all cases.
12. Turning to article 10 of the Covenant he asked whether Iranian law satisfied all the requirements of paragraph 2 (a) and (b) and paragraph 3.
13. Article 35 of the Constitution, like article 12 of the Covenant, prohibited exile but the proviso "unless otherwise provided by law" called for explanation in view of its restrictive character. Moreover, article 39 of the Constitution plainly envisaged exile. There again some explanation was necessary.

14. Article 14 of the Covenant was subject to no restriction except in the case of public emergency. As the report of Iran did not give information on the subject, he asked how the independence of the judiciary, a principle embodied in article 14, paragraph 1, was safeguarded in Iran. He noted that under certain circumstances judges could be dismissed (article 157). Were there laws and regulations governing such dismissals? He noted that under article 165 of the Constitution the qualifications of a judge were prescribed by law in accordance with Koranic precepts. He wondered whether it was possible for a Christian or Jew or a member of the Baha'i community to become a judge or whether it was essential to be a Muslim. With reference to the right to a public hearing he inquired in what circumstances the families of accused persons were entitled to be present in court, what opportunities accused persons had in practice to see their lawyers and the position of the bar association. It had been reported that the president of the Tehran bar association and a number of magistrates had been arrested. Further information would be welcome on the laws and measures adopted to ensure that the accused's advocate and near relatives could be present in court. Paragraph 3 (d) of the same article referred to the accused's right to free legal assistance if he had insufficient means. Legal assistance seemed to be provided for in article 35 of the Constitution but further information on the way in which the rule was applied would be welcome. Information would also be welcome on practices in regard to the examination of witnesses and, with regard to article 14, paragraph 5, the right to have convictions and sentences reviewed, especially in the case of serious offences. Finally with regard to compensation in the event of a miscarriage of justice or the reversal of conviction (article 14, paragraph 6) he asked whether it was true, as article 171 of the Constitution seemed to suggest that compensation was only envisaged in cases where a judge had failed to consider the merits of the case rightly or had made an error. He wondered who decided whether a judge was at fault and what significance was to be attached to the phrase "responsible in accordance with Islamic practice"?

15. Turning to article 15 of the Covenant, he asked under what laws persons were tried for offences committed under the previous government, having regard to the fact that the Islamic Republic had not been able to enact many laws since taking power. Turning to article 17, he asked for further information on the application of article 25 of the Constitution which prohibited inspection of mail, the disclosure of telephone conversations and telegrams, telephone tapping, etc. Referring to article 23 of the Constitution, he asked whether parents could determine the education of their children in accordance with their opinions or whether they had no such choice. Religious minorities in Iran did not appear to possess the religious rights mentioned in article 18 of the Covenant. The subject-matter of article 19 of the Covenant was dealt with in articles 23 and 24 of the Constitution. Article 24 provided that the press was free provided the matter written was not detrimental to the principles of Islam. The terms used were vague and it would be interesting to know what was meant.

16. With regard to article 20 it had already been mentioned that one law enacted under the old régime was still in force but its scope should be explained. The rights set out in article 24 of the Covenant were dealt with in article 21 of the Constitution. He would like to know what paragraph 5 of that article meant. Turning to article 25 of the Covenant, he wondered how the rights set out in that article were safeguarded in a state founded on religion. In that connection

article 64 of the Constitution guaranteed the rights of a number of minorities, Zoroastrians, Jews, Assyrian and Chaldean Christians, and north and south Armenian Christians, but it might be asked why there was no provision for the Baha'i. Finally with regard to the minority rights set out in article 27 of the Covenant, he would like details on the situation in Iran. The information provided earlier by Iran mentioned a great many ethnic, linguistic, religious and other minorities. He would like to know whether those minorities had schools and could use their own language. In general terms, he hoped that a fruitful dialogue would be initiated with the representatives of Iran so that the Committee could be properly informed of the situation in Iran with regard to the rights set out in the Covenant.

17. Mr. DIEYE said that in view of the changes resulting from the change of régime in Iran the Committee had asked for a report so that it could consider whether Iranian legislation now conformed to the requirements of the International Covenant on Civil and Political Rights. At the time the request had been made, there had been many alarming reports concerning Iran, some of them from reliable sources. The Iranian Government's response had been positive. In New York the Iranian Chargé d'Affaires had appeared before the Committee to make a statement regarding the situation in Iran and in Bonn the Iranian Ambassador in the Federal Republic of Germany had come to answer the Committee's questions. Unfortunately, the report (CCPR/C/1/Add.58) Iran had finally submitted, which was now before the Committee, was not satisfactory. The report, which had been very long awaited, was not written in accordance with the guidelines concerning form and content set out in document CCPR/C/20. He welcomed the collaboration which was being established with the Government of Iran but considered that the Committee would have to request another more satisfactory and more detailed report.

18. He noted that in Iran Islam was invoked to justify the revolutionary situation and said that as a practising Muslim he believed that religion should not enter into the application of the Covenant. Islam was undoubtedly a comprehensive religion governing all human activities but religion had to be set aside when a country acceded to an international instrument. He regretted that a religion as pure as Islam was being misrepresented and that the impression was being given that Islam was not adapted to the twentieth century. At the previous meeting it had even been asked whether Islam was consistent with the International Covenant on Civil and Political Rights and precepts in conflict with the Covenant, such as for example a denial of the capacity of women to bear witness, had been attributed to Islam. He assured the Committee that that interpretation of Islam was incorrect. Islam respected human rights, civil, political, economic, social and cultural. Reports in the media in Iran seemed to show however that the Iranian Government had little respect for human rights. Observers began to wonder what human rights were not being violated in Iran. He hoped that information would be provided to show that the provisions of the Covenant were in fact respected in Iran.

19. He had two specific questions. The first related to minorities, whose right to freedom of expression should be safeguarded by the Constitution even if they were not Muslims. In the Commission on Human Rights, the Iranian Delegation had disqualified some minorities on the grounds that they had had connections with Savak under the previous régime. However that might be, the Committee should be told whether all

minorities had freedom of expression in Iran. The second question related to arrest and trial. He wished to know whether the assistance of counsel was guaranteed from the moment of arrest and whether hearings were public. Even in closed proceedings counsel for the defence must be entitled to be present. Some information received suggested that those judicial safeguards might not be observed in Iran. Public opinion might however be misinformed and in that case the Iranian representatives should indicate whether the facts were different and whether the procedures were in conformity with the Covenant. He hoped the Committee would receive illuminating replies and would establish fruitful co-operation with the Government of Iran.

20. Mr. ERMACORA expressed regret that the report (CCPR/C/1/Add.56) did not reflect the difficulties of implementation of the Covenant in Iran. The report should show how far a system of human rights was incorporated in the Iranian Constitution. In Iran, religion was interpreted in a specific way and the legislation was entirely based on Islamic standards, which might cause problems, particularly with regard to the implementation of articles 2 to 5 of the Covenant. The principle of non-discrimination embodied in the Covenant required a multi-religious régime. Although article 14 of the Iranian Constitution referred to Islamic equity, the article was only valid in the case of those who did not engage "in any plotting whatsoever against Islam and the Islamic Republic of Iran". It was necessary to know what that provision meant in relation to article 5 of the Covenant.

21. He requested clarification on the relationship between articles 22, 24, 27, 32, 33, 34 and 38 of the Iranian Constitution and the provisions of the Covenant. Article 22, for example, stated that the prestige, lives, property, rights, dwelling places and occupations of the people should be immune against encroachment "unless otherwise provided by law". That proviso, like the provisos in the other articles he had referred to, gave rise to misgivings about the possibility of interpreting the Constitution in conformity with the Covenant. Article 38 forbade "any torture whatsoever to induce people to confess or to obtain information". The article was not in conformity with the no-torture clause in the Covenant, which was general and unrestricted.

22. Article 150 stated that the Islamic Revolutionary Guards Corps would continue to perform its role in safeguarding the revolution and its outcome. He wished to know whether the guards observed State orders and how their actions related to the rights embodied in the Covenant. He would welcome clarification of the way in which the provisions concerning the administration of justice in article 156 were applied by the military courts. He hoped the representatives of Iran would understand the misgivings of members concerning the application of the Covenant in Iran and would remove those misgivings by answering the many questions asked.

23. Mr. AGUILAR noted that States which became Parties to the Covenant had to make a number of commitments, including those under article 2, paragraphs 1 and 2. The drafters of the Covenant had established a system to ensure observance of the Covenant, including the Human Rights Committee, which was composed of persons of high moral character with recognized competence in the field of human rights, and representative of the various geographical regions and forms of civilization and the principal legal systems. The Committee's main function was to consider the reports of States Parties, which were intended to review factors affecting the implementation of the Covenant, as well as progress made. It would have been useful therefore to receive information concerning the difficulties encountered in Iran following the revolution, since the difficulties would have explained any violations of human rights that might have taken place although they would not justify them.

24. A dialogue between the Committee and the representatives of reporting States was helpful to other States Parties and was designed to promote uniform implementation of the provisions of the Covenant in all States Parties. Given the fact that the dialogue was useful to all, the relevance or otherwise of the questions asked was a secondary issue. The questions or comments of members could not be interpreted as reflecting political or other positions, still less as condemnations. The Committee was not a court before which States had to appear. The sole purpose of the questions addressed to the Iranian delegation was to provide the Committee with information about the situation in Iran so that it could help Iran to make progress in the observance of human rights.
25. He noted that the Covenant was in the last analysis a subsidiary instrument for ensuring the protection of human rights in a country when domestic machinery for that purpose did not work. He was thinking in particular of the guarantees provided in article 14. The absence of an independent and competent judiciary shielded from pressures and the lack of appeals procedures were likely to encourage violations of human rights.
26. Mr. Graefrath took the Chair.
27. Mr. JANCA observed that most of the questions addressed to the Iranian delegation would not have been asked if the report had followed the Committee's guidelines for the submission of reports and showed that Iran should provide the Committee with additional information.
28. From the documents communicated by Iran, it was difficult to see which legislative or other measures guaranteed the implementation of the Covenant. Although the Constitution made many references to human rights, it was worded in such general terms that it did not answer the Committee's questions. Was everyone arrested in Iran informed of the reasons for his arrest? In a trial did the accused have the free assistance of an interpreter if he did not speak Persian?
29. The Committee had no information on the relationship between international treaties and Iranian legislation and between the Covenant and the legal system, since the relevant provisions of the Constitution were not clear on that point. Could a court base its decision directly on the Covenant or had it to rely exclusively on national legislation?
30. Article 19 of the Constitution stated that the people of Iran whatever ethnic or tribal group they might belong to should enjoy equal rights and complexion, race, language and the like should not be considered as a privilege. Although the article listed many prohibited grounds for discrimination, it was more limited in scope than article 2 of the Covenant. Were there laws forbidding discrimination on grounds other than those referred to in the Constitution?
31. Had any progress been made in regard to women's rights? What was the proportion of women in legislative and judicial bodies and other organs of the State? Were they allowed to teach or practise medicine?
32. The Committee would require clarification on some of the terms used in the Constitution, such as "Islamic precepts" (article 20).
33. Lastly, referring to article 27 of the Covenant, which concerned minorities, he said that it would be interesting to know, inter alia, which minorities existed in Iran, how many people belonged to minorities, and what their rights were.

34. Mr. BOUZIRI endorsed Mr. Aguilar's comments on the composition of the Committee and the individual character of its members' statements, which resulted from the diversity of their backgrounds. He believed that he himself was a "third worlder" with very vivid memories of colonization. He noted that in introducing the report the representative of Iran had furnished new and useful material.
35. After drawing attention to article 1, paragraph 3, he noted that reports submitted to the Committee frequently gave the impression that States considered article 1 to be merely general, whereas in fact it was a fundamental and extremely specific provision on which all the rights embodied in the Covenant were based. Since States Parties were supposed to take steps to ensure implementation of the Covenant, they should encourage implementation of the right of peoples to self-determination. That being so, he was distressed by the situation in Lebanon, which had been invaded without justification by the zionist, colonialist and expansionist army which was in the process of committing genocide there. What was the Iranian Government doing to promote the right of the Palestinian and Lebanese peoples to self-determination? Why had the Iranian Government not accepted the cease-fire proposed by Iraq, so that Iraq could go and fight the Israelis? Why had Iranian troops not come to the aid of the Palestinian and Lebanese peoples now that the Iraqi army had withdrawn from Iran?
36. Turning to the report submitted by Iran under article 40 of the Covenant, he noted that it was not drafted in accordance with the guidelines published by the Committee in document CCPR/C/20 of 19 August 1981. There was no specific information on the implementation of human rights in Iran, from either the legislative, regulatory or practical points of view. The Iranian Constitution contained provisos which appeared to contravene the provisions of the Covenant, but without knowledge of the laws enacted to apply the constitutional provisions it was impossible to judge whether that was the case or not.
37. The information received from other sources was most alarming. There were reports of persecution, hurried trials and summary executions. In the circumstances members anxiously awaited the Iranian delegation's answers to their questions. The Iranian people had rid itself of a monarchy which had trampled human rights underfoot. Progressive people had hailed the Iranian revolution as the harbinger of a new era. They were now waiting for assurances that would remove their misgivings and information that would give them a better understanding of what was happening.
38. Mr. HANGA endorsed the questions already asked by members and said that he wished to add some of his own.
39. Article 19 of the Iranian Constitution referred to "ethnic or tribal groups". Those social groups obviously had special customs. He wondered whether there was any system of customary law in Iran and, if so, what was the relationship between traditional law and human rights.
40. Youth was a real unifying force in a divided world. Young people had civil and political rights and should be helped to be made aware of them. 1985 was to be International Youth Year according to a General Assembly decision. Iran would undoubtedly be participating in the events planned for that occasion, and he would like to know what the Government was doing currently to make young people aware of their rights.

41. Article 23, paragraph 4 of the Covenant provided for the equality of spouses in marriage. Since the Iranian family was based on parental authority, it would be helpful to know whether the husband, the wife or both spouses exercised parental authority and what principles governed the custody of children in the event of dissolution of a marriage. Article 24 of the Covenant provided that every child should be registered immediately after birth and should have a name. There had been a law in Iran which met that obligation. He wished to know whether it was still extant and what the current regulations governing civil status were.

42. In its report, the Government of Iran referred to the recent establishment of an administrative court of justice. It appeared to be an administrative tribunal but he would like to know the procedure for a plaintiff to bring his case before the court and what kind of cases were admissible. The Government also referred to an act establishing judiciary police. Further information concerning the technical, political and moral criteria governing the recruitment of police personnel would be welcome.

43. At the end of the report, reference was made to bills aimed at the just distribution of wealth and the prevention of exploitation in general. Since they were only bills, he asked what steps the Government had already taken to eliminate the exploitation of man by man. What legislative or administrative measures had it taken to encourage, for example, participation by the general public in major productive enterprises?

44. Lastly, the report referred to a new social and political order. In its external aspects, that new state of affairs was certainly linked to the international order. From that point of view, what role did Iran intend to play in the establishment of a new international economic order?

45. Mr. AL DOURI said that although he sat in the Committee in a personal capacity and not as a representative of the Government of Iraq, he felt bound to protest strongly against the fact that the report submitted by the Government of Iran cast a slur on his country and more specifically its President. Before a State was accused, it should be given the possibility of answering the charge as was the case in other international organs. Differences of opinion between States Parties were covered by article 41 of the Covenant, the provisions of which had to be ratified separately. However, neither Iraq nor Iran had done so.

46. Article 1 of the Covenant embodied the right of peoples to self-determination. However, several statements by religious or political leaders in Iran advocated the export of the revolution, which appeared to be contrary to article 1 and the closely related principle of non-interference in the internal affairs of States.

47. Article 27, which referred to ethnic, religious or linguistic minorities was also related to article 1. It was well known that there were Kurdish, Turkoman, Baluchi and Arab groups in Iran who could claim to be recognized as special minorities under Iranian law. If the present Government recognized minorities, he would like to know how their rights were implemented.

48. Articles 3 and 25 of the Covenant laid the foundations for the principle of equality. Article 12 of the Iranian Constitution, however, laid down that the State religion of Iran was Islam, Jafari Ithna Ashari sect, and article 115, which referred to the election to the presidency, provided that the President of the Republic must follow the State religion of the country, in other words the Jafari Ithna Ashari sect. Those provisions were contrary to the articles he had referred to.

49. He endorsed all the questions asked by his colleagues in the Committee, but would like to ask some himself. With regard to equality between men and women, particularly from the point of view of articles 3, 25 and 26 of the Covenant, he asked whether women could occupy political or jurisdictional posts and, if so, in what proportion. Similarly, he would like to know the percentage of girls in educational institutions at the various levels. In that context, the representatives of the Government of Iran might confirm that Iranian universities had been closed for three years, which was obviously contrary to the provisions of the Covenant.

50. Articles 6 and 14, which concerned the right to life and justice, were, so to speak, the cornerstone of the Covenant. There were, however, extremely alarming rumours concerning Iran. Earlier in the year, the Commission on Human Rights had already expressed its profound concern regarding persistent reports of serious violations of human rights and fundamental freedoms in Iran and had urged the Iranian Government to guarantee the rights recognized in the Covenant to everyone in its territory. It was true that Iran was in a state of revolution and in an emergency situation with problems of all kinds, but its official representatives had every opportunity to provide the necessary explanations. If the rumours concerning the internal situation in Iran were false, they could set the record straight and explain exactly what was happening in their country.

The meeting rose at 6 p.m.

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ON CIVIL AND
POLITICAL RIGHTS



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HUMAN RIGHTS COMMITTEE

Sixteenth session

SUMMARY RECORD OF THE 366th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 16 July 1982, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

later: Mr. PRADO VALLEJO

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Consideration of reports submitted by States parties under article 40 of the
Covenant (continued)

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GE.82-11534

The meeting was called to order at 10.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40
OF THE COVENANT (agenda item 4) (continued)

Iran (continued) (CCPR/C/1/Add.58)

1. At the invitation of the Chairman, Mr. Khosroshahi, Mr. Mahallati, Mr. Enayat, Mr. Jalali, Mr. Givi and Mr. Nikain (Iran) took places at the Committee table.
2. Mr. BOUZIRI said that in shortening his statement at the previous meeting in order to save time, he had inadvertently omitted a sentence, which he wished to place on the record to avoid misunderstanding.
3. As regards the obligation of States Parties under article 1, paragraph 3, the fact that certain countries, whether or not they were Parties to the Covenant, such as some Arab countries, had been unwilling or unable to comply with their duty of solidarity towards the Lebanese or Palestinian peoples should not prevent or excuse other States Parties from fulfilling their obligations under the article to promote the realization of the right of the Lebanese and Palestinian peoples of self-determination.
4. Mr. TOMUSCHAT welcomed the delegation which the Iranian Government had sent to the Committee, thus demonstrating its interest in the proceedings, and hoped the spirit of co-operation thus manifested would extend to the substantive issues.
5. Previous speakers had stressed that they were not speaking as delegates of their countries, but members of the Committee were not simply acting in their personal capacity. The Committee had been established by all the States Parties to the Covenant and, as such, its members were not representing specific partial aims of their own but aiming at fulfilling their duty to the international community by upholding the tenets of the Covenant.
6. In considering the Iranian report, he started from a basic premise that, in the field of human rights more than elsewhere, it was deeds and not words that mattered. The previous day, the Iranian delegation had drawn the Committee's attention to various articles of the Constitution of the Islamic Republic of Iran but nothing had been said about actual practices. The Committee needed to know whether the principles of the Constitution found reflection in reality. The Committee was not an academic body whose interests were confined to legal texts. Its duty under the Covenant was to inquire into relevant facts which would enable a judgement to be made as to whether the obligations of the Covenant had been observed or breached.

7. Like most of his colleagues, he had received reports from outside sources. In general, they did not make comfortable reading. One such report, which he would make available to the Iranian delegation, had been prepared by an association for the protection of minority rights and soberly set out, article by article, alleged inconsistencies between the articles of the Covenant and the prevailing situation in Iran.

8. The impression that the Covenant was an instrument which would impede any kind of revolutionary transformation of society would be entirely false. The Covenant did not prescribe or preclude the régime of property. Nor did it run counter to religious conviction. On the contrary, it offered protection for any kind of religion or faith. It was therefore fully compatible with a constitution stating that religion should be upheld in all sectors of public life provided that members of other religious communities were not discriminated against. In such matters, the Covenant allowed a wide margin of political discretion and merely provided a framework of basic human rights which must be respected in any event.

9. He himself did not believe that the secular ethic of the Moslem faith could not be reconciled with the Covenant: the Covenant reflected convictions and beliefs held in common by all the major forms of civilization and that view had been confirmed by the conclusions of a recent seminar, held in Italy, on human rights and the Islamic civil justice system.

10. The Preamble to the Covenant stated that its tenets were based on recognition of inherent human dignity. That meant that no one forfeited his human dignity by committing criminal deeds, even less by opposing his Government. He had been comforted to hear that Iran considered itself bound by the Covenant and had noted that it had not availed itself under article 4 of the opportunity to proclaim any derogations from the normal régime. He had gathered, however, from the Iranian representatives' statement, that in case of conflict between the Covenant and domestic Iranian law, Iranian law would prevail. It was the view of the Committee, however, that the principles of the Covenant were paramount and any inconsistency between the two should be remedied. Was there any kind of body in the Iranian Government which had examined the Covenant in relation to the rules in force in Iran to see if there were inconsistencies and recommend what should be done if there were?

11. Moreover, the Covenant should be publicized in every country so as to become its living constitution. Every citizen should be provided with a copy. He therefore wondered if efforts had been made by the Iranian Government to publicize the Covenant. In particular, was there a version in the Farsi language? Had the Government undertaken a process of education in human rights involving all levels of government, including the Head of State himself?

12. Of the basic pillars supporting human rights, the most important were the courts or tribunals. The relevant articles of the Iranian Constitution (articles 156 to 174) were impressive, but he would like information as to what extent the operating

tribunals in Iran were based on those provisions. What organic laws had translated the provisions of the Constitution into ordinary rules? In particular, what was the legal basis for the revolutionary tribunals? During the first months after the revolution, according to reports, they had seemed more like spontaneous gatherings in the street. He was confident that such was not now the case, but the Committee would like to be sure. Had a new code of criminal procedure been issued and, if so, could the Committee have the text? How were the courts manned? With trained lawyers and judges, or did they include many laymen?

13. The position of the legal profession was of paramount importance in safeguarding human rights. Article 14, paragraph 3 (b) stated that an accused person should have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing. Was that right available in Iran? He would also like information on the organization of the legal profession. Did defence lawyers need a special authorization by the Government? Had the Teheran Bar Association been suspended? He had heard that lawyers were reluctant to defend opponents of the Government and inquired whether that was true. He therefore wondered whether there were sufficient lawyers, in Teheran in particular, to whom a person could have recourse for the defence of his rights.

14. The effective enjoyment of political and civil rights rested on several other factors, one of which was a free press. He asked how many newspapers existed in Iran and in Teheran. Was it possible for anyone to establish a newspaper and would a person wishing to express views opposed to those of the Government obtain authorization to establish a newspaper if authorization was necessary? Would it be possible for a person to join a political party or association whose aim was to voice dissent and advocate guiding principles for political action other than those held by the present Government?

15. Another pillar of human rights enshrined in the Covenant was the principle of the rule of law. That meant, in addition to legal precepts, that the individual citizen should feel certainty and security. He would like further enlightenment as to how the precepts of the Islamic faith were reflected in law. Was it possible for an Iranian citizen to disagree with what the Moslem ethic there prescribed as law? He doubted whether the ordinary citizen was able to interpret the Koran in that way and considered that there should be a written code available to all citizens. For instance, he had heard that capital punishment had been imposed for very vague offences such as "corruption on earth", "war on God", "war on God's property". Without an explanation, the ordinary citizen would not know what such offences meant.

16. Articles 7 and 10 of the Covenant referred to the treatment of arrested persons and those in prison. In view of the reports of ill-treatment in Iranian prisons, he suggested that the Government should establish a prison inspection service. Prison inspection boards need not necessarily consist only of officials and the assistance of private citizens could be enlisted.

17. Article 150 of the Iranian Constitution referred to the Islamic Revolutionary Guards and stated that their functions and responsibilities would be determined by law. In view of the reports of arbitrary arrests by the Revolutionary Guards, he would like information as to whether such a law had been enacted and whether the Revolutionary Guards had authority to arrest citizens. Who ensured the discipline of the Guards and what, in fact, was their precise status?

18. Of the many other reports which had reached the outer world from Iran he would mention just one more. It had been alleged that Bahai marriages were not recognized in Iran and that birth certificates had been denied to children of Bahais. Such treatment, if true, would appear to be contrary to the provisions of article 23 of the Covenant and he would like the Iranian representatives to comment upon the allegations.

19. In conclusion, he hoped the representatives of Iran would not consider their task to be merely to reject as many of the charges as possible. Obviously, to the extent that unfounded suspicions had been expressed, such allegations should be denied. But there would certainly remain many elements of doubt. It seemed to him that the concern expressed in the Committee should be reported to the highest authorities in Iran and, in particular, to the Head of State himself, since under article 107 of the Constitution his powers were extremely wide and he was therefore competent to take action to remedy some of the shortcomings and deficiencies mentioned. The dialogue which had been started was not an end in itself but should lead to progress being made.

20. Mr. Prado Vallejo took the Chair.

21. Mr. GRAEFRATH remarked that it was three years since the representative of Iran had informed the Committee that the reports submitted by the former régime did not reflect the reality of the situation in Iran regarding the status of civil and political rights, and that his country was passing through a revolutionary process which was laying the foundations of a new society. The structure of that society was reflected in the Constitutional Law of the Islamic Republic. Three years was a long time to wait for a report but was a short period for effecting a revolutionary change in a society. It was not the first time the Committee had had to wait for three or more years for a report even in situations where there were no reasons, certainly no revolutionary change, justifying the delay.

22. The Iranian report was narrower in scope than article 40 of the Covenant envisaged. Reports should not be confined to laws and regulations but should also describe the measures adopted to give effect to the rights recognized in the Covenant and the progress made in their enjoyment. They should provide information relating to the actual situation. The Committee had on a number of occasions had to draw the attention of States Parties to the fact that their reports were limited to a description of laws and regulations and in the case of a country undergoing a revolutionary process it was particularly important that the report should not be so

circumscribed. Much factual information was required for a proper understanding of what was going on in Iran; unfortunately, the report did not contain enough of such information and even the reference to the newly enacted basic laws was very general. He was sure that following its delegation's meeting with the Committee, the Government would provide a more detailed picture of the extent to which the ideas contained in the Constitution were reflected in the daily life of the Iranian people.

23. It was more difficult to consider the Iranian report than those of other States Parties because it was impossible to ignore the fact that there had been a revolution in Iran. He would like to know how far the revolutionary process had influenced the human rights situation in the country and what were its effects in relation to the Covenant. He associated himself with other members who had asked questions designed to obtain more detailed information regarding newly enacted laws and their enforcement.

24. For the first time the Committee was considering a report submitted by a country undergoing a revolutionary process; the relationship between revolution and law had preoccupied lawyers for centuries because in all cases revolutions had created their own law. The Iranian report referred to the particular characteristics of the Iranian revolution and he would be glad if the Iranian delegation could explain their understanding of the relationship between the revolution and the Covenant. Every revolution had its own laws. It was at one and the same time an instrument for destroying an existing legal order and for establishing another with its own values and ideas of legality. It was a manifestation of the exercise of a people's right to self-determination; and a people would enforce its will with such means as it had at its disposal or which were necessary or unavoidable in the circumstances in order to overthrow the old system. None of the great revolutions had been achieved simply by means of declarations. The Declaration of Human Rights of the French Revolution had not prevented the establishment of revolutionary tribunals. It was clear from history that a revolution necessarily had its influence on the content of a legal order and the administration of justice. In a way, and at certain times, the revolution itself might be the administration of justice. It was inevitable therefore that a revolution would influence the implementation of such an instrument as the Covenant. It was difficult to imagine how a revolution could be carried out by following the legal procedures of the Covenant. For those reasons, he would like more detailed information from the Iranian Government on the revolutionary process itself.

25. The Covenant did not explicitly refer to a revolution, as it did for example to emergency situations, but a revolutionary process which gave rise to considerable changes could be understood as the exercise of the right of self-determination, a right which the Covenant recognized as a right of all people. In that sense a revolution would be recognized by the Covenant as a law-creating process. Any revolution would be bound to create its own law and legal order, but it required time to establish that order.

26. The Iranian report (CCPR/C/1/Add.58) raised the question of the relationship between the Covenant and the revolutionary process. He personally did not believe that the Covenant was ever intended to put the right of self-determination into a straitjacket of individual rights or that it could ever succeed in doing so. Article 1 might in a sense be understood as a revolutionary reservation.

27. Commenting on the statement on page 3 of the report that revolutionary Iran and the newly established Islamic Republic were targets from all sides and the heroic nation was bent on defending its honour and existence, he said that such a situation might be regarded as justification for a state of emergency, a declaration under article 4 of the Covenant and a possible derogation from certain rights. No such declaration of a state of emergency had however been made. That might lead on to consideration of the relations between article 1, the process of revolutionary change, and the possible suspension of rights in connection with emergency measures. What was possible for a Government under a state of emergency should be at least equally possible for a people in the process of revolution. The Covenant was surely not intended as an instrument to be used against the constitution of a State - or again as an instrument to preserve the status quo.

28. It would appear that the report was referring on page 4 to exactly that point, when it explained that a general review of old laws had been necessary because all the laws which for long years had governed the deprived people of the country had been enacted in such a way as to bring about the domination of a small group. He asked whether the Government of Iran had ever envisaged making a declaration under article 4 of the Covenant and why such a step had never been taken in spite of the revolutionary process and in spite of the state of war.

29. Mr. MOVCHAN said that he associated himself with members who had welcomed the Iranian delegation. The Iranian report indicated that its authors were well acquainted with the Covenant. Part of article 40, paragraph 1, was quoted on page 2 of the report, but paragraph 2 required reports to indicate the factors and difficulties affecting the implementation of the Covenant. Members had referred to the internal difficulties during a revolutionary process that might lead to difficulty in submitting a report. There might also be external difficulties affecting the preparation of a report as had been seen in the case of Jordan. The purpose of submitting reports was not only to assist States Parties in the implementation of their obligations under the Covenant but also to enable the Committee to obtain an accurate picture of the way the provisions of the Covenant were being implemented not only by legislation but also by other measures as indicated in article 2, paragraph 2.

30. The Iranian representative had conveyed additional information in his statement. However, without more detailed information he felt unable to ask questions without the risk of misunderstanding. He did not wish to base questions on hearsay or unfounded allegations because it was understood that the Committee should base its questions on the report of a State Party or on United Nations documentation. The comprehensive report promised by the Iranian delegation would provide the occasion for questions, and he was anxious to know when that report would be submitted.

31. Mr. Khosroshahi, Mr. Mahallati, Mr. Eneyat, Mr. Jalali, Mr. Givi and Mr. Nikain (Iran) withdrew.

The meeting was suspended at 11.50 a.m. and resumed at 12.20 p.m.

32. Mr. Tomuschat took the chair.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

The introduction of Arabic as a working language

33. Mr. AL DOUPI referred to the General Assembly and Economic and Social Council recommendations concerning the introduction of Arabic as a working language in subsidiary organs of the United Nations and said that it was important that the Committee's work should be made known in the 20 or more countries which made up the Arabic-speaking world. That could only be done through the dissemination of the Committee's basic documents and of records in Arabic. There would, of course, be financial implications, but they were a matter for the States Parties rather than for the Committee. All the Committee needed to do was to make a simple recommendation; it would then be for the General Assembly or for the States Parties to take a final decision.

34. The CHAIRMAN inquired whether there was an agreed Arabic translation of the Covenant.

35. Mr. HOUSHMAND (Representative of the Secretary-General) replied that an Arabic translation of the Covenant had been made and had been published in Cairo. The document needed to be reprinted.

36. Mr. ANABTAWI (Secretary of the Committee) said that he himself had translated the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights into Arabic at the request of the United Nations and that the translations had been published by the United Nations Office at Beirut.

United Nations Human Rights Committee
19 July 1982

Iran (interpretation from Farsi): (Mr. Khosroshahi)

Mr. President, distinguished members of the Human Rights Committee, as the Head of the delegation of the Islamic Republic of Iran, I thank the Human Rights Committee for the opportunity given to me to clarify certain questions and explain a few matters of some importance. I also thank the Committee members who made kind remarks in their speeches with reference to the Head of this delegation.

On the other hand, some of the gentlemen only repeated certain lies and accusations originating from imperialist quarters which were afterwards reflected in the Western mass media. In fact they voiced as a loudspeaker does what the enemies of the independent and free Islamic Republic of Iran have been saying, and this is of course greatly regrettable. In view of the fact that the Human Rights Committee in its eleventh session has decided upon its own obligations and authority, which is included in its article 40 of the Covenant, the delegation of the Islamic Republic of Iran wishes to register its strong protests for the violation of the same by some of the members of the Human Rights Committee and would like to declare that such a behaviour goes a long way towards discrediting the Committee in the eyes of our people and the oppressed nations of the world, and would question its claim for fairness and impartiality.

Paragraph D of Annex IV says: "The Committee confirmed its aim of engaging in a constructive dialogue with each reporting State." But unfortunately statements made by some members, especially the Human Rights experts from Jordan and Canada, fell completely outside limitations set for their obligations and the necessary impartiality and objectivity required for the performance of their duty. The fact that the imperialist press and radio and television networks have put their facilities at their disposal confirms our suspicions of such a unison in spreading baseless accusations against the Islamic Republic of Iran.

We came here out of our genuine respect for human rights. But the attitudes of some members in statements made by them were so unfair and illogical that we think it will once again confirm our people's suspicions of all Western phenomena even if it appears in the guise of human rights.

We explicitly declared in our five-page report and our 45-minute oral statement that our complete and detailed report will be submitted after our Majlis, the first consultative assembly of the Islamic Republic of Iran, completes its legal duties. But Messrs. Sadi and Tarnopolsky, ignoring this fact deliberately, read out their groundless indictments against the Islamic Republic of Iran. Mr. Sadi, as the first expert to read his statement,

set the theme and others followed him in throwing all unjustified and baseless obligations in the book at us. Of course the only experts who seem to understand our revolutionary situation, that is, Mr. Anatoly Movchan and Mr. Bernhard Graefrath, would have to appear at the end of the show. For us, the statements read out by most experts reminded us very much of the indictments read by the Shah's military prosecutors against Muslim revolutionaries. It once again reminds us of the time when the Shah's notorious sister, Ashraf, headed the U.N. Human Rights Commission. During those long years when a whole nation was suppressed and oppressed by a brutal dictatorship on no occasion did Human Rights experts venture to cross-examine the Iranian delegation as they did the true delegation of our revolutionary nation, that keep their beloved Islamic regime in power through her incredible sacrifices and at the cost of their precious blood.

Mr. Sadi of Jordan sees himself as the president of a military tribunal, whereas if they were to hold an international tribunal, it should try those who massacred some 20,000 Palestinians during Black September and have so far escaped the hand of justice. But, of course, the people in the Third World and other fair-minded people in other countries shall never forget this human tragedy.

Mr. President, distinguished members: do you know of any revolution which, in its most critical initial stages when fighting against internal and external enemies, has managed to stage a few national referendums and elections for people's approval of the new order, for the election of successive presidents, for election of representatives to a constituent assembly, for election of deputies to parliament, to abolish the revolutionary council - which could linger on for many years, to form governments and cabinets, to create many peoples' institutions throughout the country, to declare the third year of its victory as the year of war by the suggestion of its wise leader, to approve in its parliament hundreds of legal bills for the improvement of the social, political, cultural, economic and judicial life of the people, to wrestle with back-breaking problems left over from the dark period of the previous despotic monarchy, to combat internal organized terrorism, to fight a well-equipped aggression by a neighbour ruled by blood-thirsty beasts called "Baathists" - rather "blood-bathists" - to neutralize many a conspiracy and invasion instigated by the greatest monster of human history which goes by the name of "Yankee imperialism", and at the same time, and while performing all these Herculean tasks, prepared a detailed report about the most minute aspects of law and order for the Human Rights Committee of the United Nations?

Your attitude towards our people's revolution shall remain in history as one of the most shameful violations of the true rights of the people that have purchased freedom, independence, integrity and honour for themselves (with) the precious blood of hundreds of thousands of martyrs.

While consolidating the foundations of the rule of law in our country, we presented a short report to the Human Rights Committee out of our absolute faith in the rights of humanity. We could, like some other countries, have postponed this for many years to come - postponed the coming to this session - and if we were convinced that imperialist quarters would take advantage of our good intentions and would attribute it to international pressure we would have never made a presence at such gatherings and would continue with our well-founded suspicion of everything the West says and does. Our people staged a victorious revolution through Islamic principles and divine guidance, and not through the provisions of the Human Rights Committee of the United Nations. If our people trusted such Western creations as the United Nations or its Human Rights Committee, today the infernal Shah, his murderous generals, and some 45,000 American advisers would still be ruling Iran. That is why Mr. Sadi of Jordan in our eyes looks like one of the Shah's military prosecutors, in one of his anti-Human Rights trials. Of course, we shall not be asking him why his government could send military forces to aid Iraq in its aggression against Islamic Iran and its young revolution.

Mr. Sadi (Jordan):

According to law of procedure, this is not an occasion to go into political aspects. We spoke about Jordan, about the Palestinians in Jordan - these questions, Mr. Chairman, we have not raised, and I think, Mr. Chairman, that it is incumbent upon you to remind the distinguished head of the delegation of Iran to respond to the questions and not to go into issues not related to the questions. We have his angry accusations about me as member of the Shah's military; I can tell him now that I have never been for the Shah of Iran; I have never supported the Shah of Iran; I was very happy when the revolution took place. So to make these accusations at this stage merely because I raised questions which I wanted him to give us an occasion to respond to; therefore if he thinks our Commission is wrong this is the occasion for him to respond - this is why we asked him to respond. But to make accusations against my person, about my loyalty to the Shah, about my support to the Shah and about the massacre of Palestinians, Mr. Chairman, these are all wrong. And I would like to tell him first and foremost that I have never been a supporter of the Shah of Iran. That's the reason I was angry when I heard the reports about the tortures, about the executions, because I was against

the same kind of reports which I have heard during the Shah's regime. So please, Mr. Chairman, it is incumbent on you to remind the distinguished delegation from Iran to limit themselves to the questions and to reply - and not to make any references against my person - this is my position - and about issues not related to the questions we have raised. Thank you, Mr. Chairman.

Chairman:

Thank you, Mr. Sadi. I very strongly plead to the distinguished head of the delegation of Iran to avoid personal attacks against members of this Committee, and to avoid implications from governments not represented here because here we have people appearing, members appearing in their personal capacity.

Iran (interpretation from Farsi): (Mr. Khosroshahi)

But we shall not ask him this question because we think that such questions shall be answered, if God will, on the scenes of further battlegrounds, but we certainly can ask Mr. Nejib Bouziri what has his government done to protect the rights of Palestinian nation and safeguard the independence and integrity of Lebanon; you are both Muslim and Arab. Why doesn't any of you send any volunteers to fight the Israeli Nazi occupiers and war criminals?

Arab Tunisian brother dare question us as to what we have done for Lebanon and Palestine. If your monstrous Baathists of Iraq had not pre-occupied us for almost two years, the world would witness to what extremes we would go to liberate Jerusalem. It is not without any grounds that the international terrorist that goes under the name of Menahem Begin is threatening nowadays that if Iran steps forward they will do this and that. Moreover the question of our support for Palestinians and the Lebanese must be put to these people themselves; they are the ones who will supply you with the proper answer. The fact that these heroic people have been able to withstand the war machinery of the Zionist enemy could not have come about without preparations, and maybe revolutionary Iran did have a small share in this, and we are certain you'll agree that Egypt, Jordan or Tunisia never raised a finger to help the Palestinians. At any rate, we declare to those Committee members who voiced our enemies' allegations, and to all those who are still dreaming of the defeat of the Islamic revolution in Iran, that our people have decided to remain free, independent and Islamic, and not to be fooled by imperialist myths of human rights, etc. Our people have a half a century of experience of domination by Western imperialism and shall not easily give up

their newly acquired freedom, independence and Islamic Republic which was won at the price of some 70,000 martyrs at the very last stage of their struggle against the dictatorship of the Shah.

If the members of the Human Rights Committee of the United Nations had after the revolution only once condemned the counter-revolutionary wave of terrorism in Iran which has claimed the lives of hundreds of men and women and children, the clergy, scholars, workers and peasants; if the Human Rights Committee had only once declared that it was a bad thing that Iraqis was bombing or slaughtering civilians including many Arabs in non-military zones in Southern and Western parts of Iran, then they could justify questioning us today, as to the exact number of prisoners or the number of criminals, people butchers, SAVAK torturers, spies, terrorists, murderers and similar God-forsaken "corrupt-of-the-earth" we have executed. What on earth gives you the right to ask us any question? Where were you on that famous Black Friday - that is, during one single day, when the Shah's henchmen massacred some 3,000 people in Teheran? What is the record of the U.N. Human Rights Committee during those black years of the Shah's rule, when human rights were most shamelessly trampled upon? And those of you who talk about tolerance and clemency in Islam would better first take a look at other revolutions - for example, the figure of 150,000 killed after the French Revolution - and find out for themselves that if it were not for Islamic clemency and tolerance how many agents of the former regimes would have been executed. If our people were of a revenging type, having offered the revolution some 70,000 martyrs and 100,000 crippled, they would have run rivers of blood. What was it that prevented them this? It was only because of Islamic tolerance and mercy, and because of the general amnesty declared by our beloved and kind-hearted leader of the Islamic revolution. But we could not have possibly given SAVAK agents, and top officials, "legion d'honneur" medals of the former regime.

Distinguished members of the Committee who happen to be both legal experts and Islamologists do remember Article 18 of the Covenant according to which Muslims could manage their affairs in accordance with Islamic principles, and should agree that this includes political, economic and social and judicial matters and relevant laws and regulations. Otherwise it would be ludicrous to tell the Muslim people of the world "you may do your prayers according to Islamic tradition, but you're not allowed to practice Islamic penal or criminal codes."

Mr. President, distinguished members of the Committee: I declare once again that baseless allegations raised by some of the gentlemen did not even conform with the criteria set by the Committee

itself, and therefore are of no value. They were boring repetitions of cliches employed in a vast conspiracy against the Islamic Republic of Iran throughout the West-dominated world. Otherwise it would be unbelievably irrational and unfair that certain members, who are supposed to be legal experts and are presumably impartial, without access to any independent and authoritative reports from Iran, without proper inquiries and without any reliable documents and evidence at their disposal, should base their judgments or comments and questions merely and purely on adverse publicity material, information provided by imperialist mass media, which has all along revealed its animosity and hatred towards the Islamic Republic of Iran, and pamphlets, booklets and publications put out by counter-revolutionary elements such as the families of Iranian capitalists, embezzlers and thieves, fugitive criminals and butchers of the former regime, servants and cronies of capitalist regimes of the West and terrorist organizations whose agents are daily murdering innocent people in Iran. The propagation and repetition of these malicious lies and groundless accusations through the Human Rights Committee of the United Nations is one of the most unethical and immoral means of executing and continuing the anti-Iran policy of Zionism, imperialism and reactionary Arab regimes, for discrediting the international appeal of the Iranian Islamic Revolution.

That accusation that topped the list of most members' accusations was the ridiculous Baha'i question. It seems that this matter was the most critical problem that the world community was facing.

We will therefore try to explain this matter once and for all, and we hope that our statement in this regard will reach the eyes and ears of fair-minded people in the world. Baha'is leaders apparently claim that some sixty to seventy Baha'is have been executed in Iran, and that the Baha'i population in Iran is either sixty or seventy thousand.

The very first question that springs to mind is: "Why out of some 70,000 people only seventy have been executed?" and the question which follows the first is: "Have these seventy people then been executed because of their Faith or beliefs, or the total Baha'i population in Iran was only sixty or seventy persons?"

And now tell you gentlemen why some so-called "Baha'is" have been executed, and while others are living in Iran like the rest of the Iranian people. Baha'i leaders claim hypocritically and shamelessly that they do not interfere in political affairs; but

during the long black night of Pahlavi regime in Iran they worked hand-in-hand with Zionism and maintained closest organic relation with the Shah's oppressive and mass-murdering regime. They never hesitated a moment to help the former Iranian regime in its acts of suppression; oppression of freedom, liberty, human rights and the freedom-loving opponents of the regime. Undeniable, authentic documents captured by our revolutionary people from SAVAK headquarters and centers throughout Iran and official, confidential and secret papers and documents - hundreds of actual authoritative evidence point to one direction only: the Baha'i hypocritical, criminal leaders were the key figures and most important policy-makers of the God-forsaken regime of the Shah. Known murderers and traitors such as General Ayadi, the Shah's personal physician; General Khademi; the Shah's brother-in-law; General Samii, the Shah's Minister of War; Hoveida, the Shah's Premier for thirty years; mark you - are non-intervention in politics? Mansour Rouhani, the Shah's Minister of Agriculture for twelve years; Mrs. Parsa, the Shah's Minister of Education; Sabeti, the second high ranking official in SAVAK hierarchy; General Nassiri, Head of SAVAK - to name but a few - were all key figures in controlling and maintaining the Shah's regime. This kind of collaboration between the Baha'i ring-leaders and the Shah's regime - was so close that according to Document No. 1 in the collection of secret documents - these documents will be translated and, together with copies of the originals, submitted to the Committee - concerning Rouhani's circle of Baha'i granted the butcher Shah of Iran the title "the Great Saviour of Iran". According to Document No. 9 in this series, the Baha'i leaders received secret information on the Iranian army, their weapons and strength which were not used, of course, as religious recitations in Baha'i circles, but were kindly dispatched to Israel - marked again non-interference in politics?

According to Document No. 11, Baha'i leaders once sent 120 billion rials to Haifa as a donation to the Zionist army. That's why the late President Nasser accused them of being Israeli spies. According to another document, the Zionist government granted Mr. Hoveida a very large piece of land in occupied Palestine as a sign of gratitude for his most friendly ... regarding ... Zionist non-entity, and it is very interesting that SAVAK agents write in Mr. Hoveida's file: "Beware, he has such a such land in Israel" etc. And such those Baha'is were either agents of Israel or accomplices in the killing of people - and Hoveida took part in the leadership of such - were condemned and executed like many Muslims, and that have no relation to the Faith and beliefs of the criminals.

Therefore, it is obvious where such propaganda originates. To demonstrate more clearly the alliance between the Baha'i and Israeli we make reference to what a Baha'i leader in America has

once said in their official magazine called "Akbar Amin", issue 10, page 601, "Our religion should grow in the youngest of the countries: Israel. We completely depend on this country. In fact, we shall say that the future of Israel and our future is interlocked together like a chain." The traitor Baha'is, like traitor Muslims, were executed in Iran and that nobody in Iran who would be executed or penalized because of his Faith or religion and to show the proof in this respect is the lives of tens of thousand Baha'is who, the Baha'is claim, who have a good life in Iran.

Well, putting these general issues aside, we reach as to how to conform the Islamic laws with the solution of any disputes or bottlenecks that may arise and the views of the Islamic Republic of Iran in this conjunction. In our reports we (state) that whatever the divine rules in which we strongly believe should come into conflict with human law, we will select and choose the divine laws. When a nation - as to its Islamic movement - realizes and accepts the principles of Islam for its existence, they would always follow as a result the Islamic precepts and Islamic guidance in resolving all their problems. The essence and the basis of the values in Islamic laws are all derived from God and divine inspiration, and certainly the criteria for the validity of any law and any other ideas to us are the proximity and the coordination of them with the fixed values of God which have been transmitted to earth. However, since we consider the human traits as coordinated and in line with the values inspired therefore the possibility of conforming the values derived from human civilizations which are derived from human reason and logic, we consider them close to Islamic values and criteria, especially in view of the canon law in our Shi'ite theology, has given us this possibility that the legal necessities for the continuation of our community's life, should be considered in relation to the needs of the period and considered them clear and that the implementation of the divine rules should be always viewed in conjunction with these laws. Although the conspiracies after the revolution against Iran did not give us enough time to develop and set such laws and rules, nevertheless our efforts are towards the rapid establishment of three powers -- that is, judicial, executive and legislative -- in conformity with Islamic laws and this demonstrates our interest to present a clear picture of our legal revolutionary laws. Certainly after the legislative power of the Islamic Republic of Iran has been set aside and established, then we could clearly realize its conformity or lack of conformity or its relative conformity of each one of those laws and articles with what we have in mind. Certainly in our detailed report as we understood from the conformity of all such laws with Islamic precepts, and where we make reference and detail some of these laws in conjunction with our newly-established rules, we will be very glad to finalize these

and present them. Should there be any lack of conformity or interference or disputes, we will have no fear in bringing them up and explaining them here. Not only will we have no fear in this regard but explicitly we will try to convince the Human Rights Committee as to our preference for the Islamic laws. Some of the distinguished members asked us as to whether or not it would be possible to include and put the human rights laws in the Islamic laws. In response to that, I should say that if the merge or inclusion of these laws are to compliment and complete the Islamic laws in such a way that these two laws be married together, of course the response would be a negative one because we consider the Islamic laws as universal and that the canon law in our theology will take into consideration the needs of our community in view of the universality of Islamic law. However, if the merge and such a marriage would mean an effort toward understanding and exploring the common aspects of these two laws together, this would be accepted by us with pleasure and we will follow it up with pleasure.

As to responding to another question raised by one of the distinguished members here, as to whether or not Islam can govern, I should say that Islam is not summarized only in a set of laws and regulations, so that would ... the individual to think only about the moral values. This is strange that some of the distinguished members of the Committee, where they claim to be Moslem and are familiar with the Qu'ran, have forgotten that this Holy Book - from moral teachings to historical analysis, from penal codes to distribution of wealth and economic possibilities, and a model for the economic growth of the community, together with the spiritual development and growth, and in relation also to the criteria for making use of the nature's gifts, teachings as to the spiritual and moral values of human beings, also in order to prevent exploitation of man by man - all of these things have been included in this Holy Book. They are all covered there. This is not only a slogan; our Islamic Revolution which effectively attained victory and our resistance toward conspiracy and also our new legal framework will be in future a good criteria to prove the claim. Therefore, our response to the question of the possibilities of Islamic government as a system is strongly a positive one.

It was asked that: How could non-religious laws be consistent with Islamic laws? In this respect, I must submit to the distinguished Committee that any non-religious law cannot necessarily be anti-Moslem or anti-Islamic. What is definitely not acceptable by us are the laws which are against Islam. In this respect at the end I would like to refer to the only logical question which was raised here by some of the distinguished members; and that would be: as to the fact that when we would be able to offer our final report. I would like to tell them very explicitly and frankly that the extensive, detailed and complete report of ours will be presented to the distinguished Committee when the period of our constituent assembly has approved all the laws and

communicated to the executive power in the country. And now, I would like to draw your attention to a small response in regard to judicial and legal issues, and I would ask my distinguished colleague to read the report in this regard because I feel tired.

Iran (Interpretation from Farsi): (Mr. Enayat)

A very summary and brief study of the judicial system of Iran would help us to recognize as to how individual rights in Iran are guaranteed. The separation of the judicial power in Iran in the constitution from Article 156 on, has been foreseen and on the basis of Article 158, the Supreme Judicial Council consists of five members, two of whom are the State General Attorney and the Supreme Court Chief Justice. The three other members are selected from among the well-qualified Iranian jurists by Iranian jurists. Per Article 157 of the Constitution, the Supreme Judicial Council, which is the highest institution in our judicial system, has the following functions: establishment of proper organization in the Ministry of Justice; preparation of the judicial bills; and thirdly, employment of religious judges vested in Islamic, theological and canon law, and their appointment and dismissal and the ... of the arrangement of all the administrative affairs in accordance with the procedures governing the employment of the judges. Presently there are 44 provincial and criminal courts in twelve provinces and that 121 courts of first instance in 52 towns exist. Also, there are other, independent and local courts in 60 towns and townships. Right now, there are several systems of legal and judicial system which exist in Iran and I'll go into detail into them.

The Special Civil Court: Since a family is considered as a family unit of an Islamic community, and as rules, laws and plannings should be made in the direction of promoting family life on the basis of Islamic laws and morality, and the guarding of its sacred nature, the Revolutionary Council of the Islamic Republic of Iran ratified the law in 1979 establishing the Special Civil Court the Revolutionary Court. From February 1979 on, an Islamic Revolutionary Tribunal was formed in the central province, the capital, to deal with the post-... or pre-... offences committed against the revolution. Per Article 2 of the Revolutionary Tribunal's rules, ratified by the Revolutionary Council in 1979, the Islamic Revolutionary Courts are competent to deal with the following offences:

1. Murder and massacre.
2. To reinforce the Pahlavi regime and the systematic military repression of the Iranian people's struggle; imprisonment and torture of the people per order or individually according to their own initiatives.

3. Economic crimes - that is, plunder of the community treasury or misuse of the State's wealth for the benefit of the foreigners.
4. Conspiracy against the Islamic Republic of Iran through sabotage, terrorism and espionage for foreign powers.
5. Armed robbery, rape, production and importation of intoxicating drugs.

Note - all offences other than the foregoing are not within the jurisdiction of the Islamic Republic and the Islamic revolutionary courts and that they fall within the competence of the justice or the military courts. Pursuant to Article 4 of the same ratification a revolutionary court is composed of three principal and two alternate members. The three principal judges are: (a) a community judge, per recommendation of the Provisionary Revolutionary and now the Supreme Judicial Council; (b) a judge from the Ministry of Justice; (c) a trusted personality by the people who is aware of the Islamic revolution and conditions. Per Article 17, the revolutionary prosecutor per recommendation of the Revolutionary Council and approved by the Imam. According to Article 31, the revolutionary guards have no right to arrest any individual without a written authorization of the revolutionary prosecutor. Without such an authorization they have no right to enter anybody's household nor can they seize any person's assets. Any violation in this regard would result in the guard's dismissal per prosecutor's order. Should this violation be repeated, the guard would be apprehended by the revolution court. (Note: should the accused be in the employment of the army or the armed forces, or be the holder of an important political or administrative position, his summonsor arrest is to be carried out with the prior approval of a committee on behalf of the revolutionary court and keeping his superior so informed.) Should there be a concern as to the escape of the accused and that he might be of the type where no negligence or minimum security treatment should be considered, such individuals, after having been definitely recognized as such, may be arrested without the prosecutor's authorization. However, the matter should immediately be communicated to the prosecutor. For the purpose of organizational coordination and consistency of the implementation of the rules, as well as maintaining their independence from the State Court, the State organizations, it was necessary that the revolutionary court should be integrated in the Ministry of Justice, and as such, the laws supplementing the Ministry of Justice with the revolutionary court was approved by the Islamic Parliament in 1981.

Military courts: Under Article 172 of the Constitution - to investigate the offences relating to special military or security duties - of the personnel of the armed forces, gendarmerie, police and the revolutionary guards corps, military tribunals shall be held according to the law. As far as ordinary offences of such personnel where their offences in the capacity of justice officers are concerned, such offences shall be investigated at justice court.

Conditions for the employment of a judge: since most of the members have this question here I would like to respond to this. Recently the bill providing the conditions for the employment of judges has been approved in the Parliament last spring. Pursuant to this law, a judge is to be just, religious and faithful to the order of the Islamic Republic. He must be a reputable one and an authority on the canon law or be appointed by such an authority - that is, the Supreme Judicial Council. As to the Bar Association, the continuation of the Bar Association in the old form was no longer feasible and therefore a new bill was introduced and approved by the committee for the review of the bills in 1980. The committee is composed of legal experts, provincial judges and Supreme Court judges assigned by the High Judicial Council. Thus the independence of the Bar Association is secured.

As to the Justice Arbitral Tribunal: The scope of this tribunal's jurisdiction and competence comparable to the French "Conseil d'Etat" is foreseen in Article 173 of the Constitution. According to Article 11 approved by the Parliament and the Council of the Custodians, this deals with the complaints and protests against the actions of the government units - be it ministries, government entities, instrumentalities or agencies, and the revolutionary units, or rules and procedures related to them, as well as unconstitutionality or misuse and violation of such; also processing complaints and protests as to the courts' awards and rulings are among such functions. Ministries, governmental entities, agencies and instrumentalities as well as their affiliates and revolutionary units are obliged to carry out the Tribunal's rulings where they relate to them. In the event of failure or non-adherence to the foregoing, such an authority shall be removed from office and will be subject to legal prosecution.

Per Article 22: Disputes as to the jurisdiction of the administrative justice and the ministries of courts, it shall be resolved by the Supreme Court. Article 25 stipulates that in the carrying out Article 170 of the Constitution the administrative tribunal shall refer to the Council of Custodians any complaints as to the governmental rules and regulations. Should the Council render its award as to the non-legitimacy of any rule or regulation, the administrative justice will issue a nullification ruling to such an effect. The state inspectorate organization, on the basis of Article 174 of the Constitution, on the strength of the right of judicial power, to control over the satisfactory circulation of affairs and a sound administration of laws in the government units, and an organization named "State Inspectorate" shall be formed under the control of the Supreme Judicial Council. The Inspectorate has 27 administrative personnel, 32 judicial personnel and aides. Their activities fall into three areas. I don't go into detail in this respect, and I'll explain the mechanism as to guaranteeing the individual rights, and I will explain the Committee on Article 90 in the Constitution.

Pursuant to Article 90, any person having a complaint as to the run of affairs and the Majlis - the Parliament - or by the executive or judicial powers, he can lodge his complaint in writing with the Majlis. The Majlis shall consider the complaint and give adequate reply thereto. If, however, such complaints relate to the executive or judicial power, the Majlis shall consider the case and call upon the executive or judicial power to adequately clarify that. The Committee on Article 90, which is composed of a few members of Parliament and some legal experts, in accordance with the law authorizing the direct communication of the Majlis with the outsideworld and the direct investigation of Majlis approved in 1980; as to the three powers in Islamic Republic of Iran and all the bureaus and ministries as well as foundations and the revolutionary units, they have the right to enter into direct communication with these and demand explanations in this respect.

There was another question as to the judicial policy - and the mechanisms as well as their terms of reference. The necessity for establishment of the judicial police and their separation from the military police, and training the special "cadres" for this respect, was felt from the beginning of the revolution. The bill for establishing judicial police was approved by the Parliament in 1980, and its amendment in five articles was approved last year; and their duties are as follows: communication of the legal and judicial documents; implementation of the penal and civil rulings; judgements; pursuit of the accused; forming and establishing the introductory files for them; safeguarding their archives; and affairs related to the coroners office - their identity and also investigation. The organization for judicial police is a part of the judicial power and is independent from executive power. The chief of the judicial police is the deputy to the state prosecutor and they have their own special uniforms, and they have their own rankings. In the selection, training and their award we pay attention to two important elements of faith and moral cleanliness, as well as order and discipline in their work. It may be very tiring if I go into detail in explaining the judicial police organization any further.

I would like a small explanation as to the Iranian prisons and the recent changes that have been effected in regard to the laws and implementation of those laws vis-a-vis the prisons. In accordance with the law giving the affairs of the prisons to the Minister of Justice, approved in 1979 by the Council of Revolution, the organization of all the state prisons and the industrial units as well as agricultural ones related to these prisons are all given to the Minister of Justice. In its supplementary bill to this law approved in 1980, it was ordained that the Minister of Justice in forming a Council composed of one judge, a police officer and one political prisoner belonging to the old regime; and the members of this council are elected by the Supreme Judicial Council and they

function under the supervision of the state prosecutor. What they have achieved so far are the following: preparation of laws; preparation of procedures and operating manuals for the prisons, as well as other institutions related to the prisons; and training; preparation of the statutes for the Associations for the Protection of the Prisoners which was approved last year (four months ago actually). It was approved by the Supreme Judicial Council, which, according to Article 1 of that Association, such an association is composed of a certain jurist and other members of the prison in relation to each prison. According to Article 3, this association is supposed to help the families of the prisoners, re-institution of their personality and integrity, their reformation and their guidance, aiding them in learning a craft, aiding them in finding a job after release from the prison by giving them either financial aid or providing them with a new opportunity, in aiding them in improving their health and other aspects, encouragement of artistic and cultural activities, sports, crafts and educational activities, creating units for self-aid, a reformation centre for the children - juveniles, centres for the supervision of the juveniles after release as well as other schools to train such juveniles. These procedures were approved four months ago. The procedures for the protection of the prisoners which was approved in 1981, approved by the Supreme Judicial Council and in its Article 12 they ordained that the social workers are obliged to provide for the families of the prisoners which are under the protection cover of this Association; that the Association should provide separate files; and these social workers' files should include the specifications and all the aspects of the family life of the prisoner, number of his family household, report as to the regular visits of the household of the prisoners and the actions taken toward improving their lot and guidance of the prisoner. These all must be prepared and submitted. In the budget law dated 1981 adequate budget, in accordance with Article 35, was set aside and put at the disposition of the Supreme Judicial Council in order to implement all these projects. Other activities which have been effected in this regard include a procedure as to the violations of the prisoner guards, preparation of a statute related to the cooperative of the prisoners in the capital and the industries related to them, a procedure for taking care of their families, health insurance of the prisoners, as well as implementation of religious ceremonies should it be requested by the prisoners. The occupation of the prisoners as well as the open prisons - we have two examples in this regard: one is the prison called "Qawzahesar" where some of the prisoners are constantly working on agricultural projects and farming, and the other group would be occupied in learning industrial activities, both of which are being conducted in a free atmosphere; moreover, many of the industrial units where the prisoners are working there voluntarily and where they receive their salaries. One of these institutions is occupied with the training and educating the children of the prisoners which according to a law passed last year all aspects foreseen in order to prevent that such offences be repeated; and that in the Islamic penal code - this story has been reported from the Prophet - that the penal responsibility has been removed from three groups: the youngster until the age of maturity -

that's the first group; and those who don't have mental capacity - the mad ones, the crazy ones; and the one who is sick. The foregoing was in response to questions as to whether or not children and juveniles would be prosecuted.

As to the clemency for the prisoners: a procedure has been prepared in this regard by the Parliament the last of which was ratified in 1981 and that a committee has been formed composed of the president of this Association for the Protection of Prisoners, the chief legal officer of the Ministry of Justice, the Teheran prosecutors, Identity Bureau's chief, and also a judge selected by the Supreme Court of Iran. This committee reviews the recommendation for clemency and, according to Paragraph 1 of Article 3, the implementation of an execution, should there be a request for clemency by the accused, the acceptance of such a request or rejection of it would be communicated to the prisoner within 15 days, and until the response from this Commission, the execution will be delayed.

The collection of the penal codes, to which many of the distinguished members have made queries here: I must inform you that during the past two months several important bills have been passed by the Supreme Judicial Council, including more than 2,800 articles, and they have been given to the Parliament so that it would be reviewed, studied and approved. And they would be divided into six parts: one is the legal affairs, the civil law procedures, the penal law procedures, and the general punishment laws, the improvement of some of the commercial codes, and the registration laws. The details of all these articles may become very tiring, especially when the translation is being made. I really deleted a great deal because they could not be easily translated here.

Mr. Chairman, distinguished members of the Committee: the fact that you listened to us with patience - I would like to thank you very sincerely, and we hope that in the first opportunity that we may have to prepare the complete report for this Committee and present it here. And we hope that the distinguished members of the Human Rights Committee in their judgement and arbitrations and even in quoting would rely on the documents and proofs. Otherwise the repetition and quoting of rumours and accusations not only will not solve any problems, but our Muslim people and other Muslim people of the world would become pessimistic towards certain phenomena. We do hope that in future, which will be the reconstructing part of our country, we hope that during this period we will attain a more complete objective and that the problems be removed and solved and that there will be no place for allegations and rumours which are foundless and which may be derived from our enemies. Once again, I would sincerely appreciate your presence here and I thank you.

Iran (Interpretation from Farsi): (Mr. Khosroshahi)

In the Name of God.

Our Tunisian friend remarked as to what kind of aid Iran has given to Lebanon and Palestine. I don't know whether this was among the duties of this Committee to be brought up - the gentlemen here must be better aware of this. It is natural that when such an issue is brought up I am forced to bring up such a question and pose it at him. Therefore, it was first brought up to the gentleman and it was from you this came. He said as to why instead of fighting another Islamic government, why don't you instead go and help Palestine? Well, it's very interesting. Why did you not pose this question during the past 22 months when our country was invaded by the Baathists? Why, after ten cities of ours were completely destroyed and ruined, and that 300 villages in Kurdistan were completely razed, where in all these villages the population consisted of Arab populations - why did you not pose this question then? Now, that we are after our own rights, you think of Muslims and the Muslim brotherhood? If the Tunisian government has taken a step in this direction and we are not aware of (it) - we are very grateful and this is their Islamic duty to extend such an aid, and that they could not expect anybody to be indebted to them. In fact and in action we observe that Baghdad and the Shah united together in Algiers. They signed a treaty; but, after the Iranian victory of the revolution, when Shah and America left Iran, then Iraq nullified and abrogated one-sidedly, unilaterally such a treaty, and then attacked us by ground, air and sea. It is our Islamic duty to defend our own country; therefore, it is surprising that he asks - after 22 months he asks - why two Islamic countries are fighting each other. It would have been better if he would have posed this question to Baghdad. The distinguished delegate from Canada stated that we have attacked some of the members here. Our intention was attacking nobody; but, the point is that the discussion and what is wrote up here is different from introducing an indictment. I sit, for instance, for two hours with Imam Khomeini to discuss a theological point, and nobody is hurt, because this is the specification of us - we students of theology - to discuss, to talk. However, our problem here is that we have been invited here for talks, but instead of talking all the rumours and the lies belonging to our enemies are brought up here. That BBC, Guardian and other imperialistic sources quote the gentlemen from Jordan, and they attack us and they say that the Iranians are being tried. So if the tone of the questions from the gentlemen from Canada and Jordan had assumed the character of a discussion it would not have been logical that the imperialistic sources would take advantage of this. We notice here that the question as to the Baha'is are raised here by five different people. Why are you wasting our

time and their own time? One question is raised by one person. Is this committee not a one committee, not a united one? The repetition of such questions would give us such a suspicion that there might be a conspiracy.

Moreover, we observed that at night the BBC on the following morning, the Guardian and the French papers and the American papers are reporting that Iran is under the international pressure and as a result of such pressure has come to this Committee. We go to nowhere under any international pressure. We felt that out of respect for the human rights to present our short report, but unfortunately we did not understand that the meeting was not for a talk, for a dialogue. Some friends said that they have fought against the regime of the Shah; well, this was their duty as a human being and nobody should be indebted to them. Of course, we are very grateful to them.

We hope that in our massive report the important legal issues which have been referred to by the Canadian and the Jordanian members will be responded to. However, it is interesting that the gentleman from Canada says that "we obtain the information from any source whatsoever". Apparently this from the Committee's point of view may not be correct that the gentlemen who are jurists, who are legal experts, who are independent and impartial should obtain the information from Iran and from bona fide sources. Now, that you think the second part of our report was interesting to you, well, we're very glad; but certainly the first part of my submission will be much more interesting for my own nation.

Our Iraqi friend to which I purposely did not respond to his question so that it would not be interpreted as anything special or particular - he says that he is not representing his government - and everybody would claim such. And we do hope that this is a fact. The gentleman states that Iraq had announced a cease-fire - a few times they have done that - and that Iran did not accept this. Well, this is a very interesting human rights here. Iraq has attacked us; had sent hundred thousand soldiers into Iran, 45,000 of which are prisoners of war here in Iran. Tens of thousands have been massacred, mostly are among Arabs, Arab population. Two million people have been displaced, homeless; they have destroyed their cities, their towns and then from the position of power they want us to cease fire. Hitler had the same hopes and aspirations. We just defended our own rights. We threw out the enemy. And we're not at all glad that even one Iraqi soldier should have died because they are human beings and they were Muslims. However, from Qur'an's point of view and perspective, whoever attacks us we respond, and we defend. Qur'an ordains us and tells us that if someone attacks you we should counter-attack him. We are not such that if we are slapped on the right part of our face

to turn our face toward the left so that another slap is done to us and this is the teaching of Qur'an. The gentleman states that Iran is in Iraq right now. Yes, this is the fact and this must be so. If we give a medal of honour to the aggressor then tomorrow he'll repeat his aggression again. The leaders of the Iraqi regime must in an international court of justice respond to this aggression and to this massacre. They must pay the 150 billion dollars price of reparation. This is not logical that an enemy attacks us, inflicts damages on us, undefended cities be bombarded, kill five hundred people and that we should remain silent. Our cities like Khoramshahr, Hamadan, ... , have been all bombarded by far away cannons and then you'll expect us to just look because they have announced cease-fire.

As to the fact that the way to the liberation of Jerusalem is through Baghdad: there is no doubt. During the past 15 years could Iraq tell us: what bullet have they fired against Israel? However the 11-meters rockets have been fired against us and the ruins are there and the gentleman can come and observe for himself the results in Iran.

Iraq had accepted Abunezar who was condemned to death - the Abunezar Palestinians. The help they have offered to the Palestinian Liberation Organization probably are of this kind. It was stated that the Iraqi government has documents proving that Israel has extended assistance to Iran. Why don't they publish it then? However, when the atomic centre of Baghdad - the nuclear centre of Baghdad - was bombarded and was destroyed, why nobody was informed? Where were the Iraqi planes? Was it not a calculated conspiracy already approved between the Iraqis and the Israelis? Were the Iraqi radars sleeping? I don't think that this is a political meeting here, and I'm very sorry that such questions have been brought up by my friends here to which I have to respond. However, if the meeting were political and that I had brought the necessary documents and proofs from Iran, then the traitors to the Arabs would have been known here.

Anyway, the fact that the gentlemen have listened to me again, I do thank them sincerely and I hope as they have stated to remain impartial and independent and that not to assume a position in this Committee which would demonstrate that they are the representatives of their governments. Such confrontation would result in the fact that the trusts of the nations would be destroyed about this Committee. The gentlemen are much better aware than myself as to the articles related to this Committee and I hope that they will be faithful to all those articles and procedures so that, in a free climate, we could sit and have our dialogue. If the duty of this Committee would be related to bringing up political questions and disputes between countries here, in that case however we are quite prepared; however, we would ask you sincerely to let us know beforehand so that we would be so prepared. Thank you very much, sir.